

COMMITTEE ON PETITIONS

(SEVENTH LOK SABHA)

TWELFTH REPORT



सत्यमेव जयते

[Presented to Lok Sabha on 6 April, 1983]

**LOK SABHA SECRETARIAT
NEW DELHI**

April, 1983/Chaitra, 1905 (Saka)

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Corrigenda to Twelfth Report of the
Committee on Petitions (Seventh Lok Sabha)

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(1982-83)

CHAIRMAN

1. Shri R. L. Bhatia

MEMBERS

2. Shri Godil Prasad Anuragi

3. Shri Banwari Lal

4. Shri Chaturbhuj

5. Shri G. Devaraya Naik

6. Shri Ram Vilas Paswan

7. Shri G. S. Reddi

8. Shri Ajit Kumar Saha

*9. Shri Saminuddin

10. Shri Chandra Pal Shailani

11. Shri P. Shanmugam

12. Shri P. M. Subba

13. Dr. Subramaniam Swamy

14. Shri Jagdish Tytler

15. Shri Balkrishna Wasnik

SECRETARIAT

Shri H. G. Paranjpe — *Joint Secretary*

Shri S. D. Kaura — *Chief Legislative Committee Officer*

Shri S. S. Chawla — *Senior Legislative Committee Officer*

*Nominated w.e.f. 22 February, 1983 *vice* Shri Chandra Shekhar Singh
ceased to be a member of the Committee on his appointment as a Minister of State.

TWELFTH REPORT OF THE COMMITTEE ON PETITIONS

(Seventh Lok Sabha)

I

INTRODUCTION

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

- (i) Petition No. 22 regarding development of Dabhol Port in Maharashtra.
- (ii) Representations regarding acquisition of land in South Delhi villages by D.D.A.
- (iii) Representation regarding statutory control on filament yarn.
- (iv) Representation regarding enquiry into the manner of appointments to the Public Sector Undertakings in Karnataka and legislative measures for reservation of jobs for local people.
- (v) Representation from Smt. Itheeryumma regarding non-payment of certain dues.
- (vi) Action taken by Government on the recommendations of the Committee on Petitions contained in their Thirty-second Report (5LS) on the representation regarding sugarcane price etc.
- (vii) Action taken by Government on the recommendations of the Committee on Petitions contained in their Thirty-fourth Report (5LS) on the representation regarding acquisition of land in Calangute village of Bardez Taluka by the Administration of Goa, Daman and Diu.
- (viii) Action taken by Government on the recommendations of the Committee on Petitions contained in their Fifth Report (6LS) on the representation regarding provision of certain civic amenities in the Harijan Colony, Sawan Park, Ashok Vihar, Delhi.

- (ix) Action taken by Government on the recommendations of the Committee on Petitions contained in their Sixth Report (6LS) on the representation regarding investigation in the case of alleged "surgically removed" kidney from the body of Dr. Upamanyu Sen found dead at Liverpool in July, 1974.
- (x) Action taken by Government on the recommendation of the Committee on Petitions contained in their Eighth Report (7LS) on the matter regarding payment of arrears of pay and provident fund to the ex-employees of Panipat Woollen Mills, Kharar.
- (xi) Other Representations.

1.2 The Committee considered the above matters at their sittings held on 23 March and 5 October, 1981, and 18 November, 2 and 23 December, 1982.

1.3 The Committee considered their draft Report at their sitting held on 31 March, 1983 and adopted it.

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

NEW DELHI;

R. L. BHATIA,

31 March, 1983

Chaitra 10, 1905 (Saka)

Chairman,
Committee on Petitions.

PETITION No. 22 REGARDING DEVELOPMENT OF DABHOL
PORT IN MAHARASHTRA

2.1 Petition No. 22 signed by Shri B. N. Gore and others regarding development of Dabhol Port in Maharashtra was presented to Lok Sabha on 13 August, 1982 by Shri J. S. Patil, M.P.

A. *Petitioners' Grievances and Prayer*

2.2 In their petition (See Appendix I), the petitioners stated, *inter alia*, as follows:—

- (1) Dabhol is geographically, technically and economically ideal port and needs urgent, immediate development;
- (2) the evergrowing international trade demands additional port facilities on West Coast of India. The ever increasing naval requirements would also be catered by this port;
- (3) development of Dabhol would help to decongest Bombay and to develop a comparatively backward area; and
- (4) the cost of the development of this port would be much less than any other major port developed so far or being developed."

2.3 The petitioners prayed that in view of the above facts, a thorough detailed techno-economic survey of that port should be made by a panel of experts and competent persons without any further loss of time, and the development of the port should be expedited.

B. *Comments of the Ministry of Shipping and Transport (Ports Wing).*

2.4 The petition was referred to the Ministry of Shipping and Transport (Ports Wing) for furnishing their factual comments thereon for consideration by the Committee. In their factual note dated 16 September, 1982, the Ministry of Shipping and Transport (Ports Wing) have stated as follows:—

"Dabhol is a minor port in Maharashtra and it is situated in the estuary of Vashishti river. At the entrance of the Dabhol river, there is a bar of approximately half a mile in length where depths for water are shallow. However, deeper depths are available in patches within the river and at the

confluence of the river with the sea. The land on both sides of the entrance to the river is hilly and undulating. There is very little flat land available on either side of the river for locating back up facilities required for a major port. For major port a fairly long approach channel is needed and will have to be cut and maintained for entry into Dabhol Port. Besides, as the coast is exposed to 4 months of severe monsoon conditions and under these conditions, the exposed channel becomes difficult to navigate without some artificial protection like break-waters. However, it is possible to ensure adequate tranquility conditions in the approaches by the construction of breakwaters but the capital investment involved would be considerable. Summarising, the major problem areas are as follows:—

- (a) Presence of a bar at the mouth of the creek involving heavy capital dredging and likely heavy maintenance dredging.
 - (b) Insufficient protection against the wind and the waves in the creek nearer the sea and the narrowness of the creek to just 400-500 m, inland where protected waters are available.
 - (c) Steep hill slopes on either side of the creek terminating in vertical faces and cliffs near the water edge.
 - (d) Insufficient level land near the protected waters for the development of the on-shore facilities.
 - (e) Lack of suitable infrastructural facilities.
- (2) The creation of a new port on the West Coast has been under consideration of the Central Government for quite some time. For a detailed appraisal of the project with reference to the cost involved and its benefits to the economy of the country, the Planning Commission had set up in June, 1978, a Working Group. In its report, the Working Group after considering various sites on the West Coast, concluded that the Nhava Sheva across Bombay harbour was the best location on techno-economic considerations. Accordingly, Government of India have already sanctioned construction of a new port at an estimated cost of Rs. 592 crores. There is no proposal to develop any other major port, apart from Nhava Sheva, during the Sixth Five Year Plan.
- (3) There is no need to appoint a panel of experts to undertake a thorough detailed techno-economic survey of Dabhol as

the port in question has not been found suitable both from technical and economic considerations."

2.5 In this connection, Admiral B. S. Soman (Retd.), in his letter dated 13 October, 1982, stated as follows:—

"I understand that a Citizen's Petition has been submitted to the Committee requesting that a Techno-Economic Survey of the Port of Dabhol may please be ordered to be carried out with a view of that, presently Minor Port, being developed into a Major Port.

To the extent my service with the Indian Navy extending over thirty-four years, till I retired in 1966 as the Chief of the Naval Staff, and my personal knowledge of the many Minor and Intermediate ports along the coast, entitles me to do so; I would like to add my support to this project, which but for adverse parochial vested interests should have been undertaken the moment it was first mooted in 1965.

I have had the privilege to express my detailed opinion on this project ever since 1965 and can truthfully say that the orderly Maritime Development of the country can no longer brook any delay in providing for a satellite Major Port for Bombay, which I have no doubt in years to come, is going to become more and more Non-Cost-Effective to maintain and will not be able to meet the rising demands of our Export and Import trade."

C. Observations of the Committee

2.6 The Committee note the position stated by the Ministry of Shipping and Transport (Ports Wing) in their factual comments stating, inter alia that the creation of a new port on the West Coast had been under consideration for quite some time and that for a detailed appraisal of the project with reference to the cost involved and its benefits to the economy of the country, the Planning Commission had set up a Working Group in June, 1978. After considering various sites on the West Coast, the Working Group in its Report concluded that the Nhava Sheva across Bombay harbour was the best location on techno-economic considerations. Accordingly, the Government of India sanctioned construction of a new port at an estimated cost of Rs. 592 crores. There is no proposal to develop any other major port, apart from Nhava Sheva, during the Sixth Five Year Plan.

The Committee, however, observe that the Government may consider conducting of a techno-economic survey for development of Dabhol as the Port on the West Coast by an Expert Committee in future Five Year Plans.

III

REPRESENTATIONS REGARDING ACQUISITION OF LAND IN SOUTH DELHI VILLAGES BY D.D.A.

3.1. Shri Bhanu Pratap Singh, M.P., President, Farmers Federation of India, New Delhi, forwarded a Memorandum dated 16 November, 1980, signed by Shri Mahinder Singh, President, South Delhi Villagers Sangathan, New Delhi, regarding acquisition of land in South Delhi villages by D.D.A.

A. Petitioners' Grievances and Demands

3.2 In their Memorandum (*See Appendix II*), the petitioner made the following demands:—

- (a) Cancel Land Acquisition notices issued on 5-11-1980 for eight South Delhi villages and desist from issuing such partisan notices in future.
- (b) Pay open market value for the lands acquired. The lands should be sold in an auction open to the general public in a practice similar to the auctions held for DDA plots.
- (c) Treat the village population as equal partners in development of Delhi.
- (d) Revise 'Lal Dora' area of all villages in Delhi territory to permit legitimate building activity for enlarged village population. Additional land should be acquired, developed and sold back to house the expanded village population.
- (e) Release to the peasant owners 30,000 acres of land laying unused for over 20 years against the existing law (Section 55 of DDA Act.)"

3.3 Subsequently, Shri Mahinder Singh as President, Delhi Rural People's Panchayat, Saidulajab, New Delhi, addressed another letter dated 13 January 1981 in which he stated as follows:—

"I am enclosing another and more uptodate study on 'Land Acquisitions' in Delhi (*See Appendix III*). Whereas the country's economic plans are based on a five year period, land acquisition notices are based on a 20 years period and that too when development plans for that period have yet to be made and approved.

The compensation awards for the land acquired are most scandalous. One Land Acquisition Collector has awarded Rs. 84 per square metre (later doubled on appeal). While another has awarded paise 60 per square metre. Delhi edifice since Independence has come up on the lands owned through hard work, blood and sweat of the toiling peasantry and their ancestors. A Parliamentary Commission can unearth the most devastating and scandalous involvement of the urban rich ruling elite in the land deals rackets. Forwarding the memorandum in a routine way to the Ministry of Works and Housing is like throwing it in the dust bin. The Ministers are ignorant and as such in the hands of the same set of planners and administrators who are the major beneficiaries of the large scale land acquisition. Kindly refer to the 'Fourth Report' of the Estimates Committee of the Seventh Lok Sabha (Document E.C. No. 938) presented to the Lok Sabha on December 12, 1980."

3.4 In the Note on Land Acquisition in Delhi, Shri Mahinder Singh made the following demands:—

- (i) No more land in the green belt should be acquired as the land already in possession with the DDA is sufficient to cope with planned needs of the growing population. Recent notifications acquiring rural land, issued in this connection should be cancelled. Efforts to deter the influx of one lakh persons should be taken by the Administration. The New Delhi area should be populated and brought at par in its density with other areas of Delhi, to provide accommodation to natural growth of population and some J. J. colonies.
- (ii) Living space for rural population restricted by 'Lal Dora' limits should henceforth be relaxed to regularise all constructions made by the villagers already. In addition, task to develop village lands should be given to DDA/Rural Housing agency so that necessary land could be developed at 'no profit no loss' basis. House sites should be developed after acquiring land exclusively for the villagers. The villages could conveniently be grouped to provide common amenities like parks, schools, sports fields, hospitals, cattle sheds, industrial complexes on modern lines etc.
- (iii) All urbanised villages should be provided with the same civic amenities as are available to the adjacent colonies on a time bound programme. Till this is done no municipal taxes should be levied on the villages.

- (iv) Arrangement for rehabilitation of villagers who have been deprived of their land should be made preferably within Delhi State by allotting them shops, cultivable land at low cost.
- (v) That amendment of the Land Acquisition Act, 1894 be done in a manner to provide for compensation at the current 'market value' for the land acquired keeping in view the increase in its value due to urbanisation. The legislation should have retrospective effect from 1959.

All land still lying vacant and not needed for public utility services like broadening of roads schools and hospitals etc. should be developed exclusively for housing the population of the urbanised Delhi villages and sold to them on no profit no loss basis.

- (vi) The acquired vacant land should be released by DDA immediately for cultivation to original owners as the land held is in contravention of section 55 of the DDA Act.
- (vii) That the compensation for Gaon Sabha land should be paid to the villagers.
- (viii) The market value of the land acquired should be fixed by a Commission having farmers' representatives on it and not left to individual revenue officers.
- (ix) A great injustice was done to the rural people, in shifting J.J. colonies to rural lands. The J.J. colony dwellers come from outside Union Territory and most of them have a living place in their States of origin. They came to Delhi to serve and benefit the big building contractors. The moral responsibility for providing housing to them was that of these contractors, who made money through exploitation of their cheap labour. The J. J. Colony residents who do not belong to Delhi should be shifted to open spaces available in New Delhi area, which they have helped to build. This will place them nearer their work also and relieve the strain of transport problem. The site of present J. J. colonies should be reserved for the Harijan population of Delhi State. In future no more of rural lands should be used for J. J. colonies."

B. Comments of the Ministry of Works and Housing

3.5 The representations were referred to the Ministry of Works and Housing for furnishing their factual comments on the various points raised in the representations for consideration by the Committee on Petitions. In this connection, the Ministry of Works and Housing in their communication dated 31 October, 1981 have stated that it would be seen from the representations that almost all the points raised by Shri Mahinder Singh are

covered in his further representation received from him as President, Rural Peoples' Panchayat, Saidulajaib. A note giving the factual comments on the various points raised in these representations is attached. (See Appendix IV).

It will be seen from the factual comments that the notifications are only preliminary notifications inviting objections to the proposals. The basic objective was to put an end to speculations and racketeering in land which had become rampant in the area. According to the Delhi Administration these notifications put an end to speculative land deals.

The Delhi Administration has stated that while formulating their views the objections that have been received in response to the preliminary notifications would be taken into account.

3.6 In their factual comments sent on 31 October, 1981 (See Appendix IV), on the points raised in the representation, the Ministry of Works and Housing have stated *inter alia* as follows:—

“Need for acquiring additional land when there are much areas of notified land which have not yet been developed.”

Under the Master Plan of Delhi which was prepared in late fifties and which came into effect from the 1st September, 1962, the urbanisable area upto 1981 cover about 1,10,000 acres. The Master Plan had a perspective period of 20 years. It envisaged to accommodate a population of about 45 lakhs which was later on revised to about 53 lakhs through redensification. According to the census of India 1981, the present population of Delhi is estimated to be about 62 lakhs which includes the urban population of about 57.5 lakhs and as per the population projections worked out by the perspective Planning wing of the DDA, urban population of Delhi is likely to be of the order of 122 lakhs in the year 2001.

* * * *

Necessary exercise for the preparation of the Second Development Plan for Delhi has already been started by the DDA with a view to cater to the needs of the projected population. In the intervening period of formulation of this plan and its approval by the Parliament, large scale transactions of land would take place and going by the previous experience, such transaction, if not checked, would make the implementation of the new plan difficult. Hence, it is absolutely necessary to take timely steps for preserving the land for this purpose.

Accordingly, the Delhi Administration has issued two Notifications in respect of 13 South Delhi villages under Section 4 of the Land Acquisition Act, 1894 on 5-11-1980 and 25-11-1980, to the effect that whereas it appears to the Lt. Governor, Delhi, that the land is likely to be required to be taken by Government at the public expenses for public purposes, viz., for the planned development of Delhi, the entire land in the revenue estates of these following villages is notified under the said Section 4.

* * * *

Delay in payment of compensation and the inadequate nature of the compensation

Under the Land Acquisition Act, 1894, payment of compensation is made at market value of land prevailing on the date of the notification under Section 4 of the Act to be determined in accordance with the provisions of the Act and also payment of solatium at the rate of 15 per cent over and above the market value in consideration of the compulsory nature of the acquisition. The Land Acquisition Collector is a semi-judicial functionary and his orders are appealable before higher courts.

The following benefits are also given to those whose land is acquired:—

- (a) A residential plot in approved colony is allotted to the extent of 40 per cent of the land acquired subject to a ceiling of 250 sq. yds. on pre-determined rate; and

With a view to enabling them to earn their livelihood, 10 per cent of the shops constructed by the D.D.A. in various colonies are being allotted on pre-determined rates by draw of lots to those whose land has been acquired.

The compensation is paid to the persons from whom land has been acquired as per the provisions of the Land Acquisition Act, 1894 with a view to give relief to the farmers whose lands have been acquired. The Government in the Ministry of Rural Reconstruction is also considering to bring about certain amendments in the above Act with a view to increase the rate of solatium which at present is 15 per cent.

The D.D.A. has disposed of lands in South Delhi at very high rates while they have paid only very low cost to the farmers

It is true that in a few cases the D.D.A. has auctioned plots which fetched high rates whereas their cost of acquisition was very low. As explained earlier the compensations to the owners are paid as per the provisions of the Land Acquisition Act, 1894.

According to the above Act, the owner will get the compensation on the basis of the market rates prevailing on the date of notification under Section 4 of the Land Acquisition Act, 1894, plus a 15 per cent solatium in lieu of the compulsory nature of the acquisition.

* * * *

Recognising the need for providing civic facilities in the villages adjacent to developing urban colonies, a scheme to provide the basic facilities like water supply, sewerage, approach roads and street lighting in the urban villages numbering 111 is under the active consideration of the Government and a scheme has already been prepared by the D.D.A. and is under examination of the Delhi Administration. Meanwhile, D.D.A. has already spent Rs. 88.17 lakhs towards providing basic amenities in these urban villages.

* * * *

Amendments to the Land Acquisition Act, 1894

At present the compensation is given at the market value of the land prevailing on the day of the notification under section 4 of the Land Acquisition Act, 1894. However Government is considering a proposal to increase the present rate of solatium i.e. 15 per cent which is paid in lieu of the compulsory nature of the acquisition. The Delhi Administration is also taking steps to expedite the land acquisition proceedings so that the farmers are not put to undue hardships."

3.7 It may be mentioned that the Land Acquisition (Amendment) Bill, 1982 to amend the Land Acquisition Act, 1894 was introduced in Lok Sabha on 30 April, 1982. In the Statement of Objects and Reasons, Rao Birendra Singh, Minister of Agriculture has stated that the said Bill among other things, seeks to amend the Act to give effect to the following proposals, namely:—

"It is proposed to provide for a period of two years within which the Collector should ordinarily make his award under the Act. He has also been empowered to correct clerical or arithmetical mistakes in the award within a certain period from the date of the award.

* * * *

The solatium of 15 per cent of the market value of the land acquired, which is payable in consideration of the compulsory nature of the acquisition, is proposed to be increased to 30 per cent.

This rate has remained unchanged since the commencement of the Act in 1894. Likewise, the rates of interest payable on the excess compensation awarded by the court and on the compensation in cases where possession of the land is taken before payment of compensation are proposed to be increased from 6 per cent to 9 per cent."

C. Observations of the Committee

3.8 The Committee note the position stated by the Ministry of Works and Housing in their factual comments on the various demands made in the representations stating, inter alia, that "necessary exercise for the preparation of the Second Development Plan for Delhi has already been started by the D.D.A. with a view to cater to the needs of the projected population. In the intervening period of formulation of this plan and its approval by the Parliament, large scale transactions of land would take place and going by the previous experience, such transactions, if not checked, would make the implementation of the new plan difficult. Hence, it is absolutely necessary to take timely steps for preserving the land for this purpose."

Accordingly, the Delhi Administration issued two Notifications in respect of 13 South Delhi villages under Section 4 of the Land Acquisition Act, 1894 on 5-11-1980 and 25-11-1980, to the effect that whereas it appeared to the Lt. Governor, Delhi, that the land was likely to be required to be taken by Government at the public expenses for public purposes viz for the planned development of Delhi, the entire land in the revenue estates of these villages was notified under the said Section 4.

The notifications were only preliminary notifications inviting objections to the proposals. The basic objective was to put an end to speculation and racketeering in land which had become rampant in the area.

The Delhi Administration have stated that while formulating their views the objections that are received in response to the preliminary notifications would be taken into account.

3.9 In regard to delay in payment of compensation and the inadequate nature of the compensation, the Committee also note the Ministry's reply that under provisions of the Land Acquisition Act, 1894, payment of compensation was made at market value of land prevailing on the date of the notification under Section 4 of the Act to be determined in accordance with the provisions of the Act and also payment of solatium at the rate of 15 per cent over and above the market value in consideration of the compulsory nature of the acquisition. The Land Acquisition Collector is a semi-judicial functionary and his orders are appealable before the courts.

The following benefits are also given to those whose land is acquired by D.D.A.:—

- (a) A residential plot in approved colony is allotted to the extent of 40 per cent of the land acquired subject to a ceiling of 250 sq. yds. on pre-determined rate; and
- (b) With a view to enabling them to earn their livelihood, 10 per cent of the shops constructed by the D.D.A. in various colonies are being allotted on pre-determined rates by draw of lots to those whose land had been acquired.

3.10 The Committee further note that the Land Acquisition (Amendment) Bill, 1982 to amend the Land Acquisition Act, 1894 was introduced in Lok Sabha on 30 April, 1982. In the Statement of Objects and Reasons, Rao Birendra Singh, Minister of Agriculture has stated that the said Bill among other things, seeks to amend the Act to give effect to the following proposals, namely:—

“It is proposed to provide for a period of two years within which the Collector should ordinarily make his award under the Act. He has also been empowered to correct clerical or arithmetical mistakes in the award within a certain period from the date of the award.

* * * * *

The solatium of 15 per cent of the market value of the land acquired, which is payable in consideration of the compulsory nature of the acquisition, is proposed to be increased to 30 per cent. This rate has remained unchanged since the commencement of the Act in 1894. Likewise, the rates of interest payable on the excess compensation awarded by the Court and on the compensation in cases where possession of the land is taken before payment of compensation are proposed to be increased from 6 per cent to 9 per cent.”

3.11 In the light of the position explained by the Ministry of Works and Housing in their factual comments in connection with proposed acquisition of land by D.D.A. and the provisions contained in the Land Acquisition (Amendment) Bill, 1982, the Committee feel that no further intervention is required in the matter on their part.

3.12 The Committee have been informed that at present 10 per cent of the shops constructed by the D.D.A. in various colonies are being allotted on pre-determined rates by draw of lots to those whose land had been acquired with a view to enabling them to earn their livelihood. The Committee feel that as the farmers are deprived of their livelihood on account of acquisition of their land by Government, the provision of allotment of 10 per cent of the shops is inadequate. The Committee, therefore, recommend that it should be increased at least to 25 per cent.

IV

REPRESENTATION REGARDING STATUTORY CONTROL ON FILAMENT YARN

4.1 The Secretary, Federation of Indian Art Silk Industry, Bombay submitted a representation dated 12 September, 1981 regarding statutory control on filament yarn.

A. Petitioner's Grievances and Prayer

4.2 In his representation (See Appendix V), the petitioner stated, *inter alia*, as follows:—

“The production of filament yarn is much below the requirement of weavers. From time to time Government has allowed them to import yarn. But the policy has been half hearted. One big defect has been that the import duties are not revised when the international price of yarn goes up so high that the duty makes the yarn too costly for the weavers. Import then gets reduced and the price of yarn in the country shoots up. The rise is often unbelievable.

* * * * *

While weavers are exploited by the spinners (four large houses and six big companies) Government is also losing an annual revenue of more than Rs. 30 crores.

* * * * *

We approach you, Sir, with the hope that you will now use your good offices to get the urgently needed relief to the art silk handloom and powerloom weavers:

For this:

A. The Minister of Finance has to:

- (i) withdraw the 125 per cent import duty on acetate filament yarn.
- (ii) withdraw 5 per cent import duty on viscose and cupramonium filament yarn.
- (iii) reduce import duty on nylon from 125 per cent to 60 per cent.
- (iv) reduce import duty on polyster filament yarn from 205 per cent to 120 per cent and give an excise concession to Petro-fils.

B. The Minister of Commerce has to:

- (i) Decanalise import of sub-standard polyester filament yarn,
- (ii) Direct spinners consuming viscose staple fibre to maintain the 1978 pattern of their use of this fibre to produce:
 - (a) pure staple fibre yarn, and
 - (b) blended yarn.
- (iii) Allow art silk weavers and their cooperatives to install machinery of 1—3 tonnes per day capacity to produce nylon and polyester filament yarns from caprolactum|DMT chips.
- (iv) Impose statutory control on viscose, nylon, polyester filament and viscose staple fibre yarn.”

B. Comments of the Ministries of Finance (Department of Revenue) and Commerce (Department of Textiles)

4.3. The representation was referred to Ministries of Finance (Department of Revenue) and Commerce (Department of Textiles) for furnishing their factual comments thereon for consideration by the Committee on Petitions. In their factual comments the Ministries have stated as follows:—

Ministry of Finance (Department of Revenue) Note dated 15 April, 1982

“In the Textile Policy Statement announced by Government in Parliament on 9 March, 1981, a review of the fiscal levies on man-made fibres and yarns had been proposed. In this context, a number of representations from various associations, including the Federation of Indian Art Silk Weaving Industry had also been received. Government have since reviewed the duty structure on man-made fibres and yarns and certain changes in the duty rates have been announced as a part of the 1982 Budget proposals. In so far as the representation from the Federation of Indian Art Silk Weaving Industry is concerned, the import duty on acetate filament yarn has been reduced from 125 per cent *ad valorem* to 20 per cent *ad valorem*. However, it has not been found possible to accede to the other requests made by the Federation for the present.”

Ministry of Commerce (Department of Textiles) Note dated 24 May, 1982

“The Federation of Indian Art Silk Weaving Industry has raised various problems of the art silk weaving industry. In this connection they have sought relief in regard to fiscal levies,

reduction in levying of fees for regularisation of unauthorised powerlooms, statutory price and distribution control, setting up of mini plants for manufacture of Polyester|Nylon Filament Yarn etc.

A large number of unauthorised powerlooms have come up in the country much against the wishes of the Government. However, the Government has decided to regularise unauthorised powerlooms by prescribing a fee of Rs. 600|- for art silk powerlooms. A writ petition has been filed against this decision of Government and the matter is *sub judice*. The Art Silk Weaving Setcor is predominantly in the decentralised sector.

About 85 per cent of the industry is confined to the units of 4—9 looms. There are only 18,000 looms out of total of about 5 lakhs powerlooms in the organised sector. The total estimated production of the looms is about 1350 m. mtrs. In order to ensure ready availability of raw materials for this industry at reasonably steady prices import of man-made fibres and yarns is permitted on OGL basis. This policy has not only supplemented the cotton but also the existing indigenous production of man-made fibres|yarns in the country. Because of this policy the prices have by and large remained at steady levels and this policy has been commented favourably by this Association.

Regarding rationalisation of fiscal levies, Ministry of Finance has already reduced import duty on Acetate Filament Yarn from 125 per cent to 20 per cent *ad valorem*. Special import duty of 5 per cent on Viscose Filament Yarn has been waived. The excise duty on Polynosic|HWM Fibre has been reduced to Rs. 4.00 per kg. and brought at par with regular Viscose Staple Fibre. Further rationalisation of fiscal levies is under constant review. In fact Bureau of Industrial Cost and Prices has been requested to undertake cost study of these items so as to enable us to arrive at a fair selling price and see the areas of possible reduction|rationalisation in levies.

The matter regarding setting up of mini-plants for manufacture of Polyester/Nylon Filament Yarn was examined in consultation with D.G.T.D. and Department of Petroleum. Mini-plants in this Sector of industry have not been considered as economically viable and technically feasible. Therefore, this did not find favour with the Government. As regards the import of sub-standard Nylon|Polyester Filament Yarn it is stated that these yarns are permitted for import through canalising agencies which is basically with a view to accord protection to the

indigenous industry and also to avoid mal-practices which come through under invoicing of sub-standard goods. This is also under constant review.

In view of the measures referred to above, there is ready-availability of man-made fibres and yarns at reasonable prices. No difficulty is envisaged in this direction. Hence there is no proposal to have any price and distribution control on these items."

C. Observations of the Committee

44. The Committee note the position stated by the Ministries of Finance (Department of Revenue) and Commerce (Department of Textiles) in their factual comments on the points made in the representation stating, inter alia, that the import duty on acetate filament yarn has been reduced from 125 per cent ad valorem to 20 per cent ad valorem and special import duty of 5 per cent on viscose filament yarn have also been waived. The excise duty on Polynosic/HWM fibre has been reduced to Rs. 4/- per kg. and brought at par with regular Viscose Staple Fibre.

The Committee, however, feel that the Government may also consider reduction of import duty on polyester filament yarn imposed at the rate of 204 per cent at present so as to balance the import duty on acetate filament yarn.

4.5 The Committee agree with the position stated by the Ministry of Commerce (Department of Textiles) that in view of ready-availability of man-made fibres and yarns at reasonable prices, there is no need to have any price and distribution control on these items.

REPRESENTATION REGARDING ENQUIRY INTO THE MANNER OF APPOINTMENTS TO THE PUBLIC SECTOR UNDERTAKINGS IN KARNATAKA AND LEGISLATIVE MEASURES FOR RESERVATION OF JOBS FOR LOCAL PEOPLE

5.1 Shri T. R. Shamanna, M.P. forwarded a representation signed by Shri Ko Chennabasappa, President, B.E.L., Karnataka Karmikara Hitara-kashaka Samithi, Bangalore and others regarding enquiry into the manner of appointments to the Public Sector Undertakings in Karnataka and legislative measures for reservation of jobs for local people.

A. Petitioners' Grievances and Prayer

5.2 In their representation (See Appendix VI), the petitioners stated *inter alia*, as follows:—

“The Management of the B.E.L. has issued a Press Note with an explanation that out of 14,125 employees of the Unit, 10,171 employees constituting 70 per cent belong to Karnataka. It is also stated that these appointments are made in accordance with the directions issued by the State Governments in 1975 and that 70 per cent of the employees appointed after 1975, are Kannadigas.

...In order to mislead the State Government and the Public they (Management) have considered the non-Kannadigas who have somehow registered their names in the Employment Exchange in Karnataka, those who have put in attendance in an evening college or school or a commercial institute and also the dependents of the employees of BEL and other Public Undertakings in Karnataka as the local people.

...If the real test of local people were to be applied it will be found that the majority of the employees are non-Kannadigas and non-local people.

* * * * *

In the process of acquisition of land, thousands of local people have been up-rooted and displaced...What the up-rooted and displaced persons really need is assured source of livelihood and security of reasonable means of livelihood. Therefore, it is the bounden duty of the authorities to rehabilitate those who have been dispossessed of their means of livelihood,

namely the land by giving them some employment. It is, in this context that we the local people appeal to this Hon'ble House to do justice to them.

* * * * *

We, therefore, pray that the Hon'ble House be pleased to:

- (i) institute a judicial enquiry into the method and manner of appointments made to the Public Sector Undertakings situated in Karnataka as a whole by appointing a sitting or retired Judge of the Supreme Court or a High Court;
- (ii) ascertain the percentage of Kannadigas and other people in such undertakings both in Karnataka and other States; and
- (iii) bring in suitable legislation to regulate and control the appointments made in the Public Sector Undertakings making suitable reservation for the local people."

B. Comments of the Ministry of Finance Bureau of Public Enterprises.

5.3 The representation was referred to the Ministry of Finance (Bureau of Public Enterprises) for furnishing their factual comments thereon for consideration by the Committee. The Ministry of Finance (Bureau of Public Enterprises) have furnished a factual note dated 23 December, 1981 stating as follows:—

"In the representation submitted by Shri Ko Chennabasappa, President, B.E.L., Karnataka, Karmikara Hitarakshaka Samithi, Bangalore and others, the Speaker of the Lok Sabha has been requested to:

- (i) Institute a judicial enquiry into the method and manner of appointments made to the Public Sector Undertakings situated in Karnataka as a whole by appointing a sitting or retired judge of the Supreme Court or a High Court;
- (ii) ascertain the percentage of Kannadigas and other people in such undertakings both in Karnataka and other States; and
- (iii) bring in suitable legislation to regulate and control the appointments made in the public sector undertakings making suitable reservation for the local people.

(2) In this context, it may be submitted that detailed instructions* have been issued by the Government *vide* erstwhile Ministry of Industry and Supply O.M. dated 26.11.1964 and by the BPE *vide* its O.M dated 16.2.1970 read with subsequent amendments dated 20.4.1978, 13.11.1978 and 25.7.1979 laying down therein the principles which should be kept in view while formulating the recruitment and promotion policies by the respective public enterprises. The broad parameters of the recruitment policy, as enunciated therein, are as follows:—

*Not enclosed.

- (i) Appointments to top posts will be made by the Government on the basis of suitability of the individual candidate to the specific posts;
- (ii) In the case of middle level and senior middle level executive cadres, appointments are made on all India basis, merit and qualifications being the principal criteria. Care is also to be taken to ensure that there is no reasonable ground for complaints by the local candidates. For higher technical post, the best qualified persons are to be recruited either through advertisement on all India basis or by personal contact;
- (iii) In the lower formations, recruitment is to be made through the Local Employment Exchanges only if the post carries scales of pay the maximum of which does not exceed Rs. 800/- p.m. In the case of unskilled workers, preference is to be given to the people coming from the locality where the project is situated. Persons displaced from the areas acquired for the project or those belonging to SC/ST are given overriding priority in the matter of employment. Next to be preferred are those who, even if they come from some distance have been or about to be retrenched from other public enterprises. Even in the case of skilled workers, clerks and other non-technical staff, so long as the basic qualifications and experience are forthcoming preference is to be given in the order of priority mentioned above;
- (iv) The enterprises are also required to notify all vacancies to the Employment Exchanges and insert suitable advertisements in the local and National Press in respect of vacancies in higher categories of posts.

(3) It may, however, be stated that the Government does not subscribe to the theory of the 'SONS OF THE SOIL'. Article 16 of the Constitution, enjoins upon the State that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Since public enterprises established either by a Statute or under the Companies Act are States within the meaning of Article 12 of the Constitution, no citizen could be denied employment opportunities on grounds of religion, race, caste, sex, descent, place of birth, residence or any of them. However, the object of securing reasonable opportunities of employment to the local people has been achieved through the issue of instructions to the public enterprises requiring them to fill vacancies below the monetary limit specified above through the Employment Exchanges only. According to the information available to the Government, Central Government public enterprises are generally

adhering to the principles outlined above, as a result of which local people have been able to secure a sizeable proportion of the employment opportunities generated by the public enterprises. Against this background, Government is of the view that an enquiry into the manner of appointments made by the B.E.L. is not called for.

(4) As regards the percentage of the Kannadigas and other people in such undertakings both in Karnataka and other States, it is submitted that the Government has taken a policy decision that factual data in respect of the employees on the basis of region or State would not be collected and maintained by the Public enterprises as the same is not considered in the interest of the national integration. A copy of the reply given by the Hon. Prime Minister to a Starred Question No. 348 on 11-8-1970 on the subject is enclosed. (See Appendix VII) In the circumstances, Government does not propose to collect the statistics relating to the percentage of Kannadigas and other people employed by the public enterprises in Karnataka.

(5) There is no proposal to bring out legislation to regulate and control the appointments made in public enterprises including reservation for the local people. It may however, be added that the public enterprises, which are the instrumentalities of the State have been established by the Government for industrial and commercial purposes, achievement of which would be feasible only if they are allowed to function only along the accepted industrial and business principles. The policy regarding recruitment and promotion, as outlined in the preceding paragraph, ensures a fair degree of autonomy in making recruitments to their various cadres on the basis of merit-cum-fitness, while at the same time ensuring a fair share of the employment opportunities to the local people.

(6) The above policy decisions are being implemented by the Central Government public enterprises located throughout the length and breadth of the country and is not specific to the enterprises located in the Karnataka State. Against this background, Government does not consider it necessary to reopen the settled issues."

C. Observations of the Committee

5.4 The Committee note the position stated by the Ministry of Finance (Bureau of Public Enterprises) in their factual note stating inter alia that in the lower formations, recruitment is to be made through the local Employment Exchanges only if the post carries scales of pay the maximum of which does not exceed Rs. 800/- p.m. In the case of unskilled workers, preference is to be given to the people coming from the locality where the project is situated. Further, in respect of vacancies in high categories of posts also, the enterprises are required to notify all vacancies to the

Employment Exchanges and insert suitable advertisements in the local and National Press.

The Committee further note that the Government do not subscribe to the theory of the "sons of the soil" as it would be violative of article 16 of the Constitution and that the object of securing reasonable opportunities of employment to the local people has been achieved through the issue of instructions to the public enterprises requiring them to fill vacancies below the monetary limit specified above through the Employment Exchanges. The Central Government public enterprises are generally adhering to the principles outlined above, as a result of which local people have been able to secure a sizeable proportion of the employment opportunities generated by the public enterprises. Against that background, the Committee do not think it proper to call for an enquiry into the method and manner of appointments made by the B.E.L. and other Public Undertakings situated in Karnataka.

In regard to collecting of data in respect of the employees on the basis of region or State, the Committee note the Ministry's reply that it would not be in the interest of the national integration to collect such data.

In view of the position stated by the Ministry, the Committee do not feel the necessity of enactment of any legislation to regulate and control the appointments made in the public enterprises including reservation for the local people.

VI

REPRESENTATION FROM SHRIMATI ITHEERYUMMA, WIDOW OF LATE SHRI K. MOHAMMED, SKILLED WORKER OF INTEGRAL COACH FACTORY REGARDING NON-PAYMENT OF CERTAIN DUES

6.1 Shrimati Itheeryumma, Malappuram, Kerala, addressed a representation dated 16 June, 1980, regarding non-payment of certain dues in respect of her husband late Shri K. Mohammed, skilled worker of Integral Coach Factory, Madras.

A. *Petitioner's Grievances and Prayer*

6.2 In her representation, the petitioner stated as follows:—

“I am the widow of Shri K. Mohammed, highly skilled artisan in the Civil Engg. Department, Integral Coach Factory, Madras—600038. My husband expired on 20.3.76 while he was in service due to cancer. He was an ex-serviceman also.

I state that consequent on his death, I preferred the following claims on ICF/MAS:

- (1) Drawal of arrears on the difference between daily wage and monthly rates of pay Rs. 110—180 (AS)/Rs. 130—212(AS) together with the annual increases from 2.7.1961 and from 11.4.1964 to 30.4.1969 respectively.
- (2) Grant of family pension from 21.3.76 and DCRG.

Since there had been no effective action taken on my numerous appeals, I am compelled to cause troubles to our kind honourable MPs. This action is prejudiced by the ICF administration and no remedial measures are thought of to finally dispose of my long pending issue.

All of a sudden, the GM/ICF issued a letter No. PB/G/49/C/Ty. status/III dated 20.7.1979 in reply to my representation dated 10.11.1978. He has merely stated as to what had been paid to me. But there is nothing to explain to keep my husband as a substitute (Ty. status) from 2.7.1961 till his death on 20.3.1976 for a period of 15 years. It leaves me in doubt that rules cannot be so harsh to the employee's widow. The

custodians of rules may be asked under what rule the ICF which is a factory could keep their employee on temporary status for 15 years. He should be brought to a permanent post from 2.7.1961.

In all reasonableness and justice, I am eligible for the family pension. If there are no rules, the Government shall see to frame such rules which shall benefit the widows of the Railway employees. I finally pray you to settle my two above claims at an early date without further delay."

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

6.3 The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee on petitions. The Ministry of Railways (Railway Board) have furnished their factual comments sent on 29 November, 1980, stating as follows:—

"Shri Mohammed was initially engaged as a Casual Labourer Serang in work-charged establishment in Civil Engineering Department. He was granted temporary status from 1.5.1969 as ELR Highly Skilled Supervisor in scale of Rs. 130—212 (AS)/Rs. 330—480(RS). He died on 20.3.1976.

As per extant rules, the services rendered as casual labourer with temporary status are not considered as qualifying service for pensionary benefits. Hence no pension/family pension is admissible. Following amounts have been paid as settlement dues:—

- (1) Provident Fund subscription Rs. 880.00
- (2) Deposit Linked Insurance Rs. 646.00
- (3) Impounded D.A. Rs. 925.90
- (4) Gratuity as per Act 1972 Rs. 1792.00
- (5) Unpaid wages Rs. 179.34
- (6) Death Relief Assistance Scheme Rs. 12185.00".

6.4 At their sitting held on 24 March, 1981, the Committee considered the matter and directed that the Ministry of Railways (Railway Board) might be asked to furnish a copy of the rules governing benefits/payments to casual labourers working in the Railway Administrations for their consideration.

6.5 Accordingly the Ministry of Railways (Railway Board) furnished a copy of the rules governing benefits/payments to casual labourers working in the Railway Administrations. The relevant para E(c) of the Rules regarding the consideration of services rendered as casual labourers with

temporary status as qualifying service for pensionary benefits is reproduced below:—

“It is not necessary to create temporary posts to accommodate such casual labour who acquire temporary status for the conferment of attendant benefits like regular scale of pay, increment etc. Half of the service rendered in temporary status after 1-1-1961 by such persons before regular absorption against a regular temporary/permanent post will qualify for pensionary benefits, subject to the conditions prescribed in this Ministry's letter No. E(NG)II/78/CL/12 dated 14-10-80. Daily rated casual labour or labour employed on projects would not, however, be brought under the purview of the above orders.”

6.6 In the Railway Board's Circular letter dated 14 October, 1980, addressed to all Railway General Managers, it has been stated:—

“As a result of representations from the recognised labour unions and certain other quarters, the Ministry of Railways had been considering the demand that the period of service in the case of casual labour (i.e., other than casual labour employed on Projects) after their attainment of temporary status, on completion of 120 days continuous service, should be counted as qualifying service for pensionary benefits if the same is followed by their absorption in service as regular railway employees. The matter has been considered in detail in consultation with the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) and the Ministry of Finance. Keeping in view the fact that the aforesaid category of employees on their attainment of temporary status in practice enjoy more privileges as admissible to temporary employees such as they are paid in regular scales of pay and also earn increments, contribute to P.F. etc. the Ministry of Railways have decided, with the approval of the President, that the benefit of such service rendered by them as temporary employees before they are regularly appointed should be conceded to them as provided in the Ministry of Finance O.M. No. F. S. 2(1) EV/68, dated 14 May, 1968.*

The concession of counting half of the above service as qualifying for pensionary benefits, as per the O.M. of 14 May, 1968, would be made applicable to casual labour on the railways who have attained temporary status. The weightage for the past service would be limited from 1-1-61 in terms of condition (s) of the O.M. *ibid*. Past cases of retirements before the date of this letter will not be re-opened.

*Not enclosed.

Daily rated casual labour or labour employed on Projects will not however, be brought under the purview of the aforesaid orders.

As regards 'Substitute Service', the service as Substitute counts for pensionary benefits from the date of completion of six months' (3 months' in the case of teachers) continuous service as substitute provided it is followed by absorption in regular class III/class IV service without break, as already provided in Railway Ministry's letter No. F(E)III. 69PN-1/21, dated 22-7-1970*.

Necessary amendments to the Manual of Railway Pension Rules, 1950, will be issued separately."

C. Observations of the Committee

6.7 The Committee note the position stated by the Ministry of Railways (Railway Board) in the factual comments furnished to the Committee that Shri Mohammed was initially engaged as a Casual Labourer Serang in work-charged establishment in the Civil Engineering Department. He was granted temporary status from 1 May, 1969 as ELR highly Skilled Supervisor in scale of Rs. 130-212(AS)/Rs. 330-480(RS). He died on 20 March, 1976.

The Ministry have further stated that as per extent rules, the services rendered as casual labourer with temporary status are not considered as qualifying service for pensionary benefits. Hence, no pension/family pension is admissible.

The Committee note with satisfaction that other dues of Provident Fund subscription, Deposit Linked Insurance, impounded D.A., Gratuity as per Act 1972, unpaid wages and Death Relief Assistance Scheme have already been settled and paid to the petitioner.

*Not enclosed.

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRTY-SECOND REPORT (5 LS) ON THE REPRESENTATION REGARDING SUGARCANE PRICE ETC.

7.1 In their Thirty-second Report (Fifth Lok Sabha), the Committee, after considering the action taken reply of the Ministry of Agriculture on the recommendations of the Committee on Petitions contained in their Twenty-fourth Report (Fifth Lok Sabha) on the representation regarding sugarcane price etc., further recommended as follows:—

6.4 The Committee recommend that the process of determining percentage of recovery of sugar from sugarcane should be checked daily by a Central Government chemist in each sugar factory so that the sugarcane growers are assured of correct fixation of price for the sugarcane supplied by them to the sugar factories and payment thereof.

6.5 The Committee feel that the question of outstanding arrears of payment to the sugarcane growers by the sugar factories is assuming large proportions. The Committee are of the view that if the dues of the cane-growers are not paid by the sugar factories within a reasonable period, say within three months from the date of supply of sugarcane to the factories, the factories should also pay to the cane-growers interest on the outstanding dues at the rate at which the nationalised banks advance loans to public. The Committee recommend that Government should take necessary legal and administrative measures in this regard."

[Paras 6.4 and 6.5, page 18, Thirty-second Report (Fifth Lok Sabha)]

7.2 The Ministry of Agriculture (Department of Food) with whom the above recommendations of the Committee were taken up for implementation, have furnished their action taken replied dated 24 December, 1981 and 1 February, 1982, as follows:—

Ministry's note dated 24 December, 1981

"In case chemists are posted in all the existing 324 sugar factories to check the percentage of recovery of sugar from sugarcane, as recommended by the Committee on Petitions, these

chemists will have to perform detailed tests and checks round the clock and there would be a need to appoint in each factory 4 qualified chemists (3 to work in three shifts and 1 as a reliever) and supporting staff like 8 Laboratory Assistants (2 to work in each shifts and 2 as relievers). In addition to this, senior technologists and engineers would be required to supervise the work of the chemists and suggest suitable remedial measures etc. for reducing the losses in the process and other measures. Staff would also be required at the Headquarters to coordinate the entire work for successful implementation. However, it is felt that the following difficulties would be encountered in introducing such a scheme:—

- (i) In the existing 324 sugar factories, the requirement of chemists would be $324 \times 4 = 1296$ and 2592 laboratory Assistants. In addition to this, the supervisory level and Headquarters would require another 50 chemists and 50 engineers of senior level with a supporting Secretariat. Thus the requirement of manpower would be high.
- (ii) The sugar factories normally run for about 4 to 6 months and, hence, the requirement of this staff would be only seasonal.
- (iii) Sufficient trained personnel are not available. The personnel being trained (about 60 to 65 a year) are just enough to cover the wastage through retirements etc. in the industry.

(2) In view of these difficulties, it was felt that, if the Department of Revenue could introduce the Clearance Based Control, as was in vogue in the sugar factories upto 1962, it could serve the purpose. (Under this scheme an Excise Inspector and Excise sepoy were posted in each factory and despatches from sugar godowns could take place only between 10 a.m. to 5 p.m. in the presence of the Excise Officer who had to sign the gate pass.) The Department of Revenue have, however, informed the Department of Food that under their present scheme of Production Based Control introduced on 1.2.1978 very strict control is exercised for the protection of Government revenue and such a scheme was mainly meant for industries where there was a greater possibility of evasion of duty. (Between 1962 and 1978 the Self Removal Procedure was in force. Under this the Excise staff was withdrawn from the factories and the factories only submitted returns to the Excise Department indicating the day-to-day despatches etc.) The modified scheme was devised to ensure that all production was brought to account. They, therefore, felt that there was little further that could be achieved by re-introducing the Clearance Based Control and it would only result in delays in clearance of sugar (which is a sensitive commodity) without any perceptible extra assurance of security

(3) In November, 1978, the Department of Food took up examination of a scheme for payment of cane price to growers on quality basis, as under such a scheme the grower could be assured of a price for all the sugar contained in his cane. In 1956 the National Sugar Institute, Kanpur, tried the scheme on an experimental basis in some factories but it was found that, due to the existence of thousands of growers making supplies to each factory, it was very difficult to analyse the cane supplied by each grower.

(4) The Indian Council of Agricultural Research (ICAR) also constituted, on 23 April, 1980, a Sub-Committee of the Governing Body to examine and advise on the "Evolution of a Method of Payment of Cane Price on Quality Basis". The Chairman of this Sub-Committee was Shri Sujan Singh, Member, Rajya Sabha.

(5) The Department of Food felt that if the latest equipment available in other countries could be introduced in India also, it might, to some extent, solve the problem of analysis of the individual growers' samples. Of all the foreign manufacturers of such equipment addressed, one French Firm agreed to supply the equipment on a trial basis and re-export it after the trials. However, when they imported the equipment, the Customs authorities insisted on payment of a Customs Duty of Rs. 20 lakhs or a bank guarantee of Rs. 45 lakhs. The Central Board of Excise and Customs who were approached could not, however, agree to the release of the equipment without payment of duty etc. In the meanwhile, the suppliers, instead of incurring heavy demurrage re-shipped the equipment. In the absence of the equipment, the Committee of the I.C.A.R. also could not proceed further.

(6) The sugar industry is a highly controlled industry. Out of 324 sugar factories now working, as many as 154 are in the co-operative sector and 42 are in the public sector which all take care of the interests of the cane growers. The Joint Stock Sector has only 128 factories of which 12 are with the Government, their managements having been temporarily taken over. The Excise staff at the factories ensure that all the production is accounted for. Similarly, the State Governments which collect cane cess etc. also exercise a control on the operations of the factories. The Weights and Measures Departments check the weigh bridges to ensure correct weighing of sugarcane. The movement of sugar within the State and inter-State movement are also checked. The Octroi Staff exercise their own check on the movement of sugar. The banks, to which the sugar produced is generally pledged, control the removal of sugar from the godowns. The Directorate of Sugar, Department of Food, controls release of the sugar produced, and received statutory reports on production, despatches etc. from the sugar factories. With all this control exercised the interests of the sugarcane growers are well safeguarded.

(7) The position as stated above was explained on 8-12-1981 by the Secretary, Department of Food, to the Chairman of the Committee on 367 LS—3

Petitions. It is however, the endeavour of the Government to continue constantly to monitor that the growers get as correct a price as they should for the cane supplied by them to the sugar factories. The liaisons will be kept with the State Governments for a check of cane purchase Centres and weighment."

Ministry's Note dated 1 February, 1982

The matter with regard to payment of interest on the arrears of cane price had been engaging the attention of the Government, separately. On 2 February, 1978, the Sugarcane (Control) Order, 1966, was amended to provide for payment of interest at the rate of 15 per cent on arrears of cane price where payment had not been made within 14 days of the supply of cane. A provision has also been made in the Order for deposit with the District Collector of unclaimed arrears of Sugarcane price within a period of three months from the close of the sugar season. In this connection a copy of the Sugarcane (Control) Amendment Order, 1978 dated 2 February, 1978, is enclosed (*See Appendix VIII*). Since the State Governments were not implementing this provision of the Sugarcane (Control) Order satisfactorily, the matter was taken up demi-officially at the level of Food Secretary with the Chief Secretaries of all the sugar producing States on 8-1-1981. A copy of the letter addressed by Food Secretary to Chief Secretaries on 8-1-1981 is enclosed for information. (*See Appendix IX*).

7.3 The Committee note the position stated by the Ministry of Agriculture (Department of Food) in the matter. While explaining their difficulties in introducing the scheme recommended by the Committee that the process of determining percentage of recovery of sugar from sugarcane should be checked daily by a Central Government chemist in each sugar factory so that the sugarcane growers were assured of correct fixation of price for the sugarcane supplied by them to the sugar factories and payment thereof, the Ministry of Agriculture (Department of Food) have stated that the Excise staff at the factories ensures that all the production is accounted for. Similarly, the State Governments which collect cane cess etc. also exercise a control on the operations of the factories. The Weight and Measures Departments check the weigh bridges to ensure correct weighment of sugarcane. The movement of sugar within the State and inter-State movement is also checked. The octroi staff exercise their own check on the movement of sugar. The banks, to which the sugar produced is generally pledged, controls the removal of sugar from the godowns. The Directorate of Sugar, Department of Food, controls release of the sugar produced and receives statutory reports on production, despatches etc. from the sugar factories. With all the control exercised the interests of the sugarcane growers are well safeguarded. It is, however, the endeavour of the Government to continue constantly to monitor that the growers get as correct a price as they should for the cane supplied by

them to the sugar factories. The liaison will be kept with the State Governments for a check of cane purchase Centres and weighment.

In regard to payment of interest on the arrears of cane price, the Committee note that the Sugarcane (Control) order, 1966, has been amended to provide for payment of interest at the rate of 15 per cent on arrears of cane price where payment has not been made within 14 days of the supply of cane. A provision has also been made in the Order for deposit with the District Collector of unclaimed arrears of sugarcane price within a period of 3 months from the close of the sugar season.

7.4 In view of the position explained by the Ministry of Agriculture (Department of Food), the Committee would not like to pursue the matter further.

VIII

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRTY-FOURTH REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING ACQUISITION OF LAND IN CALANGUTE-VILLAGE OF BARDEZ TALUKA BY THE ADMINISTRATION OF GOA, DAMAN AND DIU

8.1 In their Thirty-fourth Report (Fifth Lok Sabha), presented to Lok Sabha on 4 November, 1976, the Committee, after considering a representation regarding acquisition of land in Calangute village of Bardez Taluka by the Administration of Goa, Daman and Diu and the factual comments furnished by the Ministry of Agriculture and Irrigation (Department of Agriculture), made the following recommendation:—

“The Committee note the facts furnished by the Ministry of Agriculture and Irrigation (Department of Agriculture), received by them from the Administration of Goa, Daman and Diu, stating *inter-alia* that the petitioners have been compensated by the Administration for all structures and trees etc. standing on the said land and belonging to them. The Committee also note that most of the petitioners have no objection to the acquisition of the said land if suitable residential houses are built and given to them elsewhere along the shore of calangute beach as they have to depend on fishing for their livelihood. The Committee recommend that the affected persons may be rehabilitated by the Administration of Goa, Daman and Diu in a nearby area on the seashore as the fishermen’s livelihood depends on fishing.

[Para 4.4, Thirty-fourth Report (5LS)]

8.2 The Ministry of Agriculture and Irrigation (Department of Agriculture), with whom the above recommendation of the Committee was taken up for implementation, in their communication dated 13 April, 1978, stated as follows:—

“A report has since been received from Administration of Goa, Daman and Diu. The Administration have stated that the evictees of land acquired for development of Baga, Calangute have been fully compensated and being fishermen, they would built alternative houses elsewhere and continue their profession. The Administration feel that there are no special circumstances which justify a separate rehabilitation scheme.”

8.3 The Committee at their sitting held on 16 August, 1978, considered the matter. The Committee decided to consider the matter further after the quantum of compensation paid to the petitioners (fishermen) was ascertained from the Government.

8.4 On a reference, the Ministry of Agriculture and Irrigation (Department of Agriculture) furnished with their communication dated 16 November, 1978 a copy of letter No. RD/LQN/17/73, dated 27 October, 1978, received by them from the Government of Goa, Daman and diu, Revenue Department stating as follows:—

“The following compensation was awarded by the Land Acquisition Officer to the fishermen towards their houses at Baga Beach:—

(1) Shri Antonio Carvalho	Rs. 28,750.00
(2) Shri Bernardo Cardozo	Rs. 14,720.00
(3) Smt. Ermelinda Cardose and Shri Felicio Cardoze	Rs. 5,175.00
(4) Smt. Ana Maria Gonsalves	Rs. 4,025.00
(5) Smt. Eliza Cardose Fernandes	Rs. 3,162.50
(6) Shri Diogo Joao Carvalho	Rs. 4,255.00

It is further stated that as the above parties have refused to accept the compensation, the same was deposited in ‘Revenue Deposit’ by the Land Acquisition Officer.”

8.5 The Ministry of Rural Reconstruction *vide* their communication dated 11 June, 1980, furnished a reply received by them from the Government of Goa, Daman and Diu dated 24 April, 1980 stating that “the compensation awarded to the fishermen towards the acquisition of their houses at Baga was deposited in ‘Revenue Deposit’. The compensation is still in ‘Revenue Deposit’ as none of them has claimed the said amount.”

8.6 The Committee, at their sitting held on 23 March, 1981, considered the matter and directed that Ministry of Rural Reconstruction might be asked to intimate the reasons for non-acceptance of the compensation by the fishermen.

8.7 The Ministry of Rural Reconstruction *vide* their communication dated 30 June, 1981 furnished a reply received by them from the Government of Goa, Daman and Diu stating that “according to the fishermen (petitioners) the reasons for non-acceptance of the compensation is that the compensation awarded to them by the Award dated 7 February, 1976 is inadequate and unfair and hence they refused to accept it”.

8.8 The Committee, at their sitting held on 5 October, 1981, considered the matter and directed that the concerned Ministry might be asked to intimate the measures which were being adopted by the Government to satisfy the petitioners.

8.9 In their note dated July, 1982, the Ministry of Rural Development (Land Reforms Division) with whom the matter was taken up, have furnished the reply received by them from the Government of Goa, Daman and Diu as follows: —

“The matter has been re-examined in depth and it is found that the fishermen’s families have been fully compensated both for land and houses. It is also found that there are no special circumstances justifying a separate rehabilitation scheme. They were already awarded compensation but they refused to accept the same, alleging it to be inadequate and unfair. They have already been sent notices to vacate the structures, failing which the surrender of possession shall be enforced under section 47 of Land Acquisition Act, 1894, by the concerned Mamlatdar. In view of this the Administration does not consider necessary to adopt any other measures.”

8.10 The Committee note the position stated by the Government of Goa, Daman and Diu in their latest reply furnished through the Ministry of Rural Development. The Committee, however, reiterate their earlier recommendation that affected fishermen may be rehabilitated by the Government of Goa, Daman and Diu at suitable places near sea-shore where they can carry out their profession of fishing.

IX

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR FIFTH REPORT (SIXTH LOK SABHA) ON THE REPRESENTATION REGARDING PROVISION OF CERTAIN CIVIC AMENITIES IN THE HARIJAN COLONY, SAWAN PARK, ASHOK VIHAR, DELHI

9.1 In their Fifth Report (Sixth Lok Sabha), presented to Lok Sabha on 24 August, 1978, the Committee on Petitions considered a representation regarding provision of certain civic amenities in the Harijan Colony, Sawan Park, Ashok Vihar, Delhi and made the following observations/recommendations:—

“The Committee note from the factual comments furnished by the Ministry of Works and Housing that Sawan Park is a private colony in which internal services are to be provided by the residents and not by D.D.A. As regards peripheral services of water supply and sewage disposal, the water and sewer connections can be provided to the residents, on payment of the proportionate charges of Rs. 3,46,911.00 by the Society to the D.D.A.

The Committee are not satisfied with the above reply sent to the Committee by the Ministry of Works and Housing. The Committee are strongly of the view that the relevant rules may be relaxed immediately by Government and the Committee further recommend that amount of financial assistance to which an individual Harijan is entitled by way of loan and grant for construction of a house in the rural area may be considered applicable not merely for construction of a house but also for development of the colony. Such financial assistance may also be given to the individuals who have already constructed their houses, for development and they may give the amount to the D.D.A. or any local authority for development either individually or collectively or through the Society.”

[Paras 3.4 and 3.5 Fifth Report (Sixth Lok Sabha)]

9.2 The Ministry of Works and Housing, with whom the matter was taken up for implementation of the above observations|recommenda-

tions, stated in their action taken reply dated 10 August, 1982, as follows:—

“The recommendation of the Committee on Petitions regarding civic amenities in Harijan Colony, Sawan Park, has been examined in detail by the Delhi Administration... With reference to the recommendations of the Committee on Petitions, Lok Sabha, the Delhi Administration have informed as under:—

‘The Harijan Welfare Board is not implementing any scheme under which loan can be advanced for construction of houses or development of Harijan Basties, etc. The scheme ‘Improvement of Harijan Basties’ is limited to rural areas only. Since Sawan Park is situated in an urban area, it does not fall within the ambit of this scheme. Another scheme ‘Housing Subsidy’ under which subsidy of Rs. 2,000/- is given for the construction of pucca houses is also limited to rural areas and resettlement colonies. However, under the LIG/MIG loan scheme, loan to individuals/beneficiaries up to the extent of Rs. 14,500/- and Rs. 27,500/- can be given. At present in this scheme there is reservation of 15 per cent. If the residents of the colony avail of this scheme, a larger share of the total allocation can be distributed to them.’

As regards the progress of the provision of civil amenities in Harijan Colony, Sawan Park, Delhi, the Delhi Administration have stated that:—

- (i) The development work and basic amenities such as improvement of roads, parks, laying of sewer lines, etc. in respect of this colony will be taken up by the Delhi Development Authority but the residents of the colony will have to pay the development charges in accordance with the policy of the Government;
- (ii) A water supply scheme in respect of this colony at an estimated cost of Rs. 2,37,542/- was approved in August, 1979 and 25 per cent of this estimated cost, i.e. Rs. 64,002/- has already been deposited by the residents of this colony. Tenders were invited and the work order was issued on 2-6-82. This work is likely to be completed within six months; and
- (iii) As regards sanitation work arrangement, it is reported that refuse removal work in the colony is being done daily by the sanitation staff of the MCD. Primary schools for girls and

boys are being run in this colony. Water carriers and sweepers have already been provided in these schools.”

9.3 The Committee note the position stated by the Ministry of Works and Housing in their action taken reply on the recommendations contained in their Fifth Report (Sixth Lok Sabha) regarding provision of certain civic amenities in the Harijan Colony, Sawan Park, Ashok Vihar, Delhi, stating inter alia, that for water supply scheme in Sawan Park, tenders were invited and the work order was issued on 2 June, 1982. That work was likely to be completed within six months. The Committee hope that the work must have been completed within stipulated time.

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SIXTH REPORT (SIXTH LOK SABHA) ON THE REPRESENTATION REGARDING INVESTIGATION IN THE CASE OF ALLEGED "SURGICALLY REMOVED" KIDNEY FROM THE BODY OF DR. UPAMANYU SEN FOUND DEAD AT LIVERPOOL IN JULY, 1974.

10.1 In their Sixth Report (Sixth Lok Sabha) which was presented to the House on 4 December, 1978, the Committee on Petitions considered a representation regarding investigation in the case of alleged "surgically removed" kidney from the body of Dr. Upamanyu Sen found dead at Liverpool in July, 1974 and made certain observations and recommendations as follows:—

"The Committee note the position stated by the Ministry of External Affairs in their factual comments and the Report on the enquiry conducted by the Second Secretary (Visa), High Commission of India, London into the death of Dr. Upamanyu Sen. The Committee express their sympathy with the petitioner, Shrimati Ramabati Sen, for the death of her son. But the Committee regret that in the circumstances of the case, they are unable to help her. The Committee feel that in view of the specific procedure laid down in British law for challenging the Coroner's Report, Shrimati Ramabati Sen has to make an application to the High Court of London for quashing the Coroner's Inquisition. She may do it if she so desires."

[Para 2.9 Sixth Report (6 LS)]

"The Committee, however, recommend that the Ministry of External Affairs/Health may move international bodies like WHO etc. for drawing the attention of all countries of the world to the question of preventing the wrongful removal and of transplantation of human organs without the consent of the parties concerned or the next of kin of the deceased.

The Committee also desire that the Government of India may take suitable steps in this direction through legislation and otherwise so far as India is concerned."

[Para 2.10, Sixth Report (6LS)]

10.2 The Ministries of External Affairs and Health and Family Welfare (Department of Health) with whom the matter was taken up for implementation of the observations|recommendations of the Committee in their action taken notes have stated as under:—

Comments of the Ministry of External Affairs

In their O.M. dated 16 March, 1979, the Ministry of External Affairs have informed that the contents of para 2.9 of the Sixth Report of the Committee on Petitions have been conveyed to the petitioner, Shrimati Ramabati Sen, the mother of late Dr. Upamanyu Sen.

Comments of the Ministry of Health and Family Welfare (Department of Health)

The Ministry of Health and Family Welfare have informed that the matter was brought to the notice of Regional Director, WHO, New Delhi on 9 February, 1979, for drawing the attention of all countries of the world to the question of preventing the wrongful removal and transplantation of human organs without the consent of the parties concerned or the next of kin of the deceased. Under their O.M. dated 16 April, 1979, the Ministry of Health and Family Welfare (Department of Health) have forwarded a copy of the WHO letter dated 27 February, 1979 wherein the Regional Director, WHO, New Delhi, has stated as follows:—

“Our Headquarters, consulted on the question of principle raised by you with regard to the removal of human organs from deceased persons, has drawn attention to the comparative study on ‘Use of Human Tissues and Organs for Therapeutic purposes’ published by WHO in the *International Digest of Health Legislation*, Vol. 20, pp. 3—22. This study confirmed, in fact, that virtually all laws of the world dealing with the removal of tissues or organs require the authorisation of the deceased during his life-time or the consent of close relative after his death. This appears, in particular, to be the case in the United Kingdom under the Human Tissue Act, 1961 (*Public General Acts and Measures of 1961, 1962 Chapter 54, pp. 636—638*).

In these circumstances, it would seem that the principle of previous consent which you rightly underline in your letter is already sufficiently recognised among WHO Member States and that any difficulties, as in the case of allegedly unauthorised removal of a Kidney from the body of the late Dr. Upamanyu Sen, relate only to the implementation of the principle in individual cases.

In this latter area, the World Health Organisation can of course be of little assistance as it cannot take position on the question whether relevant national laws have been complied with or not in a particular case.

I trust, however, that the confirmation of the principle of course be of little assistance as it cannot take position on the question whether relevant national laws have been complied with or not in a particular case.

I trust, however, that the confirmation of the principle of prior consent to any removal of organs, as evidence by the WHO study replies satisfactorily to the concern expressed by the Committee on Petitions of the Lok Sabha."

10.3 Regarding the steps taken by the Government through legislation or otherwise for prevention of wrongful removal and transplantation of human organs, the Ministry of Health and Family Welfare (Department of Health) have informed, *vide* their O.M. dated 27 July, 1982, as follows:—

"It may be mentioned here that the subject matter of the Legislation pertains to entry (6) of the State List of the Seventh Scheduled to the Constitution. *viz*: 'Public Health and Sanitation, Hospitals and Dispensaries'. As such the enactment in this regard has to be passed by the concerned State Legislatures. Parliament has legislative competency to make law with reference to this matter for Union Territories without legislature only. The recommendations of the Committee have, therefore, been brought to the notice of all State Governments|Union Territories for their guidance and necessary action. (See Appendix X).

It may be mentioned here that in so far as the Union Territory of Delhi is concerned, the following two Bills were introduced in the present Lok Sabha:—

- (i) The Eyes (Authority for use for Therapeutic Purposes) Bill 1980.
- (ii) The Ear Drums and Ear Bones (Authority for use for Therapeutic Purposes) Bill, 1980.

These Bills pertain to removal of eyes and ear drums and ear bones of deceased person for therapeutic purposes. These

Bills* have been passed by Lok Sabha. It will be seen from the Bills that they contain provisions that such removal can be done only with consent of the authorised person."

1.04. In regard to drawing the attention of all countries of the world to the question of preventing the wrongful removal and transplantation of human organs without the consent of the parties concerned or the next of the kin of the deceased, the Committee note the position stated by the Ministry of Health and Family Welfare (Department of Health) that the Regional Director, World Health Organisation, New Delhi, have informed that the principle of previous consent is already sufficiently recognised among WHO Member States and that any difficulties, as in the case of allegedly unauthorised removal of a kidney from the body of late Dr. Upamanyu Sen, relate only to the implementation of the principle in individual case. In this latter area, the World Health Organisation can of course be of little assistance as it cannot take position on the question whether relevant national laws have been complied with or not in a particular case.

Regarding steps taken by the Government through legislation or otherwise for prevention of wrongful removal and transplantation of human organs so far as India is concerned, the Committee note that the subject matter of the legislation pertains to entry (6) of the State List of the Seventh Schedule to the Constitution, viz. 'Public Health and Sanitation, Hospital and Dispensaries'. As such, the enactment in this regard has to be passed by the concerned State Legislatures. Parliament have legislative competency to make law with reference to that matter for the Union Territories having no legislature. The recommendations of the Committee have, therefore, been brought to the notice of all State Governments/ Union Territories for their guidance and necessary action.

10.5 The Committee note with satisfaction that the recommendations of the Committee have been brought to the notice of all State Governments/ Union Territory Administrations for their guidance and necessary action and that in case of the Union Territory Delhi, the following two Acts have also been enacted by the Parliament:

- (i) The Eyes (Authority for use for Therapeutic Purposes) Act, 1982.
- (ii) The Ear Drums and Ear Bones (Authority for use for Therapeutic Purposes) Act, 1982.

* The Bills have already been assented to by the President on 7 August, 1982.

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR EIGHTH REPORT (7 LS) ON THE MATTER REGARDING PAYMENT OF ARREARS OF PAY AND PROVIDENT FUND TO THE EX-EMPLOYEES OF PANIPAT WOOLLEN MILLS, KHARAR.

11.1 In their Eighth Report (Seventh Lok Sabha) presented to Lok Sabha on 16 March, 1982, the Committee considered the action taken replies of the Government on the recommendations contained in their Twenty-fifth Report (5 LS) on the representation regarding payment of arrears of pay and provident fund to the ex-employees of Panipat Woollen Mills, Kharar and made the following recommendation:—

“The Committee note replies of the Ministries of Commerce. (Department of Textiles) and Labour on the recommendations contained in their Twenty-fifth Report (5 LS) on the matter.

The Committee note from the reply of the Ministry of Commerce (Department of Textiles) stating that claims of arrears of Pay and Provident Fund of workmen which were falling under Category III of the Second Schedule to the Sick Textile Undertakings (Nationalisation) Act, 1974, could not be considered in accordance with the provisions of Section 22(2) of the said Act as the entire compensation amount available at credit of the Panipat Woollen Mills and Kharar Textile Mills, Kharar had been fully exhausted under Section 10(3) of the Act.

The Committee would, however, like the Government to consider feasibility of *ad hoc* payment to workers in lieu of arrears of pay and provident fund of workers of pre-take-over management period.”

[Para 6.6, Page 19, Eighth Report (7LS)]

11.2 The above recommendation was taken up for implementation with the Ministry of Commerce (Department of Textiles). In their communication dated 5 July, 1982, the Ministry of Commerce (Department of Textiles) have stated as follows:—

“The recommendations of the Committee have been examined and it has been found that it is not feasible to make *ad hoc* payments to workers in lieu of arrears of pay and provident fund for pre-take over management period in view of the following reasons:—

- (i) The amount is not legally due to the employees; and
- (ii) Any payment in this case will give rise to various other demands from employees of similarly placed nationalised mills under this Ministry as also under other Ministries. This will also set up a wrong precedent for future.”

11.3 The Committee note the position stated by the Ministry of Commerce (Department of Textiles) that it is not feasible to make *ad hoc* payments to workers in lieu of arrears of pay and provident fund for pre-take over management period in view of the above reasons mentioned by them.

OTHER REPRESENTATIONS

12.1 During the period under report, the Committee have considered five other representations and letters (See Appendix XI) addressed to the House, the Speaker or the Committee by different individuals which were inadmissible as petitions.

12.2 The Committee note with satisfaction that through their intervention, petitioners have either been provided partial or complete relief or Ministries/Departments concerned have adequately explained the position factual, legal or otherwise in respect of those representations.

NEW DELHI;
31 March, 1983.
Chaitra 10, 1905 (Saka).

R. L. BHATIA,
Chairman,
Committee on Petitions.

APPENDIX I

(See para 2.2 of the Report)

[Petition No. 22 re. development of Dabhol Port in Maharashtra]

LOK SABHA

PETITION NO. 22

[Presented to Lok Sabha on 13-8-1982]

To

LOK SABHA
NEW DELHI

The humble petition of citizens interested in the balance and rapid economic development of this nation.

Sheweth

Since quite a long time the need to provide additional major ports on West Coast of India is being acutely felt and voiced at various levels and forums, as at present we have very limited ports on this vast coast, and the facilities available are quite inadequate.

Once upon a time Surat was the Gateway of India, when Bombay was unknown. But by mere existence of Merchant British at Bombay, the "Sashti Islands" made it today's major port. Bombay though about 150 miles away from the then developed Surat Port became a major and prominent port in a very short time because it is definitely a better port than Surat. In the same way Dabhol, though may not eliminate Bombay like Surat, would certainly become a parallel and successful port like Bombay.

Development of Dabhol as a major port is not at all a new idea. About 340 years ago the Dutch evinced a keen interest in developing Dabhol as a major port, when the depth at Dabhol was 108 feet. However, the first concrete efforts to develop this port were made by the then British Government in 1916-18. Even a survey for a railway line between Dabhol and Chiplun was also conducted by the then M.S.M., Railway before 1918. This railway line could easily and cheaply be extended from Karad to Wadi Jn. to the east and serve to the economic-development of the whole of Deccan. The British rulers put in all these efforts, because of their displayed and proven fore-sight in

planning for 50 years ahead, as they had done in laying four lane railway lines in Bombay area, planning of Koyana Hydrel Project etc. They foresee then the necessity of such major port in near future which has been proved correct. However, the Britishers abandoned this idea of developing Dabhol, as a result of the then fast changing political situation in India and around the world.

Dabhol situated about 100 miles south of Bombay by sea, was famous for seaborne international trade for more than a thousand years in South India. Dabhol Port is at the mouth of Dabhol Chiplun Creek, which is about 27 miles long and practically runs east to west. According to the latest marine survey the depth of the creek near Dabhol is 55 feet which is more than that of any other major ports in India. The length of this deep portion of the creek near Dabhol is about 3 miles and breadth about half a mile. Thus with the present depth of 55 feet the ships upon 2,00,000 tonnes D.W.T. would easily be berthed in this port, and about 100 ships can be accommodated in the port area. Furthermore, if necessary this creek could be further deepened upto about 100 feet, as there is nothing else but the silt accumulated over last 300 years. There is a sand bar at the mouth of Dabhol creek, as is common at the mouth of every creek, which is attributed to silting. There is no rock underneath this sand bar, according to the survey of Dabhol Port. The Dutch engineers too had corroborated this observation. Since the river flowing into this creek is a fast flowing one, the rise in sand bar is negligible, i.e. about 2 to 3" per year. It is felt that once a way is made through this sand bar by way of development dredging, the constant and frequent dredging, as required at many other major ports may not be necessary at Dabhol.

At present, the major Bombay-Goa National Highway is the road-link available to Dabhol. The proposed Revas-Redi Coastal Highway would also provide another vital link to Dabhol. The Bombay-Mangalore Railway line would also cater to Dabhol Port. A small rail link connecting Dabhol with Karad via Chiplun (part of the line surveyed by the M.S.M. Railway) would also be very economic and beneficial.

In addition to the above technically vital points, the various socio-economic aspects as listed below too weigh much in favour of the development of Dabhol as a major port without delay:—

- (1) This port will cater to the ever growing needs of vast hinterland covering western Maharashtra, Northern Karnataka, Andhra etc.
- (2) This port would cater to the agricultural and agro-industrial products sugar, cotton, spices, tobacco, fruits, fish and marine products etc., as well as fastly developing petro-chemical

and other various industries because of the finding of vast reserves of crude oil off west coast of India.

- (3) This port will to great extent help the proposed major Thermal Power Station to be erected around Dabhol by the M.S.E.B.
- (4) Just like Koyana Hydro Project which paid back its cost in less than a decade; this port too would prove to be economic and paying one than many other major ports developed or being developed so far.
- (5) All along this 7 miles long creek, from Dabhol to Chiplun, abundant land is available on either side. This could be used for the development of a chain of modern, planned townships. Since the tail water of Koyana Hydro Project @ 10,000 Cu. feet/second is discharged in this creek, (more than the water supply of Bombay), there would not be any problem whatsoever as far as water supply is concerned.
- (6) The rate of growth of population in metropolitan cities like Bombay is alarming and is playing havoc with the various Government plans, and creating complex socio-economic and other problems. During last forty years, the population of Bombay (only Municipal area) has shot up from 1 million to 8.1 millions. Development of port like Dabhol would definitely help to take away sizeable burden from Bombay, and at the same time will also start a new era of industrial development in comparatively backward area of South Konkan. This all could be achieved at a fraction of the cost that has been incurred to develop various other major ports.
- (7) Even from the defence point of view the development of major ports like Dabhol is absolutely essential. Dabhol will serve two purposes (i) Decongestion in and around Bombay, (ii) Provision of complete port facilities on vitally important west coast for our even growing naval force essential also to safeguard our growing economic interests.

To Summarise

- (1) Dabhol is geographically, technically and economically ideal port and needs urgent, immediate development;
- (2) The evergrowing international trade demands additional port facilities on West Coast of India. The ever increasing naval requirements would also be catered by this port;

- (3) Development of Dabhol would help to de-congest Bombay and to develop a comparatively backward area; and
- (4) The cost of the development of this port would be much less than any other major port developed so far or being developed.

We therefore earnestly submit that in view of the above facts, a thorough detailed techno-economic survey of this port should be made by a panel of experts and competent persons without any further loss of time, and the development of this port should be expedited.

Accordingly your petitioners pray that as no other remedy open to them to press this vital issue, the Lok Sabha through its Committee on Petitions may look into the matter and recommend to the Government accordingly.

And your petitioners as in duty bound shall ever pray.

Name of Petitioner	Address	Signature or Thumb impression
1. Shri B. N. Gore	532, Shaniwar Peth, Pune—411030	Sd/-
2. Smt. Indira A. Maydeo, ex-MP.	767/13, Shivaji Nagar, Pune—411004.	Sd/-
3. Shri R. G. Kapse, MLA	'Nishant', Shri Co-operative Housing Society, Shastri Nagar, Dombivali (W), Distt. Thane.	Sd/-
4. Shri S.H. Raste	1/32, Calpana Saha Niwas, Ghantai Colony, Thane—400602.	Sd/-
5. Shri P. D. Bedekar	2/32, Calpana Saha Niwas, Ghantai Colony, Thane—400602.	Sd/-
6. Shri S. V. Agashe	1/20 Calpana Saha Niwas, Ghantai Colony, Thane—400602	Sd/-
7. Shri S. A. Barwe	17, Vaishali, Veer Savarkar Marg, Thane—400602.	Sd/-
8. Smt. Kusum R. Abhyankar, MLA.	'Shivdarsan', Shivaji Nagar, Ratnagiri, and others.	Sd/-
Countersigned by :	J. S. Patil, M.P., Division No. 547.	

APPENDIX II

(See para 3.2 of the Report)

MEMORANDUM FROM SOUTH DELHI VILLAGERS SANGHATHAN RE: ACQUISITION OF LAND IN SOUTH DELHI VILLAGES BY D.D.A.

The Delhi Administration *vide* Notification issued on 5th November 1980, has notified for acquisition, the entire land in Revenue Estates of Villages Tughlakabad, Tigri, Deoli, Khanpur, Said-ul-Ainab, Neb Sarai, Hauz Rani and Khirki. Even the village Abadi has not been spared and houses which have been existing for hundreds of years have been brought under the purview of this notification. The purpose for which the acquisition case is made out to be, is to check land racketeering in Delhi and its planned development.

In the Master Plan, all this area is indicated outside the urbanisable limits and no building activities in this area is permitted. The only limited construction being of farm houses. In the Master Plan, the land was never meant for acquisition. This was in order to protect it from sprawl of undesirable urban expansion. All this land is in green belt and the physical characteristics of land in this area is rocky, undulated, and studded with abandoned brick kilns. The land is owned by small peasants who struggle hard to make a living from agriculture, dairying horticulture and poultry. The market value of the land is approximately Rs. 2 lakhs per acre at present.

Pistol/Dagger at Peasants Throat

The Archaic Land Acquisition Act, 1894, is being used as a pistol pointed permanently at the Delhi's rural population, who have been living under its fear for over 25 years. 30,000 acres of the 68,000 acres land notified under sections 4 and 6 of the 1894 Act is still lying vacant and it has been so for over 21 years. The fact that this land has been illegally held and is contrary to section 55 of the D.D.A. Act has not bothered the Delhi's ruling urban elite.

D.D.A. The Biggest Land Racketeer

Quoted below are some figures with regard to land deeds in just two South Delhi localities:—

	Saket	Nehru Place
(a) Compensation paid to poverty stricken small peasants for their land.	Rs. 3-4 per sq. yard.	Rs. 1/- per sq. yard.
(b) Approximate development costs.	Rs. 36/40 per sq. yard.	Rs. 35/40 per sq. yard.
(c) Auction/Market price of the developed land.	Rs. 700/- per sq. yard.	Rs. 1,000 per sq. yard. Rs. 50,000 per sq. yard. (for multi-storey bldgs.)

The reader must judge for himself, as to who is the most dangerous land racketeer in Delhi. The beneficiaries direct or indirect are only the 5 per cent households of the ruling urban elite for whom the DDA money is used for even creating fragrant gardens while remaining indifferent to the living conditions of the "subjugated" people in the villages making us feel that we are a different kind of people who should accept the status of second class citizens.

Massive Transfer of Resources from Villages to the City

The poverty stricken peasants are being offered from Rs. 40|- to Rs. 100|- a yard by private colonisers for the small bits of land they own in the revenue estates of the eight villages whose lands have been included in the present notification. The ruling urban elite by some incredible persons ensures that compensation fixed for lands acquired is kept as low as possible which falls somewhere near 1/4 of the open market value. In the present case, the difference between the open market value (offered by private colonisers) and Government value of compensation works out to Rs. 9,750,00,000|- With the sale proceeds of their land at open market value, the poor peasants could perhaps resettle themselves away from the large town and restart life once again. This seems to have irked the Delhi's urban ruling classes who have, therefore, issued the notification to prevent the peasants from getting a proper price for their small bits of land which happened to fall on the periphery of the Capital of India.

Colonialism

Exploiters need not come from abroad nor necessarily have white faces. We notice that the brown faced masters continue to behave like their colonial predecessors. The village lands on the periphery of the city are acquired for a pittance for urban and industrial uses. The authorities sell these lands to the urban, rich, some times more than 50,000 times higher than what was paid to the poor peasants in compensation. These lands are taken over from us much in the same way as a conquering army would take over properties of the subjugated people. An example of the attitudes of the brown colonialists is a case of village Said-ul-Ajaib whose 'Lal Dora' limiting the house construction activity, was drawn up in 1880 and has not been revised since. Recently (September 1980) when piped water was provided, only 30 per cent of the households which fell within the 'Lal Dora' were able to take advantage of it. The present ruler of Delhi when contacted, did not even care to reply. Also no rehabilitation plans are prepared while depriving the villages of their land and professions. They are left high and dry to fend for themselves.

Summary of Demands

To summarise our demands are:

- (a) **Cancel Land Acquisition Notices issued on 5-11-80 for eight South Delhi villages and desist from issuing such partisan notices in future.**
- (b) **Pay open market value for the lands acquired. The lands should be sold in an auction open to the general public in a practice similar to the auctions held for DDA plots.**
- (c) **Treat the village population as equal partners in development of Delhi.**
- (d) **Revise "Lal Dora" area of all villages in Delhi territory to permit legitimate building activity for enlarged village population. Additional land should be acquired, developed and sold back to house the expanded village population.**
- (e) **Release to the peasant owners, 30,000 acre of land lying unused for over 20 years against the existing law (Section 55 of DDA Act).**

We resolve to oppose the urbanite Delhi Administration till the constant harassment of the village population is stopped and our demand as listed in this memorandum are met.

Sd|-

Dated: 16-11-80

Mahinder Singh Lt. Col. (Retd.)

President,

South Delhi Villagers Sanghathan.

Saidulajaib,

New Delhi-30

Telephone: 650244

APPENDIX III

(See para 3.3. of the Report)

[Note dated 31 December, 1980 from the President, Delhi Rural People's Panchayat, New Delhi regarding large scale land acquisition driving peasantry to near destitution in Delhi]

Introduction

We have no political axe to grind. In this memorandum we intend to state our case against large scale land acquisition, as objectively as possible, duly supported by facts and data where available. As responsible citizens of the Union Territory, we are fully conscious of the need for planned development of Delhi. In the succeeding paragraphs, we intend to point out how some of the most unscrupulous persons of the society are manipulating the entire Governmental system to their personal advantage. In the process, they are also driving the once prosperous ebullient and historically well established peasantry to destitution. Remedial measures to reverse such trends are also suggested.

Unplanned, Unlawful and Improper use of Acquired land

2. Delhi Development Authority (DDA) constituted in 1962 was made responsible to implement the 'Master Plan' drawn up for the period 61-81. The Master Plan visualised acquisition and development of 30,000 acres of peasantry's land. Accordingly 34,070 acres of land was notified under Section 4 of the Land Acquisition Act on 3-11-59. In 17 years the DDA has been able to develop only 9800 acres of land. In the meantime 495 unauthorised colonies were allowed to come up on Government land as follows:—

- (a) Under DDA's jurisdiction 265
- (b) Under MCD's jurisdiction 235

385 of these colonies have come up after 1962, when DDA was constituted. In most of these unlawful and unauthorised colonies, electricity and water connections were given by the Municipal Corporation of Delhi (MCD). Thousands of persons from most unscrupulous sections of the society became millionaires overnight. Unlawful activity of this magnitude cannot take place without the active participation and connivance of the local politicians, top planners, administrators and in some cases even the judiciary. The Estimates Committee of the Lok Sabha commenting on these 'going on' have strongly condemned the state of affairs, and have said 'this

is a sad reflection on the competence of senior officers under whose nose such collusive activities take place with impunity'. This statement (or under statement) is only touching the tip of an iceberg. A fuller investigation would have uncovered numerous shady deals that have become so routine in Delhi. To cap it all, the DDA instead of investigating, has decided to regularise all the 495 unlawful, unauthorised and unplanned colonies. No one raised a finger either in public, press, Government or the Parliament.

3. The land which the DDA was unable to develop within 10 years of its acquisition, should have been returned to the original owners. Approximately 30,000 acres of such land is still held by DDA in violation of section 55 of the DDA Act. As revealed in the Rajya Sabha on 8th May, 1979, a number of wealth persons in urban Delhi alone exceeds the total number of ones in entire rural India. It is these persons who have formed scandalous house building societies and benefited from the DDA planned land development. Colonies like Vasant Vihar, Panch Sheel, Saket and Tara Apartments in Kalkaji etc. are a standing example.

Estimate of Population and Land Requirement for next 20 Years

4. Population of Delhi was 55.18 lakhs as on July 1, 1978 of which 49.88 lakhs was urban and 5.30 lakhs rural. This population was increasing by 2 lakhs per annum, one lakh as a natural growth and the remaining 1 lakh due to heavy influx of population from adjoining States. Based on these statistics, planning is required to be done to accommodate an additional 40 lakhs of people during the next 20 years. 30 thousand acres of land notified in 1959 is still lying unused and undeveloped. In addition, New Delhi has the population density of only 25 per acre in 3,200 acres of the bungalow area. It therefore, has a scope for accommodating an additional 175 persons per acre. The density of population in Paharganj area is 400 per acre. Even if we plan on a density of 200 per acre, 20,000 acres are adequate to meet the housing requirements of the increasing population for the next 20 years. New Delhi area can accommodate an additional 5,60,000 persons still leaving large open spaces in Delhi Cantt. and Alipore Road area. This would have approximately 10,000 acres of already notified land in the hands of politicians, planners and administrators. Where is the necessity to issue notice to acquire more lands? There is but only for unlawful racketeering.

Ill Treatment of the Rural Population

5. Out of 315 odd villages in Delhi, entire land-holdings of 111 have been acquired and taken over with no provisions for their rehabilitation. Although their lands were taken as far back as 20 years, compensation is not settled even till date in many cases. Compensation awarded to the villeges by the Revenue Department officials has been only a pittance and

bears no comparison to real market value of the land acquired. Keeping in view the compulsory nature and elimination of all competition, the market value determined by low quasi-judicial revenue officials were unrealistic and grossly corrupt. The individual farmers did not have the means to appeal against fixation of such unrealistic compensation. Only a few who were able to grease the judiciary were adequately rewarded by higher compensation. We would once again like to quote the Estimates Committee of the Lok Sabha, who after a visit to one of the village locality stated 'The Study Group of the Committee was informed by the representatives of the residents that the colonies lacked basic amenities like drinking water, sewerage, pucca roads and streets. The condition of other villages|localities like the historical citadel of Chirag Delhi, Begumpur and Lado Sarai etc. is similar if not worse till date.'

6. Quoted below are some figures with regard to land deeds in just two South Delhi localities:—

	Saket	Nehru Place
a. Compensation paid to poverty stricken small peasants for their land	Rs. 3-4 per sq. yard.	Rs. 25 paise per sq. yard.
b. Approximate development costs	Rs. 35-40 per sq. yard	Rs. 35-00 per sq. yard.
c. Land sold to the Public by DDA	Rs. 700 per sq. yard	Rs. 1,000 per sq. yard Rs. 1,000 per sq. yard for multi-storey building

7. It is possible for a person to stand with one foot on land valued at Rs. 4 a yard with the other foot on the land valued at Rs. 400|- a yard. The difference is only that the low cost land belongs to a poor peasant and the other to the scandalous DDA. What loot?

8. The beneficiaries direct or indirect are only the unscrupulous politicians, planners and Administrators and their relatives for whom the DDA money is used for even creating fragrant gardens while remaining indifferent to the living conditions of the people in the villages. Should we continue to accept the status of second class citizens?

Living Space for Rural Population

9. The entire efforts of the Delhi Administration and the DDA's development activities are regrettably concentrated on the urban population. There have been no plans for accommodating the population of villages

which is also proportionately increasing by 20,000 a year. Housing in the villages is restricted to the areas encircled by the 'Lal Dora' which were drawn up by the Britishers, some even as far back as 1,808. Rural population has deliberately been kept out of the purview of development. Their land only is part of the planning for development as it is required for urban population.

Deteriorating Economic Conditions

10. We quote from 'Estimates of State Incomes of Delhi' published by Bureau of Economics and Statistics, Delhi Administration (60/61 to 77/78). The relative share of the Primary Sector (Agriculture & Animal Husbandry, Forestry & Fisheries and Mining & Quarrying) in the Net State Domestic Product (NSDP) has come down from 7.10 per cent in 1960-61 to only 3.67 per cent in 1977-78. On the other hand, the relative position of tertiary sector has gradually increased from 60.78 per cent in 1960-61 to 72.76 per cent in 1977-78. This realignment in the sectoral composition of the NSDP has come about due to various reasons the chief among these being the heavy urbanisation of the Territory. Yet to invoke another study of the 'Employment and Unemployment in Delhi'—32nd Round NSS—July 77—June 78, the unemployment position is far more acute in rural Delhi than urban. There is no unemployment in urban Delhi. As many as 48,600 persons from the annual influx of population find employment in urban area. Unemployment in rural Delhi is as much as 11 per cent of the labour force. Deprived of the income from agriculture and animal husbandry and unemployment being as high as 11 per cent, a radiant and historic rural population is being driven to hear destitution 94 per cent of rural population is unskilled and need organised and planned effort to switch over to other professions and occupations.

Notification of Acquisition of Rural Lands in Green Area

11. The Delhi Administration, *vide* Notification issued on 5th November, 1980, has notified for acquisition, the entire land in revenue estates of villages Tughlakabad, Tigri, Deoli, Khanpur, Said-ul-Ajaib, Neb Sarai, Hauz Rani and Khirki. Even the village abadi has not been spared and houses which have been existing for hundreds of years have been brought under the purview of this notification. In the Master Plan, the land was never meant for acquisition. This was in order to protect it from sprawl of undesirable urban expansion. The land is owned by small peasants who struggle hard to make a living from agriculture, dairying, horticulture and poultry. That no more land is required for planned development of Delhi is proved by the facts and data already stated in para 4 of this memorandum. Not surprisingly, the luxury houses under the guise of 'Farm House', built in the green belt by the unscrupulous sections of the society have been very cleverly exempted from the acquisition notices. What are the urban ruling

classes up to? The land attached to small peasantry's homesteads is to be acquired. Why? Is the law different or the ruling urban elite is planning to create conditions for utter lawlessness around the Capital?

Suggested Remedial Measures and our Demands

12. Keeping in view the facts, data and the lawlessness brought out in the foregoing paragraphs, we would like to suggest certain remedies. Without jeopardising the quality of life in the Capital and doing any injustice to the historically established and proud people still residing in the rural heart of Delhi, we suggest:—

- (i) No more land in the green belt should be acquired as the land already in possession with the DDA is sufficient to cope with planned needs of the growing population. Recent notifications acquiring rural land, issued in this connection should be cancelled. Efforts to deter the influx of one lakh persons should be taken by the administration. The New Delhi area should be populated and brought at par in its density with other areas of Delhi, to provide accommodation to natural growth of population and same J.J. colonies.
- (ii) Living space for rural population restricted by 'Lal Dora' limits should henceforth be relaxed to regularise all constructions made by the villagers already. In addition, task to develop village land should be given to DDA rural housing agency so that necessary land could be developed at no profit no loss basis. House sites should be developed after acquiring land exclusively for the villagers. The villages could conveniently be grouped to provide common amenities like parks, schools, sports fields, hospitals, cattle sheds, industrial complexes on modern lines etc.
- (iii) All urbanised villages should be provided with the same civic amenities as are available to the adjacent colonies on a time bound programme. Till this is done no municipal taxes should be levied on the villages.
- (iv) Arrangement for rehabilitation of villagers who have been deprived of their land should be made preferably within Delhi State by allotting them shops; cultivable land at low cost.
- (v) That amendment of the Land Acquisition 1894 Act be done in a manner to provide for compensation at the current 'market value' for the land acquired keeping in view the increase in its value due to urbanisation. The legislation should have retrospective effect from 1959. All land still

lying vacant and not needed for public utility services like broadening of roads, schools and hospitals etc. should be developed exclusively for housing the population of the urbanised Delhi villages and sold to them on no profit no loss basis.

- (vi) The acquired vacant land should be released by DDA immediately for cultivation to original owners as the land held is in contravention of section 55 of the DDA Act.
- (vii) That the compensation for Gaon Sabha land should be paid to the villagers.
- (viii) The market value of the land acquired should be fixed by a Commission having farmers' representatives on it and not left to individual revenue officers.
- (ix) A great injustice was done to the rural people, in shifting J.J. Colonies to rural lands. The J.J. Colony dwellers come from outside Union Territory and most of them have a living place in their States of origin. They came to Delhi to serve and benefit the big building contractors. The moral responsibility for providing housing to them was that of these contractors, who made money through exploitation of their cheap labour. The J.J. Colony residents who do not belong to Delhi should be shifted to open spaces available in New Delhi area, which they have helped to build. This will place them nearer their work also and relieve the strain of transport problem. The site of present J.J. Colonies should be reserved for the Harijan population of Delhi State. In future no more of rural land should be used for J.J. Colonies.

Conclusion

Finally we wish to state that the DDA and Delhi Administration have lost all moral rights to hold acquired land which they have grossly mismanaged in collusion with land racketeers-politicians, planners and administrators of all shades. Acquisition of our properties 'in Nadar Shahi' fashion against nominal compensation and its subsequent lawless use shall be resisted. We are aware the ruling classes many attempt ruthless repression to prevent us asking for a better deal. Taking away of our lands in the same way as a conquering army would take over the properties of the subjugated people shall not be tolerated any more. We are convinced that injustice has been perpetuated on us and we resolve to fight even with our backs to the wall. We shall resist.

This memorandum was passed and endorsed in a series of meetings held by the peasantry in villages and in Blocks during November and December, 1980.

Sd/-

Saidulajaib;
31st December, 1980.

Mahinder Singh Lt. Col. (Retd.)
President Delhi Rural People's Panchayat.

APPENDIX IV

(See Para 3.6 of the Report)

[FACTUAL COMMENTS OF THE MINISTRY OF WORKS AND HOUSING ON THE REPRESENTATION REGARDING ACQUISITION OF LAND IN SOUTH DELHI VILLAGES BY D.D.A.]

1. *Need for acquiring additional land when there are much areas of notified land which have not yet been developed.*

1.1 Under the Master Plan of Delhi which was prepared in late fifties and which came into effect from the 1st Sept., 1962, the urbanisable area up to 1981 cover about 1,10,000 acres. The Master Plan had a perspective period of 20 years. It envisage to accommodate a population of about 45 lakhs which was later on revised to about 53 lakhs through redensification. According to the Census of India 1981, the present population of Delhi is estimated to be about 62 lakhs which includes urban population of about 57.5 lakhs and as per the population projections worked out by the perspective planning wing of the D.D.A., urban population of Delhi is likely to be of the order of 122 lakhs in the year 2001.

1.2 Although there is an attempt to decentralise some of the activities to the small and medium towns in the adjoining States of Haryana, U.P. and Rajasthan, considerable population pressure would, however, continue to be felt in Delhi.

1.3 Necessary exercise for the preparation of the Second Development Plan for Delhi has already been started by the D.D.A. with a view to cater to the needs of the projected population. In the intervening period of formulation of this plan and its approval by the Parliament, large scale transactions of land would take place and going by the previous experience, such transaction, if not checked, would make the implementation of the new plan difficult. Hence, it is absolutely necessary to take timely steps for preserving the land for this purpose.

1.4 Accordingly, the Delhi Administration has issued two Notifications in respect of 13 South Delhi villages under Section 4 of the Land Acquisition Act, 1894 on 5-11-1980 and 25-11-1980, to the effect that whereas it appears to the Lt. Governor, Delhi, that the land is likely to be required to be taken by Government at the public expense for public purposes, viz., for the planned development of Delhi the entire land in the revenue estates of the following villages is notified under the said Section 4:—

(i) *Notification dated 5-11-80.*

Tughlakabad, Tigri, Deoli, Khanpur, Said-ul-ajab, Neb Sarai, Hauz Rani and Khirki.

(ii) *Notification dated 25-11-80.*

Chhattarpur, Satbari, Maidangarhi, Shayoorpur and Rajpur Khurd.

The above notifications, however, exclude the following land in the revenue estates of the villages stated above:—

- (a) Government land;
- (b) The land already notified either under Section 4 or under Section 6 of the Land Acquisition Act, 1894; and
- (c) The land in respect of which building plans were sanctioned by the M.C.D. before 5th November, 1980.

1.5 After receipt of objections from the interested parties under Section 5A of the Act and a report from the Land Acquisition Collector concerned, decision for acquisition of specific areas shall be taken and notification under Section 6 of the Act issued accordingly.

1.6 As explained above, the above notifications are only preliminary notifications inviting objections to the proposals. The basic objective was to end speculation and rickteering in land that had become rampant in the area. The Delhi Administration has stated that it would be ensured that all bonafide transactions would be protected.

1.7 The Delhi Administration has also stated that while formulating their views the objections that are received in response to the preliminary notifications and other relevant considerations would be taken into account.

1.8 The Delhi Administration has intimated that all lands so far acquired and physical possession of which has been taken have been placed at the disposal of the D.D.A. [Cooperative Societies. Out of 68,000 acres of land notified for acquisition under the Scheme for Large Scale Acquisition, Development and Disposal of land in Delhi, 48,829* acres have been acquired. Of the acquired lands, possession has been taken of 44,936* acres and physical possession of the remaining area is held up in the circumstances beyond the control of the Administration, viz., on account of stay orders from the Courts or area being built up during the process of acquisition proceedings. Efforts are also being made to finalise acquisition in respect of the remaining notified lands expeditiously.

2. The unauthorised colonies have come up due to improper planning by the D.D.A. These colonies should not be regularised.

2.1 At present there are about 612 unauthorised colonies in Delhi, 500 under the jurisdiction of M.C.D. and 112 under the jurisdiction of D.D.A. It is not correct to say that all these unauthorised colonies have come up because of the slow development of land by the D.D.A. The

*Latest figures communicated by the Ministry of Works and Housing vide their O.M. dated 17 March, 1982.

population of Delhi has increased at a very high pace from about 7 lakhs in 1947 to 57.5 lakhs in the urban areas of Delhi as per 1981 census. Providing shelter to such a huge population which was being added every year is really a very difficult task. Moreover, when the big constructions take place the labourers working on the project normally stay in Juggies near the project and when the projects are over, Jhuggies remain creating slum conditions. Even when the local authorities take action to clear the Jhuggies and the slums, this is resisted and the representatives of the people also espouse their causes for regularising the unauthorised colonies and also for the provision of basic civic amenities on humanitarian grounds. Due to these peculiar circumstances the growth of unauthorised colonies has taken place and Government have decided to regularise unauthorised residential colonies that had come up to June, 1977 and to take all possible steps to stop further growth of these unauthorised colonies and also to provide all possible basic civic amenities in the approved unauthorised colonies. Revised lay-out plans have to be prepared to dovetail with the general scheme of development. At the the instance of the DDA, the Delhi Administration is considering a scheme for providing basic and sewerage facilities to these unauthorised residential colonies which have come up before June, 1977. It is Government's earnest desire to put an end to any further growth of unauthorised colonies and the local authorities are taking strict action to prevent the setting up of any new unauthorised colonies. Government has also decided to bring suitable legislation rendering setting up of colonies without proper lay-out plans approved by the competent authority a cognizable offence to prevent mushrooming of unauthorised colonies in future.

3. *Delay in payment of compensation and the inadequate nature of the compensation*

3.1 Under the Land Acquisition Act, 1894, payment of compensation is made at market value of land prevailing on the date of the notification under Section 4 of the Act, to be determined in accordance with the provisions of the Act and also payment of solatium at the rate of 15 per cent over and above the market value in consideration of the compulsory nature of the acquisition. The Land Acquisition Collector is a semi-judicial functionary and his orders are appealable before higher courts.

3.2 The following benefits are also given to those whose land is acquired:—

- (a) A residential plot in approved colony is allotted to the extent of 40 per cent of the land acquired subject to a ceiling of 250 sq. yds. on pre-determined rate; and
- (b) With a view to enabling them to earn their livelihood, 10 per cent of the shops constructed by the D.D.A. in various colo-

nies are being allotted on pre-determined rates by draw of lots to those whose land has been acquired.

3.3 The compensation is paid to the persons from whom land has been acquired as per the provisions of the Land Acquisition Act, 1894 with a view to give relief to the farmers whose lands have been acquired. The Government in the Ministry of Rural Reconstruction is also considering to bring about certain amendments in the above Act with a view to increase the rate of solatium which at present is 15 per cent.

4. *The D.D.A. has disposed of lands in South Delhi of very high rates while they have paid only very low cost to the farmers*

4.1 It is true that in a few cases the D.D.A. has auctioned plots which fetched high rates whereas their cost of acquisition was very low. As explained earlier the compensations to the owners are paid as per the provisions of the Land Acquisition Act, 1894. According to the above Act, the owner will get the compensation on the basis of the market rates prevailing on the date of notification under Section 4 of the Land Acquisition Act, 1894, plus a 15 per cent solatium in lieu of the compulsory nature of the acquisition.

4.2 It is also relevant to point out that the number of plots auctioned by the D.D.A. forms a very low percentage in the total number of plots disposed of by the D.D.A.

4.3 whenever a residential scheme is developed, approximately 50 per cent of the gross area has to be left for un-remunerative purposes like roads, parks, play-grounds and schools. The allotment of such land to recognised schools is made at a nominal rate of Re. 1/- per sq. yds. Moreover, a substantial amount has to be spent on the development and maintenance of parks.

4.4 The net area, which is left for plotted development is, thus, 50 per cent of the gross area. Total development cost has, therefore, to be spread on the 50 per cent net available area for use. The position obtaining in case of residential plots as on 1st October, 1980, was as under:—

(a) Total number of residential plots disposed of.	32,157
(*) (i) Number of plots given by "allotment" at pre-determined price.	20,390
(ii) Number of plots given by allotment of pre-determined price to those whose lands had been acquired	2,778

(iii) Number of plots of an area exceeding
200 sq. yds. disposed of by auction. 8,989

4.5 In addition, about 2.00 lakhs plots varying from 25 sq. yds. to 80 sq. yds. in 44 re-settlement colonies have been allotted to economically weaker sections on nominal licence fee basis.

4.6 In addition to the development of plots, the D.D.A. has undertaken a massive housing programmes for the construction of houses for EWS/Janta, LIG & MIG categories and these houses have been allotted to persons registered with the D.D.A. at fixed rates. While calculating the cost of these houses, the proportionate cost of land component has been taken at pre-determined rate. In other words, the entire land utilised for the construction of these houses can be said to have been allotted at pre-determined rates. So far the D.D.A. has constructed about 66,000 houses of the above categories and another 33,000 houses are under ocnstruction.

4.7 In addition, about 3670 acres of land has been allotted on 'no profit no loss' basis to Cooperative House Building Societies for the development of about 28,000 residential plots for allotment to their members for construction of their houses.

4.8 From the foregoing analysis, it will be observed that out of 2.60 lakhs residential plots, thus made available, only about 9,000 have been disposed of by auction, which comes to less than 4 per cent.

4.9 So far as the industrial schemes are concerned, the Delhi Development Authority has developed 8,175 industrial plots out of which 7,220 plots have been disposed of.

4.10 Out of 7,220 plots, 5,247 plots have been "allotted" at pre-determined rate to industrial units, which were functioning in the non-conforming areas and which were required to shift to conforming areas. In all, 1973 plots of different sizes have been disposed of by auction. The number of plots which have been disposed of by auction thus amount to 27 per cent.

4.11 The analysis will bear out that the D.D.A. disposes of the majority of the land at reasonable rates to the middle/low income groups and economically weaker sections of the society and only a relatively small number of plots by auctions to the affluent people the proceeds of which are used by the D.D.A. for ameliorating the housing needs of the economically weakers sections.

5. Development of the Rural Areas

5.1 It is mentioned in the representation that the Delhi Administration has not provided facilities to the rural people and the housing in the

villages is restricted to the areas encircled by the Lal Dora. Recognising the need for providing civic facilities in the villages adjacent to developing urban colonies, a scheme to provide the basic facilities like water supply, sewerage, approach roads and street lighting in the urban villages numbering 111 is under the active consideration of the Government and a scheme has already been prepared by the D.D.A. and is under examination of the Delhi Administration. Meanwhile, D.D.A. has already spent Rs. 88.17 lakhs towards providing basic amenities in these urban villages.

5.2 Regarding permission for housing activity outside the Lal Dora, as stated earlier, the present notification is only a preliminary notification and the objections received from the villagers regarding their genuine demands will be kept in view by Delhi Administration.

6. Unemployment in Rural Delhi

6.1 This is a general problem and the Government is taking all possible means to provide employment in rural areas. It is not correct to say that there is no unemployment in urban Delhi as has been stated in the representation. Delhi has its share of unemployment. The real solution lies in strengthening the rural base by providing all the amenities and also creating employment opportunities for the rural population of Delhi.

7. Acquisition of rural land in 'green belt'

7.1 With the fast expanding urbanisation due to population pressure in Delhi, green belt area of the Master Plan together with the surrounding areas has acquired great urban potential. The big colonizers and the land racketeers had again become active. They were buying out the small and marginal farmers. Speculation and racketeering in land had become rampant. The colonizers started advertising purchase and sale of land in daily Newspapers.

7.2 Looking to these unhealthy trends in the areas required for the Second Master Plan and concerned at the speculative illegal colonisation going space in these vulnerable areas around the existing limits of the Master Plan, Delhi Administration took prompt action in notifying 13,705 acres of land for acquisition for the planned development of Delhi. It put an end to speculative land deals.

2750 acres of land of village Rithala and Poothkalan in North Delhi was also notified u/s 4 of the Land Acquisition Act for planned development of Delhi in the year 1981 for the same reasons for which 13,705 acres of land of South Delhi was notified in the year 1980. It also put an end to speculative land deals in North Delhi.*

*Addition made vide Ministry of Works and Housing O.M. dated 17 March, 1982.

8. *Comments on the suggested remedial measures and their demands.*

8.1 No more land in the Green Belt should be acquired and the recent notifications acquiring rural land should be cancelled.

For the reasons stated under the previous paragraphs, this is not possible.

8.2 *Efforts to deter the influx of 1.00 lakh persons should be taken by the Administration.*

In a democratic set-up we cannot forcibly prevent people coming to the Capital. However, steps are being taken to develop the ring towns like Alwar, Hapur, Meerut, etc. under the National Capital Region Plan so that migration may be diverted to these new growth centres.

8.3 *The New Delhi area should be redensified.*

The Government is considering the proposal to redensify certain areas of New Delhi. However, this has to be done keeping in view that the tree studded character of New Delhi should be preserved.

8.4 *Permission for construction in the villages outside the Lal Dora Limits*

As explained earlier the above notifications are only preliminary notifications and before finalising the acquisition, the genuine demands of the villagers would be protected.

8.5 *House-sites in the villages should be developed by D.D.A. Rural Housing Agencies after acquiring land exclusively for the villagers.*

The Delhi Administration is acquiring land for the planned development of Delhi as per the approved Master Plan and the D.D.A. is taking all steps to develop the areas as per the Master Plan. As stated earlier the Government is also taking steps to provide civic amenities in the urban villages.

8.6 *Development of Urbanised villages*

A scheme has already been prepared by the D.D.A. for the provision of civic amenities in 111 urbanised villages and the scheme is under active consideration of the Delhi Administration.

8.7 *Rehabilitation of the villagers who have been deprived of their lands*

As already stated the following benefits are given to those whose lands are acquired:—

- (a) A residential plot in approved colony is allotted to the extent of 40 per cent of the land acquired subject to a ceiling of 50 sq. yds. on pre-determined rate.

- (b) With a view to enabling them to earn their livelihood 10 per cent of the shops constructed by the D.D.A. are being allotted on pre-determined rates by draw of lots to persons whose land has been acquired.

8.8 *Amendments to the Land Acquisition Act, 1894*

At present the compensation is given at the market value of the land prevailing on the day of the notification under Section 4 of the Land Acquisition Act, 1894. However, Government is considering a proposal to increase the present rate of solatium i.e. 15 per cent which is paid in lieu of the compulsory nature of the acquisition. The Delhi Administration is also taking steps to expedite the land acquisition proceedings so that the farmers are not put to undue hardships.

8.9. *The acquired land should be released by D.D.A. as it contravenes Section 55 of the Delhi Development Act, 1957*

For reasons stated above this is not possible.

8.10 *Compensation for Gaon Sabha land should be paid to the villagers and the market value of the lands acquired should be fixed by a Commission having farmers' representatives on it*

The Delhi Administration has reported that apportionment of the compensation is done by the Judicial authority, namely, Additional District Judge, Delhi in accordance with the provisions of the Land Acquisition Act, 1894. Hence it is not possible to appoint a Commission having farmers representatives for payment and apportionment of the compensation of the lands being acquired under the Land Acquisition Act.

8.11 *No more rural land should be used for J.J. colonies*

It is not correct to say that the people who are resettled in the jhuggi-jhompri colonies do not belong to Delhi. Most of them belong to the economically weaker sections and it is difficult to say that no more J.J. Colonies will be set up in the rural areas.

APPENDIX V

(See para 4.2 of the Report)

REPRESENTATION FROM THE FEDERATION OF INDIAN ART SILK WEAVING INDUSTRY, BOMBAY, RE. STATUTORY CONTROL ON FILAMENT YARN

FLASWI FEDERATION OF INDIAN ART SILK WEAVING INDUSTRY

RESHAM BHAVAN, 4TH FLOOR,
78, VEER NARIMAN ROAD,
BOMBAY—400,020

Ref. : No. G: FED: 308: 81

12th September, 1981

Shri B. R. Jajhar
Speaker, Lok Sabha,
20 Akbar Road
New Delhi—110011.

Dear Sir,

You represent a State which has a large number of looms run by small weavers whose essential raw material is art silk filament yarn (Rayon, Nylon and Polyester). There are also looms running on 100 per cent staple yarn (staple fibre spun into yarn without mixing with cotton or polyester).

2. The demand for art silk fabrics has increased rapidly and the weavers have installed looms accordingly. Recently all such looms have also been recognised by Government though many weavers have not been able to get them registered as Government has fixed an exorbitant fee of Rs. 600/- per powerloom for this purpose.

3. The production of filament yarn is much below the requirement of weavers. From time to time Government has allowed them to import yarn. But the policy has been half hearted. One big defect has been that the import duties are not revised when the international price of yarn goes up so high that the duty makes the yarn too costly for the weavers. Import then gets reduced and the price of yarn in the country shoots up. The rise is often unbelievable.

4. There is such a rise again from January, 1981 as shown below:

	Viscose Filament	Nylon Filament	Polyester	Filament
	120 Dn.	20 Dn.	76 Dn. Flat	76 Dn. Tex- turised.
	Rs/kg	Rs/kg	Rs/kg	Rs/kg
Average price in 1980	41.06	146.13	142.21	175.13
Price in jan' 1981	41.89	147.00	153.00	179.00
Present price (September 81)	55.12	166.00	200.00	218.00
Rise over 1980 price, including duty.	34%	14%	41%	24%
Rise over 1980 price excluding duty	41%	20%	78%	43%

5. As the rise in the price of cloth is proportionately much less the hardship to the weavers can be easily imagined. At the same time the big rise in the price, excluding duty, shows the profiteering by the yarn producers. And, prey, who are these? The entire filament manufacture is done by four of the largest monopolies (Birlas, J.K's, Modis and Bangurs) and just six other big companies (South Indian Viscose, National Rayon, Nirlon, Garware, Baroda Rayon and Travancore Rayon). This leaves only our own new cooperative, Petrofils, Baroda, which makes less than 4 per cent of the total filament production in the country.

6. The art silk weavers running handlooms and powerlooms are up set at Government's failure to bring down the price of yarn. They met in a large number in our Annual General Meeting at Surat on 5th September, 1981 and expressed their resentment. We enclose copy of a resolution on raw materials passed at the Meeting (*See Annexure*). We request you kindly to go through it.

7. Para 3 of the resolution lists the measures which would increase the supply of all filaments. These include reduction in certain import duties. In our representations to Government we have given facts and figures to show that even after reduction of import duties leading to more imports the market price will be well above the price which should get the spinners a very good profit.

8. We have also said that while weavers are exploited by the spinners (four large houses and six big companies) Government is also losing an annual revenue of more than Rs. 30 crores. We have submitted to Government figures to support this modest estimate of Government's loss. This is

due to fall in import of Nylon from 5,183 tonnes in 1978-79 to about 1,100 tonnes in 1980-81 and 700 tonnes estimated for current year, 1981-82. The loss is about 40 crores. If import duty on Nylon is lowered from 125 per cent to 60 per cent. Government would get a revenue of about Rs. 38 crores from import which will then become possible. Similarly Government would also get revenue from import of acetate which is at present impossible because of the prohibitive 125 per cent import duty. It is interesting to note that the Ministry of Commerce has placed its import under OGL and thus wants acetate to be brought in to supplement viscose.

9. As imports are not always very certain we have also asked for statutory control on filament yarns produced within the country. Its price will thus remain in check.

10. We approach you, Sir, with the hope that you will now use your good offices to get the urgently needed relief to the art silk handloom and powerloom weavers :

For this:

A. *The Minister of Finance has to:*

- (i) withdraw the 125 per cent import duty on acetate filament yarn.
- (ii) withdraw 5 per cent import duty on viscose and cupramonium filament yarn.
- (iii) reduce import duty on nylon from 125 per cent to 60 per cent.
- (iv) reduce import duty on polyester filament yarn from 205 per cent to 120 per cent and give an excise concession to Petro-fils.

B. *The Minister of Commerce has to:*

- (i) Decanalise import of sub-standard polyester filament yarn.
- (ii) Direct spinners consuming viscose staple fibre to maintain the 1978 pattern of their use of this fibre to produce:
 - (a) pure staple fibre yarn and
 - (b) blended yarn.
- (iii) Allow art silk weavers and their cooperative to install machinery of 1—3 tonnes per day capacity to produce nylon and polyester filament yarn from caprolactum/DMT chips.
- (iv) Impose statutory control on viscose, nylon, polyester filament and viscose staple fibre yarn.

If you would like to understand this matter in more details we would be happy to meet you. Kindly let us know when and where this would be convenient to you.

Thanking you,

Yours faithfully,

Sd/-

R. K. Bhatnagar

Secretary.

ANNEXURE

(See para 6 of Appendix V)

FEDERATION OF INDIAN ART SILK WEAVING INDUSTRY

Resolution Regrading Raw Materials

Passed at the Annual General Meeting at Surat on 5th September, 1981

The Federation of Indian Art Silk Weaving Industry requests Government:—

1. To note the pain felt by the art silk weavers at the long history of the serious and conscious delay before Government adopts any measure necessary to ensure that the weavers get yarn at reasonable price by increase of supply, which weavers prefer, or by statutory control which is the only other alternative.

2. To see the following instances of delay extending not only to months but years during which weavers suffered and yarn spinners exploited the shortage and made very big profits.

- (i) The abrupt ban on import of viscose and nylon filament yarn in July 1966 created a gap of more than 10 per cent between the demand and supply of filament yarn. The shortage pushed up prices. To prevent exploitation by the spinners of such shortage it was obvious that control on indigenous yarn was essential. But there was a delay of a full 2 years before even a reference was made to the Tariff Commission to recommend a fair price. It took further one year of rising prices before Government arranged an informal and only partial control on viscose filament through an agreement between the spinners and weavers in August, 1969.
- (ii) Delay of three years before Government in June, 1973 placed before the Parliament the Tariff Commission's Reports on Viscose and Nylon Yarn. The Reports had not only remained unimplemented but were also kept a secret. Even in 1973 they were not implemented for which Government had only to get the cost figures updated by its own cost officers.
- (iii) Though Government was keeping the Tariff Commission's Report secret it allowed the informal control on viscose filament to expire in 1970 and again in 1972 and did not ensure

that it continued without a break. On both occasions there was a delay of *some months* during which the market price rose very high and weavers were, therefore, forced to agree to a higher price in each subsequent agreement.

- (iv) When the 1972 agreement expired at the end of 1973 Government neither implemented the Tariff Commission Report nor arranged the continuation of the informal control on viscose filament for 8 months. The price reached a very high level and only after an agitation at Delhi by a large number of weavers from all over the country Government arranged a fresh agreement in August, 1974.
- (v) Delay of more than *one year* before Government decided to arrange for limited import of Nylon Yarn through S.T.C. after the general ban on imports in July, 1966 and further *5 months* before the yarn arrived.
- (vi) Delay of *6 months* of rising prices before Government on 25th August, 1977 decanalised import of nylon allowed in February 1977, through S.T.C. During this period of 6 months there was hardly any import as small weavers cannot comply with the procedure of canalised import. Weavers had opposed canalisation in the very beginning.
- (vii) Delay of *four years* in decanalisation of substandard nylon year—1977 to 1981. During this period there was no import at all and canalising agency repeatedly made it clear that it cannot import substandard yarn which is available in international market only in small lots without any certainty.
- (viii) Government's failure for more than *one year* to allow Petrofils Cooperative Ltd., to import texturising machines required to serve the small powerloom and handloom weavers who are forced to purchase the texturised yarn from the market at high prices. They cannot get any texturised to process the small quantity of flat yarn which is all that they can purchase at one time from Petrofils. Petrofils was not allowed to import the machines while the private sector was promptly given the import licence in identical circumstances.

NOTE : In all cases the circumstances in which the decisions were ultimately taken were present in the very beginning and had continued throughout the period of delay.

3. To consider the following measures which were called for a long time back to maintain adequate supply of filament yarn. Failure to adopt these measures has resulted in acute shortage. The gap between supply and demand has been increasing, pushing yarn prices higher and higher.

Government too is losing a revenue of more than Rs. 30/- crores from import which would take place if the import duties are suitably reduced while still protecting the indigenous spinners.

- (i) To withdraw 125 per cent import duty on acetate filament yarn. This should have been done 4 years back in 1977, when the import duty was withdrawn from viscose and cupramonium filament yarn, the case for all three being identical.
- (ii) To withdraw 5 per cent import duty imposed on viscose and cupramonium filament yarn in the budget of 1981-82 against which FIASWI represented immediately.
- (iii) To reduce import duty on Nylon from 125 per cent to 60 per cent which should have been done two years ago when its price in the international market doubled due to shortage and the import came down from 5183 tonnes in 1978-79 to 1,143 tonnes in 1979-80. FIASWI proposed this reduction in duty in June, 1979.
- (iv) To reduce import duty on PFY from 205 per cent to 120 per cent and protect Petrofils by a suitable concession in Excise Duty.
- (v) Decanalize import of sub-standard Polyester Filament yarn and place it under OGL for actual users. FIASWI asked for this alongwith Nylon.
- (vi) To direct spinners using viscose staple fibre yarn to adhere to the 1978 pattern of production respectively of (i) 100 per cent staple fibre yarn and (ii) blended yarn from viscose staple fibre.
- (vii) To allow weavers and their cooperatives to instal plants of 1—3 tonnes per day capacity to manufacture POY or finished synthetic filament yarn and ask manufacturers of DMT and Caprolactum to instal capacity to produce chips for supply to the weavers and till then to allow import of chips for such plants.

4. To impose statutory control on price and distribution of all filament yarns. Imports are not always certain because of changes in the international market and Government's failure to regulate its duties accordingly. Thus imported yarn can meet only a part of the deficit making it necessary to have a constant statutory control on yarn prices. The distribution to actual users should be arranged through FIASWI and its member Associations/Societies of actual users.

5. To take note of the resentment felt by the weavers who cannot understand the delay in such vital matters and why measures pending for Government's consideration at present have not been adopted though they are in line with Government's declared policy of keeping inflation in check by supply management, of consideration for a small man of helping a small scale industry of promoting labour intensive schemes for employment and need for the benefit of spreading the benefit of any economic activity over a larger number of people.

6. To appreciate that weavers cannot help feeling that the just relief is being denied to them because it is opposed by a small group of large houses which get a big benefit from the acute shortage of yarn despite the fact that in the bargain Government is losing a very material amount of revenue.

APPENDIX VI

(See para 5.2 of the Report)

[REPRESENTATION FROM THE PRESIDENT, BHARAT ELECTRONICS LTD., KARNATAKA KARMIKARA HITARAKSHAKA SAMITHI, BANGALORE, RE. ENQUIRY INTO THE MANNER OF APPOINTMENTS TO THE PUBLIC SECTOR UNDERTAKINGS IN KARNATAKA AND LEGISLATIVE MEASURES FOR RESERVATION OF JOBS FOR LOCAL PEOPLE.]

We, the undersigned citizens who are the Office-bearers, Members and Workers of the B.E.L. Karnataka Karmikara Hitarakshaka Samithi, beg to submit this petition to the Hon'ble House for necessary action and speedy redressal of the injustice caused to the Karnataka labourers and Kannadigas.

B.E.L. (Bharat Electronics Limited) is one of the Public Sector Undertakings situated in Karnataka. There are 14,046 employees including all categories. Of these 14,046 employees 12,516 are technical and non-production technical employees. The remaining 1,530 are the officers. Among the 1,530 officers, there are just 400 local people which include local Kannadigas Andhras and Tamilians. The rest are all either Malayalees or Tamilians. Among the 12,516 employees there are 8,629 technical workers and 3,887 are non-production technical staff. Of these 12,516 only about 4,000 are local people. The remaining 8,500 consists of Tamilians and Malayalees.

The Management of the B.E.L. has issued a Press Note with an explanation that out of 14,125 employees of the Unit, 10,171 employees constituting 70 per cent belongs to Karnataka. It is also stated that these appointments are made in accordance with the directions issued by the State Government in 1975 and that 70 per cent of the employees appointed after 1975 are Kannadigas.

We beg to submit that the contradiction made by the Management is far from truth. The statistics have been twisted to suit their own inference. In order to mislead the State Government and the public they (Management) have considered the non-Kannadigas who have some how registered their names in the Employment Exchange in Karnataka, those who

have put in attendance in an evening college or school or a Commercial Institute and also the dependents of the employees of BEL and other Public Undertakings in Karnataka as the local people.

It is not every person who have come to Karnataka to seek an employment and register himself in the Employment Exchange who can be considered as a local Kannadiga, nor is it right that the dependents of the non-Kannadiga employees of the public sector undertakings who can be brought within the purview of local Kannadigas. If the real test of local people were to be applied, it will be found that the majority of the employees are non-Kannadigas and non-local people. The claim made by the Management may be examined and scrutinised by an independent and impartial authority or a person like a Judge of the High Court.

The situation in the other Public Sector Undertakings situated in Bangalore like H.M.T. H.A.L. & I.T.I.; Mangalore Chemicals and Fertilizers, Mangalore Kudremukh Iron Ore Co., Kudremukh is not any different. In these undertakings also, the majority of the workers and officers are non-local Tamilians and Malayalees. Only an insignificant percentage of the officers and workers are local people. The necessary statistical information will be furnished in due course to this Hon'ble House.

From what is set out above, it is manifest that the majority of the employees in these Public Sector Undertakings are non-local people. The land for the location of these factories is provided by the Government of Karnataka by resorting to acquisition proceedings. The Government of Karnataka is also providing these factories with Power and water to run the factories. In the process of acquisition of land thousands of local people have been up-rooted and displaced. Several thousands of acres of fertile, irrigated and irrigable land has been acquired for the purpose of these factories. Naturally, the local people have been subjected to untold misery, hardship and loss which are necessary results in any land acquisition. No doubt compensation and solatium is awarded. But that is a poor consolation to the displaced persons. What the up-rooted and displaced persons really need is assured source of livelihood and security of reasonable means of livelihood. Therefore, it is the bounden duty of the authorities to rehabilitate those who have been dispossessed of their means of livelihood, namely the land by giving them some employment. It is in this context that we the local people appeal to this Hon'ble House to do justice to them.

We are conscious that every citizen has a right under the Constitution to live in any part of the country and to carry on any profession or trade or business. We are also aware that there is right or equality among the citizens in the matter of appointment in any factory irrespective of their place of birth or residence. But the Constitution which guarantees the right to

equality also provides for making reservation of posts in the employment under the State or other authorities or the local bodies. It is now laid down by the Supreme Court that the Corporations and Companies incorporated and controlled by the Government of India and the States are also the instruments of the State and are as such amenable to the writ jurisdiction as the State itself. Therefore, the Parliament is competent and bound under the Constitution to remove the inequality and imbalance in the matter of employment between different regions and States in the country.

By this, our Memorandum, we do not mean to suggest that non-Kannadigas should not be appointed in Karnataka. We do not also mean to submit that the theory of the "Sons of the Soil" should be worked in such a manner as to the cause detriment to the inequality of the country. We only mean that the local people should be given reasonable and predominant representation in the employment in the Public Sector Undertakings.

We, therefore pray that the Hon'ble House be pleased to:

- (i) institute a judicial enquiry into the method and manner of appointment made to the Public Sector Undertakings situated in Karnataka as a whole by appointing a sitting or retired Judge of the Supreme Court or a High Court;
- (ii) ascertain the percentage of Kannadigas and other people in such undertakings both in Karnataka and other States; and
- (iii) bring in suitable legislation to regulate and control the appointments made in the Public Sector Undertakings making suitable reservation for the local people.

Yours faithfully,

Sd/-

1. Shri K. Chennabasappa, President,
BEL, K. K. H. R. Samithi,
127 W.C. Road, R. Nagar
Bangalore (Karnataka).
2. H. Hanumanthiah, General Secretary
Bharat Electronics Limited.
3. B. R. Rangaraju, Joint Secretary, B.E.L.
4. N. G. Range Gowda, Vice-President, B.E.L.
5. K. P. Shivashankar, Asstt Secretary, B.E.L.
6. K. G. Sharma, Treasurer, B.E.L.
and others.

APPENDIX VII

(See para 5.7 of the Report)

(REPLY TO STARRED QUESTION NO. 948 ANSWERED IN RAJYA SABHA ON
12-8-1970)

RAJYA SABHA

STARRED QUESTION NO. 948

(FOR ANSWER ON 11-8-1970)

PEOPLE FROM DIFFERENT STATES WORKING IN MINES AND OTHER
UNDERTAKINGS IN BIHAR
QUESTION

948. SFIRI SURAJ PRASAD: Will the Prime Minister be pleased to state:

(a) what is the percentage of the people belonging to the different States who are employed in mines and other Government and semi-Government undertakings of the Central Government in the State of Bihar;

(b) whether it is a fact that among the employees working in the Central Government offices and undertakings in the State of Bihar, the number of persons belonging to States other than Bihar is more, and

(c) if so, what action has been taken by Government to increase the percentage of Biharis in such offices?

ANSWER

SHRIMATI INDIRA GANDHI: Prime Minister (a) and (b): No information is available regarding the percentage of people belonging to different States who are employed in Central Government offices, mines and public sector undertakings in Bihar. Government do not propose to collect this information, as the collection of such statistics is not in the interest of national integration.

(c) Does not arise, as the Constitution prohibits discrimination in the matter of Public employment on the grounds of place of birth or residence.

APPENDIX VIII

(See para 7.2 of the Report)

COPY OF GAZETTE OF INDIA NOTIFICATION DATED 2 FEBRUARY, 1978
RELATING TO THE SUGARCANE (CONTROL) AMENDMENT ORDER,
1978

MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Food)
ORDER

New Delhi, the 2nd February, 1978

G.S.R. 62 (E)/Ess Com./Sugarcane—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955, (10 of 1955), the Central Government, hereby makes the following Order further to amend the Sugarcane (Control) Order, 1966, namely:—

1. Short title and commencement:

- (1) This Order may be called the Sugarcane (Control) Amendment Order, 1978.
(a) It shall come into force at once.

2. In the Sugarcane (Control) Order, 1966, in clause 3—

- (i) after sub-clause (3), the following sub-clause shall be inserted,

“(3A) where a producer of Sugar or his agent fails to make payment for the sugarcane purchased within 14 days of the date of delivery, he shall pay interest on the amount due at the rate of 15 per cent per annum for the period of such delay beyond 14 days. Where payment of interest on delayed payment is made to a cane growers society, the society shall pass on the interest to the cane growers concerned after deducting administrative charges, if any, permitted by the rules of the said society.

- (ii) after sub-clause (6), the following sub-clause shall be inserted, namely:—

“(7) In case, the price of the sugarcane remains unpaid on the last day of the sugar year in which cane supply was made to the factory on account of the suppliers of cane not coming forward with their claims therefor or for any other reason, it shall be deposited by the producer of sugar with the Collector of the district in which the factory is situated, within three months of the close of the sugar year. The Collector shall pay, out of the amount so deposited, all claims considered payable by him and preferred before him within three years of the close of the sugar year in which the cane was supplied to the factory. The amount still remaining un-disbursed with the Collector, after meeting the claims from the Suppliers, shall be credited by him to the Consolidated Fund of the State immediately after the expiry of the time limit of 3 years within which claims therefor could be preferred by the suppliers. The State Government shall, as far as possible, utilise such amounts, for development of sugarcane in the State.

(No. 4-25/75-SFY)

G.N. RAGHAVAN, Joint Secy.

APPENDIX IX

(See para 7.2 of the Report)

[COPY OF D.O. NO. 15-7|80-SPY(DII)|SF|04, DATED 8TH JANUARY, 1981, FROM SHRI B. C. GANGOPADHYAY, SECRETARY FOOD, MINISTRY OF AGRICULTURE, DEPARTMENT OF FOOD), NEW DELHI, ADDRESSED TO CHIEF SECRETARIES OF ALL SUGAR PRODUCING STATE GOVERNMENTS.]

As you might be aware, an amendment was made in the Sugarcane (Control) Order, 1966, vide G.S.R. 62(E)/Ess.Com./Sugarcane, dated the 2nd February, 1978, providing for payment of interest at the rate of 15 per cent per annum by the sugar factories to suppliers of sugarcane where the payment of cane price is delayed beyond the prescribed period of 14 days from the date of delivery and also for depositing all unpaid amount of cane price dues with the Collectors within 3 months of the close of the sugar year. The said amendment also provides for crediting the cane price dues remaining unpaid with the Collectors for a period of 3 years to the Consolidated Fund of the concerned State Governments for utilization of the amount involved for the development of sugarcane.

2. We have been writing to the State Governments from time to time, emphasizing the need to take action to ensure that the provisions of the Sugarcane (Control) Amendment Order are followed by the factories in all the States in right earnest. I am, however, afraid that from the information received from the State Governments, one thing is clear that the State Governments have not taken the matter seriously and the progress, if any, made in this direction has not been satisfactory at all. The sugar factories are not inclined to pay interest charges on delayed payments of cane price on one pretext or the other and the State Governments have also not been taking any action to safeguard the interest of cane growers by ensuring expeditious payment of cane price and of interest charges wherever payments are not made within the stipulated period of 14 days.

3. In actual practice, the factories should calculate interest charges on all the amounts remaining unpaid with them immediately after the expiry of 14 days of the delivery of cane and then to arrange payment of interest charges alongwith the cane price dues expeditiously; any amount of cane price together with interest remaining unpaid, should be deposited by the factories with the Collectors concerned within 3 months of the close of the sugar year so that the Collectors can make payments of cane price as well as interest to the cane suppliers if and when the claims are preferred and

found payable and to deposit the amount of cane price and interest still remaining unpaid in the Consolidated Fund of the State Government to be utilized for sugarcane development.

4. You will agree that the provision for payment of interest was intended to achieve the dual purpose of ensuring that there is no delay in the payment of cane price to the growers, which is essential to step up the cultivation of sugarcane, and that the mills have a disincentive to hold up punctual payment of cane price. Also, it is reasonable that in case of delay by mills in payment of cane price, the grower should not be denied the monetary benefit of interest that would have accrued to him in case of punctual payment. The tardy enforcement of the provision made in the Sugarcane (Control) Order, has recently received the attention at the high level of the Committee on Subordinate Legislation of the Lok Sabha. The urgent need to enforce these provisions by the State Governments cannot, therefore, be over-emphasized.

5. I, therefore, feel constrained to emphasize the imperative need for the State Governments to take up this matter seriously and to pursue with the sugar factories vigorously to ensure that the cane price dues are paid by the factories as far as possible, within 14 days of delivery and failing which interest is paid on the amount of arrears. The rest of the procedure has been indicated in para 3 above. The Collectors or other District authorities concerned may, therefore, be directed to treat the interest charges like normal cane price arrears and to keep a strict watch on the action being taken by the factories to follow both in words and spirit, the provisions made in the Sugarcane (Control) Order.

6. To ensure proper implementation, I would also request the State Governments to call for detailed information from the factories in the prescribed proforma (copy enclosed), to review the position on a quarterly basis and then to send a detailed consolidated report to this Department within a month following the quarter for a review at this end on a regular basis. To start with, the first report on the position obtaining upto and during the quarter ending 31st March, 1981 may be sent to this Department positively by the end of April, 1981, and for the quarter ending June, by the end of July, 1981 and so on.

7. I shall be grateful if suitable instructions are issued to the concerned officers of the State Government, as well as the factories in the State, under intimation to us.

Encl.: as above.

ENCLOSURE TO APPENDIX IX

PROFORMA

Quarterly returns Showing season-wise Position of cane price arrears, Interest payable on Delayed payments and Actually paid by the Factories

Name of the Factory :

Quarter ending :

Amount of Interest

(In lakh Rupees)

Season	Cane Price due	Cane Price paid		Cane price unpaid & remaining as arrears	Payable at 15%			Actually paid		Remarks
		(a) Within 14 days	(b) Beyond 14 days		(i) on amount at 8	(ii) on amounts at Col. 3	(a) (a) (i)	(b) (a) (ii)	(c) Balance arrears	
	(1)	(a)		(3)	(a)			(a)		(5)

APPENDIX X

(See para 10.3 of the Report)

[LETTER FROM THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPARTMENT OF HEALTH) TO THE STATE GOVERNMENTS/UNION TERRITORIES ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SIXTH REPORT (6LS)]

No. H.11015/5/80-PH

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, dated 24 July, 82.

To

The Health Secretaries ,
All State Governments/U.Ts.

SUBJECT:—Recommendations contained in the Sixth Report of the Committee on Petitions (Sixth Lok Sabha)

Sir,

The Committee on Petitions had considered a representation regarding investigation in the case of alleged "surgical removed" kidney from the body of Dr. Upamanyu Sen found dead at Liverpool in July, 1974 and in their Sixth Report (Sixth Lok Sabha) made the following recommendation:—

"2.10. The Committee, however, recommend that the Ministry of External Affairs/Health may move international bodies like WHO etc. for drawing the attention of all countries of the world to the question of preventing the wrongful removal and transplantation of human organs without the consent of the parties concerned or the next of kin of the deceased.

The Committee also desire that the Government of India may take suitable steps in this direction through legislation and otherwise so far as India is concerned."

The subject matter of legislation pertains to entry (6) of the State List of the Seventh Schedule to the Constitution—viz. "Public Health and Sani-

tation, Hospitals and Dispensaries". As such, therefore, the necessary enactment in this regard has to be passed by the State Legislature. It is, therefore, requested that recommendations of the Committee on Petitions may kindly be kept in view while drafting the necessary enactment relating to removal of re-useable organs/parts of deceased person for therapeutic purposes.

This Ministry may kindly be kept informed of the action taken in this regard.

Yours faithfully,

Sd/-

(N. A. Subramoney)

Dy. Secretary to the Govt. of India.

APPENDIX XI

(See para 12.1 of the Report)

OTHER REPRESENTATIONS

[OTHER REPRESENTATIONS ON WHICH THE COMMITTEE'S INTERVENTION HAS PROCURED EXPEDITIOUS, PARTIAL OR COMPLETE RELIEF TO PETITIONERS OR THE MINISTERIES/DEPARTMENTS CONCERNED HAVE EXPLAINED THE POSITION SATISFACTORILY]

S. No.	Name and Address of petitioner	Brief subject and points raised	Facts perused by the Committee
1	2	3	4
			<i>Ministry of Supply and Rehabilitation (Department of Rehabilitation)</i>
1	Shri Manmohan Singh, Officer, Punjab & Sind Bank, Ropar (Roopnagar)	Non-adjustment of Rs. 3501.07 from GAF; No. PS/PA/6844 towards the cost of property No. 95/3 Patiala.	In their factual note dated 24-3-82 the Ministry of Supply and Rehabilitation (Department of Rehabilitation) Stated as follows: -
	In his representation dated 9-2-1981, Shri Manmohan Singh stated as follows: -		"The report in the matter has since been received which shows that the association papers of Shrimati Milapi Bai tendered by the transfer in 1962 for adjustment of the balance cost to property were not accepted as per order passed on 15-8-1963. The entire compensation of Shrimati Milapi Bai stands exhausted as verified from her G. A. F. In these circumstances the question of any adjustment as desired by Shri Manmohan Singh does not arise. He is being informed accordingly."
	"It is submitted that an application for the finalisation of compensation for and adjustment of Rs. 3501.07 towards the cost of property No. 95/3, Mohalla Kharasian, Patiala, from compensation application bearing Regd. No. PS/PA/6844 of Shrimati Milapi Bai w/o. Rama Mal, who associated with me on 28-7-1963 was made but the adjustment has not been carried out as yet, though I have submitted several applications, subsequent reminders and made personal appearance in the Central Offices of the Chief Settlement Commissioner, New Delhi as well as State Offices of the Rehabilitation Department, Punjab, Jullundur. I also submitted an application alongwith Postal Order No. B. 24 935875 for Rs. 1.00 to Shri R.L. Verma. ASO (R) office of the GSG, Jaisalmer, New Delhi on 16-5-78, but nothing has been done. I also bring to your kind notice that my association is prior one. The Rehabilitation Department Punjab, Jullundur has also moved the matter for finalisation of the case to the Central Government, New Delhi, but with no result. I have spent a huge amount in this regard.		
	In view of the above submissions it is prayed that the concerning authority may kindly be directed to take most immediate action for the finalisation of the above said case towards the cost of the said property, as the matter has already been much delayed."		

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Ministry of Railways (Railway Board)

- 10 Shri Beant Singh, 48-Hide Market, Amritsar Augmentation of some railway facilities at Amritsar station.
- 11 In his representation dated 27 March, and 4th April, 1981 the petitioner stated as follows:— []

"Delhi is connected with all the cities of India with very fast Express/Mail trains. These trains are provided with necessary amenities and facilities and are required to meet the existing as well as future passenger traffic of their respective region. Over the past two years, the Railways have provided a number of new and faster trains on all the major routes. The few trains which have been started in recent time include Taj Express, Deccan Queen, Himgiri Express, Rajdhani Express and a number of such other trains. These trains start from Delhi in the evening and morning and cover the distance to Agca, Calcutta and Bombay in the shortest possible time. Thus not only the number of cities served by these trains are appropriately large but the speed of these trains has also been kept faster than the other trains. These trains help the passengers, commuters, tourists, business-men, Sales-representatives and the general public to travel to and for on these routes within limited time available with them.

"Introduction of a new train between Amritsar and Delhi.

The following trains are available for travelling between Amritsar and Delhi/New Delhi

1. 337/338 Amritsar-Delhi Passenger.
2. 25-103/26-104 A.G. Paschim Express.
3. 57/58 Amritsar-Dadar Express.
4. 47/48 Amritsar- Nizamuddin. Flying Mail.
5. 45/46 Amritsar-Delhi. Janata Express.
6. 31/32 Amritsar-Bombay Central Frontier Mail.
7. 161/162 Amritsar-Tatanagar Express.
8. 353/354 Amritsar-Delhi Passenger.

Introduction of a new train between Amritsar and Delhi is at present operationally not feasible for want of spare line capacity on sections enroute, spare coaching stock and locos, and terminal facilities at Amritsar and in Delhi area.

Provision of second entry to Amritsar Station from the city side along with waiting hall facilities is already a Sanctioned work in respect of which work is in progress."

In this connection, I may point out that Punjab has been extremely unfortunate. In the past few years, no new trains have been introduced in this region and the timings of the existing trains have not been modified to help the public travelling on these routes on this important train route from Delhi. The trains to Amritsar are very few and Amritsar being the last important junction on this route need to be provided suitable service. In this connection, it is important that a very fast train may be started from Amritsar to Delhi and *vice versa* and be named after the historical Golden Temple of Amritsar. This Train may start in the early morning from Amritsar and reach Delhi much before noon so that the people

"Provision of lifting type barrier at level crossing gate at Shiwala Bahaiak Road, Amritsar.

Level crossing referred to in Shri Beant Singh's letter of 27th March, 1981 is a 'B' class level crossing at K. 509/0-10 on Jullunder City-Amritsar Section. As a matter of policy, all level crossings having swing gates are to be provided with lifting barriers on a programmed basis. Due to limited resources, this is being done in a phased manner

may attend to their various functions in the capital of India. Also the train should start back towards Amritsar in the afternoon and carry the passengers traffic which have already attended to their functions and necessities in the capital. The timing of the train be managed in such a way that sufficient time is allowed between the arrival and departure of the train from their respective junction and *Vice versa*. In this way the business people, traders, Sales-representatives can attend to their work in all the industrial and other important towns and junctions falling enroute and after attending to their business can return to their head-quarter by this new fast train. This train would also give incentive and impetus to the trade and industry in the State of Haryana and Punjab. Incidentally this would also give boost to the tourist traffic from Delhi to Amritsar as well as from Punjab to Delhi.

At present, the lifting barrier are being provided on 'A' class level crossings. The proposal for providing lifting barriers at this 'B' class level crossing will be considered in due course.

In regard to congestion on road over-bridge, the Railway has sanctioned the work of providing second opening to Amritsar Station on Gole Bagh side. The work is in progress and is likely to be completed by December, 1982. This will provide second entry and exit to railway traffic at Amritsar Station and shall also release congestion on Bhandari Bridge as the traffic from the city side coming to Railway Station and back will not have to cross this bridge.

As regards the widening of the existing road over-bridge, it may be stated that the Railway Administration has not received any proposal from the State Govt. The Railway will consider the proposal if it is sponsored by the State Govt. with the undertaking to bear the entire cost involved as required under the extant rules."

As I have suggested above, the train may be named after the great holy Golden Temple. This would give added significance to the historic city of Amritsar which is famous all over the world on account of Golden Temple. Also the city was founded around Golden Temple and this symbolises the heritage of the valient people of Punjab. The city is almost on the historic and tourist map of the country and this special super fast train to and from Amritsar would definitely add to the splendour of this historic city of Golden Temple and Jallian-wala Bagh.

I am confident, you would appreciate the need and importance of providing this super fast train in this region so that Punjabies may also meet the challenge of new development in the country. This would also provide the people of Haryana and Himachal to be more closely linked with Delhi. The number of trains running between Amritsar and Delhi is not sufficient to cope with daily increasing traffic and as such the necessity of providing the suggested super fast train between Amritsar and Delhi need hardly be over emphasised."

Improvement in Railway Crossing at Shiwala Bahian Road, Amritsar.

"Due to frequency of trains traffic remains heavily jammed most of the time on both sides of the Railway Crossing on Shiwala Bahian Road at Amritsar. As you know quite a big colony of late has sprung up around Shiwala Bahian and the number of citizens visiting the Shiwala Mandir daily had increased many folds. Due to this the traffic along the road has heavily increased during the past few years.

In order to provide some possible relief, it is suggested that the old type of Railway Crossing, existing there may be replaced by a crossing of new type *i.e.* 'LIFTING BARRIER' as provided at Hussainpura crossing and Hospital crossing. If the new type of crossing is provided it will be possible for the light traffic *i.e.* cycles, scooters and rickshaws to pass smoothly even when the crossing is closed as is being done at the Hussainpura and Hospital crossings."

Provision of Second entry to Amritsar Station

"The bulk traffic is from the walled city and new abadies lying on South of Lahore-Delhi Railway Line and in almost the entire such traffic has to pass through Bhandari Bridge o/s Hall Gate and Pego Bridge opp. Gobind Garh Fort. The traffic at Bhandari Bridge has increased to such an extent that traffic remain jammed at the Bridge and the increasing traffic is creating appalling condition. It is highly necessary that relief must be provided to daily increasing traffic at Bhandari Bridge.

In order to provide for the much needed relief and to meet the long outstanding demand of the citizens of this historic town of Golden Temple and Jallianwala Bagh, it is highly necessary that an out-let to the Railway traffic should be provided on the other side of the Raiwlay Station, *i.e.* Gole Bagh side. Sufficient spare land within the Railway boundaries is available at the site and the required out-let for the Railway traffic can easily be provided. This will not only provide the highly necessary relief to Bhandari Bridge but it will also provide much facility to the people of the walled city and its surroundings localities. It will make their homes nearer and they will have to spend much less on Rickshaws and Tongas charges than at present."

Ministry of Commerce
(Department of Textiles)

- 3 Shri Kewal Krishan Seghal, Alleged unauthorised manufacture of Woollen Cloth by M/s. Kundan Textile Mills and M/s. K. D. Textile Mills, Amritsar in violation of Textil Control Order.

In their factual note dated 28-6-1982, the Ministry of Commerce (Department of Textiles) stated as follows:-

"The contravention cases of M/s. K. D. Textiles and M/s. Kundan Textiles pertain to production of woollen shawls

In his representation dated 3-7-1981, Shri Kewal Krishan Sehgal stated as follows:—

"That I made a complaint to the Deputy Director, Textile Commissioner Office, The Mall, Amritsar on 13-2-81 that the above noted units which are valid for Art Silk Yarn are manufacturing woollen cloth in their factories. After waiting for a reply to this complaint for about a fortnight I made repeated visits to the Textile Office, Amritsar and every time I met the Deputy Director of Textile for necessary action. But he kept on putting me off with one excuse or the other. However, I came to know that the authorities had visited the factory and collected some samples which they removed from the powerlooms. But some understanding developed between lone factory owner and the authorities and they never either orally or in a written form ever told me that they had collected these samples. On my insistence that they had taken some samples the said Deputy-Director only orally informed me that the samples had been sent to Bombay for analysis. I submit that some kind of mutual understanding had taken place between the authorities and the factory owners because the former were reluctant to give any written reply to me, although two months and seven days had passed since I lodged the complaint.

I again wrote a letter on 20-4-81 to the Deputy Director, asking him to tell us as to what action he had taken in the matter and sent a copy of it also to Textile Commissioner, Bombay. We also wrote a letter to Textile Commissioner, Bombay requesting them to take necessary action against these units and a copy of this letter was sent to the Deputy Director, at Amritsar also.

on looms permitted for artsilk looms. On receipt of a complaint from Shri Kewal Krishan Sehgal on 13-2-81, the Regional Office, Amritsar inspected the units on 28-2-81. The units were found manufacturing woollen shawls. The Regional Office dtaw samples of woollen shawls under punchanama and called for explanation of the party for the irregularity. Regional Office also registered a contravention case and forwarded papers to the Headquarters for examination by the contravention committee. At the same time, Regional Office also approached the District Industries Centre, Amritsar to investigate the matter to take necessary action on the contravention under the powers delegated to them, enclosing a copy of Shri Sehgal's complaint.

Against this background the Control Contravention Committee examined the cases and their findings and decisions are as under:—

M/s. K.D. Textiles, Amritsar

While examining the case it was observed that the unit had sold the 8 artsilk looms to M/s Espee Enterprises, Amritsar against a transfer permit issued by Director of Industries on 15-5-81. This permit has, however, been cancelled by the District Industries Centre on the request of the R.O. Amritsar as the party's contravention case was pending with this office.

Since the contravention involved being manufacture of woollen shawls on looms permitted for artsilk yarn the Committee felt that this lapse can be condoned as there would be no case for contravention, had the party manufactured woollen fabrics on

The Asst. Director, Textile Commissioner Office, Amritsar, gave us a reply on 29-4-81 calling upon me to visit their office. This fact clearly showed that they were only gaining time and trying to put off the matter.

We again wrote to the Deputy Director, that the above units were still running and clearly stated that the Textile Authorities were in league with the factory owners and the units were still being run with their connivance. In his letter dated 6-5-81, Deputy Director wrote to me that necessary action has been taken against the concerned units and thus for further enforcement the matter has been referred to the State Textile Authorities. As such we wrote to the State Textile Authorities on 11-5-81 to which they replied on 14-5-81 that they have sent back the file to the Textile Commissioner Office, Amritsar which would deal with the matter itself. On 11-5-81 we wrote a complaint to Shri R. Venkataraman, Minister of Finance and Industry, Government of India, New Delhi for information only.

We wrote another letter on 20-5-81 to the Deputy Director, complaining to him that he had taken no effective action against the offending units and further wrote that if he kept silent this time also I would release the matter to the press and the other concerned authorities. I received a letter on 22-5-81 from the Deputy Director, that action had been taken against the units. The reply of the Deputy Director was palpably a tissue of lies as the units concerned are still violating the law and infringing the Textile Control Order. It is clear beyond any doubt that the Deputy Director is shielding them for reasons best known to him. I have solid proofs to show that the units are still running in full swing and defying the law of the land with impunity.

Sir, I request you to take immediate and strong action against the units and the authorities who are clearly linked with them.

unauthorised looms and applied for regularisation subsequently. It was, therefore, decided to condone the contravention with a warning to the party that such irregularities should not be committed in future.

Since M/s. K. D. Textiles has requested D.I.C., Amritsar to revise their permit for artsilk power looms cancelled earlier. The Committee was of the opinion that the party may be allowed looms for artsilk yarn only if the permit is revised.

R.O. Amritsar had also reported that an application of 8 unauthorised woollen looms submitted under press note dated 31-3-81 is pending with them for regularisation. These looms were stated to have been purchased on 13-12-80 and erected sometime between 1 and 3 March, 1981 out of the scrapped looms purchased by them in December 1980. The State Textile Authorities has also issued existence certificate stating that these looms were installed on or before 31-3-81 and that they were working on woollen yarn without any valid permit from the Textile Commissioner.

Since the Government has taken the liberal policy for regularisation of unauthorised looms under Press Note dated 31-3-81, the Committee decided that these 8 looms working on woollen shawls may be regularised by issue of permit for working on woollen yarn. M/s. Kundan Textiles is a partnership concern having authorised permit for 15 powerlooms (14 artsilk and 1 woollen). The unit was found to be manufacturing woollen shawls on 8 of their artsilk looms during R.O.'s inspection on 28-2-81 for which contravention case was submitted by R.O. Amritsar.

Through the medium of this letter, I seek justice from your goodself and hope that you would take immediate necessary action against the offenders and oblige."

It has been reported by the R.O., Amritsar, that the unit has found closed during the visit on 2-4-81. For further details submitted by R.O., it was observed that the partner Shri Kanahaya Lal Sehgal has reported that these looms are not working from 4-4-81, due to dispute among the partners. The looms were found to be in dismantled condition during the visit of R.O. on 25 November, 1981. Shri Kewal Krishan Sehgal, the Complainant who is one of the partners of M/s. Kundan Textiles Mills has also stated to have filed a suit against the other partners in the court of sub-judge, Amritsar.

Since the contravention involved is similar to that of K.D. Textiles, i.e., manufacturing woollen shawls on looms permitted for artsilk yarn, the Committee was of the opinion that this case also can be condoned having regard to the liberalised policy of the Government and the production of woollen shawls by the Mills upto April, 1981, before its closure may be condoned with a warning that they should confine their production of artsilk fabrics, since their looms are permitted to work on artsilk yarn."

Ministry of Finance,
Department of Economic
Affairs (Banking Division)

4. Shri Dharm Chand Jain, Retd. Head Cashier, Punjab National Bank, Rewari Branch, 4177, Shukarpura, Rewari (Haryana) Payment of gratuity on retirement.

In their factual note dated 25-8-1982, the Ministry of Finance (Department of Economic Affairs) (Banking Division) stated as follows :-

In his representation dated 27-7-1981, the petitioner stated as follows :-

"This refers to the Ministry of Finance reply communicated to me *vide* Lok Sabha Secretariat letter

"Shri Dharm Chand Jain has been representing that the gratuity payable to him for the period he was drawing wages not exceeding Rs. 1000/-

No. 53/GI/79/R-113, dated the 14th May, 1980 in respect of my representation dated 26-12-78 on the above subject. I had already represented to the Bank that such of the employees who had drawn wages for a period of not less than five years not exceeding Rs. 1000/- per mensem as on 16th September, 1972, would be covered by the provisions of the Act. This view has now been confirmed by various High Courts. The Bank is taking the plea for not paying the gratuity amount claimed by me that the decision of the High Courts came much later after I retired from service. But this plea is not tenable in view of the fact that I had been continuously putting my case before the bank and other higher authorities demanding acceptance of my claim on the basis of interpretations as has now emerged out of the High Courts decisions but the Bank has been refusing. I have written to the Ministry of Finance but there has been no response.

In the above circumstances, I have no option but to approach your honour again for the redress of my grievance against the Punjab National Bank, Rewari Branch for my legitimate claim of full amount of gratuity admissible to me. The interpretations of the High Courts given after my retirement could come earlier also, had I had adequate resources and energy to fight with the Bank authorities in a court of law.

per mensem should be calculated in accordance with the provisions of payment of Gratuity Act. Or the other hand, the bank has been maintaining that Shri Jain was drawing wages in excess of Rs. 1000/- per mensem on the date the Payment of Gratuity Act came into force. According to the bank's interpretation, the Payment of Gratuity Act was applicable only to such employees who had not drawn wages exceeding Rs. 1000/- per mensem on the date of the implementation of the Act. The bank had therefore, paid gratuity to Shri Jain in terms of the provisions of the Bipartite Settlement applicable to the banking industry. Although the bank conceded that the some of the High Courts had recently held that such of the employees who had drawn wages for a period of not less than 5 years not exceeding Rs. 1000/- per mensem but subsequently drew more than Rs. 1000 - p.m. including as on the date of implementation of the payment of Gratuity Act would be covered under the provisions of the Act. However, the bank did not allow Shri Jain the benefit of higher gratuity on the ground that the relevant decisions of the High Courts had become available only recently whereas Shri Jain had retired from the service of the bank as far back as on 9th May, 1973. The bank contended that the cases of the employees already settled by the bank could not be reopened.

The bank, however, on a re-consideration of the matter, has reversed its earlier decision and has paid arrears of gratuity payable to Shri Dharam Ghand Jain in terms of payment of Gratuity Act 1972. The grievances of Shri Dharam Ghand Jain, therefore, stand redressed.

I hope you will get this matter examined for the sake of natural justice and get my claim settled in accordance with the decisions of the High Courts. I know that the Bank will probably take the same old plea or say that the case was settled long back unless, of course, the Committee gives specific directions to the Government that the case be settled according to the decisions of the High Courts as I retired after the Payment of Gratuity Act came into force. It is only the interpretation which came later. Law was already there in existence."

Ministry of Defence (Research and Development Organisation)

5. Shri Bal Krishna, MS-21 Counting of CSIR. Sect. D, Aliganj Housing service for pension. Scheme, Lucknow.

In their factual note dated 29-6-82, the Ministry of Defence (Research and Development Organisation) stated as follows:

In his representation dated 26-7-81 Shri Bal Krishna stated as follows: -

"I am a scientist. Initially I started my research work in the Central Drug Research Institute, Chatter Manzil, Lucknow on 8 July, 1952. Later on being appointed in the Defence Institute of Physiology Delhi Cantt. on 1 February, 1963, I started the research work as SSOI. This appointment was made on the recommendation of the Public Service Commission. According to my letter of appointment I was on deputation in the Ministry of Defence. Therefore during 1964-65 the pensionary contribution was made towards the Central Drug Research Institute, Lucknow. Later the Ministry of Defence made me permanent against the post. With the result my lien on GDRI was cancelled. Thus I became a permanent Central Government servant. After working on different posts, I retired on 28 February, 1979 and came under the pensionary Establishment.

"The matter regarding refixation of pension and gratuity in respect of Shri Bal Krishna, retired P.Sc. O, after taking into account service rendered by him under CSIR from 8-7-52 to 31-1-63 has been taken up with GDA (pension), Allahabad. The revised pension papers have been submitted to GDA (pension) for issuance of pension payment order.

Shri Bal Krishna has also been apprised of the position by Director, DIPAS.

Director, DIPAS has also been directed to depute an official on temporary duty to the office of GDA (pension) to expedite the finalisation of revised pension and issuance of payment order."

On the recommendation of the Pay Commission those semi Government Institutions of Scientists which are fully financed by the Central Government came under Section 361 and 361A of Civil Regulations. Accordingly, services rendered in C.S.I.R., will be reckoned as qualifying for pension if the previous employer agrees to bear the proportionate liability on account of pensionary benefits.

I am sorry to state that though two years have passed since I retired from the post of Scientist, the G.D.A. (P) Droupadi Ghat, Allahabad has not yet considered this matter and has not yet specified the sum to Director GDRI Chatter Manzil Lucknow. The Director GDRI Lucknow, Director DIPAS Delhi Cantt. and myself have sent registered letters by post.

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The particulars of these letters are as under :

Director GDRI, Lucknow Ref. 8-9-66 ESST
dated 17-6-80.

Director DIPAS, Delhi Cantt. P/O/81 DIPAS
dated 15-12-80.

Self R.No. 679 dated 19-12-80.

Therefore, I have not yet received full pension.

In these hard times, it is difficult to meet the day to day expenses. At this age I have to get my daughter married. I, therefore, request you to take prompt action on my petition.

I have written to Controller General of Defence Accounts before. They have also been writing again and again to the GDA(P) Allahabad. But the GDA(P) Allahabad has neither acknowledged the above mentioned letters nor have mentioned the specific amount of proportionate charges to Director, Chhattar Manzil Lucknow. Even after serving for about 27 years, I am getting a pension of just Rs. 400/- only."