

COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

TWENTY-THIRD REPORT



LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE COMMITTEE ON PETITIONS

(1975-76)

CHAIRMAN

Shri Jagannath Rao

MEMBERS

2. Shri Hemendra Singh Banera
3. Shri S. C. Besra
4. Shri Biren Engti
5. Shri D. P. Jadeja
6. Shri Mallikarjun
7. Shri Ajit Kumar Saha
8. Maulana Ishaque Sambhali
9. Shri Shanker Rao Savant
10. Shri Shankar Dev
11. Shri Digvijaya Narain Singh
12. Shri Rana Bahadur Singh
13. Shri Rudra Pratap Singh
14. Shri S. N. Singh
15. Shri Tula Ram

SECRETARIAT

Shri B. K. Mukherjee—*Chief Legislative Committee Officer.*

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

**TWENTY-THIRD REPORT OF THE COMMITTEE ON
PETITIONS (FIFTH LOK SABHA)**

INTRODUCTION

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

- (i) Representation regarding alleged harassment to tobacco traders and irregularities by Excise Officials of Kanpur Collectorate etc.
- (ii) Representation regarding exemption from payment of road-tax and supply of petrol at concessional rates to physically handicapped persons using vehicles.
- (iii) Representation regarding grant of relief to family pensioners.
- (iv) Other representations.

1.2. The Committee considered the above matters at their sittings held on the 29th October, 1974, 28th January, and 7th and 21st May, 1975, and adopted the draft Report at their sitting held on the 23rd June, 1975.

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

II

REPRESENTATION FROM SHRI CHANDRA PRAKASH AGRAWAL, HON. SECRETARY, TOBACCO MERCHANTS ASSOCIATION, KAIMGANJ (U.P.) RE. ALLEGED HARASSMENT TO TOBACCO TRADERS AND IRREGULARITIES BY EXCISE OFFICIALS OF KANPUR COLLECTORATE ETC.

2.1. Shri Chandra Prakash Agrawal, Hony. Secretary, Tobacco Merchants Association, Kaimganj (U.P.), submitted a representation regarding alleged harassment to tobacco traders, irregularities and blackmail by excise officials of Kanpur Collectorate etc.

A. Petitioner's Grievances

2.2. In his representation (See Appendix-I), the petitioner stated *inter alia* as follows:—

“Issuing of TPI without filling duplicate, and after completion of transport, original permit is taken back and the same is destroyed, and duplicate is filled subsequently and very nominal quantity of tobacco is shown in it, is one of the prevalent black-mailing practice under the system of physical control.

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After the departure of the Tobacco Tariff Committee, what happened immediately is that the concerned Officers of the Kaimganj MOR-I Range, opened new EB3 Registers of concerned so called dealers and verified the on hand balance on 1st September, 1973 in them and the previous EB3 Registers were destroyed. Further they collected all such counterfoils of TPIs, which were in the custody of the Range Officer and afterwards it was reported that the same along with one used and about 23 unused TPI foils were taken away by some unknown person from the Range Office.

*

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It is further necessary that the law and procedure should be made uniform and there should be no discrimination between different commodities under the excise control. It is also necessary that in the public interest misuse of

power of checking as this happened to be so in Kaimganj be checked otherwise people will always remain in difficulties and there will be black-mailing.”

B. Comments of the Ministry of Finance (Department of Revenue and Insurance) and Evidence before the Committee.

2.3. The representation was referred to the Ministry of Finance (Department of Revenue and Insurance) for furnishing their factual comments on the points raised therein for consideration by the Committee. In their para-wise factual comments, the Ministry have stated as follows:—

“*Para 1:* The representation dated 23rd March, 1973, from Shri C. P. Agrawal, was received with the Lok Sabha Sectt. U.O. No. 53/CI/73/R-69, dated 3rd April, 1973. Comments on the point raised therein were furnished to the Lok Sabha Sectt. *vide* this Department’s O.M. F. No. 261/4/98-72-CX8, dated 17th July, 1973. [Appendix I of the Seventeenth Report (5LS)].

Para 2: Shri Agrawal’s representation to the Tobacco Tariff Committee has been enquired into. The Asstt. Collector of Central Excise who tried to get further co-operation from Shri Agrawal for specific cases has not succeeded in his efforts. The Collector of Central Excise, Kanpur, has, however, informed that if Shri Agrawal comes forward with specific cases, necessary action will be taken. It may, however, be mentioned that the misuse of T.P.Is. has come to the Department’s notice from other sources also. The action taken in the matter has resulted, *inter alia*, in the suspension of one Superintendent, five Inspectors and one Sepoy.

Para 3: The Collector has informed that some T.P.Is. have been found missing and the licensees’ records are also not forthcoming. It has been reported that 41 books of T.P.I. counterfoils including some unused foils are reported to have been missing. Appropriate action has been taken against the officers responsible for the loss of T.P.I.

Para 4: Shri S. Mishra has already been placed under suspension. Some other Officers working under him have also been placed under suspension.

Paras 5, 6 & 7: It is correct that Central Excise Officers accompanied by a team of officers of S.P.E. were sent to Kaimganj for checking the warehouses in July 73 and Sept. 73 as a measure to detect and check smuggling activities in the area. In all, 28 warehouses were covered by these checks. It is presumed that this checking of warehouses has been referred to by Shri Agrawal as black-mailing. Regarding Shri Agrawal's contention that instead of investigating the matter personally, the Collector of Central Excise, Kanpur, deputed some officers, it may be stated that it is upto the Collector to decide how best to manage a particular situation in the context of overall administration of his jurisdiction.

Paras 8 and 9: The Collector has informed that if Shri Agrawal comes forward with the names of real culprits with useful details, the matter can be pursued. Shri Agrawal has not come up with any specific instances so far.

Paras 10, 11 & 12: Warehouses have been checked by the Central Excise Officers as part of their duties. Such checks have been carried out all through the years, and not only last year. During such checks considerable quantities of illicit tobacco have been seized. Regarding treatment of different commodities under the Central Excise law and procedure, Shri Agrawal is presumably referring to Self Removal Procedure which has not been made applicable to tobacco. Comments on this point have already been furnished to the Lok Sabha Secretariat *vide* para 2 of this Department's O.M.F. No. 261/4/98/72-CXS dated 17th July, 1973. [Appendix-I, Seventeenth Report of Committee on Petitions].

In conclusion it may be stated that allegations of misuse of T.P.Is. in Kaimganj were investigated as soon as they came to notice and action including disciplinary action against Central Excise Officers suspected of complicity has been initiated."

2.4. The Ministry of Finance have also informed the Committee in a written communication dated the 16th June, 1975, as under:—

"The Report of the Tobacco Excise Tariff Committee has been presented to the Government recently. The Committee's recommendations have yet to be examined so that action by the Government would be finalised only

after such examination is over. A copy of the statement of recommendations of the Committee and action taken by the Government thereon will be forwarded to the Lok Sabha Secretariat in due course."

2.5. At their sitting held on the 28th January, 1975, the Committee examined the petitioner, Shri Chandra Prakash Agrawal, on the points raised in his representation. In his evidence, Shri Chandra Prakash Agrawal stated that under the Central Excise and Salt Act, 1944, the Government introduced in 1968 the Self Removal Procedure Scheme commonly known as the S.R.P. Scheme for all excisable commodities except tobacco kept in warehouses not attached to cigarette factories. In the case of tobacco warehouses not attached to cigarette factories, there was rigid and cumbersome excise control. Checks were made not only after payment of excise duty on tobacco but at every stage till the tobacco went into consumption. Further, it was obligatory to take a permit for movement of tobacco from one place to another. The petitioner submitted that there should be no classification between tobacco warehouses attached to cigarette factories and warehouses not attached to cigarette factories, and there should be no control and check on the movement of tobacco removed from warehouses after the payment of the excise duty.

2.6. The Committee asked the petitioner whether his association had made representations in this regard to the higher authorities concerned and, if so, with what result. The petitioner stated that his associations had submitted a memorandum to the Tobacco Excise Tariff Committee when that Committee visited Kaimganj in August, 1973, wherein it was submitted that unless control was removed on the movement of excise-paid tobacco taken out from the warehouses, malpractices were bound to continue. As an instance, it was pointed out to that Committee that TPI was issued without filling its duplicate, and after completion of transport, original permit was taken back and destroyed and its duplicate was filled subsequently wherein a nominal quantity was shown. It was also pointed out to that Committee that law and procedure might be made uniform for all commodities under the excise control. But no favourable response had been received in the matter.

2.7. In regard to the suggestion for evolving a satisfactory system for prevention of irregularities and malpractices by the Excise Officials and tobacco dealers, the petitioner stated that there should be control at the stage of production of tobacco and excise duty be paid by the growers. There should be no subsequent permit system for the movement of tobacco.

C. Observations of the Committee

2.8. The Committee note with concern the various allegations of malpractices made against the Excise Officials of Kaimganj MOR I Range which, in the light of the comments furnished by the Ministry, do appear to have some substance. The Committee are constrained to observe that the malpractices, in which the complicity of local Excise officials is alleged, remained undetected till complaints in that regard were made by the petitioner and other local traders, and only when a representation was made to this Committee and complaints were vigorously pursued with the concerned authorities, the matter was investigated and disciplinary action against the suspected officials was initiated. The Committee deplore the lack of supervision by the Central Board of Excise and Customs and the concerned Collectorate. The Committee recommend that Government should take immediate steps to appoint a team consisting of high officials to enquire into all the allegations of malpractices and suggest remedial measures, as in the opinion of the Committee, such a team alone would inspire confidence amongst the public in general, and the tobacco traders in particular, and also elicit the desired cooperation from them in ascertaining the truth about the nature of the ~~tee have submitted their report to the Government only recently.~~ The Committee hope that in the event of any particular officials being found guilty of the alleged malpractices, suitable action will be taken against them under the relevant law and rules expeditiously and the Committee informed of the action taken in the matter.

2.9. The Committee note that the Tobacco Excise Tariff Committee have submitted their report to the Government only recently. The Committee recommend that in the light of the recommendations made by the Tobacco Excise Tariff Committee, Government should immediately take necessary steps with a view to plug various loopholes in the existing system of excise control on tobacco and also consider the desirability of making suitable modifications in the existing pattern of the control on tobacco in view of the experience gained about its functioning during past several years.

*malpractices as also the
of officials*

III

REPRESENTATION REGARDING EXEMPTION FROM PAYMENT OF ROAD TAX AND SUPPLY OF PETROL AT CONCESSIONAL RATES TO PHYSICALLY HANDICAPPED PERSONS USING VEHICLES

3.1. Shri Madhu Dandavate, M.P., forwarded a representation signed by Shri Siddharth Khosla, President, Handicapped Welfare Federation, New Delhi, and others regarding exemption from payment of Road tax and supply of petrol at concessional rates to physically handicapped persons using vehicles.

A. Petitioner's Grievances and Prayer

3.2. In his representation (Appendix II), Shri Khosla stated *inter alia* as follows:—

“That many handicapped persons use invalid vehicles, cars, carriages and cycles to overcome their invalidity or to perform their jobs and avocations efficiently and that some of the vehicles are run or driven on petrol.

* * *

That due to recent hike in petroleum price, it has become unremunerative, prohibitive and almost impossible to use, drive or run these invalid vehicles.

* * *

That for the progress, development and welfare of these persons it is essential that they are encouraged to use mechanical and artificial devices, means and vehicles to overcome their physical deficiencies, and accordingly your petitioners pray:—

- (1) that all vehicles of what description owned or used by physically or orthopaedically handicapped persons as invalid vehicles should be exempted from payment of road tax;
- (2) that handicapped persons using vehicles which required use of petrol should be supplied with the petrol at concessional rates i.e. free from excise duty in the same manner as diplomatic personnel get under diplomatic/international practices and conventions.”

B. Comments of Ministries concerned

3.3. The representation was referred to the Ministry of Education and Social Welfare (Department of Social Welfare)/Shipping and Transport (Transport Wing)/Finance (Department of Revenue and Insurance) for furnishing their factual comments for consideration by the Committee. In their factual comments, the Ministries concerned have stated as follows:—

I. Department of Social Welfare

“Question No. 916 by Shri Sanda Narayanappa answered in the Rajya Sabha on August 10, 1971 had invited Government's attention to a notification issued by the Government of Mysore exempting vehicles used by physically handicapped persons from the payment of road tax. In pursuance of the reply given on the Floor of the Rajya Sabha on 10th August, 1971, all State Governments were addressed on the subject.

Final replies were received from six States and six Union Territories (See Appendix III). It appears from the available information that the Government of Maharashtra charges a maximum road tax of Rs. 5 per annum on invalid carriages. They consider this as substantial relief. Motor vehicles operated by physically handicapped persons are charged an annual road tax of Rs. 10 per annum in the Union Territory of Delhi. The Government of Bihar, Gujarat, Pondicherry and Tripura have issued orders exempting from the payment of road tax vehicles operated by physically handicapped persons.

This is a State subject and the matter has been duly taken up with the various State Governments.”

II. Shipping and Transport (Transport Wing)

“Taxation on motor vehicles is levied under Motor Vehicles Taxation Acts passed by State Legislatures. These Acts contain a provision empowering State Governments/Union Administrations to exempt any person or class of persons or any vehicle or class of vehicles from payment of tax either fully or partially. In exercise of these powers State Governments/Union Administrations have exempted notified categories of persons or classes of vehicles from tax in their respective territories. Government of Andhra Pradesh and Delhi Administration have issued notifications

exempting, from payment of tax, invalid carriages owned and driven by physically handicapped persons in their territory. This Ministry is not aware whether similar exemption has been granted by any other State Government/Union Administration. The suggested exemption will provide some relief to invalid persons since the number of vehicles used by invalid persons may not be large, the loss in revenue to the State Governments/Union Administrations on account of exempting these vehicles from taxation may not be substantial. The proposal can, therefore, be commended to the States for consideration, if the Committee on Petitions of Lok Sabha so recommend, but its implementation lies with the States and no directive can be issued by the Centre to them in this regard."

III. Finance (Department of Revenue and Insurance)

"This Ministry is concerned with the point relating to supply of petrol at concessional rates (*i.e.* free of excise duty) to the handicapped persons in the same manner as diplomatic personnel get under diplomatic/international practices and conventions. As is seen from the petition submitted by Shri Siddharth Khosla, President, Handicapped Welfare Federation, New Delhi, the concession regarding supply of duty free petrol to handicapped persons has been sought mainly on the ground that the recent hike in petroleum prices had made it unremunerative, prohibitive, and almost impossible for handicapped persons to use, drive or run invalid petroleum driven vehicles. However, instead of seeking reduction in prices, the refund of excise duty included in the price of petrol has been sought on the analogy of similar concession granted to diplomatic missions and officers.

It may be stated that diplomatic missions and diplomatic officers are entitled to import free of duty their requirements including, *inter alia*, petrol under the diplomatic/international practices and conventions. The refund is also granted on reciprocal basis. As such, the grant of refund of excise duty to them is not in nature of any extra legal concession and is in lieu of their right to import their requirements free of duty. In the case of handicapped persons, the concession could be entirely justified on the grounds of social welfare as distinct from legal entitlement. While the purpose for which the concession is sought for the handicapped persons is no doubt laudable,

this Ministry feel that their request on the analogy of diplomatic facility is wholly inapt. This Ministry also feel that the concession if granted may result in misuse and it will also be causing considerable administrative burden to check its abuse as well as to process the refund claims etc. in view of the fact that the handicapped persons using motorised transport would be scattered all over the country. Also, the grant of refund of excise duty on petrol to handicapped persons would give risk to representations from other quarters where the extension of similar facilities may be difficult to resist in view of the multifarious social obligations of the State.

In the circumstances explained above, it is felt that it would be better, if the Administrative Ministry, namely, the Department of Social Welfare, can evolve a suitable scheme for grant of cash subsidy to the disabled persons on a monthly basis taking into account the amount of excise duty involved in the quantity of petrol considered to be reasonable on merits of each individual case/type of vehicles used by such persons. Alternatively, the Department of Social Welfare, in consultation with the Ministry of Labour and Employment, may devise a scheme in consultation with the employers of disabled persons, using motorised transport for compensation equivalent to excise duty either in the shape of suitable conveyance allowance or in any other manner as may be considered necessary by them."

C. Recommendations of the Committee

3.4. The Committee feel that the Central as well as the State Governments owe a special responsibility towards the physically handicapped persons in our society. The Committee note that road tax on vehicals is a State subject and is levied by the State Governments under the respective State Motor Vehicles Taxation Acts. From the facts furnished by the Department of Social Welfare and the Ministry of Shipping and Transport, the Committee also note that in exercise of the powers conferred on them, some of the State Governments and Union Territory Administrations, namely, Governments of Andhra Pradesh, Bihar, Gujarat, Karnataka, Maharashtra, Nagaland, Tamil Nadu, Tripura, Chandigarh, Delhi, Goa, Daman and Diu and Pondicherry have already issued orders granting either total or partial exemption to the vehicles operated by physically handicapped persons from payment of road tax. In the Union Territories of Andaman and Nicobar Islands and Dadra and Nagar Haveli, there are no vehicles used by physically handicapped persons.

The Committee, therefore, recommend that the Central Government should take necessary steps to persuade the remaining State Governments and Union Territory Administrations to follow suit and grant exemption to the physically handicapped persons from payment of road tax, especially as the number of vehicles used by invalid persons would not be large and the consequent loss in revenue on that account would not be substantial.

3.5. The Committee further recommend that Government should also impress upon the State Governments the desirability of adopting a uniform policy in this regard by allowing total exemption to the physically handicapped persons from the payment of road tax.

3.6. As regard the petitioners' other prayer for supply of petrol free from excise duty in the same manner as is done in the case of the diplomatic personnel under diplomatic/international practices and conventions, the Committee agree with the views expressed by the Ministry of Finance that the concession to diplomats is admissible for different reasons which cannot be made applicable in the case of the physically handicapped persons. This, however, does not absolve the Government of their responsibility to find out ways and means to provide the relief asked for by the petitioners. The Committee recommend that Government should expeditiously introduce a suitable scheme to make available petrol at concessional rates to such physically handicapped persons who are needy and genuinely deserve this concession.

IV

REPRESENTATION REGARDING GRANT OF RELIEF TO FAMILY PENSIONERS

4.1. Shrimati Shanta Padmanabhan, Ottapalam, submitted a representation regarding grant of relief to family pensioners.

A. Petitioner's Grievance

4.2. In her representation, the pensioner stated as follows:—

“On behalf of all the family pensioners in India, mostly unfortunate women and children, may I bring to your notice the hardships and difficulties we are facing on account of the abnormal increase in prices and cost of living.

Though all other pensions and emoluments have been increased several times in consequence of this increase, our pensions have not only been increased but ironically, enough is subject to a reduction after the first seven years.

I am a young widow with a daughter aged 8 years drawing pension from the Central Railways where my husband was working, and on his death I was not even given a job, as given to other dependents in similar circumstances though I am a qualified steno-typist.

We are unable to organise ourselves and agitate in a combined way and hence our case has been completely overlooked in spite of individual applications to all those in authority without even eliciting a reply.

The Department of Expenditure, Ministry of Finance, New Delhi in their memorandum No. F 13(1)—E.V.(A) 74 dated 6-4-1974 when giving an increase to all other pensions, stated that orders in respect of family pension would follow, but nothing has so far been done in the matter.

May I request the Committee to take steps on our behalf and move the authorities concerned to sanction an increase in our pensions and not subject the same to a reduction. After all we are only a few, the amount involved is negligible, and even so it is a pity that our case has not been considered at all."

B. Comments of the Ministry of Finance (Department of Expenditure)

4.3. The representation was referred to the Ministry of Finance (Department of Expenditure) for furnishing their factual comments on the points raised therein for consideration by the Committee. In their factual comments, the Ministry have stated as follows:—

"(1) *Re: para 2 of the representation—All pensions and emoluments have been increased several times in consequence of increase in prices but the pensions of widows have not increased but ironically enough is subject to reduction after the first seven years.*

Government have been granting temporary/*ad-hoc* increases from time to time to pensioners who retired from service. The position regarding the grant of *ad hoc* increase to pensioners who are in receipt of family pension is explained at item (3) below.

The Family Pension Scheme, 1964, introduced with effect from 1-1-64 that in the event of death of a Government servant while in service after having rendered not less than one year continuous service, his/her wife/husband gets a family pension for the rest of life. Where the deceased left behind only children, the amount of family pension is payable to sons/daughters till the youngest one has attained the age of 18/21 years respectively. The grant of family pension no doubt helped to some extent in alleviating the distress of the dependents of the deceased, it was recognised that the amount of family pension was inadequate to meet the economic and other needs of the dependents especially in the years immediately following the death of the Government servant. In order to provide further relief to the family of the deceased it was decided that the family of Government servant who died while in service after having rendered seven years service, would be paid twice the amount of the family pension or 50 per cent of the pay last drawn whichever was less. The enhanced family pension was to be payable for a period of seven years from the date of death or

till the date on which the Government servant would have attained the age of superannuation, had he remained alive. As a result of the acceptance of the recommendations of the Third Pay Commission, the amount of family pension is to be paid for a period of seven years or upto the date on which the deceased would have attained the age of 65 years, had he survived whichever is less. After the expiry of the period, the family pension at ordinary rates is to be payable to the family. The minimum amount of family pension has also been enhanced from Rs. 40/- per month to Rs. 60/- per month and maximum from Rs. 150/- per month to Rs. 250/- per month *w.e.f.* 1-1-1973. In view of the position explained above there is hardly anything further that can be done in the matter.

- (2) *Re: para 3 of the representation—on the death of her husband she was not given a job as given to other dependents in similar circumstances though they are not qualified Steno-typists.*

Attention of the Lok Sabha Secretariat is invited to the Ministry of Railways (Railway Board) U.O. No. E(Rep) 1175 AP2/4(C) dated 3-4-75 (*See Appendix IV*).

- (3) *Re: para 6 of the representation—relief to family pensioners.*

The question of grant of relief to the pensioners who are in receipt of family pension has been considered in the Ministry of Finance but because of the present constraints on financial resources it has not been found possible to take on this additional commitment and accordingly it has been decided to defer the question for the present."

C. Recommendation of the Committee

4.4. The Committee note that the Government have decided to defer the question of grant of relief to family pensioners owing to present constraints on financial resources, the Committee are firmly of the view that constraints on financial resources should not be a ground to defer consideration of this important matter because the number of family pensioners as also the amount involved may not be very large. Keeping in view of the rising cost of living, the plight of family pensioners requires to be considered sympathetically and the question of providing immediate relief to them brooks no delay. The Committee, therefore, recommend that Government should re-consider the matter and find necessary resources to provide suitable relief to the family pensioners without further delay.

OTHER REPRESENTATIONS

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

5.2. **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-V).**

NEW DELHI;

June 23, 1975.

JAGANNATH RAO,
Chairman,
Committee on Petitions.

APPENDIX I

(See para 2.2 of the Report)

[Representation regarding alleged harassment to tobacco traders and irregularities by Excise officials of Kanpur Collectorate etc.]

To

Lok Sabha,
New Delhi.

The humble petition of Shri Chandra Prakash Agrawal,
Kaimganj (U.P.), SHEWETH:

1. The petitioner submitted petition|representation dated 23-3-73 regarding non-application of S.R.P. Scheme and harassment to tobacco trade by some officers of Kanpur Collectorate and the same is still under consideration before the Hon'ble Committee on Petitions.
2. In this connection a representation was also submitted before the Tobacco Tariff Committee, at its visit to this place on 31-8-73, and amongst other submission, it was also submitted that issuing of TPI without filling duplicate, and after completion of transport, original permit is taken back and the same is destroyed, and duplicate is filled subsequently and very nominal quantity of tobacco is shown in it, is one of the prevalent black-mailing practice under the system of physical control. This point has already been stated under para 5(b) of the above petition (Appendix I of the Seventeenth Report).
3. After the departure of the Tobacco Tariff Committee, what happened immediately is that the concerned Officers of the Kaimganj MOR I Range, opened new EB3 Registers of concerned so called dealers and verified the on hand balance on 1-9-73 in them and the previous EB3 Registers were destroyed. Further they collected all such counter foils of TPIs, which were in the custody of the Range Officer and afterwards it was reported that the same along with one used and about 23 unused TPI foils were taken away by some unknown person from the Range Office.

4. Subsequently it was also reported to the Central Excise authorities by the Range Officer that the trade and staff under him indulged in this mal-practice and in order to destroy the evidence they did so, and in the circumstances, it is necessary that the same be dealt with by strong hands.

5. The Collector of Central Excise, Kanpur, without conducting proper enquiry in the matter and even without applying his mind to the merits of the case, acted on the cleverly move of the Range Officer, sent a party of about 25 Officers headed by Shri A. H. Khan, Superintendent C.P. Headquarter, on 18-9-73 to conduct indiscriminate search and checking of tobacco godowns of Kaimganj, which stayed in Kaimganj for a week.

6. Shri Vidya Alankar Tewari, Member, Regional Advisory Committee, Kanpur Collectorate, made a complaint before the Tobacco Tariff Committee, in which Shri J. Bamjee, Joint Secretary to the Government of India, Ministry of Finance, was also present, on 1-9-73 in the Office of the Collector, Kanpur, that a Central Preventive Party headed by Superintendent, Central Preventive, Headquarters, did black-mailing in Kaimganj during the course of its checking there on or about 27-7-73.

7. The Collector of Central Excise, Kanpur, also received reports about the black-mailing activities of Shri A. H. Khan, which he did during his stay in Kaimganj from 19-9-73 to 25-9-73 as aforesaid, where he stayed with Range Officer, at his residence, and the Collector believed them to be true, and further surprised and could not check up his feelings and he expressed them before one or two respectable persons of Kanpur.

8. Since then one after another repeatedly Central Preventive parties visited Kaimganj and most of them acted in their own way, but no proper enquiry has so far been conducted in the real scandal as aforesaid with the result that the Collector is not clear in this matter so far and the actions taken by him against some Inspectors by suspending them from duty, is not just and proper. As a matter of fact the Collector should have personally enquired into at the spot, but for reasons best known to him, he sent Preventive Parties, who mostly acted in their own way and little cared to know the real facts of the matter. This is also evident from the fact that no proper action has so far been taken against some real culprits, and this is due to this scandals after scandals repeated here from 1971 and the entire period of stay of Shri S. Misra, as Range Officer, Kaimganj MOR-I, is a story of scandals.

9. This story will remain incomplete, if name of Shri Jagdish Singh, Inspector, Central Preventive, is not mentioned here, who along with his some fellow Officers and some Senior Officers, arrived in Kaimganj on 5-2-74 and stayed till 10-2-74, very very cleverly acted from beginning to end and successfully completed his game of black-mailing.

10. In the circumstances of the case one can realise the day-to-day difficulties of the trade and harassment, which they have had to face for no fault of their own.

11. In the circumstances of the case proper enquiry is very necessary, which may give opportunity to all to say in the matter and also examine the various reports sent by the Range Officer Kaimganj MOR-I and the Reports which the Collector of Central Excise, Kanpur, received in the matter.

12. It is further necessary that the law and procedure should be made uniform and there should be no discrimination between different commodities under the excise control. It is also necessary that in the public interest misuse of power of checking as this happened to be so in Kaimganj be checked otherwise people will always remain in difficulties and there will be black-mailing;

and accordingly your petitioner prays for an early consideration of the above submissions, and

your petitioner as in duty bound will ever pray.

Name of the Petitioner	Address	Signature and date
Chandra Prakash Agrawal, Hon. Secy., The Tobacco Merchants Association (Regd.), Kaimganj (U.P.).		Sd/- 27-2-74.

APPENDIX II

(See para 3.2 of the Report)

[Representation regarding exemption from payment of Road tax and supply of petrol at concessional rates to physically handicapped persons]

To

THE HOUSE OF THE PEOPLE (LOK SABHA)

The

Petition of Shri Siddharth Khosla, President, Handicapped Welfare Federation and others, 4, Talkatora Road, New Delhi.

Sheweth:

That your petitioners like many thousands in the country are physically Handicapped persons. They have become so either since birth or due to accident, illness, disease or similar other causes.

That many social institutions and more particularly Government of India are rendering all possible help to relieve the physically handicapped persons of their physical disabilities and sufferings, in many fields with the intention that these unfortunate persons live as dignified human beings, do not become social parasites and in spite of physical or orthopaedic disabilities and invalidities live as useful members of the society and that Government's sympathies for the lot of these people, efforts to alleviate to some extent their sufferings and pronouncements to grant them concessions, training and facilities in many fields of activities—social, educational, economic etc., have raised high hopes in your petitioners' minds.

That many handicapped persons use invalid vehicles, cars, carriages and cycles to overcome their invalidity or to perform their jobs and avocations efficiently and that some of the vehicles are run or driven on petrol.

That in the last Indo-Pak war of 1971, many valiant and brave jawans have become invalid and as a part of their rehabilitation work, Government have provided invalid vehicles to such persons free of charge and that some of the persons have fitted engines to their vehicles which operate only by means of petrol. Many persons are keen to fit such engines to their tri-cycles but are unable to do so due to high petroleum cost which will be incurred by them if they go in for such a course.

That due to recent hike in petroleum price, it has become unremunerative, prohibitive and almost impossible to use, drive or run these invalid vehicles.

That this new development of price-hike in petroleum has added a new dimension to the already vexed and aggravated problems of physically handicapped persons inasmuch as these unfortunate persons are neither able to use the petroleum vehicles nor can they allow these vehicles to lie idle due to high operation and maintenance costs nor can they resell such vehicles to other able-bodied purchasers for obvious reasons.

That the public transport system in the country, specially in metropolitan towns and cities, being as it is, it has become more strenuous and difficult for the disabled to rely on it; the price hike has hit them hard on this aspect and increased their sense of misery very much.

That the case of retired personnel—civil and military—who are invalid is more acute and hard inasmuch as within the paltry pension they are unable to ply their vehicles, thus adding to their sufferings and untold miseries.

That for the progress, development and welfare of these persons it is essential that they are encouraged to use mechanical and artificial devices, means and vehicles to overcome their physical deficiencies, and accordingly your petitioners pray:

- (1) that all vehicles of what description owned or used by physically or orthopaedically handicapped persons as invalid vehicles should be exempted from payment of road tax;
- (2) That handicapped persons using vehicles which require use of petrol should be supplied with the petrol at concessional rates i.e. free from excise duty in the same manner as diplomatic personnel get under diplomatic/ international practices and conventions.

Name of petitioner	Address	Signature
Sh. S. Khosla	President, Handicapped Welfare Federation 4, Talkatora Road, New Delhi, and others.	Sd/-

COUNTERSIGNED BY:—

Shri Madhu Dandavate, M.P.

APPENDIX III

(See para 3.3 of the Report)

(Statement showing exemption granted by the States/ Union Territory administrations to vehicles used by physically handicapped persons from payment of road tax.)

S. No.	Name	Remarks
1	Govt. of Bihar	Exemption given.
2.	Govt. of Maharashtra	Maximum of Rs. 5/- as annual tax levied.
3.	Govt. of Gujarat	Exemption given.
4.	Govt. of Mysore	Exempted.
5.	Govt. of Nagaland	No tax is being realised.
6.	Govt. of Tamil Nadu	Exempted.
7.	Govt. of Andaman & Nicobar Islands	No such problem exists in the territory.
8.	Chandigarh Administration	Exempted.
9.	Govt. of Dadra & Nagar Haveli	Vehicles owned by physically handicapped persons—nil—legislation not necessary at present.
10.	Delhi Administration	A nominal fee of Rs. 10/- is charged annually.
11.	Goa, Daman & Diu	Rs. 5/- in r/o vehicles not exceeding 25 kg. driven by invalid genl. exemption is also provided.
12.	Govt. of Pondicherry	Exempted.

APPENDIX IV

(See para 4.3 of the Report)

MINISTRY OF RAILWAYS

(Railway Board)

SUBJECT: *Appointment on compassionate grounds of Smt. Santha Padmanabhan, widow of late M.P. Padmanabhan, Senior Clerk, Central Railway, Bombay.*

Will the Ministry of Finance please refer to their U.O. No. 5168-EVA/74 dated 19-12-74 on the above subject? It is stated that Shri M. P. Padmanabhan, Senior Clerk, Bombay died on 24-9-68 due to natural cause. In view of the large number of surplus staff then existing on the Central Railway and the need for economy, the recruitment on compassionate grounds was restricted only to the dependents of those employees who were killed in accident while on duty without any fault and whose families were left in straitened circumstances. The request of Smt. Santha Padmanabhan for appointment on compassionate grounds did not fall in this category and was, therefore, not agreed to.

Sd/-

(T. N. VIJH),

Asstt. Director, Esstt. (R)

Railway Board.

Ministry of Finance, New Delhi.

Min. of Rlys. (Rly. Boards') U.O. No. E(Rep) II75.AP2/4(C), dated 3rd April, 1975.

APPENDIX V

(See para 5.2 of the Report)

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

Sl. No.	Name and Address of the petitioner	Points raised by the petitioner	Facts persued by the Committee
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MINISTRY OF FINANCE

(Bureau of Public Enterprise)

1	Dr. P. N. Pandit, Factory Manager, Hindustan Organic Chemicals Ltd., Rasayani.	Unjust selection of Managing Director for Hindustan Organic Chemicals Ltd., Rasayani.	The post of Managing Director HOC Ltd., fell vacant on 7th July, 1974 on the completion of the tenure of the previous incumbent, viz., Dr. H.P. Vandrewala. A selection committee was constituted to select a suitable person for appointment as MD; this was on the analogy of the practice adopted when Dr. Vandrewala was appointed as MD.
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The Selection Committee was headed by Brig. B.J. Shahaney, Secretary, Technical Development; the other members of the Committee were:—

- (1) Prof. B.D. Tilak, Chairman, HOC & Director, NCL Poona.
- (2) Prof. M.M. Sharma, Prof. of Chemicals Technology, University of Bombay.
- (3) Shri L. Kumar, Adviser, Planning Commission.
- (4) Shri P. J. Fernandes, DG, Bureau of Public Enterprises.

The Committee finalised its recommendations after interviewing the candidates in the field, including Dr

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Pandit, Factory Manager, HOC. The Committee after taking into consideration the requirements of the post and the qualifications and experience of the candidates, drew up a panel of three names who were adjudged suitable for the post. Dr. Pandit was not found suitable for the post. Action to make the appointment to the post, as recommended by the Selection Committee, is being processed.

Dr. Pandit also represented to the Public Enterprises Selection Board (PESB) against his non-selection to the post of MD. The Board after examination of all the factors, came to the conclusion that no action was called for on Dr. Pandit's representation. The Board also approved the appointment of Shri A. Swaminathan, Works Manager, Standard Alkali Co., as Managing Director HOC.

Dr. Pandit has been openly canvassing outside support for his case for appointment as MD, HOC, by making references direct to hon. Members of Parliament, Ministers at the Centre and other outside authorities. Since this action is not in conformity with the Govt. Servants' Conduct Rules, as applicable to the employees of HOC, adverse notice has been taken of this action and, with the approval of Minister of Petroleum & Chemicals, a letter has also been sent to Dr. Pandit advising him to refrain from sending such representations to outside authorities about his own case. Letters explaining the position have also been sent by Minister (P&C) to some Hon. Members of Parliament.

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MINISTRY OF SUPPLY AND REHABILITATION
(Department of Rehabilitation)

- 2 Shri Harish Chandra Agrawal, Kaimganj (U.P.). Payment of decretal amount. It has been reported by the Regional Settlement Commissioner concerned that this case relates to the payment of third party claim amounting to Rs. 4713/- passed by way of decree by the Deputy Custodian of Evacuee Properties, Narnaul (Punjab) *vide* his order dated 22-7-53. This being an unsatisfied third party claim, judicial orders were required to be passed under Section 10(2)(n) of the Administration of Evacuee Property Act, 1950 and that the case was passed on to the Assistant Custodian (Judicial) for decision. As the party did not appear on the date fixed before the Assistant Custodian (Judicial) on 21-12-1974 the case was dismissed in default *vide* his order dated 21-12-1974. A certified copy of the order dated 21-12-74 has also been sent to Sh. Harish Chandra by the Assistant Custodian (Judicial) on 18-1-75. In the circumstances, there is hardly anything we can do to assist Shri Agrawal.
- (The petitioner was informed accordingly.)

- 3 Sh. Varandmal Dammal, 234-B, Sardarnagar, Ahmedabad. Payment of compensation from CAF No. B/A/S/897/IVNT. The Regional Settlement Commissioner, concerned has reported that case stands fully paid. The details of the adjustment/cash payment made out of the compensation due to petitioner are as under:—

	Rs.
Assessed value of the claim . . .	19,638.00
Compensation admissible . . .	6,591.00
Details of adjustment:	
Towards loan	663.00
Towards rent	697.50

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			Towards cost of property No. 458, Block No. 234-B, Sardarnagar, Ahmedabad . . . 3,770.00
			Towards cost of Qr. No. 768/6, Sardarnagar . . . 1,042.14
			Towards A/37, Kubernagar . . . 104.00
			Total . . . 6,276.64
			Cash paid . . . 115.00
			303.00
			<u>6,694.64</u>
			Refund due to wrong adjustment . . . 103.64
			<u>6,591.00</u>

2. Hence this is a fully paid case.

(The petitioner was informed accordingly).

- 4 Sh. Wadhmal Deepchand, S-75, Sindhi Market, South Revdi Bazar, Ahmedabad. Refund of excess amount of Rs. 130.93 recovered from CAF No. B/A/16391/391. The Regional Settlement Commissioner concerned has reported that bill for refund of Rs. 130.93 recovered from the petitioner in excess has since been preferred to the Chief Pay and Accounts officer (Rehabilitation) and the same has been admitted by him. The amount will be disbursed to the petitioner as soon as the cheque is received from the Chief Pay and Accounts Officer (Rehabilitation) New Delhi.
- (The petitioner was informed accordingly.).
- 5 Sh. Narairdas Bherumal, Kirana Merchant, Sindhi Market, Maninagar Ahmedabad. Supply of copy of order relating to appointment of legal heir. The Regional Settlement Commissioner concerned has reported that the requisite copy of the substitutive orders passed under Section 9 of the DP (C & R) Act, 1954, has already been forwarded to petitioner on 18-5-1974. The Regional Settlement Commissioner has reported that the bill has also been admitted by the Chief Pay & Accounts Officer (Rehabilitation), New Delhi.

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*Ministry of Railways
(Railway Board)*

- 6 M/s. K. Mansukhram & Sons, 71/77, Champa Gali, 4th Floor, Bombay-400002. Payment of claims in respect of loss of 84 consignments of cotton waste blankets booked ex. Itwari to various Stations on Northeast Frontier Railway. Position in regard to claims in respect of 84 consignments of cotton waste blankets booked from Itwari to various stations on N.F., N. E., Eastern and S. E. Railways contained in the representation of M/s. Mansukhram & Sons, Bombay is given below :—

<u>Details</u>	<u>No. of Cases</u>
1. Delivered under clear receipt at booked destination.	66
2. Consignment re-booked to forwarding station and delivered there-under clear receipt (S. No. 50).	1
3. Claims repudiated for non-compliance of packing condition (S. Nos. 8, 9, 26, 27, 28, 29, 83).	7
4. Claim settled by payment (S. No. 82)	1
5. Claim repudiated as time-barred (S. Nos. 47, 51)	2
6. Finalisation held up due to non-receipt of Beejuck/Railway Receipt (S. Nos. 52, 53, 54 to 57)	6
7. In respect of consignment booked under Inv. No. 6 RR No. 936841 dated 3-9-73 ex. Itwari to Ranchi Road (S.No. 48) the Eastern Railway has advised that the consignment has been laying at the Lost Property Officer, Howrah, and action is being taken by them to despatch the consignment to Ranchi Road for delivery to the consignee.	7

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NOTE:—S. No. in bracket is the S. No. as given in the statement enclosed with the representation furnished by the party.

(The Petitioner was informed accordingly).

- 7 Sh. Basudeb Paul, 147/A/15, Raja Rajendra Pal Mitra Road, Calcutta-10. Payment of certain dues and employment on compassionate grounds.

The payment of settlement of Late Apurba Ch. Paul, Ex Pay Clerk, could not be made as the whereabouts of his survivors were not known. Shri Basudeb Pal son of Late Apurba Ch. Paul submitted a claim for payment of settlement dues of the deceased. He has been advised to submit the requisite forms along with the succession certificate. Despite protracted correspondence, the documents, have not been furnished. On receipt of the same, payment of the settlement dues will be made.

As regards the question of appointment of Shri Basudeb Paul on compassionate grounds it is stated that this is a 22 years' old case and it will not be possible to consider his request for appointment at such a distant date. Such compassionate grounds arise immediately after the death of the employee when the family in indigent circumstances is given relief by appointing either the widow, or the son or a daughter to Paul through economic distress arising out of the death of the wage earner; priority being given to premature death by accident, secondly by illness and not otherwise in case of death after superannuation. There is already a number of such cases pending.

The petitioner was informed accordingly).

*Ministry of Works & Housing
(Directorate of Estates)*

- 8 Shri Ghansham Dass, Retd. Inspector of Police, Qr. No. 962, Timarpur, Delhi. Regularisation of Qr.No. 962, Timarpur in the name of his son Sh. Subash Methani, Assistant.

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The matter has been reviewed and it has been decided to regularise the allotment of quarter No. 962, Timarpur, in the name of Shri Subash Methani.

- 9 Shri Ranbir Singh, 8/1, Bangla Sahib Marg, New Delhi. *Ad hoc* allotment of Government accommodation in the name of his son Shri Sarbjit Singh.

The matter has been reviewed and it has been decided to sanction an *ad hoc* allotment of a type II quarter to Shri Sarbjit Singh, son of Shri Ranbir Singh.

Ministry of Labour

- 10 Shri Shitla Prasad Misra, Agarsen Bhawan, Badli Katra, Beltar Mirzapur. Refund of provident fund dues in the Coal Mines Provident Fund. The Coal Mines Provident Fund Commissioner, Dhanbad, has reported that no such refund claim referred to in the representation cited above is pending for settlement. In fact the member concerned has not given necessary particulars in his representation *viz.*, the name and address of the Coal Mine from where he left his service and applied for Coal Mines Provident Fund accumulation. The member has, therefore, been requested by the Coal Mines Provident Fund authorities concerned to send his application through the Manager of the Colliery where he was last employed for initiating necessary action. Necessary action for the settlement of his claim will be taken up by Coal Mines Provident Fund Commissioner on receipt of the application from the member.

(The petitioner was informed accordingly.)