

COMMITTEE ON PETITIONS

(SIXTH LOK SABHA)

FOURTH REPORT

[Presented to Lok Sabha on the 11th May, 1978]



LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE COMMITTEE ON PETITIONS

(1977-78)

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Shri Hari Vishnu Kamath

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3. Shri Ahmed Hossain
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- *15. Sardar Raghbir Singh Virk

SECRETARIAL

1. Shri J. R. Kapur—*Chief Legislative Committee Officer.*
2. Shri M. P. Gupta—*Senior Legislative Committee Officer*

*Nominated with effect from 20th February, 1978 vice Shri Chand Ram ceased to be a member of the Committee on his appointment as a Minister of State.

**FOURTH REPORT OF THE COMMITTEE ON PETITIONS
(SIXTH 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 Fourth Report of the Committee to the House on the following matters:—

- (i) Petition No. 6 regarding export of groundnut solvent extraction and groundnut hand-picked and selected.
- (ii) Representation from M/s. Khimji Bhanji & Co., Bombay, re. settlement of a claim in respect of a consignment of G.N. Seeds booked ex-Chandausi to Latur against the Ministry of Railways (Railway Board).
- (iii) Representation regarding repatriation of Indian nationals detained in Pakistan.

1.2. The Committee considered the above matters at their sittings held on the 13th September and 4th October, 1977 and 17th January, 6th February, 9th March and 26th April, 1978.

At their sitting held on the 4th October, 1977, the Committee examined the representatives of the Ministry of Railways (Railway Board).

At their sitting held on the 6th February, 1978, the Committee examined the representatives of the Ministries of Commerce, Agriculture and Irrigation (Department of Agriculture) and Civil Supplies and Cooperation.

At their sitting held on the 9th March, 1978, the Committee examined the representatives of the Ministry of External Affairs.

1.3. The Committee considered their draft Report at their sitting held on the 4th May, 1978 and adopted it.

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

HARI VISHNU KAMATH,

Chairman,

Committee on Petitions.

NEW DELHI;

Dated the 4th May, 1978.

II

PETITION NO. 6 REGARDING EXPORT OF GROUNDNUT SOLVENT | EXTRACTION AND GROUNDNUT HAND-PICKED AND SELECTED.

2.1. Petition No. 6 signed by Shri Savdas Thakurshi Patel, Village-Chhadvavadar, Distt. Rajkot and others, regarding export of groundnut solvent extraction and groundnut hand-picked and selected, was presented to Lok Sabha on the 8th December, 1977, by Shri Dharmasinhbhai Patel, M.P.

A. Petitioners' Grievances and Prayers

2.2. In their petition, the petitioners stated as follows:

“Gujarat, Tamil Nadu, Andhra Pradesh, Karnataka, Maharashtra, Punjab, Rajasthan, Madhya Pradesh, Uttar Pradesh, West Bengal and Bihar etc. are the groundnut producing States in the country. The country is likely to produce 5.5 million tonnes of groundnut in the season of 1977-78. Ignoring the large produce, the Government has fixed a ceiling in 1977 of 7½ lakh tonnes for the export of groundnut solvent extraction (de-oiled cakes and shells). There is a restriction on the export of groundnut H.P.S. ‘Hath Phol Shingdana’. The farmers are bringing their groundnut produce in the market for the last two months. Now within the next two to three months all the groundnut will reach the market.”

2.3. The petitioners prayed that “the Government take the following steps in order to protect the interests of the farmers:

- (i) The ceiling of 7½ lakh tonnes on the export of groundnut solvent extraction (de-oiled cakes and shells) should be removed and the export of the total quantity of groundnut solvent extraction (de-oiled cakes and shells) should be allowed in 1978-79 as 22 lakh tonnes of shells are likely to be produced in the country.
- (ii) The restrictions on the export of groundnut H.P.S. should also be removed with immediate effect and the export of three lakh tonnes of groundnut H.P.S. should be allowed and the Government should arrange import of edible oils against that.”

B. Comments of the Ministry of Commerce

2.4. The petition was referred to the Ministry of Commerce for furnishing their factual comments thereon for consideration by the Committee. In their factual note dated the 29th December, 1977 the Ministry of Commerce stated as follows:

“The petition seeks removal of restrictions on the export of groundnut extractions and HPS groundnuts. Both these items are included in Part B of Schedule-I of Export (Control) Order, 1977. Export of groundnut extractions is canalised through Groundnut Extractions Export Development Association and is subject to quota restrictions. The quota for the calendar year 1977 was 7.5 lakh tonnes. On a consideration of the matter in consultation with the other concerned Ministries it was found difficult to enhance the ceiling of 7.5 lakh tonnes. The question of fixation of quota for the calendar year 1978 is being examined and a proposal for obtaining the formal decision of the Cabinet Committee on Exports has also been submitted. Pending final decision in the matter, an *ad hoc* quota of 2.5 lakh tonnes has been authorised for exports against the ceiling for 1978 being settled.

Regarding HPS groundnuts the position is that the last export quota was released in November, 1976. The question of allowing a quota against 1977-78 crop was considered. In view of the present situation of availability and prices of groundnuts and groundnut oil, it has been decided not to allow export of HPS groundnuts out of the crop 1977-78.”

C. Evidence before the Committee

2.5. The Committee at their sitting held on the 6th February, 1978, examined the representatives of the Ministries of Commerce, Agriculture and Irrigation (Department of Agriculture) and Civil Supplies and Cooperation on the points arising out of this petition.

2.6. Explaining the Government policy and background of export of groundnut solvent extraction and groundnut HPS, the Secretary, Ministry of Commerce, stated that it was anticipated that there would be a bumper crop between 56 and 60 lakh tons of groundnuts. But due to failure of final rains, particularly in Saurashtra, the actual production was estimated at only 52 to 56 lakh tons which would be slightly higher than the production level reached last year

when high prices of groundnut prevailed. A suggestion had been made that, out of the production of 50 lakh tons, if they allowed an export of 50,000 tons, they would be permitting export of only 1 per cent of the production. But actual experience had shown that it was not the question of percentage they permitted for export out of the market, because for export of 50,000 tons, they had to buy three or four lakhs tons for hand-picking the special variety.

2.7. The witness further stated that with the announcement of ban on export of HPS groundnuts, the prices of groundnut and groundnut oil started declining in November and in early December, 1977. So, in their judgement, it was not the quantity exported but the total quantity they purchased from the market for that purpose which had an impact on prices. The exporters were prepared to pay a higher price which led to firming up of prices and their judgement was that if they got a higher price for the export quantity, that might raise the prices for the balance of the 50 lakh tons—which, Government would not allow. So, on these grounds, a decision was taken that export of HPS nuts in the current year should be banned.

2.8. The Committee asked the witnesses to state whether restriction on the export of HPS groundnut would not adversely effect the export markets in future. The representative of the Ministry of Commerce stated that it was true that if there was interruption in the foreign market mostly in Europe, it might create difficulties in recapturing that market. But because of the special flavour and lower price of Indian Groundnuts, there was strong probability that whenever exports were allowed, it would be possible for them to export nuts to the extent they were permitted to be exported, because all the foreign importers were interested in buying Indian HPS groundnut.

In reply to a question, the witnesses informed the Committee that total HPS market was 4 lakh tonnes of which they got about a quarter. The highest value of about 1000 dollars per ton was for American Virginian nut whereas Indian HPS was fetching about 700 to 800 dollars per tonne. Other exporters were Nigeria, South Africa, Malawi and other African Countries. Africa was also trying to produce Virginian nut.

2.9. When the Committee asked the witnesses to state whether the African countries who were producing the Virginian nut, would not capture the export market in the absence of Indian nut, the Secretary of the Ministry of Commerce stated that they had to ba-

lance the need for foreign exchange earning and the need to hold the internal price line. As soon as the ban was imposed, the prices came down by Rs. 50/- a quintal. The witness added that the price could be held by two methods. One was to build up a huge buffer stock so that as soon as open market prices went up, they released the commodity from the buffer stock. The other method was statutory control on price which was not helpful unless there were adequate supplies as their experience about statutory control on mustard oil was not happy.

2.10. In regard to setting up of a Corporation for groundnuts, the representative of the Ministry of Commerce stated that two proposals were under consideration. Firstly, from the current year, Government had decided to go in for purchase of groundnut and groundnut oil through the National Agricultural Marketing Federation to build up a buffer stock which could be released during the lean months. Secondly, a proposal was made in 1973 by a Committee set up by the Planning Commission to have a separate Edible Seeds and Oil Corporation. That recommendation had been reiterated recently by a fresh study by the Indian Institute of Public Administration. This proposal was under consideration.

2.11. The Committee asked the witnesses to state their comments on the suggestion that the export of groundnut HPS should be allowed to provide incentives to farmers and the Government should arrange import of edible oils against that. The Secretary, Ministry of Commerce, stated that it had not been established that the benefit of the higher price for HPS went to the farmers. But Government was alive to the need for assuring a reasonable price to the farmers and that was why groundnut was one of the items for which they obtained the recommendation of the Agricultural Prices Commission every year. This year also its price was enhanced on the advice of the Agricultural Prices Commission. In fact, as against the price of Rs. 145 per quintal last year, the Agricultural Prices Commission recommended a price of Rs. 155 per quintal but this was further increased to Rs. 160 per quintal by the Government.

2.12. The representative of the Ministry of Commerce informed the Committee that Government had almost taken a decision that if exports of groundnut were permitted, the National Agricultural Marketing Federation would be asked to take up the export. As and when they started the export, Government could consider how much of export and what percentage of export could be handled by the private exporter and what percentage should be given to the public sector.

2.13. On enquiry by the Committee whether there was any procedure or practice followed for consultation with the State Governments concerned and representatives of the public before a decision was taken for export of a commodity, the Secretary, Ministry of Commerce, stated that consultations did take place with the trade and groundnut, HPS exporters etc. In this connection, the representatives of the Ministry of Agriculture and Irrigation stated that the State Governments were not consulted because the information was periodically received from the States regarding the state of the crop and prices prevailing and on that basis Government decided whether export might be permitted. The Ministry of Commerce consulted the Ministry of Agriculture which dealt with the production of groundnut, as well as the consumer interests, for instance cattle feed in the case of solvent extraction, cake, etc. The witness added that as far as groundnut extractions were concerned, the Agriculture Ministry were in touch with the requirements of the extraction for animal feed both for poultry as well as cattle. They worked out on the basis of the total number of improved cattle and improved birds which had to be fed and the percentage of groundnut extraction which went into this feed. To that extent, even without individual consultation with the State Governments, they made an assessment of the total requirements of the country for all the States.

2.14. In reply to a question, the representative of Ministry of Commerce stated that there was no centralised control over the distribution of groundnut extraction and there was no allocation of groundnut extraction to different States.

2.15. When asked to state whether final export quota of groundnut extraction for the calendar year, 1978 had been decided, the representative of the Ministry of Commerce stated that the decision on the final quota was still pending because there were two conflicting considerations which had to be kept in view. One was the need for maximising the amount of cake plus the extent to which they permitted the groundnut extraction for purposes of earning foreign exchange. On the other side, they had to see the bona fide requirements of the poultry-breeders for groundnut extraction. That aspect was still under consideration in consultation with the Ministry concerned, State Governments and the representatives of trade.

2.16. The Secretary, Ministry of Civil Supplies and Cooperation stated that they were trying to bring down the prices of groundnut to a reasonable level.

2.17. The Ministry of Commerce *vide* their note dated the 8th February, 1978, furnished the following statement showing the exports of HPS Groundnuts from India during the period 1972-73 to 1976-77:

Quantity: '000' tonnes
Value : Rs. Crores

EXPORTS

Year	Kernel:		In Shell		Total	
	Qty.	Value	Qty.	Value	Qty.	Value
1972-73	18.59	4.84	2.88	0.51	21.47	5.35
1973-74	73.54	29.38	9.14	3.15	82.68	32.53
1974-75	47.29	22.18	8.43	3.38	55.72	25.56
1975-76	107.09	47.72	5.71	2.11	112.80	49.83
1976-77	122.81	59.39	13.73	5.85	136.54	65.24

2.18. The Ministry of Commerce *vide* their note dated the 20th February, 1978, furnished the following statement showing the estimated annual production of groundnut during the last five years:

(Quantity in thousand tonnes)

1972-73	4092
1973-74	5932
1974-75	5111
1975-76	6755
1976-77	5262

2.19. In reply to Unstarred Question No. 2451 answered in Lok Sabha on the 10th March, 1978, Shri Arif Baig, the Minister of State in the Ministry of Commerce, Civil Supplies and Cooperation has *inter alia* stated that "it has been decided not to allow the export of HPS Groundnuts against 1977-78 crop."

D. Recommendations of the Committee

2.20. The Committee note that the question of fixation of quota for export of groundnut solvent extraction for the calendar year

1978 is under consideration in consultation with other concerned Ministries and State Governments. Pending final decision in the matter, an *ad hoc* quota of 2.5 lakh tonnes has been authorised for exports against the ceiling for 1978 to be decided by Government. The Committee hope that Government will finalise expeditiously the fixation of quota for export of groundnut solvent extraction after taking into consideration the *bona fide* requirements of the poultry-breeders and other interested parties.

2.21. In regard to removal of restriction on export of groundnut handpicked and selected (HPS), the Committee note that the question of allowing quota against 1977-78 crop had been considered by Government. But in view of the present situation of availability and prices of groundnuts and groundnut oil, the Government had decided not to allow the export of HPS groundnut against 1977-78 crop. In this connection, the Minister of State in the Ministry of Commerce, Civil Supplies and Cooperation, in response to Unstarred Question No. 2451 answered in Lok Sabha on the 10th March, 1978, stated that "it has been decided not to allow the export of HPS groundnut against 1977-78 crop."

2.22. The Committee, however, find that there is lack of proper advance planning and forecasting by the Government regarding production, internal consumption and export of agricultural products as a result of which the farmers suffer. Nor are accurate statistics of agricultural products available with Government. The Committee recommend that Government should maintain complete and up-to-date data and proper statistics regarding production, likely internal consumption and availability for exports of agricultural products such as groundnuts and the like. In the light of such statistics and data, Government should formulate and declare their policy in such matters well ahead so that the interests of the growers may be safeguarded and they are assured of reasonably remunerative prices for their produce.

2.23. The Committee trust that the proposal for setting up a separate Edible Seeds and Oil Corporation recommended by the Planning Commission and reiterated by the Indian Institute of Public Administration, will be expeditiously considered by Government so that the task of maintenance of accurate statistics and planning etc. regarding edible seeds and oil may be facilitated.

III

REPRESENTATION FROM M/S. KHIMJI BHANJI & CO., BOMBAY, REGARDING SETTLEMENT OF A CLAIM IN RESPECT OF A CONSIGNMENT OF G. N. SEEDS BOOKED EX-CHANDAUSI TO LATUR AGAINST THE MINISTRY OF RAILWAYS (RAILWAY BOARD)

3.1. M/s. Khimji Bhanji & Co., Bombay, submitted a representation dated the 6th April, 1977, regarding settlement of a claim in respect of a consignment of G.N. Seeds booked ex-Chandausi to Latur on South Central Railway.

A. Petitioners' Grievance

3.2. In their representation (See Appendix), petitioners stated *inter alia* as follows:—

“A consignment of 150 bags G.N. seeds was indented by them through the sellers ex-Chandausi to Latur which was despatched to Latur under Inv. 2. RR. No. 933604 of 25-12-72. At the time of delivery of this consignment at Latur, 15 bags G.N. Seeds were badly cut and torn with the result there was a net shortage of 632 kgs. G.N. seeds valued at Rs. 1462.00. As required under the Indian Railways Act, the petitioner filed a claim for this amount with the Chief Commercial Superintendent, South Central Railway, Secunderabad, *vide* petitioner's letter of 4-4-78 which was sent under Regd. A.D. The claim filed by the Latur office of the petitioner which was duly acknowledged by the office of the Chief Commercial Superintendent, South Central Railway, Secunderabad *vide* their post card bearing No. C.125/SC-15-1340/73 dated 12-4-1973. The petitioner thereafter waited for some time believing that the claim would be settled by the South Central Railway but there was no further response from that railway. The petitioner thereafter entrusted his papers to their Constituted Attorney for dealing with their claims with the Railways M/s. Railway Claims Agency of 47—49 Nakhoda Street, Pydhonie, Bombay-3. The Railway Claims Agency *vide* their letter of 13-6-74 brought the matter to the notice of the Chief Commercial Superintendent by name request-

ing him to arrange the settlement of this claim. There was no response from the South Central Railway.

* * * * *

The Committee would be surprised to note that the S.C. Railway Administration has not cared to settle the claim of the petitioner in spite of 4 years have passed since preferring of this claim.

The shortage of 632 kgs. noticed at the time of delivering of the consignment has been certified by the station authorities *vide* shortage certificate No. 2093 of 1-2-73 and the petitioner is not aware of the reason why the South Central Railway Administration is keeping complete silence in spite of writing so many letters by name to their Chief Claims Officer.

* * * * *

In view of the circumstances mentioned above the petitioner crave leave to submit this petition for consideration by the Committee and to issue directions to the Ministry of Railways to arrange the settlement of claim of the petitioner through the S.C. Railway. The petitioner only seeks justice and nothing but justice."

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

3.3. The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee. In their factual note dated the 8th June, 1977 the Ministry of Railways (Railway Board) have enclosed a copy of a letter dated the 20th May, 1977, received by them from the General Manager, South Central Railway follows:

"Under the subject Invoice, 150 bags of groundnut seeds were booked on 25-12-72 from Chandausi to Latur Road Station. This consignment was loaded in wagon No. WRC. 26201. Another consignment of 151 bags groundnut seeds from the same station to Latur Road booked under Inv. 1 on 25-12-72 was also loaded in same wagon and a remark was passed in the RR. 933604 that the two consignments were clubbed to get the wagon load benefit. RR No. 933604 bears the remark 'bags old and used'. The wagon was received at Latur Road on 31-1-73 in seals intact condition and the CNC/Latur Road issued a 'Nikolo' message which reads 'Nikolo WRC. 26201/301 unloaded correct 15 bags

under marks CH 604/150 LTRR found cut, wagon panels were having several holes Reweighed and found 493 kgs. against sound bag each weighing 75 kgs. or 693 kgs. short, No. RPF to witness'. The endorsed consignee M/s. Khimji Bhanji & Co. applied for open delivery on the same day. Shortage/Damage Certificate No. 2093 dated 1-2-73 was issued to the consignee with the following remarks 'Open delivery granted without prejudice and found 15 bags badly cut and torn and loose reweighed and found 493 kgs. against a sound bag of 73 kgs. or 693 kgs. short Beejuck not produced."

Generally, when consignments reach destination if damages and deficiencies are seen, message is immediately issued by the destination station to the originating station and others concerned. In this case, such a message has been issued which indicates that 15 bags were torn and loose. It has also been indicated that there were some panel holes in the wagon. How the bags had become loose was not indicated. It can, therefore, be inferred that there was negligence on the part of the consignor inasmuch as he used old and used bags which had contributed to the shortages noticed. Normally, bagged consignments of oil seeds are to be protected by use of dunnage. There is no record either in the PR or in the shortage/damage certificate issued about the condition of dunnage. The booking station has to indicate in the PR that the standard dunnage has been used. The inference therefore is that the party was negligent in not providing dunnage to protect his consignment. Thus, considering that old and used bags were utilised, and the absence of evidence of dunnage having been used, it was decided to repudiate this claim on 20-11-73. There is no evidence of repudiation letter having been sent to the party on our file.

Although the original notice of claim dated 4-4-73 was preferred by the consignee, the file was later transferred by him to the Rly. Claims Agency, 29, Keshavji Naik Road, Bombay-9. It has been the policy of the Railway administration not to encourage these claims agencies as it has been our experience that they indulge in exaggerated claims which are not payable under strict rules in force and therefore their activity if encouraged will have the effect of inflating the claims on the Railways. Such Claims Agencies therefore have been taking recourse to filing suits against the Railways when the claims are repudiated. With the drive instituted by the Railways several court decisions have been received where the claims put in by such claims agencies were not entertained by the Courts.

The normal remedy for a party whose claim has been repudiated by the Railway is to file a suit against the Railway within 3 years

from the date of booking or from the assumed date of delivery. In this case, the party had not taken recourse to the natural remedy that was available to him of filing a suit against the Railway but has gone ventilating his grievance before the court which is the correct remedy available to him.

Normally, under extant instructions, if a party does not pursue a claim for 3 months, the case is treated as closed. In this case, it is seen that the party has claimed to have addressed several letters to this Railway directly or by endorsing a copy as detailed below:

- (1) Letter dated 4-4-73 to CCS/Claims Branch, Secunderabad for which he has produced acknowledgement of this Railway.
- (2) Letter dated 13-6-73 to Shri K. K. Pooviah, C.C.S/SC from Railway Claims Agency, Bombay, which was received in office.
- (3) Letter dated 23-1-74 to CCS (Claims)/SC from Railway Claims Agency, Bombay, which was received in office.
- (4) Letter dated 28-3-74 to Shri H. S. Rastogi, Dy. CCS(C)/SC from Railway Claims Agency, Bombay, which was not received in office.
- (5) Letter dated 17-7-74 to Shri L. N. Misra, Hon'ble Minister for Railways, New Delhi, from Railway Claims Agency, Bombay, which was not received in office.
- (6) Letter dated 17-10-74 Shri L. N. Misra, Hon'ble Minister for Railways, New Delhi, from Railway Claims Agency, Bombay, which was not received in office.
- (7) Letter dated 5-2-75 to Shri Mohd. Shafi Qureshi, Hon'ble Minister of State for Railways, New Delhi from Railway Claims Agency, Bombay, which was not received in office.
- (8) Letter dated 15-4-75 to Shri K. S. Rajan, General Manager, SC from Railway Claims Agency, Bombay, for which he has produced a copy of the reply to his letter.
- (9) Letter dated 29-10-75 to Shri P. A. Pai, CCO/SC from Railway Claims Agency, Bombay, which was not received, in office.
- (10) Letter dated 29-3-76 to Shri P. A. Pai, CCO/SC from Railway Claims Agency, Bombay, which was not received in office.

- (11) Letter dated 22-11-76 to Shri P. A. Pai, CCO/SC from Railway Claims Agency Bombay, which was not received in office.

When the staff of this office was sent to verify from the party's records whether letters alleged to have been sent by Registered Post have the proper acknowledgement from this office or the postal receipts issued by the P&T Department, the party could neither produce the postal receipt nor the acknowledgements of this office which leads to the inference that the letters were not actually sent by Registered Post. There is no evidence of letters other than those mentioned at Sl. Nos. 1, 2, 3 and 8 above having been received in this office. There is a procedure in the Claims Office to see that all registered letters are entered in a Register and acknowledged and connected to the relevant files. No entries were made in the Register in the case of the letters mentioned by the party. On receipt of the letter dated 15-4-75 addressed to G.M./SC, it was decided to re-examine this case. By the time necessary enquiries could be completed, the claim had become suit-barred on 31-1-76. There is a limitation of 3 years for a suit to be filed against the Railway as per Articles 10 & 11 of the Schedule to the Limitation Act of 1973. It is only under very special circumstances that suit-barred claims are entertained as relevant records are not normally available with the Railways. As per the instructions issued by the Railway Board *vide* their letter No. 70|TC|RCC|Imp|549-566/559-561 dated 3-11-70 the claims files relating to claims for compensation for goods lost, damaged, etc. wholly or partially repudiated have to be preserved for 4 years and destroyed thereafter. Moreover, if Railways start entertaining suit-barred claims, there will be several thousands which may require a re-opening where full particulars may not be available which will involve tremendous amount of workload on the claims office, adversely affecting the disposal of current claims cases. It is in this context that the Limitation Act provides for the limitation period. In this case, neither the Railway Claims Agency nor the party while indulging in correspondence all round for settlement of the claims did not consider it fit to go to a court of law for settlement of the claim and the tactics adopted by the Railway Claims Agency cannot be considered *bona fide*.

On the basis of remarks in the RR and the inference of non-provision of dunnage in the wagon, normally this claim is not payable and has been correctly repudiated. But in this particular case, as there was evidence of panel holes on the wagon when it was received at the destination, it is proposed to settle the claims at 50 per cent of the original value purely as a gesture of goodwill. However, it has to be noted that several claims agencies in India will come

forward with such suit-barred claims which will lead to a plethora of claims having to be entertained by the Claims Office without full records being available to examine the cases. This cannot be therefore, quoted as a precedent.

3.4. In their communication, dated the 29th August, 1977, the Ministry of Railways (Railway Board) stated that "payment of Rs. 728/- has been made in this case by the South Central Railway vide Pay Order No. 30173 dated 8-7-1977 to M/s. Khimji Bhanji & Co., Bombay."

3.5. In their further representation dated the 3rd August, 1977 the petitioners stated as follows:

"As admitted by the South Central Railway in their letter the wagon was noticed with panel cut and as such the remarks as alleged in the letter have no bearing at all under the provisions of the Indian Railways Act because when the wagon is found with panel cuts the contents can be removed through the cuts and as such this shortage noticed is due to the pilferage of the contents in transit and therefore the railways are totally liable. The petition Committee is hereby requested to call for the One Man Enquiry Committee Report of Shri R. B. Lall who was appointed to enquire into the various complaints of the public grievances when the Members of Parliament had insisted about the same on the floor of the Parliament during the course of 5th Lok Sabha. If the Chairman and Members of the Petition Committee go patiently through that report they will observe that Mr. Lall had stated that the railways are wrongly rejecting the claims and he was convinced about the public grievances. The members of the public who entrust the consignment to the government owned railways do expect that the officers dealing with the claims will give the proper justice within the statutory provisions but it is observed that they first try to evade the liability on any imaginary grounds and eventually the court cases against the railways are on the increase. Regarding this also, Mr. Lall had criticised about the railways and their subsequent action of compromising the suits and thereby creating additional burden on the national exchequer to bear the legal costs of both the sides and such action of the railways in fact the PAC should take up if the custodians of the country desire to reduce the court cases against the railways and also can reduce the burden of the court. In a city like Bombay,

party after filing the suit has to wait over 6 years to come to case on Board on the Small Causes Court and over 12 years in the City Civil Court and if the suit is filed in the High Court on the original side minimum one has to wait for 15 years. This is the main fact why the road transport has flourished to a great extent and the traffic which is carried through the road transport is much higher than the railway. If anyone could be held responsible it is the bureaucrats of the railways, whose adamant attitude in accepting the liability and not taking the proper care for quick transport and delivery has created a frustration and the traffic has been diverted to the road. We leave it to the Chairman and Members of the Committee to call for the original file of papers including the records of the unloading the cement which would reveal the condition of the consignment. Besides legally once the consignment is assessed by the railway and the damage quantum is put on record, they cannot go back from the position of the damage. Their original file is missing for the reasons best known to them only.

The above facts may also be kept on record for the purpose of consideration of this case by the Petitions Committee.”

3.6. In this connection, Shri Ratansingh Rajda, MP, had sent a letter, dated the 17th August, 1977, stating as follows:—

“M/s. Khimji Bhanji & Co. have *vide* their letter dated 6th August, 1977, addressed to me stated that some further developments have taken place in that case. The SC Railway Inspector called upon the party and took copies of the entire correspondence on the subject and they sent them a cheque for Rs. 728 which is 50 per cent of the amount of the claim of the party. The party has addressed another letter to the railways stating that the compensation amount is inadequate. M/s. Khimji Bhanji & Co. feel that the payment of half of the amount is a clever device of informing the Petitions Committee that the claim has been settled. The SC Railways was sleeping all the while and they woke up only after the Petition was submitted.

This additional factor showing the subsequent conduct of the SC Railways should be taken into consideration by the Petitions Committee and M/s. Khimji Bhanji & Co. has already placed all the facts of record in their letter dated 3rd August, 1977 addressed to Shri M.P. Gupta, Legislative

Committee Officer, Parliament Secretariat, Parliament House Annexe, New Delhi.

I am inclined to request you to look into this subsequent conduct of the SC Railways and draw your own inference."

C. Evidence before the Committee

3.7. The Committee, at their sitting held on the 4th October, 1977, heard oral evidence of the representatives of the Ministry of Railways (Railway Board) on the points raised in this representation.

3.8. The Committee pointed out to the representatives of the Ministry of Railways (Railway Board), who appeared before the Committee, that the claim in question was filed by the petitioners—M/s. Khimji Bhanji & Co., Bombay, on the 4th April, 1973, but it was settled for fifty per cent of its value by the South Central Railway Administration more than four years after preference of the claims. The Committee asked them to state the reasons for the inordinate delay in the settlement of the claim. In his evidence, the Chief Claims Officer, South Central Railway, stated that in the said case, the consignor had failed in two respects. Firstly, he used old and used bags. Secondly, he had not provided the dunnage, i.e. bags filled with bagasse or grass or paper to protect the consignment from pilferage or damage. Also, in the Railway receipt, there was no endorsement that the dunnage had been provided. According to the rules, if dunnage was not provided by the party, the Railway could either reject the consignment or accept the consignment on the condition that the dunnage had not been provided and the extent to which the party had saved money by non-provision of dunnage, using of old and used bags, he could not expect the Railway to pay. The Railway was not insurer but the carrier.

3.9. The Chief Claims Officer, South Central Railway further stated that the Claims Officer on the 9th November, 1973, decided, that the claim was not payable on the ground that the wagon had arrived from the originating station with seals intact and there was no disturbance in between and hence there was no liability on the part of the Railway. In this particular case, they relied on the following decision of the Madras High Court in Singal Bros. and Company Vs. the Union of India:

"When the rules regarding transit provided a particular quantity of dunnage so that the goods may be protected when they are being carried by the railways, the non-furnishing of such dunnage in accordance with the rule would certainly disentitle the consignor from claiming any

damage to such goods damaged in transit due to lack of any proper dunnage."

3.10. The Chief Claims Officer, South Central Railway informed the Committee that according to the Joint Survey Report, submitted by the concerned Inspector of Bidar, 15 bags were torn and loose and 632 Kgs. of groundnut seed were short. The claim was for Rs. 1456/-. In reply to a question, the Chief Claims Officer, South Central Railway submitted that the Joint Survey Report did not mean that the Railway had accepted the liability. The extent to which the consignor had also contributed to the loss or the extent to which the Railway was liable under the Indian Railways Act had to be determined taking all relevant factors into consideration including the rulings of the courts. The witness further stated that as there was mention of some panelholes in the wagon in the Joint Survey Report, they decided to pay fifty per cent of the value of the claim. On an enquiry, the witness informed the Committee that during 1972-73 the number of claims dealt with was 40,783 and this was one of the cases where the decision taken in the file was not communicated to the party. The Additional Member (Traffic) apologised for the delay on the part of the Railway in the settlement of the claim.

3.11. The Additional Member (Traffic), Railway Board agreed to re-examine this case and to apprise the Committee of the outcome in due course.

3.12. In regard to simplification of procedure and expeditious settlement of claim cases, the Additional Member (Traffic) stated that the Minister of Railways had desired that no case should be delayed for more than 42 days. During the last four months, the percentage of claims decided within 42 days had gone up to 90 per cent. There was delay only when the consignment had passed over a number of Railways and transshipment points or where there was a fraud.

3.13. The Chief Claims Officer, South Central Railway stated that recently they had tightened up the measures to see that such a lapse could never take place. Every case was registered and acknowledgement issued. They were having close liaison with the Chambers of Commerce. Then they had got mobile Claims Officers who went to Stations and contacted parties. Their programmes were sent in advance in the newspapers and notices put up on the Railway Stations. Claims were accepted and settled by these officers on the spot. In addition, powers had been delegated to the local Station Masters and Commercial Inspectors etc. to settle

claims upto a particular value on the spot. With the revitalisation of the organisation and delegation of powers, the number of claim cases that took more than six weeks had been considerably reduced.

In reply to a question, the representative of the Ministry of Railways informed the Committee that they were not having computer arrangements for settlement of claims.

3.14. The Ministry of Railways (Railway Board) *vide* their Communication dated the 4th November, 1977, stated that "this case has been negotiated by the South Central Railway and the claimant M/s. Khimji Bhanji have agreed to accept a sum of Rs. 1100 in full and final settlement of the claim. Accordingly, a cheque of the said amount has been sent to the party by the Railway."

D. Recommendations of the Committee

3.15. The Committee note with satisfaction that the Ministry of Railways have, as a result of intervention by the Committee, settled the original claim of the petitioners amounting to Rs. 1456 for Rs. 1100, and that the petitioners have accepted that amount in full and final settlement of the claim.

3.16. The Committee are, however, greatly concerned at the inordinate delay in settling the claim of the petitioners by the Ministry of Railways. The Committee note that the claim in question was filed by the petitioners M/s. Khimji Bhanji & Co., Bombay, on the 4th April, 1973 but it was finally settled by the Ministry of Railways after a long and protracted correspondence by the petitioners and the evidence of the representatives of the Ministry of Railways before the Committee, in November, 1977. This is a typical instance of unconscionable procrastination and delay in settling claim cases by the Railways. The Committee note that for the expeditious settlement of claim cases, the Minister of Railways has now directed that no claim case should be delayed for more than 42 days.

The Committee are, however, of the opinion that the time limit for the settlement of claims should be statutorily laid down by the Ministry of Railways in the relevant rules and a suitable machinery, more or less on the pattern of Income-tax Tribunals, should be set up by Government where the claimant can appeal against the rejection of his claim by the concerned officers of the Railways. A suitable time-limit should also be prescribed by Government for the settlement of claims by these Tribunals.

3.17. The Committee also desire that the procedure for dealing with claim cases should be streamlined and strict instructions issued to ensure that every claim case is registered on receipt and suitable replies are sent promptly to the communications received by the Railways from the claimants and there is no harassment to them in pursuing their claim cases.

IV

REPRESENTATION REGARDING REPATRIATION OF INDIAN NATIONALS DETAINED IN PAKISTAN

4.1. An Indian prisoner from Mianwali Pakistan, addressed a representation dated nil regarding repatriation of Indian nationals detained in Pakistan.

A. Petitioner's Grievance

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

"We beg to state that we are Indian nationals confined in spying cases for long terms for our Indian nation. But no one cares for our repatriation and welfare of any means in Pakistan on behalf of Government of India. We are Indian nationals. We have proud of our nation and Parliament so we further request to our Parliament and Speaker to take immediate action for our welfare and repatriation. Don't destroy our career when you had made promises to our nation and family that we will be repatriated soon, why are you not taking sufficient action neither our Ambassador in Pakistan reply us whenever we had written him so many times. What are the duties of an ambassador take some actions on behalf of Indian prisoner confined in Pakistan anyhow we are hopeful to our Parliament. They will take action in real matter and make our repatriation possible".

B. Comments of the Ministry of External Affairs

4.3. The representation was referred to the Ministry of External Affairs for furnishing their factual comments thereon for consideration by the Committee. In their factual note dated the 23rd December, 1977, the Ministry of External Affairs have stated as follows:

"Government have been in constant touch with Pakistan Government to secure release of all Indian detainees in Pakistan. Since April 1976, four exchanges of Indian and Pakistani detainees have taken place between the two countries. Another exchange is likely to take place in January 1978. Efforts are also under way to secure re-

release of more sensitive categories of Indian detainees in Pakistan.

Representations similar to that of the petitioner received from relatives in India of persons suspected to be in custody of the Pakistani authorities, have been carefully examined to see whether the names of such persons appear in the lists of Indian detainees provided by Government of India to Pakistan for purposes of repatriation. When such names do not figure in the lists, Pakistan Government are separately approached for their repatriation on an individual basis. In the instant case, the petitioner does not appear to have indicated his name or other particulars without which further action in his case cannot be taken."

4.4. In reply to Unstarred Question No. 430 answered in Lok Sabha on the 23rd February, 1978, the Minister for External Affairs (Shri Atal Bihari Vajpayee) has stated as follows:

"According to the information as at the end of the January, 1978, there are about 295 Pakistani nationals in detention in Indian jails. Similarly, according to the information received from the Government of Pakistan as well as our sources, there are about 250 Indians in Pakistani jails.

The process of regular exchange of detainees between India and Pakistan started as a result of meetings between the Foreign-Secretaries of the two Governments held at Islamabad in 1976 for resuming the process of normalisation envisaged under the Simla Agreement. Since then, there had been 5 exchanges between India and Pakistan as mentioned below:

S.N.	Date of Exchange	Indians	Pakistanis
1	5-4-1976 .	32	55
2	30-11-1976	36	58
3	1-2-1977 .	70	108
4	27-10-1977	41	35
5	3-1-1978 .	50	165

Since the last exchange, we have already proposed another exchange in February, 1978. Pakistan Government's reply is awaited.

Exchanges of detainees are arranged only after their national status has been verified by the two Governments. This process

does take time. However, all possible efforts are made to verify the particulars of India detainees as expeditiously as possible and communicate to Pakistan Government. Similarly, for the repatriation of the Pakistani detainees in India, we have to wait verification reports from the Pakistan Government."

C. Evidence before the Committee

4.5. The Committee, at their sitting held on the 9th March, 1978, examined the representatives of the Ministry of External Affairs on the points arising out of this representation.

4.6. In his evidence, the Foreign Secretary stated that the Government of India had throughout been interested in bringing about repatriation of India nationals who might be under detention in Pakistan. The basic agreement pertaining primarily to prisoners of war was reached in 1972 and the prisoners of war who were with India were repatriated to Pakistan. Some residuary problems arising out of the 1971 conflict remained. The Government were engaged in trying to secure the return of Indian nationals, particularly during the last two years after restoration of diplomatic relations with Pakistan. Whenever they received any relevant information, either from the relations of Defence personnel or from other sources, they made enquiries about that. Earlier, when there were no diplomatic relations between India and Pakistan, the Swiss Government were looking after the Indian interests in Pakistan and they were requested on India's behalf to enquire and to visit jails to check whether there were Indian nationals in Pakistan jails. They did make enquiries and as a result of that, certain people were located. There were some in the category of people who were ship crew who remained after the repatriation of prisoners. Government had also a list of a few Defence personnel who were still allegedly held in detention in Pakistan. Government had taken up those cases with the Government of Pakistan. Six or seven years after the end of the conflict, Government felt that whatever nationals of Pakistan were with India and Indian nationals with Pakistan, they should be exchanged. This matter was also taken up by the Indian Foreign Minister when he visited Islamabad in February, 1978. The response of Pakistan had been very forthcoming in principle. It was agreed on both sides to expedite the repatriation. In fact, Gen. Zia had said that they must effect the remaining exchanges as soon as possible. In the last two years, between April, 1976 and January, 1978, 248 Indian nationals had been released by Pakistan in five batches. According to their information, 250 Indian nationals still remained with Pakistan. The lists of these prisoners had been furnished to the Government of Pakistan and there were also some

Pakistani nationals in detention in India. The Government of India had also indicated their willingness to release them. So, in principle, both sides were agreeable to completing the exchange of detained nationals. But when these lists were received by the respective Governments, they were first verified and scrutinised to see that they were, in fact, nationals of the country concerned.

4.7. On an enquiry by the Committee when the repatriation of the remaining Indian nationals would be completed the Foreign Secretary stated that it would take time because checking had to be done at the district or the village level. It went to the local authority concerned to verify whether somebody of that name from the village had been missing for so many years. Thus that process involving delay, was taking time in both the countries. The witness further stated that they would like to make sure that the people who were being repatriated from Pakistan to India were, in fact Indian nationals. It had happened and it could happen when dealing with hundreds and thousands of persons, that the persons released might not, in fact, be Indian nationals. As far as the petition was concerned, no names of Indian nationals detained in Pakistan were mentioned. Also they had not received any communication from those people who were alleged to be detention in Mianwali Jail. Therefore, there was some difficulty in being able to check as to who they were. Whether they were Indian nationals and how many they were. Further, this post card referred to the fact that they were under detention because they were spies. With whatever information Government had been able to check, this could not be confirmed by the authorities concerned. But he would not like to be categorical and say that there were no Indian nationals excepting those known to be in detention in Mianwali Jail or elsewhere in Pakistan.

4.8. In reply to a query, the representative of the Ministry of External Affairs informed the Committee that the original number of detainees in Pakistan six years ago was nearly 500 out of which 248 had been released during the last two years. The list of 250 persons with them, had been furnished to the Government of Pakistan. The witness added that so far 419 Pakistani nationals had been released in exchanges and there were still 295 Pakistani nationals with India. Although it was not one for one, more or less they tried to keep in step. He added that now in principle, neither Government wanted to hold the nationals of the other country.

4.9. The Committee asked the witnesses to state whether members of the staff of the Indian Embassy in Pakistan could visit the

Indian detainees in Pakistan to enquire about their welfare and the treatment being accorded to them by the Government of Pakistan. The Foreign Secretary stated that the detainees came under a special category. They were not prisoners of war subject to international standards regarding treatment of belligerents. But Government had not received complaints from those who had returned from Pakistan that they were badly treated while in detention there. The witness added that the staff of the Indian Embassy in Pakistan was not in a position to check as they could not go and visit the Indian detainees in Pakistan jails. In reply to a question, the witness replied that there was no such convention. The witness informed the Committee that the Swiss representatives had visited Indian detainees in Pakistan four times. According to their report, the detainees were being looked after properly.

4.10. The Committee asked the witness to indicate the approximate date by which repatriation of all the Indian nationals detained in Pakistan would be completed. The Foreign Secretary assured the Committee that they were very active in that respect for the last two years. Exactly how long it would take, he could not say. At least now the stage was ripe when there were no political impediments to the expeditious repatriation on both sides. They had been dealing with his problem for the last so many years after the conflict, but progress had been made only during the last two years, after Pakistan withdrew its complaint with the International Civil Aviation Organisation in May, 1976. There was no reason why it should not proceed at a faster pace.

4.11. The Committee desired to know from the witnesses the procedure regarding verification of detainees who died under retention. The representative of the Ministry of External Affairs stated that they had some limitations in checking up in that regard. Normally, when a detenu died the Government of Pakistan informed the Government of India or his relatives. If something untoward happened, or a detainee died in unusual circumstances, then of course, they had to be dependent on the version conveyed by the Government of Pakistan, until the Government of India secured information to the contrary from other sources.

D. Observations of the Committee

4.12 The Committee note that the Government of India are alive to the problem of securing release of all Indian detainees in Pakistan and that they are in constant touch with the Government of Pakistan in this regard. The process of regular exchange of de-

tainees between India and Pakistan commenced as a result of meetings between the Foreign Secretaries of the two Governments held at Islamabad in 1976 for quickening the process of normalisation envisaged under the Simla Agreement. Since April, 1976, several exchanges of Indian and Pakistani detainees have taken place between the two countries. However, still there are some Indians under detention in Pakistan and some Pakistanis detained in Indian jails.

4.13. The Committee observe that the time is now ripe when there are no political impediments to expeditious repatriation of prisoners held by either Government. In principle, both the Government of India and the Government of Pakistan have agreed to expedite and complete the exchange of each other's detained nationals.

4.14. The Committee hope that in view of the improved climate of amity and friendliness between the two countries, the process of exchange of detainees of various categories between the two countries will be accelerated, keeping in view the essentially humanitarian aspect of the problem.

4.15. The Committee desire that these observations and views of the Committee may be conveyed to the Government of Pakistan.

HARI VISHNU KAMATH,

Chairman,

Committee on Petitions.

NEW DELHI;

Dated the 4th May, 1978.

APPENDIX

(See para 3.2 of the Report)

[Representation from M/s. Khimji Bhanji and Co., Bombay, regarding settlement of a claim in respect of a consignment of G. N. Seeds booked ex-Chandausi to Latur against the Ministry of Railways (Railway Board).]

Bankers: Khimji Bhanji and Co.
Union Bank of India, Exporters: Oil seeds-oil cakes.
Bombay.

6th April, 1977.

29, Keshavji Naik Road,
Bombay-400009.

The Hon'ble Chairman and Members of the Petitions Committee of Lok Sabha, Parliament House, New Delhi.

MAY IT PLEASE YOUR HONOUR AND MEMBERS OF THE COMMITTEE

SUBJECT: *Petition seeking redressal of gross injustice caused by the South Central Railway Administration by the Ministry of Railways, Government of India.*

Petitioner: Khimji Bhanji and Co., a registered Partnership firm having its office at 29, Keshavji Naik Road, Bombay-9.

The petitioner above named firm is dealing in the business of oils, oilseeds and oilcakes having their office at 29 Keshavji Naik Road, Bombay-9, and having their oil mill at Latur. During the course of their normal business a consignment of 150 bags G.N. seeds was indented by them through the sellers ex-Chandausi to Latur which was despatched to Latur under Inv. 2, RR No. 933604 of 25-12-1972. At the time of delivery of this consignment at Latur, 15 bags G.N. seeds were badly cut and torn with the result there was a net shortage of 632 kgs. G.N. seeds valued at Rs. 1462.00. As required under the Indian Railways Act, the petitioner filed a claim for this amount with the Chief Commercial Supdt. South Central Railway, Secunderabad, vide petitioner's letter of 4-4-1973 which was-

sent under Regd. A.D. The claim filed by the Latur office of the petitioner which was duly acknowledged by the office of the Chief Commercial Supdt. South Central Railway, Secunderabad, *vide* their postcard bearing No. C.125/SC-15-1340/73 dated 12-4-1973. The petitioner thereafter waited for some time believing that the claim would be settled by the South Central Railway but there was no further response from that railway. The petitioner thereafter entrusted his papers to their Constituted Attorney for dealing with their claims with the Railways M/s. Railway Claim Agency of 47-49 Nakhoda Street, Pydhonie, Bombay-3. The Railway Claims Agency *vide* their letter of 13-6-1973 brought the matter to the notice of the Chief Comml. Supdt. by name requesting him to arrange the settlement of this claim. There was no response from the South Central Railway and the petitioner's Constituted Attorney thereafter issued the following letters to the railways requesting them to arrange the settlement of this claim.

1. Letter dt. 23-1-74 to the Chief Comml. Supdt. (C) South Central Railway.

2. Letter dt. 28-3-74 to Shri H. S. Rastogi, Dy. Chief Comml. Supdt (C) South Central Railway.

3. Letter dt. 17-7-74 to Shri L. N. Mishra, the late Railway Minister, and copy to the Chief Comml. Supdt. S. C. Railway.

4. Letter dt. 17-10-74 to -do- -do

5. Letter dt. 5-2-75 to Shri Shafi Mohammed Quereshi, the then Minister of State for Railways and copy to Shri K. S. Rajan, General Manager, S. C. Railway.

6. Letter dt. 15-4-75 to Shri K. S. Rajan, General Manager, S. C. Railway.

After writing 6 letters mentioned above, the Chief Comml. Supdt.'s office S. C. Railway wrote to the Railway Claims Agency *vide* their No. C. 125/SC-1340/73-74 of 5-5-75 the contents of which are reproduced below:—

"I acknowledge receipt of your letter quoted above. (i.e. letter of 15-4-75) which is receiving attention. Such action as may be called for will be taken and you will again be addressed on the subject".

Your Honour and Members of the Committee would be surprised to know that the SC Railway addressed the above letter only after writing to them 6 letters mentioned above. The petitioner, however, kept patience thinking that since the last letter was acknowledged,

the matter would be receiving attention but the subsequent events have proved that the SC Railway is in no mood to settle the claim which is evident from the fact that the Railway Claims Agency wrote several letters thereafter to the SC Railway and none of which has even been acknowledged. The details of the letters are as under:—

1. Letter dated 22-12-75 to Shri P. A. Pai, Chief Claims Officer,
S. C. Railway
2. Letter dated 29-3-76 -do-
3. Letter dated 14-7-76 -do-
4. Letter dated 22-11-76 -do-

All the above letters except the third one were sent by Regd. Post A/D. The Committee would be surprised to note that the S. C. Railway Administration has not cared to settle the claim of the petitioner in spite of 4 years have passed since preferring of this claim.

The shortage of 632 kgs. noticed at the time of delivering of the consignment has been certified by the station authorities *vide* shortage certificate No. 2093 of 1-2-73 and the petitioner is not aware of the reason why the South Central Railway Administration is keeping complete silence in spite of writing so many letters by name to their Chief Claims Officer. The matter was on several occasions brought to the notice of the Ministry of Railways also *vide* references quoted above but to no avail.

In view of the circumstances mentioned above the petitioner crave leave to submit this petition for consideration by the Committee and to issue directions to the Ministry of Railways to arrange the settlement of claim of the petitioner through the S. C. Railway. The petitioner only seeks justice and nothing but justice.

The consignment during the custody of the railways in transit has been interferred for the purpose of transshipment due to break of gauge and as such it is for the railways to explain how the bags were cut and torn and which cost eventually the loss.

Under the statutory provisions the Indian Railways have assumed greater responsibility as Common Carrier. Common carrier is liable under the statutory provisions to compensate the loss caused to the consignment entrusted to the railways for carriage and transport when the same is with them in their custody. Your Honour and the Members of the Committee would observe from the foregoing paras that the South Central Railway have intentionally avoided the acceptance of liability. Not only this, they have not

even used the elementary courtesy to acknowledge any of the letters and have snatched away the complete remedy by keeping the matter hanging.

Your Honour and the Members of the Committee would be surprised that there are standing instructions from the Ministry of Railways that the cases over 6 months should be reviewed by the departmental Head i.e. the Chief Comml. Supdt. himself but even after increasing one post of Chief Claims Officer the fate of the people has not changed. On the contrary lethargy has increased and only the national exchequer is the loser of the expenses that the national exchequer has to meet towards their remuneration.

During the course of emergency the Railway Board have upgraded many posts and created new posts whereby they have increased the burden and to meet with the expenses the freight and fare were increased but the bureaucrats sitting in the Railway Board's office have no time to look to the representations which your petitioner submitted to them then Railway Minister and from that your Honour and Members of the Committee can judge the functioning of the Railway Board and how far they are in the interest of the public. Your petitioner only requests your Honour and Members of the Committee to investigate this case in the interest of the general public and take necessary action against the officer/s concerned for delaying the settlement of the rightful claim of a citizen and restore the amount to your petitioner at the earliest possible.

The petitioner begs to remain,

Yours faithfully,

Sd/-

For Khimji Bhanji & Co. Partner.