

COMMITTEE ON PETITIONS

(TENTH LOK SABHA)

TENTH REPORT



सत्यमेव जयते

[Presented to Lok Sabha on 21 December, 1993]

**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1993/Agrahayana, 1915 (Saka)

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(1992-93)

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**TENTH REPORT OF THE COMMITTEE ON PETITIONS
(TENTH LOK SABHA)**

INTRODUCTION

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

- (1) Petition No. 15 regarding problems and demands of Handloom Weavers in the country.
- (2) Petition No. 29 from Shri V.D. Karjatkar, Advocate, President of Pune Bar Association, Pune, for setting up of Bombay High Court at Pune.
- (3) Representation regarding rehabilitation of slum dwellers of Katra No. 802/VIII, Kunde Walan, Ajmeri Gate, Delhi.

2. The Committee considered the draft Report at their sitting held on 15 December, 1993 and adopted it.

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

NEW DELHI;
15 December, 1993

24 Agrahayana, 1915 (Saka)

P.G. NARAYANAN,
Chairman,
Committee on Petitions.

I

PETITION NO. 15 REGARDING PROBLEMS AND DEMANDS OF HANDLOOM WEAVERS IN THE COUNTRY

1.1 Shri George Farnandes, M.P., presented to Lok Sabha on 28 April, 1992, a Petition (No. 15, *See* Appendix-I, signed by Shri Ramchandra Barupal, Urmul Marushali Bunkar Vikas Samiti, Bikaner and the representatives of the handloom weavers from all over India) regarding problems and demands of the handloom weavers in the country.

1.2 The petitioners have stated that the handloom weavers have been suffering hardships due to unprecedented increase in yarn prices and loss of markets. The main points/suggestions made in the petition were as follows:—

- (1) Inclusion of handloom sector in the Ninth Schedule of the Constitution;
- (2) Need for a rational long term yarn trade policy and to improve the system of availability of hank yarn at reasonable prices; and
- (3) Implementation of the Abid Committee's recommendations on handloom.

1.3 The petition was referred to the Ministry of Textiles on 1 May, 1992 for furnishing their comments on the various points raised in the petition. The Ministry of Textiles, accordingly, furnished their comments *vide* their O.M. dated 26 May, 1992. The Committee also took oral evidence of the representatives of the Ministry on 17 September, 1992.

Inclusion of Handloom Sector in the Ninth Schedule of the Constitution

1.4 In their communication dated 26 May, 1992, the Ministry of Textiles have stated that Government of India has examined the option of bringing the law for reservation of production of certain types of cloth exclusively in the handloom sector within IXth Schedule of the Constitution of India. However, on careful consideration, Government has taken the view to pursue the matter before the Hon. Supreme Court of India for expeditious disposal of the litigations which have so far bogged down implementation of the Act and the Orders issued thereunder.

1.5 During oral evidence before the Committee the representative of the Ministry stated that while deciding the petitions filed against the Handloom Reservation of Articles of Production Act, 1985 and the notification issued thereunder, the Supreme Court by an Order dated 5 February, 1993 has upheld the Handloom Reservation of Articles of Production Act, 1985 as well as the notification issued thereunder. They consulted the Ministry of Law who was of the opinion that there was no additional advantage which

would be gained by placing the Handloom Reservation Act in IXth Schedule of the Constitution as the Court has held that it did not violate Articles 14 and 19(1)(g) of the Constitution, because the purpose of placing it in the IXth Schedule was, it might not be challenged on the ground that it was inconsistent or takes away any fundamental rights. As such, they decided not to include the Handloom Reservation Act in the IXth Schedule of the Constitution.

Long term Yarn trade policy/prices

1.6 The Ministry of Textiles have stated that it is true that prices of hank yarn have maintained a bullish trend during 1991-92. However, the prices of cloth, according to estimates, have not registered commensurate increase. Bulk of the price rise in hank yarn was owing to increase in prices of law cotton. Again, bulk of the spinning activity is in the private sector and Government has no statutory means to control yarn prices. Nevertheless, Government took several measures for checking the price rise. The steps taken include:

- (a) Direction to National Textiles Corporation to increase production of hank yarn in counts of 40s and below where demand is higher.
- (b) Direction to National Textiles Corporation to open yarn depots in distress areas.
- (c) Request to State Governments to exercise restraint in matters of prices of yarn produced by mills in the State and Cooperative sector.
- (d) Negotiations with private spinning mills to supply limited quantities of hank yarn at reduced prices to notified handloom agencies.
- (e) Import of 2 lakh bales of cotton free of duty for supply to handloom agencies.
- (f) Government is also going to introduce a Yarn Depot Scheme through National Handloom Development Corporation (NHDC) for supply of 10 million kgs. of yarn at mill gate prices.

1.7 Several safeguards have been built into the Scheme of import of cotton for supply to handloom weavers only. These precautions include the following:

- (a) Yarn shall be supplied only to notified handloom agencies.
- (b) Yarn should be delivered in advance to State agencies before the spinning mills can be entitled to import yarn.
- (c) To prevent speculative imports only spinning mills have been allowed to import such cotton.

- (d) The supply of hank yarn against such import shall be in addition to the normal hank yarn obligation of the mills.

1.8 For assistance in marketing of handloom cloth, there are several on-going plan and non-plan Schemes. The non-plan Schemes include Janata Cloth Scheme and Market Development Assistance Scheme. The budget provision under these two schemes is Rs. 207.20 crores in 1992-93. There are also plan schemes for Intensive Development Projects and Export Production, Assistance for setting up of Marketing Complexes, Scheme for quality production and marketing of handloom products for hill areas and Schemes for Handloom Export Development. The budget estimates for 1992-93 for powerloom industries are Rs. 283 lakhs under Plan and Rs. 22.94 lakhs under non-plan. However, there is no specific provision for market support for powerloom cloth.

1.9 As long as yarn is supplied by handloom agencies to the weavers for conversion to cloth and the cloth is purchased after paying equitable wages to the handloom weavers, the incidence of increase in yarn price on the weaver can only be said to be marginal. The indirect affect of such a price hike could be harmful unless there is commensurate movement in the price of finished goods. Whenever, such distress conditions come to the notice of Government, additional support is provided, *inter alia*, by allocation of additional target for Janata cloth and sanction of special projects. A Silk Yarn Bank is being proposed to be introduced during 1992-93 to take care of price fluctuation in case of silk yarn. Skill upgradation is also being proposed to be taken up during 8th Plan in a major way for production of high value handloom products and thereby reduce vulnerability of handloom weavers and handloom agencies from the vagaries of yarn prices.

1.10 It has been pointed out at para 3(c) of the petition that only hank yarn supplied to handloom agencies should be exempted from payment of excise duty and other hank yarn may be liable for payment of duty. It is estimated that only between 30-40% of handloom weavers are within the ambit of such handloom agencies which means between 60-70% of handloom weavers are outside the fold of such organisations. If they are asked to pay duty on hank yarn, they will be burdened with an unnecessary and avoidable disadvantage. The allegation regarding conversion of hank yarn to cone yarn should also be viewed with the realisation that there is a cost involved in re-conversion of hank yarn to cone yarn for mechanical pre-loom operations and the cost difference between hank yarn and cone yarn does not, by and large, justify large scale conversion. In any case, any such allegation of conversion can be only for cross reeled hank yarn where the duty concession is available only to handloom agencies. The existing fiscal policies, therefore, can be said to have taken care of these issues in para 3(c) of the petition.

1.11 With a view to have the first hand information and to hear the views of the handloom workers and officials, the Committee also made an on the spot study visit to Calcutta and Guwahati on 2 to 4 June, 1993 and held informal discussions with representatives of the handloom weavers/officials thereon.

1.12 The representative of the Ministry informed the Committee during evidence that the main policy of the Government in regard to handloom had been to meet some of their basic needs. The most important need was to supply the yarn of requisite quality and counts at reasonable prices. Other important problems of the industry were problems of marketing, inadequacy of dyes of chemicals and non-availability of training in the dyeing practices. The witness informed the Committee that the Government of India has formulated many schemes for the welfare of the handloom weavers and for the development of the handloom industry. These schemes broadly are formed into three categories. Firstly, the schemes which are designed to make necessary inputs available to the handloom weavers, secondly, schemes which are productivity or market-oriented, and the third is the category of welfare schemes. Under the first category scheme, that is, the input related schemes, the most important scheme is that of providing hank yarn. The Government has made it clear that the spinning mills in the public, private and corporate sectors will pack at least fifty per cent to ensure adequate supply of hank yarn. This has been upheld by the Supreme Court also. The second scheme is for the supply of yarn at mill gate prices. That has been accepted by the National Handloom Development Corporation. The scheme envisages supply of yarn to the agencies like State apex or regional handloom weavers' cooperative societies, State Handloom Development Corporation etc., by the National Handloom Development Corporation at the mill-gate prices. These cooperative agencies in turn make yarn available to the weavers.

1.13 The representative of the Ministry added that recently, the Government of India have formulated a very ambitious scheme which had been cleared by the Expenditure Finance Committee and it was going to the Cabinet Committee on Economic Affairs. If that scheme was implemented then the basic problem of supply of yarn at reasonable prices and supply of other inputs, quality dyes and chemicals, marketing, training in improving dyes etc. would be taken care of. The scheme envisages for the identification of the weavers' concentration by the State Government where the handloom centre would be run by primary societies or by the non-governmental organisations which had a good track record of performance. The scheme envisaged selection of those primary cooperative societies which had been earning profits in three preceding consecutive years. These societies would be about 1000 weavers with 250 looms and would establish 3000 centres in the country over a period of four year at a total cost of Rs. 849 crores. Grants to the extent of Rs. 321 crores would be given by the Central Government and remaining amount would be

made available through the district level cooperative banks, commercial banks and the NABARD would be providing the necessary refinance to these banks.

Implementation of Abid Committee's recommendations

1.14 As regards the action taken by Government on the Abid Committee report on Handloom, the Ministry of Textiles have furnished the views of State Governments/Organisations and the Ministry's comments *vide* their communication dated 22 September, 1993 which are reproduced at *Appendix II*.

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1.15 Since the announcement of the Textile Policy, 1985, the Government of India have formulated various schemes for the welfare of the handloom weavers and development of the handloom sector. With a view to taking care of the interest of the handloom weavers/industry, these schemes have been divided into three categories, firstly, to make necessary inputs available to the handloom weavers under which the Government have ensured adequate supply of hand yarn, secondly, the productivity and market oriented scheme envisages supply of yarn to the agencies like State apex or regional handloom weavers cooperative societies, State Handloom Development Corporation etc. by the National Handloom Development Corporation at the mill-gate prices. These cooperative agencies in turn make yarn available to the weavers; and third category is the welfare scheme for handloom weavers *i.e.* setting up of weavers service centres.

1.16 The Committee learn that one more scheme in regard to making yarn available to the weavers is under consideration of the Government, which is at an advanced stage of its approval. The scheme envisages for the identification of the weavers' concentration by the State Governments where the handloom centres would be run by primary societies or by the non-governmental Organisations having good track record of performance with the implementation of this scheme the problem of yarn supply at reasonable prices and other inputs quality dyes and chemicals, marketing, training in improving dyes etc. will be taken care of.

1.17 Regarding short supply of hank yarn, the Committee find that according to the calculations of the Government, there is no shortage of hank yarn in the country. As stated by the Government, the annual requirement of hank yarn comes to 425 million kgs. and the total availability of the yarn in the year 1992-93 is estimated at 448 million kgs. However, there might be some shortage in some areas of the country due to some mal-distribution.

1.18 In the opinion of the Committee, it should not be difficult for the Government to find out ways and means to modify and streamline the distribution system of hank yarn in such a way that the areas where the weavers are experiencing shortage of hank yarn is provided with adequate yarn. The Committee, therefore, recommend that Government should

modify the distribution system and streamline the procedure suitably. Periodical assessment of the supply of yarn in the deficient area may be made and suitable concrete steps be taken.

1.19 A major complaint of the handloom weavers is that the prices of yarn supplied to them are on the high side which reduces their competitive position in the market. The Government have admitted that during the year 1991-92, prices of hank yarn maintained a bullish trend, but prices of cloth, according to estimates, have not registered commensurate increase. The Principal reasons for this phenomenon appear to be that most of the spinning activity is in the private sector and the Government has no statutory means to control the yarn prices. Nevertheless, the Government have taken several measures, for checking the price rise. These steps include (a) direction to the National Textiles Corporation (i) to increase production of hank yarn in counts of 40s and below where demand is higher, (ii) to open hank depots in distinct areas; (b) request to the State Governments to exercise restraint in matters of prices of yarn produced by mills in State Cooperative sector (c) negotiations with private spinning mills to supply limited quantities of hank yarn at reduced prices to notified handloom agencies (d) import of two lakh bales of cotton free of duty for supply to handloom agencies (e) introduction of yarn depot Scheme through National Handloom Development Corporation for supply of 10 million kgs. of yarn at mill gate prices. Besides, several safeguards are stated to have been built into the scheme of import of cotton for supply to handloom weavers only. These precautions include (a) supply of yarn to notified handloom agencies (b) yarn to be delivered in advance to State agencies before the spinning mills can be entitled to import yarn; (c) in order to prevent speculative imports only spinning mills have been allowed to import such cotton; (d) the supply of hank yarn against such import shall be in addition to the normal hank yarn obligation of the mills.

1.20 In regard to assistance in marketing of handloom cloth, the Committee observe that the Government have also undertaken several on-going plan and non-plan Schemes. The non-plan Schemes include Janata Cloth Scheme and Market Development Assistance Scheme.

1.21 The Committee trust that the various steps being taken the Government to check price rise as also ensure regular supply of yarn to the handloom weavers will mitigate to a large extent the day to day problems being faced by the lakhs of handloom weavers. In order to ensure that the benefits of the various schemes launched by the Government actually reach the handloom weavers, a suitable machinery may be evolved to monitor their progress constantly. The Committee hope that with the increasing tempo of implementation of all these schemes and also formulation of some other such schemes with allied objectives, the unemployment problem amongst the Handloom weavers will also be eased besides benefiting the country in improving the handloom base of the country and augmenting the handloom production, which is the crying need of the hour.

1.22 To take care of the handloom industry and the handloom weavers, the Committee find that a Committee on Handloom was constituted under the Chairmanship of Shri Abid Hussain and this Committee have made certain recommendations to the Government. While the Committee note that most of the recommendations of the Abid Committee have been agreed to by the Government, they urge upon the Ministry of Textiles to implement the recommendations expeditiously so that the contemplated benefits can be availed of by the weavers.

1.23 In regard to inclusion of Handloom Sector in the Ninth Schedule of the Constitution of India, the Committee are inclined to agree with the views of the Ministry of Textiles that no additional advantage will be gained by placing the Handloom Reservation Act in the Ninth Schedule of the Constitution as the Supreme Court has already held that it does not violate Articles 14 and 19(1) (g) of the Constitution.

II

PETITION NO. 29 FROM SHRI V.D. KARJATKAR, ADVOCATE, PRESIDENT OF PUNE BAR ASSOCIATION, PUNE, FOR SETTING UP A BENCH OF BOMBAY HIGH COURT AT PUNE

2.1 Shri Anna Joshi, M.P., presented to Lok Sabha on 15.3.1993 a petition (No. 29-See Appendix-III) signed by Shri V.D. Karjatkar and other members of the Pune Bar Association praying for setting up a Bench of the Bombay High Court at Pune. The petitioners have stated *inter alia* as follows.

(i) the Bombay High Court has two Divisions at Nagpur and at Aurangabad. The third Division is also established at Panaji (Goa);

(ii) the High Court should be accessible to the people from every nook and corner of the State. The three Divisions which are created at three places are not sufficient to fulfil the object behind establishing Divisions of High Court at different places;

(iii) The High Court should have another Division Bench and Pune City is the only proper city to have such a Division Bench of the High Court.

In this connection, the petitioners have highlighted the advantages in having the Division Bench at Pune and also pointed out the objections which can be taken against the Pune city.

2.2 The petition was referred to the Ministry of Law, Justice and Company Affairs for furnishing their factual comments on the various points contained in the petition. The Comments dated 29.4.1993 as received from the Ministry are reproduced at Appendix-IV.

2.3 The Ministry of Law, Justice and Company Affairs in their communication dated 29.4.1993 have stated *inter alia*:-

“....In April, 1978, the Maharashtra Legislative Assembly passed a Resolution recommending the establishment of two permanent Benches of the Bombay High Court—one at Aurangabad for the Marathwada region and other at Pune for the Pune Division. In March, 1991 the State Government again recommended that a permanent Bench of the Bombay High Court should be established at Aurangabad. They later clarified that they had dropped the proposal for a Bench at Pune. Besides its principal seat at Bombay and two permanent Benches at Nagpur and Aurangabad in Maharashtra, it has a third permanent Bench at Panaji in Goa. Representations have been received from time to time for establishing Benches of the Bombay High Court at Pune, Amravati, Kolhapur, Sholapur and

Sangli in State of Maharashtra. The matter has been raised through Starred and Unstarred questions and private Member's Bills in Parliament."

2.4 The Ministry were requested to ascertain from the State Government of Maharashtra and intimate the latest development, if any, in the matter. The Ministry of Law and Justice (Department of Justice) in their communication dated 16 July, 1993, stated *inter alia*:—

"the Government of Maharashtra have since intimated that the matter of establishment of the High Court Bench at Kolhapur/Pune is still under consideration of the Committee of Hon'ble Judges of Bombay High Court."

2.5 The Ministry of Law and Justice have also stated that:

"In the matter of establishing permanent Bench of a High Court away from its principal seat, a number of factors like distance from the principal seat, the number of cases originating in the suggested place, the infrastructural facilities needed etc., would have to be taken into account. The Central Government can take action only if the State Government concerned, in consultation with the Chief Justice of the High Court submits a complete specific proposal for consideration. This issue with the approval of Minister of State for Law, Justice and Company Affairs."

2.6 The above comments as also the clarifications received from the Ministry were considered by the Committee at their sitting held on 23 November, 1993.

2.7 The Committee note the position stated by the Ministry of Law & Justice (Department of Justice) that the matter of establishment of the High Court Bench at Pune is under consideration of the Committee of Hon'ble Judges of the Bombay High Court and the Central Government can take action only if the State Government concerned, in consultation with the Chief Justice of the High Court, submits a complete specific proposal for consideration. The Committee feel that in view of the position stated by the Ministry of Law & Justice, no further intervention by the Committee is called for in the matter.

III

REPRESENTATION REGARDING REHABILITATION OF SLUM DWELLERS OF KATRA NO. 802/VIII, KUNDE WALAN, AJMERI GATE, DELHI

3.1 Shri Santosh Kumar and other occupants of Katra No, 802/VIII, Kunde Walan, Ajmeri Gate, Delhi, in their representation (Appendix-V) requested the Committee on Petitions that the Committee should direct the Government to issue orders for demolition of Katra No. 802/VIII, Kunde Walan under section 7(1) of the Slum Area (Improvement & Clearance) Act, 1956 to save the lives of the inhabitants of that Katra and also in public interest. It had also been suggested that their housing problems might be solved by providing alternative accommodation to each displaced family preferably in the nearby localities of this Katra.

3.2 The representation was forwarded to the Ministry of Urban Development on 14 August, 1991 who furnished their comments *vide* their O.M. dated 1 October, 1991 stating as follows:

"Katra No. 802/VIII is an acquired property under D.A.G. Scheme. The Katra was declared dangerous in 1985 and the residents were offered alternative accommodation. 32 Slum tenements were allotted against this property to some of the occupants at Garhi, Madipur and Ranjit Nagar. The remaining occupants are reported to have resisted their shifting on the pretext that the above colonies are far off and that they would accept alternative accommodation only near the Walled City. Owing to their non-cooperation, the Katra could not be completely demolished and as a result, some of the portions, which could not be demolished, probably owing to the reasons that the portions, which were not vacated by the remaining occupants, might not be affected, were sealed. The dangerous portions were, however, demolished.

The sealed portions are reported to have since been trespassed by anti-social elements and the occupants of the remaining portions of the Katra and for their eviction, action under Public Premises (Eviction of Unauthorised occupants) Act, 1971 has been initiated. Besides, in the resultant space after demolition some of the portions, some wooden khokas and semi-pucca structure have been raised.

Some of the occupants, who did not opt for their shifting earlier have submitted their ration cards and other documents for alternative rehousing flats. Property has since been surveyed and

12 occupants have been found in the remaining portion of the Katra. Out of 12, two occupants have not agreed to accept alternative accommodation and they want to remain in the said Katra. Five persons have been found eligible for alternative accommodation after verification of their ration cards from the office of Food and Civil Supplies Department. Action under Public Premises Act is being initiated against the two persons who are not willing to shift in order to enable the department to evict them from the Katra. After completion of proceeding under the P.P. Act, 1971 against the trespassers as well as two persons who have shown their unwillingness to shift, the property will be demolished and alternative accommodation allotted to the eligible occupants."

3.3 The Committee considered the above matter at their sitting held on 13 February, 1992 and noted that the Katra was declared dangerous in 1985 and it was for almost seven years that people had been allowed to live in a house declared dangerous. The Committee, therefore, took oral evidence of the representatives of the Ministry of Urban Development in the matter on 5 August, 1992.

3.4 Explaining the position of the dangerous Katra and the provisions made for alternative accommodation for the occupants, the representative of the Ministry of Urban Development stated before the Committee that the Katra was declared dangerous in 1985 and, on the basis of the initial survey, there were 26 families which were occupying that Katra. Out of the 26 families 18 families had been provided accommodation and were shifted. The position of the remaining eight families was that two families were not willing to shift; two families had sold out their accommodation; one had left that place and three families were offered alternative allotment who had not shifted. As such, there were only five families left who were eligible for allotment of alternative accommodation as per DDA policy. The number of families had however gone up and at present there were 16 families residing in the Katra.

3.5 When asked whether it was a fact that some unauthorised persons were in occupation of certain portions by breaking the seal of those portions which had been declared dangerous and if so, what action had been taken by the Government against those trespassers, the representatives of the Ministry replied in affirmative and informed the Committee that they had lodged FIR against them in October, 1988. The matter was again taken up with the SHO and Deputy Commissioner of Police in July, 1992. They had also started the proceedings under the Public Premises (Eviction and of unauthorised occupants) Act, 1971 which were likely to be completed soon.

3.6 However, they also informed the Committee that "unfortunately, the policy that had been followed by DDA in the past had not been the right

policy. They got vacated part of the building which was declared dangerous, but let others stay there. Now, they were trying to see that the entire buildings were demolished. In fact, that was an old case where they had undertaken only a partial shifting.

3.7 During the evidence, the Committee desired to know if it was possible for the Ministry of Urban Development to get the Katra vacated within a period of not more than one month and also report the matter to the Committee. The representatives stated that they would make efforts in this regard and assured the Committee to submit the action taken report to the Committee after one month. They would also report to the Committee if there was any difficulty which was unsurmountable. The representatives of the Ministry of Urban Development also promised to furnish the information after getting it checked up from the M.C.D. as to how the trespassers had managed to get the facilities and licence etc. to run the factories unauthorisedly, as desired by the Committee.

3.8 The Ministry of Urban Development vide their O.M. dated 21 September, 1992 reported as follows:—

- “(i) The Delhi Police have registered FIRs against 13 trespassers under Section 11A of P.P. Act and Section 447 of IPC, as a result of which some trespassers have been arrested. All trespassers except those who were subsequently found eligible have left the premises as a result of these actions;
- (ii) Disconnection of water supply has been carried out;
- (iii) Six eligible families were offered seven slum tenements as per the present approved policy. After acceptance, they have shifted to Raghubir Nagar near Raja Garden.
- (iv) Eligible persons have been allotted alternative accommodation and in-eligible persons have moved out, property has been sealed. The portion in which unauthorised factory was being run has also been sealed and this has ceased to function.
- (v) Disconnection of electricity to the Silverware Factory could not be carried out as a stay order was produced by Shri P.C. Rana, owner of the Factory.

The manner in which the residents of the Katra managed to get facilities like water, electricity and licence etc. is being ascertained and would be intimate shortly to the Committee.”

3.9 Subsequently, Shri Santosh Kumar, the first signatory of the representation, addressed a further letter (See Appendix VI) dated 30 November, 1992 stating *inter alia* that “the Slum Wing of M.C.D. has been successful to demolish the Katra No. 802/VIII, Kunde Walan, Ajmeri Gate, Delhi, forcibly. Except a few families, all the poor families have

been evicted. They have not been provided with alternative accommodation as they were alleged to be trespassers in the premises." The petition alleged that it was not a fact particularly in his case, as according to him, he was a permanent resident of the property in question for which he had produced certain documentary proof, but the M.C.D. were ignoring all the documents insisting upon him to produce Ration Card prior to 1980 which was not available with him. The petitioner requested for help in getting alternative accommodation in lieu of his property in the Katra.

3.10 The above representation was also referred to the Ministry of Urban Development on 22 December, 1992 for furnishing their comments. The Ministry of Urban Development furnished their comments *vide* their O.M. dated 15 March, 1993 as follows:—

"According to the Slum Wing of MCD, the documents attached by Shri Santosh Kumar, alongwith his representation dated 30.11.92, has confirmed that he is not eligible for alternative accommodation due to the following reasons:

- (i) Shri Santosh Kumar has admitted that his father Late Shri Mohan Lal was a damage payee and not a regular licensee of the Department;
- (ii) In Para 2 of his representation he has stated that he is not in a position to show / produce copy of the ration card for the period prior to 1980; and
- (iii) He is relying up the ration card in the name of his elder brother for the block year 1983—87. Even this ration card does not maintain the name of Shri Santosh Kumar. The other documents filed by him also show that his stay in the property was not old though he managed to get his name entered in the electoral rolls for the year 1987 and other documents which are also of later years which Shri Santosh Kumar himself has admitted in all his applications."

As per the existing policy of Slum Wing of MCD, the cut off date for allotment of alternative accommodation for the slum evictees is 1.1.1980. As the case of Shri Santosh Kumar does not fulfil the criteria for allotment of alternative accommodation, his request for alternative accommodation cannot be acceded to.

3.11 The Ministry of Urban Development in their further communication dated 8 September, 1993, informed the Committee that the electric connection, in respect of the factory which was running unauthorisedly in the premises, had already been disconnected from feeding point and in regard to the manner in which the trespassers were able to get facilities like water, electricity and licence etc. which is not forthcoming readily is being ascertained.

Recommendation / Observation of the Committee

3.12 The Committee are concerned to note that people have been allowed to live for almost seven years in Katra No. 802/VIII, Kunde Walan, Ajmeri Gate, Delhi, declared dangerous in 1985. To save the lives of inhabitants of the Katra and also in the public interest it was necessary to demolish it under Section 7(1) of the Slum Area (Improvement and Clearance) Act, 1956, but it could not be done as the Government was not able to get it vacated fully from its occupants due to one reason or the other. The Committee are surprised to note that a portion of the Katra which was got vacated earlier has been trespassed by anti-social elements by the time the remaining portion got vacated. Besides, in a portion of the vacant space, few wooden khokhas and some pucca structure have also been raised. The unauthorised occupants also managed to get water and electric connections sanctioned from the concerned authorities.

3.13 What is more surprising is that the Government have not yet been able to secure the information as to how the trespassers were able to get the facilities like water, electricity and licence etc. from the concerned authorities like M.C.D. and DESU. The Committee desire the Government to obtain the information and take appropriate remedial measures to avoid recurrence of such incident.

3.14 The Committee note with satisfaction that with their intervention, the Government have taken quick action and they have provided alternative accommodation to all the eligible persons and the ineligible persons have been moved out and, thereafter, the property has been got vacated and sealed.

The Committee trust that the concerned Department will now taken appropriate steps without further loss of time to demolish the dangerous premises for the safety of other inhabitants of the adjoining area.

NEW DELHI;
15 December, 1993

24 Agrahayana, 1915 (Saka)

P.G. NARAYANAN
Chairman,
Committee on Petitions.

APPENDIX I

(See Para 1.1 of the Report)

LOK SABHA

PETITION NO. 15

Presented to Lok Sabha on 28.4.1991

To

LOK SABHA
NEW DELHI

The humble petition of Shri Ramchandra Barupal, Urmul Marusthali Bunkar Vikas Samiti, P.O. Box 55, Bikaner-334001 and the representatives of the handloom weavers from all over India.

SHEWETH

Lakhs of handloom weavers have been suffering innumerable hardships due to unprecedented increases in yarn prices and loss of markets which has led to starvation and suicides. There is a major crisis in the entire handloom industry both in urban and rural areas all over the country, which has steadily worsened since the textile policy of 1985 was announced. The tragic situation in Andhra Pradesh was discussed in the Rajya Sabha and all parties expressed their anguish at the conditions of the weavers. No indepth discussion has taken place in the Lok Sabha with a view to ameliorate their conditions.

Accordingly, your petitioners pray that:—

1. In the current Parliament session an hour's discussion on the demand for grants be reserved for the Textile Ministry to discuss the problems of the handloom sector.
2. The handloom sector should be put in the Ninth Schedule of the Constitution as it is concerned with the livelihood of several million of the poorest yet skilled people.
 - (a) There is a need to have a rational long term Yarn Trade Policy within the broad textile policy keeping in mind the estimated demand for yarn of the handloom sector. The present *ad hoc* policy of allowing exports of both cotton yarn and one time import of 2 million bales of cotton is not adequate leading to a crisis situation and unprecedented rise in yarn prices and uncertainty for the entire sector.

- (b) Even this imported cotton should be carefully distributed through genuine weavers groups to be identified and assisted by people's organisations.
- (c) A budgetary expenditure provision of Rs. 200 crores should be made for market promotion for the handloom sector to take advantage of new market opportunities (Rs. 750 crores has been ploughed into the powerloom sector alone).

3. One of the major problems encountered by handloom weavers all over the country is the poor availability of hank yarn and the fluctuating prices. Therefore, the recommendations of the Abid Committee to review the progress of implementation of the Textile Policy of June 1985 must be implemented.

- (a) At present spinning mills are required to produce 50% of the marketable yarn output as hank yarn. The actual delivery of hank yarn amounts to about 40% of the total yarn produced. Measures should be taken to improve the system of hank yarn reservation such that the ultimate objective of providing hank yarn to handloom weavers be met more effectively.
- (b) A major problem facing handloom weavers is the abnormal increase in level and fluctuations in the price of hank yarn. We envisage greater role for organisations such as the National Handloom Development Corporation (NHDC), Apex Handloom Societies and other organisations down to the level of handloom societies in villages which could ensure supply of yarn and other inputs to handloom weavers at reasonable and stable prices.
- (c) Because of the lower prices of hank yarn as compared to cone yarn there is a diversion of hank yarn to powerlooms. This practice must be curbed. We recommend that hank yarn supplied by the mills to Handlooms Cooperative Societies and other Handloom Organisations recognised by the Development Commissioner for Handlooms should be exempted from excise duty and excise duty may be charged on hank yarn sold otherwise. We are, however, concerned that in our quest for curbing the use of duty free hank yarn by powerloom users we will have to make sure that access of the handloom weaver to hank yarn does not diminish.
- (d) Although the order was passed for the reservation of 22 articles for exclusive production by handloom, the powerloom sector has succeeded in obtaining stay orders from the courts so that the reservation has not worked in practice.

The Government must make strenuous efforts to have these stay orders vacated. We recommend that the reservation for handloom should be placed in the Ninth Schedule of the Constitution in order to avoid legal challenge of this legislation.

And your petitioners as in duty bound shall ever pray.

Name of the petitioner	Address	Signature or Thumb impression
Shri Ramchandra Barupal and others	Urmul Marusthali Bunkar Vikas Samiti, P.O. Box 55, Bikaner-334001.	

Countersigned by Shri George Fernandes, MP Division No. 442.

APPENDIX II

(See para 114 of the Report)

ABID HUSSAIN COMMITTEE RECOMMENDATIONS ON HANDLOOMS

Sl. No.	Recommendations	Views of the State Governments/Organisations	Comments of Ministry
1	2	3	4
1.	<p>The Handloom Reservation Order should be placed in the 9th Schedule. (No. 26)</p>	<p>The State Governments agreed to the placement of the Reservation Act in the 9th Schedule.</p>	<p>1. Supreme Court of India in their judgement pronounced on February 5, 1993 dismissed the writ petitions pending in the court and upheld the validity of the Handlooms (Reservation of articles for production) Act, 1985 and the Orders issued thereunder, Consequent to the judgement, Ministry of Law opined that no additional advantage will be gained by placing the Act in the IX Schedule of Constitution of India as the Court has held that the impugned Act does not violate Articles 14 and 19(1)(g) of Constitution of India.</p>

2. A new approach for Handlooms should be devised with the following elements:—

(i) Differentiate the requirements of different types of weavers on the basis of earning capacities and skills. This itself will be related to fabric types, construction types and technology level.

(ii) The requirements of weavers may be classified into three types of support modernisation and technological upgradation infrastructural improvement, and welfare measures. Different types of weavers would need a different mix of these three elements.

State Governments are of the view that cooperative coverage should be increased and support to handloom weavers would be universal.

(i) Government agrees that requirement of different types of weavers on the basis earning capacities and skills should be developed. The project package scheme approved for implementation from 1991-92 has as its objective benefit to a particular area, benefit to a particular target group and/or develop a particular product. The Margin Money for Destitute Weavers Scheme specifically targets weavers living below poverty line and is under implementation from 1991-92.

(ii) Government agrees that different types of weavers would need a different mix of three types of support, namely, modernisation and technological upgradation, infrastructural improvement and welfare measures.

(iii) Support for handloom weavers should be universal and not based on membership of corporate or cooperative bodies. (No. 29)

(iii) The Project Package Scheme has taken care of this aspect. Government agrees that support for handloom weavers should be universal and not based on membership of corporate or cooperative bodies wherever it is practically possible to do so. Accordingly the workshed-cum-Housing Scheme and Thrift Fund Scheme have been modified to cover weavers outside the cooperative fold also. The Group Insurance Scheme is also available for weavers outside the cooperative fold.

3. Thrift Fund Scheme should be applicable to all weavers and in addition to the contribution made by State and Central Governments and sponsoring organisations/cooperatives also should made equivalent contributions and the aim should be to cover an additional

State Governments have not indicated any views. 3. It is agreed that Thrift Fund Scheme should be applicable to all weavers. The existing schemes now applies to weavers outside the cooperative fold also. However, contribution by sponsoring organisation is not feasible.

1.5 lakhs weavers. The Thrift Fund Scheme should be brought at par with the Public Provident Fund Scheme. (No. 30)

4. Workshed-cum-Housing Scheme for Handloom weavers should be extended to 8th Five year Plan period.

The Committee recommended the establishment of a General Welfare Fund and Weavers' Rehabilitation Fund (No. 32,33)

It is agreed. Workshed-cum-Housing Scheme is being continued in VIII Plan.

The Planning Commission has approved implementation of a Group Insurance Scheme from 1992-93, where the premium would be contributed equally by the weavers, the State Government and the Central Government feel that the budget provisions under Welfare Package Schemes are adequate to cover the requirements for welfare schemes. There is, therefore, no need to create a separate fund. Government have also introduced a Health Package Scheme as yet another welfare measure from 1992-93. Efforts of this Ministry would be to provide sustainable and decent income from handloom activity.

6. The Janata Cloth Scheme should be redesigned in such a way that it is targeted directly at low earning weavers. (No. 34)
- The State Government arc in favour of continuance of the janata cloth scheme. The Government of Tamil Nadu arc in favour of phasing out the janata cloth scheme and utilising the subsidy becoming available thereby for modernisation of handlooms. Maharashtra Government arc of the view that janata cloth scheme should be upgraded by improving quality and charging more prices.
- State Government arc not in favour of setting up of any new agencies.
7. Area-wise project approach should be adopted. Area based handloom promotion agency with a concentration of 25,000 weavers should be established.
- A National Handloom Development Authority as Apex Agency should be established. (No. 35, 36)
- Janata Cloth Scheme has been redesigned with the objective of improving the earning of weavers. The revised guidelines have been issued which will come into effect from 1st October, 1993. The guidelines envisage that the weaver gets a fixed daily wage and the incidence of fluctuation in yarn price is not passed on to weavers.
- Government has come to the conclusion that the existing institutional net-work is adequate to take care of the requirements of handloom sector.

8. Steps to be taken to improve a system of hank yarn reservation to provide adequate hank yarn to handloom weavers effectively. Greater role to be given to NHDC, State Level Handloom Development Corporation, Apex Handloom Societies which would ensure supply of hank yarn and other inputs (Recommendations No. 22 & 23).
- State Governments have recommended supply of yarn at mill price and extension of yarn Depot Scheme to North Eastern States. NHDC should procure store and distribute yarn, dyes and chemicals. Diversion of hank yarn to powerloom sector to be prevented.
- Government accepts this recommendation. One of the steps proposed to be taken to enhance the role of NHDC is to continue mill Gate Scheme as an on-going Scheme during VIII Plan.
9. Hank yarn supplied by mills to Handloom Cooperative Societies and other handloom organisations to be exempted from excise duty, excise duty to be charged on Hank yarn sold otherwise. In this process, access to handloom weavers to hank yarn should not diminish. The existing system of exempting hank yarn from excise duty not be disturbed until new institutional arrangements are made. (No. 24).
- Development Commissioner 9. The existing arrangement of excise duty exemption on hank yarn (plain-reeled) and concessional duty on cross-reeled hank yarn supplied to handloom agencies should continue. Since the coverage of handloom weavers by Corporations and Cooperative the handloom weavers outside this fold would face serious adversity if the excise relief is limited as suggested by the Committee.

APPENDIX III

(See para 2.1 of the Report)

LOK SABHA

PETITION NO. 29

(Presented to Lok Sabha on 15.3.1993)

To

**LOK SABHA
NEW DELHI**

The humble petition of members of the Pune Bar Association and the distinguished signatories in the Pune city.

SHEWETH

The policy of the Government to have Divisions of the High Court in a State at different important places is now accepted and on that basis, the Bombay High Court has two Divisions at Nagpur and at Aurangabad. The third Division is also established at Panaji Goa. The idea behind this policy is that the High Court should be accessible to the people from every nook and corner of the State. This particularly applies where the States are very large and Maharashtra is one of the largest States in India. On this basis the three Divisions which were created at three places are not sufficient to fulfil the object behind establishing Divisions of High Court at different places. Leaving aside Vidarbha and Marathwada area, the remaining part of Maharashtra covers also a very large area and the High Court at Bombay is at a very long distance from several places in such area. Therefore, the question agitating in the minds of people in the remaining area as to whether the Bombay High Court should have one more Division so that can be easily approached by the people of that part of the State. If the High Court can have Divisions at Nagpur and Aurangabad, it is not understandable why the High Court should not have a Division Bench for the remaining area of the State of Maharashtra excluding Goa. It is, therefore, submitted that establishment of a Division Bench at some places in the remaining part of Maharashtra is a necessity and also an accepted fact. The only question, which should be the place for such a Division Bench of the High Court in the remaining part of the State.

2. Pune is a Best Place:

In the light of what is stated above, it is submitted that of all the cities in the remaining part of Maharashtra and which is popularly known as Western Maharashtra, Pune city is the only fit and proper city to have a Division Bench of High Court. For the several peculiarities and

specialities, which this city enjoys, Pune City is an ancient city and is also the historical memorials of the 17th and 19th centuries are still available in Pune and several people visit Pune even from the point of view of seeing the historical monuments.

Secondly, since the establishment of the British Rule in India, Pune has developed technically very fast and which has been considered as a city of learning. A few years back, Pune was exclusively a city known for Education having several schools and colleges established by the very renowned and respected people and even today Pune is considered as Education Centre in Maharashtra. But apart from that during the last about 20 years, Pune has developed into a very important industrial town and it can be said that it is practically next to Bombay in so far as Industrial Development is concerned. With the development of industry on a very large scale, the population of Pune has also materially increased and so far as increased the trade and commerce amongst people of Pune. Pune has become fast growing town and not only hundreds but thousands of multi-storied buildings are coming up to accommodate the people communicated with the city. As a consequence, Commerce and business has also tremendously increased in Pune and commercial activity has very much increased so that it can rank as second to Bombay only. The fact that in Pune city, the Stock Exchange has been established is the proof itself of the growing of commercial and trading activities in Pune. Apart from the above factors, the climate of Pune is very ideal and thousands of people particularly are coming to Pune for permanent stay only on the ground of climate. Of all the important cities in Maharashtra, Pune has a most sanubrious climate. Unlike Bombay which has limited area and as a result of which Bombay has reached a saturation point, Pune has vast open area around the existing city and there is ample scope for development of the city and the present indications are quite clear that Pune is going to grow more and more not only in the activities mentioned above, but even in the expansion of the habitation. The present indications are that so far as the development of a city in all respect is concerned, no other city in Maharashtra is likely to compete Pune.

It is also submitted that all the modern techniques are now available in Pune and all facilities—technical, medical, scientific, agriculture, engineering are now available in Pune.

Pune is a District place and has the District Court alongwith other several junior Courts. Not only that, but Pune has several types of tribunals established by the Government, such as Labour Tribunal, Income-tax Tribunal, Sales Tax Tribunal, Revenue Tribunal, Cooperative Tribunal, Family Court, Excise Tribunal, etc. Pune city also has a very

large Bar of Advocates and perhaps the strength of Pune Bar is much more than the strength of any other Bar in the District place in Maharashtra, Apart from the fact that Pune is very near to Bombay, on one side Pune is also approachable easily and quickly from other places in Western Maharashtra. Therefore, if the Division Bench is established in Pune, it can be approached by people in the other districts of Western Maharashtra easily, quickly and with less expense than they are required to do at present for approaching the High Court at Bombay. It may be stated that the communication between Pune and other cities in Western Maharashtra has become very frequent and on an enormous scale and people from cities and villages in western Maharashtra are practically frequently visiting Pune for one reason or the other. Therefore, the flow of people from other cities in Western Maharashtra to Pune is much more than the flow from Pune to such other cities. From all these points of view, it is absolutely fit and proper that a Division Bench of the High Court should be established in Pune. As stated above, ample accommodation is available and once it is decided, a proper and fit place will be made available for the seat of the Division Bench in Pune city.

Objection to Pune city:

One objection which is very commonly heard to establish a Division Bench in Pune as against in some other cities like in Kolhapur or Sangli is that Pune is very near to Bombay. And therefore, people from Pune and Pune District can more easily approach the High Court at Bombay than people residing in other districts of Western Maharashtra. It is true that from a distant point of view, Pune is nearer to Bombay than other District places, that cannot be the factor which should come in the way of establishing a Division Bench in Pune. Although Pune is nearer to Bombay and different modes of transport are also available, transport ways by rail or road, has ceased to be reliable as it was formerly and it is common experience that even the Deccan Queen which used to run in time has ceased to do so in recent past. In short, there is a lot of deterioration in the travelling facilities even between Pune and Bombay. If this is a position of Deccan Queen, one can easily imagine what must be the condition so far other trains are concerned. Thirdly, the travel has also become more costly between Pune and Bombay than between Pune and other District places like Kolhapur, Sangli, Satara. Further, Life in Bombay city has also become costly and people going to Bombay for work in the High Court find it difficult to get any accommodation over night if they are required to stay unless they spend substantial amount by way of hotel charges. There, for these reasons it is found that the travel between Pune and Bombay is as troublesome as it may be between Pune and other city in Western Maharashtra. In western Maharashtra although train is not available at every place, still the frequency of bus service has increased to a great extent and it is easy for people in other cities in Western Maharashtra to reach Pune within a short time and go to their respective

cities after the work is done. It is, therefore submitted that the fact that Pune is nearer to Bombay than other cities is not a very material fact to deny a Bench to the city.

The only other District city which has made a claim for a seat of Divisional Bench is Kolhapur. Kolhapur no doubt also is a historical place, but it cannot stand comparison to Pune in any respect. It is not a very highly industrialised city and still main occupation of the people around Kolhapur is agriculture. It also cannot be called a commercial town like Pune. It may be more difficult or inconvenient for people from Pune and other cities like Kolhapur to reach Kolhapur than to Pune. Moreover, the Bench at Goa (Panjim) is near to Kolhapur.

The legal Bar at Pune is quite competent to practice in the High Court and comparatively the litigation from Kolhapur and certain area is much less than Pune. It is, therefore, submitted that it would be not proper to have a Division Bench at Kolhapur or any other city than Pune.

The Pune is a second largest city in the State of Maharashtra. The filing of Pune is also next to the filing in Bombay. Besides, Pune is also chosen by the Government of Maharashtra as its second principal place of establishment of offices as many as five important departments of the Government of Maharashtra are located in Pune, that is, Animal Husbandry, Health Services, Social Welfare Education, etc. The Pune has also the Headquarters of the Southern command having the main control of the Southern India as far as Defence is concerned and as such the Government litigation of the State as well as the Central Government as well as the Excise Department, Income-tax Department, is controlled by the Pune city itself, and in the every matter against these very many Departments, every officer is required to travel to Bombay every now and then, which may be also reduced if the Bench is given to Pune. The distance between Sholapur and Pune is quite within the range of 220 kms., the distance between Kolhapur and Pune is also 220 Kms., the distance between Satara and Pune is 150 kms. and the distance between Sangli and Pune is only 150 to 200 kms. By any route to all these places, there are direct trains available besides good deal of frequency of surface transport. The national highways No. 5 and No. 4 pass through Pune city and the entire region which is termed as the Western Maharashtra area is duly connected with the Pune city as far as agriculture, co-operative departments are concerned. The office of the Directorate of Sugar which controls all the sugar factories and the multi-purposed societies under the Maharashtra Co-operative Societies Act is also situated in Pune city which itself is having the Appellate and Revisional jurisdiction, and as such the importance of Pune city is much more than that of other cities in the Western Maharashtra. As far as the convenience of the public at large is concerned, there is no match to Pune as the travelling facilities and other

facilities are available in Pune. Atmosphere of Pune is equally quiet and healthy environment which is the added advantage as far as this city is concerned.

Accordingly, the signatories to this Petition, humbly pray that considering the need of the public at large in general to avoid unnecessary travelling to Bombay from all these very many cities, to save fuel which is a precious commodity now a days, and for many other factors and to bring the justice to the door steps of the people at large, the establishment of Bench at Pune is the need of the hour which may be granted and the Bench at Pune be established at the earliest.

And your petitioners as in duty bound shall ever pray.

Name of Petitioner	Address	Signature or Thumb impression
Shri V.D. Karjatkar, Advocate, President, Pune Bar Association and other members of the Association and others	Pune Bar Association, Pune	sd/-

Countersigned by Shri Anna Joshi, M.P. Division No. 445

APPENDIX IV
(See Para 2.2 of the Report)
No. K-11018/9/91-Desk-I
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(Department of Justice)

New Delhi, the 29-4-93

OFFICE MEMORANDUM

SUBJECT: *Petition from Shri V. D. Karjatkar, Advocate, President and other members of the Pune Bar Association regarding opening of a High Court Bench in Pune for Western Maharashtra.*

...

The undersigned is directed to refer to the Lok Sabha Secretariat's U.O. No. 51/CI/28/93 dated 18th March, 1993 on the subject mentioned above and to state as below.

2. Before reorganisation of States in 1956, the High Court for the State of Madhya Pradesh was at Nagpur. On reorganisation of the States, Nagpur became a part of the State of Maharashtra and the High Court at Nagpur was abolished, as the High Court for the State was at Bombay. As advised by the State Government, the Chief Justice of the Bombay High Court issued an order under sub-section(3) of Section 51 of the States Reorganisation Act, 1956, with the approval of the Governor of Maharashtra appointing Nagpur to be the place at which the Judges and Division Courts of the High Court would also sit with effect from 1.11.56. The Circuit Bench at Nagpur was converted into a permanent bench by virtue of Section 41 of the Bombay Reorganisation Act, 1960.

3. The then Chief Minister of Maharashtra recommended in January, 1977 that a permanent Bench of the Bombay High Court should be established at Aurangabad. In April, 1978 the Maharashtra Legislative Assembly passed a Resolution recommending the establishment of two permanent Benches of the Bombay High Court one at Aurangabad for the Marathwada region and other at Pune for Pune Division.

4. In March, 1981 the State Government again recommended that a permanent Bench of the Bombay High Court should be established at Aurangabad. They later clarified that they had dropped the proposal for a Bench at Pune.

5. While this matter was under consideration, the Chief Justice of the Bombay High Court, with the approval of the Governor, ordered under section 51(3) of the States Reorganisation Act, 1956, sittings of the Judges and Division bench at Aurangabad with effect from August, 27, 1981.

6. Subsequently, a permanent Bench of the Bombay High Court was established at Aurangabad with effect from 27.8.84 by a Presidential Order issued under Section 51(2) of the States Reorganisation Act, 1956.

7. Thus, the Bombay High Court has presently jurisdiction over the States of Maharashtra and Goa and the Union territories of Daman & Diu and Dadra & Nagar Haveli. Besides its principal seat at Bombay and two permanent Benches at Nagpur and Aurangabad in Maharashtra, it has a third permanent Bench at Panaji in Goa.

8. Representations have been received from time to time for establishing Benches of the Bombay High Court at Pune, Amravati, Kolhapur, Sholapur and Sangli in the State of Maharashtra. The matter has been raised through starred and Unstarred questions and private Members' Bills in Parliament.

9. Recommendations of the Jaswant Singh Commission on the general question of establishment of Benches of High Courts away from their principal seats and on the broad principles and criteria to be followed in the matter were circulated on 11.9.87 to the Chief Minister of various States, including the Chief Minister of Maharashtra for their information and guidance.

10. Shri Udaysingrao Gaikwad, MP, asked for a Bench of the High Court at Kolhapur. The matter was referred to the Government of Maharashtra in October, 1992. The Government of Maharashtra intimated *vide* their letter dated 1.12.1992 that a Committee of three judges of the Bombay High Court had been set up the Chief Justice of the High Court to go into the question of establishment of a permanent Bench of the Bombay High Court at Kolhapur. The Committee had been requested to examine all aspects of the question and to submit its report to the Chief Justice. The State Government mentioned that the Committee would give hearing to all persons interested in or likely to be affected by its recommendations. It was stated that the State Government would revert back to the Central Government after the recommendations of the Chief Justice of Bombay High Court are received in the matter. No further communication has been received from the State Government in spite of a reminder dated 18.3.93.

11. In the matter of establishing permanent Bench of a High Court away from its principal seat, a number of factors like distance from the principal seat, the number of cases originating in the suggested place, the infrastructural facilities needed etc. would have to be taken into account. The Central Government can take action only if the State Government

concerned, in consultation with the Chief Justice of High Court, submits a complete specific proposal for consideration.

12. This issue with the approval of the Minister of State for Law, Justice and Company Affairs.

sd/-

(SMT. VEENA BRAHMA)
Director

To

The Lok Sabha Secretariat,
(Shri T.D. Dhingra)
Committee Branch-I,
New Delhi.

APPENDIX V

(See para 3.1 of the Report)

To

The Chairman,
Committee on Petitions, Lok Sabha,
New Delhi.

SUBJECT: *Permanent rehabilitation of the Slum Dwellers of Katra No. 802/VIII, Kunde Walan, Ajmeri Gate, Delhi-110006.*

Hon'ble Sir,

Most respectfully we want to draw your kind attention towards the genuine grievances of the above mentioned Slum Dwellers of Katra No. 802/VIII, Kunde Walan, Ajmeri Gate, Delhi and submit the following few facts for favour of sympathetic consideration and request you kindly to intervene in the matter.

1. That, as the dilapidated/dangerous properties, in the Slum Areas the acquired under Section 12(1) of the Slum Area (Improvement and Clearance) Act, 1956 because of either the properties are beyond to the capacity of the owners to carry out any repairable/development works and the building not fit for human habitation or having no provision of civic amenities, ventilation, bath room and kitchen etc. or against Building/Municipal bye-laws and are placed the properties for development U/s 13 of the same Act. The said property had been acquired thirty five years ago and comes under the purview of the Slum Area (Improvement & Clearance) Act, 1956. It is under the control of the Slum Wing of the Delhi Development Authority.
2. That there is a provision under the rule/policy of the DDA/Government to remove all the occupants from those Slum Katras/properties which are in dangerous, dilapidated and inhabitable conditions. Still, the occupants of such properties are being shifted to the slum tenements constructed at the different parts of Delhi. The alternative accommodation to the evictees of slum properties is provided/allotted on the

10% initial payment of cost of the flat. The rest amount is recoverable in 29 equal half yearly instalments.

That, this Katra No. 802/VIII, Kunde Walan, Ajmeri Gate had already been declared dangerous in 1985. Notice were also issued in this regard. Some occupants were removed and provided alternative accommodation in lieu of the said property to each family at Modipur, Jahangipuri, Garhi and Ranjit Nagar etc. and the vacant rooms/sites were sealed/demolished by the DDA/Government after making allotment to the occupants at that time.

That, the remaining occupants are still residing in their narrow, dilapidated and inhabitable rooms as the alternative accommodation was not provided in the nearby area, which was our demand at that time or due to non-availability of required liquidation amount which was required to be deposited with the DDA (Slum Wing) for the alternative accommodation.

That, about 29 families out of those some families mainly belonging to Scheduled Caste and weaker sections of the society having no houses of landed property anywhere in Delhi and residing in this Katra located in the Walled City at Ajmeri Gate without any civic amenities like bath room, kitchen, ventilation provision and water facilities etc.

That, some unscrupulous persons are indulging in land grabbing by breaking the seal of those rooms which were sealed by the DDA/Government and running unauthorisedly their hazardous/dangerous factories on the ground floor, first floor and even second floor also details of those persons are given below:—

(a) Shri D.C. Rana S/o Shri T.R. Rana is running his heavy factory on ground floor by breaking the seal of a sealed room adjacent to his actual room and unauthorisedly constructed a room on that portion also which was demolished in 1985.

(b) Shri Ram Chander Rana S/o Shri T.R. Rana and Shri Rakesh Rana S/o Shri T.R. Rana are running their factory on the first floor by breaking the seal of two rooms and unauthorisedly constructed a wall in front of the rooms and covered by Tin which were also sealed/demolished and they have also put a Kachcha structure on second floor and running their factory which is very dangerous to the lives of the ground floor inhabitants as well as to the whole building.

(c) Shri Vir Singh Bhardwaj S/o Shri Ram Kishore has broken the seal of a room on ground floor adjacent to his

actual room and his son Shri Dinesh Kumar Bhardwaj has broken the seal of a room on the first floor which is situated just upper his father's room.

(d) Shri Rakesh Kumar S/o Shri Ram Kishore has broken the seal of a room situated on the first floor even after allotting him alternative accommodation in lieu of the said property in 1986 by the Slum Wing of Delhi Development Authority.

(e) Smt. Chando Devi W/o Shri Hem Chand has encroached and constructed two rooms site wooden khokha on that portion on second floor which was demolished after making allotment to the occupants of that portion and her son Shri Brij Mohan S/o Shri Hem Chand has also constructed a room unauthorisedly at that site which was demolished by the DDA.

(f) Shri Kanhaiya Lal S/o Shri Hem Chand has unauthorisedly constructed a room at that site which was also demolished by the DDA and running his factory on the second floor in the same room.

(g) Shri Sanjay S/o Shri Vir Singh Bhardwaj is running his factory at the ground floor which is also very harmful/injurious to health.

7. That as per provision under section 29 of the Slum Area (Improvement & Clearance) Act, 1956 no dangerous or offensive trade/factory can be established in the Slum Areas/ Properties. However, persons are running their dangerous/offensive trade/factory mostly on the sites which come under the Public Premises Act. It is also prohibited under the P.P. Act. When these factories are in operation it create a nuisance like earth quake making a noise and emitting poisonous gas from these factories. Due to these reasons three/four persons have been suffering from T.B. and asthma. Some persons are facing continous health hazard.
8. That, even after thirty five years no development work has been carried out by the DDA/Government due to the reasons the living conditions of the slum dwellers of this Katra has aggravated because of increasing in commercialisation in the katra which is a common phenomenon.
9. That, the DDA is stressing upon all the occupants to move willingly subject to deposit the liquidation amount which the DDA for the alternative accommodation. As we stated in Para 5 above some families belonging to the weaker section

of the society and live on scanty income out of petty business like tea-stall owners, Electrician, Tailor, Book-binders, Artisans and Labourers etc. whose service are considered for economically established section of society and the reasons for those families who are not willing to shift from the Katra are mainly indulging in land grabbing for getting their personal gain by unfair means.

10. That, except a few occupants all are willing and trying to struggle to be shifted from this Katra to save their lives and health after alternative accommodation is provided to them on the terms and condition in the rule as applicable to the other slum dwellers.
11. We, therefore, humbly request your Honour that Keeping in view our difficulties and miseries mentioned in the previous paras sympathetically on humanitarian ground the DDA/ Government should pass the order for demolition of the building under section 7(1) of the Slum Area (Improvement & Clearance) Act, 1956 in the public interest to save the lives of the inhabitants and solve their housing problems or come forward with an effective and extensive programme exclusively for the rehabilitation of the Slum Dwellers of this Katra and to provide alternative accommodation preferably in the nearby localities to each family of this Katra. We, the occupants of the Katra will ever remain highly obliged for this act of your kindness.

Thanking you in anticipation.

Dated:

Yours faithfully,

Sd/-
(SANTOSH KUMAR)
H.No. 802/VIII,
Kunde Walan, Ajmeri Gate,
Delhi-6 and others

APPENDIX VI

(See para 3.10 of the Report)

To

The Hon'be Chairman,
Committee on Petitions (Lok Sabha),
Lok Sabha Secretariat,
Parliament House,
New Delhi.

SUB: *Allotment of alternative accommodation in lieu of Slum Katra No. 802/VIII, Kunde Walan, Ajmeri Gate, Delhi - request for review of my cause reg.*

Ref: L.S.S.U.O.No 59/1/CI/91

Sir,

With reference to my earlier letters date 5th August, 1991 and 1st May, 1992 on the subject mentioned above, I beg to draw your kind attention towards some of the documentary proof of residence (Photo Copies attached) as given below for favour of sympathetic consideration and immediate action to redress my untold miseries and continuous efforts for alternative accommodation :-

1. (a) Two Damage Pay /Rent Receipts for the property in respect of my father's name (Late Shri Mohan Lal)
- (b) Two old Electric Bills in respect of my father's name (Late Shri Mohan Lal).
- (c) Old Ration Card (Duplicate) which was issue latter in the name of my elder brother Shri Om Prakash S/o Late Shri Mohan Lal with an old Cash Memo of F.P.S.
- (d) A birth certificate of a child of Shri Om Prakash my elder brother.
- (e) Certificate of Electroral Roll in respect of Shri Om Prakash.
- (f) An old Income Certificate of Shri Om Prakash issued and signed by the then Councillor.
- (g) Latest Ration Card.
- (h) Two Water Bills, two electric Bills and a certificate of electroral roll in my name.
- (i) Two birth certificates of my children.

(j) F.I.R. with the final decision of the Court for unauthorised construction of a wall u/s 11-A Public Premises Act.

(k) Other relevant documents etc.

2. That, as you are already aware of that the Slum Wing of M.C.D. has been successful to demolish the Katra in question forcibly and except a few families, it has dislocated/dishoused all the poor families without providing them alternative accommodation as they were alleged to be trespassers in the premises but, this is not a fact. Particularly in my case the Slum Wing and the Police authority has given me threat to vacate the premises as I was the main Petition/Leader of the association of the Katra who has been representing the case before the Hon'ble Chairman of the Committee for the last some time. However, I have shown them my claim/documents (as attached) but, they were asking me to show the old ration card prior to 1980 and the same was not with me.

3. That, the facts as mentioned in Para 1 above proves that I was a permanent resident of property in question, but the Slum Department of M.C.D. insisted on me to produce my old ration card prior to 1980 ignoring all the (attached) documentary proofs and thus I am being treated as unauthorised occupant. However, I had submitted earlier the old ration card (duplicate) of the Block year of 1983-1987 which was in the name of my elder brother. The old records of ration card prior to 1983 are also not available with the Food & Civil Supplies Department of Delhi Administration. It is also submitted that Slum Deptt. has already the records of my old ration card (1983—1987). In so far as my old ration card prior to 1982 is concerned we had the same but unfortunately was misplaced.

4. Certainly, I was never the owner nor the Landlord of the building in question but, I was a legal heir/successor of a deceased person, my father (Late Shri Mohan Lal) who was the tenant of the Slum Wing/Government and have been residing in the premises for the last many years. Due to fear of any loss of life I was requesting to the Government/Slum Wing to get a permanent residential accommodation in lieu of the property but, could not be succeeded as the Legislature and Executive have taken the steps to clear the slums advertently and when I was evicted from the premises without providing alternative accommodation neither I was in a position and nor I am in a position at present to move/go the Judiciary for want of Justice.

5. That, in so far as my unauthorised occupation in the property is concerned as mentioned in Para 1(k), I have been applying for the regularisation from time to time with the Slum Wing but, it did not consider my case for the same on the terms & conditions whatever may be. I was neither a trespasser nor broken open the seal of any room those were sealed by the Slum/Government in the Katra. I am not able to

understand the attitude of the Slum/Government behind all these procedure/action which was adopted this time, certainly worse than the action taken by Slum Wing of DDA during Emergency period at Turkman Gate, Delhi.

6. That, the Government has been celebrating the occasion as follows:—

- i. International Year of Shelter for the Homeless, 1987.
- ii. SAARC Year of Shelter for Homeless, 1991.
- iii. Ist Monday of October of every year has been declared as World Habitat Day by the United Nation.
- iv. National Housing Policy of the Government as laid on the Table of both the House of Parliament on 9.7.92 emphasized in its para 2 reproduced below:—

OBJECTIVES

- to assist all people, and in particular the houseless, the inadequately housed and the vulnerable sections, to secure for themselves affordable shelter through access to developed land, building materials, finance and technology.

Para: 3.1

- reduce houselessness.
- assist in the upgradation of all unserviceable houses in rural and urban areas, with a view to particularly improving the housing conditions of the rural homeless and the inadequately housed, slum dwellers, Scheduled Castes and Scheduled Tribes, and other vulnerable sections.

Para: 4.3.1 Keeping in view the policies of planned growth of urbanisation, income support and poverty alleviation, and together with steps to arrest the growth of slum in urban areas, the Central and State Governments would take steps to:

- avoid forcible relocation or dishousing of slum dwellers;
- encourage *in-situ* upgradation, slum renovation, and progressive housing development with conferment of occupancy rights wherever feasible and to undertake selective relocation with community involvement only for clearance of priority sites in public interest.

7. Housing shortage is a common phenomenon in the country particularly in Delhi and, due to the reason slum is increasing day by day but, it does not mean that whenever a Slum Clearance Programme would be carried out all the occupants/inhabitants be dishoused/dislocated without providing them alternative site up to some extent. Adopting such a manner/action the slum problem could not be solved. They would be forced to create another slum somewhere, if there have

been detected any case of unauthorised encroachment/construction the action should be taken within a stipulated time/time bound manner under relevant to the laws and not after the lapse of year and years.

8. That, if I may be given an opportunity to represent the case before the Hon'ble Chairman, Committee on Petitions thoroughly, I shall be very grateful to the Chairman as well as to the Committee on Petitions. At present I am not in a position to move/go to the Hon'ble Court of Law for want of Justice. There are several provisions under the Slum Area (Clearance and Improvement) Act, 1956. Delhi Rent Control Act, 1958, Constitution of India and Government's policy to provide alternative accommodation to the occupants/competent authority to abide by the rule.

9. That, at present we the peace loving citizen of India are undergoing in a very hardship and living in a very miserable, full of tension and monetary loss as we are paying an exorbitant rent to the house owners and wondering in search of a permanent roof over our head.

A P P E A L

Keeping in view the position as mentioned in paras 1, 3, 6 & 9, I humbly request to the Hon'ble Chairman kindly to look into my case and help me in getting an alternative accommodation in lieu of the property No. 802/VIII, Kunde Walan, Ajmeri Gate, Delhi. If it is not possible, I may kindly be permitted to put a Jhuggi Jhonpri on any Government land on my own expense on Compassionate ground.

I shall be very grateful to you for this act of your kindness and favour.

Thanking you.

Yours applicant
SANTOSH KUMAR,
S/o Late Shri Mohan Lal,
r/o J-869, Mandir Marg,
New Delhi-1.

Dated: 30 November, 1992