

# COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

## TWENTIETH REPORT



*[Presented on the 12th December, 1974]*

**LOK SABHA SECRETARIAT  
NEW DELHI**

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# CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE ON PETITIONS	(iii)
REPORT	
I. INTRODUCTION	I
II. Representation regarding rehabilitation of five thousand displaced families of Maner Thana of Patna District	3
III. Representation regarding applicability of Employees' Provident Funds and Family Pension Fund Act, 1952, to M/s. Kanpur Jute Udyog, Kanpur.	6
IV. Representation from Translation Trainees, Kerala Hindi Prachar Sabha, Trivandrum, re. their absorption in regular jobs.	9
V. Representation re. recognition of unqualified medical practitioners of modern system of medicine.	12
VI. Representation re. amendment of Delhi Education Rules, 1973.	15
VII. Action taken by Government on the recommendation contained in the Seventh Report (Fifth Lok Sabha) of the Committee on Petitions on the representation regarding air link for Jabalpur.	17
VIII. Action taken by Government on the recommendations of the Committee on Petitions contained in their Ninth and Fourteenth Reports (Fifth Lok Sabha) regarding accommodation problems of retiring Government servants.	18
IX. Action taken by Government on the recommendation contained in the Thirteenth and seventeenth Reports (Fifth Lok Sabha) of the Committee on Petitions on representation regarding proposed closure of Railway track between Jawanwala Sahar and Joginder Nagar, consequent on construction of Pong Dam in Himachal Pradesh.	23
X. Action taken by Government on the recommendation of the Committee on Petitions (Fifth Lok Sabha) contained in their Eighteenth Report on the representation re. grievances of Central Government Pensioners.	25
XI. Action taken by the Government on the recommendation contained in the Nineteenth Report of the Committee on Petitions (Fifth Lok Sabha) on the representation regarding rail link between Bholdi and Kakosi, Wagrod or Kansa.	27
XII. Action taken by Government on the recommendation contained in the Nineteenth Report of the Committee on Petitions (Fifth Lok Sabha) on the representation for staying recovery of undercharges from the salaries of Commercial Clerks of Western Railways.	29
XIII. Other representations.	30
(APPENDICES)	
I. Copy of the Directive issued by the Ministry of Labour to M/s. Kanpur Jute Udyog, Kanpur, re. refund of provident fund contributions etc. of its employees.	--

II. Representation re. absorption of Translation Trainees, Kerala Hindi Prachar Sabha Trivandrum. in regular jobs. . . . .	33
III. Circular issued by the Ministry of Home Affairs re. amendment of recruitment rules for the posts of Hindi Translators for providing knowledge of one of the regional languages. . . . .	36
IV. Copy of letter addressed by the Ministry of Planning to Governor of Kerala re. representation by Hindi Trainees Association Trivandrum. . . . .	38
V. Representation re. recognition of unqualified medical practitioners of modern system of medicine. . . . .	39
VI. Letter from Government of India to State Governments re. enlistment of unqualified medical practitioners of modern system of, medicine. . . . .	44
VII. Summary of replies received by Ministry of Health and Family Planning (Department of Health) from state Government re. enlistment of unqualified medical practitioners. . . . .	47
VIII. A brief note concerning the Delhi Education Rules, 1973, enclosed with the representation of the petitioner. . . . .	49
IX. Factual comments of the Ministry of Education and Social Welfare (Department of Education) on the representation re. amendment of Delhi Education Rules, 1973. . . . .	52
X. Copy of the Ministry of Works and Housing D. O. Letter No. H. 11013/1 72-UD. I dated the April 4, 1974, to the Delhi Development Authority. . . . .	56
XI. Copy of Letter No. SA/VC/72/22 dated 21.12.1973 issued by D. D. A. re. registration of public servants who retired from service before 1st April 1972. . . . .	57
XII. Statement showing the position in regard to replies received from various State Governments etc. to Ministry of Works and Housing letter No. 20 (3)/73 HII, dt. 24.4.1973. . . . .	58
XIII. Instructions issued by the Ministry of Railways (Railway Board) to the Western Railway Administration re. recovery of undercharges from salaries of Commercial Clerks of Western Railway. . . . .	60
XIV. Representations on which the Committee's intervention has procured expeditious, partial or complete relief to petitioners or the Ministries/ Departments have explained the position satisfactorily. . . . .	62

# COMPOSITION OF THE COMMITTEE ON PETITIONS (1974-75)

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## CHAIRMAN

Shri Jagannah Rao

## MEMBERS

2. Shri Nathu Ram Ahirwar
3. Shri Chhatrapati Ambesh
4. Shri Biren Engti
5. Shri D. P. Jadeja
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15. Shri S. N. Singh.

## SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

# I

## **TWENTIETH 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 Twentieth Report of the Committee to the House on the following matters:—

- (i) Representation regarding rehabilitation of five thousand displaced families of Maner Thana of Patna District.
- (ii) Representation regarding applicability of Employees' Provident Funds and Family Pension Fund Act, 1952 to M/s. Kanpur Jute Udyog, Kanpur.
- (iii) Representation from Translation Trainees, Kerala Hindi Prachar Sabha, Trivandrum, re. their absorption in regular jobs.
- (iv) Representation re. recognition of unqualified medical practitioners of modern system of medicine.
- (v) Representation re. amendment of Delhi Education Rules, 1973.
- (vi) Action taken by Government on the recommendation contained in the Seventh Report (Fifth Lok Sabha) of the Committee on Petitions on the representation regarding air link for Jabalpur.
- (vii) Action taken by Government on the recommendations of the Committee on Petitions contained in their Ninth and Fourteenth Reports (Fifth Lok Sabha) regarding accommodation problems of retiring Government servants.
- (viii) Action taken by Government on the recommendation contained in the Thirteenth and Seventeenth Reports (Fifth Lok Sabha) of the Committee on Petitions on representation regarding proposed closure of Railway track between Jawanwala Shahr and Joginder Nagar, consequent on construction of Pong Dam in Himachal Pradesh.
- (ix) Action taken by Government on the recommendation of the Committee on Petitions (Fifth Lok Sabha) contained

in their Eighteenth Report on the representation *re.* grievances of Central Government Pensioners.

- (x) Action taken by Government on the recommendation contained in the Nineteenth Report of the Committee on Petitions (Fifth Lok Sabha) on the representation regarding rail link between Bhildi and Kakosi, Wagrod or Kansa.
- (xi) Action taken by Government on the recommendation contained in the Nineteenth Report of the Committee on Petitions (Fifth Lok Sabha) on the representation for staying recovery of undercharges from the salaries of Commercial Clerks of Western Railway.
- (xii) Other representations.

1.2. The Committee considered the above matters at their sittings held on the 11th July and 29th October, 1974, and adopted the draft Report at their sitting held on the 9th December, 1974.

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

## II

### REPRESENTATION REGARDING REHABILITATION OF FIVE THOUSAND DISPLACED FAMILIES OF MANER THANA OF PATNA DISTRICT

2.1. Shri Ram Avtar Shastri, M.P., forwarded a representation\* signed by seven Bihar M.L.As. and other citizens regarding rehabilitation of five thousand displaced families of Maner Thana of Patna District.

#### *A. Petitioners' Grievances and Prayer*

2.2. In their representation, the petitioners stated as follows:—

“About ten villages of the Maner Thana, Danapur-Sub-Division in Patna District have been completely eroded by the river Ganga and so far the Government have not been able to formulate any scheme to rehabilitate about five thousand families affected by the said erosion. About twenty thousand acres of fertile land have been submerged by the Ganga water and the farmers have been deprived of crops worth about ten crores of rupees grown on this fertile land per year. In addition to that the families affected by said erosion suffered losses of life and property and faced many other difficulties.

Even now the process of said erosion by Ganga river in the said area is in full swing, and about 10 villages (Jeev-rakhan Tola, Ganga Tola, Hathi Tola Ka Bathan, Prasadi Rai Ka Tola, Heera Tola, Rampur Janjeera, Nevania, Tola Chihatar, Mahaveer Tola, Neyka Tola, Badal Tola, Dudhela, Neelkanth Tola etc.) are facing imminent danger of said erosion by this river and if they are sunk, the twenty thousand acres of fertile land will be submerged in Ganga resulting in a total loss of about rupees twenty crores per year to the affected families. This is a national loss. All the above mentioned villages have been inhabited for the last four to five hundreds years. Attention of both the State and the Central Governments was drawn several times towards saving the affected families and the Maner Sub-Division from said erosion.

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\*Original in Hindi.

But the State Government find themselves incapable of implementing the scheme because it would be about one and a half crores of rupees.

We, therefore, request that Government of India may be asked to implement the said scheme."

#### *B. Comments of the Ministry of Irrigation and Power*

2.3 The representation was referred to the Ministry of Irrigation and Power for furnishing their factual comments for consideration by the Committee. In their comments, the Ministry of Irrigation and Power have stated as follows:—

"The main points brought out in the petition are:—

- (i) No arrangements have been made for the rehabilitation of the people affected by erosion of the Ganga in the Maner Sub-Division of Patna District;
- (ii) No measures have been taken as yet for the protection of areas subject to erosion;
- (iii) The Government of India should help the State Government in the implementation of protection measures as the State Government cannot find the resources for such works.

The rehabilitation of the affected people as well as the planning and implementation of the protection measures come within the purview of the State Government of Bihar. Anti-erosion measures form part of the flood control sector which is included in the State Plan. Central assistance for the plan schemes is provided to the State Government in the form of bulk loans and grants without tying them to any scheme or head of development. As such, the State Government can make the allocations to the different sectors according to the priorities fixed by them.

The State Government of Bihar *vide* their letter dated the 2nd March, 1974 have informed that Shri Ram Nagina Singh, MLA had also sent a representation on this subject to the Committee of Petitions of the State Legislature. The State Government have prepared a scheme estimated to cost Rs. 78 lakhs for providing protection to the areas affected by erosion by the Ganga near Maner Diara Areas but funds for the implementation of this

scheme are not available at present. It is proposed to take up the scheme as soon as necessary funds become available."

*C. Observation of the Committee*

24. The Committee note the factual comments furnished by the Ministry of Irrigation and Power. As the subject matter of the representation concerns the Government of Bihar, the Committee hope that the State Government will do the needful in the matter as early as possible.

The Government of India may also consider the feasibility of making an ad hoc grant to the State Government to enable that Government to complete this project, which is meant for the rehabilitation of the weaker sections of the society, as early as possible.

### III

#### REPRESENTATION REGARDING APPLICABILITY OF EMPLOYEES' PROVIDENT FUNDS AND FAMILY FUND ACT, 1952 TO M/s. KANPUR JUTE UDYOG, KANPUR

3.1. Shri S. K. Jhunjhunwala, Hony. Secretary, Jaipur Udyog Staff Union and Shri A. Prasad, Secretary, Kanpur Jute Factory Mazdoor Sabha, Kanpur, submitted a representation regarding applicability of Employees' Provident Funds and Family Pension Fund Act, 1952 to M/s. Kanpur Jute Udyog, Kanpur.

##### *A. Petitioners' Grievance and Prayer.*

3.2. In the representation, the petitioners stated as follows:—

"The two Unions of the Jaipur Udyog Ltd. (Unit Kanpur Jute Udyog) have jointly decided in the meeting to address you a few lines regarding the provident fund of our unit which is in a mess for the last 3-1/2 years.

Formerly the Jute Mills in question belonged to M/s. Maheshwari Devi Jute Mills Ltd. since 1936. As the said Company could not pay the Government dues including Provident Fund of its employees amounting to Rs. 10 lakhs approximately, the mill was put to auction by the U.P. Government for the realisation of Government dues and M/s. Jaipur Udyog Ltd. (ALOKUDYOG) purchased the said mills in the public auction at rockbottom price.

The management of M/s. Jaipur Udyog Ltd. entered into an agreement with the old employees through its respective unions on 19-3-1970 with the intervention of the Labour Commissioner, U.P., Kanpur and then the present employees resumed the production with effect from 25.3.1970.

Without entering into any sort of agreement the present employers started deductions of the Provident Fund of the employees as was being done by the Maheshwari Devi Jute Mills Ltd. and thus they continued the same practice. But the most funny thing is, that after deducting employees Provident Fund for the last 3-1/2 years the present employers have not seen their way either to deposit this amount or their own share with the Regional Provident Fund Commissioner, U.P. Kanpur amounting to Rs. 8 lakhs, approximately and by way of doing mischief they

have approached Secretary, of the Ministry with the request to grant them exemption from the Employees' Provident Fund and Family Pension Act, 1952 though they have agreed in principle to implement this scheme.

It is surprising that this matter is now hanging with the Ministry for such a long time and nothing definite has been decided with the result that the entire amount of Rs. 8 lakhs is being misused by the present employers.

In view of the latest legislation passed by our respective Government that the defaulters are liable to be jailed, we don't see any reason why such a huge amount is allowed to be lying with them unaccounted for and nothing is being done to bring the employers to book.

We are approaching your goodself knowing fully well that you will give proper justice and pull up the employers for their malpractice."

#### *B. Comments of the Ministry of Labour*

3.3. The representation was referred to the Ministry of Labour for furnishing their comments for consideration by the Committee. In their comments, the Ministry of Labour have stated as follows:—

"The enquiry relating to the representation of M/s. Kanpur Udyog, Kanpur has since been completed and the Central Government's direction under Section 19A of the Employees' Provident Funds and Family Pension Fund Act, 1952, in the above case has been issued. A copy of the direction is enclosed for information (See Appendix—I) Representatives of the management and workers' Unions were given a personal hearing before the Central Government's aforesaid direction was issued.

In para 2 of the direction, the establishment has been asked to refund immediately the Provident Fund contributions, if any, deducted from the wages of the workers for the period from the 25th March, 1970 to the 24th March, 1973, with interest at the rate of 6 per cent or at the rate earned by the employer whichever is higher."

*C. Observation of the Committee*

3.4. The Committee note that the Government have issued a directive to the Kanpur Jute Udyog, Kanpur, to refund to workers the provident fund contributions deducted from their wages for the period 25th March, 1970 to 24th March, 1973, with interest at the rate of 6 per cent per annum or at the rate earned by the employer, whichever is higher. The Committee desire the Government to inform the Committee as early as possible regarding the outcome of their above directive to the Kanpur Jute Udyog, Kanpur, and whether the requisite amounts have actually been refunded by that factory to all the concerned workers.

The Committee would also like the Government to examine the question of prosecuting the Kanpur Jute Udyog for the infringement of the law committed by them and inform the Committee of the result thereof.

## IV

### REPRESENTATION FROM TRANSLATION TRAINEES, KERALA HINDI PRACHAR SABHA, TRIVANDRUM, REGARDING THEIR ABSORPTION IN REGULAR JOBS

4.1. The Translation Trainees, Kerala Hindi Prachar Sabha, Trivandrum, submitted a representation requesting for their absorption in regular jobs.

#### A. *Petitioners' Grievance and Prayer*

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

“This is a representation submitted in all humility, by one hundred highly qualified specialists in Hindi, whose present temporary appointment, under the Special Employment Scheme, is scheduled to terminate in March, 1974, and who, therefore, are to face unemployment thereafter.

\* \* \* \* \*

In spite of our present service and our additional asset of practical experience in translation work, we may, after March 1974, become as helpless and frustrated as our unemployed brethren, unless the Government, realising its moral responsibility towards us, comes to our rescue once more, by timely action. Exploring possibilities of absorbing us in regular and permanent service, after the impending crisis of March 1974, will be the only step open to the Government, in this context. This is why we beg to suggest ways and means to help the Government to help us. A sympathetic implementation of our suggestions is humbly requested.”

#### B. *Comments of the Ministry of Education and Social Welfare (Department of Education)*

4.3. The representation was referred to the Ministry of Education and Social Welfare (Department of Education) for furnishing their factual comments for consideration by the Committee. In their comments, the Ministry have stated as follows:—

“The training programme was formulated and taken up by the Government of Kerala, under the half a million jobs

programme. The State Government was expected to offer training facilities after making an assessment that there was reasonable likelihood of the absorption of the trainees on a regular basis. It appears that the position regarding availability of employment facilities was not correctly assessed.

The Planning Commission have accordingly informed the State Government that they have to take action to absorb the trainees in regular jobs through their own budgetary resources. The matter was taken up with the State Government and an enquiry was made as to what steps they have to absorb these trainees. They have informed us that they have the following suggestions for absorbing these trainees:—

- (i) Establishment of a Central Translation Institute for Hindi in Kerala and to make recruitments to this Institute from among the trainees;
- (ii) The trainees should be absorbed in Government of India offices such as Accountant Generals' Office, Postal Department, ISRO, A.I.R. Income Tax Department etc.

As regards item (i), the State Government had approached this Ministry for financial assistance for the establishment of a Central Institute of Hindi in Kerala. As there is no such Scheme for giving assistance for setting up of a Central Institute of Hindi, it is not possible to give assistance in this matter.

As regards item (ii), the State Government had taken up the matter with the Ministry of Home Affairs who have considered the request and have issued a circular to all the Ministries and Departments of Government of India suggesting amendment to recruitment rules for the post of Hindi Translator to provide for knowledge of one of the regional languages, as a desirable qualification for recruitment to these posts. A copy of the circular is enclosed (See Appendix-III).

Central Government's position in the matter has been clarified in a reply sent to the Governor of Kerala on 23.5.1974, in response to Demi Official letter addressed by the Governor of Kerala to the Minister of Planning on 27th April, 1974. A copy of this letter is also enclosed.

(See Appendix—IV). It will be seen from the above that the question of absorption of these trainees is mainly a matter for the State Government and it is for them to strengthen their efforts to find employment for the trainees."

### *C. Observations of the Committee*

4.4. The Committee note from the facts furnished by the Ministry of Education and Social Welfare (Department of Education) that on a request made by the Government of Kerala, the Ministry of Home Affairs have issued a circular to all Ministries and Departments etc., on the 21st June, 1974, suggesting that recruitment rules for the posts of Hindi Translator may also provide for knowledge of one of the regional languages as a desirable qualification for recruitment to such posts. The Committee hope that the Government of Kerala, who are primarily to deal with the question of absorption of these translation trainees in regular jobs, would take all necessary steps to help the translation trainees in finding gainful employment.



## REPRESENTATION REGARDING RECOGNITION OF UNQUALIFIED MEDICAL PRACTITIONERS OF MODERN SYSTEM OF MEDICINE

5.1 Shri Pratap Singh, M.P., forwarded a representation (See Appendix-V) signed by Dr. R. K. Bhardwaj, President, Private Medical Practitioners Association of India, Delhi, regarding recognition of unqualified medical practitioners of modern system of medicine.

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

5.2 In the representation, the petitioner stated *inter alia* that their Association was a registered organisation of the practitioners of modern system of medicine who had established their practice by providing elementary aid to the suffering humanity on the basis of their practical experience. He submitted that in order to meet shortage of doctors in the country, the unqualified dentists, practitioners of Homoeopathic, Ayurvedic and Unani Systems were recognised under the provisions of certain Acts in 1949 and 1954. Also, in England, all unqualified persons engaged in the practice of modern medicines were registered medical practitioners under an Act in 1958.

5.3 The petitioner prayed that suitable steps might be taken by Government for according recognition to unqualified medical practitioners of modern system of medicine whose number was more than one lakh.

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

5.4 The representation was referred to the Ministry of Health and Family Planning (Department of Health) for furnishing their factual comments for consideration by the Committee. In their comments the Ministry have stated as follows:—

“The question of enlistment of unqualified medical practitioners was considered in consultation with the State Governments. The matter also came up for consideration before the Central Council of Health on several occasions. Since there was no unanimity of views amongst the State Governments, no final decision which may be acceptable to all could be arrived at. After taking all aspects of the

case into consideration and having regard to the fact that registration of medical practitioners is primarily the concern of the State Governments, it has been decided that this matter may be left to the State Governments who may if they so desire make necessary provision for the enlistment of this class of practitioners in their own State Acts. In this connection, a copy of this Ministry's letter No. 4-7/70-MPT dated the 24th November, 1972, addressed to State Governments, which explains the position in full, is sent herewith (See Appendix-VI)."

5.5 The Committee at their sitting held on the 11th July, 1974 considered the representation along with the factual comments of the Ministry thereon. The Committee decided that the Ministry of Health and Family Planning (Department of Health) might be asked to furnish the following information for the consideration of the Committee:—

- (i) The names of the States which are opposed to accord recognition to unqualified medical practitioners and names of those States who are in favour of it, respectively, together with the reasons therefor;
- (ii) The names of the States which have initiated legislation on the subject and the effect of that legislation; and
- (iii) The effect of the legislation on the subject already passed by Kerala State.

5.6 The Ministry of Health and Family Planning (Department of Health) accordingly furnished a summary of the replies received by them from some State Governments|Administrations on the action taken by them on the proposal for enlistment of unqualified medical practitioners, which is at (Appendix-VII).

### *C. Observations of the Committee*

5.7. The Committee note from the facts furnished by the Ministry of Health and Family Planning (Department of Health) that the registration of medical practitioners is primarily the concern of the State Governments. The Central Government have advised the State Governments that the position of unqualified medical practitioners should be so regularised that they should be able to continue to serve the people and, at the same time, take effective steps to prevent the entry of fresh unqualified people into their ranks. Further, those who have been practising modern medicine for a period of not less than ten years immediately before an appointed date may be allowed to continue to practise modern medicine with certain restrictions. The Committee have also perused in this con-

section the provisions contained in the Maharashtra Medical Practitioners Act, 1961. The Committee recommend that the Central Government may consider the desirability of suggesting to the State Governments for initiating legislation on the lines of the Maharashtra Medical Practitioners Act, 1961, particularly Section 18 thereof, which provides as follows:—

“18(1) As soon as may be, after the appointed day, the Registrar shall in accordance with the provisions of this Act, prepare and maintain thereafter a list of persons not entitled to registration under section 17 or under the Bombay Medical Act, 1912 or any corresponding law for the time being in force in any part of the State but who have been practising any system of medicine (Other than the Homoeopathic or the Biochemic system of medicine).

(2) The list shall contain—

- (a) the name of every person who on the day immediately preceding the appointed day, continued to be included in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938, as in force in the Bombay area of the State and whose name is not entered in the register under sub-section (5) of section 17;
- (b) the name of every person whose case is not covered by clause (a) but who makes an application to the Registrar in the form prescribed by rules accompanied by a fee of ten rupees and such documents as may be prescribed by rules, within a period of two years from the appointed day, and who proves to the satisfaction of the Committee appointed under sub-section (6) of Section 17;
- (i) that on the 3rd day of November 1960 he was regularly practising any system of medicine (other than the Homoeopathic or the Biochemic system of medicine) in the Vidarbha region or the Hyderabad area of the State; or
- (ii) that on the 4th November, 1951 he was regularly practising any such system of medicine in the Bombay area of the State.

(3) The provisions of sub-sections (6) to (10) of Section 17 shall mutatis mutandis apply to the list prepared under this section.

(4) If any person whose application for registration under sub-section (5) of Section 17 and the appeal, if any, under sub-section (7) of Section 17 are rejected, but the Committee appointed under sub-section (6) of Section 17 is satisfied that such person is entitled to have his name included in the list, the Committee shall include the name of such person in the list without such person being required to make a fresh application, or to pay any additional fee.”

## VI

### REPRESENTATION RE: AMENDMENT OF DELHI EDUCATION RULES, 1973

6.1 Shri S. A. Muruganantham, M.P., forwarded a representation signed by Shri S. Padmanabhan, President, Janakpuri Tamil Association, Janakpuri, New Delhi-110018, regarding amendment of Delhi Education Rules, 1973.

#### A. *Petitioners' Grievance and Prayer*

6.2 In his representation, the petitioner stated *inter alia* as follows:—

“We understand that the Delhi Education Rules, 1973, have been laid on the Table of the House. There are certain provisions which, unless modified, will affect the interests of the Janakpuri Residents adversely. These provisions are likely to create difficulties for the management of the Delhi Tamil Education Association in the proper running of schools which they have established, with effort and brought on to the present standards at considerable sacrifice by the community. Most of the Members of Janakpuri Tamil Association are also members of the Delhi Tamil Education Association.

Janakpuri is a newly developing colony and the children were are all students of one or the other of the six schools run by the Delhi Tamil Education Association. More and more families are shifting to Janakpuri and there is an immediate need for a school in the area to save the children from undertaking an avoidable tiresome travel over a distance of 30 Kms. daily, apart from the financial strain for the parents.

The enclosed note (See Appendix-VIII) briefly indicates the amendments needed.”

**B. Comments of the Ministry of Education and Social Welfare  
(Department of Education)**

6.3 The representation was referred to the Ministry of Education and Social Welfare (Department of Education) for furnishing their comments for consideration by the Committee. The Ministry of Education and Social Welfare (Department of Education) have furnished a factual note (See Appendix-IX) explaining the position on the various points raised in the representation.

**C. Observation of the Committee**

6.4. The Committee have perused the factual comments furnished by the Ministry of Education and Social Welfare (Department of Education) explaining in detail the position in respect of each of the amendment suggested by the petitioner to the Delhi Education Rules, 1973. In view thereof, the Committee feel that no further action on their part is needed in the matter.

## VII

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION CONTAINED IN THE SEVENTH REPORT (FIFTH LOK SABHA) OF THE COMMITTEE OF PETITIONS ON THE REPRESENTATIONS REGARDING AIR LINK FOR JABALPUR

7.1 In their Seventh Report, the Committee, after considering the representations from Shri P. D. Ahuja, President, Rotary Club and M/s. Ashok Hotel, Jabalpur, for putting Jabalpur in the airmap of India and the comments of the Ministry of Tourism and Civil Aviation thereon, had recommended as follows:—

“The Committee would like to urge that the necessary repairs and improvements of the airfield at Jabalpur should be completed as early as possible with a view to putting Jabalpur on the air map of India. The Committee expect that the job will be completed according to a fixed time schedule well before the end of the Fourth Plan period.” [Para 3.4 Page 13, Seventh Report (5LS)].

7.2. In their action taken reply, on the above recommendation of the Committee, the Ministry Tourism and Civil Aviation have stated as follows:—

“The matter has been re-examined in consultation with Indian Airlines and D.G.C.A. Although the work relating to the strengthening of the runway at Jabalpur to make it suitable for HS-748 operations of Indian Airlines is nearing completion but in the context of the fuel crisis, Indian Airlines do not have any proposal to operate air services to Jabalpur in the near future.”

7.3. The Committee note the position stated by the Ministry of Tourism and Civil Aviation in the matter. However, they expect that as soon as fuel crisis is over, Government would take expeditious steps to operate air services to Jabalpur.

## ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE NINTH AND FOURTEENTH REPORTS (FIFTH LOK SABHA) OF THE COMMITTEE REGARDING ACCOMMODATION PROBLEMS OF RETYRING GOVERNMENT SERVANTS

8.1 In their Fourteenth Report (Fifth Lok Sabha), the Committee after considering the action taken replies of Government on the recommendations contained in their Ninth Report (Fifth Lok Sabha) regarding accommodation problems of retiring Government servants, had made certain recommendations.

8.2 The Ministry of Works and Housing, who were requested to implement those recommendations of the Committee and to intimate the action taken thereon for the information of the Committee, have now furnished their action taken replies, which are reproduced below *seriatim*:—

### 8.3 Recommendation in para 4.9 of the Fourteenth Report

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-UD.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.

### Reply of Government

A copy of the Order No. SA/VC/73/22 dated the 21st December, 1973 issued by the Delhi Development Authority and a copy of the instructions issued to the Delhi Development Authority *vide* this Ministry's D.O. letter No. H. 11013(1)/73-IIDI. dated the April 4, 1973 are enclosed (See Appendices-X & XI) for the information of the Committee. In this connection, it may be added that

the Delhi Development Authority have not floated any registration scheme for allotment of flats since the acceptance by Government of the recommendation contained in Para 1.44 of the Ninth Report of the Committee.

#### **8.4. Recommendation in para 4.10 of the Fourteenth Report**

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.

#### **Reply of Government**

Retirement from service does not, as a rule, occur suddenly as it is the normal inevitable culmination of one's service career. From the very day he enters Government service, a Government servant is fully aware not only of the fact that he has to retire one day, but also the date of his super-annuation. A normally prudent Government employee should, therefore, be expected to plan for building|acquiring a suitable house atleast a few years prior to his retirement. The concessional period of two months, for which a Government servant is allowed to retain his house on normal rent following his retirement, is merely intended to give him a reasonable time to wind up his establishment (before he moves to the place where he has decided to settle down) and not to enable him to build|acquire a house|flat of his own.

However, Government employees, who belong to Delhi (or have otherwise decided to settle down at Delhi), have been faced with particular difficulty in acquiring|building a house inspite of loan assistance provided by Government—mainly because of non-availability of residential plots at reasonable prices. The Delhi Development Authority has undertaken the development of land on a large scale but the development of residential colonies and construction of flats for sale to persons in the low and middle income groups has not been at a pace fast enough to make a definite impact on the housing shortage. Permitting retire Government servants to retain Government accommodation, allotted to them when they were in service, for a longer period than what is permissible at present, is not likely to be of much help to them in overcoming this difficulty.

In these circumstances and having regard to the acute shortage of residential accommodation for serving Government employees, Government do not consider it advisable to extend the normal concessional period of two months for retention of Government accommodation by retired Government employees. Such extension can be allowed only at the cost of serving employees, who are facing hardship for years because of non-provision of Government accommodation.

#### **8.5. Recommendation in para 4-11 of the Fourteenth Report**

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.

### **Reply of Government**

As Housing is a State subject, the Central Government cannot compel State Governments to develop sufficient number of plots and make them available to Government employees and other salaried classes at reserved prices. This is all the more difficult as lands in the States, by and large, belong to the State Governments and the State Governments have themselves to determine the priorities according to which they want to utilise their lands. All the urban social housing schemes are also implemented by the State Governments and no Central assistance is granted to them with reference to any particular housing scheme or project and the State Governments have the freedom to allocate funds for various housing schemes according to the requirements and the priorities to be determined by them.

The replies so far received from the State Governments on the Committee's recommendation are shown in the attached statement. (See Appendix—XII).

So far as Delhi is concerned, under the Scheme of large scale acquisition, development and disposal of land, allotment of plots for Low and Middle Income Groups is made by draw of lots and 50 per cent of the plots so disposed of is reserved for salaried classes. Further, with a view to making more intensive use of land, it has been decided that all Cooperative Housing Societies should in future be given land for construction of flats on group housing basis.

As regards the house-building loan to Government employees, the Government of India have reconsidered the matter. They find that unless funds for the grant of house building loans to Central Government servants are increased adequately, it is not possible to liberalise the Rules any further. Owing to the economic situation in the country, a ban was imposed on the grant of house building advance to Central Government servants. Due to this ban a large number of applications received in the Ministry of Works and Housing upto 31.8.1973 could not be processed further. Action on

them has been kept pending. Therefore, if the ban is lifted and if funds are provided for 1974-75, they will be utilised mainly for clearing the back-log of applications, for granting enhancements to those applicants who could not complete their houses due to increase in price of building materials and labour and grant of loans for construction of houses to those who have taken a portion of the advance for purchase of land.

There is a vital difference between advancing loans for a plot and for deposit in connection with the purchase of a ready built flat from the Delhi Development Authority. In the former case, immediately after the plot is acquired, it is mortgaged to the President as security for the loan obtained and to be obtained for the construction of the house thereon. In the latter case, if a portion of the loan is advanced for depositing with the Delhi Development Authority, the Government servant is not in a position to mortgage any property as security for the loan. There is no certainty whether the Government servant will at all finally be allotted a flat and whether he will at all be in a position to mortgage it to the President as security for the loan. It may amount to an indirect financing of the Delhi Development Authority.

However, a suggestion whether the Delhi Development Authority could exempt the Government servants from making a deposit at the time of registration was considered. The Delhi Development Authority did not agree to this suggestion because the number of Government servants who ultimately succeed in the allotment of flats is large and any action to Government exemption to Government servants will amount to discrimination between Government servants and other citizens and will give rise to criticism.

In the circumstances it is regretted that the Government cannot accept the suggestions contained in para 4.11 of the Report mentioned above.

## IX

**ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION CONTAINED IN THE THIRTEENTH AND SEVENTEENTH REPTS (FIFTH LOK SABHA) OF THE COMMITTEE ON PETITIONS ON REPRESENTATION REGARDING PROPOSED CLOSURE OF RAILWAY TRACK BETWEEN JAWANWALA SHAHR AND JOGINDER NAGAR, CONSEQUENT ON CONSTRUCTION OF PONG DAM IN HIMACHAL PRADESH**

9.1. In their Seventeenth Report (5LS), the Committee, after considering the action taken reply of the Ministry of Railways on the recommendation contained in their 13th Report re. work on re-alignment of Jawanwala Shahr-Guler Section of the Kangra-Valley Rly. line, had made the following recommendations:—

“The Committee have noted the position stated by the Ministry of Railways (Railway Board). The Committee regret that due to avoidable delay in the acquisition of the land, the project will not be completed even by the scheduled date of March, 1975, in addition to causing financial loss to the Government on account of increased costs of the materials. The Committee urge that the project should now be completed expeditiously well before the new target date of 30th June, 1975.”

[Para 10.3, page 34, Seventeenth Report (5LS)]

9.2. The Ministry of Railways (Railway Board), in their action taken reply on the above recommendation of the Committee, have stated as follows:—

“On receipt of the copy of the Seventeenth Report of the Committee on Petitions (Fifth Lok Sabha), the Northern Railway Administration were instructed that they should plan to complete the work on the realignment of Jawanwala Shahr-Guler section of the Kangra Valley Railway line, earlier than the target dated of 30th June, 1975. It has now been reported by the Northern Railway Administration that it would be difficult to complete the project even by 30-6-1975. Contractors in two reaches have failed due to the delay in handing over the land for earthwork

and the heavy increase in cost of construction in the meantime. In these reaches, alternate agencies had to be fixed up for completing the balance work. There has also been frequent power failures affecting the progress on bridge works. In addition, in one of the bridges, there were problems of well-sinking due to difficult strata met with. Matching steel for fabrication of girders for 3 important bridges is not available and efforts are being made to procure it. There has also been problems of labour shortage and non-availability of essential items. The latest development is that sufficient funds are not being regularly advanced by the Beas Dam authorities for the project and out of the total requirement of Rs. 183 lakhs during 1974-75, only Rs. 25 lakhs have been promised by the Beas Dam Authorities so far.

Despite various difficulties explained above, the Railways are making all out efforts to complete the project as early as possible. If the required funds are made available by the Beas Dam Authorities and the matching steel sections for the girders of major bridges are received in time, it is expected that the line will be completed and opened to goods traffic by 31-12-1975. As the height of the highest bank and cutting is about 80 feet, 3 months time will have to be allowed after the opening of the section to goods traffic to ensure adequate consolidation before permitting passenger traffic. The section can therefore be opened for passenger traffic by 31-3-1976."

**9.3. The Committee note the position stated by the Ministry of Railways (Railway Board) and hope that the project will now at least be completed by the new scheduled date.**

## X

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS (5LS) CONTAINED IN THEIR EIGHTEENTH REPORT ON THE REPRESENTATION RE. GRIEVANCES OF CENTRAL GOVERNMENT PENSIONERS

10.1. In their Eighteenth Report (Fifth Lok Sabha), the Committee, after considering the representation regarding grievances of Central Government pensioners and the factual comments of the Ministry of Finance (Department of Expenditure) thereon, had observed as follows:—

“The Committee hope that the Government will constantly keep the plight of the pensioners in view and mitigate their hardships arising from the rapid rise in the cost of living and grant to them further suitable increases in their pensions. The Committee also desire that Government should ensure that there is no disparity in the pensionary benefits granted to those pensioners who retired prior to 1st January 1973 and those who have retired or would retire after that date, as the price rise affects all of them equally.”

[Para 2.8, Page 8, Eighteenth Report (5LS)].

10.2. The Ministry of Finance (Department of Expenditure), in their action taken reply, have stated as follows:—

“The Government have already decided to extend the relief recommended by the Third Pay Commission for Central Government employees who retired from service on or after 1-1-1973 also to those who retired from service prior to 1-1-1973. There is thus no disparity in the matter of grant of relief to the Central Government employees who retire from service prior to 1-1-1973 and also to those who retired from service on or after 1-1-1973.

As regards the disparity in the pensionary benefits granted to those Central Government employees who retired from service prior to 1st January, 1973, and those who have retired or would retire after that date it is stated that the Commission had recommended that their recommenda-

tions in regards to pay and pensionary benefits may be given effect from 1st March, 1973, but Government on their own, decided to give effect to the recommendations of the Commission from 1-1-1973. Therefore, there is no question of giving further retrospective effect to the recommendations of the Pay Commission. In the circumstances certain amount of disparity in the pensionary benefits granted to those Central Government employees who retired prior to 1-1-1973 and those who have retired or would retire after that date is inherent. However, to mitigate the hardship of those who retired prior to 1-1-1973, Government have granted ad-hoc relief ranging from Rs. 15 to Rs. 35 per month depending on the various pension ranges. This is in addition to the relief on account of the cost of living being granted to pensioners referred to in para 1 above. The Committee on Petitions is already aware of these orders, para 2.5 of their Report refers."

**10.3. The Committee note the action taken by Government on the recommendation contained in their Eighteenth Report.**

## XI

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION CONTAINED IN THE NINETEENTH REPORT OF THE COMMITTEE ON PETITIONS (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING RAIL LINK BETWEEN BHILDI AND KAKOSI, WAGROD OR KANSA

11.1. In their Nineteenth Report (Fifth Lok Sabha), the Committee, after considering the representation for providing rail link between Bhildi and Kakosi, Wagrod or Kansa, and the comments of the Ministry of Railways (Railway Board) thereon, had recommended as follows:—

“The Committee, while taking note of the factual comments furnished by the Ministry of Railways (Railway Board) desire that the Ministry of Railways should expedite their final decision in the matter after examination of the survey and economic reports on the project.”

[Para 4.4, Page 14, Nineteenth Report (5LS)].

11.2. The Ministry of Railways (Railway Board) with whom the above recommendation of the Committee was pursued, have stated as follows:—

“Efforts are being made to expedite the examination of the survey reports. The report of the Economic study referred to in the earlier O.M. No. 74/W4/CONL/W/1-A, dated 20-4-1974, has since been finalised and is being scrutinised. As the main gauge conversion project, namely, Delhi-Ahmedabad M.G. to B.G., is expected to cost Rs. 131 crores, it will be appreciated that a detailed study has to be made of the survey and economic study reports before a final decision can be taken. Further it is pointed out that the funds allotted for gauge conversion projects and line capacity works are very limited in the current financial year and for also in 1975-76. A firm decision on taking up the construction of a major project of the magnitude of Delhi-Ahmedabad line will be possible only when the availability of funds improves.”

**Recommendation of the Committee**

**11.3. The Committee note the action taken by Government on the recommendation contained in their Nineteenth Report. The Committee recommend that Government should try to include the construction of this project at least in the financial year 1976-77.**

**ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION CONTAINED IN THE NINETEENTH REPORT OF THE COMMITTEE ON PETITIONS (FIFTH LOK SABHA) ON THE REPRESENTATION FOR STAYING RECOVERY OF UNDERCHARGES FROM THE SALARIES OF COMMERCIAL CLERKS OF WESTERN RAILWAY.**

12.1. In their Nineteenth Report (Fifth Lok Sabha), the Committee, after considering the representation for staying recovery of undercharges from the salaries of Commercial Clerks of Western Railway and the factual comments of the Ministry of Railways (Railway Board) thereon, had recommended as follows:—

“The Committee have perused the factual comments furnished by the Ministry of Railways. (Railway Board). The Committee are of the view that, as far as possible, the undercharges should be recovered from the concerned consignees. The affected staff should also help the Railway administration in finding the addresses of the concerned consignees and tracing them with a view to have recoveries of undercharges made from them. The Committee desire that in cases where the bonafides of the concerned Railway staff are established, the question of writing off the outstanding amounts may be examined instead of recovering the same from the salaries of the concerned staff.”

[Para 5.4, Page 16, Nineteenth Report (5LS)].

12.2. The Ministry of Railways (Railway Board) with whom the recommendation of the Committee was taken up for implementation, have stated as follows:—

“Recommendation contained in para 5.4 of the Nineteenth Report of the Committee on Petitions (Fifth Lok Sabha) has been noted and necessary instructions (See Appendix XIII) have been issued to the Western Railway Administration.”

**12.3. The Committee note that the Government have issued necessary instructions in the matter in accordance with their recommendation.**

## **XIII**

### **OTHER REPRESENTATIONS**

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

13.2. The Committee observe that through their intervention, the petitioners have been provided expeditious, partial or complete relief or that the Ministries|Departments concerned have explained satisfactorily the position in respect of their representations (See Appendix XIV).

NEW DELHI;  
December 9, 1974.

JAGANNATH RAO,  
*Chairman,*  
*Committee on Petitions.*

## APPENDIX I

[See para 3.3 of the Report]

[Copy of the Directive Issued by the Ministry of Labour to M/s. Kanpur Jute Udyog Kanpur, re. refund of provident fund contributions etc. of its employees.]

No. 5(83)/70-PF. II

GOVERNMENT OF INDIA | BHARAT SARKAR

MINISTRY OF LABOUR | SHRAM MANTRALAYA

To

The Commercial Manager,  
Kanpur Jute Udyog,  
366 Harrisganj,  
Rail Bazar Kanpur-4.

Dated, New Delhi, the 22nd April, 1974.

SUBJECT:—*Applicability of Employees' Provident Funds and Family Pension Fund Act, 1952—Representation under Section 19A of the Act.*

Dear Sir,

I am directed to refer to your representation No. PF/1/1161, dated the 24th August, 1970, on the subject cited above and to say that the Central Government have considered the matter further and find that:—

- (i) There has been a total change of ownership in this case and the workers employed by the former establishment were re-employed by M/s. Kanpur Jute Udyog, Kanpur.
- (ii) There was complete dislocation of manufacturing activity and production in so far the Maheshwari Devi Jute Mills was closed on the 28th February, 1966 and it remained closed for a period of more than 4 years.
- (iii) The new ownership came into picture not by an act of the original owner but through Government agencies out of

a situation over which the earlier ownership had no control. As such, the change of ownership is not with a view to avoiding or circumventing the provisions of law, and

- (iv) The factory was not started, as it stood, but it was restarted after renovation, replacement, rehabilitation and modernisation of old machinery and addition of new machinery at a considerable expense.

2. In the circumstances, the Central Government hereby directs that the Kanpur Jute Udyog is a new establishment and it would be deemed to have been set up in March, 1970, for the purposes of the Employees' Provident Funds and Family Pension Fund Act, 1952 and that it would accordingly be entitled to infancy benefit from 25th March, 1970 to the 24th March, 1973. The Provident Fund contributions, if any, deducted from the wages of the workers for the above mentioned period should be refunded to them immediately with interest at a rate of 6 per cent per annum or at the rate earned by the employer whichever is the higher.

By order and in the name of the President.

Sd/- DALJIT SINGH,  
*Deputy Secretary.*

## APPENDIX II

(See para 4.2 of the Report)

*[Representation re. absorption of Translation Trainees, Kerala Hindi Prachar Sabha, Trivandrum, in regular jobs.]*

C. S. Kumara Prasad, M.A.,  
Kerala Hindi Prachar Sabha,  
Vazhuthakadu,  
Trivandrum-14,  
Kerala.

From

The Translation Trainees,  
Kerala Hindi Prachar Sabha,  
Trivandrum, 14 (Kerala State).

To

The Speaker of Lok Sabha,  
Parliament House,  
NEW DELHI.

Sir,

This is a representation submitted in all humility, by one hundred highly qualified specialists in Hindi, whose present temporary appointment, under the Special Employment Scheme, is scheduled to terminate in March, 1974 and who, therefore, are to face unemployment thereafter.

Under the Special Employment Scheme of the Government of India, when the Kerala Hindi Prachar Sabha initiated the "Translation Course" in Trivandrum, out of over five hundred M.A. Degree holders in Hindi, one hundred were recruited as Trainees in Translation. The post-graduate degree of Master of Arts in Hindi was the basic academic qualification for this recruitment. This was an invaluable boon to the recruited trainees. We acknowledge the sympathetic gesture of the Government with profound gratitude.

Engaged in translating books and gaining rich practical experience in this direction, we draw a stipend of Rs. 200/- per mensem and we deem ourselves fortunate, by the side of over four hundred equally qualified Hindi specialists in Kerala, who undergo the throes of unemployment, even now. The number of post graduate degree-holders in Hindi is steadily on the increase and their employment possibilities are becoming more and more remote.

In spite of our present service and our additional asset of practical experience in translation work, we may, after March, 1974, become as helpless and frustrated as our unemployed brethren, unless the Government, realising its moral responsibility towards us comes to our rescue once more, by timely action. Exploring possibilities of absorbing us in regular and permanent service, after the impending crisis of March 1974, will be the only step open to the Government in this context. This is why we beg to suggest ways and means to help the Government to help us. A sympathetic implementation of the following suggestions is humbly requested.

#### *A. Appointment in Central Government Offices*

Kerala has several offices of the Central Government. In such offices the trained translators will be competent to do yeoman service. For every fifty hands already in service, one trained translator may be appointed on permanent tenure.

#### *B. Appointment in Kerala Secretariat*

Certain wings of the Kerala Secretariat have direct transactions with the Central Government. Trained translators required by these wings may be appointed from among those who have had the benefit of practical experience under the Special Employment Scheme.

#### *C. Preference in Collegiate Appointments*

On the basis of the practical experience gained by the trained translators they may be given preference, whenever fresh hands are recruited to the teaching staff in the Government and private colleges of the State. This preference may be made obligatory in appointments made by the Public Service Commission of the State.

#### *D. Recruitment in Hindi speaking regions*

Implementing the three-language formula, there are Hindi speaking persons appointed to teach Malayalam, after a short-term training. Instead of this, specialists in Hindi, who have had the additional benefit of translation-experience, may be appointed from among Malayalam-speaking persons in Hindi-speaking areas.

### *E. Inception of a Hindi Institute in Kerala*

With a view to providing employment opportunities for specialists and encouraging research facilities for them, steps may be taken to start a full-fledged Hindi Institute in Kerala. This will naturally widen the possibilities of employment for the unemployed and extend the scope for advanced specialisation for the work-oriented community. Translation of books, publication of research-papers and the over-all diffusion of Hindi literature in the non-Hindi speaking area of Kerala can be undertaken by the inception of such an Institute for linguistic and literary studies.

### *F. Selection in Radio Stations*

Stations of the All India Radio require trained translators and when appointments are made there, the selection may be made from among those who have had practical experience in the line under the Special Employment Scheme.

### *G. Exemption from Rule governing Age-limit*

It is the sad experience of M.A. Degree holders in Hindi that in Kerala, they are in the throes of un-employment for too long a period and that, by the time the Public Service Commission calls them for recruitment, they are over-age. In the context of this unique situation, an exemption from the rule governing age-limit, will be a fine gesture of sympathy to them.

Earnestly requesting the implementation of these ways and means in such a way as to absorb us in regular and permanent service after March 1974 and sincerely thanking the Government,

We beg to remain,  
Yours faithfully,

Sd/-

Vinoda Bhava K and  
other translation trainees.

Trivandrum,  
24-10-1973.

### APPENDIX III

(See para 4.3 of the Report)

[Circular issued by Ministry of Home Affairs *re.* amendment of recruitment rules for the posts of Hindi Translators for providing knowledge of one of the regional languages.]

CIRCULAR NO. 11

No. E. 11034/11/74-OL

Government of India/Bharat Sarkar,  
Ministry of Home Affairs/Grih Mantralaya.

New Delhi-110001, 21 June, 1974.

31 Jyaistha, 1896(S).

#### OFFICE MEMORANDUM

**SUBJECT:—**Amendment of recruitment rules for the posts of Hindi Translators for providing knowledge of one of the regional languages.

The undersigned is directed to say that the question whether knowledge of one or more of the regional languages in addition to that of Hindi and English should be prescribed as one of the qualifications for recruitment to the posts of Hindi Translators has been under consideration of the Government of India for some time past. Knowledge of a regional language is not considered absolutely essential for doing translation from Hindi to English or *vice versa*. Proficiency in a regional language cannot, therefore, be prescribed as an essential qualification but it may be prescribed as desirable qualification for recruitment to the posts of Hindi Translator. Ministry of Finance etc. are, therefore, requested to consider amendment of the recruitment rules for the posts of Hindi translators etc. to provide that knowledge of one of the regional languages would be a desirable qualification for recruitment to these posts.

Sd/-

(L. D. Hindi)

Deputy Secretary to the Government of India.

To

1. All Ministries/Departments of the Govt. of India.
2. Office of the Comptroller and Auditor General of India.
3. Union Public Service Commission/Election Commission.
4. All attached and subordinate offices of the Ministry of Home Affairs.
5. All Administrative Sections in the Ministry of Home Affairs.

## APPENDIX IV

(See para 4.3 of the Report)

[Copy of letter addressed by Minister of Planning to Governor of Kerala re. representation by Hindi Trainees Association, Trivandrum.]

Minister of Planning  
23rd May, 1974.

My dear Wanchoo,

Kindly refer to your D.O. letter dated April 27, 1974, regarding the representation submitted by the Hindi Trainees' Association, Trivandrum.

The training programme was formulated and taken up by the Government of Kerala under the Half a Million jobs programme. The State Government was required to offer training facilities after making an assessment that there was a reasonable likelihood of the absorption of the trainees on a regular basis. It appears that the position regarding the availability of employment facilities was not correctly appreciated. We have, at the request of the State Government, approached various Central Government institutions/organisations to consider the absorption of the trainees. However, it is hoped that the State Government will strengthen its efforts to find employment for the trainees.

With kind regards,

Yours sincerely,

Sd/-

(D. P. DHAR)

Shri N. N. Wanchoo,  
Governor of Kerala,  
Trivandrum.

## **APPENDIX V**

[See para 5.1 of the Report]

(Representation re. recognition of unqualified medical practitioners of modern system of medicine).

**The Private Medical Practitioners' Association of India  
(Registered)**

Head Office:

6600, Bahadurgarh Road,  
Delhi-6

Dated 2nd March, 1974.

To

Lok Sabha,  
New Delhi.

The humble petition of Dr. R. K. Bhardwaj, President, the Private Medical Practitioners Association of India, Delhi.

**SHEWETH**

That the Private Medical Practitioners Association of India is a registered organisation of the practitioners of modern system of medicine. The members are enrolled who have established their practice by providing elementary medical aid to the suffering humanity on the basis of their practical experience. The basic qualification is their assistantship period by either working in Government Hospitals or under medical graduates in private practice, or leaving the study from medical colleges due to various reasons or acquiring knowledge and experience from private study and working in private medical institutions.

That in order to meet shortage of the Doctors in the country, the unqualified dentists were given recognition in 1949 under the Dentists Act No. XVI of 1948 and were declared as Registered Medical Practitioners. Similarly, the unqualified medical practitioners of Homoeopathic system were registered in 1954 under an enactment.

The Ayurvedic and Unani medical practitioners who were unqualified were also declared Registered Medical Practitioners under specific enactments. According to the definition of the Registered Medical Practitioner, the Drugs Rules define in Part I section 2 ee(iii) that "Registered Medical Practitioner" means a person registered in a medical register of a State, who though not falling within Sub-clause (i) holding qualifications under any medical degree act or the Indian Medical Council Act, or sub-clause (2) (eligible for registration) is declared by a General or special order made by the State Government in this behalf as a person practising the modern scientific system of medicine for the purpose of this Act".

The above definition entitles the practitioners of other system of medicines to be considered registered medical practitioners. Moreover, a person experienced for four years have been registered as qualified person for dispensing, medicines as pharmacist under the Drugs Rules.

In England in 1958 all unqualified persons engaged in the practice of modern medicines were registered medical practitioners under a special Act. In this connection Shri Halsbury's Laws of England Volume 26, pp. 13—21, the Minister of State Department of Health and Social Security, London, has observed that the law allows unqualified persons to practice medicine including psychiatry and psycho-analysis and to treat those who choose to consult them, provided they do not pretend to be registered medical practitioners and do not perform certain specified services including the prescribing of certain drugs.

That some of the State Governments like Uttar Pradesh, Rajasthan and Punjab etc., issued special Gazette notifications granting this privilege to practitioners of other system of medicines and considering them eligible for the practice of modern medicine under Drugs Act.

Keeping all the above facts in view the Union Ministry of Health prepared a uniform draft Bill in 1959 which was circulated to all the State Governments for legislation as intimated to the Association on 2-6-1959 which lays down in Part II, section 4 as under:—

- "(i) Only persons who have passed qualifying examinations or are in possession of degrees, diplomas or qualifications in medicine recognised by a Board or Council as the

case may be will be entitled to have their names placed on the register on the payment of such fees as the Council or Board may be prescribed.

- (ii) Notwithstanding anything contained in sub-section (i) every person who within the period of one year from the date on which this Act comes into force, proves to the satisfaction of the Council or the Board, as the case may be that he has been in regular practice as a practitioner of any system of medicines for a period of not less than ten years, before the date the enforcement of the Act and that such practice has been the sole means of earning his livelihood, shall be entitled to have his name entered in the register on payment of the prescribed fee."

Acting under these instructions the then Madras Government, Madhya Pradesh Government and the Punjab Government introduced Bills in the respective assemblies which were referred to the Joint Select Committees in 1963-64. Thereafter under instructions from the Union Health Ministry the Bills were kept pending by the State Governments.

The Medical Council Act of 1956 was amended by Parliament providing in section (15) under the pressure of Indian Medical Association for banning the practice of modern medicine by other than registered medical practitioners in 1964.

Consequently on the representation of this Association, the Union Health Ministry directed all the State Governments not to implement the amended Council Act of 1964 and after which the prosecution initiated by certain State Governments against the Act was withdrawn. Thereafter the Union Health Ministry referred the matter to the Central Council of Health for recommendation. The Council in its meeting held at Bombay in 1964 and onwards recommended as follows:—

"The Central Council of Health in its meeting held at Bombay in the year 1964 resolved to effect amendment in the Indian Medical Council Act by incorporating a provision for enlistment of the private medical practitioners of ten years' standing. Other meetings were held at Lucknow, National, Jaipur, Bombay and Bhopal on 15-1-1968, 19-4-1968, 31-8-1968, 16-10-1968 and 4-11-1969 respectively. The Central Council of Health in its meeting at Bombay

decided further to amend the Indian Medical Council Act on the following lines:—

- (a) The practitioners practising in modern (allopathic) system of medicine must have passed matriculation or equivalent examination.
- (b) They must have attained 38 years of age on the date of passing of the amendment to the Indian Medical Council Act by the Parliament.
- (c) They must have been practising medicine for at least ten years prior to the date of passing of the aforesaid amendment.
- (d) They should not prescribe drugs or perform surgery except as may be permitted under the aforesaid amendment.
- (e) They may get enlisted within a year of the amendment to the Indian Medical Council Act. There will be no further enlistment after this date and the list will be declared closed. Such enlistment will not be equivalent to registration.

(The earlier regulations were reiterated by the Council in its meeting held at Bhopal on 4-11-1969)."

Subsequently the Union Health Ministry issued a circular letter No. 4-6/70-MIT dated 24 November, 1972 to all the State Governments (except Kerala) for necessary legislation as considered desirable. The para 4 lays down:—

"Those who have been practising modern medicine for a period of not less than ten years immediately before an appointed date may be allowed to continue to practice modern medicine. They should, however, not be entitled to practice surgery, obstetrics or radiation therapy in any form and prescribe any medicine included in Schedules G.H. and L of the Drugs and Cosmetics Rules, 1945 and other dangerous drugs since this class of practitioners will constitute a separate category, it will be desirable to keep their records separate from those who are qualified medical practitioners. If the State Governments are willing to settle this long outstanding problem on the above lines, they may intimate suitable legislation for amending their State Medical Acts for this purpose. The procedure sug-

gested will not only control practice of modern medicine by unqualified medical practitioners, but also ensure that no further unqualified practitioners will be drawn into these ranks as within a stipulated time such practitioners will be required to register themselves. The Kerala Government in their proposed Medical Practitioners Bill have already included suitable provisions for regularising practice by such unqualified medical practitioners."

The Government have not so far given any adequate relief to your humble petitioners whose number is more than one lakh for the last many years and accordingly your petitioners pray that suitable steps might be taken by Government for giving recognition to unqualified medical practitioners.

and your petitioners as in duty bound shall ever pray.

Sl. No.	Name of petitioner (s)	Address	Signature or Thumb impression
	R. K. Bhardwaj	6600, Bahadur Garh, Road, Delhi-6.	Sd/- R. K. Bhardwaj

Countersigned by:

Pratap Singh, M.P.

Member of Parliament.

## **APPENDIX VI**

(See para 5.4 of the Report)

[Letter from Govt. of India to State Governments re. enlistment of unqualified medical practitioners of modern system of medicine.]

No. 4-6/70-MPT

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING  
(DEPARTMENT OF HEALTH)

New Delhi, dated the 24th November, 1972.

To

All State Governments (Except Kerala).

SUBJECT: Enlistment of unqualified Medical Practitioners proposal regarding.

Sir,

I am directed to say that the question of settling the problem of unqualified medical practitioner in the field of allopathy, whose number is reported to be about 30,000 to 100,000, has been under consideration of the Government of India for over a decade now. The Association of these practitioners has been representing for regularisation of their practice. Sub-section (2) of Section 15 of the Indian Medical Council Act, 1956, provides that no person other than a medical practitioner enrolled on a State Medical Register shall practise medicine in any State and section 15(3) provides that any person acting in contravention of the provision of sub-section (2) is liable to be punished with imprisonment for a term up to the year or with fine upto rupees one thousand or with both. It is only because the State Governments were advised to keep in abeyance the enforcement of this penal provision pending the evolution of a uniform policy by the Central Government that these unqualified medical practitioners have not been prosecuted so far.

2. This matter had been considered by the Central Council of Health and its Executive Committees on several occasion in the past

without any finality. Originally the intention was to enable them to continue in the profession by suitably amending the State Medical Acts. Later on, the proposal was that such practitioners should not be registered but that those who fulfil certain condition might be allowed restricted practice by the Central Government by amending the relevant provision of the Indian Medical Council Act. In the last meeting of the Central Council of Health held at Jaipur in October, 1971, when the question of Central Government going in for legislation amending Medical Council Act was considered, the decision was that this matter should be postponed for consideration at the next meeting of the Central Council of Health in 1972.

3. As the State Governments are aware, some of the States are in favour of the policy of regularising the practice being carried out by these unqualified medical practitioners while others are opposed to it. Any type of recognition of these unqualified medical practitioners has also been strongly opposed by the Indian Medical Council as well as the Indian Medical Association on the ground that it would only encourage quackery. Because of this conflicting views, it seems difficult to evolve a uniform policy applicable throughout the country. It is common knowledge that many of these unqualified medical practitioners who have been in the profession for several years are rendering medical aid to the community, particularly in rural areas where availability of qualified medical practitioners is awfully inadequate. To put a stop to their practice would not only deprive the ready of their services but also deprive the unqualified medical practitioners of their sole means of livelihood. The question has, therefore, to be approached from the practical angle. The thinking of the Central Government, after taking all aspects of the case into consideration, is that the position of unqualified medical practitioners should be so regularised that they should be able to continue to serve the people and, at the same time, take effective steps to prevent the entry of fresh unqualified people into these ranks.

4. Those who have been practising modern medicine for a period of not less than ten years immediately before an appointed date may be allowed to continue to practice modern medicine. They should, however, not be entitled to practise surgery, obstetrics or radiation therapy in any form and prescribe any medicine included in Schedules G, H and L of the Drugs and Cosmetics Rules, 1945 and other dangerous drugs. Since this class of practitioners will constitute a separate from those who are qualified medical practitioners. If the State Governments are willing to settle this long outstanding problem on the above lines, they may intimate suitable legislation for amending their State Medical Acts for this purpose. The procedure suggested will not only control practice of modern

medicine by unqualified medical practitioners, but also ensure that no further unqualified practitioners will be drawn into these ranks as within a stipulated time such practitioners will be required to register themselves. The Kerala Government in their proposed Medical Practitioners Bill have already included suitable provision for regularising practice by such unqualified medical practitioners.

5. The action taken by the State Government may kindly be communicated to the Central Government in due course.

Yours faithfully,

Sd/-

(V. S. TALWAR)

*Deputy Secretary to the Government of India.*

## APPENDIX VII

(See para 5.6 of the Report)

[Summary of replies received by Ministry of Health and Family Planning (Deptt. of Health) *vide* (D.O. Letter No. V. 11016|10|74-MPT dated the 6th June, 1974 from State Governments regarding enlistment of unqualified medical practitioners.]

*Name of State|Admn.*

*Action taken*

1. Arunachal Pradesh      No unqualified medical practitioners in Arunachal.
  
2. Kerala      The Kerala Medical Practitioners Bill, 1972, was introduced in the State Legislative Assembly on the 26th October, 1972. The Bill was referred to the Select Committee who has since submitted its report. The report will be discussed in the next session of the State Assembly. The Select Committee has not favoured the enlistment of unqualified medical practitioners.
  
3. West Bengal      The legal aspects of the Government of India's proposal for bringing about a State legislation providing for enlistment of unqualified medical practitioners *vis-a-vis* the provisions in the Indian Medical Council Act, 1956, are being examined in consultation with the legal advisers to the State Government. The State Government's views will be furnished when such examination is completed.
  
4. Chandigarh      No Medical Register is being maintained in Chandigarh Union Territory and as such

*Name of State/Admn.*

*Action taken*

the question of registration of unqualified medical practitioners does not arise.

5. Dadra and Nagar Haveli There are no unqualified allopathic medical practitioners in this territory and no legislation to this effect has been passed.

6. Maharashtra

The State Government has already given a consideration to the problem of unqualified medical practitioners. Under the Bombay Medical Practitioners Act, 1938 a provision for the enlistment of these practitioners was made and accordingly a number of unqualified practitioners were enlisted under the said Act. After reorganisation of States in 1960, the Maharashtra Medical Practitioners Act, 1961 has been passed. Section 18 of this Act provided for enlistment of unqualified practitioners. The unqualified practitioners were thus given adequate opportunities for enlistment and consequently for continuance of their practice in medicine.

## APPENDIX VIII

(See para 6.2 of the Report)

[A brief note concerning the Delhi Education Rules, 1973, enclosed with the representation of the petitioner]

*Rule 7: Medium of instruction for children studying in the middle stage*

The rule is vague. As has been specified for the Higher Secondary stage in Rule 8, a proviso may be added:

“Provided that in the case of middle stage classes, in any existing school, in which education is imparted through the medium of any language other than Hindi or the mother tongue, the education may continue to be imparted in such classes through the medium of such other language”.

This proviso is very essential as otherwise the existing arrangements in Delhi Tamil Education Association Schools, where the medium of instruction in the middle stage is English would get thoroughly dislocated and affect the pupils.

The Text Books in the middle stages are those published by the NCERT in English. There are no Tamil translations of these books. Government of Tamil Nadu are not adopting the NCERT books and therefore are not having Tamil translations of these books.

The syllabi for the middle stage classes in Tamil Nadu are quite different from those in Delhi State. Therefore the Tamil text books prescribed by Tamil Nadu Government for the classes in the middle stage cannot be utilised in D.T.E.A. schools.

The Trained Graduate Teachers in D.T.E.A. schools are cosmopolitan, that is not all the teachers are from Tamil Nadu only. There would be great upset in the arrangements as many non-Tamil teachers may have to be retrenched if medium of instruction is the mother-tongue.

Because of the English medium, some non-Tamil students also study in these classes. It will again cause discomfort and dislocation if Tamil is to be the medium of instruction in this stage. Another proviso to Rule 7 may be added as under to ensure con-

sultation by Administrator with the Management concerned before opening new classes, etc:—

“Provided also that in regard to any such action by the Administrator, for opening of new sections, classes, etc., as mentioned above, the Administrator shall consult the non-official Agency running the aided schools”.

**Rule 10:** The first part of the Rule 10 may be recast to enable an Association of Linguistic minority to open new schools in an area where such *linguistic minorities is concentrated*. The Rule as recast may read:—

“Any linguistic minority which intends to set up a school or any existing Association of non-official agency intends to set up schools in other areas in addition to those they are already administering, with the object of imparting education in the mother tongue of such linguistic minority or in the medium in which education is imparted in those stages in the other schools under their management, shall be entitled to receive grant-in-aid, if the other conditions with regard to grant-in-aid are fulfilled by such schools.”

This proviso is essential as otherwise there cannot be *mobility of students* from one school to another under the same management. If the medium of instruction in the new school is not the same as the one in the other schools of the Association, the entire working would be dislocated affecting the *pupils and the parents considerably*.

The text books are those published by the NCERT in English. There are no Tamil translations of these books. Government of Tamil Nadu are not adopting NCERT books and therefore are not having Tamil translations of these books.

*So long as the three language formula is honestly implemented by the schools, there should not be any difficulty in allowing the medium of instruction in new school being the same as in the other schools under the same management.*

**CHAPTER V: Scheme of Management:** The Delhi Tamil Education Association are running six schools and they are under different zones. Even at present, there is difficulty in uniform application of the rules in all the six schools and co-ordination at the Management level by the Secretary of the Association has helped in adoption of uniform procedure. It is therefore not possible to endow any Principal of any of the Schools the powers contemplated under the rules. These should be left to the Management to

be decided. The Administrator should merely confine himself to ensuring that the rules are followed strictly by the Management in all matters. In the rules there should be a provision that the Vice-President of the Managing Committee will perform the functions of the Chairman if the latter is a way or not available. Such a provision is essential for an Association like the Delhi Tamil Education Association as our President, who is an M.P. from Tamil Nadu is not available at all times due to his responsibilities as an M.P.

59(2) (h) (iv): At present all correspondence relating to all the six schools under the Delhi Tamil Education Association is carried on only by the Secretary of the Association who is the Chief Executive in respect of each of the school. This is an arrangement which has stood the test of time and worked efficiently and smoothly. It has helped in co-ordination and in application of rules and standards in a uniform manner. The Delhi Tamil Education Association is therefore opposed to the Principal himself being entrusted with all the correspondence regarding the school with which he is concerned. He should correspond only on the basis of directions given by the Chief Executive in each case.

59(2) (r): Rule 91 excludes the post of Manager from the eligibility of grant-in-aid in respect of his salaries and allowances. But in this and the following clauses provisions for determining the qualifications and responsibilities terms and conditions of his appointment, removal, etc., are sought to be laid down. Elsewhere, earlier it is stated that the Principal could handle all correspondence. Thus the provisions, are contradictory to each other.

In Delhi Tamil Education Association, the President, Vice-President, Secretary (who is the Chief Executive), Joint Secretary and the Treasurer are all honorary office bearers. They are all men of stature and position either in Government or in private business or political life. That being so, the sub-clauses (i), (j), (k), (m) are inappropriate and are to be deleted in so far as aided schools are concerned and which are run by the honorary office bearers such as Delhi Tamil Education Association.

As has been explained the Management should have an effective voice and 'SAY' on all matters relating to the school, consistent with the rules and orders of the Directorate of Education and within the parameters laid down by the Delhi Administration. The Delhi Tamil Education Association appreciate the undue interference and pressure on the Principals to get things done out of the way with malafide intentions are to be avoided. But the remedy does not lie in total restriction; but it lies in stringent and prompt action when default and misdemeanour are noticed.

## APPENDIX IX

(See para 6.3 of the Report)

[Factual comments of the Ministry of Education and Social Welfare (Deptt. of Education) on the representation re. amendment of Delhi Education Rules, 1973]

No. F. 44-4/74-UT. 1

GOVT. OF INDIA

### MINISTRY OF EDUCATION AND SOCIAL WELFARE (DEPARTMENT OF EDUCATION)

New Delhi, the 19th August, 1974.

#### OFFICE MEMORANDUM

SUBJECT: Representation regarding amendment of Delhi Education Rules, 1973.

The undersigned is directed to refer to the Lok Sabha Sectt. U.O. No. 53/CI/74/R-105, dated the 29th March, 1974, on the above subject and to furnish below the para-wise comments on the representation in question as desired:—

Rule 7.—*Medium of instruction for Children studying in the middle stage.*

The President, Janak Puri Tamil Association has sought to insert two provisos in rule 7 viz.—

- “(i) Provided that in the case of *middle stage* classes, in any existing school, in which education is imparted through the medium of any language other than *Hindi* or the mother tongue the education may continue to be imparted in such classes through the medium of such other languages.
- (ii) Provided also that in regard to any such action by the Administrator, for opening of new sections, classes etc. as mentioned above, the Administrator shall consult the non-official Agency running the aided schools.”

#### Comments

So far as the proviso at (i) above is concerned, it will be seen that it repeats the language of the existing proviso subject to the

addition of the words which have been underlined. It will be seen from rule 7 that the rule provides that the medium of instruction for children studying in the middle stage should be the mother tongue of such children. For this purpose, the Administrator has been given power to open, or cause to be opened, new classes in existing schools or, where that is not possible, to open new schools. However, *the existing middle schools* in which education is imparted in any language other than the mother tongue of the children, such schools have been empowered to continue to impart education in such other language. The concession which has thus been given by the proviso to rule 7 is confined to *existing schools*. By a separate rule, namely, rule 44, opening of new schools has been regulated. Hence the proviso to rule 7 has to be read in the context of rule 44.

The intention of the proposed amendment is to enlarge the concession given to the existing schools, so that the concession may be available to new schools which may be opened hereafter. Such enlargement of the concession will be completely against the policy which is implicit in rule 44 and, consequently, such enlargement of the concession does not appear to be desirable.

As regards the other proviso (ii) suggested to rule 7, it does not appear to be happily worded and to clearly indicate the intention of the President of the Association. The Rule empowers the Administrator to open or cause to be opened new class in an existing school, but, as the rule stands, he can do so without obtaining the consent of the school concerned.

It is proposed to consider addition of a proviso whereby no new class shall be opened or caused to be opened in an existing school except with the consent of the Trust or Society by which such school is run.

2. Rule 10.—The first part of the Rule 10 may be recast to enable an Association of Linguistic Minority to open new schools in an area where such *linguistic minorities are concentrated*. The Rule as recast may read:—

“Any linguistic minority which intends to set up a school or any existing Association of non-official agency intends to set up schools in other areas in addition to those they are already administering, with the object of imparting education in the mother tongue of such linguistic minority or in the medium in which education is imparted in those stages in the other schools under their management, shall be entitled to receive grant-in-aid, if the other

conditions with regard to grant-in-aid are fulfilled by such schools".

### Comments

The above-mentioned proposed amendment not only goes directly against the provisions of rule 44 (which intends to prevent the haphazard growth of schools and provides for the growth of schools in a planned manner) but also intends to force the heads of the Administrator to give grant-in-aid if an existing school in its wisdom decides to open a new school or branch at any place in Delhi. If the proposed amendment is accepted, any non-official organisation or agency will be entitled, by its unilateral action, to force the hands of the Administrator to grant aid to a school which was opened without his consent. Such a provision will be prejudicial to the planned growth and distribution of schools to areas which need them. The proposed amendment therefore, appears to be against the best interests of the Society as a whole and cannot be accepted.

### 3. Rule 59: 'Scheme of management of recognised schools'

"The President of the Tamil Association has desired some amendments in Rule 59 stating that the application of this Rule should be left exclusively to the Management of the School to bring uniformity in all the schools being run by the Tamil Education Association. Under Rule 59(2)(h)(iv) the Delhi Tamil Education Association is opposed to the Principal himself being entrusted with all the correspondence regarding the school with which it is concerned. He should correspond only on the basis of the directions given by the Chief Executive in each case.

Rule 91 excludes the post of the Manager from the eligibility of grant-in-aid in respect of his salaries and allowances, but in this and the following clauses, provisions for determining and conditions of his appointment, removal etc. are sought to be laid down. Elsewhere it is stated that the Principal could handle all correspondence. The President of the Association has held that these provisions are contradictory to each other. As all the office bearers of the Managing Committee of the Delhi Tamil Education Association are men of status and position either in Government or in private business or political life, the sub-clauses (i), (j), (k) (m) of Rule 59(2) are inappropriate in case of the office bearers of this Association. The Association have, therefore, desired to add a proviso as 59(2)(r) under this Rule to this effect".

## Comments

The Managing Committee of an aided school is to act under the direction, supervision and control of the Governing Body of the Society or Trust by which the school is run. In the circumstances, correspondence made by the head of the school cannot be contrary to the policy of the Governing Body. Since the school is responsible for the academic affairs of the school, it is fit and proper that the responsibility for carrying on the correspondence should be entrusted to him. The rule was made after due deliberations and there does not appear to be any cogent reason as to why the rule should be changed.

The plea that there is a contradiction between rule 59 and rule 91 has also no force. The mere fact that the salary or allowances of the Manager shall not qualify for aid, does not necessarily imply that the Manager should be an unqualified person. After due deliberations, it has been provided that the Manager should possess certain qualifications. But what the qualifications should be, has been left to be specified in the scheme to be made by the Governing Body of the school. The autonomy of the Governing Body of the school has thus not been encroached upon. The only discipline to which they have been subjected, is that the Manager should possess such qualifications as the Governing Body may, in its wisdom, think fit. In the circumstances, no change appears to be necessary.

As regards the question whether a person should be allowed to be a Manager of more than one school, it is felt that the whole purpose of the Act and the rules made thereunder would be defeated if one person is allowed to be a Manager of more than one school.

Sd/-

(S. M. S. CHARI)

*Joint Educational Adviser.*

To

The Lok Sabha Secretariat,  
(Committee Branch-I),  
Parliament House,  
New Delhi.

## **APPENDIX X**

(See para 8.3 of the Report)

**[Copy of Ministry of Works and Housing D.O. Letter No. H. 11013/1/72-UD.I, dated the April 4, 1973, to the Delhi Development Authority]**

Dear Shri Jagmohan,

On the recommendation of the Committee on Petitions, the Minister of State for Works and Housing has decided that Government servants who have retired before 1st April, 1972, and as such are not eligible for allotment of houses under the Scheme for retiring public servants may also be considered for allotment under the Scheme in the case of subsequent registrations.

Yours sincerely,

Sd/- L. C. GUPTA.

## APPENDIX XI

(See para 8.3 of the Report)

[Copy of letter No. SA/VC/72/22, dt. 21-12-1973, issued by D.D.A., re. registration of public servants who retired from service prior to 1st April, 1972.]

### DELHI DEVELOPMENT AUTHORITY

No. SA/VC/72/22

Dated the 21st December, 1973.

#### ORDER

SUBJECT: Registration of public servants who retired from service before 1st April, 1972.

In accepting the recommendation contained in para 1.44 of the 9th Report of the Committee on Petitions, the Central Government has directed that in the schemes of the Delhi Development Authority the public servants, who retired from service before 1st April, 1972 may also be made eligible for registration for allotment of flats in its future registration schemes.

2. In drawing up schemes of registration in future, therefore, a clear stipulation to the effect that public servants who retired from service before 1st April, 1972, would also be eligible for registration, should be made.

3. This order is circulated for strict compliance by all concerned.

Sd/- JAGMOHAN

*Vice-Chairman,*

*Delhi Development Authority.*

Copy to:

All Officers: &

All Branches of the office.

Sd/- JAGMOHAN

*Vice-Chairman,*

*Delhi Development Authority.*

## APPENDIX XII

(See Para 8.5 of the Report)

[Statement showing the position in regard to replies received from various State Governments etc vide Ministry of Works and Housing letter No. 20 (3)/73-HII, dt. 24.4.1973]

S. No.	Name of State/Union territory	Gist of Reply Received
1	Haryana	Price for plots is fixed on more or less "No profit No Loss" basis taking into view all the items of expenditure on acquisition and development of land and plots are made available to all citizens on the same terms and conditions without any reservation except for the State Government employees.
2	Kerala	No separate housing scheme is being sponsored exclusively for Government servants. Government servants can apply for plots in various schemes sponsored by the State Housing Board
3	Madhya Pradesh	Allotment are made on first come and first served basis. No reservation for any class or category of persons.
4	Maharashtra	State Government servants only can purchase land for residential purposes without auction Land in Municipal Towns is generally allotted to Cooperatives and not to individuals because of high prices. Recommendation is not acceptable by the State Government.
5	Meghalaya	No separate housing scheme is sponsored for Government servants.
6	Punjab	20% plots are reserved for State Government employees in the Urban Estates set up by Punjab Government.
7	Tamil Nadu	The Government of Tamil Nadu have directed The Tamil Nadu Housing Board to reserve 18½% of the plots for allotment to Central Government servants, employees of Housing Board, Electricity Board and local bodies. The Tamil Nadu Housing Board has agreed to give preference in allotment of plots, within the quota available, for Central Government servants, about to retire in a year or two.
8	Chandigarh	A model scheme for allotment of plots to Government servants at concessional rate of Rs. 25/- per square yard has been proposed in Sector 37.

S. No.	Name of State/Union Territory	Gist of Reply Received
9	Lakshadweep	No surplus land is available in the Union Territory.
10	Dadra & Nagar Haveli	A cooperative Housing Society of Government servants has already been provided land free of cost by the Administration.
11	Delhi Development Authority	50% of the plots under low and Middle Income Group Housing Schemes are reserved for Salaried classes.

Replies from the remaining States/Union Territories are still awaited.

## APPENDIX XIII

(See para 12.2 of the Report)

*[Instructions issued by Ministry of Railways (Railway Board) to the Western Railway administration re. recovery of undercharges from salaries of Commercial Clerks of Western Railway]*

### MINISTRY OF RAILWAYS (RAILWAY BOARD)

No. TCI/1398/73|3

New Delhi, Dated: 7-9-74

The General Manager,  
Western Railway,  
Bombay.

SUB: Representation of All India Commercial Clerks Association against recovery of undercharges from the salaries of Western Railway staff.

REF: Dy. C.C.S., Western Railway's D.O. No. C. 591|O dated 5|2|74.

The observation of the Committee on Petitions (Fifth Lok Sabha) on the representation of the All India Railway Commercial Clerks Association against recovery of undercharges from the salaries of Commercial Clerks of Western Railway, is reproduced below:—

“The Committee has perused the factual comments furnished by the Ministry of Railways (Railway Board). The Committee are of the view that, as far as possible, the undercharges should be recovered from the concerned consignees. The affected staff should also help the Railway Administration in finding the addresses of the concerned consignees and tracing them with a view to have recoveries of undercharges made from them. The Committee desire that in cases where the bonafides of the concerned Railway staff are established the question of writing off the outstanding amounts may be examined instead of recovering the same from the salaries of the concerned staff.”

Board desire that action to recover the undercharges in respect of green chillies, onions, garlic etc. and also in respect of consignments of oil received at Bhavnagar from the consignees may be taken up vigorously and the cases of recovery from concerned staff may be decided on merits of each case. Action in respect of undercharges on Newspaper parcels and old, used iron and steel materials may please be finalised speedily in accordance with Board's letters No. E(LU) 73-1|1|2 dated 16-2-74 and TCR|1166|70 dated 22-6-74 respectively.

Board may please be kept informed of the action taken and the progress made in the finalisation of the matter.

Receipt of this letter may please be acknowledged.

(R. N. SAXENA)

*Dy. Director, Traffic (Rates),  
Railway Board.*

DA: Nil.

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## APPENDIX XIV

(See para 13.2 of the Report)

(Representations on which the Committee's intervention has procured expeditious, partial or complete relief to petitioners or the Ministries/Departments have explained the position satisfactorily.)

Sl. No.	Name and Address of the petitioner.	Points raised by the petitioner	Facts perused by the Committee.
1	2	3	4
			<i>Ministry of supply and Rehabilitation (Department of Rehabilitation).</i>
1.	Sh. Nanddas Fatmal Municipal Shop No. 80 Maninagar Sindhi Market Ahmedabad-8.	Issue of statement of Account of Compensation.	The Regional Settlement Commissioner (Central) Jamnagar House, New Delhi has now intimated that the compensation bill for payment of 1/3rd share in the compensation case No. B/A/714 XXI/(L) involving adjustment of land allotted to the claimant in District Amreli has been passed by the Account Officer and necessary intimation to this effect has been sent to the Collector, Amreli and the claimant direct.
2.	Smt. Kishni Bai Jassomal 435-B, Sardarnagar, Ahmedabad.	Remission of penal interest from CAF No. M/Nimar/297-364/354 of Sh.. Denyomal and adjustment towards Tenement No. 435 B Sardarnagar Ahmedabad.	The representation has been got examined from the RSC (C) and he has intimated that the required-adjustment of Rs. 675/-towards the above tenement stands carried out. A copy of the recovery schedule has been sent to the Administrator, Sardarnagar Ahmedabad, on 18-5-1974.  As regards the remission of the penal interest, the subject matter now relates to the Administrator Sardarnagar consequent upon the administrative and financial arrangements having been concluded with State Govt. of Gujarat. The applicant has therefore, been requested to approach the above authority for this purpose.
3.	Smt. Sampatbai Menghomal, C/o Sh. Relumal Pessumal, Furniture Maker, opp.Sindi Shala, A-Ward, Kubernagar P. O. Sardarnagar, Ahmedabad.	Adjustment of compensation claim towards cost of GBP No. 773/6 Ambawadi Sardarnagar, Ahmedabad.	Adjustment of Rs. 1322/-has been made towards Ten. No. 773/6, Ambawadi Sardarnagar and recovery schedule sent to the Administrator Sardarnagar vide letter No. RSC (C) ASO (P) TRC/PC 2429/999 dated 20-4-74.

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4. Sh. Jhamat Mal Kessumal, 362 B, Sardarnagar, Ahmedabad. Adjustment of Compensation due on the pending verified agricultural land claim CAF No. B/A/S/1089/IVNT. P. C. No. 25003. The Regional Settlement Commissioner (C) Jamnagar House, New Delhi, has condoned the delay for inclusion of the agricultural land claim.

He has preferred the necessary Bill to the Pay & Accounts Officer. After admittance of the same, the payment will be made to the applicant.

5. Sh. Gulsbrai Kundandas, Block No. 274-A Sardarnagar, Ahmedabad. Recovery of loan from compensation claim. It has been reported by the Regional Settlement Commissioner (C), that necessary adjustment of Rs. 500/- (Rupees five hundred only) towards small urban loan and Rs. 209.44P. (Rupees Two Hundred Nine and paise forty Four only) towards sewing Machine loan has already been carried out and a copy of the recovery schedule has been forwarded to the Administrator, Sardarnagar Township Ahmedabad, on the 18th May, 1974.

*Ministry of Railways (Railway Board)*

6. Smt. Gangadevi Jainarayan Jajoo C/O Sh. G. R. Kabra, Post-Deulgaon (Balajee) Dist. Buldhana. Payment of Compensation for damage caused to Truck No. MRT/2217 due to dashing by engine of 39DN Nagpur Express at Level Crossing Gate between Kasara and Kardi Stations on 15.7.65. It was and an accident at Level crossing between the Truck No. MRT/2217 owned by Smt. Gangadevi Jainarayan Jajoo and the engine of 39-DN Nagpur Express on 15.7.65 and as a result the said truck was damaged.

The party had originally preferred claim for Rs. 18000/- on 16-7-65 for damage to her truck. On the question whether the damage was due to railway's negligence, an enquiry was conducted by the Sr. Scale Officers of the railway. It was held that accident occurred due to the negligence of the railway staff as the level crossing gate was left in an open condition while the train was passing.

The matter was also referred to the Ministry of Law, Bombay Branch and the Dy. Legal Adviser, while giving the opinion that the railway was responsible for damage, has also suggested that the amount of compensation payable may be worked out on the basis of actual expenses incurred by the party for putting back the truck in the state in which it was prior to the accident.

The question of railway's Liability for paying the compensation claim has not at all been in dispute and steps were also taken to verify the actual

loss taking into consideration the damage caused and the replacement cost etc.

The amount of compensation payable, however, became a point of dispute as the party's original claim for compensation was for Rs. 18000/- and subsequently they increased it to Rs. 21743. The railway's verification of claim showed that the claim of the party was highly exaggerated and the reasonable offer would be of the order of about Rs. 6000/- to 7000/-. It may be mentioned that the truck in question was old having been purchased as far back as 1959.

The party, however, was not agreeable to accept any amount lesser than Rs. 12500/- and in fact, filed a suit in the Court of Sr. Judge. Thana, for recovery of Claim for Rs. 21743 as *forma pauperis*. The Court, however, did not admit the petition but gave time to file a regular suit with Court fee.

The case has been examined *de-novo* in the context of party's representation dated 23rd May, 1973 before the petition Committee of the Lok Sabha, New Delhi. The petitioner was also contacted by the Central Railway Administration for mutual settlement of this claim and Shrimati G. J. Jajoo has given her consent to accept Rs. 6500/- (Rupees Six Thousand and five Hundred only) in full and final settlement of this claim. Necessary sanction in regard to the payment of the claim has also been issued from the Ministry on 7th March, 1974.

7 M/s. A. Rahman  
Dharavi Bom-  
bay-17.

Claim for compensa-  
tion Ex. Mahim  
to Naroda—inv. No.  
1. RR-996684 da-  
ted 15.10.71.

A consignment of 37 Boras stated to contain 83 quintals of Hides cuttings Trimmings and Flashings refuse was booked ex. Mahim to Naroda under Inv. I of 15.10.71 by Shri Abdul Rehman of Bombay and was consigned to M/s New Bharat Glue Mfg. Co. of Ahmedabad. The consignment was packed in old torn gunny bags which had weak sewing. The packing of the consignment was insecure and the contents were found dropping. Remarks regarding the condition of the packing were recorded by the consignor in the Forwarding Note tendered by him and the same was also reproduced in the Railway Receipt issued to him.

As the consignment was bulky, heavy and offensive in nature its weightment was not found possible by the Railway staff and, therefore, the weight declared by the consignor was accepted for charge and Railway Receipt was issued accordingly.

The consignment after transshipment from Broad Gauge to Metre Gauge on 8/9-11-71 reached destination via Naroda in two parts. Part consignment of 3 boras was received at Naroda on 10.11.71 and second portion of 34 boras was received on 14.1.71. No deficiency or damage was either recorded or reported at the time of unloading at Naroda.

The consignee's representative, however did not turn up for taking delivery of the consignment till 14.1.72, though the consignment was received on 14.11.71 i.e. the consignment remained undelivered for a period of 60 days from the termination of transit. Meanwhile, Station Master Naroda, has sent a letter on 23.11.71 by Registered post asking the party for effecting delivery of the consignment but no one produced the Original Railway Receipt for effecting delivery. The party was also contacted on 18-12-71. Book delivery of the consignment was ultimately effected on 23-2-72 by one Shri Renumal Veparimal on payment of freight after surrendering the original Railway Receipt.

The party thereafter preferred a claim for Rs. 15612.30 alleging shortage and damage to the consignment.

The claim of the party cannot be admitted for the following reasons :

- (i) The consignment was not securely packed as per the prescribed packing condition. According to Section 77 (c) of the Indian Railway Act, Railway administration is not liable for damage, deterioration, wastage etc. of consignments which are either defectively packed or are not packed in the prescribed manner.
- (ii) The consignment was not taken delivery of by the party. The consignment arrived on 14.11.71 but the consignee did not turn up for

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delivery till 14.1.72. According to Section 77(2) of the Indian Rly. Act, the Rly. administration is not responsible in any case for the loss, destruction, damage, deterioration or non-delivery of goods arising after the expiry of period of 30 days from termination of transit.

- (iii) There was no negligence on the part of the Railway Administration in carriage of the goods.

The complainant has raised the following points in the representation dated 6.8.73 and 20.8.73.

- (i) That the consignment was damaged at the forwarding station itself due to exposure to rain and sun.
- (ii) The 'Panchnama' regarding weighing of the consignment was not witnessed by the Railway Staff but a 'Shortage Certificate' was granted for the weight and condition of the consignment.
- (iii) That there was inordinate delay in settlement of their claim.

The allegation that the consignment was damaged by rain is not borne out as there were no rains when the subject goods were in transit. Further both Station Master and Asstt. Station Master, Naroda have stated that neither the goods were weighed in presence nor was certificate issued by them. The consignment was inspected by the Assistant Commercial Supdt., (a gazetted officer) on 23.2.72 i.e. the day on which the delivery was effected. The officer after examining the consignment, did not consider it necessary to deliver the consignment on assessment.

It has also been brought out in the course of investigations that :—

- (a) it takes quite some time to collect the quantity of trimmings booked by the party. According to a statement by the party, the process of collecting the subject consignment before booking had taken almost 10 months. On account of the very nature of the consignment, the consignment is susceptible to loss weight due to diriage.

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(b) the private 'Panchnama' of the party can hardly be relied on as it was prepared 10 days after the consignment was removed from the Railway premises.

(c) the claim of the party is highly exaggerated as enquiries show that the subject consignment was purchased by the party at Ahmedabad from the Claimant for Rs. 2333.50 P. at the rate of Rs. 5.50 per 20 Kgs. which was also found to be the market rate.

The subject case involved detailed investigations. The Zonal Railway Administration have sent a suitable reply to the party repudiating the claim.

- 8 M/s. Govindji Mavji and Co., Opp. Dena Bank, Sardar Vallabh Bhai Patel Rd., Borivli (West). Claim for compensation in respect of three consignments booked Ex. Basti to Borivli—  
 1 Inv. No. 2 of 7-71;  
 2. Inv. No. 3 of 18-7-71.  
 3. Inv. No. 4 of 18-7-71.

Three consignments of jagree were booked under Inv. No. 2 of 7.7.71, Inv. No. 3 of 18.7.71 and Inv. No. 4 of 18.7.71 ex. Basti, station on the Metre Gauge Section of the North Eastern Railway, to Borivli on the Western Railway.

Borivli Station falls on the Broad Gauge Section of the Western Railway. The three consignments were, therefore, transhipped from Metre Gauge to Broad Gauge at Barabanki on 15.8.71, 7.8.71 and 17.8.71 respectively. At destination certain bags in all the three consignments were found in melting condition on account of moisture. The three consignments were delivered, on assessment by Asstt. Commercial Supdt., Bombay on 6.8.71, 24.8.71 and 14.8.71 respectively.

These consignments were booked with the following remarks on the Railway Receipts.

"Contents inherently or due to atmospheric effects liable to damage and wastage in transit through sweat and moisture."

The three consignments were received at destination within a transit time of 20 to 29 days in spite of the transshipment at Barabanki on account of break in gauge. Similar consignments booked ex. Basti to Borivli has taken more or less the same time. There was, therefore, no material delay in the transit of the subject consignments. The consignments were also carried in water tight wagons.

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The claims in all the three cases were initially repudiated as it was considered that the Railway was not responsible for damages under Section 73(g) of the Indian Railways Amendment Act, 1961. According to Section 73(g) a Railways Administration is protected against damages to consignments where the damage is due to inherent vice of the goods. Jaggree is a commodity which has inherent vice of natural deterioration on account of sweat and moisture.

The party preferred appeals against the repudiation of their claims in December, 1971 and February, 1972. The Claims were, therefore reviewed by the Western Railway Administration. Detailed investigations were conducted. As a result of these investigations, it was felt that part of the damage may be constituted no account of negligence in the carriage of goods. In consideration of the remarks on the Railway Receipt, the entire damage could not be attributed to the Railway and the case being a marginal one, it was decided to divide the risk and settle the claim on 50: 50 basis. The offer for compensating 50% damages was made to the claimant on 6-4-72. Appeals of the party against this offer were reviewed by the Chief Commercial Superintendent of Western Railway on 4-9-73, who on further scrutiny also considered that the offer to compensate the party to the extent of 50% was reasonable.

The claimant has since accepted the payment of Rs. 764 in respect of item (1) on 27-8-1973, and Rs. 1,325 and Rs. 10,14 in respect of items (2) & (3) on 3-9-1973.

These payments were made in full and final settlement of these claims. It is seen that the party's representation forwarded to the Lok Sabha Secretariat is dated 20-8-1973, but the payment has been accepted by him on 27-8-73 and 3-9-73 respectively.

(Ministry of Defence (Deptt of Defence)).

- 9 Shri. Gomati Counting of Charge  
Prasad, 226. Allowance in full  
Thapar Nagar for determining  
Meerut. pensionary benefits.

The Question of counting of full charge allowance for the purpose of Calculation of pensionary benefits was examined in consultation with the Ministry of Finance and the Ministry of Law. It was however, held that only half of the charge allowance drawn by

the individual was admissible for the purpose of calculation of pension/gratuity in accordance with the rules in vogue at the time of his retirement.

The case was, however, examined *de novo* in consultation with the Ministry of Finance (Defence) who agreed as a special case, to allow full charge allowance for the purpose of calculation of pensionary benefits. A Government letter dated the 16th April, 1974 conveying the sanction of the President has accordingly been issued to that effect.

*Posts and Telegraphs Directorate*

10. Smt. Anjali Dass Gupta, Qr No. 467, Sector-I R. K. Puram, N. Delhi 110022 Recruitment of Adult Women Peons in Delhi Telephones.

Smt. Anjali Dass Gupta had been approved for appointment as Adult Women Peon alongwith 22 other candidates. Out of these 23 candidates, 14 have since been appointed according to their position in the approved list, Smt. Anjali Dass Gupta has not been appointed so far due to her low position in the select list. She would however, be appointed in the next available vacancy, since her position is first in the waiting list.

*Ministry of Finance (Defence)*

- 11 Sh. Thakur Das Pahuja, Flat, No. 50/11, D. D. A. Colony Naraina New Delhi Redress of grievances against the C. G. D.A. New Delhi for non-compliance with the orders of the Govt. of India

It would be seen from the petition of Shri Pahuja that his prayer is that he was entitled to count the full officiating pay as emoluments for purposes of pension but he had been allowed to count only half of the difference between the substantive pay (for the post of an Accountant) and officiating pay (as Assistant Accounts Officer) for purposes of pension. The Government of India Decision No. (13) below Article 486 C. S. R. quoted by Shri Pahuja is not applicable in his case as he was appointed to Officiate as Assistant Accounts officer against a temporary post and not against a permanent post. Had he been appointed to officiate against a permanent post the provisions of G. I. Decision No. (13) below Article 486 C. S. R. would have been applicable to him thus entitling him to count the difference between the officiating pay and the substantive pay as emolument for purposes of pension. In accordance with the orders issued from time to time, a Government servant

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retiring on or after 1-11-59 but before 22-4-1960 was given the concession of counting half the difference between the officiating emoluments and substantive emoluments for purposes of pension which was allowed to persons retiring after 22-4-1960. The concession regarding counting of officiating emoluments in full for purposes of pension was given to Government servants retiring from service on or after 15-6-1968.

Parawise comments on the points raised in the representation are as follows:—

*Para 1:*—Shri Thakur Das Pahuja, Permanent Accountant, was adjudicated fit for promotion to the A.A.O's grade Provisionally by the Departmental Promotion Committee held in April 1956 and he was accordingly promoted as Officiating A. A. O. with effect from 17-5-56 against a *temporary post*, and not against a permanent post as stated by him.

*Para 2&3:* Admitted as correct.

*Para 4:* Confirmed.

*Para 5 :* While no disciplinary proceedings as such were instituted against him, the officer was reported adversely in the confidential reports for the year 1958 and 1959.

*Para:* Having earned adverse reports for two consecutive years (*viz:* 1958 and 1959) which declared Shri Thakur Dass Pahuja unfit for promotion to the permanent AAO's grade he could not be confirmed in the AAO's grade. His case was further considered by a Board of Officers convened in the office of the C. D. A. W. C. Meerut on 31-3-1960. The Board went through the confidential reports of Shri Thakur Das Pahuja not only for the last three years but for the last 15 years and came to the conclusion that his retention in service beyond the age of 55 years will not be conducive to smooth working of the Section/Office to which he is posted and definitely be detrimental to good office discipline and thus not in the larger interest of the State. This recommendation was accepted by the CGDA and Shri Pahuja was accordingly transferred to the Pension Establishment with effect from 14-4-60 on superannuation pension.

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**Para 7 :** The confidential reports on the Officer were written by the competent authority in conformity with the orders and instructions issued by the Govt. from time to time. His CRs. for the year 1958 and 1959 were written by different Officers and accepted by the C.G.D.A. Extracts from the adverse CRs. were duly communicated to the Officer. There is, therefore no reason what so ever, to believe that either of the Reporting Officers were inspired by malice. Shri Pahuja's earlier request for the expunction of the adverse remarks from his CRs for 1958 and 1959 were examined by the Ministry of Finance (Defence) on 30-5-60 and the case was also seen by the Secretary(E) on 1,6,60, Dy Minister (Finance) on 12-6-60 and the P. S. to F. M. on 14-6-60 and rejected.

**Para 8 :** No remarks except that the questions relating to recruitment, Promotion and seniority pertaining to Central Services except Rly, Services and services under the control of the Deptt. of Atomic Energy are now dealt with by the Deptt. of Personnel *vide* Govt. of India (Allocation of Business) Rules, 1970.

**Para 9 :** Please see remarks against Para 7 *ante*.

**Para 10 :** The representations made by the Officer from time to time to the various authorities (including the President, P. M. F. M. and F. A. D. S.) were duly considered at appropriate levels and rejected. Shri Pahuja was also informed.

Shri Pahuja has been submitting similar petitions to the Chairman, Lok Sabha in the past also. In this connection, a copy of Lok Sabha Sectt. (Committee Branch) U. O. No. 29 C/62 dated 12/16 4-62 addressed to the Ministry of Finance (Defence) copy added to the file, refers. The petitioner, as will be seen there from was *Inter alia* advised by Lok Sabha Secretariat to correspond in future with the Ministry of Finance (Defence) direct.

Shri Pahuja also served suit notice under Section 80 C. P. C. on 18-8-65 and 24-7-69 threatening legal action but the same on the advice of Ministry of Law (Deptt. of Legal Affairs) were ignored.

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*Para 11:* In accordance with para 2 (a) of Ministry of Finance O. M. No F.4. (2) Hst ( pl)/59 II dated 22-4-1960 read with their O. M.No. F. 39 (a) EV/60 dated 20-3-61, the rate of pension and retirement gratuity in respect of persons who retired on or after 1-11-59 but before 22-4-60 was required to be calculated either according to the relevant Pension Rules as they stood on the date of their retirement or under the Provisions of rules as they stood amended with effect from 22-4-60, whichever more favourable. Shri Thakur Das was appointed to officiate as an AAO with effect from 17-5-56 in a temporary vacancy, on his retirement as such w.e.f. 14-4-60 his pension and gratuity were, therefore, finalised under the provisions of the rules as they stood amended w.e.f. 22-4-60 agreeably to Ministry of Finance O.M. dated 20-3-61 as these were more favourable to him than the rules as they stood on the date of his retirement. His emoluments drawn as offg. AAO were correctly reckoned to the extent of one half under the provisions of clause (e) (i) of Article 486 A. C. S. R. Provisions of Article 486 (h) CSR are not attracted as the conditions stipulated therein are not fulfilled in this case.

As explained above the case of the petitioner has been dealt with under the applicable rules and no injustice has been caused to him. He has already been granted pension and gratuity admissible to him and he is not entitled to any further benefit. His case has already been considered at the highest level time and again and rejected. The Petitioner in his petition has not brought out any new point justifying reconsideration of the case already decided otherwise.

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

- 12 Sh. P. S. Rao, Commonwealth  
Coimbatore Ins- Scholarships  
titute of Tech- Scheme—Adverti-  
nology, Coimba- sement published  
tore. in the newspapers  
published from  
Southern States.

The advertisement for Commonwealth Scholarships schemes was released to the newspapers through Director of Advertising and Visual publicity who are responsible for selection of newspapers for insertion of our advertisements. Director of Advertising and Visual publicity who were consulted in the matter have sent a reply, which is reproduced below.

A list of newspapers to which this advertisement was released

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is enclosed (See Annexure—I) It may be observed that care has been taken to include newspapers from almost all parts of the country including three newspapers from Southern States i.e., *Mail Madras*, *Deccan Herald*, Bangalore and *Deccan Chronicle*, Secunderabad. The two daily newspapers, i.e., *Hindu*, Madras and *Indian Express* South Edition, apart from the paucity of funds could not be used because of their inability to accommodate such advertisements on the prescribed dates due to reduced pages because of 30 % cut in the newspaper quota.

It is not possible to include all newspapers for advertisements within the funds available. Therefore, a judicious selection is made keeping in view that coverage may be provided for readers all over the country within the funds available.

*Ministry of Works and Housing*

13. Sh. C. P. Banduni H.No. 174 Sector II R.K. Puram New Delhi-22. Eviction unauthorised coal depot in Sector II, R. K. Puram, New Delhi.

A coal depot is being run unauthorisedly by M/s. Ashok Kumar Kanhaya Lal in Sector II, R. K. Puram, New Delhi. Several representations were received from the local residents requesting for removal of this unauthorised coal depot. In this connection, replies given by the Minister of State in this Ministry in the Lok Sabha to Unstarred Question Nos. 7106 and 3019 on April 16, 1973 and August 13, 1973 respectively explain the position.

Action for the removal of the unauthorised coal depot has since been initiated under the Public Premises Eviction Act and show cause notices for eviction and recovery of damages have been issued by the Estate Officer functioning in the Land and Development office.

*Ministry of Law, Justice and Company Affairs (Legislative Department)*

14. Sh. C. P. Agarwal Railway Road, Kaimosi, (U.P.) Deletion of Section 80 of the Civil Procedure Code, 1908.

As has been stated in that petition, a Bill for amending the Code of Civil Procedure which *inter alia* contained a provision for deleting Section 80 was passed by Rajya Sabha

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earlier. That Bill lapsed with the dissolution of Lok Sabha in 1970.

A new Bill for amending the Code of Civil Procedure, mainly based on the reports of the Law Commission on the subject, was introduced in Lok Sabha on April, 8, 1974. Clause 28 of that Bill contains a provision for omission of Section 80 of the Code.

#### *Ministry of Information and Broadcasting*

15. Sh. A. K. Banerjee 2, Ganesh Chandra Avenue, Calcutta
- Grant of loan for reproduction and dubbing of the film 'Subhash Chandra' (Bengali) into Hindi.

It has been ascertained from the Film Finance Corporation that Shri A.K. Banerjee of AKB Productions, Calcutta, had submitted an application to the Corporation for grant of loan for dubbing his film 'Subhash Chandra' (Bengali) into Hindi.

Although in his reply to Shri Banerjee the Secretary Film Finance Corporation had stated that the Corporation was in correspondence with the Ministry of Information & Broadcasting in this regard no specific reference in this matter was made by the Film Finance Corporation to the Ministry of Information & Broadcasting. It seems what the Secretary, Film Finance Corporation had meant in his letter to Shri Banerjee was that the scheme of granting loans for dubbing by the Film Finance Corporation was under their consideration.

The Board of Directors of the Corporation at their meeting held on 27-4-1974 have now decided to initiate a pilot scheme under which the films will be taken for dubbing from one language to another. Presently the Central Government rules for national awards for films only provide that the producer of a feature film produced in a language other than Hindi, which wins an award under the category 'film as art' will be granted Rs. 3000/as a token subsidy for getting the film subtitled in Hindi.

Under the circumstances the Minister of Information and Broadcasting naturally, could not have any information about this matter pending with the Film Finance Corporation.

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

16. Smt. Bhainwaribai Manghomal, C/O Santdas Otanmal, 189-B, Sardarnagar P.O. Sindhi Colony Ahmedabad. Adjustment of associates claim from CAP No.R/J/314505/3005 towards property No.166-A Sardarnagar, Ahmedabad.

The adjustment in question cannot be carried out in the absence of the adjustment advice from Administrator Sardarnagar, Ahmedabad. From the record it has also been gathered that her husband late Shri Manghomal was also informed during his life time by the erstwhile office of the Regional Settlement Commissioner at Jaipur (Raj.) on 23/4/68 that the consent *cum* affidavit of Smt. Jethi Bai regarding the above adjustment has not been furnished by him.

She is, therefore, advised to contact—either Smt. Jethi Bai or Administrator, Sardarnagar, Ahmedabad in this behalf. Action by this department can only be taken when the adjustment proforma is received from Administrator, Sardarnagar, Ahmedabad.

*Ministry of Commerce*

17. M/S. Khanna Sports Industries, Victoria Park, Meerut. Supply of Alleged rotten and under-size corkwood by STC.

The facts of the case have been called for from the STC. They have stated that M/s. Khanna Sports Industries, Meerut, were allotted a quantity of 5 M/T of Corkwood on ex-godown basis out of a consignment received by STC in November, 1973. The STC instructed their Clearing Agency to despatch 5.00 M/T of material preferably in size 12/14 (the size required by the party). The STC also instructed their Clearing Agents to allow the party to inspect and select the sizes required by them. This delivery order was collected by Shri Kishan Kumar, Manager of M/s Khanna Sports, and the Manager of party selected the sizes of Corkwood before it was formally despatched by the STC. Enquires also reveal that Shri Kishan Kumar of Khanna Sports personally collected the Delivery Order after signing its copy in token of acceptance.

**ANNEXURE TO APPENDIX XIV**

[See Item No. 12]

Advt. No. 73/358

F. No. 27 (23) 73-Ad. VI

Reg: Commonwealth Scholarship and Fellowship Plan.

1. Free Press Journal, Bombay.
  2. Mail, Madras.
  3. Deccan Herald, Bangalore.
  4. Deccan Chronicle, Secunderabad.
  5. National Herald, Lucknow/Delhi.
  6. Pioneer, Lucknow.
  7. Indian Express, Delhi.
  8. Patriot, Delhi.
  9. Tribune, Chandigarh.
  10. Indian Nation, Patna.
  11. Statesman, Calcutta/Delhi.
  12. Assam Tribune, Gauhati.
  13. Nagpur Times, Nagpur.
  14. Hitavada, Nagpur/Bhopal.
  15. Nav Hind Times, Panaji.
  16. Western Times, Ahmedabad.
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