

COMMITTEE ON PETITIONS

(SIXTH LOK SABHA)

SIXTH REPORT

(Presented to Lok Sabha on the 4th December, 1978)



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(1978-79)

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SECRETARIAT

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SIXTH REPORT OF THE COMMITTEE ON PETITIONS

(Sixth Lok Sabha)

I

INTRODUCTION

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

- (i) Representation from Shrimati Ramabati Sen, Krishnagar, Nadia, re. investigation in the case of alleged “surgically removed” kidney from the body of Dr. Upamanyu Sen found dead at Liverpool in July, 1974.
- (ii) Action taken by Government on the recommendation contained in the Seventeenth Report (Fifth Lok Sabha) of the Committee on the representation regarding non-implementation of the Powerloom Enquiry Committee’s Report.
- (iii) Action taken by Government on the recommendations of the Committee on Petitions (5 LS) contained in their Twenty-sixth Report on representations re. alleged violations of the provisions of the Delhi School Education Act, 1973, and the rules framed thereunder by the Managements of the Modern School, New Delhi and the Air Force Central School Delhi Cantt.
- (iv) Action taken by Government on the recommendations of the Committee on Petitions contained in their Twenty-ninth Report (5 LS) on Petition No. 10 regarding grievances of railway employees.
- (v) Other representations.

1.2. The Committee considered the above matters at their sittings held on the 29th October, 1974, 24th December, 1976, 16th July, 29th August, 1st and 26th October, 1977, 7th February, 26th April, 30th August, 13th, 15th and 29th September, 21st October and 16th November, 1978.

1.3. The Committee considered their draft Report at their sitting held on the 30th November, 1978, and adopted it.

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

NEW DELHI;
Dated the 30th November, 1978.

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

REPRESENTATION FROM SHRIMATI RAMABATI SEN, KRISHNAGAR, NADIA, RE. INVESTIGATION IN THE CASE OF ALLEGED "SURGICALLY REMOVED" KIDNEY FROM THE BODY OF DR. UPAMANYU SEN FOUND DEAD AT LIVERPOOL IN JULY, 1974.

A. Petitioner's Grievances

2.1. Shrimati Ramabati Sen submitted a representation dated the 25th June, 1977, regarding investigation in the case of alleged "surgically removed" kidney from the body of her son—Dr. Upamanyu Sen, found dead at Liverpool in July, 1974. In this connection, she forwarded copies of letters dated the 28th December, 1976 and 22nd April, 1977, addressed by her to Shri Bipin Pal Das, Ex-Deputy Minister for External Affairs, and Shri Atal Bihari Vajpayee, Minister for External Affairs, respectively, setting out the facts of the case (See Appendices I & II).

B. Comments of the Ministry of External Affairs

2.2. The representation was referred to the Ministry of External Affairs for furnishing their factual comments thereon for consideration by the Committee on Petitions. In their factual note dated the 5th September, 1977, the Ministry of External Affairs have stated as follows:—

"On July 9, 1974, Upamanyu Sen, a young doctor, aged 28, who was attached to the Liverpool Royal Infirmary, Liverpool, England, was found dead in his flat. Dr. Sen was a bachelor. He lived alone in the flat.

Dr. Sen's body sent for post mortem on July 10. According to the post mortem report, the deceased had taken an overdose of barbiturates resulting in his death. Estimated time of death was given as "approximately 3 days previously". The post mortem report had also recorded that the right kidney of the deceased was missing.

The High Commission of India, London, had arranged to preserve the dead body of Dr. Sen for three weeks in case there was a request by the family for it to be brought to

India. No such request was made. The body was finally cremated, according to Hindu rites, on July 30 in the presence of India's Assistant High Commissioner in Liverpool and a large number of friends of the deceased.

The inquest on the death of Dr. Upamanyu Sen was held in the Liverpool Coroner's Court on July 11 and August 5, 1974. The verdict returned was "that the deceased killed himself while the balance of his mind was disturbed."

Smt. Ramabati Sen, the unhappy mother of the deceased has described the Coroner's report incomplete and confusing. She wrote to the High Commissioner of India, London, on September 29, 1974 as follows:

'After going through the Coroner's report it appears to us that it is not complete and at the same time some of the points are very confusing. We have consulted several qualified persons on this matter. They are also of the same opinion. Under these circumstances, we want a detailed and critical reinvestigation of the case....'

Specific procedures have been laid down in British law for challenging any Coroner's report. Only an aggrieved party can challenge a Coroner's decision. Our High Commission, after obtaining the requisite legal advice, wrote to Smt. Ramabati Sen on 19th November 1974 explaining the following procedure if she decided to challenge the Coroner's verdict:

'In order to challenge the Coroner's report an application will first have to be made to the High Court in London to quash the Coroner's Inquisition and for this purpose you may have to prove that the facts set forth in the Inquisition did not warrant the findings of the Coroner or that there was some other irregularity about the holding of the inquest. Only an aggrieved party can make such an application and for this purpose you will have to consult and engage solicitors in London.'

Smt. Ramabati Sen does not appear to have taken any action for challenging the Coroner's report by the due process of British Law. She has, however, been representing her case to all dignitaries, both in India and U.K. She has also written to the Press in both countries.

Smt. Ramabati Sen has also raised repeatedly, the question of the 'missing kidney' of her deceased son and the cause of his death being other than suicide. When this question was posed by the High Commission of India, London to Her Majesty's Coroner, City of Liverpool, he replied as under on February 5, 1976:

'The thing which appears to be causing Mrs. Sen most concern, is the absence of one of her son's kidneys. The Consultant Pathologist who performed the post mortem examination is of the opinion that the right kidney is unlikely to have been congenitally absent, because the suprarenal gland on that side was the shape assumed under pressure from the kidney when that organ was present. We must, therefore, assume that the right kidney was surgically removed. Although this is the most likely reason for the absence of the kidney, it has not been possible to demonstrate the relevant surgical scar owing to the post mortem decomposition. If Dr. Sen's right kidney was removed before he came to this country, I cannot, of course, be of any assistance.'

Dr. Upamanyu Sen had worked in five different hospitals in U.K. since he reached there on 29 January 1972. All the five hospitals have confirmed that they have no record of Dr. Sen having undergone any operation for removal of his right kidney.

As already said above, to challenge the Coroner's Report Smt. Ramabati Sen must make an application to the High Court of London to quash the Coroner's Inquisition."

2.3. The Committee at their sitting held on the 26th October, 1977, considered a Memorandum on the above subject. The Committee noted from the factual comments furnished by the Ministry of External Affairs that the Indian High Commission in London had written to Shrimati Ramabati Sen explaining the procedure for challenging the Coroner's Report regarding the death of her son. According to that procedure, Shrimati Ramabati Sen must make an application to the High Court of London to quash the Coroner's Inquisition. The Committee directed that Shrimati Ramabati Sen might be asked in writing to state for the consideration of the Committee what were her difficulties in following the procedure suggested by the Indian High Commission in London for making an application to the High Court of London to quash the Coroner's Inquisition.

2.4. Shrimati Ramabati Sen, with whom the matter was taken up, has in her letter, dated the 22nd November, 1977, stated as follows:—

“May I inform you that as the poor widowed mother from a village in India I cannot afford financially to engage solicitors in London to take over the case of my son’s mysterious death abroad. If our High Commission kindly agrees to take the financial responsibility I am always ready to follow whatever procedures the Mission advise to reveal the truth behind this mysterious death.

Regarding the comments of the Ministry of External Affairs, you kindly quoted in your letter, I would like to recall that though a few months late after the H. M. Coroner’s verdict, our High Commission did feel it necessary to ask for further clarification from the Coroner about the ‘missing’ kidney of the deceased (ref: C. 436/6/74, dated: January 28, 1976). In response the Coroner confirmed that the kidney reported as ‘missing’ in the post mortem ‘was surgically removed’ from the body of the deceased (ref: INQ. 165/74, dated: February 5, 1976). The Coroner did also indicate in his letter to the High Commission that before reaching the verdict he assumed that the deceased had earlier in his life time a surgical operation for the removal of kidney from his body. Our High Commission, subsequently, established that the deceased did never undergo any surgical operation for the removal of kidney. The above facts would lead to only one conclusion that the kidney ‘was surgically removed’ only at the time of death of my son. No one can commit suicide after surgically removing his own kidney. The case should be pretty obvious and our High Commission can be expected to continue its efforts to find the truth behind this mysterious death abroad. This is exactly what I am so urgently appealing for.

May I once again express my gratefulness for your kind and continued actions helping my difficult endeavour for truth.”

2.5. The Committee at their sitting held on the 7th February, 1978, considered the above letter of the petitioner. The Committee directed that the following information might be obtained for their consideration:—

- (i) Shrimati Ramabati Sen might be asked to state whether her son had been operated upon at any time before he

had left for the United Kingdom. She might also be asked to furnish other particulars regarding her son e.g. places where he had stayed and worked in India before going to England and also to state why she had not claimed the dead body of her son.

- (ii) The Home Secretary, Government of West Bengal might be asked to furnish the full background and antecedents of late Dr. Upamanyu Sen, after getting the requisite particulars from Smt. Ramabati Sen.
- (iii) The Ministry of External Affairs might be asked to ascertain and intimate as to which were the various hospitals in the United Kingdom where late Dr. Upamanyu had worked. The Ministry might also be asked to ascertain and give names and addresses of his friends in the United Kingdom and the outcome of the enquiries made from them by the Indian High Commission in London.

2.6. In her letter dated the 4th March, 1978, Shrimati Ramabati Sen stated as follows:—

“My son, Dr. Upamanyu Sen (the deceased), did never undergo any surgical operation for the removal of kidney from his body before he left for the U.K.

Upamanyu was staying at home with me in Krishnagar upto 1961-62 (approx.) when he finished the S.F. and P.U. course from Krishnagar A.V.H. School and Krishnagar Government College, respectively. He then joined one year premedical course in Presidency College, Calcutta and stayed at the Hindu Hostel of the College (1962-63). After finishing the premedical course he joined NRS Medical College for MBBS course when he stayed in the campus college hostel. Afterwards he stayed in A.B. house staffs' Quarter, N.R.S. Medical College while he was working as house surgeon (upto 1971). In the middle of 1971 he joined Eastern Railway as Assistant Medical Officer, and was posted at Asansol, West Bengal when he stayed in the railway guest house and also in some railway housing (total about five months). At the end of 1971 he again came back in the A.B. Quarter, N.R.S. Medical College, as house surgeon, from where he left for the U.K. in January, 1972.

Immediately after receiving the death news of my son Upamanyu abroad from our High Commission in the U.K.

We enquired personally in the branch office of the Ministry of External Affairs at Bullyguange, Calcutta 19, where we were told that the High Commission will not bear even partly the cost of bringing the dead body of Upamanyu back to India. We also enquired in Office of Air India, Calcutta where we were told that Rs. 10,000 (ten thousand) cash has to be deposited in advance to Air India Office before their cargo service could take up the job of bringing the deadbody at Dum Dum Air port by air. This huge amount of money this unfortunate widowed mother could not arrange, and even the dead body of my Upamanyu could not be brought back to me in India."

2.7 The Ministry of External Affairs *vide* their communications dated the 6th April, 1978, furnished the requisite information as follows:—

"(a) Late Dr. Upamanyu Sen had worked in the following hospitals in the United Kingdom:—

<i>Name of the Hospital</i>	<i>Approximate period of stay.</i>
(i) Redhill General Hospital Earlswood Common, Redhill, Surrey, U. K.:	February, 1972.
(ii) Foxhall Hospital, Foxhall Road, Ipswich Suffolk, U. K.	March 1972 to August 1972.
(iii) General Hospital, Ashton Under-Lyne Lancashire U. K.	September, 1972 to February, 1973.
(iv) Saint Catherine's Hospital, Church Road, Birkenhead, Cheshire, U. K.	March, 1973 to August, 1973.
(v) Liverpool Royal Infirmary, Pembroke Place, Liverpool 3, U. K.	September, 1973 till death.

As stated in para 10 of this Ministry's note of even number dated September 5, 1977, all the five hospitals have confirmed that Dr. Upamanyu Sen did not undergo any kidney operation during the period he worked with them. In this connection, enclosed please find copies of the High Commission of India, London letters No. C. 436/6/74 dated May 12, 1976 and January 4, 1977.

(b) The Second Secretary (Visa), High Commission of India London had visited Liver Pool, U.K. on 9th August, 1974 to enquire into the death of Dr. Upamanyu Sen. He had interviewed persons who knew Dr. Sen. A copy of his report dated 12th August, 1974 (*See* Appendix III) alongwith copies*

* Not enclosed.

of the Coroner's Inquest Report and statements* given by witnesses are enclosed herewith.

2.8 The Government of West Bengal, Home Department *vide* their communication dated the 26th May, 1978, have furnished a report on later Dr. Upamanyu Sen which may be seen at Appendix IV.

C. Observation of the Committee

2.9. The Committee note the position stated by the Ministry of External Affairs in their factual comments and the Report on the enquiry conducted by the Second Secretary (Visa), High Commission of India, London into the death of Dr. Upamanyu Sen. The Committee express their sympathy with the petitioner, Shrimati Ramabati Sen, for the death of her son. But the Committee regret that in the circumstances of the case, they are unable to help her. The Committee feel that in view of the specific procedure laid down in British law for challenging the Coroner's Report, Shrimati Ramabati Sen has to make an application to the High Court of London for quashing the Coroner's Inquisition. She may do it if she so desires.

2.10. The Committee, however, recommend that the Ministry of External Affairs/Health may move international bodies like WHO etc. for drawing the attention of all countries of the world to the question of preventing the wrongful removal and transplantation of human organs without the consent of the parties concerned or the next of kin of the deceased.

The Committee also desire that the Government of India may take suitable steps in this direction through legislation and otherwise so far as India is concerned. |

*Not enclosed.fi

III

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION CONTAINED IN THE SEVENTEENTH REPORT (FIFTH LOK SABHA) OF THE COMMITTEE ON THE REPRESENTATION REGARDING NON-IMPLEMENTATION OF THE POWERLOOM ENQUIRY COMMITTEE'S REPORT.

3.1. In their Seventeenth Report (Fifth Lok Sabha) the Committee, after considering the representation from Shri Samuel Augustine, Secretary, All India Powerloom Weavers Federation, Bombay, regarding non-implementation of Powerloom Enquiry Committee's Report, and the comments of the Ministry of Commerce thereon, had recommended as follows:—

“The Committee have noted the factual comments furnished by the Ministry of Commerce. The Committee desire that the Ministry of Commerce should expedite their decisions regarding the implementation of the remaining recommendations contained in the Report of the Powerloom Enquiry Committee (1964) and intimate the same to the Committee in due course.”

[Para 7.4, page 23, Seventeenth Report (Fifth Lok Sabha).]

3.2. The Ministry of Commerce, with whom the implementation of the above recommendation of the Committee was taken up, in their action taken reply dated the 25th September, 1974 stated *inter alia* as follows:—

“The question of conversion of the existing all India Handloom Board into a Statutory Body is still under consideration. It may be added in this connection that Government had appointed a High Powered Study Team on Handloom Industry in December, 1973, and the Study Team submitted its report on the 20th July, 1974. The report has *inter alia* dealt with the organisational set up for the development of the handloom industry, including the question of setting up of a Statutory All India Handloom Board. The recommendations of the Study Team are presently under consideration. The question of conversion of the existing All

India Handloom Board into a Statutory Board will be considered, in the light of the decisions to be taken on the Study Teams' recommendations."

3.3. The Committee, at their sitting held on the 29th October, 1974, desired the Ministry of Commerce to inform the Committee of the final decision taken by the Government in the matter expeditiously.

3.4. The Ministry of Commerce *vide* their communication dated the 5th October, 1976, forwarded a copy of the Government, Resolution No. 4|59|74-Tex IV, dated the 24th, October, 1975 which contained Government's decisions on the recommendations of the High-Powered Study Team on Handloom Industry. One of the recommendations made by that High Powered Study Team on Handloom Industry which was accepted by Government was as follows:—

"A high-powered statutory All India Handloom Board is necessary to discharge the several functions which that Board has to perform. Till such a statutory Board is set up, it is necessary to ensure that the present Board effectively takes over the various functions that the Team has postulated for it and that there is effective response from the Ministry to the suggestions of the Board. Therefore, immediately the All-India Handloom Board may be made effective and close liaison with the Ministry and Board established. The Board should set in motion a process of review and scrutiny of the present situation of the handloom industry in the various States and prepare the ground for effective introduction of the schemes proposed by the Study Team."

The Ministry of Commerce also stated that the All India Handloom Board had since been reconstituted in accordance with the decision of the Government *vide* the Ministry of Commerce (Department of Textiles) Resolution No. 4|57|74-Tex. IV, dated the 20th May, 1976.

3.5. As regards the question of conversion of the All India Handloom Board into a statutory body, the Committee note the following recommendation made by the Estimates Committee of Lok Sabha in para 1.71 of their Thirteenth Report (Sixth Lok Sabha) presented to Lok Sabha on the 28th March, 1978:—

"In order that the Handloom Board performs its role more effectively, the Government should take immediate action to convert the All India Handloom Board into a statutory body as recommended by the Sivaraman Study Team."

The Committee reiterate the above recommendation made by the Estimates Committee and urge its early implementation by Government.

IV

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (5TH LS) CONTAINED IN THEIR TWENTY-SIXTH REPORT ON REPRESENTATIONS ALLEGED VIOLATIONS OF THE PROVISIONS OF THE DELHI SCHOOL EDUCATION ACT, 1973, AND THE RULES FRAMED THEREUNDER BY THE MANAGERMENTS OF THE MODERN SCHOOL, NEW DELHI AND THE AIR FORCE CENTRAL SCHOOL, DELHI, CANTT.

4.1. In their Twenty-sixth Report (Fifth Lok Sabha), the Committee considered representations regarding alleged violations of the provisions of the Delhi School Education Act, 1973 and the rules framed thereunder by the Managements of the Modern School, New Delhi and the Air Force Central School, Delhi Cantt. and made certain recommendations.

4.2. The Ministry of Education, Social Welfare and Culture (Department of Education) were requested to implement the recommendations of the Committee. The recommendations of the Committee and action taken replies, dated the 23rd December, 1976, thereon furnished by Government (See Columns 2 & 3 of the Appendix) were considered by the Committee at their sitting held on the 29th August, 1977. The Committee decided to hear oral evidence of the representatives of the Ministry of Education, Social Welfare and Culture (Department of Education), Director of Education, Delhi Administration and concerned Deputy Director of Education, Delhi Administration, who had been designated to look into the complaints relating to violation of the provisions of the Delhi School Education Act and rules framed thereunder by the Managements of the recognised unaided schools and to ensure enforcement of the said provisions, on the 1st October, 1977.

4.3. The Committee, at their sitting held on the 1st October, 1977, examined the representatives of the Ministry of Education, Social Welfare and Culture (Department of Education) and of the Directorate of Education, Delhi Administration on the points arising out of the action taken replies furnished by the Ministry of Education on the recommendations contained in the 26th Report of the Committee (Fifth Lok Sabha) on the representations regarding alleged violations of the provisions of the Delhi School Education Act, 1973 and

the rules framed thereunder by the Managements of the Modern School, New Delhi, and the Air Force Central School, Delhi Cantt.

4.4. The Committee enquired from the witnesses what procedure or practice was followed under the Delhi School Education Act, 1973 and the rules framed thereunder for settlement of complaints made by the teachers against the managements of the recognised unaided schools. The representative of the Ministry of Education stated that there was no specific provision in the Delhi School Education Act, 1973 and the rules framed thereunder regarding this matter. But the practice was that whenever a complaint was received, it was duly investigated and, wherever necessary, the managements of the concerned schools were directed to rectify them.

4.5. When asked to state what action was taken by the Government against the management of a School which did not comply with the provisions of the Delhi School Education Act, 1973 and the rules framed thereunder, the Joint Secretary of the Ministry of Education stated that there were only three remedies available. The first was the stoppage of grants-in-aid. Unaided private schools were not covered by it. The second remedy was the withdrawal of recognition; but if that was done, the students and the staff would suffer. The third remedy was taking over the management for a period of three years. But that was a drastic step and it was not a permanent solution.

4.6. The Joint Director of Education, Delhi Administration, stated that the Delhi Administration had got the approved scales of pay introduced in both the schools in question. The terms and conditions of service were also got prescribed for all the employees of those two schools. The case of Mr. R. R. Ojha had also been settled and he had been taken back in service by the Modern School in July, 1977. So far as they were aware, there was no other violation of the provisions of the rules or the Act at present by the Managements of these schools. The witnesses added that rules in respect of promotions and additional benefits etc. had not so far been finalised by the Managing Committee of the Modern School. However, they would get those rules finalised within three months. The witness also promised to furnish latest position in this regard.

4.7. As regards the question of preventing misuse of rule 105 of the Delhi School Education Rules, 1973, in respect of the termination of service of a teacher in probation, the representative of the Department of Education stated that there were a few lacunae in the Act and the rules. The question of amending the Act comprehensively and additional benefits etc. had not so far been finalised by the Delhi Metropolitan Council for their views. The witness added that

the Education Department of the Delhi Administration felt that the proposals made in the amending Bill were not adequate and they proposed to make further suggestions. These were still awaited from the Delhi Administration. The witness, however, assured the Committee that they would try to get the relevant rules amended during the next two months. The witness also assured the Committee that whatever could be done to amend the relevant rules under the present Act, would be done without waiting for the final amending Bill to come before Parliament, because that would be a long drawn-out procedure.

4.8. In this connection, the Joint Director of Education, Delhi Administration, submitted that the competent authority to amend the Delhi School Education Rules was the Central Government. Unlike the Central Sales Tax Act, power had not been given to the Administrator in that case yet, though in the amending Bill they were asking for that power as in the other Acts. The approval of the Delhi Metropolitan Council for any change in the enacting legislation was also required.

4.9. In reply to a question, the Joint Secretary of the Ministry of Education informed the Committee that a scheme of residential scholarship was being operated by the Ministry. Under that scheme, 10 per cent of the seats in public schools were compulsorily reserved for children coming from parents whose monthly income did not exceed Rs. 400/- or so.

4.10. The Committee asked the witness why a Senior Officer of the rank of Director of Education was not nominated on the Managing Committees of these schools which consisted of influential persons. The representative of the Ministry stated that there were 48 unaided schools and if the Director of Education was nominated on all of these, he would not be able to visit all these schools because of non-availability of time.

4.11. On the question of covering the private teaching institutions under the provisions of the Delhi School Education Act, 1973, the representative of the Delhi Administration stated that it was not obligatory on all teaching schools to register themselves with the result that there were a large number of private teaching institutions all over Delhi. Since they were not registered and recognised, they were not covered by the Delhi School Education Act.

4.12. In reply to a question, the representative of the Delhi Administration informed the Committee that the Air Force Central

School was being managed by a Society registered under the Societies Registration Act, 1861. There were two teachers' representatives elected by the Staff Council on the Managing Committee. The witness further stated that now there was no complaint from the staff against the management. The witness also assured the Committee that they would expedite the finalisation of rules and regulations governing promotions and perquisites to the staff of the Air Force Central School.

4.13. In reply to a question, the representative of the Delhi Administration informed the Committee that these schools were affiliated to the Central Board of Secondary Education.

4.14. In their communication dated the 25th April, 1978, the Ministry of Education and Social Welfare (Department of Education) have stated as follows:—

“A statement showing the latest position about the action taken by Delhi Administration on the various recommendations contained in the Twenty-sixth Report of the Committee on Petitions is enclosed (See Appendix V). The statement also gives the latest position about the (i) finalisation of rules in respect of promotion, additional benefits etc. for the employees of the Modern School, New Delhi; and Air Force Central School; and (ii) Amendment of rule 105 of the Delhi Education Rules, 1973. It may be added about (ii) that the matter is now being referred to the Ministry of Law for their advice/concurrence.”

4.15. The Committee note the action taken replies furnished by the Government on the recommendations contained in their Twenty-sixth Report (Fifth Lok Sabha) on this matter.

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR TWENTY-NINTH REPORT (5LS) ON PETITION NO. 10 REGARDING GRIEVANCES OF RAILWAY EMPLOYEES.

5.1. In their Twenty-ninth Report presented to Lok Sabha on the 28th April, 1976, the Committee, after considering Petition No. 10 regarding grievances of railway employees and the factual comments of the Ministry of Railways (Railway Board) thereon, had made the following recommendations:—

“2.7. The Committee note from the factual comments furnished by the Ministry of Railways (Railway Board) that a ‘Corporate Enterprise Group’ has been set up by the Ministry which consists of the Chairman, members and additional members of the Railway Board and three representatives each from the National Federation of Indian Railwaymen and the All India Railwaymen’s Federation. The broad objectives of the Corporate Enterprise Group are *inter alia* to evaluate the functioning of the Railways, to suggest ways and means for improving the efficiency and viability of the enterprise and to identify areas and action-oriented methods for maximising organisational effectiveness towards building up the image of the Railways as a service organisation. The Committee hope that the Ministry of Railways (Railway Board) will make effective use of this scheme and associate the representatives of the Railway employees progressively with the working of the Railways.

2.8. The Committee note from the comments furnished by the Ministry of Railways that there are two forums known as the Joint Consultative Machinery and the Permanent Negotiating Machinery wherein matters concerning Railway employees are discussed. If there is no agreement on any of the matters of sufficient importance, the subject matter is referred to an *ad hoc* tribunal headed by a neutral Chairman. In case of disagreement on issues re-

sating to (i) pay and allowances, (ii) hours of work and (iii) leave of a class or a grade, the matter is referred to the Board of Arbitration.

- 2.9. From the reply to Unstarred Question No. 143 given in Lok Sabha on the 9th March, 1976, by the Deputy Minister in the Ministry of Railways the Committee note that out of a total of 16,808 employees who had been dismissed/removed/whose services had been terminated in the context of the May, 1974 strike, 16084 had been taken back in service leaving a balance of 814 such employees only.

The Committee also note that 496 Railway employees have gone to courts of law against the orders of their dismissal/removal from service and that their cases for reinstatement in service will be considered by the Ministry of Railways only after they had withdrawn their cases from the courts and submitted individual appeals.

- 2.10. The Committee also note from the reply to Unstarred Question No. 77 given in Lok Sabha on the 6th January, 1976, that 'all the 936 employees who were removed following Courts' judgements have been reinstated in service'.

- 2.11. The Committee are informed that there are 754 Railway employees against whom court cases filed by two State/Police authorities are pending. Out of these 754 cases, 393 staff members have been charged with, serious offences. In 361 cases, the Railway Administration are not interested in pursuing court cases but cases have yet to be finally dropped by the State/Police authorities. The Committee find that the Ministry of Railways (Railway Board) have already advised the State/Police authorities that all Court cases filed by the State/Police Authorities against Railway employees which did not involve sabotage, violence or intimidation should be withdrawn. The Committee would like to be informed of the progress made in this regard by the Ministry of Railways in their action taken reply.

- 2.12. The Committee find 67 Railway employees have not so far submitted their individual appeals for their reinstatement to the Railway Administrations concerned. Appeals of 167 Railway employees have been rejected and appeals of 217 employees are still under consideration of the Government. The Committee hope that the Ministry

Railways will expedite the process of reinstatement of the remaining employees affected on account of the 1974 Railway strike and bring about normalcy in this respect expeditiously. The Committee would like to urge upon the Government to review sympathetically the cases of even all those Railway employees whose appeals have been rejected by the Railway Board, if they have not been found guilty of sabotage or violence.

[Paras 2.7 to 2.12, Pages 6—8, Twentyninth Report (5 LS)].

5.2. The Ministry of Railways (Railway Board) with whom the recommendations of the Committee were taken up for implementation, stated in their communication dated the 15th September, 1977, as follows:—

“In the speech introducing the Railway Budget on 28-3-1977, the Minister of Railways stated that all the railway employees who were either suspended or dismissed as a sequel to their participation in the Railway Strike in May, 1974, would be reinstated unconditionally. In the subsequent discussions which took place in Lok Sabha and Rajya Sabha, the Railway Minister has also stated that other disabilities following the strike, such as break in service and transfers etc. would also be withdrawn within a period of six weeks. The Ministry of Railways issued detailed orders to the Railways on the 6th April, 1977, for implementing the various aspects of the assurance given.

16,898 employees were initially dismissed or removed from service or had their services terminated in connection with the strike. The figure came down to 627 towards the end of February, 1977. Out of 627, orders of reinstatement have been issued in the case of all except 6 persons (3 undergoing life imprisonment, 1 dead and whereabouts of 2 not known), 611 have already joined duty, 6 more are yet to join. 4 were reinstated and have been placed under suspension as they are under trial for charges of murder.

On the South Eastern Railway, 2,106 employees were initially dismissed/removed from service or had their services terminated in connection with the strike of May, 1974. The figure came down to 182 towards the end of February, 1977. Out of 182, orders of reinstatement have been issued in the case of 180 persons and all of them have already

joined service. The remaining 2 employees cannot be taken back to service as they are under-going life imprisonment on being found guilty of charges of murder of a railway employee.

Out of about 5.91 lakhs of railway employees who suffered a break in service due to their participation in the strike, the number of employees in whose cases break in service was not condoned, was 746 towards the end of February, 1977. The break in all such cases has since been condoned.

1.5. On the South Eastern Railway out of 78,869 railway employees who suffered a break in service, the number of employees in whose cases condonation was not done was 210 on 28-2-77. The break in service of all the 210 employees has since been condoned.

1.6. (i) Services of 24,570 casual labour/substitutes were terminated in connection with the strike of May, 1974. A large number of them have been taken back to duty leaving behind 5,161 out of service towards February, 1977. Orders have been issued for taking back all of them and so far 4,689 have joined duty. Out of 47,254 have since expired, 4 are medically unfit, and whereabouts of 110 are not known and the remaining 304 are yet to report for duty. On the South Eastern Railway, out of 4,855 casual labour/substitutes discharged only 74 are still out of service. Out of 74, 53 have since expired, 2 on long sickness and one is disabled, 1 is suffering from eye trouble and the remaining 17 are yet to report for duty.

(ii) Casual labour are essentially illiterate and some of them have not left behind the particulars of their addresses etc. Difficulty is thus being experienced in locating a number of them after an interval of 3 years. However, every effort has been and will continue to be made to ensure that all the 110 get reinstatement orders. The recognised unions railwaymen have been associated and their cooperation elicited in this matter."

5.3. In their communication dated the 8th December, 1977, the Ministry of Railways (Railway Board) have stated as follows:—

"So far as para 2.7 is concerned, the present position is that in pursuance of the announcement made by the Minister for

Railways in Parliament on 11-6-1977 while introducing Railway Budget for 1977-78 that the scheme of C.E.G. would be extended to the Zonal Railways, all the Zonal Railways have since set up Zonal Corporate Enterprise Group and meetings have been held at the Zonal level. On a suggestion from the staff side of the C.E.G. at central level, the Railway Administrations have been advised recently to set up C.E.G. at the level of all Divisions also of the Zonal Railways. The composition of the C.E.G. has also undergone change during this period in that staff-side representation at Railway Board level will compose of four representatives each from A.I.R.F. and N.F.I.R., two representatives each from Indian Railways Class II Officers' Federation and Federation of Railway Officers' Association, and at Zonal and Divisional levels four representatives each of the recognised Unions affiliated to A.I.R.F. and N.F.I.R. and two representatives each of the affiliates of Indian Railway Class II Officers' Federation and Federation of Railway Officers' Association.

Government have noted the observations of the Committee in respect of para 2.8. No specific action is called for."

5.4. The Committee note the action taken by the Government on their recommendations on the matter contained in their Twenty-ninth Report (Fifth Lok Sabha).

5.5. The Committee, however, recommend that the cases of railway employees whose services had been terminated earlier and who had died before they could be reinstated may be examined sympathetically, and full benefits, as admissible to the families of regular employees may be provided to their families and their sons/daughters, if any, may be provided suitable jobs as permissible under the rules on compassionate grounds.

VI

OTHER REPRESENTATIONS

6.1. During the period under report, the Committee have considered twenty-five other representations and letters (See Appendix VI) addressed to the House, the Speaker or the Committee by different individuals which were inadmissible as petitions.

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

6.3. The Committee, however, note that a large number of representations regarding non-settlement of claim cases of displaced persons by the Department of Rehabilitation are being received by the Committee. The Committee regret that the Department of Rehabilitation has not so far settled the outstanding cases of the displaced persons pending for more than two decades. In many cases, the original claimants have died without getting their claims for compensation settled. This is a sad reflection on the functioning of the Department of Rehabilitation. The Committee recommend that the Department of Rehabilitation should draw up a time-bound programme for expeditious settlement of pending claim cases of displaced persons.

The Committee would like to be informed of the steps taken by the Department of Rehabilitation in this respect.

H. V. KAMATH,

NEW DELHI;

Chairman,

Dated the 30th November, 1978.

Committee on Petitions.

APPENDIX I

[Representation from Shrimati Ramabati Sen, Krishnagar, Nadia, re, investigation in the case of alleged "surgically removed" kidney from the body of Dr. Upamanyu Sen found dead at Liverpool in July, 1974.]

From

By Regd. A.D.

Mrs. Ramabati Sen
Nooripara
Krishnagar Nadia
West Bengal

December 28, 1976.

Ref : T436/3/75.

Sri Bipin Pal Das
Deputy Minister
External Affairs
New Delhi.

Dear Sri Das,

SUBJECT.—*The mystery of "Surgically Removed" kidney from the body of my son, Dr. Upamanyu Sen (28), found dead at Liverpool in July, 1974.*

Please allow me to place the following important points regarding the above subject for your kind consideration and actions.

In his letter dated February 5, 1976 (ref. INQ. 165/74) to our High Commission in the U.K. the H.N. Coroner of the City of Liverpool disclosed that the "missing" kidney in question "was surgically removed" from the body of my son, the deceased. The Coroner also made it clear that before reaching his verdict—"the deceased killed himself—it was assumed that the deceased had some time earlier in his life time, removed his right kidney by surgical operation. The Coroner, nevertheless, expressed his desire to make enquiries to prove his assumption. It is our High Commission who subsequently proved that the assumption of the Coroner is wrong, and established that the deceased did never undergo any surgical operation for the removal

of kidney from his body. This should automatically make the Coroner's verdict null and void. But our High Commission so far did not try to be further in contact with the Coroner in this regard. I appealed to the High Commission (Dated : August 16; November 4; December 23, 1976) but without response. It is very urgently necessary that the matter be pursued by our High Commission.

Recently, a number of time, a letter of Shri J. S. Mehta, the then Foreign Secretary, dated August 28, 1976, written to me, has been referred to, as if in this letter the mystery of the "surgically removed" kidney of my son has been resolved. But that was not the case at all, and most unfortunately, in this letter of Shri Mehta the main issue in this case, viz., the fact of "surgically removed" kidney of my son has not been mentioned at all.

However, Shri Mehta very kindly assured me that any specific points I might mention regarding the mysterious death of my son abroad, will be considered by the Ministry. Consequently, in response to his kind assurance, I appealed to him pointing out the above mentioned omission of the important point in this death, with three specific points for his kind consideration. But so far no response with the information of any favourable consideration by the Ministry has come to me. I sent another appeal (November 1, 1976) but received no response yet.

May I, therefore, pray to you to kindly look into the matter and direct our High Commission in the U.K. to continue their efforts to resolve the mystery of "surgically removed" kidney from the body of my son, the deceased, so that the culprits who killed my son and stole his right kidney could be brought to the consequences without any further delay.

Very sincerely yours,

Sd/-

RAMABATI SEN.

APPENDIX II

[Letter dated the 22nd April, 1977, from Smt. Ramabati Sen, re. investigation in the case of alleged "surgically removed" kidney from the body of Dr. Upamanyu Sen found dead at Liverpool in July, 1974.]

From

By Regd. A.D.

Mrs. Ramabati Sen,
Nooripara,
Krishnagar, Nadia,
West Bengal.

April 22, 1977.

Shri Atal B. Vajpayee,
Minister of External Affairs,
Government of India,
New Delhi.

Ref: T436/3/75.

Dear Sri Vajpayee,

SUBJECT.—*The Mystery of "Surgically Removed" kidney from the body of my son, Dr. Upamanyu Sen (28), found dead at Liverpool in July, 1974.*

Please consider this letter of mine as an urgent appeal from an unfortunate, poor, widow mother to you for your kind help and action for the cause of truth and justice regarding the mysterious death of her brilliant young son, Dr. Upamanyu Sen (28) abroad.

In the above connection kindly allow me to enclose a copy each of my latest appeal to Sri B. K. Nehru, High Commissioner in the U.K., and to Sri Bipin Pal Das, the then Deputy Minister for External Affairs, for your kind perusal. A copy of the latest of many letters from Professor H. N. Mukherjee, the then Chairman of Public Accounts Committee, to the Ministry of External Affairs. All these letters will clearly speak for themselves. So far I have not received any response from our High Commission or from our Ministry for External Affairs.

In addition may I enclose* the following documents of some compelling evidence in this death of an Indian citizen abroad:

1. A copy of a letter of mine published in the local newspapers.
2. A copy of the comments of an internationally known forensic expert.
3. A copy of the H.M. Coroner's confirmation about the "missing" kidney.
4. A copy of the statement regarding Dr. Upamanyu Sen, the deceased.
5. A copy of the Inquest Report with the attached sheet.

Now under the changed circumstances after the installation of people's Government at the Centre, we expect better care for truth and justice. May I, therefore, pray to you once again to kindly look into the matter at your earliest and bring justice to this unfortunate widow mother.

Very sincerely yours,

Sd/-

RAMABATI SEN.

A copy to the Chairman, P.A.C. for taking actions.

Sd/-

RAMABATI SEN,

25-6-1977.

*Not received in Lok Sabha Secretariat.

APPENDIX III

[Report on the enquiry conducted by the Second Secretary (Visa), High Commission of India, London, into the death of Dr. Upamanyu Sen.]

As desired by D.H.C., I visited Liverpool on 9-8-74 to enquire about the death of an Indian Doctor named Upamanyu Sen, aged about 28 years. I had a long conversation on telephone with Mrs. Ratoss, landlady of the house in which Dr. Sen used to stay, Dr. U. Sasmal, a friend of Dr. Sen and Sergeant Fischer of Liverpool Police Crime Squad, who investigated the death case. I also met Mr. Deepak Chaudhury, proprietor of Asha Restaurant, Bol Street, Liverpool. He is a respectable Bengali and knows all the Bengalis, Doctors and other persons hailing from West Bengal and presently staying in Liverpool.

2. All the above persons stated that Dr. Sen was a quite type of person. He was of the type who would keep things to himself and would not try to mix up with friends. They quoted some instances where Dr. Sen did not turn up even after having accepted the invitation. Sgt. Fischer remarked that he was rather an introverted character and would not develop any strong friendship with his colleagues. He further stated that he had thoroughly looked into the matter if he had any love affair etc., but no evidence of any such thing was found. He was reported to be a nice person, hardly mixed up freely with his friends, lived a lonely life and would keep things to himself.

3. I also visited Liverpool Royal Infirmiry Hospital where Dr. Sen was working as a Doctor. I specially interviewed Dr. Gibbs and Dr. Tappin, both Englishmen, who worked quite closely with him in the hospital. They both stated that the news of the death of Dr. Sen's father in February this year in India gave him a shock but he did go to India to perform the last rites. Dr. Sen had joined their hospital in September, 1973 on one year's contract. This contract was going to expire by the end of August, 1974. There was no possibility of the renewal of his contract for a further period and the chances for getting a job in some other hospital were quite bleak because he was not studying at all neither did he try to appear in the Part I of MRCP (Membership of Royal College of Physicians). This is a

pre-requisite for any Doctor who wants to get a job on a regular basis in U.K. Although Dr. Sen had apparently told his mother that he was doing higher studies, he did not try to appear in Part I test of MRCP which was very essential. Secondly his financial position was not very sound. He was getting about £ 43 per week out of which he was paying £ 30 per month as his house rent. He was sending some money to his mother and had recently purchased a car. Dr. Gibbs stated that once Dr. Sen had told him that he could not go back to show his face to his mother. Both the Doctors stated that the bleak chances of getting some job after the termination of his present contract might have driven him to such a mental state. Dr. Gibbs further stated that Dr. Sen used to tell him about his loneliness. Once, he and Mrs. Gibbs visited Dr. Sen's flat and Dr. Sen told his wife (Mrs. Gibbs) that he did not have any girl friend. Mrs. Gibbs got him an English Girl but their friendship lasted only for 3 days. This all showed the peculiar type of Dr. Sen's personality. The Police have already completed their investigation and have given the verdict about Dr. Sen's death as having committed suicide, i.e. "the deceased killed himself while the balance of his mind was disturbed by taking an overdose of barbiturates."

4. A copy of the Coroner's Inquest Report and the statements given by witnesses before him along with the Death Certificate of Dr. Upamanyu Sen are enclosed* for kind perusal.

Sd/-

S. L. BAKSHI.
Second Secretary (V)
12-8-1974.

*Not enclosed.

APPENDIX IV

[A report on late Dr. Upamanyu Sen, S/o. Late Uday Chandra Sen furnished by the State Government of West Bengal, Home Department.]

Dr. Upamanyu Sen, S/o late Uday Chandra Sen, was born at Nooripara Aminbazar, PS Kotwali, Krishnagar, District Nadia, in the year 1946. His father was a clerk in the Accounts Deptt. of M/s Mahendra & Mahendra Co. Ltd., Park Street, Calcutta. Uday Chandra Sen died of an acute heart disease during the month of September 1973 at the age of 60.

Dr. Upamanyu Sen (deceased) had four brothers (including himself) and one sister. (1) Sri Utpal Sen (38 years), M.Sc., Ph.D: is a scientist of Central Electro Chemical Research Institute, a Government of India Undertaking at Karaikudi Tamil Nadu. (2) Shri, Rathindra Nath Sen (36 years), B.S.c, Dip. in Paper Technology, is working as Pulp Superintendent, under Universal Paper Mill, Jhargram, District Midnapore, West Bengal. (3) Dr. Upamanyu Sen who died at the age of 28 at Liverpool during the month of July, 1974. (4) Shri Ujjal Sen (22 years) is a student of 6th year M.Sc. (chemistry) Class in Jadavpur University. Their sister Smt. Uttara Nandy Mazumdar Nee Sen (40 years) is the wife of Shri Hit Lal Nandy Mazumdar, a Senior Technical Assistant in the Department of Chemistry, Jadavpur University, Jadavpur, Distt. 24-Parganas, West Bengal.

Dr. Sen (deceased) was born and brought up at Nooripara, Aminbazar PS Kotwali, Krishnagar, Dist. Nadia, West Bengal. He passed the School Final Examination in Second Division (in the year 1961) from Anglo Vernacular High School Krishnagar, Nadia. Thereafter he passed the Pre-University Examination in Science in First Division in the year 1962 from Krishnagar Govt. College. He then joined one year Pre-Medical course in Presidency College, Calcutta (Roll No. 213) Dr. Sen was a boarder at Hindu Hostel in 1962 (Ward No. 5, Room No. 5, Room No. 62). His residential address was 92B, Diamond Harbour Road, Calcutta.) After completion of his study he left the hostel on 31-3-63. On 30th July, 1963, he got himself admitted into the 1st M.B.B.S: course in the Nil Ratan Sarkar Medical College, Calcutta. He passed the final M.B.B.S. examination in

August, 1968. Thereafter, he was attached to Nil Ratan Sarkar Medical College and Hospital as P.R.C.A. from 15-10-68, to 14-4-69. He was also attached to different departments of the Hospital as Junior and Senior House Surgeon during the period as noted below:

- (1) From 16-4-69 to 30-9-69—Junior House Surgeon at the Urology Deptt.
- (2) From October 1969 to March 1970—Senior House Surgeon of the Urology Deptt.
- (3) From 16th April 1970 to 30th Sept. 1970—Junior House Surgeon of the Obstetrics and Gynaecology Deptt.
- (4) From 1-7-71 to 6-9-71—Junior House Surgeon at Radiology Deptt.

He used to stay at N.R.S. Medical College Hostel (Room No. 33) during the above period and left the Hostel on 31st March, 1969. He also stayed at the A.B. House Staff Quarters when he was attached to N.R.S. Hospital.

Leaving N.R.S. Hospital, Dr. Upamanyu Sen took up a job with the Indian Railways and was posted as an Assistant Medical Officer, D.M.O. Hospital (new M.S. Hospital) at Asansol, Dist: Burdwan, West Bengal. Dr. Sen joined his new post on 7th Sept. 1971 (forenoon) and resigned on 4th Dec. 1971 (forenoon). He stayed at Railway Officers' Rest House, PS Asansol, Dist. Burdwan from 7-9-71 to 12-11-71 and also at Rly. Quarter No. 290|A, Old Women's Hospital, PS Asansol, Dist. Burdwan from 12-11-71 to 3-12-71

After tendering resignation, from Rly Service, Dr. Sen came back to Calcutta and worked for sometime in the N.R.S. Hospital, Calcutta and stayed in the hostel of the Hospital.

Dr. Upamanyu Sen left for U.K. during the month of January, 1972, for higher studies and reportedly died at Liverpool in July, 1974 while he was working at Liverpool Royal Infirmary, Pembroke Place, Liverpool 3(U.K.).

APPENDIX—V

Up-to-date Report furnished by the Ministry of Education and Social Welfare (Deptt. of Education) on the implementation of recommendations made by the Committee on petitions in their Twenty-sixth Report (Fifth Lok Sabha)

Para No.	Recommendation made by the Committee in their Twenty-sixth Report (5LS)	Action Taken As reported in Min. O.M. on the subject dt. 23-12-1976)	Latest position as Reported by the Delhi Administration
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(Considered by the Committee on 29-8-1977 *vide* Memo. No. 9)

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Modern School, New Delhi

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| <p>Y-17 The Committee are surprised to note that the management of the Modern School has been following the unusual practice of not issuing any letters of appointment to their teachers. The absence of appointment letters leaves the teachers in an unfortunate predicament where they do not have any sense of security of service. The Committee are also unhappy to note that the Delhi Administration did nothing to check this practice even after the provisions of the Delhi School Education Act, 1973, came into force and that they acted only when the Delhi School Tribunal made adverse observa-</p> | <p>The Managing Committee for the Modern School, have since issued letters of appointment alongwith terms and conditions to all the employees of the school.</p> | <p>It has been confirmed by the Principal of Modern School that appointment letters are being issued regularly to the employees. The appointment letters also contain the terms and conditions of service of employees.</p> |
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tions about this practice in case of Shri R. R. Ohja versus the Modern School, New Delhi. The Committee hope that the Delhi Administration would now ensure that the Management of the Modern School, would, as assured before the Committee, issue letters of appointment indicating the terms and conditions of service to all teachers and other staff.

- I-18 The Committee would like the Director of Education to take suitable steps with a view to ensure that the pay and allowances of the incumbents of the Modern School are not less than those of their counterparts in the Government Schools. The Committee also recommendation that the Management of the Modern School should lay down definite rules in respect of promotion and for additional benefits and perquisites to the teachers.
- The pay and allowances of Modern School employees are not less than those of Government employees.
2. The rules in respect of promotion, additional benefits and perquisites have not so far been finalised by the Managing Committee. They had been asked to do so by the Delhi Administration.
- It has been confirmed by the Principal, Modern School that the pay and allowances of employees are not less than their counter-parts in schools run by the appropriate authority. The Principal has further confirmed that they have finalised rules in respect of promotion, additional benefits, etc.
- I-19 The Committee feel that the cases of alleged victimisation and termination of services of teachers, whether before or after the commencement of the Delhi School Education Act, 1973, as pointed out by the petitioner, should again be looked into by the Directorate of Edu-
- There has been no case of victimisation. The services of Shri R. R. Ohja were terminated during the probation period. In view of this an enquiry by the Directorate of Education into the alleged cases of
- The Director of Education appointed a Committee consisting of Shri J. N. Dayal, DDE and Shri D. P. Sinha, DS to look into the cases of victimisation. The report of the Committee revealed that there were no

(1)	(2)	(3)	(4)
	<p>cation. The Committee may be apprised of the results of such enquiry in due course.</p>	<p>victimisation and termination of services of teachers in the Modern School as directed by the Committee has not been considered necessary.</p>	<p>cases of victimisation. The termination of services of Shri Ojha was within the rules. However, Shri Ojha has now been re-employed by the Modern School.</p>
1-20	<p>In order to prevent misuse of rule 105 of the Delhi School Education Rules 1978, in respect of termination of services of a teacher on probation, the Committee suggest that the Government might examine the feasibility and desirability of amending the Delhi School Education Rules so that all cases of termination of service, after the approval by the Management Committee of an unaided school, are intimated to the Directorate of Education with a view to afford a second opportunity both to the Directorate as well as to the teachers concerned to have a review of such cases.</p>	<p>It is proposed to amend certain provisions of the Delhi School Education Act and the Bill is likely to be introduced shortly in Parliament. After the Act is suitably amended steps will be taken to modify the Delhi School Education Rules also.</p>	<p>The proposal to amend Rule 105 (1) has been sent to the Ministry of Education for their approval. Amendment of Principal Act is also under consideration of Delhi Administration. The Ministry has desired the proposal to be vetted by Law Department of Delhi Administration which is being done.</p>
1-21	<p>The Committee note that although the Management of the Modern School submitted its scheme of Management to the Director of Education in April, 1974, its approval by the latter was given only on 31st July, 1975. The Committee regret this</p>	<p>The recommendations have been brought to the notice of the Directorate of Education for compliance.</p>	<p>Recommendations have been noted. The vigilance is being exercised to see that the provision of Delhi School Education Act and Rules are followed by the Management of Modern School.</p>

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delay. The Committee hope that necessary care and vigilance will be exercised by the Directorate of Education to ensure the implementation of the scheme of Management *in 10* and also compliance of the provisions of the Delhi School Education Act, 1973 and the Rules framed thereunder in future by the Management of the Modern School.

Whenever any violation of Act and Rules are reported necessary action is taken as per provision of Rules, at that time of according approval for extension of recognition. Conditions laid down at the time of extension of recognition are required to be fulfilled within the given time by the school.

1.22 The Committee have been informed that the Delhi Administration has designated an officer of the rank of Deputy Director to look into the complaints relating to violation of the provisions of Delhi School Education Act, the Rules framed thereunder by the Management of the recognised unaided schools and to ensure enforcement of the said provisions and that in course of time there would be a separate Unit in the Directorate of Education exclusively for the purpose. The Committee desire that the proposed Unit with full complement of Staff should be set up expeditiously.

Nucleus staff for implementation of the Delhi School Education Act 1973 has been provided pending re-assessment of the staffing requirements of the Directorate of Education by the Staff Inspection Unit.

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Airforce Central School, Delhi Cantt.

- 2-16 The Committee suggest that the Management of the School be asked by the Government to lay down definite rules in respect of promotion and for regulating the grant of additional benefits and perquisites to the staff.
- The recommendation was brought to the notice of the management of the School, who have replied that they are examining the recommendation *vis-a-vis* the rules and regulations governing promotion and grant of additional benefits and perquisites to the staff of the similar educational institution and will formulate their own rules on this subject. They are already having a contributory provident fund scheme.
- The Principal has intimated the Department that they have drafted the rules for promotion and grant of additional benefits and perquisites.
- 2-17 The Committee note that the scheme of Management for the Air Force Central School, as required under Delhi School Education Rules, 1973 has since been approved by the Directorate of Education. The Committee hope that the Government would keep a constant watch to see that the scheme is implemented in full and the Managing Committee under the new set up complies with all the requirements, contemplated in the Delhi School Education Act 1973 and the rules framed thereunder.
- The recommendation has been brought to the notice of the Directorate of Education for information and compliance.
- The Education Department exercises due vigilance on the compliance of provision of scheme of Management and of Act and Rules at the time of granting extension of recognition and periodical inspections by the field-officers.

APPENDIX VI

OTHER REPRESENTATIONS

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

Sl. No.	Name and address of the petitioner	Brief subject and points raised	Facts perused by the Committee
1	2	3	4
1.	Sh. Bulchand Chhangomal, Block A-704/1408, Ulhasnagar-5, Distt. Thana (M.S.).	Appointment of legal heir of Smt. Punibai Chhangomal.	<i>Ministry of Supply & Rehabilitation (Deptt. of Rehabilitation).</i>
	<p>In his representation dated the 1st June, 1977, the petitioner stated as follows :—</p> <p>“That, My mother, Smt. Punibai Chhangomal has expired on 17-10-68 at Ulhasnagar-5, and I have applied on 13-11-68 to Regional Settlement Commissioner, Bombay, and now case papers are with Mr. S. S. Goila, Settlement Officer, (J), Jamnagar House, New Delhi, but no action has been taken in the matter in nine years.</p> <p>I could not understand why case is not to be finalised through nine years have been passed.</p> <p>I now request your honour to kindly make</p>		<p>In their reply dt. 24/26th April, 1978, the Department of Rehabilitation have stated as follows :—</p> <p>“The Settlement Wing of this Department to whom the matter was referred, has reported that substitution order in this case has been passed by the Settlement Officer (Judicial) on 27-3-1978 and Shri Bulchand Chhangomal requested on the same day to collect the copy of the order on payment of usual fee of Rs. 2-50 paise in the shape of Indian postal</p>

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enquiry from the Chief Settlement Commissioner, Rehabilitation Department, Jaisalmer House, New Delhi that why the case is not to be taken.

order. No further action is required to be taken in the matter and it has been treated as closed."

I further state that, I am allottee of Room No. 1408, Block No. 704, Ulhasnagar-5 and full amount is to be adjusted in the above property.

I further request if any delay is in the matter same may kindly be condoned. "

I hope that you will take up the matter with the higher authorities of Rehabilitation Department, Jaisalmer House, New Delhi, and will get the case finalised as early as possible.

2. Sh. Kish indas Sumomal, C/o L. S. Rupani, Bk. No. 53/5, Ulhasnagar-I, Distt. Thana.

Refund of excess amount adjusted towards the cost of Room No.6, Bk. No. 1261, Ulshanagar adjusted from CAF No. B/T/UT/482/IV (NT).

In their reply dated the 12th April, 1978, the Department of Rehabilitation have stated as follows :—

In his representation dated the 19th September, 1977, the petitioner stated as follows :—

That I am a Claimant vide CAF No. B/T/UT/482/IV(NT) and the amount of Rs. 1870/- have since been adjusted from the claim compensation payable to me being provisional cost.

"The Settlement Wing of this Department to whom the matter was referred, has reported that a recovery schedule for Rs. (—) Rs. 1102/- towards property No. R. No. 6, Bk. No. 1261 camp 4

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Whereas, I have been favoured with the required conveyance—Deed and the cost of said room is mentioned as Rs. 698/-only because this cost was fixed for old Bks. by Central Government.

Thus I am liable to get the refund of the excess cost of Rs. 1192/-recovered in excess from my claim compensation No. B/T/UT/482/IVNT.

That the Administrator, Ulhasnagar-Township has issued clear Certificate of rent and conveyance charges for Nil amount and Nothing is payable by me. Hence I pray that the amount of Rs. 1192/- may kindly be refunded and be paid in the cash to me early and oblige. ”

3. Sh. Hemandas Menghirmal C/o L. S. Rupani, Bk. No. 53/5, Ulhasnagar-1, Dist. Thana.

Issue of recovery schedule of Rs. 1711.38 in respect of Room No. 2, Bk. No. 1686, Ulhasnagar.

In their reply dated the 12th April, 1978, the Department of Rehabilitation have stated as follows :—

In his representation dated the 28th September, 1977, the petitioner stated as follows :—

“I beg to state that Rs. 1711.38 have been adjusted towards cost and rent room No. 2, Bk. No. 1686, Ulhasnagar-4, from CAF No. B/EK/111/XXI-L/IVNTA of my father Shri Mangh annal.

adjusted from-refunded from CAF No. B/T/UT/482/IVNT has been sent to the petitioner vide their letter No. SW/ASO/(PG) LCP/78/1787 the dated 23-3-1978. No further action is required to be taken in the matter and it has been treated as closed.”

“The Settlement Wing of this Department to whom the matter was referred, has reported that a Recovery Schedule for Rs. 233/72 and 1477/66 toward property No. 1686/2/Camp 4, adjusted from/refunded from CAF No. B/ EK/111/XXI(L)/IVNTA, has been

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It is a matter of regret that, I have not yet received any intimation of adjustment of the above amounts from the office of C.S.C., Jaisalmer House, New Delhi and I am informed by the Administrator, Ulahsnagar-Township. That he has also not received Recovery Schedule.

sent to the petitioner vide their letter No. SW/ASO/(PG)/LCP/78/1856 dated 29-3-1978. No further action is required to be taken in the matter and it has been treated as closed."

As the Managing Officer, Ulahsnagar-4, is pressing me very hard for recovery of cost and rent hence, I request your honour to kindly arrange to issue the Recovery Schedule direct to the Managing Officer, Ulahsnagar, and copy may kindly be sent to me on my above address.

I am now informed by Shri T. R. Chona, A. S. O. P. New Delhi, that amount has been adjusted and recovery will be sent, when bill will be approved by Pay and Accounts Officer, New Delhi.

Hope that you will kindly do the needful in this matter at an early date."

4. Sh. Des Raj Mehta, Flat No. 'X' South Patel Nagar Market, New Delhi-8.

Issue of transfer deed in respect of Flat No. 'X' South Patel Nagar Market, New Delhi-8. In their reply dated the 3rd March, 1978, the Department of Rehabilitation have stated as follows :—

In this representation, dated the 8th November, 1977,

"The Lease and Conveyance deed

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the petitioner stated as follows:—

“I am in occupation of the above Flat since 1952, when it was allotted to me in the month of July, 1952 on rental basis. In the year 1962, it was decided by the Government to transfer these Flats to the allottees, against payment of arrears of rent (if any) plus 20% of the value, as the first instalment, balance being payable in two yearly instalments.

I cleared the entire amount in the year 1965/66 and this can be verified from the Ministry's records.

The transfer deed for the above Flat No. 'X' has yet not been granted and as is apparent from the true copies of the Correspondence I have had with the Ministry concerned, I am still struggling to get the same.

I, therefore, approach your good office in this regard and request your assistance in finalising this long standing matter.”

5. Smt. Satibai, House No. VI/54, Khari Khuhi, Ajmer.

In her representation, dated the 21st Novemeber ,

Grant of sale certificate of property No. VI/54, Khari-Khuhi, Ajmer.

in this case has since been issued to the Lessee vide this Department letter No. SC/MO/GBP/II, dated 2-2-1978.

In their reply dated the 4th August, 1978, the Department of Rehabilitation have stated as follows :—

“The Settlement-Wing of this Department to whom the matter was referred, has reported that the recovery schedule for Rs. 1830.44

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1977, the petitioner stated as follows :—

"I have been submitting my applications to the Chief Settlement Commissioner Jaisalmer House, New Delhi and the Minister concerned (Shri Sikander Bakht) on the subject cited above but I have not been issued the sale certificate of the above property till now.

paise towards property No. VI/54/old/XVI/243 new Ajmer, CAF No. R/3/304052/52 has been sent to the applicant vide their letter No. SW/ASO(PG)/LC P/78/LSS 2/11/78/4248 dated 25-26-7-1978. No further action is required to be taken in the matter and it has been treated as closed."

That I have also been appointed the successor in interest of the deceased Late Shri Raghmal (my husband) and I now fail to understand why the sale certificate is not being issued to me in spite of my repeated requests."

What is the difference in Janata Rule and Congress Rule is not known to me? When a widow is being harassed in the above manner.

I shall request the learned Chairman to expedite the matter and get me the certificate at an early date."

6. Sh. Ochiram Thengomal,
C/o Kumar Clinic Turwa
Naka, Bilaspur(M.P.)

Finalisation of
claim No. M/J/
K/ 417 /XXI(L)

In their reply dated the 7th April, 1978 the Department of Rehabilitation have stated as follows :—

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In his representation dated the 1st February, 1978, the petitioner stated as follows :—

“That the petitioner had submitted his claim for immovable property left in Pakistan, which was assessed and verified in the course of time, and against the verified claim order he submitted his CAF which was registered at CAF No. M/J/K/417/XXI(L).

That the claimant had also utilised his compensation towards costs of properties etc.

That so far the CAF has not been finalised and the claimant has been put into extreme hardships.

That various applications have been submitted to the concerned authorities of the Ministry of Rehabilitation but till today no action for finalisation and settlement of the claim has been made.

Your honour may be pleased to personally look into the matter and order for the calling of the case position and such action as deemed necessary may kindly be taken, to enable the petitioner claimant to get the compensation which is admissible to after adjusting the amounts utilised.

“The Settlement Wing of this Department to whom the matter was referred, has reported that a recovery schedule for Rs. 15221/19 and 15390/- towards property No. E.P. 792 and 797 Omti Road and E.P. Plot 312 adjusted from/ refunded from CAF No. M/J/K/417 / XXI(L) has been sent to the petitioner vide their letter No. SW/ASO (PG)/LCP/78/1858 dated 29-3-78 by registered Post. No further action is required to be taken in the matter and it has been treated as closed.”

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7.	Sh. Chandernath Outhath, Bk. No. 464/12,— Ulhasnagar-2, Distt. Thana (M.S.).	Settlement of claim No. B/T/ UT/417/IV/NT.	In their reply dated March, 1978, the Deptt. of Rehabi- litation have stated as follows :—

The petitioner in his representation dt. 24-2-78 — stated that the CAF No. B/T/UT/471/IV/NT has not been settled till today in spite of several reminder to the ASO Delhi but till today no response.

Sir, I am very old man. I do not know how long I will live. I therefore, request your honour kindly ask the department to pay the balance amount by cash.

“The Settlement Wing of this Department, to whom the matter was referred, has reported that the compensation case of Shri Chandernath stand finalised. In this connection a copy of this Departments letter No. SW/ASO(PG)/LCP/LSS/ March /78/1630 dated 18-3-1978 is enclosed. (See enclosure).

Sir, several times the claim officers come to Ulhasnagar but my case papers has not been yet finalised in spite of every time, they use to reply that your case will be finalised on the next trip but till today no response.

I, therefore, request your honour to look into this matter and instruct the department to finalise my case and pay the balance amount of my claim by way of cash.”

*Ministry of Supply
and Rehabilitation
(Department
of
Rehabilitation)*

8.	Sh. Chatrumal Assumal, 42, Mirchi Galli, Opp.	Finalisation of CAF No. B/E/B/	In their reply dated 24th August, 1978,
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Jumma Masjid, Bombay-400002.	12238-I/P.C. No. 48002.	the Department of Rehabilitation have stated as follows:—	
In his representation dated the 16th December, 1977, the petitioner stated as follows:—		“The Settlement Wing of this Department to whom the matter was referred, has intimated that the case was finalised as early as on 23-11-1957 but the claimant did not file any appeal or apply for re-finalisation of his case under Rule 19 against the same. In view of this no further action is possible at this late stage after 21 years. The claimant, if so desire, may seek legal remedy.”	
“Till today my case has not been settled, in spite of my several reminders to A.S.O. since 1968.			
I, therefore, request your honour to kindly do the needful and instruct the department to finalise my above claim, at an earliest date to enable me to get the balance amount of my claim, as I am old man displaced from West Pakistan.”			

Recommendation of the Committee.

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

9. Sh. Anandsingh Navalsingh, Non-payment/adjustment of cost of Room No. 439, Black No. A-220 from CAF No. B/T/UT/155/II (b) (CD) PC 25676. In their reply dated the 7th April, 1978 the Department of Rehabilitation have stated as follows:—
- “The Settlement Wing of this Department to whom the matter was referred, has reported that recovery schedule for Rs. 878/77 paise towards property No. A-220 Qr. No. 439, Ulhasnagar 4.
- In his representation dated the 16th January, 1978, the petitioner stated as follows:—
- “I beg to state that my father Navalsingh was

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claimant and he expired on 11th May, 1971, and I was declared as sole legal heir of my deceased father under letter No. 54/SC/PN/U/S-9/73, of 20-5-76 from Settlement Commissioner.

That I had received letter No. RSC/ASOP-II/TRC/25676/76/2576/46, dated 13-7-76 from Shri T.R. Chona, Assistant Settlement Officer (P) and I had sent Declaration Form D and two copies of Photo to him on 11-8-76.

I have sent reminder dated 6-12-76, but no action has been taken by him nor I have received any reply from him.

I now request your honour to kindly urge upon the ASO P-II, and get the amount adjusted as early as possible since the case is pending from 1950 years. ”

10. Smt. Ishwaribai Chellaram, Bk. No. 143/271, Mulund Colony, Bombay—82.

Non-finalisation In their reply dated of CAF No. B/T/ August, 1978, the M/VII/M/59930 Department of Rehabilitation have stated as follows:—

In her representation dated the 23rd March, 1978, the petitioner stated as follows:—

“ Two claims CAF No. B/T/M/24/IV NT & CAF No. B/T/M/60/VII W/59930

adjusted from/ refunded from CAF No. B/T/UT/155 II(b) (CD), has been sent to the petitioner vide their letter No. SW/ASO/PG/LOP/78/791 dated the 23-3-1978. No further action is required to be taken in the matter and it has been treated as closed.”

“ The Settlement Wing of this Department to whom the matter was referred, has intimated that the recovery schedule for Rs. 1102/- towards rent and cost of

have not been yet settled neither it has taking any adjustment towards above property. I am the old lady and I don't know how long I will be alive, I therefore, request your honour to kindly instruct the department to finalise my above two claims at an earliest date so to earn the blessing of the poor old lady.

11. Smt. Savitribai, Widow of Jethalal Budhardas, Bk. No. 15/4, New G Ward Kubernagar, P.O. Sardarnagar, Ahmedabad (Gujarat).

In her representation dated the 7th April, 1978, the petitioner stated as follows :—

“My husband Shri Jethalal Budhardas is claimant allottee of above tenement. He has died. He associated claims for adjustment as under. So far adjustments are not carried out.

I very earnestly request your honour to help me in this distress to get adjustments made early and to get recovery schedule issued soon to the Administrator, Sardarnagar Township, Ahmedabad under intimation to me to enable me to get property file finalised and oblige.

property No. 143/271, Mulund Colony, Bombay has been sent to the applicant. In view of this no further action is required to be taken on the part of this Department and the matter has been treated as closed.”

Non-adjustment from CAFs Nos. B/A/17601/1601, B/A/SN/RA/65/II (a) (H) and IVNT and B/M/GN(D)/157/IV (NT).

In their reply dated the 27th May, 1978, the Department of Rehabilitation have stated as follows :—

“B/A/17601/1601 of Shri Jethalal Budhardas :

Examination of the file reveals that the case of the claimant stands fully settled. The claimant was paid the entire amount of compensation due to him during his life time. He was paid the entire compensation for self and on behalf of his brother. The claimant did not mention in his CAF that he was the allottee of tenement No. 15/4 New G Ward, Kubernagar, Ahmedabad and as such he was paid cash compensation admissible to him and his brother.

B/M/GN(D)/157/IV (NT) :

Details for adjustments

(a) CAF No. B/A/17601/1601 filed by my late husband Shri Jethalal Budhardas for claim Index No. S/TP-1/317 assessed for Rs. 4855/- in my husband's name for himself and on behalf of his brother Shri Naraindas Budhardas.

(b) CAF No. B/A/SN/RA/65/II(a)(H) & IV(NT) of associate Gangabai, widow of Menghomal.

(c) CAF No. 1 B/K/GN (D)/157/IV (NT) of Shri Attursingh Panjmal."

Examination of the CAF transpires that the entire compensation due, has been paid to the claimant by way of adjustment towards the above mentioned property.

B/A/SW/65/II(a)(H) :

This is also a fully paid case and the entire amount of compensation admissible to the associate claimant Smt. Ganga Bai has been exhausted by way of payment in cash and adjustment towards various properties of Ahmedabad and Sindhu Re-settlement Corporation. No amount, however, has been adjusted towards the said property (tenement No. 15/4 New G. Ward, Kubernagar, Ahmedabad)

In view of the position explained above, the case may please be treated as closed."

12. Sh. Narumal Radhakrishindas, Bk. No. 1940/7, Ulhasnagr-5.

Non-adjustment from CAF No. BT/UT/4772/IVNT.

In their reply dated the 5th June, 1978, the Department of Rehabilitation have stated as follows:—

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In his representation, dated the April, 1978, the petitioner stated as follows :—

“That I am allottee of Room No. 7 Bk. No. 1940, at Ulhasnagar-5, and I am myself claimant and my mother is also claimant. Full cost and rent of above room has been adjusted from above our both claims but my all papers are misplaced and there is record in the office of the Administrator, Ulhasnagar-Township, and I am advised to write to Regional Settlement Commissioner, Jaisalmer House, New Delhi, and I have sent many applications and reminders to R.S.C., Jaisalmer House, but no simple reply. I am remaining sick and I am bed and my mother is also very old and I have no son hence I humbly pray your honour to issue clear intimation of both adjustments to the Administrator, Ulhasnagar, Township, and copy to me as I pursue for issue of conveyance deed of my room.

I have no faith in the staff of Rehabilitation Ministry. There is no discipline, no care of officers they mostly are corrupt, I have lost my faith from

“The Settlement Wing of this Department to whom the matter was referred, has reported that the CAF bearing registration No. B/T/UT/4772/IVNT of Shri Narumal Radhakishandas has been examined and it is found that a sum of Rs. 805/- already stands adjusted towards the purchase price of Room No. 7, Bk. No. 1940, Camp No. 5, Ulhasnagar. The conveyance deed was also issued to the claimant on 23-12-1959.

So far as the adjustment from his mother's claim is concerned, no amount has been adjusted towards the said property as the amount adjusted from his own claim covered the purchase price of the property involved.

In view of the position explained above, no further action is required to be taken on this case and it may be treated as closed.”

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them hence I am sending this application to the Committee of Lok Sabha and I am sure that you will do needful for me.

I hope that your honour may kindly do immediate action in the matter and reply may kindly be sent as early as possible."

Recommendations of the Committee

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

13. Smt. Jankibai Assardas,
Bk. No. 53/5, Ulhasnagar-1, Distt. Thana.

Issue of Conveyance Deed of room No. 4, Bk.No.91-B, Ulhasnagar, from CAF No. B/T/UT/775' II(6)CD.P.C. No.13108.

In their reply dated the 12th July, 78, the Department of Rehabilitation have stated as follows :—

In her representation dated the 24th April, 1978, the petitioner stated as follows :—

"My husband was claimant and allottee of room No. 4, Bk. No. 91-B, Ulhasnagar-1, he is now expired and I was declared legal heir of my husband in 1962 in the court of Settlement Officer (J), Office of R.S.C., Bombay, now Jaisalmer House, N.Delhi-11

"The Settlement Wing of this Department to whom the matter was referred, has reported that certified copies of the substitution order as well as Conveyance deed have been delivered personally to the complainant on 9-6-1978 at Ulhasnagar during the recent visit of the concerned Assistant Settlement Officer to Bombay, Ulhasnagar.

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That I have not received order copy of legal heir and nor they have sent recovery schedule nor C.D. is received by me.

In view of the position explained above no further action is required to be taken on this case and it may please be treated as closed."

I now request your honour to kindly issue certified copy of Conveyance Deed as copy of C.D. is not available in the office of the Administrator, Ulhasnagar-Township.

I have no faith in the officers and staff of Rehabilitation Department, Jaisalmer House, New Delhi as mostly staff is corrupt and lazy.

I hope that you will issue the certified copy of Conveyance Deed that I am old aged lady & request your honour to kindly take immediate action in the matter as early as possible."

14. Smt. Lilabai Fatechand,
Bk.No.53/5, Ulhasnagar-1, Distt.Thana.

Issue of Intimation of adjustment of Rs.1839.50 adjusted towards cost and rent arrears of Room No.7 Bk.No.405

In their reply dated the 10th July, 78, the Department of Rehabilitation have stated as follows :—
"The Settlement

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Ulhasnagar-I
adjusted from
CAF No. UP/
MTH/115/IMA
of Smt. Lakhmi
Bai Tejmal.

Wing of this De-
partment to whom
the matter was
referred has report-
ed that the exami-
nation of the CAF
No. UP/MTH/
115/IMA reveals
that the adjust-
ment in question
has already been
carried out and the
recovery schedule
has also been
sent to the
Administrator Ul-
hasnagar on 11-12-
74. A copy of the
recovery schedule
is however again
being sent to the
Administrator, Ul-
hasnagar by the
Settlement Wing.

In her representation dated the
24th April, 1978, the peti-
tioner stated as follows:—
“I beg to state that I have
associated an amount
of Rs. 1839.50,-from
CAF No. UP/MTH/115/
IMA of Smt. Lakhmibai
Tejmal towards rent and
cost of my room No. 7,
Bk.No. 405, Ulhasnagar-I,
I now request your honour
to kindly issue the intima-
tion, recovery of adjust-
ment of the above amount
of Rs. 1839.50 and sent
copy to the Administrator
Ulhasnagar-Township and
copy to me.

Hope that your honour will
kindly do the needful in
the matter at an early date
and oblige”

In view of the posi-
tion explained above
no further action
is required to be
taken on this case”.

15. Sh.Sunderdas Assumal, Bk.
No.53/5, Ulhasnagar-I,
Distt. Thana.”

Non-payment of
excess reco-
very Rs.480.-

In their reply dated
the 4th August,
1978, the De-
partment of Reha-
bilitation have sta-
ted as follows :—

In his representation dated
the 24th April, 1978,
the petitioner stated as
follows :—
“I am claimant and allottee
of Room No.6 Bk.No.374,
Ulhasnagar-I.

“The Settlement
Wing of this De-
partment to whom
the matter was re-
ferred, has reported
that Demand
draft for Rs. 480/-
has since been
received from De-
puty Controller of

The amount of Rs. 694.75
has been adjusted from

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my CAF No. B/T/UT/U/
S/5210/IV NT since long

That balance amount of
Rs. 1175-75 was adjusted
from my Associate's CAF
No. B/T/UT/5312/IVNT.

That the actual cost of
room No. 6, Bk.No. 1390
is shown in C.D. Rs.1390/
Hence the amount of
Rs. 480/- was adjusted in
Excess and no refund
certificate was issued by
the Administrator, Ul-
hasnagar Township, and
case was processed for
cash payment and bill was
passed vide No. 240,
Bombay-62, dt. 19-10-1974.

I further state that cheque
was brought by Shri T.R.
Chona, to Ulhasnagar for
two times, but I was
out of Ulhasnagar.

I now request your honour
to get the cheque renewed
and also make payment to
me as early as possible.

I now request your honour
to kindly make cash pay-
ment of the amount of Rs.
Rs. 480/- at an early
date."

Accounts Reh.)
and the case has
been sent to the
Accounts Branch
(Comp.) for disbur-
sement to the claim-
ant. Steps are
being taken to dis-
burse the amount.
No further action
is required to be
taken in the matter
and it has been
treated as closed."

*Ministry of Supply and
Rehabilitation (Deptt.
of Rehabilitation)*

16. Shri Dulahdinomal Lekhu-
mal Talreja, Bk. No. 967,
Room No. 7&8, Ulhas-
nagar—421003.

Non-payment of In their reply dated
CAF No. 5/T/ the 28th April,
UT/2696/IVNT. 1978, the Depart-
ment of Rehabi-

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In his representation dated the 1st March, 1978, the petitioner stated as follows :—

“My claim CAF No. B/T/UT/ 2696/IV/NT-Index No S/SR.6/2231/C and S/SK1/2636/D, has not been finalised till today (1-3-1978).

As I am very old man and I do not know how long I will be alive, therefore, request your Honour to instruct the department to finalise the above claim and make the payment by cash at an early date”.

litigation have stated as follows :—

“The Settlement Wing of this Department to whom the matter was referred, has reported that on examination the complaint of Shri Dulahdinomal Lekhumal Talreja, it is revealed that the complainant had filed CAF No. B/T/UT/2696/IVNT in respect of claim Index No. S/KS-1/2636-C assessed for Rs. 2500/- and Rs. 17000/-. One of these claims, involving two properties were rural plots and were assessed for Rs. 500/- and Rs. 17000/- and no compensation has found to be admissible against these properties under the rules. Compensation amounting to Rs. 1333/- against his other claim was assessed for Rs. 2000/- and has already been paid to him by way of adjustment towards the rent and cost of Bk. No. 967 Camp-3 Ulhasnagar on 22-5-56. No more compensation is due to him. In view of the position explained above, no..

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17. Shri Thanwardas Topandas, Bk. No. 53/5, Ulhasnagar—1, Distt. Thana.

In his representation dated the 24th April, 1978, the petitioner stated as follows :—

“I was appointed legal heir of my deceased grandfather and order copy is received by me, from Shri D.C. Chowdhry, the Settlement Officer (Judicial), Jamnagar House, New Delhi.

I now request your honour to kindly adjust the amount of balance cost of my room No. 3, Bk. No. 1846, Ulhasnagar-5, from CAF No. B/T/UT/542/XXIV, Co-sharer, paid Case No. 19602.

I further state that my CAF must have been sent by D. C. Chowdhry, S.O. J., To Record Sectioner, or to your honour for process and I have sent all required documents by Registered A. D. on 28-5-1976.

I now request your honour to kindly call the CAF from record and take immediate action to adjust the balance amount as early as possible”.

Non adjustment from CAF No. B/T/UT/542 XXIV, Co-sharer P.C. 19602.

further action is required to be taken in this case and it has been treated as closed.”

In their reply dated the 28th August, 1978 the Department of Rehabilitation have stated as follows :—

“The Settlement Wing of this Department to whom the matter was referred, has reported that recovery schedule for Rs. 633.31 Paise towards property No. R. No. 3 Bk. 1846 Ulhasnagar—5 has been sent to the applicant Shri Thanwardas vide their letter No. SW/ASO/PG/LCP/78/B/T/UT/542/XXIV CS/4497 dated 5/8-8-1978. In view of this, no further action is required to be taken on this case and it has been treated as closed.”

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**Ministry of Supply
and Rehabilitation
(Deptt. of Rehabi-
litation).**

18. Shri Lilaram Tiluram, Issue of reco-
Bk. No. 941/19, Ulhas-
nagar-3. recovery schedule
of Rs. 209-
towards Bk.
No. 941, Room
No. 19, Ulhas-
nagar-3.

In his representation dated
the 17th June, 1978, Shri
Lilaram Tiluram stated
as follows :—

"That an amount of Rs.
209/- was recovered in
excess from the claimant
Shri Guloomal Murijmal
vide his CAF No. and
PC No. 10835 from his
Bk. No. 1294, Ulhas-
nagar-4.

This mistake was admitted
and accepted by the Set-
tlement Wing Authori-
ties under their letter
No. DOR (SW)/ASO
(P-II) /PC No. 10835/
75-2345 dated the
12-12-1975 addressed to
the Administrator, Ul-
hasnagar Township and
copy to me.

Now the required 'No Re-
fund Certificate, for the
said amount of Rs. 209/-
has since been submitted
by the Administrator &
M.O. Ulhasnagar under
his No. V/Accom/C.
41294/WS-391-C dated
4-2-1976.

In their reply dated
the 12th September,
1978, the Ministry
of Supply and Re-
habilitation (Deptt.
of Rehabilitation)
have stated as
follows :—

"The Settlement
Wing of this De-
partment to whom
the matter was re-
ferred, has intimated
that the recovery
schedule for Rs.
209/- towards
property No. Bk.
No. 941/19, Ulhas-
nagar, has been sent
to the applicant by
them *vide* their letter
No. SW/ASO/PG/
L C P/78/L S S/78/
5043 dated 31-8-
1978".

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That my case for issue of the C. D. has become ripe but is pending for want of this recovery schedule only, hence this direct representation with a humble request to be good enough to get me the required recovery schedule early and oblige."

19. Sh. Renu Leena Subba, M. L. A., Kalimpong, Distt. Darjeeling.

Proposed acquisition of inhabited land by the Army authorities for cantonment in Kalimpong.

Ministry of Defence

In their reply dated the 18th November, 1977, the Ministry of Defence have stated as follows:—

In his representation dated the 17th August, 1977, the petitioner stated as follows :—

"Not only a fairly good number of affected people but the whole of hill population who are normally proud of being the second line of defence are very much perturbed with the proposed scheme of the Army.

When at present the Army is rescuing flood affected people in other parts of the country, it appears to have been causing eviction of a vast section of the hill people of Kalimpong from their homesteads and lands which have been made habitable and cultivable during the past generations.

"There is no proposal so far for the acquisition of land in the areas of Pedong and Kalimpong Sub-Division."

The apprehensions of the local population in this regard, therefore, are unfounded. In this connection, a copy of letter written by RM to the Chief Minister, West Bengal is also enclosed for information (See enclosure).

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At this time of peace the Army is understood to have taken up the scheme formulated in the time of emergency in 1962 when our nation was in danger from external aggression.

The proposed areas are within seventy miles (road distance) from the border, some are within the Municipal area and very near to the Town and Bazar, as such the proposed scheme of developing army cantonment is not advisable.

The State Government is trying hard to provide homestead lands to landless cultivators and this task is very difficult here in the hill areas where cultivable lands in the Khasmahal blocks are not at all available. Hence the execution of the proposed scheme means to aggravate the problem in the state.

Kalimpong is not a forward area rather it is a peace territory. Hence the scheme of developing Army family contonement uprooting the civil families which include ex-and active servicemen also is not desirable and justifiable.

The Army is not the sole machinery that can protect the nation at the time of emergency, it must seek cooperation from the civilians. As such it

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should constantly develop better relation with the civil population and promote a spirit of cooperation rather than confrontation.

In Kalimpong itself the Army lavishly acquired land in 1962 and considerable portions of the same at different places have been let out to the civilians for cultivation purpose against rent which is questionable.

Enumerating the above facts for your wise consideration, I appeal to you for seeking a solution by which the execution of the proposed scheme may be carried out without involving and affecting the civil population of Kalimpong Sub-division of Darjeeling District."

20. Sh. Mintu Mitra, C/o Mr. K. P. Mohanta, Jr. Accounts Officer, Pay & Accounts Office, P.O. Mana Camp, District Raipur (M.P.)

Payment of pay and allowances.

Ministry of Supply and Rehabilitation (Deptt. of Rehabilitation).

In his representation dated the 7th September, 1977, the petitioner stated as the follows :—

In their reply, dated the 18th November, 1977, the Department of Rehabilitation have stated as follows :—

"My name was sponsored and appointed in the post of Security Guard, in the office of the Commandant, Towa Project Work Site Camp, Dolariya Hoshangabad, in the Establishment of the Chief Com-

"Shri Mintu Mitra was appointed as Security Guard with effect from 20-7-1975 in Towa Project Work Site Camp which is a part of Mana

mandant, Mana Refugee Camp, District Raipur (MP) which is under the administration control of Ministry of Rehabilitation, *vide* No. 1(2)/Com/T/Adm/75-4050-55 dt. 26-7-1975, w. e. f. 20-7-1975 (F.N.).

Group of Transit Centres. His appointment was held to be irregular and as such his services were terminated with effect from 20-11-75 after giving him due notice under the rules.

But subsequently service was terminated by the Commandants, Towa Project, vide No. 2(3)/Com/T/75-5551-56, dt. 20/21-10-75, with one month's notice; therefore I served w. e. f. 20-7-75 to 21-11-75, i.e. 4 months 4 days only (copy of termination order enclosed). Though my service was terminated even the Chief Commandant has not made any payment of my duty pay and allowances for the entire period of service till today.

This Department issued instructions to the Chief Commandant to pay Shri Mitra his dues without delay. The Chief Commandant has re-reported that dues have been paid on 11-11-1977."

I, therefore, earnestly request your goodself to pay personal attention as more that a period of two years has been lapsed, and allow this poor to have his blood-earned claim of due pay and allowances from the Government of India.

21. M/s. Quickcut Tools Non-payment of India, Sales ADM Bill Rs.

Ministry of Industry
(Dept. of Heavy Industry).

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8477·93 Office & Works,
by M/s. Burn & Co. Ltd.
123/17, Dwarika Puri Co.
Ltd. Jassipura, Calcutta,
Ghaziabad (U.P.).

In their reply dated
the 28th Decem-
ber, 1977, the
Department of
Heavy Industry
have stated as
follows :

In their representation dated
the 28th November,
1977, the petitioner
stated as follows :—

“Our bill No. QB/128
dated 3-7-74 for Rs.
8477·93 for the supply of
138 Nos. HSS segments
to M/s Burn & Co. Ltd.,
10-C, Hungerford -
Street; Calcutta, against
their purchase order
No. 469/BH-313,899—
HS-1/31151 dated the
19-4-74, has not so far
been paid by them.

We issued a number of
reminders by ordinary
and as well as by regis-
tered post to them and
also deputed our repre-
sentative to Calcutta for
the collection of the
amount of our pending
bill in question, but to no
effect. We have now
been informed by the
Asst. Manager Accounts
of the said Company
vide his letter No. D/417
dated 26-11-76, copy
enclosed for reference
that the assests of M/s
Burn & Co. Ltd., have
been nationalised with

“ The undertakings
of M/s. Burn & Co.
Ltd., and M/s.
Indian Standard
Wagon Co. Ltd.,
have been nationali-
sed with effect from
1st April, 1975 by
Act of Parliament
known as ‘the
Burn Company and
Indian Standard
Wagon Company
(Nationalisation)
Act, 1976 (No. 97
of 1976)’. It is
observed from the
representation of
M/s Quickcut
Tools of India
Ghaziabad, that
their claim relates
to the period prior
to nationalisation
of the undertakings
of M/s Burn and
Co. Ltd., *vis.*
prior to 1st April,
1975. In view of
the provisions of
the aforesaid Act,
the applicant Party
will have to
submit their claim
to the Commis-

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effect from 1-4-75 by virtue of the Burn Company and Indian Standard Wagon Company (Nationalisation) Act, 1976 as published in the Gazette of India Extraordinary dated 6-9-76. Under section 5 subsection (1) and (3), (A) (B), (C) of the said act, every liability of the said Burn & Co. Ltd., in respect of any period prior to the appointed date (i. e. 1-4-75) become the liability of the concerned company and not of the Central Government. Such liabilities as ours will be dealt with by a Commission of payment to be appointed by the Government of India, under section 14(1) of the said act. They have further informed us that the commissioner of Payment has not yet been appointed and we should prefer our claim to him on his appointment.

It is surprising that when Burn & Company has been nationalised by the Central Government why it is not entertaining the claims as our pertaining to the period before 1-4-75. It is obligatory upon the Central Government to own all the liabilities and assets of the company irrespective of the period.

sioner of Payments. In terms of Section 14(1) of the said Act, the Commissioner of Payments has since been appointed and his office is located at 72, Syed Amir Ali Avenue, Calcutta. In view of this the party may be advised to contact the Commissioner of Payments in this regard."

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We are hearing for the last one year that the Commissioner of Payment will be appointed by the Government of India, to settle the claims of the said Company before the period 1-4-75. But the Commissioner has not yet been appointed. We do not know that when he is to be appointed. As a result, our money is lying blocked with M/s. Burn & Co. Ltd., for the last 4 years and we are paying about 100 rupees per month as interest to the bank, which we can hardly afford, as we are a very small scale unit.

We would therefore request the Hon'ble Chairman to intervene in the matter and cause early payment of the amount of our bill under reference. For this kindness we shall ever remain grateful to you."

*Ministry of Works
and Housing.*

22. Sh. Ram Nath C7/211 A,
Lawrence Road, Delhi—
110035.

Issue of No
objection certi-
ficate for elec-
tric connection.

In their reply dated the 3rd April, 1978 the Ministry of Works & Housing have stated as follows :—

In his representation dated the 24th January, 1978, the petitioner stated as follows:—

The Delhi Development Authority have informed us that No Objection Certificate for

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"That after paying all the dues, I applied on 23rd February, 1977 to D.D.A. for 'No Objection Certificate' for my Flat No. C7/211A. Lawrence Road, which was allotted to me on 20th May, 1976. This certificate is required to be deposited with DESU for obtaining the electric connection in my flat.

Water and Electricity in respect of flat bearing No. C7/211A Lawrence Road has since been issued to the allottee. The papers were under action for preparation of lease deed in respect of the said flat and hence the delay."

That although it is nearly two years since I was allotted this flat, I have not yet been issued the necessary certificate. I have sent numerous reminders to DDA in this regard but have got no reply whatsoever from them. In spite of my being a heart patient of 55, I have personally gone there many times but in vain.

That I have been paying the monthly installments of my flat regularly since the same was allotted to me.

Thus I have been living for the last about two years without electricity due to negligence on the part of DDA. May I request your honour to enquire into the matter and kindly get me the 'No objection Certificate' issued from DDA so that I may be able to get the electric connection in my flat."

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23. M/s. A. K. & Company Bk. No. 314-A, Room No. 7, Ulhasnagar-2, Dist. Thana (Maharashtra)

Claim for compensation - Ex-Kalyan to Howrah PWB No. 741588 dated 19-5-75.

Ministry of Railways (Railway Board) In their reply dated the 23rd August, 1978, the Ministry of Railways (Railway Board) have stated as follows:—

In their representation dated the 27th February, 1978, M/s. A. K. & Co. stated as follows:—

"I had sent parcel despatched to Howrah by 1 Dn. Mail from Kalyan vide P. W. Bill No. 741588 dt. 17-5-75. But the same was not received at Howrah vide letter from Parcel & Luggage Inspector of Howrah bearing No. PI. K/2-8/75 of 10-7-1975—and the same copy thereof was sent with the claim application dt. 10-8-75 to the C.C.S. (Claims), Calcutta.

In response to a letter from the C. C. S. (Claims) Calcutta, the original R.R. had been despatched on 12-3-76.

It is a matter of great sorrow and surprise that the claim amount is not received by me as yet. The delay is causing untold difficulty and suffering to me. Small Traders like me should not be harassed in this manner. I cannot understand as

"The matter has been examined in consultation with S.E. Railway. It is revealed that though Shri Harichand Lachmandas was the invoiced consignee the claim was initially lodged by M/s. A. K. & Co. in which Harichand Lachmandas were described as the customers of M/s. A. K. & Co. Subsequently, Harichand Lachmandas also submitted a claim notice in which they declared themselves as the proprietors of M/s. A.K. & Co.

In this situation, the Railway asked M/s A.K. & Co. to clarify their relationship with Harichand Lachmandas. Clarification has since been obtained and the claim for com-

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to how much time the railways require to settle my claim as all papers required by them have already been sent to them previously.

pensation in this case has been settled in favour of Shri Harichand Lachmandas, proprietor of M/s. A.K & Co. by payment of Rs. 2291, under cheque No-017131 / 856535, dated 1-6-1978 on Reserve Bank of India, Bombay."

Will you therefore be kind enough to look into this matter personally and issue necessary instructions to the railways to finalise my claim at an early date as the same is already due.

24. Dr. Nafe Singh Khoba, 1822, Mamurpur, Narela, Delhi, Protection to his life. Ministry of Home Affairs.

In his representation dated the 14th March, 1978, Dr. Nafe Singh Khoba alleged that the Narela Police Authorities has not taken any specific action on his complaint against certain persons who had assaulted him. He had requested for intervention in the matter and for directing the Narela Police Authorities to save his life.

In their reply dated the 13th July, 1978 the Ministry of Home Affairs have stated as follows :

"Enquiries made by the local Police into the complaint of Dr. Nafe Singh have revealed that on 24-2-78 a quarrel took place in village Narela, when Mahabir Singh Son of Shri Shish Ram, Suleman s/o Shri Amuddin and Maha Singh s/o Badloo Ram all residents of village Narela sold a cow to some Moham-

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madan customer of U.P. As the villagers were under the impression that the cow has been sold to be slaughtered, they gathered in the village to express their resentment in the matter. Subsequently on the intervention of local people the sale of cow however, did not materialise. The aforesaid three persons namely, Mahabir Singh, Suleman and Maha Singh were beaten by some villagers over this issue. They reported the matter at P. S. Narela, but on the intervention of respectables the matter was compromised.

The applicant Shri Nafe Singh, who happened to reach the spot intervened in the matter on his own and sustained injuries. He subsequently reported the matter at P. S. Narela and was sent to Police Hospital for medical examination. According to the Medical Officer the injuries were simple and caused by a blunt object. As no cognizable offence was made

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25. Smt. Saman G. Durbari,
Shri Feroze C. Durbari,
89, Rest Camp Road,
Deolali-422401.

Payment of compensation on 100 shares by the Indian Iron and Steel Co. Ltd.

out the applicant was provided a copy of D. D. report lodged by him. He was also directed to seek redress in the Civil Court. The allegations against the local police have not been substantiated."

Ministry of Steel & Mines (Department of Steel)
In their reply dated the 26th July, 1978, the Department of Steel have stated as follows.—

Smt. Saman G. Durbari and Shri Feroze C. Durbari, Deolali addressed a representation dated the 10th April, 1978 stating that as directed by the Commissioner of Payments, they sent pre-receipt stamped for Rs. 486.17 on 29-7-77 in regard to payment of compensation on their 100 shares by the Indian Iron and Steel Co. Ltd. But they had not received the payment. They had requested for intervention in the matter for getting them payment.

"The Commissioner of Payments to whom a reference was made has informed this Ministry that a cheque No. A-961145 for Rs. 486.17 in favour of Smt. S. G. Durbari and Shri F.C. Durbari was sent to them on the 16th August, 1977. The same was however returned by the postal authorities undelivered. The cheque was sent to them again on the 28th April, 1978 at the address indicated in their letter dated the 23rd February, 1978.

[The petitioners were informed of the above position.]

ENCLOSURE I TO APPENDIX VI

(See Item No. 7)

No. SW/ASO/(PG,/LCP/LSS/March-4/78/1630

GOVERNMENT OF INDIA

**MINISTRY OF SUPPLY AND REHABILITATION
(DEPARTMENT OF REHABILITATION)
SETTLEMENT WING**

Jaisalmer House, New Delhi Dt. 18-3-78

To

Shri DIN. Asija,
Joint Director,
Deptt. of Rehabilitation,
Jaisalmer House, New Delhi.

SUBJECT :—*Disposal of public Grievance received through Lok Sabha Sectt.
Cash of Shri Chandernath.*

Sir,

Kindly refer to complaint of Shri Chandernath received through Lok Sabha Secretariat under their U.O.No.53/C1/78/Reh/26 dated 10-3-78 regarding payment of compensation against his CAF No. B/T/UT/417/IVNT.

Compensation case of Shri Chandernath has been examined and it has been revealed that it stands fully exhausted, as detailed below and no more compensation is due to him.

Assessed value of property claim	105536.00	
Assessed value of Agr. land claim	21 St. Acres	13 1/2 Unit
Compensation due on properly claim	21008.00	
Comp. due on Agr. land claim	7107.00	
TOTAL	28115.00	

Adjustment :—

(1) Rent C. charges of Bk. No. 464/12 Kalyan	406.69
(2) 5% forfeiture of EP No. 4055 Sun lerbai	800.31 + 5900.00
(3) 131/183 Mulard Colony Hira Nand	1650.00
131/188 -do-	2925.60
131/188 -do-	2925.60
1/452/904 Ulhasnagar Udha Ram	2640.00
1718/1 Camp No. 5 Ulhasnagar Pushpa Rani	1480.00

A-706/1412 Camp. No. 4 Do Satu Dass	1973.00
A.373/746 -do- Jiwat Lal	2080.00
628/1255 -do- Jiwat Lal	3360.00
Bk./1557/6 -do- Nanha Ram	575.00
Rent and C.C. 464/12 Kalyan	535.35
-do- 1557/6 Kalyan	19.55

 27271.10

Paid cash on 29-12-69

6.00

Paid cash on 7-1-75

 837.79

28114.89 Rs. 28115

In view of the above, you are requested to please inform the Lok Sabha Sectt., accordingly and also delete the case from the pending list.

Yours faithfully,

Sd/-

Assistant Settlement Officer, (PG)

ENCLOSURE II TO APPENDIX VI

(See Item No. 19)

892/R/M/D/77.
New Delhi
October 15, 1977

You will kindly recall that during my visit to Calcutta on 29-8-1977 you had mentioned about certain large areas of fertile land being acquired for the Army at Kalimpong.

I have checked up the position and find that there is no proposal so far for the acquisition of land in the areas of Pedong and Kalimpong Sub-Division. The apprehensions of the local population in this regard, therefore, are unfounded.

Yours sincerely,
Sd/-
(Jagjivan Ram)

Shri Jyoti Basu,
Chief Minister of West Bengal,
Calcutta.