

PUBLIC ACCOUNTS COMMITTEE
(1972-73)

(FIFTH LOK SABHA)

FIFTY-EIGHTH REPORT

[Action taken by Government on the recommendations of the Public Accounts Committee contained in their 5th Report (Fifth Lok Sabha) on Audit Report (Civil), 1970 relating to the Ministry of Works, Housing & Urban Development]



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(1972-73)

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SECRETARIAT

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Shri T. R. Krishnamachari—*Under Secretary.*

1.5. The Committee will now deal with action taken notes on some of the recommendations.

Heavy outstandings against the allottees of shops—Paragraphs 1.34 and 1.35 (S. Nos. 1 and 2)

1.6. In paragraphs 1.1 to 1.33 of the Report the Public Accounts Committee had dealt with the accumulation of arrears of rent recoverable from the allottees of shops in various markets in Delhi/New Delhi, and made the following observations in paragraphs 1.34 and 1.35:—

“The Committee find that out of a total number of 3229 shops rented out by Government in various markets, arrears of rent amounting to Rs. 17.27 lakhs as on 30th June, 1970 have accumulated in respect of 2179 shops over a number of years. Recovery proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 have been initiated in 827 cases only although according to Government, 1262 allottees defaulted payment of rent for over two months. The Secretary, Department of Works, Housing and Urban Development admitted during evidence that ‘the recovery proceedings were somewhat tardy’. Allotments have been cancelled in 379 cases upto 31st March, 1969 and 57 cases subsequent thereto. Thus as stated by the Secretary, Government have not rigidly enforced the step of cancellation in all the cases.”

“The Committee are perturbed to find that Government have neither promptly pursued the recovery of arrears of rent nor enforced the penal provisions of the rules uniformly. The Committee are, however, in agreement with the view that the emphasis should be on the recovery of dues rather than on eviction.”

1.7. In their reply dated the 16th February, 1972, the Ministry of Works and Housing have stated:

“Action to recover arrears of rent and damages could not be pursued as the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, was declared void by the High Court of Delhi in May, 1968 and again in April, 1970. The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 has since been passed (23rd August, 1971). The pending cases are now being processed under this Act.

Normally, allotments are cancelled for non-payment of rent and efforts are made to ensure that these rules are rigidly

followed. Efforts will be made to ensure strict enforcement of these rules.

The recommendation of the Committee that the emphasis should be on the recovery of dues rather than on eviction is already being followed. Whenever the cause of cancellation is removed, the allotment is restored."

1.8. The Committee note that the cases of arrears of rent in respect of shops in the various markets are now being processed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The Committee desire that the cases should be processed expeditiously. Every effort should be made to recover the arrears within a target date to be fixed by Government. While recovery of arrears should be given priority, impression should not be allowed to be created that in 'hardened cases' eviction will not be resorted to.

1.1. Referring to 850 cases where licence/lease deeds which had not been got executed from the allottees, the Committee had observed in Paragraph 1.38 of the Report:—

"The Committee are not satisfied with the decision taken by Government to allow *status-quo* to continue in regard to as many as about 850 cases of allotments prior to 1958 where licence/lease deeds have not been got executed from the allottees. They desire that the matter should be placed on sound legal basis in further consultation with the Ministry of Law."

1.10. In their reply dated the 16th February, 1972, the Ministry of Works and Housing stated:

"The Ministry of Law has been requested for further advice regarding execution of lease/licence deeds in the case of 850 shopkeepers so that the matter is placed on sound legal basis. Public Accounts Committee will be apprised of further developments in the matter in due course."

1.11. In regard to 850 cases of allotments prior to 1958 where licence/lease deeds had not been yet executed by the allottees, the Committee have been given to understand that the Ministry of Law has been requested for further advice. The Committee wish that the process of consultation with the Ministry of Law should be hastened as it is desirable in their view that placing on a sound legal basis of these 850 allotments made prior to 1958 is completed without any avoidable delay.

**Removal of Jhuggies and Jhompries in Delhi—Paragraph 1.75
(S. No. 7)**

1.12. The Committee, in paragraphs 1.39—1.73 of the Report had dealt with a number of lapses/irregularities in the examination of the scheme for the removal of jhuggies and jhompries in Delhi, and made the following observations in paragraph 1.75 regarding a comprehensive review of the working of the scheme:—

“The Committee had in paragraph 2.32 of their Seventy-first Report (Fourth Lok Sabha) suggested a comprehensive examination of the working of the scheme with a view to identifying various omissions that occurred and taking steps to avoid their recurrence through planning and close supervision. They were informed that the review had been asked to suggest remedial measures. The Committee trust that the review will be completed expeditiously and follow-up action taken as desired by them in paragraph 1.16 of their Ninety-seventh Report (Fourth Lok Sabha).”

1.13. In their reply dated the 12th July, 1972, the Ministry of Works and Housing have stated:

“The entire scheme of Jhuggi Jhompri Removal Scheme is under revision and a draft note for the Cabinet has been prepared. It has been approved by the Ministry of Finance and the Ministry of Home Affairs. The comments of the Lt. Governor, Delhi are awaited. The problem of squatting on Government and public lands has been discussed in a number of meetings at the highest level. This matter was last discussed in a meeting convened by the Minister of State for Works and Housing on the 19th April, 1972, where the officers of the DDA, the Municipal Corporation of Delhi, the N.D.M.C. and the Ministry of Law were also present. It was mentioned in that meeting that distinction between the eligible and ineligible squatters should be done away with and that all squatters on Government and public lands who are enumerated in the Electoral Rolls/Census of 1971 should be regarded as eligible squatters for allotment of alternative accommodation. With a view to containing the problem, the following conclusions were reached:—

- (a) A circular letter should be issued to all the land-owning Departments to provide barbed wire fencing to their vacant lands and to engage watch and ward staff to prevent unauthorised encroachment or squatting on their

lands. Where a Department found it difficult to protect their land, it could be transferred to the D.D.A. for care and maintenance.

- (b) All Government land, whether with the Land and Development Office, Railways, Posts and Telegraphs, M.E.S. or Aviation Department, etc., which is marked as Master Plan green should be transferred to the D.D.A. who would have *de facto* jurisdiction over these lands, the *de jure* jurisdiction remaining with the departments concerned.

(The reaction of the various authorities to this suggestion has yet to be ascertained).

- (c) Identity Cards should be given to all squatters on Government and public lands as has been done by the Government of Tamil Nadu in respect of squatters in Madras. (The DDA have initiated necessary action in this regard and have started taking photographs of the squatters and collecting other necessary details about them so as to issue Identity Cards to the squatters. The DDA is encountering some difficulties in taking the photographs as some of the squatters are resisting photographs being taken with all the members of the family).

At one stage, the Ministry of Law had advised against bringing forth a legislation making squatting a cognizable offence. In this meeting of 19th April, 1972, it was felt that this question needed to be re-examined with a view to providing a legal deterrent against squatting. The representative of the Ministry of Law agreed to re-examine the matter *de novo* as to what legal steps could be taken to prevent squatting on Government and public lands. The Ministry of Law and Justice have now opined that there are no legal difficulties in the way of making squatting on public premises a cognizable offence but it would be drastic step. They have further advised that if it is essential to create a new offence of squatting on public premises and make it a cognizable offence, a proposal to this effect may be sent to the Legislative Department of the Ministry of Law for making suitable provision in the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The matter is being examined in the light of the present advice of the Ministry of Law.

The problems of unauthorised construction in Delhi were also discussed at a meeting held on the 18th April, 1972 by the Lt. Governor, Delhi where the officers of Delhi Administration, Commissioner, Municipal Corporation of Delhi, Inspector General of Police, the concerned Joint Secretary in this Ministry, Vice-Chairman

Delhi Development Authority and others were present. The following conclusions were reached in that meeting:—

- (1) There should be no encroachment on public lands in the isolated areas and concerned department will keep watch. The Police will render all possible help. Necessary instruction should be issued by the Head of the Department. The Inspector General of Police will be requested by the Chief Secretary to reiterate earlier instructions on the subject for the benefit of the field level staff.
- (2) There should be a cell for collecting information. The Vice-Chairman, Delhi Development Authority volunteered to open such cell. All the land owning agencies will apprise the cell.
- (3) The services of Zonal Committee that were set up for Civil Defence purpose should be utilised to review the position regarding encroachment from time to time.
- (4) Chief Secretary will request the Deputy Commissioner to issue necessary instructions to A.D.Ms./S.D.Ms.
- (5) In case of any lapse the concerned Department will be held responsible.

Item No. (2) has since been implemented and the cell is functioning in the D.D.A. As regards the other items it is understood that necessary action has been initiated by the Delhi Administration.

The problems relating to Jhuggi Jhompri Removal Scheme was also discussed in a meeting held on the 26th May, 1972 in the room of the Minister in the Ministry of Home Affairs. It was suggested therein that the responsibility for prevention of squatting could be fixed on the departments|authorities owning the land. The Lt.-Governor said that this was not possible as land belonging to the various departments was scattered all over the Union Territory. Hence, it would be useful to have one agency to prevent squatting over land and for the removal of squatters. He had already requested all the Ministries to give details of the land available with them.

It was also suggested therein that all vacant land with the Government could be handed over to the DDA for management. Whenever any local authority needed any land for development of parks, etc., it could be given to the authority on a temporary basis. Any land required back by the owning Ministry|Department could be

returned to the Department as early as possible. It was felt that consultation in this behalf with the concerned Ministries would be necessary. A note has been sent to the Ministry of Home Affairs and they have been requested to call for the reaction of the land owning Ministries/Departments on the proposal.

1.14. The Committee learn that the entire scheme for the removal of Jhuggies and Jhompries in Delhi is under revision. They desire that the details of the revised scheme as finally evolved should be intimated to them.

1.15. Noting that the accounts for the period from the inception of the scheme upto 1968 during which the Municipal Corporation of Delhi was executing the scheme were not rendered, the Committee had made the following observations in paragraph 1.77 of the Report:—

“The Committee note that the accounts for the period from the inception of the scheme upto 1968 during which the Municipal Corporation of Delhi was executing the scheme, are yet to be rendered. ‘That the intention was not to come in the way of implementing a desirable scheme’ does not offer convincing explanation for the continued release of funds year after year aggregating Rs. 705.58 lakhs despite non-receipt of accounts. This, as admitted by the Secretary, Deptt. of Works, Housing and Urban Development, should ‘not be the practice’. The Committee were given to understand that the D.D.A. has created a special cell to compile the accounts. The Committee hope that the accounts will be completed early and produced for audit. The Committee would like to be informed of the results of audit”.

1.16. In their reply dated the 12th July, 1972, the Ministry of Works and Housing have stated:

“The accounts for the years 1961-62 to 1964-65 have since been re-constructed and the audit office, viz., A.G.C.R., is being requested to check these accounts. The accounts for the year 1965-66 to 1967-68 are being compiled by the special cell which has already been set up for this purpose. The result of the audit will be known as soon as the audit of the accounts is completed.

It may be mentioned that the work relating to the compilation of the accounts from 1968-69 onwards is up-to-date and the accounts have also been audited by the audit office viz. A.G.C.R.”

1.17. The Committee note that the accounts for the years 1961-62 to 1964-65 have since been reconstructed and that Audit have been requested to check them. The accounts for the years 1965-66 to 1967-68 are still under compilation by the Special Cell set up for the purpose. The Committee need hardly stress that the compilation of the accounts upto 1967-68 should be completed within a target date to be fixed and got audited early. The results of the audit may be intimated to the Committee.

1.18. Dealing with the diversion of funds from the Scheme and the delay in the reconstruction of property registers, the Committee had observed in paragraph 1.78 of the Report thus:

“The Committee hope that when the accounts for the earlier period are finalised, the extent of diversion of funds from the Scheme will be assessed and necessary recovery/adjustment made early. They also trust that the reconstruction of property registers which is stated to be nearing completion will be completed early.”

1.19. The Ministry of Works and Housing, in their reply dated the 12th July, 1972 have stated:—

“The extent of diversion of funds from the scheme will be assessed and necessary recovery/adjustment made after the accounts are audited and actual position known. *The property registers in 14 of the 16 colonies have mostly been reconstructed; these are incomplete only in respect of five land award statements, which are yet to be made available by the Land Acquisition Collector. These records are also being completed in regard to the value of the property acquired. Thus there are only two colonies in respect of which similar records are still to be re-built. This work has not so far been taken up as the related land award statements are also awaited from the Land Acquisition Collector for which necessary action has been taken”.

1.20. The Committee would like to know the extent and nature of diversion of funds from the Scheme and also the action taken to recover/adjust the amount after the audited accounts become available.

*Revised at the instance of Audit, as intimated by them

1.21. The Committee are unhappy to note the delay in the reconstruction of property registers which was stated to be nearing completion when evidence was tendered before them in July, 1970. They would like this to be completed early.

1.22. Commenting on the poor progress in the recovery of dues from the allottees, the Committee had observed in paragraph 1.79 of the Report as follows:—

“It is disconcerting to note that the progress in the recovery of dues from the allottees had been very poor inasmuch as only a sum of Rs. 23.21 lakhs has been recovered upto 1968-69 out of the total demand of Rs. 69.60 lakhs. According to the witness the basic factor which has not enabled the executing agency to step up recovery has been the demand of ‘Jhuggi’ dwellers to give ownership of the premises to them on the basis of long lease which is understood to be under the sympathetic consideration of Government. The witness assured the Committee during evidence that as soon as Government were able to decide about the ownership recovery would improve. The Committee do not approve of the prolongation of the period of uncertainty and would urge Government to come to an early decision in the matter so that recovery of dues may be effected promptly.”

1.23. In their reply dated the 12th July, 1972, the Ministry of Works and Housing have stated:—

“The question of giving plots on ownership basis or lease hold basis has been examined in the revised note for the Cabinet in respect of J.J.R. Scheme. It has been proposed therein not to give plots on ownership basis. The D.D.A. is being asked to step up the rate of recovery.

1.24. It was urged before the Committee that as soon as Government were able to decide about the ownership of plots, recovery would improve. Now that it has been proposed not to give plots on ownership basis to the Jhuggi dwellers, the Committee are of the view that recovery of outstanding dues does not brook any further delay. They accordingly desire that the progress of recovery should be reviewed periodically by the Ministry.

1.25. Referring to the execution of 28,522 lease deeds in the name of the Municipal Corporation of Delhi instead of in the name of the

President of India, the Committee had, in paragraph 1.82 of the Report made the following observations:

"The Committee are unable to appreciate how Municipal Corporation of Delhi which was executing the scheme, as an agent overlooked this basic fact and under the mistaken impression that it was the owner of the sites, executed 28,522 lease deeds in the name of the Corporation. The Committee are at a loss to know how this fact was overlooked although Government came to know that the deeds were being executed in the name of Corporation as early as 1962. The Committee were, however, informed that in cases where licence fees were to be paid no charge would be required and that with regard to 17,000 plots of 80 sq. yards which the Municipal Corporation of Delhi entered into leases. Government were planning to have leases re-executed in the name of President of India. There has not been any progress in the re-execution in view of the fact that in a large number of cases plots have changed hands and that legal advice has been sought for in the matter. The Committee desire that lease deeds wherever necessary should be got re-executed expeditiously."

1.26. In their reply dated the 12th July, 1972, the Ministry of Works and Housing have stated:—

"This is under consideration of Government".

1.27. Although the Committee were informed in July 1970 that with regard to 17,000 plots of 80 sq. yards each where the Municipal Corporation of Delhi had entered into lease Government were planning to have them re-executed in the name of President of India, the question is stated to be still under consideration. The Committee, therefore, wish to reiterate that the re-execution of the lease deeds should be done expeditiously.

1.28. Dealing with "Benami" transfers of 2008 plots in eight colonies, the Committee, in paragraph 1.83 of the Report had observed:

"As regards "Benami" transfers referred to in the Audit paragraph, the Committee were informed that the legal requirements for regularising these transfers were being checked up. The Committee desire that this should be expedited. Effective measures should also be taken to

prevent any occasion for such "Binami" transfers in future."

1.29. The Ministry of Works and Housing, in their reply dated the 12th July, 1972, have stated:

~ "This is under consideration of Government."

1.30. As regards 'Benami' transfers, the Committee were informed in July, 1970 that the legal requirements for regularising the transfers were being checked up and that it would be settled in about two months. It is indeed surprising that the matter is still under consideration of Government. The Committee would urge that there should be no further delay in obtaining legal opinion and initiating follow up action.

1.31. The Committee would like to be informed of the measures proposed to be taken by Government to prevent "Benami" transfers in future as already suggested by them.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS THAT HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation

"The Committee find that out of a total number of 3229 shops rented out by Government in various markets, arrears of rent amounting to Rs. 17.27 lakhs as on 30th June, 1970 have accumulated in respect of 2179 shops over a number of years. Recovery proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 have been initiated in 827 cases only although according to Government, 1262 allottees defaulted payment of rent for over two months. The Secretary, Department of Works, Housing and Urban Development admitted during evidence that "the recovery proceedings were somewhat tardy". Allotments have been cancelled in 379 cases upto 31st March, 1969 and 57 cases subsequent thereto. Thus as stated by the Secretary, Government have "not rigidly enforced the step of cancellation in all the cases."

[S. No. 1 (Para 1.34) of Appendix XII to the Fifth Report (5th Lok Sabha)].

Action Taken

Action to recover arrears of rent and damages could not be pursued as the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 was declared void by the High Court of Delhi in May, 1968 and again in April, 1970. The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 has since been passed (23rd August, 1971). The pending cases are now being processed under this Act.

Normally, allotments are cancelled for non-payment of rent and efforts are made to ensure that these rules are rigidly followed. Efforts will be made to ensure strict enforcement of these rules.

[Ministry of Works & Housing O.M. No. G-25015/271-Bt dated 16th February, 1972].

• Recommendation

"The Committee are perturbed to find that Government have neither promptly pursued the recovery of arrears of rent nor enforced the penal provisions of the rules uniformly. The Committee

are, however, in agreement with the view that the emphasis should be on the recovery of dues rather than on eviction."

[S. No. 2 (Para 1.35) of the Appendix XII to the Fifth Report (Fifth Lok Sabha)].

Action Taken

The recommendation of the Committee that the emphasis should be on the recovery of dues rather than on eviction is already being followed. Whenever the cause of cancellation is removed, the allotment is restored.

[Ministry of Works & Housing O.M. No. G-25015/2/71-Bt dated 16th February, 1972].

Recommendation

"Out of 379 cases of cancellation upto 31st March, 1969, 267 cases were for default of licence fees and 112 cases for encroachments and subletting which were in violation of the terms of lease. Some of these cases relate to the period as far back as 1960 and yet recovery of arrears of rent and damages amounting to Rs. 10.47 lakhs was outstanding as on 31st March, 1969. The major factor responsible for the delay in recovery has been "the changing policy with regard to levy of damages". The Committee note that the policy underwent change three times in two years between October, 1963 and October, 1965. In 1969 the policy was again revised. To put it in the words of a witness "the policy was not as clear as one would like it to be". The Committee have, therefore, come to the inescapable conclusion without entering into the merit of the changes, that such frequent revisions of policy might have encouraged the defaulters to avoid or postpone payment of dues.

[S. No. 3 (Para 1.36) of the Appendix XII to the Fifth Report (Fifth Lok Sabha)].

Action Taken

It is a fact that the policy regarding recovery of damages has been in flux. This had happened as a result of the verdicts of courts and the pressure by unions of the markets. The recommendations of the Committee will be kept in view as and when there is a move to change the policy regarding recovery of damages.

[Ministry of Works & Housing O.M. No. G-25015/2/71-Bt dated 16th February, 1972].

Recommendation

"The Committee are given to understand that subsequent to the revision of the policy in December, 1969, Government were able to settle 120 cases of cancellation and that no further progress could be made due to sections 5 and 7 of the Public Premises (Eviction of Authorised Occupants) Act, 1958 having been declared *ultra vires*. As on 1st June, 1970, the recalculated arrears of rent and damages in accordance with the revised policy in the remaining 316 cases amount to Rs. 7.29 lakhs. The Committee hope that pending follow up action on the court ruling, Government would take steps to recover the arrears of rent, wherever due, promptly."

[S. No. 4 (para 1.37) of the Appendix XII to the Fifth Report (Fifth Lok Sabha)].

Action Taken

At present five Rent Collectors have been deployed for realising the rent/licence fees from the shopkeepers. Four of them visit the shops/markets on every working day and impress upon the shopkeepers to clear the dues. In cases where arrears for four months or more fall due, show cause/demand notices are issued, with the warning that the allotment of the shop will be cancelled if the shopkeepers fail to clear the dues within a period of 15 days from the date on which notices are served. In case of failure on the part of shopkeepers to clear the amount, further action is initiated under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Recommendations

The manner of execution of the scheme of removal of Jhuggies and Jhonpris leaves much to be desired. The Committee are distressed to note a number of lapses/irregularities such as non-maintenance of proper accounts, diversion of funds released by Government for the scheme, non-payment of Government's share of dues from the allotted non-recovery of dues from the allottees, non-execution of proper lease deeds and non-regularisation of 'Binami' transfers made by the allottees.

[S. No. 6 (Para 1.74) of Appendix XII to the 5th Report of P.A.C (5th Lok Sabha)].

Action Taken

Observations made by the Public Accounts Committee have been considered in the succeeding paragraphs.

[Ministry of Works & Housing O.M. No. G-25015/2/71-Bt. dated 16-11-1972].

Recommendations

The Committee had in paragraph 2.32 of their Seventy-first Report (Fourth Lok Sabha) suggested a comprehensive examination of the working of the scheme with a view to identifying various omissions that occurred and taking steps to avoid their recurrence through planning and close supervision. They were informed that the review had been asked to suggest remedial measures. The Committee trust that the review will be completed expeditiously and follow-up action taken as desired by them in paragraph 1.16 of their Ninety-seventh Report (Fourth Lok Sabha).

[S. No. 7 (Para 1.75) of Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

There has been improvement after transfer of the scheme to the D.D.A., in as much as 42,000 plots have been allotted out of 47,000 plots developed upto July, 1970 as against the Third Plan target of 50,000 plots. Government have since sanctioned development of plots of 25 sq. yards on the periphery of Delhi for allotment to 'ineligibles' i.e., post July, 1960 squatters, under the Scheme. The Committee desire that Government should take steps to check further squatting as any rehabilitation measure cannot hope to mitigate this problem if it is allowed to perpetuate itself. They should also like Government to speedily implement the scheme as already sanctioned and avoid time lag between the development of plots and their allotment by better coordination among the various agencies connected with water, electricity, sewerage etc.

[S. No. 8 (Para 1.76) of Appendix XII to the 5th Report of the P.A.C., (5th Lok Sabha)].

Action Taken

The entire scheme of Jhuggi Jhonpri Removal Scheme is under revision and a draft note for the Cabinet has been prepared. It has been approved by the Ministry of Finance and the Ministry of Home Affairs. The comments of the Lt. Governor, Delhi are awaited. The problem of squatting on Government and public

lands has been discussed in a number of meetings at the highest level. This matter was last discussed in a meeting convened by the Minister of State for Works and Housing on the 19th April, 1972, where the officers of the DDA, the Municipal Corporation of Delhi, the NDMC and the Ministry of Law were also present. It was mentioned in that meeting that distinction between the eligible and ineligible squatters should be done away with and that all squatters on Government and public lands who are enumerated in the Electoral Rolls/Census of 1971 should be regarded as eligible squatters for allotment of alternative accommodation. With a view to containing the problem, the following conclusions were reached:—

- (a) A circular letter should be issued to all the land owning Departments to provide barbed wire fencing to their vacant lands and to engage watch and ward staff to prevent unauthorised encroachment or squatting on their lands. Where a Department found it difficult to protect their land, it could be transferred to the D.D.A. for care and maintenance.
- (b) All Government land, whether with the Land and Development Office, Railways, Posts and Telegraphs, MES or Aviation Department, etc., which is marked as Master Plan green should be transferred to D.D.A., who would have *de facto* jurisdiction over these lands, the *de jure* jurisdiction remaining with the departments concerned. (The reaction of the various authorities to this suggestion has yet to be ascertained).
- (c) Identity Cards should be given to all squatters on Government and Public lands as has been done by the Government of Tamil Nadu in respect of squatters in Madras. (The D.D.A., have initiated necessary action in this regard and have started taking photographs of the squatters and collecting other necessary details about them so as to issue Identity Cards to the squatters. The D.D.A., is encountering some difficulties in taking the photographs as some of the squatters are resisting photographs being taken with all the members of the family).

At one stage, the Ministry of Law had advised against bringing forth a legislation making squatting a cognizable offence. In this meeting of 19th April, 1972, it was felt that this question needed to be re-examined with a view to providing a legal deterrent against squatting. The representative of the Ministry of Law agreed to re-examine the matter *de novo* as to what legal steps could be taken to prevent squatting on Government and Public lands. The

Ministry of Law and Justice have now opined that there are no legal difficulties in the way of making squatting on public premises a cognizable offence but it would be drastic step. They have further advised that if it is essential to create a new offence of squatting on public premises and make it a cognizable offence, a proposal to this effect may be sent to the Legislative Department of the Ministry of Law for making suitable provision in the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The matter is being examined in the light of the present advice of the Ministry of Law.

The problems of unauthorised construction in Delhi were also discussed at a meeting held on the 18th April, 1972 by the Lt. Governor, Delhi where the officers of Delhi Administration, Commissioner, Municipal Corporation of Delhi, Inspector General of Police, the concerned Joint Secretary in this Ministry, Vice-Chairman, Delhi Development Authority and others were present. The following conclusions were reached in that meeting:—

- (1) There should be no encroachment on public lands in the isolated areas and concerned department will keep watch. The Police will render all possible help. Necessary instruction should be issued by the Head of the Department. The Inspector General of Police will be requested by the Chief Secretary to reiterate earlier instructions on the subject for the benefit of the field level-staff;
- (2) There should be a cell for collecting information. The Vice-Chairman, Delhi Development Authority volunteered to open such cell. All the land owning agencies will apprise the cell.
- (3) The services of Zonal Committee that were set up for Civil Defence purpose should be utilised to review the position regarding encroachment from time to time.
- (4) Chief Secretary will request the Deputy Commissioner to issue necessary instructions to A.D.Ms./S.D.Ms.
- (5) In case of any lapse the concerned Department will be held responsible.

Item No. (2) has since been implemented and the cell is functioning in the D.D.A. As regards the other items it is understood that necessary action has been initiated by the Delhi Administration.

The problems relating to Jhuggi Jhonpri Removal Scheme was also discussed in a meeting held on the 26th May, 1972 in the room

of the Minister in the Ministry of Home Affairs. It was suggested therein that the responsibility for prevention of squatting could be fixed on the departments/authorities owning the land. The Lt. Governor said that this was not possible as land belonging to the various departments was scattered all over the Union Territory. Hence, it would be useful to have one agency to prevent squatting over land and for the removal of squatters. He had already requested all the Ministries to give details of the land available with them.

It was also suggested therein that all vacant land with the Government could be handed over to the D.D.A., for management. Whenever any local authority needed any land for development of parks, etc., it could be given to the authority on a temporary basis. Any land required back by the owning Ministry/Department could be returned to the Department as early as possible. It was felt that consultation in this behalf with the concerned Ministries would be necessary. A note has been sent to the Ministry of Home Affairs and they have been requested to call for the reaction of the land owning Ministries/Departments on the proposal.

[Ministry of Works and Housing O.M. No. G-25015|2|71-Bt. dated 16-11-1972)].

Recommendation

The Committee note that the accounts for the period from the inception of the scheme upto 1968 during which the Municipal Corporation of Delhi was executing the scheme, are yet to be rendered. "That the intention was not to come in the way of implementing a desirable scheme" does not offer convincing explanation for the continued release of funds year after year aggregating Rs. 705.58 lakhs despite non-receipt of accounts. This, as admitted by the Secretary, Department of Works, Housing and Urban Development, should "not be the practice". The Committee were given to understand that the D.D.A., has created a special cell to compile the accounts. The Committee hope that the accounts will be completed early and produced for audit. The Committee would like to be informed of the results of audit.

[S. No. 9 (Para 1.77) of Appendix XII to the 5th Report of the P.A.C., (5th Lok Sabha)].

Action Taken

The accounts for the years 1961-62 to 1964-65 have since been reconstructed and the audit office, viz., A.G.C.R., is being requested to check these accounts. The accounts for the year 1965-66 to 67-68 are

being compiled by the special cell which has already been set up for this purpose. The result of the audit will be known as soon as the audit of accounts is completed.

It may be mentioned that the work relating to the compilation of the accounts from 1968-69 onwards is up-to-date and the accounts have also been audited by the audit office viz., A.G.C.R.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 16-11-72].

Recommendation

The Committee hope that when the accounts for the earlier period are finalised, the extent of diversion of funds from the Scheme will be assessed and necessary recovery/adjustment made early. They also trust that the reconstruction of property registers which is stated to be nearing completion will be completed early.

[S. No. 10 (Para 1.78) Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action taken

The extent of diversion of funds from the scheme will be assessed and necessary recovery/adjustment made after the accounts are audited and actual position known. The property registers in 14 of the 18 colonies have mostly been reconstructed; these are incomplete only in respect of five land award statements, which are yet to be made available by the Land Acquisition Collector. These records are also being completed in regard to the value of the property acquired. Thus there are only two colonies in respect of which similar records are still to be re-built. This work has not so far been taken up as the related land award statements are also awaited from the Land Acquisition Collector for which necessary action has been taken.

[Ministry of Works and Housing O.M. No. 25015 2/71-Bt. dated 16-11-72].

Recommendation

It is disconcerting to note that the progress in the recovery of dues from the allottees had been very poor in as much as only a sum of Rs. 23.21 lakhs has been recovered upto 1968-69 out of the total demand of Rs. 69.60 lakhs. According to the witness the basic factor which has not enabled the executing agency to step up recovery has been the demand of 'Jhuggi' dwellers to given ownership of the pre-

mises to them on the basis of long lease which is understood to be under the sympathetic consideration of Government. The witnesses assured the Committee during evidence that as soon as Government were able to decide about the ownership recovery would improve. The Committee do not approve of the prolongation of the period of uncertainty and would urge Government to come to an early decision in the matter so that recovery of dues may be affected promptly.

[S. No. 11 (Para 1.79) Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action taken

The question of giving plots on ownership basis or lease hold basis has been examined in the revised note for the Cabinet, in respect of J.J.R. Scheme. It has been proposed therein not to give plots on ownership basis. The D.D.A., is being asked to step up the rate of recovery.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 16-11-72].

Recommendation

As regards recovery of rent from the ineligible squatters, the Committee note that Government have decided to effect recoveries only from 2nd May, 1970, on the consideration that necessary amenities were not provided from the beginning although rent was provisionally fixed in March, 1968 as Rs. 8 per month. The Committee are of the view that in consideration of lack of amenities Government should have either fixed rent at a concessional rate for the initial period or announced rent free accommodation till the amenities are provided which would have facilitated removal of a large number of squatter population.

[S. No. 12 (Para 1.80) of Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action taken

Suggestions have been noted for future guidance. These have also been brought to the notice of Delhi Development Authority for compliance.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 16-11-72].

Recommendation

Another factor which disturbs the Committee is the non-payment of Government's share of dues recoverable from the allottees. Out of Rs. 48.72 lakhs creditable to the Government up to the end of 1968-69, only a sum of Rs. 4.25 lakhs has been paid. The Committee were told that Government has withheld a sum of Rs. 15 lakhs from the Delhi Municipal Corporation. The Secretary, Department of Works, Housing and Urban Development pleaded before the Committee that crediting 70 per cent of the demand to Government irrespective of recovery was not workable or realistic having regard to the actual position that prevailed in the colonies and that Works, Housing and Urban Development Government were considering on what revised basis the collections should be utilised by the executing agency to meet the cost of running the scheme. The Committee would like Government to review the position early and recover the amounts creditable to Government on a realistic basis that may be decided upon as a result of the review.

[S. No. 13 (Para 1.81) of Appendix XII to the 5th Report of
P.A.C. (5th Lok Sabha)].

Action taken

It has been proposed in the draft note for Cabinet relating to the revision of the Jhuggi Jhompri Removal Scheme, that the Delhi Development Authority may be permitted to utilise the entire rent collection for meeting running expenditure on the execution of the scheme.

[Ministry of Works and Housing O.M. No. 25015 '2/71-Bt. dated
16-11-72].

Recommendation

The Committee hope that Government will take action to suitably revive the relevant section of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 struck down by the court and expedite the assessment and recovery of damages.

[S. No. 16 (Para 1.93) of Appendix XII to the 5th Report of the
P.A.C. (5th Lok Sabha)].

Action taken

The Public Premises (Eviction of Unauthorised Occupants) Act, 1958 was declared ultra-vires by the High Court of Delhi on

10th March, 1970. The recovery proceedings remained suspended from 10th March, 1970 to 24th September, 1971, when a new Act received the assent of the President of India. The Act was given retrospective effect. The recovery proceedings were started in the month of October, 1971.

From October, 1971 to June, 1972 a sum of Rs. 9.15 lakhs has been realised as damages. In addition, a sum of Rs. 5.13 lakhs is being recovered as arrears under the Punjab Land Revenue Act.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 16-11-72].

Recommendation

The Committee regret to note that there has not been satisfactory progress in the disposal of plots and shops developed|constructed at a heavy cost since January, 1962. Of the 2009 residential plots reserved for various purposes, 1109 plots are yet to be utilised. 1046 plots have not yet been fully demarcated and of the remaining plots only 329 could be disposed of so far.

[S. No. 17 (Para 1.103) of Appendix XII to the Report of the P.A.C. (5th Lok Sabha)].

Action taken

Out of 2009 residential plots available in various residential scheme. 786 plots have been earmarked for construction of flats under Group Housing Scheme. 1131 plots have since been disposed of and the remaining 92 plots are likely to be disposed of early.

734 plots, out of 1046 plots have since been demarcated and disposed of. Out of the remaining 312 plots which are still to be demarcated, 91 plots are in Safdarjang Scheme which could not be demarcated and taken possession of for disposal due to unauthorised structures thereon, 146 in Jhil Mil Phase II for which the lay out plan is under revision, 57 plots in Naraina, 15 in Jhil Mil Phase I and 3 in Friends' Colony Plots are still to be demarcated.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 16-11-72].

Recommendation

As regards industrial plots, the Committee hope that with the revision of layout plans, Government will be in a position to dispose them of early. They would like to be informed of the progress in the disposal.

[S. No. 19 (Para 1.105) of Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action taken

All the plots, which were carved out after the revision of layout plans were demarcated as site and have since been disposed of.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 16-11-72].

Recommendation

The Committee do not find any justification for the delay in allotment of shops to squatters covered under 'Gadgil Assurances' as a decision in that regard was taken in March, 1968. They hope that allotment of shops to the squatters and disposal by auction as already decided upon will be done expeditiously.

[S. No. 20 (Para 1.106) of Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action taken

Out of 250 shops available for allotment, 115 shops had already been allotted. 100 shops were put to auction and possession of these shops will be handed over to the successful tenderers shortly. Another 10 shops have been allotted to Delhi Administration for establishing a dispensary there. Further, 8 shops are being allotted to eligible commercial squatters who have accepted the offer. Thus, in all 233 shops stand disposed of. The remaining 17 shops have been kept for eligible commercial squatters whose applications/papers are under examination.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 16-11-72].

Recommendation

The Committee observe that there has been significant increase in the percentage of cases commented upon by the CTE in the year

1969-70. The witness explained the spurt as due to strengthening of staff of the CTE's organisation during 1968-69 and 1969-70 which made it possible to conduct inspection of works during execution more than once. From the data regarding expenditure of the CPWD in the recent years furnished to them, the Committee find that in 1969-70 the works expenditure has registered an increase of nearly 25 per cent over that of the previous year. The Committee have no doubt that Government would keep under review strength of the CTE's organisation to ensure that it can exercise effective check on the expanding activities and rising expenditure of CPWD. Government should also ensure that adequate number of officers from outside CPWD are inducted into CTE to maintain its independence.

[S. No. 21 (Para 1.132) of Appendix XIII to Fifth Report of the P.A.C. (5th Lok Sabha)].

Action taken

The observation of the Committee that the Government would keep under review strength of the CTE Organisation has been noted.

2. The Central Vigilance Commission have not been able to get suitable officers from the State Governments and the Central Government Departments other than the CPWD for the posts of Technical Examiner and Assistant Technical Examiner in the CTE's Organisation. The Commission felt that the existing rate of deputation allowance was not adequate to attract suitable officers. On a suggestion from the Commission the Government have decided vide letter No. 263/570-AVD.II dated 4th December, 1971 (copy enclosed) that the Technical Examiners and the Assistant Technical Examiners appointed in the CTE Organisation on deputation, may be paid special pay at the following rates in place of the deputation allowance:—

Technical Examiner	Rs. 200/- p.m.
Assistant Technical Examiner.	Rs. 75/- p.m.

A further attempt will now be made by the Commission to get nominations of suitable officers for these posts from State Governments and the Central Government Departments other than the Central Public Works Department.

[Department of Personnel O.M. No. 226/3/71-Adv II dated 24-3-72].

IMMEDIATE

No. 263|5|70-AVD. II

DEPARTMENT OF PERSONNEL

CABINET SECRETARIAT

Dated the 4th December, 1971.

To

The Secretary,
Central Vigilance Commission,
New Delhi.

SUBJECT:—*Grant of special pay to Technical Examination etc. in the C.T.E.'s Organisation in the Central Vigilance Commission.*

Sir,

With reference to your u.o. No. 3|7|70-Admn. dated the 1st November, 1971 and in supersession of this Department's letter No. 263/5/70-AVD.II dated the 12th November, 1970 on the subject noted above, I am directed to convey the sanction of the President that the deputation orders contained in the Ministry of Finance O.M. No. 10(24)/E.II(B)/60 dated the 27th January, 1970, will not apply in the cases of Technical Examiner/Assistant Technical Examiners Technical Assistants in the C.T.E.'s Organisation of the Central Vigilance Commission. In other words they will continue to draw pay in the scale of the post plus Special Pay at the rates as sanctioned in the Ministry of Home Affairs letter* No. 263|6|67-AVD.II dated the 13th November, 1969.

2. This issues with the concurrence of the Ministry of Finance (Department of Expenditure) *vide* their U.O. No. 6820-E.III(B) 71 dated the 24th November, 1971.

Yours faithfully,

Sd/- B. C. VANJANI,

Under Secretary to the Government of India.

No. 263|5|70-AVD.II.

Copy forwarded for information to the Accountant General Central Revenues, New Delhi.

Sd/- B. C. VANJANI,

Under Secretary to the Government of India

Copy for File No. 263|7|71-AVD.II.

IMMEDIATE

No 263/6/67-AVD.II
 GOVERNMENT OF INDIA
 MINISTRY OF HOME AFFAIRS

New Delhi, the 13th November, 1969.

To

The Secretary,
 Central Vigilance Commission,
 New Delhi.

SUBJECT:—Grant of special pay to Technical Examiners in the C.T.E.'s Organisation in the Central Vigilance Commission.

Sir,

With reference to your U.O. No. 3/6/67-Admn. dated the 29th July, 1969 on the subject noted above, I am directed to convey the sanction of the President that the undermentioned posts in the Central Vigilance Commission would carry Special Pay at the rates indicated against them over and above the existing scales of pay with immediate effect:

<i>Designation of the post</i>	<i>Scale of Pay</i>	<i>Special Pay.</i>
(1) Technical Examiner.	Rs. 700-40-1100-50/2-1250.	Rs. 200/- p.m. (Rupees two hundred only).
(2) Assistant Technical Examiner.	Rs. 350-25-500-30-590-EB-30-800-EB-30-830-35-900.	Rs. 75/- p.m. (Rupees seventy five only).
(3) Technical Assistant.	Rs. 180-10-290-EB-15-380.	Rs. 50/- p.m. (Rupees fifty only).

2. The above special pay will be admissible to the existing officers who are not getting deputation (duty) allowance and to the officers who are recruited in future.

3. The expenditure involved during the current financial year should be met from within the sanctioned budget grant of Central Vigilance Commission and debited to Major Head "71", C.I. Special Commission of Enquiry, C.I(3)-Central Vigilance Commission, etc.

4. This issues with the concurrence of the Ministry of Finance vide Shri S. Vasudeven Joint Secretary (PER)'s D.O. letter No. 6325-E.III(B)/69 dated the 30th October, 1969.

Yours faithfully,
Sd/- B. C. VANJANI,
Under Secretary to the Government of India.

Recommendation

The Committee would like to be apprised of the final decision of Government in regard to imparting training to the newly recruited overseers. As, according to the C.T.E., there is no improvement over a number of years in the poor quality of wood work, flooring etc., the Committee suggest that the training programme for Assistant Engineers as also for overseers when introduced should be oriented in such a way that they would be capable of detecting such sub-standard works.

[Sl. No. 22 (Para 1.133) of Appendix XII to 5th Report of P.A.C. (5th Lok Sabha)].

Action Taken

A comprehensive scheme for the training of Junior Engineers—fresh recruits as well as existing ones—has been prepared and the same is expected to be put into operation during the current financial year. The syllabus for the proposed training includes specifications for important items of work, supervision of works, site inspection, supervision of earth work, brick work, concrete joinery and wood work, roof works, finishing items, sanitary work sewerage, water supply and road works, etc. While imparting training on these items, care will be taken to make Junior Engineers conversant with common and repetitive types of defects to enable them to detect sub-standard works. They will be shown samples of good and bad workmanship during the site inspections and would be asked to study the Chief Technical Examiner's observation Memos. They will also be given hints on how to improve the quality of works.

So far as the training of Assistant Engineers/Assistant Executive Engineers (direct recruits is concerned, the present training programme includes training in Chief Technical Examiner's Organisation for two weeks where they are made conversant with common and repetitive types of defects in works. Apart from the training in Chief Technical Examiner's Organisation they are under study as

2521 LS-72—3.

Junior Engineers for 10 weeks and Assistant Engineers for 5 weeks in a Construction Circle.

It is hoped that by the above method of training, sufficient knowledge will be acquired by the Assistant Engineers/Junior Engineers to detect sub-standard works.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 13-6-1972].

Recommendation

The Committee note that as many as 2333 observation memos issued by the C.T.E. were pending with the Department as on 31st March, 1970 of which 210 were over two years old and 792 were between 1 year and 2 years. They further find that no time limit for the disposal of such cases has yet been fixed by Government. The Committee would like to emphasise that in future all such pending cases should be reviewed by the Chief Technical Examiner and important ones should be taken up at the higher level pursuing the rest through personal discussion with the appropriate departmental officers with a view to finalising them within the time limit which should be fixed by Government forthwith.

[Sl. No. 23 (Para 1.134) of Appendix XII to 5th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

Efforts to dispose of all the pending observation memos are constantly made. Out of 2333 observation memos pending as on 31st March, 1970, 1221 were disposed of finally upto 29th February, 1972 leaving a balance of 1112. The break up of the pending observation memos is as under:—

	Memos pending as on 31-3-1970.	Memos pending as on 29-2-1972
Over 2 years	210	76
Over 1 year	792	322
Over 3 months and under 1 year.	917	519
Under 3 months.	414	195
	<u>2333</u>	<u>1112</u>

2. Time limit for the disposal of such memos had been fixed by the Engineer-in-Chief, C.P.W.D., New Delhi in his Memo. No.

CEWO|164|6|5|61-W(CE), dated the 1st April, 1964. (Annexure I). According to this Memo, Executive Engineers should send replies to observation memos within one month. Where the reply of the Executive Engineer is not considered satisfactory or there is a difference of opinion, Chief Technical Examiner is required to take up the matter with the Superintending Engineer, who should send a reply within two months. These instructions have been reiterated for adhering to the time limit prescribed therein, vide memo No. CE|Con|530, dated 20-4-72 issued by E-in-C, C.P.W.D., New Delhi (Annexure II).

3. These cases are reviewed by C.T.E.'s Organisation and efforts are made by them to reduce the number of pending cases by way of personal discussion with the officers concerned.

[Ministry of Works and Housing O.M. No. G-25015|2|71, dated 7-6-1972].

ANNEXURE I
CENTRAL PUBLIC WORKS DEPARTMENT

No. CEWO|164|6|5|61-W(CE)

New Delhi dated the 1.4.1964.

SUBJECT:—*Observation Memos issued by the Chief Technical Examiner—disposal of.*

It has now been decided by the Government of India to adopt the following procedure for the disposal of observation Memos. issued by the Chief Technical Examiner in future:—

1. Executive Engineers should send replies to the observation Memos. of Chief Technical Examiner within one month.
2. If the reply of an Executive Engineer on any issue is not considered satisfactory by the Chief Technical Examiner or in the case of difference of opinion between the Chief Technical Examiner and the Executive Engineer, the C.T.E., should take up the matter with the Superintending Engineer. In case there is disagreement between Chief Technical Examiner and Superintending Engineer, it should be for the Superintending Engineer to obtain orders of the Additional Chief Engineer before sending a reply to Chief Technical Examiner. The Superintending Engineer should send a reply to the reference from C.T.E., with-

in two months in all cases, including those where he has to obtain the orders of Additional Chief Engineer.

It is enjoined on all concerned that the procedure in question should be followed strictly and there should be no delay in disposal of observation memos. issued by Chief Technical Examiner.

Sd/- R. RAMACHANDRAN,
for Chief Engineer.

Dated the 25th March, 1964.

To

As per standard list.

ANNEXURE II

CENTRAL PUBLIC WORKS DEPARTMENT

No. CE/Con/530

Date New Delhi, the 20th April, 1972.

MEMORANDUM

SUBJECT:—Observation Memos issued by the Chief Technical Examiner—Speedy disposal of.

A copy of this office Memo. No. CEOW/164/6/5/61-W(CE) dated 1-4-1964 (See Annexure I) and No. 4(27)/69-A&C-W(CE) dated 24-7-1971 on the subject cited above is sent herewith for reference.

It is enjoined on all concerned that the procedure laid down in above mentioned Memos. should be followed strictly and there should be no delay in disposal of observation/memos issued by C.T.E. All efforts should be made to decide the cases within the prescribed period as laid down in the above mentioned memos.

The receipt of this Memo. may please be acknowledged.

(Sd/-) R. K. AGARWAL,
for Chief Engineer.

To

All Chief Engineers, Superintending Engineers,
Executive Engineers etc.

CENTRAL PUBLIC WORKS DEPARTMENT

No. 4(27) | (9) | A&C (EinC) Dated New Delhi, the 24th July, 71.

MEMORANDUM

SUBJECT:—*Reporting the result of investigation in cases of lapses pointed out by the C.T.E. in connection with Technical Examination of C.P.W.D. works.*

With a view to make the Chief Technical Examiner's Organisation more effective, the Estimates Committee on the Ministry of Home Affairs, Central Vigilance Commission in their 84/110th Report (Fourth Lok Sabha), observed that the C.T.E.'s Organisation should forward, through the C.V.C., the result of its inspection/examination in the form of a report either to the C.E./E. in C., C.P.W.D. or the administrative Ministry, depending upon the gravity of the lapses pointed out. The Committee further desired that the Central Vigilance Commission should be informed of the result of the investigation and action proposed to be taken in pursuance thereof within a reasonable time.

The Central Vigilance Commission suggested that a time limit of six months might be prescribed for disposal of such cases. The matter has been considered and the Ministry of W. & H., New Delhi have agreed to the above suggestion of the Central Vigilance Commission.

It is, therefore, enjoined on all concerned to ensure that timely steps are taken at every stage while processing an individual case so that the Central Vigilance Commission informed of the results of investigations and action proposed to be taken in respect of such cases invariably within a period of six months, from the date of receipt of the C.T.E.'s Report containing the lapses.

The receipt of the Memo may please be acknowledged.

Sd - R. K. AGRAWAL.
for Engineer-in-Chief.

To

All Chief Engineers, CPWD
Copy forwarded for information to:—

(1) The Deputy Secy. to the Govt., of India, C.V.C.

3-Dr. Rajindra Prasad Road, New Delhi.

(Ref. his letter No. 1571-R, dated 6-5-71 to the N/O W&H,
New Delhi.

(2) The C.T.E., Min. of Home Affairs, Central Vig. Commission,
Jaisalmer House, New Delhi.

Sd/- R. K. AGRAWAL,
for Engineer-in-Chief.

Recommendation

Finally the Committee would like to point out the need for expeditious finalisation of disciplinary cases against the delinquent officers as well as action against the contractors as that alone will act as an effective deterrent against recurring irregularities/lapses.

[S. No. 24 (Para 1.135) of Appendix XII to P.A.C.'s 5th Report
(5th Lok Sabha)].

Action Taken

A similar point had been raised by the Estimates Committee on the Ministry of Home Affairs, Central Vigilance Commission, in their 84th/110th Report (4th Lok Sabha). The Central Vigilance Commission suggested a time limit of 6 months for the disposal of cases referred to Chief Engineer or Engineer-in-Chief C.P.W.D., or the administrative Ministry depending upon the gravity of lapses. This has been accepted by Government and necessary instructions issued in Memo. No. 4(27)69-A&C (E in C) dated 24th July, 1971 (copy attached) enjoining on all concerned to ensure that timely steps are taken at every stage while processing an individual case so that Central Vigilance Commission might be informed of the results of investigations and action proposed to be taken within a period of 6 months, from the date of the receipt of C.T.E's report containing the lapses.

[Ministry of Works and Housing O.M. No. G-25015/2/71-Bt. dated
7-6-1972].

Recommendation

The Committee deem it unfortunate that the fixation of rent for the shops constructed at Janpath took nearly 2 years after the decision was taken to allot them to the stall holders in August, 1968. The official representative of the Department of Works and Housing and Urban Development gave the Committee to understand during evidence that the rate of Rs. 1.42 as finally fixed was the economic rent according to the conventional formula of the C.P.W.D.

The Committee would like to be informed whether all the shops have since been allotted.

The Committee would like Government to ensure that the rent at the rate already fixed is recovered in time and no arrears are allowed to be accumulated.

[S. Nos. 25, 26 and 27 (Paras 1.144—1.146) of Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

The economic rent of the shops was worked out at Rs. 1.42 per sft. by the C.P.W.D.

All the 29 shops have since been allotted and occupied.

All the necessary steps are being taken to ensure that the rent at the rate already fixed is recovered in time and no arrears are allowed to be accumulated. At the end of July, 1971, a sum of Rs. 8,592.41 was due from the allottees of the Market. However, there is no case where the arrears are 4 months or more old.

[Ministry of Works and Housing O.M. No. G-25015|2|71-Bt. dated 15-1-1972].

Recommendation

The Committee deprecate the delay of four years in providing permanent electric connection to the 224 shops constructed near INA Colony. The delay was mainly due to Government's failure to make available an acceptable plot of land to DESU for purpose of erecting a sub-station. The site which was allotted for the third time in September, 1970 was not approved by the Town Planner, M.D.C. The Committee are unable to appreciate how the site selected for the sub-station in the first instance could be utilized for the construction of an additional lavatory block in October 1966. Again the construction work of the Sub-Station on the second site allotted had to be suspended as it belonged to Civil Aviation Department, who objected to the construction. All these point to lack of proper co-ordination which the Committee hope will not be allowed to occur in future.

[S. No. 28 (Para 1.160) of Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

The observations of the Committee about the lack of proper co-ordination in the matter of allotment of land to the DESU for erecting a sub-station for the shopping centre have been noted and necessary instructions (copy enclosed) have been issued to concerned

officers to ensure that such lack of coordination is not allowed to occur in future.

[Ministry of Works and Housing O.M. No. G-25015|2|71-Bt. dated
14-1-1972].

**MOST IMMEDIATE
PUBLIC ACCOUNTS COMMITTEE**

No. 13011(10)|70-Pol. I

GOVERNMENT OF INDIA

**MINISTRY OF WORKS AND HOUSING
(DIRECTORATE OF ESTATES)**

Dated, New Delhi, the 24th September, 1971.

MEMORANDUM

SUBJECT:—Conclusions|Recommendations of the Public Accounts Committee contained in their Fifth Report (Fifth Lok Sabha) on para 44 of Audit Report (Civil) 1970—Shopping Centre near INA Colony.

The observations of the Public Accounts Committee contained in Para 1.160 of their Fifth Report (Fifth Lok Sabha) regarding lack of proper coordination in the matter of Government failure to make available an acceptable plot of land to the Delhi Electric Supply Undertaking for purposes of erecting a sub-station at the shopping centre near INA Colony are forwarded for information and guidance. It may please be ensured that lack of proper coordination in such matters is not allowed to occur in future.

(Sd/-) R. B. SAXENA,
Deputy Director for Estates.

To

1. The Under Secretary (Lands),
Ministry of Works and Housing,
New Delhi.
2. The Chief Engineer (NDZ),
C.P.W.D., New Delhi.
3. The Works Division (Shri N. N. Maitra),
Ministry of Works and Housing,
New Delhi.

**EXTRACTS OF PARA 1.60 FROM THE PUBLIC ACCOUNTS COMMITTEE 1971-72
(FIFTH LOK SABHA) FIFTH REPORT**

1.160. The Committee deprecate the delay of four years in providing permanent electric connection to the 224 shops constructed near

INA Colony. The delay was mainly due to Government's failure to make available an acceptable plot of land to DESU for purpose of erecting a sub-station. The site which was allotted for the third time in September, 1970 was not approved by the Town Planner M.C.D. The Committee are unable to appreciate how the site selected for the sub-station in the first instance could be utilized for the construction of an additional lavatory block in October, 1966. Again the construction work of the sub-station on the second site allotted had to be suspended as it belonged to Civil Aviation Department, who objected to the construction. All these point to lack of proper coordination which the Committee hope will not be allowed to occur in future.

Recommendation

The Committee deplore the lack of proper planning revealed in this case. 821.13 acres of land acquired between April, 1965 and April, 1966 have not been utilised as yet for the intended purpose due to "paucity of funds". Out of these, 50 acres are proposed to be given to the Ministry of Defence for one of their projects and another 50 acres are proposed to be developed for the sale of plots to Indian residents abroad. Further 587 acres have been let out for cultivation. In view of these facts, the Committee would like Government to review the scheme as a whole and take action to put the land to best use.

[S. No. 30 (Para 1.170) of Appendix XII to PAC's 5th Report
(5th Lok Sabha)].

Action Taken

A Master Plan is being prepared for the construction of office accommodation as well as residential accommodation on the area of land already acquired by Government. The area is proposed to be developed as an integrated complex where all necessary civic facilities will be made available. It will also be necessary to arrange for water supply, electricity and public transport.

It will be appreciated that implementation of the Plan would depend on the availability of the required funds and other material resources.

[Ministry of Works and Housing O.M. No. G-25015/271, dated
12-7-1972]

Recommendation

The Committee take serious notice of disregard of rules by Public Works Department Officers which has resulted in a huge accumulation of claims in regard to inter divisional transactions over a number of years. The Committee find that there has been a clearance of Rs. 154.02 lakhs since the matter was included in the Audit Report. This shows that the officers had not been alert in the past. With the issue of strict instructions in July, 1970, the Committee hope that these transactions will be settled promptly in future.

[S. No. 31 (Para 1.179) of Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

The recommendation has been noted for future compliance.

[Ministry of Works and Housing O.M. No. G-25015/34/70-Bt. dated 12-5-1972].

Recommendation

The Committee note that the agreements with the Architects 'A' and 'B' were rescinded due to a decision taken in September, 1968 on a representation from cycle dealers to increase the floor area of the cycle markets to 300'. Earlier in April, 1957 when it was decided to amend the Master Plan to have a floor area of 300' in the Jhandewalan Extension market zone Government did not examine whether increase in floor area was justified in the case of cycle markets. Had this been done, at least a portion of the infructuous expenditure could have been avoided. However, as the Vice-Chairman, Delhi Development Authority stated that there had been actually a net saving of Rs. 24,000 due to partly awarding the work finally to Architect 'C' and partly carrying out the work departmentally, the Committee would not like to pursue the matter further except to point out that the rate for designing originally settled with Architects 'A' and 'B' was abnormally high. The Committee hope that the Department will be circulated in future.

[S. No. 32 (Para 1.98) of Appendix XII to the 6th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

Suggestions have been noted for future guidance. These have also been brought to the notice of Delhi Development Authority for compliance.

[Ministry of Works and Housing O.M. No. G-25015/2/71-Bt., dated 16-11-72].

Recommendation

The Committee understand that the irregularities committed by the officers concerned in this case are being looked into by the Vigilance Unit of the C.P.W.D., and that on receipt of its findings departmental action will be taken. The Committee would like the investigation to be expedited and the action taken against the delinquent officials intimated to them at an early date.

[S. No. 33 (Para 1.212) of Appendix XII to 5th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

The Central Vigilance Commission have advised that the officers concerned may be warned to be more careful in future to avoid the lapses. The warnings have been issued on 25th and 26th April, 1972.

[Ministry of Works and Housing O.M. No. G-25015/2/71-Bt., dated 13-6-72].

Recommendation

The Committee further note that Government's claim for the recovery of overpayment of Rs. 76,463 has been referred to arbitration. The Committee may be apprised of the outcome of the arbitration proceedings.

[S. No. 34 (Para 1.213) of Appendix XII to 5th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

Out of the claim of Rs. 76,463.64 of the Government the arbitrator has awarded Rs. 20,317.71 in favour of the Department. After adjustment of this amount, the net amount of award in favour of contractor comes to Rs. 75,547.88 which has been accepted by the Government.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 13-6-1972].

Recommendation

One more aspect of this case to which the Committee would like to draw attention of Government is the grant of extension of time to the contractor for the completion of work. None of the three grounds on which extension was given seems to be valid. Firstly heavy monsoon in the area could not have been unforeseen and secondly permit for stone builders the delay in issue of which reportedly held up the departmental clearance of stone samples, was actually granted by the State Government in February, 1963 within three months from the date of request. The Committee wonder how extension of time could be granted on such patently untenable grounds. As no penalty could be recovered from the contractor the Committee would like to be assured that there was no *malafide* behind the grant of extension.

[S. No. 35 (Para 1.214) of Appendix XII to 5th Report of the PAC
(5th Lok Sabha)].

Action Taken

The extension of time granted by the Superintending Engineer was considered as justified by the Vigilance Unit of the Central P.W.D., and no *malafide* behind such extension was established.

[Ministry of Works and Housing O.M. No. G-25015/271-Bt. dated
(5th Lok Sabha)].

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN THE LIGHT OF THE REPLIES OF GOVERNMENT

Recommendation

One of the reasons for lack of response from the Public for the residential plots is that, they were not fully developed in the sense that all the necessary ancillary services have not yet been provided, as in the case of Pankha Road Scheme, where 935 plots are still awaiting disposal. Further prospective buyers of plots are stated to be interested in smaller plots upto 200 sq. yards. The Committee would like Government to see that water, sewerage, electricity etc., are provided promptly so that there may not be that undesirable time-lag between the development of plots and their disposal. Further, Government may consider whether it is desirable in the interest of quicker disposal of these plots to carve them into smaller ones for which there appears to be demand.

[S. No. 18 (Para 1.104) of the Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

Pankha Road Residential Scheme is now fully developed and water, electricity and sewerage facilities are available there. The public response is growing in this area. Now, (as on 31-3-72) only 582 plots remain to be disposed of and their disposal is also being done gradually.

Since a number of plots have already been disposed of according to the composite layout plans in this scheme, it is not feasible to change the layout plan now and carve out smaller plots out of the bigger plots which are scattered and not available at one place. Moreover, the remaining plots are likely to be disposed of early.

[Ministry of Works and Housing O.M. No. G-25015|2|71-Bt. dated 16-11-72].

CHAPTER IV
RECOMMENDATIONS/OBSERVATIONS REPLIES TO WHICH
HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND
WHICH REQUIRE REITERATION

—NIL—

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH GOVERNMENT HAVE FURNISHED REPLIES

Recommendation

The Committee are not satisfied with the decision taken by Government to allow *status-quo* to continue in regard to as many as about 850 cases of allotments prior to 1958 where licence/lease deeds have not been got executed from the allottees. They desire that the matter should be placed on sound legal basis in further consultation with the Ministry of Law.

[S. No. 5 (Para No. 1.38) of the Appendix XII to the 5th Report (5th Lok Sabha)].

Action Taken

The Ministry of Law has been requested for further advice regarding execution of lease/licence deeds in the case of 850 shopkeepers so that the matter is placed on sound legal basis. Public Accounts Committee will be apprised of further developments in the matter in due course.

[Ministry of Works and Housing O.M. No. G-25015/2/71-Bt. dated 16-2-72].

Recommendation

The Committee are unable to appreciate how Municipal Corporation of Delhi which was executing the scheme, as an agent overlooked this basic fact and under the mistaken impression that it was the owner of the sites, executed 28,522 lease deeds in the name of the Corporation. The Committee are at a loss to know how this fact was overlooked although Government came to know that the deeds were being executed in the name of Corporation as early as 1962. The Committee were, however, informed that in cases where licence fees were to be paid no charge would be required and that with regard to 17,000 plots of 80 sq. yards which the Municipal Corporation of Delhi entered into leases. Government were planning to have leases re-executed in the name of President of India. There

has not been any progress in the re-execution in view of the fact that in a large number of cases plots have changed hands and that legal advice has been sought for in the matter. The Committee desire that lease deeds wherever necessary should be got re-executed expeditiously.

[S. No. 14 (Para 1.82) of Appendix XII to the 5th Report of the P.A.C. (5th Lok Sabha)].

Action Taken

This is under consideration of Government.

[Ministry of Works and Housing O.M. No. G-25015/2/71-Bt. dated 16-11-1972].

Recommendation

As regards "Binami" transfers referred to in the Audit Paragraph, the Committee were informed that the legal requirements for regularising these transfers were being checked up. The Committee desire that this should be expedited. Effective measures should also be taken to prevent any occasion for such "Binami" transfers in future.

[S. No. 15 (Para 1.83) of Appendix XII to the 5th report of the Public Accounts Committee (5th Lok Sabha).]

Action Taken

This is under consideration of the Government.

[Ministry of Works and Housing O.M. No. 25015/2/71-Bt. dated 16th November, 1972].

Recommendation

From the evidence tendered before them, the Committee carry the impression that the Super Bazar had taken more accommodation than needed with the result that 76 shops had to be surrendered as even after provision of electricity the Super Bazar is reported to be unwilling to take back these shops. Now Government are faced with a situation in which they are unable either to rent out the shops due to lack of demand from public or to carry out their original plan of clearing the area of vegetable sellers as all of them could not be accommodated in the shops surrendered by the Super Bazar. The Committee have, in their Tenth Report (Fifth Lok Sabha) dealt with the problem of excessive selling space and the disproportionately high rent liability of the Super Bazar.

The Committee would like to know the results of Government's effort to settle the dues of the Super Bazar in respect of the shops surrendered by them as also to get the licence deed executed in respect of shops retained by them.

[S. No. 29 (Para. 1.161) of Appendix XII to the 5th Report of the Public Accounts Committee (5th Lok Sabha)].

Action Taken

The observations of the Public Accounts Committee that the Super Bazar had taken more accommodation than needed have been conveyed to the Ministry of Agriculture (Department of Co-operation) for information and guidance.

It has since been decided, after giving due consideration to the view of the Super Bazar authorities that they must pay the outstanding dues amounting to Rs. 1,70,246.75 in respect of the 76 surrendered shops for the period they remained with them. The Super Bazar authorities have been asked to pay this amount at an early date. They are also being pressed for executing licence deed for the shops with them and to deposit necessary surety and one month's advance licence fees. Further developments in the matter will be intimated to the Public Accounts Committee in due course.

[Ministry of Works and Housing O.M. No. G-25015/2/71-Bt. dated 14th January, 1972].

Recommendation

The Committee note that Governments' claim for Rs. 5.06 lakhs against the Central Road Transport Corporation has been referred to arbitration. The Committee would like to be apprised of the outcome.

[S. No. 36 (Para. 1.228) of Appendix XII to the 5th Report of the Public Accounts Committee 1971-72 (5th Lok Sabha).]

Action Taken

The Union of India filed an application dated the 16th November, 1971 before the Sole Arbitration in this case stating that they would make an effort to reach an amicable settlement with the respondent. For this, a period of three months' time was prayed for to enable the Union of India to settle the matter outside arbitration.

Accordingly, the Sole Arbitrator in his Order Sheet dated 26th November, 1971 decided to take up the matter after March, 1972. Public Accounts Committee will be apprised of further developments in the matter in due course.

[Ministry of Works and Housing O.M. No. G-25015|2|71-Bt. dated 28th March, 1972].

NEW DELHI;
6th December, 1972.

Agrahayana 15, 1894 (S).

ERA SEZHIYAN,
Chairman,
Public Accounts Committee.

APPENDIX

SUMMARY OF MAIN CONCLUSIONS/RECOMMENDATIONS

S. No.	Para No.	Ministry/Deptt. concerned	Conclusion/Recommendation
1	2	3	4
1	1.4	Works and Housing	The Committee hope that final replies in regard to those recommendations to which only interim replies have so far been furnished will be submitted to them expeditiously after getting them vetted by Audit.
2	1.8	-do-	The Committee note that the cases of arrears of rent in respect of shops in the various markets are now being processed under the Public Premises (Eviction of unauthorised Occupants) Act, 1971. The Committee desire that the cases should be processed expeditiously. Every effort should be made to recover the arrears within a target date to be fixed by Government. While recovery of arrears should be given priority, impression should not be allowed to be created that in 'hardened cases' eviction will not be resorted to.
3	1.11	-do-	In regard to 850 cases of allotments prior to 958 where license/ lease deeds had not been yet executed from the allottees, the Committee have been given to understand that the Ministry of Law has been requested for further advice. The Committee wish that the

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process of consultation with the Ministry of Law should be hastened as it is desirable in their view that placing on a sound legal basis of these 850 allotments made prior to 1958 is completed without any avoidable delay

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I. 14

Works and Housing

The Committee learn that the entire scheme for the removal of Juggles and Jhonpries in Delhi is under revision. They desire that the details of the revised scheme as finally evolved should be intimated to them.

I. 17

-do-

The Committee note that the accounts for the years 1961-62 to 1964-65 have since been reconstructed and that Audit have been requested to check them. The accounts for the years 1965-66 to 1967-68 are still under compilation by the Special Cell set up for the purpose. The Committee need hardly stress that the compilation of the accounts up to 1967-68 should be completed within a target date to be fixed and got audited early. The results of the audit may be intimated to the Committee.

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I. 20

-do-

The Committee would like to know the extent and nature of diversion of funds from the Scheme and also the action taken to recover/adjust the amount after the audited accounts become available.

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I. 21

-do-

The Committee are unhappy to note the delay in the reconstruction of property registers which was stated to be nearing comple-

tion when evidence was tendered before them in July, 1970. They would like this to be completed early.

8 1 24 -do-

It was urged before the Committee that as soon as Government were able to decide about the ownership of plots, recovery would improve. Now that it has been proposed not to give plots on ownership basis to the jhunggi dwellers, the Committee are of the view that recovery of outstanding dues does not brook any further delay. They accordingly desire that the progress of recovery should be reviewed periodically by the Ministry.

9 1 27 -do-

Although the Committee were informed in July, 1970 that with regard to 17,000 plots of 80 sq. yards each where the Municipal Corporation of Delhi had entered into lease Government were planning to have them re-executed in the name of President of India, the question is stated to be still under consideration. The therefore, wish to reiterate that the re-execution of the lease deeds should be done expeditiously.

10 1 30 -do-

As regards 'Benami' transfers the Committee were informed in July, 1970 that the legal requirements for regularising the transfers were being checked up and that it would be settled in about two months. It is indeed surprising that the matter is still under consideration of Government. The Committee would urge that there should be no further delay in obtaining legal opinion and initiating follow up action.

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Works and Housing

The Committee would like to be informed of the measures proposed to be taken by Government to prevent "Benami" transfers in future as already suggested by them.
