

**COMMITTEE ON PETITIONS**

**(SEVENTH LOK SABHA)**

**FIFTEENTH REPORT**



*(Presented to Lok Sabha on 21 December, 1983)*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 1983/Agrahayana, 1905 (Saka)*

*Price : Rs. 6.50*

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COMPOSITION OF THE COMMITTEE ON PETITIONS  
(1983-84)

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**CHAIRMAN**

1. Shri K.P. Tewari

**MEMBERS**

2. Shri Godil Prasad Anuragi
3. Shri Banwari Lal
4. Shri Bhubaneswar Bhuyan
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10. Shri Chandra Pal Shailani
11. Shri P. Shanmugam
12. Shri P.M. Subba
- \*13. Dr. Subramaniam Swamy
14. Shri Jagdish Tytler
15. Shri Balkrishna Wasnik

**SECRETARIAT**

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*

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† Nominated *w.e.f.* 3 September, 1983

\* Nominated *w.e.f.* 23 June, 1983  
*vice* Shri Motibhai R. Chaudhari resigned.

**FIFTEENTH 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 Fifteenth Report of the Committee to the House on the following matters :—

- (i) Petition No. 23 regarding prevention of cruelty to animals under provisions of the Prevention of Cruelty to Animals Act, 1960 and ban on export of farm pelts.
- (ii) Petition No. 24 regarding ban on cruelty to animals.
- (iii) Representation regarding withdrawal of high technology reproduction and multiplication equipment from Appendix I to Press Note dated 21 April, 1982 on the Industrial Licensing Policy.
- (iv) Representation regarding constitution of Insurance Tribunals for settlement of grievances of policy-holders and claimants etc.
- (v) Representation regarding proposed shifting of Polluting industries of Agra.
- (vi) Representation regarding grievances and demands of leprosy patients.
- (vii) Representation regarding implementation of Charter of Demands put forward by the All India Medical Students Association.
- (viii) Representation regarding ban on export of Indian frogs.
- (ix) Representation regarding abolition of leasehold system, use of residential premises for commercial purposes and sanction of extra coverages for houses in rehabilitation colonies of Delhi.
- (x) Representation regarding refund of unused Railway ticket.

**(xl) Other Representations.**

1.2 The Committee considered the above matters at their sittings held on 2 and 23 December, 1982 and 6 April, 3 May, 24 August, 8,9 and 20 September and 11 October, 1983.

1.3 The Committee considered their draft Report at their sitting held on 12 December, 1983 and adopted it.

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

NEW DELHI ;  
12 December 1983  
Agrahayana 21, 1905 (Saka)

K. P. TEWARI,  
Chairman,  
Committee on Petitions

**PETITION NO. 23 REGARDING PREVENTION OF CRUELTY  
TO ANIMALS UNDER THE PROVISIONS OF THE  
PREVENTION OF CRUELTY TO ANIMALS ACT,  
1960 AND BAN ON EXPORT OF FARM PELTS**

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**2.1** Petition No. 23 signed by Shri Ajeet Raj Surana and others regarding prevention of cruelty to animals under the provisions of the prevention of Cruelty to Animals Act, 1960 and ban on export of farm pelts, was presented to Lok Sabha on 3 March, 1983, by Shri Mool Chand Daga, M.P.

*A. Petitioners, Grievances and Prayer*

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

“That tremendous amount of cruelty is practised at the Fur Animal Breeding Division of the Central Sheep and Wool Research Institute under the Indian Council of Agricultural Research under the guise of research. The lambs are slaughtered within 48 hours of birth. If they are kept alive longer, their hair straightens out and the value of the pelt is thus reduced as the value depends on the tightness of the curls. The petitioners contend that these animals are bred to be killed in order to satisfy the vanity of fashion conscious persons. Unless some effective steps are taken to stop this un-called for animal exploitation, the cruelty will only increase and will be extended to other animals as well, such as mink, beaver, bear, fox, squirrel, wolf and a host of other innocent creatures.

Therefore, we demand that the following steps be immediately taken for alleviating the acute cruelty practised on the animals for commercial purpose much against India's ancient heritage and culture based on reverence for all lives :—

- (1) To immediately put a stop to the slaughtering of Karakul lamb within 48 hours of their birth.

- (2) To ban export of farm pelts.
- (3) To ban breeding and killing of any animals for its fur, etc.
- (4) To take stringent measures against any organisation practising such animal exploitation.
- (5) To stop the proposed expansion of any activity for breeding of mink or any other animal or reptile and export of its pelt.

Accordingly your petitioners pray that the petition may kindly be considered and examined by the Committee on Petitions, Lok Sabha who may suggest suitable remedial steps to stop brutal and selfish killing of innocent and dumb animals and ban on their export "

*B. Comments of the Ministry of Agriculture (Department of Agriculture and Cooperation)*

2.3 The Ministry of Agriculture (Department of Agriculture and Cooperation) to whom the petition was referred for furnishing the factual comments thereon, in their factual note dated 21 March, 1983, (See Appendix II), have stated, *inter alia*, as follows :—

".....The pelt production is not for vanity. The slaughtering of Karakul Sheep lambs within 48 hours of birth is no cruelty under the Prevention of Cruelty to Animals Act, 1960. The killing of the lambs for obtaining pelt is done following a humane method.

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A Karakul lamb sells from 15-20 dollars in the International market depending upon its size and quality. The Central Sheep & Wool Research Institute took up research on breeding sheep for pelt production at Bikaner since this is an economical proposition in the arid regions with low, seasonal and erratic rainfall. These conditions usually result in high mortality among young lambs.

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The broiler rabbits are slaughtered for meat and fur between 8-12 weeks of age in a humane method and does not result in any cruelty under the Prevention of Cruelty to Animals Act, 1960.

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The rabbits for wool production are kept in cages so as to avoid the damage to the wool due to soiling with urine and faeces. No inconvenience is caused to the rabbits when kept in cages. The old and

culled Angora rabbits are only slaughtered for meat but following humane methods.

xxx

xxx

xxx

Efforts are being made to obtain the minks from USSR under the Indo-USSR Protocol for Cooperation in the field of Agriculture and Animal Husbandry Research.....There is no proposal at present to obtain the other fur-bearing animals. The research studies on-breeding of minks will be conducted purely as a commercial proposition.

A large fur industry is presently existing in Jammu and Kashmir and largely depends on imported fur skins. Development of fur animals within the country would help in cutting down the imports."

### *C. Observations of the Committee*

2.4 The Committee note the position stated by the Ministry of Agriculture (Department of Agriculture and Cooperation) in their factual comments stating, *inter alia*, that "the Central Sheep and Wool Research Institute is a Premier Institute conducting research on production of animal fibres, meat, pelts and fur skins from different animal species. The Division of Carpet Wool and Karakul pelt production located at Bikaner, is undertaking research on evaluation of the performance of Karakul sheep imported from USSR as pure breeds and in crosses with some coarse carpet wool breeds under hot arid conditions. Similarly, studies are also being conducted at the Cattle and Sheep Breeding Farm, Kumbathag, Kargil (Ladakh), a cold arid location."

The Ministry have further stated that the slaughtering of Karakul sheep lambs within 48 hours of birth is no cruelty under the Prevention of Cruelty to Animals Act, 1960. The killing of the lambs for obtaining pelt is done following a humane method.

In the light of the position explained by the Ministry, the Committee feel that no further intervention is required in the matter.

PETITION NO. 24 REGARDING  
BAN ON CRUELTY TO ANIMALS

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3.1 Petition No. 24 signed by Shri Rajmal Jain, Convener, Hinsa Virodh Samiti, Ujjain and others regarding ban on cruelty to animals, was presented to Lok Sabha on 8 April, 1983, by Shri Satyanarayan Jatiya, M.P.

*A. Petitioners' Grievances, and Prayer*

3.2 In their petition (See Appendix III), the petitioners stated as follows :—

“India has always been a light house and a staunch supporter of non-violence and secularism. But in the recent past tendency to violence is on the increase. The opening of new slaughter houses in New Delhi, the capital of the country and in many other towns has hurt the feelings of crores of persons who believe in the principle of non-violence and compassion to the living beings. More such slaughter houses are proposed to be opened in Delhi and other cities. A number of organisations have already lodged their protests against it.”

3.3 The petitioners demanded that tendency for violence in killing of innocent beings be checked and immediate ban be imposed on cruelty to animals.

*B. Comments of the Ministry of Agriculture*

3.4 The Ministry of Agriculture (Department of Agriculture and Cooperation) to whom the petition was referred for furnishing their factual comments thereon, in their factual note, dated 28 May, 1983, have stated as follows :—

“With a view to shift the slaughtering activities from the existing slaughter house, which is situated in the heart of the city in a very congested area, there is a proposal to set up a modern slaughter house cum-meat processing plant near village Chilla at the crossing

of Hindun cut road along the river Yamuna Bandh, Delhi, at an estimated cost of Rs. 24 crores. The Government intend to produce clean and wholesome meat for meat eating population. Construction and maintenance of slaughter houses is a State Subject. In order to create conditions conducive for the production of wholesome meat under hygienic conditions and to utilise the animal by-products, various States have initiated the construction of modern slaughter houses. This also helps to minimise the sufferings of animals."

*C. Observations of the Committee*

3.5 The Committee note from the factual comments furnished by the Ministry of Agriculture stating, *inter alia*, that "construction and maintenance of slaughter houses is a State subject. In order to create conditions conducive for the production of wholesome meat under hygienic conditions and to utilise the animal by-products, various States have initiated the construction of modern slaughter houses. This also helps to minimise the sufferings of animals."

As the subject matter raised in the petition falls under the jurisdiction of the State Governments, the Committee feel that no intervention is required on their part in the matter.



## IV

### REPRESENTATION REGARDING WITHDRAWAL OF HIGH TECHNOLOGY REPRODUCTION AND MULTIPLICATION EQUIPMENT FROM APPENDIX I TO PRESS NOTE DATED 21 APRIL, 1982 ON THE INDUSTRIAL LICENSING POLICY

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4.1 Shri B. K. Kapur, Chairman, Pkanktika Copiers Private Limited, Delhi, addressed a representation dated 10 May, 1982, regarding withdrawal of high technology reproduction and multiplication equipment from Appendix I to Press Note dated 21 April, 1982, on the Industrial Licensing Policy.

#### *A. Petitioner's Grievances and Prayer*

4.2 In his representation, the petitioner stated as follows :—

“We are a technical entrepreneur's small scale unit registered with the Directorate of Industries, U.P.

For the past few years we have been manufacturing highly sophisticated Photocopying Machine and consumables which are being marketed all over India.

These machines are being manufactured with our own indigenously developed knowhow and using mostly Indian components and raw materials.

Our photocopying machines are available on DGS&D Rate Contract.

We are also enlisted with National Small Scale Industries Corporation.

We are in the process of developing and manufacturing at our factory with indigenous knowhow other more sophisticated models of automatic photocopiers such as those operating with plain paper. These automatic plain paper photocopiers will be introduced in the market within a few months.

Having achieved all this in the small-scale sector with our own indigenous technical knowhow, we were surprised to learn that on 21.4.1982, the Ministry of Industry has thrown open our industry to large Houses and FERA companies by including 'high technology reproduction and multiplication equipment' in Appendix I of the Industrial Licensing Policy.

We cannot understand how a consumer-oriented, small-scale labour-intensive industry such as the manufacture of photocopiers can be included in the 'core sector' which is basically meant to include only those industries which cannot be undertaken in the small-scale sector due to massive requirements of capital.

This amendment to the Industrial Licensing Policy will cause immense hardship to small-scale units such as ours and will lead to the closure of many small units, thus resulting in widespread loss of jobs in this labour-intensive industry.

We respectfully request that the inclusion of 'high technology reproduction and multiplication equipment' be withdrawn from Appendix I of the Industrial Licensing Policy in the public interest."

*B. Comments of the Ministry of Industry  
(Department of Industrial Development)*

4.3 The representation was referred to the Ministry of Industry (Department of Industrial Development) for furnishing their factual comments thereon for consideration by the Committee on Petitions. In their factual note dated 8 July, 1982, the Ministry of Industry (Department of Industrial Development) have stated as follows :—

"(1) 'High Technology Reproduction and Multiplication Equipment has been included in the re-defined Appendix-I to the Press Note dated 2.2.1973 on the consideration that there is need for modern sophisticated office equipment; the manufacture of automatic plain paper copiers involves high technology which is not available in India, By including this item in the re-defined Appendix-I, MRTP/ FERA companies are eligible to be considered for manufacture of this item along with others.

(2) The apprehension of M/s. Ekantika Copiers Pvt. Ltd. that by opening this field to MRTP/FERA companies, the interests of small scale

sector would be adversely affected, is not well founded. The high technology reproduction and multiplication equipment involves the following special features which are not available in India:—

- (i) Design and manufacture of micro electronics *i.e.* miniaturisation of the electronic components.
  - (ii) The design, development and manufacture of laser printing devices.
  - (iii) Design development and manufacture of printed circuit boards.
  - (iv) Development of fibre optics applications.
  - (v) Design, development and manufacture of electronic data storage, send/receive equipment.
  - (vi) Design, development and manufacture of miniaturised high voltage power supplies.
  - (vii) Design and development of electronic components, motors, relays, solenoids, etc. for high speed applications.
  - (viii) Development, design and manufacture of desk computers and word processing equipment.
  - (ix) Continuing development of reprographic technologies, liquid toner, photo electronic imaging and laser systems.
  - (x) Vacuum material coating.
- (3) MRTP/FERA companies seeking entry in this field will have to satisfy the technical authorities that the technology involved conforms to the certain criteria. Further, their entry is not automatic. If a non-MRTP/non-FERA company also comes forward for undertaking the manufacturing of this type of high technology reproduction equipment, preference will be given to such companies. The interest of the existing units have been fully kept in view before the decision was taken to include high technology reproduction and multiplication equipment in the re-defined Appendix-I to Press Note dated 21 April, 1982 (See Appendix IV)".

4.4 The Committee at their sitting held on 23 December, 1982, considered the representation along with the factual comments furnished by the Ministry of Industry (Department of Industrial Development) thereon. The Committee gave an opportunity to the petitioners. M/s. Ekantika Copiers]

Pvt. Ltd., Delhi, to appear before them for oral evidence. However, the Director, Ekantika Copiers Private Limited stated in his letter dated 6 September, 1983 that he did not wish to appear before the Committee in connection with his representation dated 10 May, 1982, since he had no further information to give on the subject.

*C. Observation of the Committee*

4.5 The Ministry of Industry (Department of Industrial Development) in their factual comments furnished to the Committee have stated inter alia that the interest of the existing units have been fully kept in view before the decision was taken to include high technology reproduction and multiplication equipment in the re-defined Appendix-I to Press Note dated 21 April, 1982.

The Committee feel that in view of the above position no intervention is required in the matter on their part.

**REPRESENTATION REGARDING CONSTITUTION OF  
INSURANCE TRIBUNALS FOR SETTLEMENT OF  
GRIEVANCES OF POLICY-HOLDERS AND  
CLAIMANTS ETC.**

— — —

5.1 Shri R.R. Morarka, M. P., forwarded a representation signed by Prof. Manubhai Shah, Managing Trustee, Consumer Education and Research Centre, Ahmedabad, and others, regarding constitution of Insurance Tribunals for settlement of grievances of policy-holders and claimants etc.

*A. Petitioners Grievances and Prayer*

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

“(1) Section 17 of the Life Insurance Corporation Act, 1956, makes a provision for the constitution of Tribunals, Sub-section (1) of this section reads as under :

‘The Central Government may for the purposes of this Act constitute one or more tribunals and each of the tribunal shall consist of three members appointed by the Central Government one of whom shall be a person...’

In the above section, the expression used is ‘for the purposes of this Act’. The power is given to the Central Government to constitute one or more tribunals.

(2) Though section 17 falls under Chapter IV which provides for transfer of existing Life Insurance Business to the Corporation, the expression ‘for the purposes of this Act’ used in section 17 cannot be confined only to the limited purpose of constituting one or more tribunals to determine the compensation of the erstwhile insurers on transfer of controlled business to the LIC of India. The expression ‘for the purposes of this Act’ would, *inter alia*, include the various purposes spelt out distinctly in the Act as also related purposes that can be implied from a close reading of all the provisions of the Act.

- (3) There are cases where individual proposers are refused life insurance cover. In such cases, even a Civil Court would not be able to help the proposer. The Civil Court can help only in the event of breach of a contract. However, the Civil Court cannot compel the parties to enter into a contract. The proposers have no other insurance company to approach for covering the risk of life. In such an event, there should be an independent forum which can help the proposers.
- (4) LIC of India has been following discriminatory policies against women : such as sex-extra, first pregnancy clause, linkage of sum assured for women with the sum assured of their husbands. These are the matters of differences between women and LIC. Cases have been recorded where death claims are repudiated on flimsy and technical grounds; LIC sending reminders even though premium amount is paid, hardship being felt when files do not move from one division to other; injustice in case of surrender and paid up value of the policies and lapsed policies; inadequacy and higher rate of interest on different types of loans and lastly non-settlement of maturity claims in time.
- (5) In the above cases, the only course open to the aggrieved party is to knock the doors of the Civil Court where the procedure is quite expensive and time consuming. A research study prepared by Consumer Education and Research Centre, Ahmedabad, with the caption 'SWALLOW THY TEARS' establishes beyond doubt that the Civil Courts have taken minimum 6 years and maximum 18 years to pronounce the decisions.
- (6) The above are the matters of general public interest for which no petition is pending in any court of law or a court of enquiry or a Statutory tribunal or authority or a quasi-judicial body or a Commission. There is an imminent need for constitution of tribunal(s) under Section 17 of the LIC Act and the petitioners have no other remedy available except approaching this Honourable Lok Sabha."

**5.3 The petitioners had prayed as follows :—**

"The Central Government may please be directed to constitute one or more tribunals contemplated by Section 17 of the LIC Act for redressing the different types of grievances of the proposers, policy holders and claimants of the deceased policy holders relating to matters enumerated above".

**B. Comments of the Ministry of Finance (Department of Economic Affairs) (Insurance Division) and Evidence before the Committee**

5.4 The representation was referred to the Ministry of Finance (Department of Economic Affairs) (Insurance Division) for furnishing their factual comments thereon for consideration by the Committee on Petitions. In their factual note dated 31 July, 1982, the Ministry of Finance (Department of Economic Affairs) (Insurance Division) have stated as follows :—

“The petitioners have called for the establishment of tribunals to deal with the following types of grievances of the proponents/policy holders of the Life Insurance Corporation of India :—

- (i) Persons whose proposals for life insurance are declined by the LIC;
- (ii) Female lives which are accepted for insurance subject to certain conditions such as sex-extra premium; and
- (iii) Death claims which are rejected by the LIC.

[ The suits filed by the claimants in the courts take too long to dispose of].

There is a clear distinction between cases of the types (i) and (ii) referred to in the preceding paragraph on the one hand, and those of type (iii) on the other. The former relate to under-writing practices based on actuarial and commercial considerations and it would be inappropriate to compel any organisation like the LIC, which is required by law to function on business principles, to accept risks which are considered uninsurable or to waive the extra premium or other under writing consideration which are considered justified with reference to the facts of a particular case.

As regards cases of type (iii) referred to in paragraph above, Government appreciate the point made by the petitioners. In fact, even before the present reference was received, Government had, on their own, taken up examination of the question of establishing tribunals to deal with the claims of policy-holders. The consideration is that, with a large body of policy holders, there should also be an independent forum for looking into cases of rejection, as well as delay in the disposal of claims. In this connection, Government had also considered the question whether section 17 of the Life Insurance Corporation Act was available for the purpose of establishing such tribunals. Government were advised that the aforesaid section 17, which was included in the chapter dealing with transfer of the existing life insurance

Business of the erstwhile insurers to the LIC, was limited in its scope and could not be invoked for establishing tribunals to deal with policy claims. An amendment of the Law for the purpose is, therefore, under consideration."

*Evidence before the Committee*

5.5 The Committee at their sitting held on 8 September, 1983, examined the representatives of the Ministry of Finance (Department of Economic Affairs) (Insurance Division) on the points arising out of the representation.

5.6 While explaining the nature of grievances and problems of the policy holders and claimants of the deceased policy-holders, the Managing Director, Life Insurance Corporation of India stated that they had received various types of requests from so many individuals. The requests related to age-admission, alteration of the plan, assignment, transfer of policies etc. Those were the major demands.

The Managing Director further stated that as soon as the policy matured, they settled the maturity claim. If the policy holder wanted loan, they advanced him loan against his policy. If he wanted to surrender the policy in between, they also allowed it. In case of unfortunate death, they settled the death claim and in the matter of settlement of both maturity claim and death claim, they had liberalised the procedure over the years with the experience they had gained. Regarding liberalised procedure, he stated :

"We have now liberalised rules in regard to under-writing and accepting for risk in respect of both medical and non-medical schemes cases. Earlier, persons suffering from diabetes were not considered insurable persons. Now the people are in a position to get themselves insured even if they are diabetic patients. Each case is considered separately. There are certain diseases of heart, heart murmur, ECG abnormalities, etc. The persons suffering from these diseases were not accepted earlier. They are now accepted depending on the extent of sickness of each individual. Earlier, blood pressure cases were not considered at all. Now they are considered if there are no other concomitant serious problems. Similarly cases of ulcers, operated casts of congenital or acquired heart disease, cancer, etc. which were previously postponed or declined, are now accepted on individual merits. The extra premiums upto Rs. 4.00 which were charged for various occupations before have now been removed since 1970 under certain plans. We have now about six dozen plans to meet the requirements of various people.



Before insuring a person, under-writing of risk is done; it is seen whether he has over-weight or under-weight or whether he is suffering from any mental disease, whether there is any abnormality, whether he is having any serious illness that is likely to impair his health including cases of suicide in a family. So, in each case, we cover risk only after getting the report of doctors, etc. The cases are divided into standard, non-standard and sub-standard. In the case of Double Accident Benefit and Extended Disability Benefit, the premium has been reduced. To handicapped persons we were charging extra premium earlier, but now we are entertaining proposals upto Rs. 10,000.00 without extra premium."

5.7 The Managing Director also informed the Committee that as on date, their performance in the matter of settlement of claims was recorded to be very satisfactory. Even it had been commented upon by the Era Sezhiyan Committee and by any standard of international rating with the best of the companies in the world, they were performing well. So far as death claims were concerned, they had laid down great emphasis on their personnel that there should be regular follow up at Divisional Office and Central Office and also there should be time-limit which should be adhered to.

5.8 The Finance Secretary informed the Committee that there was a new Bill which had to be presented before Parliament relating to the re-organisation of the Life Insurance Corporation as such. The Bill was ready and they would either introduce earlier for publication with the permission of the Speaker or introduce in Parliament as soon as the new session started. The draft Bill contained provisions for setting up of tribunals to look into both the matters one relating to the problems of employees and the other relating to the problems of the policy-holders including the demand of the petitioners regarding constitution of tribunals for settling the grievances of the policy holders and the claimants etc. The basic essence of the petition had been reflected in the draft Bill.

5.9 When the cheating resorted to by the agents was pointed out to the witnesses, the Managing Director informed that every year they were issuing 22 lakhs of policies and they settled about 9½ lakhs of maturity claims and death claims per year. Out of a lakh claims they did not receive the complaints to the extent of even about 1%, say 9,000. They did take action against the agents wherever they acted in a wrong manner and cheated the policy-holders. Such cases were reported to the police also, and the agency was terminated. The Finance Secretary also stated that the Divisional Office also kept a watch on their activities. He however felt that one should expect that if anybody paid money to anybody, he take the precaution of obtaining a receipt because there was certain

element of precaution which every individual had to take and should take. He assured that the management would try to ensure that the agents did not resort to that kind of business and action would be taken against them.

5.10 When asked to state whether the proposed Bill would cover the persons whose proposals for life insurance were declined by the LIC, the Finance Secretary stated that it would cover the existing policy-holders only. As regards the question of covering persons whose proposals for life insurance had been declined by the LIC, the system itself provided for checks to ensure that there was no frivolous rejection of proposals. Of course, one had to go into the question of physical fitness of an individual. The insurance was related to his physical status. If anybody was aggrieved, he could make an appeal to the higher authorities to look into that. But they did not propose to provide any independent tribunal for that purpose because it was an acceptance of a financial liability and it would be difficult to accept the principle of having an outside body to decide about the financial liability of LIC.

5.11 When enquired about the discrimination in accepting insurance proposals against women, the Finance Secretary explained that when an insurance cover was provided, it was against a likely loss of earning capacity. It was more related to earning capacity of an individual rather than whether the person was a male or a female. There were internal guidelines laid down that when a woman was working and earning, an insurance cover was provided. It was not that there was any discrimination on the ground of sex. It was a question of earning capacity. If they were earning, then there was an insurance cover for them against the loss of earning which might accrue on account of their death.

5.12 When asked what time limit had been fixed for settling claims, the Managing Director stated that so far as maturity claims were concerned, their instructions were that all claims must be paid on or before the date of maturity. The cheques were sent 15 days in advance. In the case of death, it was 90 days after they received the death intimation for the death certificate. Some Divisional Offices were able to pay the maturity claims on or before the date of maturity to the extent of 75 per cent, some had done 60 per cent, some 40 per cent and some 25 per cent. On an average it came to about 50 per cent.

5.13 When asked to state how it could be improved further, the Managing Director replied that they had micro-processors in some of their Divisional Offices in lieu of punch-card equipment, and they showed the ledger accounts of individual policy-holder. At one glance one could know the date of birth, the premium paid, and so on and so forth. That would help them. Also, they had decentralised and delegated powers to Branch Offices. Earlier

the claims were settled by the Divisional Offices. Now the maturity claims, including death claims were settled by the Branches except some suspicious claims about death including early death claims.

The Finance Secretary added that the number of claims settled in 1977-78 was 6.05 lakhs and in 1981-82 it had gone up to 9.39 lakhs. There had been a 50 per cent increase in five years. There was a regular exercise which the management had to undertake.

5.14 When asked how would the nominee get the amount under the circumstances if a person died all of a sudden in the rural area and he might not be able to get any certificate, the Managing Director replied that they wanted to know whether he was treated by a doctor. If a family member said that he was not attended to by a doctor, then there was no question of any certificate.

#### *C. Observation of the Committee*

5.15 The Committee note that the petitioners in their representation have prayed that one or more tribunals under Section 17 of the Life Insurance Corporation Act may be constituted for redressing different types of grievances of the proposers, policy-holders and claimants of the deceased policy-holders. In their written reply, the Ministry of Finance (Department of Economic Affairs) have pointed out that Section 17 of the Life Insurance Corporation Act was limited in its scope and could not be invoked for establishing tribunals to deal with policy claims.

5.16 From the evidence given before the Committee by the Finance Secretary, the Committee note that the Government propose to introduce in Parliament a Bill containing *inter alia* provisions for setting up of tribunals to look into matters—one relating to the problems of employees and the other relating to the problems of policy holders and claimants thus meeting the demand made in the representation. The Committee trust that the Government will soon bring forward the proposed Bill in Parliament.

**REPRESENTATION REGARDING PROPOSED SHIFTING  
OF POLLUTING INDUSTRIES OF AGRA**

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6.1 Shri K.L. Jain, President, Agra Iron Founders Association, Agra addressed a representation dated nil, regarding proposed shifting of polluting industries of Agra.

*A. Petitioners' Grievances and Demands*

6.2 In his representation (See Appendix V), the petitioner Stated, *inter alia*, as follows :—

“It is understood that all smoke emitting industries which are mainly over 97% in S.S.I. Sector, are being proposed to be shifted from Agra.

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Before taking any action in this regard and undertaking huge and costly schemes there is a fit case for review and it should be established beyond any doubt, duly supported by scientific data and facts based on actual experimentation for shifting and enormous expenditure can be averted and at the same time TAJ can be saved.

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Level Sulphur contents in the atmosphere should be recorded atleast 3-4 monitoring stations at Agra by Experts, Technicians and Scientists currently when all industries are working and after that all smoke emitting industries of Agra only may be closed down for a suitable period as suggested by Experts and after that when the industries still closed, again sulphur level in the atmosphere may be checked. Thus, comparing both the figures, a crystal clear picture, will emerge pinpointing the share of pollution by foundry industry. If the share of foundry industry is found out to be negligible then a further

suggestion may be considered to even reduce that negligible level by adopting pollution control measures as are being in practice in all industrially advanced countries, wherein it has been claimed and proved that sulphur pollution by foundries has been virtually reduced to Nil.

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In view of all above we humbly request to support your decisions beyond doubt by scientific facts and experimentations so that small scale industry of Agra, people employed in the industry, and Government's reputation as well as peoples' faith in Government not be put to stake.

For your kind information, at present there are about 200 foundries and about 50 other smoke emitting industries and with them about 800 small Engineering Units are so closely knit that they cannot be thought of being separated from foundries, foundry being mother Industry.

The total employment, directly and indirectly in the above industry is about 60,000, after including their family members will cover about 3.5 lacs which is about 45% of the total population of Agra as per the last census report.

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...If these foundries whose current investment is very low, being old, are shifted, it will be an exorbitantly costly affair due to current high prices prevailing in the market and it will be beyond the means of the present units to meet them. This will doom, not only the industry but will also adversely effect the economy of Agra and will create enormous employment problems. To spend Rs. 300 to 500 crores for a twin city of Agra it will positively pull the industry back from its present position.

In view of all the facts stated above, we request you to kindly give a second thought over the matter and get the aforesaid facts properly and scientifically verified before taking the final decision in regard to the shifting of the foundries."

*B. Comments of the Department of Environment*

6.3 The representation was referred to the Department of Environment

for furnishing their factual comments thereon for consideration by the Committee on Petitions. The Department of Environment in their factual note dated 31 December, 1980, stated as follows :—

- “(1) .....the matter has already been considered by the High Power Committee (HPC) constituted by this Department for overseeing the implementation of the recommendations of the Cabinet for minimising pollution in the Agra-Mathura region and that the relevant portions from the minutes may be sent to you.
- (2) I am sending herewith a copy of the minutes of the Third meeting of the HPC with the relevant portion for your information. (See Appendix VI).
- (3) The HPC has appointed two Special Committees to go into this question. One Committee is entrusted with the task of preparing a complete project outlined for shifting the foundries to a more suitable location with necessary measures for minimising pollution and the other Committee has been constituted with the purpose of modernisation and improving the foundry practices, including substitution of fuel in order to improve its productivity and to reduce the pollution contribution. At the meeting of the HPC held on 26 December, 1980, preliminary reports of the committees were received. It is expected that the final reports of these committees would be available for the consideration of HPC by March, 1981. Further the HPC has asked the Expert Committee to make a re-assessment of the pollution contribution from the foundries in Agra.
- (4) Therefore, this Department is fully seized of the representation made by the Agra Iron Founders, Association and is considering all alternatives for reducing the pollution emission from this source in Agra.”

6.4 Subsequently, the Department of Environment *vide* their communication dated 5 May, 1982, furnished the main observations and recommendations contained in the following two reports (See Appendices VII and VIII) :—

- (i) Report on the Inventory of Polluting Sources and Assessment of Pollution Emission in and around Agra-Mathura region : and
- (ii) Techno Economic Report on shifting of Pollution Emitting Industries from Agra.

6.5 On the basis of investigation conducted on the inventory of industries and the measurements of concentration of sulphurdioxide in the ambient air in and around Taj Mahal during the period of January through September, 1981, the findings, contained in the Report on the Inventory of Polluting Sources and Assessment of Pollution Emission in and around Agra-Mathura region, are, *inter alia*, as follows :—

“.....4 distinct sources collectively were emitting 3.49 tonnes of sulphurdioxide each day against total of 3.64 tonnes from all other industrial sources in Agra city including 2.28 tonnes from foundries.....”

[Para 8.4 of the Report]

The recommendations contained in Techno Economic Report on shifting of Pollution Emitting Industries from Agra suggests a number of steps to be taken for organised shifting of the smoke emitting industries.

6.6 The Department of Environment *vide* their communication dated 22 February, 1983, have stated that a High Power Committee has not yet discussed recommendations contained in the reports mentioned in paragraph 6.4 *supra*.

#### C. Observation of the Committee

6.7 The Committee note from the factual comments furnished by the Department of Environment that a High Power Committee has been constituted for overseeing the implementation of the recommendations of the Cabinet for minimising Pollution in the Agra-Mathura region and the High Power Committee has further constituted two Special Committees to go into the question in detail. The Committee also note that these Committees have already submitted their Reports and their recommendations on the subject are yet to be considered by the High Power Committee.

The Committee feel that in case it is finally decided to shift the pollution emitting industries from Agra, suitable alternative sites with necessary facilities will be provided to the affected persons for their re-settlement.

## VII

### REPRESENTATION REGARDING GRIEVANCES AND DEMANDS OF LEPROSY PATIENTS

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7.1 On 12 December, 1980, late Shri R.K. Mhalgi, MP, forwarded a representation signed by Shri D.G. Bapat, Secretary, Bhartiya Kushtha Niwarak Sangh, Champa, District Bilaspur (M.P.) and others regarding grievances and demands of leprosy patients.

#### *A. petitioners grievances and prayer*

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

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Bhartiya Kushtha Niwarak Sangh was established in the year 1962 by a retired railway employee, who was cured of leprosy, for the purpose of treating the terrified patients of leprosy which is considered to be an incurable disease and for getting them their due place in the society.

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The patients of leprosy are properly looked after by this institution. This institution encounters great hardships in providing food, cloth and shelter to the patients of leprosy. The institution spends about Rs. 150/- per month towards the food, clothing and medical care for each patient of leprosy. But only a sum of Rs. 60/- per head is received from the Government as a grant. This amount is too meagre and insufficient. In the present times of such exorbitant cost of living the Government should help the patients of leprosy by giving cent percent grant for food, clothing, medicine, accommodation etc. and for their proper maintenance.

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With great difficulty we manage to provide accommodation to the patients of leprosy so it becomes unmanageable to provide equal facilities for those cured of leprosy as there is no separate grant for them. To enable us to provide means for giving new life to these



condemned, neglected and disdained people cured of leprosy, you are requested to provide a life full of love, harmony and respect by giving a separate grant.

7.3 The petitioners have made the following demands :—

- (1) Financial help to purchase modern equipments and proper irrigation facilities for agricultural land of the institution;
- (2) Enhancement of amount of grant-in-aid per inmate;
- (3) Grant to rehabilitate the cured leprosy patients who are not allowed to stay at their home towns;
- (4) Bus fare discount should be extended to all the leprosy patients in the country;
- (5) A law should be enacted to create an environment of respectability for the cured leprosy patients in the Society;
- (6) Boarding, lodging and teaching facilities should be provided by Government to the destitute children of leprosy patients;
- (7) Leprosy patients should be given treatment facilities in all General Hospitals and Private Dispensaries;
- (8) Educated persons cured of leprosy should be given representations in Rajya Sabha and Legislative Councils; and
- (9) Timely payment of grant-in-aid.

*B. Comments of the Ministry of Social Welfare*

7.4 The representation was referred to the Ministry of Social Welfare for furnishing their factual comments thereon for consideration by the Committee on Petitions. In their pointwise factual comments, dated 11 December, 1982, the Ministry of Social Welfare have stated as follows :—

- “(1) *Agriculture* : The Department of Social Welfare does not give any grant for the development of agriculture. The problems of the Sangh are being referred to the Agriculture Department for necessary action under the existing schemes of assistance. The Sangh may contact the local authorities of the Agriculture Department in this respect.
- (2) *Financial help* : The Ashram is paid grant-in-aid at the rate of Rs. 60/-p.m. per inmate as per general rules of providing

grant-in-aid. It is not possible to consider the question of enhancement of this amount in isolation for any institution.

- (3) *Rehabilitation* : This is a social problem and cannot be tackled by legislative measures. If persons cured of leprosy return to the Ashram, they are given grant-in-aid at the reduced rate of Rs. 30/-p.m. per inmate. In case the cured patient too are given grant-in-aid at par with the leprosy patients, the process of rehabilitation may be retarded, as persons who have been cured may become complacent and may not endeavour to venture out of the Ashram.
- (4) *Discount of Bus Fare* : The matter is being referred to the Transport Department of the State for necessary action.
- (5) *Legislation* : The State Government reinstates its employees after they are cured of leprosy. For creating an environment of respectability for persons cured of leprosy, educative publicity by social workers would be more effective.
- (6) *Case of the healthy children of the leprosy patients* : Eight institutions have been established in the State for the care of the healthy children of leprosy patients. These are located at Raipur, Durg, Bilaspur, Jagdalpur, Janjgir, Ujjain, Seoni and Sidhi. The location of these institutions have been decided on the basis of the prevalence of leprosy in the different region of the State.
- (7) *Treatment of Leprosy patients in general hospitals instead of in isolation* : The Public Health Department of the State Government is being consulted in this regard.
- (8) *Nomination to the Rajya Sabha and Vidhan Parishads* : The Central Government may like to consider this issue first.
- (9) *Timely payment of Grant-in-aid* : The Grant-in-aid is paid in two instalments. First instalment, equal to 50 percent on the previous year's grant, is released in the month of July. However, efforts one being made to expedite the release of funds.

Voluntary organisations are expected to stand on their own feet. It is

neither realistic nor desirable for the Government to provide cent-percent financial help to all the voluntary organisations.”

*C. Observation of the Committee*

7.5 The Committee note the factual position stated by the Ministry of Social Welfare on the demands made in the representation. The Committee feel that in view of the position explained by the Ministry no further action is called for in the matter.

## VIII

### REPRESENTATION REGARDING IMPLEMENTATION OF CHARTER OF DEMANDS PUT FORWARD BY THE ALL INDIA MEDICAL STUDENTS ASSOCIATION

8.1 Shri Vimal Atal, President, Delhi Medical Students Association, Delhi, addressed a letter dated 5 April, 1981 regarding implementation of Charter of Demands put forward by the All India Medical Students Association, Delhi.

#### *A. Petitioner's Grievances and Prayer*

8.2 In his representation (See Appendix X), the petitioner stated *inter alia* as follows :—

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“While taking up the general charter of demands put forward by the national body of All India Medical Students Association, the medical students of Delhi marching to Parliament intend to specially focus the attention on two demands raised in the Charter.

(1) (a) *Job Security* : Over the years, unemployment among the medical graduates has been sky rocketing. This mess is essentially due to the plain fact that the Government has deliberately failed to regard the right to health a fundamental right of the people. The Delhi Medical Students Association demands that the Government must ensure proper jobs with adequate pay, living conditions and service facilities to all the medical graduates as per point 1 in All India Medical Students Association's Charter of Demands (See Annexure to Appendix X).

(b) *Internship Stipend* : The stipend for internship should be increased to Rs. 650/-per month and be linked with price index.

(2) **IMPLEMENTATION OF AGREEMENTS SIGNED BY  
GOVERNMENT WITH THE MEDICOS :**

The Delhi Medical Students Association condemns the criminal act of

the Government in deliberately backing out of the agreement reached by it with the representatives of the medical students. This dangerous trend will be fought tanciously by the Delhi Medicos. The most tragic, victims of this conspiracy of the Government are the students of University College of Medical Science who are presently on an indefinite strike demanding the implementation of the 6th April, 1979 agreement signed by them with the Government after 45 days strike to effect the takeover of the college by the Ministry of Health. The students had many strikes to end the dual authority which is the main cause of their problems, one of which was a 33 days strike under the banner of Delhi Medical Students Association in 1978. Each time the Government betrayed the interests of the Students in providing proper and scientific medical education. The DMSA is committed to fight the Government tooth and nail to get the 6th April, 1979 Agreement implemented immediately.

**The Delhi Medical Students Association appeals to the Speaker to take the Government to task on the floor of the Parliament for having failed to implement the Charter of Demands put forward by the All India Medical Students Association."**

***B. Comments of the Ministry of Health and Family Welfare  
(Department of Health)***

8.3 The representation along with Charter of Demands was referred to the Ministry of Health and Family Welfare (Department of Health) for furnishing their factual comments thereon, for consideration by the Committee on Petitions. The Ministry of Health and Family Welfare (Department of Health) have furnished their factual comments demand-wise *vide* their note dated 16 December, 1982 (See Appendix XI). In regard to the main demands put forward by the petitioners, the Ministry have *inter alia*, stated as follows :---

**"As health is linked with other socio-economic aspects of human living and medical treatment is only one of the factors affecting the health of individual, it will not be a viable proposition to regard health as a Fundamental Right. As regards jobs etc. for medical graduates, this again is linked with the over-all unemployment situation in the country, the ability of the people to pay for the services of Doctors and the financial constraints which the State Government have to face in creating more jobs to provide employment to all the**

medical graduates. As long as there is no national health service, the Government may not be in a position to create jobs to employ all the medical graduates.

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The question of increase of stipends to the interns is under consideration of the Government separately.

As regards the take-over of private medical colleges, unless the Medical Council of India intervenes and make such a request to the Government in respect of a particular private medical college/ colleges, the Government cannot intervene in such matter."

*C. Observation of the Committee*

8.4 The Committee note the position stated by the Ministry of Health and Family Welfare (Department of Health) in their factual comments on the points raised in the representation. The Committee hope that Government will soon finalise decisions on matters under their consideration.

REPRESENTATION REGARDING BAN ON EXPORT  
OF INDIAN FROGS

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9.1 Dr. M.K. Sharma, Head of the Department of Zoology Vardhaman College, Bijnore (U.P.) and others addressed a representation regarding ban on export of Indian frogs.

*A. Petitioners' Grievance and Prayer*

9.2 In their representation, the petitioners stated as follows :—

“The common Indian frog *Rana tigrina* is being used in Zoological studies in all the Indian Universities for more than a century. Frog is the only vertebrate type which is suitable as a laboratory animal, in all respects. This is because it breeds regularly, available plentifully, and is easier and cheaper to handle. Further, anatomically it has all the salient features of a typical vertebrate and thus is an easy and appropriate specimen for dissection, even for the secondary school students. As of today, no other substitute-animal has been found to replace frog in this respect.

Until about 10 years ago, frogs were available sufficiently at moderate prices. Though, almost everywhere in the country frogs were dissected in schools and colleges, the species then, was not endangered, because only the specimens of specific age, size and weight were accepted by the laboratories. Younger and breeding forms were not killed for this purpose.

However, during the last decade, sensing the demand of frog as a food from the Western countries, India has become one of the chief exporters of frog. Throughout the country several firms and organisations cropped up to undertake this export. The export is mainly of frog's legs which are cut, dehydrated and processed, before they are packed. As the demand, for this delicacy abroad, increased, and indiscriminate massacre of frogs started in

India. Over the years, frogs have been killed for export in such huge numbers that the species of frog in India is on the brink of extinction.

The export industry, though it makes a little Foreign Exchange available for the country, serves only a few profit making business-concerns. It totally disregards the academic importance of frogs and its importance in maintenance of ecological balance in agriculture. Thus an uninhibited killing of frogs, regardless of their age, sex, size etc. is being carried out.

This has resulted into (1) Endangering the rice farming (2) Non-availability of frogs for academic and laboratory purposes (3) Raising the prices of frogs to phenomenal heights (4) Making frogs scarce by pushing them towards near extinction.

Efforts to move the Central and State Govt. officials regarding this matter, have become fruitless. Several petitions were put forth by the colleges, universities, Natural History Societies, and by the people concerned with wild life conservation, but in vain.

Hence we, the students, teachers and workers in biology request the Lok Sabha to ban the export of frog as an edible commodity. Lok Sabha is the Supreme Council of this sovereign state, which should come forward to prevent this threatened disaster in agricultural and academic field. We request that by legislation, the capture and killing of frogs, except that for the academic and laboratory purposes, be totally banned.

We as biologists, are certain of the fact that such a move by the Lok Sabha will positively be beneficial for the country from ecological point of view, and as such ultimately from the point of view of our economy.

We request the Lok Sabha to consider our petition sympathetically, and to execute a ban on the merciless killing and export of the Indian frog, *Rana Tigrina*."

*B. Comments of the Ministry of Agriculture (Department of Agriculture & Cooperation)*

9.3 The representation was referred to the Ministry of Agriculture (Department of Agriculture and Cooperation) for furnishing their factual



comments thereon for consideration by the Committee on Petitions. In their factual note dated 12 October, 1982, the Ministry of Agriculture (Department of Agriculture and Cooperation) have stated that the present representation is on the same subject which had been dealt with in Petition No. 6 regarding ban on export of Indian frogs for which the comments were furnished on 19 July, 1982. These comments (See Appendix XII) should normally hold good in this case also especially in respect of two points i.e. endangering of rice farming and making frogs scarce by pushing them towards their extinction.

9. 4 The subject "ban on export of frogs flesh" raised in Petition No. 6 was considered and dealt with by the Committee on Petitions in their Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 22 October, 1982. The Committee made the following observation/recommendations in this connection :—

"Committee have noted the views of various Institutions furnished by the Ministry of Agriculture (Department of Agriculture and Cooperation) about the role played by the frogs in keeping paddy stemborer pest under control. The findings of the ICAR are that frogs feed on a number of pests which damaged paddy crop. The degree to which frogs play a role in checking the incidence of rice stemborer and brown plant hopper has not yet been quantified. Nevertheless, it has to be admitted that frogs do play a role in checking the incidence of brown plant hopper. The ICAR have further submitted that frog legs should not be exported indiscriminately from the country and only export of frog flesh by registered frog farmers should be promoted. Any export of frogs' flesh taken from the wild may be totally banned.

The Committee further note that the Ministry of Agriculture have recommended to the Ministry of Commerce which is nodal Ministry for finalising the Export Policy that during 1982-83 export of frog legs should be curtailed quantity-wise by 25% of the exports made in 1981-82. The Committee feel that in the light of the new experience of the new export policy in the matter if there is no marked improvement in the destruction of paddy cultivation by pest, the export of frogs flesh should be further reduced to 50% of the quantity exported at present.

The committee also desire the Ministry of Commerce to examine the suggestion made by ICAR that export of frogs' flesh by registered

frog farmers only should be promoted and any export of frog flesh taken from the wild be totally banned."

Paras 4.9, 4.10 and 4.11, p.22 Tenth Report (Seventh Lok Sabha)

9.5. The above observations recommendations were taken up with the Ministries of Agriculture and Commerce for implementation. The action taken replies from the respective Ministries have since been considered by the Committee.

The Committee have noted the action taken by Government on their above recommendations contained in the Tenth Report *vide* para 8.3 of the Fourteenth Report (Seventh Lok Sabha).

9.6 In regard to the remaining two points *i.e.* non-availability of frogs for academic and laboratory purposes and raising the prices of frogs to phenomenal heights, the Ministry of Agriculture (Indian Council of Agricultural Research) *vide* their communication dated 25 October, 1982, have stated that "in regard to non-availability of frogs for academic and laboratory purposes, it is known that there are about 135 species of frogs distributed in the country whereas only two species are utilised for export purposes. Therefore, it is difficult to understand how frogs are not available for academic and laboratory purposes."

About raising the prices of frogs to phenomenal heights, the ICAR have stated that "while we have no information on prices of frogs, perhaps the reference to rising prices of frogs should be related to the exportable species of frogs but not to the others."

#### *C. Observation of the Committee*

9.7 The Committee note the factual comments furnished by the Ministry of Agriculture (Department of Agriculture and Cooperation) on the points raised in the representation. The Committee feel that in view of the position explained by the Ministry and the action taken reply of the Government on the observations/recommendations made by the Committee in paragraphs 4.9 to 4.11 of their Tenth Report (Seventh Lok Sabha), no further intervention is called for in the matter.

**REPRESENTATION REGARDING ABOLITION OF  
LEASEHOLD SYSTEM, USE OF RESIDENTIAL  
PREMISES FOR COMMERCIAL PURPOSES  
AND SANCTION OF EXTRA COVERAGES  
FOR HOUSES IN REHABILITATION  
COLONIES OF DELHI**

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10.1 Shri N.D. Tekchandani, President, Federation of Displaced Persons Colonies, Delhi (Regd.), New Rajinder Nagar, New Delhi, submitted a representation dated 27 November, 1961 regarding abolition of leasehold system, use of residential premises for commercial purposes and sanction of extra coverages for houses in rehabilitation colonies of Delhi.

*A. Petitioner's Grievances and Demands*

10.2 In his representation (See Appendix XIII), the petitioner made the following demands :—

- (1) Abolition of leasehold system and grant of freehold rights to all the allottees of plots and houses in the rehabilitation colonies of Delhi.
- (2) Condoning the use of part of residential premises for petty trade and business and cancellation of all the re-entry orders and dropping eviction proceedings as the case of rehabilitation colonies is quite distinct from other areas of Delhi as displaced persons were allotted properties as a measure of rehabilitation.
- (3) Sanctioning extra coverages for 2½ storey houses."

*B. Comments of the Ministry of Works and Housing*

10.3 The representation was referred to the Ministry of Works and Housing for furnishing their factual comments thereon for consideration by the Committee. In their demand-wise factual comments, the Ministry of Works and Housing have state as follows :—

*(1) Conversion of leasehold system in Delhi into freehold**Ministry's note dated 5 February, 1982*

**"The Government of India set up an official Committee in August, 1977 under the Chairmanship of the then Secretary (Shri J.B. D'Souza), Ministry of Works and Housing to consider the question of conversion of leasehold system in Delhi into freehold. The Committee in its Report submitted in April, 1978 recommended the continuance of the leasehold system on the ground that it was in the public interest. The matter is still under consideration of the Government. In this connection, attention is invited to the assurance given while answering Lok Sabha Unstarred question No. 1105 dated 24.8.1981. The Federation of Displaced Persons Colonies, Delhi have been representing to the Government that the question of abolition of lease in respect of rehabilitation colonies may be delinked from the general question and considered separately. This has been examined by the Government and it has been decided that there is no need to delink this from the general question which is already being considered in the Ministry".**

*Ministry's note dated 3 February, 1983*

**"No final decision has so far been taken on the question of conversion of residential leases in Delhi into free-hold or otherwise. As this is a policy matter with huge financial implications and possible repercussion on the land tenure system in the country, a decision in the matter is likely to take some more time".**

*(2) Condoning the use of part of residential Premises for petty trade and business (commercial purposes)**Ministry's note dated 5 February, 1982*

**"Although the land was leased to the displaced persons for residential purposes, in view of the lack of shopping facilities and other difficulties pointed out by such lessees, they are permitted to carry on an number of trades on part of the premises. More than 100 trades are included in of condonable items which were liberalised in 1976 on the basis of the list recommendations of the Delhi Land Management Investigation Committee. The Federation of Displaced Persons Colonies suggested the inclusion of 21 more trades in the list. It was considered that**

while some of the business suggested by them could be carried out in general shopping centers, some might constitute a nuisance. Further, condonation of a wide variety of misuse would render the user clause in the leases absolutely ineffective. The request could not, therefore, be agreed to.

However, the general question of allowing mixed use in residential areas is being considered by the Delhi Development Authority as part of the exercises connected with the second Master Plan.

The Federation has also urged that all re-entry orders and eviction proceedings should be cancelled. The Federation has not given details of the cases where such proceedings are pending. However, inspections of all residential leases including rehabilitation leases issue of notices for breach, eviction, etc. are not being pursued at present."

*Ministry's note dated 3 February, 1983*

"As regards use of part of the premises for commercial purposes, the position has already been indicated and no action remains to be taken. However, the Government have recently decided to include twenty-one more retail trades which could be carried on in rehabilitation residential colonies with exemption from payment of misuse charges subject to certain conditions *vide* Annexure enclosed."

(3) *Sanction of extra coverages/storeys in rehabilitation colonies*

*Ministry's note dated 5 February, 1982*

"The demand of the Federation is that the permissible coverage in respect of plots measuring 100 sq. yds. should be increased from 75% to 80% and in respect of plots measuring 200 sq. yds. from 66% to 70% and that 3½ storeys should be permitted in rehabilitation colonies. This arises from certain recommendations made by the Building Bye-laws Panel constituted by the Indian Standards Institution with representative from MCD, NDMC, DDA, TCPO and local professional bodies for drafting unified building bye-laws for the Union Territory of Delhi. The local bodies were requested to adopt the same but the MCD and the NDMC wanted certain amendments on which there was some difference of opinion among the local bodies. The Delhi Administration formed a Committee under the Chairmanship of Secretary, Local Self Government, Delhi Administration, to

sort out the matter and prepare an agreed list of amendments, with which unified bye-laws could be adopted. The Committee's recommendations were circulated to the local bodies by the Delhi Administration. The MCD suggested a large number of new amendments which are being considered by the Delhi Administration. It is understood that a special committee consisting of representatives of NDMC, DDA and MCD was constituted to consider the matter. A decision in this regard is to be taken by the Lt. Governor, Delhi with whom the matter is being taken up."

*Ministry's note dated 3 February, 1983*

"As regards sanction of extra coverage/storeys, in rehabilitation colonies, this is linked up with the question of adoption of 'unified bye-laws' by the local bodies which is still under the consideration of Delhi Administration in consultation with the local bodies. A final decision in this matter is also likely to take some more time."

10.4 The Ministry of Works and Housing have also furnished a note (See Appendix XIV) vide their communication dated 5 February, 1982, giving their comments on other points made in the representation at Appendix XIII.

### *G. Observation of the Committee*

10.5 The Committee note the position explained by the Ministry of Works and Housing in their factual comments on the various points raised in the representation. The Committee also note that the Delhi Metropolitan Council and Municipal Corporation of Delhi have since come into existence. These matters can now more appropriately be considered by the local bodies. The Committee feel that in the circumstances, no intervention is called for on their part in the matter.

REPRESENTATION REGARDING REFUND OF  
UNUSED RAILWAY TICKET

11.1 Shri T. N. Banerjee, Calcutta, submitted a representation dated 17 March, 1982, regarding refund of unused First Class Railway ticket booked by I UP Kalka Mail from Howrah to Delhi for 4 October, 1978.

*A. Petitioner's Grievances*

11.2 In his representation, the petitioner stated as follows :—

- (1) That I booked one Ist class Railway Ticket No. 89188 on 7.9.1978 for my journey by IUP Kalka Mail departure time 20/45 on 4.10.1978 Ex. Howrah to Delhi.
- (2) That the Railway Department cancelled the Kalka Mail (IUP) journey from Howrah to Delhi on 4.10.1978 (my scheduled train and date of journey) under the flood situation in West Bengal. On the other hand the Railway Department terminated the East Coast Express at Balasore on 29.9.1978 on its journey to Howrah due to flood. I was coming down to Howrah by the said East Coast Express for my next journey to Delhi by the said Kalka Mail (IUP) on 4.10.1978 from Howrah, but failed due to the East Coast Express's termination of journey at Balasore on 29.9.1978. I was, therefore, unable to surrender my Ist Class Railway Ticket No. 89188 and the Money Receipt No. 550618 dated 7.9.1978 (booked for my journey by Kalka Mail on 4.10.1978 from Howrah to Delhi) to the Railway Department's concerned office in Calcutta within 12 hours after the cancellation of the booked train (IUP-Kalka Mail) on 4.10.1978 by the Railway Department. Under the situation I sent a Telegram on 29.9.1978 from Hyderabad to the Station Master, Eastern Railway, Howrah stating 'Due flood situation request my first class ticket No. 89188 journey commencing fourth October by Kalka Mail to Delhi be cancelled as I am held up at Hyderabad. Your money receipt Number 550618 of September Seven ( . )' Along with this telegram

I also wrote a follow-up letter on 29.9.1978 to the Station Master, Howrah with a copy to their Commercial Department.

- (3) That on 30.10.1978, I deposited in original the said Railway Ticket and Money Receipt in the Office of the Chief Commercial Superintendent (Refund Coaching), 3, Koilaghat Street, Calcutta-700001, and claimed for refund of my unused Ist Class Railway Ticket as above.
- (4) That for more than last three years I made lot of correspondence with the Railway Department but all in vain. No response I have received yet from their end.
- (5) That the facts stated above are truth, and I believe that the Railway Department cannot show any fault of mine upon which they can reject my claim for refund of the fare which I paid them *vide* the Money Receipt No. 550618 dated 7.9.1971."

*B Comments of Ministry of Railway (Railway Board)*

11.3 The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee. In their factual note dated 7 December, 1982 the Ministry of Railways (Railway Board) stated as follows :—

"The disposal of complaints depends on merit of the individual case. The instant case could have been reconsidered even at this distant date if the relevant file was available. The time limits for Preservation of such files is three-and-a-half years as per extant procedure."

*Evidence before the Committee*

11.4 The Committee at their sitting held on 11 October, 1983 examined the representative of the Ministry of Railways (Railway Board) on the points arising out of the representaion.

11.5 Explaining the procedure regarding the refund of unused ticket, the Director (Tourism), Railway Board stated that under the Cancellation of Tickets and Refund of Fares Rules, 1976, in case of cancellation of a train due to unforeseen circumstances such as breaches, floods etc., full refund was paid if the ticket was surrendered within three days at the starting station. Besides, if due to some reasons a passenger failed to



surrender the ticket within the stipulated period, the Railway Administration had discretionary powers to relax the rules after ascertaining the genuineness of the case. The witness added that in the present case, the petitioner could have sent the ticket by the Registered Post or he could have got the endorsement done at Balasore Railway Station where he was held up as a result of cancellation of train due to floods. He further informed the Committee that as per his information the refund had been made to the Petitioner. However, he would get it confirmed in writing from the concerned Railway authorities and inform the committee accordingly. He further stated that the petitioner's statement that the Kalka Mail from Howrah to Delhi in which he had got the reservation made on 4.10.1978 and for which he was claiming refund, had been cancelled, was not correct as the train had left Howrah Station on that date at the scheduled time. The witness was, however, asked to get that information confirmed in writing from the Railway authorities and inform the Committee about it.

11.6 When suggested that in such case in order to avoid undue hardship and loss to the passengers, the rules should be so changed that when a train was cancelled due to natural calamities, a passenger should have the facility to surrender the ticket at any Railway Station convenient to him and there should be no time limit for claiming refund of amount of the unused ticket, the witness assured the Committee that these suggestions would be placed before the Ministry of Railways for their consideration.

11.7 In their subsequent communication dated 29 October, 1983 the Ministry of Railways (Railway Board) have informed the Committee that :—

- (i) Refund advice for an amount of Rs. 177.05 has already been handed over to Shri Banerjee on 10.10.83 and his acknowledgement for the same obtained.
- (ii) It has again been checked up from the office records maintained and it is revealed that 1 UP Kalka Mail did leave Howrah on 4.10.1983. The train had left on right time.

*C. Observation/recommendation of the Committee*

11.8 The Committee note with satisfaction that the refund of the unused ticket has since been made to the petitioner.

11.9 The Committee are, however, of the view that in order to obviate such instances in future which could cause undue hardship and avoidable loss

**to the bonafide passengers, the relevant rules, i.e. Cancellation of Tickets and Refund of Fares Rules, 1976, should be amended by the Ministry of Railways to provide that where a bonafide passenger is held up and is unable to complete his journey on account of cancellation of train service due to natural calamities, accidents etc., the passenger is given full refund of unused ticket by surrendering his ticket within three months at any railway station convenient to him.**

## XII

### OTHER REPRESENTATIONS

12.1 During the period under report, Committee have considered twelve other representations and letters (See Appendix XV) addressed to the House, the Speaker or the Committee by different individuals which were inadmissible as petitions.

12.2 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.

12.3 In case of item No.10 on the representation from Shri Godil Prasad Anuragi, M.P. regarding construction of Bilaspur-Jabalpur railway line Via Mungetari Mandla, the Committee recommend that the Ministry of Railways might approach the Planning Commission to provide necessary funds for under taking survey of the proposed railway line afresh.

NEW DELHI ;  
12 December, 1983  
*Agrahayana 21, 1905 (Saka)*

K.P. TEWARI,  
*Chairman,*  
*Committee on Petitions.*

## APPENDIX I

(See page 2.2 of the Report)

[Petition No. 23 regarding prevention of cruelty to animals under provisions of the Prevention of Cruelty to Animals Act, 1960 and ban on export of farm pelts]

*LOK SABHA*

PETITION NO. 23

Presented to Lok Sabha on 3 March, 1983

To

LOK SABHA  
NEW DELHI.

The humble petition of Shri Ajeet Raj Surana, Hony. Secretary, All India Shwetember Sthanakwasi Jain Conference, New Delhi and others.

**SHEWETH**

That tremendous amount of cruelty is practised at the Fur Animal Breeding Division of the Central Sheep and Wool Research Institute under the Indian Council of Agricultural Research under the guise of research. The lambs are slaughtered within 48 hours of birth. If they are kept alive longer their hair straightens out and the value of the pelt is thus reduced as the value depends on the tightness of the curls. The petitioners contend that these animals are bred to be killed in order to satisfy the vanity of fashion conscious persons. Unless some effective steps are taken to stop this un-called for animal exploitation, the cruelty will only increase and will be extended to other animals as well, such as mink, beaver, bear, fox, squirrel, wolf and a host of other innocent creatures.

Therefore, we demand that the following steps be immediately taken for alleviating the acute cruelty practised on the animals for commercial purpose

much against India's ancient heritage and culture based on reverence for all lives :—

- (1) To immediately put a stop to the slaughtering of Karakul lambs within 48 hours of their birth.
- (2) To ban export of farm pelts.
- (3) To ban breeding and killing of any animal for its fur etc.
- (4) To take stringent measures against any organisation practising such animal exploitation.
- (5) To stop the proposed expansion of any activity for breeding of mink or any other animal or reptile and export of its pelt.

Accordingly your petitioners pray that the petition may kindly be considered and examined by the Committee on Petitions, Lok Sabha who may suggest suitable remedial steps to stop brutal and selfish killing of innocent and dumb animals and ban on their export.

And your petitioners as in duty bound shall ever pray.

Name of petitioner	Address	Signature or Thumb impression
1. Shri Ajeet Raj Surana	Hony. Secretary, All India Shwetamber Sthanakwasi Jain Conference, 12, Shaheed Bhagat Singh Marg, New-Delhi-110001.	Sd/-
2. Smt. Diana Ratnagar	Managing Trustee & Chairperson, Beauty Without Cruelty (India Branch), 4, Prince of Wales' Drive, Wanowrie, Poona-411001.	Sd/-
3. Shri Dashratbhai M. Thaker	Hony. Secretary, The Bombay Humanitarian League, "Dayamandir" 123/127, Mumbadevi Road, Bombay- 400003.	Sd/-

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Name of petitioner	Address	Signature or Thumb impression
4. Shri K. C. Sethia	Hony. Secretary, Bhagwan Mahaveer Ahimsa Prachar Sangh, 21, Peria Naiyakaran Street, Madras-600001.	Sd/-
5. Captain V. Sundaram	Founder, Blue Cross of India, Besant Gardens, Madras-600020.	Sd/-
6. Shri Karl	Trustee, The Bombay Society for the Prevention of Cruelty to Animals, Dr. S.S. Rau Road, Parel, Bombay-400012.	Sd/-

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Countersigned by : Mool Chand Daga, M.P., Division No. 115.

## (APPENDIX II)

(See para 2.3 of the Report)

[Factual Note dated 21 March, 1983 of the Ministry of Agriculture (Department of Agriculture and Cooperation) on demands raised in Petition No, 23 regarding prevention of cruelty to animals under provisions of the Prevention of Cruelty to Animals Act, 1960 and ban on export of farm pelts.]

The petition from Shri Ajeet Raj Surana and five others against cruelty to animals has shown concern on the slaughter of Karakul lambs and rabbits for fur at the Fur Animal Breeding Division of Central Sheep & Wool Research Institute and Institute of Indian Council of Agricultural Research.

The Central Sheep & Wool Research Institute is a premier Institute conducting research on production of animal fibres, meat, pelts and fur skins from different animal species. The Division of Carpet Wool & Karakul pelt production located at Bikaner, is undertaking research on evaluation of the performance of Karakul sheep imported from USSR as pure breeds and in crosses with some coarse carpet wool breeds under hot arid conditions. Similarly, studies are also being conducted at the Cattle & Sheep Breeding Farm, Kumbathag, Kargil (Ladak), a cold arid location.

The studies so far carried out have shown good adaptation of Karakuls to arid conditions. The pelts are produced either through the slaughter of lambs within 24-48 hours of birth or through killing of unborn lambs removed through slaughter or through abortion of the mother around 130-140 days of pregnancy. Beyond two days of age, the hair grows longer decreasing the quality of pelt. The quality of pelt is generally determined by the ornament (type of curls, their size and tightness), lustre and its weight. This is a purely commercial proposition and researches relating to pelt production is not for vanity. The slaughtering of Karakul sheep lambs within 48 hours of birth is no cruelty under the Prevention of Cruelty to Animals Act, 1960. The killing of the lambs for obtaining pelt is done following a humane method.

Lamb pelt production is an important component of the sheep industry

in countries like USSR. South and South-West Africa, Iran and Iraq. Karakul is the principal breed of sheep bred for the purpose. Karakul sheep is fat tailed, coarse carpet wool breed very well adapted to extreme climatic conditions and pure vegetation resources. In India, none of the breeds of sheep has been bred for pelt production.

The arid north-west region has, to a large extent, similar conditions as observed in the countries where Karakul sheep are bred. Breeding sheep for pelt production especially in the regions with extreme climates and highly seasonal feed resource may be desirable as it will cut down on the mortality in young lambs. It will further allow use of the milk from ewes whose lambs have been slaughtered for human consumption or for rearing orphan lambs and reduce burden on meagre feed resource through elimination of a large number of lambs slaughtered for pelt production. Since sheep breed throughout the year in tropics, the ewes whose lambs have been slaughtered for pelt could be rebred and thus give birth to more lambs per unit time to allow more pelts to be produced.

A Karakul lamb pelt sells from 15-20 dollars in the international market depending upon its size and quality. The Central Sheep and Wool Research Institute took up research on breeding sheep for pelt production at Bikaner since this is an economical proposition in the arid regions with low, seasonal and erratic rainfall. These conditions usually result in high mortality among young lambs.

Similarly, to study productive performance with respect to meat, fur skin and wool and adaptation to sub-temperate climate in India, rabbits were introduced at the Division of Fur Animal Breeding, Garsa (Kulu), Himachal Pradesh of Central Sheep and Wool Research Institute Avikanagar by Indian Council of Agricultural Research, Ministry of Agriculture, New Delhi during March, 1978.

Broiter rabbits (New Zeal and White, Soviet chinchills Grey Giant and White Giant) have been studied for meat and fur skin production. The four breeds have shown excellent performance as reflected from their reproduction. The overall survival has been around 93%. The efficiency of feed conversion was as good as broiler poultry. Broiler rabbits, however, produce valuable fur skin in addition to meat and adult rabbits can be reared on a large percentage of roughage in their diets as compared to poultry. The broiler rabbits are being maintained at the Division in cages and open hutches. This practice of rearing rabbits under intensive conditions is world wide accepted system of management. Further, the rabbit is a prolific animal and has litter size up to



7 and even more. Because of their burrowing nature keeping on floor would not be feasible. If the rabbits escape, they may damage crops. The broiler rabbits are slaughtered for meat and fur between 8-12 weeks of age in a humane method and does not result in any cruelty under the Prevention of Cruelty to Animals Act, 1960.

Further, Angora rabbits imported from USSR are being studied at the Division for Rabbit wool production and have shown satisfactory performance. The annual wool production is around 250 g. per animal and the net profit from rearing rabbits from wool comes to Rs. 40/-per rabbit. The rabbits for wool production are kept in cages so as to avoid the damage to the wool due to soiling with urine and faeces. No inconvenience is caused to the rabbits when kept in cages. The old and called Angora rabbits are only slaughtered for meat but following humane methods.

The rabbits can be very easily reared by horticulturists and small and marginal farmers and can provide additional income with very little investment and labour.

Efforts are being made to obtain the minks from USSR under the Indo-USSR Protocol for Cooperation in the field of Agriculture and Animal Husbandry Research. Studies for the breeding of minks especially the management and other aspects related to the rearing of minks shall be undertaken. There is no proposal at present to obtain the other fur-bearing animals. The research studies on breeding of minks will be conducted purely as a commercial proposition.

It may be mentioned here that a large fur industry is presently existing in Jammu & Kashmir and largely depends on imported fur skins. Development of fur animals within the country would help in cutting down the imports.

### APPENDIX III

(See para 3.2 of the Report)

(Petition No. 24 *re.* ban on cruelty to animals)

*LOK SABHA*

*PETITION NO. 24*

(Presented to Lok Sabha on 8.4.1983)

To

LOK SABHA  
NEW DELHI.

The humble petition of Shri Rajmal Jain, Convener, Hinsa Viródh Samiti, Ujjain (Madhya Pradesh) and others.

*SHEWETH*

India has always been a light house and a staunch supporter of non-violence and secularism. But in the recent past tendency to violence is on the increase.

The opening of new slaughter houses in New Delhi, the capital of the country and in many other towns has hurt the feelings of crores of persons who believe in the principle of non-violence and compassion to the living beings. More such slaughter houses are proposed to be opened in Delhi and other cities. A number of organisations have already lodged their protests against it.

As we are having firm faith and belief in the system of democracy, through this supreme body of this country, we express our feelings and demand that tendency for violence in killing of innocent beings be checked and immediate ban be imposed on cruelty to animals. For this purpose we submit this petition.

And your petitioners as in duty bound shall ever pray.

Name of petitioner	Address	Signature or thumb impression
Shri Rajmal Jain	Convener, Hinsa Virodh Samiti, 16, Chandanbala Bhavan, Namak Mandi, Ujjain (Madhya Pradesh) and others.	Sd/-

Countersigned by : Satyanarayan Jatiya, M.P., Div. No. 410.

## APPENDIX IV

[See Para 4.3(3) of the Report]

[ Ministry of Industry (Department of Industrial Development) Press Note date 21 April, 1982 ]

### GOVERNMENT OF INDIA

#### MINISTRY OF INDUSTRY

#### Department of Industrial Development

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#### PRESS NOTE

The Industrial Policy Statement of July, 1980, states that the Government would pursue the goal of a vibrant, self-reliant and modern economy in which all sectors and all segments of society have a positive role. The private sector would be allowed to develop in consonance with the targets and objectives of national plans and policies. As a follow-up to this statement, a number of measures aimed at optimum utilisation of installed Capacities, automatic growth for certain basic industries, promotion, streamlining of licensing procedures, promotion of economic federalism, conceptualisation of nucleus plants and development of a new strategy for industrial development of backward areas have been announced from time to time.

2. The Industrial Policy Resolution of 1966, continues to govern the Government's policies for achieving the objectives of growth, social justice and self-reliance in the industrial sphere. Within the framework of this Resolution, the Government have been announcing from time to time changes in the industrial licensing policy in order to respond to the needs for planned and rapid development and to promote the wider economic objectives of social justice, effective control of concentration of economic power, correction of regional imbalances and promotion of small scale and medium scale industries.

3. In the context of the present need for increased production, higher

export generation, adoption of modern technology, etc., the Government have reviewed the list of industries wherein large houses and FERA companies are being allowed to set up capacities. This list is appended to the press note of 2nd February, 1973. Since then, several developments have taken place in terms of technological advancement, changing potentiality for export, development of middle level entrepreneurship below the level of MRTP/FERA companies, need for establishment of adequate capacities in certain industries consistent with the level of technology and quality standards, etc. Further, the need for conservation of energy and location of alternative sources of energy has become imperative and the country has to keep abreast of developments abroad by building up capability in these fields.

4. Keeping in view the above considerations, the Government have reviewed the list of industries which are open to large houses and FERA companies. The list so revised is appended to this Press Note.

5. Large houses and FERA companies will be eligible to participate in the establishment of industries in this list, along with other applicants, provided the specific item of manufacture is not reserved for the public sector or small scale sector. Ordinarily, such companies will not be permitted to establish industries outside the appended list, except where the product is predominantly for export, *i.e.* 60% export in respect of items not reserved and 75% export in respect of items reserved for the small scale sector.

6. It is reiterated that the Government will continue to encourage small and medium enterprises, which will be given preference over large houses and FERA companies in respect of all industries, including those listed in the Appendix.

7. The changes now made are aimed at stimulating industrial growth in the core sector, as well as in industries with export potential or import substitution, for adoption of advanced technologies, for economies of sale and for giving encouragement to units with potential for large scale ancillarisation. Government hope that these changes will further improve the industrial and investment climate in the country and that large houses/FERA companies would respond in adequate measure so as to help in achieving the socio-

**economic objectives of the Industrial Policy.**

**No. 11/15/80-LP**

**New Delhi, the 21st April, 1982.**

**Please Information Bureau is requested to give widest publicity to the above press note.**

**Sd/-**

**(R. R. Pahwa)**

**Under Secretary to the Govt. of India.**

**Press Information Bureau,  
Shastri Bhavan,  
New Delhi.**

APPENDIX I to the Press Note

dated the 21st April, 1982

1. METALLURGICAL INDUSTRIES

1. Ferro alloys
2. Automotive castings, SG iron castings, steel castings and steel forgings.
3. Non-ferrous metals and their alloys, including aluminium foils.
4. Sponge Iron and Pelletisation.

2. BOILERS AND STEAM GENERATING PLANTS.

3. PRIME MOVERS (OTHER THAN ELECTRICAL GENERATORS)

1. Industrial turbines
2. Internal combustion engines
3. Alternate energy systems like solar, wind, etc., & equipments therefor.
4. Gas/hydro/steam turbines from 20 MW to 60 MW.

4. ELECTRICAL EQUIPMENT

1. Equipment for transmission and distribution of electricity including power and distribution transformers, power relays, HT-switch gear, synchronous condensers.
2. Electrical motors
3. Electrical furnaces including industrial furnaces.
4. X-ray equipments.
5. Electronic components and equipment.

6. Component wires for manufacture of lead-in-wires.
7. Hydro/steam/gas generators from 20 MW to 60 MW.

## 5. TRANSPORTATION

1. Mechanised sailing vessels up to 10,000 DWT including fishing trawlers.
2. Ship ancillaries.
3. (1) Commercial vehicles, public transport vehicles including, automotive commercial three-wheeler jeep type vehicles, industrial locomotives.
- (2) Personal transport vehicles;
  - (i) Passenger cars;
  - (ii) Automotive two-wheelers and three-wheelers. Regarding two-wheelers, only expansion of existing units, subject to an export obligation of 25% on additional capacity.
- (3) Specialised automotive components, such as pistons and piston rings, fuel injection equipment; auto-electricals, such as starter motors, generators, spark plugs, rear axle assembly, brake and clutch assembly, tyre/tube valves, wheels for automobiles and bimetal bearings.

## 6. INDUSTRIAL MACHINERY

Industrial machinery including specialised equipment.

1. High performance and high fidelity industrial valves as may be specified by the Ministry of Industry.
  2. Centralised lubrication systems;
  3. Gears, gear boxes and couplings;
  4. Rolls for paper mills, rolls for rolling mills;
  5. Pollution control equipment.
  6. Process equipment for utilisation of recycling of wastes.
- 7, 1. Machine tools, including controls and accessories.



2. **Jigs, fixtures, tools and dies of specialised types and cross land tooling.**
3. **Engineering production aids such as cutting and forming tools, patterns and dies and mining tools.**

### **8. AGRICULTURAL MACHINERY**

**Tractors**

### **9. EARTH MOVING MACHINERY**

**Earth Moving machinery and construction machinery and components thereof.**

### **10. INDUSTRIAL INSTRUMENTS**

**Indicating, recording and regulating devices for pressure, temperature, rate of flow, weights, levels and the like.**

### **11. SCIENTIFIC AND ELECTROMEDICAL INSTRUMENTS AND LABORATORY EQUIPMENT.**

### **12. NITROGENOUS & PHOSPHATIC FERTILIZERS falling under :**

- (1) **Inorganic fertilizers under '18-Fertilizers' in the First Schedule to the I (D&R) Act, 1951.**

### **13. CHEMICALS (other than fertilizers)**

1. **Heavy organic chemicals including petrochemicals**
2. **Heavy inorganic chemicals**
3. **Organic fine chemicals**
4. **Synthetic resins and plastics**
5. **Man-made fibres**
6. **Synthetic rubber**
7. **Industrial explosives**
8. **Technical grade insecticides, fungicides, weedicides and the like**
9. **Synthetic detergents**

10. Miscellaneous chemicals (for industrial use only) including
  1. Catalysts and Catalyst supports
  2. Photographic chemicals
  3. Rubber chemicals.
  4. Polyols
  5. Isocyanates, Urethanes, etc.
  6. Speciality chemicals for enhanced oil recovery.
  7. Heating fluids
  8. Coal tar distillation and products therefrom
  9. Tonnage plants for the manufacture of industrial gases
  10. High altitude breathing oxygen/medical oxygen.
  11. Nitrous oxide.
  12. Refrigerant gases like liquid nitrogen, carbon dioxide, etc. in large volumes.
  13. Argon and other rare gases
  14. Alkali/acid resisting cement compound
  15. Leather chemicals and auxiliaries

## DRUGS AND PHARMACEUTICALS

### *For FERA drug companies*

- (a) Drug intermediates from the basic stage for production of high technology bulk drugs;
- (b) High technology bulk from basic stages and formulations based thereon with an overall ratio of bulk drug consumption (from own manufacture) to formulations from all sources of 1:5.

### *For non FERA MRTP companies*

All bulk drugs and formulations with an overall ratio of 1 : 10 between the value of production of bulk drugs and of formulations.

15.
  1. Paper and Pulp including paper products.
  2. Industrial laminates.
16.
  1. Automobile tyres and tubes, including automobile tyre tube valves.
  2. Rubberised heavy duty industrial beltings of all types.
  3. Rubberised conveyor beltings.
  4. Rubber reinforced and lined fire fighting hose pipes.
17. **PLATE GLASS**
  1. Float glass
  2. Toughened glass insulators.
  3. Glass fibres of all types.
18. **CERAMICS**
  1. Refractories
  2. Furnace lining bricks-acidic, basic and neutral.
  3. Ceramic fibres.
19. **CEMENT PRODUCTS**
  1. Portland cement.
  2. Gypsum boards, wall boards and the like.
20. **HIGH TECHNOLOGY REPRODUCTION AND MULTIPLICATION EQUIPMENT.**
21. **CARBON AND CARBON PRODUCTS :**
  1. Graphite electrodes and anodes
  2. Impervious graphite blocks and sheets.
22. **PRESTRESSED HIGH PRESSURE RCC PIPES**
23. **RUBBER MACHINERY**

**24. PRINTING MACHINERY**

1. **Web-Fed high speed offset rotary printing machines having output of 30,000 or more impressions per hour.**
2. **Photo composing/type setting machines.**
3. **Multi-colour sheet-fed offset printing machines of sizes 18" × 25" and above.**
4. **High speed Rotogravure printing machines having output of 30,000 or more impressions per hour.**

**NOTE :—**

**Items of manufacture reserved for the Public Sector under Schedule A to the Industrial Policy Resolution, 1956, for production in the Small Scale Sector, as may be notified from time to time, will be excluded from the application of the list.**

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## APPENDIX V

(See para 6.2 of the Report)

[Representation from the President, Agra Irons Founders Association, Agra, regarding shifting of polluting industries of Agra.]

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Agra Iron Founders Association  
(Regd. under Societies Registration  
Act XXI of 1860)

Ref. No. AIFA/521

88, North Vijay  
Nagar Colony,  
Agra-282 004.

To

Shri Avtar Singh Rikhy,  
Hon'ble Secretary,  
Lok Sabha,  
77, Sahajahan Road,  
New Delhi.  
Dear Sir,

### Proposed Shifting of Polluting Industries of Agra.

It is understood that all smoke emitting industries which are mainly over 97% in S.S.I. Sector, are being proposed to be shifted from Agra.

AGRA Industry is also conscious and in agreement with our National Government and capital for safety and protection of our historical heritage, the TAJ.

Before taking any action in this regard and undertaking huge and costly schemes there is a fit case for review and it should be established beyond any doubt, duly supported by scientific data and facts based on actual experimentation for shifting and enormous expenditure can be averted and as the same time TAJ can be saved.

In this connection it is submitted that pollution is not only caused by smoke emitting industries to TAJ, but it is because of the sources which are consuming steam coal, for instance Railways, and Railway Marshalling Yards, two Thermal Power Stations, Glass Industry of Firozabad, a large number of aeroplanes flying and thousands of diesel and petrol automobiles plying daily in Agra. It is suggested that comparative study should be made for pinpointing the sources polluting the atmosphere with sulphur in any form. A practical suggestion is as below :—

Level Sulphur contents in the atmosphere should be recorded at atleast 3-4 monitoring stations at Agra by Experts, Technicians and Scientists, currently when all industries are working and after that all smoke emitting industries of Agra only may be closed down for a suitable period as suggested by Experts and after that which the industries still closed again sulphur level in the atmosphere may be checked. Thus, comparing both the figures, a crystal clear picture, will emerge pin-pointing the share of pollution by foundry industry. If the share of foundry industry is found out to be negligible then a further suggestion may be considered to even reduce that negligible level by adopting pollution control measures as are being in practice in all industrially advanced countries, wherein it has been claimed and proved that sulphur pollution by foundries has been virtually reduced to Nil. There are wet Arresters which are installed in cupolas which control not only dust and grit but also cool down and dilute various gases.

It is also pertinent to point out that all cupolas say 97% of them are small cupolas, having melting capacity of less than 4 tonnes per hour, and as such cupolas are even exempted in industrially advanced countries from installing wet Arresters, but we are, however, to save the Taj, ready to instal wet Arresters. Of course this may be suitably subsidized by Government.

It will not be out of place to mention here that in 1976 on initiation of late Shri Sanjay Gandhi, when Shri Narain Dutt Tewari, the Union Minister of Planning was the Chief Minister of U.P., the foundries of Agra were asked to shift to Foundry Nagar, which was developed, on emergency basis, at Hathras Road, by U.P. Small Industries Development Corporation, spending crores of rupees. It is surprising that even prior to the completion of Foundry Nagar at Hathras Road, Government not only considered but also finalised another site at 2 Kms, downwards Taj in Southern direction, was scrapped on strong representation, Hence, any haste in decision as exemplified above, will definitely be a very costly luxury for poor country like ours having extremely limited financial resources. During

1976 the orders for shifting were strict, inspite of that very few units could shift to Foundry Nagar, investing huge capital of their own as well as loans raised from various Financial Institutions. It appears that the decision of 1976 was also wrong as all the foundries including foundries at Foundry Nagar are to be shifted, is against all cannons of natural law and justice, apart from humanitarian grounds.

In view of all above we humbly request to support your decisions beyond doubt by scientific facts and experimentations so that small scale industry of Agra, people employed in the industry, and Government's reputation as well as peoples' faith in Government may be put to stake.

For your kind information, at present there are about 200 foundries about 50 other smoke emitting industries and with them about 800s mall Engineering Units are so closely knit that they cannot be thought of being separated from foundries, foundry being mother industry.

The total employment, directly and indirectly in the above industry is about 60,000, after including their family members will cover about 3.5 lacs which is about 45% of the total population of Agra as per the last census report.

Foundry industry of Agra is concentrated here for several centuries on account of near by availability of suitable foundry sand, skilled labour for moulding, which have lowest labour mobility in the country.

Thus, it is evident that if foundry industry is closed down then its hard earned position of second biggest centre of the country and first biggest in the Northern India, will be completely jeopardized. Hardly 20% of the units may be able to shift and hardly 10-15% will be able to survive in the new situation.

In support of all what has been said above regarding pollution, a Chart is appended below showing total consumption of hard coke of foundries in Agra as well as consumption of steam coal, hard coke, soft coke by different industries (excluding foundries), marshalling yards, thermal power stations and glass industry of Firozabad. Incidentally an important factor to be kept in view is that contents of sulphur in hard coke used in foundries, is about 1/6th as compared to the steam coal :-

**CONSUMPTION OF STEAM COAL AND HARD COKE BY VARIOUS SECTORS**

Sector	Quantity of Coal/Coke Consumption in Metric Tonnes Per Month		
	<i>Steam</i>	<i>Soft</i>	<i>Hard</i>
1. Power Houses	8000	—	—
2. Domestic	—	850	—
3. Foundries	—	—	2000
4. Industry Consuming Steam Coal	2000	—	—
5. Railways (Marshalling Yards)	10000	—	...
6. Halwais & Petha Mfg. Manufacturers	...	...	500
7. Brick Kilns	2500	—	...
8. Firozabad Glass Industry	30000	...	...
9. Diesel & Petrol Consumption for Automobiles and Aeroplanes.....(To be ascertained)			...

From the above Chart, the total percentage of hard coke used in foundries, even if it is treated at par with steam coal, so far as sulphur content is concerned, comes to about 3.8 percent, and since sulphur content is 1/6 th in hard coke compared to steam Coal, calculated on total consumption roughly it comes to 0.63 percent and even from this more than 50% sulphur is absorbed by the molten metal and which goes into the slag (waste). This the share of foundries will work out roughly to 0.31% of the total sulphur level in Agra atmosphere. It is to be remembered that if in this calculation, diesel and petrol consumption is also included, the share of foundries will go still much lower.

In support of all above submissions, following extracts are enclosed for ready reference :---

- (a) Cupola, Design Operation and Control published by British Cast Iron Research Association, Birmingham, U.K. in 1979 ;
- (b) Cupola and its Operation published by American Foundrymen Society-Chicago, U.S.A. published in 1954, pages 154-156;



- (c) Comments of Secretary, State Pollution Board, 1977;
- (d) Report dated 23rd-24th October, 1978, of Professor in Environmental Engineering, Andhra University, Waltair (Andhra Pradesh); and
- (e) Report from Cleancity India Co. Pvt. Ltd., Calcutta.

Perusal of above reports and views of Scientists on the subject go a long way to prove glaringly that **FOUNDRIES ARE IN NO WAY POLLUTING THE TAJ.**

The Foundry industry of Agra is since Mughal period producing cannons and cannon balls and currently developed so much that it is exporting, alongwith allied industries, worth crores of rupees products every year and earning valuable Foreign Exchange, as well as supplying castings, finished goods to Government Departments, Railways, Defence, P&T and Agricultural equipments etc. etc. If these foundries whose current investment is very low, being old, are shifted, it will be an exorbitantly costly affair due to current high prices prevailing in the market and it will be beyond the means of the present units to meet them. This will doom, not only the industry but will also adversely effect the economy of Agra and will create enormous employment problems. To spend Rs. 300 to 500 crores for a twin city of Agra it will positively pull the industry back from its present position.

In view of all the facts stated above, we request you to kindly give a second thought over the matter and get the aforesaid facts properly and scientifically verified before taking the final decision in regard to the shifting of the foundries.

Thanking you and with respectful regards,

Yours faithfully,  
For AGRA IRON FOUNDERS, ASSOCIATION.

Sd/-  
(K.L. JAIN)  
PRESIDENT.

## APPENDIX VI

(See para 6.3. of the Report)

[Extracts from Minutes of the Third Meeting of the High Power Committee (HPC) constituted for overseeing the implementation of the recommendations approved by the Cabinet for the control of pollution in Agra-Mathura Region, held in the Department of Science and Technology on 27 September, 1980.]

xxx

xxx

xxx

4. Shri Sidhu briefly explained the role of the Task Force in expediting the implementation of the Cabinet's recommendations. The Task Force had held two meetings, one in Delhi and the other at Agra and addressed itself to four specific tasks, namely :

xxx

xxx

xxx

(iii) Shifting the existing small scale industries, especially the foundries, from Agra; and prohibiting the setting up new polluting industries within a specified geographical zone;

xxx

xxx

xxx

8. Shri Sidhu observed that the prohibition of new polluting industries in the Agra region can be tackled by banning registration of such industries and by making it difficult for industries that need no registration to get raw materials. The Expert Group has already prepared a map showing the geographical area where such prohibition should be enforced.

The shifting of the existing small industries, especially the foundries, is a very difficult problem which has to be carefully tackled in consultation with the Foundries Association for which a complete scheme has to be prepared. The HPC recognised the complicated nature of this problem, which has human, technical and cost considerations involved. The Chief Secretary of UP Government stated that the cost may be as much as Rs. 60 crores, and it would be difficult for the State to find resources for this purpose from its own Plan. He suggested that this should be a Central Sector Scheme. Shri Mukharji intervened to explain the implications of the suggestions he had

made in his letter. He felt that the immediate action to be taken is to prepare a project outline indicating the various problems involved and suggesting solutions to the same. The question of whether it is a State scheme or a Central scheme has to be decided subsequently by the Planning Commission as a conscious decision. Whatever scheme is proposed, it has to be included appropriately in the Plan. The Chief Secretary, UP Government welcomed the suggestion to appoint a Group to go into this problem as suggested by the Secretary, Ministry of Works and Housing. He assured that the State Government will give all assistance and cooperation in getting the scheme prepared as soon as possible. He informed the HPC that the Commissioner, Agra Division, and the Secretary, Industries Department have already done some home Work with regard to the area where the foundries may be located and the infrastructure required. He stated that a meat factory near Tundla which was with Defence Department has since been closed down and there is some additional land available adjoining the same. Therefore, selection of site may not present any difficulty or delay.

9. The Chairman then spelled out the issue before the HPC :

- i) He referred to the representation of the Agra Iron Founder's Association in which the contribution of the foundries to air pollution has been questioned. He felt that the Expert Group should go into the relative contribution of various sources in detail especially concerning the sulphur dioxide made a specific analysis and emission and report to the HPC.
- ii) He informed the Committee that the DST has constituted an Expert Group to consider the feasibility and practicability of fuel substitution for the foundries. He welcomed suggestion with regard to any other experts who may be added to this Group. On the basis of a suggestion made, it was decided to include a technical expert nominated by the Development Commissioner, Small Scale Industries, an expert from the Directorate of Industries of U.P. Government and the Chairman of the Expert Group Dr. Nilay Chaudhuri. It should be made clear to this Group that their proposal should be cost-effective.

10. Regarding the relocation of the foundries, the Chairman pointed out that it must be recognised that the Taj Mahal is a priceless national heritage, and therefore, costs involved on these aspects that will result in the protection of the Taj Mahal should be brought to the attention of the Planning Commission appropriately so that adequate provision is made for it in the Sixth Plan.

The Chairman also informed the Committee that there is a strong possibility of international support from agencies like UNESCO/UNDP or even International Banks being available for proposals relating to the protection of the Taj, especially any effort that may have to be made by the Archaeological survey of India. After discussion, it was decided that any decision on this should be deferred till a package proposal for the scheme is available.

In this context Shri Desraj Singh referred to the proposal for extensive tree planting all around the Taj Mahal. The proposal is to plant about 5 crores of trees in a 25 sq. Km. area around the Taj.

Shri Mukharji observed that while formulating the project for shifting foundries etc. many issues are likely to crop up. These would include cost estimates, economics, production and marketing patterns, employment, the distance and direction in which the foundries have to be shifted, railway siding etc. While international assistance would be welcome, this assistance should be included in the Plan for which the Planning Commission will have to take a decision and seeking international assistance may have to be cleared from sensitivity considerations at the appropriate level.

11. After discussion it was decided that a Committee with the Secretary, Industries Department, Government of U.P. as Chairman and consisting of representatives of the Ministry of Industry (Development Commissioner, Small Scale Industries) Department of Banking, Ministry of Work and Housing (Town and Country Planning Organisation) and Department of Science and Technology should be constituted to prepare a project outline which would be sufficient for decision making.

## APPENDIX VII

See para 6.4 of the Report

[Main Observations/recommendations contained in the Report on the Inventory of Polluting Sources and Assessment of Pollution Emission in and around Agra-Mathura region]

2.1 On the basis of investigations conducted on the inventory of industries and the measurements of concentration of sulphurdioxide in the ambient air in and around Taj Mahal during the period of January through September, 1981, the findings are listed below :—

### 2.2 Findings

- 2.2.1 Industrial activities which are in operation in Agra city and its outskirts could be categorized as (i) Ferrous Metal Casting using Cupplas (Foundry); (ii) Ferro-alloy and non-Ferrous casting using Crucibles, Rotary Furnaces etc; (iii) Rubber Processing; (iv) Lime Oxidation and Pulverising; (v) Engineering; (vi) Chemical; and (vii) Brick and Refractory Kilns (Table 4-1).
- 2.2.2 Most of the industrial activities in Agra city and its outskirts are located in 4 zones recognized as industrial zones and in 5 other zones which are not at all recognized for industrial activities as seen from the present land use pattern. These 9 zones are presented in Map No. 1 indicating the category-wise distribution of industries in each zone in the Map. The 4 recognized zones are (A) Foundry Nagar (b) Industrial Estates including adjoining areas; (C) Ram Bagh and (D) Hathras Road. The 5 other zones are named for the present investigation as (E1) Sultanganj; (E2) Moti Katra; (E<sup>3</sup>) Loha Mandi, (E4) Mathura Road; and (E5) Bodla (para 4.3.1). The total number of industrial units in the 4 contiguous zones is 128 against a total number of units of 162 in the 5 other mixed land use zones (Table 4-1).
- 2.2.3 The Industrial activities in Ferozabad town located 40 kms East of Agra City are primarily confined to glass products such as (i) Glass Bangles; (ii) Glass Blowing; (iii) Block Glass products; (iv) Glass Beads; and (v) Potteries and Ceramic (Table 6-1)

- 2.2.4** The 6 important road crossings located within 3 km radius of Taj Mahal which were surveyed for vehicular traffic indicated movement of 6, 349 (Heavy Tonnage Vehicles) trucks, buses etc. operated on diesel, 4861 (Medium Tonnage Vehicles) automobiles, and 16,103 (Light tonnage Vehicles) scooter-taxis in a day (Table 7-1).
- 2.2.5** The contribution of sulphurdioxide through emission primarily from the combustion of fuels presing hard coke, steam coal, wood and full oil is estimated as 3.64 tonnes per day from industrial activities in the Agra city and its outskirts (Table 5-3). The vehicular contribution as estimated from traffic census in 6 road crossings is only 65 kg a day or 0.065 tonnes a day and should be considered negligible for the present (para 7.4).
- 2.2.6** The contribution of sulphurdioxide from the 5 recognized distinct discrete sources in tonnes per day are 2.28, 2.28, 1.36, 1.21 and 0.065 from (i) two thermal power stations, (ii) foundries, (iii) other industries, in Agra (iv) two railway marshalling yards, and (v) vehicular traffic respectively. Omitting contribution from vehicular traffic as because it is considered negligible, the relative contributions from the other 4 distinct sources are 32, 32, 49, and 16.9 per cent. With the elimination of the first and the fourth sources by closing down the two thermal power stations and replacing coal fired steam engines by diesel engines in the two railway marshalling yards about 50 per cent (48.9 to be exact) cut down of sulphurdioxide emission is expected (Para 8.4).
- 2.2.7** The fuel consumption in Ferozabad town as obtained through field survey is 50,737 tonnes of combined fuel a month. The estimated emission of sulphurdioxide is 23.86 tonnes a day which is extremely high as compared to that emitted at Agra (Table 6-2).
- 2.2.8** The ambient air quality at Taj Mahal is measured for sulphurdioxide for 9 months during January September, 1981 as presented in this report. The monitoring station is maintained to record the trend. The So 2 pollutant windrose indicates that during January-March, 1981 period the So 2 pollutant was predominantly contributed from the North Western sector where all the major activities like the 2 power stations, the 2 railway marshalling yards, and the 4 industrialized zones A through D are located (Map No. 2 and Para 8.1).
- 2.2.9** The weighted mean of sulphurdioxide concentration during

January-March, 1981 is 23.03 microgram per cubic metre of ambient air near Taj Mahal. With the closure of the Thermal Power stations at Agra Fort and Itmad-ud-daula and the introduction of diesel engine in place of steam engine shunters at the Agra cantonment and Idgah Railway marshalling yards the weighted mean of sulphurdioxide concentration has come down to 5.64 microgram per cubic metre of ambient air near Taj Mahal. Thus, with fifty per cent reduction in emission the reduction in concentration of sulphurdioxide at the Taj Mahal is achieved to the extent of about seventy five per cent. (Para 8.4).

8.4 The above 4 distinct sources collectively were emitting 3.49 tonnes of sulphurdioxide each day against a total of 3.64 tonnes from all other industrial sources in Agra city including 2.28 tonnes from foundries. Thus, the per cent reduction in daily sulphurdioxide emission may be taken as  $3.49 \times 100 / (3.49 + 3.64) = 49$  (or approximately 50 per cent). The weighted mean of sulphurdioxide emission during April through September is 5.64 microgram per cubic metre of ambient air against 23.03 microgram per cubic metre of ambient air during January through March indicating a 75 per cent reduction. It, therefore, seem logical to conclude that the reduction in sulphurdioxide concentration in ambient air near Taj Mahal is not only due to the closure of two thermal power stations and dieselisation of the engines used in the two railway marshalling yards but also because of more unstable meteorological conditions during the later period and thereby aiding rapid dilution and dispersion of sulphurdioxide.

## APPENDIX VIII

(See para 6.4 of the Report)

[Main observation/recommendations contained in Techno Economic Report on shifting of Pollution Emitting Industries from Agra]

1. The corrosive effect of atmospheric pollution on the marble or Taj Mahal has led the authorities to initiate necessary preventive measures. The creation of pollution free zone around Agra and the subsequent closure of thermal power houses in the city has been the beginning in this regard. The pollution, created by about 280 smoke emitting industries in Agra have been the cause of grave concern. In this context, a scheme has been drafted to study the techno-economic aspects of shifting these units beyond the pollution free zone.
2. As an integral part of the study, a suitable site has been identified about 51 kms. from Agra on the national high-way approaching Shikohabad. An area of about 400 hectares has been located in consultation with the civil authorities at Shikohabad and the district head quarters, Mainpuri. It is also anticipated that smoke emitted from such units in the new township will not affect the area due to the fact that existing population density in the vicinity is very low.
3. In view of the specialised skills required for the foundry industries, it is anticipated that most of the direct labour will consider shifting from Agra along with the employing units. Even then the complex offers substantial employment opportunities direct as well as indirect, to persons from the local villages and town. Under the provision of a Government notification, it would be obligatory for the proposed units that while employing labour for their industry, skilled or unskilled preferences must be given to one or two able bodied persons from the families whose lands have been acquired for the purpose of the said industrial area. This is a statutory condition in the lease deed, followed by U.P, State Industrial Development Corporation under Clause No. 3 (q).
4. The total project cost estimated at Rs. 7021 crores in addition to Rs. 2.64 crores for railway sidings and Rs. 16.00 crores towards supplementary subsidies has been worked out for promoting a new township to accommodate the Agra units. A number



of incentives and facilities have been recommended in the report which are aimed at attracting the units at Agra to cooperate in the shifting programme.

5. While considering the relevant pollution control acts as listed in the report, the socio-economic aspects emerging from the proposed shifting units cannot be denied. The personnel engaged in the operation of the subject industries will be expected to shift their complete establishments to a virgin area, where every thing has to be developed into a new perspective. The example of a major steel plant or petrochemical complex may be cited where the persons make an effort to weave an environment around them for upgrading their economic standards and developing social relationships in the new society. It is, therefore, imminent that the operations will have to be organised under a missionary zeal and hence, the proposed authority may be delegated with full powers to enforce the recommendations and simultaneously protecting the human sentiments of the personnel moving into a new life seeking a better living.

## APPENDIX IX

(See para 7.2 of the Report)

(Representation regarding grievances and demands of leprosy patients)

**BHARTIYA KUSHTHA NIWARAK SANGH**

Estd : 1962

At and Post : CHAMPA-495671

District : BILASPUR (Madhya Pradesh)  
"Shree Ram Prasanna"

Ref. No. BSP/12/80

Date 11. 12. 1980

To

The Honourable Speaker and  
Members of Parliament.

Sir,

Having got this opportunity to make our submission before the nations' highest court of justice, we, in pursuance of the hoary Indian tradition, most humbly beg to submit as under :—

Bhartiya Kushta Niwarak Sangh was established in the year 1962 by a retired railway employee, who was cured of leprosy, for the purpose of treating the terrified patients of leprosy which is considered to be an incurable disease and for getting them their due place in the society. This institution started functioning on a piece of land got from the cooperation of the people and was registered on 5.4.1962 under Registration No. 138. The founder Secretary of this institution acquired some land with the cooperation of the society and in a small house constructed from public contribution started treating and looking after those leprosy patients.

Chattisgarh is a very backward region. Therefore, there prevails among the people an ignorance mixed with fear towards leprosy leading to an indifference towards those suffering from this disease. Other than leprosy this region is in the grip of poverty. Therefore, the number of leprosy patients has increased greatly. The institution has bought some land and tried to

rehabilitate those cured of leprosy by giving them this land for agriculture. Today this institution provides free of cost food, medical care and housing facility to 45 patients of leprosy.

Sir, today our problem-ridden life is faced with many problems in the way of social welfare, Similarly this institution too is facing various problems in the way of social welfare ; -

- (a) *Problem of livelihood* :—Besides the patients are also given sustenance. The money incurred on this noble work is received by the institution by two sources (1) the meagre sum of charity received from public (2) by cultivating the institution's land.

The sources lack self-sufficiency. After lot of hard labour, difficulty and expense this institution of patients of leprosy receive scanty amount of charity. Hence the amount received by way of charity is too meagre as well as uncertain.

Agriculture is again not self sufficient means of income as for this one has to depend on Nature because the institution lacks the proper means of irrigation due to shortage of money.

With a view to obtain help from agriculture as a means of livelihood for the patients, the institution invested a sum of seven thousand in the boring operation of a well but it was not fruitful. Even after spending so much it was of no avail. Had we spent the same amount under other heads for the patients it would have been quite beneficial. The institution is unable to spend so much but at the same time agriculture is also very necessary as a means of providing vacation for the functioning of the institution.

Therefore, agriculture is indispensable for the existence of this institution and for its self-sufficiency the institution has land for agriculture but does not have irrigation and other facilities. You are requested to grant unconditional help in the form of financial help for developing agriculture with the help of modern equipments and providing proper irrigation facilities so that these disdained and helpless patients of leprosy may lead life of self-sufficiency and they may also look forward to their future with enthusiasm and a sense of belonging and love.

- (b) *Problem of leprosy patients* : The patients of leprosy are properly

looked after by this institution. This institution encounters great hardships in providing food, cloth and shelter to the patients of leprosy. The institution spends about Rs. 150/-per month toward the food, clothing and medical care for each patient of leprosy. But only a sum of Rs. 60/-per head is received from the Government as a grant. This amount is too meagre and insufficient. In the present times of such exorbitant cost of living the Government should help the patients of leprosy by giving cent per cent grant for food, clothing, medicine, accommodation etc. and for their proper maintenance.

- (c) *Problem of Rehabilitation* :—Sir, even today there exists a sense of widespread scare in the society due to ignorance for leprosy. For this reason, a person cured of leprosy is faced with many problems on returning to his home town. These people of society who take leprosy as incurable disease due to ignorance do not let this person enter the society but look down upon him by keeping him out of the village. As a result of this neglect and indifference and reproach the person cured of leprosy comes back to the institution driven by the urge to live in the society. On humanitarian grounds we have to give them shelter in our Ashram.

Sir, with great difficulty we manage to provide accommodation to the patients of leprosy so it becomes unmanageable to provide equal facilities for those cured of leprosy as there is no separate grant for them. To enable us to provide means for giving new life to these condemned, neglected and disdained people cured of leprosy, you are requested to provide a life full of love, harmony and respect by giving a separate grant.

The aforesaid problem are faced by our Institution devoted to the service of the leprosy patients but *there are also following other problems faced by all such institutions* :—

1. For the patients of leprosy residing in the Institution, the Government of Maharashtra gives a grant of Rs. 75/-per head per month and Rs. 35/- per head per month by Madhya Pradesh Government. Similar meagre grants are received by the institution for the patients of leprosy. There are widespread disparities in the matter of grants. Therefore, equal amounts of grant should be given to the patients of leprosy.

2. In Maharashtra the residential patients of leprosy get 75 per cent discount on bus fare. This fare discount may kindly be extended to the whole country.

3. It is very kind of the Government that they reinstate the employee after he is cured of leprosy but in the society that person boycotted and kept at arms length because of ignorance and fear. To create an environment of respectability for the cured persons in the offices some sort of laws should be enacted so that they may be given due regard.

4. Boarding, lodging and teaching facilities should be provided by the Government to the destitute children of the leprosy patients so that their future may be saved. Shalas for them should be increased in number, which must at least be double their present number.

5. Leprosy patients are treated separately, this should be put to an end and treatment facilities should be provided to them in general hospitals and private dispensaries, so that the fear of leprosy could be wiped out from the society and the persons cured of leprosy do not feel alienated from the society.

6. Educated persons cured of leprosy should be nominated as members of Rajya Sabha and Legislative Council by the Government so that they are able to present their problems more effectively and properly before the whole country and the nominated representatives of the Country and they may draw the attention of the whole country to find a solution of this problem.

*Getting grants - The problem of country's all voluntary Organisations*

1. The Government sanctions grants to all the institutions one or two days before 31st March. The institution gets the concerned documents about grants on 31st March and then they have to take the documents to the State Exchequer to get the amount. Whatever has to be done in this regard is really pitiable. In 1976-77 the Social Welfare Department, Madhya Pradesh sanctioned Rs. 35/- grant for the official expenses of the Institution but the Institution got the concerned documents late so they were not able to reach the State Exchequer by 31st March and they could not get Grant for that year.
2. The difficulties faced by the voluntary institutions of this country in getting grants can be seen from the following :—
  - (a) True copy of the report sent to the Secretary, Central Health Department by National Leprosy Organisation Wardha on 1st Jan. 1976.

- (b) True copy of the report sent to the then Health Minister by National Leprosy Organisation, Wardha on 21st May, 1977.
- (c) True copy of the proceedings of the 23rd meeting of Leprosy Advisory Board held at Amravati (Maharashtra) on 4. 2. 1979.
- (d) True copy of the recommendations made by Rajya Leprosy Sabha at their meeting, held at Lucknow on 20th and 21st May, 1979.
- (e) True copy of the fearless and all true views of experienced and aged leprosy worker Sh. Jagdish Din which were made at the Baroda Convention in 1976 concerning the problems faced by the leprosy workers while doing direct work.

In this connection we request that we are humbly presenting our views before Lok Sabha as we have no other way left, so that Lok Sabha, through its Committee could examine and study this subject and forward their recommendations to the Government. We will always be grateful for this kind consideration.

Sd/-SH. R.K. MHALGI,  
Member of Parliament  
L.S. 547

12.12.80

Sd/-  
Secretary,  
Bhartiya Kushtha Niwarak  
Sangh, Champa and Chanesh.

Signatures of leprosy workers and leprosy patients residing in the Ashram.

1. Sh. G. N. Vaid

and

40 other Signatories.

Sd/-

## APPENDIX X

(See para 8.2 of the Report)

[Representation regarding implementation of Charter of Demands put forward by the All India Medical Students Association]

### DELHI MEDICAL STUDENTS ASSOCIATION

To

The Speaker,  
Lok Sabha,  
New Delhi.

Sir,

About 2200 medical students & interns under the banner of DMSA belonging to all the four medical colleges of Delhi are today marching in a procession wearing black bands on 7th April (the World Health Day) from Connaught Place to Boat Club to urge the Speaker of the Lok Sabha to convey to 540 elected representatives of the people of this country the determination of the medicos to get the AIMSA Charter of Demands (copy attached) implemented.

The World Health Day on 7th April has been chosen as the Black Day by the medicos to highlight the hypocrisy of health planners and inadequacy of health planning in meeting the health care requirements of the people on which hinges the solutions of the problems of the medicos. The Delhi medicos are joining hands with their colleagues all over the country under the All India Medical Students Association Banner in observing 7th April as the Black Day.

While taking up the general charter of demands put up by the national body of AIMSA, the medical students of Delhi marching to Parliament intend to specially to focus their attention on two demands raised in the charter.

- (1) (a) *Job Security* : Over the years, unemployment among the medical graduates has been sky rocketing. This mess is

essentially due to be plain fact that the Govt. has deliberately failed to regard the right to health a fundamental right of the people. The DMSA demands that the Govt. must ensure proper jobs with adequate pay, living conditions & service facilities to all the medical graduates as per point I in AIMSA charter of demands.

- (b) *Internship Stipend* : The stipend for internship should be increased to Rs. 650/- per month and be linked with price index.
- (2) *Implementation of Agreements Signed by Govt. with the Medicos* : The DMSA condemns the criminal act of the Govt. in deliberately backing out of the agreement reached by it with the representatives of the Medical Students. This dangerous trend will be fought tenaciously by the Delhi Medicos. The most tragic victims of this conspiracy of the Govt. are the students of University College of Medical Science who are presently on an indefinite strike demanding the implementation of the 6th April, 1979 agreement signed by them with the Govt. after 45 days strike effect the takeover of the college by the Ministry of Health. The students had many strikes to end the dual authority which is the main cause of their problems, one of which was a 33 days strike under the banner of DMSA in 1978. Each time the Govt. betrayed the interests of the students in providing proper and scientific medical education. The DMSA is committed to fight the Govt. tooth & nail to get the 6th April 1979 agreement implemented immediately.

The DMSA appeals to the Speaker to take the Govt. to task on the floor of the Parliament for having failed to implement the charter of demands put forward by the AIMSA.

Thanking you,

Yours sincerely,

Sd/-  
( VIMAL ATAL )  
President, DMSA,

Dated : 5th April, 1981



## ANUEXUTE TO APPENDIX X

### ALL INDIA MEDICAL STUDENTS ASSOCIATION CHARTER OF DEMANDS

1. *Job Security* : The Govt. must regard the right to health life a fundamental right of the people. The Govt. must ensure proper jobs with adequate pay, living conditions and service facilities to all the medical graduates.

To avoid the situation where an army of unemployed doctors are flocking to the market with no avenues for employment while health care of the masses is miserable—

- a) More jobs must be created by extension of the present PHC System to include 1 PHC per 10,000 population as recommended by the WHO instead of 1 PHC per 1,00,000 population as it exists now. To achieve this the Health Budget must be increased drastically from the present meagre amount.
- b) The number of medical graduates produced every year should be proportional to the number of employment avenues available and the reckless proliferation of medical colleges must be stopped.
- c) The Govt. should make provisions for interest free loans of Rs. 20,000/- to medical graduates to set up clinics in rural areas and soft loans for urban areas.

A national Medical Service should be established whereby all jobs in the country should be pooled and given on the basis of an objective national examination.

2. *Internship* : (a) The stipend for internship should be increased to Rs. 600/- per month and should be made uniform throughout the country. And it should be linked with the price index.
- (b) The present system of 9 months hospital and 3 months rural/PHC/District Hospital training should be directed towards

acquisition of practical skills in management of diseases especially those common in our set up.

### 3. MEDICAL CURRICULUM EXAMINATIONS :

(1) A uniform pattern of medical education with well defined objectives keeping in mind the needs and the socio-economic structure of the country should be followed.

(2) Teaching of pre-clinical course should be clinically oriented and its period should be reduced to one year. Unnecessary and irrelevant details should be removed. The clinical course should be taught over a period of 2 years.

(3) Pattern of assessments at any stage should be made as objective as possible.

4. P. G. ADMISSION : (a) P.G. admission should be on the basis of objective type questions with no subjective tests like interview etc.

(b) The P.G. entrance exam should be held by an All India body at national level after pooling all the seats hence giving equal opportunities to all medical graduates for higher education. But till such time that uniform pattern of medical education is adopted the existing system with reservation in states should be followed.

5. REPRESENTATION ON DECISION MAKING BODIES : The students should be given representation in decision making bodies like staff councils, academic committees and Indian Medical Council. The students representative should be called for all conferences, and Seminars on medical education and health care system.

6. FORMATION OF UNIONS/ASSOCIATIONS IN MEDICAL COLLEGES : Government should instruct the local authorities in all medical colleges to establish democratic organisations to represent the students and protect their interests. AIMSAs deplores the attitude of the authorities in certain colleges where formation of unions/Associations is not allowed.

**7. The Capitation fee based system of admission must be abolished immediately for proper quality control. All private Medical Colleges must be taken over by the Govt. gradually.**

**8. Govt. must honour the agreement reached by it with the representatives of the students. Increasing trend of going back on agreements must be stopped.**

**Sd/-  
( VISHWA DEV )  
PRESIDENT.**

## APPENDIX XI

(See para 8.3 of the Report)

[ Factual comments demand-wise of the Ministry of Health and Family Welfare (Department of Health) on the representation regarding implementation on Charter of Demands put forward by the All India Medical Students Association. ]

### *Charter of Demands*

**JOB SECURITY :** The Govt. must regard the right to health a fundamental right of the people. The Government must ensure proper jobs with adequate pay, living conditions and service facilities to all the medical graduates.

### *Comments*

As health is linked with other socio-economic aspects of human living and medical-treatment is only of the factors affecting the health of individual, it will not be a viable proposition to regard health as a Fundamental Right.

To avoid the situation where any army of unemployed doctors are flocking to the market with no avenues for employment while health care of the masses is miserable

As regards jobs etc. for medical graduates, this again is linked with the over-all unemployment situation in the country, the ability of the people to pay for the services of Doctors and the financial constraints which the State Governments have to face in creating more jobs to provide employment to all the medical graduates. As long as there is no national health.

(a) More jobs must be created by extension of the present PHC system to include IPHC per 10,000 population as recommended by the WHO instead of 1 PHC per 1,00,000 population as it exist now.

(a) This is being done as and when the number of Primary Health Centres are increased to suit the changing pattern for the establishment of Primary Health Centres. The Govt. has already agreed to

## Charter of Demands

To achieve this the health Budget must be increased drastically from the present meagre amount.

(b) The numbers of medical graduates produced every year should be proportional to the number of employment avenues available and rackless proliferation of medical colleges must be stopped.

(c) The Government should make provisions for interest free loans of Rs. 20,000/- to medical graduates to set up clinics in rural areas and soft loans for urban areas.

A national Medical Services should be established whereby all jobs in the country should be pooled and given on the basis of an objective national examination.

## 2. INTERNSHIP :

(a) The stipend for internship should be increased to Rs. 600/- per month and should be made

## Comments

establish one P.H.C. per 30,000 population in the plain areas and one centre for 20,000 population in tribal and hilly areas, with the view to achieve Health For All By 2000 A.D. Simultaneously, health budget will be increased.

Service, the Government may not be in a position to create jobs to employ all the medical graduates.

(b) This question of relating the production of medical graduates to the employment avenues available is under consideration of the Medical Education Review Committee.

(c) Some nationalised banks already grant interest free loans to medical graduates to set up clinics in rural areas and urban areas. However, the Government may not be in a position to directly involve itself in granting such loans to medical graduates since there will be a similar facility. The Govt. may not be able to meet the financial burden involved in this regard.

(a) The question of increase of stipends is to the interns is under consideration of the Government sepa-rately.

uniform throughout the country. And it should be linked with the price index.

(b) The present system of 9 months hospital and 3 months rural/PHO/District Hospital training should be directly towards acquisition of practical skills in management of diseases especially those common in our set-up.

**3. MEDICAL CURRICULUM EXAMINATIONS :**

(i) A uniform pattern of medical education with well defined objectives keeping in mind the needs and the socio-economic structure of the country should be followed.

(ii) Teaching of preclinic course should be clinically oriented and its period should be reduced to one year. Unnecessary and irrelevant details should be removed. The clinical course should be taught over a period of 2 years.

(iii) Pattern of assessments at any stage, should be made as objective as possible.

**4. P.G. ADMISSION :**

(a) P.G. admission should be on the basis of objec-

(b) The question regarding imparting practical skills during the internship period is under consideration of the Medical Education Review Committee.

3. (i) to (iii) These issues under consideration of the Medical Education Review Committee.

4. (a) & (b) These issues are under consideration of the Medical Education Review Committee.

### **Character of Demands :**

tive type questions with no subjective tests like interview etc.

- (b) The P.G. entrance exam. should be held by an All India body at national level after pooling all the seats hence giving equal opportunities to all medical graduates for high education. But till such time that uniform pattern of medical education is adopted the existing system with reservation in States should be followed.

### **5. REPRESENTATION ON DECISION MAKING BODIES :**

The students should be given representation in decision making bodies like staff Councils academic committees and Indian Medical Council. The students representative should be called for all conferences, and seminars on medical education and health care system.

### **6. FORMATION OF UNIONS/ASSOCIATIONS IN MEDICAL COLLEGES :**

Government should instruct the local authorities in all medical colleges to establish democratic organizations to represent the students and protect their interests.

### **Conclusion :**

Since the students are governed by the University Regulations, they should take up the matter regarding students representation in staff councils etc. before the University concerned.

This also is matter which only the University can deal with. The Government does not come in the picture.

### *Charter of Demand*

AIMSA deplores the attitude of the authorities in certain colleges where formation of unions/Association is not allowed.

7. The Capitation fee based system of admission must be abolished immediately for proper quality control. All private Medical Colleges must be taken over by the Government gradually.

8. Government must honour the agreement reached by it with the representatives of students, Increasing trend of going back on agreement must be stopped.

### *Comments*

The Minister of Education has recently announced in Parliament that legal measures banning the system of acceptance of capitation fee by certain medical colleges are already under consideration of the Govt.

As regards the take over of private medical colleges unless the Medical Council of India intervenes and make such a request to the Government in respect of a particular private medical college/colleges, the Government cannot intervene in such matter.

It is always the policy of the Government to honour the agreements entered into with any bodies of students etc. Specific instances may be quoted whether any agreement has not been implemented unilaterally by the Government.



## APPENDIX XII

(See para 9.3 of the Report)

[Factual comments of the Department of Agriculture & Cooperation on Petition No. 6 regarding ban on export of frogs, flesh.]

Most of the export takes place from Cochin, Bombay, Madras and Calcutta. The quantity exported in 1979-80 was of the order of 2900 M.T. valued at about Rs. 680 lakhs. The only fleshy part of a frog being exported is the legs. One Kg. of froglegs will contain legs of about 12-15 fully grown frogs. At this rate about 435 lakhs of frogs were killed for export of froglegs.

2. The Ministry of Agriculture invited comments on this petition from a number of institutions. The comments are summarised below :—

### *Zoological Survey of India*

Approximately there are 135 species of frogs recorded from different parts of India. However, the export varieties are RANA TIGRINA and RANA HEXADECTYLA.

3. Whether the increase of paddy stem borers/mosquitoes has any direct bearing on killing of frogs or not is still to be worked out. A research finding in 1975 indicated that due to removal of frogs from the fields there was an increase in the number of land crab in the agricultural areas which caused damage to the wet land crops. Dr. Biswas, Dy. Director, Zoological Survey of India had advised that indiscriminate destruction of frogs has resulted in spurt not only in the number of agricultural but also human and cattle diseases. He was of the opinion that frogs by registered frog farms only should be allowed for export and the export of frogs taken from the wild should be totally banned.

### *Konkan Krishi Vidyapeeth, Ratnagiri*

4. A study was conducted during Kharif season 1978 and 1979 to determine the role of frogs in controlling rice pests. Frogs collected from

rice fields were dissected and the stomach contents examined. The stomach contents procured from the frogleg processing centre were also analysed. The analysis revealed the presence of land crabs, army worms, white grub adults, rice spitter, rice earhead bug, swarming caterpillars, stem borer moths, leaf hoppers, rice grasshoppers and blister beetles. All these are serious rice pests. The effect of frogs on the intensity of pests on 3 Rice-plots, each of 10 gunthas was studied. 2 of the plots were independently encircled with nylon netting. In one of the netted plots, frogs were periodically introduced while from the other, they were mechanically removed. The third plot served as a natural check. Results indicated that the plot which was netted and made frog-free was more badly damaged by land crabs, army worms and rice stem borer than the one in which frogs were introduced.

5. The study indicated that the existence of frogs in rice fields is necessary for minimizing pest infestation. The study stated that the conservation of the natural enemy reservoir is of immense importance in the concept of integrated pest management.

#### *Technical Divisions of Ministry of Agriculture*

6. *Fisheries Division* :—The Division felt that there was no case for banning the export of frogs which earns Rs. 8.9 crores annually of foreign exchange and provides employment to thousands of tribals. Frog is not eaten in India and its export is without any competing demand from within the country.

7. *Crops Division* : This Division stated that "Frogs have a very little role to play in keeping the population of various pests under control" but it was felt in that Division that more research work on the subject is needed. Nevertheless the Division felt that it was desirable to ban the export of froglegs from India, since the removal of such natural insect predator is bound to give rise to insect population to a certain degree.

8. *Forestry Division* :—This Division has reiterated that there should be regulation in the export of frogs from the wild. Export of frogs flesh from the frogs of wild origin should be allowed only on the basis of a legal procurement certificate. The Government should notify the intention of banning the export of frogs from wild origin after a period of 2 years. This Division advised that India should develop frog farming within a period of 2 years, and all the export of frogs should be made from these farms only.

2. *I.C.A.R.* :—The view of ICAR have already been communicated to

the Lok Sabha Secretariat. However, they are summarized again. The findings of the ICAR are that frogs feed on a number of pests which damage paddy crop. The degree to which frogs play a role in checking the incidence of rice stem borer and brown plant hopper is not yet quantified. Nevertheless, it has to be admitted that frogs do play a role in checking the incidence of brown plant hopper. Froglegs should not be exported indiscriminately from the country and only export of frogs flesh by registered frog farmers should be promoted. Any export of frog flesh by registered frog farmers should be promoted. Any export of frog-flesh taken from the wild may be totally banned.

### *Ministry of Commerce*

10. "There does not appear to be any correlation between the collection of frogs and increase in the incidence of paddy stem borer because of the following reasons :

- (a) The frog industry has been set in 1957 while the first epidemic of paddy stem borer broke out in 1967.
- (b) The frogs are being collected for export from six districts of Maharashtra State. 3 on the Western Coast and 3 districts on the extreme east, while stemborer problem is localised only to a certain area extending to about 20 lakhs acres of paddy in the six paddy growing districts.
- (c) The intensity of damage due to stemborer is very fluctuating as in certain areas it is found that the damage is very severe, while in other the damage is negligible. The incidence of paddy stemborer fluctuates from year to year.
- (d) It is found that the damage due to paddy stemborer is only concentrated in the late local varieties and is prodominantly observed in areas where there is double cropping of paddy.

11. In view of the above facts, there is every reason to believe that the frogs have very little role to play in keeping the paddy stemborer under control.

12. Irrespective of the fact whether frogs play any role in keeping the paddy stemborer pest under control, following measures are already in force for conservation of frog population in India :

- (i) There is a total ban on catching of frogs during the breeding season viz. 15th June to 15th August each year,

- (ii) There is a total ban on export of small frogs (over 80 numbers per Kg.)
- (iii) Only 2 species out of over 100 agencies available in nature are permitted to be caught viz. *Rana Tigrina* and *Rana Hexadactyla*.

13. It will, thus, be seen that firstly, there is very little role for frogs to play in keeping the paddy stemborer pest under control and secondly, the measures already in force are adequate for conservation of frog population in India.

14. Director of Agriculture, Kerala, informs that complaints from farmers have been received regarding the incidence of insect-pests from the removal of frogs. The Government of Maharashtra have requested the Central Government to ban the export of frogs from Maharashtra. Director of Agriculture, U.P. inform that no complaints from farmers have been received.

15. In modification of the earlier stand communicated *vide* this Department letter No. 46015/31/78-EP dated 9.8.1979, the Ministry of Agriculture has now recommended that during 1982-83 export of frog legs should be curtailed quantity-wise by 25% of the exports made in 1981-82. Their recommendation have been made to the Commerce Ministry which is the nodal Ministry for finalising the Export Policy.

## APPENDIX XIII

(See para 10.2 of the Report)

[Representation *re.* abolition of leasehold system, use of residential premises for commercial purposes and sanction of extra-coverages for houses in rehabilitation colonies of Delhi.]

FEDERATION OF DISPLACED PERSONS COLONIES, DELHI (RFGD)  
R-724, New Rajendar Nagar, New Delhi-110060

Dated 27 November, 1981.

To

Shri R.L. Bhatia,  
Chairman, Parliamentary Committee on Grievances  
25, Canning Lane, New Delhi-110001.

SUBJECT : *Problems of Rehabilitation Colonies of Delhi.*

Sir.,

I enclose herewith background papers (Annexures I to III) on three important and urgent problems of the Rehabilitation colonies of Delhi for favour of your kind perusal.

The facts in brief are as under :—

(i) In the wake of Partition of India in August, 1947, millions of People from the erstwhile provinces of Sind, Punjab and N.W.F.P., crossed over to India, and large numbers out of them came to Delhi. They were the political sufferers of the worst kind, having lost their movable and immovable properties and even some of their kith and kin, who were their bread winners. The then Prime Minister of India—Pandit Jawahar Lal Nehru—seeing such mass of people in a pitiable condition, planned speedy resettlement of the Displaced Persons. Free-hold land was acquired under a “Special Resettlement of displaced Persons (Land Acquisition) Act, 1948”, and large number of houses in 33 colonies of Delhi were built, and a few thousand plots carved out, and all allotted to the Displaced Persons on No profit No loss basis.

(ii) At the time of allotment, the then Minister of Rehabilitation—Late Shri Mehar Chand Khanna—gave them categorical understanding that, “They would become *Owners* of their plots and houses as soon as they paid the costs of superstructure and acquisition and development charges of land.” This assurance was reiterated by the successive Ministers on the floor of the Lok Sabha thrice—twice in 1956 and once in 1968. The costs of superstructure and Land have since long been paid by the allottees.

(iii) There is a statutory provision in the Displaced Persons (Compensation & Rehabilitation) rules, 1955, that “with the transfer of superstructure of the Government Built property to the purchaser, if the land on which the superstructure stands is a Free-hold land, it shall also be transferred to the purchaser as Free-hold.

(iv) In spite of the above commitments of the Govt. of India, and other facts as enumerated in the back-ground papers, the allottees have been made Lease-holders, and not Free-hold owners. The Lease-deeds are administered by the Ministry of Works and Housing. There are twelve covenants in the Lease-deed. With the exception of the first covenant, which deals with recovery of ground rent, all other eleven covenants are contained in the Delhi Municipal Corporation Act, 1957. The Corporation has reasonable set of rules, according to which they operate these covenants and the house owner who makes a breach of any covenants is penalized rationally or a some fixed amount is recovered from him and the breach is regularized, once for all.

(v) In case of the Ministry of Works and Housing, every word of the covenants is mis-interpreted, and irrational penalties—which often run in 5 figures—are imposed on the lessee for the alleged breach of the covenant. Even if the penalty is paid, the breach is regularized temporarily, and he has to pay the penalty every year, till such time as a breach committed is removed. Since the penalty is related to the cost of land in that year and the Govt. borrowing rate of interest in that year, the penalty goes on increasing every year. In the year 1955, the Govt. had fixed the rate of land as Rs. 100/- per sq.yd. and the borrowing rate of interest as  $5\frac{1}{2}\%$ , in most of the colonies. The present cost of residential land is Rs. 1600/- and that of commercial as Rs. 4800/-, and the borrowing rate of interest as  $12\frac{1}{2}\%$ . The penalty in the case of residential land would be about  $7\frac{1}{2}$  times and in the case of commercial use as about 100 times that of 1955.

(vi) Since most of the lessees are unable to pay such irrationally huge penalties, their houses are confiscated to Government and legal proceeding

are instituted for their eviction. There are hundreds of such cases. The remaining thousands of lessees are under constant threat of penalty and eviction. This type of administration has made the life of house owners very miserable, and they curse the day when they purchased the house from the Government as at that time a large number of private building enterprisers sold free hold plots and houses at very cheap rates of Rs. 8/- to Rs. 10/- per sq.yd.

(vii) This Federation has brought these as well as other facts as enumerated in the back-ground papers to the notice of the Honble Minister for Works and Housing and his officers innumerable times, since many many years, but instead of redressing our grievances, they keep on shuffling the files, appointing committees and informing us that "the matters are under consideration."

(viii) The mass of Displaced Persons allottees can no more tolerate this indifferent sort of administration, and are not in a position to defend themselves against the highhanded and arbitrary decisions of the Ministry of Works and Housing by resorting to costly and litigation. There are a large number of widows and tardy process of illiterate persons among them. The public have grown restive and want immediate redressal of their grievances.

(ix) We therefore earnestly request that our grievances should be forthwith redressed by

- (1) Abolition of lease hold system and grant for free-hold rights to all the allottees of plots and houses in the Rehabilitation colonies of Delhi.
- (2) Condoning the use of part of residential premises for petty trade and business and cancellation of all the Re-entry orders and dropping eviction proceedings as the case of Rehabilitation colonies is quite distinct from other areas of Delhi as Displaced Persons were allotted properties as a measure of Rehabilitation ; and
- (3) Sanctioning extra coverages for 2½ storey houses.

Thanking you,

Yours faithfully,

Sd/-27.11.1981  
N.D. Tek Chandani,  
President.

## ANNEXURE I TO APPEDIX XIII

FEDERATION OF DISPLACED PERSONS COLONIES DELHI (REGD.)  
R-724, New Rajinder Nagar, New Delhi-110060

SUBJECT:-Abolition of Lease-hold system and grant of ~~FREE-HOLD~~  
OWNERSHIP RIGHTS to the allottees of Rehabilitation  
Colonies of Delhi.

### BACK-GROUND PAPER

1. In the wake of Partition of India in August, 1947 Millions of residents of the erstwhile Provinces of Sind, N.W.F.P. and Punjab migrated to Delhi. The Govt. of India in their benevolent mood, took immediate steps for speedy Re-settlement of the Displaced Persons, and under a special Act, called "Resettlement of Displaced Persons (Land Acquisition) Act 1948", acquired land. There was no time lag between the publication of the acquisition notice and taking over possession of land. Generous Compensation was paid to the owners of land. All THE LAND ACQUIRED WAS FREE-HOLD LAND, and no commitment was made to the owners, that the land would be allotted on lease-hold basis.

2. The acquired land was developed into plots, and the Ministry of Rehabilitation constructed about sixty thousand houses, and allotted them to the Displaced Persons on NO PROFIT NO LOSS basis, in the 33 colonies of Delhi. This was done because the purchasers were political Sufferers of the worst kind and the Govt. had no mind to pay them the Compensation for the vast properties left by them in West Pakistan.

3. At the time of allotment of the houses and plots, a clear understanding was given to the allottees by the Hon. Minister of Rehabilitation (India) Shri Mehar Chand Khanna that they would become full Owners of their respective houses and plots on payment of the actual costs.

4. The above understanding was reiterated by three Ministers on the floor of the Lok Sabha, vide Parliament Question No. 1504-6 dated 28.8.1956, No. 2046 dated 12.9.1956 and 10165 dated 9-5-1968, in the following words :-



**"THE UNDERSTANDING HAS ALL ALONG BEEN THAT THE ALLOTTEES COULD BECOME THE OWNERS OF THEIR RESPECTIVE HOUSES ON PAYMENT OF THE ACTUAL COST OF CONSTRUCTION AND THE ACTUAL COST OF ACQUISITION AND DEVELOPMENT OF LAND."**

All the allottees have since paid the full costs, but the proprietary rights have not yet been conferred on them.

5. It was in consonance with the above understanding, that the Govt. of India passed "Displaced Persons (Compensation and Rehabilitation) Act 1954, and made Rules there-under in 1955. Section 40 (3) of these Rules lays down, that "AS SOON AS THE FULL PRICE HAS BEEN MADE, THE OWNERSHIP OF THE SUPERSTRUCTURE SHALL BE TRANSFERRED TO THE PURCHASER. IF THE SITE ON WHICH THE SUPERSTRUCTURE STAND, CONSISTS OF FREE-HOLD LAND, THE SITE SHALL ALSO BE TRANSFERRED TO THE PURCHASER."

As mentioned in para 1 *supra*, all the land acquired by Government and developed into houses, was FREE-HOLD Land, and should have been transferred to the allottees as Free-hold, according to the mandatory provisions of the law.

6. Against, it was in consonance with the same understanding that the allottees of land in Kirti Nagar and Punjabi Bagh (*Rehabilitation Colonies of Delhi were given plots on an outright sale basis i.e Free-Hold*), though the land was acquired by Government under the same land Acquisition Act of 1948 and the adjustment of claims were permitted under D.P.(C.&R.) Act 1954 and the Rules made there-under in 1955, as in the case of other Rehabilitation Colonies.

*This discrimination is in contravention of article 14 of the constitution of India.*

7. Yet again, in consonance with the same understanding 2000 plots were transferred to the allottees on a outright sale basis, as stated at page 21 of Booklet entitled "Displaced Persons in Delhi", issued by the Ministry of Rehabilitation No. 8-7-61 P. II Januray, 1962.

This is another instance of discrimination.

8. In reply to the representation of this Federation to the Petition Committee of Lok Sabha in 1973, the Committee replied that "It is the

policy of the Government of India to allot land only on a Lease-hold basis in Delhi.”

The above argument is falacious, as it is only within the area of New Delhi Municipal Committee, the land is given on a Lease-hold basis, according to the decision taken by the British Government earlier in this Century, when the Capital Project was taken in hand, but so far as the rest of Delhi is concerned there was no such bar.

9. The above argument is further belied by fact that in the Rules under Resettlement of Displaced Persons (Land Acquisition) Act 1948, published under Notification No.F-9 (18)-48 & R.R. dated 23.2.1952, which were applicable to the then Delhi State (Now Union Territory of Delhi) *Schedule II provides for sale of land to Displaced Persons. If the land was only to be allotted on Lease-hold basis, the inclusion of "Sale of land" in the Schedule was not necessary.*

10. The former Union Minister for Works and Housing announced at several forums including the floor of the Lok-Sabha that the Lease-hold system was introduced to *have check over the rise in the price of land, but since this has not happened the Lease-hold system must be abolished. As is well known, the price of land had risen from Rs. 6/-per Sq. Yard in 1950 to over Rs. 1,000/-per Sq. Yd. in 1980.*

11. The D'Souza Committee which was set up by the Ministry of Works and Housing, in 1978 to suggest ways and means to convert Lease-hold system to Free-hold, recommended the continuance of the Lease-hold system on the plea that *Govt. was getting sizable income from the ground rent and 50% un-earned income from the sale of land.*

So far as Rehabilitation Colonies are concerned, the above plea is incorrect, as according to the figures of Income and Expenditure given by them in the same report, the average income from the above two sources during the proceeding five years was only Rs. 6,00,000/- (Rs. Six Lakhs) whereas the expenditure on Administration of Leases was Rs. 24,00,000/- (Rs. Twenty four lakhs). Thus *the Govt. loses a sizable amount every year by continuing the Lease-hold system in these colonies.*

Now, that all the Leases, have been converted to nominal ground rent of Rs. One per 100 Sq. Yds. per annum, the ground rent per annum would hardly amount to Rs. 2,00,000/- (Rs. Two Lakhs) and income from the unearned increment in the cost of land will be very little because the Govern-

ment gets this share only on second or subsequent sale of land and not on the first sale.

12. According to Rule 2 (d) of the D.P. (C&R) Rules, 1955 "*The Govt. Built Property forms part of Compensation Pool, which has been built in connection with Rehabilitation of Displaced Persons.*" As such all revenue and expenditure from Rehabilitation Colonies is credited or debited to the Compensation pool, which at present stands at Rs. Fifty Crores. *Thus the conversion of Lease-hold system to Free-hold in Rehabilitation Colonies will not cause any financial liability on the Government of India.*

13. Due to provision of Re-Entry clause in the Lease-hold agreements, un-told harassment is caused to the allottees by un-scrupulous elements in the machinery of Lease-hold administration. *On the false plea of breach of terms of Lease-Deeds. Leases of hundreds of allottees have been cancelled. their houses forfeited to Government and EVICTION PROCEEDINGS started against them.* The allottees curse, the day when they purchased the houses from Government as at that time, several private Housing Colonies Sold **FREE-HOLD PLOTS AND HOUSES**, at much cheaper rates.

14. The Hon'ble Minister of Works, Housing and Rehabilitation have been making public statements from time to time, that the question of Abolition of Lease-hold system, and grant of Free-hold Rights, is in the advanced stage of consideration and that the Union Cabinet is likely to take decision very soon, All these statements have however proved to be pious hopes, and have added to the frustration of the General Public.

15. In view of the facts given above, it is high time, that the Lease-hold system in Rehabilitation Colonies is abolished with immediate effect in the interests of public Welfare.

Sd/-  
(M.L. SAHDEV)  
Secretary General

Sd/-  
(N.D. TEKCHANDANI)  
President

## ANNEXURE II TO APPENDIX XIII

### FEDERATION OF DISPLACED PERSONS COLONIES DELHI (REGD.)

R-724, New Rajender Nagar

New Delhi-110060

**SUBJECT :** Use of part of the Residential premises for trade and business in Rehabilitation colonies of Delhi.

#### (BACK GROUND PAPER)

1. Due to non-provision of marketing facilities within a reasonable distance from the residential premises, several allottees of houses in Rehabilitation Colonies used a part of their premises for trade and business *just to make their both ends meet*. during years 1948-50, when they were allotted built in houses by Govt. as a Rehabilitation measure.

2. The fact of their using a part of their premises for purposes other than residential, was done openly and was within the knowledge of Government and no objection was raised to such a use by the official administration for twenty years, i.e. upto 1969. By this time, there were thousands of such cases, where part of premises was used for trade and business.

3. The shops in the residential premises are not only required for the purposed of employment, but they are also necessary for catering to the needs of the residents. As such the use is BONAFIDE and not MISUSE, as classified by Government.

4. Most of the single storey houses built by Govt. have since been converted to 2½ storeys by the house owners, and as such the population of Rehabilitation colonies, has increased from about 3 lakhs in 1950 to about 25 lakhs in 1980. The needs of thousands of shops for such increased population, has been made up by the house owners by using a part of residential premises for trade and business, since the Govt. have not constructed sufficient markets.

5. There are three authorities dealing with this subject :

i) D.D.A. : The section 14 and 29 (2) of D.D.A. Act provides, that

if any person who uses land or building in contravention of the Master Plan or Zonal Plans, shall be punishable with fine which may extend to Rs. 5,000/- and in continuing offence Rs. 250/- per day. On the basis of this provision, the house owners are prosecuted in court of law, which levies huge penalties on them periodically.

ii) *Municipal Corporation* : Section 347 of the Municipal Corporation Act 1957 provides a fine of Rs. 500/- initially and Rs. 25/- per day if continued, for change in the use of any land or building without the permission of the Commissioner.

The Corporation has however become realistic, and charges one month's rent and grants valid License.

iii) *Land & Development Office* : This office levies irrational penalties (often running into five figures) for use of a part of house for trade and business. In case of failure to pay the penalty, the lease is cancelled, house forfeited to Government and eviction proceedings started.

6. The levy of fines to the tune of thousands of rupees and confiscation of houses to Govt. for non-payment of such fines and eviction proceedings for such a BONAFIDE USE, is most unjustified in a WELFARE DEMOCRATIC STATE OF INDIA. The allottees are in great distress due to this harassment, which must be stopped forthwith. The mass of displaced persons, which consist of large number of widows and illiterate persons are not in a position to defend themselves by resorting to costly and tardy process of litigation.

7. The criterion to determine the classification of premises as commercial or residential is to find out the dominant use to which the premises are put to. The Building Bye-laws of the Municipal Corporation of Delhi Act 1958, define the building "Commercial", as the building where whole or substantial part not less than two thirds of the entire floor is used for intended to be used, for business purposes. The Corporation has therefore taken no penal action against such a use, but have on the contrary granted valid licenses to them.

8. The question of use of part premises for purposes other than residential was referred by the Ministry of Works and Housing to the Delhi Land Management Investigation Committee (Commonly known as Chanda Committee) which was set up by the Government in 1971 for this and some other allied matter. Their observations on this matter are reproduced below :

"Due to shortage of accommodation in Commercial areas to meet the

requirements of the community, and non-provision of shopping facilities within a reasonable distance from the residential areas in the Rehabilitation colonies, the Displaced persons were Compelled to open small shops in their residential premises, or sub-lot a portion of their premises for business purposes, with the SOLE OBJECT OF MAKING ENDS MEET."

"The shops in the residential premises are not only required for the purpose of employment, but they are also necessary for catering to the needs of the residents".

"Most of the single storey houses built by Govt. have since been converted to 2½ storeys by the house owners, and as such the population of Rehabilitation colonies is now about 20 lakhs as against original population of 3 lakhs."

"The part use of premises for trade and business can stop only if alternative accommodation is allowed by Government/D.D.A. at reasonable pre-determined rates by draw of lots, and NOT SOLD AT FANTASTIC PRICES".

9. The population of Delhi has increased by 6% per annum as against the average of 2.4% in whole of India. Shopping facilities are therefore needed on a large scale for this expanding population.

Since the Government of India, the D.D.A. and the Municipal Corporation are not in a position to provide the required shopping facilities, the Master Plan should be changed to grant a general permission to the house-owner, without payment of any charges, for use of a part of their residential premises on the *ground floor* for trade and business. The upper floor of residential premises to be used solely as residences.

10. It is hoped that Govt. would be realistic and make necessary amendment in the present Master Plan without any delay.

Sd/-  
(N.D. Tekchandani)  
President

## **ANNEXURE III TO APPENDIX XIII**

### **FEDERATION OF DISPLACED PERSONS COLONIES DELHI (REGD)**

**R-724, New Rajinder Nagar,  
New Delhi-110060**

**SUBJECT : Amendments to the Building Bye-Laws of the Municipal Corporation of Delhi.**

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#### **PROBLEM**

To resettle the millions of Displaced persons who crossed over to Delhi from the erstwhile provinces of Sind, Punjab and N.W.F.P. in August 1947 the Govt. of India constructed over 50,000 houses and carved out about 5,000 plots and sold to them at No Profit and Loss basis.

ii) The plot sizes of these 55,000 houses are as under :—

7000—plots of 100 or below 100 Sq. yds.

45,000—plots of 200 Sq. yds.

3000—plots of 800 to 1000 Sq. yds.

iii) All the houses were constructed by Govt. as single storey houses and the population at that time was about 30 Lakhs. Most of the houses have since been converted to 2½ Storeys as permissible by building Bye laws and the population at present is over 20 lakhs.

iv) Due to seven fold increase in the population of Rehabilitation colonies and better standard of living, the house owners need more coverage on the ground and first floor (as the plot area is very small) and at least four storeys as against 2½ storeys permissible at present, to meet their requirements. Looking to the present day needs and financial constraints for construction of new houses, it seems absolutely necessary to make intensive use of developed plots and houses. The expansion has therefore to be verticle. Even the Govt. and the D.D.A. are building at least four storeys and there is no reason why the private builders

should not be allowed to construct at least four storeys, if not more.

### FIRST PROPOSALS

At the request of this Federation the Commissioner, Municipal Corporation of Delhi recommended the following major amendments to the Building Bye-laws to the Delhi Development Authority *vide* his D.O. letter No. 609/RB/AE (B) G, dated 24.2.1976 for approval :—

- i) The permissible coverage from 75% to 85% in case of plots upto 100 sq.yds. and from 66 $\frac{2}{3}$ % to 75% in case of plots 101 to 200 sq. yds.
- ii) The covered area on Barsati floor to be 500 sq. ft. irrespective of the plot area.

The Delhi Development authority approved the above amendments in March, 1977 and sought the approval of the Ministry of Works and Housing, as they infringed on the Master Plan.

The Ministry of Works and Housing have not yet accorded their administrative approval to the proposals.

### NEW PROPOSALS

The Delhi Building Bye-laws panel consisting of representatives of Delhi Municipal Corporation, D.D.A., N.D.M.C., Institute of Engineers, I.S.I. Town and Country Planning Organisation, Indian Institute of Architects and Delhi Fire Services have formulated Unified Building Bye-laws for the Union Territory of Delhi in 1977.

The Municipal Corporation of Delhi has approved these unified Building Bye-Laws under their resolution No. 103 dated 17.4.1978 subject to the following major modifications :—

<i>Proposed</i>	<i>Present</i>
<b>Storeys</b> Not more than 3 storeys and a Barsati floor on top.	Not more than 2 storeys and a Barsati floor on the top.
<b>Coverages</b> i) Upto 100 sq. yds. 80%	75%
ii) 101 to 300 sq. yds. 70%	66-2/3% and 60%
iii) 301 to 600 sq. yds. 60%	50%
iv) 601 to 1200 " " 50%	40%
v) above 1200 " " 40%	33-1/3%



Barsati floor 50% of the maximum permissible covered area on the ground floor in plots upto 500 sq. yds. and 25% for plots above 500 sq. yds.

25% of the permissible covered area on the ground floor or 500 sq. ft. whatever is minimum

### **CONCLUSION**

The Unified Building Bye-laws, along with the modifications proposed by the Municipal Corporation of Delhi will go a long way to meet the acute shortage of housing accommodation in Rehabilitation colonies of Delhi and should be notified in the Govt. Gazette without delay.

Sd/-  
(M.L. Sahdev)  
General Secretary

Sd/-  
(N.D. Tekchandani)  
President

## APPENDIX XIV

(See para 10.4 of the Report)

[Factual note of the Ministry of works and Housing giving their comments on other points made in the representation regarding abolition of leasehold system, use of residential premises for commercial purposes and sanction of extra-coverages for houses in rehabilitation colonies of Delhi.]

*Notes referred to in O M. No. J-20011/3/80-LD,  
dated 21.1.1982*

### I. Facts relating to the representation date 27.11.1981 of the Federation of Displaced Persons Colonies Delhi.

#### *Para (i) :*

The Government built properties including plots developed by the Ministry of Supply and Rehabilitation were disposed of as leasehold properties in accordance with the provision of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the ruled framed thereunder. Most of the leases are governed by Appendix XI which provide for a down payment of the entire cost of land and a ground rent of Re. 1/- per annum per 100 sq. yd. Such lessees are not required to pay un-earned increase on the first transfer. As these terms are liberal, option has been given to lessees governed by other forms of lease to come over to these terms, after making some payments.

#### *Para (ii) :*

On receipt of a complaint from the Federation, the matter was considered by the Committee on Government Assurances [Pages 11-13 of their 8th Report (Fourth Lok Sabha)]. The Committee came to the conclusion that no assurance/commitment as contained in the answers to the questions had been violated by the Govt.

#### *Para (iii) :*

Rule 40 (3) of the Displaced Persons (Compensation and Rehabilitation, Rules, 1955 referred to reads as under :

“Where the present value of the remaining instalments of the purchase price including interest, exceeds the amount of the net compensation

payable to the purchaser, the number of instalments and the amount of such instalments may, by agreement with the purchaser, be revised. As soon as the full price (including interest, if any) has been paid the ownership of the superstructure shall be transferred to the purchaser. If the site on which the superstructure stands of freehold land, the site shall also be transferred to the purchaser."

It is clear that the rule does not provide specifically that the site shall be transferred to the purchaser on freehold basis. The Government policy in Delhi since 1950, as approved subsequently by the Cabinet and followed by the Ministry of Works and Housing has been not to sell any plot on outright ownership basis but only on long-term lease basis. The idea behind this policy is to keep strict control over the development of the city and also to ensure that the ownership of the land in the capital continues to vest in Government. Notwithstanding the fact that the Govt. had acquired some land from private parties, it was considered necessary, with a view to following a uniform policy in the matter of allotment of land/Government built Properties to the displaced Persons settled in different types of land, including the nazul land containing perpetual lease title, to grant leasehold right instead of freehold rights, of course the factor that the land was being allotted to the displaced persons who had been uprooted as a result of partition was kept in view while making provisions in the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the leases executed with the displaced persons were more liberal as compared to those executed with the non-displaced persons. In this connection it may be mentioned that the displaced persons in New Rajinder Nagar challenged the action of the Government to charge the balance cost of land at the time of the conversion from Appendix XII/XIII the Appendix XI in the high Court of Delhi on the basis of Rule 40 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 but their suit was dismissed with costs and the action of the Government was held legal.

**Para (iv) :**

As mentioned above, no commitment was made by the Government of India that plots would be allotted to displaced persons on freehold basis. It is not correct that all the clauses of the lease deeds, except the first one, concern the Delhi Municipal Corporation Act, 1957.

*Para (v) :*

Misuse charges are levied according to the following formula :

Size of the plot.	<i>Misused area</i> Permissible covered area.	Present commercial rate of land for the purpose for which the property is misused.	The land M rate on the i date of last u transaction 2½% u for the pur- s pose for which land was leased.
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It is true that this is related to the prevailing bank rate and also prevailing land rate. According to the terms of the lease, use of the premises for the purpose other than the authorised one is not permissible and it is also against the land use, and the levy of misuse charges is intended to discourage such undesirable tendencies.

*Para (vi) :*

The allegations are vague and sweeping. As already indicated there is at present a ban on issue of notices for breaches, eviction, etc. in respect of rehabilitation colonies.

*Para (vii) :*

It is correct that the Federation brought their demands to the notice of the Minister for Works and Housing. They were informed that as all the points raised by them relate to policy matter, a decision on the matter would take some time.

*Para (viii) :*

No comments.

*Para (ix) :*

The position has been given in the covering O.M.

## II. FACTS RELATING TO REPRESENTATION DATED 24.11.80 OF THE FEDERATION OF DISPLACED PERSONS COLONIES DELHI

*Paras 1 to 5*

Already dealt with in reply to paras (i) to (iii) of their representation dated 27.11.1981.

**Para 6 :**

It is understood from the Department of Rehabilitation that the properties in Punjabi Bagh do not form part of the Compensation Pool. Hence no comments are called for except that the colony has been set up by a private coloniser. Regarding Kirti Nagar, the allotment was made by a joint Stock Company, viz. Rehabilitation Housing Corporation Ltd. set up for the resettlement of displaced persons. The Corporation was registered with the Director of Industries, Delhi, on the 19th September, 1951 *i. e.* much before the Displaced Persons (Compensation and Rehabilitation) Act, 1954 was brought on the statute. The land did not form part of the compensation pool

**Para 7 :**

The Department of Rehabilitation have indicated that the Annual Reports of the Ministry of Rehabilitation for the years 1961-62 and 1962-63 have been gone through but there is no mention of 2,000 plots having been allotted on outright sale basis to the displaced persons in Delhi.

**Para 8 :**

The policy of the Government since 1950 has generally been in favour of grant of land on leasehold basis.

**Para 9 :**

There is no such provision in the Displaced Persons (Land Acquisition) Act, 1948 to sell lands to displaced persons on freehold basis. As a matter of fact, Section 10 to the Act, reproduced below, put a bar on transfer of the land to some other persons :

**'Disposal of land-Subject of such rules as may be made by the Provincial Government, the competent authority may use or deal with any land acquired under the provisions of this Act in such manner and subject to conditions as may appear to it to be expedient for the purpose of resettling displaced persons.**

**Provided that no displaced person to whom any land has been allotted under the provisions of this Section shall transfer such land to any other person except with the previous consent of the competent authority'.**

If the intention was to transfer the land on free-hold basis, there was no need for such a stipulation.

**Para 10**

**It is not correct that the leasehold system has not checked the price of**

land prices would have been soared higher if the disposal was on freehold basis.

**Para 11 :**

It is not correct that the D'Souza Committee recommended the continuance of the leasehold system only because the Govt. was getting sizeable income from unearned increase on sale of lease land. The Committee reviewed the trends prevailing in a number of other countries and their relevance to the needs of a rapidly growing city *i.e.* the National Capital and recommended that it is in public interest and in the interest of the community to continue the leasehold system in Delhi.

**Para 12 :**

It is not correct that the conversion of leasehold system into freehold system in rehabilitation leases will not cause any financial loss to the Government. Even if the revenue from the rehabilitation leases are credited to the Compensation Pool, the amount available for crediting to the Pool will be reduced to that extent if leasehold system is converted into freehold. Besides, the potential income will be considerably more *i.e.* many time the present actual income, in view of the provision of revision of ground rent after second transfer and recovery of unearned increase on second transfer,

**Para 13 :**

No comments as the allegations are vague and sweeping.

**Paras 14 and 15 :**

As already indicated, the matter is still under consideration. In view of the complex nature of the problem and the huge financial interest of the Government involved, a decision in the matter is likely to take some more time.

**III. FACTS RELATING TO REPRESENTATION DATED 22.3.81 OF THE FEDERATION OF DISPLACED PERSONS COLONIES DELHI**

**Para 1.2 and 4 :**

Keeping in view the limited marketing facilities in such colonies, the Government has already condoned a large number of uses of the premises for trade purposes, *Vide Annexure.*

**Para 3 :**

It is not correct that the use of residential premises for shops is not a misuse.

**Para 5,6, and 7 :**

The provisions of the Delhi Development Act deals with violation of land use, the provisions of the Municipal Corporation Act, 1957 with violation of building byelaws and the Land and Development Office deals with violation of the terms of the lease. The same act may constitute offences under different Acts may also amount to violation of the terms of the lease.

**Para 8 :**

As already indicated, on the recommendations of the Delhi Land Management Investigation Committee, a number of items were included as condonable breaches *Vide* Annexure.

**Para 9 and 10 :**

As already indicated in the covering O.M. permitting wide variety of trades in residential colonies will make the user clause ineffective and also constitute nuisance to the residents themselves.

#### **IV. FACTS RELATING TO REPRESENTATION DATED 27.10.79 OF THE FEDERATION OF DISPLACED PERSONS COLONIES DELHI.**

The facts relating to Delhi building byelaws panel have already been mentioned in the covering O.M.

GOVERNMENT OF INDIA  
 MINISTRY OF WORKS AND HOUSING  
 Lands Division

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In regard to the factual position indicated in reply to para (v) of the representation dated 27th November, 1981 of the Federation of Displaced Persons Colonies. Delhi [enclosed with O.M. No. J-20011/3/80-LD (DOI) dated 5th January, 1982], there have been following further developments regarding misuse charges recoverable in respect of misuse of residential premises in rehabilitation colonies :—

With effect from 5th May, 1982 misuse charges would be recoverable in the case of residential leases in rehabilitation colonies according to the following formula :—

Size of the plot	<i>Misused area</i> Permissible covered area	Present pre- determined commercial value of the land for the purpose for which the property is misused.	Present pre-de- termined value of the land MINUS the land for the purpose for which it was leased.	6½%
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2. The formula embodies two concessions viz-a-viz the one hitherto followed :—

- (a) Misuse charges would be recovered on the basis of the difference between the present pre-determined commercial value of the land for the purpose for which the property is misused and the present pre-determined value of the land for the purpose for which it was leased. Earlier it was based on the difference between the present commercial rate of land for the purpose for which the property is misused and the *land rate on the date of last transaction* for the purpose for which the land was leased.
- (b) The percentage of misuse charges was reduced from 12½ to 6½%



3. In addition to the above concessions, it was also decided that with effect from 5th May, 1982 misuse charges recoverable in respect of residential leases measuring 100 Sq. yds. 86.613 Sq. Mtrs ) or less would be on the basis of the land rates laid down on 21st June, 1979, although a general revision of land values had taken place with effect from 1st April, 1981. This concession would be in force till 31.3.1983.

Sd/-

(R,Krishnawamy)

Under Secretary (Lands)

26.3.83/Tele : 389815

The Lok Sabha Secretariat  
(Committee Branch-I)  
New Delhi

**GOVERNMENT OF INDIA**  
**MINISTRY OF WORKS AND HOUSING**  
**LAND & DEVELOPMENT OFFICE**  
**NIRMAN BHAVAN : NEW DELHI.**

**NO. 24 (3)/75—GDN**

**DATED 22.3.83**

**OFFICE ORDER NO. 7/83**

**SUBJECT : *Condonation of breaches***

As various office orders have been issued on the subject mentioned above, it has therefore been felt that a consolidated list of breaches to be condoned to issue. A complete list of condonable breaches is therefore circulated to all concerned for guidance and necessary action.

**Sd/-**  
**(P.N. Gupta)**  
**Public Relations Officer.**

***All Officers/Sections***

**Copy to : Ministry of Works and Housing, New Delhi. This refers their U.O. No. J-22011/3/80-CA (DOI., dated 2.3.1983.**

**L I S T**

- 1. Enclosing of verandahs.**
- 2. Providing additional doors or windows.**
- 3. Providing lofts or tanks.**
- 4. Providing false ceilings.**
- 5. Installation of hand pump.**
- 6. Providing water taps.**

7. Erection of partition walls.
8. Construction of open platforms.
9. Construction of non-masonry temporary structures less than 100 sq. ft. in size for keeping birds, pets or for horticultural purposes or for gatekeeper, doll house if it is within the permissible limits as per Municipal Bye-Laws.
10. Construction of coal bins.
11. Providing inset Wardrobes shelves, etc.
12. Omission of walls shown in sanctioned drawings.
13. Closing of any side of barsati.
14. Provision of sun shades, weather shades or canopy.
15. Provision of paragola (in accordance with Municipal bye-laws).
16. Pitching of tarpaulin or canvas sheds shamianas etc.
17. Garages, cow shades, stables, etc. being used as residence or for storing purposes. The storing should be for domestic purposes and not for commercial purposes.
18. Barasati used as residence.
19. Store used as kitchen.
20. Kitchen used as residence.
21. Bath room used as kitchen or prayer room.
22. Store used as residence.
23. Prayer room used as residence.
24. Kitchen used as bath.
25. Kitchen used as pantry.
26. Garages used for business purposes in business premises.
27. Servants and Servant's quarter used as independent residence unless specifically prevented by the lease.
28. Guest house used as independent residence in case of old leases.
29. Residential flats reserved by firms for visiting official.
30. Rooms being used for reserved by firms for visiting official such as Doctors, Hakim and Vaid, Lawyers, architects, Engineers, Chartered Accountants, Business Consultants and Journalists when it is committed by the occupants of the whole of the major part of the residential premises and portion being used for professional work is one or two rooms not exceeding more than 500 sq. ft. in area this concession will be applicable to item No. 31 to 33 also.

300 (a) Rooms being used for professional work by the occupants such as Doctor, Hakims and Vaidas, Lawyers, Architects, Engineers, Chartered Accountants, Business consultants and Journalists when it is committed by the occupants of the whole or the major part of the residential premises and the portion being used for professional work does not exceed 30% of the covered area or 500 sq. ft. whichever ever is less. These are effective from 17.6.1982.

For residential leases up to 200 sq. yds. the existing orders (item No. 3 above) will continue to apply if they are more favourable to the lessee.

31. In the cases of Doctors, Hakims and Vaidas who utilise part of their residence for examining their patients, who do not stay for any length of time.
32. General practitioners who maintained a small dispensary in their chambers with or without dispensary giving medicine to their patients as a part of their medical service.
33. Dentists having a small clinic-cum-operation theatre.
34. Coverage of stair cases.
35. Use of residential premises as office by Embassies.
36. Occupation of one residential unit by more than one family (multiple tenancy) without recovery of charges.
37. Use of state Guest House etc., for any other purpose.
38. Use of residential premises for religious and community purposes provided other residents of the locality have no objection to such use and the premises are not used for any commercial purpose in the garb of religious/community purposes.
39. Use of top floor of commercial premises for commercial purposes even if the plans for top floor were sanctioned for residential purposes.
40. Change of use from one trade to another in business premises except that change of Hotel/Cinema will not be permitted.
41. Use of area up to 300 sq. ft. by Tailor for stitching of the clothes with the consent of owner/lessee. the condition of resident need not be insisted.
42. Calico printing.
43. Housing.
44. Embroidery.

45. Manufacture of narrow fabrics and lace work.
46. Coir and other fibre products.
47. Umbrella assembly.
48. Thread balls and cotton fillings.
49. Wood carving and artistic wood wares.
50. Cane products.
51. Papertoys, paper bags and envelops.
52. Decorticating of ground-nuts and dal.
53. Manufacture of jams, jellies or fruit preserves.
54. Manufacture of ice cream and sweets.
55. Vermicelli and macaroni.
56. Cement wares.
57. Clay modellings.
58. Lapidary work.
59. Manufacture of ornamental leather goods, purses, hand-bags etc.
60. Pitch works-Manufacture of pith, garland and flowers.
61. Picture framing.
62. Manufacture of small radio parts.
63. Manufacture and repairing of musical instruments.
64. Manufacture of brushes.
65. Jewellery works.
66. Manufacture of crayons.
67. Manufacture of 'Blanco' cakes.
68. Agarbati and other incense.
69. Use of rooms upto 300 sq. ft. by Dhobi/ironing/stitching of the clothes with the consent of owner/lessee; the condition of residence need not be insisted. The Dhobi should not use Bhatti in the residential premises.
70. Manufacture of handbags, making of chappals, buttons, leather soles etc.
71. Use of portion of their residence for their professional work by teachers, jyotishies, tailors, barbers, property brokers/property Dealers.
72. Music School in residential building only if the music school is being run by the occupant who is residing in the premises or the major part of the premises.

73. Poultry by the occupant who is residing in the premises.
74. Self employees lessees, occupants/tenants with the help of an Assistant or two such as Journalists/Goldsmiths/Photographers and small technicians and mechanics such as Welders/Cycle/Watch/Pen/Radio/Stove/Umbrella/locks etc. repairers. The breaches at S. No. 42 to 68 and 71 of this list will be condoned only if these are committed by occupants who are residing to the premises and that the portion where the change of use takes place is only a small part of the premises not exceeding 300 sq. ft. in area.
75. (i) Loose Tin sheets put up without fixing nails etc. internally on the Ground floor of the premises, as a measure of protection against sun and rain removeable as and when required, not visible from the road (though likely to be visible from the back service land) provided :-
- (a) Roof is not supported on purlins and rafters;
  - (b) The roof sheets are not tied to the purlins and rafters either by nails or 'J' bolts or nuts;
  - (c) The roof sheets are not held down in position by masonry or brick work of short height or concrete band or wall.
- (ii) If any construction with C.G.I. or A.C.C. Sheets roof not falling in Category (i) above is noticed during inspection, the lessees should be directed to get the same regularised by the Municipality either as being permissible within the over all covered area or by payment of the prescribed composition fee, within a year from the date of issue of notice of the unauthorised construction/breach, failing which damages for unauthorised construction at approved rates should be recovered from the lessee from the date of first notice of the breach. In all such cases the properties should be reinspected after the expiry of one year to ensure compliance of these instructions. The damages for unauthorised construction that will be levied in case of non-compliance of be intimated to the lessees in the first notice.
- (iii) These orders will take effect from 11.2.1983. Past cases where recovery of damages for unauthorised construction have been demanded/made on the basis of existing orders will not be reopened. Cases in which demand has not been made or which

are pending on the date of issue of this order can be decided on the basis of these orders.

76. Small sheds roofed with asbestos or G.I. Sheets either open or all sides or on some sides, to serve as protection for such as electric motors for air conditioning pumps within the permissible coverage limits of local body's bye-laws.
77. Open shaft inside premises (to carry short pipes etc.) covered with A. C. Sheets or G.I. Sheets.
78. Open balconies which are to be kept open and which allowed passage only covered by A. C. Sheets or G. I. Sheets supported by wooden ballies etc. to avoid rain and sun, within the permissible limits of the Municipal Bye-laws.
79. Open baths, urinals, latrines enclosed by masonry walls and covered by R. C. C. slabs/A.C. Sheets or G.I. Sheets within the permissible coverage under the Municipal Bye-laws.
80. Permanent Chajja (2'-6" width is only permitted) extended by 6" and 1'-6" to serve as cover (passage and some times enclosed to give more space within the permissible coverage limits under the Municipal ByeLaws.
81. Coverage of open courtyard or terrace with glasses within the permissible coverage limits under the Municipal Bye-Laws.
82. Narrow passages between main rooms already covered by R.C.C. SLABS ETC. but with small holdes (size about 2' x 1') at intervals left open to sky, which are to be kept open (to avoid extra coverage) but which are either covered permanently by pucca construction or temporarily by loose G.I. or A.C. or wooden sheets, provided this is not disallowed by the Local Body.
83. Mazzanines in shops provided it is permissible under the Municipal Byelaws.
84. Rooms in residential premises being used for storing purposes. Storing of commercial purposes is not condonable.
85. Use of a residential building for a public Library (a social and cultural organisation) provided that other residents of the locality have no objection to such use.
86. Bathroom used as pantry.

87. Huts for storing materials or for the residence of Chowkidar or labourers for the construction of a building. Such huts etc. may not be objected to till the buildings completed to the extent of the completion certificate or is occupied by the lessee or let out to a tenant or bath, whichever is earlier.
88. Construction of 3' wide balconies in front of the essential amenities in one half of the rear set back of 100 sq. yds. plot in Rehabilitation Colonies to serve as a passage. This concession is admissible in cases laid down in D.O. letter No. D/O O.E./561 dated the 9th November 1970, from Shri G.D. Bahri to Shri Parkash Narain, Land and Development Officer.
89. Construction of a bath covered with CGI/Asbestos sheets in servant quarters provided it is within the permissible coverage under the municipal bye-laws.
90. Manufacturing of shoes. :  
If the above breach is committed by the resident lessee resident tenant of the lessee and that the portion where the change of use takes place is only a small part of the premises not exceeding 300 sq. ft. in area.
91. Mumti on Barsati Floor if it is within permissible coverage.
92. Running of classes in shorthand, typewriting, music, painting, dance and functioning of schools i. e. Nursery, primare etc. provided schools are run by the resident lessees/tenants.  
N. B. The restriction of residence by the lessees/tenants need not be insisted upon provided Nursery, Primary, Middle, Higher Secondary Schools are recognised as disiinct from uurecognised schools.
93. Accommodation used by Professionals like Artists, Painters, Writers, Sculptors and Beauty, Specialists, Scientists, Technologists and Research Workers for carrying out research subject to the condition that they will not be allowed to set up any laboratory in the House.
94. Personal offices of residents i. e. land-lord retired persons social workers and persons engaged in literary prsuits.
95. Manufacture of various types of Handicrafts indicated below :—  
(i) *Textiles* : Handprinting and traditional dyeing of textiles, Brocades; Himroo; carpets and Druggests; rugs, gabbas and



- namdas Embroidary (Cotton, silk, wool and Zari); lace and lace work including nakki and gota, making shawls.
- (ii) *Metalware* : Silver and Gold-ware; Bidri; Filigree; Brassware and Copperware; Bronze work.
  - (iii) *Wood work* : Wood carving and inlay; Lacquer work including nirmal work, Delorative furniture.
  - (iv) *Ceramics* : Pottery and earthenware.
  - (v) *Stone-Work* : Stone-carving including marble work and alabster.
  - (iv) *Toys* : Dolls, toys other than Mechanical toys.
  - (vii) *Leather* : Leather goods (artistic work).
  - (viii) *Ivory* : Ivory carving.
  - (ix) *Papier-mache* : Papier mache articles.
  - (x) *Horn* : Artistic articles.
  - (xi) *Bone* : Artistic articles.
  - (xii) *Cane Bamboo* : Articles made of cane, bamboo willow, straw and grass including mats and pitch-crafts.
  - (xiii) *Incense and Perfumery* : Incense and Perfumery.
  - (xiv) *Flax and Fibre* : Handicraft articles made Flax and fibre.
  - (xv) *Bangles and Beads* : Bangles and beads.
  - (xvi) *Musical instruments* : Musical instruments.
  - (xvii) *Conch-shell and semiprecious stones* : Articles made of conch-shell and semi-precious stones.
  - (xviii) *Miscellaneous* : Miscellaneous traditional art objects such as Orissa, Mysore and Tanjore Printings, Handicraft products specially, made for ceremonies, articles of worship and the articles requisites such as costumes, masks, puppets, etc.

The breaches at item No. 95 will be condoned only after the following conditions are complied with.

- (a) The processes of manufacture of house-hold industry should be completely innocuous and not likely to disturb others by reasons of noise, smell, vibration; fumes or any other cause;

- (b) The workers should be members of the same family and the maximum number to be engaged in the work place should not exceed four;
- (c) The units could use only electric power not exceeding the limit of 1.5 H. P. in the aggregate;
- (d) The premises should be suitable and in good condition. No part of the machinery, including pulley-belt and shafts, will be attached to the wall or any other part of the building except the floor on which the said machinery is supported; and
- (e) The room or enclosure in which the electric installation is placed should not be directly accessible from any part of the dwelling unit.

*Note :* For calculating the area of 500 sq. ft. for condonation, the areas actually misused and common services used exclusively for promoting the commercial activity will be taken into account in arriving at the maximum limit of 500 sq. ft. of a carpet area in respect of condonable breaches.

The misused area will not exceed 50% of the total carpet area occupied by owner/rented by the tenant.

- 96. *In Rehabilitation colonies in Delhi/New Delhi :* Having land measuring 100 sq. yds. or less and running there in one shop for conducting one type of business as on 5.9.73 will be exempted from the recovery of misuse charges subject to the condition that the original lessee actually lives in the premises and area misused does not exceed 200 sq. ft. or 50% of the constructed area whichever is less.
- 97. Use of residential premises as Guest House only by the State Government for their visiting officers in respect of properties purchased by them from the lessees.
- 98. Running of teaching/coaching classes by the resident lessees/tenants does not exceed upto 30% of the covered area under occupation or 500 sq. ft. whichever is less, condonable from 5.7.1982.
- 99. In Rehabilitation colonies in Delhi/New Delhi in respect of residential leases the following retail trades are condonable with effect from 5.1.1983 provided THESE ARE committed by the

lessees or the tenant residing in the premises and the condonable/ area does not exceed to 300 sq. ft.

1. Kryana Shops.
2. General Stores.
3. Chemists.
4. Washing, Dyeing and Dry Cleaning.
5. Tailors.
6. Bakers.
7. Barbers.
8. Stationery and Books.
9. Electric Goods.
10. Petty Cloth Merchants.
11. Ration Shops
12. Shoes and Chappal Shops.
13. Plumbers.
14. Hardware, Paint and Building Materials.
15. Tea, Pan and Beedi Shops.
16. Confectionery.
17. Vegetable shops.
18. Book Binder and Photoframers.
19. Studies.
20. Type and Shorthand Classes.
21. China Ware.

## APPENDIX XV

(See para 12.1 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. Km. Bina Kumari  
Qr. No. 265, Sector V, Mehrauli-Badarpur Rd. New Delhi.

Cancellation of transfer order of Shri Anup Singh, UDC in MES under The Engineer-in-Chief Branch Army Headquarters.

In her representation dated 6 August, 1982 the petitioner stated as follows :—

“We are facing severe starvation as my father (Shri Anup Singh, UDC in the office of Chief Engineers, ADGBES

#### *Ministry of Defence*

In their factual note dated 9 November, 1982, the Ministry of Defence have stated as follows :—

“Factual comments on the representation of Kumari Bina Kumari, a photostat copy of which is enclosed with the Lok Sabha Secretariat's U.O. dated the 27th August, 1982 are as under :

(1) Shri Anup Singh, father of Kumari Bina was employed as Upper Division Clerk in MES under the Central Command of the Army, and was posted in the office of Chief Engineer (ADGES), New Delhi, which is

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under Military Engineer, Service) has not been paid salary for the last 35 months. My father is due to retire this very month i.e., on 31st August, 1982.

My father's transfer from Delhi to Nagpur in September, 1979 was not stopped by Engineer-in-Chief, Military Engineers Service.

(i) even though 3 years service was left for my father to retire and according to standing Government orders, a person reaching the age of 55 years is not to be transferred except at his own request.

(ii) even though his two children (who are T.B. patients, which fact has been got verified by Engineer-in-Chief himself also) require his personal attention, as his wife (my mother) had expired several years back.

(iii) even though stoppage of my father's transfer had been ordered by Additional Secretary (Defence) in 1981 [vide letter No. 21 (2)/80/D (Appts) dated 4th April, 1981].

(iv) even though stoppage of my father's transfer has been strongly recommended by the Enquiry Officer in 1980 under his letter No. 11021/KAS/

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outside the jurisdiction of the Central Command since May, 1961 as a Special case.

(2) On account of his prolonged stay at New Delhi, he was transferred to Nagpur in December, 1978. He represented against his transfer on medical grounds. The representation was considered by the Engineer-in-Chief who decided that he should be moved to Nagpur in view of his long stay at one station and also the fact, that proper medical facilities existed at Nagpur for treatment of his ailing daughter.

(3) On rejection of his representation by the Engineer-in-Chief, Shri Anup Singh filed a writ petition in the High Court of Delhi who dismissed it vide their Order dated 27th August, 1979. He was, thereupon, struck off the strength of Chief Engineer (ADGES), New Delhi w.e.f. 10th September, 1979.

(4) He filed another writ petition in High Court of Delhi for cancellation of his transfer Orders on the plea that Government had issued Orders, as measure of economy, not to transfer its employees where such transfers involve change in Headquarters. This writ petition was also dismissed by High Court vide Judgement dated 14th November, 1979.

77 EIC dated 2.8.1980. This Enquiry Officer was appointed to find out the circumstances due to which my father was unable to move out of Delhi.

(v) even though Government of India, Ministry of Finance, issued orders No. F7 (18) E (Coord.) / 79 dated 7.9.1979 (circulated by Ministry of Defence under their letter No. 7 (1)/75 (Budget) dated 18th September, 1979) to the effect that all transfers should be stopped forth with, except on promotion or due to expiry of deputation period. It is a strange fact that E-in-C stopped the transfer of another person named Shri Kandhari (Office Superintendent), Office of Garrison Engineer East Delhi, Cantt. on the basis of these very orders, even though he had put in his application *after* my father's representation. Thus it is a clear case of discrimination.

Even though several Members of Parliament *vide* Sarvashri Sajjan Kumar, Hari Krishan Shastri, K.C. Pande, Uttamrao Patil, Ram Vilas Paswan, Balram Jakhar, A.B. Vajpayee and Smt. Premalabai Chavan have written D.O. letters (without any response) to Minister for Defence, Minister of State for Defence and Deputy Minister for

(5) Yet, Shri Anup Singh, did not, in compliance of the transfer orders, report to his new Unit of posting at Nagpur. The disciplinary authority, therefore, initiated disciplinary proceedings against him for disobedience of orders and after consideration of the Statement of Defence, submitted by Shri Anup Singh, imposed upon him the penalty of compulsory retirement. This order was passed by the Disciplinary Authority on 25th August, 1981. He, therefore, ceased to be in service, and accordingly, not entitled to receive pay and allowances thereafter.

(6) On a mercy petition, submitted by him to it, the Appellate Authority, on humanitarian grounds, set aside the penalty of compulsory retirement imposed on him and allowed him to resume duty after censuring him. He reported for duty at Nagpur on 23rd August, 1982.

(7) Consequent on his reinstatement and reporting for duty at Nagpur on 23rd August, 1982, instructions have been issued by the competent Authority for regularisation of the period of his absence from duty, as a consequence of which, pay and allowances, as due and admissible to him, subsequent to such regularisation will be paid to him.

(8) The date of birth of Shri Anup Singh being

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17th August, 1924, he retired from service on 31st August, 1982 on superannuation, Action has been initiated by the authority concerned to process the papers for grant of pension and gratuity admissible to him under the Rules.

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1. 2. Defence, yet E-in-C of Military Engineers Service (an office of Army, whose discipline is considered a Model for the whole country) has not cared for any of the Members of Parliament and has successfully and daringly disobeyed the orders of their superior office i.e., Ministry of Defence. Also, M.E.S. has successfully flouted all the standing orders of the Government of India quoted above. Even though my father too has sent countless telegrams and letters to the President, Prime Minister, Minister for Defence, Minister of State for Defence, Deputy Minister for Defence, Secretary (Defence), Additional Secretary (Defence), Joint Secretary (Defence), Chief of the Army Staff, Engineer-in-Chief, etc., yet no reply at all has been given nor any action taken in the matter.

#### SEVERE MISERIES :

- (i) My father has not been paid salary for the last 35 months.
- (ii) The Directorate of Estates have demanded Rs. 8,000/- as market rent for the Government accommodation (since snatched away from us) for the period from the date of transfer to the date of vacation.
- (iii) There will be disastrous reduction in gratuity and pension of my father, causing extremely painful memories of Government service.

(iv) My father has not been able to arrange my second major operation due to utter non-availability of money."

2. Sh. Ladharam  
Nanakram,  
Block No. 40-A  
Sardarnagar,  
P.O. Sindhi  
Colony,  
Ahmedabad,  
(Gujarat)

Non-issuance  
of Conveyance  
Deed in  
respect of  
Tenement No.  
40-A, Sardar-  
nagar,  
Ahmedabad,

In his representation dated 24 April, 1981, the petitioner stated as follow :---

"(1) I am claimant allottees of above tenement. My personal CAF bears No. B/A/S/896/IV (NT). Compensation amount payable to me was trivial and was consumed in adjustment of public dues.

(2) So I made payments for cost of tenement, in cash and by association of third party claims as per details shown hereunder :---

(A) Cash payments made :

1. Rs. 2500.00 as per challan No :  
489 Dt. 19.3.1968.

**Ministry of Rehabilitation (Department of Rehabilitation)**

In their factual note dated 21 January 1983, the Ministry of Labour & Rehabilitation (Department of Rehabilitation) have stated as follows :---

"The Managing Officer-cum-Administrator, Sardarnagar Township, has since informed us that the requisite conveyance deed in respect of Tenement No. 40-A, Sardarnagar Township in favour of Shri Ladharam Nanakram has been issued on 13.12.1983."



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2. Rs. 1000.00 as per challan No. 542 Dt. 20.3.1968.

3. Rs. 800.00 as per challan No. 702 Dt. 29.6.1968.  
Total : Rs. 4300.00

(b) Third Party claims associated : for adjustment :

1. Rs. 336.50 C.A.F. No. B/A/17656/1656 P.C. 51776 of Shrimati Kakaribai Jaikishindas and other.

2. Rs. 220.00 C.A.F. No. B/A/S. 258/IV (NT) P.C. 51437 of Shri Nawalmal Hemandas.

3. Rs. 1056.77 P.C. No. 20840 of Assandas chhatomal.

4. Rs. 413.00 C.A.F. No. B/A/S/20/VII (WA) of Shrimati. Suratjbai Dharmumal.

(3) As per above shown details, I have paid in cash and by adjustments total sum of Rs. 6332.27.

(4) I request that recovery schedules may be issued to the Managing Officer and Administrator

Sardarnagar Township Ahmedabad for above at an early date under intimation to me so that I may get my property file finalised."

3. Shri Akhilesh Kumar  
N-8A, Saket,  
New Delhi-17.
- Fare concession to leg amputees for inland air travel.

In his representation dated 9 August, 1982, the petitioner stated as follows :—

"I am physically handicapped person having an amputated left leg below knee. I am employed as 'Senior Engineer, in M/s Engineers India Limited, New Delhi.

I find it very difficult, unsafe & hazardous to life, undertaking travel in trains for longer durations, especially during nights. It also causes agony as strains experienced before, during & after the train travel are painful on account of numerous problems of medical & social nature associated with an emputated leg (s).

As you are aware, people of my cadre & salary structure, but with amputation, who wish to overcome the problems mentioned above through air travel can not do so as the cost involved is prohibitive.

*Ministry of Civil Aviation*

In their factual note dated 17 December, 1982, the Ministry of Civil Aviation have stated as follows :—

"In view of extremely high cost of operations, Indian Airlines is not considering any non-commercial concessions at present. It is, therefore, not possible for the Corporation to extend any concession to Shri Akhilesh Kumar or other physically handicapped persons which is outside the scope of concessions for blind persons and cancer patients already available on Indian Airlines services."

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Since air travel will come a long way in ultimate rehabilitation of amputees, I am approaching your goodself to consider allowing 50% air fare concession on humanitarian grounds as well as a good well mission for the cause of social welfare of amputees. It would not be out of place to remind that Indian Airlines as noble gesture has already allowed 50% concession in air fare for blind persons and cancer patients.

A is an identification of the amputee, I suggest that a permanent identity card be issued by Indian Airlines after establishing the facts about amputation through medical examination by a doctor or panel of doctors appointed by Indian Airlines, the cost of which could be borne by the claimant of concession.

I sincerely hope that a considerate thought will be given to my request and that it will be acceded to also."

4. Shri Raja Irregular  
Chan Shyam, postal  
"Shri Irregular  
Bajinath postal  
Dham", delivery.  
Mehnditola,  
Aliganj,  
Lucknow-  
226006.

*Ministry of Communications (P. & T. Board)*

In their factual note dated 31 December, 1982, the Ministry of Communications (P. & T. Board) have stated as follows :—

"Enquiries were got made through the PMG Lucknow into the allegations brought out by the complainant. The locality where the complainant resides is served by postman of beat No. 6 of Mahanagar Post Office.

In his representation dated 14 August, 1982, the petitioner has stated *inter alia* as follows :—

“That the applicant lives within the city limits of the Municipal Corporation, Lucknow, which now adjoins one of the best colonies also.

That the applicant's locality (Aliganj) falls in Mahanagar Post Office, Lucknow-226006.

That particularly since the beginning of the current year, there is no regular postal delivery, and instead of twice a day it is one time delivery twice a week generally on Wednesday and Saturdays or even once a week just like rural areas.

That important letters received late outlive their utility.

That sometimes either letters bear two delivery stamps or effaced on illegible stamps.

That Magazines are generally not delivered.

That important letters are intentionally missed just to avoid complaint.

That the applicant had drawn attention of the postal authorities, as below, indicating fresh cases with each letter and photostat copies of a few cases, in addition to

Owing to the absence of the regular postman, officiating arrangements by appointing outsiders were made in this beat and there were several changes in the incumbency of the postman of this beat, during the period from 19.7.1982 to 24.8.1982 and this perhaps was the cause of some irregularities and delay in delivery of mails. Now, regular incumbent has been posted in the beat and there is no complaint about the delivery service in the area. Even the complainant who had been contacted by the enquiry officer had admitted verbally that he had no complaint now. A close watch is also kept over the work of the beat postman and a few tests on his work have been applied with satisfactory result.

The complainant has not furnished any specific instances of non-delivery of magazines. A register is being maintained at Mahanagar P. O. to watch the receipt and delivery of magazines from there. The register did not reveal any noticeable irregularity or delay in the delivery of magazines in general. Suitable measures have been taken to improve the delivery service in the area and also to ensure legible and clear stamp impressions on the mail received.”

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asking them to refund the amount being spent just on their account but instead of setting the position right and taking action against the staff responsible for the state of Affairs, the state of Affairs is multiplying and the position is deteriorating day-by-day in the Capital of Uttar Pradesh.

That the position during this month has pained the applicant much when there had been no postal delivery since 1st of August till 13th of August, 1982, depriving the family to receive 'rakhi' 'and' roli' on account of Raksha-bandan falling on 4th August, 1982 from his relations, the M.O. receipts and certain other important letters etc.

In the said circumstances, it is respectfully prayed that :---

- (1) Daily Postal Delivery without fail and twice a day, as heretofore, should be enforced strictly and sternly.
- (2) The guilty staff, who shirks work and either does not distribute letters etc. daily or removes magazines at the sorting stage perhaps with the intention of sale or whatsoever or deliberately does not deliver letters to cancel late delivery, should be transferred.

- (3) The guilty staff should get harsh punishment to avoid recurrence of such incidents in future.
- (4) The authorities, avoiding action in the matter, should also be put to task.
- (5) The regular vigil at the sorting as well as delivery stage, should be adhered to.
- (6) The amount for Rs. 19.25 spent by the applicant, should be refunded."

5. Shri Devki Nandan Sardana, C-34, Shastri Nagar, Meerut- 250005, (U.P.).	Refund of fixed deposit amount of Rs. 7,500/- by the Swadeshi Cotton Mills Co , Ltd., Kanpur under N.T.C.
--	---

In his representation, dated 20 June, 1982, the petitioner have stated as follows :---

"That I deposited Rs. 7500/-for a period of 36 months with M/s. Swadeshi Cotton Mills Co. Kanpur vide their F.D.R. No. S.C.M./ND/001130 dated 5.2.1975.

*Ministry of Commeccs (Department of Textiles)*

In their factual note dated 27 November, 1982, the Ministry of Commerce Department of Textiles have stated as follows :—

"Swadeshi Cotton Mills Co., Ltd., Kanpur is a limited company which has amongst its assets six textile mills. The textile mills are located at Kanpur, Maunath Bhanjan, Rai-bareilly, Naini, Udaipur and Pondicherry.

The management of all the six textile mills was taken over under the provisions of Section 18AA (i) (a) of the Industries (Development & Regulation) Act by notification datde 13th April, 1978. The National Textile corporation was appointed as the Authorised person and who entusted with the management of these six undertaking. The take over of Management of these six undertakings was challenged on bhealf of the owner company in the

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That all the six mills of M/s. Swadeshi Cotton Mills Co. Kanpur located at Kanpur, Naini, Maunath Bhanjan, Raibareilly, Udaipur and Pondicherry were taken over by Government of India *vide* Ministry of Industry (Department of Industrial Development) notification No. S.O 265 (E)/18 AA/IDRA dated 13th April, 1978, and their management was handed over to M/s. National Textiles Corporation Ltd. (A Government of India Undertaking).

That on taking over the assets/liabilities of those six mills of M/s. Swadeshi Cotton mills Co. Kanpur, Government of India issued orders *vide* SO 277 (E) 18FB/IDRA/78 dated April, 1978 banning refund of fixed deposits, which were made earlier with erstwhile management, and payment of interest, for a period of one year i.e. upto 12 April, 1979.

That the period of ban on refund of fixed deposits or payment of interest continue to be extended year after year. Last order was issued *vide* SO 272 (E)/18FB/IDRA/82 dated 20 April, 1982, extending the period of ban upto 12 April, 1983.

That I understand that Government of India has got the powers to put such ban under Industrial (Development and Regulation) Act 1951 for a period not exceeding one year, to help the sick mills to overcome financial difficulties

Delhi High Court and the Delhi High Court, while upholding the validity of take over also held that the company was a separate legal entity and should not be deemed to have been taken over by virtue of the take over of six industrial undertakings. The Supreme Court, which heard the case on appeal, directed the Government to accord a hearing to the owner company to determine whether the order of take over was a correct order. The judgement of the Supreme Court did not alter the finding of the Delhi High Court that the company was a separate legal entity. It may be mentioned that Swadeshi Cotton Mills Co. is in existence even now with its own Board of Directors.

The Company had invited deposits from members of public and in response thereto, a number of persons including the present petitioner Shri Devki Nandan Sardana had deposited sums of money with the company. Such deposits having been made with the company and not with any of the industrial undertakings which are presently being managed by the NTC it is not appropriate to expect the NTC to discharge such liabilities. It may be mentioned that the NTC is performing only the management functions and the ownership of six industrial undertakings still vests in the company known as Swadeshi Cotton Mill Co. Ltd. Even assuming that the deposits were utilised in connection with the working of the six textile mills, it would not

but that should not mean that they should go on extending the Periods year after year. This I most humbly, submit is misuse of such Powers, because the small investors cannot afford to challenge such orders in High Court being unable to bear the expenses on litigation.

That on the one hand, Government of India is keen to mop up the savings by inviting fixed deposits, from the public on attractive rates of interest, or Government of India undertakings like BHEL/Indian Oil/sacte.; but on the other hand Government does not wish to honour the liabilities of Government undertaking like N.T.C. Is there any justification to deprive the small investors of their hard earned small savings for such long periods only because those unfortunate persons cannot bear the expenses on litigation with Government? When N.T.C. to making use of the assets for the last four years, they should meet the liabilities as well, without financial constraints or they may hand over the Mills back to the erstwhile Co., and let us fight it out with M/s.Swadeshi Cotton Mills Co., Kanpur.

#### PRAYER

May it please your Excellency and Honourable Members of the Committee to issue such directives to the concerned authorities, as may be deemed proper in your

be possible for the National Textile Corporation to refund the deposits or to pay interest thereon since the liabilities relating to the pre-take over period have been suspended by a notification issued under Section 18FB of Industries (Development and Regulation) Act. The period of validity of this notification which was first issued in 1978 has been extended from time to time and it is presently valid up to 12th April, 1983.

In view of the foregoing facts neither the Government nor the NTC is in a position to repay the deposits made by individual depositors with Swadeshi Cotton Mills Co., Ltd. It may also be mentioned that a number of depositors who are placed in the same circumstances as the petitioner have filed a writ petition in the Delhi High Court seeking the repayment of the amounts deposited by them with interest thereon."



wisdom to help depositors of small amounts (Say up to Rs. 10,000/-) to get back their savings, invested through such fixed deposits, with upto date interest accrued thereon, to meet their immediate needs or reinvest the same (if not needed by them) with Unit Trust/SAIL/BHEL."

6. Major M.R. Gopinath Grant of service (Retd) 127, 1st Stage, Indian pension. Nagar, Bangalore-38.

In his representation dated 14 April, 1982, the petitioner stated as follows :-

"I am a retired Commissioned Officer of the Indian Army, having put in service of 16 years, 9 months and 3 days. At the time of retirement, I held the Rank of Major. Prior to my commissioning in the Indian Army, I was serving in the erstwhile Mysore State Forces, from 12 January, 1942 to 1 January, 1952.

I was commissioned in the Indian Army on 14 May, 1956, under the provisions contained in A.I. 201/54, and I relinquished my commission on 17 February, 1973, on attaining the age of 55. While for my earlier service in the Mysore State Forces, I have been granted a Pension of Rs. 75/- per month, for my Indian Army Service for 16 years, 9 Months and 3 days, (if the seniority date of 30 September, 1954, given to me is taken into account the

### Ministry of Defence

In their factual note dated 21 October, 1982, the Ministry of Defence have stated as follows :-

"Major M.R. Gopinath (Retd.) is one of the 47 officers who were granted a Short-Service Commission in the Indian Army in May, 1956 under the Provisions of Army Instructions No. 201 of 1954, The provisions of this A.I. relevant for the issues. raised in his representation to the Committee on Petitions of the Lok Sabha, are reproduced below:-

(1). Short Service Regular Commission for a period of four years, and for so long thereafter, as services may be required, will be granted in the Regular Army under the terms and conditions stated in the succeeding paragraphs. Officers granted commissions under this Army Instruction will be employed with NCC units in Indian Army.

(2) On being granted a commission, the officers will be subject to the Army Act, 1950 (ACT XIII of 1950) under Section 2 (l) (a) thereof.

reckonable period of service would work out to 18 years, 4 months and 17 days). I have not been granted any pension but only a gratuity of Rs. 11,200/-. I have been representing to the higher authorities about the gross unfairness in denying me pension for my Army Service of over 18 years, when my counterparts, with Regular Commission, having the same length of service, were entitled to pension, under the same regulations. To my representations, I have been getting the stock reply, that the Army Instructions, under which I was granted Commission, does not contemplate payment of pension, but only gratuity. I may please be permitted, in this connection, to bring out the following factors :

- (i) The officers granted Commission under A.I. 201/54 are also governed by the Army Act and Army Rules, as in the case of Officers granted Regular Commission.
- (ii) There is no distinction in the responsibilities and conditions of service between :
  - (a) Officers commissioned under the A. I. 201/54, and
  - (b) Regular Commissioned Officers.
- (iii) There is no distinction whatsoever with regard to the pay, allowances and other privileges to which the two categories of Officers are entitled.

### ELIGIBILITY

(3) Released non-regular officers of the Indian Army and ex-SF officers, who had held IA commissions superimposed over their SF commissions will be eligible to apply for Short Service Regular Commissions under this Army Instruction.

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### AGE LIMIT

(5) Must not be over 45 years of age on 1 July, 1954.

xxx

### LIABILITY FOR SERVICE

(12) Officers will be required to serve with NCC units in India.

xxx

### TERMINAL GRATUITY

(18) On final termination of service Baljact to their service being satisfactory, officers will receive, a terminal gratuity of Rs. 600/- for each completed year of Short Service Regular Commissioned Service .....

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In the circumstances, it is beyond one comprehension how a discrimination could be made in the pension entitlement to these two categories of Officers. Pension Regulations are the basic rules governing the pension of Commissioned Officers, and if any separate orders are issued, regulating the pension/gratuity of a particular category of Commissioned Officers, these can only be in the nature of a relaxation of the basic orders, as normally, the scope of existing orders is never restricted to the disadvantage of a particular class of Officers. Apparently, when the A.I. 201/54 was issued, it was not contemplated that the Officers would be required to put in a length of service which would entitle them for regular pension/gratuity. The provision for payment of gratuity in the A.I., can therefore only be taken as a sort of concession to these Officers, if their length of service did not entitle them for pension and gratuity, under the Pension Regulations. It hardly stands to reason, that a Commissioned Officer, who has honourably served the Army for 18 years, is debarred from getting pension, simply because an Army Instruction issued in 1954 says that the Officers are entitled to Gratuity only, irrespective of their length of service. Even an ordinary soldier, with this much length of service, is entitled to pension. I am sure, that the intention of our benign Govt. is not that, Commissioned Officers like me, who have spent their best years in the service of the Country and

The aforesaid A.I., it will be seen, provides only for payment of Terminal Gratuity to the concerned officers, after their release from service and grant of pension is not envisaged.

2. Major Gopinath was granted Commission under the aforesaid A.I. with effect from the 14 May, 1956, when he was over 36 years of age. He was released from service with effect from the 17 February, 1973 on attaining the age of 55 years and had, thus, served in the NCC for 16 years, 9 months and 3 days. He was granted *ante-date* seniority from the 30th September, 1954, i.e. for one year, 7 months and 14 days on account of his earlier service with the erstwhile Mysore State Forces and, inclusive of this period, his total service comes to nearly 18 years and 4½ months.

3. On 4 August, 1978, i.e., approximately 5½ years after Major Gopinath's retirement from service, a sanction was issued by the Ministry of Defence, providing that another category of officers, viz. ex-Emergency Commissioned Officers and ex-Short Service Commissioned Officers, who had also been commissioned in the NCC on short tenure basis, be granted permanent NCC commission. This sanction *inter-alia* stipulated that :-

(a) grant of Permanent Commission to the concerned officers would be subject to their over-all suita-

retired honourably, should not get any pension and consequently, if they find themselves in straitened circumstances, it is none of the concern of the Government. Even a Civilian, who retires after 18 years of service, is entitled to pension. I therefore, appeal to you, to view my case sympathetically, and grant me the quantum of pension, which a regular Commissioned Officer with my length of service and rank, is entitled to. Even though a literal interpretation of the Orders issued in 1954 (which, I feel are defective), may seem to deny me pension, considerations of equity, fairness and justice demand that the injustices done to me in denying pension, is redressed. I earnestly hope that my prayer will be favourably considered by you."

bility, which was to be determined by a Screening Board and was further subject to approval by the Ministry of Defence ;

(b) those, granted Permanent Commission, would be entitled to pension, DCR Gratuity and other terminal benefits, as admissible to category 'A' (Class-I) Officers of the Central Government ;

(c) The sanction would be effective from the date of its issue ; and

(d) Officers, who had already been retired or released from service, would not be eligible for the new benefits sanctioned.

4. The above sanction, as issued initially, did not cover officers of Major Gopinath's category, *i.e.* those commissioned under AI 201/54, even if they were in service on the date of issue of the said sanction. However, by a subsequent amendment, dated 6 February, 1979, officers, commissioned under AI 201/1954, were also brought within the purview of the sanction dated 4 August 1978. This amendment too was specifically made effective from the date of its issue and other features of scheme of grant of permanent Commission, pension, etc. as brought out in paras 3(a), 3(b) and 3(d) above, remained intact.

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5. As Major Gopinath had retired from service on 17 February, 1973, i.e. nearly six years prior to the date on which the scheme of grant of Permanent Commission and pension was made applicable to officers of his category, (i.e. officers commissioned under AI 201/1954), he was given only the Terminal Gratuity after his retirement and no pension was sanctioned to him. In this connection, it is also added that grant of Permanent Commission and Pension to the officers of Major Gopinath's category was not automatic, even if they were in service on the 4 August, 1978/ 6 February, 1979 and some of the officers in this category, who were actually in service on the the above-mentioned dates, were not granted Permanent Commission/ pension, because they did not fulfill the criteria, laid down for this purpose. Therefore, it follows that the question of considering an officer, who had retired six years prior to the scheme of pension being made applicable to his category, for grant of permanent Commission/pension etc. did not arise.

6. In his present representation, Major Gopinath has contended that having been commissioned in the Indian Army, he should be treated at par with other regular officers of the Indian Army and granted pension on the same basis/scale, as is applicable to the regular officers, particularly because, while in service, he had been eniti-

ted to the same pay and allowances and other facilities and was subject to the same code of discipline as were applicable to the officers of the regular Army. This argument is obviously fallacious. Even Emergency Commissioned Officers and short service Commissioned Officers are commissioned in the regular Army but they do not get the benefit of pension, even through on account of their field-service liability and liability to serve anywhere in the world, their conditions of service are stiffer than those, applicable to Major Gopinath in terms of AI 201/1954. It may also be added that, while in service, Major Gopinath enjoyed privilege and facilities, which were not admissible to regular Service Officers. To give a few instances, unlike regular service officers, Major Gopinath had no field-service liability. Further, he could be employed with NGC units only within India and had no liability to serve abroad. He did not have to serve at isolated places with extreme climatic conditions or at non-family stations, as is the liability of regular officers of the Armed Forces. He was commissioned at the late age of 36 years and was allowed to serve upto the age of 55 years, when the regular officers of his rank generally retire at the age of 50 years. If Major Gopinath's contention of parity with regular service officers is accepted, he should not have been given/should not have enjoyed the benefits, mentioned above.

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7. In December, 1980, the Ministry of Home Affairs have issued orders to the effect that Government servants, including civilians in Defence Services, who retire from service on attaining the age of superannuation after rendering temporary service of not less than 20 years, would also be eligible for grant of pension under the Central Civil Services (Pension) Rules 1972, even if they had not been appointed to a pensionable post in a substantive capacity. Unfortunately, Major Gopinath's case is not covered even by these orders; firstly, because he had not rendered 20 years' service and secondly, because the above orders are again effective from the date of their issue, viz., 30 December, 1980.

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8. In view of the position explained above, service pension cannot be granted to Major Gopinath and the decision taken in his case is correct and in accordance with the existing Rules/instructions on the subject. This position has also been intimated to him, as admitted by him *vide* para 2 of his representation, referred to in para 1 above.

7. Smt. Amita  
Rani Mandal,  
M-141, Alipore  
East Road,  
Nimta,  
Calcutta.

Compliance  
of directions  
given by the  
Calcutta High  
Court in case  
of Shri Hara  
Kishore Mandal  
Income-tax  
Inspector.

In her representation dated 3 November, 1982, the petitioner stated as follows :—

"(1) My husband, Shri Hara Kishore Mandal, as Inspector, Income tax, Calcutta was suspended on 9.6.1961.

(2) His suspension was revoked by an order dated 8.4.1982 by the Hon'ble Justice Shri G.N. Roy, High Court at Calcutta.

(3) The directions given by the Hon'ble Justice in his said judgement do not appear to have been complied with as yet.

(4) It is not at all possible for my husband to seek further redress from the Hon'ble High Court for acute financial difficulties.

**Ministry of Finance  
(Department of Revenue)**

In their factual note dated 17 February, 1983, the Ministry of Finance (Department of Revenue) have stated *inter alia* as follows :—

"Shri Hara Kishore Mandal was placed under suspension on 9.6.61. His suspension was revoked on 26.4.1982, as directed by the Calcutta High Court. Besides withdrawing to charge-sheet, the Commissioner of Income-tax, West Bengal-I, Calcutta has ordered that Shri Mandal will draw full pay and allowances for the entire period of suspension from 9.6.1961 to 26.4.1982 (both days inclusive) as would have been admissible to him had he not been placed under suspension and the entire period of suspension referred to above will be treated as period spent on duty for all purposes ~~of leave, pension, gratuity, etc.~~ in accordance with the provisions laid down in F.R. 54. Since the Pay Scale of the Inspectors has been revised twice by the 2nd and 3rd Pay Commissions after Shri Mandal was placed under suspension, he should be deemed to have been allowed to cross the Efficiency Bar at every stage upto 26.4.1982 (date of revocation of suspension) under F.R. 25 while fixing his present basic pay."

In their factual note dated 8 March, 1983, the Ministry have further stated as follows :—



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(5) I have undergone untold sufferings for so many years together with my children and my family now is no the varge of extinction.

In the circumstances, my humble prayer is for redress."

8. Miss S. Bhan,  
Deputy Education Officer  
(Retd.)  
4, Gandhi Square, Malka Ganj, Delhi-7.

Non-payment of certain dues by the Directorate of Education, Delhi.

In her representation dated 24 June, 1980, the petitioner has stated as follows :--

"I have been working in the Directorate of Education in Delhi and I retired as Deputy Education Officer on the 31st August, 1979. I have not been paid salary (from Nov. 1978, to August, 1979), arrears of antedating of increment (from 1973 to 1979), pension, gratuity, GPF, as yet. I have been constantly writing to the officials of the Directorate of Education, the Chief Secretary and the Lieutenant Governor. The last letter sent to the Lieutenant Governor was on 17.3.1980. Since

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"That the orders of the Commissioner of Income-tax, West Bengal-I, Calcutta, have already been communicated by him to Shri Hara Kishore Mandal vide order No. C-4062, dated 17 December, 1982, and necessary follow up action is being taken by the Commissioner of Income-tax."

*Ministry of Education & Culture  
Department of Education*

In their factual note dated 28 March, 1983, the Ministry of Education & Culture (Department of Education) have stated as follows :--

"That the Delhi Administration with whom the matter was taken up have stated that all the dues i.e., C.D.S., C.G.E.I.S. G.P.F., and arrears of Pay and H.R.A. have since been paid to Miss Bhan.

Regarding the missing entries of her G.P.F. account they have advised that Miss Bhan should contact the Pay and Accounts Officer (G.P.F. Cell) Delhi Administration in person, as she would be in the full know of the details in this regard. She may therefore, be advised to pursue the case direct with the controller of Accounts.

any personal efforts in this direction have borne no fruit, I beseech the favour of your kind intervention in my case.

You will please appreciate the state of a retired person in these hard times who has not been paid salary for almost a year and the pension, gratuity, GPF cases not processed."

9. Shri A. Seluaraj,  
Secretary  
Ramnad District  
Tin Article  
Manufacturers  
Association,  
182, K. Ayyem-  
perumal Street,  
Virudhunagar  
626001.

Restoration  
of tinplate  
waste/waste  
to Appendix-7  
of the Import  
and Export  
Policy  
(1982-83).

In his representation dated 12 December, 1982, the petitioner stated as follows :---

The Delhi Administration have further stated that they had requested Miss Bhan to see the Additional Director of Education (Admn.) vide regd. letter No. 44 30/60-Edn. G.O.C. 7729 dated 1.3.1983 to discuss her problems. Miss Bhan has neither met the Additional Director nor has she sent any communication in writing in this regard.

In the above circumstances, no action is called for on the part of the Directorate. It is in her own interest, now, to contact the officials of the Directorate, Pay and Accounts Officer (GPF Cell) and see that the cases of missing entries in GPF account are settled."

*Ministry of Industry  
Office of the Development  
Commissioner) (Small Scale  
Industries)*

In their U.O. note dated 25 February, 1983, the Office of the Development Commissioner (Small Scale Industries) have stated as follows :---

"The Chief Controller of Imports and Exports has informed vide their letter No. IPC/5/2/81 (pt)/12525 dated 31.1.1983 that the matter was considered in consultation with the Department of Steel. The import policy of tinplate waste/

"The transfer of tinsplate waste/waste from Appendix 7 to Appendix 6 as per the amendment reformed above has effected small scale industrial units very unfavourably. Tinsplate waste/waste is used mainly for packing non-edible oils, paint, varnish, kerosene, agarbathis, benzoine and other powdered/liquid goods which are in daily use in our country. It is also used in the manufacture of tin-lamps, sieves, clips, file fittings, etc. which are chiefly used by the poor people and the students. Tin lamps are mainly used by the cottagers and the villagers.

Therefore, we humbly request you to have the above-mentioned amendment cancelled and restore tinsplate waste/waste to Appendix 7 and thereby save small scale and cottage industrial units from impending ruin and thousands of poor people from the spectre of unemployment.

Kindly permit us to submit the following also :---

A/U licences may be limited to the ceiling already laid down by the sponsoring authority. May we be permitted to point out that this will prevent the exceeding of import ceilings and the resultant drain on valuable foreign exchange.

The Small Scale Industrialists have high national spirit. They are also workers who work with other labour-

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waste has been amended for keeping in view the demand indigenous availability/substitutability, essentiality for and other relevant import factors. However, the actual users who need to import this item can apply for licences in terms of supplementary para 35 of the Import and Export Policy 1982-83."

teste. So we request your honour be pleased to order for making imports for those licences which have been issued but the materials have not been imported and for the licences which have been granted and are with the small Scale Industrialists and thus save the small scale Industrial units from financial ruin."

10. Shri Godil Prasad Anuragi, M.P., 92, South Avenue, New Delhi.

Construction of Bilaspur-Jabalpur railway line via Mungetari Mandla.

In his letter dated 31 August, 1982, Shri Godil Prasad Anuragi, M.P., has stated as follows:-

"The Railway Department has conducted a survey of proposed Bilaspur, Jabalpur railway line via Mungetari Mandla fifteen years ago and submitted the survey report and estimates to the Department of Railways. It is also understood that compensation has also been paid to the farmers. This area is predominantly a Harijan and Tribal ones. It is suggested that Petition Committee may please look into it, and see that the construction of the railway line is expedited."

*Ministry of Railways  
(Railway Board)*

In their factual note dated 19 January, 1983, the ministry of Railways have stated as follows:-

"That a survey was carried out for a railway line between Bilaspur to Mandla Fort via Taktpur, mungetri, Pandaria in 1906-07. The expected return was only 2.4% which was considered very low. Therefore, the proposal was dropped. Due to paucity of funds there is very little possibility of any new scheme being taken up during the VI Plan. Thus if a survey is carried out now of the suggested line, with the passage of time and escalation in cost, the finding of the survey and the estimates will become obsolete. Therefore, the time is not opportune for construction of this line and have to await for better times. In view of this the question of the payment of compensation to farmers does not arise."

*Ministry of Education and Culture*  
(*Department of Education*).

11. Smt. Khenibai and other Mairs of Government Girls Schools, Bhagal, Delhi.
- Grievances and Demands of home Science Laboratory Mairs of Government Girls Schools, Delhi.

➤ In their O.M. dated 15 February, 1983, the Ministry of Education and Culture (Department of Education) have stated as follows :-

In their representations, the petitioners stated as follows:-

"In each and every Government Girls School under Delhi Administration, Home Science is taught from 6th to 12th standard. In the teaching of subject Home Science, practicals are demonstrated by teachers and repeated by students. There are 'Mais' known as home Science Laboratory Mairs to help the teachers and students in conducting practicals and maintenance of provision store and raw produce required in practicals. We—Home Science Lab' 'Mais' also help the students in cooking meal, planning, tailoring etc. like Lab. Asstts. in other Science Subject. We keep the utensils etc. and Lab. neat and clean. Thus our service in the school is very essential and indispensable for students and for maintenance of Home Science Lab. We are integral part of the School and serve the Government directly and remain in the School for the whole day.

"The Delhi Administration have now reported that the work study team constituted to look into the matter, has recommended the abolition of some posts and for creation of some new posts of Class IV Employee in the Directorate of Education, Delhi Administration. According to approved recruitment rules 50% posts of Class IV are to be filled from the part-time employees (like Sweeper, Waterman/Waterwomen, Mail Domestic Science Helper, Caller woman etc.) who have completed 5 years of service in either of the above categories of combine together.

Three names out of the four who had represented their grievances have been included in the eligibility list for consideration of regular appointment as Class IV employees. The name of Smt. Anokhi Devi in the representation could not be included in the eligibility list as she has rendered only 2 years of Service."

The requirement of 'Mais' is essential for students and maintenance of Home Science Lab. We are not treated as Government Servants like Lab. Assistants in other departments of the school. We have no prescribed pay scales, security of service and security of tenure. At present, we are paid Rs. 85/- per month maximum depending upon number of students.

Some of 'Mais' have been working in the Schools for the last fifteen years. Our fixed pay is Rs. 85/- per month maximum. We are not paid any DA/ADA/CCA/HRA/LTC, loans and advances, medical allowances, children education allowances. We are not entitled for any leave.

We are most neglected section of people who are serving the Government. Being illiterate, poor, unorganised and helpless, we are being exploited by the Delhi Administration may be in violation of the provisions of the minimum Wages Act. Our condition is worse than the bonded labour who at least get two square meals a day for the service rendered by him. Even a casual labour is paid Rs. 9.30 p. per day by Government Departments.

In October, 1979, the Central Government have declared canteen workers who are not serving the Government directly as holders of Civil posts entitling them to

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security of service and security of tenure on the same lines as is available to Central Government servants under article 311 of the Constitution. This protection has been granted to them so that no arbitrary action be taken against them. Specific terms and conditions of service have been drawn and their pay scales have been prescribed.

It may also be pointed out that according to a Press Note dated 24.2.1982, Delhi Administration has raised minimum wages of semi-skilled and unskilled workers to Rs. 337.50 and Rs. 300/- per month respectively.

Accordingly, we pray that in order to improve our pitiable conditions:

(1) We should be given the status of a regular Government servant and treated at par with Lab. Assistants working in other Science Laboratories and given pay scales prescribed for them;

(2) Specific terms and conditions of service may be drawn; and

(3) Home Science Lab. Majis may be paid all allowances- DA, ADA, CCA, HRA, LTC, Children education allowance, medical facilities and retirement benefits as are admissible to regular Government servants."

12.

Miss Sushila  
Benjamin,  
Door No.  
9-2-774,  
St. Francis  
Street,  
Secunderabad.

Regularisation of  
appointment as  
Drawing teacher w.e.f.  
September, 1963  
Instead of 21  
August, 1965.

In her representation dated 6 March, 1963, the  
Petitioner stated as follows :—

"I was originally appointed as drawing teacher in the erstwhile Army Childrens' High School, Trimulgherry, Secunderabad, on 1st February, 1958. In September, 1963 the Army Childrens' High School Trimulgherry was converted as Kendriya Vidyalaya and all the staff working in the institution was absorbed into the K.V. establishment. Thus I was automatically been absorbed as Drawing Teacher of K.V. w.e.f. September, 1963. One Shri Mir Ahmed Ali was also working along with me in the Army Childrens' High School, Trimulgherry as drawing master. He was a nonmatriculate and not having the required qualification in the drawing and thus he was not even having the minimum basic educational qualifications to work as a teacher but he was also absorbed and allowed to appear for drawingteachers training course and 3 years

*Ministry of Education and Culture  
(Department of Education)*

In their factual note dated 19 April, 1963, the Ministry of Education and Culture (Deptt. of Education) have sated as follows :—

"Miss Sushila Benjamin was serving in the Army Childrens' High School when the school switched over to the Kendriya Vidhyalaya scheme in 1963. All the members of the staff of that school including Miss Benjamin, were screened and some eligible teachers were appointed against the posts for which they were found suitable. Miss Benjamin, at the time of screening, was not found eligible for appointment either as a Drawing teacher or as Primary Teacher in the Kendriya Vidyalaya, as she was having only the following qualifications:—

(i) Passed P.U.C.

(ii) Intermediate Grade Drawing Examination from Govt. of Bombay (1949).

She was, however, retained in the service of Kendriya Vidyalaya Sangathan and allowed to retain her old scale of pay in the Army Childrens' High School. Miss Benjamin was, however, informed that her Continuance in the Kendriya Vidyalaya would depend upon her success



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time to pass matriculation (by attending regular classes in the School) after his signing in the attendance register and was thus allowed to draw salary and also attain higher educational qualifications. Whereas I was asked to go on loss of pay leave to study the drawing teachers training course and after my returning during vacation, I was not allowed to join duty on the plea that some others were appointed in my leave vacancy. Normally, when any person is appointed in my leave vacancy, he should have been ousted and I would have been joined to duty. But the then Principal connived with the temporary candidate working in my leave vacancy and did not allow me to join duty resulting in the financial loss to me due to loss of pay. He also connived with Shri Mer Ahmed Ali who was junior in service to me and allowed him to sign the attendance register and draw the salary while he was studying in an institution along with me for the course and obtained certificate. If the records are verified, the year of drawing certificate and the drawing of the salary during that period will prove it. (The authorities may not deny this on the plea that the records are not traceable, but according to rules they should preserve the records; A.C.I.B. enquiry will prove this.

As explained in the above para, I was not allowed to join duty as drawing master during vacation, I was

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ful completion of the post of Drawing Teacher. Accordingly, pending acquisition of the requisite qualifications by her, she was allowed to draw pay in her old scale viz. Rs. 80-120. In 1965, Miss Benjamin acquired the following qualifications:-

- (i) Grade II Higher drawing examination certificate of the state Board of Hyderabad,
- (ii) D.M.T.C.(lower) of the State Board for Technical Education and Training from Hyderabad.

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Acquisition of the above mentioned technical qualifications also did not qualify her for appointment as a drawing teacher in Kendriya Vidyalayas. For the post of drawing teacher, a person has to acquire one of the following technical qualifications prescribed by the Central Board of Secondary Education and following by the Sangathan:

- (i) Five years' recognised Diploma in drawing & Painting Sculpture/Graphic Art.
- (ii) Four years' Diploma in Fine Arts & Crafts from Vishwa Bharati University, Shanti Niketan.
- (iii) Diploma in Fine Arts from Government School of Arts & Crafts, Panta.

allowed to join duty only in June 1965, verbally asked me to take up primary classes till things are settled, at that time my mother was in her death bed and based on this my date of regular appointment as Drawing master in the K.V. establishment has been shown as 21.8.1965 vide Lr. No. F. 3-12/76-KVS (RPS) dated 25th June 1976, was addressed as Primary Teacher as heading of the appointment order of the Drawing Teacher. In fact I would have been regularly appointed from the date of my absorption to K.V. Establishment from September 1963, i.e. the date of taking of Army Children's School by Central Establishments. This is a gross injustice to me done by the then Principal in connivance with the temporarily appointed incumbent in my leave vacancy caused due to my proceeding on extra-ordinary leave four forthering my technical qualifications. The attendance registers; the acquittance rolls will prove that I worked in the K.V. from September 1963. In the circumstances, I am to request to kindly regularies my appointment as drawing master w.e.f. September 1963 and not from 21st August, 1965. It was in this same year, my mother had expired. (August 18th, 1965.)

I am to submit that I possess the following educational qualifications :

(1) Passed P.U.C.

(iv) Five years' Diploma in Commercial Arts from Punjab Government School of Arts, Chandigarh.

(v) Five years' Diploma in Commercial Arts from Govt. College of Arts & Crafts, Calcutta.

(vi) Certificate/Diploma from College of Arts & Crafts Hyderabad.

(vii) M.A. in Drawing & Painting from Agra University Agra.

(viii) B.A. in Drawing & Painting from Baroda University, Baroda.

Keeping in view the qualifications acquired by Miss Benjamin, it was decided that she may be retained in the Primary Department and given the central school scale of pay of Rs. 118-225 with effect from the date she acquired the qualification of DMTC (Drawing and Manual Training Certificate) (lower) conducted by the Government of Andhra Pradesh. Accordingly, she was given a letter of appointment as drawing teacher for junior classes with effect from 27.6.1966 in the pay scale of Rs. 118-225 which was the regular scale of pay then applicable to primary teachers.

Ever since her appointment in the Sangathan in the Primary Teachers' scale, Miss Benjamin has been repea-

- (2) Passed Intermediate Grade Drawing Examination (Elementary & Intermediate, Bombay Board of Exam.)
- (3) Passed Grade II. Higher Drawing Examination Certificate of the State Board of Hyderabad.
- (4) D.M.T.C. (Lower) of the State Board for Manual Drawing and Painting training from Hyderabad Government.

Sir, there is only one post for drawing teacher grade I and drawing classes throughout India. The classes are from VI-VIII. Excuse me for adding few more informants.

In the State of Andhra Pradesh Grade II Higher in drawing is the highest examination in the field of drawing and with Grade II Higher in drawing he is qualified to hold the post of Grade I drawing master in the State services. I am, therefore, qualified to hold the post of Grade I drawing master in the State and the duties and responsibilities of the post are rather 'akin' with that of our drawing teachers. What is missing is that no body has applied to recognise it as equivalent with that of D.M.T.C. (Higher) and it was not recognised as equivalent and this is only a technical flaw.

tedly making representations that she may be allowed regular grade of Drawing Teacher. Her representations at every stage have been examined. But as she was unable to acquire the qualifications prescribed for the post of Drawing Teacher, she could not be appointed to the post of Drawing Teacher. Although she was, for some time, designated as a Drawing Teacher because she has been teaching Drawing in the school prior to its take-over by the Sangathan, the fact remains that she was given Primary Teacher's scale for which she was appointed. The designation "Drawing Teacher was given to her because she continued to teach drawing to the junior classes in the Primary School after its take-over by the Sangathan. The designation 'Drawing Teacher' was meant for internal consumption only. Since the designation 'Drawing Teacher had created certain misunderstanding in the mind of Miss Benjamin, that too has since been removed and she has been designated as Primary Teacher in all official records.

As regards the case of Mir. Ali. Ahmed cited by Miss Sushila Benjamin, he was given the regular scale of Drawing Teacher only after he had acquired the qualification of DMTC (Higher) which is approved by the Ministry of Education for appointment to the post of Art Teachers in High/Higher Secondary Schools.

The Course and contents of the syllabus are also approximately equal. I was even made an examiner in drawing for VII class common Examination in 1958 for the State of Andhra Pradesh and I have also set the question paper. These things will prove that I am qualified for holding the post of Grade I drawing teachers post in the State Govt. and eligible to teach high and higher secondary classes. In these circumstances. I am to request to kindly consider my equivalent qualifications and give me the grade of drawing teachers or in the alternative considering my lengthy service of over 20 years and also my age to relax necessary rules in my favour (as the rules will provide for the same) and give me my time scale in drawing masters grade. As per the All India Drawing Teacher Seniority list my No. stands 44.

I am to submit that the K. V. S, Hyderabad Region, Hyderabad, had in his letter No. F. 2-3/81-K.V.S (H.R.) dated 9.9.81 has shown me as Primary Teacher. The K. V.S. Delhi has in their Lr. No.F. 3-12/76-KVS (RPS) dated 25.6.76 appointed me regularly as a drawing teacher w.e.f. 1.8.1965 but where as the Asstt. Commissioner, Hyderabad Region is quoting me as Primary Teacher which is quite inconsistent and I request to kindly issue necessary instructions to him to post me as a drawing teacher and not as

From the above, it would be seen that no injustice has been done to Miss Sushila Benjamin at any stage. Rather, she has been favoured by being given an opportunity to acquire the qualification for the post of Drawing Teacher in the Sangathan and she has been appointed to the post of Primary Teacher although she did not possess requisite qualification even for that post."

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Primary teacher as I fear that the management is thriving to change my designation permanently from that of a drawing teacher to that which of a primary teacher for I am not appointed. Since August 29, 1981, I am on sick leave without pay for gross injustice done to me. I am still in the unrevised primary scale.

I solicit urgent favourable orders on the above issue".

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