

COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

TWENTY-FIFTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

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Addendum to the Twenty-fifth Report of the
Committee on Petitions (Fifth Lok Sabha)

Page 46,

Appendix-VI, item 3, add the following
as footnote:-

"Subsequently, the Ministry of Supply and
Rehabilitation (Department of Rehabilitation)
have vide their note dated 5.12.1975, stated
as follows:-

'Shri Khub Chand Sunderdas, the claimant,
did not apply for payment of compensation
in time. Subsequently, he applied for
condonation of delay in filing the
compensation application. In accordance
with the policy of the Department delay
in such cases could be condoned by the
competent authority only to the extent
of outstanding public dues. The delay
was, therefore, condoned to the extent of
Rs.1,764/- which was adjusted as under:

Rehabilitation loan (principal)	Rs.900
Rehabilitation loan (interest)	Rs.864

Rs.1,764

Since the delay was condoned to the
extent of outstanding public dues, the
balance of Rs.63.60 (Rs.1827-60-1764.00)
is not payable'."

(i)

CONTENTS

	PAGE (iii)
COMPOSITION OF THE COMMITTEE ON PETITIONS	
I. INTRODUCTION	1
II. Representations regarding demands of pensioners	2
III. Misuse of name and pictorial representation of Parliament House in contravention of provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950	9
IV. Representation regarding non-availability of maternity benefits to female employees getting wages exceeding Rs. 500/- p.m. and employed in establishments covered under the Employees' State Insurance Act, 1948	13
V. Representation regarding termination of a vending contract at Chupra Railway Junction	17
VI. Representation regarding payment of arrears of Pay and Provident Fund to ex-employees of Panipat Woollen Mills, Kharar (near Chandigarh)	21
VII. Representation regarding review of procedure for making payments exceeding Rs. 1000/- to gazetted officers by crossed cheques	24
VIII. Action taken by Government on the recommendations of the Committee on Petitions (Fourth Lok Sabha) contained in the Seventh Report on the representation regarding withdrawal of Andaman Special Pay	26
IX. Other representations	31
APPENDICES	
I. Representation regarding demands of pensioners	32
II. Statement showing the points raised by Shri C.V. Varad and action taken by Government on various cases regarding violation of the Emblems and Names (Prevention of Improper Use) Act, 1950	38
III. Ministry of Labour letter No. S.36012(3)/73-HI, dt. 23. 5. 1975 relating to the proposal for amendment of the Maternity Benefits Act, 1961	39
IV. Representation from Shri Mukti Nath Singh, Vending Contractor, Chupra Junction against termination of his vending contract at Chupra Junction	41
V. Note dated 3. 7. 1974 of the Ministry of Labour on the representation re. payment of provident fund to ex-employees of Panipat Woollen Mills, Kharar	44
VI. Other representations on which the Committee's intervention has procured expeditious partial or complete relief to petitioners of the Ministries/Departments concerned have explained the position satisfactorily	46

COMPOSITION OF THE COMMITTEE ON PETITIONS

(1975-76)

1. Shri Jagannath Rao—*Chairman*
2. Shri S. C. Besra
- 3. Shri Ishwar Chaudhry
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.*

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

*Nominated with effect from the 20th August, 1975, vice Shri Hemendra Singh Banera resigned from the Committee with effect from the 3rd August, 1975.

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

I

INTRODUCTION

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

- (i) Representations regarding demands of pensioners.
- (ii) Misuse of name and pictorial representation of Parliament House in contravention of provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950.
- (iii) Representation regarding non-availability of maternity benefits to female employees getting wages exceeding Rs. 500 p.m. and employed in establishments covered under the Employees' State Insurance Act, 1948.
- (iv) Representation regarding termination of a vending contract at Chupra Railway Junction.
- (v) Representation regarding payment of arrears of Pay and Provident Fund to ex-employees of Panipat Woollen Mills, Kharar (near Chandigarh).
- (vi) Representation regarding review of procedure for making payments exceeding Rs. 1000 to gazetted officers by crossed cheques.
- (vii) Action taken by Government on the recommendations of the Committee on Petitions (Fourth Lok Sabha) contained in their Seventh Report on the representation regarding withdrawal of Andaman Special Pay.
- (viii) Other representations.

1.2. The Committee considered the above matters at their sittings held on the 29th October, 1974 and 9th, 29th and 30th September, 1975 and adopted their Report at their sitting held on the 16th October, 1975.

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

II

REPRESENTATION REGARDING DEMANDS OF PENSIONERS

2.1. The President, All India Organisation of Pensioners, New Delhi, submitted a representation dated the 5th November, 1974, regarding the demands of the pensioners. The representation was counter-signed by Sarvashri V. Gadgil and Jagjit Singh Anand, M.Ps. (Rajya Sabha) and Shri M. S. Gill, M.P. (Lok Sabha).

A. Petitioner's Grievances and Prayer

2.2. In his representation (See Appendix-I), the petitioner made the following demands:—

- (i) Grant of instalments of Dearness Allowance to pensioners with effect from 1st April, 1st June and 1st July, 1974, respectively, as granted to serving Central Government employees;
- (ii) Grant of relief to family pensioners;
- (iii) Grant of *ad hoc* increase in pension or D.A. to pensioners who retired prior to partition of India;
- (vi) Restoration of commuted portion of pension of Central Government pensioners;
- (v) Extension of CGHS benefits to State Governments pensioners;
- (vi) Creation of the Ministry of Pensioners; and
- (vii) Revision of Pension Act, 1871.

2.3. In a further representation, dated the 9th May, 1975, the petitioner stated *inter alia* as follows:—

“The last DA we got was on 1st April, 1974 when price index was at 248 points. The price index today is at 324 points and according to Finance Ministry ruling they had to give us an instalment of DA when the price index had risen by 16 degree. The price index has risen by 76 points which means four DA instalments but we have been given nothing.

Many pensioners have died during the past one year waiting to get additional DA and many more will die before they get their dues.

“Would you be kind enough to get the DA approved quickly so that the sufferings of the pensioners be mitigated.”

B. Factual comments of the Ministries of Finance (Department of Expenditure) and of Health and Family Planning (Department of Health)

2.4. The representations were referred to the Ministries of Finance (Department of Expenditure) and Health and Family Planning (Department of Health) for furnishing their factual comments on the points raised therein for consideration by the Committee.

In their comments, the Ministries have stated as follows:—

(i) *Ministry of Finance (Department of Expenditure)*

(i)

“Dearness Allowance

It has been stated that Government have granted further three Dearness Allowances to the serving Government employees, one on 1st April, 1974, second on 1st June, 1974 and the third on 1st July, 1974. It has therefore, been requested that the three increases in DA granted in the case of serving Central Government employees may also be granted to the Central Government pensioners. In this connection, it has also been stated that while granting Dearness Allowance to serving Government employees such grants for pensioners may also be included in the orders/instruction that are issued for the serving employees.

In this connection, it may be stated that the last DA was sanctioned to the Central Government employees w.e.f. 1-4-1974 and no other DA has so far been sanctioned. Consequently the pensioners were also granted relief w.e.f. 1-4-1974 *vide* orders issued in our O.M. dated the 28th August, 1974. Therefore, when the orders regarding the grant of dearness allowance to the Central Government servants are issued, action is taken to issue the orders regarding relief to Central Government pensioners. However, there is a basic difference between the grant of DA to serving Government employees and relief to pensioners. While for the former, an instalment of DA becomes due after 8 points rise in the cost of living index, in the case of pensioners, the relief becomes due after 16 points. Therefore, it is not possible to include the orders for the grant of relief to pensioners in the orders regarding the grant of DA to serving employees.

Relief to Family pensioners

The question of grant of relief to the pensioners who are in receipt of the 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.

Grant of relief to the pensioners who had retired prior to partition of India.

The question regarding the grant of relief to the displaced pensioners of the Central Government and undivided provincial Governments of Pakistan whose pensionary liability is that of the Government of Pakistan and who are residing now in India and who migrated to India by 30th June, 1955 and are in receipt of pension in India on behalf of the Government of Pakistan is under consideration of the Government of India.

Pensioners Ministry

Sanctioning of pension is the function of the administrative authorities and it is not possible to centralise this in a particular Ministry. Adequate instructions have been issued from time to time by this Ministry for expediting the sanction and payment of pension. So far as the question of grant of relief to pensioners is concerned, this Ministry has been considering this problem and have been granting relief to the pensioners from time to time. In view of this, the need for creation of Pensions Ministry at the Centre does not appear to require any consideration.

Commutation of pension—restoration of—

The Committee on Petitions have recently considered a petition on this subject submitted by Shri Natha Singh, Secretary, Pensioners and Seniors' Society, Amritsar. In that connection, relevant facts were furnished to the Committee by this Ministry in consultation with the Ministry of Law. The Committee have, in para 3.4 of their 18th Report presented to the Lok Sabha on 7-8-1974, recommended a review of the whole scheme of commutation of pensions with a view to liberalise the relevant rules to mitigate the hardships of such pensioners and to enable them to live their last days with dignity and without helplessness. Accordingly, the scheme of commutation of pensions is being reviewed in consultation with other departments concerned.

Revision of Pension Act

Pensions Act, 1871 regulates matters relating to rights to pensions and commutation of pensions. Section 11 of the Act protects

pension against attachment and under Section 12 assignments etc. made in anticipation of pension are void. The changes in the administrative structure, employment position and pay structures of the employees have not rendered the provisions of the Act obsolete. Apart from this, Pensions Act, 1871, does not regulate matters such as scales of pension, grant of relief to pensioners and the procedure for sanctioning pension. The matters are regulated by the pension rules contained in Central Civil Service (Pension) Rules, 1972 and the various executive instructions issued from time to time. Any liberalisation of the Pension Rules including the raising of existing scales of pension can be achieved by amending the Central Civil Service (Pension) Rules, 1972 or by issue of executive instructions and not by amending or replacing the Pensions Act, 1871. In the circumstances the question of replacement of the Pensions Act, 1871 by a fresh law to serve the purposes in view does not arise.

However, in accordance with the recommendations of the Law Commission contained in their 53rd Report relating to the Pensions Act, the proposal for amendment of Section 4 of the Pensions Act, 1871 thereby giving a right to pensioners to sue Government in matters relating to pension is under consideration."

(ii)

"In para 92 of Chapter 60 of their Report, the Third Pay Commission recommended that for possible increases in the cost of living index in future, Central Government employees who retired on or after 1-3-1973 should be given relief as follows:—

'All future pensioners, irrespective of the amount of pension drawn by them, should be given a relief at the rate of 5 per cent of their pension subject to a minimum of Rs. 5 p.m. and a maximum of Rs. 25 p.m. The relief at these rates should be given as and when there is a 16 point rise in the 12 monthly average of the All India Working Class Consumer Price Index (1960=100). The relief for the first time at these rates should be paid when the 12 monthly average of this index reaches 216.'

This recommendation, which covered future pensioners, was accepted by the Government of India with the liberation that it would apply to employees retiring on or after 1-1-1973 instead of 1-3-1973 as recommended by the Commission. It was also decided to extend relief on the same scale to those who had retired before that date. (The latter category of pensioners were, in addition, given an *ad hoc* increase in pension, ranging from Rs. 15 to Rs. 35, to compensate them for rise in the cost of living since

1969 when the last relief was sanctioned). In accordance with this decisions, three instalments of relief have been sanctioned to Central Government Pensioners, on the basis of the 12 monthly average of the All India Working Class Cost of Living index (1960=100) reaching 216, 232 and 248. The last of these instalments, was sanctioned with effect from 1-4-1974.

The question of allowing further relief in respect of the increase that has subsequently taken place in the cost of living is under consideration of Government. It may be mentioned that the concept of a relief to pensioners is the same as that of grant of dearness allowance to serving Government employees, though the details are different for serving Government employees who had been allowed dearness allowance upto the index average of 272. There have been demands that they should be granted dearness allowance for the subsequent price increases and they have quoted the Third Pay Commission's recommendation in support of their demands. This matter is presently under consideration of Government and negotiations are being held with staff representatives. It is the intention of Government to examine the question of granting further relief to pensioners after a decision is taken on the grant of dearness allowance to serving Government employees and after taking into account the overall liability that would be involved, the resources position etc."

(ii) Ministry of Health and Family Planning (Department of Health)

It has been decided to cover the Central Government Servants first under the CGH Scheme. In this connection, attention of the Lok Sabha Secretariat is invited to recommendation (No. 9, para 2.32) 57th Report of the Estimates Committee (Fifth Lok Sabha) regarding extension of the CGH Scheme to the employees of public undertakings, semi-Government organisations etc. who desire to be covered by it and who are not already covered by the State Employees Insurance Scheme. The Lok Sabha Secretariat have been informed by this Ministry that the first charge of the CGHS should be the Central Government employees. Though the Scheme is in operation in Delhi since 1954, it has not covered all the Central Government employees due to lack of resources. Depending on the availability of resources, the Scheme will be extended to the employees of public undertakings, semi-Govt. organisations etc., who would desire to be covered by it and are not already covered by the State Employees Insurance Scheme.

However, the C.G.H. Scheme has been extended to the general public in 14 dispensaries in Delhi/New Delhi. The State Govt.

Pensioners can join the above scheme as members of the general public provided they are residing within the jurisdiction of 14 dispensaries.”

2.5. The Ministry of Finance (Department of Expenditure) *vide* their O.M. No. N. 13017 (I)-E-II(B)/75-PT. I dated the 4th September, 1975, have sanctioned five instalments of additional dearness allowance to Central Government employees.

2.6. In their U.O. note dated the 11th September, 1975, to the Committee, the Ministry of Finance (Department of Expenditure) have stated that the payment of instalments of dearness allowance which have fallen due after 1st April, 1974, to Central Government pensioners is under consideration.

C. Recommendations of the Committee

2.7. The Committee note the factual comments furnished by the Ministry of Finance (Department of Expenditure) and the Ministry of Health and Family Planning on the points raised by the pensioners.

In view of the fact that the Ministry of Finance (Department of Expenditure) have, *vide* their Office Memorandum dated the 4th September, 1975, sanctioned five instalments of additional dearness allowance to the Central Government employees, the Committee recommend that necessary orders for additional instalments of dearness allowance due to Central Government pensioners may also be issued expeditiously. In this connection, the Committee note that there is a difference between the grant of dearness allowance to serving Government employees and grant of relief to pensioners inasmuch as an instalment of dearness allowance becomes due to serving Government employees after 8 points rise in the cost of living index whereas in the case of pensioners, the relief becomes due after 16 points. The Committee desire that necessary orders for the financial relief to the Central Government pensioners should be issued simultaneously with the orders relating to grant of additional dearness allowance to serving Central Government employees wherever feasible and, in any case, soon after the issue of such orders for the Central Government employees.

2.8. In regard to grant of relief to pensioners who are in receipt of family pension, the Committee note that the matter has been deferred by Government for the present because of constraints on financial resources. The Committee, however, would like to reiterate their earlier recommendation made in their Twenty-third

Report that this category of pensioners is equally in need of relief and Government should devise ways and means to find resources to grant relief to these pensioners who are in receipt of family pensions.

2.9. The Committee further note that the question regarding grant of relief to displaced pensioners of the Central Government and of undivided Provincial Governments of the areas now forming part of Pakistan and who are residing in India is under consideration of the Government. The Committee would like to urge upon the Government to expedite their decision in the matter.

2.10. The Committee note that the scheme of commutation of pension is being reviewed by the Government as recommended by them earlier in their Eighteenth Report. The Committee desire that the Government should expedite their decisions in the matter.

2.11. In regard to the demand of pensioners for amendment of the Pensions Act, 1871, the Committee note that liberalisation of the pension rules, including raising of existing scales of pensions, can be achieved by amendment of the Central Civil Service (Pension) Rules, 1972, or by issue of executive instructions and that for that purpose, it is not necessary to amend the Pensions Act, 1871. The Committee also note that the Government are already considering a proposal for amending Section 4 of the Pensions Act, 1871, in accordance with the recommendations of the Law Commission contained in their Fifty-third Report giving a right to pensioners to sue the Government in matters relating to pensions. The Committee hope that the Government would expedite their consideration of the matter.

2.12. The Committee note that although the Central Government Health Scheme has been in operation in Delhi since 1954, it has not yet covered all the Central Government employees due to lack of resources. The Committee also note that the Central Government Health Scheme has been extended to the general public in 14 dispensaries in Delhi and New Delhi and that State Government Pensioners can join that scheme as members of the general public provided they are residing within the jurisdiction of those 14 dispensaries. The Committee recommend that the Ministry of Health and Family Planning should examine the feasibility of extending the benefits of the Central Government Health Scheme to the State Government pensioners in all the CGHS dispensaries, whether they are located in Delhi/New Delhi or elsewhere, as distinct from extension of that scheme to the general public.

III

MISUSE OF THE NAME AND PICTORIAL REPRESENTATION OF PARLIAMENT HOUSE IN CONTRAVENTION OF THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950

3.1. On the 16th November, 1972, Shri C. V. Varad of Bombay submitted a representation in which he stated that the name and pictorial representation of Parliament House were being misused by some business houses, newspapers, the Central Bureau of Investigation etc., in violation of the Emblems and Names (Prevention of Improper Use) Act, 1950. Shri C. V. Varad, in his representation stated *inter alia* as follows:—

“I had written two letters to Shri N. Sanjiva Reddy, the then Speaker of the Lok Sabha, regarding the misuse of the National Flag and the Name and Pictorial representation of the Parliament House. You were kind enough to place these letters before the Committee on Petitions and the Committee in its Fifth Report (Fourth Lok Sabha) presented to the House on the 30th April, 1969 (pp. 64, 65 and 66) had made certain recommendations. I have, whatsoever, no idea of the outcome of these recommendations.

I regret to state that the misuse of the name and the pictorial representation of the Parliament House is still going on. Enclosed please find some specimen of the misuse.

- (a) A cutting of the title of *Parliamentary Times*;
- (b) A Greeting Card of the Central Bureau of Investigation, Government of India;
- (c) A cutting of the *Blitz Weekly* (People's Parliament);
- (d) A Greeting Card brought out by Anand Dyes Industries, Pvt., Junagadh.

Incidentally, I may mention that a number of periodicals print the photograph of the Parliament House in their special columns covering “*Delhi News*”. This also amounts to misuse.

I am fully aware that the matter is the concern of the Ministry of Industrial Development. It is not because of my ignorance that I am writing this to you. I am writing this letter to you especially because I am confident that you will be in a better position to get the Ministry of Industrial Development act quickly in the matter.

Further, may I suggest that a Press Note covering all the points in this regard issued by the Lok Sabha Secretariat will go a long way in clearing any doubts in the minds of the public, as I find the public is quite ignorant of this fact. 'Ignorance is no excuse' is a well established legal position and hence it would be most appropriate if a Press note in this regard is issued by the Lok Sabha Secretariat on this matter."

3.2. Shri Varad has subsequently also been bringing to the notice of the Lok Sabha Secretariat and the Committee instances of such misuse.

3.3. The observations of the Committee on Petitions contained in their Fifth Report (Fourth Lok Sabha) presented to the House on the 30th April, 1969, referred to by Shri C. V. Varad read as follows:—

"The Committee would suggest that Government might in consultation with the Ministry of Law, consider amending the Act [The Emblems and Names (Prevention of Improper Use) Act, 1950], to make such offences cognizable and to intimate the results of such consultation to the Committee in due course."

3.4. The matter was taken up with the Ministry of Commerce who were then administratively concerned with the enforcement of the Emblems and Names (Prevention of Improper Use) Act, 1950. They were requested to intimate the action taken by Government on the specific observations of the Committee that the Emblems and Names (Prevention of Improper Use) Act, 1950, should be amended to make such offences (of misuse of Emblems) cognizable. They were also requested to intimate the action taken by them on the various cases of violation of the Emblems and Names (Prevention of Improper Use) Act, 1950, pointed out by Shri C. V. Varad.

3.5. The Ministry of Law, Justice and Company Affairs (Department of Legal Affairs), who were also requested to furnish their legal opinion on the matter, have *inter alia* stated as follows:—

"Section 3 of the Emblems and Names (Prevention of Improper Use) Act, 1950 provides that no person shall without

the previous permission and in such cases and subject to such conditions as may be prescribed, use or continue to use for the purpose of any trade, business, calling or profession any name or emblem specified in the Schedule or any colourable imitation thereof. Item 17 of the Schedule mentions the name of Parliament or the pictorial representation of any building occupied by it and certain other institutions.....

It has therefore to be seen whether in any particular case, the pictorial representation of Parliament is used and if so, whether it is for the purpose of any trade, business, calling or profession....

A. contravention of section 3 of the Act is made punishable under Section 5 with fine which may extend to Rs. 500. Before a prosecution is instituted, the previous sanction of the Central Government or an officer authorised in this behalf is necessary.

....The general practice is to request the parties concerned to discontinue such improper use and that it is only in the event of an individual proving recalcitrant that a prosecution is launched."

3.6. The position of the action taken by Government on the various cases of the violation of this Act pointed out by Shri C. V. Varad as intimated to the Committee by the Government is given in the statement at Appendix II.

3.7. In regard to penal action against the offenders, in their communication dated the 11th September, 1974, the Ministry of Commerce have stated *inter alia* that action against any offender under the Act can be taken only on the sanction of prosecution by the Central Government. It has been the policy of the Ministry to sanction prosecution only in cases where improper use is denied by the alleged offender and unqualified apology is not tendered by him and the improper use is not discontinued by him.

3.8. In their communications dated the 11th and 12th August, 1975, regarding implementation of the recommendation of the Committee contained in their Fifth Report (Fourth Lok Sabha) for making offences committed under the Emblems and Names (Prevention of Improper Use) Act, 1950, cognizable, the Ministry of Industry and Civil Supplies (Department of Civil Supplies and

Cooperation), now concerned with this subject, have stated as follows:—

(i)

“The State Governments and Union Territories were addressed for their views in regard to making the offences committed under the Emblems and Names (Prevention of Improper Use) Act, 1950 as cognizable. All State Governments with the exception of Bihar, Orissa, Gujarat, J and K and Meghalaya and Union Territory of Laccadives have agreed. It is now not proposed to wait for the replies of the defaulting States and to process the case for Cabinet approval, making the offences cognizable.

(ii)

It is proposed to amend the Act so as to make the offences cognizable. A Note for the Cabinet has been prepared in consultation with the Ministry of Law for taking further action”.

Observations of the Committee

3.9. The Committee note that, as recommended by the Committee in their Fifth Report (Fourth Lok Sabha), majority of the States have agreed to making offences under the Emblems and Names (Prevention of Improper Use) Act, 1950, cognizable and that Government propose to amend the Act accordingly. The Committee recommend that Government may expedite introduction of necessary legislation in Parliament.

3.10. The Committee also note the action taken by Government on the various cases of violation of the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950, pointed out by Shri C. V. Varad of Bombay. The Committee desire the Government to expedite their action on the outstanding cases.

3.11. The Committee do not agree with the view of Shri C. V. Varad that apologies of the offenders should not be accepted by Government and that they should be prosecuted under the Emblems and Names (Prevention of Improper Use), Act, 1950. Since no prosecution can be launched under that Act without the previous sanction of the Central Government or of any Officer authorised in this behalf by general or special order of the Central Government, the Government are competent to accept apologies of the offenders on their assurance to discontinue the use of the name or pictorial representation of Parliament House in future.

IV

REPRESENTATION REGARDING NON-AVAILABILITY OF MATERNITY BENEFITS TO FEMALE EMPLOYEES GETTING WAGES EXCEEDING RS. 500 P.M. AND EMPLOYED IN ESTABLISHMENTS COVERED UNDER THE EMPLOYEES' STATE INSURANCE ACT, 1948.

4.1. Shri V. M. Varghese, General Secretary, All India Chemical and Pharmaceutical Employees' Federation, Bombay, submitted a representation regarding non-availability of maternity benefits to female employees getting wages exceeding Rs. 500 p.m. and employed in establishments covered under the Employees' State Insurance Act, 1948.

A. PETITIONERS' GRIEVANCES AND PRAYER

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

“We, female workmen employed in the Chemical and Pharmaceutical Industry, have to submit the following for your kind consideration and action:

You are aware that female workers are predominantly employed in the Chemical and Pharmaceutical Industry in our country. The Industry is concentrated mostly in large cities where the cost of living is abnormally high. Further, due to spiralling rise of the cost of living index at the various industrial centres in the country most of us are drawing a monthly total salary exceeding Rs. 500. Although this amount may appear to be considerable if we take the average level of wages in the country as a whole, this is not at all adequate for a decent living in large cities. But still, under the provisions of the Employees' State Insurance Scheme, those female workmen who draw a total monthly salary of over Rs. 500 are denied the coverage of the said Employees' State Insurance Scheme.

No doubt there is a statute like Maternity Benefits Act, 1961 which provides for three months fully paid maternity leave to the female workmen employed in establishments to which Employees' State Insurance Scheme is

not made applicable. But we are unfortunately excluded even from this Act, merely for the reason that we happen to work in establishments covered by the Employees' State Insurance Scheme. We wish to point out that those who may be drawing much higher than Rs. 500/- p.m. are covered by this Act, if they do not come under the purview of the Employees' State Insurance Act. The resulting plight of the female workmen employed in the factories and establishments covered by the E.S.I. Scheme and who draw a monthly salary of over Rs. 500/- is that they do not get any maternity benefits either under Employees' State Insurance Scheme or under the provisions of the Maternity Benefits Act, 1961.

It is, therefore, our fervent appeal to you to take steps to so amend Clause No. 2 of the Maternity Benefits Act, 1961, as to extend the benefits provided under the said Act to all the female workmen who draw more than Rs. 500/- as their monthly salary and who are working in establishments and factories covered by Employees' State Insurance Scheme.

We trust you will kindly cause immediate steps to be taken to secure Maternity Benefits to all the female workmen irrespective of the fact whether the factories and establishments in which they are employed are covered by the Employees' State Insurance Scheme or otherwise."

B. FACTUAL COMMENTS OF THE MINISTRY OF LABOUR

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

(i)

"The All India Chemical and Pharmaceutical Employees' Federation, Bombay, has represented that the female employees in Pharmaceutical Industry, who are drawing wages exceeding Rs. 500/- and are employed in factories/establishments covered under the Employees' State Insurance Act, 1948, are not getting maternity benefits either under the Employees' State Insurance Act, 1948 or the Maternity Benefits Act, 1961. The Federation wants the Maternity Benefit Act, 1961 to be amended so as to make

the above-mentioned female employees eligible to receive maternity benefits under the Maternity Benefit Act, 1961.

The definition of the term 'employee' under the Employees' State Insurance Act, 1948 excludes any person whose wages (excluding remuneration for overtime work) exceed rupees five hundred a month. As such, the women employees in the factories covered under the Employees' State Insurance Act are not entitled to maternity benefits under the Employees' State Insurance Act, if their wages exceed Rs. 500/- p.m. On the other hand, in accordance with the provisions of Section 2(2) of the Maternity Benefit Act, 1961, the factories or establishments to which the Employees State Insurance Act, 1948 applies are not covered by the Maternity Benefit Act, 1961. In the circumstances, female employees employed in factories covered under the Employees State Insurance Act, 1948 and drawing wages exceeding Rs. 500/- per month are not entitled to maternity benefits either under the Employees State Insurance Act or the Maternity Benefit Act."

(ii)

"The E.S.I. (Amendment) Bill, 1975, which *inter alia* seeks to raise the wage limit for coverage under the E.S.I. Act 1948 from Rs. 500/- to Rs. 1000/-, was passed by the Parliament during the current Session and received the assent of the President on the 1st August, 1975;

A proposal for amending the Maternity Benefit Act, 1961, as per details given in this Ministry's letter No. S-36012/3/73-HI, dated the 23rd May, 1975 (Appendix III) is under consideration."

C. OBSERVATION OF THE COMMITTEE

4.4. The Committee note with satisfaction that the Employees' State Insurance Act, 1948, has since been amended by the Employees' State Insurance (Amendment) Act, 1975, which has raised the wage limit for entitlement of maternity benefits under that Act from Rs. 500 to Rs. 1000. However, the Committee observe that women employees drawing wages exceeding Rs. 1000 and employed in establishments covered under the Employees' State Insurance Act, 1948, will still be without maternity benefit. On the other hand, women employees drawing wages exceeding Rs. 1000 and employed in establishments which are not covered under the

Employees' State Insurance Act will continue to get the maternity benefits under the Maternity Benefits Act, 1961, inasmuch as there is no wage limit for coverage under the Maternity Benefits Act. The Committee feel that this anomalous position should be rectified by suitable amendment of the Maternity Benefit Act, 1961, so that payment of maternity benefits to the women employees employed in factories and establishments covered by the Employees' State Insurance Act, 1948 is not subject to any wage limit.

REPRESENTATION REGARDING TERMINATION OF A VENDING CONTRACT AT CHUPRA RAILWAY JUNCTION
(BIHAR)

A. PETITIONER'S GRIEVANCES AND PRAYER

5.1. One Shri Mukti Nath Singh, Sweetmeat Contractor, submitted a representation dated the 2nd July, 1974, against termination of his vending contract at Chupra Railway Junction. In his representation (See Appendix IV), the petitioner stated *inter alia* that he was a licensee and lessee of the "Sweetmeat Vending Licence" at Chupra Junction of Northern Railway since 26th July, 1960. The licence was renewed on year-to-year basis and the last renewal was made up to 31st December, 1973. He applied for renewal of contract before December, 1973 and again in February, 1974. In the meantime, as usual, he continued to operate the vending licence during 1974. He also stated that suddenly on 18th April, 1974, he was served with a memo. issued from the Office of the Divisional Superintendent, Varanasi, through the Station Master, Chupra, by which his contract was extended up to 18th April, 1974, and was also terminated with effect from the same date. He alleged that a bogus cooperative society of unemployed graduates had been formed to deprive him of the renewal of the contract. He further alleged that termination of his contract was illegal and against the principles of natural justice. He also stated that the contracts of some other persons which were terminated along with his contract had been renewed and pointed out certain further irregularities in granting such other contracts. He prayed that an enquiry might be made into the matter and justice done to him.

**B. FACTUAL COMMENTS OF THE MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

5.2. The Ministry of Railways (Railway Board) to whom the representation was referred for factual comments, in their note dated the 10th October, 1974, stated as follows:—

"Shri Mukti Nath Singh has been working as a vending contractor for sale of sweetmeat, puri, oil-made food stuff, parmal, paratha etc., at Chupra Jn. since 1960.

Normally, catering and vending contracts are awarded for a period of three years and the same are renewed after

every three years, if the working is satisfactory. However, as a result of a new policy introduced from 5-9-1973, contracts of vending contractors who had completed more than 6 years of service at a stretch are to be terminated and fresh applications called for. The existing contractor is also eligible to apply in response to such a call and his application would also be considered on merits along with the others. The contract of Shri Mukti Nath Singh came under the purview of this rule in the year 1973 and hence his contract was correctly terminated.

Incidentally, the service of Shri Mukti Nath Singh has been judged as bad as he has got many adverse inspection reports as well as adverse medical reports. Therefore, when the applications were considered, the contract was awarded to the Unemployed Graduates Canteen Co-operative Society which was found to be most suitable of the applicants. The contract was correctly awarded after following the extent procedure.

It is understood that the contractor was advised by the Railway that his contract was expiring on 31-12-1973 and would not be renewed beyond that date and that he has been given a temporary extension up to April 1974. This temporary extension of lease does not amount to renewal of the contract.

After termination of the contract Shri Mukti Nath Singh did not hand over the charge of the vending establishment to the Station Master, Chupra Jn. as required under the rules, but continued the work forcibly at the station. An application has, therefore, been filed by the North Eastern Railway Administration in the Court of District Judge, Chupra, for eviction of the establishment lying in the possession of Shri Mukti Nath Singh.

Regarding the contracts of M/s. Hardev Yadav at Chupra, and also the contract on the steamers plying between Paleza Ghat and Mahendru Ghat, it is pointed out that the same procedure of terminating the contracts which were in existence for more than 6 years and calling for fresh applications were followed. In these cases, the existing contractors also applied and since they were found to be most suitable and their working was satisfactory the contract was re-allotted to them, as per procedure explained already in para 5.2 above.

5.3. Thereafter, the Ministry of Railways were requested to furnish the following information:—

- (i) When was the Unemployed Graduates Canteen Co-operative Society registered?
- (ii) Is the policy of awarding contracts to Cooperative Societies uniformly followed by the Railway Board?
- (iii) A report from the Registrar of the Cooperative Societies giving details of the members of the Cooperative Society in question and about its functioning.

5.4. In their reply dated the 20th September, 1975, the Ministry of Railways gave details of the members of the Cooperative Society and a copy of the registration certificate issued by the Assistant Registrar of Cooperative Societies, Chupra, and *inter alia* stated as follows:—

“The policy is that at stations, where departmental catering is not feasible and catering has to be done through contractors, as vacancies of catering/vending contracts occur, before the vacancies are advertised and applications are invited for appointment of contractors, the question of allotting the contract for the following should be considered:—

- (i) Cooperatives run by railway staff, as have good financial record and requisite experience of running canteens efficiently and profitably in case, they volunteer to do so.
- (ii) Cooperative societies of vendors which are expected to be able to render satisfactory service.
- (iii) Voluntary organisations or Mahila Samitis, who are considered capable of managing the catering units efficiently and rendering good and satisfactory service to the travelling public.
- (iv) Cooperative Societies formed by unemployed graduates, matriculates or persons belonging to minority communities, or Harijans/Scheduled Tribes have also to be considered along with other applicant on merits of each case.

Shri Mukti Nath Singh, whose Vending Contract at Chupra Jn. was terminated by the Railway Administration has been allotted another Vending Contract for sale of Sweetmeat, Puri, Paratha etc. at that station.”

C. OBSERVATION OF THE COMMITTEE

5.5. The Committee note that Shri Mukti Nath Singh, whose vending contract at Chupra Junction was terminated by the Railway Administration, has been allotted another vending contract for sale of sweetmeats, puries, parathas etc. at that station. The Committee feel that the matter does not call for any further action on their part. The Committee hope that by this the vending contract already granted to the Unemployed Graduates Canteen Cooperative Society at that Station will not be affected.

VI

REPRESENTATION REGARDING PAYMENT OF ARREARS OF PAY AND PROVIDENT FUND TO EX-EMPLOYEES OF PANIPAT WOOLLEN MILLS, KHARAR (NEAR CHANDIGARH)

6.1. Shri Magan Lal Bhatt, ex-Sales Manager of Panipat Woollen Mills, Kharar (near Chandigarh) submitted a representation regarding payment of arrears of pay and provident fund to ex-employees of Panipat Woollen Mills, Kharar. The representation was counter-signed by Shri Madhu Limaye, M.P.

A. Petitioner's Grievance and Prayers

6.2. In his representation, the petitioner stated as follows:

- "(a) That the Panipat Woollen and General Mills Co. Ltd. Kharar, was under the scheme of arrangement devised by the High Court Punjab, Chandigarh, and has been taken over by the Industrial Finance Corporation of India in June, 1972 and was included in the schedule of the Sick Textile Undertaking Act, 1972;
- (b) That the I.F.C. leased it to M/s. Padamshree Textile Industries Ltd., for an annual lease of Rs. 12 lacs without the shareholders consent and in spite of the fact that there were more attractive tenders up to Rs. 20 lacs per year before the High Court;
- (c) That no scheme for the payment of arrears of salary and Provident Fund has been prepared by I.F.C./Padamshree Textile Industries Ltd., Kharar as per the orders of the High Court on 5th June 1972; and
- (d) That to the best of the knowledge of the petitioner Padamshree Textile Industries Ltd. has not been paying regularly the lease money to the I.F.C.

and accordingly your petitioner prays that the Honourable House to recommend to the Government that they introduce legislation to nationalise the above undertaking so that the delay caused by the proceedings in the court in the matter of take over of management under section 4(1) of the above act can be overcome and the employees' dues, including the petitioner's are paid to them.

B. Comments of the Ministries of Labour and of Industry and Civil Supplies (Department of Industrial Development)

6.3. The representation was referred to the Ministry of Labour/ Industry and Civil Supplies (Department of Industrial Development) for furnishing their factual comments thereon, for consideration by the Committee. In their factual comments, the Ministries have stated as follows:—

Ministry of Labour

“The Panipat Woollen Mills, Kharar, is one of the Sick Textile Undertakings which has been taken over by the Central Government under the Sick Textile Undertakings (Nationalisation) Act, 1974. As already intimated in this Ministry's U.O. of even number dated the 3rd July 1974 (See Appendix V) legal action both by way of Revenue Recovery Proceedings and Prosecution under the Employees' Provident Funds and Family Pension Fund Act, 1952 as well as under Section 406/409 of the Indian Penal Code has already been taken against the previous management for recovery of Provident Fund dues for the period prior to April 1972. However, since this mill has been taken over by the Central Government, the claims of Provident Funds which relate to pre-takeover period can now be settled by Commissioner of Payments who is yet to be appointed under Section 20 of the Sick Textile Undertakings (Nationalisation) Act, 1974 by the Ministry of Industrial Development. Necessary action for filing a claim in this regard with the Commissioner for payments will be taken when such a Commissioner is appointed.”

Ministry of Industry and Civil Supplies (Department of Industrial Development)

“The Panipat Woollen and General Mills Ltd., Kharar, Punjab is a 'sick textile undertaking' within the meaning of the Sick Textile Undertakings (Taking over of Management) Act, 1972 and the management of the said undertaking vested in the Central Government w.e.f. 31-10-72 under the provisions of the Act. However, M/s Padamshree Textile Industries Ltd. the lessees of the above mill company challenged the vires of the provisions of the Act in the Supreme Court and obtained interim orders from court against the taking over of the management. Subsequently, under the provisions of the Sick Textile Undertakings (Nationalisation) Ordinance, 1974, the above

undertaking has been nationalised but by virtue of a further injunction given by the Supreme Court, the management continues to be exercised by M/s Padamshree Textile Ltd. as receiver on behalf of the Court.

The allegations contained in paragraphs (a) & (b) of the complaint are correct to extent that the Industrial Finance Corporation of India leased the undertaking to M/s. Padamshree Textile Industries Ltd. for an annual lease of Rs. 12 lakhs under an indenture dated 25th June, 1972. The above lease was not in pursuance of any scheme devised by the High Court of Punjab and Haryana, Chandigarh."

C. Observation of the Committee

6.4. The Committee note that the Panipat Woollen Mills, Kharar, is one of the Sick Textile Undertakings which have been taken over by the Central Government under the Sick Textile Undertakings (Nationalisation) Act, 1974. The Committee desire the Government to expedite the process for payment of arrears of pay and provident fund to the ex-employees of the Panipat Woollen Mills, Kharar. The Committee also desire the Government to look into the other allegations made by the petitioner in his representation and to inform the Committee of the position in the matter at an early date.

VII

REPRESENTATION RE. REVIEW OF PROCEDURE FOR MAKING PAYMENTS EXCEEDING RS. 1000/- TO GAZETTED OFFICERS BY CROSSED CHEQUES.

7.1. Shri Prabhu Dayal, Model Town, Delhi submitted a representation for review of procedure for making payments exceeding Rs. 1000/- to Gazetted Officers by crossed cheques.

A. Petitioner's Grievance

7.2. In his representation, Shri Prabhu Dayal stated as follows:

“According to the existing Rules and Procedures all payments of more than Rs. 1000/- made to the Gazetted Central Government Officers are made by crossed cheque. As it invariably takes the banks to get the clearance in 2-3 days time, this procedure causes considerable hardship to the Government servants who are not in a position to get their salary on the first of the month. I understand that this limit of Rs. 1000/- was fixed sometime in 1967 with the object of securing proper public identification for the payments having been made to the officers. I beg to submit that the value of the Rupee having gone down considerably, the limit of Rupees 1000/- has now become too low. Besides, a gazetted Central Government servant is quite well-known and would hardly ever condescend to deny the payments having been made to him. I, therefore, pray that the Petitions Committee of Lok Sabha may kindly take up with the Ministry of Finance whether existing procedure of making payments of more than Rs. 1000/- to gazetted Central Government servants by crossed cheques could be dispensed with.”

B. Factual Comments of the Ministry of Finance (Department of Economic Affairs)

7.3. The representation was referred to the Ministry of Finance (Department of Economic Affairs) for furnishing their factual comments for consideration by the Committee. In their factual comments, the Ministry have stated as follows:—

“Rule 157(2) of the Central Government Treasury Rules governs the issue of cheques. Instructions have been issued from time to time in the light of the difficulties

brought to Government's notice, about the manner of preparing the cheques. Till March, 1965, while all cheques issued by Government in payment of personal claims of an individual, a firm, a company, a statutory body etc. were to be issued invariably in the form of an 'order cheque'; they were not crossed if the payee had asked for an "open cheque". Orders were issued in March, 1965, in order mainly to check evasion of tax, that all Government cheques/drafts for amounts exceeding Rs. 1000/- in each case, except in payment of salary, allowances, pensions etc. of Government servants and pensioners should be crossed and made 'account payee only'.

In October, 1967 the Reserve Bank on whom a large number of Government cheques are drawn suggested that cheques/drafts issued in favour of Gazetted Government servants on account of their personal claims should also be crossed. The suggestion was made in the context that encashment of treasury cheques payable on order at Reserve Bank offices leads to overcrowding at the Bank's cash counters and also in the process causes inconvenience to the payees. In order to provide relief to the Bank, orders were issued in January, 1968 to the effect that cheques drawn in favour of Gazetted Government servants in respect of their personal claims exceeding Rs. 1000/- should be crossed.

It will be seen from the above that the issue of crossed salary cheques for amounts exceeding Rs. 1000/- was considered necessary to avoid congestion at Reserve Bank's cash counters which also caused inconvenience to the payees. The salary cheques are generally issued a few days in advance of the date of payment (penultimate or last day of the month or the first of the month following that to which the salary pertains) and the time lag in the clearance of the cheques gets reduced. Further, banks, at their discretion, permit payments against treasury cheques even pending their clearance."

C. Observation of the Committee

7.4. The Committee note the factual position stated by the Ministry of Finance in the matter and feel that no serious hardship will be caused to Gazetted Government Officers if payments for their salaries etc. for amounts exceeding Rs. 1,000/- are made by crossed cheques. The Committee, therefore, observe that no intervention is called for in the matter on their part.

VIII

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (FOURTH LOK SABHA), CONTAINED IN THE SEVENTH REPORT ON THE REPRESENTATION RE. WITHDRAWAL OF ANDAMAN SPECIAL PAY.

8.1. In their Seventh Report (Fourth Lok Sabha), the Committee, after considering the above-mentioned representation and the factual comments of the Ministry of Home Affairs thereon, had recommended as follows:

“5.6. The Committee appreciate the difficulties experienced by Government in securing the services of qualified technical and other personnel required for the developmental activities in the Andaman and Nicobar Islands and note that grant of Special Allowance is intended as an attraction or incentive for securing such personnel from the mainland. The Committee, are, however, of the opinion that the conditions of service and pay and allowances for all employees doing the same type of work should generally be the same.

5.7. The Committee note that Government have protected the emoluments of the local recruits who had been earlier drawing the 'Andaman Special Pay'. The Committee are, however, of the opinion that when a Government employee is promoted, his existing pay and allowances should be suitably protected. The Committee, therefore, desire that Government may examine the feasibility of continuing the Special Pay and Allowances to the Government employees in the Andaman and Nicobar Islands even after their promotion without any portion thereof being absorbed in future increments.”

[Paras 5.6 & 5.7, page 22, Seventh Report (4LS)]

8.2. The Ministry of Home Affairs, with whom the above recommendations of the Committee were taken up for implementation have now furnished a copy of their letter No. 27/46/72-ANL, dated the 1st July, 1975, relating to orders regarding withdrawal of

Andaman Special Pay and grant of Special Allowance and Compensatory Allowance to the various categories of Government servants under the Andaman and Nicobar Administration, which is as follows:

"In continuation of this Ministry's letter No. 30/61/70-ANL, dated the 9th September, 1971, I am directed to say that the President is pleased to make the following future amendments in the orders contained in this Ministry's letter No. 27/36/67-ANL, dated the 4th June, 1969, as amended from time to time, relating to the withdrawal of Andaman Special Pay and grant of Special Allowance and Compensatory Allowance to the various categories of Government servants serving under the Andaman and Nicobar Administration:—

Amendments

In this Ministry's letter No. 27/36/67-ANL, dated the 4th June, 1969,—

- (1) for the existing 'Exception (I)' below para 3(I), as substituted by this Ministry's letter No. 30/61/70-ANL, dated the 9th September, 1971, the following shall be substituted, namely:—

"*Exception (I)*, Local recruits who are in continuous service under the Andaman and Nicobar Administration from a date prior to the 22nd January, 1951, and are governed by the provisions of para 1(iii) of this Ministry's letter No. 40/22/49-AN dated the 22nd January, 1951, [or, as the case may be, from a date prior to the 24th April, 1951, and are governed by the provisions of para I(b) of this Ministry's letter No. 40/22/49-AN dated the 24th April, 1951], shall continue to draw the Andaman Special Pay so long as they continue in the same posts as were held by them immediately before the 22nd January, 1951 (or, as the case may be, the 24th April, 1951). While so drawing Andaman Special Pay, such a Government servant shall not be entitled to the Compensatory Allowance and Special Allowance referred to in sub-paragraph I(a) and I(b) above. On his first promotion after the 22nd January, 1951 (or, as the case may be, the 24th April, 1951), the pay of such a Government servant in the higher post shall be fixed taking into consideration only his basic pay in the lower post. The Andaman Special pay drawn by him in the lower post immediately before his promotion shall be granted

to him as personal pay. This personal pay shall not be absorbable in future increases of pay. The quantum of this personal pay, once fixed, shall not be increased with reference to any notional variation in the Government servant's pay in the lower post. Government servants in receipt of this personal pay shall not be entitled to the Compensatory Allowance and Special Allowance referred to in sub-paragraphs I(a) and I(b) above:

Provided that where a Government servant in receipt of this personal pay is transferred to another area (other than the area of his recruitment or permanent residence) and the Special Allowance admissible to him in that area in terms of sub-paragraph I(b) is higher than the personal pay fixed in his case, the difference shall be granted to him as Special Allowance so long as he continues to be posted in that area. In addition he shall continue to draw the personal pay fixed in his case. So long as Special Allowance under this proviso is admissible to the Government servant, he shall also be granted the Compensatory Allowance in terms of sub-paragraph I(a).

- (2) In Exception (II) below para 3(I), as substituted by this Ministry's letter No. 30/61/70-ANL, dated the 25th January, 1971, for the existing clause (a), the following clause shall be substituted, namely:—

“(a) the Government servant shall continue to draw the Special Pay referred to above, at the same rate at which he was drawing it immediately before the 4th June, 1969, so long as he continues in the same post as was held by him immediately before that date. On his first promotion after that date, his pay in the higher post shall be fixed taking into consideration only his basic pay in the lower post. The Special Pay drawn by him in the lower post immediately before promotion shall be granted to him as personal pay. This personal pay shall not be absorbable in future increases of pay. The quantum of this personal pay, once fixed, shall not be increased with reference to any notional variation in the Government servant's pay in the lower post. A Government servant in receipt of this personal pay shall not, after his promotion, be eligible for the special pay. However, the amount by which the personal pay fixed in his case falls short of the Special Allowance, if any, admissible to him in terms of sub-paragraph I(b)

above, shall be granted to him as Special Allowance. Compensatory Allowance in terms of sub-paragraph I(a) above will, however, be admissible to him. The personal pay and the special Allowance, referred to above, will cease to be admissible if and when the Government servant is transferred to the area of his recruitment/permanent residence."

- (3) In 'Exception (I) below para 3(II), as substituted by this Ministry's letter No. 30/61/70-ANL dated the 25th January, 1971, for the existing clause (a) the following clause shall be substituted, namely:—

"(a) the Government servant shall continue to draw Andaman Special Pay at the same rate at which he was drawing it immediately before the 4th June, 1969, so long as he continues in the same post as was held by him immediately before that date. On his first promotion after that date, his pay in the higher post shall be fixed taking into consideration only his basic pay in the lower post. The Andaman Special Pay drawn by him in the lower post immediately before promotion shall be granted to him as personal pay. This personal pay shall not be absorbable in future increases of pay. The quantum of this personal pay, once fixed, shall not be increased with reference to any notional increase in the Government servant's pay in the lower post. Government servants in receipt of this personal pay shall not be entitled to the Compensatory Allowance and Special Allowance referred to in sub-paragraphs II(a) and II(b) above except, *mutatis mutandis*, to the extent indicated in respect of pre-1951 local recruits in the proviso to Exception (i) below sub-paragraph 3(I) above."

2. Amendment (1) contained in para 1 above shall have notional effect from the 22nd January, 1951 (or, as the case may be, from the 24th April, 1951), provided that the Government servant to whom it applies continues to be in service under the Andaman and Nicobar Administration on the 1st December, 1974. However, no arrears for the period prior to the 1st December, 1974, will be admissible.

3. Amendments (2) and (3) contained in para 1 above shall have notional effect from the 4th June, 1969, provided that the Government servant to whom it applies continues to be in service under the Andaman and Nicobar Administration on the 1st December, 1974. However, no arrears for the period prior to the 1st December, 1974,

will be admissible. The options exercised by the Government servants concerned in terms of Exception (II) below para 3(I) of this Ministry's letter No. 27/36/67-ANL dated the 4th June, 1969, or Exception (I) below para 3(II) *ibid*, as the case may be as amended by this Ministry's letter No. 30/60/70-ANL dated the 25th January, 1971, will stand, and no fresh option will be allowed under the amendments contained in para 1 above.

4. In the case of every Government servant for whom a service book is maintained and to whom any of the amendments contained in para 1 above is applicable, the quantum of the personal pay admissible in terms of the relevant amendment shall be computed and the amount so fixed should be indicated in an entry in the service book as on the 1st December, 1974, or the actual date from which the personal pay becomes admissible whichever is later. Consequently, in the case of Government servants to whom the personal pay is notionally admissible from the date prior to the 1st December, 1974 (i.e. those who ceased to be eligible for Andaman Special Pay before that date under the earlier orders) it is not necessary to make any alternations in the service book entries, prior to the 1st December, 1974.

5. This issues with the concurrence of the Ministry of Finance (Vitta Mantralaya) (Department of Expenditure) (Viyaya Vibhag) vide their u.o. No. 6394-E. III B. dated the 14th November, 1974.

8.3. The Committee have noted the action taken by Government on their earlier recommendation.

IX

OTHER REPRESENTATIONS

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

9.2. 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 VI).

NEW DELHI;
The 16th October, 1975.

JAGANNATH RAO,
Chairman,
Committee on Petitions.

APPENDIX-1

(See para 2.2 of the Report)

[Representation re. demands of pensioners]

ALL INDIA ORGANISATION OF PENSIONERS

HEAD OFFICE:—17/9 WEST PATEL NAGAR, NEW DELHI

Ref. No. HQ./AIOP/2382

Date: 5th November, 1974.

Station: New Delhi-8.

From

The President (H.Q.)

All India Org. of Pensioners.

To

Shri Jagan Nath Rao M.P., Chairman
and Members of the Petition Committee
of the Lok Sabha.

Sir,

SUBJECT:—Central Government Pensioners and their Miserable Plight.

Reference:—18th Report of the Petition Committee, and the Finance Ministry Office Memorandum No. F. 13(I) E.V. (A)-74 dated 6th April, 1974, and subsequent letters on the subject of increase of pensions and grant of D.A.

We the pensioners of India are most grateful to you and the members of your Committee who were kind enough to take up the representations of the Central Government Pensioners with the Central Government, and were successful in getting them some relief, although the relief has no comparison with the amount of rise in price index during the past eight years.

We are however grateful to you, and through you to the Government of India, that they were kind enough to grant dearness allowance to the pensioners, although at a meagre scale. Yet their acceptance of the plea of the pensioners to grant them dearness allowance is a great achievement.

We still have many more problems arising out of the grant of *Ad hoc* increase from 1st January, 1973, and the grant of two dearness allowances from 1st August, 1973, and 1st January, 1974. Those problems are as under:—

Dearness Allowance

The Government is well aware of the fact that there have been spiral rises in price index from 1st January, 1974, onwards and on that formula the Government have further granted THREE dearness allowances to the serving Government employees, one on 1st April, 1974, the second on 1st June, 1974, and the third on 1st July, 1974. We have all along been representing that the price rise has also equally affected the Pensioners, and in spite of our several representations, we have received no consideration.

We appeal to you to kindly ask the Central Government to grant SIMILAR three increases in DA to the Central Government pensioners, as have been given to serving Government employees immediately.

It may further be represented to the Central Government that while making such grants to the serving Government employees, such grants for pensioners may also be included in the orders/instructions that are issued for the serving employees.

Family Pensioners

Under Government of India orders granting relief to the Central Government Pensioners, it was stated that orders for the grant of relief to Family Pensioners would be issued at a later date, but upto date, in spite of our representations, no such orders have been issued. The pensioners getting family pensions (mostly widows) are in a horrible state, and they are making daily representations to us to remind the Central Government but our representations have brought us no result.

Pensioners who had Retired prior to the Partition of India

There is a category of the Pensioners of the Central Government, who had retired from service prior to the partition of India, and are living in India for the last over 27 years. They are still being considered aliense and are not given *ad hoc* increase in pension or D.A. along with other Central Government Pensioners.

We submit that this particular category of the pensioners (who are very much Indians) may kindly be treated at par with all other Central Government pensioners for grant of relief.

COMMUTATION OF PENSION—RESTORATION OF:—

The question for the restoration of commuted pensions in respect of State/Central Government pensioners has been irritating the mind of elderly pensioners (over 65 years of age) many of whom are alive even at the age of 85 years, because they have returned TWICE OR THRICE the amount of money they had received when they had got their pensions commuted.

The pleas of the Law Ministry that it was a contract between an employee and the Central Government is a big farce. Can a ruler enter into an agreement with his subordinate or an employee? Yes perhaps it was possible with the employees of the alien rulers, who were treating their employees as slaves, and with that "agreement" they could keep the mouth of their employees shut by administrative or judicial orders.

We the pensioners are now living in a democratic Government (people's Government for the people) and we point out to Government that "We have refunded more than double (in many cases) and three times in few cases, of the amount we had received from the Central Exchequer.

What justification is there for the democratic Government to snatch the meagre income of their old loyal employees. Are these pensioners NOT Indians? Of course the alien rulers would not have heard us because employees had no say on the face of "agreement or document" that they had executed.

We submit to the Law and Finance Ministries to see reasons. How was it possible for the learned "Medical Officers" to assess the life of all the employees retiring at the age of 55 years with one yard stick (They were all assessed 10 years life then). A great majority of them are alive even at 70, 75 and 80 years.

Pensioners are eligible to get benefit of faulty assessments made by the medical officers, which is proved from the fact that good 85 per cent of the people who were expected to die at the age of 65 years are still alive (at 70-85 years of age).

(2) After having achieved independence the span of life of an average Indian has tremendously increased (i.e. from 38 years average to above 55 years). So this could be the second consideration to review the instructions published in Pension Act of 1872 (which is more than century old).

The mere fact that this type of faulty Pension Act exists, should not stand in the way of poor elderly pensioners, who have paid

double the amount of the sum they had received at the time of retirement.

COMMUTED SUM OF PENSION (A MISNOMER)

Although India is a developing country but its real policy for developing the public and its projects had actually started during the past 8 or 9 years, when it had started giving loans to:—

- (a) Their employees to build houses or buy housing plots.
- (b) Farmers to instal tubewells or buy Tractors.
- (c) Artisans to buy manufacturing tools or Machinery.
- (d) Industrialists to buy steel plants and import quotas.
- (e) People to import poultry, open piggeries, and high yielding cows.

- (ii) Those pensioners who had retired prior to 1960 were never given any loans to buy plots or build houses so as to re-settle themselves in retired life. The Century Old Pension Act induced them to get their pensions surrendered to get some money in lump sum so as to buy plots or houses (or build houses) and marry their children.
- (iii) Their soaring problems of accommodation, marriage of children or completion of high education of children made these elderly Government employees short sighted, because no other sources were available to them in the civil life to finance their unforeseen projects mentioned above. So they fell easy prey to their offer of commutation of pension. In actual fact the words "Commutation of pension" is a misnomer and the Democratic Government should not take adamant attitude of such adverse circumstances and insist upon snatching the pension of poorly paid pensioners. It is all the more most reasonable to restore their "So called commuted pensions" when these sufferers have already returned more than double the sums that they had received at the time of retirement.

We pray to the Government not to take the shelter of Century Old defective Pension Act, which is helping the Government most unreasonably.

We appeal to the Central Government that this soaring point be given sympathetic consideration and orders be issued for the resto-

ration of commuted pensions, so that elderly loyal Government pensioners may pass the tale ends of their lives in a bit of comforts. when the "Price Rise" is making them to lead a half starved life.

CONTRIBUTORY HEALTH SCHEMES

At certain Station the Central/State Government have started Contributory Health Schemes where Central or the respective State Government pensioners can get free treatment after making certain contributions.

This is causing a great heartburning amongst the pensioners who are deprived of this concession while living in the same colony, same locality or same station.

For instance, in Delhi only Central Government Pensioners are eligible to get the benefits of C.G.H.S. whereas the Punjab, Haryana, H.P. or U.P. pensioners living in Delhi cannot get this concession, although they are prepared to pay the "fixed" contribution. It creates a lot of heart-burning amongst such pensions, because they too are the Government pensioners (whether State or Centre).

Similarly at Stations where State Government have started such health schemes, the Central or other State Government pensioners cannot get treatment.

This discrimination may kindly be removed. A Government pensioner (State/Central) being a Government pensioner must get C.G.H.S. benefit like other pensioners.

PENSIONERS MINISTRY

The Central Government has been raising all type of Ministries and the number of Ministers has since risen to 62, but the representations made by the Central Government pensioners for the last several years, are always lost sight of, although it is one of the most essential Ministry which the Government should create.

There are nearly 10 million pensioners in India (State and Central Government) but there is no Ministry at the Centre or in the States, to attend to the representations of the pensioners and solve their soaring problems. At the moment pensioners representations are routed through four different Ministries, and the pensioners do not get any answer for months (sometime for years) to their representations. These representations are routed to:

- (a) Finance Ministry (b) Defence Ministry
- (c) Ministry of Communication (d) Ministry of Railways.

Central Government Pensioners Organisations, go on sending reminders to their representations, but it is very seldom that they get even an acknowledgement.

Pensioners don't have ministerial staff in their offices nor do they get any grant for the maintenance of offices neither any accommodation is given to such "honorary Organisations" so it is not possible to waste the poor income of the poor pensioners because the Government have no sympathy for the pensioners.

If there was one Ministry under the name PENSION MINISTRY the things would have been simpler, and much of time, worry and finances of the pensioners would have been saved.

We again appeal to the Central Government to kindly create a Pensioners Ministry at the Centre at their earliest convenience.

In the meanwhile instructions may kindly be issued that the representations made by the pensioners may be heard on priority and dealt with quickly.

REVISION OF PENSION ACT

Several representations have been made in the past to revise the 1872 Pension Act which was enacted by the Alien Rulers for their slave employees.

Even after 27 years of Independent India, no action has so far been taken to revise the Pension Act, or at least delete century old faulty Rules, so that the sufferings of the loyal citizens of India could be reduced.

We appeal to you to kindly stress this point for a quick action.

In the end we would like to thank you for the humanitarian attitude taken by you for the pensioners, as evident from the 18th Report of the Petition Committee.

Many thanks,

Yours faithfully,
Sd./-

Major (Retd.)
(PARTAP SINGH),
President (H.Q.) A.I.O.P., New Delhi-8.

APPENDIX II

(See para 3·6 of the Report)

{Statement showing the points raised by Shri C.V. Varad and action taken by Government on various cases re. violation of the Emblems and Names (Prevention of Improper Use) Act, [1950].

Sl. No.	Points raised by Shri C.V. Varad	Action taken by Government
1	The Central Bureau of Investigation, Government of India, issued a greeting card in 1970-71 bearing the Emblem of Parliament House.	On 12.2.73, the Department of Personnel, Cabinet Secretariat, intimated that the Director C.B.I. had issued instructions that even the sketch of Parliament House should not be used on the greeting cards in future and that the Director, C.B.I. had expressed regret. On 23.7.73, the Ministry of Commerce also advised the Director, C.B.I. not to misuse the name and pictorial representation of Parliament House.
2	M/s. Anand Dyes Industries Pvt. Ltd., Jwazgaon, issued a greeting card bearing the Emblem of Parliament House.	On 27.7.73, the Ministry of Commerce advised the firm to stop further circulation of their greeting card. On 7.8.73, the firm tendered apology. On 27.8.73, the Ministry of Commerce intimated that in view of their apology no further action was proposed to be taken against the firm.
3	The Y.M.C.A., New Delhi, used paper napkins bearing a pictorial representation of National Flag and Parliament House.	The Ministry of Commerce intimated on 30.7.74 that the management of Y.M.C.A. Tourist Hostel, New Delhi, had apologised for the mistake.
4	M/s. Ayurved Swasthram Pvt. Ltd., Udaipur, used pictorial representation of National Flag & Parliament House in their business advertisement.	The matter was referred to the Chief Secretary Government of Rajasthan, Jaipur. A reply is awaited.
5	The Mother India, Blitz, Parliamentary Times and other periodicals carry a picture of Parliament House in their respective papers.	(i) Mother India; & (ii) Blitz Ministry of Commerce intimated on 20.6.74 that Editors have tendered apologies. (iii) Parliamentary Times; The matter was referred to the Delhi Administration whose reply was awaited.
6	Lokapratinidhi a Marathi monthly carries pictorial representation of Parliament House and National Flag.	The matter was referred to Chief Secretary, Government of Maharashtra, Bombay. The apology of the defaulter has been accepted by Government and no further action is contemplated.

APPENDIX III

(See para 4.3 of the Report)

[Ministry of Labour Letter No. S-36012(3)/73-HI, dated 23-5-1975 relating to the proposal for amendment of the Maternity Benefit Act, 1961]

IMMEDIATE

No. S. 36012(3)/73-HI

Government of India/Bharat Sarkar

Ministry of Labour/Shram Mantralaya

To

All State Governments and

Union Territories.

New Delhi, the 23rd May, 1975

SUBJECT.—*Amendment of the Maternity Benefit Act, 1961.*

Sir,

I am directed to say that, at present the maternity benefits to women industrial workers are available under the provisions in the Maternity Benefit Act, 1961, or the Employees' State Insurance Act, 1948. The provisions for the grant of maternity benefit under the two Acts are approximately similar, but in regard to coverage, while the female employees covered under the Maternity Benefit Act are entitled to maternity benefit without any wage limit, under the Employees' State Insurance Act, they would be entitled only if they are in receipt of wages upto Rs. 500 per month.

2. The All India Chemical and Pharmaceutical Employees Federation has represented that the women employees in the chemical and pharmaceutical industry, who are in receipt of wages exceeding Rs. 500 per month and are working in establishments covered under the Employees' State Insurance Act, 1948, are not getting maternity benefit either under the Employees' State Insurance Act or the Maternity Benefit Act. This is so because (i) the Maternity Benefit Act does not apply to a factory or establishment covered under the Employees' State Insurance Act, except to the extent provided in section 5A thereof and (ii) the coverage under the Employees State

Insurance Act, 1948 is at present restricted to those drawing wages upto Rs. 500 only. However, an amending Bill has been introduced in the Rajya Sabha on the 22nd March, 1975 for raising the wage limit for coverage under the Employees' State Insurance Act from Rs. 500 to Rs. 1,000, and, consequently when once the wage limit for coverage under the Employees' State Insurance Act is raised to Rs. 1,000, women employees drawing wages upto Rs. 1,000 will be eligible for maternity benefit under the Employees' State Insurance Act, 1948. Still women employees drawing wages exceeding Rs. 1,000 and employed in establishments covered under the Employees' State Insurance Act will be without maternity benefit. On the other hand, women employees drawing wages exceeding Rs. 1,000 and employed in establishments which are not covered under the Employees' State Insurance Act will continue to get the maternity benefit under the Maternity Benefit Act, 1961, inasmuch as there is no wage limit for coverage under the Maternity Benefit Act. As it is considered that this anomalous position has to be rectified, it is proposed to amend the Maternity Benefit Act, 1961, so as to provide for payment of maternity benefit under the Act to the women employees employed in factories and establishments covered by Employees' State Insurance Act but who are themselves not covered by the latter Act.

3. It is requested that the concurrence of the State Government/ Administrations in the proposed amendment to the Maternity Benefit Act, 1961, may kindly be furnished so as to reach this Ministry by the 31st May, 1975 positively.

Yours faithfully,

Sd/- S. S. Sahasranaman,

Deputy Secretary to the Government
of India.

Copy forwarded for similar action to all the Employing Ministries with the request that their concurrence to the proposed amendment may kindly be intimated to this Ministry by the 31st May, 1975 positively.

Sd/- J. C. Saxena,

Under Secretary to the Government
of India.

APPENDIX IV

(See para 5.1 of the Report)

[Representation from Shri Mukti Nath Singh, Vending Contractor, Chupra Jn. against termination of his vending contract at Chupra Jn.]

Before

Chairman,
Petition Committee,
Lok Sabha,
New Delhi.

SUBJECT.—*Regarding vending lease of the petitioner at Chupra Junction of the N.R. Railway, Chupra.*

Humble Memo. of Representation on behalf of the petitioner Mukti Nath Singh, Sweet-meat Contractor, Chupra Junction, most respectfully sheweth:

- (1) That the petitioner is an old licensee and lessee of the vending lease at Chupra Junction of the N.R. Railway. His lease started from 26th July, 1960 and he is still continuing as the lessee of this 'Sweetmeat Vending License'.
- (2) That during this long period between 1960 and 1974, the petitioner maintained a bright record of efficiency, integrity, service and purity of trade. Never any complaint was made against him.
- (3) That last year the petitioner was granted lease from 1st February 1973 to 31st December 1973 and thus his lease terminated technically on 31st December, 1973. But the lease was not renewed in the month of January, 1974, although the petitioner had prayed for renewal of his licence on the grounds of being an old lessee with a good conduct and sound reputation in the year 1973. Again, the petitioner filed a petition in the month of February, 1974, for renewal of his lease.
- (4) That in the meantime the petitioner continued to operate the vending licence as usual in the year 1974 as there was

neither any order for termination nor for renewal. The whole matter of renewal of licence was kept under suspense.

- (5) That all of a sudden the petitioner was served with a Memo. No. C/470/CPR from the office of the D.S. Varanasi, on 18th April 1974 through the Station Master, Chupra, conveying that the term of the vending contract held by the petitioner at Chupra Junction which expired on 31st December 1973 is hereby extended upto 18th April 1974 and is terminated with immediate effect. This letter also contained a direction to make over complete charge of the establishment to the Station Master immediately.
- (6) That thus the above referred letter of the D.S. (C), Varanasi, contained extension of the lease retrospectively and its termination both at a time which proves beyond doubt the hurry and worry in which this letter has been addressed to the petitioner.
- (7) That some forces and local elements out of political motivations were conspiring since long to dislodge the petitioner from this vending licence and they got the support of a local M.P., Shri R. S. Singh, who is reputed here to be in close contact with the Railway Minister, Shri L. N. Mishra.
- (8) That Shri R. S. Singh, M.P., advised his friends to form a co-operative of unemployed graduates to secure the privilege and priority in the matter of licenses and lease and thus this bogus co-operative was formed in name to snatch preference. Shri R. S. Singh, M.P., moved to dislodge the petitioner right from the Railway Minister upto every bureaucratic counter in the network of Railway Administration. And to the utter shock and surprise of everybody this 'Pairvi' business succeeded and the D.S. (C) served the above referred termination letter in an illegal, irregular and unfair manner.
- (9) That the extension of the lease of the petitioner upto 18th April 1974 as per letter of the D.S. (C), Varanasi, amounts to renewal of lease and thus the subsequent termination is illegal and against the principles of Natural Justice and fair play. This lease is renewable year to year and once the lease continues next year without any formal termination, it cannot be terminated in the mid-stream of after four months. The lease cannot be split-up into quarters

for the purpose of termination or renewal. There is no provision of standing rule for it.

- (10) That when the petitioner asserted his claim to continue as lessee because of the non-termination of lease on 31st December 1973, the Station Master and the men of Shri R. S. Singh, M.P., wanted to take forcible possession of the contract through Lathiwalas, G.R.P., local police and the Magistracy. But the G.R.P. and the local police and Magistracy refused to oblige them, as this was a question of contract and not crime. Ultimately the D.S.(C), Varanasi, was provoked to file a petition before the District Magistrate, Saran, Chupra, for restoration of possession and police aid.
- (11) That on the other hand the Railway authorities of the N.E. Railway have renewed the fruit vending licence of the old lessee Hardeo Yadava whose licence was also terminated along with mine, but his lease was again renewed on 'Pairvi', and have also renewed the vending licence of Lagandeo Singh and Arjun Kumar Singh, who are black-listed and are in dues in the steamer service between Pahlezaghat and Mahendrughat. This shows that the Railway authorities of the N.E. Railway are moving on no principle but on 'Pairvi' and have acted in an arbitrary and prejudicial manner in terminating the lease of the petitioner.

It is, therefore, prayed that a probe and an enquiry be made in this matter of gross injustice, illegality, irregularity, nepotism, favouritism and abuse of authority so that justice may be done and the petitioner may be protected from this onslaught and invasion on rights and responsibilities.

For this the petitioner shall ever pray.

Yours faithfully,

(Sd.) MUKTI NATH SINGH.

"No doubt, discrimination and worse favouritism has been shown in the recent settlement of vending and catering contracts of N.E. Rly. Victims ought to be protected. Victimisation and favouritism leaves its bad effects on peoples' mind, which ultimately harms the Government organisation. A probe is necessary to compensate the victims."

Countersigned by:—

D. N. Tiwary, M.P.
8-7-74.

APPENDIX V

(See para 6.3 of the Report)

[Note dated 3-7-1974 of the Ministry of Labour on the representation re. payment of provident fund to ex-employees of Panipat Woollen Mills, Kharar, Chandigarh.]

M/s. Panipat Woollen and General Co. Kharar was closed on the 24th April, 1972 which resulted in unemployment of about 1500 workers who had been agitating for payment of arrears of their wages and further jobs. The Industrial Finance Corporation, New Delhi took possession of the assets of the Company mortgaged with it in order to carry on the work of the factory. It was proposed to lease out the mill to Shri L. N. Jhunjhawala who was to form a Company for running the mills. The terms and conditions were that the lessee would pay Rs. 12 lakhs as annual lease money in 4 quarterly instalments of Rupees three lakhs each. Every instalment would be received by the Industrial Finance Corporation, New Delhi on account of lease money and the claims of workers for the arrears of their wages would be met. The Provident Fund Authorities have no information as to whether the consent of the shareholders was obtained or there was any better offer. The Provident Fund Authorities are also not aware whether the leased money is being given regularly or not.

2. From the 6th June, 1972 this unit has been running under the name and style of M/s. Padamshree Textile Industries Ltd. In the lease deed executed between M/s Padamshree Textile Industries Ltd. and the Industrial Finance Corporation, New Delhi, submitted to the Hon'ble High Court of Punjab and Haryana at Chandigarh, there is no mention from whom the amount of Provident Fund arrears of this unit is recoverable. An ordinance was promulgated by the President of India taking over this unit along with 44 other Textile Units as 'Sick Mills' against this Ordinance M/s. Padamshree Textile Industries Ltd. went to the Supreme Court which granted stay, which is still in operation. M/s. Padamshree Textile Industries Ltd. are functioning since June, 1972 and reporting compliance regularly.

3. For recovery of Provident Fund dues for the period prior to April, 1972, legal action both by way of Revenue Recovery Proceedings and prosecution under the Employees' Provident Funds and Family Pension Fund Act, 1952 as well as under Section 406/409

Indian Penal Code has already been taken against the previous management. Prosecution case under Section 406/409 of I.P.C. is under investigation with the Police Authorities. Regarding Prosecution filed under the Employees' Provident Funds and Family Pension Fund Act, 1952 the accused were convicted and fined by the Court of Law in a few cases. The recovery cases are pending with the Revenue Authorities.

4. It has also been reported that various creditors of the Panipat Woollens and General Co. Ltd., Kharar, filed a petition before the Hon'ble High Court of Punjab and Haryana under Section 391 of the Companies Act for the sanction of the Scheme of arrangement, but this was not finalised. The High Court afforded opportunities to the parties to propose another Scheme of arrangement to save the company from being wound up. On the 17th August, 1972, another scheme was presented before the High Court which was rejected. No other scheme has been proposed with the result that there is at present no scheme of arrangement binding on the Company. The matter for winding up of the Company under Section 392 and 433 of the Companies Act is still under consideration of High Court who have directed the official liquidator to take charge of the assets, books and properties of the Company in the meanwhile.

APPENDIX VI

(See para 9.2 of the Report)

[Other Representations on which the Committee's intervention has procured expeditious Partial, or completed relief to Petitioners or the Ministries/Departments concerned have explained the position satisfactorily]

Sl. No.	Name and address of the Petitioner	Brief Subject	Facts perused by the Committee
1	2	3	4
MINISTRY OF SUPPLY AND REHABILITATION (DEPARTMENT OF REHABILITATION)			
1	Shri Hariram Narain Das, 198-A, Sardarnagar, Ahmedabad.	Adjustment of associated compensation from C.A.F.No.R/JD/316849/399.	The Regional Settlement Commissioner (C), New Delhi, has reported that a bill for adjusting Rs. 1003/- towards the value of property No. 198/A, Sardarnagar, Ahmedabad, has since been sent to the Pay & Accounts Officer and the adjustment proforma would be forwarded to the Administrator, Sardarnagar Township, Ahmedabad, as soon as the bill is passed/admitted.
2	Shri Girdhari Lal Jiwan Das, National Cloth Stores, Bhandara Road, Nagpur.	Payment of compensation on 1/4th share from C.A.F. No. M/N/N/367/XXI(L).	The Regional Settlement Commissioner (C), New Delhi has reported that the petitioner's case has since been finalised and that copy of the recovery schedule sent to the Collector, Nagpur, on 19-8-75. He has been requested that he may please get into touch with the above-mentioned authority for further actions if any, in the matter.
3	Shri Khubchand Sunderdas, 345, Jaripatka Colony, Nagpur.	Payment of compensation from CAF No.M/N/M/1602/IVNT P.C.No. 41152.	The Regional Settlement Commissioner (C), New Delhi, with whom this Department has been in correspondence has reported that the bill for the adjustment of Rs. 1764/- as Rehabilitation loan has been submitted to the Pay & Accounts Officer leaving a balance of Rs. 63.60 at the credit of the claimant. As soon as the bill is admitted, further necessary action will be taken in the matter.

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

- 4 The Managing Committee, Vivek Model Hr. Sec. School, Janakpuri, New Delhi-18. Stoppage of Grants-in-aid to Vivek Model Higher Secondary School, Janakpuri, New Delhi. That the Vivek Education Society started Vivek Model Hr. Sec. School in Janakpuri with effect from 1-5-71 and got it recognised and aided with the following ideals:—

- (i) Educational activities such as to open schools, Libraries and Book Centres.
- (ii) To award scholarships to deserving candidates for their further education.
- (iii) To promote physical and moral activities.
- (iv) To organise camps, cultural programmes, film shows, Community dinners hobby circles and Sat Sangh.

That the grant-in-aid had been paid by the Delhi Administration regularly.

That there are at present about 300 students taking education in the school. That there is a Managing Committee which governs the affairs of the School.

That the Managing Committee is recognised after every session, that is with effect from May every year.

A plot of land measuring 1.9 acres was allotted to the Society, but the Vivek Education Society transferred the School to Suhagwanti Sardar Lal Dharamarth Trust without approval of the Directorate of Education, Delhi. The school has therefore been de-recognised and the Trust has been asked to restore the land to the Delhi Development Authority.

As per resolution passed in April, 1973, the Vivek Education Society changed its name to Suhagwanti Sardar

Lal Dharmarth Trust without obtaining the prior approval of the Director of Education, Delhi, the grant-in-aid to the said school was stopped by the Delhi Administration (Education Deptt.) under the then article 45 of the Delhi Education Code (now rule 55) of the Delhi School Education Rules (1973).

The grant-in-aid to the school has been paid upto August 1973 because the advance grant for the IInd Quarter covering the salaries for the months from June, 1973 to August, 1973 was released on 18-6-73 while the orders stopping grant-in-aid were received in the Accounts Branch of the Directorate of Education, Delhi, on 28-8-73. Direct payment was, however, made to the approved staff upto 30-4-74 in accordance with article 78 of the Delhi Education Code as per order of the Director of Education, Delhi.

The question of endangering the future of the students of the school did not arise as the students were admitted in the nearby schools. The matter regarding absorption of the approved staff of the said school is receiving the attention of the Delhi Administration (Education Department). The Education Department is not concerned with the unapproved staff.

In this connection, it may be pointed out that since the Management of the Society has been changed from Vivek Education Society to Suhagwanti Sardari Lal Trust, the recognition of the school by the Delhi Education Department automatically stood lapsed. As a result of this stoppage of the grant-in-aid to the school, the Management of the School filed a writ petition against the orders of the Director, of Education, Delhi, in the Hon'ble High Court of Delhi, which was also dismissed by the court on 11-5-74.

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MINISTRY OF LABOUR

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| 5 | Shri B.G. Rao, V.K. Bldg. No. 1, 3rd Floor No. 27 Forjett Hill Road, Bombay. | Settlement of Provident Fund claim in respect of Shri B.G. Rao, ex-employee of Concord of India Insurance Co. Ltd., Calcutta. | The Provident Fund Authorities have reported that the claim application in respect of Shri Rao was received from his employing firm M/s. Concord of India Insurance Co. Ltd., in form No. 19 on 6th November, 1974. On 16th November, 1974, the claim was authorised for payment and on 22nd November, 1974, the member was asked to submit an advance stamped receipt which was received by the Regional Provident Fund Commissioner, Calcutta, only on 2nd January, 1975 from Shri Rao. The claim has been settled and a cheque for a sum of Rs. 25,505.50 was sent to Shri Rao by registered post on 3rd January 1975. |
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MINISTRY OF DEFENCE

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| 6 | Shri V.V.S. Murty, Superintendent, Quality Control, Surgical Instruments Plant, Nandambakkam, Madras. | Transfer of leave to Indian Drugs and Pharmaceuticals Ltd Madras. | Shri V.V.S. Murty, permanent Senior Scientific Officer Grade II and officiating SSO I of the Defence Science Service, was permanently absorbed in the Indian Drugs and Pharmaceuticals Ltd. with effect from 1st September, 1971 <i>vide</i> Ministry of Defence letter No. 6822/366/T-D-12 (B)/10767/D (R&D) dated 3rd November, 1973. In December 1973, the officer represented for transfer of the lump sum equivalent to leave salary by Government to the Indian Drugs and Pharmaceuticals Ltd., as this specific condition was not embodied in the Government letter referred to above, which, however, provided that the usual terms and conditions specified by the Government orders in this regard would be applicable to Shri Murty. |
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This request of the officer was examined by the Ministry of Defence in consultation with the Audit authorities concerned and eventually necessary amendments to the Government letter *ibid* was issued *vide* Ministry

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of Defence Corrigendum No. 6822/366/DGI (Adm-6)/609/D/(R&D) dated 24th January 1975 and necessary payment of lump sum amount equivalent to leave salary for the leave as average pay/earned leave due to the officer has since been made by the Controller of Defence Accounts, Southern Command, Poona. With the action taken as above, the request of the officer has been met to his entire satisfaction and he should have no grouse now.

It is true that there has been a delay of about one year in the finalisation of the case but it has been due to the fact that various authorities had to be consulted in the matter before issuing final orders. It is requested that matter may be treated as closed since it has already been settled satisfactorily.

MINISTRY OF RAILWAYS (RAILWAY BOARD)

7 M/a. New Age Engg. and Traders, Shroffwadi Market Road, Matunga Bombay.

Non-payment of certain bills.

Five bills that were outstanding for payment, the payment in respect of 4 bills has since been arranged by Eastern Railway. Regarding the fifth one, it is understood that the firm have withdrawn their claim through their letter No. nil dated 31-3-75 to the Divisional Supdt., Eastern Railway, Howrah.

MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (DEPTT. OF INDUSTRIAL DEVELOPMENT)

8 Kumari Neerja Kaul, C/O Shri Mohanlal Kaul, Nazir, Batawar, Ali-Kadal, Srinagar.

Non-selection of women candidates for the post of Senior Research Assistants in the Central Silk board.

The representation made by Kumari Neerja Kaul was referred to the Central Silk Board, Bombay, for factual comments, who have investigated into the matter and submitted a report giving full details.

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According to the decision of the Selection Committee, only two candidates were offered appointments who excelled themselves from out of the 14 candidates interviewed by the Selection Committee. Kumari Neerja Kaul ranked 9th only of 14 interviewed candidates as is clear from the assessment report given by the Members of the Selection Committee individually.

**MINISTRY OF FINANCE
(DEPTT. OF ECONOMIC
AFFAIRS).**

- 9 Shri S.K. Jhunjhanwala, Secretary, Jaipur Udyog Staff Union, 7/54, Tilak Nagar, Kanpur.

Alleged malpractices by M/s. Kanpur Jute Udyog in respect of recoveries under Compulsory Deposit Scheme.

When the Enforcement Office in the Office of the Regional Provident Fund Commissioner, U.P. Kanpur inspected the office of M/s. Kanpur Jute Udyog (Prop. Jaipur Udyog Limited, Kanpur) in March, 1975 he noted that a sum of Rs. 54,456.54 deducted by the Company from the emoluments of their employees for deposit under the Additional Emoluments (Compulsory Deposit) Acts 1974, was not remitted to the nominated authority i.e. Regional Provident Fund, Commissioner, UP, Kanpur in the manner prescribed under the Act and the statutory scheme applicable.

Therefore, a show cause notice was issued by the Regional Provident Fund Commissioner to the Company instructing them to make the remittance of the defaulted amount along with penal interest of 25% per annum as provided in the Act. When the Company failed to remit the amount in time in spite of these instructions, proposals were sent to the Government on 8th May, 1975 by the Regional Provident Fund Commissioner, UP, Kanpur, for necessary authorisation for prosecution under Section 16 of the Act. Accordingly, on 31st May, 1975, necessary authorisation was issued by the Government of India for prosecuting M/s. Kanpur

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Jute Udyog (Prop. Jaipur Udyog Ltd., Kanpur) as well as Shri A.P. Jain, Managing Director of the Company and Shri C.P. Tewari, Chief Executive (Works) of the Company for violating the provisions of the Additional Emoluments (Compulsory Deposit) Act, 1974, thereby attracting the penalties provided in Sections 14 and 15 of the Act. The Regional Provident Fund Commissioner, UP, Kanpur, has consequently filed a complaint in court of law against M/s. Kanpur Jute Udyog and the above persons. A criminal court is thus seized of the matter. The Collector, Kanpur, has also been moved to recover the amount as an arrear of land revenue under Section 23 of the Act read with section 5 of the Revenue Recovery Act, 1890. It will thus be seen that necessary steps for prosecution as well as recovery of the defaulted amount have been taken as per the provisions of the Act in respect of the failure of the above Company to remit the amount to the nominated authority in time.

It may further be noted that *vide* para 6 of the Additional Emoluments Compulsory Deposit (Employees other than employees of Government and Local Authorities) (Amendment) Scheme, 1975, notified on 12th May, 1975 interest as provided in the Act and the scheme framed thereunder will be admissible to the employees whether or not the employer (specified authority under the Act) remits the amount to the nominated authority in time. No loss of interest will, therefore, be caused to an employee in respect of his deposits under the Act merely because the employer does not remit the amount to the nominated authority in time. For the

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period of default in remittance of the amounts of deposits to the nominated authority, the employer, under Section 23 of the Act, has to pay interest to Government at a penal rate equal to twice the rate prescribed for compulsory deposits.

It may also please be noted that as and when defaults in remitting the deposits in time by the employers are noticed, appropriate action as per the provisions of the Act and the Scheme framed thereunder are taken by the nominated authorities under the Act and in appropriate cases, necessary sanction for prosecuting the recalcitrant employers has also been accorded by the Government.

OBSERVATION OF THE COMMITTEE

The Committee desire that the Final outcome of the action taken by Government against M/s. Kanpur Jute Udyog Ltd., Kanpur, may be intimated to the Committee.