

# COMMITTEE ON PETITIONS

(TENTH LOK SABHA)

## FOURTH REPORT



*Presented to Lok Sabha on 18 March 1993*

**LOK SABHA SECRETARIAT  
NEW DELHI**

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## CONTENTS

	PAGE NO.
<b>COMPOSITION OF THE COMMITTEE ON PETITIONS .....</b>	(iii)
<b>INTRODUCTION .....</b>	(v)
<b>REPORT .....</b>	
I. Action taken by Government on the recommendations of the Committee on Petitions contained in their Ninth Report (Eighth Lok Sabha) on the representation regarding recognition of Maithili University .....	1
II. Action taken by Government on the recommendations of the Committee on Petitions contained in their Thirteenth Report (Eighth Lok Sabha) on the representation regarding problems/demands of licensed porters, vendors and bearers of Railways .....	6
III. Action taken by Government on the recommendations of the Committee on Petitions contained in their Tenth Report (Eighth Lok Sabha) on the representation regarding shortage of drinking water connections to the residents of Pocket F—24, Sector 7, Rohini, Delhi .....	8
IV. Action taken by Government on the recommendations of the Committee on Petitions contained in their Tenth Report (Eighth Lok Sabha) on the representation regarding acute shortage of drinking water in Sadh Nagar and Raj Nagar I and II—Extension of Palam Village, New Delhi .....	10
V. Action taken by Government on the recommendations of the Committee on Petitions contained in their Second Report (Ninth Lok Sabha) on the representation regarding fees charged by lawyers from their clients .....	12
<b>APPENDICES</b>	
I. Parawise comments furnished by the Ministry of Human Resource Development (Department of Education) on the recommendations made by the Committee in their Ninth Report (Eighth Lok Sabha) .....	14
II. Parawise comments furnished by the Ministry of Railways on the recommendations made by the Committee in their Thirteenth Report (Eighth Lok Sabha) .....	28
III. Parawise comments furnished by the Ministry of Urban Development on the recommendations made by the Committee in their Tenth Report (Eighth Lok Sabha) on the representation regarding Non-issuance of Drinking Water connections to the residents of Pocket F-24, Sector 7, Rohini .....	33

IV.	Additional information furnished by the Ministry of Urban Development on the recommendations made by the Committee in their Tenth Report (Eighth Lok Sabha) .....	37
V.	Parawise comments furnished by the Ministry of Urban Development on the recommendations made by the Committee in their Tenth Report (Eighth Lok Sabha) on the representation regarding Acute Shortage of Drinking Water in Sadh Nagar I and II Extension of Palam Village, New Delhi .....	40
VI.	Additional information furnished by the Ministry of Urban Development on the recommendations made by the Committee in their Tenth Report (Eighth Lok Sabha) .....	48
VII.	Parawise comments furnished by the Ministry of Law & Justice on the recommendations made by the Committee in their Second Report (Ninth Lok Sabha) .....	47

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**(1992-93)**

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## FOURTH REPORT OF THE COMMITTEE ON PETITIONS

(TENTH 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 Fourth Report of the Committee to the House on the following matters:—

- (1) Action taken by Government on the recommendations of the Committee on Petitions contained in their Ninth Report (Eighth Lok Sabha) on the representation regarding recognition of Maithili University.
- (2) Action taken by Government on the recommendations of the Committee on Petitions contained in their Thirteenth Report (Eighth Lok Sabha) on the representation regarding problems/demands of licensed porters, vendors and bearers of Railways.
- (3) Action taken by Government on the recommendations of the Committee on Petitions contained in their Tenth Report (Eighth Lok Sabha) on the representation regarding shortage of drinking water connections to the residents of Pocket F—24, Sector 7, Rohini, Delhi.
- (4) Action taken by Government on the recommendations of the Committee on Petitions contained in their Tenth Report (Eighth Lok Sabha) on the representation regarding acute shortage of drinking water in Sadh Nagar and Raj Nagar I and II—Extension of Palam Village, New Delhi.
- (5) Action taken by Government on the recommendations of the Committee on Petitions contained in their Second Report (Ninth Lok Sabha) on the representation regarding fees charged by lawyers from their clients.

2. The Committee considered the draft Report at their sitting held on 10 March, 1993 and adopted it.

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

NEW DELHI;  
Dated 10 March, 1993.

P.G. NARAYANAN  
*Chairman,*  
*Committee on Petitions.*

**ACTION TAKEN BY GOVERNMENT ON THE RE-COMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN PARAGRAPHS 1.31 TO 1.38 OF THEIR NINTH REPORT (EIGHTH LOK SABHA) ON REPRESENTATION REGARDING RECOGNITION OF MAITHILI UNIVERSITY**

1.1 The Committee on Petitions in their Ninth Report (Eighth Lok Sabha) presented to Lok Sabha on 3 May, 1989 considered representations dated 2 and 4 November, 1988 and 16 March, 1989, from Shri V. Balakrishnan, Secretary-General, All India Maithili Vishwavidyapith Student Council, Coimbatore, Shri Krishan Kant Verma from Solan (H.P.) and Shri K. Sree Kumar from Quilon (kerala) regarding recognition of Maithili University.

1.2 Action taken notes have been received from Government in respect of the recommendations contained in the Report. The recommendations made by the the Committee and the replies of the Government are given in *Appendix-I*.

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

**Recommendation (Para Nos. 1.31 and 1.32)**

The Committee note that the Maithili Vishwavidyapith which according to the UGC Act was not entitled to call itself a University and confer degrees, started functioning as a full fledged University from 1972 onwards and conducted its own examinations for the purpose of awarding degrees/diplomas.

1.4 The Committee note that by finding a place in the 'directory of Institutions for Higher Education' published by the Department of Education biennially, and due to the fact that it was registered under Societies Registration Act, 1860, the so called Maithili University started exploiting the Circular of the Ministry of Home Affairs issued in September, 1952 which provided that degrees/diplomas issued by Universities in India which were incorporated by an Act of the Central or State Legislature in India and other education institutions established by an Act of Parliament would be automatically recognised for the purpose of employment. With the passage of time the certificates issued by it come to be accepted by other Unviersities and employing agencies and thus there was a *defacto* recognition of the degrees/certificates issued by the so-called university.

1.5 The Committee feel that it was because of the laxity of concerned authorities that Maithili University became popular. Had they taken notice

of illegal activities of Maithili University of awarding degrees of B.A./B.ED. and M.A. and diplomas and warned the public that degrees/diplomas awarded by Maithili University were not recognised by any university or employing agencies, hundreds of people would not have been cheated.

Now, when the people have got jobs on the basis of those degrees, it would be great injustice to them to remove them from jobs or demote them. The Committee, therefore, desire that the Government should explore the possibility of finding more practical solution to the problem so as to find a way out to save the careers of persons who have been awarded degrees by the so called Maithili University.

#### **Recommendation (Para No. 1.33)**

1.6 The Committee noted that the Government had initiated action against the so-called Maithili University and requested the State Government of Bihar and I.G. Police Bihar for urgent necessary action. UGC had also issued press releases in November 1986 and December 1988 stating that the Maithili University was neither a University established by a Central or a State Act nor deemed to be university under Section 3 of the UGC Act and as such was not empowered to award degrees. UGC also requested the State Government of Bihar to take suitable legal action against the institution for violating the provisions contained in sections 22, 23 and 24 of the UGC Act, 1956.

1.7 The Committee would like to be apprised of the action taken by the State Government of Bihar and I.G. Police Bihar in this regard. The Committee consider U.G.C. and Central Department of Education fully responsible for not taking timely action against Maithili University which functioned for years without any intervention or action by the U.G.C. or Education Department. The Committee would like UGC to ensure that in future no institution in the country, which has not been established either under the Central/State Act or notified on the recommendation of UGC as an institution deemed to be a University, awards or claims to award a degree or diploma. Wide publicity both in press and on electronic media should be given to counter such an advertisement so that people are not cheated.

#### **Recommendation (Para No. 1.35)**

1.8 The Committee noted that the University Grants Commission have identified a number of unauthorised educational institutions which have duped a number of people by offering them degrees and diplomas that are not recognised. In order to curb the growth of fake Universities, the Chairman, UGC has addressed to the Chief Ministers of State Governments and Lt. Governors of Union Territories to issue suitable instructions to all concerned to take necessary action against fake educational institutions. The Committee also note that they have further been requested to advise the office of Registrar of societies to consult the

UGC whenever an application is made for registration of Societies under the title 'Universities', 'vishwavidyalaya' and 'Vishwavidyapeeth' etc. with the objective of conferring degrees. The Department of Education have also invited attention of the Chief Secretaries of all states and Union Territories in the matter and requested them to maintain vigil over such fake educational institutions.

1.9 The Committee feel that in such matters prompt action and continuous vigilance is required. had UGC taken note of the advertisements of maithili University when those appeared for the first time inviting applications for admission in 1962 itself, future of thousands of students would have been saved. The Committee hope that more vigilance and strict application of penal laws would invariable be applied to stop the growth of fake universities and institutions.

**Recommendation (Para Nos. 1.36 to 1.38)**

1.10 The Committee note that UGC has decided that atleast once in 3 months advertisements be given in all national dailies and leading magazines warning the general public about fake universities and also giving a list of Universities recognised by UGC. Such lists would also be widely disseminated among State Education Secretaries and Directors of Higher Education with a request to provide wide publicity to the same.

1.11 The Committee note that University Grants Commission had appointed a Committee to suggest *inter alia* amendments to the University Grants Commission Act so as to make the Activity of associating the expression University/Vishwavidyalaya/Vidyapeeth with the name of an institution a cognizable offence. The Committee had to go into the question of curbing the mushrooming growth of unrecognised institutions and also to suggest penalty provisions to make the Act a suitable deterrent to such activities.

Subsequently the Ministry of Human Resource Development (Department of Education) have stated *vide* their communication dated 25 June, 1992 that the Committee appointed by the University Grants Commission made the following suggestions:—

"The Section 2 (f) of the UGC Act, 1956 may be amended to include the word 'University, or any of its synonyms/ equivalent like Vishwavidyalaya/Vidyapeeth/Mahavidyapeeth. It also agreed that Section 24 of the UGC Act may be suitably amended to make the activity of associating the expression 'University/Vishwavidyalaya/ mahavidyapeeth' with the — name of an institution a cognizable offence with provision for imprisonment."

"The recommendations of the Committee have been accepted. A Bill entitled 'the University Grants Commission (Amend) Bill No. LXXXV of 1991' to amend the UGC Act, 1956 was introduced in Rajya Sabha during the Winter Session."

1.12 On perusal of the contents of the said Bill the Committee find that by amending Section 24 of the Principal Act, it is proposed to enhance the penalty.

The Bill is still pending in Rajya Sabha. The Committee hope that as soon as the Bill is passed by the parliament, the University Grants Commission will implement it in letter and spirit.

1.13 The Committee had earlier recommended that the Central Department of Education and UGC must give serious consideration to the problem of those unfortunate degree /certificate holders who obtained employment etc. on the basis of degrees awarded by the so-called Maithili University and find a way out to save their careers by allowing them to appear in a University or any competitive examination.

1.14 The Committee constituted by the University Grants Commission, to consider matter regarding unauthorised fake universities etc. considered the suggestion made by the Committee on petitions relating among others, to the persons who obtained employment on the basis of degrees awarded by the so-called Maithili University. That Committee was of the opinion that no lenient view might be taken and such persons were required to obtain degrees from any recognised universities through regular or correspondence courses.

1.15 The Committee would like to reiterate that all those persons who obtained bachelor's degrees from maithili University from its inception till it was declared illegal in 1986 should be allowed to appear for a Bachelor's Degree from a University of their choice without charging any fee from them and without insisting on their undergoing any course of any duration. Similarly, those who obtained B.Ed. Degree for the so-called Maithili University should be allowed to appear for B.Ed from an institution recognised by Government if he/she has passed B.A. from a recognised University.

1.16 The Committee would also like to suggest that those persons who had obtained employment on the basis of degree awarded by Maithili University and now face the threat of demotion/removal, be allowed to appear for a Bachelor's Degree thrice from a University of their choice and till then they should neither be demoted nor removed from service.

1.17 Ministry of Human Resource Development should also approach Ministry of Home Affairs, Ministry of Personnel, public Grievances & Pensions, Ministry of Finance and other concerned Ministries to issue instructions to all Ministries of Government of India, Departments of State Governments that any person who got employment in Government /Semi-Government organisations/State Government on the basis of bachelor's degree awarded by Maithili University should not be removed from service or reduced in rank and none of their allowances which they are getting at present be reduce or withdrawn as it is felt that majority of them may have got employment after qualifying examinations conducted by UPSC, Banking

Commission, Service Selection Board etc. or through competitive examinations and to reduce them in rank or to stop their graduation allowance now would be an injustice to them, as it was not their fault.

1.18 However, where degree of bachelor of Arts/Commerce is minimum qualification for promotion/sitting in the examination, the degree awarded by Maithili university should not be considered.

## II

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN PARAGRAPHS 2.19 TO 2.26 OF THEIR THIRTEENTH REPORT (EIGHTH LOK SABHA) ON THE REPRESENTATION REGARDING PROBLEMS/DEMANDS OF LICENSED PORTERS, VENDORS, AND BEARERS OF RAILWAYS

2.1 The Committee on Petitions in their Thirteenth Report (Eighth Lok Sabha) presented to Lok Sabha on 28 July, 1989. dealt with the representation regarding problems/demands of licensed porters, vendors and bearers of railways.

2.2 Action Taken Notes have been received from Government in respect of the recommendations contained in the Report. The recommendations made by the Committee and the replies furnished by the Government are given in Appendix-II.

2.3 The Committee will now deal with the action taken by Government on some of their recommendations.

2.4 In paras 2.21 and 2.22 of their Thirteenth Report (Eighth Lok Sabha) the Committee observed that one of the main grievances of the licensed porters and vendors sought to be ventilated through their representation submitted to the Committee was that the benefit of Anandan Committee's recommendations had not reached them. Even the head offices of the Zonal Railways were not aware of the directives of the Railway Board issued in implementation of the recommendations of the said Committee. This would clearly show that the actual implementation of the recommendations of the Anandan Committee leaves much to be desired. In reply the Government stated "Instructions for implementation of all the accepted recommendations of the Anandan Committee have been issued to the Zonal Railways and have also been reiterated from time to time. The Zonal Railways are fully aware of the directives issued by the Railway Board in this regard. Remedial action is taken wherever any discrepancy is pointed out or noticed." The Committee would like the Government to review the recommendations of Anandan Committee afresh and meet the demands of the licensed porters and vendors. They would urge upon the Government to ensure that recommendations of Anandan Committee which have been accepted are actually implemented so that the benefits reach porters and vendors in all parts of the country.

2.5 In para 2.25 of the Report, the Committee desired that the question of providing woollen uniforms to porters working at stations situated in the Northern and North-Eastern parts of the country where winter is particularly severe, should be considered immediately. They were of the opinion that winter uniforms should be provided to the porters in these parts of the country. In reply the Government stated that "the licensed porters are being provided two sets of cotton uniforms such as shirts and turbans, every alternate year, the cost of which is required to be covered from the licence fee collected from them. However, as per extant instructions, the licence fee being recovered does not exceed Rs. 5/- p.m. (It is less than Rs. 5/- at most of the stations). The Railways are incurring loss even in supplying two sets of cotton uniforms to the porters. It will not be possible to provide them winter uniforms without increasing licence fee substantially, which will not be liked by the licensed porters." While the committee appreciated the financial constraints they hope that the Government would work out some formula for providing woollen uniforms to the licensed porters working at the Railway Stations situated in the Northern and North-Eastern parts of the country where the winter is severe, without increasing the licence fee charged from them.

### III

#### **ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR TENTH REPORT (EIGHTH LOK SABHA) ON REPRESENTATION REGARDING NON-ISSUANCE OF DRINKING WATER CONNECTIONS TO THE RESIDENTS OF POCKET F-24, SECTOR 7, ROHINI, DELHI**

**3.1** The Committee on Petitions in their Tenth Report (Eighth Lok Sabha) presented to Lok Sabha on 9 May, 1989, dealt with the representation regarding non-issuance of drinking water connections to the residents of Pocket F-24, Sector 7, Rohini, Delhi.

**3.2** Action Taken Notes have been received from the Ministry of Urban Development in respect of the recommendations contained in the Report. The recommendations made by the Committee and the replies furnished by the Government are given in Appendix-III.

**3.3** Before finalising the Action Taken Report on the subject, the Ministry of Urban Development were requested to furnish additional information on some of the recommendations made by the Committee. The points on which additional information was called for and the replies furnished by the Ministry are given in Appendix-IV.

**3.4** In para 3.19 of their Tenth Report (Eighth Lok Sabha) the Committee expressed their concern that whereas DDA miserably failed to provide drinking water facility and other civic amenities in time to the residents of Pocket F-24, Sector 7, Rohini, Delhi, they imposed penalty for the late completion of the houses by the allottees.

**3.5** In reply the Government have stated that water connections have been given to the residents of Pocket F-24, Sector 7, Rohini. As there was delay in providing water connection by DDA, no penalty is being charged for non-completion of the houses. Wherever penalty was charged either it has been refunded or adjusted towards further extension of time or ground rent."

**3.6** While the Committee note that water connections have been provided to residents of Pocket F-24, Sector 7, Rohini, they are concerned at the lackadaisical approach adopted by DDA in implementing their recommendation made in para 3.23 of their Report for appropriate measures to ensure adequate supply of potable drinking water in Delhi. It has been stated that the Government have taken up the issue with the Haryana Government to get adequate raw water in lieu of treated effluent. The matter is also stated to have been taken up with the Chief Minister of Haryana by Lt. Governor,

Delhi. The Committee observe that similar reply was given to the Committee during 1988-89 when the subject matter was being examined by the Committee in detail.

3.7 The Committee regret to observe that no tangible progress has been made to ensure procurement of additional raw water from Haryana even though the Committee made a strong recommendation in this regard as early as May, 1989 in para 3.23 of their Report. They desire that all possible steps should be taken with utmost expediency to ensure procurement of additional raw water from Haryana and initiate appropriate measures effecting adequate supply of potable drinking water to people of Delhi.

## IV

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THEIR TENTH REPORT (EIGHTH LOK SABHA) OF THE COMMITTEE ON PETITIONS ON THE REPRESENTATION REGARDING ACUTE SHORTAGE OF DRINKING WATER IN SADH NAGAR I AND II AND RAJ NAGAR I AND II—EXTENSION OF PALAM VILLAGE, NEW DELHI.

4.1 The Committee on Petitions in their Tenth Report (Eighth Lok Sabha) presented to Lok Sabha on 9 May, 1989 dealt with the representation regarding acute shortage of drinking water in Sadh Nagar I and II and Raj Nagar I and II—Extension of Palam Village, New Delhi.

4.2 Action taken notes have been received from Government in respect of the recommendations contained in the Report. The recommendations made by the Committee and the replies furnished by the Government are given in Appendix-V.

4.3 Before finalising the Action Taken Report on the subject, the Ministry of Urban Development were requested to furnish additional information on some of the recommendations made by the Committee. The points on which additional information was called for and the replies furnished by the Ministry are given in Appendix-VI.

4.4 The Committee will now deal with action taken by Government on some of their recommendations:—

#### **Recommendations (Para Nos. 4.22 and 4.24)**

4.5 In their Tenth Report (Eighth Lok Sabha), the Committee observed that inspite of repeated representations, neither the DDA nor the MCD made any efforts to tap alternative sources of water supply for Sadh Nagar I and II and Raj Nagar I and II—Extension of Palam village New Delhi either through deep tubewells or by bringing surface water from other available sources till the Committee intervened on behalf of the hapless citizens. The Committee also desired that the Ministry of Urban Development should chalk out a time bound programme in consultation with the authorities concerned, for making suitable and satisfactory arrangements for supply of drinking water in the capital.

4.6 In reply the Ministry of Urban Development have enumerated a number of steps taken to improve the drinking water supply in these colonies. The Government stated, "presently we are supplying water from 9 tubewells, through 129 public water hydrants and 1350 individual water

connections. Construction of Second 100 MGD Water Treatment Plant at Haiderpur has since been started and the work is likely to be completed in a period of 2 years. Nearly 60% of the work has already been completed upto February, 1992 and the first phase of 50 MGD plant is likely to be ready by June, 1992, This will further improve the water supply to the residents of Raj Nagar and Sadh Nagar Group of Colonies.

The Committee note that the Government have taken several steps to improve water supply to Sadh Nagar I and II and Raj Nagar I and II — Extension of Palam Village, New Delhi. The Committee hope that the work would be completed expeditiously so that the residents of these colonies may get adequate water supply as early as possible.

1635/LS/93

**ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN PARAGRAPHS 4.27 TO 4.38 OF THEIR SECOND REPORT (NINTH LOK SABHA) ON THE REPRESENTATION REGARDING FEES CHARGED BY LAWYERS FROM THEIR CLIENTS**

In their Second Report (Ninth Lok Sabha) presented to Lok Sabha on 8 January, 1991, the Committee on Petitions considered a representation of Shri Sundararaman Iyer, Special Executive Magistrate, Govind Nagar, Borivli (West), Bombay-400 092 regarding fees charged by lawyers from their clients and made certain observations/recommendations. These recommendations were taken up for implementation with the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs).

2. Action taken notes have been received from the Government in respect of the recommendations contained in the Report. The Recommendations made by the Committee and the replies furnished by the Government are given in Appendix. The Committee will now deal with some of their recommendations.

*High fees charged by lawyers (Para Nos. 4.29 and 4.30)*

The Ministry of Law and Justice, while admitting the fact that the lawyers charged more than the prescribed fee, had stated that the Law Commission also felt that lawyers were charging more than the prescribed fee. The Commission had suggested that there was a need to establish an administrative machinery to regulate the fees and the Committee desired the Government to explore the possibility of setting up of an administrative machinery to regulate the fees charged by lawyers from their clients as recommended by the Law Commission.

The Government in their reply have stated that in the views of the Bar Council of India, question of charging exorbitant fee for civil cases was normally not present in the country except in Delhi and other presidency towns. Majority of advocates in the Supreme Court and High Courts etc. were not even getting the fee prescribed by the Supreme Court and various High Courts because of competitions. In many States, schedule of fees had been fixed by the High Court many years before and still the same schedule was continuing. The Bar Council of India was also of the view that no useful purpose would be served by setting up an administrative machinery which could regulate the fee between the clients

and the lawyers. Setting up of such a machinery is stated to be not practicable also.

The Committee appreciate that there is competition and the advocates in the Supreme Court/High Courts may not, in some cases, be getting the fee prescribed by the Supreme Court/High Court. However, the Committee are of the considered view that with the present set up the leading/experienced advocates are beyond the means of the common litigant. The Committee desire that the Government should explore the possibility of finding a more practical solution to the problem so that the common man as well as the weaker section of the society may also get the benefit of services of senior and experienced advocates.

*Dragging of cases by lawyers (Para Nos. 4.34 and 4.35)*

As regards the other grievances of the petitioner that the lawyers drag on the cases, the Committee had recommended in their earlier Report that where a client felt that his case was being dragged on unnecessarily and the advocates was seeking adjournment without any valid reasons, he could complain to the concerned Bar Council. The Bar Council should examine such cases expeditiously.

The Committee had also desired that the feasibility of making a provision in the relevant laws that not more than four adjournments would be given in a case might be examined.

The Government in their reply have stated that as intimated by Bar Council of India, any specific complaint regarding exploitation of the clients by erring lawyers would be looked into, if found genuine, and action will be taken against the advocate concerned. They have, however, stated that it would not be feasible to make a provision in the relevant laws that not more than four adjournments would be given in a case, since adjournments are granted due to several factors.

The Committee appreciate the difficulties expressed by the Ministry of Law, Justice and Company Affairs, in incorporating a provision in the relevant law about the number of adjournments to be given in a case. However, keeping in view the rapid increase in the number of pending cases and the need for speedy and expeditious clearance of arrears, the Committee would like the Government to issue suitable instructions to the Courts and the Bar Councils that minimum adjournments are given in a case and ensure that frequent adjournments are not given without genuine reasons.

NEW DELHI;  
10 March, 1993  
\_\_\_\_\_  
19 Phalgun, 1914 (Saka)

P.G. NARAYANAN,  
*Chairman,*  
*Committee on Petitions.*

## (Reference para 1.2 of the Report)

Observations/Recommendations of the Committee	Reply of the Ministry of Human Resource Development
<p>1.31. The Committee find that the so-called Maithili Vishwavidapith or Maithili University started functioning as an educational institution as far back as in 1962, primarily for the propagation of Maithili language. It was registered in 1972 at Patna under the Societies Registration Act, 1860. Claiming protection under article 30 of the Constitution, as an institution run by a linguistic minority, the Maithili Vishwavidyapith authorities were fortified about its legal existence after it had been registered under the Societies Registration Act of 1860. During course of time the title 'Maithili' Vishwavidapith' was changed to 'Maithili University' and the so-called university started awarding degrees/diplomas for a number of courses including graduation courses. Thus the so-called Maithili University, which according to its self-proclaimed Vice-Chancellor had an annual budget of Rs. 1.32 lakhs only and a staff of only 17 persons and was not getting any grant-in-aid from any source started functioning as a full fledged University from 1972 onwards.</p>	<p>The Maithili Vishwavidapith was registered at Patna under the Societies Registration Act of 1860. According to the UGC Act only the Universities which are established under the Act of Parliament or a State Legislature or are declared as deemed to be universities under Section 3 of the UGC Act are entitled to call themselves as universities and confer degrees. The institution has not fulfilled any of these requirements.</p>

[Ministry of Human Resource Development (Department of Education) O.M. No. F. 9-8/88-U.3 (Vol. III) dated 31.10.90]

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**Observations/Recommendations of the Committee      Reply of the Ministry of Human Resource Development**

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1.32 The so-called Maithili University was having both regular and correspondence Courses and conducting its own examinations for the purpose of awarding degrees/ diplomas to about 500 to 1000 students every year. According to the Chairman, UGC, the so-called University proclaimed through its prospectus that passing of examination was very easy and hardly anybody failed. No wonder this caught the fancy of a large number of young students, who eagerly wanted to have a degree/certificate which was sure passport for securing appointment in any Government or Semi-Government organisation. A large number of tutorial or teaching shops came up in every corner of the country to train students for obtaining degrees/diplomas being issued by the so-called University and did flourishing business. A very old circular of the Ministry of Home Affairs issued in September, 1952 on the subject of recognition of degrees/diplomas/certificates for the purpose of employment under the Central Government provided that the degrees/diplomas issued by Universities in India which are incorporated by an Act of the Central or State Legislatures in India and other educational institutions established by an Act of Parliament would be automatically recognised for the purpose of employment. The so-called Maithili University fully exploited the aforesaid circular by proclaiming that the University

The circular issued by the Ministry of Home Affairs refers to universities incorporated by the Act of the Central or State Legislature and other educational institutions established by an Act of Parliament. The Acts of Universities confer on them the right to award degrees. An institution registered under the Societies Registration Act cannot be treated as a University and does not have a right to confer degrees.

The Directory of Institutions for Higher Education is published by the Department of Education biennially. The Directory has a section for institutions that offer general/other courses which includes such courses like needle work, social service etc. and the name of Maithili Vishwavidyapith figures in the category of 'institutions with non-affiliating courses. This however should not be construed as a recognition of the degrees/certificates being issued by the institution.

[Ministry of Human Resource Development (Department of Education) O.M. No. FD. 9-8/88-U.3 (Vol. III) dated 31.10.1990]

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**Observations/Recommendations of Reply of the Ministry of Human  
the Committee Resource Development**

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or Vishwavidyapith set up under the Central Act viz., societies Registration Act, 1860, was competent to award degrees/diplomas which were also recognised for the purpose of employment. Over the years the degrees/certificates issued by the so-called University attained such respectability that even UPSC started accepting these for the purposes of various competitive examinations conducted by it somehow found a place in the publication entitled "Directory of Institutions for higher education" brought out by the Department of Education from year to year. This provided a legitimacy and added to the popularity of the institutions. No wonder, the certificates awarded by the so called University also come to be accepted by other Universities for the purpose of higher education and by various employing agencies like Banks and Public Undertakings for the purpose of employment. There was thus a defacto recognition of the degrees/certificates issued by the so-called University.

1.33 Unfortunately, however neither the Central Department of Education nor the University Grants Commission or the State Government of Bihar took any action to see whether the so-called Maithili University was a University in terms of Section 2(f) of the UGC Act 1956 or whether the same had been notified under Section 3 of the UGC Act as an institution deemed to be a University. This was imperative as under Section 22(1) of

It came to the notice of the Department of Education, UGC and AIU in September 1985 that Maithili University, Darbhanga, has been publishing in the Press through advertisements for the award of degrees/diplomas for various courses such as BA, B.Ed and MA Queries were also received from general public from time to time regarding the Status of the institution and the aforesaid position was communicated to them.

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Observations/Recommendations of the Committee	Reply of the Ministry of Human Resource Development
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the UGC Act, the right of conferring of degrees could be exercised only by a University established as such or an institution deemed to be a university. Even though it had come to the notice of the Central Ministry of Education, the University Grants Commission and the Association of Indian Universities that the Maithili University, Darbhanga was given advertisements in the Press for award of degrees/diplomas for various courses such as BA.B.Ed and MA, it was only in September, 1985 that the Registrar of the so-called Maithili University was requested for the first time by the University Grants Commission to delete the word, 'University' from its existing name and stop awarding degrees forthwith. Thus the so-called Maithili University continued to defraud people from 1972 onwards. Apart from writing to the so-called Maithili University in September, 1985 and endorsing copies of the same letter to the Secretary, Education Department, Government of Bihar, and the Inspector General of Police, Bihar, the UGC did not initiate any legal action contemplated in sections 23 and 24 of the University Grants Commission Act. Only in November, 1986 the University Grants Commission, issued a Press Release stating that the Maithili University was neither a university established by a Central or a State Act nor a deemed university under Section 3 of the UGC Act, and as such was not empowered to award

The UGC was requested to take necessary action against the so-called Maithili University for violating the provisions of the UGC Act. The Registrar of the institution was accordingly advised by the UGC in September, 1985 to delete the word 'University' from its existing name and to stop awarding degrees forthwith. A copy of the letter was also endorsed to the Secretary Education Department, Govt. of Bihar and the I.G. Police Bihar for urgent necessary action. In October 1988 and subsequently in January 1989, the State Govt. was again requested by the UGC to take suitable legal action against the institution for violating the provisions contained in sections 22, 23 and 24 of the UGC Act, 1956.

The UGC issued a press release in November 1988, stating that the Maithili University is neither a University established by a Central or a State Act nor deemed to be University under Section 3 of the UGC Act, and as such is not empowered to award degrees.

In August 1987, the Deptt. of Personnel & Training had sent a letter to the Chief Secretary to the Govt. of Bihar requesting that the thorough enquiry may be made in regard to the existence and activities of the institution, the case may be referred to the State CID for taking appropriate action.

Government of Bihar have informed that the Commissioner, Darbhanga Division, District Magis-

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<b>Observations/Recommendations of the Committee</b>	<b>Reply of the Ministry of Human Resource Development</b>
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degrees. Meanwhile a complaint had been received by the Monopolies and Restrictive Trade Practices Commission from Consumers Education Trust of Mangalore that Vijay Tutorials, a teaching shop was misleading students by issuing letters that they could obtain BA and B.Ed and other degrees from Maithili University, Darbhanga by post or by personal coaching. After investigation an order was passed by the Director General (Investigation and Registration) on 12 July 1988 restarting the Maithili University, Darbhanga from describing it as a University or having the word 'University' with its name. The MRTP Commission has also restrained the institution from conferring degrees awarded by it. Thereafter in October 1988 UGC again wrote to the Government of Bihar to take legal action against the so-called Maithili University for violating the provisions of the UGC Act.

From the above it is clear that from 1972 to 1985, no action whatsoever was taken by any authority with a view to restraining the so-called Maithili University from misleading young students all over the country by giving false advertisements and awarding degrees, which it was not authorised to give and which were for all practical purposes useless. Had timely action been taken by the UGC or the Central Department of Education who were well aware of the unlawful activities of the so-called Maith-

trate, Darbhanga and Superintendent of Police, Darbhanga were informed of the decision of the State Government that so-called Maithili University was not established under the Central Act, or State Act nor it has been notified on the recommendation of the UGC as an institution deemed to be a University, and they were further directed to initiate criminal proceedings against persons involved in the matter vide Department letter No. 148 dated 20.1.1988.

[Ministry of Human Resource Development (Department of Education) O.M. No. F. 9-8/88-U. 3 (Vol. III) dated 31.10.1990]

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**Observations/Recommendations of Reply of the Ministry of Human Resource Development**

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ili University, a large number of students who got only fake degrees after spending lot of money could have been saved the embarrassment which they now face.

1.34 The Committee feel that both the UGC and the Central Department of Education are equally responsible for the failure to take timely action in this case even while they were fully aware that the so-called Maithili University was operating in an illegal manner for a number of years and was jeopardizing the future of a large number of students by awarding fake degrees and diplomas. This is a matter of deep distress to the Committee. Had the authorities concerned been vigilant as is expected of them, such a situation would surely not have arisen. Their utter failure in this regard is compounded by the revelation made by the Chairman, UGC to a query from the Committee that it had come to their notice that it was not an isolated case and that several other institutions were also functioning as Universities though they were neither Universities nor deemed Universities within the meaning of the UGC Act. Two of such institutions viz., Commercial University Ltd. Takshila Kendriya Vishwavidyalaya have been functioning in the capital city of Delhi but yet no tangible action seems to, have been initiated by the UGC or any other authority in this respect as yet.

*Takshila Kendriya Vishwavidyalaya,  
Uttam Nagar, New Delhi.*

The UGC have filed a case against that institution in the New Delhi Court and the matter is now sub-judice.

*Commercial University Ltd., Darya Ganj, Delhi.*

A Case was filed against this institution and the Additional Session Judge convicted and imposed a fine on the institution. the order was upheld by the Delhi High Court. The institution has filed a Special Leave Appeal before the Supreme Court. The Supreme Court set aside the judgement and passed an order that the institution may make an application under Section 3 of the UGC Act for declaring it as a deemed to be university within one month from the date of judgement. The application of the Commercial University Ltd. For grant of deemed university status was considered and not agreed to.

[Min. of H.R.D.OM No. F9-8/88-U3 (Vol. III) dt. 31.10.90]

APPENDIX I (*contd.*)

Observations/Recommendations of the Committee	Reply of the Ministry of Human Resource Development
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1.35. The Committee are of the view that UGC Act provides adequate framework within which action can be taken against any institution which though not so constituted claims to be University and issue degrees/certificates which it is not authorised to issue. Under Section 24 of the UGC Act, provision has been made for imposing penalty on persons/institutions that contravene the provisions of Sections 22 and 23. What is needed is that institutions indulging in such illegal activities should be promptly and proceeded against in right earnest.

In April 1989, the UGC identified a number of unauthorised educational institutions which have duped a number of people by offering them degrees and diplomas that are not recognised. In order to curb the growth of fake universities, the Chairman, UGC addressed a letter dated 3 April, 89 to the Chief Ministers and Lt. Governors of Union Territories requesting them to issue suitable instructions to all concerned to take necessary action against fake educational institutions. They have further been requested to advise the office of the Registrar of Societies that they should consult the UGC whenever an application is made for registration of societies under the title 'Universities', 'Vishwavidyalaya' and 'Vishwavidya peeth' etc. with the objective of conferring degrees the UGC has also instituted cases against some of these fake institutions.

A similar letter dated 17.2.1989 has also been addressed by the Department of Education to all Chief Secretaries apprising them about the existence of some educational institutions which are calling themselves as universities and conferring degrees on students in contraventions of the provisions in the UGC Act.

The State Governments and the Union Territories were requested to maintain vigil on the educational institutions which are violating the provisions of the law and to prosecute the offenders under the provisions of the UGC as well as other penal laws including IPC.

[Ministry of Human Resource Dev. O.M. No. F. 9-8/88-U.3 (Vol. III) dated 31.10.1990]

## APPENDIX I (contd.)

Recommendation	Comments of the Ministry sent to the Lok Sabha Secretariat	Recommendations of the UGC Committee/Commission
<p>1.36 With a view to checking the activities of institutions/universities, which do not fulfil the conditions laid down in Section 2 and 3 of the UGC Act, the committee suggests as follows:</p> <p>(i) It may be provided in the UGC Act that all universities should be formally registered with the UGC and no university which is not so registered may be authorised to issue degrees/certificates.</p>	<p>(i) The UGC has appointed a Committee which would <i>inter alia</i> suggest amendments to the UGC Act to provide Registration with the Commission of all such institutions which do not fulfil the conditions laid down in section 2 and 3 of the UGC Act, 1956.</p>	<p>(i) Section 22 of the University Grants Commission Act provides for right to confer degrees which shall be exercised only by a university established or incorporated or under Central Act a Provincial Act or a State Act or an institution deemed to be a University or an institution specially empowered by an Act of Parliament to confer or grant degrees. As such, registration of Universities by UGC does not seem necessary.</p>

Recommendation	Comments of the Ministry sent to the Lok Sabha Secretariat	Recommendations of the UGC Committee/Commission
<p>tification illegally. Such of the institutions which do not fulfil the requirements of a University should be ordered to desist from issuing degrees/certificates and if considered necessary prosecutions may be launched. against them under Section 24 of the UGC Act. A list of unrecognised or illegal universities running in various States may be prepared and publicised for the information of general public. This will serve as an eye opener for the public and student community in particular. Issue of degrees etc. in an unauthorised manner should be made a cognisable offence.</p>	<p>is also issuing press notes to make the public aware of so called institutions.</p>	<p>versities and also giving a list of universities recognised by the UGC. It has also been decided by the Commission that the list of recognised Universities as maintained by the AIU would be widely disseminated among State Education Secretaries, Directors of Higher Education with a request to provide with publicity to the same through local newspapers.</p>
<p>(iii) Information about the institutions already functioning of universities in an illegal manner or such institutions which may come to notice in future may be widely disseminated through media, radio and television for the information of all concerned. UGC should in concert with the State Governments take steps to educate the general</p>	<p>(iii) The UGC has been giving wide publicity about these institutions on Radio, TV and in the Press. The State Governments are also making efforts to make public aware of the illegality of institution within their State.</p>	<p>Wherever vocational guidance Bureaus exist, the list of approved institutions would be sent to them for guidance of students. The present practice of keeping the Chief Ministers, Lt. Governors, Chairman, State Public Service Commission informed would be continued and they would also be pro-</p>

## APPENDIX I (contd.)

Recommendation	Comments of the Ministry sent to the Lok Sabha Secretariat	Recommendations of the UGC Committee/Commission
public about the harm being done by such institutions/organisations by issuing degrees/certificates in an illegal manner.		vided a list of approved universities. It should be the responsibility of the State Education Secretary to notify to the UGC as well as general public of the State concerned when the existence of a fake institution in a State established without the approval of Central/ State Legislation comes to their notice. The Committee also suggested that Section 2(f) of the UGC Act, 1956 may also be amended to include the word 'University' or any of its synonym/ equivalent like Vishwavidyalaya, Vidyapeeth, Mahavidyapeeth. The Committee has also recommended that Section 24 of the UGC Act may be suitably amended to make the activity of associating the expression University/Vishwavidyalaya/Vidyapeeth with the name of Institution, a cognizable offence with provision for imprisonment.

## APPENDIX I (contd.)

Recommendation	Comments of the Ministry sent to the Lok Sabha Secretariat	Recommendations of the UGC Committee/Commission
<p>(iv) The machinery for watching implementation of the provisions of the UGC Act may be streamlined and made more effective and purposeful. If need be the provisions of UGC Act may be suitably amended so that there is a self working system aimed at checking the activities of institutions/organisations which tend to exploit the gullible youth by resorting to illegal methods.</p>	<p>(iv) The UGC has appointed a Committee which would, <i>inter alia</i>, suggest amendments to the UGC Act so as to enable the Commission to exercise an effective check on such fake institutions.</p>	<p>(iv) The Committee has recommended that the UGC should have an exclusive Cell, headed by an officer of the rank of Deputy Secretary with adequate supporting staff, to deal with all matters relating to fake universities. The Commission should also engage a Consultant preferable a retired person from the Ministry of Law or Bar Council of India who could advise the Commission about various legal aspects which emerge from time to time with regard to these institutions. The Consultant should not be employed on a permanent basis and his remuneration would be co-related to the quantum of work that is referred to him.</p>

A suitable networking should be made with MRTP so that action initiated by UGC could be complementary to the actions taken by the MRTP and would further

## APPENDIX I (contd.)

Recommendation	Comments of the Ministry sent to the Lok Sabha Secretariat	Recommendations of the UGC Committee/Commission
(v) The penalty envisaged in section 24 appears to be too mild. In order that it may have a deterrent effect, it may be suitably enhanced and even imprisonment may be provided for by amending the relevant section of the Act.	(v) The Committee appointed by the UGC to go into the question of curbing the mushrooming growth of unrecognised institutions would <i>inter alia</i> suggest suitable amendments in the penalty provisions to make it a suitable deterrent to such activities. The Committee may also consider making the contravention of the provisions of the UGC Act a cognisable offence.	<p>strengthen the efforts to combat the existence or fake universities.</p> <p>(v) The Committee has recommended that Section 24 of the UGC Act be suitable amended so as to make the activity of associating the expression University/Vishwavidyalaya/Vidyapeeth with the name of an institution a cognisable offence and for which there should be provision for imprisonment.</p> <p>[Ministry of Human Resource Development (Department of Education) O.M.No. F. 9-8/88-U. 3 (Vol. III) dt. 17.6.1991]</p>

Observations / Recommendations of the Committee	Reply of the Ministry of Human Resource Development
1.37 The Committee would also like Government to initiate necessary legal action against institutions whose illegal activities have already come to notice without any further delay.	1.37 All State Governments and Union Territories have been requested to keep a strict vigil over educational institutions which are violating the provisions of the law and to prosecute the offenders under the provisions of the UGC Act as well as other penal laws including the Indian Penal Code.

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**Observations/Recommendations of Reply of the Ministry of Human Resource Development**

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The UGC has also initiated action against 14 such fake institutions as indicated below:

(1) *Maithili Vishwavidyalaya/University Darbhanga (Bihar).*

The recommendations of the Committee on Petitions are being examined in consultation with the State Government of Bihar, UGC, MRTPC, UPSC etc. The State Government has handed over the case for investigation to the State CID. This institution filed a writ petition in the Patna High Court in December, 1986 for not declaring it as a deemed to be university. In its judgement in November, 1987, the High Court directed that if any such application has been filed on behalf of the Petitioner, the Central Government shall, on the advice of the UGC pass an appropriate order in accordance with law. No such application has been received from the institution so far.

(2) *Takshila Kendriya Vishwavidyalayam, Uttam Nagar, New Delhi.*

The University Grants Commission have filed a case against the institution in a New Delhi Court and the matter is sub-judice.

(3) *Mahila, Gram Vidyapeeth/Vishwavidyalaya (Women's University) Prayag, Allahabad (U.P.)*

On May, 3, 1989 UGC issued a notice under Section 22,23 and 24 of the UGC Act to this institution to remove the word University/Vid-

## APPENDIX I (contd.)

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<b>Observations/Recommendations</b>	<b>of Reply of the Ministry of Human Resource Development</b>
<b>the Committee</b>	

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yapith. The institution has intimated that it has dropped the word University/Vidyapeeth from its name. It filed a writ petition against the University Grants Commission at the Allahabad High Court requesting the Court to instruct UGC not to interfere with rights of the petitioner to associate the word "Vishwavidyalaya" to its name and not to prevent it from conferring Degree etc.

(4) *Commercial University Ltd., Darya Ganj, Delhi*

A case was filed against this institution and the Addl. Session Judge convicted and imposed a fine on the institution. The Order was upheld by Delhi High Court. The institution has filed a Special Leave Appeal before the Supreme Court. The Supreme Court set aside the judgement and passed an order that the institution may take an application under Section 3 of the UGC Act for declaring it as a deemed to be University within one month from the date of judgement. The application of Commercial University Ltd. for grant of deemed University status was considered and was not agreed to.

(5) *Testator Research University, Bodinaya-Kanur*

The State Government has been requested by UGC to initiate action against this institution.

(6) *Sree Narayana Open University Quilon, Kerala;*

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<b>Observations/Recommendations the Committee</b>	<b>of Reply of the Ministry of Human Resource Development</b>
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- (7) Gandhi Hindi Vidyapith, Prayag, Allahabad (UP);
- (8) World Social Work University, Perunguzhi, Kerala;
- (9) University New Jerusalem, Kuthuparamba, Cannore, Kerala, and
- (10) Netaji Subhash Chandra Bose Open University, Achaltal, Aligarh (U.P.).

UGC has issued notices to these institutions not to use the word "University." University Grants Commission has been informed that the word "University" has been dropped from the name of Sree Narayana Open University and is now running under the name of Sree Narayana Open Centre. Similarly the institution by the name of 'World Social Work University' has informed that the word 'University' has been dropped and now it is being run as a College. The Gandhi Hindi Vidyapeeth, Prayag, has not responded to the notice so far. The State Government of U.P., I.G. Police, U.P., and various recruiting agencies have also been acquainted with the status of this fake university. There has been no response from the persons connected with self-styled University New Jerusalem so far. The Chief Secretary/Education Secretary, Government of Kerala, I.G. Police, Government of Kerala and recruiting agencies have been also sent copies of the UGC letter sent to the self-styled University authorities.

## APPENDIX I (contd.)

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**Observations/Recommendations of Reply of the Ministry of Human Resource Development**


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The Chancellor of the self-styled Netaji Subhash Chandra Bose University (Open University) approached the UGC for its recognition for purpose of financial assistance. The UGC advised him not to use the word 'University' with its name and also to stop awarding Degrees. Copies of this letter have also been sent to the Chief Secretary, Director of Higher Education, I.G. Police of U.P., A.I.U. and other recruiting agencies. The self-styled University has been advised not to associate the names of the Government agencies with their name. The Government of U.P. has been requested by the UGC to take legal action against this fake University.

(11) *National University of Electro Complex Homoeopathy, Kanpur (U.P.)*

Notice has been served by UGC upon this institution with a copy to concerned State authorities for necessary action. The State Government has informed that the self-styled university has filed a writ (No. 11837/85) in the Supreme Court. The persons connected with this fake university have requested that pending the outcome of the Writ petition, no action may be taken against the alleged institution. The Government of Uttar Pradesh has been impleaded as a party and has filed counter affidavit in the case. The Union of India through the Secretary, Ministry of Health and Family Welfare, has also been impleaded as a party.

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## APPENDIX I (contd.)

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<b>Observations/Recommendations the Committee</b>	<b>of Reply of the Ministry of Human Resource Development</b>
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**(12) *Smt. Mahadevi Verma Open  
University, Mughal Sarai (UP)***

A request was received from the C.M. Patrachar Sansthan, Rasool Bagh, Mughal Sarai regarding recognition of courses offered by Smt. Mahadevi Verma open University. The communication was forwarded to the University Grants Commission to elicit views/comments on the recognition of courses offered by the alleged institution. On the advice of the University Grants Commissions, the Central Govt. advised that the use of word 'university' was against the provisions of the Act and they were advised to drop the word 'University' from their name, failing which the U.G.C. would take necessary action.

**(13) *D.D.B. Sanskrit University,  
Puthur, Trichi.***

The existence of this so called university came to the notice of University Grants Commission through an order passed by the Court of District Munsif, based on which a notice to drop the word 'University' has been issued by the University Grants Commission on 5.1.1989. The Govt. of Tamil Nadu has also been requested to take action and challenge the decision of the District Munsif Court in an appellate Court. The Government of Tamil Nadu has now informed U.G.C. that the State Director of Collegiate Education has been requested to constitute a Committee consisting of Sanskrit Professors to

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**Observations/Recommendations of the Committee**      **Reply of the Ministry of Human Resource Development**

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evaluate the Certificates. It has been pointed out by the U.G.C. to the State Government that evaluation of the Certificates of the Institute will defeat the very purpose as it would amount to recognising it as a University even for a limited purpose.

(14) *Varanseya Sanskrit Vishwavidyalaya, Varanasi (U.P.)*

The Varanseya Sanskrit Vishwavidyalaya, as distinct for the recognised Sampurnanand Sanskrit Vishwavidyalaya, is not a University under any Act. This has been clarified in December 1988 by a Press Note. The State Bank of India requested the UGC to clarify about the institute which was advised of its status. Copies of the letter addressed, to S.B.I. have been sent to Chief Secretary/Education Secretary of Punjab, I.G. Police, Punjab and other recruiting agencies. Press notes have also been issued on March 15 and 28, 1990 for information of general public.

1.38 The Committee have received petitions from the most vitally effected interest viz. persons who obtained employment etc. on the basis of degrees awarded by the socalled Maithili University but who now face embarrassment because the University has been declared illegal and its degrees etc. are no longer valid. The Committee feel that these persons as a class deserve a sympathetic treatment. Even though the maithili University was function-

The Commission has constituted a Committee to consider the matter regarding unauthorised fake universities and to make comprehensive recommendations including provision of law for checking the establishment and functioning of such fake universities/institutions as well as making recommendations regarding appropriate penalty to persons/institutions deceiving the common may be using wrong nomenclature and other allied matters.

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**Observations/Recommendations of Reply of the Ministry of Human Resource Development**

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ing in an illegal manner, the acts of Comission and commission on the part of Government agencies such as the Central Department of Education, the UPSC and some of the universities in the country had undoubtedly lent a semblance of legality to the institution. As such it would be unfair to leave such persons to fend for them selves. The Central Department of Education and UGC must give serious consideration to the problem of these unfortunate degrees/certificated holder and find a way out to save their careers by allowing them to appear in a University or/any competitive examination. The careers of these unfortunate victims cannot be allowed to be ruined for reasons for which Government agencies and Statutory Bodies are equally responsible.

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This Committee will also explore the possibility of allowing candidates to appear in a university/competitive examination to save their careers.

The Committee considered the suggestions made by the Committee on petitions relating among others, to the persons who obtained employment on the basis of degrees awarded by the self-styled Maithili University. The Committee was of the opinion that no lenient view may be taken and such persons are required to obtain degrees from any recognised universities through regular or correspondence courses.

[Ministry of Human Resource Development (Department of Education) O.M. No. F. 9-8/88-U.3 (Vol. III) dt. 17.6.1991]

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## APPENDIX II

*(Reference para 2.2. of the Report)*

### Recommendation (Para Nos. 2.19 and 2.20) of the Committee

2.19 This is a representation from the National Federation of Railway licensed porters, vendors and bearers regarding the problems faced by them while in service. According to the petitioners the Railway Administration does not treat these poor labourers as railway employees as no-employer-employee relationship subsists between porters and vendors etc. and the railway administration. Therefore, even though the porters, vendors and bearers work in the railways and for the railway throughout their lives, they are denied all benefits and privileges which normally accrue to the railway employees.

2.20 The Committee note that as early as in 1979 the Kerala High Court had given a clear verdict that there is no room for doubt that there was indeed a relationship of employer and employee between the railway administration and the licensed porters. The Committee is, therefore, of the view that the demands of the porters for better facilities of work and emoluments should not be brushed aside by taking shelter under a specious plea that they are not the employees of the railways.

### Reply of Government

The licensed porters earn their wages by carrying the luggage of the passengers. The portage charges are fixed by the railways keeping in view that the licensed porters are able to earn minimum wage for unskilled labour prevailing at that place. The portage charges are reviewed every two years. They are also permitted to avail resting and toilet facilities in the II class waiting halls. At big stations where the number of licensed porters is large and the facilities available are inadequate, separate rest shelters have been provided for them. In addition, the licensed porters are also permitted out-door medical treatment in railway hospital/dispensary for self only. In case of grievous injuries suffered in railway premises while carrying passengers luggage, they are also provided in-door medical facility (excluding diet) in the railway hospitals/dispensaries and where such facility is not available, they are attended to by the Line Doctor and transported to the nearest railway hospital/dispensary. For this purpose, free pass is issued to him. The wards of licensed porters, vendors and bearers are also permitted to study in railway schools subject to availability of seats. If a licensed porter is the sole earning member of his family, transfer of his licence badge is permitted to his son or near relation in case of his death or when he becomes old, infirm or very sick.

It will thus be appreciated that though the licensed porters are licencees only and earn their wages direct from the passengers, yet the railways do look after the working conditions to the extent possible.

[Ministry of Railways (Railway Board) O.M. No. 87TG. II/1010/30/Lok Sabha dated 14.2.1990]

**Recommendation (Para Nos. 2.21 and 2.22) of the Committee**

2.21 The Committee find that in 1967 a Committee headed by Shri T.V. Anandan, the then M.P., had been appointed by the then Ministry of Labour in consultation with the Ministry of Railways to look into the working conditions of the licensed porters and vendors. The Committee submitted its report in 1969. The report contained 55 recommendations in respect of the licensed porters and 34 in respect of commission vendors. The Committee have been informed that out of 55 recommendations pertaining to the licensed porters, 31 were accepted, 9 were accepted with modifications and 12 were rejected besides the 3 which were in the nature of observations only. Similarly out of 34 recommendations concerning vendors 16 were accepted 3 were accepted with modification and 13 were rejected. It has been stated by the Ministry of Railways that all the accepted recommendations have since been fully implemented.

2.22 The Committee feel that this assertion by the Ministry is not fully borne out by the information placed before them. In fact one of the main grievances of the licensed porters and vendors now sought to be ventilated through their representation submitted to the Committee was that the benefit of Anandan Committee's recommendations had not reached them. Even the head offices of the Zonal Railway were not aware of the directives of the Railway Board issued in implementation of the recommendations of the said Committee. This is corroborated by the fact that the grievances/complaints on which Anandan Committee had made recommendations and which were accepted by the Railway Board for implementation have again been repeated in extenso by the porters and vendors in their representation submitted to the Committee. This would clearly show that the actual implementation of the recommendations of the Anandan Committee leaves much to be desired.

**Reply of the Government**

Instructions for implementation of all the accepted recommendations of the Anandan Committee have been issued to the Zonal railways and have also been reiterated from time to time.

The Zonal railways are fully aware of the directives issued by the Railway Board in this regard. Remedial action is taken wherever any discrepancy is pointed out or noticed.

[Ministry of Railways (Railway Board) O.M. No. 87 TG. II/1010/30/Lok Sabha dated 14.2.1990]

### **Recommendation (Para No. 2.23) of the Committee**

2.23 The living and working conditions of the licensed porters etc. were reviewed more than twenty years back. Since then the working conditions as well as Railway operations have undergone considerable change. The Committee, therefore, desire that a Working Group should be immediately constituted by the Ministry of Railways, with which representations of labour may also be associated, for a *de novo* review of the conditions of service of the licensed porters, vendors and bearers on the Railways. Besides, recommending measures for improving the living and working conditions of the porters, etc. this Working Group may also be entrusted with the work of reviewing the implementation of the recommendations made by the Anandan Committee in present day circumstances.

#### **Reply of Government**

As already clarified to the Committee in the written replies and during the oral evidence, all the accepted recommendations of Anandan Committee have been advised to Railways for implementation. The various grievances/demands highlighted by the licensed porters, and office bearers of different unions sent directly for received from the Hon'ble MPs are examined thoroughly from time to time and considered on merits and replied to. In addition, Zonal, Divisional and the Station authorities look into the grievances of the licensed porters and take remedial steps. In view of the position explained above, setting up of a Working Group to review the conditions of service of licensed porters may not be necessary.

[Ministry of Railways (Railway Board) O.M. No. TG. IL/1010/30/Lok Sabha dated 14.2.1990]

### **Recommendation (Para No. 2.24) of the Committee**

2.24 The review should be completed within a period of 60 months and necessary follow up action taken without loss of time with a view to providing more and better facilities to these poor workers who are solely dependent on the Railways for their livelihood. While they should be assured minimum wages and facilities, the Railways should also ensure that they do not harass the travelling public as is quite often in the case.

#### **Reply of Government**

The portage rates for the licensed porters are reviewed every two years and are fixed, keeping in consideration the minimum wage for unskilled labour prevailing at that place. They are also allowed to use resting and toilet facilities in the second class waiting halls. At big stations, where the facilities available are considered inadequate compared to the number of licensed porters, separate rest shelters have been provided from them. Periodical review in this respect is also conducted by the Railways. With these stipulations, it is not necessary to constitute a separate Working

Group to review these facilities. To ensure that the porters do not harass the travelling public, frequent checks are conducted by the station authorities and suitable action is taken against erring licensed porters.

[Ministry of Railways (Railway Board) O.M. No. 87 TG. IL/1010/30/  
Lok Sabha dated 14.2.1990]

**Recommendation (Para No. 2.25) of the Committee**

2.25 The Committee also desire that the question of providing woollen uniforms to porters working at stations situated in the Northern and North-Eastern parts of the country where winter is particularly severe, should be considered immediately. The Committee are strongly of the view that winter uniforms should be provided to the porters in these parts of the country.

**Reply of Government**

The licensed porters are being provided two sets of cotton uniform such as shirts and turban every alternate year, the cost of which is required to be covered from the license fee collected from them. However, as per extant instructions, the license fee being recovered does not exceed Rs. 5/- p.m. (It is less than Rs. 5/- at most of the stations). The Railways are incurring loss even in supplying two sets of cotton uniforms to the porters. It will not be possible to provide them winter uniforms without increasing license fee substantially, which will not be liked by the licensed porters.

[Ministry of Railways (Railway Board) O.M. No. 87 TG. IL/1010/30/  
Lok Sabha dated 14.2.1990]

**Recommendation (Para No. 2.26) of the Committee**

2.26 The Committee also feel that there should be permanent machinery comprising representatives of the Railway administration and the porters and vendors etc. through which their problems could be thrashed out for amicable solution. The Committee have no doubt that such an arrangement will go a long way in solving the genuine problems faced by the porters and vendors, so far as the latter are concerned, the Railways must take concerted steps to set up cooperative societies of vendors and severely curb the activities of unauthorised hawkers who sell substandard stuff and are a nuisance at the stations.

**Reply of Government**

Instructions for holding of bipartite meetings with licensed porters at stations having 20 licensed porters and once in six months exist. The licensed porters and vendors can highlight their grievances/difficulties to the Station Suptd./Station Master on day to day basis. Besides, their grievances/demands are also considered by the Divisional, Zonal and Railway Board authorities. The unions of porters/vendors etc. are not recognised by the Railways and it will not be feasible to set up a machinery as suggested.

As regards activities of unauthorised hawkers, regular checks are conducted against them and action is taken under the provisions of the Indian Railways Act.

As regards the setting up of Cooperative Societies of vendors, it may be stated that it is the accepted policy of the Ministry of Railways to develop and encourage the formation of Cooperative Societies on Railways for carrying out of such jobs as can be done easily and are feasible by the Labour Cooperative, keeping in view of course the financial and operational requirements of the railways. As a result thereto, we have today a large net-work of Cooperative Societies of various types functioning on the Indian Railways system. The Vendors Cooperative Societies are also already in existence on some of the railways. These societies have been given concessions and facilities in accordance with the general policy. In regard to allotment of catering/vending contracts, some preference is also available to the Labour Cooperative Societies of actual workers.

[Ministry of Railways (Railway Board) O.M. No. 87 TG. IL/1010/30/  
Lok Sabha dated 14.2.1990]

### APPENDIX III

#### (Reference para 3.2 of the Report)

##### *Observations/Recommendations of the Committee*

3.19 In a representation forwarded by Shri Narayan Choubey, M.P., the residents of Pocket F-24, Sector 7, Rohini had complained that drinking water connections had not been provided by DDA even though construction of houses had been completed long back. In the absence of any arrangement for the supply of drinking water by DDA, the residents of the area were forced to use water drawn from hand pumps which had been installed for construction purposes. The Committee are surprised to learn that whereas DDA miserably failed to provide drinking water facilities and other civic amenities in time, they did not hesitate in levying penalty charges for late completion of the houses by the allottees. The Vice-Chairman, DDA admitted before the Committee that water connections in this particular pocket of Rohini ought to have been provided in 1986 but actually the connections could be provided only by 1988 end. Under the circumstances there can be no justification whatsoever for imposing a penalty on the allottees for non-completion of their houses.

3.20 The Committee have been informed that the penalty imposed on the plot holders for not constructing the houses within the time limit of three years has since been withdrawn as DDA seems to have realised that there was no justification for such a levy. The Committee would like that penalty charges recovered by DDA on this score should be refunded immediately. The Committee deplore the high handedness of DDA in the matter. They would like the DDA to ensure that in future the question of levying a penalty for late construction is considered only after DDA has fulfilled its own part of the contract by providing necessary civic amenities, to which the plot holders are entitled.

3.21 The Committee find that the main reason why drinking water was not made available in Sector 7 of Rohini was that in the absence of good ground water, DDA was totally dependent on MCD for the supply of surface water. It has been stated that the DDA's portion of water supply works have been completed but MCD has yet to lay the water risings main upto the overhead tank. There is obviously no coordination between the two organisations. A representative of the Ministry of Urban Development in the course of his evidence before the Committee deposed that although delay in sanctioning water connections in Sector 7 of Rohini could not be attributed to lack of coordination between the two organisations concerned, it was a fact that there was delay in making organisations concerned, it was a fact that there was delay in making

available the drinking water to the overhead tank by Municipal Corporation of Delhi. The Committee desire that this aspect of the matter may be looked into the Ministry with a view to fixing responsibility for the delay.

3.22 In the light of general complaints about lack of drinking water facilities and over civic amenities in different colonies developed by DDA, the Committee feel that it may be stipulated in the DDA rules /regulations that possession of a DDA will not be handed over to the buyer unless the particular locality has been provided with drinking water facility and other essential civic amenities. Similarly a stipulation can be made that before a built up house is allowed to be occupied for residential purposes, DDA will ensure that water connection is installed.

3.23 The Committee note that Delhi faces an acute problem of shortage of drinking water not only at present but is likely to face yet bigger problems in future because of the growing population. It has been stated that the ultimate requirement of water even in Rohini area would be 50 MGD as against which MCD has so far committed only 10 MGD. This is also subject to further expansion of the Haiderpur water treatment plant which is yet to be set up. The Committee have been further informed that the present assessed requirement of raw water in Delhi is 740 MAF against which the availability is only 642. Here again in view of the absence of any commitment for the supply of raw water from Haryana, which is the only potential source, no further progress has been made in the construction of second water treatment plant at Haiderpur. When asked whether Haryana had been approached to supply additional water, the Committee were informed that seven attempts were made during the period December, 84 to December, 87 at different levels (3 at the level of Secretary, Ministry of Urban Development with Chief Secretary, Government of Haryana and 4 at the level of Urban Development Minister with Chief Minister) for the procurement of additional water from Haryana apart from discussions with the Haryana Government officials in several meetings from time to time. Since setting up of 2nd Haiderpur water treatment plant seems to be the only remedy for meeting the water requirements of the growing Metropoles, the Committee cannot but emphasise that all matters connected with this plant should be sorted out at the highest level immediately. The Committee wish that the Government will take the matter regarding supply of additional raw water with the urgency it deserves and initiate appropriate measures to ensure that people in Delhi are able to get adequate potable drinking water.

#### Reply of Government

Water connections have been given to the residents of Pocket F-24, Sector 7, Rohini. As there was delay in providing water connections by

DDA, no penalty is being charged for non-completion of the houses. Whenever penalty was charged either it has been refunded or adjusted towards further extention of time or ground rent.

It has also been decided that no penalty amount will be charged on the plot holders for not constructing houses within the prescribed time limit where services such as water supply, electricity, etc. are not available.

Regarding the question of delay in making available drinking water to the over-head tanks by MCD, the matter has been taken up with the Commissioner, M.C.D. asking him to enquire into the matter for fixing responsibility for the delay.

DDA has considered the recommendation (3.22) of the Committee and evolved a procedure through which the Housing Commissioner will be assured before allotment about the period when the civic amenities will be made available.

Regarding the suggestion of the Committee that the Government of Haryana be approached to get adequate potable drinking water, the Government have taken up this issue with the Haryana Government to get adequate raw water in lieu of treated effluent. The matter has also been taken up with the Chief Minister of Haryana by Lt. Governor, Delhi.

**APPENDIX IV**  
**(Reference para 3.3 of the Report)**  
*Additional Information*

<i>Para No.</i>	<i>Text</i>	<i>Reply</i>
3.2 (i)	The date when the DDA asked MCD that DDA's portion of water supply works was completed and that MCD should lay the water risings main upto the over-head tank.	DDA submitted their water supply scheme to MCD in the year 1982. After the water supply lines were completed as approved by MCD in October 1985, MCD was requested to grant bulk water connection to DDA.
(ii)	The date when the MCD completed the work of laying water risings main and the date from which the water supply to overhead tank was resumed.	MCD completed laying of water rising main in February 1988 and the water supply was commissioned w.c.f. 1.6.1988.
(iii)	Whether MCD is able to supply water to the overhead tank to the extent required by residents fed by this particular over-head tank.	There is general shortage of water with low water pressure in the mains with the result that overhead tanks are not filled up. Regular meetings are held with the MCD to ensure that requisite water supply with respect to both quantity and quality.
(iv)	Why water supply was not ensured before allowing construction of houses in Pocket F-24, Sector 7, and whether any responsibility has been fixed for delay; and if so give details.	In the Rohini Residential Scheme where the allotments are made by way of plots, there is an inbuilt provision in the lease agreements which require the allottee to construct a dwelling unit within a specified period from the date of taking over possession of the plot. DDA thus is able to release the

<i>Para No.</i>	<i>Text</i>	<i>Reply</i>
3.22	<p>Whether DDA rules/regulations have been amended to the effect that possession of a DDA flat would not be handed over to the buyer unless drinking water facility and other essential civic amenities were available as recommended by the committee. If so, the date from which the amended rules have come into force. Also please send a copy of the amended DDA rules.</p>	<p>DDA has taken necessary measures to ensure that essential basic amenities like water, electricity, sewerage would be available at the time of handing over the possession of flats to buyers. A check list has been prescribed to ensure that the required amenities like water, electricity and sewage disposal would be available by the due date before the completed houses are released for allotment. In other words flats will not be put into a draw unless the Chief Engineer concerned has certified that all the requisite services have already been laid or that these are under way and would be completed within four months of the date of his certificate as</p>

<i>Para No.</i>	<i>Text</i>	<i>Reply</i>
(i)		
(ii)		
(iii)		

## APPENDIX V

### (Reference para 4.2 of the Report)

#### *Observations / Recommendations*

4.18 A representation was received on 18.8.87, from General Secretary, Central Government Employees Residents' Welfare Association, Palam Colony, New Delhi complaining of acute shortage of drinking water in the colonies of Sadh Nagar I and II and Raj Nagar I and II. It was stated that these colonies were in existence since 1940, but no proper arrangement for supply of drinking water for about one lakh residents of these colonies had yet been made by Delhi Administration or DDA or Municipal Corporation of Delhi. A large number of representations made to various authorities had proved futile.

4.19 The Committee are shocked to learn that although these colonies have been in existence for over four decades, the Municipal Corporation of Delhi did not take any action whatsoever for providing the basic facility of potable drinking water to the residents. It was only in 1977 that a survey is reported to have been carried out with a view to ascertaining what civic facilities could or should be provided for the unfortunate residents of these colonies. Even then no concrete action was taken till 1980, when these colonies were regularised and made over to DDA for further development. The actual control of these colonies was entrusted to DDA in 1982. This decision was reversed five years later and the colonies were transferred back to MCD in January, 1987. During the period of 10 years i.e. from 1977 to 1987 when the management of these so called regularised colonies was vested either with DDA or MCD, no sincere effort was made by any of them to provide potable drinking water in these colonies. The DDA contented itself with providing roads and footpaths and paving the latter with sand stones etc. leaving the basic problem unattended. The MCD on its part has been waiting for supply or raw water from Haryana and took no interim measures to alleviate the sufferings of the people.

4.20 The Committee find that it was only after August, 1987, when the residents of these colonies made a representation to them that the authorities seem to have realised that the supply of drinking water in these colonies was a problem which required to be tackled. In January 1988, in response to a reference made by the Committee, the Ministry of Urban Development stated in a note that the ground water in these colonies was generally saline and due to non-availability of any water main in the vicinity and the shortage of filtered water, "it would not be possible to provide the same for these colonies for the present." It was also stated

that for identifying suitable sites for the construction of deep tubewells a number of trial bores will have to be carried out.

4.21 In a further note dated 7 April, 1989, the Ministry have intimated that it has been possible to construct/commission three tubewells in these colonies and one more tubewell would be commissioned after power connection becomes available. Further as an interim measure, water supply to these colonies has been given through public stand-posts and sintex tanks.

4.22 The Committee cannot but deplore the callous—almost in human-attitude of the DDA and the MCD in the matter of supply of drinking water to these colonies. As the underground water was saline and there was no other arrangement for supply of surface water for drinking purposes, the predicament of the hapless residents of these colonies can be easily imagined. Surely, the authorities could not have been unaware of the problem when repeated representations were being made by the residents individually and their associations collectively. The Committee cannot but deplore that inspite of representations repeatedly made, neither the DDA nor the MCD made any efforts to tap alternative sources of water supply either through deep tubewells or by bringing surface water from other available sources till the Committee intervened on behalf of the hapless citizens. While some relief has since been provided by commissioning deep tubewells, it has been pleaded that as and when second 100 MGD water treatment plant at Haiderpur is set up, potable water will be made available to these colonies.

4.23 The Committee regret to observe that both the DDA and the MCD failed miserably in their obligation to the residents of the colonies in question—and these are surely no isolated cases—in providing the basic need of drinking water for years together after the colonies got established. The Committee hope that the authorities concerned have drawn the necessary lesson from the tragedy that occurred in East Delhi last year where a large number of deaths took place due to supply of contaminated water to the people of the area.

4.24 The Committee would like the Ministry of Urban Development 'to chalk out a time bound programme, in consultation with the authorities concerned, for making suitable and satisfactory arrangements for supply of drinking water in the capital.

As an immediate step, deep tubewells may be commissioned with the help of the Central Ground Water Board. Urgent Steps are also required to be taken to make arrangements for obtaining adequate raw water from neighbouring States. The Committee would like to be apprised of the precise action taken in this regard within three months.

### Reply of Government

“....Raj Nagar I & II and Sadh Nagar I & II unauthorised/regularised colonies were transferred from DDA to MCD in the year 1987. At the time of transfer of these colonies to MCD, water supply facilities did not exist. The population of these colonies is about 50,000 persons. In order to provide some relief to the residents of the aforesaid colonies, a detailed survey was carried out to identify the suitable sites for constructions of tubewells as filtered water was not available in the nearby areas. As a result of these efforts, 6 tubewells were constructed and commissioned. As an interim measure, water supply to these colonies was given through public stand posts and sintex tanks. With the execution of scheme some relief was given to the residents of the colonies. Efforts were continued to explore the possibility of utilising ground water by conducting trial bores. Out of 5 trial bores conducted in the area, quality of water was found unfit for drinking purposes in 4 cases and quality of water only in one trial bore was found satisfactory near Purani Building opposite Palam Railway Station. But further work could not proceed at this site due to Stay Order from the Court. With vigorous efforts, two more sites could be located where ground water was found fit for drinking purposes. Tubewell at one place has been commissioned and another is likely to be commissioned shortly. Thus, presently we are supplying water from 7 tubewells, through 129 public water hydrants and 1350 individual water connections. With the commissioning of 8th tubewell, water supply position shall improve further.

Construction of second 100 MGD Water Treatment plant at Haiderpur has since been started and the work is in progress. Raw water for this treatment plant is proposed to be taken from Delhi Tail Distribution of Western Yamuna Canal System. The work is likely to be completed in a period of 2 years. Water supply to the Raj Nagar, Sadh Nagar Group of Colonies will improve further on completion of this second 100 MGD Water Treatment Plant at Haiderpur.

Public notice has also been issued in September/October, 1989 advising the residents of Raj Nagar I & II and Sadh Nagar I & II to deposit development charges which is at present Rs. 15/- per sq. mt. of plotted area. Meanwhile, action has also been initiated for preparation of estimates for the internal and peripheral water lines for supply of water in these colonies.”

*The Committee may consider.*

**APPENDIX VI**  
**(Reference Para 4.3 of the Report)**  
*Additional Information*

S.No.	Item	Reply
(i)	Approximate population of Raj Nagar & Sadh Nagar.	(i) The present population of Raj Nagar & Sadh Nagar group of colonies is assessed to be 60,000 to 65,000.
(ii)	Number of houses in Raj Nagar I & II and Sadh Nagar I & II; who have applied for water connections.	(ii) 1700 number of houses had applied for water connections and all of them have been sanctioned water connections.
(iii)	Whether the second Tube-well has been commissioned, if so, when and whether the quality of water is fit for drinking.	(iii) Yes, Sir. In addition to this one more tube-well has been commissioned. At present water is supplied through 9 tube-wells.
(iv)	How much work has been completed on second 100 MGD Water Treatment Plant at Haiderpur and the likely date of its completion.	(iv) Nearly 60% of the work has been completed upto February, 1992 and the first phase of 50 MGD plant is likely to be ready by January, 1993.
(v)	Whether estimates for the internal and peripheral water lines for supply of drinking water in Sadh Nagar and Raj Nagar I & II have been prepared. If so, likely expenditure;	(v) From the 2nd 100 MGD Water treatment Plant at Haiderpur, three conveyance mains i.e. two of 1500 mm and one of 1000 mm Ø are being laid in a length of 85 k.m. About 15% of this work has already been completed and the rest of the work is in progress. A 900×800×700 mm Ø feeding main is to be laid from the 1500 mm Ø conveyance main

S.No.	Item	Reply
		<p>from Pankha Road upto the proposed ground reservoir in Raj Nagar, Sadh Nagar area. The design and survey work of the proposed 900 mm Ø peripheral main has been completed and the detailed estimate is under preparation. Matter has already been taken up with DDA to handover land for the reservoir and booster station.</p>
		<p>From the aforesaid booster Station water will be pumped to various colonies in this area including Raj Nagar, Sadh Nagar I &amp; II. A scheme for peripheral main and internal water supply system is held up for finalisation as land has not yet been handed over by DDA.</p>
(vi)	Time by which the laying of internal and peripheral water lines would be completed;	(vi) It will take about 3 years for the construction of the reservoir and booster station and laying of peripheral and internal system after the land is handed-over by the DDA.
(vii)	The total amount received towards development charges in response to public notices;	(vii) At present water supply is being given to these colonies from 9 tube-wells situated at different places. Individual water connections are being given from the skeleton system already laid against payment of development charges. In the process an amount of Rs. 30 lacs has been received from the people as development charges.

S.No.	Item	Reply
(viii)	Whether the work of laying of internal peripheral lines is connected with the realisation of development charges;	(viii) Yes
(ix)	Whether sufficient raw water would be available for the second water treatment plant from the Western Yamuna Canal.	(ix) During a meeting convened by Minister for Urban Development on 27.1.92 regarding augmentation of water supply for Delhi, C.M. of Haryana agreed to consider favourably the request of Delhi Admn. for exchange of raw water of 100 MGD or 200 cusecs provided treated effluent to the extent of one and half time of that raw water is made available by the DWS & SDU and provided also the quality of treated effluent was superior to the quality of water presently flowing through Gurgaon canal. The proposal is being pursued further.

**APPENDIX VII**  
**(See para 5.2 of the Report)**

**SUBJECT :** Report on action taken by Government on the recommendations made by the Committee on Petitions in their Second Report (Ninth Lok Sabha) on the representation regarding fees charged by lawyers from their clients.

**Paras 4.27 to 4.30**

4.27 The petitioner has raised two issues in his representation *viz* (i) that lawyers charge very high fees from their clients; and (ii) that they drag on the cases.

The petitioner has pleaded that in a socialist country, people should have easy and affordable access to courts to get justice. Lawyers are in a service profession and they should not be allowed to fleece the people by charging exorbitant fees on one hand and dragging on the cases, on the other. The petitioner has sought Committee's assistance in finding out a solution to these problems.

4.28 During evidence, representative of the Ministry of Law and Justice, however, informed the Committee that various High Courts and the Supreme Court have framed rules regarding fee chargeable by the lawyers and therefore the transactions between the parties and lawyers were within the ambit of those rules.

4.29 Regarding the grievance of the petitioner that lawyers charge more than the prescribed fee, the representative of the Ministry of Law and Justice admitted the fact and stated that the matter was looked into by the Law Commission and the Law Commission also felt that lawyers were charging more fee than decided by various High Courts and the Supreme Court. The Law Commission has suggested that certain administrative machinery should be established so that the fee between the clients and the lawyers could be regulated.

4.30 The Committee desire that the possibility of setting up of an administrative machinery which may be able to regulate the fees charged by lawyers from their clients, may be explored by the Government urgently as recommended by the Law Commission.

**Action Taken**

The recommendation of the Committee was examined in consultation with the Bar Council of India. The Bar Council of India is of the view that the question of charging exorbitant fee for civil cases is normally not present in the country except in Delhi and other presidency towns.

Majority of the advocates in the Supreme Court and High Courts and in the District Courts are not even getting the fee prescribed by the various High Courts and Supreme Court because of competition and various other reasons. In many States, schedule of fees has been fixed by the High Court many years before and still the same schedule is continuing. The Council is of the opinion that no useful purpose would be served by setting up such an administrative machinery. It is also not practicable to setup such an administrative machinery.

[Ministry of Law & Justice O.M. No. 8(3) 91-I.C. dated 9.7.1992]

*Paras 4.31 to 4.32*

4.31 The Committee note from the Ministry's reply that the rules of Supreme Court and the High Courts generally contain a table of fees for advocates. As most of the people are not aware of this, the Committee recommended that table of fees prescribed under the rules should be displayed prominently by each advocate in his chamber and given publicity through media so that people are aware of it. This table should also be displayed in the Registrar's Office and also made available to anyone who may ask for it, at a nominal price.

4.32 The Committee desire that Government should impress upon the Bar Councils and Bar Associations that their members strictly follow the rules framed by High Courts and Supreme Court regarding the fees charged by them from their clients.

**Action Taken**

The rules of Supreme Court and High Courts contain table of fees for advocates as far as civil cases are concerned. The table of fees is contained in almost all lawyers diaries which is used in various States. The question of charging exorbitant fee is only confined to few lawyers in the country. In view of the above, the Bar Council of India consider that no useful purpose could be served by displaying the table of fees prescribed by the court in the chamber of advocates or in the Registrar's Office or through media.

2. The recommendation of the Committee that the table of fees be made available to anyone who may ask for it at nominal price has been brought to the notice of Department of Justice for necessary action.
3. Government have noted the recommendation contained in para 4.32 and the Bar Council of India has been called upon to do the needful.

[Ministry of Law & Justice O.M. No. 8(3)/91-I.C. dated 9.7.1992]

1635/ LS [93.]

**Para 4.33**

4.33 Another complaint of the petitioner is that in most of cases lawyers do not issue stamped receipts to their clients for the amount they receive as fee and thus conceal their income to avoid paying income taxes which is a loss to the national exchequer.

The Committee do not consider that the objective would be served merely by providing that the clients should be issued stamped receipts by the advocates for the receipts need not indicate the full amount. Indeed compliance with such a rule would be difficult to enforce. The only remedy seems to be for the income tax authorities to be more vigilant and strengthen the field organisation for unearthing concealed incomes.

**Action Taken**

The views of the Committee have been communicated to the Ministry of Finance for necessary action.

[Ministry of Law & Justice O.M. No. 8(3)/91-I.C. dt. 9.7. 1992]

**Paras 4.34, 4.35 & 4.37**

4.34 Regarding the complaint of the petitioner that lawyers drag on the cases and exploit their clients, the Committee are of the view that where a client feels that his case is being dragged on unnecessarily and the advocate is seeking an adjournment without any valid reasons, the client may make a complaint to the concerned Bar Council. On receipt of such complaints, the Bar Council should go into the matter expeditiously and, if it is found that the complaint is genuine, the advocate concerned should be warned by the Bar Council and in extreme cases the defaulting advocate be debarred from practising for a specified minimum period.

4.35 The problem of pendency of cases has acquired alarming proportions in the Courts. The matters regarding elimination of delay, speedy clearance of arrears and reduction in cost so as to secure cheap and quick disposal of cases without affecting cardinal principles of justice has been examined by several Commissions and Committees. The Committee consider that apart from shortage of judges and their utilisation on other commissions of inquiry/committees etc., one of the reasons of mounting arrears of cases in courts, is seeking and granting of too many adjournments without any valid and sound reasons. This calls for concerted efforts both by the Courts and the lawyers. The Committee are of the view that the feasibility of making a provision in the relevant laws that not more than four adjournments would be given in a case be examined. The courts should also bring to the notice of Bar Councils if a lawyer seeks too many adjournments merely for the sake of attending to another case or on flimsy grounds.

4.37 The Committee further note that the Bar Councils have a

disciplinary committee which deals with the cases brought to its notice by the clients in case they feel that enough attention has not been paid to their cases by the lawyers or in case they feel cheated by their lawyers.

#### Action Taken

The Bar Council of India has intimated that any specific complaint regarding exploitation of the clients by erring lawyers will be looked into and, if the complaint is found genuine, necessary action will be taken against the advocate concerned. However, it is felt that it may not be feasible to make a provision in the relevant laws that not more than four adjournments would be given in a case, since adjournments are granted due to several factors. Attention of the Department of Justice has been drawn to the Committee's recommendation that courts should bring to the notice of the Bar Councils if a lawyer seeks too many adjournments merely for the sake of attending to another case or on flimsy grounds.

#### Paras 4.36 and 4.38

4.36 The Committee are happy to note that State Legal Advice Boards which are functioning in all the States are maintaining a panel of lawyers and budget provisions for these Boards are made by the States. In addition, a Central Committee called Committee for Implementing Legal Aid Schemes is also functioning with the Chief Justice of India as the Patron-in-Chief. The Committee are happy to note that the Scheduled Castes, Scheduled Tribes, Women and Poor Section of society are given legal aid and advice with the help of funds given by these Boards.

4.38 The Committee also note that Government have launched various programmes like giving legal aid to the poor, propagating the legal aid schemes and giving para-legal aid. Legal aid clinics have also been opened in various universities. The Committee desire that the Government should see that these schemes are implemented in an effective manner so that persons from weaker sections of the society who are in dire need of legal aid, actually get the benefit of these schemes. The working of these schemes should be kept under constant review and necessary improvements effected.

#### Action Taken

The observations made by the Committee regarding legal aid programmes have been noted. In this regard, it may be stated that Government has taken steps for effective implementation of various legal aid schemes and programme being organised by the State Legal Aid and Advice Boards. Periodical review is also being conducted in this regard. Seminars on All India basis are also organised periodically to review the implementation of legal aid schemes.

[Ministry of Law and Justice O.M. No. 89(3)/91-I.C. dated 9-7-92]