

**COMMITTEE  
ON  
PAPERS LAID ON THE TABLE  
(1981-82)**

(SEVENTH LOK SABHA)

**TENTH REPORT**

*(Presented on*

8 MAR 1982



**LOK SABHA SECRETARIAT  
NEW DELHI**

*January, 1982/Magha, 1903 (Saka)*

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**PERSONNEL OF THE COMMITTEE ON PAPERS LAID ON THE  
TABLE (1981-82)**

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4. Prof. Ajit Kumar Mehta
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10. Prof. Nirmala Kumari Shaktawat
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12. Kumari Pushpa Devi Singh
13. Shri Mohd. Yusuf

**SECRETARIAT**

Shri S.D. Kaura - Chief Legislative Committee Officer

Shri S.S. Chawla - Senior Legislative Committee Officer

## INTRODUCTION

1. The Chairman of the Committee on Papers laid on the Table of the House, having been authorised by the Committee to present the Report on their behalf, present this their Tenth Report.

2. The Committee considered the clarifications sought in respect of (i) laying before Parliament the Annual and Audit Reports of Institutions receiving grants from the Planning Commission; (ii) laying on the Table of the House Annual Reports and Audit Reports of Cooperative Societies functioning under the Coal Mines Labour Welfare Fund Organisation; and (iii) laying on the Table of the House Annual Reports and Audit Reports of the Indian Society of International Law, New Delhi and came to certain conclusions in this regard. The Committee also examined the question of delay in laying the Notification issued by the Government of Assam under the Essential Services Maintenance (Assam) Act, 1980 and have made certain recommendations.

3. The Committee considered and adopted this Report at their sitting held on 21 January, 1982.

4. A statement giving summary of recommendations|observations of the Committee is appended to the Report (Appendix-V)

NEW DELHI;

RAJENDRA KUMARI BAJPAI

21 January, 1982

Chairman,

1 Magha, 1903 (S).

Committee on Papers laid on the Table

## CHAPTER I

### CLARIFICATION REGARDING LAYING BEFORE PARLIAMENT THE ANNUAL AND AUDIT REPORTS OF INSTITUTIONS RECEIVING GRANTS FROM THE PLANNING COMMISSION

1.1. The Planning Commission have sought clarification on the question of requirement of laying on the Table of the House the Annual and Audit Reports of certain bodies|Institutions to whom the Commission give grants. In this connection, they have, in their communication dated 17 April, 1980, stated as under:

"...As far as the Planning Commission is concerned the following are the bodies/institutions to whom grants are given:

- (i) The Institute of Applied Manpower Research, New Delhi.
- (ii) The Institute of Economic Growth, Delhi.
- (iii) The Administrative Staff College of India, Hyderabad.
- (iv) The Institute of Development Studies, University of Mysore.
- (v) Grants to various Institutions for conducting Research Studies.

2. (i) *The Institute of Applied Manpower Research, New Delhi.*

The Annual Report and Accounts of the Institute of Applied Manpower Research, New Delhi, for the year 1978-79 together with the Auditor's Report on it and Review by Government on the Working of the Institute was laid on the Table of Lok Sabha on March 19, 1980.

As regards the other Institutions, the position is explained below:—

(ii) *The Institute of Economic Growth, Delhi, (University of Delhi).*

The programme of training was initiated 10 years back with a view to augment the planning capabilities of personnel engaged in development planning. The Institute of Economic Growth has conducted 5 courses for officers at various levels in the States and Centre on the subject of 'Investment Planning and Project Evaluation'. The grant-in-aid released for the year 1979-80 on this is of the order of Rs. 3.89 lakhs.

(iii) *The Administrative Staff College of India, Hyderabad.*

The training programme at the Administrative Staff College, Hyderabad is on the subject of 'multi level Regional Planning'. This programme was taken up on an ad-hoc basis in 1976-77 initially for two years on the basis of a cost estimate of Rs. 2.85 lakhs annually. But due to certain difficulties, the actual operation of the training programme was delayed and as such the provision of grant-in-aid is being made even after 2 years. The performance of the programme would be intensively reviewed before an allocation of funds is made in subsequent years.

(iv) *The Institute of Development Studies (University of Mysore)*

An ad hoc grant of Rs. 25,000/- has also been released during 1979-80 to the institute of Development Studies (University of Mysore) to meet certain specified expenditure relating to the Correspondence course on 'Micro-Level-Planning.'

The three schemes mentioned at para 2(ii), (iii) and (iv) are Plan Schemes. The concerned Institute is required to furnish regular statement of account and utilisation certificates after availing of the grant-in-aid.

3 (v) *Grant to Institute for conducting Research Studies*

In addition to the above schemes, the Planning Commission also give grants to various institutions on purely ad hoc nature for conducting research studies. Reports on such studies sponsored and assigned to the Institutions are received in the Commission along with audited statements of accounts. On the basis of these statements utilisation certificates are issued by the Planning Commission to Pay & Accounts Office (Planning Commission/AGCR). The total grant for conducting such studies for the year 1978-79 amounts to Rs. 10.31 lakhs and is distributed as per list enclosed (see Appendix 1).

The Planning Commission, has, however, no control over the functioning of the Institutions to whom grants are given nor has any concern with their overall financial position. It will be observed from the enclosed statement that on an average only an amount of about Rs. 50,000/- would have been given to each Institute for specific research study assigned to them by Planning Commission. In all cases, as usual, utilisation certificates would be issued in each of these cases after obtaining Audited statement of accounts for the amounts disbursed by the Planning Commission.

As will thus be seen that the grants are given for specific purposes and it is not possible to get Annual Reports prepared for such work. Further this forms a very minor part of the activities of Institutes to whom grants are given. In all the cases, however, the requirement of the audit (i.e., audited statements and utilisation certificates) is met. In view of the position explained in the foregoing paragraphs, obtaining of Annual Reports for all the four institutes mentioned at Nos. (ii) to (v) in para I above, for being laid on the Table of the House is not required. This may kindly be confirmed."

1.2. The Committee on Papers laid on the Table have, in paragraph 1.12 of their Second Report (Sixth Lok Sabha), recommended as under:

"1.12. The Committee, therefore, recommend that all Statutory/Autonomous Organisations, Public Undertakings, Corporations, Joint ventures, Societies etc., which are financed out of funds drawn from the Consolidated Fund of India, after being voted by the Parliament, in the form of shares, subsidies, grants-in-aid etc. either wholly or partly should lay their Annual Reports/Audit Reports (both English and Hindi versions) before both Houses of Parliament irrespective of the fact whether the Statutes, Rules or Regulations of such organisations provide therefor or not and whether they are registered under the Companies Act, 1956 or not."

1.3. The Committee note that out of all the institutions/bodies enumerated in their communication dated 17 April, 1980, the Planning Commission lay before Parliament the Annual and Audit Reports of only one Institution, namely, the Institute of Applied Manpower Research, New Delhi. The Committee further note that the Annual and Audit Reports of other institutions/bodies are not laid on the Table of the House because the Commission do not exercise any financial or administrative control over them inasmuch as the grants to those institutions/bodies are given to meet expenditure on some specific purpose or some specific research study assigned to them by the Commission. The Committee also note that in respect of the grants given by the Commission, the requirement of Audit, i.e. issue of utilisation certificate and statement of audited accounts, is met.

1.4. The Committee are satisfied with the explanation of the Planning Commission that as the Commission had no financial or administrative control over the institutions whom grants were given

for specific research work, the laying of Annual Reports and audited accounts of the institutions under reference may not be insisted upon. The Committee, however, desire that the Planning Commission should, in future, include in their own Annual Reports a brief Chapter showing the quantum of funds provided to each of these institutions/bodies alongwith the purpose for which the funds were sanctioned for the information of Members of Parliament.



## CHAPTER II

### LAYING ON THE TABLE OF THE HOUSE ANNUAL REPORTS AND AUDIT REPORTS OF COOPERATIVE SOCIETIES FUNCTIONING UNDER THE COAL MINES LABOUR WELFARE FUND ORGANISATION

2.1. The Committee on Papers laid on the Table in paragraph 1.12 of their Second Report (Sixth Lok Sabha) had recommended:

“...all Statutory/Autonomous Organisations, Public Undertakings, Corporations, Joint Ventures, Societies etc., which are financed out of funds drawn from the Consolidated Fund of India, after being voted by the Parliament, in the form of shares, subsidies, grants-in-aid, etc., either wholly or partly should lay their Annual Reports/Audit Reports (both English and Hindi versions) before both Houses of Parliament irrespective of the fact whether the Statutes, Rules or Regulations of such organisations provide therefor or not and whether they are registered under the Companies Act, 1956 or not.”

Again, in paragraph 2.5 of their Ninth Report (Sixth Lok Sabha), the Committee had recommended:

“.....the Annual Reports and Audit Reports of Cooperative Societies registered under the Cooperative Societies Acts, which are financed out of funds drawn from the Consolidated Fund of India, should invariably be laid before both Houses of Parliament.”

2.2. The Ministry of Energy (Department of Coal), while seeking clarification on the question of laying of Annual and Audit Reports of various Central Consumers Cooperative Stores and Credit Societies functioning under the Coal Mines Labour Welfare Fund Organisation stated: “Under the Coal Mines Labour Welfare Fund Organisation, there are various Central Consumers Cooperative Stores and credit societies which are financed from the Coal Mines Labour Welfare Fund by way of share Capital, loan for Stock-piling of essential goods, clean cash credit, etc.

The Coal Mines Labour Welfare Fund has been constituted with income from cess on the despatches of coal and coke under the Coal Mines Labour Welfare Fund Act, 1947, (XXXII of 1947) with the aim of promoting welfare of Labour employed in the coal mining

industry including housing and provision of dispensary services. The Cooperative movement is one of the welfare schemes of the Coal Mines Welfare Organisation which is financed by way of grant of loan, share capital, clean credit loan etc. from the Coal Mines Labour Welfare Fund. The income of the Coal Mines Labour Welfare Fund derived from collection of cess on the despatches of coal and coke is credited to a fund called the Coal Mines Labour Housing and General Welfare Fund and apportioned under two separate accounts, called the Housing Account of the Fund and the General Welfare Account of the Fund, in such manner as the Central Government from time to time may, by notification in the official Gazette determine. At present, these two Accounts are apportioned in the ratio of 2 : 3. All the expenditure on welfare schemes including Cooperatives (other than Housing) are met from the General Welfare Account.

The proceeds of the Coal Mines Labour Welfare Fund are transferred to the Reserve Fund and the expenditure of the Coal Mines Welfare Organisation forms part of the Demands of the Ministry as a whole which is finally set off by contra-debit from the fund. In view of this position it would appear that financial assistance given to the Cooperative Stores/Credit societies from the Coal Mines Labour Welfare Fund, is strictly speaking, not drawn from the Consolidated Fund of India but from a Statutory Fund. Accordingly, Cooperative Stores/Credit Societies under the Coal Mines Labour Welfare Fund Organisation do not appear to come under the purview of the recommendation of the Committee on Papers laid on the Table.

Therefore, it is felt that the Annual Report/Audit Report etc. in respect of these Stores/Credit Societies need not be laid on the Table of both the Houses of Parliament."

2.3. The number of such Central Consumers Cooperative Stores and Credit Societies under the Coal Mines Labour Welfare Fund Organisation and the amount of funds kept at the disposal of each Cooperative Store/Society during the last three years are given in Appendix-II.

2.4. When asked to furnish information regarding the quantum of funds granted to the Coal Mines Labour Welfare Fund Organisation by Government during the last 3 years, the Ministry of Energy (Department of Coal) stated:

"No funds are granted to the Coal Mines Labour Welfare Organisation by the Central Government. The expenditure is met from the Coal Mines Labour Housing and General

Welfare Fund which has been constituted with income from cess on all coal and coke despatched from collieries, levied under Section 3 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947). The Fund is at present apportioned between two accounts—General Welfare Account and the Housing Account in the ratio of 3:2. Welfare measures for coal miners (other than Housing) are financed from the General Welfare Account, while expenditure on housing schemes for coal miners is met from the Housing Account of the Fund. It is administered by the Central Govt. in the Department of Coal on the advice of the Coal Mines, Labour Welfare Fund Advisory Committee which is a tripartite body and has a finance Sub-committee also tripartite in character, to advise it on all financial matters.”

2.5 As to the nature of control exercised by the Ministry over the organisation, the Committee were informed that the Coal Mines Welfare Organisation is a subordinate office of the Government under the Department of Coal, and is subjected to the normal exercise of control as laid down in the procedure.

2.6. The Ministry also informed the Committee that in Bihar and Madhya Pradesh, the accounts are audited by the auditors of State Government and in West Bengal by the Chartered Accountants authorised by the State Government.

2.7. The Ministry of Energy (Department of Coal) also intimated that the cess levied under Section 3 of the Coal Mines Labour Welfare Fund Act, 1947 is transferred to a Reserve Fund i.e. the Coal Mines Labour Housing and General Welfare Fund. The expenditure on the General Welfare Scheme and the Housing Schemes under the Act including the expenditure on the Coal Mines Labour Welfare Organisation forms part of the Budget of the Department of coal in the first instance and is voted by Parliament which is debitable to the Fund mentioned above.

2.8. As regards Annual Reports and Audit Reports of the Organisation the Ministry informed: “Only the Annual Report of the Coal Mines Labour Welfare Organisation is laid on the Table of both the Houses of Parliament on the recommendation of the 20th Report of the Public Accounts Committee.”

2.9. The Annual Reports for 1979-80 and 1980-81 were laid on the Table of the House on 23 December, 1981. The Accounts of the Organisation are not laid on the Table of the House as, according to the Ministry, there is no provision either in the Coal Mines Labour

Welfare Fund Act or Rules made thereunder for laying the accounts before Parliament.

2.10. The Committee note that the Coal Mines Labour Welfare Fund Organisation does not receive any funds from the Government and that the expenditure of the Organisation is met from the Coal Mines Labour Housing and General Welfare Fund which is a Statutory Fund and which is constituted with income from cess on all coal and coke despatched from collieries. The Committee further note that there are 12 Central Cooperative Stores and 197 Credit Societies financed from the General Welfare Accounts of the Coal Mines Labour Housing and General Welfare Fund of the Organisation

2.11. Since the Cooperative Stores and Credit Societies functioning under the Coal Mines Labour Welfare Fund Organisation do not receive any funds from the Government, the Committee do not insist upon the laying of their Annual and Audit Reports on the Table of the House. The Committee, however, desire that the Coal Mines Labour Welfare Fund Organisation should in their future Annual Reports, give a brief account of the functioning of these Cooperatives along with the funds kept at their disposal during the relevant accounting year, for the information of Members of Parliament.

### CHAPTER III

#### LAYING ON THE TABLE OF THE HOUSE ANNUAL REPORTS AND AUDIT REPORTS OF THE INDIAN SOCIETY OF INTERNATIONAL LAW, NEW DELHI

The Ministry of External Affairs (Legal and Treaties Division) had requested that they might be exempted from laying Annual and Audit Reports of the Indian Society of International Law, New Delhi. In this connection, the Ministry explained as under:—

“.....this Ministry has been giving grant-in-aid to the Indian Society of International Law, New Delhi since 1968. The Grant-in-aid has been given to the Society to provide financial assistance to foster the study and development of International Law by continuing research on various projects.

It may be pointed out that upto now the Indian Society of International Law, New Delhi has been rendering accounts certificates from their Chartered Accountant giving the broad heading to which grant-in-aid amount was allocated such as cost of research staff, purchase of library books and equipments etc. in support of their annual grant given by this Ministry. The such certificates in original used to be sent to the A.G.C.R., New Delhi and the Controller of Accounts, Ministry of External Affairs, New Delhi for further action.

In this connection, we would like to emphasise that the Society of International Law is given a grant of only Rs. 2 lakhs. This is shown as part of the budgetary item of the Ministry of External Affairs and approved by Parliament every year. As an accounting procedure the Society of International Law furnishes to the Ministry of External Affairs utilization certificates from the approved Chartered Accountants. Its working and research is monitored by an Executive Committee of important and distinguished international law practitioners. Research projects of the Society of International Law are evaluated by the officers of L&T Division, Ministry of External Affairs.

In view of the above and as the Society of International Law is only a research institution, we request the Committee

on Papers Laid to kindly consider and exempt the Ministry of External Affairs from the requirement of laying of separate Annual Reports/Audit Reports before Parliament in respect of the Indian Society of International Law. If it is so desired, a para on the work of the Indian Society of International Law may be included in the regular Budget statement of the Ministry of External Affairs. In this connection, we would like to note that the position of the Indian Society of International Law as a research institute is much the same as the position of other research institutes to which the Indian Council of Social Science Research (ICSSR) makes its grant. It may also kindly be recalled that the Committee on Papers Laid in paragraph 1.11 of their Sixth Report (Seventh Lok Sabha) presented to the House on the 19th March, 1981 made recommendation to exempt the Research Institutes to which the ICSSR makes its grants, from the requirement of laying of separate Annual Reports/Audit Reports before the Parliament. It will be appreciated if the same consideration is given to the Indian Society of International Law."

3.2. The Committee on Papers laid on the Table in paras 1.10 and 1.11 of their Sixth Report (Seventh Lok Sabha) recommended as under:—

- 1.10. From the information furnished by the Ministry, the Committee find that the Research Institutes do not receive grants directly from the Central Government out of the Consolidated Fund of India but are supported by the Indian Council of Social Science Research out of the funds of the Council.
- 1.11. In view of the difficulties expressed by the Ministry of Education and Social Welfare, the Committee do not insist on the requirement of laying of separate Annual Reports/Audit Reports before Parliament in respect of the Research Institutes. The Committee, however, recommend that the Indian Council of Social Science Research, which directly finances and controls the Research Institutes and whose Annual Report is laid on the Table should, in future, incorporate invariably in its Annual Report a detailed Chapter about the Research Institutes giving an account of the functioning of each institute/centre financed by the Council, the amount of grant, both recurring and non-recurring, given to each of them as also the activities pursued by each Institute/Centre during the year."

In para 1.12 of their Second Report (6th Lok Sabha) the Committee on Papers laid on the Table recommended as under:

“.....all Statutory/Autonomous Organisations, Public Undertakings, Corporations, Joint ventures, Societies etc., which are financed out of funds drawn from the Consolidated Fund of India, after being voted by the Parliament, in the form of shares, subsidies, grants-in-aid etc., either wholly or partly should lay their Annual Reports/Audit Reports (both English and Hindi versions) before both Houses of Parliament irrespective of the fact whether the Statutes, Rules or Regulations of such organisations provide therefor or not and whether they are registered under the Companies Act, 1956 or not.”

3.3. The Ministry of External Affairs (Legal and Treaties Division) on being asked to furnish information as to whether the Indian Society of International Law is fully financed by the Ministry of External Affairs or whether the grant is given to the Society for some specific purpose only and in case the grant is given for some specific purpose, how the Society meets the expenses for other purposes, stated:

“The Government of India gives grant to the Indian Society of International Law, New Delhi for carrying out research on specific subjects of current interest in the field of International Law. It may be further added, the Society is not fully financed by the Central Government (Ministry of External Affairs).

The Society meets its expenses for other purposes from the subscription of membership and its journal, the Indian Journal of International Law.”

3.4. The Ministry also informed the Committee that some officers of the Ministry of External Affairs and the Ministry of Law are on the Executive Committee of the Society in their personal capacity and the Foreign Secretary holds the honorary position of Executive President.

3.5. In reply to a question whether the Annual Report on the functioning of the Society is prepared and if so, the difficulties being experienced by the Society or the Ministry in laying the same on the Table of the House, the Ministry of External Affairs stated:—

“As the grant is given to the society for limited purposes for carrying specific research projects, it will be outside the

purview of this Ministry to prepare Annual Report on the totality of functions of the Society. However, the Society furnishes reports on research projects for scrutiny of Legal and Treaties Division. These projects reports are evaluated by the Officers of this Ministry before the grant is released. It may be added that the society furnishes Audited Balance-sheet and utilisation certificate duly audited by their Chartered Accountant.

The Indian Society of International Law, however, prepares an annual report every year and presents it to the Annual Meeting of the Indian Society of International Law. In this connection we would like to emphasise that the Society of International Law is given a grant only of Rs. 2 lakhs. This is shown as part of the budgetary item of the Ministry of External Affairs and approved by Parliament every year. As an accounting procedure the Society of International Law furnishes to the Ministry of External Affairs a utilisation certificate from the approved Chartered Accountants. Its working and research is monitored by an Executive Committee of important and distinguished law practitioners. Research projects of the Society of International Law are evaluated by the officers of L & T Division of Ministry of External Affairs. In view of the above and as the Society of International Law is only a research institution, we request the Committee on Papers Laid to kindly consider and exempt the Ministry of External Affairs from the requirement of laying Annual Reports/Audit Reports before Parliament in respect of the Indian Society of International Law. If it is so desired, a para on the work of the Indian Society of International Law may be included in the regular Budget Statement of the Ministry of External Affairs. In this connection, we would like to note that the position of the Indian Society of International Law as a research institute is much the same as the position of other research institutions to which the Indian Council of Social Science Research (ICSSR) makes its grant. It may also kindly be recalled that the Committee on Papers Laid in Paragraph 1.11 of their Sixth Report (Seventh Lok Sabha) presented to the House on the 19th March, 1981 made recommendation to exempt the Research Institutes to which ICSSR makes its grant from the requirements of laying separate Annual Reports/Audit Reports before the Parliament. It will be



appreciated if the same consideration is given to the Indian Society of International Law also."

3.6. As regards the nature of control exercised by the Ministry of External Affairs over the functioning of the Society, the Ministry explained:—

"Society is registered under Registration of Societies Act XXI of 1860. Its control is vested in its Executive Committee. However, this Ministry evaluates the work on the research projects of the Society for which it gives its grants."

3.7. The Committee on Papers Laid on the Table at their sitting held on 7 November, 1981 desired that the Ministry of External Affairs might be asked to furnish further information on the following points:—

- (i) the total annual receipt and expenditure (sourcewise) of the Indian Society of International Law, New Delhi, during the last three years; and
- (ii) the ratio of grant-in-aid given by the Ministry to the Society to the annual budget of the Society during that period.

3.8. The Ministry of External Affairs who were accordingly requested, furnished the following information:—

"(i) According to statements received from the Indian Society of International Law, New Delhi, the income and expenditure figures shown therein for the last three years are as under:

<i>Year</i>	<i>Income</i> (including grant-in aid)	<i>Expenditure</i>
(a) 1978-79	Rs. 3,18,527.03	Rs. 3,18,527.03
(b) 1979-80	Rs. 2,74,145.09	Rs. 2,74,145.09
(c) 1980-81	Rs. 2,91,495.82	Rs. 2,91,495.82

(ii) During the period 1978-79 to 1980-81, the society was sanctioned grant-in-aid for each year Rs. 2,00,000/-. As such the information is as under:

	<i>Ratio of grant-in-aid</i>
(a) 1978-79	60 per cent approx.
(b) 1979-80	75 per cent approx.
(c) 1980-81	70 per cent approx."

3.9. The Committee are surprised to note that the Annual Reports and Audit Reports of the Indian Society of International Law, New Delhi are not laid before Parliament even though the Ministry of External Affairs meet 60 per cent to 75 per cent of the annual expenditure of the Society by way of grant-in-aid. It is very strange that the Annual Report of the Indian Society of International Law, New Delhi though prepared and placed before the Annual Meeting of the Society is not submitted to the Ministry of External Affairs. The Committee fail to understand as to how the Ministry of External Affairs evaluate the research projects of the Society in the absence of its Annual Reports since Annual Reports are the only media through which the Government could know the functioning of an organisation whom it gives grant.

3.10. The Committee are not at all convinced with the argument advanced by the Ministry of External Affairs that exemption might be granted to the Society from laying its Annual Reports and Audit Reports before Parliament on the ground that the position of the Indian Society of International Law as a research institute is much the same as of Research Institutes supported by the Indian Council of Social Science Research (ICSSR) which have been exempted from laying their separate Annual Reports and Audit Reports. The Committee are of the view that no parallel can be drawn between the Research Institutes supported by the Indian Council of Social Science Research (ICSSR) and the Indian Society of International Law inasmuch as the Research institutes under ICSSR receive funds from the Council and not from the Government whereas the Indian Society of International Law receives grant-in-aid directly from the Ministry of External Affairs.

3.11. The Committee, therefore, do not find it a fit case for giving exemption to the Ministry of External Affairs from the requirement of laying before Parliament Annual Reports and Audit Reports of the Indian Society of International Law, New Delhi. The Committee desire the Ministry of External Affairs which meet major portion of the Society's annual expenditure, to comply with the recommendations contained in paragraph 3.5 of their First Report (Fifth Lok Sabha) and paragraph 1.12 of their Second Report (Sixth Lok Sabha) and lay before both Houses of Parliament Annual Reports and Audit Reports of the said Society within nine months of the close of the relevant accounting year.

3.12. The Committee also desire the Ministry of External Affairs to amend the rules of the Indian Society of International Law to

**provide for laying of its Annual reports and Audit Reports before Parliament within nine months of the close of the accounting year. The Committee hope that the Ministry would take necessary steps in this direction.**

## CHAPTER IV

### DELAY IN LAYING THE NOTIFICATION ISSUED BY THE GOVERNMENT OF ASSAM UNDER THE ESSENTIAL SERVICES MAINTENANCE (ASSAM) ACT, 1980

On 30 November, 1981, the Minister of State in the Ministry of Home Affairs (Shri Yogendra Makwana) laid on the Table of Lok Sabha a copy of the Assam Government Notification (Appendix III) declaring certain services in connection with the production, supply and distribution of electricity including other services under the Assam State Electricity Board constituted under the Electricity Supply Act, 1948 to be essential services within the State of Assam for the purpose of the Essential Services Maintenance (Assam) Act, 1980, under sub-section (2) of Section 2 of the said Act as amended by the Essential Services Maintenance Act, 1981.

4.2 Sub-section (2) of Section 2 of the Essential Services Maintenance (Assam) Act, 1980 (Act No. 41 of 1980) reads as under:

"(2) Every notification issued under sub-clause (v) of clause (b) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament."

4.3. In accordance with the above provisions of the Act, the notification should have been laid before both the Houses of Parliament on the opening day of the Seventh Session (Seventh Lok Sabha) i.e. on 23-11-1981.

4.4. In the statement laid on the Table on 30-11-1981 (Appendix IV) the Minister had, *inter-alia*, explained the reasons for not laying the Notification on the first day of the session, as required under the Act, as under:

"According to the provisions of sub-section (2) of Section 2 of the aforesaid Assam Act, the notification should have

been laid before each House of Parliament on the first day of the commencement of the current session i.e. 23rd November, 1981. This could not be done because intimation about the notification was received late in the evening on the 24th November, 1981. Immediately thereafter, action was taken to have the notification laid on the Table of the House at the earliest."

4.5. On 18 December, 1981, when the Minister of State in the Ministry of Home Affairs (Shri Yogendra Makwana) moved the Statutory Resolution for the approval of the notification, some members raised points of order as to why the notification was not laid on the Table of the House on the first day of the session as provided in the Act.

4.6. Explaining the circumstances which led to delay in laying the notification on the Table, the Minister, *inter-alia*, stated:

".....But there were certain circumstances beyond the control of the Government. I received this Notification on 24th November, 1981. After that, I got it translated into Hindi because in Assam there is no facility for translation into Hindi. I had to get it translated into Hindi and get it cyclostyled also in Hindi. It was late in the evening of 24th I got it translated into Hindi and got it cyclostyled and intimated to Rajya Sabha and Lok Sabha Secretariats on 26th November, 1981. I requested the Secretariats of Lok Sabha and Rajya Sabha that, at the earliest, I wanted to place it on the Table of the House. The earliest dates were 27th, 28th and 29th. The Rajya Sabha and Lok Sabha Secretariats admitted on the agenda of 30th because 28th and 29th were holidays....."

Thereupon the Deputy Speaker observed:

"Since approval of the notification is a statutory requirement under sub-section (2) of section 2, of the Essential Services Maintenance (Assam) Act, 1980, Shri Makwana may move the Resolution. However, I am referring the matter regarding delay in laying the Notification to the Committee on Papers laid on the Table under Rule 305 B."

4.7. The Committee note that the Notification, issued by the Assam Government on 17 November, 1981 declaring certain services in connection with the production, supply and distribution of electricity in-

cluding other services under the Assam State Electricity Board constituted under the Electricity Supply Act, 1948 to be essential services within the State of Assam for the purpose of the Essential Services Maintenance (Assam) Act, 1980, under sub-section (2) of Section 2 of the said Act, as amended by the Essential Services Maintenance Act, 1981, was laid on the Table of Lok Sabha on 30 November, 1981. The Committee also note that in accordance with the above provisions of the Act the Notification should have been laid before both Houses of Parliament on the first day of the Seventh Session (Seventh Lok Sabha), i.e. on 23-11-1981 but it had been laid on 30-11-1981, after a delay of 7 days.

4.8. From the information supplied to Lok Sabha, the Committee feel concerned to note that the Notification issued by the Government of Assam on 17-11-1981 was received in the Ministry of Home Affairs late in the evening of 24-11-1981, i.e. after 7 days. The Committee are not satisfied with the explanation given by the Government for delay in laying the notification and are of the view that if the Government of Assam had moved quickly in the matter and the Ministry of Home Affairs had kept proper rapport with the Assam Government, the delay in laying the Notification could have been avoided and the statutory requirement of laying the Notification before Parliament on the first day of the Session met. The Committee take serious note of non-compliance of the statutory provision of the Act by the Government. The Committee feel that the Ministry of Home Affairs should have been vigilant and ensured that the statutory provision of the Act was strictly adhered to in laying the said Notification before Parliament.

4.9. The Committee, therefore, recommend that Government should observe such statutory requirements of the Act, wherever they exist, in their letter and spirit. The Committee, however, hope that such lapses will not recur.

NEW DELHI;  
21 January, 1982  
1 Magha, 1903 (Saka)

RAJENDRA KUMARI BAJPAI  
Chairman,  
Committee on Papers laid on the Table.

**APPENDIX I**

(Vide Paragraph 1.1 of Chapter I of the Report)

**PLANNING COMMISSION**  
(Socio-Economic Research Unit)

A list of the Institutes to whom grant was given during the year 1978-79

S. No.	Name of the Institution	Research study conducted	Position of the Study	Amount of grant released during the year 1978-79 (in rupees)
1	M.C. Corporation Pvt. Ltd., Stadium House, Bombay.	"Incentives schemes in different Industries."	Completed and printed.	501.10
2	Deptt. of Economics, Univ. of Madras, Madras.	Seminar on "Data Base of Indian Economy".	Held in May, 1978.	8,000.00
3	Indian Institute of Cost and Management Studies & Research, Ferguson Road Pune.	"Rural Industries and Markets."	Partial report received.	85,000.00
4	Giri Institute of Development Studies, B-4a Nirala Nagar, Lucknow.	(1) "An enquiry into the problems of selected urban handicraft in U.P." 18,488.84 (2) Seminar on "To co-ordinate studies on Regional development in India with special reference to criteria, Trends Techniques & Policy." 3,903.10	Draft report recd.  Held in August, 1977.	21,731.94
5	Punjab Agriculture University, Ludhiana.	"A study of Area/Regional Planning Approach for underdeveloped areas in Punjab".	Draft report received.	2,593.96

6	Indian Economic Association	(1) Seminar on "Strategy for Sixth five year plan" held in December, 1977. 1981-86		16,921.86
		(2) Seminar "design of Backward Areas Development."	held in January, 1979.	9,790.00
7	V.M. National Instt. of Management, Pune.	"Distribution of Consumer Goods in rural and semi-urban Areas".	completed and printed.	40,000.00
8	Institute of Public Enterprise, Hyderabad.	"Organisational structure and Financial policies of the state electricity boards".	draft report awaited.	58,000.00
9	Gandhi Peace Foundation, New Delhi.	"Investigation of comparative Economics of selected appropriate technological models suitable for rural industrialisation".	draft report received.	34,845.00
10	The Instt. of Economic & Market Research, Hailey Road, New Delhi.	(1) "A study on savings"	draft report received	
		(2) "Family time deposition in the context of development Planning in Hill area"	draft report received	
11	National Labour Institute, Safdarjung Enclave, New Delhi.	(1) An appraisal of the strategy for integrated Rural Development of Jhalda Component	partial report received.	1,12,900.00
		(2) Agrarian structure Tensions, Movements & peasant organisation in India	draft report awaited	1,00,000.00
12	Institute of Regional development Planning, Nagpur.	C.R.P.D. Programme	continuing Research studies.	97,500.00
13	Bombay University, Bombay	C.R.P.D. Programme	Do.	1,52,961.87
14	Institute of Economic Growth, New Delhi	C.R.P.D. Programme	Do.	1,00,000.00
15	Gokhale Instt. of Politics & Economics, Pune	C.R.P.D. Programme	Do.	



16	Utkal University, Bhubaneswar	"Study of Handicrafts and Tribal crafts of Orissa with special reference to their marketing".	draft report awaited.	33,000.00
17	Centre of Studies in Social Sciences, Pune	"Planning for weaker sections in Poona district".	completed & printed.	16,857.00
18	Sardar Patel Instt. of Economic & Social Research Ahmedabad.	"Multinational, Technology and industrial structure".	draft report awaited	14,000.00
19	Indian Association for Research in National Income & Wealth, Sardar Patel Bhavan, New Delhi.	Journal "Income & Wealth".	annually one issue financed.	8,624.15
20	Administrative Staff college of India, Hyderabad	"Comparative study of certain selected industries under sub-sector economics".	partial report received	30,000.00
21	Dev Samaj College of Education for Women, Ferozepore city.	"Survey of non-enrolled, non-attending and drop out children of the age group 6—14 Ferozepore district".	report awaited.	31,500.00
22	Gujarat Institute of Area Planning, Ahmedabad	"Preparation of Taluka profiles".	draft report recd.	22,000.00
23	Jawaharlal Nehru University, New Delhi	"Foodgrains Growth—A district wise study" IIInd phase.	draft report awaited.	27,000.00
24	Shri Venkateswara University, Tirupati	"Rural Electrification on Chittoor district".	draft report received	8,000.00
Total				10,31,066.28

**APPENDIX II**

*(Vide paragraph 2.3 of Chapter II of the Report)*

S. No.	Name of C.C.S./ Credit Society	Amount of funds kept at the disposal of the C.C.S./Credit Societies during the last 3 years			Share Capital in C.C. Stores	Share capital on behalf of primaries
		1978-79	1979-80	1980-81		
1	2	3	4	5		
		(in lakhs)				
1	Dhanbad Colliery Workers Central Co-opt. Stores Ltd., Bhuli, Dhanbad (Bihar)	7.35	7.35	7.35	3,30,000	1,65,000
2	Bhaghmara Collieries Central Co-opt. Stores Ltd., New Govindpur (Bihar)	2.37	2.37	2.37	2,15,000	1,07,000
3	Ramgarh Karanpura Coalfield Colliery Workers Central Co-opt. Stores Bhurkunda, (Bihar)	6.48	6.48	6.48	1,00,000	30,000
4	Mugma Coalfield Colliery Workers C.C. Stores Ltd. Nirsa (Bihar)	1.18	1.09	1.09	85,000	37,500
5	Bokaro Giridih Coalfield Colliery Workers C.C.S. Ltd., (Bihar)	2.58	2.58	2.58	60,000	30,000
6	Raniganj Coalfield Colliery Workers C.C. Stores Ltd., Kalla, (West Bengal)	2.00	2.00	2.00	2,05,000	1,07,000
7	Disergarh Colliery Workers C.C. Stores Ltd., Seetalpur Colliery, (West Bengal)	1.50	1.50	1.50	1,50,000	67,500
8	Ukhra Colliery Workers C.C. Stores Ltd., Moira, (West Bengal)	2.38	2.38	2.38	1,00,000	67,500

1	2	3	4	5		
9.	Vindhya Pradesh Coalfield Wholesale Consumers Co-opt. Stores Ltd., Birsinghpur (M.P.)	1.59	1.53	1.52	50,000	25,000
10.	Korea Colliery Workers C.C. Stores Ltd., Chirimiri (M.P.)	3.30	3.30	3.30	50,000	30,000
11.	Pench Valley Coalfield Colliery Workers Wholesale Consumers Co-opt. Stores Ltd., Barkui (M.P.)	0.89	0.89	0.89	80,000	40,000
12.	Singareni Colliery Co-operative Stores Central Stores Ltd., Kothagudem (Andhra Pradesh)	2.00	2.00	2.00	28,000	Nil
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					14,63,000	7,07,000
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## Note—

1. The Pench Valley Coalfield Colliery Workers Wholesale Consumers Co-operative Stores Ltd. Barkui Distt. Chhindwara, M.P. has been liquidated.
2. Bokaro Giridih Coalfield Colliery Workers Central Co-operative Stores Ltd. is under liquidation.
3. Kothagudem Collieries Consumers Wholesale Co-operative Central Stores Ltd. Kothagudem, Distt. Khammam A.P. has been merged with the Singareni Collieries Co-operative Central Stores Ltd. Kothagudem Collieries, Khammam Andhra Pradesh.
4. There are 197 Credit Societies. Loans to Credit Societies were channelised through the Central Co-operative Banks of the respective States but no loan has been advanced during last three years.

**APPENDIX III**  
**(Vide para 4.1 of the Report)**  
**GOVERNMENT OF ASSAM**  
**POLITICAL (A) DEPARTMENT**  
**ORDERS BY THE GOVERNOR**  
**NOTIFICATION**

Dated Dispur, the 17th November, 1981

No. PLA. 583/81/106:- In exercise of powers conferred under item (V) of clause (b) of Sub-Section (1) of Section 2 of the Essential Services Maintenance (Assam) Act, 1980 as amended by section 13 of the Essential Services Maintenance Act, 1981 (No. 40 of 1981) enacted by the Parliament, the Governor of Assam being of the opinion that strikes in services in connection with production, supply and distribution of electricity including other services under the Assam State Electricity Board constituted under the Electricity Supply Act, 1948 would prejudicially affect the maintenance of public utility services, maintenance of supplies and services necessary for life of community and would result in infliction of a great hardship on the community is pleased to declare the aforesaid services to be a essential services within the State of Assam for the purpose of the Essential Services Maintenance (Assam) Act, 1980.

**This order comes into force with immediate effect.**

**(Ramesh Chandra)**

*Chief Secretary to the Govt. of Assam,  
Dispur, Gauhati-781006.*

#### APPENDIX IV

(Vide para 4.4 of the Report)

Statement giving reasons as to why the notification issued by the Government of Assam on the 17th November, 1981 declaring certain services as essential services under the Essential Services Maintenance (Assam) Act, 1980 as amended by the Essential Services Maintenance Act, 1981 could not be laid on the Table of the House on the 23rd November, 1981.

In exercise of powers conferred by sub-clause (v) of clause (b) of sub-section (1) of section 2 of the Essential Services Maintenance (Assam) Act, 1980 as amended by the Essential Services Maintenance Act 1981 (40 of 1981), the Government of Assam have issued a notification on the 17th November, 1981 declaring certain services in connection with the production, supply and distribution of electricity including other services under the Assam State Electricity Board constituted under the Electricity Supply Act, 1948 to be essential services within the State of Assam for the purpose of the Essential Services Maintenance (Assam) Act, 1980. According to the provisions of sub-section (2) of section 2 of the aforesaid Assam Act, the notification should have been laid before each House of Parliament on the first day of the commencement of the current session i.e. 23rd November, 1981. This could not be done because intimation about the notification was received late in the evening on the 24th November, 1981. Immediately thereafter, action was taken to have the notification laid on the Table of the House at the earliest.

## APPENDIX V

### Summary of Recommendations/Observations contained in the Report

S. No.	Reference to Para No. of the Report	Summary of Recommendations/Observations
1	2	3
1.	1.3	The Committee note that out of all the institutions/bodies enumerated in their communication dated 17 April, 1980, the Planning Commission lay before Parliament the Annual and Audit Reports of only one Institution namely the Institute of Applied Manpower Research, New Delhi. The Committee further note that the Annual and Audit Reports of other institutions/bodies are not laid on the Table of the House because the Commission do not exercise any financial or administrative control over them in-as-much as the grants to those institutions/bodies are given to meet expenditure on some specific purpose or some specific research study assigned to them by the Commission. The Committee also note that in respect of the grants given by the Commission, the requirement of Audit i.e. issue of utilisation certificate and statement of audited accounts, is met.
2.	1.4	The Committee are satisfied with the explanation of the Planning Commission that as the Commission had no financial or administrative control over the institutions whom grants were given for specific research work, the laying of Annual Reports and audited accounts of the institutions under reference may not be insisted upon. The Committee, however, desire that the Planning Commission should, in future, include

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in their own Annual Reports a brief Chapter showing the quantum of funds provided to each of these institutions/bodies alongwith the purpose for which the funds were sanctioned for the information of Members of Parliament.

3. 2.10 The Committee note that the Coal Mines Labour Welfare Fund Organisation does not receive any funds from the Government and that the expenditure of the Organisation is met from the Coal Mines Labour Housing and General Welfare Fund which is a Statutory Fund and which is constituted with income from cess on all coal and coke despatched from collieries. The Committee further note that there are 12 Central Cooperative Stores and 197 Credit Societies financed from the General Welfare Accounts of the Coal Mines Labour Housing and General Welfare Fund of the Organisation.
4. 2.11 Since the Cooperative Stores and Credit Societies functioning under the Coal Mines Labour Welfare Fund Organisation do not receive any funds from the Government, the Committee do not insist upon the laying of their Annual and Audit Reports on the Table of the House. The Committee, however, desire that the Coal Mines Labour Welfare Fund Organisation should in their future Annual Reports, give a brief account of the functioning of these Cooperatives alongwith the funds kept at their disposal during the relevant accounting year, for the information of Members of Parliament.
5. 3.9 The Committee are surprised to note that the Annual Reports and Audit Reports of the Indian Society of International Law, New Delhi are not laid before Parliament even though the Ministry of External Affairs meet 60 per cent to 75 per cent of the annual expenditure of the Society
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by way of grant-in-aid. It is very strange that the Annual Report of the Indian Society of International Law, New Delhi though prepared and placed before the Annual Meeting of the Society is not submitted to the Ministry of External Affairs. The Committee fail to understand as to how the Ministry of External Affairs evaluate the research projects of the Society in the absence of its Annual Reports since Annual Reports are the only media through which the Government could know the functioning of an organisation whom it gives grant.

6. 3 10 The Committee are not at all convinced with the argument advanced by the Ministry of External Affairs that exemption might be granted to the Society from laying its Annual Reports and Audit Reports before Parliament on the ground that the position of the Indian Society of International Law as a research institute is much the same as of Research Institutes supported by the Indian Council of Social Science Research (ICSSR) which have been exempted from laying their separate Annual Reports and Audit Reports. The Committee are of the view that no parallel can be drawn between the Research Institutes supported by the Indian Council of Social Science Research (ICSSR) and the Indian Society of International Law in-as-much as the Research Institutes under ICSSR receive funds from the Council and not from the Government whereas the Indian Society of International Law receives grant-in-aid directly from the Ministry of External Affairs.
7. 3 11 The Committee, therefore, do not find it a fit case for giving exemption to the Ministry of External Affairs from the requirement of laying before Parliament Annual Reports and Audit Reports of the Indian Society of International Law, New Delhi. The Committee desire the
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Ministry of External Affairs which meet major portion of the Society's annual expenditure, to comply with the recommendations contained in paragraph 3.5 of their First Report (Fifth Lok Sabha) and paragraph 1.12 of their Second Report (Sixth Lok Sabha) and lay before both Houses of Parliament Annual Reports and Audit Reports of the said Society within nine months of the close of the relevant accounting year.

8. 3.12 The Committee also desire the Ministry of External Affairs to amend the rules of the Indian Society of International Law to provide for laying of its Annual Reports and Audit Reports before Parliament within nine months of the close of the accounting year. The Committee hope that the Ministry would take necessary steps in this direction.
9. 4.7 The Committee note that the Notification, issued by the Assam Government on 17 November, 1981 declaring certain services in connection with the production, supply and distribution of electricity including other services under the Assam State Electricity Board constituted under the Electricity Supply Act, 1948 to be essential services within the State of Assam for the purpose of the Essential Services Maintenance (Assam) Act, 1980, under sub-section (2) of Section 2 of the said Act, as amended by the Essential Services Maintenance Act, 1981, was laid on the Table of Lok Sabha on 30 November, 1981. The Committee also note that in accordance with the above provisions of the Act the Notification should have been laid before both Houses of Parliament on the first day of the Seventh Session (Seventh Lok Sabha), i.e. on 23 November, 1981 but it had been laid on 30 November, 1981, after a delay of 7 days.
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10. 4.8 From the information supplied to Lok Sabha, the Committee feel concerned to note that the Notification issued by the Government of Assam on 17 November, 1981 was received in the Ministry of Home Affairs late in the evening of 24 November, 1981. i.e. after 7 days. The Committee are not satisfied with the explanation given by the Government for delay in laying the notification and are of the view that if the Government of Assam had moved quickly in the matter and the Ministry of Home Affairs had kept proper rapport with the Assam Government, the delay in laying the Notification could have been avoided and the statutory requirement of laying the Notification before Parliament on the first day of the Session met. The Committee take serious note of non-compliance of the statutory provision of the Act by the Government. The Committee feel that the Ministry of Home Affairs should have been vigilant and ensured that the statutory provision of the Act was strictly adhered to in laying the said Notification before Parliament.
11. 4.9 The Committee, therefore, recommend that Government should observe such statutory requirements of the Act, wherever they exist, in their letter and spirit. The Committee, however, hope that such lapses will not recur.
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