

COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

FOURTEENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

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COMPOSITION OF THE COMMITTEE ON PETITIONS

(1973-74)

CHAIRMAN

Shri Anant Prasad Sharma

MEMBERS

2. Shri Nathuram Ahirwar
3. Shri Chhatrapati Ambesh
4. Shri Raghunandan Lal Bhatia
5. Shri Ishwar Chaudhry
6. Shri Khemchandbhai Chavda
7. Shri P. K. Deo
8. Shri Monoranjan Hazra
9. Shri Dattajirao Kadam
10. Shri Muhammed Khuda Buksh
11. Shri Paokai Haokip
12. Shri Anantrao Patil
13. Maulana Ishaque Sambhali
14. Shri Devendra Satpathy
- *15. Vacant.

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

*Vice Shrimati Jhotsna Chanda died.

**FOURTEENTH REPORT OF THE COMMITTEE ON PETITIONS
(FIFTH LOK SABHA)**

INTRODUCTION

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

- (i) Representation from the Koyala Shramik Sangathan (Bihar) for nationalisation of the Coal Mines in Bihar particularly the Kedla, Jharkhand, Dhori and Rauta collieries.
- (ii) Representation from Shri Satya Banerji, General Secretary, Martin's Railways Staff Association, Calcutta, re. Posting of employees of erstwhile Howrah-Amta, Howrah-Sheakhala Light Railways in Eastern and South Eastern Railway zones etc.
- (iii) Representation from Shri S. P. Chatterjee, Workman of M/s. Symonds and Company Pvt. Ltd., Allahabad, regarding protection of service under Employees' State Insurance Act.
- (iv) Action taken by Government on the recommendations of the Committee on Petitions (Fifth Lok Sabha) contained in their Ninth Report on representation regarding accommodation problems of retiring Government servants.
- (v) Action taken replies of Government on the Twelfth Report of the Committee on Petitions (Fifth Lok Sabha) on action taken by Government on the recommendations contained in their Fourth Report (Fifth Lok Sabha) on complaints regarding overbilling and working of STD system on Delhi Telephones.
- (vi) Representations inadmissible as petitions.

2. The Committee considered the above matters at their sitting held on the 7th July, 1973 and adopted the draft Report at their sitting held on the 13th September, 1973.

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

REPRESENTATION FROM THE KOYALA SHRAMIK SANGATHAN (BIHAR), FOR NATIONALISATION OF THE COAL MINES IN BIHAR, PARTICULARLY THE KEDLA, JHARKHAND, DHORI AND RAUTA COLLIERIES

A. Petitioners' grievances & prayer

1.1. The Koyala Shramik Sangathan (Bihar) had submitted a representation dated the 13th April, 1972 (See Appendix-I) complaining *inter alia* of exploitation of labour and unscientific cutting of coal mines at Kedla, Jharkhand, Dhori & Rauta Collieries in Bihar. The petitioners, in their representation, had *inter alia* stated as follows:—

“Much has been said in the past through our Union by way of Memoranda... Wage Board Award is on paper and not in practice. Contractors do not maintain records of labourers to avoid payment of their legal dues. The attendance is not marked. Payment of staff is made on vouchers, at times not even that—hence no security of job—and this leads to exploitation and under-employment. No houses for workmen—The money that was given by Coal Mines Welfare Commissioner to construct houses for labourers as per agreement was spent by receiver on construction of houses in Parej Bangla and are now let out to various contractors. Payment of earned wages is delayed four to nine weeks very often. No water to drink—Labourers and staff get it from quaaries—which dry down in summer. No statutory dues are paid—such as Bonus, leave wages, Maternity benefits. No Medical facilities are available—though a cess is deducted by Receiver from every contractor. Ambulance is never in order—or remains at Hazaribagh and used for transporting Receiver's staff and their families. No roads—though thousands have been spent on roads but no results. The mines are cut verticle or under-cutting is prevalent—endangering workers life and wastage of national property—leading to accidents for which workers do not get any compensation. An army of Receiver's staff is maintained to see only that the terms and conditions of the agreement reached between the Receiver and the Contractors are adhered to or not—but either they do not seem to be interested in checking or they are not heard of by high bosses. Lot of underhand dealings go on in the name of inquiries which go without proper action. Inspite of Agreements reached at between our

Union Koyala Shramik Sangathan and Receiver and his Contractors before Labour Department—the implementation of our agreements is ignored. These Contractors have to pay heavy dues towards Receiver's Royalty and Commission-Sales Tax—Income Tax—Labour wages, current & arrears, both. They have not paid C.M.P.F. for which a case has also been filed.

Receiver and Contractors jointly try to dodge the workers. Receiver had always avoided the responsibility of a Principal Employer which he is—but maintained the rights of it. Under the cover of court they want to create an Iron-gate worse than Ram Garh Raj to avoid any enquiry or action against them.

Under the circumstances, we the workers of these mines through our Union Koyala Shramik Sangathan request you to nationalise these mines as they are coking coal mines or give it to N.C.D.C. to run it departmentally. B.M.D.C. can work profitably if cast and local political influences are eliminated and provided all non-cooking mines are taken over by it. It will affect and improve the lot of about forty thousand workmen in Hazaribagh District alone.”

B. Factual comments of the concerned Ministries

1.2. The representation was referred to the Ministries of Labour and Rehabilitation (Department of Labour and Employment) and Steel and Mines (Dept. of Mines) for furnishing their factual comments on the various points raised in the representation.

1.3. The comments furnished by the two Ministries are enclosed at Appendices II and III.

C. Observation of the Committee

1.4. The Committee note that all the coal mines in the country, including those of Kedla, Jharkhand, Dhori and Rauta in Bihar, mentioned by the petitioners have already been nationalised under the Coal Mines (Nationalisation) Act, 1973 with effect from the 1st May, 1973. As this was the main demand of the petitioners, the Committee feel that no further action is called for in the matter on their part. The Committee, however, hope that the Government will now look after the welfare of the labour and remove their grievances, and also ensure proper and scientific exploitation of the coal mines in the country.

II

REPRESENTATION FROM SHRI SATYA BANERJI, GENERAL SECRETARY, MARTIN'S RAILWAYS STAFF ASSOCIATION, CALCUTTA, RE. POSTING OF EMPLOYEES OF ERSTWHILE HOWRAH-AMTA, HOWRAH-SHEAKHALA LIGHT RAILWAYS IN EASTERN AND SOUTH EASTERN RAILWAY ZONES ETC.

2.1. Shri Satya Banerji, General Secretary, Martin's Railways Staff Association, Calcutta, submitted a representation regarding posting of employees of eastwhile Howrah-Amta, Howrah-Sheakhala Light Railways in Eastern and South Eastern Railway Zones etc.

A. Petitioner's Grievances

2.2. In his representation, the petitioner stated as follows:—

“Since the closure of Shahdara (Delhi—Saharanpur Light Railway from 1-9-1970 and Howrah-Amta, Howrah-Sheakhala Light Railways (in West Bengal) from 1-1-1971, several problems have cropped up. The closure of these Light Railways did cause tremendous hardship to the employees who remained unemployed for a long time before they were absorbed in different Zonal Government Railways. After nearly the end of two years many of these employees are still unemployed and are yet to get their alternative employment in Government Railways. The closure of these Railways caused disruption in the economy of the region these railways used to serve. The sufferings of the people who used to travel by these Railways are beyond description. Early reopening of these Railways seems to be the only solution as alternative arrangements of transport to cope with the passengers and goods/traffic in the region have miserably failed.

In this connection, we would like to draw your kind attention to the plight of the employees of the erstwhile Howrah-Amta and Howrah-Sheakhala Light Railways who have been uprooted from their home soil and find themselves isolated from their families and social surroundings back home after their absorption in Government Railways.

These poor Railway employees could have easily been absorbed in the neighbouring Eastern and South Eastern Railway Zones according to the earlier decision of the Railway Ministry. But for reasons unknown they were offered employment in all other Zonal Railways except of Eastern and South-Eastern Railways.

Your sympathy has encouraged us to approach you for kind consideration of our case for transfer of these unfortunate Railwaymen from their present place of posting to the Eastern Zones

of the Railways. These employees are also losing financially as they have to maintain two establishments one at their native place where their families are still living and the other at their place of posting. If these Light Railways reopen these employees may get the chance to come back to their parent organisation. Further, your intervention in the present precipitated crisis in Arrah-Sasaram Light Railway is also urgently solicited to avoid its premature closure. In the event of the closure of this Light Railway, people in the district of Sahabad in Bihar will face such problems which we all shudder to comprehend after all the bitter experience we had consequent to the closure of Shahdara (Delhi)—Saharanpur and Howrah-Amta and Howrah-Sheakhala Light Railways.

Lastly we have to request you to kindly affiliate Martins Railway Staff Association with NFIR to help us to ventilate our problems and grievances from the platform of NFIR. If in any case a formal affiliation of our Association with NFIR is not possible due to any procedural difficulty may we request you to kindly allow delegates of this Association to attend all NFIR General Council Meetings as fraternal delegates. This privilege, we think, is within your power to accord to us."

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

2.3. The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments for consideration by the Committee. In their comments (See Appendix IV), the Ministry stated *inter alia* as follows:—

"In regard to the retrenched employees of the Howrah-Amta and Howrah-Sheakhala Light Railways, there have been some difficulties on the Eastern and South Eastern Railways because of the opposition from the recognised Unions and of casual labour awaiting appointment to regular posts. It was, therefore, decided that these employees be screened by the Eastern Railway and the staff so screened and found suitable sent to the different Railways excepting South Eastern and North East Frontier Railways. The position with regard to their appointment is that out of 1576 employees, 1467 were screened and the rest did not turn up. Out of those screened about 1400 have been offered appointment on the Indian Railways.

Since the Light Railway staff could not be appointed on the Eastern and South Eastern Railway it has been decided that employees who desire to seek transfer to the Calcutta area may apply through proper channel to the Metropolitan Transport Project, Calcutta. That organisation has also been advised to consider these applications sympathetically. Some of the employees

have already been appointed there on transfer from different railways."

24. In reply to Unstarred Question No. 6743, answered in Lok Sabha on the 10th April, 1973, the Deputy Minister in the Ministry of Railways (Shri Mohd. Shafi Qureshi) stated as follows:—

"It was decided on 16-12-1970 that the staff belonging to Howrah-Amra and Howrah-Sheekhola Light Railways should be appointed on the Eastern and South Eastern Railways. On the Eastern and South Eastern Railways, there were certain difficulties to appoint the Light Railways staff because of the opposition of the recognised unions and of casual labour awaiting appointment to regular posts. On re-consideration it was decided that the staff concerned be appointed on Railways, other than Eastern, South Eastern and Northeast Frontier Railways.

Instructions exist that individual requests from such staff may be considered favourably in the Metropolitan Transport Project, Calcutta."

C. Observation of the Committee

25. The Committee note the facts furnished by the Ministry of Railways (Railway Board) and the reply to Unstarred Question No. 6745 given in Lok Sabha on the 10th April, 1973, by the Deputy Minister in the Ministry of Railways (Shri Mohd. Shafi Qureshi) that "Instructions exist that individual requests from such staff may be considered favourably in the Metropolitan Transport Project, Calcutta."

The Committee hope that such of the Light Railways Staff, as is not absorbed in other Railways, will be offered appointment in the Metropolitan Transport Project, Calcutta.

II

**REPRESENTATION FROM SHRI S. P. CHATTERJEE, WORKMAN OF
M/S. SYMONDS AND COMPANY PVT. LTD., ALLAHABAD, RE-
GARDING PROTECTION OF SERVICE UNDER EMPLOYEES STATE
INSURANCE ACT**

3.1. Shri S. P. Chatterjee, workman of M/s. Symonds and Company Pvt. Ltd., Allahabad, submitted a representation regarding protection of service under Employees' State Insurance Act.

A. Petitioner's Grievance

3.2. In his representation, Shri Chatterjee stated as follows:—

"I was a permanent workman of M/s. Symonds & Company Pvt. Ltd., Subedarganj, Allahabad and serving the Company honestly, efficiently and sincerely since 1962. I was posted as a clerk in Timber Godown of the Company.

I was under the treatment of the E.S.I. Doctor, E.S.I. Dispensary, Nawab Yusuf Road, Allahabad, from 9th September to 18th October, 1972. The medical certificates from E.S.I. Doctor were received by the management of the Company (Shri R. N. Banerjee, Managing Director) on 10-9-1972, 18-9-1972, 25-9-1972, 30-9-1972, 7-10-1972 and 12-10-1972. The Certificate dated the 12th October, 1972 was sent by Registered Post and was for the period 12-10-1972 to 18-10-1972. When I went to join the duty on 19-10-1972 with a certificate of fitness, I was told that my services had been terminated. I requested the Managing Director of the Company to withdraw the illegal action and allow me to work as usual on the ground that my services could not be terminated as I was on leave on medical ground and was under the treatment of Employees' State Insurance Doctor from 9th September to 18th October, 1972.

The employer returned the E.S.I. Doctor's Sickness Certificate by the Company's letter dated the 14th October, 1972. which was received by me on the 20th October, 1972. In the said letter the Company's Manager informed me that I stood discharged with effect from October 11, 1972. This letter was received by me on 19-10-1972 when I went to the Company to resume my duties.

Under the mandatory provisions of Section 73 of the Employees' State Insurance Act, 1948, the Company cannot dismiss me from service when I was under medical treatment of an E.S.I. Doctor. If the Company/Employer violates the provision of Section 73 of the Act, he renders himself liable to punishment under Section 85 of the Act.

I may respectfully submit that there never has been any charge against me nor I was ever involved in any improprieties, disciplinary acts or unfair practices during 11 years of my permanent service. The Regional Director of the Employees' State Insurance Corporation at Kanpur had in his letter No. K|Ins. II|7(1)|72 dated the 19th December, 1972, written to M/s. Symonds & Co. Pvt. Ltd., Allahabad, calling for full details of the case and the reasons for termination of my services. A copy of that letter was also endorsed to me. The Company has failed to respond even to the Regional Director's queries.

I humbly state that my father is an old man of 75, my mother is dead, my sister is still unmarried and I have to support them with my earnings. I respectfully pray that the Employees' State Insurance Corporation may be requested to intervene in my case and take the question of reinstatement of my services with M|s. Symonds & Co. Pvt. Ltd. For this act of kindness, I shall ever remain grateful."

B. Factual Comments of Ministry of Labour and Rehabilitation (Department of Labour and Employment)

3.3. The representation was referred to the Ministry of Labour & Rehabilitation (Department of Labour & Employment) for furnishing their factual comments for consideration by the Committee. In their factual comments, the Ministry of Labour & Rehabilitation (Department of Labour and Employment) have stated as follows:—

"Shri S. P. Chatterjee, Ins. No. 21-922068 was an employee of M|s. Symonds Co. (Pvt.) Ltd., Allahabad.

He remained on certified medical leave w.e.f. 9th September, 1972 to 18th October, 1972.

He submitted all the medical certificates issued to him upto 6th October, 1972 well in time to his employer. These covered the period of sickness upto 10th October, 1972.

The intimation in regard to the last certificate dated 12th October, which covered the period from 11th to 18th October, 1972, was sent by him under Registered post and was received by the employer on 14th October, 1972.

The insured person reported for duty on 19th October, 1972 but was not allowed to join by the employer on the plea that he stood discharged with effect from 11th October, 1972 under the Standing Orders, the relevant extracts of which, as supplied by the employer, are as follows:—

'Application for leave of absence for 3 days or lesser duration must be made at least 24 hours previous to the time from which the leave is required except on medical ground or death in the family in which case the application may be made on the same day.'

The insured person made a complaint against the employer to the Regional Director, E.S.I. Corporation, Kanpur, on 15th December, 1972.

The Regional Director in his letter dated 19th December, 1972 invited the attention of the employer to the provisions of Section 73 of the E.S.I. Act and called for his comments.

The employer in his letter dated 16th January, 1973, stated in reply that since no information was received by him on 11th October, 1972 about the further extension of leave, the action taken by him to discharge the employee from service was in order according to their standing Orders.

The Regional Director did not find the reply furnished by the employer to be in order and served a Registered Notice on him for contravening the provisions of Section 73 of the E.S.I. Act on 9th April, 1973.

The Employer stated in reply vide his letter dated 10th April, 1973 that the matter might be treated as closed since the union and the workman have already taken up the same with the Conciliation Officer and the proceedings were already going on under C.B. Case No. 21/73.

Director General, Employees' State Insurance Corporation has, however, after obtaining legal advice, instructed the Regional Director, Kanpur, to file a suit against the employer under Section 85 for contravention of Section 73 of the Employees' State Insurance Act, 1948."

C. Observation of the Committee

3.4. The Committee note from the facts furnished by the Ministry of Labour and Rehabilitation (Department of Labour and Employment) that the Director General, Employees' State Insurance Corporation, has instructed the Regional Director of the Corporation at Kanpur to file a suit against the employer, M/s. Symonds and Company Pvt. Ltd., Allahabad, under Section 85 of the Employees' State Insurance Act, 1948, for contravention of Section 73 thereof. The Committee hope that the suit will be vigorously pursued by the Employees' State Insurance Corporation. The Committee also desire the Ministry of Labour and Rehabilitation (Department of Labour and Employment) to inform the Committee, in due course, of the final result of the action taken.

IV

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (FIFTH LOK SABHA) CONTAINED IN THEIR NINTH REPORT ON REPRESENTATION REGARDING ACCOMMODATION PROBLEMS OF RETIRING GOVERNMENT SERVANTS.

4.1. The Committee considered a representation regarding the accommodation problems of retiring Government servants and made certain recommendations in their Ninth Report presented to Lok Sabha on the 22nd December, 1972.

4.2. The Ministry of Works and Housing were requested to implement the recommendations of the Committee. The recommendations of the Committee and the action taken replies thereon furnished by the Government are given below seriatim:

Recommendations (Paras 1.41 & 1.42 of the Ninth Report)

4.3. The Committee express their grave concern about the housing problem of the serving and retired Government employees. The percentage of serving Central Government employees in Delhi, eligible for allotment of Government accommodation from the general pool, who have been provided with Government accommodation, is only 42. In many cases, even the Government employees who have put in service of 25 years or more, have not been provided with Government accommodation. The large majority of about 58 per cent of Government employees have to fend for themselves and have to arrange private accommodation at exorbitant rents much beyond their means.

The Committee feel that provision of Government accommodation at reasonable rent is in the interest of efficiency of Government employees, apart from its being a welfare measure. The Committee, therefore, recommend that Government should step up the construction and provision of accommodation to its employees on a large scale, according to a time-bound programme, so that the majority of the employees may be provided with Government accommodation at the earliest.

Reply of Government

The construction of accommodation in the general pool at various places is a continuous process and within the available resources and other prerequisites, i.e., developed land, building materials, every effort is being made to construct the maximum number of residential units in the general pool within the shortest possible time. 1974 quarters have already been added to the general pool at Delhi/New Delhi during the Fourth Five Year Plan upto 1-1-1972. Another 3,362 quarters, including 320 units of apartment type accommodation, are expected to be added to the pool by the end of the Fourth Five Year Plan, making a total addition of 5,336 quarters during the Fourth Plan period. With this addition, the percentage of satisfaction in the general pool at Delhi/New Delhi will increase to 48 by the end of the Fourth Plan period.

Subject to the availability of funds, developed land and building materials, it is contemplated to achieve 75 per cent satisfaction in the general pool at Delhi/New Delhi and 40 per cent at other places where general pool accommodation is available and the percentage of satisfaction is low, by the end of the Fifth Five Year Plan. For this purpose, funds to the extent of Rs. 115 crores will be required. Efforts are being made to get the necessary funds allocated after discussion with the Planning Commission and the Ministry of Finance. If the required funds are made available, the position of housing in the general pool will ease to a great extent by the end of the Fifth Five Year Plan.

Recommendations (Para 1.43 of Ninth Report)

4.4. In the view of the Committee, Government owe a moral responsibility in the case of its retired employees also, particularly, those who, at the time of their retirement, are in possession of Government accommodation but do not possess a house of their own, to see that they are not thrown on the roads in their old age after serving the Government during the best part of their lives. Apart from formulating long term schemes, which may enable a Government employee to construct or purchase a built house of his own on a hire-purchase basis, Government may consider the question of liberalising their allotment rules in such a way that the retired Government employees, who do not have a house of their own, are allowed to retain the Government accommodation for a more reasonable period than at present, after their retirement, during which they may arrange alternative accommodation.

Reply of Government

The allotment of accommodation to Government employees is governed by the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, as modified from time to time. This recommendation has been examined, and keeping in view the fact that there is already an acute shortage of accommodation for serving employees, it has not been considered advisable to allow pensioners to continue in Government accommodation beyond the concessional period admissible under the rules, viz. two months after the date of retirement or the period of refused leave or leave preparatory to retirement limited to four months. A serving Government employee has naturally greater claim to general pool accommodation than a retired employee. Retired employees cannot be allowed to occupy general pool accommodation too long except at the expense of serving employees. Retired employees have to take timely advantage of general housing schemes and also the scheme for pensioners.

Recommendations (Para 1.44 of Ninth Report)

4.5. The Committee welcome the recent scheme of the Delhi Development Authority for the registration of public servants retiring within three years, i.e. between 1st April, 1972, and 31st March, 1975, for the purchase of houses/flats built by D.D.A. as a step in the right direction. The Committee hope that this scheme will not only be continued but further improved and extended to cover those employees who may be retir-

ing during the next five to seven years, in the light of the experience gained in its working. The Committee also recommend that the feasibility of extending this scheme, with such modifications as may be necessary, to the Government servants who retired before the 1st April, 1972, and were in possession of Government accommodation in their own names and who do not own a house in their own name or in the name of any of their family members, may be expeditiously examined.

Reply of Government

This recommendation has been accepted and instructions in this regard have been issued to the Delhi Development Authority, *vide* Ministry of Works and Housing D.O. letter No. H-11013(1)/73-U.D.I., dated the 4th April, 1973 to the Vice-Chairman. The acceptance is for future registrations under the scheme.

Recommendations (Para 1.45 of Ninth Report)

4.6. In view of the financial difficulties of the Government employees due to rising prices, the Committee also feel that the terms of allotment of flats to public servants under the new scheme for retiring Government employees need to be liberalised by D.D.A. The amount required to be paid on allotment of a flat, which is more than 50 per cent of the total cost of the flat at present, should be reduced to one-third of the cost of the flat and the payment of the balance amount should be spread over a longer period of time.

Reply of Government

The Delhi Development Authority have taken a loan of about Rs. 1 crore from the Housing and Urban Development Corporation for its scheme of allotment of flats to retiring public servants. This loan is repayable in 10 years' time and, therefore, it is not possible for the Delhi Development Authority to extend the repayment period beyond 10 years. Further, if the amount required to be paid at the time of allotment is reduced to one-third of the cost, the subsequent monthly instalments will be higher and may be beyond the capacity of the retired Government employees to pay. On the other hand, it is felt that Government employees would be getting a substantial amount of money from their Provident Fund, etc., at the time of their retirement and that amount could be utilised by them for the purpose of paying the amount on the allotment of the flat.

Recommendations (Para 1.46 of Ninth Report)

4.7. The Committee have carefully considered the request of those petitioners who are displaced persons that they are entitled to alternative accommodation before they are evicted from their present unauthorised Government accommodation under what has been frequently stated as "Cadgil Assurances". From the material placed before the Committee, the Committee are unable to determine whether the cases of the petitioners

are covered by the "Gadgil Assurances" stated to have been given in 1951. To a specific query by the Committee whether the Press Note issued by the erstwhile Chief Commissioner of Delhi on the 21st June, 1951, did not cover the cases of the petitioners, the Ministry of Works and Housing have stated that "it will be necessary to consult the Delhi Administration, Ministry of Rehabilitation and other offices". Be that as it may, the Committee would like the cases of the petitioners, and others similarly placed, to be considered with compassion with a view to avoid human misery as far as possible.

The Committee would also like to be informed of the result of the examination by the Ministry of Works and Housing of the question of applicability of the aforesaid Press Note to the petitioners as soon as possible.

Reply of Government

The "Gadgil Assurance" does not apply to allottees of Government accommodation, its application being restricted to displaced persons from West Pakistan who had unauthorisedly squattered upon Government land in Delhi before 15-8-1950. The displaced Government servants, who are in occupation of general pool accommodation, are covered by the provisions contained in the Allotment Rules.

According to item 6 of the Press Note dated 21-6-1951, a displaced Government servant, who had been allotted accommodation by the Estate Office, was eligible for alternative accommodation when he was asked to vacate it as a result of retrenchment, resignation, dismissal, retirement or death, if he had no place to live in. This concession was, however, withdrawn later on *vide* Press Note dated 23-3-1956 (See Appendix V).

Recommendation (Para 1.47 of Ninth Report)

4.8. The Committee note that Government employees enjoy the facility of taking loans from the Central Government at low rates of interest for building houses. The Committee, however, feel that a large majority of the Government employees, especially in Low Income Group, are unable to take advantage of this facility because of their inability to raise funds for purchasing land for house building at the prevailing prices of land in Delhi and other cosmopolitan cities. It may be mentioned that at present only 15 to 20 per cent of the total admissible house building loan is given to a Government employee for purchase of a plot of land. Similarly, a large number of employees are unable to take advantage of the facility of taking loans for purchasing ready-built flats from the D.D.A. as they are unable to deposit the necessary amount of money (i.e., Rs. 3000 for Low Income Group and Rs. 5000 for Middle Income Group) for registration of their names with the D.D.A. The Committee, therefore, recommend that sufficient number of plots of land should be developed and

made available to the Government employees and other salaried classes at reserved prices. Government may also raise the existing percentage of total house-building loan given to a Government employee for the purpose of purchasing a plot of land for house building and also grant loans to their employees for making deposits for registration with the D.D.A. for purchasing a built-up flat, which may be subsequently adjusted against the loan sanctioned to him for purchase of the flat.

Reply of Government

Although the various social housing schemes were formulated by the Ministry of Works and Housing, these are actually being implemented by the State Governments and the Union Territories who have framed rules therefor. The recommendation of the Committee regarding development of sufficient number of plots and making these available to Government employees, etc., is being communicated to them for appropriate action.

As regards the increase of the existing percentage of total house building loan, etc., Central Government servants are at present entitled to a house building loan of 75 months' pay or Rs. 70,000/-, whichever is less. Out of this amount, 20 per cent can be utilised for purchase of developed land on which construction can start within six months. For purchase of ready-built houses, the amount of loan is restricted to 75 months' pay or the actual cost of the flat, whichever is less.

It has not been possible for Government to agree to increase the quantum of loan for purchase of land. It has not also been possible to grant loans for registration purposes. The reason is that every Government servant is also expected to contribute something from his savings towards the acquisition of a house by him, as otherwise Government's funds will not be found adequate.

Recommendations/Observations of the Committee

4.9. The Committee note that the Government have accepted their recommendation contained in Para 1.44 of their Ninth Report regarding extension of the scheme of the Delhi Development Authority for the registration of public servants retiring from service, and that the Government have issued the necessary instructions in that regard to the Delhi Development Authority. The Committee would, however, like to be furnished with a copy of the instructions issued to the Delhi Development Authority vide Ministry of Works and Housing D.O. letter No. H. 11013(1)/73-U.D.I., dated the 4th April, 1973, and the action taken or proposed to be taken by the Delhi Development Authority in pursuance of those instructions.

4.10. The Committee find that the Government have not accepted their recommendation contained in Para 1.43 of their Ninth Report that Government may consider the question of liberalising their allotment rules in such a way that the retired Government employees, who do not have a house of their own, are allowed to retain the Government accommodation for a more reasonable period than at present, after their retirement, during which they may arrange alternative accommodation. Government have not accepted this recommendation on the ground that the existing period of two months is sufficient for the purpose and that, if this period is increased, it will affect the rights of the serving Government employees for accommodation.

The Committee are not satisfied with this reply of the Government. The Committee are of the opinion that the period of two months is too short for a Government servant who has no house of his own to arrange alternative accommodation at the prevailing high market rents, particularly when his income is reduced to less than half. The Committee, therefore, recommend that Government may re-consider the matter and increase the period to make it more reasonable.

4.11. The Committee are also not satisfied with the action taken reply of the Government on the recommendations contained in Para 1.47 of their Ninth Report. The Committee reiterate their earlier recommendation that sufficient number of plots of lands should be developed and made available to Government employees and other salaried classes at reserved prices. The Committee would like to be informed of definite schemes proposed to be started by Government in this regard. The Committee would also like to be informed by the Ministry of Works and Housing about the result of their communication to the State Governments and Union Territories regarding the development of sufficient number of plots and making them available to Government employees and other salaried classes at reserved prices.

The Committee are not convinced by the arguments advanced by the Ministry of Works and Housing for not raising the existing percentage of total house-building loan given to a Government employee for purchasing a plot of land for house-building and not giving advance to their employees for making deposits for registration with the Delhi Development Authority for purchasing a built-up flat, especially because, the advance for purchasing a plot as well as the advance for making registration with the Delhi Development Authority will eventually be adjusted in the total amount of loan to be given to a Government employee. The Committee desire that Government should re-examine the matter and liberalise the relevant rules to help their employees in the matter.

**ACTION TAKEN REPLIES OF GOVERNMENT ON THE TWELFTH
REPORT OF THE COMMITTEE ON PETITIONS (FIFTH LOK
SABHA) ON ACTION TAKEN BY GOVERNMENT ON THE RE-
COMMENDATIONS CONTAINED IN THEIR FOURTH REPORT
(FIFTH LOK SABHA) ON COMPLAINTS REGARDING
OVER BILLING AND WORKING OF S.T.D. SYSTEM ON
DELHI TELEPHONES**

5.1. In their Twelfth Report (Fifth Lok Sabha), the Committee on Petitions, after considering the action taken replies of Government on the recommendations contained in their Fourth Report (Fifth Lok Sabha) on complaints regarding over-billing and working of S.T.D. System on Delhi Telephones, had made certain recommendations.

5.2. The Ministry of Communications (Posts and Telegraphs Board), with whom the recommendations of the Committee contained in their Twelfth Report were pursued for implementation, have furnished their action taken replies which are reproduced below seriatim:—

Recommendation contained in para 1.3 of the Twelfth Report

5.3. The Committee would suggest that S.T.D. Barring facility should be provided free of charge to subscribers in respect of Cross Bar Exchanges where no additional equipment is to be installed for the purpose. Even in case of Strowger Exchanges where additional equipment has to be installed for barring the S.T.D. circuit, the Committee are of the view that there should be no charge for providing this barring facility where there are persistent complaints of excess metering from a telephone subscriber. The Committee, therefore, would like to reiterate their original recommendation.

Reply of Government

The subscriber trunk dialling barring facility on Direct Exchange Lines, PMBX and PABX junction lines can be made available without any charge if the request for the facility is made before installation of the new line(s).

In the case of working lines providing or withdrawing the facility involves administrative and technical operations. In view of the cost of these operations, it has been decided that an initial charge of Rs. 50/- per line at the time of providing/ withdrawing the facility may be levied.

Recommendation contained in para 1.7 of the Twelfth Report

5.4. The Committee would like to re-emphasise that 'S.T.D. Charge Indicator' should be developed on a high priority basis and early steps taken to instal it quickly at the promises of all the telephone subscribers using the S.T.D. facility.

Reply of Government:

The STD charge Indicator developed by the Tele-Communication Research Centre is at present undergoing field trial in Delhi Telephones. As soon as the field trial is successfully completed, the design will be released to the Indian Telephone Industries for regular production.

Recommendation contained in para 1.9 of the Twelfth Report

5.5 The Posts and Telegraphs Board does not seem to have given consideration to this suggestion* of the Committee. The Committee desire that the above suggestion of the Committee may be examined by the Posts and Telegraphs Board and the Committee apprised of the result in due course.

Reply of Government

Delhi Telephones provides plug and socket to the subscribers on request. This arrangement has the facility of plugging out the telephone when not in use.

In regard to the mechanism of Plug and Socket arrangement on Delhi Telephones, the Posts and Telegraphs, in their communication No. 27/421/72-TC dated the 13th July, 1973, have stated as follows:—

“This mechanism consists of one plug and two sockets supplied to the subscriber at his premises. The approved type of plug and socket is manufactured in Telephone Workshop and precludes all possibilities of inter-change with electric power plug and socket. Along with this plug and socket bell in I.P.T. plan 102 is provided at one of the socket points. Present rental of one of plug and two sockets arrangement along with its fitting is Rs. 40/- per annum with effect from 15th November 1971.”

Recommendations contained in Chapter IV of the Twelfth Report

5.6. (a) The desirability of issuing telephone bills monthly or two monthly instead of quarterly, as at present, should also be examined. This may entail employment of some additional staff but the extra expense would be worth its while as it would result in earlier recoveries and lesser complaints.

*The Committee on Petitions in their Fourth Report had made the following recommendation in para 1.63:—

“The Committee would also suggest that the Department may consider the feasibility of providing to the subscribers portable telephones which may be unplugged from their sockets when not required for use.”

(b) The Committee feel that the Delhi Telephones authorities should exercise greater vigilance and take a more serious view of the corrupt practices indulged in by their staff, e.g., diversion of one subscribers' telephone lines to another subscribers' telephone for making S.T.D. calls, issuing of wrong bills to the subscribers under the cover of clerical errors, etc. The Committee are not impressed by the figures furnished by the Directorate of Posts & Telegraphs regarding the number of cases during the last three years in which the corrupt telephone staff has been proceeded against and punished either departmentally or in Courts of Law. Out of a total of only 43 cases in which proceedings were initiated during the last three years, only five cases have resulted in punishment. The Committee recommend that a Special Cell should be set up in the Delhi Telephones District under a senior officer to root out corruption among the staff. The Committee feel that unless speedy action is taken to detect such cases and deterrent punishment is given to the guilty persons, this evil cannot be effectively dealt with. The Committee are also of the opinion that all possible technical and administrative measures should be speedily taken by the Delhi Telephones authorities to minimise the possibilities of tampering with the telephone lines and diverting the lines of one subscribers' telephones to another subscribers' telephone by the corrupt staff.

The Committee would like to be apprised of the final action taken by Government on both the above recommendations of the Committee as soon as possible.

Reply of Government

(a) A Committee for examining the billing system of Delhi Telephones with regard to the accuracy of metered call charges, etc. was appointed on 1st February, 1973. The terms of reference of the Committee include the matter of desirability of issuing telephone bills monthly or two monthly.

(b) In so far as the recommendation contained in para (b) above, (Para 1.60 of the Fourth Report), the Committee mentioned at (a) above is, *inter alia*, examining the working of STD system with regard to the causes of excess metering. The remedial measures under consideration of the Committee include strengthening of administrative vigilance set-up and other security measures in Delhi Telephones with a view to maximise preventive and punitive action with regard to malpractices indulged by subscribers in collusion with dishonest members of staff.

(c) The Committee referred to at para (a) above is likely to submit its report by the end of May, 1973.

Recommendation/observation of the Committee

5.7. The Committee note that Government have accepted most of their recommendations contained in their Twelfth Report. With regard to the

recommendation, namely, that no charge should be levied for barring STD facilities on a telephone (a charge of Rs. 50/- is levied for this purpose), Government have stated that withdrawal of STD facilities from a telephone involves administrative and technical operations. In view of the cost of these operations, the Government have not agreed to waive this charge of Rs. 50/-. The Committee are not satisfied with this reply of Government and recommend that no charge for barring STD facility should be levied on a subscriber whose telephone was already provided with STD facility before introduction of barring STD facility.

VI

REPRESENTATIONS INADMISSIBLE AS PETITIONS

6.1. During the period under report, the Committee have considered eighteen other representations and letter addressed to the House, the Speaker or the Committee, by different individuals which were inadmissible as petitions.

6.2. The Committee observe that through their intervention, the petitioners have been provided expeditious, partial or complete relief or due redressal of their grievances, or that the Ministries/Departments concerned have explained satisfactorily the grounds for not being able to remove the petitioners' grievances. (See Appendix VI)

NEW DELHI;
Dated the 13th September, 1973.

ANANT PRASAD SHARMA,
Chairman,
Committee on Petitions.

APPENDIX I

(See para 1.1 of the Report)

[Representation from the Koyala Shramik Sangathan (Bihar) for nationalisation of Coal Mines in Bihar particularly the Kedla, Jharkhand Dhori and Rauta Collieries]

BIHAR PRADESH CONGRESS COMMITTEE, SADAQAT ASHRAM,
PATNA-10.

No.

Date:

To

Dr. G. S. Dhillon,
Hon. Speaker, Lok Sabha,
New Delhi.

Subject: Memorandum on behalf of 40 thousand coal workers of Bihar.

Sir,

I am herewith presenting a memorandum on behalf of forty thousand workers of Bihar working in coal mines. The memorandum speaks itself, I hope it will receive your immediate attention.

Yours faithfully,
Sd/-

J. N. CHOUBEY, M.L.C.
Chairman, Bihar P.C.C. Labour Cell,
Member, A.I.C.C. Labour Cell.

Reg. No. 1434

KOYALA SHRAMIK SANGATHAN (BIHAR)

Main Office: Mazdoor Seva Sadan, Shrikrishanpuri, Boring Road,
Patna-13.

Registered Office: Lepo Road, Hazaribagh.

President:

Jagdish Narayan Choubey.

General Secretary,
Ramnika Gupta.

MEMORANDUM REGARDING KEDLA JHARKHAND, DHORI RAUTA
MINES UNDER RECEIVER AND OTHER MINES IN PRIVATE
SECTOR IN BIHAR BY THE WORKERS THROUGH KOYALA
SHRAMIK SANGATHAN, BIHAR, FOR NATIONALISATION

Preamble:

We the workmen of Kedla Jharkhand Dhori and Rauta thank and congratulate the Chief Minister, Shri Kedar Pandey of the State of Bihar for directing the Receiver to start Departmental working within two

months, after terminating the contracts of Managing Contractors—Petty contractors as they violated the terms of agreements viz. clause

- 3(a) 6, C and Clause 5-4-19 as under
- (a) Non-payment and irregular payment of wages and salaries clause (3a).
 - (b) Default in payment of commission clause 6(c).
 - (c) Engaging petty contractors without permission (Clause 5).
 - (d) Closure of Quarries due to irregular working such as verticle or under cutting—Clause 4.
 - (e) Non-maintenance of their records at the site clause 19.

Under Clause 27 of the same agreement, the Receiver can issue fresh direction and orders which will form the part of agreement and the contract can be terminated with one months notice if it is not adhered to. Receiver issued a direction in September 1970 asking all contractors to abide by his previous commitments which they never obeyed. Receiver also never bothered whether terms of the agreement are adhered to or not. This encouraged the defaulter contractor to default more.

We are sorry to state that even inspite of the directive of the Chief Minister, the notices have not been served to all and if they are served they are not in the spirit they are meant for.

After the election, a new enthusiasm has come in the country. The workers think that a new deal is to come to them through leadership of the Prime Minister, Smt. Indira Gandhi. This can only materialise if the corrupt bureaucracy is replaced by men committed to national advance and socialist thoughts and ideals. The Prime Minister in her inaugural address to the Trade Union Conference in Delhi said that "it not unpatriotic for workers to try to secure a larger share in the fruits of economic growth". Being exploited for years by Raja of Ramgarh and his henchmen, naturally after the take-over by Receiver we expected a better deal with us but it is unfortunate that the Bihar officials instead of siding with the cause of working class almost identified themselves with the contractors. Today, the workers have lost all hopes and now it is very difficult to bear any more burden as such. Frequent strikes and demonstration leading to heavy losses to State and nation have become a routine. Precisely for the cause of each demand and payment they have to resort to such action although from the core of their heart, they do not want this.

"Under the circumstances, we the workers of these mines through our Union Koyala Shramik Sangathan request you to Nationalise these mines as they are coking coal mines or give it to N.C.D.C. to run it departmentally.

There is a talk going on for Bihar Mineral Development Corporation. We welcome the move. We are not against departmental working by the Government of Bihar at all, but we have our own apprehension and fear that a section of officials of the State of Bihar wanted to solve this issue by giving a slogan of Bihar Mineral Development Corporation and thereby to continue these vultures for their own self-interest at the cost of poor have-nots and workers. For your information, contractors have collected huge sums of money amounting to lakhs and they are trying to influence the Government through certain M.L.As. to change the decision of the Chief Minister of Bihar and vitiate the move of the Chief Minister to create a Ram Raj for workmen in coal industry in Bihar.

Analysis:

The issue is analysed as follows:—

- I. How the labourers are exploited by Contractors and the Receiver organisation and State Administration.
- II. That these are coking Coal Mines, hence nationalisation.
- III. Take over by Bihar Mineral Development Corporation and our apprehensions.
- IV. Take over by N.C.D.C.
- V. How to facilitate the take-over.

(I). Regarding exploitation—Much has been said in the past through our Union by way of Memorandums and by filing a petition in Rajya Sabha and Lok Sabha through our General Secretary, Smt. Ramnika Gupta.

Forms of Exploitation

- (a) Wage Board Award is on paper and not in practice.
- (b) Contractors do not maintain records of labourers to avoid payment of their legal dues. The attendance is not marked.
- (c) Payment of staff is made on vouchers, at times not even that—hence no security of job—and this leads to exploitation and under-employment.
- (d) No houses for workmen—The money that was given by Coal Mines Welfare Commissioner to construct houses for labourers as per agreement was spent by Receiver on construction of houses in Parej Bangla and are now let out to various contractors.
- (e) Payment of earned wages is delayed to four to nine weeks very often.
- (f) No water to drink—Labourers and staff get it from quarries—which dry down in summer.

- (g) No statutory dues are paid—such as Bonus, leave wages, Maternity benefits.
- (h) No Medical facilities are available—though a cess is deducted by Receiver from every contractor. Ambulance is never in order—or remains at Hazaribagh and used for transporting Receiver's staff and their families.
- (i) No Roads—though thousands have been spent on Roads but no results.
- (j) The Mines are cut verticle or under-cutting is prevalent—endangering workers life and wastage of national property—leading to accidents for which workers do not get any compensation.
- (k) An army of Receivers staff is maintained to see only that the terms and conditions of the agreement reached between the Receiver and the Contractors are adhered to or not—but either they do not seem to be interested in checking or they are not heard of by high bosses. Lot of underhand dealings go on in the name of inquiries which go without proper action.
- (l) In spite of Agreements reached at between our Union Koyala Shramik Sangathan and Receiver and his Contractors before Labour department—the implementation of our agreements is ignored.
- (m) These contractors have to pay heavy dues towards Receivers Royalty and Commission—Sales Tax—Income Tax—Labour wages, current and arrears, both. They have not paid C.M.P.F. for which a case has also been filed.

Receiver and Contractors jointly try to dodge the workers. Receiver had always avoided the responsibility of a Principle Employer which he is—but maintained the rights of it. Under the cover of court they want to create an Iron-gate worse than Ram Garh Raj to avoid any enquiry or action against them.

The Public Prosecutor for Receiver—the Receiver—the Agent—the Superintendents and other officers of the collieries under Receiver are trying to dodge even the Government and working against the programmes of the Government and the Congress Party. They want to maintain Contractor system and has helped the contractors to dodge the Abolition and Regularisation of Contract system Act. They maintain that they are mere Royalty Receiver—But they maintain an army of officers with huge salaries to receive something else and allow the mines to be destroyed. These mines were taken away from Raja of Ramgarh because he was mismanaging them. But Receiver through the Managing

Contractors and contractors is not only mismanaging but also destroying the property. Any information given by our Union regarding unsafe and unscientific mining by contractors was not only ignored but was resented. By showing huge sums of Royalty collection the equal of which remains unrecovered from various contractors—it cannot be proved that they are managing the property well. It is a welfare State—not a Marwari Concern. The money collected at the cost of the labourers and destruction of Mines is not profit. The amassment of wealth is not the motto of the State but proper distribution of it is the aim. They could earn double the profit if they had been honest. There are several cases going on against these contractors under payment of Wages Act, Bonus Act—non-maintenance of Records—Compensation Act—and two cases for permission to sue Receiver for under Abolition and Regularisation of Contract Act and G.M.P.F. are pending in the Court of Sub-Judge, Hazaribagh. The permission is purposely being delayed.

The Receivers organisation has not only be a silent spectator in exploitation of labourers by agencies like contractors—petty contractors and Managing Contractors created by Receiver himself but also been a party to it by its callous attitude to labourers and appreciation of defaulter contractors not only by allowing them to continue the work in spite of defaults but by reduction in their Royalties as a price for suppressing the legitimate demands of labourers through their Pahalwans—the private constabulary of contractors.

As for Collieries other than those under Receiver are concerned, the conditions are still worse. The so-called Labour Leaders in those areas are holding petty contracts and so instead of exposing the exploiters they suppress the facts. The managers and Superintendents and Overmans in these Concerns are partners or share-holders. So they actually become contractors and forget their degree of Mining Engineering. Not only they help the exploitation but they help the loot of Coal and destruction of national wealth by resorting to all mining violations. They even resort to assaults of genuine labour leaders, viz., Ramnika Gupta, our General Secretary, was assaulted by officers of North Ram Garh Coal Company Ara Sarubeda in Kuzu. Collieries under this Company and others are notorious for all these exploitations. They sell their coal without challans thus stealing the Royalty and Commission of Bihar State. The cases were detected last year when a raid was undertaken by officials of anti-corruption department.

Karnpura Coal Company of Birds—in Relligarha—Sirka Saundas K.C.T.—Lapanga of Jeevan Mal Chopra, Dutta Company and Mile Colliery in Ram Garh are glaring examples of exploitation. Some to them. Company like Birds in Relligarha and others don't adhere to so who are on record but thousands remain unrecorded and when any labourer dies in these collieries due to accident their dead bodies are disposed of with the help of Police. Payment of compensation is a news

to them. Company like Birds in Relligarha and others don't adhere to any Mines and Safety Rules and no department bothers to check. The struggle to get their attendance marked ended in murder in Relligarha implicating falsely the leaders of our Union. Recent murder in Dutta Company of a labourer belonging to CPI Union by Pahalwans of a Section of leaders at the instance of Management speaks the miserable and inhumane conditions workers live in. In West Bokaro colliery of Tata's who speaks loudly about implementation of Wage Board Award, the picture is very gloomy. For 3000 workers only 700 quarters are made. They have contractors for over-burden who pay very much less than Wage Board and maintain no records. Glaring example of this companies treatment to labourers is that a high school was built by workers for their children with their own funds on a registered piece of land by Government. The Company has not only instituted cases against the labourer and our leaders but also refused to extend water facilities to the children of school. This is a Coking Mine.

The Police and the Administration by imposing Section 144 on demonstrations by workers and by one-sided Section 107 and by instituting other false Cases on workers have helped the contractors to silence the agitation of legitimate dues.

(II) That These are Coking Mines.

- (1) Dr. Lahri's report on Kedla Jharkhand (Ara Sarubeda under North Ram Garh Coal Company) on this issue is quite clear that these contain Coking Coal seams.
- (2) The data with N.C.D.C. itself is clear on this issue.
- (3) The Central Fuel Research Institute in its report has also maintained that these are Coking seams in these Mines.
- (4) The Coal is actually Coking in Kedla and Dhuri but Raja of Ram Garh manipulated to get it degraded to sell it locally.
- (5) Ara has set up plant for coking coal but dismantled it since Nationalisation started.
- (6) Relligarha—Sirka—Saunda—K.C.T. and other mines in Karanpura field—West Bokaro Colliery Ghato—contain Coking Coal Seams but were left out for reasons best known. Thus the economic Coking Coal Mines with less over burden were left with private sector. So these mines can be nationalised.

(III) Take over by Bihar Mineral Development Corporation and our apprehensions.

It seems a very attractive hogey to say that Revenue of State should not be allowed to go out—or that the N.C.D.C. is running in loss. So Bihar Mineral Development Corporation will be an ideal organisation to

take over the mines. First of all, we can cite many examples where State-run organisations are running in loss. So it is futile to say that India Government cannot manage things properly and Bihar Government can do better. It is the persons who matter in management, not the institutions. Safai Mines which are the best mines in India in Mica are running in loss under Bihar Mica Board—very much manned by officers of Bihar Cadre. State Transport is another example. To say that N.C.D.C. is useless proposition and incompetent lot and that also when officers in Bihar say so seems to be motivated.

The following points have to be noted:

1. Will B.M.D.C. have sufficient funds to run these collieries?
2. Won't they revert back to contractor system due to shortage of funds and facilities and for reasons which are extra-political, extra-legal, extra-palable?
3. Won't there be a castist approach by the heads of Corporation?
4. Won't the local-obligations and leanings lead to blockage of progress and red tapism. The dash for business—the ruthless impartiality—the sense of fair deal—and ideal of welfare state will be lacking in B.M.D.C. which can become a battlefield for various politicians, a fertile ground for corrupt officers under the protection of local vested interests.
5. Question of Compensation may arise which if left to the present set of officers in Receiver's organisation will lead to huge loss to State—as personal interest will help assessments to go high. Every third contractor in Kedla Jharkhand and Dhori is "somebody's man".
6. B.M.D.C. can run profitably provided they propose to take over entire non-coking mines, and that also by not shouting at the top of their voice—not only allowing time to owners to destroy the Plants—but also helping unscrupulous self-made leaders in politics and business to make money by collecting funds to get the decisions cancelled. If they mean it—they should take it over—overnight.

B.M.D.C. can work profitably if cast and local political influences are eliminated and provided all non-coking mines are taken over by it. It will affect and improve the lot of about forty thousand workmen in Hazaribagh district alone.

(IV) Take over by N.C.D.C.

- (1) N.C.D.C. has its organisation—well established. It is easier for them to divert its huge resources to these areas.

- (2) They can utilise the washery plant which is lying idle at Gidi 'A' and utilise Kedla coal.
- (3) They can supply Kedla Dhori Coal to Patratu—Barauni and proposed Tenu Thermal Power stations.
- (4) They should be asked to employ local people to avoid any misunderstandings—rather reserve a quota for local workers.
- (5) They should employ as many unemployed Mining engineers as they can.
- (6) Share of Bihar Government can be maintained in these projects to save its Revenue.
- (7) Separate Accounts can be maintained for these quarries.
- (8) Government of Bihar should give its officers to work under the N.C.D.C. and let the officers if they are so concerned about the loss of revenue to the State—show their competence in giving more production in these units—and also let them keep a watch on the thefts and losses.

(V) How to facilitate the take-over.

There are going to be many obstacles in take-over—if time is allowed to pass. Progress in this direction may stop at the hands of Court.

- (a) They may allow injunction orders on contractors petition and make the move of Chief Minister to abolish contractors—null and void, if the cancellation notices are not properly worded.
- (b) The Public Prosecutor who is another one in the unholy alliance and henchmen of contractors can also spoil the States case (Receiver's).
- (c) Contractors may try to remove the machineries which workers wont's allow—or they may create physical constructions which may lead to imposition of sec. 144, leading to closure of Mines as in past.
- (d) Heavy compensation assessed by the Receiver's staff may deter the Government from this step. Instead of paying the compensation—these contractors should be penalised as per the terms of agreement with them.
- (e) An Ordinance by the Government can end all these and compensation problem can be tackled by the recent compensation Act on Property.

- (f) The Click of Officers who have been ruling in Kedia Jharkhand Rauta and Dhori if broken can facilitate the entire thing and take over and also save Bihar Government and Government of India from litigation and compensation.

Demand

1. We request you to Nationalise these Mines as they contain coking Coal Seams, or

2. To hand them over to N.C.D.C. with share of Bihar Government in Finance and Administration both in these Units—with preference to local people and also unemployed Mining Engineers.

3. To handover these Mines to B.M.D.C. only if all non-Coking Mines in the area are to be taken over. Till then these mines should be with N.C.D.C.

4. To banish Contractor System in any form. This will help about forty thousand workmen working in Hazaribagh district under private sector.

Conclusion

Coal Industry is a large-scale industry. It cannot be profitably run as a small-scale industry or cottage industry as is in practice in these fields. This industry needs an integrated approach and policy as well. There cannot be Nationalisation in patches as it leads to thefts in public sectors, viz. sale of coal on challans of private companies is quite common in these areas. Therefore, we suggest that all the collieries in this area including West Bokara Ghato of Tata etc. mentioned in the body of the memorandum be Nationalised for future industrial growth as well as advancement of the public sector industry in the country. The growth and extension only can widen the base of Socialist order which will ultimately lead for capital formation and self-reliant economy. The call of the Prime Minister for a Self-Reliant economy can only materialise if labour gets a fair deal, better working conditions are provided—exploitation ceases and men of dedication and committed to ideologies are allowed to run Public Sector in the country.

Sd/-

(JAGDISH NARAYAN CHOUBEY (MLC))

Sd/-

(RAMNIKA GUPTA)
General Secretary.

New Delhi,

Dated 13th April, 1972.

Copy to:

To

Dr. G. S. Dhillon,
Speaker,

Lok Sabha,
Parliament.

APPENDIX II

(See para 1.3 of the Report)

[Comments of the Ministry of Labour & Rehabilitation (Department of Labour and Employment) on the representation for nationalisation of Coal Mines in Bihar particularly the Kedla, Jharkhand, Dhori and Rauta Collieries]

Kedla, Jharkhand, Rauta and Dhori Collieries belonged to Messrs Bokaro & Ramgarh Limited, a company owned by the late Raja of Ramgarh. As a result of title suits instituted by the State of Bihar against the company, by an order dated the 16th October, 1967, the Sub-Judge, Hazaribagh, appointed the State of Bihar as Receiver for the collieries. By a subsequent order dated the 14th March, 1970, a permanent Receiver was appointed to manage, supervise and control the working of the collieries.

2. Initially the collieries were run through raising-cum-selling contractors. Finding this system not satisfactory, the Receiver was permitted by the Court by its order dated the 4th August, 1970 to replace the raising-cum-selling contractors in Kedla, Jharkhand and Rauta Collieries by Managing Contractors. In Dhori Collieries this change over was to take gradually. The broad terms of contract are as under:—

“The Managing Contractor will have power and responsibilities as ‘Owner’ under the Mines Act and as ‘Employer’ under the Payment of Wages Act, Industrial Disputes Act and all other Labour Laws relating to Labour and the running of the collieries. The Managing Contractor shall be responsible for all payment such as wages, salaries, etc., of the employees working under him and will also be responsible for the implementation of the Coal Wage Board’s Recommendations. The Contractor will be solely responsible for all the payments of labour welfare charges and other levies as and by way of road taxes, cesses and Sales Tax concerning its working. The Managing Contractor shall work the colliery himself and he will not be entitled to appoint any other raising contractor or raising-cum-selling contractor or create any agency without the permission in writing of the Receiver. In all cases, the responsibility for payment of commission to the Receiver will be of the Managing Contractor.”

3. At present in Kedla, Jharkhand and Rauta Collieries there are 50 Managing Contractors and in Dhori Colliery 1 Managing Contractor and 26 Raising-cum-selling contractors. These Contractors have

been allotted specified blocks for production of coal. They are required to pay commission to the Receiver on the Coal despatches made by them with a minimum guaranteed commission fixed in each case. These Contractors engage their own labour and manage their work independently, subject to the General Control and supervision of the Receiver and his officers. The Dhori Colliery was subsequently taken over by the Government of India by the Custodian General under the Coking Coal Mines (Emergency Provisions) Ordinance, 1971, but its possession was disputed and it still continues to be under receivership.

4. Certain terms of contract have been violated by the Managing Contractors, as mentioned in the petition. The Central Industrial Relations Machinery brought to the notice of the Receiver the violation of Clause 5 of the Agreement, as certain petty contractors were continued to be engaged by the Managing Contractors. The other violations detected were non-payment of royalties, taxes, legal dues of workers and mismanagement of mines, violation of Mines and Safety Regulations. Clause 27 of the agreement reads as under:—

“That the Receiver shall have liberty and power to modify change or impose any new condition of contract beyond the terms and conditions of these presents in accordance with law. The Receiver, Agent or any officer authorised by them shall have the power to issue directions and instructions from time to time which will in any case be obeyed and observed by the contractors.”

The Receiver issued a circular in September, 1970, to all the contractors, a copy of which is at Annexure-I and little action appears to have been taken in pursuance of that circular. The Receiver can take appropriate steps for implementing the terms of the agreement and if necessary to terminate the contracts for continuous default. The Central Industrial Relations Machinery have brought to the notice of Receiver the various violations apart from taking action under the provisions of Labour Laws for securing to the workers their legal dues. Certain working phases have been closed for reasons of safety of workmen by order of the Director General Mines Safety and whenever these provisions cease to exist the restrictions have been removed and the mines reopened. Certain general allegations have been made in the petition against the Receiver and his staff and the officials of the Bihar Government as contributory factors for the violation of agreement. The Government of Bihar would have to deal with these allegations.

5. About the exploitation of labour, the points raised and the facts as revealed on investigation are enumerated below:—

(i) Non-implementation of Wage Board Recommendations:

By and large the contractors have not fully implemented the Coal Wage Board recommendations, as accepted by Government.

Even in cases where the recommendations were initially implemented, the Contractors are not paying the prevalent rate of Variable Dearness Allowance and have not sanctioned annual increments to the workers. Some contractors have also denied to their workmen payment of leave and sick wages as well as lead and lift wages. Wherever there are awards and agreements conferring on the workers the benefits of the Wage Board, the Central Industrial Relations Machinery, is taking appropriate legal action in securing to the workers these benefits. As a disincentive the Receiver and the Managing Contractors have not been issued the implementation certificates enabling them to get purchase orders from Railways, etc., as such orders the Government instructions are to be given only to those collieries who have implemented the Coal Wage Board Recommendations and they have as proof secured implementation certificates from the Regional Labour Commissioner (Central) concerned. Since the Coal Wage Board Recommendations have no statutory backing, Government are now considering certain measures to have the same enforced, through the Defence of India Rules, if necessary.

(ii) Non-maintenance of records and non-marking of attendance:

There were instances of this nature detected during inspections, and for such violations the contractors have also been prosecuted, as per the provisions of the relevant enactments.

(iii) Payment of Wages on Vouchers, leading to insecurity and under-employment.

Cases have come to light wherein certain contractors indulged in payment to the workers on voucher and not on prescribed wages register. Action has been taken against the contractors and they were compelled to take to their rolls such workers and pay them through the wages sheets.

(iv) Denial of Welfare amenities i.e., housing, drinking water, Medical facilities and laying of roads:

No housing has been provided at any of the blocks of the Managing Contractors for their workmen. Similarly no satisfactory arrangements exist for providing drinking water to the workmen. As a result of action taken by this Department, the Receiver agreed to supply drinking water to the workmen in Kella and Jharkhand, through trucks. After the Managing Contract System was introduced this facility has been discontinued. Barring a small dispensary, there is no arrangement to provide medical facilities to the workmen and their

dependents. This dispensary is providing only first aid relief etc. in case of accidents. Though an Ambulance Car has been provided, it is generally not available for use. The roads leading to the collieries are in highly deteriorated conditions. The movement of heavy trucks has further worsened the condition of the roads. During the rainy season this leads to a virtual dislocation and stoppage of work in the collieries. Denial of these normal working facilities and other issues has already been taken up with the State Government and a copy of the letter written to the State Government is attached to *Annexure-II*.

(v) Delay in Payment of Wages:

Instances have come to notice that wages of workers in many cases are not paid for weeks together. Wherever it was possible, claim applications have been filed before the Court of Authority under the Payment of Wages Act, for recovery of the dues of the workmen. However, some Contractors after persuasion by the Labour Enforcement Officer, paid the workers' dues later on.

(vi) Non-payment of other legal dues and denial of statutory benefits:

There are cases where the workers were deprived of their legitimate dues in respect of bonus, leave wages, maternity benefits, etc. Legal action has been taken in this connection.

(vii) Improper Working of Mines:

It has been reported that due to lack of knowledge in working the mines some of the contractors are mismanaging the mines. This is for the Department of Mines to investigate. The Director General Mines Safety takes appropriate action, whenever safety provisions, Mines Rules and Regulations are violated.

(viii) Non-implementation of terms and conditions of agreement by Receiver and his staff

As already pointed out, *vide* para 4, the State Government has to deal with this aspect of the matter and take appropriate action.

(ix) Non-implementation of labour agreements:

Though no specific cases of non-implementation of agreement have been cited, it is substantially correct that the commitments made before the Deputy Chief Labour Commissioner

(Central) have not been honoured when he investigated the matter in the year 1970 regarding the provision of drinking water, housing, medical facilities and ensuring proper supervision for the correct attendance of the workmen. M/s. Geodetic Coal Company Limited, which is the biggest managing contractor in Kedla Colliery, has also failed to implement fully the conciliation settlement dated the 14th December, 1971. Legal action in the latter case has already been initiated by the officers of the Central Industrial Relations Machinery.

(x) Non-payment of dues by contractors including Royalty, Taxes, Provident Fund dues, etc.

A number of claim and certificate cases for the recovery of wages| bonus have been filed by this Department. Necessary action has been taken on complaints with regard to recovery of Provident Fund dues. As far as royalty dues taxes etc., are concerned it is for the State Government to take appropriate action. It may be added that as many as 72 prosecution cases have been filed during the last one and a half years against the various managing contractors pertaining to Kedla and Jharkhand Collieries for various breaches of Labour Laws. Similarly claim application for the recovery of wages of the workers amounting approximately to Rs. 50 lakhs and certificate cases for recovery of about ten thousands on account of bonus dues to the workers have been filed against the various managing contractors during the same period despite many handicaps, faced by Officers of the Central Industrial Relations Machinery, due to non-maintenance of various records and registers.

5. The next point raised in the petition is non-enforcement of the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, in the collieries under the Receiver. In this connection it is mentioned that the Receiver was requested by the Regional Labour Commissioner (Central), Dhanbad, to get his establishment registered as Principal Employer, so that he could be held responsible for the lapses on the part of the Managing Contractors. The Receiver has, however, refused to do so, on the plea that under the new Act he is not the principal employer. A petition has been filed in the Court of Sub-Judge, Hazaribagh, seeking clarification in the matter. Besides as would be evident from Annexure-II, this Department had already written to the State Government with a request to take urgent steps for getting the Receiver's establishments registered as Principal Employer under the new Act. The reply from the Government of Bihar is awaited.

6. The petition also mentions mis-management and unfair labour practice, etc., followed by the managements of certain private collieries in the area, viz., collieries owned by North Ramgarh Coal Company, Karanpura Coal Company of Birds and West Bokaro Colliery of Tatas. The existence of intra and inter-union rivalry cannot be ignored. The murder referred to in Religara Colliery has now come under police action. The matter is before the Court and it is *sub-judice*. About the allegation against the management of West Bokaro Colliery its management does not appear to have indulged in making less short payments.

7. In respect of the remaining points, which relate to nationalisation of mines, this department has no comments to offer, as this is the concern of the Department of Mines.

ANNEXURE I

(See Para 4 of the Appendix II)

OFFICE OF THE RECEIVER

KEDLA|JHARKHAND|DHORI|RAUTA COLLIERIES

Circular No. _____

Hazaribagh, dated the 11-9-1970.

I understand that some of the managing contractors are under the impression that they are now free to deal with labour in any manner they like and they are not bound to honour their commitments to the Receiver made in the past.

The attention of all managing contractors is drawn to clause 3(a) of the agreement under which they shall be responsible for all payments to workers in accordance with the Coal Wage Board's Recommendations. Their attention is also drawn to the last clause of the agreement, namely clause 27 under which the Receiver shall have power to issue directions and instructions from time to time in any matter including labour matters and such directions will be obeyed and observed by the managing contractors.

There is no denying the fact that at the time the Receiver took charge of the Kedla and Jharkhand Collieries labour was being very badly exploited by the so-called working persons. Payments were not being made in accordance with the Wage Board's Recommendations; bogus wage sheets were being prepared; there was no proper measurement of work load; attendance was not being marked properly and payment was being made in the *jugis* of the so-called petty contractors. The Receiver has issued instructions from time to time with regard to various measures introduced by him to stop these malpractices. Payment was centralised at 9 payment counters 6 in Kedla and 3 in Jharkhand. Attendance Clerks were appointed by the Receiver to see that the attendance of the workers was properly marked and measurement of their output of work was also properly done. Our managers and their subordinates were also instructed from time to time to see that wage-sheets were properly prepared and the legitimate dues of the workers paid on due date. In spite of all these strict measures, I regret to say that there were cases where these instructions were not followed in the proper spirit. The working persons in some cases deliberately slowed down work and at one stage despatches almost became nil. They also resorted to tactics like wrong marking of attendance, wrong measurement of work-load and payment to workers outside the authorised payment counters.

There may be some justification for the reluctance on the part of the working persons to implement the Receiver's instructions fully, since the rates of commission, particularly in the cases of the so-called petty contractors, were so high that they could not possibly afford to pay the labourers in accordance with the Wage Board's recommendations. With the introduction of the new system of managing contractors there is, however, absolutely no reason why the Receiver's instructions with regard to implementation of the Wage Board's recommendations should not be followed scrupulously. The rates of commission have now been fixed in accordance with the rates offered by the managing contractors themselves. There is thus no reason why they should try to adopt evasive tactics and continue to indulge in the old mal-practices.

I would like to make it clear to all the managing contractors that any violation of the instructions issued by the Receiver from time to time in labour matters, and cases of short payment or any other violation of the labour laws which on enquiry, are found to be true will be viewed very seriously and drastic action taken against the defaulting managing contractor. If any managing contractor continues to indulge in such tactics in spite of one or two warnings, the Receiver will have no option other than terminating the managing contract on one month's notice, forfeiting the security deposit and entrusting the working of the block to some other managing contractor.

Sd/- K. A. Ramasubramanian,
11-9-1970
RECEIVER.

ANNEXURE-II

(See Para 4 (iv) of Appendix II)

Copy of letter No. L|2025|15|71-LRII, from Shri P. C. Misra, Deputy Secretary to the Government of India, Department of Labour and Employment, New Delhi, addressed to the Secretary Labour Department, Government of Bihar, Patna, and copy endorsed to the Chief Labour Commissioner (Central), New Delhi.

SUBJECT.—Kedla—Jharkhand Collieries, non-payment of proper wages, provision of amenities etc. by Managing Contractors and other matters.

The undersigned is directed to state that it has been brought to the notice of the Government of India that the labour situation in Kedla—Jharkhand Collieries is far from satisfactory. There are 46 Managing Contractors appointed by the Receiver of the Collieries and they are not managing the affairs of the collieries properly. They have not till now fully implemented the recommendations of the Coal Wage Board and have also not provided their workmen in the mining area with facilities for housing, drinking water, canteen, creches, etc. The Receiver has refused to get his establishment registered as the principal employer under the Contract Labour (Regulation and Abolition) Act, 1970, and the Managing Contractors are also refusing to accept the responsibilities of the principal employer, resulting in denial of statutory and other recognised benefits to the workmen. Though a petition has been filed in the Court of the Sub-Judge, Hazaribagh to direct the Receiver to get his establishment registered under the above mentioned Act, it will take a long time to come to a final decision in the matter under this process. In the meantime, the victimisation of the workers will go on apace. The State Government are, therefore, requested to kindly look into the matter and take urgent steps to bring about normalcy in the collieries and to reconsider the matter of making the Receiver the Principal Employer under the Act.

APPENDIX III

(See para 1.3 of the Report)

[Comments of the Ministry of Steel & Mines (Department of Mines) on the representation for nationalisation of Coal Mines in Bihar particularly the Kedla, Jharkhand, Dhori and Rauta Collieries.]

Kedla, Jharkhand and Dhori Rauta collieries belonged to M/s Bokaro & Ramgarh Limited, a company owned by the late Raja of Ramgarh. As a result of title suits instituted by the State of Bihar against the company, by an order dated the 16th October, 1967, the Sub-Judge, Hazaribagh appointed the State of Bihar as Receiver for the collieries. By a subsequent order dated the 14th March, 1970 a permanent Receiver was appointed to manage these collieries.

2. The Receiver had appointed a number of private parties as coal raising contractors in this area. It was also reported that the working done by these contractors was far from scientific and that they resorted to slaughter mining.

3. The State Government was also interested to manage these collieries through the newly formed Bihar Mineral Development Corporation. The matters relating to Kedla, Jharkhand, Dhori and Rauta collieries were discussed in a meeting between the Chief Minister of Bihar and Minister (Steel and Mines) at Patna on 28th March, 1972. It was decided that:—

- (a) Steps should be taken to determine the managing contracts within 3 months.
- (b) In the meanwhile National Coal Development Corporation Ltd. may prepare a project report for the working of these collieries and discuss with the State Mines Department as to how the operations should be conducted after the termination of the present managing contracts (Action Mines Commissioner, Bihar and N.C.D.C.).

3. In pursuance of this decision action has already been taken by the State Government for determining the managing contracts. Out of 41 managing contracts, 2 have already been determined and in respect of the remaining 39 action has been initiated by the Receiver to assess the compensation which would be payable from the assets of the property.

As regards (b) above, action has been initiated by the National Coal Development Corporation to prepare a project report and it is expected to be ready within 3 months.

4. Regarding the demand for nationalisation of Kedia, Jharkhand, Dhori and Routs mines, it may be mentioned that Dhori being a coking coal mine, is already covered under the Coking Coal Mines (Nationalisation) Act, 1972 (No. 36 of 1972). The question whether the other three mines also contain coking coal is being examined in consultation with the Coal Board. The National Coal Development Corporation have also been requested to intimate whether they would agree to take over the receivership with a view to expediting the process of working the area.

5. It may be added that the Government have at present no proposal under consideration to nationalise non-coking coal mines in the country.

APPENDIX IV

(See para 2.3 of the Report)

[Note from the Ministry of Railways (Railway Board) on the representation re. posting of employees of erstwhile Howrah-Amta, Howrah-Sheakhala Light Railways in Eastern and South-Eastern Railway Zones etc.]

The ex. Shahdra-Saharanpur Light Railway operating in the Uttar Pradesh was closed down by the Company owning and operating it from 1-9-1970. The Howrah-Amta and Howrah-Sheakhala Light Railways operating in the West Bengal were also similarly closed down by the Company owning and operating them from 1st January, 1971. These Light Railways were owned by M/s. Martin and Burn. On closing down of these Light Railways, 1180 staff belonging to Shahdara-Saharanpur Light Railway and 1357 belonging to Howrah Amta and Howrah Sheakhala Light Railways and 219 belonging to the Headquarters office were rendered jobless.

2. Government of India decided not to take over these Light Railways. However, to mitigate the hardship to the retrenched employees of the Light Railways, it was decided to appoint them on the Indian Railways. It was decided by the then Minister for Railways (Shri Gulzari Lal Nanda) on 16th December, 1970 that the staff of the two Light Railways in the West Bengal (Howrah-Amta and Howrah-Sheakhala) and one in the Uttar Pradesh Shahdara-Saharanpur would be absorbed by the Indian Railways consequent on the closure of the lines by the Martin Burns.

3. Accordingly, instructions were issued to the Northern Railway to appoint the staff of Shahdara-Saharanpur Light Railway and to Eastern and South Eastern Railways to appoint the staff of the Howrah-Amta and Howrah-Sheakhala Light Railways as fresh entrants by offering them jobs in categories in which they are found suitable after they are properly screened.

4. Out of a total of 1180 employees of the Shahdara-Saharanpur Light Railway, about 492 Class III and IV staff were appointed on Northern Railway. In respect of temporary Class IV staff numbering about 382 who had to their credit less than one year's service, it was not considered feasible to offer them employment as this would have resulted in discharging our own substitutes who have put in more than one year's service and acquired the status of temporary employees. The rest either did not turn up or were declared medically unfit.

5. In regard to the retrenched employees of the Howrah-Amta and Howrah-Sheakhala Light Railways, there have been some difficulties on the Eastern and South Eastern Railways because of the opposition from the recognised Unions and of casual labour awaiting appointment to regular posts. It was, therefore, decided that these employees be screened by the Eastern Railway and the staff so screened and found suitable sent to the different Railways excepting South Eastern and Northeast Frontier Railways. The position with regard to their appointment is that out of 1576 employees, 1467 were screened and the rest did not turn up. Out of those screened about 1400 have been offered appointment on the Indian Railways.

6. Since the Light Railway staff could not be appointed on the Eastern and South Eastern Railways it has been decided that employees who desire to seek transfer to the Calcutta area may apply through proper channel to the Metropolitan Transport Project, Calcutta. That organisation has also been advised to consider these applications sympathetically. Some of the employees have already been appointed there on transfer from different railways.

7. The position with regard to the re-opening of the Light Railways already closed down as also with regard to Arrah-Sasaram Light Railway has been explained in detail in the Budget Speech of Minister for Railways delivered on 20th March, 1973.

8. The question of affiliation of Martin's Railway Staff Association with NFIR or the representatives of the former attending the meetings of the latter is purely a matter for their Federation to decide as it is autonomous in the matter of its organisational set up. Railway Board have no jurisdiction to interfere in such matters.

APPENDIX V

(See para 4.7 of the Report)

(Copy of Press Note dated the 23rd March, 1956,
issued by the Delhi State, Delhi)

PRESS NOTE

The public is hereby informed that allotment which are being made to displaced Govt. servants in possession of accommodation provided by the Estate Officer who are required to vacate it as a result of retrenchment, resignation, dismissal, retirement or death, has been stopped with immediate effect.

DELHI STATE SECRETARIAT, DELHI

No. F.2(23)|56-R&R(A).

Dated, the 23rd March, 1956.

Copy forwarded for information To:—

1. Director of Public Relations, Delhi State, with the request that this press note be got published in all the important newspapers. (30 copies).
2. The Secretary, to Government of India, Ministry of Rehabilitation, New Delhi. (10 copies).
3. All Secretaries|Under Secretaries|Assistant Secretaries in Delhi State Government.
4. All Heads of Deptts., Delhi State.
5. Housing & Rent Officer, Delhi (30 copies).
6. P.S. to Minister for Rehabilitation, Delhi State (3 copies).

Sd|—

(P. N. THUKRAL)

UNDER SECRETARY (RELIEF & REHABILITATION) TO
DELHI STATE GOVERNMENT, DELHI.

APPENDIX VI

(See para 6·2 of the Report)

Representations inadmissible as Petitions—Representations on which the Committee's intervention has procured speedy reply from the Ministries/Depts., concerned meeting adequately the petitioners' points.

Sl. No.	Name & Address of the Petitioner	Points raised by the petitioner	Facts persued by the Committee
1	2	3	4
Ministry of Labour and Rehabilitation (Deptt. of Rehabilitation)			
1.	Shri Tejmal Soodani, 210-A, Sardarnagar, Ahmedabad.	Adjustment of Compensation and issue of conveyance deed.	CAF No. B/A/S/646/IVNT P.C No. 46965. The case of the applicant is fully paid case. The applicant has requested for inclusion of claim for Rs. 4500/- which he failed to include in his CAF. Application of the applicant for condonation of delay has not been accepted by the RSC. As such no further adjustment can be carried out. The applicant has already been informed about the position of his case under intimation to you vide reference dt. 26-9-72 in reply to your D.O. letter No. 3/90/70-CC/ SSIV dt. 6-9-72.
2.	Shri Khubchand Chhabaldas, Bijisar Colony, Palampur.	Adjustment of associate claim.	CAF No B/A/A/31/IVNTA. The case of the claimant is final settled and no more compensation is payable to him in his case. As regards adjustment from his associate CAF the applicant has failed to furnish the correct particulars/ CAF of his associatee namely Shri Mool Chand/ Chanhloomal unless he furnishes the correct CAF No. no further action is possible.
3.	Smt. Bhagwanibai Sh. Jhuomal, Kuhernagar, Ahmedabad.	D/o. Re. her share from the C-31, claim compensation of her father.	Since the RG application No. mentioned by the claimant in her representation is incorrect, she was asked to furnish the correct RG No. but she has failed to furnish the correct No. No further action is possible in this office unless the correct No. is supplied by the claimant.

1	2	3	4
4.	Sh. Rupchand Alamchand, 123, Jaripatka Colony, Ahmedabad.	Compensation payable on certain property of Sh. Chuharmal Khandumal mortgaged to him.	CAF No. S/GW/172 IVNT of Sh. Chuharmal Khandumal. The representation from Shri Rup Chand Alam Chand pertains to the compensation payable to him on certain property of Sh. Chuharmal the claimant mortgaged to him. The complainant in this case has been issued memo. on 1-12-72 to furnish the original debt tribunal decree if any, passed in his favour from the Tribunal Court as without it no action is possible. Further action be taken after he furnished the tribunal decree in question.
5.	Smt. Devi Bai, 2, Sevankunj Society, Sion Ngr. Khokna Mehmesaba, Ahmedabad.	Appointment of legal heir in CAF No. P. C. 21298.	Case has been finalised by the Office of the Regional Settlement Commissioner (C), New Delhi, and the bill for payment sent to the Pay & Accounts Officer, for issuing a cheque in her favour.
6.	Sh. Ramdas Gobindram, Bk. No. 180, R/20, Section No, 18, Ulhasnagar-3.	Payment of balance compensation Index No. S/SR-9/4101.	The entire compensation admissible to Shri Ramdas Gobindram for self and on behalf of Smt. Sita Bai has been paid to him by way of adjustment towards property allotted to him and nothing more is due to him. The solvency certificate is normally obtainable from the Collector of the Distt. in which the applicant resides.
7.			The Committee on Petitions in para 90 of their First Report (Fourth Lok Sabha) directed <i>inter alia</i> that the Ministry of Labour and Rehabilitation (Department of Rehabilitation) should furnish a list of all cases of displaced persons not sponsored by the Committee, which were three years old and were still pending finalisation. Subsequently, the Ministry of Labour and Rehabilitation (Department of Rehabilitation) furnished a statement of nine such cases. (Appendix IX of the Sixth Report (Fourth Lok Sabha). Now the Ministry have intimated that five out of nine mentioned cases which were still pending finalisation have since been finalised as follows:
(i)	Sh. Dilomal Kimatmal, Poona.	Issue of conveyance deed.	The case of Shri Dilomal Kimatmal of GBP Ten. No. HB/3, Pimpri Colony, Poona has been finalised and the conveyance deed has been issued in his favour on 4-8-1970.

1	2	3	4
(ii) Shri Chaudhary Ram	Finalisation of CAF No. UP/AG/296/C.	<p>Shri Chaudhary Ram has been claiming a refund of Rs. 150/- on the ground that this had been adjusted in cash by this Department. Necessary enquiries in the matter have since been made from the authorities concerned regarding credits of Rs. 100/- and Rs. 50/- paid by the claimant on 16-2-51 and 31-7-51, respectively. On scrutiny of the account of Shri Chaudhary Ram, it has been noted that the amounts paid by him either in cash or by adjustment, had been properly accounted for and no excess payment has been made by the claimant. Hence the question of issuing a no refund certificate of Rs. 150/- does not arise.</p> <p>In addition to the above amount of Rs. 150/- another sum of Rs. 193/- had also been adjusted on account of Food Loan. In accordance with the instructions issued by the Govt. of India in January, 1960, such food loans were treated as grants to the displaced persons from West Pakistan. However, recoveries already effected by the State Govt. from the displaced persons against these loans were not to be refunded to them. In the case of Shri Chaudhary Ram an amount of Rs. 193/- had already been adjusted prior to the issue of the instructions by the Govt. of India. Since the instructions were not given retrospective effect, the question of issuing any refund certificate in respect of this amount also does not arise.</p>	
(iii) Shri Saudagar Singh	Finalisation of CAF No. UP/JHI/I/Genl.	<p>This case has already been finalised and payment of compensation of Rs. 980- has been made to Shri Saudagar Singh by means of a cheque on 23-2-1972.</p>	
(iv) Shri Avtar Singh	Finalisation of CAF No. UP/NT/799.	<p>The case of Shri Avtar Singh has been examined in consultation with the Deputy Commissioner, Amritsar, and the Regional Settlement Commissioner (Central), New Delhi. It has been reported that the entire compensation admissible</p>	

to Shri Avtar Singh has been paid to him. On the other hand a sum of Rs. 1089.20 towards the loan dues is still recoverable from Shri Avtar Singh, according to the report of the Deputy Commissioner, Amritsar. Shri Avtar Singh is thus liable to be proceeded against for the recovery of Rs. 1089.20 by the Deputy Commissioner, Amritsar. So far as this Department is concerned, the compensation already admissible to Shri Avtar Singh has already been paid and the case stands finalised.

(v) Shri Durga Dutt Vaid.

Refund of excess amounts.

This case has already been finalised according to the information received from the Pay & Accounts Officer, New Delhi. The demand draft for Rs. 44.17 was sent to Shri Durga Dutt Vaid on 18-3-72.

Ministry of Works and Housing

* Sh. N. D. Tekchandani,
R-724, New Rajendar
Nagar, New Delhi-50.

Grant of ownership rights to allottees of plots/houses in displaced persons colonies in Delhi.

Shri N. D. Tekchandani submitted in his representation that the Minister of Rehabilitation, in his replies to questions answered in Lok Sabha on the 28th August, 1956 and 9th May, 1968 had given categorical assurances that allottees of houses/plots in various displaced persons' Colonies in Delhi, could become owners of their respective plots/houses on payment of actual cost including development charges of the land.

The petitioner had prayed that the assurances given by Govt. on the floor of the House might be honoured at any early date.

The Department of Rehabilitation have intimated that the erstwhile Ministry of Rehabilitation had constructed a large number of houses in various Rehabilitation Colonies in Delhi for allotment to Displaced Persons from West Pakistan. At the time of allotment, the displaced person were required to deposit provisionally the estimated cost of construction of the houses, subject to adjustment on the basis of actual cost. The plots under the houses were allotted on lease held basis. These properties were disposed of in accordance with the terms of Appendix XI, XII and XIII of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

The replies given by the then Minister for Rehabilitation to the Questions asked in the Lok Sabha on the 28th August, 1956, the 12th September, 1956 and the 9th May, 1968, were considered by the Committee on Government Assurances in paras 11-13 of their 8th Report (Fourth Lok Sabha). The Committee came to the conclusion that no assurances commitments as contained in the answers to the above Questions had been violated by the Government.

According to the Govt. policy land in Delhi is allotted on lease-hold basis, i.e., either on perpetual lease or on 99 years' lease. 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 Capital continues to vest in Government. The provisions contained in the leases executed with the displaced persons were, for obvious reasons, more liberal as compared to those in the leases executed with non-displaced persons.

9. Shri D. T. Chablani, Payment of pension etc.
Retd. Assistant Engineer
4A/17, Sector-10,
Bhilai-1.

Shri C. T. Chablani was appointed as Assistant Engineer in N.E.F.A. Engineering Department with effect from 8-1-1951. A new C.P.W.D. Circle for N.E.F.A. was created with effect from 1-4-56 and the posts in N.E.F.A. Engineering Department were merged in the C.P.W.D. cadre. Shri Chablani, alongwith others of N.E.F.A. Engineering Department, was taken on the strength of the C.P.W.D. He was actually absorbed in the C.P.W.D. cadre with effect from 14-1-57. On absorption in C.P.W.D. he was assigned seniority with retrospective effect from 8-1-51.

Shri Chablani retired on superannuation with effect from 6-6-61.

Shri Chablani could not be sanctioned any pension because he had not been confirmed as a vigilance case was pending against him. It was alleged that Shri Chablani had committed irregularity in measurements and there was laxity in supervision and control of works. He was asked to furnish his explanation in this regard on the 9th January, 1960 but he did not do so and retired on 6-6-61. On compassionate grounds he was re-employed for 6 months with effect from that date till 5th December, 1961.

Although Shri Chablani became eligible for confirmation before retirement he was not confirmed in view of a vigilance case pending against him. His case was considered by the D.P.C. at its meeting held on

the 9th February, 1967 and the recommendation of the Committee was kept in a sealed cover. He was assessed by the D.P.C. as fit for confirmation.

It was decided only in August/October, 1971 that the vigilance case against Shri Chablani could not be proceeded with and that the recommendation of the Committee kept in the sealed cover should be implemented. Accordingly, orders were issued on 30-10-71 confirming him in the grade of Assistant Engineer with effect from 7-8-58. Thereafter sanction was issued on the 19th June, 1972 granting him pension and gratuity.

At the time of superannuation Shri Chablani was drawing a pay of Rs. 800/- per month in the scale of Rs. 350—900. On his re-employment he was allowed the minimum of the scale i.e. Rs. 350/- per month. Shri Chablani represented that his pay should be fixed at a higher stage by allowing one increment for each year of service which he had rendered before retirement, in accordance with Govt. orders. The pay of the officer on re-employment is fixed at a stage higher than the minimum taking into consideration the hardship that may be caused to the officer. Since Shri Chablani had retired on a pay of Rs. 800 and he would be entitled to pension and pension equivalent of gratuity to the extent of Rs. 119.66 after his retirement if he was confirmed it was considered that no undue hardship would be caused to Shri Chablani if his pay was fixed at Rs. 350 per month. If he had not been re-employed he would have got only pension and gratuity.

Pending finalisation of pension and gratuity due to Shri Chablani, he was authorised to draw pay at the rate of Rs. 350 per month together with the usual allowances for a

portion of the period of re-employment i.e., 6-6-61 to 31-10-61. After finalisation of his pension case the Engineer in-chief, Central P.W.D. requested the Accountant General, C.W. & M. on the 13th November, 1972 to release the pay and allowances due to Shri Chablani for the remaining period of re-employment i.e., from 1-11-61 to 5-12-61. The Accountant General desired that since the claim became old, sanction should be issued for investigation of claim for arrears of pay and allowances for the period 1-11-61 to 5-12-61. The Accountant General has since been informed that the claim of Shri Chablani for arrears of pay and allowances for the period 1-11-61 to 5-12-61 became due only in November, 1972 when instructions for release of his pay and allowances were issued, and, therefore, no sanction for investigation of claim was necessary under G.F.Rs. The Accountant General was also requested demi-officially on the 24th November, 1972 to release pension and gratuity to Shri Chablani at an early date.

The Accountant General, Commerce Works & Misc. has authorised the Accountant General, Madhya Pradesh on 6-12-72 to arrange payment of pension and gratuity to Shri Chablani. He has also authorised Accountant General, M.P. on 9-2-73 to make payment of arrears and pay and allowances for the period from 1-11-61 to 5-12-61. to Shri Chablani. [The petitioner has been informed accordingly.]

Ministry of Defence

10. Smt. Radha Rani Garguly, 4/452, Buluganj, Agra—282001.

Alleged harassment in regard to platform of her House.

The matter has since been looked into in consultation with the local authorities, MEO, Agra has intimated that on scrutiny of the site plan attached with the lease deed in respect of the house of Smt. Garguly, it has been seen that the disputed platform falls within the holding. The matter has, therefore been dropped. MEO has been directed to hand over the platform to her as desired by her. [The petitioner has been informed accordingly.]

Ministry of Education and Social Welfare (Deptt. of Education)

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| 11 | Sh. B. L. Kalra, Secy.,
Craft Teachers Association,
Govt. Hr. Sec. Schools,
Ramesh Nagar, New Delhi. | Removal of anomalies in the pay-scales of Craft Teachers working in schools run by Delhi Administration. | The case has been examined thoroughly in consultation with the Ministry of Finance and it has been decided that cases of this nature would be considered separately at the time of implementation of the Third Pay Commission's recommendations after Govt.'s broad decisions on the Pay Commission's Report become known. |
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Ministry of Labour & Rehabilitation (Deptt. of Labour & Employment)

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| 12 | Sh. Ram Chela Ahir,
W/1815,97, Adul Road,
Post-B. Garden, Distt.
Horwah. | Payment of an advance from the Provident Fund by the Chief Provident Fund Commissioner, Calcutta. | The Provident Fund Authorities have reported that as no application in the prescribed form was received from the member concerned, the advance could not be sanctioned to him. However, the member has since been advised by the Regional Provident Commissioner to apply in the prescribed form alongwith the required documents/certificates. [The petitioner was informed accordingly.] |
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Ministry of Defence (Deptt. of Defence)

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| 13 | Shri Purushottam
Kakodkar, M.P. | Relating to the Ninth Short Service Commission (Technical) Course. | The Ministry of Defence (Deptt. of Defence) with whom the matter was taken up, have furnished their parawise factual comments on the points raised in the representation as follows : |
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Points raised

- (i) In the Press Note, it has been mentioned that the requisite qualification for the 9th SSC (Technical) Course which is due to commence in OTS Madras in Nov.'73 is an **Engineering Degree/Diploma (equivalent to Degree) in all branches of Engineering, except Mining, Marine, Instrument Technology, Aeronautical and Chemical Engineering.**

Does this mean that holders of Agricultural Engineering Degrees are eligible to apply for this Commission

Position

Please see answer to Unstarred Question No. 4328 given in the Lok Sabha on 14-12-1972. There is no requirement of Agricultural Engg. Graduates in the Commissioned ranks in the Army and consequently they are debarred from appearing before the SSBs for Commissioning.

It would have been better if this was clearly indicated in the Press Note by adding 'Agricultural Engineering' to the other exceptions which have been listed such as 'Mining, Marine etc. etc.'

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However, it would be clear to the applicants from para 8 of the instructions for candidates which are invariably sent with the application form, that Degree holders of Agricultural Engineering are not eligible to apply for this Commission.

- (ii) Name of the authority to whom applications are to be sent has not been mentioned in the Press Note. In the Press Note, for the sake of brevity all the necessary particulars could not be incorporated. The source from which the applications could be had has been clearly indicated viz., the Army Headquarters AG's Branch, Rtg. 6 (SP)(d)(I), West Block III, Wing, No. 1 R. K. Puram, New Delhi-22. In the 'Instructions to Candidates' which accompany the application form, it has been clearly stated that the completed applications may reach the same address by the last date prescribed which has been mentioned (*vide* para 3 of these instructions).
- (iii) On the analogy of the fact that Agr. Engineering Graduates are entitled to apply for the combined Engineering Service Commission, will the Ministry of Defence consider whether Agricultural Engineering Graduates should not be made eligible for SSC (Tech.) in the Army. Please see answer to Unstarred Question No. 4328 given in the Lok Sabha on 14-12-1972. This question has already been considered, as there is no requirement for Agricultural Engineering Graduates in the commissioned ranks in the Army, it is not proposed to make them eligible for applying for the SSC (Tech.).
- (iv) If Agricultural Engineering Graduates are eligible (or are made eligible), details of the authority from which the application forms can be obtained and the authority to whom they can be sent after completion may be mentioned. This does not arise, in view of what has been stated against (3) on pre-page.

Ministry of Railways (Railway Board)

14 Sh. R. M. Desai,
19, Narayan Bag,
Tulsipipe Road,
Bombay 16.

Payment of salaries, emoluments etc. for the leave preparatory to retirement.

Shri R. M. Desai, Special Commercial Inspector, Scale Rs. 450—575(A), whose date of appointment was 13-7-1938, finally retired from service on 1-1-1971 (FN) on attaining the age of 58 years. Being governed by the leave rules and service conditions applicable to the ex. BB & CI Railway staff he was granted three extensions on year to year

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basis from the age of 55 to 58. Since he had not opted for the C.P.C. Leave Rules, 1949, he continued to be governed by the revised (1931) Leave Rules, according to which the Leave due is to be availed of before the date of superannuation.

2. In accordance with the practice obtaining on the Western Railway, the names of staff due to finally retired are published one year in advance in the Railway Weekly Gazette along with other details such as date of superannuation, Provident Fund Account No., Leave Rules by which governed amount of leave preparatory to retirement/post superannuation leave, due etc. Against the name of Shri Dsesai, in the notification issued on 1-4-70 he had inadvertently been shown as being governed by the Old Leave Rules implying thereby his eligibility to avail of four months full pay leave and six months half pay leave as post superannuation leave which in fact was not admissible.
3. Even while replying to his letter dated 4-5-1970 he was advised on 16-11-70 that he was governed by the old leave rules and that he should apply for the post superannuation leave. This error came to notice only on 15-12-1970 when the proposal for the grant of post-superannuation leave was sent to FA & CAO, Western Railway who pointed out the correct position.
4. The relevant leave rules for the ex. company staff as applicable to him require that to qualify for the concession of being eligible to avail himself of the leave preparatory to retirement after the date of actual retirement from service, the employee concerned should have, in sufficient time, formally applied for leave and been refused it, or ascertained in writing from the leave sanctioning authority that such

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leave if applied for would not be granted.

As Shri Desai could not apply for his leave preparatory to Retirement (viz., 4 months LAP and two months leave on half average pay) and have the same refused due to incorrect action taken by the Railway it has been decided by the Railway Board that he should now be granted leave preparatory to retirement as above.
