

COMMITTEE ON PETITIONS

(SEVENTH LOK SABHA)

THIRTEENTH REPORT



(Presented to Lok Sabha on 6 May, 1983)

LOK SABHA SECRETARIAT
NEW DELHI

May, 1983/Vaisakha, 1905 (S)

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(1982-83)

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14. Shri Jagdish Tytler
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1. Shri H.G. Paranjpe—*Joint Secretary.*
2. Shri S.D. Kaura—*Chief Legislative Committee Officer.*
3. Shri S.S. Chawla—*Senior Legislative Committee Officer.*

*Nominated w.e.f. 22 February, 1983 vice Shri Chandra Shekhar Singh ceased to be a member of the Committee on his appointment as a Minister of State.

**THIRTEENTH REPORT OF THE COMMITTEE
ON PETITIONS (SEVENTH LOK SABHA)**

I

INTRODUCTION

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

- (i) Petition No. 21 regarding working of various Research Councils of Indian Medicines and National Institute of Ayurveda, Jaipur, merger of various Research Councils into one integrated Council, elections to the Central Council of Indian Medicine, enactment of a Central Act and improvement in the system of education in Indian medicine etc.
- (ii) Representation against shifting of Headquarters of Central Silk Board from Bombay to Bangalore.
- (iii) Representation regarding certain railway facilities for residents of Gaya.
- (iv) Representation regarding transfer of ownership rights of shops in markets under the administrative control of the Directorate of Estates, under terms and conditions laid down by the Ministry of Rehabilitation.
- (v) Representation regarding forward dealings in Securities 'A' List at Bombay Stock Exchange in contravention of the Securities Contracts (Regulation) Act, 1956.
- (vi) Other Representations.
- (vii) Outstanding Recommendations.

1.2 The Committee considered the above matters at their sittings held on 10 February and 6 April, 1983.

1.3 The Committee considered their draft Report at their sitting held on 3 May, 1983 and adopted its.

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

NEW DELHI;
3 May, 1983

Vaisakha 13, 1905 (Saka).

R. L. BHATIA,
Chairman,
Committee on Petitions.

II

PETITION NO. 21 REGARDING WORKING OF VARIOUS RESEARCH COUNCILS OF INDIAN MEDICINES AND NATIONAL INSTITUTE OF AYURVEDA, JAIPUR, MERGER OF VARIOUS RESEARCH COUNCILS INTO ONE INTEGRATED COUNCIL, ELECTIONS TO THE CENTRAL COUNCIL OF INDIAN MEDICINE, ENACTMENT OF A CENTRAL ACT AND IMPROVEMENT IN THE SYSTEM OF EDUCATION IN INDIAN MEDICINE ETC.

2.1 Petition No. 21 signed by Dr. Y. K. Tripathi and others regarding working of various Research Councils of Indian Medicines and National Institute of Ayurveda, Jaipur, merger of various Research Councils into one integrated Council, elections to the Central Council of Indian Medicine, enactment of a Central Act and improvement in the system of education in Indian medicine etc., was presented to Lok Sabha on 19 July, 1982, by Shri Krishna Kumar Goyal, M P.

A. Petitioners' Grievances and Prayer

2.2 In their petition (*See Appendix I*), the petitioners stated, *inter alia*, as follows :—

“The splitting of the former Central Council for Research in Indian Medicine and Homoeopathy constituted in the year 1969 into various councils e.g. CCRAS, CCRUM, CCRYM, CCRHM in the year 1978 has resulted in unnecessary and avoidable huge increase of administrative and establishment overheads and mismanagement of their affairs, leaving very meagre amount for the purpose of actual research work.

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The experience of the last thirteen years of the C.C.R I.M. & H and four research Councils, has clearly shown that in the absence of definite and specific provision in the Act of Parliament for the purpose, the constitutions of the four research Councils and the National Institute of Ayurveda were drastically changed from time to time arbitrarily by the bureaucracy to suit their convenience.

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Just as the Parliamentary Committees exercise check over the functioning of various Government departments, Public Undertakings, Autonomous Organisations (fully financed by Government) etc. they may also examine the Annual Report, Annual Accounts together with Audit Reports thereon, estimates etc., of the Councils with a view to exercising Parliamentary control over the country run by government money.

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Medicines protect life and safeguard health of patients and remove all the complications of the diseases, which is a highly specialised profession needing expertise and therefore requires that all the authorities and officers holding the administrative and other posts in the research Councils dealing with Indian systems of medicine must be technical persons possessing high professional qualifications and experience in Indian medicine and all such bodies should be headed and manned by only technically qualified officers of I.S.M.

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It is very essential and important that workshops of teachers are arranged regularly for the development of I.S.M. and to assess and improve the implementation of the prescribed curricula and syllabi of under-graduate education in the I.S.M. A scheme was submitted with the minimum financial commitments, but the same has not been cleared so far. The reason being that the non-technical, non-professionals dealing with the subject in the Ministry have no idea of medical education and problems of I.S.M. nor have they any interest in bringing about any improvement in the Indian medicine education.

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There are a large number of bogus institutions which have cropped up after the introduction of the Central Council Course, and they charge huge capitation fee for admission. They are frequently advertising in the daily newspapers inviting applications for admission. The parents of students are not aware of the consequences of the admission of their wards in such colleges having one or two rooms, and without

requisite facilities and equipment etc. needed for medical education. So many promising students are cheated by getting admission in such bogus institutes. As such, it requires a sincere effort to curb such malpractices by Central Act and executive action by the Ministry and the Council should be vested with such power to take action against such malpractices.”

2.3 The petitioners prayed as follows :—

- (1) All the Research Councils of Indian Systems of Medicine should be merged into one Council ;
- (2) Parliament should enact a Central Legislation for the working and functioning of these Research Councils and National Institute of Ayurveda;
- (3) Audit of all the research Councils and National Institute of Ayurveda should be got done regularly from Comptroller and Auditor General of India;
- (4) All appointments, promotions, transfers, nomination etc., should be done by the expert bodies of professional academicians and technicians including UPSC ;
- (5) Examination of the working of Councils by Standing Parliamentary Committes ;
- (6) Investigation into the wrong treatment of Leucoderma and epilepsy etc;
- (7) Non-technical officers of Indian Systems of Medicine should be replaced by professionals;
- (8) Elections to the Central Council of Indian Medicine should be conducted;
- (9) The Central Service (MA) Rules should be amended to authorise reimbursements of expenses on medicines prescribed by graduates of integrated (concurrent) medicines ;
- (10) Deletion, correction and addition of qualifications in the Schedule of the Central Council of Indian Medicine Act ;
- (11) Workshops for improving the under-graduate courses;

- (12) To set up Text Books Committee;
- (13) Bogus medical institutions and charging of capitation fee by them should be curbed by an Act of Parliament or an Ordinance; and
- (14) Creation of a Post of Director General for Indian Systems of Medicine; and filling up of vacant posts of Directors in the Councils and Adviser, Indian System of Medicine in the Ministry.

B. Comments of the Ministry of Health and Family Welfare.

2.4 The petition was referred to the Ministry of Health and Family Welfare for furnishing the factual comments thereon for consideration by the Committee on Petitions. In their demand-wise factual note dated 12 January, 1983 (See Appendix II), the Ministry of Health and Family Welfare have stated *inter alia* as follows :—

“Merger of various Councils into one integrated Council.

It was felt for quite some time, that the erstwhile Central Council for Research in Indian Medicine and Homoeopathy was becoming unwieldy to manage, as it was looking after the research aspects, needs and requirements of too many disciplines *i.e.* Ayurveda, Unani, Siddha, Yoga, Naturecure and Homoeopathy. After due deliberations, it was decided to split it into four smaller Research Councils for Ayurveda and Siddha, Unani, Yoga and Nature-cure and Homoeopathy. This was done to streamline and coordinate the research activities of the different disciplines *i.e.* Ayurveda, Unani etc. according to the individual philosophy of each system. Even in the erstwhile CCRIMH, the activities in the field of different systems were controlled by separate advisory bodies. The only change which the Government in fact brought about was to completely split up the unwieldy combined Council into four smaller and more easily manageable Councils.

The Committee on Petitions of the Rajya Sabha had also endorsed the above splitting up in its 56th Report for

the development of Unani System of Medicine in the country.

Enactment by Parliaments

As the Government already had an existing model in I.C.M.R. in respect of the Allopathic systems of medicine which was working quite well, it established the Research Councils for Indian Systems of Medicine on the same basis. As on the Allopathic side, two separate Central Councils of Indian Medicine and Central Council for Homoeopathy were established on the lines of the Medical Council of India for Modern Medicine, by specific acts of Parliament. On the analogy of the Indian Council for Medical Research, four research councils of Indian Medicine were established. The National Institutes of Ayurveda and Homoeopathy and the proposed National Institutes of Unani, Nature-cure etc. have been/are being set up as autonomous bodies under the Societies Registration Act.

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Examination of the working of Councils by Standing Parliamentary Committees

Such a control, as is sought already exists, in as much as the Annual Reports/Audited statement of accounts and the audit reports are considered by Committees on Papers laid on the table of both Houses. There is no bar to any Parliamentary Committee, visiting and examining the functioning of any of the Central Councils/Research Councils/National Institutes.

Technical persons of I.S.M. to replace non-professionals

All the Research Councils/National Institutes are manned by persons who possess the requisite qualifications to suit the requirements of posts in the administrative and technical disciplines. All appointments are required to be made by the competent authority.

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Workshops for improving the the undergraduate courses

The Government has formulated a scheme with effect from 1981 for training of undergraduate teachers with a view to updating their knowledge and imparting to them the latest scientific techniques in select institutions having facilities for undertaking such courses. The institutions have the option of conducting courses of either 6 week's or 2 week's duration depending on the availability of teachers, hospitals etc. So far 8 institutions all over the country have conducted 21 courses covering about 150 students.

Bogus Institutions and capitation fee

The Government is already aware of the bogus institutions which advertise without having proper facilities for imparting training. For this purpose, the Central Council of Indian Medicine has been directed to advise the public through regular advertisements in all sections of the press to guard against advertisements from such bogus institutions/individuals. We are not aware of any widespread or significant levy of capitation fee in colleges of ISM&H. The State Governments have been advised to take appropriate corrective action when ever necessary. It should be understood that we have a free press in the country."

C. Observation of the Committee

2.5 The Committee note the position stated by the Ministry of Health and Family Welfare in their factual comments on the demands made in the petition. In the light of the position explained by the Ministry in their demandwise factual comments, the Committee feel that no further action is called for in the matter on their part.

III

REPRESENTATION AGAINST SHIFTING OF HEADQUARTERS OF CENTRAL SILK BOARD FROM BOMBAY TO BANGALORE

3.1 The President, Central Silk Board Employees Association, Bombay and others submitted a representation dated 17 August, 1981 against shifting of Headquarters of Central Silk Board from Bombay to Bangalore.

A. *Petitioners' Grievances and Prayer*

3.2 In their representation, the petitioners stated as follows :

"On 21st of this very month, Sir, a starred question will be discussed under your judicious aegis about the wholesale shifting of Central Silk Board including peons, hamals, clerks, women employees and even the physically handicapped workers. The bureaucrats are trying to make it a simple case of routine transfer so that our august Parliament should not know the facts behind this conspiracy. Allow us, Sir, to lay down the fact, which as the presiding justice of nations 'highest court' you must know."

Why we are distressed

The Headquarters of Central Silk Board, Ministry of Commerce, Government of India, is being shifted from Bombay to Bangalore.

This is the fourth time that the Board is being shifted from place to place—New Delhi; Delhi to Bombay; Bombay to Bangalore; Bangalore to Bombay and now; Bombay to Bangalore once again. Two other shifting orders went abortive due to intervention by our Beloved Prime Minister.

Neither national nor industrial priority is involved in this 'fourth persecution'.

Karnataka is, no doubt, major mulberry silk producing State accounting for about 50% of output but there are other seven States accounting for the balance. These latter States need the services of

Board by far more as Karnataka silk industry has reached optimum growth by enjoying unproportionately maximum support of Board.

Besides, there is tribal based tasar silk industry in Bihar, Madhya Pradesh, Uttar Pradesh, Orissa, Maharashtra and Manipur involving lakhs and lakhs of tribal which require the services of Board.

Board had also to look after the interest of NEC States for muga silk industry—this variety of silk is grown nowhere else in the world. This sector also deserves Board's services equally.

The R&D services of Silk Board, of which Karnataka already enjoys over 65% of facilities, Board has also to handle export and import for which Bombay is the major centre.

The Silk Board is an All India Organisation addressed to all the States. At Bombay it has only administrative, financial, planning, monitoring, export/import, publicity and statistical cell. None of these facilities could be used by Karnataka for its development exclusively as they are meant for all States. Hence, why shift ?

Why the Bureaucrats should take 35 long years to ascertain which should be the ideal location for Board?

And finally, Sir

- (1) The General Body of Board, consisting of all silk States and elected Members of Parliament have already pronounced Bombay as most suitable place to locate Board headquarters.
- (2) The Government of India has already notified in 1972 that Board would always remain in Bombay.
- (3) Just in March 1981, the Hon'ble Minister of State for Commerce announced in Parliament that shifting of the Board was not found feasible and as such, the proposal was shelved.
- (4) We were notified in writing that the chapter was now closed.
- (5) Besides all these promises, the proposal of shifting keeps on emerging every alternate year without caring for the repercussion it creates on the psyche of staff.

- (6) We are not against transfers. In fact, we are transferred here and there from time to time. But we are against his unfair, unjustified, cruel and obnoxious move of shifting lock stock and barrel at great financial loss to us and to nation.
- (7) Four staff members of Board have already resigned their jobs due to indecision caused by shifting. Many more are impelled to follow.
- (8) All our spouses are also serving due to our fragile family economy. Shifting would mean double establishment or resignation. A suicide for us either way.
- (9) Children's education will greatly suffer as all our children are studying Marathi and they just cannot switch over to Kannada overnight.
- (10) Government of Maharashtra has already allotted residential quarters to staff. Besides, dozens of us have been given Government loans to buy small houses. What will happen to these properties?
- (11) The 'commercial value' of our Secretariat here is between Rs. 75 lakh to 1 crore. The value of other buildings is another 2 crore.
- (12) Why to desert this full-fledged infrastructure and waste another Rs. 5 crore on shifting and creating new infrastructure, de novo, and dislocate the smooth functioning of an active organisation?
- (13) The offices of Textiles Commissioner, Handloom Board, Khadi & Village Industries Commission, Industrial Development Bank, Reserve Bank, Agriculture Refinance Corporation, Customs, Air India, Textiles Committee, Apparel Council, Textile Export Promotion Council and Shipping Corporation are all located in Bombay with all of whom Board has constant interaction for both silk development, finance, export and import. Why disrupt this cohesive set up and throw the Board geographically at a corner?

May, we therefore urge, you, Sir, to very kindly intervene in the matter, in cause of national interest and humanity both, and order

'status quo' in the matter. The industry and 1500 staff and their dependents should not be made guinea pigs for the whims of' one single bureaucrat' operating under political pressure from Karnataka.'

B. Comments of the Ministry of Commerce (Department of Textiles)

3.3 The Ministry of Commerce (Department of Textiles) to whom the representation was referred, have stated in their communication dated 12 May, 1982 as follows :—

"The representation by the Central Silk Board Employees Association was made prior to the date of their filing a writ petition in the High Court of Bombay.

The points made out by the Association in the writ petition were not taken as accepted and the writ petition was not admitted by the High Court of Bombay.

In view of the above, it is not considered necessary to examine again the various points made by the Association in their representation.'

3.4 However, the Ministry of Commerce (Department of Textiles) was requested to furnish their factual comments on the points raised in the representation.

The Ministry of Commerce (Department of Textiles), *vide* their communication dated 20 January, 1983, have furnished their factual comments (*See Appendix III*) on the points raised in the representation stating, *inter alia*, as follows :—

"Karnataka is the foremost silk producing State in India. Silk production here accounts for 60% (approximately) of the country's production of raw silk. A boost is being given to the development of the sericulture industry in Andhra Pradesh and Tamil Nadu as well. From the point of view of the development of the silk industry, therefore, the location of the Central Silk Board at Bangalore has many merits.

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In March 1981, the Minister of State for Commerce had announced in Parliament that the shifting of the Headquarters from

Bombay was not feasible. However, in a subsequent reply to Parliament on the 28th August, 1981, the Union Minister of State for Commerce had observed that re-considering the issue, it was decided to shift the Headquarters of the Board to Bangalore in the long term interest of development of the sericulture industry in the country.

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The difficulties of the staff members have been kept in view. A sufficient number of staff members has been retained at Bombay to man the development office and the certification centre of the Board which function at Bombay. All the lady members of the staff have been retained at Bombay; the Board has also taken care to see that handicapped persons and persons suffering from chronic diseases have not been shifted. The Board has retained 27 persons at the Regional Office at Bombay and 30 employees of the Board have been absorbed by the Custom Department at Bombay. It is not clear, therefore, how the women employees of the Board at Bombay who are the petitioners in the present case are adversely affected by the decision to shift the Board's Headquarters to Bangalore.

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The shifting of the Board's Headquarters to Bangalore has been done in the best interest of the sericulture industry."

Observation of the Committee

3.5 The Committee have perused the position stated by the Ministry of Commerce in their factual comments on the points raised in the representation. The Committee feel that the arguments advanced by the Ministry of Commerce in shifting the headquarters of the Central Silk Board from Bombay to Bangalore are not convincing and they regret the decision taken by the Ministry to shift the headquarters from Bombay to Bangalore.

REPRESENTATION REGARDING CERTAIN RAILWAY FACILITIES FOR RESIDENTS OF GAYA

4.1 Shri Ram Swarup Ram, M.P., forwarded a representation on 15 December, 1981 signed by Shri Rana Muneshwar Kumar Singh and other. regarding certain Railway facilities for residents of Gaya.

A. Petitioners' Grievances and Prayer

4.2 In their representation (*See Appendix IV*) the petitioners stated, *inter alia*, as follows :—

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“The most important Railway Station ‘Gaya Junction’ is located on the Grand Chord line which runs from Asansol-Dhanbad to Mughal Sarai. Lakhs of tourists and passengers both from the country and abroad visit Gaya, Bodhgaya and Rajgirh, etc. which have assumed international importance.Nalanda University is situated in Rajgirh and Magadh University is situated in Bodhgaya. Their compound extends upto Patna town. Defence Training Centre, Gaya, is a well known Centre in the country and taking into account its success, the Government of India propose to set up another Defence Training Centre there. Hundreds of Colleges are located on this important line. Substantial amount of foreign exchange is earned from the foreign tourists who visit Gaya, Bodhgaya and Rajgirh. The Railways never paid its attention to provide facilities to the passengers travelling on this important route in spite of best attempts having been made, so much so that the bogies used to be attached to Kalka Mail and Bombay Mail from Gaya have been discontinued. Out-dated steam engines are still being used on Gaya-Kiul line. Both these lines are still single line while the capitals of all the States are linked with double lines. But Patna, the capital of Bihar State is linked through a single line from Gaya to Patna. The Arah-Sasaram Railway line has also been discontinued. As a result of public agitation, the Railway Minister in a public meeting in 1970, gave an assurance that from the Eastern Railway, as per report, comprehensive scheme has been launched to increase the capacity of the Grand Chord line

and after three years, a number of Mail Express trains would run on this line *via* Gaya. Therefore, they had to put up with hardships for three years only. But what to talk of 1973, 1978 is about to lapse and no improvement had been done on the Grand Chord Line.

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A group of Members of Parliament met the Railway Minister on 30 March, 1980 and submitted a memorandum requesting that complimentary passes be issued to the office bearers of the Railway Users Association. The Minister had assured that these would be issued very soon. It is regrettable that the matter has been kept pending in spite of repeated reminders given by the Members of Parliament."

4.3 The petitioners made, *inter alia*, the following suggestions and demands :

- (1) Measures to be adopted to decrease the number of accidents;
- (2) Proportion of interest of Railways and number of passengers should be the main consideration of development, extension, construction of Railways and increase in the number of trains;
- (3) All the mail, express and passenger trains at present running on main and grand chord lines of Eastern Railway should be divided on the basis of number of passengers on both lines;
- (4) Doubling of Patna-Gaya and Gaya-Kiul Sections;
- (5) Arrangement should be made for running trains on Arrah-Sasaram line again ;
- (6) Construction of new Railway lines, *i.e.* BodhGaya-Rajgirh line *via* Gaya and Gaya-Ranchi line *via* Sharghata-Chatra-Hazaribagh;
- (7) Introduction of new trains;
- (8) Extension of existing trains;
- (9) Diversion of certain routes of trains *via* Gaya;

- (10) Representation of the Indian Railway Users' Association on each body of the Railway; and
- (11) Sanction for issue of complimentary passes to Indian Railway Users' Association.

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

4.4 The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee on Petitions. In their point-wise factual note dated 18 October, 1982 (See Appendix V) the Ministry of Railways have stated, *inter alia* as follows :—

- “(1) Measures to be adopted to decrease the number of accidents.

The majority of accidents are ultimately traceable to failure of human element.....For this purpose, the Railways are pursuing a multi-pronged strategy by way of education, effective supervision, technological aids, enforcement of discipline and awards for good work.

To avoid failure of equipment special attention is being paid to maintenance of vital assets like rolling stock, track, signalling equipment etc.

- (2) Proportion of interest of Railways and number of passengers should be the main consideration of development, extension, construction of Railways and increase in the number of trains.

Subject to availability of resources additional trains are introduced to cater to the growth in passenger traffic.

- (3) All the mail, express and passenger trains at present running on main and grand chord lines of Eastern Railway should be divided on the basis of number of passengers on both lines.

There are adequate number of through and sectional train services both on the main line and *via* chord line. Partitioning of train services between the two routes will deprive passengers on one or the other routes giving rise

to agitation. Besides, there is no spare line capacity on saturated grand chord section.

(4) Doubling of Patna-Gaya and Gaya-Kial Sections

The existing capacity of the above sections is considered adequate to deal with the present volume of traffic.

(5) Arrangement should be made for running trains on Arrah-Sasaram line again

A preliminary engineering-cum-Traffic survey for a Broad Gauge Line between Arrah and Sasaram is in progress.

(6) Construction of new Railway lines

(a) **Bodh-Gaya-Rajgirh line via Gaya** : Survey carried out in 1976-77 for laying a Broad Gauge line from Rajgirh to Gaya revealed that the project will not be a viable one. It is, therefore, not proposed to take up this proposal for consideration at present.

(b) **Gaya-Ranchi line via Sharghata-Chatra-Hazari-bagh** : There is no proposal for taking up this line for consideration. The present constraint on resources position does not permit taking up this proposal for consideration.

(7) Introduction of new trains

Introduction of additional trains on different sections has not been found feasible at present due to line capacity constraints en route, acute shortage of coaching stock and also terminal facilities.

(8) Extension of existing trains

Extension of existing trains will defeat the very purpose of introduction of the services and also will be resented by the present users of services. Moreover, there is no terminal facilities at Gaya.

As such extension of existing trains as mentioned by the petitioners have not been found feasible.

(9) Diversion of trains

Diversion of services to run via Gaya will be resented by the present users. Moreover, there is line capacity constraints on various section en-route.

(10) Representation of the Indian Railway Users' Association to each body of the Railway

The request of the Indian Railway Users' Associations will also be considered alongwith others at the time of reconstitution of the Railway Users' Consultative Committee.

(11) Sanction for issue of complimentary passes to Indian Railway Users' Association

The Ministry of Railways have considered the request for the issue of complimentary card pass but they regret their inability to accede to it."

C Recommendation of the Committee

4.5 The Committee note the position stated by the Ministry of Railway (Railway Board) in their factual comments on the demands made in the representation regarding certain railway facilities for the residents of Gaya. The Committee feel that no intervention is called for in the matter on their part in view of the position stated by the Ministry.

However, in the case of demand for doubling of Patna-Gaya Section the petitioners have pointed out that Gaya is an important centre both from tourism and educational points of view and the rail traffic on that section is on the increase. The Committee agree with the submission made by the petitioners in this respect. The Committee, accordingly, recommend that the question of doubling the railway line between Patna and Gaya should be given priority.

REPRESENTATION REGARDING TRANSFER OF OWNERSHIP RIGHTS OF SHOPS IN MARKETS UNDER THE ADMINISTRATIVE CONTROL OF DIRECTORATE OF ESTATES, UNDER TERMS AND CONDITIONS LAID DOWN BY THE MINISTRY OF REHABILITATION

5.1 The President and the General Secretary, Shankar Market Welfare Association, New Delhi, submitted a representation regarding transfer of ownership rights of shops in markets under the administrative control of Directorate of Estates, under terms and conditions laid down by the Ministry of Rehabilitation.

A. Petitioners' Grievances and Prayer

5.2 In their representation dated 16 April, 1982, (See Appendix VI), the petitioners stated, *inter alia*, as follows :—

“After the partition of this country, Ministry of Rehabilitation was created to rehabilitate the migrants from Pakistan. Several residential and commercial properties were built for the purpose. Almost all the properties were transferred to the displaced persons. In Delhi a number of markets, *viz.* Bhagat Singh Market, Khan Market, Gaffar Market, Desh Bandhu Gupta Market, Gokhle Market, Rajinder Nagar Market, markets in Patel Nagar, Lajpat Nagar, Kalkaji, Malviya Nagar, Sarojini Nagar, Kamala Market, Pleasure Garden Market, New Central Market and a number of other markets were constructed by the Ministry of Rehabilitation purely for the purpose of rehabilitating the West Pakistan migrants. Almost all the properties and markets were transferred to the displaced persons but the New Central Market, Kamla Market, Pleasure Garden Market and Sarojini Nagar Market were not transferred by the Ministry of Rehabilitation and with effect from 1.4.1958 the administrative control of these four Rehabilitation markets was transferred to the Directorate of Estates, Ministry of Works and Housing and all the allottees therein being tenants of Ministry of Rehabilitation were advised to pay the rents fixed (at the rate of 6% of the capital outlay including the cost of land) by the Ministry of Rehabilitation to the Directorate of Estates thereafter.

The terms and conditions applied by the Ministry of Rehabilitation remained unchanged.

Eventually, in the year 1978, the Government decided to transfer the ownership rights even in these four Rehabilitation markets to the eligible occupants. Since the terms and conditions offered by the Directorate of Estates were quite different as compared with the terms and conditions, practice and procedure applied by the Ministry of Rehabilitation while transferring the similar other markets, a detailed memorandum pointing out the specific discriminations being made was submitted to the Minister of Works and Housing on 31.1.1979 and again on 8.6.1981.

In the meantime the payments for the demanded capitalised value were made without admitting the correctness thereof and without giving the written unqualified consent as the terms and conditions were discriminatory and eventually the date of payment was extended to 31.5.1980 by the Directorate of Estates.

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Under the circumstances, it is earnestly requested to prevail upon the Ministry of Works and Housing to direct the Directorate of Estates not to discriminate between the displaced persons by imposing the terms and conditions contrary to ones applied by the Ministry of Rehabilitation while transferring the ownership rights in the similar other markets.”

*B. Comments of the Ministry of Works and Housing
(Directorate of Estates)*

5.3 The representation was referred to the Ministry of Works and Housing (Directorate of Estates) for furnishing their factual comments thereon for consideration by the Committee. In their factual note dated 31 July, 1982 (See Appendix VII), the Ministry of Works and Housing (Directorate of Estates) have stated, *inter alia*, as follows :—

“New Central Market (Shankar Market) is one of the following five markets, the administration of which was transferred to the Ministry of Works and Housing by the Ministry of Rehabilitation on 1.4.1958 :—

- i) New Central Market (Shankar Market)
- ii) Pleasure Garden Market
- iii) Kamla Market
- iv) Sarojini Market
- v) Raisina Market.

Shops in the above markets were allotted to the displaced persons from West Pakistan who migrated to India after partition. Allotment was made on monthly rent basis. Raisina Market has since been demolished, and the remaining four markets have continued to be administered by the Ministry of Works and Housing.

(2) In 1978, it was decided at the level of the Cabinet to confer ownership rights to allottees/occupants eligible for allotment, in the four markets mentioned above. The terms of offer of ownership as approved by the Cabinet are indicated below :—

(i) The structures will be transferred to the allottees/occupants eligible for allotment, on payment of capitalised value of the rental paid by executing Conveyance Deeds.

(ii) As long as the present lease-hold system is not replaced by a free-hold system, land underneath the structure will continue to be leased on a restricted basis at a ground rent of 2 1/2% per year of the present market value of land.

In accordance with the above decision, offer of ownership has been made to the allottees/persons eligible for allotment in the four markets and quite a substantial number of shopkeepers have also made payment of the Capitalised Cost or are making payment in instalment and action to conclude lease deed is being processed by the Land and Development Officer under the Ministry of Works and Housing.

(3) In the petition submitted to the Committee on Petitions, the Shankar Market Welfare Association (New Central Market) have traced the background leading to allotment of shops/flats to the refugees and have mentioned that procedure and practice adopted by the Ministry of Rehabilitation as prescribed under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the Rules thereunder should be applicable and binding in their case.

(4) This matter has been examined in consultation with Department of Rehabilitation who made initial allotment of shops, etc. That Department have intimated that after the partition of the country, there was a lot of squatting on Government land by the displaced persons and sites as and when suitable accommodation became available. There was then no question

of any displaced person being given proprietary rights either in the tenements, or in the shops which were allotted to them on rent. The question of giving proprietary rights arose only in 1955 when the compensation rules were considered. At that time while the first reaction was to permit proprietary rights only in the rehabilitation colonies, later it was decided to extend the principle to constructions undertaken in the other areas also. Government, however, specifically reserved to itself the rights not to confer proprietary rights in any buildings or localities at its discretion and necessary provision to exercise its discretion had been made in Rule 36 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. Part of the Compensation Pool valued at Rs. 10,000/- (later revised to Rs. 15,000/-) or less shall ordinarily be transferred to the displaced person occupying the property on rental basis. The word 'ordinarily' was used deliberately in the drafting of the Rules because some of the shopping centres by the very terms of the contract could not be transferred. As such, the displaced persons had no right to claim proprietary rights in any market or building constructed for their rehabilitation. With regard to the four markets referred to in the petition, the sites for construction of Sarojini Market and Shankar Market were secured on the specific conditions that their ownership would, in accordance with the general policy of the Ministry of Works and Housing be retained by the Government.

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(11) It has also been mentioned in the representation that the shopkeepers have only made payment of the Capitalised Cost and had not accepted the terms and conditions. If the terms of the offer of ownership were not acceptable to them, they should not have made the payment of the Capitalised Cost. Payments from the shopkeepers were accepted without formal acceptance of the terms because in a number of cases they are illiterate and the Ministry did not want to put persons into difficulty and, therefore, procedure of accepting payment without formal acceptance in writing was adopted. Moreover, the very fact of the making of the payment confirms acceptance of the terms and conditions contained in the offer of ownership and in case the terms were not acceptable to the shopkeepers, they were at liberty to refuse the offer and need not have made payment and could have continued to remain as tenant/licencee."

C. Recommendations of the Committee.

5.4 The Committee have perused the points made in the representation and the factual position stated by the Ministry of Works and Housing thereon. The Committee recommend that the ownership rights to allottees in markets under the administrative control of the Directorate of Estates may be conferred on them in accordance with the same terms and conditions as were laid down by the Ministry of Rehabilitation in this regard.

VI

REPRESENTATION REGARDING FORWARD DEALINGS IN SECURITIES 'A' LIST AT BOMBAY STOCK EXCHANGE IN CONTRAVENTION OF THE SECURITIES CONTRACTS IN (REGULATION) ACT, 1956

6.1. Shri Nirmal Kumar, Bombay, addressed a representation dated 28 July, 1982 regarding forward dealings in Securities 'A' List at Bombay Stock Exchange in contravention of the Securities Contracts (Regulation) Act, 1956.

A. *Petitioner's Grievances and Prayer*

6.2. In his representation dated 28 July, 1982, the petitioner stated as follows :—

“I address my letters in Hon'ble Finance Minister's personal name but they are acknowledged by some officers and I am afraid that they are not placed before the Hon'ble Minister. Every Tom, Dick and Harry and all Newspapers In India except Government Directors on the Governing Board of Bombay Stock Exchange know that there is illegal forward business in Securities 'A' List in Bombay Stock Exchange.

Any device, system or *modus operandi* which allows the shares to be held fortnight after fortnight by a person in account without investing money is illegal no matter with what name it is called. The notification is very clear and wants to eradicate dealing in cleared list. The badla, undua badla or back-wardation, badla sessions are by-products of forward market.

The various press cuttings and daily market reports confirm beyond doubt the existence of forward market worst than what it was in 1969 before the notification. Several brokers' failures as well as payment difficulties cannot be there if notification is followed and business is done as per directive in the notification.

I may add, Sir, that the practice of 2 lists, one for cleared list (Banned) and other cash list (called Securities B in Bombay

Stock Exchange) is prevalent in other exchange as well with slight difference in name.

Recently, Hon'ble Finance Minister has replied in Rajya Sabha and assured that stock exchange malpractices would be curbed but there is no mention about illegal forward business. All these measures are useful unless Securities.—A List is merged with List B and *modus operandi* is as of B for all shares.”

6.3 The petitioner prayed as follows :—

- “(i) There should be only one list so that there is no scope for illegal forward business;
- (ii) The notification be enforced as there is more necessity, the conditions being worse than what they were in 1969;
- (iii) The Government Directors on the Governing Board be sacked and criminal case be instituted against them for abetting illegal forward business; and
- (iv) Any other order or instructions deemed fit.”

6.4 Subsequently, Shri Nirmal Kumar addressed another letter, dated 3 September, 1982 (See Appendix VIII) in which he prayed as follows:—

- “(1) A Commission of Enquiry be appointed to look into illegal business in the past and the changes contemplated for future workings inviting suggestions from the public;
- (2) Securities ‘A’ List be merged with Securities ‘B’ List and notification dated 27.6.1969 be enforced; and
- (3) Suitable legal action be taken against Government Directors for allowing forward business and misleading the Government by giving wrong statements and making the Finance Minister give false reply in Parliament.”

B. Comments of the Ministry of Finance (Department of Economic Affairs) (Stock Exchange Division)

6.5 The representation dated 28 July, 1982 was referred to the Ministry of Finance (Department of Economic Affairs) (Stock Exchange Division) for furnishing their factual comments thereon for consideration

by the Committee. In their factual noted date 25 September, 1982, the Ministry of Finance (Department of Economic Affairs) (Stock Exchange Division) have stated as follows:—

- “(1) The principal point made in the letter dated the 12th July, 1982, addressed to the Finance Minister by Shri Nirmal Kumar is that the transactions taking place on the Bombay Stock Exchange in ‘A’ List securities are violative of the Government’s Notification No. S. O. 2581, dated the 27 June, 1969.
- (2) The Government of India banned, by issuing a notification under section 16 (1) of the Securities Contracts (Regulation) Act, 1956, contracts for ‘the sale or purchase of securities other than such spot delivery contract or contract for cash or hand delivery or special delivery in any securities as is permissible under the said Act, and the rules, bye-laws and regulations of a recognised stock exchange’. This, in effect meant that trading for the ‘Clearing’ popularly known as forward trading stood prohibited by Government. A copy of the notification and the press note dated 27.6.1969, issued by Government in this behalf are attached *vide* Appendices IX and X.
- (3) Securities of over 1,000 companies are listed on the Bombay Stock Exchange. Investor’s interest is, however, not uniform in all of them. As investor interest in some of them is more than in others, securities are divided into two categories *viz.*, List ‘A’ or Active Securities and List B or less Active Securities. Securities in which investor interest is considerable are placed in List ‘A’ and the remaining securities in List B. At present equity shares of about 50 companies are placed in List A with all the remaining securities being placed in List B.
- (4) Contracts that are entered into in securities in both List A and List B are for hand delivery permitted by Government. To facilitate performance of these transactions, a settlement period of 14 days is specified in respect of securities in both the Lists.
- (5) A hand delivery contract as stipulated in the Bye-laws of Bombay Stock Exchange as ‘for delivery and payment within the time or on the date stipulated when entering into the contract which time or date shall not be more than 14 days following the date of the contract’. A hand delivery contract can be performed in three different ways *viz.*,—

- (i) by actual delivery of shares on the due date ;
 - (ii) by closing the contract by entering into a cross contract any time during the period of 14 days and paying the differences in prices between the initial contract rate and the rate of the cross contract ;
 - (iii) the contract outstanding at the end of a settlement period is compulsorily closed by a cross contract and a fresh contract is entered into for the next settlement and the differences in prices between the initial contract rate and the cross contract rate are settled.
- (6) Performance of transaction in List A takes place by all the three modes indicated above. In order to enforce discipline and uniformity in transactions in securities in List A, the Stock Exchange has provided that on every alternate Friday contracts entered into in securities in this list during the preceding fortnight and not closed by opposite transactions should be concluded by delivery of shares and payment of prices, and if the same is not possible, by compulsory closure by effecting a cross transaction at a rate which is approximate to the closing market rate of the previous day fixed by the Exchange and settling the differences in prices between the initial contract rate and rate of closure so fixed by the Exchange. It is understood that some of these crossed out transactions are, however, again revived by members of the Stock Exchange in the next settlement period by entering into fresh contracts by gentlemen's agreement, thus creating fresh liabilities. Old liabilities for making payment of differences in respect of crossed out transactions have thus already been fixed and carried out independently of these newly created liabilities arising out of the fresh contracts entered into for the succeeding settlement period.
- (7) The question as to whether the transactions in securities in List 'A' of the Bombay Stock Exchange attract the ban provisions of the Government Notification dated the 27 June, 1969 has been considered.
- (8) Ministry of Law, Justice and Company Affairs to whom a reference was made had also held that these contracts did not impinge on the Notification banning contracts for the 'clearing'.

6.6 In order to curb speculative activities in securities and to avoid payment crisis and for smooth and orderly operation on Stock Exchanges, the Ministry of Finance (Department of Economic Affairs) furnished to the Committee copies^{**} of the following instructions dated 29 January, 1983 issued to the Stock Exchanges in the country:—

- (i) Suitable amendments to the Bye-laws and Regulations of Stock Exchanges to extend regulatory measures to non-cleared securities ;
- (ii) Periodic inspection by Stock Exchange authorities of books of accounts and other documents of their members indulging or suspected to be indulging in speculative deals and disciplinary action against them ;
- (iii) Auditing of accounts of active Members of the Stock Exchanges by qualified Chartered accountants ; and
- (iv) Introduction of regulatory measures including imposition of margins and contracts carried forward from one settlement period to another, daily margin on suitable occasions, two-tier system of making up prices for payment of differences from one settlement period to another, suspension of fresh trading whenever the outstanding business exceeds certain specified limits etc.

C. Observations of the Committee

6.7 The Committee note the position stated by the Ministry of Finance (Department of Economic Affairs) with regard to procedure for performance of transactions in List 'A' and List 'B' securities in the Bombay Stock Exchange. The Ministry have also stated that the transactions taking place in the Bombay Stock Exchange in 'A' List securities do not violate the provisions of the Government Notification dated 27 June, 1969. The Committee also note that the Ministry of Law, Justice and Company Affairs to whom a reference was made by the Ministry of Finance, have held that these contracts do not impinge on the Notification banning contracts for the 'clearing'.

6.8 The Committee further note that in order to curb speculative activities in securities, and avoid payment crisis and also for smooth and orderly operation of Stock Exchanges, the Ministry of Finance (Department of Economic Affairs) have recently issued certain instructions on 29 January, 1983 to the Stock Exchanges in the country. The Committee feel that these

^{**} Not enclosed.

steps are in the right direction and would be helpful in curbing speculative activities in securities in the interest of genuine investors.

6.9 In the light of the position stated by the Ministry of Finance (Department of Economic Affairs) in their factual comments on the points made in the representations and various instructions issued by the Government in this regard, the Committee feel that no intervention is called for in the matter on their part.

VII

OTHER REPRESENTATIONS

7.1 During the period under report, the Committee have considered eleven other representations and letters (*See* Appendix XI) addressed to the House, the Speaker, Lok Sabha or the Committee by different individuals which were inadmissible as petitions.

7.2 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 representations.

VIII

OUTSTANDING RECOMMENDATIONS

8.1 The Committee have come across a number of cases where the Ministries/Departments have taken unusually long time in implementing their recommendations. It will be observed from the pending cases mentioned in Appendix XII that the period of delay which has already occurred ranges between 9 months and 4 years in implementing the recommendations made by the Committee in the Reports during the Sixth and Seventh Lok Sabha.

8.2 Inordinate delay in some cases, necessitating repeated reminders, is disconcerting. The Committee feel that quick action by Government on the Committee's recommendations/observations, would encourage a feeling of satisfaction and confidence in the minds of the public that their object of petitioning to Parliament for redressal of their legitimate grievances has been fructified and that their efforts have not gone in vain. Such satisfaction and confidence in getting timely justice by the aggrieved persons would further strengthen the democratic set up in our country.

8.3 The Committee would, therefore, like the Ministries/Departments to be more careful in future and they should keep a close watch so as to ensure expeditious implementation of their recommendations within a reasonable time not exceeding six months. The Committee desire that the Department of Parliamentary Affairs should take up this matter with the Ministries/Departments.

NEW DELHI;

3 May, 1983

Vaisakha 13, 1905 (Saka)

R.L. BHATIA,

Chairman,

Committee on Petitions.

APPENDIX I

(See para 2.2 of the Report)

[PETITION NO. 21 *RE. WORKING OF VARIOUS RESEARCH COUNCILS OF INDIAN MEDICINES AND NATIONAL INSTITUTE OF AYURVEDA, JAIPUR, MERGER OF VARIOUS RESEARCH COUNCILS INTO ONE INTEGRATED COUNCIL, ELECTIONS TO CENTRAL COUNCIL OF INDIAN MEDICINE, ENACTMENT OF A CENTRAL ACT AND IMPROVEMENT IN THE SYSTEM OF EDUCATION IN INDIAN MEDICINE ETC.*]

LOK SABHA

PETITION NO. 21

(Presented to Lok Sabha on 19.7.1982)

To

LOK SABHA
NEW DELHI

The humble petition of Dr. Y.K. Tripathi, Dr. Raj Kumar Aggarwal, Dr. K.S. Poddar, Dr. Ashok Majumdar, Dr. Amir Chand Chawla, Hakim Trilok Singh Oberoi and Dr. R.K. Mangal, Delhi.

SHEWETH

- (a) Proper, immediate and meaningful enquiry needed into the working and implementation of the Central Council Indian Medicine Act, 1970.
- (b) Proper and meaningful enquiry needed into the functioning of the various research Councils of Indian Medicines and National Institute of Ayurveda, Jaipur.
- (c) Rooting out the rampant mismanagement, malpractices, casteism, provincialism corruption, nepotism and favouritism and parochialism in appointments, transfers, promotions, nominations of members.

- (d) Checking misappropriation of funds etc. vices in the research Councils of Indian Medicine and National Institute of Ayurveda, Jaipur.
- (e) To set the Councils on proper footing for achieving the aims and objects for which they were set up.
- (f) Merging all the existing Councils into the integrated Councils as before with necessary improvements.
- (g) Immediate enactment of a suitable legislation therefor.

(1) Merger of various Councils into one integrated Council

The splitting of the former Central Council for Research in Indian Medicine and Homoeopathy constituted in the year 1969 into various councils e.g. CCRAS, CCRUM, CCRYM, CCRHM in the year 1978 has resulted in unnecessary and avoidable huge increase of administrative and establishment overheads and mismanagement of their affairs, leaving very meagre amount for the purpose of actual research work. The splitting of CCRIM & H into four Councils has proved detrimental to the noble cause of Indian systems of medicine and its research work. It is, therefore, prayed that the old structure of one council for all Indian systems of Medicine be revived immediately by merging all these research Councils into one autonomous Council as before with necessary improvements, giving more powers to the elected bodies than the salaried officials to enable it to function in an impressive manner to carry out research work and checking rampant mismanagement, corruption etc. and to function in accordance with its constitution, rules and regulation framed thereunder.

(2) Enactment by Parliament

The experience of the last thirteen years of the C.C.R.I.M. & H. and four research Councils, has clearly shown that in the absence of definite and specific provision in the Act of Parliament for the purpose, the constitutions of the four research Councils and the National Institute of Ayurveda were drastically changed from time to time arbitrarily by the bureaucracy to suit their convenience. It is, therefore, essential and in national interest that a comprehensive Central Act of Parliament is enacted soon to regulate properly the functions, funds, appointments, transfers, promotions, nominations and all other affairs of the Council with a view to ensuring its proper and purposeful functioning and checking misappropriation, nepotism, mismanagement, parochialism etc. causing total chaos and crisis in the existing several councils for Indian systems of medicines without any justification at all.

(3) Audit by Comptroller and Auditor General of India

The accounts of the above four Research Councils and National Institute of Ayurveda are only internally audited and the accounts of 1977-78 were never presented for audit. The Comptroller and Auditor General of India has at present no say in it. It is, therefore, absolutely necessary that the audit of the Council (CCRIM &H), Research Councils, National Institute of Ayurveda should be got done from the Comptroller and Auditor General of India to ensure that no loopholes, misappropriation, financial improprieties, embezzlement etc. is committed in these Councils.

(4) Screening and appointments by expert body including UPSC

All the appointments, promotions etc. for the various posts in these research councils should be done in accordance with the well established norms, procedures and rules relating thereto and the practice adopted by similar other Research Councils in making appointments, promotions etc. Proper screening should also be done by appropriate expert bodies in respect of irregular and large number of *ad hoc* appointments made so far. Suitable posts should be referred to UPSC invariably to ensure impartiality which should also examine the various recruitment rules and orders made thereunder.

(5) Examination of the working of the Councils by standing Parliamentary Committee

Just as the Parliamentary Committees exercise check over the functioning of various Government departments, Public Undertakings, Autonomous Organisations (fully financed by Government) etc., they may also examine the Annual Report, Annual Accounts together with Audit Reports thereon, estimates etc., of the Councils with a view to exercising Parliamentary control over the Councils run by Government money.

(6) Totally wrong treatment of Leucoderma and Epilepsy

Wrongful claim of the project officers of Research Councils about the treatment of Epilepsy, Leucoderma, malaria should be enquired into by an expert medical scientific committee before giving statement to the press. Bogus advertisements should also be checked to save patients and reputation of I.S.M. in which the root cause is treated and not the outer symptoms and ailments alone vis-a-vis the correct treatment claimed by experts on the subject with authority of Ayurveda, Unani, modern medicine and research carried out by them through Bakuchi (Ammi Majus) Psoralea carylifolia seeds and diseases like epilepsy and malaria.

(7) Technical persons of I.S.M. to replace non-professionals

Medicines protect life and safeguard health of patients and remove all the complications of the diseases, which is a highly specialised profession needing expertise and therefore, requires that all the authorities and officers holding the administrative and other posts in the Research Councils dealing with Indian systems of medicine must be technical persons possessing high professional qualifications and experience in Indian medicine and all such bodies should be headed and manned by only technically qualified officers of I.S.M. and not by non-technical or non-professionals who have already created chaos in the functioning of the above mentioned Research Council and National Institute of Ayurveda, Jaipur, in the absence of medical knowledge, which is detrimental and suicidal to the noble cause of the Indian systems of medicine.

(8) Immediate Elections to the Council

Democratic elections to the Central Council of Indian Medicine under IMCC Act, 1970 are pending since 1976 despite repeated demands made by the Council and other concerned Associations, and inspite of nomination of Returning Officer, made and rules framed and notified therefor 3 years back. As such, immediate election is necessary. At present, there are more than 50% vacancies in the membership of the Council.

(9) Application of the Central Service (MA) Rules

A number of representations and repeated reminders to the Ministry regarding amending the Central Service (M.A.) Rules to provide that the medicines prescribed by graduates of Integrated Course (Concurrent Course) be allowed without any hitch. The CCIM has also recommended to amend the Central Service (M.A.) Rules so that the qualified practitioners of Intergrated course are allowed to prescribe the drugs which should be reimbursed by the Government/Semi-Government/Public Undertakings etc. So far no concrete step has been taken by the Ministry for reason unknown. It is a sheer discrimination against the Indian systems of medicine which should at once be removed.

(10) Deletion, correction and addition of qualifications in the Schedule of the IMCC Act.

It has been brought to the notice of the Ministry several times that inclusion of the qualifications of the Indian systems of medicine in the existing schedule of the IMCC Act was very important and essential. It is learnt that the Central Council has already made recommendations to

the following effect after spending thousands of rupees by inviting and deliberating with Directors, Principals, Presidents of Boards and Faculties of Indian Medicine at the direction of the Ministry:—

- (a) Deletion of certain qualifications, which are non-existent or erroneously included in the schedule of the Act.
- (b) Correction of the qualifications existing in the schedule of the Act to suit the needs of the day.
- (c) Addition of the qualification not included in the schedule of the Act.

Although it was decided that the Ministry would consider the recommendations No. (a) and (b) above regarding the priority to be given to the question of inclusion of new qualifications in the IIInd Schedule of the IMCC Act 1970, but nothing has yet been done to rectify the irregular provisions in spite of the lapse of 3 years period since then.

(11) Workshops for improving the under-graduates course

It is very essential and important that workshops of teachers are arranged regularly for the development of I.S.M. and to assess and improve the implementation of the prescribed curricula and syllabi of under-graduate education in the I.S.M. A scheme was submitted with the minimum financial commitments, but the same has not been cleared so far. The reason being that the non-technical, non-professionals dealing with the subject in the Ministry have no idea of medical education and problems of I.S.M. nor have they any interest in bringing about any improvement in the Indian medicine education.

(12) Text Books Committee

It was suggested to the Ministry to constitute a text Books Committee comprising scholars of I.S.M. and modern medicine to prepare appropriate text books according to the curricula and syllabi of the under-graduates course. But it seems that the non-technical and non-professional bureaucrats are not at all interested in bringing about any change in the existing defective system and to improve the affairs, as they are believers of *status quo*.

(13) Bogus institutions and capitation fee

There are a large number of bogus institutions which have cropped up after the introduction of the Central Council Course, and they

charge huge capitation fee for admission. They are frequently advertising in the daily newspapers inviting applications for admission. The parents of students are not aware of the consequences of the admission of their wards in such colleges having one or two rooms, and without requisite facilities and equipment etc. needed for medical education. So many promising students are cheated by getting admission in such bogus institutes. As such, it requires a sincere effort to curb such malpractices by Central Act and executive action by the Ministry and the Council should be vested with such power to take action, against such malpractices. Recently Bihar Government has closed by ordinance more than 20 such mushroom colleges of I.S.M.

(14) Posts of Directors and Adviser not filled and need for D.G. I.S.M. in the Ministry

(a) Post of Adviser in the Ministry and Directors in all the research Councils and Director, National Institute of Ayurveda have not been filled up for the last 2, 11, and 8 years respectively with the result that research work has been totally held up in these bodies. The existing *ad hoc* system of nomination of Non-technical officers of the Ministry to hold dual charge of these posts is a dangerous act, which is detrimental to the cause of research work.

(b) The system of holding charge by officers of Health Ministry in the Research Councils should be changed and officials of the Health Ministry should not be allowed to hold *ex-officio* dual charge of post of Directors, Adviser in the research Councils in addition to their posts in the Ministries.

(c) All Directors should, therefore, be selected and appointed by competent authority or UPSC immediately. After all, there is no dearth in India of specialists to man these posts and it is not understood why these posts were kept vacant for such a long period.

(d) On the pattern of Directorate General of Health Services for Allopathy, there should also be a Directorate General for Indian Systems of Medicine for Ayurveda, Unani, Siddha, Yoga and Homoeopathy and mixed Indian system of medicine which cater to the medical needs of the over-whelming majority population of the country for proper coordination of research work and allied matters pertaining to these systems in an effective and purposeful manner.

And accordingly your petitioners pray that :

- (1) All the research Councils of I. S. M. should be merged into one Council as before ;

- (2) Parliament should enact a Central Legislation for the working and functioning of these research Councils and National Institute of Ayurveda ;
- (3) Audit of all the Research Councils and National Institute of Ayurveda should be got done regularly from Comptroller and Auditor General of India instead of the existing internal audit alone ;
- (4) All appointments, promotions, transfers, nomination etc., should be done by the expert bodies of professional academicians and technicians including UPSC and all the past cases be screened into by them ;
- (5) The research Councils should be made to submit their annual reports, accounts and audit report thereon which may be open for examination by the standing Parliamentary Committee like all other Government departments, Public Undertaking etc.;
- (6) Investigation by a competent medical Scientific Committee into bogus class of treatment of Leucoderma and epilepsy etc. and claims of bogus advertisers should be conducted.
- (7) All non-technical officers of I.S.M. should immediately be replaced by technically and professionally qualified officers of I.S.M. in all the Research Councils ;
- (8) Democratic elections to the Central Council of Indian medicine should be conducted immediately under the provisions of the IMCC Act 1970 without any further delay ;
- (9) The Central Service (MA) Rules should be amended to authorise reimbursements of expenses on medicines prescribed by graduates of integrated (concurrent) medicines ;
- (10) The schedule of IMCC Act should be amended to delete unnecessary entries and correct the wrong entries and add new entries to meet the requirements of the day ;
- (11) Workshops for under-graduates course should be established ;
- (12) Text Books Committee to prepare text books for education and training in Indian systems of Medicine on the lines prescribed in the Curricula and Syllabi of CCIM should be get up ;

- (13) Bogus medical institutions and charging of capitation fee by them should be curbed by an act of Parliament or by ordinance ;
- (14) Creation of a Post of Directorate General for Indian system of medicine on the pattern of D.G.H.S. and immediate filling up of vacant posts of Directors in the Councils and Adviser. I.S.M. in the Ministry needs to be taken up without further delay. Dual charge of these posts held by officials of the Ministry should be stopped ; and
- (15) A Committee of Parliament should be set up to find out the obstacles in the way of filling up vacancies of Directors in Research Councils and National Institute of Ayurveda from its inception despite regular advertisement made for the last 11 and 8 years respectively and Adviser I.S.M. in the Health Ministry and for suggesting ways and means for filling them and also creating of a Directorate General I.S.M. on the pattern of D.G.H.S.

And your petitioners as in duty bound will ever pray for favourable consideration of the matters contained in the petition.

	<i>Name of petitioners</i>	<i>Address</i>	<i>Signature or Thumb impression</i>
1.	Dr. Y. K. Tripathi, Secretary General, All Indian Prachya Pratchya Medical Sciences Academy,	Flat No. 51, Central Market, Lajpat Nagar, New Delhi-24.	Sd/-
2.	Dr. Raj Kumar Aggarwal, Joint Secretary, National Integrated Medical Association, India.	31, Beadenpura, Karol Bagh, New Delhi-5	Sd/-
3.	Dr. K. S. Pooddar, Ex-president, National Integrated Medical Association, India.	10, Dev Nagar, Karol Bagh, New Delhi-5.	Sd/-
4.	Dr. Ashok Majumdar, Vice-President, All India Post-Graduate Ayurvedic specialist Association.	90/8, Connaught Circus, New Delhi-1.	Sd/-

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|----|--|--|-------------|
| 5. | Dr. Amir Chand Chawla,
Vice-President,
Congress (I) Paharganj
Block, New Delhi. | 2E/13, Swami
Ramtirth Nagar,
Delhi-55. | Sd/- |
| 6. | Hakim Trilok Singh Oberoi,
Ex-Lecturer, Ayurvedic
and Unani, Tibbia
College, Delhi. | 2290, Arya Samaj
Road,
Karol Bagh,
New Delhi-5. | Sd/- |
| 7. | Dr. R. K. Mangal,
Treasurer, National
Integrated Medical
Association, Delhi. | 1/1038, Bara Bazar,
Kashmiri Gate,
Delhi. | Sd/- |

**COUNTERSIGNED BY : Krishna Kumar Goyal, M. P.,
Div. No. 476.**

APPENDIX II

(See para 2.4 of the Report)

[FACTUAL COMMENTS OF THE MINISTRY OF HEALTH AND FAMILY WELFARE ON POINTS RAISED IN PETITION NO. 21 REGARDING WORKING OF VARIOUS RESEARCH COUNCILS OF INDIAN MEDICINES AND NATIONAL INSTITUTE OF AYURVEDA, JAIPUR, MERGER OF VARIOUS RESEARCH COUNCILS INTO ONE INTEGRATED COUNCIL, ELECTIONS TO THE CENTRAL COUNCIL OF INDIAN MEDICINE, ENACTMENT OF A CENTRAL ACT AND IMPROVEMENT IN THE SYSTEM OF EDUCATION OF INDIAN MEDICINE ETC.]

Points raised in the Petition

1. Merger of various Councils into one integrated Council

The splitting of the former Central Council for Research in Indian Medicine and Homoeopathy constituted in the year 1969 into various councils e. g. CCRAS, CCRUM, CCRYN, CCRHM in the year 1978, has resulted in unnecessary and avoidable huge increase of administrative and establishment overheads and mismanagement of their affairs, leaving very meagre amount for the purpose of actual research work. The splitting of CCRIM & H into

Factual position

1. Merger of various Councils into one integrated Council

It was felt for quite some time, that the erstwhile Central Council for Research in Indian Medicine and Homoeopathy was becoming unwieldy to manage, as it was looking after the research aspects, needs and requirements of too many disciplines i. e. Ayurveda, Unani, Siddha, Yoga, Nature-cure and Homoeopathy. After due deliberations, it was decided to split it into four smaller Research Council for Ayuurveda and Siddha, Unani, Yoga and Nature-cure and

four Councils has proved detrimental to the noble cause of Indian System of Medicine and its research work. It is, therefore, prayed that the old structure of one council for all Indian Systems of Medicine be revived immediately by merging all these research Councils into one autonomous council as before with necessary improvements, giving more powers to the elected bodies than the salaried officials to enable it to function in an impressive manner to carry out research work and checking rampant mismanagement, corruption etc. and to function in accordance with its constitution, rules and regulation framed thereunder.

2. Enactment by Parliament

The experience of the last thirteen years of the CCRIM & H and four research Councils, has clearly shown that in the absence of definite and specific provisions in the Act of Parliament for the purpose, the constitutions of the four research councils and the National Institute of Ayurveda were drastically changed from time to time arbitrarily by the bureaucracy to suit their convenience. It is, therefore, essential and in national interest that a comprehensive Central Act of Parliament is enacted soon to regulate properly the functions, funds, appointments, transfers, promotions, nominations and all other affairs of the Council with a view to ensuring its proper and purposeful functioning and

Homoeopathy. This was done to streamline and coordinate the research activities of the different disciplines e. g. Ayurveda, Unani, etc. according to the individual philosophy of each system. Even in the erstwhile CCRIMH, the activities in the field of different system were controlled by separate advisory bodies. The only change which the Government in fact brought about was to completely split up the unwieldy combined Council into four smaller and more easily manageable Councils.

The Committee on Petitions of the Raja Sabha had also endorsed the above splitting up in its 56th Report for the development of Unani System of Medicine in the country.

2. Enactment by Parliament

As the Government already had an existing model in the ICMR in respect of the Allopathic systems of medicine which was working quite well, it established the Research Councils for Indian Systems of Medicine on the same basis. As on the Allopathic side, two separate Central Councils of Indian Medicine and Central Councils for Homoeopathy were established on the lines of the Medical Council of India for Modern Medicine, by specific acts of Parliament. On the analogy of the Indian Council for Medical Research, four research councils of Indian Medicine were established. The National Institutes of Ayurveda and Homoeopathy and the proposed National Institutes of Unani, Nature-cure etc.

choeking misappropriation, nepotism, mismanagement, parochialism etc. causing total chaos and crisis in the existing several councils for Indian systems of medicine without any justification at all.

have been/are being set up as autonomous bodies under the Societies Registration Act. It will be appreciated that the specialisation, super specialisation and inter disciplinary linkages and use of sophisticated equipments and instruments as well as surgical skills and techniques, have not developed on comparable scales or lines between the Modern Medicine and the ISM&H. Autonomy available to a registered society, is adequate for these Institutions. While deficiencies go exist and corrective action is taken wherever necessary in these institutes, there is no justification in the generalised allegations made.

3. Audit by Comptroller and Auditor General of India

The accounts of the above four Research Councils and National Institute of Ayurveda are only internally audited and the accounts of 1977-78 were never presented for audit. The Comptroller and Auditor General of India has at present no say in it. It is therefore, absolutely necessary that the audit of the Council (CCRIM'H), Research Councils, National Institute of Ayurveda should be got done from the Comptroller and Auditor General of India to ensure that no loopholes, misappropriation, financial improprieties, embezzlement etc. is committed in these councils.

4. Screening and appointments by expert body including UPSC

All the appointments, promotions etc. for the various posts in these research Councils should be done in accor-

3. Audit by Comptroller and Auditor General of India

It is not true that the accounts of the four Research Council and National Institutes of Ayurveda are only internally audited. The accounts of the four Research Council are audited by the Comptroller and Auditor General of India and their audited reports are laid on the Table of both Houses of Parliament, from 1979-80. Prior to that, the accounts of the erstwhile CCRIMH was subject to the audit control of the C. A. G. and the reports were placed before the Government Body of the Council. Similar is the position with regard to NIA, Jaipur, since its establishment.

4. Screening and appointments by an Expert Body including UPSC

All the appointments/promotions in these Councils/institutions are made in accordance with the approved re-

dance with the well established norms, procedures and rules relating thereto and the practice adopted by similar other Research Councils in making appointments, promotions etc. Proper screening should also be done by appropriate expert bodies in respect of irregular and large number of ad-hoc appointments made so far. Suitable posts should be referred to UPSC invariably to ensure impartiality which should also examine the various recruitment rules and orders made there-under.

5. Examination of the working of the Councils by standing Parliamentary Committees

Just as the Parliamentary Committees exercise check over the functioning of various Government departments, Public Undertakings, Autonomous Organisations (fully financed by Government) etc. they may also examine the Annual Report, Annual Accounts together with Audit Reports thereon, estimates etc., of the Councils with a view to exercising Parliamentary control over the Councils run by Government money.

6. Totally wrong treatment of Leucoderma and Epilepsy

Wrongful claim of the project officers of Research Councils about the treatment of Epilepsy Leucoderma,

recruitment rules by the duly constituted selection committees. Ad-hoc appointments in the council are resorted to only where necessary. The UPSC is not concerned with the appointments in autonomous organisations, under the constitution of India. The supervisory control of the Governing Body which makes rules for the proper of these institutions, is considered adequate.

5. Examination of the working of Councils by Standing Parliamentary Committees

Such a control, as is sought already exists, in as much as the Annual Reports/Audited statement of accounts and the audit reports are considered by Committees on Papers Laid on the Table of both Houses. There is no bar to any parliamentary Committee, visiting and examining the functioning of any of the Central Councils/Research Councils/National Institutes. In fact, a study group of the Estimates Committee recently visited the National Institute of Ayurveda, Jaipur.

6. Totally wrong treatment of Leucoderma and Epilepsy

In scientific matters, the councils are guided and advised by the Scientific Advisory Boards. Any specific complaint

malaria should be enquired into by an expert medical scientific committee before giving statement to the press, Bogus advertisements should also be checked to save patients and reputation of I. S. M. in which the root cause is treated and not the other symptoms and ailments alone vis-a-vis the correct treatment claimed by experts on the subject with authority of Ayurveda, Unani, modern medicine and research carried out by them through Bakuchi (Ammi Majus) Psoralea carylifolia seeds and diseases like epilepsy and malaria.

7. Technical persons of I. S. M. to replace non-professionals

Medicines protect life and safeguard health of patients and remove all the complications of the diseases, which is a highly specialised profession needing expertise and therefore requires that all the authorities and officers holding the administrative and other posts in the Research Councils dealing with Indian Systems of medicine must be technical persons possessing high professional qualifications and experience in Indian Medicine and all such bodies should be headed and manned by only technically qualified officers of I. S. M. and not by non-technical or non-professionals who have already created chaos in the functioning of the above mentioned Research Council and National Institute of Ayurveda, Jaipur, in the absence of medical knowledge, which is detrimental and suicidal to the noble cause of the Indian System of medicine.

can be brought to their notice. After all, we should have confidence in our scientific experts.

7. Technical persons of I. S. M. to replace non-professionals

This is too general a statement. All the Research Councils/National Institutes are manned by persons who possess the requisite qualifications to suit the requirements of posts in the administrative and technical disciplines. All appointments are required to be made by the competent authority.

8. Immediate Elections to the Council

Democratic elections to the Central Councils of Indian Medicine under IMCC Act, 1970 are pending since 1976 despite repeated demands made by the Council and other concerned Associations and in spite of nomination of Returning Officer, made and rules framed and notified therefore 3 years back. As such, immediate election is necessary. At present, there are more than 50% vacancies in the membership of the Council.

8. Immediate elections to the Council

Elections to the Central Council of Indian Medicine under the I. M. C. Act 1970 could not be held since 1976 as the electoral rolls were not complete. Action is being taken vigorously to have them completed and elections to the Council held. The statement that there are more than 50% of vacancies in the council, is not correct. Out of 91 members in CCIM, there are only 29 vacancies and out of 34 members in CCH, there are only 2 vacancies.

9. Application of the Central Service (MA) Rules

A number of representations and repeated reminders to the Ministry regarding amending the Central Service (MA) Rules of provide that the medicines prescribed by graduates of Integrated Course (Concurrent Course) be allowed without any hitch. The CCIM has also recommended to amend the Central Service (M. A.) Rules so that the qualified practitioners of Integrated Course are allowed to prescribe the drugs which should be reimbursed by the Government/Semi-Government/Public Undertakings etc. So far, no concrete step has been taken by the Ministry for reason unknown. It is a sheer discrimination against the Indian Systems of medicine which should at once be removed.

9. Application of the Central Service (M. A.) Rules

There does not seem to be any discrimination. All qualified doctors in Allopathy are not appointed as AMAs. Only the State Govts. or Chairman, Central Government Employees Welfare Committee, wherein existence, approve the Authorised Medical Attendant from among private practitioners of modern medicine. All doctors of ISM working in the Central/State Hospitals/Dispensaries, are considered to be AMAs under the CS (MA) Rules.

The position in accordance with this Ministry (O. M. No. G-1405/55/73-MC dated 19-9-1974 [pp. 33-34 of CS (MA) Rules 1977 edition] is as follows :

It has been decided that officers possessing integrated qualifications like GFASM and BAMS who are basically

trained in I. S. M. should not normally be appointed as AMAs in allopathic system of medicine. Such officers are eligible for appointment as AMAs for Indian System of Medicine and while they are so appointed, they should prescribe medicines only in Indian Systems of Medicine in accordance with this Ministry's O. M. No. F. 29-16/71-MA, dated 14th Sept., 1972. However, in the case of States where persons with integrated qualifications are entitled to practise modern medicine along with Ayurveda and in places where persons holding MBBS Degree are not available, officers with recognised integrated qualifications may be appointed as the AMAs allopathy systems in addition to the Indian Systems for which they are normally eligible. The A. M. A. so appointed should not, however, mix up the two systems of medicine, i. e. for the same spell of disease of the same patient they should prescribe only one system of medicine and not both.

10. Deletion, correction and addition of qualifications in the Schedule of the IMCC Act

It is not possible to delete any qualification already included in the 2nd Schedule to the IMCC Act retrospectively without resorting to an amending legislation. It is only possible to put an appropriate entry under the 'Remarks' column of the 2nd Schedule indicating the year upto which such a qualification may be deemed as a recognised qualification. The effect of deleting the qualification would be

10. Deletion, correction and addition of qualification in the Schedule of the IMCC Act

It has been brought to the notice of the Ministry several times that inclusion of the qualifications of the Indian System of Medicine in the existing schedule of the IMCC Act was very important and essential. It learned that the Central Council has already made recommendations to the following effect after spending thousands of rupees by inviting and deliberating with Directors, Principals, Presidents of

Boards and faculties of Indian Medicine at the direction of the Ministry.

- (a) Deletion of certain qualifications, which are non-existent or erroneously included in the schedule of Act.
- (b) Correction of the qualifications existing in the schedule of the Act to suit the needs of the day.
- (c) Addition of the qualification not included in the schedule of the Act.

achieved by the above procedure as the qualification would be recognised only upto a particular year. The Central Council of Indian Medicine have been requested to send a list of such qualifications which were not upto the standard and required to be recognised only for the past period and also a list of errors in the qualifications included in the 2nd Schedule, for consideration and notifying necessary amendments in consultation with the State Governments.

As regards additions of qualifications not included in the schedule, applications received under section 14 of the Act, are examined in consultation, with the Central Council and notification in this regard are being issued as and when decisions are taken on such application.

11. Workshops for improving the under-graduate course

It is very essential and important that workshops of teachers are arranged regularly for the development of I. S. M. and to assess and improve the implementation of the prescribed curricula and syllabi of under-graduate education in the I. S. M. A scheme was submitted with the minimum financial commitments, but the same has not been cleared so far. The reasons being that the non-technical, non-professionals dealing with the subject in the ministry base on idea of medical education and problems of I. S.M. not have they any interest in bringing about any improvement in the Indian medicine education.

11. Workshops for improving the under-graduate course

The Government has formulated a scheme with effect from 1981 for training of under-graduate teachers with a view to updating their knowledge and imparting to them the latest scientific techniques in select institutions having facilities for the undertaking such courses. The institutions have the option of conducting courses of either 6 week's or 2 week's duration depending on the availability of teachers hospitals etc. So far, 8 institutions all over the country, have conducted 21 courses covering about 150 students.

12. Text Books Committee

It was suggested to the Ministry to constitute a text books committee comprising scholars of I. S. M. and modern medicine to prepare appropriate text books according to the curricula and syllabi of the under-graduates course. But it seems that the non-technical and non-professional bureaucrats are not at all interested in bringing about any change in the existing defective system and to improve the affairs, as they are believers of *status quo*.

13. Bogus institutions and capitation fee

There are large number of bogus institutions which have cropped up after the introduction of the Central Council Course, and they charge huge capitation fee for admission. They are frequently advertising in the daily newspapers inviting applications for admission. The parents of students are not aware of the consequences of the admission of their wards in such colleges having one or two rooms and without requisite facilities and equipment etc. needed for medical education. So many promising students are cheated by getting admission in such bogus institutes. As such, it requires a sincere effort to curb such malpractices by central act and executive action by the Ministry and the Council should be vested with such power to take action, against such malpractices. Recently Bihar Government has closed by ordinance more than 30 such mushroom colleges of I. S. M.

12. Text Books Committee

The Ministry are framing a scheme whereby reliable text books required by the students/scholars of the ISM&H could be made available to them at reasonable prices. The Ministry avail of the services of professional, administrative, financial and other experts in considering any scheme in order to get a total picture.

13. Bogus institutions and capitation fee

The Government is already aware of the bogus institutions which advertise without having proper facilities for imparting training. For this purpose, the Central Council of Indian Medicine has been directed to advice the public through regular advertisements in all sections of the press to guard against advertisements from such bogus institutions/individuals, we are not aware of any widespread or significant levy of capitation fee in colleges of ISM&H. The State Governments have been advised to take appropriate corrective action wherever necessary. It should be understood that we have a free press in the country.

14. Posts of Directors and Adviser not filled up and need for D. C., ISM in the Ministry

14. Posts of Directors and Adviser not filled up and need for D. C., I. S. M. in the Ministry

- (a) The earlier post of Adviser (ITW) has been re-designated Adviser (Ayurveda & Siddha) for which Recruitment Rules had to be framed afresh. The Recruitment Rules have since been finalised and it is expected that the post of Adviser (Ayurveda and Siddha) would be filled up soon. All the Research Councils/National Institutes are now headed by technically qualified persons. The CCRAS was the only institution headed by non-technical persons for some time and even during this period, there was no hold up to any research effort. Indeed, there is a view that several programmes received an impetus during this period and technical matters were steered through the officers of various disciplines in the Head-quarters office of the council and scientific advisory boards the Director only providing coordination and supervisory control.
- (a) The post of Adviser in the Ministry and Directors in all the research councils and Director, National Institute of Ayurveda have not been filled up for the last 2, 11 and 8 years respectively with the result that research work has been totally held up in these bodies. The existing *ad-hoc* system of nomination of non-technical officers of the Ministry to hold dual charge of these posts is a dangerous act, which is detrimental to the cause of research work.
- (b) No non-technical officers of the Ministry of Health and Family Welfare is now holding charge of the post of Director of any of the Research Councils/National Institutes. The post of Directors of the Central Councils for Research in Unani Medicine
- (b) The system of holding charge by officers of Health Ministry in the Research Councils should be changed and officials of the Health Ministry should not be allowed to hold ex-official dual charge of post of Directors, Adviser in the Research

Councils in addition to their posts in the Ministries.

and Homoeopathy at present held by Dy. Adviser, Unani and Homoeopathy, have been/are being advertised.

- (c) All Directors should, therefore, be selected and appointed by competent authority or UPSC immediately. After all, there is no dearth in India of specialists to man these posts and it is not understood why these posts were kept vacant for such a long period.
- (c) The appointments to the posts of Directors of the Research Council/National Institutes are done on the basis of the recommendations of a Selection Committee, the constitution of which is approved by the Governing Bodies of the Research Council/National Institutes. UPSC is not concerned with the appointments, in autonomous organisations. No post of Director is vacant.
- (d) On the pattern of Directorate General of Health Services for Allopathy, there should also be a Directorate General for Indian System of Medicine for Ayurveda, Unani, Siddha, Yoga and Homoeopathy and mixed Indian System of Medicine which cater to the medical needs of overwhelming majority population of the country for proper coordination of research work and allied matters pertaining to these systems in an effective and purposeful matter.
- (d) This Ministry had under consideration on the establishment of a separate Directorate of ISM. However, it was felt that these systems had not yet received the amount of acceptance as that of allopathy and as such, the time is not yet ripe for the establishment of a separate directorate of ISM. However, the ISM wing of the Ministry has an adequate infrastructure representing all disciplines. The special Commissioner, I. S. M., recently advertised by the UPSC when inducted, will provide the necessary coordination and direction to all Indian Systems of Medicine and Homoeopathy.

APPENDIX III

(See para 3.4 of the Report)

COMMENTS OF THE MINISTRY OF COMMERCE (DEPARTMENT OF TEXTILES) ON THE REPRESENTATION AGAINST SHIFTING OF THE HEADQUARTERS OF THE CENTRAL SILK BOARD FROM BOMBAY TO BANGALORE

The decision to locate the Headquarters of the Central Silk Board at Bangalore was taken as far back as 1950, since this was the main centre of the sericulture industry. It was only due to the non-availability of accommodation at Bangalore that the Headquarters was continued at Delhi. The decision to shift the Headquarters of the Board to Bombay was taken in 1952, when the Textile Commissioner was appointed as the *Ex officio* Chairman of the Board with executive powers. The Office of the Textile Commissioner being located at Bombay, it was felt that he would be able to function effectively as the Chairman of the Board from Bombay. Following various representations against this location at Bombay, the Headquarters was shifted to Bangalore in 1957; but shifted back to Bombay in 1958 as the Textile Commissioner continued to be the Chairman of the Board and continued to function from Bombay. The Textile Commissioner is, however, no longer the Chairman of the Board and, therefore, the reason for which the Board Headquarters was kept at Bombay no longer exists.

Karnataka is the foremost silk producing State in India. Silk production here accounts for 60% (approximately) of the country's production of raw silk. A boost is being given to the development of the sericulture industry in Andhra Pradesh and Tamil Nadu as well. From the point of view of the development of the silk industry, therefore, the location of the Central Silk Board at Bangalore has many merits. Besides this the premier Research and Training Institution of the CSB is located at Mysore. The activities in this Institute have been expanded in the last few years to a considerable extent. The International Training Centre for Tropical Countries has come into existence as an adjunct to the main Research Institute of the Board at Mysore. In addition to this, a number of special research programmes have been initiated at Mysore under the World Bank Sericulture Project for Karnataka. It was, therefore, difficult for the CSB to play an effective role from Bombay.

Coming to the export of silk from India, it may be noted that the percentage of exports that takes place from Bombay is 28% only. The rest of the exports take place from Calcutta, Delhi, Srinagar and other places as well.

In 1975-76, under the 20-Point Economic Programme, the Office of the Development Commissioner for Handlooms was created. The DC (Handlooms) has been entrusted with the work of looking after the Silk Section in the Ministry of Commerce at the Joint Secretary level and he is also the Vice-Chairman of the Central Silk Board. Experience has shown that the DC(H) is in a better position to coordinate sericulture activities of the different States than the Textile Commissioner in the past. It was felt, however, that the functioning of the Development Commissioner (Handlooms) was handicapped because of the location of the Board's office at Bombay. All the technical advice and comments on silk matters required from the Board had actually to be got from the sericultural areas and mainly from Karnataka, the major silk producing State in the country.

It may be noted that the other Commodity Boards like the Coffee Board, the Tea Board and the Cardamom Board are located at the major centres of production of these commodities. The Silk Board has, therefore, rightly been located in Karnataka.

We have given above the reasons for which it was decided to shift the Board's Office to Bangalore.

The development activities of the Central Silk Board are looked after by 10 Development Offices located at Bombay, Calcutta, New Delhi, Bangalore, Srinagar, Hyderabad, Bhubaneswar, Varanasi, Gauhati, Madras. All the Regions of the country are thus covered by the development activities of the Board. The research and training needs of industry are met by the Research Institutes of the Board located at Mysore, Berhampore and Ranchi as well as by a number of Research Institutions and Extension Centres located in various parts of the country such as Srinagar, Batote in J&K, Dehradun, Nainital, Titabar, Gauhati, Imphal, Lakha in Madhya Pradesh, Purulia and Kalimpong in West Bengal, Koraput in Orissa, Koonoor, and Salem in Tamil Nadu, Dharampura, Chamrajnagar in Karnataka, Kadiri and Hyderabad in Andhra Pradesh, Parbhani in Maharashtra. The Board thus adequately serves the needs of every silk producing State in the country.

Our item-wise comments on the points raised in the representation in question are as follows :—

The representation mentions that the General Body of the Central Silk Board have "pronounced Bombay as the most suitable place to locate Board's Headquarters". As mentioned above, however, Bombay was judged to be a suitable place for the Board's Headquarters only in view of the fact that the Textile Commissioner was the Chairman of the Board until 1968 and that he found it administratively convenient to function from there. The then Textile Commissioner in a letter dated October 17, 1957 addressed to the Secretary to the Government of India, Ministry of Commerce and Industries, states that "I have considered this question very carefully and I have come to the conclusion that as long as the Textile Commissioner continues to be the Chairman of the Board, this office must be located at Bombay."

In March, 1981, the Minister of State for Commerce had announced in Parliament that the shifting of the Headquarters from Bombay was not feasible. However, in a subsequent reply to Parliament on the 28th August, 1981, the Union Minister of State for Commerce had observed that re-considering the issue, it was decided to shift the Headquarters of the Board to Bangalore in the long term interest of development of the sericulture industry in the country.

It is not correct that the proposal of shifting keeps emerging every alternate year. The difficulties of the staff members have been kept in view. A sufficient number of staff members has been retained at Bombay to man the development office and the certification centre of the Board which function at Bombay. All the lady members of the staff have been retained at Bombay; the Board has also taken care to see that handicapped persons and persons suffering from chronic diseases have not been shifted. The Board has retained 27 persons at the Regional Office at Bombay and 30 employees of the Board have been absorbed by the Custom Department at Bombay. It is not clear, therefore, how the women employees of the Board at Bombay who are the petitioners in the present case are adversely affected by the decision to shift the Board's Headquarters to Bangalore.

It is true that four persons of the Board have sought voluntary retirement, after the decision was taken to shift the Headquarters to Bangalore. It may, however, be noted that these are only four persons out of a total of over 100 persons who were stationed at Bombay. We agree that it might be difficult for staff member to maintain two establishments, one at Bombay and the other at Bangalore, as a result of the Headquarters of the Board shifting to Bangalore. However, the number of persons so affected is very small. It has been our endeavour to ensure that the interest of the staff is kept in mind at all times. In addition to this as per the terms of appointment of every CSB employee, he is liable

to be transferred anywhere in the country to any of the Silk Board Establishments spread over all the States. Regarding the education of children, we would like to state that the children of most of the CSB employees at Bombay, who hailed from different parts of the country, were schooling in English Medium Schools. At Bangalore there are 4 Central Schools in addition to a number of other English medium schools. Therefore, the education of the children of CSB employees should not present much of a problem.

Coming to the residential quarters made available to the CSB staff at Bombay, this is to state that the Government of Maharashtra had allotted one residential building of 20 low income group flats in Bombay. This Building continues to be occupied by CSB employees stationed at Bombay. Five employees of the Board had taken house building advances.

The CSB Secretariat at Bombay was located in a rented building. The Board's Regional Office and Certification Centre functions from this building. Therefore, the question of wasting the available infra-structure does not arise.

The CSB is wholly dependent on the grant in aid given to it by the Government of India at the beginning of each financial year. The important activities of the Board are all fixed to the Research Institutes and to the sericulture areas. The required liaison with various offices located in Bombay is being effectively maintained by the Silk Board through its Regional Office at Bombay.

The shifting of the Board's Headquarters to Bangalore has been done in the best interest of the sericulture industry.

APPENDIX IV

(See para 4.2 of the Report)

[REPRESENTATION REGARDING CERTAIN RAILWAY FACILITIES FOR RESIDENTS OF GAYA.]

To

The Lok Sabha,
New Delhi.

The social workers and the Indian Railways users humbly submit as under :

The Indian Railways came into existence on 16th April, 1853 in India. Since then the expansion and progress of Rail services have been increasing constantly because Railways are the main means of transport in the modern age. The Indian Railways net work is the biggest in Asia and fourth in the world. This industry has capital investment of Rs. 6186 crores in India and 15.2 lakhs regular and 2.29 lakh temporary employees are working in this Railways. At present there are about 11,000 trains running through 7021 stations which cover a distance of about 13 lakh K. M. per day. One crore passengers travel and 6.55 lakhs tons of goods is carried daily by these trains. In spite of this spectacular development in this industry, even today people hesitate to travel by trains but have no alternative, because travelling is obligatory and a must for them and the Railway is the cheapest, easiest and fastest means of travelling from one corner to another in India. Rail tracks covering over 61000 K. M. in length are like a nerve system of our national transport. If the Railway system is paralysed today the condition of the whole of the country would deteriorate like that of man whose nerves have stopped functioning.

A registered non-official Association 'Indian Railways Users Association' is engaged to advise and assist the Railway administration and Railway Ministry and to make efforts for implementation of measures in respect of safeguarding the interests of the Indian Railway users and the officers, employees and workers engaged in the Railway management, to make efforts to provide the facilities and the efficient management, to provide security to the trains their expansion, toilets, water supply,

electricity in trains increase in the number of berths and bogies, reservation arrangements, cleaning of Railway train and stations, refreshment rooms, waiting rooms, enquiry offices and laying of double railway line, laying of new railway lines etc. and the modernisation of Railway Hospital, Railway Colonies, Railway Schools, Railway play grounds etc, arrangement for drinking water, Railway Recreation Clubs over bridges. bridges stations all round development and expansion of Railways.

At the time of introducing the Indian Railways service, the following important objects were kept in view:—

- (a) To spread the message of service of Indian Railways through out the length and breadth of the country as far as possible.
- (b) To lay and expand the Railway lines according to the requirement of different regions of the country.
- (c) To make proper arrangements to run the passengers and goods trains as per requirements of the passengers and goods to be handled.
- (d) To take into account the number of passengers for running the number of trains and providing facilities to an area and not to be influenced by a section of the society or a political party.
- (e) To accord recognition and due consideration to the registered Railwaymen Unions and registered bodies Rail users, to hold discussions with them, to organise the meetings with them, to discuss jointly the charter of demands submitted by them through organising meeting, to implement the suggestions and recommendations by the concerned Railway Officers and to seek cooperation from them and to provide transport facilities to them for attending meetings.
- (f) To remain vigilant and active for removing the difficulties of passengers providing maximum facilities to them during their journey.
- (g) To make suitable arrangements for lavatories, drinking water, lightning, cheap food etc. and to increase the bogies, sleepers and berths the running trains as per needs of the increasing numbers of passenger traffic.
- (h) To make proper arrangements for the safe journey of passengers at the Railway Stations as well as in the trains by providing suitable security arrangements.

- (i) To strengthen the coordination between the Railways and the travelling public enquiry offices should be managed by experienced staff and make them maximum useful.
- (j) To appoint experienced Railway staff on the reservation offices and booking counters.
- (k) To make proper arrangements at railway stations for stay of passengers, drinking water, refreshment rooms, medical facilities when required, sanitation, overbridges coolie etc.
- (l) To pay proper attention towards the needs and requirements of the passengers considering that it is public utility service.
- (m) To increase the number of trains and goods trains, their speed and the miles stoppages as per requirements.
- (n) To take effective action on the demands, suggestions and complaints of passengers and to provide them special facilities.
- (o) To provide accommodation, drinking water, medical facilities, recreation rooms, play grounds etc. to the Railway officers, employees and workers and arrangements of education for their children.
- (p) To make appropriate arrangements for constant careful monitoring and inspection of each and every necessary equipment of the Railways to avoid recurrence of any accident in the Railway.
- (q) To replace even the slightest defective equipments of the Railways irrespective of its cost consideration.
- (r) To stop the use of time-barred Railway engines, Railway tracks, Railway bridges, Rail coaches or any other accessory or equipment.
- (s) As the Railway Services are closely linked with people's life strict legal actions should be taken against the negligent Railway employees under relevant peual rules.
- (t) To make proper arrangements for the protection of Railway property and also the goods being handled by Railways.
- (u) To make expeditious disposal and the payments of the claim put forward by the passengers and the persons sending their

goods through Railways.

- (v). To take suitable legal action under panel rules against the corrupt and negligent personnel of the R.P.F. who are entrusted with the security of the railway passengers for their negligence and corruption.
- (w) To effect savings from the Railway revenue and concert it as a source of income through its investment in the development and expansion programmes of Railways.
- (x) To award prizes, as incentives to employees and workers for their exceptional and efficient performance of duties.
- (y) To create and propogate a feeling that Railway are our national property.
- (z) To attend to the needs and facilities properly and effectively of the passengers, tourists and pilgrims travelling in trains.
- (zi) Railway utility service should be strengthened and made more efficient.

Despite the fact that the so-called turn-over of Indian Railways have incurred considerably our Railways have miserably failed to achieve any of the above mentioned object. What are the reasons for the complete failure of the Indian Railways in achieving the above objects.

According to Railways, the Indian Railways could not achieve the above objects because the Railways did not make efforts to achieve the following five basic objects. *i. e.* :—

1. To take into consideration the number of passengers as basic factor for development and expansion and frequency of trains and their development and expansion ;
2. To safeguard the interest of the public, the Railways and the nation ;
3. To keep in view the interest of Railways in respect of appointments, creation of posts and transfers;
4. To pay proper attention for the progress, strengthening and development of the Railway Services in an impartial way.
5. The Railways are meant for service being run on commercial lines.

Whether the Indian Railways could not achieve these five basic objectives on which all the other achievements generally depend upon. The only reason for not achieving those five objectives is that Railways instead of being run on commercial lines has become a monopoly administrative organisation and it acted so arbitrarily that Railways were determined to put into disuse the Grand Chord line of Eastern Railways. It is also to be mentioned that Grand Chord line and main line are two important lines of the Eastern Railways. Out of these two lines, Grand Chord line carry more passengers than the main line: Tatas, Ranchi, Dhanbad and Dehri-on-Sone and important industrial areas of Bihar State are linked to the Grand Chord line. The most important Railway Station, 'Gaya Junction' is located on the Grand Chord line which runs from Asansole-Dhanbad to Moghul Sarai, Lakhs of tourists and passengers both from the country and abroad visit Gaya, Bodhgaya and Rajgrih etc. which have assumed international importance every year. It results in an income of crores of rupees to the Railways and Bihar Government also earn lakhs of rupees every year in the form of pilgrim tax. Nalanda University is situated in Rajgrih and Magadh University is situated in Bodhgaya. Their compound extends upto Patna town. Defence Training Centre, Gaya is a well known Centre in the country and taking into account its success, the Government of India propose to set up another Defence Training Centre there. Hundreds of Colleges are located in this important line. Substantial amount of foreign exchange is earned from the foreign tourists who visit Gaya, Bodhgaya and Rajgrih. The Railways never paid its attention to provide facilities to the passengers travelling on this important route instead of best attempts have been made. so much so that the bogies used to be attached to Kalka Mail and Bombay Mail from Gaya have been discontinued. Out dated steam engines are still being used on Gaya-kiul line. Both these lines are still single line while the capitals of all the states are linked with double lines. But Patna, the capital of Bihar state is linked through a single line from Gaya to Patna. The Arah-Sasaram Railway line has also been discontinued. As a result of public agitation, the Railway Minister in a public meeting in 1970, gave an assurance that from the Eastern Railway as per report comprehensive scheme has been launched to increase the capacity of the Grand Chord Line and after three years a number of Mail-Express Trains would run on this line *via* Gaya. Therefore, they had to put up with hardships for three years only. But what to talk of 1973, 1978 is aout to lapse and no improvement had been done on the Grand Chord Line. A large meeting was, therefore, organised on 20.11.78 in Bodhgaya which was attended by lakhs of persons including thousands of foreign tourists. Besides, concerned M.Ps. and MLAs. of Bihar Legislative Assembly were also present in the meeting. This meeting unanimously passed a resolution condemning the indifferent behaviour and

misdeeds of the Railways, and unanimously decided that if the Railways did not take any specific decision upto 31.12.78 on our charter of demands, all the trains running via Gaya junction would be paralysed before 31st January, 1979, through non-violent stayagraha. All the concerned officers as well as all the Ministers of Government of India were informed of this resolution. In order to restrain public anger, an Indian Railway Users Association was formed in this meeting itself and the Association was authorised to discuss the matter with Railways and to organise the meetings on behalf of the Railway Users and get the matter settled through adjudication etc.

Immediately the Moghul Sarai Division of the Eastern Railway held a meeting with the Indian Railway Users Association and took unanimous decision on the charter of demands and also fixed a meeting of the Indian Railway Users Association with the General Manager, Eastern Railway. A meeting on 26.3.79 at the Calcutta Headquarter of the Eastern Railway was held between the General Manager Eastern Railway and the Indian Railway Users Association in which the chiefs of different departments were also present. The meeting discussed every point of the Charter of Demands and unanimously adopted a resolution. The General Manager had given an assurance that as soon as possible he would fix up a meeting with the Railway Board and intimate the same to the Association.

The receipt of Charter of Demands submitted by the Indian Railway Users Association and action taken thereon by the then Railway Minister was acknowledged to the association *vide* his letter No. M.R. 13339/A/78 dated 27.12.78, No. 12584/A/78 dated 9.12.78 and No. TP/13/79 dated 9.8.79 and Minister of State for Railways letter No. MSR/4459/78-A dated 22.12.78, No. 1525/79-A, dated 9.2.79, No. 299/79-A dated 13.2.79, No. 984/79 A, dated 19.3.79, No. 1092/79-A, dated 26.3.79 and No. 1604/79-A, dated 30.4.79 and the Chairman, Railway Board's letter No. 79/CR V/Receipt dated 20.3.79 were also received by the Association in this regard.

In support of the Charter of Demands the Minister for Health and Family Welfare letter No. 796/MIT-79, dated 13.2.79, the Minister for Tourism and Civil Aviation letter No. 988/HM/78, dated 14.12.78 and No. 145/HM/79, dated 21.2.79, the Minister for Home Affairs letter No. V-69/79-HMP dated 1.2.79, Deputy Prime Minister and Finance Minister letter No. 91/DPM(F)/79 VIP(R), dated 10.2.79, Minister for law, Justice and Company Affairs letter No. 126/VIP/79-A dated 22.2.79 and letter No. 94/VIP/79, dated 9.2.79 and D O. letter No. 231/VIP/79, dated 20.3.79. President Secretariat letter No. F410-

P1/78, dated 22.12.78 and letter No. O. 410-P/1/78, dated 15.2.79, Chief Legislative Committee Officers, Lok Sabha letter No. 53/C1/79R:104 dated 2.1.79 and No 53/C1/79R:104, dated 26.2.79, Vice President Address No. 11/79, dated 13.2.79, Shri Chander Shekhar, M.P. letters No 003300 dated 7.12.79, and No. 004706, dated 9.2.79; the Minister for External Affairs letter No. 298/E A (S)/79, dated 17.2.79 and Prime Minister's letters No. 2803-PMO-78 dated 15.12.78, No. 4309-PNO/79, dated 16.2.79 and No. 5869-PMO/79, dated 6.3.79 and the Prime Minister's office No. 35(227)/79 PMS, dated 15.6.79 refer. The Prime Minister sent a letter on 13.9.79 and the Prime Minister's office sent the letter No. 2(22)/81-PMPII, dated 10.6.81.

Prime Minister and the other Ministers of the Government of India, President, Vice-President and the Chief Legislative Committee Officers of the Lok Sabha and other have in their letters being recommending to the Railways since 1978 that the Railway Officers should adopt a liberal view on the Charter of demands submitted by the Indian Railway Users Association and provide necessary facilities, and carefully consider the points raised by the Association during the discussion and take a decision so that the passengers travelling through in the grand chord line may get relief from the rigorous of the journey. But due to the above reasons, the Indian Railways did not pay any heed to the importance and urgency of the above charter of demands and took an extremely callous attitude. Besides, they did not allow a meeting of the Association with the Railway Board. Railway Minister had earlier taken a decision at Mughal Sarai that he would hold a meeting with the Association but he cancelled the same vide his letter No. TP-13-79, dated 9.5.79.

The attitude of the Railway Ministry became so anti-people that Railway did not deliberately implement the recommendations of the Committee on Petitions (Sixth Lok Sabha) in which Ministry of Railways, Railway Board was asked on 2.1.79 and 26.2.79 to furnish the Memorandum required for the consideration in regard to the representation under the consideration of the Committee.

The then Minister of Railways informed *vide* his letter No. MR/384-A-80, dated 13.2.1980 that he has received a copy of Minutes of the meeting held on 26.3.79 between Indian Railway Users Association and General Manager, Eastern Railway. The Minister of Railways assured that the case is being forwarded to the concerned department for convening a meeting of Indian Railway Users Association and the Officers of Railway Board to have a discussion over the matter. He had also assured that as soon as he need any report he would intimate the same to the Association but neither any reply has been received from

the Railway Officers nor any meeting was organised with the Railway board. In spite of repeated reminders, because Railway Officers fear that the meeting would expose the misdeeds of the Railway Officers.

A group of M.Ps. met the Railway Minister on 30.3.80 and submitted a memorandum requesting that complimentary passes be issued to the office bearers of the Railway Users Association. The Minister had assured that these would be issued very soon. It is regrettable that the matter has been kept pending in spite of repeated reminders given by the Members of Parliament. In spite of the fact that the Minister for Railways though had informed *vide* his letter No. MR 845-A/81, dated 18.1.81 that he would write the association again.

The Railway Minister had intimated *vide* letter No. MR. 2812 dated 23.4.1980 that he had received a joint letter from the Members of Parliament to give representation to the Indian Railway Users Association in N.R.U.C.C. and standing voluntary Help Committee. I am going through it. I will again write you in this regard. Not to speak of writing, the Members of Parliament were not even intimated about their reminders. In a reply to Lok Sabha U.S. Q. No 7830 dated 16.4.1981, it was only stated that Indian Railway Users' Association have not been given any representation in the Railway Advisory Body.

Indian Railway Users' Association sent a memorandum, expressing their good wishes for 1981. Intimation of its receipt was given *vide* Railway Minister's letter No. M.R /679-A-81 dated 14.1.1981, Minister of State in the Ministry of Railways *vide* letter No. MSR/209-A-80 dated 28.1.1981, Deputy Railway Minister's *vide* letter No. DMR/80.2 dated 31.12.1980, Chairman, Railway Board *vide* letter No. 80/CRV/AC dated 31.21.1980 and General Manager, Eastern Railway *vide* letter No. G 439/DGMG/2/81 dated 1.1.1981.

The Railway Board asked for the factual comments alongwith their views from the General Manager, Eastern Railway with regard to the every demand accepted by the Railways contained in the memorandum. The General Manager while presenting the report with factual comments alongwith his views to the Railway Board, intimated it to the Indian Railway Users' Association *vide* D O. letter No G 439/DGMG/2/81 dated 21.2.1981. In spite of it, no arrangement was made to arrange a meeting of the Railway Board officers with the representatives of the Indian Railway Users' Association. No attention was paid to the Prime Minister's Office letter No. 2/22/81 PMP 11 dated 10 6.1981.

In a reply given to Lok Sabha U.S.Q. No. 6056 dated 2.4.1981 it was stated that a meeting of Indian Railway Users' Association and

the Officers of Eastern Railway was not held on 26th March, 1979 in Eastern Railway Head Quarter. Besides it, it was also stated that no survey has been made for construction of a new line between Gaya and Ranchi *via* Sherghati and Chatra. Whereas the then Railway Minister of State *vide* his letter No. RRM/321-A/75 dated 24.1.1975 stated that a letter regarding the construction of a Railway line between Gaya-Ranchi *via* Sherghati was received from Shri Rana Muneshwar Kumar Singh. It is under consideration. Again, the Railway Minister of State in his letter No. 75/W-4/CNL/E/6-A dated 28.6.1975 stated that a preliminary engineering survey with regard to construction of a new Railway line between Gaya and Ranchi *via* Sherghati has been completed.

In a reply given to Lok Sabha U.S.Q. No. 10179 dated 7.5.1981 it was stated that a meeting between the General Manager, Eastern Railway and the Indian Railway Users' Association was held in Eastern Railways Head Quarter. Nothing was indicated in this meeting either regarding unanimously adopting a resolution or sending any Memorandum of letter of demands by this Association to the Railway Board for investigation. The question, regarding taking decision on every item of the memorandum and the details thereto, does not arise.

The Proceeding Book of the legal proceedings of this meeting held on 26.3.79 is under safe custody and the information regarding the receipt or the true copy of the proceedings was given by the then Railway Minister *vide* letter No. M.R./384/A/80 dated 13.2.1980.

Thus, due to arbitrary nature of the officials and the mismanagement prevailing in Railways, Railway has been facing the important problem of accidents in its daily operation. This problem is not easy to solve but it has to be solved. Property worth lakhs and crores of rupees is wasted every year due to these serious accidents. Many passengers are often died and wounded due to accident of Passenger Trains. According to an official figure, the details of the accidents occurred during the last four years are as follows :

In 1976-77, 780; 1977-78, 866; 1978-79, 931 and in 1979-80, 900. The present year will be known as accident year. The Railways have to pay compensation to the wounded and the relations of the dead and to pay compensation for the loss of property due to these unended accidents. It results in great burden on Railway and the development and expansion projects are lacking behind:

The Indian Railways are not able to take care of the interests of the general public due to this attitude, whereas they are the persons who

are in the maximum need of Railways. Thus the Indian Railways have not been able to fulfil the requirements of the majority of the people and the villagers. Neither the Railway can claim that it has taken effective measures for the national interest and for the facilities of the passengers. The Railway has never felt, as it has to, that this money belongs to the nation and the passengers and it should spend it taking into consideration that maximum facilities may be provided to the passengers. We feel that still there is a time that some revolutionary steps should be taken so that the Indian Railway may achieve its target fixed at the term of its introduction. Some Suggestions are given below, the implementation of them may necessarily result in achieving the desirable objects.

1. It is not possible to avoid accidents fully, but some measures may be taken to avoid them. They are providing detailed training to technical railway employess, to regulate the speed of the trains, and to introduce speedometer for the help of the drivers, introduction of proved road crossing and signalling system. In addition to it, provision should be made for increments, promotions, rewards for efficient workers and giving encouragement in other ways. It will be certainly helpful in reducing accidents.
2. Development, expansion, construction, and increasing the number of trains etc. in the Railways etc. Interest of the Railways and passengers should be given top priority.
3. Reconsideration to introduce Mail, Express and Passenger trains running on main line and Grand Chord Line on Eastern Railway by dividing both the lines on the basis of the number of the passengers. That age is now over when one used to rule the bonded labour.
4. Conversion of Patna-Gaya and Gaya-Kiul single line into double line as soon as possible.
5. Arrangements should be made to re-introduce train between Arrah-Sasaram.
6. Rapid progress should be made in the construction of a new Railway line between Gaya-Rajgirh via Bodhgaya and Gaya-Ranchi via Sherghati Chatra. It will play an important role in establishing friendship with the Buddhist countries of world and it will also be helpful in developing many big areas of the backward, poor, adivasi and labour classes.

Necessity to introduce New Trains

7. (a) A new Super fast train from Howrah to New Delhi *via* Dhanbad, Gaya, Kanpur, Agra, Mathura, which starts from Howrah in the morning and reaches New Delhi in the evening.
- (b) A fast Passenger train daily from Dhanbad to Mughal Sarai *via* Gaya.
- (c) Taking into consideration the facilities for the passengers, Mathura Express Train from Gaya *via* Kanpur.
- (d) A train between Gaya-Patna without any stoppage. In General Manager, Eastern Railway's report, dated 12.8.1980, it has been stated that four trains can be introduced on this line.
- (e) A fast Passenger train from Gaya to Barauni *via* Kiul which may link North Bihar and South Bihar.
- (f) An Express train between Allahabad and Vaidhnath Dham *via* Gaya is utmost necessary.

Extension of running trains

8. (a) Sonbhadra Express which has been introduced from Patna to Delhi, should be extended upto Gaya.
- (b) Black Diamond Express which runs between Howrah and Dhanbad should be extended from Dhanbad to Gaya.
- (c) Ganga-Cauvery Express which runs from Varanasi to Madras should invariably be extended from Varanasi to Gaya.
- (d) Extension of Gaya-Kiul Passenger Train upto Dehri-on-son.

Conversion of routes of trains running in public interest

9. (a) Golden Temple Express which runs from Tata Nagar to Amritsar should be enrouted through Gaya Junction. It will result in reducing ten hours and will not amount to any loss.

- (b) Tinsukbia Mail was originally introduced on Grand Chord, but due to political influence, public interest has been crushed and it is running thrice a week at present on Main Line. It should run four times in a week on Grand Chord.
- (c) It is utmost necessary to run Vikramshila Exprees on Grand Chord Line instead of main line.
10. Indian Railway Users' Association should necessarily be represented in every body of the Railway. It is utmost necessary in the interest of Railways and the Railway Users.
11. A reminder dated 30.3.1981 regarding providing complimentary Railway Passes to the Indian Railway Users' Association was sent to the then Railway Minister by the Members of Parliament, its approval is urgently required.
12. An urgent meeting between representatives of the Indian Railway Users' Association and the official of the Railway Board is not only necessary but obligatory to take a decision after consultation with regard to the letter of demands sent by the Indian Railway Users' Association and the investigation in regard thereto has been made and it has been received by the Railway Board.

The petitioners, therefore, request that as they have no other means to present their suggestion, Lok Sabha is requested to investigate this matter through its Petition Committee. Study the suggestion and if satisfied act accordingly and make recommendations to the Government.

We, the petitioners will be grateful to you.
With regards,

Petitioner's name	Address	Signature
1. Rana Muneshwar Kumar Singh	Rana Nivas, Gautam Budh Path, Gaya-823001. Bihar	Sd/-

Petitioner's name	Address	Signature
2. Rajendra Prasad Gupta	Veez, Gandhi Chowk, K.P. Road, Gaya, Bihar.	Sd/-
3. Ram Prakash Gupta	Babulal Gulala Chand 52, G.B. Road, Gaya, Bihar.	Sd/-
4. Davendra Kumar Jain	20, Saket, K.P. Road, Gandhi Chowk, Gaya, Bihar.	Sd/-
5. Badnam Nazar	76, Law Road, Batampul, Gaya-823001 Bihar.	Sd/-

Countersigned :

**Ram Swarup Ram, Member, Lok Sabha.
Div. No. 145.**

APPENDIX V

(See para 4.4 of the Report)

[FACTUAL NOTE OF THE MINISTRY OF RAILWAYS (RAILWAY BOARD) ON THE REPRESENTATION REGARDING CERTAIN RAILWAY FACILITIES FOR RESIDENTS OF GAYA.]

1. Measures to be adopted to decrease the number of accidents.

The majority of the accidents are ultimately traceable to failure of human element. Whatever be the mechanical, electrical, electronic devices etc. put into use, whatever be the precautions and howsoever painstakingly adopted, nothing is proof against the error of the man behind the machine. The approach of the Indian Railway for prevention of accidents is, therefore, mainly directed towards arousing safety consciousness of the railway staff particularly those who are connected with train operation. For this purpose, the Railways are pursuing a multipronged strategy by way of education, effective supervision, technological aids, enforcement of discipline and awards for good work. Recently Safety monitoring teams drawn from various disciplines were constituted to make intensive and extensive inspections and have the defects and deficiencies coming to their notice rectified promptly.

To avoid failure of equipment, special attention is being paid to maintenance of vital assets like rolling stock, track, signalling equipment etc. The rate of periodical over-hauling of wagons and coaches, condemnation of over-aged rolling stock and renewal of track has also been stepped up.

These steps have met with a measure of success in as much as the number of train accidents has appreciably come down, to 357 during April, 1982 against 510 during the same period of last year.

2. Proportion of interest of Railways and number of passengers should be the main consideration of development, extension, construction of Railways and increase in the number of trains.

This matter is coordinated by the Planning Commission at the time of formulating the 5 year plan or annual plan subject to availability of resources. The broad strategy for passenger transport and for development of railway lines has been determined by the National

Transport Policy Committee. Railways Plan is subject naturally to the plan outlays.

Subject to availability of resources additional trains are introduced to cater to the growth in passenger traffic.

3. All the mail, express and passenger trains at present running on main and grand chord lines of E. Railway should be divided on the basis of number of passengers on both lines.

There are adequate number of through and sectional train services both on the main line and via chord line. Partitioning of train services between the two routes will deprive passengers on one or the other routes giving rise to agitation. Besides there is no spare line capacity on saturated grand chord section.

4. (a) Doubling of Patna-Gaya Section.

The existing capacity on Patna-Gaya Section is considered adequate to deal with the present volume of traffic. Doubling will be considered as and when justified on traffic considerations.

- (b) Doubling of Gaya-Kiul Section.

The existing capacity on the Gaya-Kiul section is considered adequate to deal with the present volume of traffic. Doubling will be considered as and when justified on traffic considerations.

5. Arrangement should be made for running trains on Arrah-Sasaram line again.

A preliminary Engg-cum-Traffic Survey for a B.G. line between Arrah and Sasaram is in progress. A decision on the construction of the line will be taken after the survey has been completed and the survey report examined, subject to availability of funds. The question of running train on the section will arise only after the line is constructed.

6. Construction of new Railway lines.

- (a) Bodh-Gaya-Rajgir line via Gaya.

Survey carried out in 1976-77 for laying a B.G. line from Rajgir to Gaya revealed that the project will not be a viable one. It is, therefore, not proposed to take up this proposal for consideration at present.

(b) Gaya Ranchi line via Sharghata-Chatra-Hazaribagh

There is no proposal for taking up this line for consideration. The present constraint on resources position does not permit taking up this proposal for consideration.

7. Introduction of new trains.

(a) Introduction of an additional super-fast train leaving Howrah in the morning and leaving New Delhi in the evening.

Howrah-Gaya-New Delhi/Delhi is directly connected by 2 pairs of fast trains viz. 1/2 Howrah-Delhi Kalka Mail and 81/82 Howrah-New Delhi A. C. Deluxe Express (Tri-weekly). Introduction of additional super fast train on this section has not been found feasible at present due to line capacity constraints *en route*, acute shortage of coaching stock and also terminal facilities at Howrah and Delhi/New Delhi.

The loads of 1/2 Kalka Mail has been augmented to 21 coaches and those of 101/102 Rajdhani Express is proposed to be augmented shortly. 175/176 Nilachal Express introduced recently also connects important train with New Delhi.

(b) Additional fast train between Dhanbad and Mughalsarai via Gaya.

Introduction of additional train service between Dhanbad and Mughalsarai has not been found feasible at present due to line capacity constraints on Grand Chord section, acute shortage of coaching stock and also terminal facilities at Dhanbad and Mughalsarai.

(c) Introduction of an additional train between Gaya and Mathura.

Introduction of additional train between Gaya and Mathura has not been found feasible due to line capacity constraints *en route*, acute shortage of coaching stock and also terminal facilities at Mathura and Gaya.

(d) Introduction of additional non-stop train between Gaya and Patna.

Patna-Gaya is served by 9 pairs of trains. The timings of these trains are framed in such a way that the commuters can avail of the best time in respect of their journey to their destinations. Introduction of an additional non-stop train between Gaya and Patna has not been found feasible due to line capacity constraints on this section acute shortage of coaching stock and also terminal facilities at Gaya and Patna.

(e) Introduction of an additional fast train between Gaya and Barauni via Kiul

At present six pairs of trains are available between Kiul and Muzaffarpur. Passengers from Kiul-Gaya section can avail of these services by changing over at Kiul. Suitable connections are available for Kiul-Gaya branch line trains bound for North Bihar. Introduction of any additional train between Gaya and Barauni *via* Kiul has not been found feasible at present due to line capacity constraints on Hatihdah-Link-Simaria-Barauni section and also shortage of coaching stock.

(f) Introduction of Allahabad-Baidyanathdham Express train via Gaya

Baidyanathdham Station has only one platform to deal with branch line trains. As such, introduction of a train service between Allahabad and Baidyanathdham *via* Gaya is not possible due to line capacity constraints on Grand Chord section, acute shortage of coaching stock and also lack of terminal facilities at Baidyanathdham and Gaya.

8. Extension of existing trains

(a) 191 Up/192 Dn, Sonbhadra Express to be extended to Gaya

191/192 Sonbhadra Express has been introduced for providing a direct fast service between Patna/Bhagalpur and Delhi. It is a very popular and well patronised service. Extension of this popular service will defeat the very purpose of introduction of this service. This will be resented by the present users of this service. In view of above, extension of 191/192 Sonbhadra Express to and from Gaya has not been found justified.

(b) Extension of 307 Up/308 Dn. Black Diamond Express to Gaya.

307/308 Black Diamond Express has been introduced primarily to cater to the needs of passengers from Raniganj-Jharia Coalfield areas. It is a very well-patronised service between Howrah and Dhanbad. Extension of this train to and from Gaya would be vehemently resented by the present users. Moreover, there is no terminal facilities at Gaya to deal with any additional train. As such, extension of 307/308 Black Diamond Express has not been found feasible.

(c) Extension of Ganga-Kaveri Express to Gaya.

Extension of Ganga-Kaveri Express to and from Gaya is not possible due to line capacity constraints on sections enroute and also terminal facilities at Gaya and also due to shortage of rolling stock.

(d) Extension of Gaya-Kiul passenger upto Dehri-on-Sone.

Extension of 1KG/2KG Gaya-Kiul fast passenger to and from Dehri-on-Sone has not been found feasible due to lack of terminal facilities at Dehri-on-Sone and also acute shortage of coaching stock.

9. Diversion of trains.**(a) Diversion of route of 161 Up/162 Dn Tata-Amritsar Express.**

161/162 Tata-Amritsar Express is a well established service. Diversion of this service to run *via* Gaya will be resented by the present users. Moreover, there is no line capacity on Grand Chord section to run any additional train. In view of above, diversion of 161/162 Tata-Amritsar Express has not been found feasible at present.

(b) Tinsukia Mail originally introduced on the Grand Chord line should be shared four days a week *via* Gaya-Kiul line.

155/156 Tinsukia Mail was introduced on bi-weekly basis to run *via* Patna. 163/164 Tinsukia Mail was also introduced *via* Kiul-Gaya section, as a temporary measure. During 1976, this service had been withdrawn and frequency of 155/156 Tinsukia Mail had been increased to daily service. It is a well established service. Hence, it is not possible to divert this train to run *via* Gaya.

(c) Frequency of Himagiri Express should be increased.

173/174 Himagiri Express provides a super-fast service between Calcutta and Jammu Tawi on Tri-weekly basis. Increase in the frequency of this train will require deployment of additional rakes which is not available at present. Moreover, there is line capacity constraints on various sections *en route*. It is also not feasible to divert this train to run *via* Gaya.

(d) Vikramshila Express should be diverted *via* Gaya.

167/168 Vikramshila Express has been introduced to provide a fast service between Bhagalpur and Delhi. It is running bi-weekly on the common path of 153/154 J.J. Express and 191/192 Sonbhadra Express. As such, diversion of 167/168 Vikramshila Express to run *via* Gaya has not been found feasible at this stage.

10. Representation of the Indian Railway Users' Association to each body of the Railway.

Nominations to the Railway Users' Consultative Committees are based on the principle of securing as wide a representation as is prac-

licable of the various identifiable and important groups of rail users viz. Chambers of Commerce, Trade Associations, Industries, Agricultural Associations, Passenger Associations, State Governments, State Legislatures and Members of Parliament where a large number of such Associations/Chambers function in the area covered by the railway, they are considered for representation by rotation.

The request of the Indian Railway Users' Associations will also be considered alongwith others at the time of reconstitution of the Railway Users' Consultative Committee.

11. Sanction for issue of complimentary passes to Indian Railway Users' Association.

The Ministry of Railways have considered the request for the issue of Complimentary Card Pass but they regret their inability to accede to it.

APPENDIX VI

(See para 5.2 of the Report)

[REPRESENTATION REGARDING TRANSFER OF OWNERSHIP RIGHTS OF SHOPS IN MARKETS UNDER THE ADMINISTRATIVE CONTROL OF THE DIRECTORATE OF ESTATES, UNDER TERMS AND CONDITIONS LAID DOWN BY THE MINISTRY OF REHABILITATION]

SHANKAR MARKET WELFARE ASSOCIATION
(NEW CENTRAL MARKET)

72, Shankar Market,
Connaught Circus,
New Delhi-110001

16 April, 1982.

The Chairman,
Parliamentary Committee on Petitions,
Parliament House,
New Delhi-110001.

Dear Sir,

Re : Transfer of ownership rights in New Central Market (Shankar Market) New Delhi—a Rehabilitation market now under the control of Directorate of Estates—Ministry of Works and Housing, New Delhi-110011.

After the partition of this country, Ministry of Rehabilitation was created to rehabilitate the migrants from Pakistan. Several residential and commercial properties were built for the purpose. Almost all the properties were transferred to the displaced persons. In Delhi, a number of markets viz: Bhagat Singh Market, Khan Market, Gaffar Market, Desh Bandhu Gupta Market, Gokhale Market, Rajinder Nagar Market, Markets in Patel Nagars, Lajpat Nagar, Kalkaji, Malviya Nagar, Sarojini Nagar Market, Kamla Market and Pleasure Garden Market and New Central Market and a number of other markets were cons-

tructed by the Ministry of Rehabilitation purely for the purposes of rehabilitating the West Pakistan migrants. Almost all the properties and markets were transferred to the displaced persons but the New Central Market, Kamla Market, Pleasure Garden Market and Sarojini Nagar Market were not transferred by the Ministry of Rehabilitation and with effect from 1.4.1958 the administrative control of these four rehabilitation markets was transferred to the Directorate of Estates, Ministry of Works and Housing and the allottees therein being tenants of Ministry of Rehabilitation were advised to pay the rents fixed at the rate of 6% of the capitalised cost (capital outlay including the cost of land) by the Ministry of Rehabilitation to the Directorate of Estates thereafter. The terms and conditions applied by the Ministry of Rehabilitation remained unchanged.

Eventually, in the year 1978 the Government decided to transfer the ownership rights even in these four rehabilitation markets to the eligible occupants. Since the terms and conditions offered by the Directorate of Estates were quite different as compared with the terms and conditions, practice and procedure applied by the Ministry of Rehabilitation while transferring the similar markets, a detailed memorandum pointing out the specific discriminations being made was submitted to the Minister of Works and Housing on 31.1.1979 and again on 8.6.1981.

In the meantime the payments for the demanded capitalised value were made without admitting the correctness thereof and without giving the written unqualified consent as the terms and conditions were discriminatory and eventually the date of payment was extended to 31.5.1980 by the Directorate of Estates.

The stress of the representation was that since these four rehabilitation markets were constructed by the Ministry of Rehabilitation purely for the purposes of rehabilitating the displaced persons and the displaced persons were rehabilitated in these markets and such displaced persons continued to occupy these premises allotted by the Ministry of Rehabilitation and as such procedure and practice adopted by the Ministry of Rehabilitation as prescribed under the Displaced Persons (Compensation & Rehabilitation) Act, 1954 and Rules framed thereunder were applicable and binding in such cases in all respects and considerations on the following amongst other :

G R O U N D S

1. That these markets were constructed by the Ministry of Rehabilitation out of the funds of compensation pool;

2. That the displaced persons remained in continuous occupation of the premises allotted to them by the Ministry of Rehabilitation as a rehabilitation measure;
3. That merely by transferring the administrative control of the markets to the Directorate of Estates, Ministry of Works & Housing from the Ministry of Rehabilitation, the status of the allottees as displaced persons remains unchanged;
4. That the rents fixed by the Ministry of Rehabilitation could not be revised upwards and other terms and conditions, practice and procedure as applied by the Ministry of Rehabilitation at the time of allotment and subsequently could not be changed arbitrarily;
5. That there could not be any discrimination to the disadvantage of the displaced persons while, transferring the properties now and already transferred;
6. That the displaced persons cannot be deprived of the benefits and concessions conferred on them by enactment of the Act by the Parliament;
7. That even presently the Land & Development office is offering to the allottees to exercise their option to switch over to Appendix No. XI whereby the rate of ground rent shall be nominal at the rate of Re. 1/- per 100 Sq-yds. or fraction thereof per annum from Appendix XII as originally demanded by the Ministry of Rehabilitation which clearly establishes that the displaced persons are always entitled to the benefits and concessions as originally granted by the Ministry of Rehabilitation.
8. That even by capitalising $16\frac{2}{3}$ years (200 months) rents for the land and superstructure, the Directorate of Estates has already recovered the cost of land and that of superstructure and in addition has recovered $3\frac{1}{3}$ years (40 months) rentals as profit for the land and the superstructure which clearly violates the procedure and practice adopted by the Ministry of Rehabilitation.
9. That since the allotments were made by the Ministry of Rehabilitation on concessional rents, the allottees had themselves been paying the House Tax to honour the

understanding that the allottees of Ministry of Rehabilitation would pay the element of house tax; and

10. That the terms and conditions contained in Appendix XXXI-B (Lease and Conveyance Deed in respect of Double Storey Flats over Shops in various rehabilitation colonies in Delhi) which have been applied by the Ministry of Rehabilitation while transferring the ownership rights in similar other markets are applicable in our case also.

But the Directorate of Estates want to deviate from the practice and procedure as applied by the Ministry of Rehabilitation and charge the arbitrary ground rents on the present market value of the vacant lands for these since long occupied properties and also want to take away the benefits of first transfer as allowed earlier by the Ministry of Rehabilitation inspite of the fact that the Directorate of Estates has already extracted an additional gain by charging 40 months extra rents over and above the cost of the capital outlay, including the cost of land.

Under the circumstances, it is earnestly requested to prevail upon the Ministry of Works and Housing to direct the Directorate of Estates not to discriminate between the displaced persons by imposing the terms and conditions contrary to ones applied by the Ministry of Rehabilitation while transferring the ownership rights in the similar other markets and for this act of kindness we shall ever pray.

Thanking you,

yours sincerely,

Sd/-

PRAN NATH WAHI, President
Sd/- S.L.Mehta, Genl. Secretary.

APPENDIX VII

(See para 5.3 of the Report)

[COMMENTS OF THE MINISTRY OF WORKS AND HOUSING (DIRECTORATE OF ESTATES) ON THE REPRESENTATION OF SHANKAR MARKET WELFARE ASSOCIATION (NEW CENTRAL MARKET) CONNAUGHT CIRCUS, NEW DELHI REGARDING TRANSFER OF OWNERSHIP RIGHTS OF SHOPS IN NEW CENTRAL MARKET]

New Central Market (Shanker Market) is one of the following five markets, the administration of which was transferred to the Ministry of Works and Housing by the Ministry of Rehabilitation on 1.4.1958:—

- i) New Central Market (Shanker Market)
- ii) Pleasure Garden Market
- iii) Kamla Market
- iv) Sarojini Market
- v) Raisina Market

Shops in the above markets were allotted to the displaced persons from West Pakistan who migrated to India after partition. Allotment was made on monthly rent basis. Raisina Market has since been demolished, and the remaining four markets have continued to be administered by the M/o Works and Housing.

2. In 1978, it was decided at the level of the Cabinet to confer ownership rights to allottees/occupants eligible for allotment, in the four markets mentioned above. The terms of offer of ownership as approved by the Cabinet are indicated below:—

- i) The structures will be transferred to the allottees/occupants eligible for allotment, on payment of capitalised value of the rental paid by the executing Conveyance Deeds.
- ii) As long as the present lease-hold system is not replaced by a free-hold system, land underneath the structure will continue to be leased on a restricted basis at a ground rent of 2½ per year of the present market value of land.

In accordance with the above decision, offer of ownership has been made to the allottees/persons eligible for allotment in the four markets and quite a substantial number of shopkeepers have also made payment of the Capitalised Cost or are making payments in instalments and action to conclude lease deed is being processed by the Land and Development Officer under the Ministry of Works and Housing.

3. In the petition submitted to the Committee on Petitions, the Shanker Market Welfare Association (New Central Market) have traced the back ground leading to allotment of shops/flats to the refugees and have mentioned that procedure and practice adopted by the Ministry of Rehabilitation as prescribed under the displaced Persons (Compensation and Rehabilitation) Act, 1954 and the rules thereunder should be applicable and binding in their cases.

4. This matter has been examined in consultation with Department of Rehabilitation who made initial allotment of shops etc. That Department have intimated that after the partition of the country, there was lot of squatting on Government land by the displaced persons and sites as and when suitable accommodation became available. There was then no question of any displaced persons being given proprietary rights either in the tenements, or in the shops which were allotted to them on rent. The question of giving proprietary rights arose only in 1955 when the Compensation Rules were considered. At that time while the first reaction was to permit proprietary rights only in the rehabilitation colonies, later it was decided to extend the principle to constructions undertaken in the other areas also. Government however, specifically reserved to itself the right not to confer proprietary right in any buildings or localities at its discretion and necessary provision to exercise its discretion had been made in Rule 36 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. Part of the Compensation Pool valued at Rs 10000/- (later revised to Rs 15,000/-) or less shall ordinarily be transferred to the displaced person occupying the property on rental basis. The word 'ordinarily' was used/deliberately in the drafting of the Rules because some of the shopping centres by the very terms of the contract could not be transferred. As such, the displaced persons had no right to claim proprietary rights in any market or building constructed for their rehabilitation. With regard to the four markets referred to in the petition, the sites for construction of Sarojini Market and Shanker Market were secured on the specific conditions that their ownership would, in accordance with the general policy of the Ministry of Works and Housing, be retained by the Government. The site for Kamala Market was earmarked for green belt and the market thereon was constructed on the specific condition that its ownership would always vest with Government and will not be

transferred to the displaced persons. The land underneath the Pleasure Garden Market was leased by the Delhi Fort Area Notified Committee for three years in the first instance. In view of the close proximity of the Red Fort and the Jama Masjid which are buildings of great architectural and archeological interest, it was decided that the ownership of this market would vest with the Government.

5. All the markets and colonies which were constructed prior to 1955 were financed from the general funds. With the enactment of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 and Displaced Persons (Compensation & Rehabilitation) Rules, 1955 while all the buildings and markets situated on rehabilitation land were contributed to the compensation pool, these four markets and other markets in similar situation were kept outside its purview for the reasons mentioned above. During 1957-58 *i.e.* prior to the transfer of these markets to the Ministry of Works and Housing there were a number of representations from the allottees of shops in these markets either individually or through their Associations M P.'s regarding transfer of proprietary rights to them on the same basis as was adopted in the case of other displaced persons in occupation of shops situated on the lands belonging to Rehabilitation Department, but it was not found feasible to accede to their request. As a matter of fact, allotment of shop to the non-claimant was itself a concession. As regards the claimant displaced persons, they were allowed to utilise their claims for purchase of rehabilitation properties in auction but no such utilisation was permissible either in against the cost or rent of the shops in those markets.

6. After the four markets were transferred to the Directorate of Estate under the Ministry of Works and Housing, representations have been received from time to time from the Associations of the markets for conferment of ownership rights. The representations from the Associations of the markets were considered and concurrence of the Ministry of Railways, who owned the land where Kamla Market is situated and the Ministry of Defence who owned the land in Pleasure Garden Market, for conferment of ownership rights were obtained. It was also decided that the land-use of the market area where Kamla Market is situated should be changed. After considering the matter, the Ministry of Works and Housing obtained the approval of the Cabinet in the year 1978 as per details already indicated in para 2 above.

7. In view of the position explained above, it will not be correct to accept the arguments of the Shanker Market Welfare Association that the four markets mentioned above have to be treated on par with the other rehabilitation properties leased by the Department of Rehabilitation.

8. Specific comments on the 10 grounds mentioned in the petition are furnished below :-

Ground 1 : These markets were constructed out of the general funds of the Government of India and from the Compensation Pool.

Ground 2 : It is not correct to say that all the original allottees are still in occupation. In a number of cases in the four markets, the shops/stalls/flats have changed hands on the basis of partnership/subletting etc.

Grounds 3 & 4 : The shops were allotted on rental basis to the displaced persons to enable them to carry on their occupation and there was no agreement with them, whether explicit or implicit at the time of allotment that these would be allotted to them under the Displaced Persons (Compensation & Rehabilitation) Act and Rules. Moreover, the Act/Rules came on the statute subsequently. These shops did not form first of the "Compensation Pool".

Grounds 5 & 7 : In view of the position already explained in the preceding paragraphs, the question of any comparison in the matter of allotment etc. between the Compensation Pool properties and non-compensation pool does not arise.

Ground 8 : The allottees of the shops were merely tenants/licencees and they had no perpetual right for the shop. According to the tenancy/licence they were not entitled to sell or transfer the shop to anybody else and tenancy/licence of the shops/stalls etc could be cancelled for violation of the terms of the licence. Moreover, these markets are situated in very central localities and the licence fee being paid by a substantial number of shopkeepers is only nominal. Even by recovering capitalised cost at 20 years rental the amount recovered is quite nominal. Taking all the facts into account, it was decided in consultation with the Finance Ministry to recover 20 years rental as Capitalised Cost. With regard to the point regarding recovery of cost of land, since so far only licence fee was being recovered it will not be correct to say that cost of land had been recovered. A statement indicating the Licence Fee being paid by majority of the shopkeepers in the four markets and the amount of the Capitalised Cost recovered is attached. (See Annexure)

Ground 9 : In the case of shops etc. allotted on concessional rate of licence fee, the element of service charges (in lieu of property tax) is not included and, therefore, this used to be claimed separately. However, even in the Licence Fee, maintenance and repairs used to be undertaken by the CPWD.

Ground 10 : As already mentioned above, the terms and conditions of allotment of shops etc. in the above four markets were different from the terms and conditions under which compensation pool property were allotted by the Department of Rehabilitation to the refugees. Moreover, the offer of ownership has been conferred to the shopkeepers under specific terms and conditions generally followed by the Land and Development Office, in the matter of allotment of land has to be followed in this case and no special consideration can be shown to the shopkeepers.

9. It may be mentioned that decision to charge ground rent at the "Present value of land" was taken at the level of the Cabinet. Though offer of ownership was made to most of the allottees/occupants eligible for allotment prior to 31-3-79, person could not make payment by this date and therefore, the date for payment of Capitalised Cost was extended from time to time up to 31.5.80 in the case of Pleasure Garden Market, Kamala Market and New Central (Shanker Market) and upto 15.7.80 in the case of Sarojini Market. Some of the persons have opted for making payment in instalments and are still making payment. In the meantime, the land rates in various localities in Delhi were revised from 1.4.79 and 1.4.81 and in case these rates are adopted, the amount of ground rent recoverable would get increased. In order to give relief to the persons in the matter of ground rent, it has since been decided in consultation with the Integrated Finance that where the offers of ownership were made prior to 31.3.1979 and the persons concerned had made payment by 31.5.1980 in the case of Kamala Market, Shanker Market and Pleasure Garden Market and in the case of Sarojini Market by 15.7.80 in lump sum or where the persons opted for payment in instalments and made payment of initial amount by the above-mentioned dates and, thereafter, completed payment according to terms, the land rate to be adopted for assessing ground rent will be the rate prevailing on 31.3.79. This has given substantial relief in the matter of payment of ground rent.

10. It may be mentioned that the payment of ground rent cannot be compared with licence fee being paid earlier because in the former case the person will become as owner and be able to dispose of

the same with the permission of the lessee whereas in the case of licence, they are covered by the terms and conditions of the licence deed. Transfer to other party or subletting in full or partially is not allowed and for breach of the terms and conditions of the licence/tenancy, the licence/tenancy can be terminated and the possession taken by Government. By becoming the lessee the persons have got substantial benefit.

11. It has also been mentioned in the representation that the shopkeepers have only made payment of the Capitalised Cost and had not accepted the terms and conditions. If the terms of the offer of ownership were not acceptable to them, they should not have made the payment of the Capitalised Cost. Payments from the shopkeepers were accepted without formal acceptance of the terms because in a number of cases they are illiterate and the Ministry did not want to put persons into difficulty and, therefore, procedure of accepting payment without formal acceptance in writing was adopted. Moreover, the very fact of the making of the payment confirms acceptance of the terms and conditions contained in the offer of ownership and in case the terms were not acceptable to the shopkeepers, they were at liberty to refuse the offer and need not have made payment and could have continued to remain as tenant/licencee.

ANNEXURE TO APPENDIX VII

[STATEMENT SHOWING THE CONCESSIONAL LICENCE FEE/CAPITALISED VALUE CHARGED FROM ORIGINAL ALLOTTEES OF 4 REHABILITATION MARKETS]

S. No.	Name of the Market	Shops/Flats/ Stalls Fuel Depots	Range of monthly rent	Range of Capitalised Cost
1.	New Central (Shankar) Market	Shops Flats Stalls Shops	Rs. 22/- to 42/- Rs. 45/- to 163/- Rs. 6/- to 13/- Rs. 45/-	Rs. 5280/- to 10,080/- Rs. 10,800/- to 39,120/- Rs. 1440/- to 3,120/- Rs. 10,800/-
2.	Sarojini Market	Flats Corner shops Fuel Depots	Rs. 27.50/- Rs. 25/- Rs. 35/-	Rs. 6,000/- Rs. 6,600/- Rs. 8,400/-
3.	Pleasure Garden (New Lajpat Rai) Market	Shops	Rs. 30 to 35/-	Rs. 7,200/- to 8,400/-
4.	Kamala Market	Shops Flats	Rs. 8 to 98/- Rs. 26/- to 75/-	Rs. 1920/- to 23,520/- Rs. 6240/- to 18,000/-

APPENDIX VIII

(See para 6.4 of the Report)

(REPRESENTATION DATED 3 SEPTEMBER, 1982 REGARDING FORWARD DEALINGS IN SECURITIES 'A' LIST AT BOMBAY STOCK EXCHANGE IN CONTRAVENTION OF THE SECURITIES CONTRACTS (REGULATION) ACT, 1956.)

Nirmal Kumar

31, Corner Chambers,
Shivaji Park Road 5,
Bombay-400016.

3rd September, 1982.

To

Lok Sabha, Petition Committee,
C/o Senior Legislative Committee Officer,
Lok Sabha Secretariat.
Parliament House Annexe,
New Delhi-110001.

Dear Sirs,

Re : Forward dealings in securities 'A' list of Bombay Stock Exchange in contravention of the provisions under Securities Contracts (Regulation) Act, 1956 (42 of 1956)—Enforcement of ban on.

I refer to my submission to you dated 28th July, 1982 and acknowledgement dated 27th August, 1982 informing me that the matter is taken up with Finance Ministry.

I further submit a cutting from Indian Express Bombay dated 17.8.82 entitled "BSE Crisis over, says Finance Ministry Official".

The official admits "The official admitted that forward trading was going on unofficially though it has been banned."

Forward business is banned vide Notification dated 27.6.1969 under Section 16(1) punishable under Section 23 of the Securities Contracts (Regulation) Act, 1956. It is punishable with imprisonment for a term which may extend to one year.

The official has mentioned various measures to overcome the crisis as well as hint to improve upon Act 42 of 1956.

Does it imply the Government has no powers to enforce ban under Notification ? The unofficial forward business is done openly by resorting to fortnightly badla, undua badla and carry forward business, otherwise there can be no defaulters.

I once again submit that forward business is resorted to in the knowledge and abetment of the crime by Government Directors on the Governing Board.

Rather illegal forward business in securities A List is done where Government Directors shield this crime. The Government Department instead of enforcing the ban helps it and for this abetment of crime Government Directors must be brought before criminal courts.

In Rajya Sabha Question No. 26 of 27th April, 1982 to Question No. 1 by Shri Jagdish Prasad Mathur, the Hon'ble Finance Minister denies if there is any forward business. According to him the business is "permitted by the Government under notification".

Sir, obviously it is a misleading and wrong reply as proved by my submission dated 12th July, 1982 to the Hon'ble Finance Minister and now admission of the official *vide* cutting dated 17.8.1982 attached,* in interview granted by Finance Ministry official to U.N.I.

Under "Rule of Law" it is necessary that the law of the land be enforced and obeyed by one and all. No one is above law. It is really a sorry state that law making machinery first makes a law and then abets in breaking it. The Government Directors here in this case for seeing that everything is lawful but are in abetment to break the Law.

Obviously, the Government officials have different statements for Parliaments, Press and Stock Exchange.

I have already submitted my prayers before you in my submission dated 28.7.1982.

I once again submit and pray that —

- (i) A Commission of Enquiry be appointed to look into illegal business in the past and the changes contemplated for future workings inviting suggestions from the public.

*Not enclosed

- (ii) Securities A List be merged with Securities B list and notification dated 27.6.69 be enforced.
- (iii) Suitable legal action be taken against Government Directors for allowing forward business and mis-leading the Government by giving wrong statements and making the Finance Minister give false reply in Parliament.

Thanking you,

Yours obediently,

Sd/-

Nirmal Kumar.

APPENDIX IX

(See para 6.5 (2) of the Report)

MINISTRY ON FINANCE (DEPARTMENT OF ECONOMIC AFFAIRS) NOTIFICATION DATED 27 JUNE, 1969

Ministry of Finance
(Department of Economic Affairs)

NOTIFICATION]

New Delhi, the 27 June, 1969.

S.O.2561 :—In exercise of the powers conferred by sub section (1) of section 16 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956), the Central Government, being of opinion that it is necessary to prevent undesirable speculation in securities in the whole of India, hereby declares that no person, in the territory to which the said Act extends, shall, save with the permission of the Central Government, enter into any contract for the sale or purchase of securities other than such spot delivery contract or contract for cash or hand delivery or special delivery in any securities as is permissible under the said Act, and the rules, bye-laws and regulations of a recognised stock exchange.

Provided that a contract other than a spot delivery contract or contract for cash or hand delivery or special delivery in any securities on the Cleared Securities List of a recognised Stock Exchange may be entered into between its members or through or with any such member for the purpose of closing out or liquidating all existing contracts entered into upto the date of this notification and remaining to be performed after the said date, but such contract shall be subject to the rules, bye-laws and regulations of the recognised stock exchange that come into force when further new dealings are prohibited in any securities on the Cleared Securities List and subject also to such terms and conditions, if any, as the Central Government may from time to time impose.

Sd/-

(No. F.1/14/SE/69)

S.S. SHIRALKAR, Addl. Secy.

APPENDIX X

(See para 6.5(2) of the Report)

MINISTRY OF FINANCE (DEPARTMENT OF ECONOMIC AFFAIRS) PRESS NOTE DATED 27 JUNE, 1969.

Ministry of Finance
(Department of Economic Affairs)

PRESS NOTE

New Delhi, 27 June, 1969.

Certain unhealthy trends have been developing of late in the shares and securities business. If they are allowed to continue unabated, there is danger to the health of the stock market and to the investment climate, particularly when there is a revival of public investment interest in the capital market. To curb these unhealthy trends and to prevent undesirable speculation, the Central Government has, by a notification issued today in the Gazette of India Extra-ordinary banned, with immediate effect, forward trading in shares all the stock exchanges. Existing contracts entered into upto the date of the notification and remaining to be performed are, however, permitted by the same notification to be liquidated in accordance with the rules, bye-laws and regulations of the Stock Exchanges concerned.

APPENDIX XI

(See para 7.1 of the Report)

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]

S. No.	Name and Address of petitioner	Brief Subject and points raised	Facts perused by the Committee
1	2	3	4
1.	Shri Satpal Owner, Moti Ram Textiles & Allied Industries Habobal Khurd Ludhiana	Settlement of Insurance claim	<i>Ministry of Finance (Department of Economic Affairs) (Insurance Division)</i>
	In his representation dated 21.8.1981, the petitioner stated that being a citizen of India I want to bring it to your kind notice that there are such unit/officers in our country who are becoming	In their factual note dated 17.11.1981, the Ministry of Finance (Deptt. of Economic Affairs) (Insurance Division) stated as follows :	

a hurdle in the progress of our nation. On the one hand it is the aim of the Government of India to establish factories and give employment to the poor labourers and increase production and take the country towards progress. On the other hand, there are officers who do not pay any attention towards our employment for example, our Handloom Factory, Moti Ram Textiles and Allied Industries Habobal Khurd, Ludhiana was started on 23.6.1978 in a village and this factory was established as per the 20-point programme of the Prime Minister Shrimati Indira Gandhi and as a result of it, a good number of poor harijans and backward class people were earning their livelihood and supporting their family. This factory made a very good progress in a short time and the poor labourers were earning their livelihood very nicely. Unfortunately, on the night of 13.2.1981 the factory was caught in fire and the building of the factory and the stock was destroyed. Our factory was insured in all respect by our bank, State Bank of India, Tagore Garden, Civil Lines with the Oriental Fire and General Insurance Company, Ludhiana.

This grave accident took place 6 months ago.

"M/s. Moti Ram Textiles & Allied Industries, Ludhiana had taken out, through the State Bank of India, a fire insurance policy for the year ending 6.1.1982 from the Oriental Fire and General Insurance Company Limited for Rs. 1,75,000/-, which sum was apportioned by the Bank as below :—

Rs. 1,40,000/- on stock.

Rs. 35,000/- on machinery.

The factory building was not offered for insurance.

The Insured is stated to have reported to the Insurance Company about a fire in the factory on 13.2.1981 and come up with a claim for a loss of Rs. 1,25,120/- in the fire. The report of the loss was received by the Insurance Company on 14.2.1981. M/s. Mehta and Padamsey Surveyors (P) Ltd., who took over the final survey work, are stated to have reported that there was no loss to the machinery and that the insured was unable to substantiate the amount of loss claimed to have been suffered to stocks. The surveyors are reported to have been told by the insured that the relevant records had got burnt and they were, therefore, not available for verification. As per the surveyors, the physical evidence of the remnants/debris did not

In the meantime our Bank as well as we have written to the Insurance Company many a times but no attention is being paid towards our claim and because of no response from the Insurance Company our business is closed and the poor labourers are starving for want of employment. We have written to the Prime Minister and the Finance Minister also in this respect.

The reply letter received from the Prime Minister's office in response to our letter bears No. 232672 dated 2.7.81 and they have forwarded our letter to Finance, Insurance Division, New Delhi and have also advised us to write to them in future. We have written to the Ministry of Finance, (Department of Economic Affairs) (Insurance Division), New Delhi on 14.7.1981. The Ministry of Finance (Department of Economic Affairs), (Insurance Division) has written to us vide their No. F. No. 56(5)- Qus - 1/81 dated 22.7.81 that action is being taken on our letters but our workers and we are very much in trouble for want of employment. It is submitted that when we wrote to the Government about our difficulties and the reasons for the closure of the factory, the officers of the Insurance Company began to see us with vengeance. The insurance

justify a loss of the magnitude claimed. The Surveyors submitted a report on 2.5.1981, which was accepted by the insurance company and the case was processed. On 25.6.1981, the assessed sum of Rs. 24,340/- was offered, by a Registered letter by the Company's Amritsar Divisional Office to State Bank of India, ADB, Tagore Nagar, Amritsar, who were interested in the insurance as mortgages, along with a discharge voucher for the aforesaid amount for perfection by them and the party. Since the insured had not returned the discharge voucher, duly completed, the claim has remained pending for settlement.

The Insurance Company has informed this Division that fire surveyor's report being privileged document, its copy, as per established practice, is not made available to the insured.

It is also necessary to mention here that under Section 64 UM (2) of the Insurance Act, 1938, the insurance company cannot admit for payment or settlement any claim, where the amount involved is Rs. 20,000/- or more, without having a surveyor's report on the loss incurred. Accordingly, if the insured party is not satisfied with the sum so assessed, the case may have to be referred to arbitration, in terms of the relevant clause in the insurance policy."

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of the factory is for Rs 1,75,000/- and the loss amount to Rs. 1.25,120 only. We are being kept in the dark and neither we have been given the surveyor's Report nor the reason has been assigned for the non-settlement of your actual claim. Now we are submitting our request before the Members of Parliament that any Department which could be helpful to us or any Department which the Members of Parliament may deem fit should be appointed which may prepare a report about the loss incurred by us. This matter should be investigated by a MP, MLA. Retired Judge or any other person which the Government may think proper. Our claim should be settled as early as possible because with the starting of the factory the production will increase and the workers will get employment. We hope that our application will receive due consideration and we will be intimated about the action taken.'

The Committee at their sitting held on 27 July, 1982, decided to consider above representation further.

The Ministry of Finance (Department of Economic Affairs) (Insurance Division) in their communication dated 18 October, 1982 have stated as follows :

“The Insurance Company has informed us that, since the sum of Rs. 24,340/-, assessed by the surveyors and offered to the insureds towards settlement of the claim, was not acceptable, the insureds have invoked the provisions of the policy-conditions for reference of the dispute (as to the quantum of loss) to arbitration. The formalities in appointing arbitrators and an umpire have been completed and the case is likely to come up for reference before the arbitration court soon.”

2. Sh. Yuv Raj, President, RBHM Jute Mills Mazdoor Sabha, Katihar (Bihar) an others. Payment of wages to labourers of RBHM Jute Mills, Katihar (Bihar) at par with revised pay scales of labourers in other nationalised jute mills. In their factual note dated 23 November, 1982, the Ministry of Commerce (Department of Textiles) referred to U. S. Q. No. 1832 answered in Rajya Sabha on 2 November, 1982 as follows:

In their representation (received on 11.8.1982) the petitioners stated as follows :

“The R. B. H. M. Jute Mill, Katihar (Bihar) is a nationalised Jute Mill. Five Jute Mills of West Bengal were also nationalised in December, 1980 along with this mill. It was taken over in 1978. After taking over, the mill started functioning on 30.4.1979.

“The workers of R. B. H. M. Unit of the National Jute Manufactures Corporation, a Public Sector Undertaking are not getting the same wages as the workers of other five units. The workers of the other five units are being paid in terms of the Bengal Award of 22nd February, 1979.

It has recently been decided to pay the workers of R. B. H. M. half the difference in wages between the level obtaining in West Bengal Nationalised Mills and

Workers of R. B. H. M. Jute Mills have been receiving wages on the basis of Bengal Wage Board for the last several decades. The pay scales of this mill have been revised from time to time whenever there had been any upward revision in pay scales etc. of the Bengal Wage Board.

As per an agreement held on 22.2.79, revised pay scales had been fixed on the basis of Bengal Wage Board; All the Jute Workers have been getting their wages as per revised rates, but the same have not been applied to the workers of R. B. H. M. Jute Mill who are still deprived of this benefit. The fact is that the Government is doing injustice to the workers of this mill because all the workers of the above mentioned 5 mills of Bengal which were nationalised simultaneously on 22.2.1979 have been receiving the increased wages as per revised scale. Six mills have been working under the management of Government of India, while the five have been receiving increased wages. Only the workers of R. B. H. M. Jute Mills are being deprived of this benefit. This is highly unfair.

R. B. H. M. w. e. f. October, 1982. The other half of the difference will be paid at the conclusion of a programme of renovation, repairs and addition with a view to increase the productivity of this unit. An agreement to this extent has been entered into with the workers union by the Management.’

We, therefore, request that the agreement held on 22.2.1979 be implemented immediately for the workers of the R. B. H. M. Jute Mill and they should be paid revised wages alongwith arrears”.

3. Sh. Harihar Misra, ex-signalman, Finalisation of pension, streamlining the procedure for expeditious sanction and disbursement of pension and full commutation of pension to those pensioners who are receiving pension upto Rs. 75/- p. m.
- Ministries of Defence and Finance (Department of Expenditure)
 In their factual note dated 19 August, 1982, the Ministry of Defence have stated as follows:
 “The position has been ascertained from the Orissa Government and they have confirmed that the ex-Signalman Harihar Misra has already received the disability pension on 15th February, 1982 from Special Treasury, Berhampur. Therefore, in so far as his personal grievance is concerned, it stands settled.
- Shri Rama Chandra Rath, M. P. forwarded representation from Shri Harihar Misra, a disabled pensioner from Corps of Signals in which he stated as follows :
 As regards the delay in sanction and disbursement of pension to Armed Forces Personnel as also the defence civilians, the entire procedure relating to sanction and disbursement of pension is at present being examined by a high level Committee set up by the

"I am a disabled pensioner from Corps of Signals. My second resurvey medical board was held on 25th December, 1980. But to my deep regret my pension claim has not yet been finalised by the C. D. A. (P), Allahabad though a long 11 months have been passed

In this context, I enclose a copy of an article "Arm's and Pension" "An urgent case for decent-ralisation" by Mr. G. C. Kotoch, Former Finan-cial Adviser to the Defence Services published in "The Statesman" dated the October 13-14, 1981, which highlights the problems faced by pensioner's like me and thousands of others.

Briefly stated, the problems are as follows :

- (a) Payment of pension is delayed by several months, some times even years.
- (b) There is no single authority to which the pensioner could turn to for redressal of his grievances, or relief.
- (c) There are many agencies central as well as state involved in processing the pen-sion payment.

Government. The recommendations of this Committee are likely to be available shortly. Thereafter necessary measures would be taken for streamlining the procedure for expeditious sanction and disbursement of pension."

In their factual note dated 24 November, 1982, the Ministry of Finance (Department of Expenditure) have stated as follows :

"The request made in this para *inter alia* contains a proposal for full commutation of pension in respect of pensioners who are receiving basic pension up to Rs. 75/- per month with a view to reduce the work load of CDA (P) and also to help them to invest the lump sum in a worth-while enterprise.

The question of allowing commutation of the full amount of pension has been considered. The existing system ensures a steady life-time income to the pensioners and is thus preferable from the social security angle. In case, the full amount is allowed to be commuted, the whole amount may get spent in a number of cases, creating a social problem. It will also involve heavy payments. Besides, if the entire amount is commuted, no dearness relief will be payable. This would adversely affect the pensioners' own interest. At present, Dearness relief is paid on the full amount of pension even where a part of it has been commuted.

At present the minimum pension of soldiers retiring after the recent merger of DA with pay upto average index level 320 comes to Rs. 170/- per month. In case of a soldier 45% of this pension can be commuted. The commutable amount comes to Rs. 76/- per month. It will, thus, be seen that the suggestion made by Shri Harihar Misra, a pensioner from Corps of Signals, that pensions up to Rs. 75/- should be fully commuted is already met in case of persons who have retired in recent months and will retire in future.

(d) There is lack of coordination between the Central and State Agencies connected with the disburse of pension payment.

(e) The pressure of work on the local treasuries has increased and who feel that this is an unwanted piece of work thrust on them.

(f) The Office of the C. D. A. (P) Allahabad which has to deal with about 13 lakh pensioners at the moment is bursting at the seams. The article mentioned above by Mr. G. C. Katoch, gives a graphic description of the chaotic state of affairs at the office of the C. D. A. (P), Allahabad.

There is, therefore, an urgent case for decentralisation of the work connected with pension payments and helping pensioners to get their pension in due time. This is a problem affecting not only me as an individual but several thousands of others amongst whom there are a number of

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widows and disabled who have no other source of income. As this is a matter concerning the well being and security of the Defence Service in the interests of the country's security, it needs urgent solution.

And accordingly your petitioner pray that the Lok Sabha be seized of this matter and recommend the Government appropriate remedial measures like, allowing full commutation of pensions to the pensioners who are receiving a basic pension, less than Rs. 75/- per month as a result, it will not only reduce the work load of the C. D. A. (P) to an appreciating extent but also help pensioners to invest the lump sum in a worth while enterprise for their rehabilitation. Similarly, it will also put a check in further increase of work load on C. D. A. (P) as one expect release of an approximate 40,000 Personnel per annum from Defence Services."

4. Sh. D. D. Bidani B/8 Friends Colony West, New Delhi 110065. Refund of amount of deductions made from the salaries of SBI Officers for the purpose of paying pension on retirement.

Ministry of Finance (Department of Economic Affairs) (Banking Division)

In their factual note dated 9 June, 1982, the Ministry of Finance (Department of Economic Affairs) (Banking Division) have stated as follows :

In his representation, dated 21 August, 1981, the petitioner stated as follows :

"The terms and conditions of service of workmen and non-workmen staff of State Bank of India, including those taken over from its predecessors provide for pension on retirement. This pension comes out of five funds, namely, those constituted by the three erstwhile Presidency banks, the Imperial Bank and State Bank of India. The first four funds were initially non-contributory. However, in the year 1931, the Central Board of Imperial Bank of India had the relevant rules amended requiring members to contribute to the funds 5% of their salaries with a maximum of Rs. 90/- every month.

"In 1932 the Imperial Bank of India had created a Pension Fund for the purpose of paying pension to its retired employees apart from any contributions made by the Imperial Bank, the funds were replenished by a deduction of 5% from the salaries of their employees. This fund was managed by Trustees appointed by the Bank.

This position continued until 1955, when under the State Bank of India Act, 1955, the bank was taken over by the Reserve Bank of India. At that time, on a representation made by the unions representing the award staff (Class IV and Class III employees) the 5% contribution towards pension Fund was discontinued for these employees.

Consequent upon the implementation of the Shastri Award, the contribution to the pensions funds by the workmen employees was discontinued w. e. f. 1.4.1954. Subsequently, the contribution by the officers staff was also discontinued with effect from the

At that time, there was no association/union representing the supervising staff and, as such, the bank decided, on its own, to continue the contributions to the aforesaid Pension Fund from the salaries of its supervisory staff.

Notionalisation/taking over of the bank by the Reserve Bank should have normally meant continuance of the same terms and conditions for all classes of bank employees. Accordingly, extending the benefit of paying pension without deductions to one category of staff only to the exclusion of all officers, was highly discriminatory and was basically without any justification.

Realising this grave anomaly, the Chairman of the Bank (viz. Shri B. Venkatapaiah and his successor or Shri V. T. Dahejia appointed by the Government of India) took up with the government in the sixties the question of discontinuance of the system of deductions from the salaries of officers for the purpose of paying them pension on retirement. They also suggested to the Government that the deductions made after 1955 when such deductions from the salaries of award staff were discontinued, be paid back to the employees concerned. To avoid immediate monetary burden on

1st April, 1968. The question of refund of contributions by the officers staff towards pension fund during the period 1955 to 1968 has been considered by the Government on several occasions in 1970, and 1971 when certain Members of the Parliament took up this matter with the then Finance Minister. In 1977, the State Bank of India had also proposed to the Government to refund the pension fund contribution to the officers for the said period. The proposals were examined in detail and it was observed that there were no circumstances warranting reopening of the issue with retrospective effect. Even in the case of workmen, no refund of pension fund contribution was permitted when the contributions were finally stopped with effect from 1.4.1954. It was, therefore, decided, with the approval of the then Finance Minister, not to agree to these proposals. In November, 1977, the State Bank of India was informed that the issue may be treated as finally closed."

the Fund, however, they suggested that the balance standing at each member's credit in their Pension Fund account be transferred to the employees Provident Fund which was incidentally being managed by the same set of Trustees, Realising the justification of the request the Government of India approved of the discontinuance of deductions from the salaries of its supervisory staff in 1968. They did not, however, approve of the amount standing at the credit of the various employees being transferred to their respective Provident Fund Accounts.

We, the undernoted officers, who have retired from the service of the Imperial Bank of India/State Bank of India now approach you with a request to rectify the anomaly and arrange with the Bank authorities for the outstanding at credit of all officers for the period 1955-1968 to be refunded to the respective officers directly or through their Provident Fund Accounts. You will kindly observe that the payment does not involve any burden on the bank's funds in as much as the amount represents the employees own contributions only.

Officers of the Imperial Bank/State Bank of India belong to a generation, when agitations by officers of the type now faced by Banks and other Public Sector Institutions were unknown. As a class, they have been the most disciplined and loyal officers, who have never resorted to any action, which may, even remotely be termed as agitational. The payment will cover a very small number of employees who have either retired or are about to retire. We, therefore, approach you most respectfully with a request that an objective view be taken in the matter and the Bank authorities asked to deal with this amount rationally be requested above.'

5. Mrs. Mythili Ramchandran "Tarnasri" Payment of provident fund by Ministry of Labour and Rehabilitation
3 First Main Road, Raja Anna-Malai Andhra Mahila Sabha Nursing tation (Department of Labour)
Puram, Madras 600028. Home Madras.

In their factual note dated 22 November, 1982, the Ministry of Labour and Rehabilitation (Department of Labour), have stated as follows :

In her representation, dated 23 September, 1981, the petitioner stated as follows :

"Mrs. Mythili Ramachandran, a retrenched employee of the Nursing Home, Andhra Mahila Sabha Madras had made a representation on 10.5.1976 stat-

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"I am a retrenched employee of the Andhra Mahila Sabha Nursing home here at Madras. My services were terminated effective 1st May, 1976.

I have put in a claim for my provident fund dues with the Regional Commissioner here at Madras.

This did not make any headway at all.

On the 14th, November, 1979, when Shri Lakshmidhar Misra, I A S., was here I represented the matter, and, enquiries were then conducted. I am very certain that the findings are in my favour and that it is awaiting some orders at Delhi.

The whole matter referred to as D8/TN/7558/ENF/80, is being delayed by some interested parties, thus putting me to hardships. No body appears to be wanting to do this job.

I am approaching you with all the humility at my command to grant me what the law has bestowed upon me, particularly when deliberate forces are working against it."

ing that she had served in Andhra Mahila Sabha Madras for fourteen years i.e. from 15.12.1961 to 31.3.1976 and her services were terminated with effect from 1.4.1976 but no Provident Fund was paid to her. She had also alleged that she had seen the Provident Fund deduction made in ledgers and wanted the Regional Provident Fund Commissioner to intervene and to ensure that the Provident Fund dues were paid to her.

Even prior to the representation by Smt. Mythili Ramachandran, the area Provident Fund Inspector had advised the establishment on 22.10.1974 that all the eligible employees employed by them in (i) Auxillary Nurses and Midwives training Centre (ii) Family Planning Units (iii) Post Mortem Scheme, should be enrolled as Provident Fund members. Initially, the establishment represented that they would be paying the provident fund contributions on receipt of grants from the Centre/State Governments, as the case may be. Their request for payment to employer's share of contribution does not, however, seem to have been accepted by the Central/State Governments. The establishment, therefore, made a representation for grant of exemption from payment of provident fund contribution in respect of the employees employed in Auxillary Nurses and

Midwives training Centre and the Family Planning Units I and II on the ground that these were not departments or branches of the Nursing Home, Andhra Mahila Sabha. The request of the establishment was not accepted and they were given clear instructions in November, 1975 that they should implement the scheme even in respect of the employees working in (i) Auxillary Nurses and Midwives training Centre and (ii) Family Planning Units I and II.

The Andhra Mahila Sabha Trust Board, Hyderabad had made a representation to the Union Minister of Labour on 6.9.1976 to treat them as charitable Organisation and exempt them from the operation of Provident Fund Act. The request of the establishment was not accepted. Meanwhile, the establishment also questioned the clubbing of its various units for the purpose of coverage under the Act but no irregularity was found. The Secretary, Andhra Mahila Sabha was, therefore, again advised in January, 1978 to comply with the provisions of the Act with a warning that non-compliance would lead to legal action against them but still there was no compliance. In January, 1980, the Secretary, Mahila Sabha was called for an enquiry under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. At the enquiry,

the employer again contested the coverage, while the employee pleaded for extension of the Provident Fund Benefit. As the matter was not free from doubt, a further reference was made to the Central Office in Delhi regarding the coverage of the establishment. Meanwhile, the employer filed an appeal before the Central Government under Section 19A of the employees Provident Fund and Miscellaneous Provisions Act, 1952, challenging the applicability of the provisions of the Act. Their appeal has, however, been rejected and action is now being taken to secure compliance. The payment of Provident Fund dues in respect of Mrs. Mythili Ramachandran can be arranged only after the provident fund dues are recovered from the employer.

6. Sh. Vinod Kapoor, Hony. Genl. Secretary, Small Scale Roller Flour Mills Association, S.C.O. 194-195, Ground Floor, Sector 17-C, Chandigarh-160017	Administrative clearance for grant of Licence/Carry over business to small scale flour Mills.	Ministry of Agriculture (Department of Food)
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In his representation, dated 2 September, 1981, the petitioner, *inter alia*, stated as follows:—

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“This Department has since taken a decision in regard to setting up of new wheat roller flour mills under the small scale sector. It has been decided to accord clearance in respect of 83 units in the country where effective steps were taken in

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“The Government of India came out with a notification on 29 June, 1979 relaxing the licencing conditions for setting up the Small Scale Roller Flour Milling plants.

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The above licencing relaxation took quite some time to permeate to the State Governments who were named as the licencing authorities by the Government of India. State Directorate of Industries/Food and Supplies received a large number of applications from the potential entrepreneurs. The permissions granted by the State Government took into account the anticipated demand of wheat products in their respective States.

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On 24 May, 1980, the Government of India came out with the Press Note under the heading withdrawal of permission to set up small size roller flour milling units.

With the above notification all the

accordance with the guidelines and substantial progress was made by entrepreneurs in setting up their units. It may also be mentioned that the unit of Shri Vinod Kapoor who had submitted the aforesaid representation as also the units of others who had gone to the High Court of Punjab and Haryana, Chandigarh are amongst those in whose cases clearance has been accorded. The Hon'ble High Court has also been informed of the position.”

small scale entrepreneurs who had obtained licences/permissions from the State Governments were to obtain a licence from the Central Government i.e., either a Carry on Business Licence or Industrial Licence under the Industries Development and Regulation Act, 1951.

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These powers of the licensing authority were clipped off by the Department of Food, Government of India, vide their circular No.1 (S)79-DR II Vol II dated 1: December, 1980.

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As per the Government policy those units who had taken effective steps before 24 May, 1980 were eligible for recommendation by the State Governments to the Government of India for administrative clearance before issuance of milling licence by the State Government. On 19 February, 1981 Government of India, even asked State Governments to take clearance for granting

extension of time to entrepreneurs who had been granted permissions by the States.

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We fail to understand the logic in delay in clearance of these cases. Entrepreneurs in the Small Scale Sector have invested their and borrowed resources to the extent of Rs. 3 lakhs or so. They are losing heavily on this account in the shape of interest on borrowed funds as well as own funds, payment of salaries wages to the staff and labour employed for the unit, excess payment to the consultants and contractors for not being in a position to offer raw materials for the trial runs.

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We shall be extremely obliged for favourable and expeditious action.

**Ministry of Railways
(Railway Board)**

7. Shri Ramdas Bhalerao, President, Shifting of Loco Shed from Manmad
Janata Party, Nandgaon, Distt. to Nandgaon.
Nasik.

In his representation dated 14.4.1982, Shri Ramdas Bhalerao stated as follows:—

“Nandgaon Loco Shed-Background information

Nandgaon is a Taluq which is situated on Bhusawal-Igatpuri line. Agriculture is the main occupation of this taluq. Agricultural commodities are transported to other parts of country from Nandgaon railway station. Nandgaon Railway Yard is spread over 3-4 sq. kilo meters. As it is an important commercial centre in Bhusawal division, goods are loaded and unloaded at this station. There is an independent water supply scheme to supply water to the railway station. Accommodation facilities are available for 2-2½ thousand employees. In spite of these facilities, the Loco Shed was shifted from Nandgaon to Manmad.

The Loss faced by Railways by shifting loco shed to Manmad

(1) As the break-down staff is transferred from Nandgaon to Manmad, the engine required for shunting has to be called for from Manmad. As a result, there is a wastage of time, money and

In their factual note dated 29.5.1982, the Ministry of Railways (Railway Board) have stated as follows:—

“(i) Transfer of Staff from Nandgaon to Manmad

A total of 130 men are required to be transferred from Nandgaon to Manmad. However, presently transfers have been carried out only by those men who have been allotted accommodation at Manmad. The balance complement of still continue to retain their existing quarters at Nandgaon; they have been provided with duty passes to commute daily from Nandgaon to their place of work $\frac{1}{2}$ Manmad; a distance of 25 Km.

(ii) Shunting Locomotives

No difficulty is being experienced in providing from Manmad the two shunting locos required for working in Nandgaon yard. In fact, in the earlier system of working the 5 shunting locos which work at Manmad had to be brought to Nandgaon for repairs.

(iii) Water

No problems are being experienced with regard to availability of water at Manma J. Presently, water is

man power. Traders and farmers have to sustain a loss as foodgrains, onions and other produce remain in the goods train for a long time. As wagons were not available and commercial link with Chalisgaon and Lasalgaon has snapped, it has hit the market of Nandgaon hard and production has steeply come down. As a result, Nandgaon has to face financial loss.

(2) As the break-down staff and class IV employees attached to it were transferred to Manmad on telegraphic instructions, many employees are facing financial hardship and domestic inconvenience. They had to maintain families at Nandgaon and Manmad in order to continue the education of their children. They faced many financial problems in maintaining their families. Railways have to spend 2-3 thousand rupees per day to meet expenditure on railway passes and allowances.

Water Supply

As sufficient water supply is not available in Manmad, the machines are cleaned by polluted water which damages the machines. There is no

taken from the Municipality (Palkhed Canal) and is also taken from the Waghdari Dam. In fact, even at Nandgaon, the water position was never satisfactory and during the summer months, water had invariably to be railed from Pachora and Jamner.

(iv) Effect on Nandgaon Town

It is felt that the eventual shifting of 130 families from Nandgaon to Manmad will have no measurable impact on the trade and marketing community at Nandgaon. This portion of the Railway staff would not represent any sizeable percentage of the total population in and around Nandgaon. Presently, in any case, as stated earlier a large portion of the staff continue to reside at Nandgaon and are commuted daily to Manmad. In this connection, it may be added that Manmad is a bigger centre than Nandgaon and possesses better education, medical and other social and economic facilities.

In view of the above, no change in the decision regarding shifting of Nandgaon and Manmad is proposed to be taken."

arrangement for drinking water. The Railways have to spend Rs. 80,000 a month on water which they cannot afford. Whereas, Nandgaon railway station has an independent water supply system. The Railways used to save an amount of Rs. 80,000 per month when Nandgaon Railway Station had a Loco Shed. It has now been decided by Railways and Municipal Council, Nandgaon to make permanent arrangement to supply water to Nandgaon Railway Station. Nandgaon Municipal Council has already sanctioned Rs. 18,000 for the scheme. But shifting of the Loco Shed has seriously affected economic progress of this city.

In view of this, it is desirable that the Loco Shed should be restored to Nandgaon or a Railways operating, oil engine or electric workshop should be set up here.

Nandgaon Railway Station is only 75 miles from world famous Ajanta Ellora caves. Nandgaon is on Nagpur Highway which connects Bombay-Aurangabad. Considering the geographic situation and potentiality of economic development, I humbly appeal to you to have the Loco Shed restored to Nandgaon."

8. M/s. Fa) Bagatdar Setkari
Vyapari Mandal, Savda,
Jalgaon.

Withdrawal of increase in rail
freight on raw plantain.

Ministry of Railways
(Railway Board)

In their telegram dated 3 July, 1982, petitioners stated as follows:—

“Almost 100 per cent increase in the Railway freight on raw plantain specials from Bhusaval Division Central Railway to Delhi from 1st July, 1982 is horrible. Rs 3215 charged for CRT wagon upto 31st March, 1982 has been revised to 5954. Banana cultivators economy completely shattered. Rail plantain traffic paralysed.....Your kind intervention for reasonable solution very humbly requested.”

In their factual note dated 29.7.1982, the Ministry of Railways (Railway Board) have stated as follows:—

“The Ministry of Railways have, on reconsideration, decided that the concession for transport of banana traffic from Bhusaval Division to different parts of the country may be extended at 30% below the normal tariff rates for a further period of one year. Necessary instructions (See Annexure) in this regard have been issued to the zonal Railways.”

ANNEXURE

(See Item No. 8 of List V)

Ministry of Railways
(Railway Board)

XXR Wireless
Post Copy.
Issued on
28.6.1982.

General Managers
Northern Railway, New Delhi
Central Railway, Bombay

Copy to : .

Shri Prem Sagar, C C S.,
Central Railway Bombay
Shri I.P. Srivastava, C.C.S.
Northern Railway New Delhi.

No. TCII/2951/77 (.) Reference Ministry of Railways XXR Wireless message of even number dated 19.6 1981 (.) Sanction of the Central Government is hereby accorded to the quotation of lumpsum station to station wagon load rates at 30% (Thirty per cent) reduction over the normal tariff rates for the transport of bananas by coaching trains from stations in Jalgaon and other adjoining districts of your Railway to different stations (.) These orders will take effect from 1st July, 1982 to 30th June, 1983 (.) This issues with the concurrence of the Finance Directorate of the Ministry of Railways (.) Necessary instructions may be issued to the staff concerned immediately and the receipt of this

message acknowledged (.) Also furnish a copy of the revised rates circular when issued (.) Matter most urgent (.) Naveen Malhotra Railways (.)

Sd/-

Naveen Malhotra
Joint Director, Traffic Commercial
(R) II,
Railway Board.

9. Shri S. Mohan Das Pillai Pankaja
Sadanam, Sastha Mangalam,
Trivandrum-695010

Settlement of his provident
fund claim.

Ministry of Labour

In his representation dated 2.3.1982, Shri S.
Mohan Das Pillai stated as follows :—

“I was a member of Provident Fund under the territory of the Regional Provident Fund Commissioner Bhavishya Nidhi Bhavan, 341, Bandra (East) Bombay-400051, during the years 1964 and 1965. At that time I was in the service of M/s. Oil Seals Mfg. Co. Pvt. Ltd., OMCO Building, Chitubhav Patel Road, Kandivli (East), Bombay-67 attached to their Calcutta Office. By the end of 1965 I was retrenched owing to the general retrenchment in the Company. During

In their factual note dated 13.8.1982, the Ministry of Labour have stated as follows :—

“Shri S. Mohan Das Pillai had submitted his claim to the R. P. F. C., Maharashtra as stated in his representation. On scrutiny of his claim paper, the following deficiencies were found and the claim paper was referred to his ex-employer in September, 1980, for rectifying the deficiencies :—

i) P. F. Account Number was not mentioned in the claim form !

the two years of my service in that Company, the P. F. amount was deducted from my salary every month. Hence forth I had never been a member of provident fund.

As soon as I lost my job, I returned to Kerala and I was doing certain agency works in my place. By 1980, my health considerably deteriorated and my financial positions became too awkward. Hence I wrote to the Regional Provident Fund Commissioner, Bombay-400057 and I was instructed to fill up and send form No. 19 after getting attested, *vide* their letter dated 22.9.1980 the ref. No. being MH/5213 PF/ACCTS/XXXV/47 from the Accounts Officer.

I did every thing as per the instructions. I reminded the said office more than five times, the last one being dated 14.5.1981. I wrote to the Company also. But unfortunately I am not receiving any reply. All my letters, with my requests, were left unresponded by both the offices. Even I expressed my willingness to forgo the Company's contribution amount, in case they are not willing to pay it.

(ii) The claim was not attested by an authorised officer.

A copy of the above mentioned letter was also endorsed to Shri Das.

The claim paper was not, however, received back from the employer. The R.P.F.C., therefore, started his own investigation into the case. Shri Pillai had mentioned code number of the establishment as MH/5213. His name was not, however, found in the list of provident fund members of the establishment bearing code No MH/5213. A Senior Provident Fund Inspector was, therefore, deputed to the establishment. The Inspector reported that no person by name Shri S. Mohan Das Pillai was in employment with the said company.

On further investigation, it was found that the establishment in which Shri Das was employed had code number MH/5286, and his name appeared in the list of provident fund members of that establishment. The claim in respect of Shri Das was, therefore, prepared on the basis of the records of that establishment and a cheque for Rs. 768.25p inclusive of up-to-date interest has been sent to the R.P.F.C., Kerala with the request

My P. F. A/c. No. is MH/5213, office of the Provident Fund Commissioner, Bombay-400051.

I am having three young children to be educated. My family include total eight members. I am not in sound health. I suffer too much financially. I was the only earning member of my family under these circumstances, it is highly impossible for me to go to Bombay and get the accounts settled. Hence, I humbly request your goodwill to get me a quick settlement of the above accounts.

10. Smt Sita Devi Issuance of Railway pass to the widows of Near Subzi Mandi Railway employees. Station, Delhi-110007

In her representation dated 19.4.1982, Smt. Sita Devi stated as follows:—

I beg to state that I am a widow of a retired railway employee. I am getting Family Pension, but the Railway Pass which was being given to me annually has been stopped.

My husband, Shri Rikhi Ram, who was working

to handover the cheque to the member, after taking formal receipt. Shri Das has also been apprised of the above position by a letter dated 17.6.1982.

Ministry of Railways
(Railway Board)

In their factual note dated 2.9.1982, the Ministry of Railways (Railway Board) have stated as follows:—

“In terms of the existing orders Post Retirement Complimentary Passes are not issued to the widows of the deceased railway employees. It may further be pointed out that in the event of the death of the serving railway employees, a settlement pass for the widow of

in the ²⁰Loco Workshop, Lucknow, retired from there. During his service period and after his retirement, I had been getting the facility of the Railway Pass. Unfortunately, my husband died on 16.12.1978. Since then I have been getting family pension. The railway authorities say that I am not entitled to a railway pass under the rules.

I request you kindly to enquire from the Railway Minister as to what kind of rule is this, while a widow gets the pension, the pass facility is stopped.

I request you with folded hands that the passes given previously to widows but stopped after their becoming widow, should be restored. The death of a husband was a misfortune and it is unfortunate that to this is added the misfortune of stoppage of a facility being given previously.

I hope you will take mercy on the condition of the widows of railway men and get them an annual railway pass.

the deceased railway employee and other family members including luggage pass for house hold effects as laid down in the Pass Rules is issued from the place of the posting to the nearest station of the place where the widow desire to settle."

11. Sh. Ravindra Sharma
5C/62, New Rohtak Rd.,
New-Delhi 110005.

Stepping up of pay.

Ministry of Defence

In his representation dated 25 February, 1982, the petitioner has stated as follows:—

Most humbly I submit for your kind information that I having worked for about 13½ years in Military Engineering Services under Ministry of Defence, Govt. of India. New Delhi, have left Govt. service w.e.f. 18th April, 1981, on acceptance of my resignation by the Ministry of Defence. I have been working as Executive Engineer, 002 Plg, Army HQ, E-in-C Branch, Kashmir House, DHQP.O. New Delhi, as my last duty office. On promotion as Executive Engineer, I had been drawing less salary than my junior officers which is contrary to the existing service rules and as well as against the principles of natural justice. I have represented my case as early as in mid year 1979, but for about 3 years nothing has been finalised by the Govt. on one pretext or the other or so to say for one or the other procedural requirement and with no fault of mine.

I, therefore, approach you Sir, to kindly use your august office and direct 'The Secretary Ministry of Defence' Govt. of India to issue the Govt. letter stepping up my salary to Rs, 1250/-p.m. w.e.f. 3.1.1979 with

In their note dated 30.9.1982, the Ministry of Defence have stated as follows:—

“The case of Shri Ravindra Sharma, Ex-Executive Engineer (MES/Army HQ) has been finalised and orders have since been issued *vide* this Ministry's letter No. 90722/110/80/EIB/3926/D (Civ. I), dated 23.8.82 (See Annexure).”

ANNEXURE

No. 90722/110/80/EIB 3926/D (Civ. I), Government of India, Ministry of Defence, New Delhi, the 23rd August, 1982.

To

The Chief of Army Staff,
New Delhi.

Subject : Stepping up of pay of Shri Ravinder Sharma,
EE E-in-C's Branch.

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1 next date of increment as 1.1.1980 and thus help me in granting justice and enable me to draw my pay & allowance at par with my junior officer w.e.f. 3.1.1979 to 18.4.1981."

Sir,

With reference to CDA HQ, New Delhi note 19 dated 11.5.82 (recorded on file No. 90722/110/80/EIB to Engineer-in-Chief's Branch, Army Headquarter, New Delhi), I am directed to convey the sanction of Ministry of Defence in terms of their OM No. 2(18) 75/D (Civ. I), dated 12.1.76 for stepping up of pay of Shri Ravinder Sharma EE to Rs. 1250/- with effect from 3.1.79 to bring him at par with that of junior Shri S. K. Satpathy, EE. The next date of increment will be 1.1.80.

2. Arrears of pay will be admissible from 3.1.79.
3. This issues with the concurrence of 1414/D/IFA.

Yours faithfully,

Sd/-
(S. Prasad)

Under Secretary to the Government of India.

APPENDIX XII

(See para 8.1 of the Report)

[OUTSTANDING RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS IN THEIR REPORTS ON WHICH FINAL ACTION TAKEN REPLIES OF MINISTRIES, DEPARTMENTS CONCERNED ARE STILL AWAITED]

S. No.	Name of Report	Date of presentation	Para No.	Brief Subject	Name of Ministry/ Department concerned
1	2	3	4	5	6
SIXTH LOK SABHA					
1.	Tenth Report	9.5.1979	6 5 & 6.6	Economic facilities and Rehabilitation concessions to Bhakra Dam Ousteers.	Ministry of Irrigation
SEVENTH LOK SABHA					
2.	Sixth Report	11.12.1981	2.33 to 2.45	The Delhi Municipal Laws (Amendment and Validation) Bill, 1980.	Ministry of Home Affairs

1	2	3	4	5	6
3.	Seventh Report	24.12.1981	3.5 & 3.6	Fencing of Defence land to avoid encroachment and provision of civic amenities to residents of Golibar Maidan, Ghatkopar, Bombay.	Ministry of Defence
*4.	Ninth Report	3.8.1982	3.31 to 3.34	Transfer of ownership rights of shops and flats to allottees in NDMC markets.	Ministry of Works and Housing.
5.	Ninth Report	—do—	6.4	<i>Ad hoc</i> payment to ex-employees of Andhra Scientific Company Ltd., Hyderabad in lieu of dues pertaining to pre-take-over management period.	Ministry of Defence

* Action taken reply of the Ministry since received on 4.5.1983.