

COMMITTEE ON PETITIONS

(FOURTH LOK SABHA)

THIRD REPORT

(Presented on the 29th August, 1968)



**LOK SABHA SECRETARIAT
NEW DELHI**

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CORRIGENDA TO THE THIRD REPORT OF THE
COMMITTEE ON PETITIONS, FOURTH LOK SABHA.

Page 1, (i) line 3, for "and 9th July and 22nd August, 1968", read "this their third Report"

(ii) line 4, for "Comittee", read "Committee"

Page 3, line 15 from bottom, for "either", read "neither"

Page 5, line 7, for "Cairon", read "Kairon"

Page 6, line 2, for "scheme", read "Schemes"
Line 15 from bottom, for "has", read "was"

Page 9, line 6 from bottom, for "and" read "the"

Page 10, line 6, after "development", insert "or"

Page 11, line 7 from bottom, for "therefore" read "therefor"

Page 13, line 16, for "this", read "his"

Page 14, line 3, for "the", read "that"
column 3,

Page 34, line 2 from bottom, for "aggressived", read "aggrieved"

Page 53, col.4, line 8, for "forwarded" read "forward"

Page 62, col.3, line 4, for "1667" read "1967"

Page 67, Col.4, line 9 from bottom before "valid", insert "was" .

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COMPOSITION OF THE COMMITTEE ON PETITIONS

(1968-69)

- Shri Diwan Chand Sharma—*Chairman*
2. Shri P. C. Adichan
 3. Shri Onkar Lal Berwa
 4. Shrimati Jyotsna Chanda
 5. Shri D. N. Deb
 6. Shri C. T. Dhandapani
 7. Shri Jugal Mondal
 8. Shri K. Ananda Nambiar
 9. Shri Bhola Raut
 10. Shri R. Dasaratha Rama Reddy
 11. Shri S. C. Samanta
 12. Shrimati Tara Sapre
 13. Shri Prakash Vir Shastri
 14. Shri R. K. Sinha
 15. Shri Ram Chandra Veerappa

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

REPORT

1

INTRODUCTION

1. The Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present and 9th July and 22nd August, 1968.

2. The Committee, after their Second Report, held ten sittings on the 22nd March, 5th and 29th April, 3rd, 29th and 30th May, 7th, 8th and 9th July and 22nd August, 1968.

3. At their sittings mentioned above, the Committee considered the following petitions/representations and other matters:—

- (i) Representations from Shri D. S. Grewal, Greenfields Plot-holders Association, Regd. New Delhi, re. protection of interests of plot-holders in Green-fields Colony (Appendices I and II).
- (ii) Implementation of the recommendations of the Committee in their First Report, Fourth Lok Sabha, on Shri H. P. Gajria's representation re: settlement of Postal Life Insurance Policies of late Shri P. M. Bhatia taken in Pakistan and for which payments were continued in a Post Office in India.
- (iii) Twenty six other representations, letters etc. from various individuals, bodies or associations, which were inadmissible as petitions.

4. At their 33rd, 34th and 35th sittings held on the 7th, 8th and 9th July, 1968, respectively, the Committee examined the following witnesses in connection with the representations from Shri D. S. Grewal, Greenfields, Plot-holders Association, New Delhi (para 3. item (i) supra):

- (i) Shri D. S. Grewal and other representatives of the Greenfields Plot-holders Association.
- (ii) Representatives of the Ministry of Home Affairs and of the Ministry of Health, Family Planning and urban Development (Department of Health and Urban Development).

(iii) Representatives of the Ministry of Industrial Development and Company Affairs (Department of Company Affairs).

5. The Committee have decided that the evidence given before them may be printed and laid on the Table of the House *in extenso*.

The Committee have also decided that the Minutes of the Sittings covered by this Report should be laid on the Table.

6. The Committee considered and adopted the Report at their sitting held on the 22nd August, 1968.

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

II

REPRESENTATIONS FROM SHRI D. S. GREWAL, GREENFIELDS PLOT HOLDERS ASSOCIATION, REGISTERED, NEW DELHI.

8. The first petition from Shri D. S. Grewal and four others (See Appendix I) was forwarded by Shri Shashi Bhushan, M. P. and Shri R. K. Sinha, M. P. (a member of the Committee), duly countersigned for presentation to the House. The Speaker had withheld his consent to its presentation to Lok Sabha under Rule 160 but had referred it to the Committee as a representation under Direction 95. The second representation (See Appendix II) contained a number of suggestions for redressal of the petitioners' grievances. At the time of submission of the first representation, Haryana State was under President's Rule and hence the Committee took up the matter.

A.—Petitioners' Grievances

9. The grievances of the petitioners are threefold, viz.

- (i) Though M/s Urban Improvement Co. (P) Ltd., the colonisers sponsoring Greenfields Colony, had sold out 4500 plots and received 95% of the total value thereof, they had (even after a lapse of 7 years) either developed the colony as per terms and conditions of sale nor handed over physical possession to the plot-holders.
- (ii) An additional charge of Rs. 6/- per sq. yard now demanded by the Colonisers on the plea that they have to deposit certain amounts with the Government of Haryana, is unjustified and is motivated by a desire to extract more money to the tune of Rs. 70 lacs on flimsy and baseless grounds.
- (iii) The Colonisers had advertised the colony as approved and misled the prospective purchasers. They had purchased the land quite cheap and sold them originally @ Rs. 13-14/- per sq. yard and now @ Rs. 33-35/- per sq. yard without providing any of the benefits stipulated in the terms and conditions of sale. The plot-holders had, therefore, been defrauded of their money by the Colonisers.

(a) *Facts adduced by the Petitioners*

10. According to the terms and conditions of sale given on the back of the receipt for money paid by the plot-holders, the intending purchasers should pay—

- (a) 15% of the total sale price on account of earnest money at the time of booking;
- (b) 20% of the total sale price on account of additional earnest money within one month after the date of booking of the plot;
- (c) 20% of the total sale price on provision of any of the following services, irrespective of the serial order given below:
 - (i) Metalled road touching the plot;
 - (ii) Water mains along the road touching the plot;
 - (iii) Sewerage line along the road touching the plot; and
- (d) Further 5% on completion of arrangements for street lighting.

While 55 to 95% of the cost of the plots had been paid by most of the plot-holders, not more than 5% of the plot-holders had been provided the amenities mentioned above.

The Committee note in this connection that the witnesses were unable to give specific data about the failure of the Colonisers in regard to provision of amenities.

11. As regards the other grievances of the petitioners, the Committee gather that until September, 1963, the petitioners were under the impression that the colony was approved. On their taking it up with the colonisers, they were informed that the Director of Town and Country Planning, Punjab, Chandigarh, had permitted the Company with their plans approved by the District Board, Gurgaon, to continue development work and had also assured that whatever on-the-spot sales had taken place would not be disturbed. As the same colonisers had already developed Green Park Colony, their argument that they could not visualize even the approximate amount of development charges was not correct. The plot-holders came to know that the colony was not approved only when the colonisers demanded the additional amount of Rs. 6/- per sq. yard and they started correspondence with the colonisers and the Government of Haryana.

12. In the initial stages, from the advertisement in the *Indian Express* (a photostat copy of which was submitted to the Committee)

and other local newspapers, the petitioners had been led to believe that the colony promoted by M/s. Urban Improvement Co. (P) Ltd. was a free-hold colony which had really been approved by the Punjab Government. This impression was further strengthened by the invitation cards issued by the colonisers on the occasion of the foundation stone laying ceremony performed by the late Sardar Partap Singh Cairon. The petitioners have not, however, so far, produced the invitation card or an authentic copy thereof.

(b) *Prayers of the Petitioners*

13. In their first representation (Appendix I), the petitioners had drawn attention to Rules 11 to 26 of the Rules made by the erstwhile Government of Punjab under Section 25 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963. which indicate that the responsibility for "development of colonies in controlled areas" lies on the colonisers, and not on the plot-holders. They have therefore, prayed for a thorough investigation into the matter and requested that all the plot-holders be given possession of their plots at the agreed price with all the essential amenities already promised to be provided without any further delay, to enable them to build their tenements.

14. In their subsequent representation (Appendix II), the petitioners have prayed for suitable legislation to investigate the allegedly unfair practices of the colonisers and their collecting money by deceitful means. They had also prayed for investigation under section 237 of the Companies Act, 1956 which would bring to light the malpractices of the colonisers. They had further suggested that the entire undertakings of such colonies should be taken over by Government if the colonisers acted in a manner prejudicial to the interests of the plot-holders or if the colonisers did not develop the colony according to the schedule advertised by them.

15. In their evidence before the Committee, the petitioners, while repeating the above facts and agreeing that it is a matter for seeking redress in a civil court, pointed out that 4,000 plot-holders with about 16,000 family members must not be expected to go to court and file thousands of cases.

Even though the plots sold are situated in Haryana, the colonisers' Registered Office is in Delhi and hence within Union Government's jurisdiction. This itself, coupled with the misleading advertisement regarding the approval of the colony, is strong ground for investigating into the affairs of the Company.

The petitioners further suggest that, with a view to bring colonisers' scheme within the ambit of the Industries (Development and Regulation) Act, 1951, suitable amendments to that Act might be made.

Finally, they suggest that with a view to prevent such cases in future, colonisers' schemes in urban areas might be brought in the field or purview of specific legislation.

B.—Views of the Ministries Concerned

(a) Ministry of Health, Family Planning and Urban Development (Department of Health and Urban Development)

16. In their written comments (See Appendix II) the Ministry of Health, Family Planning and Urban Development had stated that the colony had not been approved by the Haryana Government so far and they had no comments to offer on the petitioners' points. Further, so far as the legality or otherwise of the demand of the colonisers was concerned, the plot-holders could seek redress in a Court of Law.

17. In his evidence before the Committee, the Ministry's representative pointed out that the Greenfields Colony was not coming within the purview of the Master Plan of Delhi. He stated that the Government's efforts to persuade State Governments of U.P. and Haryana to fall in line with them and enable them to draw up a Master Plan known as "National Capital Region" had not met with success as none of the Chief Ministers had agreed to the suggestion for constitution of a statutory body to develop this capital region. Thus the Master Plan cannot apply to the satellite towns around Delhi and Greenfields Colony has, therefore, not within the Central Government's jurisdiction.

18. Explaining the scope of the Central Government's authority in regard to urban development, the representative stated that the Ministry had taken upon itself the responsibility of guiding the State Governments in the matter. Only State Governments can undertake legislation. In certain cases, the Ministry have even tried to persuade the State Governments to undertake urban development in accordance with all-India policies determined by the Centre, Planning Commission and by certain Councils which had State Ministers as their Members. For physical planning thereof, the Centre gave 100% financial assistance to the States to plan some of their selected cities. In the Third Plan, a provision of Rs. 13 crores had been made and the scheme of physical planning of certain urban areas was kept as a centrally sponsored scheme.

19. The Committee further gathered that some State Governments had taken money from the Centre, drawn up their plans in the Third Plan, but did not even have the necessary law. Reservation of certain urban areas for housing and for other industrial location/commercial centres or buildings etc. lead to speculation by the public. The money invested in fiscal planning, therefore, goes waste. Government have written to the Chief Ministers and discussed this matter with them at every meeting. Some of the State Governments have fallen in line with the Centre and enacted Town and Country Planning laws; others felt that their existing laws were quite adequate. Some are examining their lacunae. So far as Haryana is concerned, they are planning in some major area where the erstwhile Punjab Government were previously doing so. The law on the statute book of the Haryana Government suffers from certain lacunae. Unless and until there is suitable provision to enforce the laws, there can be no planning in urban areas. Further, the Haryana Government had not so far approved Greenfields colony. The Government of India are not concerned so far as approval of the colonies is concerned.

(b) *Ministry of Home Affairs*

20. The Ministry of Home Affairs in their written note state that they are not concerned with the matter as it is a civil dispute between the colonisers and the plot-holders, for which they can have legal remedy through Courts. Further, the State Government of Haryana and I.G. of Police, Delhi, had reported that no case of cheating or fraud on the part of the colonisers had come to their notice.

21. The representative of the Ministry in his evidence before the Committee has stated that so far as jurisdiction of the Central Government is concerned, although the Urban Improvement Co. (P) Ltd. has its registered office in New Delhi, the colony is situated in Haryana State. Therefore, matters connected therewith are for the Haryana State Government to decide. It is within their competence to take action on any representations which the petitioners might have to make in relation to this colony.

The jurisdiction in respect of an offence, according to him, is of the officers or police of the area where it was committed and not of those where the persons committing the offence or persons against whom it was committed, resided. The Ministry had not examined whether a civil suit lay in Delhi or not. He felt that his Ministry did not have any special powers to give any redress in the matter. Only when an offence was committed *in Delhi*, his Ministry came into the picture. He drew the attention of the Committee to the relevant provisions of Cr. P. C. in this connection.

22. After perusing the photostat copy of the advertisement allegedly issued in the *Indian Express* by the Colonisers indicating that the colony was approved and noting that inducements had been offered by way of free bus trips, film advertisements etc. to the prospective purchasers, and that the location of their Registered office was in Delhi, the witness assured the Committee that he would have the matter examined in consultation with the Ministry of Law as to whether the facts of the case constituted an offence and whether any legal action could be taken against the Colonisers.

23. He pointed out that although the demand of the Colonisers for an extra Rs. 6/- per square yard was strictly between the Colonisers and the plot-holders, the Haryana State Government were examining how far the demand was justified. He clarified that all that the State Government could do was to find out whether this charge was, in their opinion, reasonable and whether pressure or persuasion could be brought upon the Colonisers to heed the plot-holders' view-point also.

24. Taking note of the Committee's view that this was an all India problem involving civic rights of Indian citizens and that Government should bring forward a Bill of all India Nature to cover such cases, the Ministry's representative had assured the Committee that he "shall bring the views of the Committee to the notice of the Home Minister" and "get the constitutional position clarified in consultation with the Ministry of Law".

(c) *Ministry of Industrial Development & Company Affairs (Department of Company Affairs)*

25. In regard to the non-provision of amenities by the Colonisers and their not giving physical possession of plots to the purchasers, the representatives of the Ministry of Industrial Development and Company Affairs stated that after the colony was started in 1961, the Colonisers applied for and obtained, the sanction of the Village Panchayat and also of the District Board. Copies of the sanction were shown to Government. In 1963, the then State of Punjab enacted the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 under which this Company had to obtain the sanction of the Government for planning etc. In 1965, the State Government framed the rules under that enactment. Hence, from 1963 to 1965 no particular sanction could be issued by the State Government to the colonisers. After 1965, a lot of correspondence took place between the concerned State Government and the Company and this revealed that so far the Town Planning Organisation

of Haryana State had not given formal sanction. The Company could not, therefore, proceed further and the sanction of the Panchayat and District Board was stalemated.

The witnesses further stated that this Company, which had already completed two colonies, *viz.* Green Park and Green Park Extension, had not been permitted to carry on with their work, and had been forced in Greenfields to provide amenities like sewerage, underground railway crossings etc.

Many of the items of the amenities had been added by the State Government much later, though these were not in the original plan of the Colonisers. The Punjab Act cited above nullified the sanction given previously by the village Panchayat and the District Board. One of the main items added by the State Government was that from a particular locality 1½ miles away underground sewerage had to be laid at the cost of the Colonisers which meant an additional cost of Rs. 15 lakhs. The Colonisers in turn desired to recover this sum from the plot-holders @ Rs. 6/- per square yard while the plot-holders feel that this is a fraud.

26. The Ministry's representative was of the view that unless the whole business of colonisation is run by the State, they are merely an interfering authority. It was not, at present, the business of the Company Law Department to report to the Courts in regard to a breach of contract between two private parties.

He, had, however, agreed that on the basis of the information now given by the petitioners, Government will again have an inspection made about the Company.

27. Inspections of Companies are made by the Directorate of investigations and Inspections, normally after receipt of complaints, which may emanate from shareholders, the public or other Departments of Government. Sometimes the inquiry extends into the managements and functions of the Companies also.

Whenever inspection reveals something criminal, the Report is sent to the Central Bureau of Investigation and the Court moved for removal of the management. Under the Companies Act, 1956, the Ministry can only prepare the case and place and matters before Courts where malpractices other than those constituting criminal offences are noticed.

They are doubtful how far the Ministry can exercise effective control in the matter, as the Company Law permits the people to organise themselves into partnership or proprietorship with anyone.

28. As regards the alleged fraud by the Colonisers, the witnesses stated that the Inspection Reports on M/s. Urban Improvement Co. (P) Ltd. revealed that on a paid-up capital of Rs. 5 lakhs, the Company had raised Rs. 1 crore and 36 lakhs. After acquiring the land for Rs. 47 lakhs, the Company had spent so far Rs. 45 lakhs on its development, in all so far they had spent nearly one crore rupees of the money realised. Both buying and sale of plots by the Colonisers was in instalments and the transactions were performed almost simultaneously. The Committee note that these facts controvert the petitioners' allegation that a crore of rupees raised from the plottolders' money had remained unspent by the Colonisers.

29. The Ministry did not accept the suggestion for inclusion of colonies in the purview of the Industries (Development & Regulation) Act, 1951, as it was not practicable and as colonisation was not a manufacturing industry, most of the colonisers limiting themselves to mere allotment of plots.

30. They agreed that this private limited company might come within the purview of Section 237 of the Companies Act, 1956, provided that on the basis of sufficient material gathered, Government were satisfied that there was a *prima facie* case of fraud which would stand the challenge of a writ in the Courts. The Department had some jurisdiction to look into their papers, account books and watch their activities. Thereafter, if it was a case of liquidation or change of management, Government could proceed with it before the Court. Before taking up investigation or moving Courts, Government had to be absolutely sure or have definite evidence to the satisfaction of the Company Law Board that there had been a fraud or misfeasance or grave misconduct etc.

31. To enquiries as to how Government's power could be extended in respect of private companies, the Ministry's representative has informed the Committee that this could be done by amending the law to have certain restrictions on the activities of private limited companies. These companies can be prohibited from doing certain kinds of business.

32. He has also assured the Committee, after perusing the photostat copy of the advertisement in the Indian Express, that he would get the matter investigated by the C.B.I.

C. Conclusions & Recommendations

33. The Committee gather from the evidence, both written and oral, that the approval of the colony by the District Board had been

nullified after the Punjab Government enacted in 1963 the New Urban Development Act and that delay in framing Rules thereunder has held up the development of the colony. Further, as the Colonisers have to obtain a fresh formal sanction under the provisions of the new Act and provide additional amenities stipulated thereunder, they have to incur additional expenditure not anticipated earlier, which the plot-holders are unwilling to bear on themselves. The Committee feel that on the basis of facts regarding inspection and affairs of the company, it cannot be stated definitely that there has been a deliberate defrauding of plot-holders' money by the Colonisers and that the plot-holders' grievance and apprehensions arose mainly because of the large time-lag since the formation of the colony. The Committee consider this rather unfortunate.

34. The Committee would urge the Ministry of Home Affairs to expedite this matter in consultation with the Government of Haryana with a view to handing over of physical possession of plots to the plot-holders. The Committee have perused in this connection a newspaper advertisement which appeared in the "National Herald", New Delhi, dated the 11th August, 1968, in which the colonisers have claimed that the Town & Country Planning Department of Haryana have since approved their lay-out plans etc. and have requested the plot-holders to expedite payment of the additional charges. The Committee feel gratified that, after the petitioners' representations to the Committee, some expedition has occurred in this regard. The Committee also note that the petitioners had agreed to pay the additional charge of Rs. 6 per sq. yard if Government took over the colony and undertook its development. The Committee trust that the Ministry of Home Affairs would have the matter expeditiously finalised with a view to remove any discontent on the part of the plot-holders.

35. The Committee also recommend that the Ministry of Home Affairs might, in consultation with the Ministry of Law, initiate suitable legislation to protect the interests of plot-holders where colonisation schemes are mooted at places within Union Government's jurisdiction and payments therefore have been made by purchasers at these places.

36. The Committee would also like to know from the Ministry, in due course, the results of their examination of the feasibility of criminal proceedings being launched in Delhi for an offence, if any, committed by the Company in view of its headquarters being situated in Delhi and their advertisements having been published.

In Delhi newspapers and moneys having been paid and received in Delhi. The Committee would also like the Department of Company Affairs to intimate the results of their investigations and to initiate action on the lines agreed to by their representatives, viz. making suitable provisions in the Company Law to restrict the activities of private limited companies, where alleged fraud or intent to defraud or misfeasance is noticed.

37. As regards Government's present view that the dispute is civil in nature and is a case of breach of contract and is justiciable only in a civil court, the Committee would like Government to examine the desirability of assuming powers for taking over a company where a large number of persons are affected, either as shareholders or as outright purchasers of the benefits or perquisites offered by the Company and who cannot seek redress in a law court individually. The Committee would like to know the Government's decision in due course.

III

IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMITTEE IN THEIR FIRST REPORT, FOURTH LOK SABHA, ON SHRI H. P. GAJRIA'S REPRESENTATION.

38. In their First Report, presented to Lok Sabha on the 16th November, 1967, the Committee, after considering Shri H. P. Gajria's representation on the subject noted above in the light of the comments of the D.G., P&T, had recommended as follows:—

“The Committee are distressed to observe that P.L.I. Policy holders who migrated from Pakistan to India in the wake of Partition of the country should have been subjected to such a great hardship by the non-payment of the sums due on the policies held by them in Pakistan. The Committee further note with regret that the Government have not provided any relief to Shri Gajria in respect of the policies held by this deceased father, Shri P. M. Bhatia especially when he had remitted the premia in respect thereof from 9/49 to 9/66 in a post Office in India. The Committee are not convinced by this explanation given by the D.G., P&T in this respect and see no reason why the Government of India should evade its responsibility in extending relief to this and other such affected persons, when once Government accepted payment of the premia in an Indian Post Office. The Committee desire that Government should reconsider the whole matter from the humanitarian point of view and devise some measures whereby such claims could at least be paid *pro-rata* to the policy-holders. In the context of the present political situation, the relations with Pakistan being what they are, the Committee doubt whether Government of India could come to an agreement with Pakistan over Indo-Pakistan Settlement Account in the near future. The Committee are also unable to appreciate as to why this matter should be linked with the settlement of the Partition Debt due from Pakistan. The Committee are further pained to observe that the P.L.I. Policy-holders should be subjected to such hardships for the non-payment of their claims even on a provisional basis, when Government had

already paid a sum of Rs. 9,89,000 to the P.L.I. Policy-holders on behalf of Pakistan Government on the basis of valuation certificates issued by the Government."

[Appendix XXVIII, Part II, Item 27, pp. 199—207, First Report, Fourth Lok Sabha.]

39. The Committee note with satisfaction that the Department of Communications, P&T Board (Director General of Posts & Telegraphs), have, in implementation of the above recommendations informed that the proposal to grant interim relief from General Revenues to P.L.I. Policy-holders (liability in respect of which devolves on Government of Pakistan) has been agreed to by the Ministry of Finance in principle. The procedural details are being worked out and it will take about 2-3 months time to implement that decision.

IV

REPRESENTATIONS INADMISSIBLE AS PETITIONS

40. During the period under report, the Committee have also considered 26 representations and letters addressed to the House, the Speaker or the Committee by various individuals and associations etc. and which were inadmissible as petitions.

41. The Committee observe with a sense of gratification that, through their intervention during the period under report, the petitioners (of whom 15 were displaced persons) had been provided expeditious, partial or complete relief or due redressal of their grievances, or that the Ministries concerned have explained satisfactorily the grounds for not being able to remove the petitioners' grievances (See Appendix IV Parts I and II).

42. The Committee further note with satisfaction that of these settled cases, nine were shown as still pending receipt of final replies from the Ministries/Departments concerned in the Fifth and last Report of the Committee to Third Lok Sabha (Vide para 85 *ibid* Appendix XXX List of 162 pending cases).

43. The Committee, however, regret to observe that in spite of the recommendations made in their Second Report presented on the 26th March, 1968 the Ministries/Departments concerned (especially the Department of Rehabilitation) have not yet finalised the majority of cases pending with them since the Third Lok Sabha. The Committee would again urge upon the concerned Ministries etc. that all such pending cases should be expeditiously finalised before the 31st October, 1968 at the latest.

DIWAN CHAND SHARMA,

Chairman,

Committee on Petitions.

NEW DELHI,

The 22nd August, 1968.

APPENDIX I

(See Para 8 of the Report)

[Copy of the first Representation submitted by petitioners]

GREENFIELDS PLOT-HOLDERS ASSOCIATION (REGD.)

President D.S. Grewal Phone : 46541	Vice Presidents V. P. Mshta Phones : 45827, 73466 Lt. Gen. R. N. Batra	Secretary J. Gilani Phone : 76619 Secretary M. Mehra Phones : 46296,77670	Treasurer T. R. Saluja Phone : 47116
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II-A 52 Lajpat Nagar,
New Delhi-14.
February 9, 1968.

Lok Sabha,
NEW DELHI

SUBJECT: Prayer for justice by middle class Greenfields Plot-holders-Petition

The humble petition of Shri D. S. Grewal and others on behalf of the plot-holders of the Greenfields Colony on Mathura Road in Gurgaon District near Delhi border.

Sheweth:

The poor and mostly middle class people (4500 plot-holders) were persuaded to purchase plots in Greenfields Colony by the Urban Improvement Co. (P) Ltd., F-32, Connaught Place, New Delhi, on their specific declaration to the effect that Greenfields Colony was an "approved" colony and according to their "Terms and Conditions" (as in Annexure I) the following amenities were to be provided by them:

- (i) Metalled road touching the plots;
- (ii) Water mains along the road touching the plots;
- (iii) Sewer line along the road touching the plots; and
- (iv) Complete arrangements for street lighting.

2. Some of the facts about this Colony are as follows:

- (i) This colony was sponsored by the above-noted colonisers in 1961. Since then nearly 4500 plots have been sold to the members of the public by the colonisers, declaring that this Colony was duly approved by the appropriate authorities.
- (ii) The plots were sold at different prices fixed and enhanced from time to time by the colonisers. And under Terms of Sale, it was guaranteed that full development of the Colony in respect of metalled roads, water supply, complete sewerage and electricity, etc. would be provided by the colonisers.
- (iii) Most of the plot-holders have paid by now approximately 95 per cent of the total value of their plots.
- (iv) Although over six years have elapsed since the promotion of the Colony, its development has yet to be completed and the plots have not been handed over to the plot-holders duly cleared for construction.
- (v) This inordinate delay in the proper development of the Colony has caused considerable monetary and mental hardship to the poor plot-holders.
- (vi) Now, to the utter shock and surprise of plot-holders, they understand that the colony still remains un-approved.
- (vii) Recently, the colonisers sent out demand notices to the plot-holders for an additional charge @ Rs. 6 per sq. yard on the plea that they have to deposit certain amounts with the Government of Haryana in connection with completion sewerage work etc. as indicated below:
 - (1) Channelisation and maintenance of the Buria Nallah from the Greenfields Colony up to Agra Canal and then upto river Jammuna, including cost of three bridges and the cost of acquisition of any land for this purpose.
 - (2) Constructing under-ground Masonry Barrel to carry rain water of part Green-fields Colony along Mile 13 Mathura Road to Buria Nallah.
 - (3) Providing Sewage Pumping Plant and disposal works beyond Agra Canal.

- (4) ~~Providing intercepting Sewage system connecting the sewage system of the Greenfields Colony to the outfall sewage system.~~
- (5) ~~Providing under bridge at Railway crossing at Mile 13/4 connecting Mathura Road direct to Greenfields Colony giving an added connection to the residents for which the entire cost has since been paid.~~
- (viii) As already stated above, according to the Terms of Sale, the Sewerage and other development works etc., are entirely the responsibility of the colonisers to be completed in all respects within the agreed sale price of the plots and, therefore, this demand is totally unjustified motivated by a desire of the colonisers to extract more money on flimsy and baseless grounds from the already fleeced plot-holders.
- (ix) The colonisers have already reaped huge profits by the sale of these plots, to the tune of Rs. 1 crore, and want to further grab another Rs. 70 lakhs through this unjust demand.

3. It is submitted that the real position with regard to points (1) to (5) of the colonisers referred to in para 2(vii) above is as follows:

- (a) The colonisers are not required to pay any expenses regarding the realignment of Buria Nallah. This fact is borne out by the Office Memorandum No. 883-DTCP-66/661 dated December 29, 1966 (copy enclosed—See Annexure II) issued from the office of Shri S. N. Bhanot, Director, Town and Country Planning, Haryana, and addressed to different colonisers including the Urban Improvement Co. (P) Ltd. New Delhi. The claim for a charge for this purpose is, therefore, baseless and is an excuse to extract money from the plot-holders.
- (b) As regards item Nos. (2) to (4), it may be mentioned that no additional amenity is being provided now. The provision of sewerage and drainage already agreed to, presupposes arrangement for the disposal of the same, and the colonisers are obliged to provide the same under the terms of the contract. Now under the directions of the appropriate authority the colonisers are required to provide the absolutely necessary amenities which perhaps they had thought of avoiding. Thus, the plot-holders are not at all liable to pay anything on account of the provision of the amenities mentioned at Nos. (1) to (4) in para 2(vii) above.

- (c) As regards item No. (5), it may be mentioned that the colonisers had agreed to provide a level crossing across the Railway line at Mile 13/4. It is immaterial whether this crossing is provided by construction of an under-bridge or an over-bridge or by a level crossing. No additional charge can be claimed on this account as the colonisers have been raising sale prices of plots from time to time to suit their profit motives.

4. The demand of the colonisers is neither justified nor legal:

- (a) The correct position is that the colonisers have to incur more expense on account of their delay and negligence in developing the colony. When the colonisers sold the plots, assuring the plot-holders of the amenities that they promised, they knew that all these things will have to be done under the rule and law of the land prevailing at the time they would deliver the plots to the plot-holders as fully developed. There is, therefore, nothing on facts or in equity which can justify the demand of the colonisers for any money in addition to that which they are entitled to under the terms of their agreement. The additional fact that the cost of providing the amenities has increased, though on account of lapse of time, by negligence and default of the colonisers, (they are fully compensated by the huge amount of interest that they have earned on the money of the plot-holders that is lying with them for the last six years or so. They have been using the money and if they had borrowed it from the bank or from any other source even at a minimum rate of 7½ per cent per annum, they would have had to pay a huge amount on account of interest.
- (b) Legally also the colonisers are not entitled to demand any additional money. According to law, consideration, once fixed under an agreement, cannot be varied unilaterally. The plea of the colonisers that the additional charges are payable by the plot-holders on account of subsequent "act of the State" is untenable because:

"An act of State may generally be defined as an act done or adopted by a State in its sovereign capacity and injurious to the person or property of some who is not, at that time of the act, a subject of that State".

The contract once made cannot be avoided or varied except on certain grounds which do not exist in the present case.

- (c) Having come to the conclusion that there is a binding agreement between the parties and no ground having been urged by the colonisers on which they can avoid the contract, the colonisers cannot refuse to carry out their part of the agreement. The consideration having been fixed and agreed to, there is no reason for varying the contract. The colonisers, therefore, cannot vary the contract by demanding an increase in the consideration originally agreed to between the parties. There is no ground on which the colonisers can demand any money over and above the price agreed to by them.

5. Above all, the said colonisers are a private limited company run purely for profit motive and not on co-operative basis. This can be seen from the fact that this company has also been increasing the rates of its sale prices of plots in the colony from time to time to suit their profit motive, e.g., a plot of 311 sq. yds. which was originally sold @ Rs. 14.00 per sq. yd. is now being sold @ Rs. 35.00 per sq. yd. without any extra benefit to the plot-holders at any stage. At no stage had the company stipulated that their profits or development charges etc. would be shared with the plot-holders. Now the additional demand is nothing but sheer further profiteering under a new pretext. Perhaps there could be some justification for reimbursement of actual expenditure of sewerage in those cases where the colonisers had not agreed to provide for sewerage amenity originally. But in the case of this colony, the company do not have even legal or moral justification as 20 per cent of the total cost of the plots has already been charged by them towards provision of sewerage. Even the rules 11 to 26 of the Rules made by the erstwhile Government of Punjab under section 25 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, clearly indicate that the responsibility for "Development of Colonies in Controlled Areas" is that of the colonisers. The plot-holders do not come into the picture at all.

6. To save nearly 4500 Greenfield Plot-holders, we pray your kind and urgent intervention in the matter and request you kindly to take urgent steps to safeguard the interest of plot-holders who have put their hard earned incomes of life to own a house for their families. The colonisers, being capitalist and rich with plot-holders' money, are now trying to harass and cheat the plot-holders individually in a fraudulent manner. You are very kindly requested to take immediate

steps to check these unscrupulous and illegal activities of the company so that 4500 plot-holders are saved from exploitation. It is submitted this humble prayer is addressed to you because now in Haryana there is President's Rule and only your intervention will be effective to redress the grievance of thousands of plot-holders,

And accordingly your petitioners pray that the unilateral, unjustified and illegal activities of the colonisers may be thoroughly investigated and 4500 plot-holders be given possession of their plots on the agreed price with all the essential amenities already promised to be provided without any further delay so that the plot-holders are able to build their tenements as soon as possible,

And your petitioners as in duty-bound will ever pray,

Names of Signatories	Full Address	Signature
D. S. Grewal	K. 55, Connaught Circus, New Delhi-1.	Sd/-
V. P. Mehta	D-396, Defence Colony, New Delhi-3.	Sd/-
M. Mehra	2A/52, Lajpat Nagar, New Delhi-14.	Sd/-
T. R. Saluja	A-50, Amar Colony, New Delhi-14.	Sd/-
R. K. Malhotra	116/12, Thompson Road, New Delhi-1.	Sd/-

Countersigned by :

Shashi Bhushan, M.P. 210.

R. K. Sinha, M.P. 137.

Annexure I to Appendix I

Phone: 46286

Telegrams: Greenfield

URBAN IMPROVEMENT HOUSING AND CONSTRUCTION CO.,
(P) LTD., F-32, CONNAUGHT PLACE

New Delhi 20-8-1962.

TERMS AND CONDITIONS OF SALE

The Intending purchaser shall pay:—

(a) 15 per cent of the total sale price on account of earnest money at the time of booking.

(b) 20 per cent of the total sale price on account of additional earnest money within one month after the date of booking of the plot.

(c) 20 per cent of the total sale price on provision of any of the following services, irrespective of the serial order given below:—

(i) Metalled road touching the plot.

(ii) Water mains along the road touching the plot; and

(iii) Sewerage line along the road touching the plot.

(d) Further 5 per cent on completion of arrangements for street lighting.

N.B.—A rebate of 5 per cent will be allowed on payments made according to the following scale:—

1. On the total sale price if full amount is paid within 15 days of the date of booking.
2. On 85 per cent of the total sale price if 15 per cent is paid at the time of booking and balance within 30 days of the date of booking.
3. On 65 per cent of the total sale price if 35 per cent is paid on account of earnest money under (a) and (b) above and the balance 10 days before next 20 per cent instalment under (c) above becomes due.

4. On 45 per cent of the total sale price if 55 per cent is paid on account of earnest money and instalments under (a) (b) and (c) above and the balance 10 days before the next 20 per cent instalment under (c) above becomes due.
5. On 25 per cent of the total sale price if 75 per cent is paid on account of earnest money and instalments under (a) (b) and (c) above and the balance 10 days before the next 20 per cent instalment under (c) above become due.
6. On 5 per cent of the total sale price if 95 per cent is paid on account of earnest money and instalments under (a) (b) and (c) above and the balance within 20 days of the date of payment of the last instalment under (c) above.

2. The purchaser shall get his address registered with the Vendor and shall inform the Vendor about the change in his address and all notices and letters posted to the last known address of the purchaser shall be deemed to have been received by him at the time when they should ordinarily reach at such address.

3. The sale deed shall be executed and registered at the cost and expense of the Intending Purchaser Stamp duty and registration charges shall also be payable by the Intending Purchaser.

4. In case the Intending Purchaser is keen to build before execution and registration of the sale deed on full payment, he may do so on payment of 75 per cent of the agreed sale price and will be permitted to enter into possession of the land as a licensee after execution of an agreement to this effect.

5. The Intending Purchaser shall have the first option to purchase from the Company (at the price to be mutually settled) all trees, if any, standing on the said plot.

6. It shall be open to the Company to effect suitable and necessary alterations in the plan if and when required and offer an alternative plot in the revised plan.

7. It shall be incumbent on the buyer to comply strictly with the terms and conditions of sale laid down above, failing which he shall loss the amount of earnest money deposited by him with the Company, in favour of the Company, under the conditions of sale, and he shall be left with no lien on the plot.

8. The Company will pass a clean and clear title free from all encumbrances of the said plot on completion of sale.

Annexure II to Appendix I

From:

Shri S. N. Bhanot, I.A.S.,
Director,
Town & Country Planning, Haryana,
Chandigarh.

To

- (i) M/s. Urban Improvement Company P. Ltd.,
F.32 Connaught Place,
New Delhi.
- (ii) M/s. D.L.F. Housing & Construction, P. Ltd.,
F-Connaught Place,
New Delhi.
- (iii) M/s. Rajdhani Land & Finance Corporation,
30-Netaji Subhash Marg,
Delhi.
- (iv) M/s. Swatantra Land & Finance Pvt. Ltd.,
3/90, Connaught Circus, Opposite Revoli Cinema,
New Delhi.
- (v) M/s. Northern India Land & Finance Corporation,
36-B, Pleasure Gardens Market, Chandni Chowk,
Delhi-6.
- (vi) M/s. Greater Delhi Planner, Pvt. Ltd.,
Flat No. 3, Shankar Market,
Connaught Circus,
New Delhi.

Memo No. 883-DTCR-66/661.

dated, Chandigarh, the 29th December, 1966.

Subject: Execution of Public Health Schemes (External) in respect of Storm water, intercepting sewars etc. in the 7 colonies, East of Delhi-Mathura Road.

In the meeting convened by the Secretary to Government Punjab (erstwhile), you agreed to the execution of external development

works jointly with other colonisers through the State Agency and share the cost and pay 30 per cent for the first instalment and 25 per cent as second instalment after six months with a Bank Guarantee for the remaining. The total share of 7 colonies is worked out as under:—

Name of the colony	Storm water Drainage	Intercepting sewers	Swerage disposal scheme.	Storm water drainage from the colonies to the Buria Nalla.	Total
Green Fields	6,12,000	4,23,000	5,43,000	90,000	15,77,000
D.L.F.	1,24,000	67,000	2,02,000	95,000	4,68,500
Madhu Enclave	24,000	53,000	39,000	45,000	1,41,000
Indraprastha	83,000	1,00,000	1,26,000		3,09,000
Spring Fields	37,000	79,000	61,000	72,500	2,49,500
Ashoka Enclave	70,000	3,55,000	2,98,000		7,23,000
Govind Enclave	70,000	2,42,000			3,12,000

Note.—(A Bank Guarantee for an amount of 1,64,000 will be given by the proprietors of Gobind Enclave for the maintenance of development work in respect of intercepting sewerage.)

Your total share thus comes to Rs. 3,09,000 and you are now called upon to deposit Rs. 92,700 equal to 30 per cent of the total share as the first instalment in accordance with the decision taken in the meeting held on 19th August, 1966 at Faridabad with the Superintending Engineer, P.W.D. Public Health, Rohtak within 30 days from the date of receipt of this communication under intimation to this office so that the Public Health Authorities may be able to take in hand the execution of the works.

Sd/-

Deputy Director,
for Director, Town & Country Planning,

No. 883-DTCP-66.

Dated, Chandigarh, the 28th Dec., '66.

A copy is forwarded to the Superintending Engineer, P.W.D. Public Health, Rohtak for information.

Sd/-

Deputy Director,
for Director, Town & Country Planning.

No. 883-DTCP-66.

Dated, Chandigarh, the 29th Dec., '66.

A copy is forwarded to the Chief Engineer, Public Works Deptt. Public Health Haryana Chandigarh for information.

Sd/-

Deputy Director,
for Director, Town & Country Planning,
Haryana.

APPENDIX II

(See Paras 8 & 14 of the Report)

(Copy of Second representation submitted by the Petitioners)

GREENFIELDS PLOT-HOLDERS ASSOCIATION (REGD.)

President D.S. Grewal Phone : 46541	Vice President V. P. Mehta Phones: 45827 73466	Jt. Secretary J. Gilani Phone: 76619	Treasurer T.R. Saluja Phone: 47116	K-55, Connaught Circus, New Delhi-1
	Lt. Gen. N. Batra	Secretary M. Mehta Phones: 46296, 77670		

10th May, 1968.

The Chairman and
Members of the Petition Committee,
Lok Sabha,
Parliament House,
New Delhi.

Dear Sir,

Further to our petition we wish to submit the following suggestions for your consideration:

- (i) suitable legislation should be made for investigating into the unfair practices of the colonisers and in particular of those colonisers who collect money out of all proportion to the amounts invested by them in acquiring land and developing the same;
- (ii) provision should be made that if a coloniser does not develop the colony according to the schedule advertised by him after the same had been approved by the appropriate authority, the Government should take over the undertaking of the colony and develop the same;
- (iii) provision should also be made that if any coloniser acts in a manner prejudicial to the interests of the plot-

holders the undertaking of developing the colony should be taken over by the Government;

(iv) so far as Greenfields colony is concerned a special provision should be made on account of the large number of plot-holders. In this connection immediate steps should be taken to take over the undertaking for the following reasons:

- (a) the coloniser started collecting money in 1961 and until 1963 the coloniser has collected about Rs. 2 crores and on this amount interest calculated @ Rs. 12 per cent per annum which is prevalent rate comes to Rs. 2 lakhs per month.
- (b) the coloniser has not spent on the average more than Rs. 10,000 per month as against their earnings of Rs. 2 lakhs per month as interest on the collections made by them from the plot-holders—who are middle class and mostly service people, who in these days of soaring prices have been paying the instalments at greater sacrifice of health and education to the children;
- (c) the coloniser has been collecting money by making false representations and deceitful means. More than two years back the coloniser has been representing that he was in a position to give possession of the plots duly developed and execute and deliver conveyance i.e. sale deeds of the plots. So much so that from one of the members of our Association the coloniser received on 2th March 1966 the following amounts:

Cost of Land	100%
Stamp Duty	Rs. 570/-
Registration Charges	Rs. 110/-
Misc. Charges	Rs. 11/-

After receipt of these amounts from the above member and other plot-holders the colonisers has demanded additional amount @ Rs. 6 per sq. yd. This demand is not confined only to those plot-holders who have not completed payment of all instalments but also to those who have paid all instalments and have been given sale deed of the plots.

In view of the above the members have authorised me to make a request that the entire undertaking of the colonisation of Greenfields colony and other colonies like Ashoka Enclave etc. in the same locality may please be taken over by the Government and developed so that the plot-holders may be given plots at the earliest and at the most economical rates and under no circumstances more than the prices at which the coloniser undertook to sell.

Yours faithfully,

Sd/- D. S. GREWAL,

President,

Greenfields Plot-Holders Association,
(Regd.).

Enclosure to Appendix II

Statement of facts and circumstances justifying a request to be made to the Central Government for ordering investigation into the affairs of M/s. Urban Improvement (P) Ltd.—the Colonisers as well as law under which such investigation can be made:

Section 237 of the Companies' Act of 1956 reads as under:—

“Without prejudice to its powers under section 235, the Central Government—

(a) shall appoint one or more competent persons as inspectors to investigate the affairs of a company and to report thereon in such manner as the Central Government may direct, if—

(i) the company, by special resolution, or

(ii) the Court, by order, declares that the affairs of the company ought to be investigated by an Inspector appointed by the Central Government; and

(b) may do so if, in the opinion of the Central Government, there are circumstances suggesting—

(i) that the business of the company is being conducted with intent to defraud its creditors, members or any

other persons, or otherwise for a fraudulent or unlawful purposes, or in a manner oppressive of any of its members, or that the company was formed for any fraudulent or unlawful purpose; or

- (ii) that persons concerned in the formation of the company or the management of its affairs have in connection therewith been guilty of fraud, misfeasance or other misconduct towards the company or towards any of its members; or
- (iii) that the members of the company have not been given all the information with respect to its affairs which they might reasonably expect, including information relating to the calculation of the commission payable to a managing or other director, the managing agent, the secretaries and treasurers, or the manager, of the company”.

You will please appreciate that under clause (b) the Central Government can take the initiative *suo moto* or on the application or representation of any person. We have in our memorandum to the Hon'ble members of the Committee made a representation against the fraudulent conduct of the colonisers which are a limited Company. We would request that your Committee may please write to the Central Government asking them to make an investigation into the affairs of the colonisers and in particular with regard to the following matters:

- (a) The amount spent by the colonisers in acquiring the land.
- (b) The amounts spent by the colonisers in developing the lands to make it suitable for a residential colony as advertised by them.
- (c) The amounts collected by the colonisers.
- (d) The dates and the periods during which the plots were sold (from the date when the colonisers received the first instalment from their first buyer) and the last date when the colonisers booked for sale was received first instalment from their last buyer.
- (e) The dates and the periods during which the colonisers spent on developing the land.
- (f) The staff—technical and otherwise—engaged by the colonisers in developing the colony, giving monthwise payments made to them and the period during which such payments were made.

- (g) The total amount received by the colonisers from their purchasers in a statement showing the quarterly balances from the date they started selling the plot till this date. If the accounts of the colonisers are investigated in the manner suggested above, it will be found that huge amounts of the public have been collected by them and retained by the colonisers without spending for the development of the land as advertised by them. The colonisers advertised that they would be receiving certain instalments on completion of certain developments. But the colonisers have been conducting their affairs most fraudulently with the result that they have not been spending even 1/10th of the amount they collected for a particular development. In other words, if the colonisers were to receive, say 20 per cent of the price on their constructing metalled road, the account will show that the colonisers received 20 per cent on the representation that they had completed the metalled road, but they have not spent even 1/10 of the amount that they collected from the purchasers for constructing a metalled road. Similarly for other amenities. After the investigation is made and a report is received from the investigator to be appointed by the Government, suitable action should be taken against the colonisers for the fraud played upon the public and for dishonestly receiving the money from the public by false representations. The Government can also be advised by the Committee to make suitable amendment in the Industries (Development and Regulation) Act, as proposed in the draft of the amendment Bill (not reproduced).

APPENDIX III

(See Para 16 of the Report)

No. 18014(6)/67-UD

IMMEDIATE

GOVERNMENT OF INDIA

Ministry of Health, Family Planning &
Urban Dev. (Deptt. of Health & Urban Dev.)

New Delhi, the 9th May, 1968.

Office Memorandum

SUBJECT:—*Petition presented to the Rajya Sabha in connection with certain grievances of the plot-holders of the Green Fields Colony on Mathura Road, in Gurgaon District, near Delhi border.*

The undersigned is directed to refer to the Lok Sabha Sectt., O.M. No. 23/CII/68, dated the 3rd May, 1968, and to say that the Green Field plot holders Association had submitted a petition to the Rajya Sabha Secretariat also for the redress of their grievances. A copy of the comments of this Ministry sent to the Rajya Sabha Secretariat in this connection is enclosed (annexure).

Sd/- K. M. L. GUPTA,

Under Secretary to the Govt. of India.

To

The Lok Sabha Sectt.,
New Delhi.

ANNEXURE TO APPENDIX III

Factual Comments on the Representation from Shri D. S. Grewal & others at Appendix I

Para	Contents of the petition	Comments of the Ministry.
1	2	3
1.	Terms and conditions of the sale	This Ministry have no comments to offer. The colony has not been approved so far, as certain formalities are yet to be completed.
2. (i) to (vi)	Setting up of the Colony and sale of plots etc.	This Ministry has no comments to offer.
(vii)	Coloneisers' demand for an additional charge of Rs. 6/- per square yard in connection with sewerage work etc.	This concerns the colonisers and plot holders. It may, however be added that there is a group of 7 colonies including Greenfields colony on the East of Delhi Mathura Road which applied for approval of their colonies. A scheme was prepared for the disposal of waste and storm water and the colonisers agreed that the external development may be done at their cost. Accordingly, the share of each colonisers was worked out. The share of the coloniser of Greenfield colony is Rs. 15,77,000/- out of which a sum of Rs. 1,94,500/- has been deposited.
(viii) to (ix)	Responsibility of the coloniser to for development works and his profits.	This Ministry have no comments to offer as this is an unapproved colony.
3. (a)	Expenses regarding realignment of Buriah Nallah.	The external development charges asked for from the colonisers include realignment Buriah Nallah also. This-Ministry cannot offer any com-

1	2	3
		ments as to who should bear these charges.
	(b) Liability on account of the amenities.	This is an unapproved colony and as such this Ministry have no comments to offer.
4-6	Legality of the demand of the colonisers etc.	The agreement is between the colonisers and plot holders and therefore if the plot holders feel aggressived, they can seek redress in a Court of Law.

APPENDIX IV

(See Para 41 of the report)

Part I—Cases pertaining to the Ministry of Labour, Employment & Rehabilitation (Department of Rehabilitation)

Representations on which the Committee's intervention had procured speedy, partial or complete relief, or elicited replies meeting adequately the petitioners' points.

Sl. No.	Name of Petitioner	Brief Subject	Facts perused by the Committee
1	2	3	4

Third Lok Sabha

- 1 Shri Lahrumal Badalmal, Nasik City. (Facts further to these appended at item 69, p. 143, Appendix XXVIII—, First Report of the Committee, Fourth Lok Sabha)
- Applications for payment of compensation were invited in June, 1955 and the last date to submit such applications was 26th September, 1955. Thereafter delay in filling compensation applications was condoned by the Chief Settlement Commissioner liberally in individual cases till August, 1960 when this practice was

stopped. Again in November, 1963 a Press Note was issued in which the position was made clear that delay in filing compensation application would be condoned in those cases where applications are filed by the 31st January, 1964. Thereafter delay is condoned only in such cases where the claimants owe public dues or have to pay the cost of allotment of properties in their occupation. Shri Lahrimal Badalmal did not appear to have filed any application for condonation of delay before 31st January, 1964. He does not owe any public dues nor has to pay the cost of any allotable property in his occupation. His request for condonation of delay, has, therefore, not been accepted. He has already been informed of the decision *vide* this office letter dated the 15th November, 1967.

Adjustment of amount paid by petitioner and his associate's claim Rs. 1625/- against balance cost *GBP No. 724/1, Ambavadi, Sardarnagar, and issue of conveyance deed

It has been ascertained that necessary 'No Refund Certificate' has been received from the Administrator, Sardar Nagar, and amount transferred towards the cost of GBP 724/1 Sardar Nagar. The bill for adjustment of Rs 1079/- from CAF,

No. B/B/13991/5991 of Shri Shivandas Jiwatram has also been passed by the Pay & Accounts Officer. The shortfall notice for balance amount of Rs. 817/- to cover up the full cost of the GBP has also been issued to the allottee on 15-12-67, but he has not deposited the amount so far. The conveyance deed will be issued after this shortfall has been deposited.

The case therefore stands otherwise finalised

3 Shri Pritam Das Pheromal Ulhas- Payment of compensation
nagar

The case has been processed and a sum of Rs. 1,693.00 is payable to the applicant. The bill has been sent to Pay & Accounts Officer, Bombay and the payment will be made after the bill is passed.

4 Shri Shinhomal Harialdas Ahmeda- Adjustment of Rs. 1625/- from the
bad claim of associate Smt. Rochi Bai towards the cost of GBP* and issue of conveyance deed.

The required adjustment of Rs. 1625/- from the Compensation Application Form No. B/B B/13990/5990 of Shrimati Rochi Bai has already been carried out. The shortfall notice for the balance amount was sent to Shri Shinhomal Harialdas but the same was received back un-delivered with the postal remarks "Decéased". Action for the issue of conveyance deed shall be possible only after the legal heirs have been appointed.

- 5 Shrimati Radhibai Mohandas, Rectification of error in conveyance deed regarding number of tenement No. 89, instead of 61 and refund of Rs. 514/- difference in cost. The case of Smt. Radhibai has been re-processed and a sum of Rs. 1637/- has been adjusted towards the cost of GBP Room No. 89, Shrirampur allotted to her leaving the balance of Rs. 477/- payable to her in cash. The bill has been sent to the Pay and Accounts Officer and further action with regard to issue of conveyance deed will be taken after the bill is passed by him. Shrimati Radhibai has also been informed by the Asstt. Settlement Commissioner Incharge, Bombay, on 12-12-67.
- 6 Shrimati Chandra Bai Dulahnomal, Remission of rent for Room No. 8, Since Smt. Chandra Bai widow of Dulahnomal failed to pay the arrears of rent and instalments in respect of tenement No. 8, Barrack No. 704, Hospital Area, Ulhasnagar the same was put to auction on 18-3-65 and was purchased by one Smt. Sita Bai Ramandas. Sale certificate also stands issued to Smt. Sita Bai on 30-10-1965.
- 7 Shri Kauromal Choithram, Ahmedabad-2. Transfer of tenement No. 390/A The sale certificate in respect of the above tenement has been issued on 20-12-67 in his favour. Ahmedabad.

8 Shri Ladhra Ram Ramchand P.O. Kalol, Dt. Mehsana (*vide* App. XXVIII item 25, pp 123-126, 1st Report, Fourth Lok Sabha)

Restoration of rural claim or payment of rehabilitation grant in lieu thereof.

In their First Report presented to Fourth Lok Sabha, the Committee had after perusing facts in relation to this case, had recommended as follows:

“The Committee feel that, as the case is more than 4 years old now, immediate steps should be taken by the Department to finalise it under intimation to the Committee.”

[Appendix XXVIII, item 25, pp 123-126, 1st Report, Fourth Lok Sabha]

The Department of Rehabilitation with whom the Committee's recommendation was pursued have finally replied as follows:

“This office has been continuously pursuing the case with the R.S.C., Jullundur. The case has now been finalised, and the bill sent to Pay and Accounts Officer, New Delhi. The claimant is entitled to a cash payment of Rs. 63/-. As soon as the bill is admitted by the Pay & Accounts Officer, the case will be sent to R.S.C., Bombay for disbursal as the claimant resides in Gujarat and it would be inconvenient for him to come all the way to

Jullundur to receive payment of this petty amount."

They have also endorsed a copy of their reply to Pay & Accounts Officer, New Delhi for expeditious passing of the Bill.

Note : The Committee observe with satisfaction that the case has been speedily redressed on their intervention.

9 Shri Tahkanmal Rochalmal, Settlement of Compensation Claim
Amravati

The claimant filed a claim in respect of one residential house, two kachha shops and Agricultural Land situated in Dèh Berri Taluka Gotki, District Sukkur. As far as the land claim is concerned, the applicant has no grouse.

The claim for the residential properties was rejected by the Claim Officer at the time of initial verification, on the ground that the claimant was allottee of more than 4 acres of Agricultural Land. The revision petition filed by the claimant against that order, too, was rejected by Shri Ram Lal, Claim Commissioner, vide his order dated 18-3-53.

Subsequently, on a representation filed by the claimant that the land allotted to him

had been cancelled, the case was reconsidered by the Settlement Commissioner (J) but he declined to review the rural building claim, on the ground that the allotment was cancelled due to the fault of the claimant and the claimant was informed about the position on 15-10-57. The claimant has now filed a writ petition which is still pending with the Hon'ble High Court, Bombay. As the matter is subjudice, this office cannot take any action till the disposal of the petition.

Fourth Lok Sabha

10 Shrimati Lali Bai Lihornal, Nagpur
 Erroneous deduction of Rs. 1115.50 instead of Rs. 676.00 from Compensation Application Form.

The case has been examined in consultation with the Assistant Settlement Commissioner I/C, Bombay. As reported by him, the Compensation Application Form No. mentioned in the representation is not correct. Assistant Settlement Commissioner I/C, Bombay has asked the claimant to supply the correct Compensation Application Form No. together with copies of the latest correspondence, if any, with his office. Further action will be taken on receipt of information on from the claimant.

11 Shri Chaman Dass S/o Shri Gurmukh Dass, Vrindaban.
 Refund of Rs. 3124.61 adjusted in excess towards the cost of Property No. 418, Junagarh from

A refund of Rs. 3124.61 has been allowed. The Bill has been accepted by the Pay & Accounts Officer, New Delhi and the case

C.A.F. No. UP/MTH/376106/
104 and UP/MTH/376774/601.

has been sent to the Settlement Officer/
Managing Officer, Agra for disbursement
on 3-1-1968.

The Ministry subsequently have informed
that the Assistant Settlement Commis-
sioner I/C U.P. has reported that a state-
ment of accounts for Rs. 3124.61 has
been disbursed to the applicant on 12-1-68.
Thus the grievance of the applicant stands
redressed.

The case has been examined and it is found
that the claimant had verified claims in
respect of urban property verified for
Rs. 5877.00 and Agri. land claim for
14th standard acres and 1.3/10 units.
The Agri. land claim was reduced to 9
standard acres and 11.1/5 units on receipt
of Revenue Record from Pakistan. The
compensation admissible to him had been
worked out to Rs. 6114.00 (Rs. 2841
against Building claim and Rs. 3273.00
against Agri. land). The claimant has
been paid to the extent of 6019.38, leaving
a balance of Rs. 94.62 for which his
case has already been processed by the
processing officer. It would, thus, be

12 Shri Goumal Pritamdas, Badnera Payment of Compensation

seen that the claimant is entitled to receive balance compensation of Rs. 94·62 only and not Rs. 405·81 as represented by him.

13 Shri Dulahanmal Devmal, Amravati. Settlement of C.A.F.

The complaint of Shri Dulahanmal has already been thoroughly looked into by the Regional Settlement Commissioner, Bombay. It is reported that the compensation application filed on behalf of the minor Dharmamal has already been rejected by the Regional Office on the ground that his father who is in Pakistan is maintaining the properties there and the minor son cannot claim the share in the ancestral property.

14 Shri Chinta Haran Debnath and other settlers of villaged Nos. 79 & 80 Koraput, Orissa. Resettlement of displaced persons from East Pakistan in the Andamans.

The facts regarding this case have been ascertained from the Chief Administrator, Dandakaranya Project, Briefly speaking the position is as under:

(1) *Soil of the area:* The areas were reclaimed after advance soil survey and soil was found to be suitable for cultivation.

(2) *Situation of the villages:* The villages where the petitioners are residing are about 12 to 14 miles from Kalimela which is the Block Headquarters. These two villages are on the main road of the sub-

Division running from Malkangiri to Motu via Kalimela. At present there is a bus service upto Kalimela which is likely to be extended by this route passing through these villages upto Motu shortly. Within the radius of 10 miles there are six settlers villages besides one local Tribal village. Near village No. 80 there is another local tribal village about one mile away.

It may be added that the settlers who had filed petitions were contacted by the Assistant Executive Officer, Malkangiri. 42 persons have given in writing that they had wrongly opted to go to the Andaman and Nicobar Islands. One person could not be contacted. The remaining four settlers are willing to go to the Andaman and Nicobar Islands for settlement. It is, however, not the policy of the Government of India to shift settlers from one rehabilitation site to another and hence their request cannot be considered favourably.

15 Shri Chiman Lal Lachhman Singh Settlement of Compensation claim. The applicant had filed a claim for the property left by him in Sindh and value of Ulhasnagar, Bombay.

claimed was Rs. 9900/. It is also a fact that the case was fixed for hearing on 13-2-53 but was adjourned to 16-2-53 on own request for the petitioner as he did not turn up on that date nor he sent any application for further adjournment. His claim was rejected ex-parte.

According to rule 18 of the Displaced Persons (Supplementary Claim) Act, 54 the ex-parte rejected claims could be re-opened if the claimant had submitted a representation for re-opening such claims before 1-11-56. But in this case such an application was sent by petitioner before that date. The first application received from the applicant which was dated 22-10-60 was obviously barred by time. The applicant was informed accordingly. There is no provision under the Displaced Persons (Supplementary Claims) Act for condonation of delay in such cases, hence no action could be taken in the subsequent applicants sent by the claimant on the different dates mentioned by him, and the applicant informed.

Under these circumstances it is regretted that nothing can be done to help the petitioner as the case, is hopelessly time barred.

Part II—Cases pertaining to Ministries/Departments other than the Department of Rehabilitation.

List of representations on which the Committee's intervention had procured speedy, partial or complete relief or elicited replies meeting adequately the petitioners' points.

Serial No.	Name of petitioner	Brief Subject	Facts pursued by the Committee.
1	2	3	4

Third Lok Sabha

Shri V. K. Patwardhan of Kharagpur
 (vide item 4, Appendix XXX, Fifth Report, Third Lok Sabha.)
 Grant of financial assistance as token of glorious services of Parwardhan family during British Regime.

[Home Affairs—Political III Section] A letter No. PPN-1066-73116-301-S, dated the 12th August, 1966 received from the Government of Maharashtra (Annexure I) the position has been correctly explained by the State Government and in the circumstances it is not possible for the Government of India to do anything to help the applicant.

A copy of letter No. 1005-F. PS dated the 26th FIP-4 (135)/65

December, 1967 received from the Government of West Bengal is enclosed, in which the position has been explained. The Government of India do not find it

possible to render any help to Shri V. K. Patwardhan.

2 Shri Lankeswar Gohain, Dirak, Restoration of old capital Bengmora Rajangar, to claimant Raikumar Lankeswar Gohain, Political Pensioner, Govt. of India.

[Home Affairs—Pol. III Section] The facts of the case are that Shri Lankeswar Gohain represented to the Govt. of India regarding restoration of certain lands granted to him as a direct descendant of the ancient Murtock chieftain Sarabnanda Singh. The matter was very carefully examined by the Government of India in consultation with the Government of Assam.

The Government of Assam intimated that the land claimed by Shri Lankeswar Gohain had been settled under due authority some 53 years ago. In the meanwhile rights were acquired by other persons on the land. The State Government felt that it was not possible to acquire the land at this stage as it might cause substantial dislocation, apart from involving huge amount of compensation. The Government of India informed Shri Lankeswar Gohain in February 1967 that they were not in a position to interfere the decision of the State Government.

Shri Lankeswar Gohain has recently represented to the Prime Minister and Home Minister for a review of the case. His

representation dated 12th April 1967 was forwarded to the Government of Assam with the request that they might kindly examine the matter in the light of fresh submissions made by Shri Lankeswar Gohain.

A reply has since been received from the Government of Assam who have regretted their inability to admit the claim of Shri Lankeswar Gohain.

The matter has also been carefully considered by the Government of India in the light of the facts furnished by the State Government and it has not been possible to accept his claim. Also enclose a copy of reply sent to Shri Lankeswar Gohain regretting their inability to comply with his request.

2 Shri Himatlal Jesukhlal Shah. Non-provision of telephone since [Posts & Telegraphs Board (D.G. & P. & T)]
170-172, Kika Street Bombay 1965. A telephone bearing No. 334660 was provided to the applicant Shri Himat Laljesukhlal Shah on 8-3-1964. at his residence. On 26-3-1964 that is almost immediately after the installation of telephone, the subscriber requested for its shifting to his new

address at 199, Kika Street, Bombay. Since the shift was permissible under the Rules, the telephone was shifted in May, 1964. On 14-5-1965 the subscriber intimated that he would be getting a new premises within a short period and requested that the telephone should be taken into safe custody pending shift to the new premises. The telephone was disconnected on 19-5-1965 and orders were issued to take away the telephone instrument for safe custody. However, when the departmental representative actually went to collect the instrument, the party in occupation of the premises 199, Kika Street did not allow the physical removal of the instrument. In the meantime, the subscriber, Shri Shah, made a request for shifting of the telephone to 137, Bapukhote Street, but later withdrew it. On 18-6-1965, Messrs Hind Safe Co, who were occupying the aforesaid premises at 199, Kika Street, Gogate Mansion, Bombay, wrote to the Department that telephone No. 324660 had been given to them by Shri Shah in consideration of a sum of Rs. 2.56/- which had been paid by them to Shri Shah by cheque on 30-3-64 drawn on the Bank of Baroda. They also stressed that all the bills subsequent to that date had also been paid by them. It was also claimed by the firm that installation charges

of Rs. 40/- has been paid to Shri Shah by them on 14-10-64, and that Shri Shah was now trying to sell the telephone fraudulently to some other party.

The subscriber Shri Himmat Lal Shah also wrote to the Department saying the his relations with the occupant of 199 Kikka Street—Messrs Hind Safe co. had become strained and as such he wanted his telephone to be shifted to his earlier address at 170-172 Kikka Street. Upon the receipt of this request Shri Shah was asked on 23-9-65 to produce some satisfactory evidence to show that he was really doing some business at 199 Kikka Street where the telephone was installed. After several reminders, Shri Shah could produce only certificates from two merchants to show that he was very honest and faithful person and was doing some brokerage at 199 Kikka Street. He could not produce any other evidence such as the rent receipt, lease and licence or any other document about his doing business at 199 Kikka Street.

In the circumstances there appeared to be a clear case of unauthorized use of the

aforsaid telephone by M/s Hind Safe Co. and in accordance with the normal procedure in such cases, a show-cause notice was served on Shri Shah on 21-2-66 which was followed by another notice of disconnection as required under the Rules. The notices sent to the party were received back undelivered and the telephone in question, which had already been disconnected on 19-5-65 at the party's request, was not permitted to be restored. It may be stated that a telephone is provided primarily for the use of the subscriber or his employees (in case it is installed at the business premises) and its sale or transfer to any other party not related to him is not permissible. Where it is found that a telephone has been in unauthorised use such as in the present case the telephone is disconnected after serving a show-cause notice.

Having regard to the circumstances of the case as stated above, it was held that the complaint of Shri Shah against Shri S. P. Vaidya, the then Addl. Contract Officer

in the office of the General Manager, Telephones, Bombay, was in no way substantiated.... The delay in replying to the reference received from the Lok Sabha Sectt. is greatly regretted.

Fourth Lok Sabha

3. Emergency Commissioned Officers in the Armed Forces of India (unsigned but received through Chairman, Petitions Committee)

Rehabilitation of Released Emergency Commissioned Officers.

[Home Affairs— Estt. 'B' Section] Emergency Commissions were introduced immediately after the Chinese aggression in 1962 on account of expansion of the Army. These Commissions were granted during the period 1963-65 in accordance with the provisions of the Army Instruction 9/S/67 for the duration of the Emergency and for so long thereafter as their services may be required. Government decided to grant Permanent Commissions to those Emergency Commissioned Officers who were eligible and were found suitable after screening by Service Selection Boards subject to a limit of 1/3rd of the total number and release the rest in batches spread over a period of 4 years commencing from 1967.

The maximum age limits for the grant of Emergency Commission and grant of

Permanent Commission are two independent issues and are not inter-connected. The maximum ages have been fixed with a view to have Officers of comparatively of younger age groups who would be in the Junior Officers' rank and able to serve in difficult terrains in forward areas. They would also stay long enough in service to earn pension. If, on the other hand, Officers of older age groups were continued, it would necessitate provisioning of sufficient number of sedentary appointments for them, which are already limited.

With a view to rehabilitating the released Emergency Commissioned Officers/Short Service Commissioned Officers after their release from the Armed Forces, reservations have been made to the following extent in the All India and Central Services for this Class of officers, subject to certain conditions as follows :

(i) I.A.S./I.F.S.	20%
I.P.S.	30%
Class I Services	25%
Class II Services	30%

Graduates, as well as those who had to discontinue their studies before obtaining a degree for joining the Armed Forces are eligible for

the restricted Competitive Examination held by U.P.S.C. to fill these vacancies. The other ECOs will also be permitted, if they obtain degrees after their release to take the normal U.P.S.C. Examination in competition with the open market candidates subject to certain conditions. The number of vacancies in the All India and Central Services reserved for the ECOs will vary from year to year and is about 100 per year.

(ii) Repeated efforts have been made to persuade State Governments to agree to some reservations and most of them have issued orders of reservation. A statement of the reservations made by them is at Annexure II.

The Government of J & K and Assam have also been requested to recruit Emergency Commissioned Officers to the Administrative posts in the hard and difficult areas of J & K and Mizo Hills.

(iii) ECOs are being absorbed in the Central Police Forces and NCC to the extent vacancies are available. In addition, the question of throwing open some posts of Assistant Com-

mandants in Assam Rifles for them is under consideration.

(19) Public Sector Undertakings have also been addressed to reserve vacancies and co-operate in absorbing as many ECOs as possible in their undertakings. Most of them have stated that they have no vacancies at present but will make efforts to absorb them if vacancies arise in future. The following undertakings have, however, made reservation :

L.I.C.—10 per cent of posts of Assistant Administrative Officers for ECOs with previous employment in the LIC and 10 per cent for other ECOs.

Hindustan Cables Ltd.—5 per cent of vacancies filled by direct recruitment.

Neyveli Lignite Corpn.—25 per cent of vacancies in posts of senior officers Grade II.

(20) In the Private Sector, 56 important industrialists including the Chairman of the FICCI and President, ACC were addressed. It is found from their replies that there is not much scope for employment in the private sector, except in a few cases where panels of names of ECOs have been sent, as desired by them for their consideration.

(vi) The ECOs who have risen from the ranks in the Army have the option to revert to their OR Status. The rules provide for reversion of ECOs who were holding appointment in civil departments before joining the Army to revert to their old appointments but from the representations received, it appears that some of them are not willing to go back to their old appointments because they are not-gazetted and carry a much lower scale of pay. It is not possible to provide for their promotion to higher posts in their parent department, in disregard of the claims of senior employees in those departments. If they are eligible for promotion in their own turn after counting the Army Services, they are considered for such promotion.

(vii) The Ministry of Railways were also approached for rehabilitation of Emergency Commissioned Officers in the Railway Protection Force and in other Administrative and Executive Posts available in the

Railways, apart from reservations already made in the vacancies to be filled from the restricted UPSC Examination. They have, however, stated that they are not making any direct recruitment to fill posts in the Railway Protection Force or other administrative or executive posts and have regretted their inability to help in the matter. The matter has been again taken up with them requesting them to consider the revision of the recruitment rules for the Railway Protection Force to enable ECOs who have training and experience of the type required for these posts to be appointed against these posts.

(viii) The Ministry of Education have been requested to absorb Survey trained Emergency Commissioned Officers in a civilian capacity in the Survey of India and that Ministry have assured us to do their best in the matter.

(ix) The possibility of absorption of Air-men who were given emergency Commissions in the Army, in the Air Force is under examination.

Suggestions made in the representation are :

- (a) That all ECOs other than "Non-optees" should be suitably rehabilitated and then release suspended till they got alternative jobs.
- (a) All out efforts are being made to find suitable alternative jobs for the released ECO's/SSCO's and for this purpose avenues of employment are being explored. Details of the steps taken in this direction and the results achieved have been given in the preceding paragraphs. As regards suspension of the release of ECO's/SSCO's till they are given alternative jobs it may be mentioned that the system of grant of short Service Commission was introduced with a view to keep the army young. It was decided to grant permanent commission to those ECO's who were eligible and found suitable after screening by the SSB and release the rest in a phased programme spread over a period of 4 years starting from 1967. In case the ECO's are not released till they are provided with civil jobs, the whole programme of released officers will be upset and planned intake of young officers will be jeopardised.
- (b) All ECOs who had been with their previous departments
- (b) Government have already issued orders in accordance with which all permanent

should as far as possible be taken back in Officers' Cadre and Status.

Civil Government servants who were permitted to take military service during the emergency are allowed to retain liens on their civil posts during their absence on military service to enable them to return to their civil posts on release from military service. Similar provision has also been made for the temporary employees in accordance with which they can revert back to their civil posts after their release from the Armed Forces provided that the posts continue to be in existence. Most of the Public Sector Undertakings have also made similar provision in respect of employees under them. Orders have also been issued in terms of which service interests *vis.* seniority, confirmation and promotion of such persons who took up military service are safeguarded in the civil posts.

(c) Enumerate eleven avenues,

vis.

1. National Cadet Corps.
2. Home Guards.
3. Soldiers' Board.
4. Defence Security Corps.
5. National Discipline Scheme.
6. Central Reserve Police.
7. State Reserve Police.
8. Railway Protection Force.
9. Public Sector (Central State).

(c) The various avenues of service mentioned in the suggestion are already being explored. The steps taken in this regard have been enumerated in the preceding paras.

10. Private Undertakings.

11. Industrial Security Force.

(d) Re-employment of Retired Army Officers should be stopped and all existing vacancies should be allotted to ECOs.

(d) There is no relation between re-employment of retired officers and release of the Emergency Commissioned Officers. Re-employment of officers is made only in such staff appointments and other jobs which require considerable professional experience and ability. It is, therefore, neither possible nor desirable to employ ECO's to these posts.

(e) Further extension of short service Regular Commissioned Officers (SSRS) in Army should be stopped at once & till something substantial is done to rehabilitate ECOs who should be kept in service.

(e) The need for introduction of Short Service Commission and Release of Emergency Commissioned Officers have been explained in reply to par a(a) above.

(f) Special courses in all Institutes of Business Management of India should be run for ECOs.

(f) The suggestion is already under the consideration of the Government and special courses for Business Management etc. are likely to be arranged for the released Emergency Commissioned Officers. Officers.

(g) All vacancies in the Public Sector should be referred to the

(g) Government have already issued orders requesting various Ministries etc. to issue

Director-General of Resettlement, Ministry of Defence.

suitable instructions to the Public Sector Undertakings, under them to reserve for the released ECO's/SSCO's the same percentage of vacancies as has been done for the Central Services, Class I & II, namely, 25 per cent. and 30 per cent. respectively in the non-technical posts of equivalent status under such undertakings etc. They have also been requested to relax the age limit for this class of officers in respect of services under them. Various vacancies which occur in the Public Sector Undertakings from time to time are already being reported to the Directorate General of Resettlement, Ministry of Defence who in turn brings these vacancies to the notice of the concerned officers.

(h) All released ECOs should be kept under Reserve for 15 years.

Provisions already exist in accordance with which Emergency Commissioned Officers can join regular reserve of officers if they so desire. A provision to this effect has already been made under which any ECO wishing to accept reserve liability may do so for a period of 5 years or up to the age of compulsory retirement, whichever is earlier. As there was no provision of reserve liability at the time of introduction of Emergency Commission, it was not considered desirable to impose the liability compulsorily.

4. Shri K. S. Beligi and 2 others, Amendments in the Scheduled Castes and Schedule Tribes Orders (Amendment) Bill, 1967.

(received duly countersigned by
Shri G. Y. Krishnan, M.P.)

[Department of Social Welfare] The prayer made in the petition submitted by Shri K. S. Beligi and others is that the area restrictions in the case of the Bhovi community in the list of Scheduled Castes of Mysore, as appearing in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967, may be removed. While arriving at decisions in the matter all the relevant factors have been taken into consideration and the Government's final decision is incorporated in the Bill. If any changes are desired by any Member of Parliament, the matter can be raised when the Bill is taken up for consideration.

As regards the specific points mentioned in para 3 of the Lok Sabha Secretariat U.O. Note mentioned above the position is as mentioned below :—

(a) The Bill referred to by the petitioner seeks to amend the lists of Scheduled Castes and Scheduled Tribes. The power to amend these is vested in the Parliament in terms of articles 341(2)

and 342(2) of the Constitution and as such the matter is the Centre's responsibility.

(b) The Bill is already before Parliament and it is only Parliament that can amend the lists. It cannot therefore be said that the parties are aggrieved by the decisions of the State Government. The State Government is not competent to take a decision in the matter. While there appears to be no bar to aggrieved parties petitioning Parliament, since the matter can be raised at the time of discussion, no special purpose is likely to be served by such petitions.

In this connection a copy of a petition from Shri S. M. Siddayya and others asking that the Bhovis should be completely deleted from the list of Scheduled Castes and Scheduled Tribes is enclosed.

This note issues with the concurrence of the Ministry of Law.

5. Shri Hemant Pant, M. Nagar
(UP) Alleged tampering of mails by staff
of Muzaffar Nagar Head Post
Office.

Enquiries made by the S. Supdt. of Post Offices, Saharanpur (UP) reveal that the complainant had joined as trainee in the Sugar Marketing Syndicate Muzaffar-

nagar in the last week of September, 1967 and got his services terminated in the mid of December, 1967 due to lack of interest and irresponsible behaviour displayed by him. He used to receive his mails with the mails of Syndicate. Since there was no information as to the termination of his traineeship, with the Postmaster Muzaffar Nagar, it is just possible that some articles of un-registered mails meant for the addressee might have been delivered to the Syndicate as usual. No registered article addressed to the complainant, was however delivered to the Syndicate. A complainant dated 7.2.68, from the complainant asking for discontinuance of delivery of his mails to the Syndicate was received by the Postmaster, Muzaffar Nagar on 8-2-68. The Postmaster, Muzaffar Nagar replied to the complainant on the same day intimating that the concerned staff had been instructed accordingly and his mails would further be delivered to him on his given address. Thereafter, no mails meant for him were delivered to the Syndicate and nor

were such mails ever detained in the Post Office.

As regards detention of his registered letter addressed to Dr. Zakir Hussain, President of India, enquiries go to show that the complainant got it booked from Muzaafar Nagar H.O. under No. 457 on 27-1-68. The same was despatched from there on the same day and delivered to the addressee intact on 29-1-68. It was not detained or tampered with in any office, as alleged by the complainant.

The complainant was not available at his given address. His present whereabouts were not available. He could not therefore be contacted by the S.S.P.Os.

8

The Manager of the Sugar Marketing Syndicate, under whom the complainant had been working however, apprised the S.S.P.Os, Saharanpur, during enquiry that Shri Pant — the complainant, was a young man full of frustration and he was actually found to be brooding over the vagaries of life and its uncertainty. He was therefore, viewing all the matters with suspicion.

6 M/s Shankar Vijay Saw Mills, Claim for Rs. 5,333.76 on consignment booked under Inv. No. 37 of 12-9-1964 ex. Balharshah to Byculla, Bombay.

[Railways (Railway Board)]. The facts of the case are as under :—

In this case the consignment was booked on 12-9-64 from Balharshah and was received at destination (Byculla) in 2 wagons on 24-11-64 and 27-11-64. No shortage was noticed but at the time of delivery the consignee reported cracks in several places on 46 logs. Accordingly the consignee demanded assessment delivery. This was arranged by the Railway, without prejudice to its legal rights and the damage was assessed at 30%. The damaged part of the consignment was delivered on 1-12-64. The party preferred a claim for Rs. 5,333.76p.

The Railway conducted necessary enquiries on receipt of the claim application and it was seen that the condition of the goods at the time of loading in the Railway Wagon was not known to the station staff at Balharshah, as the loading was done by the senders themselves. The subject logs of timber had been purchased from the forest authorities sometimes in June, 1964, but the stocks were

realised only on 8-9-64 when the party made payment of the dues to the forest authorities. As such the logs had already been held back for a period more than two months by the forest authorities and it was only after that that it was booked for carriage by the Railway. While it is a fact that there has been considerable transit delay in this case, the entire delay was due to operational difficulties. The expert opinion obtained from forest authorities show that there was no possibility of the logs developing cracks during transit by rail, especially during cold season. The possibility of cracks having developed when the logs were detained in depot for non-payment of dues was reported to be more.

The Lok Sabha Sectt. will, taking into account the circumstances of the case as mentioned above, appreciate that the repudiation of the claim by Central Railway valid and correct.

7 Shri Vajubhai Upadhyay, President, Air service between Bombay and
Simar Nagrik Samiti, Bombay. Diu.

[Tourism and Civil Aviation]
The matter has been examined in consultation with the Indian Airlines. The Corporation have reported that it would not be feasible at present to provide air service to Diu because of the poor air traffic potential expected to be not more than 2/3 passengers per day. As such,

8 Shri R. L. Jaju, M/s. Singhbhum Flour Mills, A-171, Defence Colony, New Delhi-3.
 Provision of Single-manned level crossing on Tata BMPR at 254/7-8 S.E. Railway for Singhbhum Flour Mills estimate No. 201/66.

(2 representations)

[Railways (Railway Board)]

In the first representation, the petitioner had complained that in spite of the firm depositing cheque No. 790651 dt. 15-12-67 for Rs. 20,805/- on the United Bank of India, Ltd., the Railway authorities had arranged for construction of the level-crossing. The Ministry of Railways had furnished the following comments on this representation :—

The matter has been examined. It appears that M/s Singhbhum Flour Mills, had in September, '65, asked for an unmanned level-crossing at mile 254/7-8 on Tata BMPR Branch of S.E. Railway. The proposal was examined by the Railway and it was found that a single manned level-crossing would be necessary on safety consideration. Necessary estimate amounting to Rs. 20,805/- was finalised by the Railway and forwarded to the party concerned in November, 1966 for acceptance and return. The party returned

the said estimate duly accepted only in April, '67. In September, 67, the party had asked for the amount to be deposited by them and accordingly in December, '67, the party had forwarded a cheque for the amount referred to, to the railway. The cheque was, however, dishonoured by the Bank concerned, and the party had not deposited so far the estimated amount of the work to the Railway and, therefore, the Railway Administration could not also take further action in the execution of the work.

8

In a subsequent representation, Shri Jaju intimated that the firm had since paid in cash the sum of Rs. 20,805/- to the South Eastern Railway Headquarters at Calcutta [on 8-1-68 and cited their cash receipt No. 164763 dt. 8-1-68 in proof thereof. The Ministry of Railways (Railway Board) in their comments on this representation stated: |

The matter has been examined once again. The fact is that the party was intimated by the Railway Administration of their cheque for Rs. 20,805/- sent to Adminis-

tration in Dec.'67 having been dishonoured and the need for fresh deposit of Rs. 20,865/- to cover the cost of the level crossing referred to; the party had intimated only last month in their letter dated 10-4-68 to the Railway that full amount of Rs. 20,865/- in cash was deposited by them in January/February this year. The position had since been verified and the Railway has also taken necessary steps to ensure that the work on the level crossing is completed by next September.

Observations of the Committee : (1) The Committee record their satisfaction that a matter pending for over 2½ years has been speedily redressed on their intervention.

(2) The petitioner is also being informed to enable him to pursue the matter with the Ministry.

9 Shrimati Kamala Bala Bardhan,
Calcutta.
Alleged non-payment of policy amount due to non-payment of premia by Employers of her deceased husband Shri J. C. Bardhan towards his LIC policy No. S. 9539069.

[Finance (Deptt. of Revenue & Ins.)] As the subject matter of Shrimati Bardhan's representation dated 23.2.68 primarily concerns the Life Insurance Corporation of India, the factual position was ascertained from them. The position is

that the date of commencement of the above policy was 20th December, 1961. The policy lapsed on 20th April, 1963 without acquiring any surrender value. The life assured died on 20-5-1963 after the expiry of the grace period provided in the policy *viz.* 15 days. The claim was, therefore, repudiated by the Life Insurance Corporation of India.”

[Home Affairs-UTC Section]

A copy of the letter No. F. 41(33)/67-]s dated 17-6-68, from the Min. of Law to Shri M. D. Gopaloussamy, President, Pondicherry Bar Association, has been placed below (See Annexure III). The Law Ministry issued the letter after consultation with this Ministry and this letter represents the view of Ministry of Home Affairs also.

10 Shri M. D. Gopaloussamy, Retention of French as Official Language etc. in Pondicherry.

11 Shri C. Kesaviah Naidu, Chittoor Amendment of the Electricity (Supply) Act, 1948.

Dt. Andhra Pradesh (Counter-signed by Shri N. P. Chengal-
raya Naidu, M.P.)

Shri Kesaviah Naidu has suggested amendment of the Act so that the State Electricity Board could stand guarantee since power supply to the consumer can be disconnected under section 24(1) of the Indian Electricity Act in case of default. He has further suggested that, if the present section of the Indian Electricity

Act does not cover such default, it may be amended. Disconnection of power supply under section 24(f) of the Indian Electricity Act relates to non-payment of charges for supply of power to consumers. Default in the payment of loan for purchase of electric pump-sets is not covered under this section. In respect of amendment to the I.E. Act and E(S) Act, which relates to Electricity Boards. It may be pointed out that IE Act provides only for the supply and use of electrical energy. Any amendment to cover the suggestions made by Shri Kesaviah Naidu would go against the scheme of the Act.

It may be further stated that loans for purchase of pump-sets, both diesel and electric, are being provided by State Governments, Land Mortgage Banks and Co-operative Societies. As facilities for purchase of electric pump-sets through loans have already been provided, it would not be necessary for the Electricity Boards to intervene in the matter as guarantors. Further, under section 20 of the (E) (S) Act, the Electricity Board may manufacture, purchase, sell or let on

hire, on the execution of a hire-purchase agreement or otherwise, any electric machinery or any agricultural machinery operated by electricity in accordance with any regulations made by the Board in this regard.

11 Sarvashri Kamleshwari Singh
Jogindra Prasad and ninety
others.

Grievances of North Eastern
Railway Passengers.

The factual comments on the various points
has been indicated in the note enclosed
(See Annexure IV).

Annexure I to Appendix IV

[See Part II item 1]

Copy of letter No. PFN-1066-73116-301-S, dated 12th August, 1966 from Shri S. M. Pisal, Under Secretary to the Government of Maharashtra, General Administration Department, Sachivalaya, Bombay addressed to the Deputy Secretary to the Government of India, Ministry of Home Affairs, New Delhi.

SUB: Grant of financial assistance as token of glorious services of Patwardhan family during British Region—case of Shri V. K. Patwardhan of Kharagpur.

I am directed to refer to your letter No. 42/3/66 Poll. III dated the 1st July, 1966, on the subject noted above and to state as follows with regard to the points raised in the representation of Shri V. K. Patwardhan.

Shri Patwardhan who appears to be a resident of Vidarbha but serving in Military at Kharagpur, District Midnapur of West Bengal had applied to this Government in 1964 with a request to (i) grant him dearness allowance on his political pension and (ii) to grant him financial assistance which is granted to political sufferers. He claimed to be a political sufferer.

With regard to his first request it is stated that Shri Patwardhan is getting a political pension of Rs. 11.25 paise per annum from Central Revenues. According to the orders contained in the Government of India, Ministry of States, letter No. F. 4(5)-G/44, dated the 18th December, 1944 received with their subsequent letter No. 4(2)-P/45, dated the 23rd June, 1945, the total income from all sources including the political pension of a political pensioner is required to be taken into consideration for the purpose of eligibility of the Temporary Increase i.e. Dearness Allowance. If the total monthly average income of a political sufferer is upto Rs. 106/- then only he is to be granted Temporary Increase according to the rates prescribed in the Government of India letter dated the 23rd June, 1945 referred to above.

From the information supplied by Shri Patwardhan himself, his total income is:—

Rs. 11.25 per annum	Political pension
Rs. 1920.00 per annum	Pay and allowances at Rs. 160/- p.m. for his service in Military
<hr/>	
Rs. 1931.25 per annum	Total annual income

Thus his monthly average income comes to Rs. 160.94 paise which is far more than the maximum limit prescribed. Shri Patwardhan is not therefore, eligible for any Dearness Allowance on his political pension. He was informed accordingly under this Government letter No. PPN-1064/87303-S dated the 30th October, 1964. This request having been rejected he applied for the grant of arrears of Dearness Allowance to which according to him he was eligible during the period from 1945 to 1960 when his pay was said to be less. This request also cannot be considered as according to the Govt. of India's Orders Contained in their letter No. F. 67/(3)-SF/55 dated the 28th January, 1956, temporary increase i.e. Dearness Allowance on political pension is to be granted from the date of issue of sanction and not with retrospective effect. He was informed accordingly under this Government letter No. PPN-1064-96226-S dated the 11th December, 1964.

As regards his request for financial assistance from the Discretionary Fund, it may be stated that as he is staying beyond the geographical limits of Maharashtra State, his request for assistance cannot be considered. He was therefore, asked to approach the Government of West Bengal under this Government letter No. POS-1564/41065-I. dated the 9th June, 1964.

Enclosure to Annexure I
GOVERNMENT OF WEST BENGAL
Finance Department
P.S.P. Branch
No. 1005-F.PS

FIP-4 (135) /65

From

Shri S. K. Das Gupta, W.B.C.S.,
 Deputy Secretary.

To

The Deputy Secretary to the
 Government of India, Ministry of Home Affairs,
 New Delhi-1.

Dated Calcutta, the 26th December, 1967.

SUBJECT:—*Grant of financial assistance as token of glorious services of Patwardhan family during British Regime—Case of Sri V. K. Patwardhan of Kharagpur.*

Sir,

I am directed to invite a reference to your D.O. No. F. 42|3|66-Poll. III dated 27th November, 1967 addressed to Shri S. R. Das, Additional Secretary, Finance Department of this Government on the above subject and to state that on receipt of an application from Shri Patwardhan for assistance, the matter was enquired through police. A copy of the police* report is enclosed herewith for reference. It will be seen therefrom that Shri Patwardhan belongs to the Bhosla family of C.P. and Berar States. He is reported to be in receipt of a pension of Rs. 11·25 under head "54A Territorial and Political Pensions" from the Government of India. He is also understood to be earning Rs. 180 p.m. from service. Personally he was not a political sufferer.

His case does not therefore come under the purview of this Government scheme of financial assistance to the political sufferers.

Yours faithfully,
 Sd/- S. K. DAS GUPTA,
 Deputy Secretary.

ANNEXURE II TO APPENDIX IV

[See Part II, Item 3]

Reservations made for released Emergency Commissioned Officers and Short Service Commissioned Officers in the State Services (Non-Technical).

- Andhra Pradesh . 9% of the direct recruitment vacancies in all non-technical gazetted posts in the State. 25% of vacancies in the Grade of Dy. Supdt. of Police, Category I and Assistant Commandant, A.P. Special Police.
- Assam . Assam Civil Service Class I—20%
Assam Civil Service Class II—10%.
Assam Police Service (direct recruitment quota of A.P.S.)—6 posts out of the present 16 permanent vacancies in the direct recruitment quota of A.P.S.
- Bihar . Bihar Civil Service (Executive and Judicial) 20% and other class II (Senior) Services other than police.
Police Service and Class II (Junior) Services. 30%
- Gujarat . Class I Service—25% of vacancies in permanent posts and 25% of 2/3rd of vacancies in temporary posts to be filled by direct recruitment.
Class II Service—30% permanent and 2/3rd temporary to be filled by direct recruitment.
- Haryana . Under consideration.
- Jammu & Kashmir . 10% in Administrative Services ;
15% in Police Service (there is a clause that the vacancies will be filled only by permanent residents of the State which is not in conformity with the provision of the constitution. This matter was taken up by Home Ministry some time ago).
- Kerala . No reservation possible because reservation for Scheduled Castes and Scheduled Tribes and Backward Classes is itself as high as 50% and what is more, direct recruitment is only a small proportion in the State).

Madhya Pradesh	. 25% of permanent vacancies in the State/Services/posts class II—(non-technical) filled by direct recruitment.
Madras	. 25% of vacancies subject to a limit of one vacancy per year and subject to fraction being ignored. (1) Deputy Collector. (2) Joint Commercial Tax Officer. (3) Deputy Registrar of Cooperative Societies, and (4) Dy. Supdt. of Police (Category I) and Assistant Commandant (Category #III) of the Madras Police Service Class II.
Maharashtra	. Proposals accepted in principle; details being worked out.
Mysore	. Administrative Service Class I and Class II—15%. Police Service. 25%
Nagaland	. Reservation not possible. The cadre of officers being small.
Orissa	. 25% in all Services.
Punjab	. 20% of the permanent vacancies in Class I and II Services (non-technical) except in the PCS (Executive and Judicial Services).
Rajasthan	. Rajasthan Administrative Services 20% Rajasthan Police Services 30% *Rajasthan Subordinate Services 20% *Other State Services 20% *R. AC & Home Guards. 60%
Uttar Pradesh	. Matter under consideration, (for non-reserved vacancies, State Public Service Commission will forward advertisements to DSLO who can send names of suitable ex-services officers for their consideration).
West Bengal	. (i) WBCS (Executive) 25% (ii) WB Commercial Taxes Service—Gr. I 25% (iii) WB Excise Service 25% (iv) West Bengal Labour Service 25% (t.e. Asstt. Labour Commissioners).

*Classification not known.

- (v) WB Cooperation Service (*i.e.*,
Asstt. Registrars of Cooperative
Societies) 25%
- (vi) WB Police Services
(*i.e.* Dy. Suptdts. of Police) 25%

Class II (non-technical)

- (1) WBJCS 30%
- (2) WB Commercial Taxes Service
Grade II. 30%
- (3) WB Junior Excise Service. 30%
- (4) WB Junior Labour Service 30%
- (5) WB Junior Employment Service
(*i.e.* Asstt. Employment Officers) 30%
- (6) WB Registration Service (*i.e.*
Sub-Registrars). 30%
- (7) Jailors. 30%

Annexure III to Appendix IV

[See Part II, item 10]

No. F. 41 (33)/67-J

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Department of Legal Affairs)

To

Shri M. D. Gobaloussamy,
President,
Pondicherry Bar Association,
79, Rue Vellala,
PONDICHERRY.

New Delhi—June 17, 1968,

Jyaistha 27, 1890 (Saka)

Sir,

With reference to your representation dated the 6th February 1968, on behalf of the Pondicherry Bar Association, addressed to the Hon'ble Law Minister and similar representation sent to the Speaker of the Lok Sabha, I am directed to state that notice had been taken of the various issues raised therein. It would be seen that the Pondicherry (Extension of Laws) Act contains adequate provisions for safeguarding the interests of the existing legal practitioners who have been acquired French qualification. The provisions of Article 11 of the Treaty of Cession with regard to safeguarding the interests of persons practising a learned profession have been kept in mind when extending the Advocates Act to the Union Territory of Pondicherry.

A copy of Section 58AA of the Advocates Act, which contains necessary provisions in this regard is enclosed. It would be noticed that it is open to the existing legal practitioners either to enrol themselves as advocates under the Advocates Act, or if they do not elect to be or are not entitled to be enrolled as advocates, to continue to

enjoy the same rights as regards practice as they had before the extension of the said Act.

The whole scheme of application of Indian laws to this territory will show that whatever Indian laws have been made applicable since the time when the administration of the French establishments of Pondicherry, Karaikal, Mahe and Yanam was taken over by the Government of India with effect from 1st November 1954 have been applied by a gradual process. The laws extended include those relating to criminal procedure but on the civil side the French Civil Law and procedure is still being followed. Keeping in view the desire of large sections of the people of Pondicherry that civil law, judiciary and important administrative agencies should be switched over from the French pattern to the Indian pattern and the relevant laws that are in force in the rest of India should also be extended to this territory, the (Pondicherry Extension of Laws) Act, 1968 has been enacted. The Act seeks to extend 96 Central laws to this territory. The fact is that many Indian laws have already been made applicable to Pondicherry and more are being extended now. It is, therefore, necessary and in the interest of justice, and a unified bar that the services of advocates who are familiar with these laws should also be made available to the litigant public of Pondicherry, if they wish to avail themselves of their services.

Yours faithfully,

Sd/- P. B. Venkatasubramanian,
Additional Legal Adviser to the Govt. of India.

Copy forwarded to:

1. The Law Secretary to the Government of Pondicherry.
2. The Ministry of Home Affairs with reference to their u.o. No. 1/15/68-UTL, dated 11-6-1968.

Sd/- P. B. Venkatasubramanian,
Additional Legal Adviser to the Govt. of India.

Annexure IV to Appendix IV

(See Part II, Item No. 11)

NOTE

Comments on the representation made by Shri Kamleshwari Singh and others addressed to the Speaker, Lok Sabha, New Delhi through the Petitions Committee, Lok Sabha, New Delhi.

Para 1.

Waiting rooms are provided for upper class passengers only and such waiting rooms are already available at Barauni Jn. For passengers travelling in third class, waiting accommodations exists on the platforms of Barauni Station. Passengers mostly wait for arrival of trains on the platforms, where adequate amenities in the shape of cover, light, water, food etc. have been made available.

Para 2.

The number of licensed porters provided at Barauni Jn. is 364. Recently a raid was conducted to detect unlicensed porters and it was found that 18 porters were without licence. These persons were convicted by the Special Railway Magistrate, Sonapur under Section 122/132 of the Indian Railways Act. A revision petition has been filed by the accused in the Patna High Court. The case is sub-judice at present.

Para 3.

Arrangement for sale of handloom cloth exists at Barauni and Gorakhpur stations. Sale of handloom cloth is, however, confined to the stalls only at these stations as hawking is not permitted under the rules. In addition the contract for sale of khadi has been allotted to the Khadi Gramodyog Sangh at Barauni Jn.

Para 4.

No specific complaint relating to the sale of adulterated food has been reported. Frequent checks are exercised by the Railway medical Authorities by taking samples of food.

Para 5.

In accordance with the extant orders sale of medicines at Rly. stations is not allowed. However, Aspirin type tablets are permit-

ted to be sold by the Miscellaneous articles contractors from their stalls at important Railway Stations.

Para 6

Steps have been taken to intensify the security measures to prevent thefts at Barauni yard. Railway protection Force staff are posted and deputed round the clock to patrol the yard. Plain clothes staff are also deployed to collect intelligence about activities of criminals. Staff found involved in thefts are given deterrent punishments. Patrolling by Armed RPF staff and RPF Dog Squad has been introduced in selected yards.

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