

COMMITTEE ON PETITIONS
(TENTH LOK SABHA)

ELEVENTH REPORT



Presented to Lok Sabha on 23 December, 1993

**LOK SABHA SECRETARIAT
NEW DELHI**

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**COMPOSITION OF THE COMMITTEE ON PETITIONS
(1992-93)**

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ELEVENTH 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 Eleventh Report of the Committee to the House on the following matters:—

- (1) Representation from Shri L.R. Khurana, New Delhi regarding alleged delay in disposal of complaints against erring lawyers by Delhi Bar Council, etc.
- (2) Action taken by Government on the recommendations made by the Committee on Petitions in their Ninth Report (Tenth Lok Sabha) on Petition No. 19 regarding rehabilitation of the migrants who migrated to India between 1964 to 1970 from former East Pakistan now Bangladesh.

2. The Committee considered the draft Report at their sitting held on 21 December, 1993 and adopted it.

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

NEW DELHI;
21 December, 1993

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

I

REPRESENTATION FROM SHRI L.R. KHURANA, NEW DELHI REGARDING ALLEGED DELAY IN DISPOSAL OF COMPLAINTS AGAINST ERRING LAWYERS BY DELHI BAR COUNCIL, ETC.

1.1 One, Shri L.R. Khurana, New Delhi, submitted a representation through Shri Madan Lal Khurana, M.P., on 15 July, 1991 stating *inter alia* that the Bar Council of Delhi had delayed disposal of a complaint against an erring lawyer and, therefore, it was necessary to investigate the matter and also to amend the Advocates Act, 1961 suitably.

1.2 The petitioner has alleged *inter alia*:—

- (i) Lawyers charge exorbitant fees from their clients; Lawyers drag on the cases; Bar Associations are becoming trade unions; and action is not taken against the erring lawyers by the Bar Councils. Even if the complaint against the erring lawyer is genuine and is proved beyond doubt, the aggrieved litigant does not get any relief due to the partisan conduct of the Bar Councils. Though it is envisaged in the Advocates Act, 1961 that the State Bar Council shall dispose of the complaint received by it under Section 35 expeditiously, the complaints received by the State Bar Councils are protracted for months together and adjournments granted successively. Though the cases of misconduct by the erring lawyers are at increase, no penal action has ever been taken by the Bar Councils since its inception against the erring lawyers.
- (ii) Prior to enactment of the Advocates Act, 1961, the power to deal with the disciplinary cases against the erring lawyers was vested in the High Courts and after the Advocates Act came into force, the power was conferred upon the Bar Councils but the Bar Councils have failed to deliver the goods and have proved to be a hoax.
- (iii) No lawyer is prepared to accept the brief against the erring lawyer as the erring lawyer is his lawyer brother; it is in violation of Rule 11 of the Bar Council Rules which states that “an advocate is bound to accept any brief in the Courts or Tribunals or before any Authority.”

1.3 The petitioner has cited the case of one Smt. Sudhir Bala — a dowry crime victim, who engaged Shri K.N. Balgopal as an Advocate to fight her case and ultimately lost it due allegedly to his negligence and misconduct. She filed a complaint against the erring lawyer in the Bar Council of Delhi which led to 18 adjournments without any valid grounds. The petitioner has requested that the powers to deal with the disciplinary case against the

erring lawyers be restored to the High Court by suitably amending the Advocates Act, 1961.

1.4 The representation was forwarded to the Ministry of Law and Justice and their comments were received on 18.8.1991 which are reproduced below:

“The Comments of the Bar Council of India on the above points were sought and the Bar Council of India while denying the allegations made therein have broadly indicated their views which are as follows:—

- (i) It is not true to say that lawyers are charging exorbitant fees from clients. It can be attributed only to a few lawyers. 99% of the lawyers are not paid the schedule fees prescribed by various High Courts which itself is not adequate.
- (ii) It is not true to say that lawyers drag on litigation with a view to get excessive fees from the clients. As a matter of fact the litigation in our country prolongs for many reasons and it has become a general problem. Lawyers cannot be blamed solely for the delay in disposal of cases.
- (iii) It is not true to say that the Bar Councils are becoming Trade Unions and call for lawyers strike No Bar Councils in the country has given any call for lawyers strike.
- (iv) It is now correct to say that Bar councils give protection to erring law-
yers. Bar Councils enquire into allegations made against lawyers as per the Advocates Act, and Rules and action is taken in all cases where complaint against Advocates is found to be correct. Bar Council of India is advising the State Bar Councils to hold the meetings of Disciplinary Committees regularly and unnecessary adjournment should not be given. The complaint filed against Shri K.N. Balgopal, Advocate by Shri L.R. Khurana is being enquired into by the Delhi Bar Council.

The above comments furnished by the Bar Council of India appear to be correct and justified.”

1.5 The Committee took oral evidence of the petitioner, Shri L.R. Khurana on 22 May, 1992.

Commenting on the working of the Bar Councils, the witness stated as under:—

“The Bar Councils treat the meetings of the Councils as a luxury and not as a duty....Time for the meeting is given as 4.00 p.m. But the Members of the Councils are exhausted after attending to their daily routine Court work and they do not turn up in time with the result that the meeting is adjourned for lack of quorum successively for many times.”

1.6 When asked about the present position in regard to the complaint filed against Shri K.N. Balgopal, Advocate, the petitioner stated as follows:—

“I filed the complaint under Section 35 of the Advocates Act, 1961 being No. 15/90 on 18.5.1990. 18 adjournments have been granted without any valid reason and the case is still at the preliminary stage. The next date fixed for hearing the matter is 31.7.1992.”

1.7 When asked to give specific suggestions for amendments needed to the Advocates Act, 1961, to make it more effective to curb the growing number of cases of alleged malpractices of lawyers the witness stated:—

“Some impartial and neutral agency should be evolved so that people may have confidence in it. Prior to the enactment of the Advocates Act, cases were decided by the High Courts. There are so many citations where the erring lawyers have been penalised. But during the period of the Bar Council, I do not think there are any instances where erring lawyers have been punished.”

1.8 Subsequently, the Ministry of Law & Justice were requested to furnish certain information as to the present composition of the Bar Council of Delhi, the reasons for taking away the powers to deal with the disciplinary cases from the High Courts, the number of disciplinary cases considered and disposed of by the Bar Council of Delhi during the last five years and the latest position of the case filed by the petitioner—Shri L.R. Khurana.

1.9 Accordingly, the Ministry Law & Justice have furnished further comments on 28.9.92 stating *inter alia*:—

“As per information received from Bar Council of Delhi, the present strength of Bar Council of Delhi is 25 elected members, elected in accordance with the system of proportional representation.

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There are no specific guidelines for disposal of complaints before the Council but section 36(B) (1) of the Act limits the period of pendency of the case to one year only, before the Disciplinary Committee. Thereafter it is transferred to the Bar Council of India.

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The complaint of Ms. Sudhir Bala against Shri K.N. Balgopal, Advocate is pending before the Council for arguments to be heard on 16.10.1992.

Remedy available to the complainant in case of undue delay is none but the complainant is always at liberty to write to the Chairman who takes action in genuine cases for early hearing.”

1.10 As to the reasons for taking away the powers to deal with the disciplinary cases from the High Courts and vesting them in the State Bar

Councils, they have forwarded a note giving the observations of the All India Bar Committee and the Law Commission regarding need for an autonomous Bar Council. (See Appendix I)

1.11 The Ministry have also enclosed a table showing the number of disciplinary cases considered and disposed of by the Bar Council of Delhi since 1988 onwards. (See Appendix II)

On 27 May, 1993, the Committee took oral evidence of the representatives of the Bar Council of Delhi.

1.12 Asked to state the functions of the Bar Council, the representatives of the Bar Council of Delhi stated that:

“The functions of the Bar Council are that we have to look after the various aspects of the problems facing the lawyer community in Delhi and generally in India; we have to create conditions for their welfare; we have also to discipline them if they go astray; we have to treat them in a disciplinary Committee if they are found guilty or if there is any misconduct on their part. The general functions of the Bar Council are contained in Section 7 of the Advocates Act, 1961. Briefly, the functions as enumerated are: to lay down standards of professional conduct and etiquette of advocates; to lay down the procedure to be followed by its disciplinary Committee and the disciplinary Committee of each State Bar Council; to safeguard the rights, privileges and interests of advocates; to promote and support law reforms; to deal with and dispose of any matter arising under this Act which may be referred to it by a State Bar to exercise general supervision and control over State Bar Councils; to promote legal education and to lay down standards of such education in consultation with the universities in India imparting such education and the State Bar Councils; to recognise universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect universities; to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest; to organise legal aid to the poor in the prescribed manner; to recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act etc., to manage and invest the funds of the Bar Council; to provide for the election of its members etc. These are the general functions.”

1.13 The Committee pointed out that it had been brought to their notice that during the last five years, as against 53 complaints received, 48 cases had been disposed of by the Bar Council of Delhi and punishment had been awarded only in one or two cases.

A representative of the Bar Council stated *inter alia*:

“If a particular Bar Council is not able to finish the disciplinary proceedings within that one year statutory period, then it becomes perfunctory and therefore, what we do is that we refer that case to the Bar Council of India where that case is taken up. There are certain parties—they are having advocates also—who try to prolong the case in one year or the other so that the proceedings are not concluded within that statutory period and in that event there is this delay.”

1.14 On being asked about the time limit for processing of cases, the representative of Bar Council stated:

“The duration is one year. When a complaint comes to us, it is referred to the full council consisting of 25 members. If *prima facie*, they feel that there is a misconduct, then, we refer to the disciplinary Committee consisting of three members. Within one year they have to dispose of the complaint. Nearly 50 per cent of the complaints are disposed of in this way.”

1.15 When asked whether there were any cases where disciplinary action had been taken against the advocates for their misconduct, the representative of Bar Council replied in affirmative stating that there was one complaint against an advocate who took the court fee and the fee from the litigant but did not file a case. Disciplinary action was taken by the Bar Council and it was upheld by the Supreme Court very recently.

1.16 The Committee asked the representatives of the Bar Council as to how far did they agree with the view that the Bar Councils were not an adequate instrument to look into the complaints against the erring lawyers? The representative of the Bar Council stated:

“I do not agree with this complaint. As professionals, we are the better judges what are the standards to be maintained by the advocates....At times, the delay is there. We try to serve the complainant in a better way. We do not try to avoid it. We send them registered notices and delay occurs because of that. But we decided the matter objectively; we try to do it as quickly as possible.”

1.17 The Committee enquired whether they felt that some more legislation was required for taking action against the erring lawyers, the representatives of the Bar Council stated:

“The law provides sufficient ground to take action against the erring lawyers. Action has been taken.....Advocates are punished; they are debarred from practising; they are suspended; fined.”

1.18 The Committee pointed out that it had been brought to their notice that lawyers refused to accept brief against erring lawyers for pleading in the Bar Councils on the ground that they were lawyer-brothers, which was in violation of Rule 11 of the Bar Council Rules, but no action was taken against such lawyers under partisan attitude. Asked to state the factual

position in this regard, the representative of the Bar Council stated as under:

“No lawyer has ever refused to accept a brief against an erring lawyer merely on that ground. It may be so in the case of some individuals or with somebody who is a close friend of another lawyer. Otherwise it is not so.”

1.19 Asked to comment upon the submission of the petitioner that meetings of the Bar Council were held towards fag end of the day when the members were exhausted after attending to their daily routine and meetings were adjourned for lack of quorum and therefore, the meeting should be held on Saturdays in the morning, the representative of the Bar Council stated as under:

“Normally, by circumstances and necessity, the meetings have to be fixed after the courts are over so that the members, who themselves are advocates, will attend to it. So, they are necessarily to be fixed at 4.00 p.m. and it continues till it is over.

It is very rare when the meetings are adjourned for lack of quorum. I may tell you that in the last five months we had six meetings whereas we are supposed to have a meeting in two months. And on every meeting the quorum was full. In fact, there were occasions when almost 80 to 90 members were present. So, it is very rare when a meeting is adjourned because of lack of quorum.”

1.20 Asked to state whether there was any provision for the litigant to go for an appeal against the judgement of the Bar Council, the representative of the Bar Council stated:

“Our verdict is not final. They can appeal to the Supreme Court as a matter of right. In all, it has three stages, First, Bar Council of the concerned State, then the Bar Council of India and then finally the Supreme Court. So, the parties have a right to go to the Supreme Court against the decision of the Bar Council of India. The relevant sections are 37 and 38 of the Advocates Act.”

1.21 As directed by the Committee during evidence, the Ministry of Law & Justice forwarded an Order Sheet (See Appendix III) pertaining to the case filed by Ms. Sudhir Bala against Shri K.N. Balgopal, Advocate which shows that out of 17 sittings of the Bar Council, 13 were adjourned due to one or other reason; and for the sitting which was held on 12.2.1993, the Bar Council have recorded as follows:

“Complainant absent inspite of service Present respondent. Heard. No merits. Complaint dismissed on merits.”

Conclusions/recommendations

1.22 In the representation it has been alleged that the lawyers charge exorbitant fees, drag on litigations and that cases of professional misconduct against the erring lawyers are delayed in the Bar Councils.

1.23 The main complaint brought out in the representation related to alleged delay in disposal of complaints by the Bar Councils against erring lawyers for their misconduct in discharging their professional obligations towards their clients. The petitioner has stated that if a complaint against the erring lawyer is genuine and is proved beyond doubt, the aggrieved litigant does not get any relief due to the partisan conduct of the Bar Council. However, the Bar Council of India in their comments furnished to the Committee have refuted the allegations and stated *inter alia* that the Bar Councils enquire into allegations made against lawyers as per the Advocates Act and the Rules and that action is taken in all cases where complaint against advocates is found correct. The Committee were informed that the "Bar Council is advising the State Bar Councils to hold the meetings of Disciplinary Committees regularly and unnecessary adjournments should not be given".

1.24 The Ministry of Law and Justice through whom the comments of the Bar Council of India have been received, have stated that "the comments furnished by the Bar Council of India appear to be correct and justified".

1.25 The Committee also observe that the specific complaint filed by the complainant against Shri K.N. Balgopal Advocate which was being enquired into by the Delhi Bar Council was dismissed on 12 February, 1993. In the Order Sheet of the relevant sitting of the Bar Council it is recorded that "complainant absent inspite of service. Present respondent. Heard. No Merits. Complaint dismissed on merits".

1.26 Since the complaint against an erring lawyer filed by the petitioner has already been dismissed on merits and also, as it appears, for default of the petitioner in not pursuing it and also the fact that the Bar Council of India which is representative body of the entire legal profession in the country, have refuted the allegations of delay etc., the Committee feel that it is not necessary to intervene and process the matter any further, although the Committee would have wished to examine in detail certain areas relating to suggestions for amendment of the Advocates Act, charging excessive fees by the lawyers and other related matters, as stated by the petitioners.

1.27 The Committee feel that these are questions which can be given due consideration by the legal profession and the Ministry of Law themselves also. The Committee would, however, like to impress upon the Bar Council of India and others the need for saving the legal profession from

deterioration. This profession needs to be preserved as a vehicle of service to society so as to further the cause of the common man and guard his interest jealously. Wherever necessary suitable corrective steps may be taken for speedier administration of justice.

II

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS IN THEIR NINTH REPORT (TENTH LOK SABHA) ON PETITION NO. 19 REGARDING REHABILITATION OF THE MIGRANTS WHO MIGRATED TO INDIA BETWEEN 1964 TO 1970 FROM FORMER EAST PAKISTAN NOW BANGLADESH

2.1 The Committee on Petitions in their Ninth Report (Tenth Lok Sabha) presented to Lok Sabha on 26.8.1993 dealt with the petition (No. 19 signed by Shri Maralendu Mallik and other migrants from Bangladesh, now residents of Bengali Colony, Hastinapur, District Meerut (Uttar Pradesh) and presented to Lok Sabha by Shri Manoranjan Bhakta, MP) regarding rehabilitation of the migrants who migrated to India between 1964 to 1970 from East Pakistan, now Bangladesh.

2.2 Action Taken Notes have been received from the Government in respect of the recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Government are given in Appendix IV.

2.3 The main recommendation of the Committee was that the Government might take a sympathetic view to rehabilitate the migrants who had been thrown out of employment due to closure of the private company where they had been earlier rehabilitated, by getting them some suitable jobs/avenues of work so that they could sustain themselves.

2.4 The Ministry of Home Affairs in their reply have stated that a majority of migrant ex-employees of M/s Madan Industries Limited, Hastinapur, though belonged to labour class, had been able to produce the medical certificates issued by the company in support of their having been discharged by the company on medical grounds except the petitioners. The Ministry have pleaded that when a majority of them could produce the proper medical certificates, there is no reason why the petitioners should be granted rehabilitation assistance for a second time without producing the medical certificates issued by the Company. The Ministry have further contended that if the petitioners are considered for the rehabilitation assistance, the similarly placed migrants who left the company of their own before its closure, for one or the other reason, might also stake their claims for the rehabilitation assistance.

While the Committee appreciate the position stated by the Ministry of Home Affairs, they feel that atleast on humanitarian grounds a sympathetic view may be taken in the matter to help the petitioners in getting some suitable jobs/avenues of work so that they can sustain themselves.

NEW DELHI;
21 December, 1993

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

APPENDIX I

(See para 1.10 of the Report)

A Note Giving the Observation of the All India Bar Committee and the Law Commission Regarding an Autonomous Bar Council

Soon after independence, a distinguished Committee known as "All India Bar Committee" was entrusted with the work of reporting on the need for an All India Bar. The Committee gave its Report in 1953. It recommended, *inter alia*, the grant of complete autonomy to the Bar.

The observations of that Committee as to the need for autonomy are as follows :

"The medical men have their General Medical Council under the Indian Medical Councils Act, 1933 (Act XXVII of 1933). So have the Chartered Accountants under the Chartered Accountants Act, 1949 (Act XXXVIII of 1949). It is a truism that responsibility "thrown upon a person stimulates his sense of responsibility". Unless responsibility is conferred on the representative body of elected by the members of the Bar the establishment of an All India Bar will be meaningless. If it is desirable, as the Committee thinks it is, that the National Bar of India should be a strong and independent body capable of influencing and leading public opinion, there should be some competent authority deriving its jurisdiction and power from the Bar itself and not subservient to any external authority howsoever high and eminent that might be. The risk of the Bar Council being swayed by external influence or unworthy considerations is not, however, as unprovided for as is apprehended".

The need for carrying out the recommendations of the All India Bar Committee was stressed in these words in the 14th Report of the Law Commission of India in its Report on the Reform of Judicial Administration forwarded in 1958:—

"The All India Bar Committee considered exhaustively the question of the Constitution and power of the State Bar Councils and the All India Bar Council and made detailed recommendations. In framing its recommendations the Committee accepted the principle that the Bar should be autonomous in matters relating to the profession. Its recommendations in regarding to the constitution of the Bar Councils are based on the acceptance of this principle. While recommending that the State Bar Council and the All India Bar Council shall *inter alia* consist of two Judges of the High Court or two Judges of the Supreme Court nominated by the Chief Justice of the High Court or the Chief Justice of India respectively, care was taken to ensure that the two judges so

nominated would be persons who had been advocates, so that, notwithstanding Judges being members, the Councils still retained their domestic character and were composed exclusively of advocates."

"We wish to emphasize the principle of thus sought to be given effect to by the Committee. Our considered opinion is definitely against Judges who have never been "advocates being brought into those autonomous bodies that should consist wholly of members of the profession. In this connection it may be noted that section 4 of the Bar Councils Act, which prescribed the composition of the Bar Council provides for four persons to be nominated by the High Court, of whom not more than two may be Judges of that Court. The recommendations of the Committee that the Judges nominated should have been persons who had been advocates was, it appears, made deliberately with a view to prevent Judges who had not been advocates from becoming members of the Council. It may be pointed out that, notwithstanding provisions in section 4(1) (b) of the Bar Council Act, in some of the States, the High Court has not chosen to nominate Judges as members of the Bar Council. In spite of the absence of Judges on these Councils, so far as we are aware, there has been no complaint about the satisfactory functioning of these Bar Councils.

It would therefore, appear that the time has arrived for making these professional bodies entirely autonomous. If, however, Judges have to form part of the composition of these bodies, they should be Advocate-Judges."

APPENDIX II

(See para 1.11 of the Report)

Statement of cases disposed of by the Disciplinary Committee of the Bar Council of Delhi

Period	B.F.	Received	Disposed of	Carried over
1	2	3	4	5
1.1.88 to 30.6.88	9	2	4	7
1.7.88 to 31.12.88	7	3	5	5
1.1.89 to 30.6.89	5	12	3	14
1.7.89 to 31.12.89	14	13	6	21
1.1.90 to 30.6.90	21	5	12	14
1.7.90 to 31.12.90	14	4	10	8
1.1.91 to 30.6.91	8	(1) from B.C.I.	5	3
1.7.91 to 31.12.91	3	14	3	14

APPENDIX III

(See para 1.21 of the Report)

THE BAR COUNCIL OF DELHI

COMPLAINT NO. 25/1990:

Ms. Sudhir BalaVs.....Shri K.N. Balgopal

13.7.1990

Present complainant. Meeting could not be held due to lack of quorum.
Adjourned to 27.7.1990.

27.7.1990

Meeting could not be held. Adjourned to 24.8.1990.

24.8.1990

Present complainant. Meeting could not be held due to lack of quorum.
Adjourned to 12.10.1990.

12.10.1990

Present complainant wants adjournment. Come up on 7.12.1990.

7.12.1990

Meeting adjourned to 1.2.1991.

1.2.1991

Meeting adjourned to 15.3.1991.

15.3.1991

Meeting adjourned to 26.4.1991.

26.4.1991

Meeting adjourned to 24.5.1991.

24.5.1991

Meeting adjourned to 2.8.1991.

2.8.1991

Meeting adjourned to 16.8.1991.

16.8.1991

Present father of complainant with counsel. Heard Issue Show Cause
notice for 27.9.1991.

27.9.1991

Meeting could not be held adjourned to 1.11.91.

1.11.1991

Present complainant. Rejoinder filed. Notice to respondent for final disposal for 20.12.1991.

20.12.1991

Adjourned to 28.2.1992.

28.2.1992

Adjourned.

4.12.1992

Respondent present. None for the complainant. Adjourned to 12.2.1993.

12.2.1993

Complainant absent in spite of service. Present respondent. Heard. No merits. Complaint dismissed on merits.

APPENDIX IV

(See para 2.2 of the Report)

Replies furnished by the Government on the recommendations made by the Committee on Petitions in their Ninth Report (Tenth Lok Sabha) on Petition No. 19

Recommendations (Item No. 2—Paras No. 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22)

2.14 The Committee note that about 11.14 lakh persons who migrated to India from East Pakistan between 1964 to 1970 came to be known as New Migrants. Most of them were rehabilitated in West Bengal. The other eligible new migrants were rehabilitated at Hastinapur, District Meerut (Uttar Pradesh) by providing them employment with erstwhile M/s Madan Industries—a privately owned Industry on the condition that the company was to provide regular employment to the migrants and to make suitable arrangements for training of the said persons in semi-skilled and skilled jobs.

2.15 In the petition the petitioner have alleged that they were given low paid jobs for a short period in the 'so called rehabilitation'.

2.16 The Ministry of Home Affairs have informed the Committee that owing to continued losses, the Madan Industries Limited stopped operations on 8.8.1984 with the result that these migrants were rendered jobless. However, by taking a compassionate view in the matter, the Government of India resettled 260 eligible families who were in employment of M/s Madan Industries on the date of its closure. Some of the migrants who had left the company of their own before its closure, were not considered for rehabilitation.

2.17 The petitioner and 11 others were not considered for rehabilitation as they claimed that they had been discharged from the company on medical grounds but could not produce documentary evidence as to whether they were removed on medical grounds.

2.18 Shri Manoranjan Bhakta, M.P. while giving his views before the Committee stated that the company should not have insisted upon providing the medical certificates because it was a privately owned company and also it was not possible for a daily labourer to keep all the medical certificates.

2.19 The petitioners have themselves admitted that the new migrants were not to be given rehabilitation benefits in West Bengal but all squatters got title over prime lands in and around Calcutta costing upto Rs. 5 lakhs. They have submitted to the Committee that the rehabilitation

package at Hastinapur included provision of a small dwelling unit but nobody working in the Madan Industries got this benefit.

2.20 The Ministry of Home Affairs have informed the Committee that the new migrants families from East Pakistan who had stayed back in West Bengal were declared ineligible for rehabilitation but they mostly squatted on private land which came to be known as squatters' colonies and Government of India did not sanction any funds for that.

2.21 The Committee Note that most of the persons who were rendered jobless after the closure of M/s Madan Industries have been resettled in one or the other job and only a few persons have left jobless.

2.22 Keeping in view of the fact that the petitioners being mostly labour class could not produce medical certificates regarding their discharge from the company on medical grounds. The Committee would like the Government to take a sympathetic view in the matter and take steps to rehabilitate them by getting some suitable job/avenues of work so that they can sustain themselves.

Reply of the Government

A majority of migrant ex-employees of Madan Industries Limited, Hastinapur, were in a position to produce the medical certificates issued by the Company in support of their having been discharged by the Company on medical grounds. Those who produced the medical certificates also belong to mostly labour class. When a majority of them could produce the proper medical certificates, there is no reason why the petitioners should be granted rehabilitation assistance for a second time without producing the medical certificates issued by the Company. If the petitioners are considered for the rehabilitation assistance, the similarly placed migrants who deserted the Company of their own, before its closure, for one reason or the other, may stake their claim for the rehabilitation assistance. Under these circumstances, it will not be possible to provide any rehabilitation assistance to the petitioners, viz. Shri Maralendu Mallik and 11 others, who failed to produce the medical certificates issued by the Madan Industries Limited.