

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1989-90)**

(EIGHTH LOK SABHA)

TWENTY-SECOND REPORT

(Presented on 11 August, 1989)



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 1989/Sravana, 1911 (Saka)

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**COMPOSITION OF THE COMMITTEE ON GOVERNMENT
ASSURANCES***
(1989-90)

Prof. Narain Chand Parashar—*Chairman*

2. Shri L. Balaraman
- **3. Shri Somji bhai Damor
4. Shri Kadambur M.R. Janarthanan
5. Shri Bapulal Malviya
- **6. Shri Krishan Pratap Singh
7. Shri Murlidhar Mane
8. Shri V. Krishna Rao
9. Shri Bhola Raut
10. Shri Prabhu Lal Rawat
- **11. Shri Dharam vir Singh Tyagi
12. Shrimati Shanti Devi
13. Shri Kamla Prasad Singh
14. Shrimati Usha Thakkar
15. Shri Mahabir Prasad Yadav

* The Committee was nominated by the Speaker w.e.f. June 20, 1989 *vide* para No. 2982 of Lok Sabha Bulletin Part-II dated 20 June, 1989.

** Nominated by the Speaker w.e.f. 23 August, 1989, *vice* Sarvashri Bhadreswar Tanti, Sanat Kumar Mandal and Bajju Ban Riyan resigned *vide* Para No. 3150 of Lok Sabha Bulletin Part-II dated 23 August, 1989.

INTRODUCTION

1. The Chairman of the Committee on Government Assurances, as authorised by the Committee, do present on their behalf, this Twenty-Second Report of the Committee on Government Assurances.

2. The Committee (1989-90) were constituted on 20 June, 1989.

3. At their Third Sitting held on 14 July, 1987, the Committee (1987-88) considered the request of the Ministry of Home Affairs for the dropping of the assurance given on 26 November, 1986 in reply to Unstarred Question No. 3471 regarding rehabilitation of displaced persons migrated from West Pakistan in 1947. At their Fourteenth Sitting held on 30 May, 1988 the Committee (1987-88) took oral evidence of the representatives of the Ministry of Home Affairs in this regard. As the assurance remained unimplemented, the Committee (1988-89) at their Fifth and Thirteenth Sittings held on 12 October, 1988 and 25 April, 1989 again took oral evidence of the representatives of the Ministry of Home Affairs and the Department of Culture in this regard.

4. The Committee (1987-88) at their Sixth Sitting held on 24 September, 1987 reviewed the assurance given on 24 July, 1985 in reply to Unstarred Question No. 310 regarding management of Heun Tsang Memorial at Nalanda. As the assurance remained unimplemented, the Committee (1988-89) at their Thirteenth Sitting held on 25 April, 1989 took oral evidence of the representatives of the Department of Culture in this regard.

5. The Committee considered and adopted this draft Twenty-Second Report at their sitting held on 8 August, 1989.

6. The Minutes of the aforesaid Sittings of the Committee form part of this Report.

7. The conclusions/observations of the Committee are contained in the succeeding paras of this Report.

(vi)

8. The Committee wish to express their thanks to the officials of the Ministries of Home Affairs and Human Resource Development (Department of Culture) who appeared before the Committee.

NEW DELHI ;
August, 8, 1989
Sravana 17, 1911 (Saka)

PROF. NARAIN CHAND PARASHAR,
Chairman,
Committee on Government Assurances

CHAPTER I

IMPLEMENTATION OF ASSURANCE GIVEN ON 26 NOVEMBER, 1986 IN REPLY TO UNSTARRED QUESTION NO. 3471 REGARDING REHABILITATION OF DISPLACED PERSONS MIGRATED FROM WEST PAKISTAN IN 1947

1.1 On 26 November, 1986, the following Unstarred Question (No. 3471) given notice of by Prof. Narain Chand Parashar, M.P., regarding resettlement of displaced persons of Kotla Ferozeshah monument was addressed to the Minister of Home Affairs :—

- “(a) whether a large number of displaced persons who migrated from West Pakistan in 1947 and have since been staying at the monument of Kotla Ferozeshah, are still awaiting permanent rehabilitation ;
- (b) if so, what steps are proposed to be taken to rehabilitate them on a permanent basis ; and
- (c) the reasons for delay in rehabilitating those people ?”

1.2 The Minister of State in the Ministry of Home Affairs (Sbri Chintamani Panigrahi) gave the following reply :—

“(a), (b) & (c) The Government have not yet taken a final decision in the matter.”

1.3 The reply to the above question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply i.e. by 26 February, 1987.

1.4 The Ministry of Home Affairs approached the Committee on Government Assurances through the Department of Parliamentary Affairs *vide* their U.O. Note No. VII/HA (29) USQ-3471-LS/86, dated 11 May, 1987, to drop the assurance on the grounds indicated below :—

“.....in 1949, 224 tenements and 6 shops were constructed by the erstwhile Ministry of Rehabilitation (now Rehabilitation Division of Ministry of Home Affairs) on the land of Archaeological Survey of

India near Kotla Ferozeshah Mounments to accommodate temporarily the displaced persons from former West Pakistan. The land had been requisitioned from the Ministry of Education (under whose jurisdiction comes the Archaeological Survey of India) for a period of 5 years. As the land on which these tenements and shops had been constructed was near the Archaeological Monument, Ministry of Education desired that these persons should be shifted elsewhere. Various steps were taken in the past to shift the occupants of these tenements, but without success. Ultimately, it was decided that the matter regarding shifting of the Kotla Ferozeshah settlers should be placed before the Cabinet for decision. Accordingly, a note or consideration of the Cabinet was submitted by the Department of Culture on 25.6.1985. The Cabinet at its meeting held on 8.7.1985 decided that the proposal for shifting the occupants may, in the first instance, be considered by the Group of Ministers, consisting of Minister of Works and Housing, Minister of Education, Minister of State in the Ministry of Law and Justice, Minister of State in the Ministry of Personnel and Training and in the Department of Culture. The present composition of the Group of Ministers (as intimated by Cabinet Secretariat vide No. 11/2/86-Cab. dated 31.10.1986) is as follows :—

- (i) Minister of Human Resources Development.
- (ii) Minister of Urban Development.
- (iii) Minister of State in the Ministry of Law and Justice.

(A Minister who is not a member of the Committee will be invited to attend the meeting when any subject concerned with the area of responsibility is discussed).

The Group of Ministers held its first meeting on 19.11.1985 and arrived at a number of conclusions. In subsequent meetings of the Group of Ministers, various proposals to provide alternative accommodation to the occupants of Ferozeshah Kotla Tenements were considered. The last meeting of the Group of Ministers took place on 2.12.1986 at Parliament House. The matter is still under their consideration.

Though the Group of Ministers is fully seized of the matter, it is very difficult to say when a solution could be found out to the problem to the satisfaction of the occupants of tenements at Kotla Ferozeshah.

It may be mentioned that in addition to this Ministry, the matter also concerns the Department of Culture. Hence further action in this regard can be taken by this Ministry only after the Cabinet has taken a decision on the note before it brought by the Department of Culture."

1.5 The Committee considered the request of the Ministry of Home Affairs for dropping the assurance at their sitting held on 14 July, 1987. The Committee noted that the assurance related to a matter hanging fire for almost four decades. The request of the Ministry was also sketchy as it did not give a chronological account of the sequence of steps taken in the direction of finalisation of the matter. The request also did not indicate that the Cabinet and the Group of Ministers appointed in this regard had been duly apprised of the fact that the Committee on Government Assurances was seized of the matter. The Ministry had also not made a request for extension of time even though a period of more than nine months had elapsed after the assurance was given in the House. Not agreeing with the plea of the Ministry for the dropping of the assurance, the Committee desired that the Ministry of Home Affairs should make earnest efforts to expedite the decision of the Government in the matter and immediately submit a request for extension of time as might be considered minimum for the implementation of the assurance. The Committee further desired that a detailed note giving a chronological account of the sequence of steps taken so far in this regard be furnished for their information.

1.6 The decision of the Committee was communicated to the Ministry accordingly.

1.7 As the assurance remained unfulfilled, the Committee took oral evidence of the representatives of the Ministry of Home Affairs and the Ministry of Human Resource Development (Department of Culture) on 30 May, 1988.

1.8 When asked to state the reasons for delay in fulfilling the assurance, the representative of the Ministry of Home Affairs stated during evidence :—

".....It is because previously the Government who were seized of the problem for more than two decades have not been able to come to a final decision. The latest development is that a Group of Ministers has been set up to look into this question. The group of Ministers consists of the Ministers of Human Resource Development, Urban

Development, Tourism, Law & Justice etc. The group of Ministers has had three meetings so far. The first one was on 19.11.1985 ; second was on 14.3.1986 and the third was on 2.12.1986. The group of Ministers also visited the area at Ferozeshah Kotla on 15.9.1987. We understand that the group of Ministers is finalising the report and the report will be considered by the group shortly.”

1.9 In reply to the question whether any alternative sites were offered to the residents and if so, the response of the residents thereto, the witness [there] stated that alternative sites for the residents in the Ferozeshah Kotla were considered. There was another colony, Dilshad Colony, which was considered to be far off by some of the displaced persons. However, no formal offer of any such area was made.

1.10-11 The Chairman pointed out [during] that this matter had been raised earlier through Unstarred Question No. 2971 dated 6 December, 1983. The reply by the Government to that question was also not specific to the points raised in the question. Further, in reply to a notice from a Court in Delhi, on a petition filed by on resident of the area, the Government had given an assurance to the Court in 1970 that a decision in the matter would be taken soon. Consequently, the petitioner withdrew his petition. Asked about that reasons for delay in settlement of the matter [them] thereafter, the witness stated :—

“The question is essentially one of the permanent settlement of the refugees who came at that time. x x x x this matter has been under continuous consideration right from the beginning of 1956 onwards. It is only the inability of the Government to find a permanent solution to this question.

xxxxxxx, alternative suggestions were made. Governments changed in the meantime. The then Prime Minister said that we must find an alternative location for these people. Without doing that, the evacuation of the people cannot be considered. So, it has gone on like this for more than two decades. The latest position is that a group of Ministers is looking into this.”

1.12 As regards the petition filed in the Court, the witness stated ‘I am sorry, we are not aware of this petition’.

1.13 As the representatives of the Ministry were not aware of the full facts of the case, the Committee desired that they should come prepared to give evidence at a later date and in the meantime the Ministry should furnish a detailed note giving in chronological order all the facts of the case indicating specifically the steps taken by Government to settle the case.

1.14 As the assurance remained unfulfilled, the Committee again took oral evidence of the representatives of the Ministry of Home Affairs and the Department of Culture on 12 October, 1988.

1.15 The Committee enquired about the reasons for the delay in the implementation of the assurance. The representative of the Department of Culture replied :

“The facts had been placed before the Group of Ministers. They had gone into several alternatives xxxx They made certain proposals to solve the problem. Now, this has to be placed before the Cabinet for decision.”

1.16 As regards the petition filed in the High Court in this connection, the Committee were informed that in view of the order passed by the Prime Minister in 1970 to the effect that the matter of rehabilitating the displaced persons who were occupying government built premises in Feroze Shah Kotla shall be considered by the Cabinet after an alternative site for the colony has been located, the petition was withdrawn.

1.17 As regards the decision taken in the matter, the representative of the Ministry stated :

“Originally the idea was that all the 220 families may be shifted from there. But afterwards it was found that it was not necessary to evacuate all the families from there. Those who are adjoining or abutting the walls have to be evacuated. So only 50 families have to be evacuated which have 62 tenements and in order to avoid hardship to those people also, alternative land has to be provided.”

1.18 When asked whether the 50 families have been identified, the representative replied :—

“Out of these 50 families, in the first phase, 20 families will be asked for shifting and the remaining will be taken up in the second phase. xxxx At least these 20 families have been identified.”

1.19 In reply to a question whether the land had been identified the representative of the Ministry stated that although the land had been identified it would be demarcated only after the decision was taken.

1.20 Asked whether the settlement had been reached by negotiation or by administrative action, the representative of the Ministry replied :—

“There have been consultations and discussions. It is not a negotiated settlement in the full sense of the term, in the sense of two parties sitting together and coming to have a full agreement. But my understanding is that by and large the solution is likely to be acceptable to the groups who will be affected by this.”

1.21 The Committee enquired about the facilities to be provided to the families who were to be shifted, the witness stated that after the decision of the Cabinet, they would demarcate the land and then the plots would be made available to the families. The loans for construction of houses will also be given. Another suggestion was that no money would be charged for the land.

1.22 Asked about the final decision in regard to rehabilitation of the families which were not proposed to be shifted, the representative of the Ministry stated :—

“My understanding is that those who are there, they want to remain there. But it is in the interest of protecting the monuments that we are asking them to vacate. First, we wanted all of them to be shifted. But they wanted to remain there and they do not want to be shifted. After reasonable compromise, taking into all aspects and their interests into account, the proposed Group of Ministers finally had come out not to shift all the 220 families and decided to shift the absolute minimum required. They decided that the others should not be disturbed and they should be allowed to continue there. We should take up the issue of the remaining people also. But as of 20 families are being shifted immediately. As we go along, we can examine other part of the problem also as to what to do with the remaining if they have a demand in that regard.”

1.23 The Chairman pointed out that the problem pertained to all the 220 families and not to 50 families only. The matter has to be viewed in its entirety and it must be solved once for all, although it could be done in

stages. Thereupon the Secretary of the Ministry stated 'that will be examined'.

1.24 As regards the time frame by which the matter would be settled, the witness stated that the matter would go to the Cabinet. It might take about six weeks or so to take a decision. Further there were six agencies involved. The area would have to be notified. Then arrangements would have to be made for finalisation of the shifting. So, it might take about a year.

1.25 The Committee again took the evidence to the representatives of the Ministry of Home Affairs and the Department of Culture on 25 April, 1989, as the assurance continued to remain unfulfilled.

1.26 When enquired about the latest position regarding implementation of the assurance, the representative of the Department of Culture during evidence stated :

"In the meeting of 12th October, we were quite confident that the Cabinet Note would be finalised within six week's time. We tried to expedite it even earlier than that. The Cabinet Note was finalised by us. Some changes had to be made and these changes in the particular form were made. We did succeed in finalising the Note by 2nd December and we circulated it to all the Departments for their views and concurrence because before placing it before the Cabinet, we must have the views of various Departments incorporated in it. Most of them concurred. But in the note of the Ministry of Urban Development, apparently, there was some difficulty. They represented to us on 3rd April saying that the plot of land earmarked earlier would be difficult to give. Instead of that, they gave the land at Mata Sundari Road. Because of this change in the original position, we had to add this in the Cabinet Note along with the suggestion of the Ministry of Urban Development. With this change we finally got the Note approved by the Minister. It is now being placed before the Cabinet. This is the present position."

1.27 When asked whether the plot of land had been identified now, the representative of the Ministry of Urban Development stated :

"Yes Sir. We have identified the alternative land in two lots. The first priority is to some 15 families who are occupying 20 tenements.

We are going to resettle them in one piece of land and the remaining 35 families will be resettled in Mata Sundari which is a complex we are developing for the resettlement of not only those 35 families, but many other families of the old Delhi. I may also submit that Mata Sundari is not very far from the location under discussion."

1.28 When asked about the settlement of rest of the families, the representative of the Department of Culture stated that the final decision would be taken by the Cabinet but that would be in phases.

1.29 When pointed out that almost 18 years have now lapsed after the High Court judgement and the Prime Minister's order for the rehabilitation of the displaced persons of Kotla Ferozeshah monument and still the problem remained unsolved, the representative of the Department of Culture stated :

"I know that we have slowed down in terms of the time allotted and the reasons for this was at that time we wanted to accommodate these 50 families in the area adjacent to the monument itself. Now, we are able to accommodate 15 families and the other 35 families will have to go to the Mata Sundari Road."

1.30 When asked whether rehabilitation of only 50 families will serve their purpose or the total number of 220 families will be rehabilitated, the representative of the Department of Culture stated that the first phase will include 15 families, second phase would include 35 families and the rest in other phases as might be decided by the Cabinet.

1.31 In reply to a question, the representative of Ministry of Home Affairs stated as follows :

"For the protection of the monuments or for the proper maintenance of the monuments the question arises whether all of them should be shifted or none may be shifted or some of them should be shifted. This is a matter which has been in the discussion for some years now. This matter is presented before the Cabinet by the Department of Culture because the monuments are under their charge. In this scheme of things there is no separate MHA decision to be delivered in this matter. As far as the MHA is concerned, it has a limited purpose in this regard. The Ministry of Home Affairs, in terms of its rehabilitation component, has to analyse one of the

gross component and the last action has to be made by the Rehabilitation Section of the Ministry. In so far as this particular matter which is under consideration is concerned, there is a financial liability. The Ministry of Home Affairs has accepted that financial liability."

1.32 When asked whether this was ideal solution or some alternative solution would come up again, the representative of the Ministry stated :

"What we have submitted to the Cabinet is not an ideal solution. It is a compromise. The practical solution is worked out by a group of Ministers. What we have submitted has come out a practical compromise on all sides."

1.33 As regards the reasons for the delay in taking a decision on the proposal, the representative of the Ministry of Urban Development stated :

"Immediately on receipt of the note from the Department of Culture we took up the matter with the Delhi Development Authority who had gone into the subject, considered it from all angles and they made earnest efforts to locate a suitable plot of land where these 50 families could be re-settled. The group of Ministers had suggested a plot of land next to the present location but on detailed verification, the DDA came across a number of problems about the use of this piece of land for resettlement of 50 families. The first was as per the prescribed land-use in the Master Plan of Delhi of 1962 it is just a playground by the side of the district park, etc. In the approved Master Plan for 2001 also ; the same land-use has been repeated. Strictly speaking this piece of land is not available for building of any houses as such. Part of this land was being used for a local bus stop by the D.T.C. Then it is also the cultural meeting point in the area. Every year the Ramaleela is held in this area. Therefore, the DDA had come to the conclusion that it would not be correct if these 50 families were housed in this plot of land. So, a detailed examination was necessary. At the same time the DDA was conscious of the desire of the group of Ministers that these families should not be located at a place which is inconveniently located. Therefore, they suggested another plot of land which is next door to the present location. They said that they would reconsider and absorb them in Mata Sundari Road area and that is why they had to explain it to the Department of Culture. That shows

how keen they were to finalise the proposal. At the same time, three to four months were taken up by the DDA to look into all these aspects and that should not be taken as a long delay.”

1.34 When asked whether before taking the earlier decision the Ministry of Urban Development was taken into confidence by them or whether their proposal was vetted by Ministry of Urban Development or the assurance was given without consulting the Ministry of Urban Development, the representative of the Department of Culture stated :—

“We went by the recommendation of the Group of Ministers. They had given the recommendation. But it does happen when you start implementing a proposal that you meet some un-anticipated difficulty. Apparently the department faced that problem and they started implementing this particular issue. But we thought that the Group of Ministers having gone into it should not be difficult for the different departments to agree to it straightaway.”

1.35 When the Committee pointed that most important for them was an integrated solution to the rehabilitation of 220 families the representative of the Ministry stated that the views of the Committee will be fully presented in the Cabinet note.

1.36 When asked how much time would they take in the submission of the note to the Cabinet and whether the note will incorporate all the concern and anxiety expressed by the Committee, the representative stated that the note would be submitted to the Cabinet within 10 days and it would incorporate the concern and anxiety of the Committee.

1.37 When asked whether they will stick to the present limit of extension of time i.e. upto 26 May, 1989, the representative of the Ministry stated that they will go to the Cabinet before that. He further stated that they hope to liquidate the assurance before the end of this session.

1.38 On 6 July, 1989, the Ministry of Home Affairs informed in a written note that the Department of Culture had submitted a proposal before the Cabinet for consideration on 1 May, 1989. The meeting of the Cabinet was fixed for 13 June, 1989, but it did not take place. Another meeting which was fixed for 23 June, 1989 was also postponed. Decision of the Cabinet is yet awaited.

1.39 The assurance is yet to be implemented.

1 40 The Committee are extremely unhappy to note that the question of rehabilitation of displaced persons occupying tenements at Kotla Ferozeshah Monument has been hanging fire for the last four decades. These tenements were provided to 220 families of displaced persons from West Pakistan following the partition of the country in 1947. As the land on which these tenements were constructed formed part of the archeological monument, the question of shifting these displaced persons elsewhere has been under consideration of Government but strangely enough, no final decision has been taken in this regard for all these years. The Committee also note that a petition filed by one of the residents of the area in this connection was withdrawn by him on the assurance that a decision in the matter will be taken in terms of the orders passed by the Prime Minister on 28th November, 1970. The fact that the orders of the late Prime Minister could not be translated into concrete action during the last 18 years, in spite of an assurance in Lok Sabha in this regard in November, 1986, is a sad reflection on the tardy decision making process of the Government. The Committee have been informed that tentatively it has been decided to shift 50 families only by providing them alternative plots and to allow the remaining families to live in the present tenements. The Committee stress the need for a final and clear decision by Government without any further loss of time and to implement the assurance. They would also urge that the matter is to be viewed in its entirety and it must be solved once for all in respect of all the 220 families to end the uncertainty in the minds of the affected families.

CHAPTER II

IMPLEMENTATION OF ASSURANCE GIVEN ON 24 JULY, 1985 IN REPLY TO UNSTARRED QUESTION NO. 310 REGARDING HEUN TSANG MEMORIAL AT NALANDA

2.1 On 24 July, 1985, the following Unstarred Question (No. 310) given notice of by Prof. Narain Chand Parashar, M.P., was addressed to the Minister of Culture :—

“The functions which are carried on at the Heun Tsang Memorial at Nalanda and the pattern of management for the memorial ?”

2.2 The Minister of State in the Ministry of Personnel and Training, Administrative Reforms and Public Grievances and Pensions and the Department of Culture (Shri K.P. Singh Deo) gave the following reply :—

“A proposal for the merge of the Heun Tsang Memorial Hall with the Nava Nalanda Mahavihara, Nalanda and to establish an autonomous organisation under the control of the Central Government is under active consideration in consultation with the Bihar Government.”

The reply was treated as an assurance by the Committee which was to be fulfilled within three months from the date of reply i.e. 24 October, 1985.

2.3 As the Ministry was not able to fulfil the assurance within the stipulated period, they sought repeated extensions of time. The request for extension of time upto 24 October, 1987 sought by Ministry was on the following grounds :—

“Contrary to our original proposal to the Government of Bihar for the merger of the Heun Tsang Memorial Hall with the Nava Nalanda Mahavihara and to establish an autonomous organisation under the control of the Central Government, the Government of Bihar has decided to convert the merged organisation of the Mahavihara and Heun Tsang Memorial Hall into a Deemed-to-be university. The matter is being taken up with the Government of Bihar for their reconsideration of our original proposal.”

2.4 The Committee considered the request of the Ministry of Culture at their sitting held on 24 September, 1987 and extension upto 24 October, 1987 was granted.

2.5 As the assurance remained unimplemented and the Ministry sought further repeated extensions of time, the Committee took oral evidence of the representatives of the Department of Culture in this regard on 25 April, 1989.

2.6 The Committee enquired about the reasons for inordinate delay in the implementation of the assurance the representative of the Department of Culture stated :—

“In 1955, some relics of Heun Tsang were presented by H.H. Dalai Lama to the late Prime Minister, Pandit Jawaharlal Nehru, with the consent of the Chinese Government. He also received a cheque for Rs. 574,713 from the Chinese Embassy in Delhi along with a plan of the Memorial Hall in Chinese style to house relics to be crecte at Nalanda. The work was entrusted to CPWD. The construction commenced in 1961 and was finally completed in 1984. While the construction was on, it became necessary to decide about the states and the future use of this building-Memorial Hall. In December, 1983, the Ministry of Education and Culture submitted a proposal to Government of Bihar that the Heun S Tsang Memorial may be merged with the Nava Nalanda Mahavihara, which is situated at Nalanda itself, and being administered by the Government of Bihar. The amalgamated organisation could be taken over by the Central Government with the status of an autonomous body to be managed by a registered society consisting of the representatives of the Central Government, and the Bihar Government as also scholars engaged in historical/Buddhist studies. The autonomous body could be mainly financed by the Central Government, with partial financial contribution from the Government of Bihar. After a lot of correspondence, the Bihar Government was agreeable in principle in 1985 to the merger of the two with full obligations of the Centre and the State Government would let the Centre know about the terms and conditions of the transfer of property of Nava Nalanda Mahavihara and the representation of the Bihar Government in the new board.

Since then, to get this institution, we have been pursuing the matter with the State Government starting from June, 1985. We have been writing at various levels, also meeting and discussing at

various levels. In 1986, the Government of Bihar told that the State Government had decided to accept the Central Government proposal to convert the Nava Nalanda Mahavihara into a "Deemed-to-be University". We pointed out to them that this would come much later. Let the autonomous body be established. We wanted them to reconsider the matter and give us the terms and conditions of the transfer to of property of Mahavihara. Since then we have been having a series of correspondence and discussions. The reply from the State Government was not forthcoming but we did get an interim reply from the Chief Secretary in September, 1988 that the matter is receiving consideration at the highest level of the State Government. In September, 1988, a meeting was taken by Secretary, Ministry of Parliamentary Affairs to review the assurances pending over one year, in which this assurance was also considered. It was decided at that time that a meeting should be arranged between Secretary, Department of Culture and the Chief Secretary, Bihar to sort out this proposal. The Chief Secretary was then requested for a meeting and finally, the Secretary and Commissioner, Department of Human Resources of the Government of Bihar and Additional Secretary, Department of Culture met in April, 1989 and discussed the issue. Shri Sarma, Secretary, Government of Bihar informed that the State Government will write formally separately at a very early date regarding the transfer of Nava Nalanda Mahavihara. This was on 10th April, 1989. We are pursuing the matter at the highest level. We hope that this long outstanding assurance will get resolved. There is a proposal by us to merge Nava Nalanda Mahavihara with Heun Tsang Memorial. It is for the Bihar Government to accept our proposal and to transfer it as such. The moment they agree to it we will go ahead."

2.7 The Committee pointed that the Ministry had not sought for further extension of time beyond 24.1.1989 and suggested to clinch the issue at higher level. The representative of the Minister stated :

"We would very much like to do that. We have been requesting our Minister and he has written to the Chief Minister and we are also pursuing at our own level. They said they already accept it in principle. They have to decide modality of transfer of assets and the representation if they want to get in the new Society. We will register the Society."

2.8 When asked about the pattern of management and function of the new society the representative of the Ministry stated :

“The pattern of management we envisage is a kind of small autonomous Body under the Registration Act, with Central and State representation where there are Buddhist experts. It should be a compact Body.”

2.9 When asked whether they were satisfied with the management of the memorial, the representative of the Ministry stated that there were no complaints about the functioning. They wanted to have full management with them. They wanted to do that through an autonomous body.

2.10 The assurance is yet to be implemented. The Ministry have sought extension of time upto 24th July, 1989 to implement the assurance on the ground that the information was awaited from State Government.

2.11 The Committee find that although a proposal for the merger of Heun Tsang Memorial Hall with the Nava Nalanda Mahavihara and to establish an autonomous organisation under the control of the Central Government has been under consideration of the Government in the consultation with the Government of Bihar ever since December, 1983, no decision in the regard has been taken by the Government so far. They regret to note that even after the assurance given in Lok Sabha in this connection, in July, 1985, the matter was not actively pursued with the State Government to finalise this issue expeditiously. The Committee urge that the matter should be taken up at the highest level with the State Government to expedite the final decision in the matter and to implement the assurance.

NEW DELHI ;
August 8, 1989
 Sravana 17, 1911 (Saka)

PROF. NARAIN CHAND PARASHAR
Chairman,
Committee on Government Assurances.

MINUTES

Minutes of the Third Sitting of the Committee on Government Assurances held on Tuesday, 14 July, 1987 in Committee Room No. 'B', Parliament House Annexe, New Delhi.

The Committee met on Tuesday, 14 July, 1987 from 11.30 hours to 12.40 hours.

PRESENT

Prof. Narain Chand Parashar—*Chairman*

MEMBERS

2. Shri L. Balaraman
3. Shri Sitaram J. Gavali
4. Shri Abdul Rashid Kabuli
5. Shri Sanat Kumar Mandal
6. Shri Murlidhar Mane
7. Shri P. Namgyal
8. Shri V. Krishna Rao
9. Shri Bhola Raut
10. Shri Prabhu Lal Rawat
11. Shrimati Shanti Devi
12. Shri Kamla Prasad Singh
13. Shrimati Usha Thakkar
14. Shri Mahabir Prasad Yadav

SECRETARIAT

1. Shri C.K. Jain—*Chief (Questions)*
2. Shri J.D. Bhalla—*Senior Examiner of Questions*
3. Shri Raghbir Singh—*Senior Examiner of Questions*
2. The Committee took up for consideration Memoranda Nos. 88 to 97.

x * x * *

X X X X X X X X X
Memorandum No. 91 : Request for dropping of assurance given on 26 November, 1986, in reply to Unstarred Question No. 3471 regarding rehabilitation of displaced persons migrated from West Pakistan in 1947.

6. The Committee considered the following request of the Ministry of Home Affairs received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. VII/HA (29) USQ. 3471-LS/86 dated 11 May, 1987, for dropping the assurance on the following grounds :—

“.....that in 1949, 224 tenements and 6 shops were constructed by the erstwhile Ministry of Rehabilitation (now Rehabilitation Division of Ministry of Home Affairs) on the land of Archaeological Survey of India near Kotla Ferozeshah Monuments to accommodate temporarily the displaced persons from former West Pakistan. The land had been requisitioned from the Ministry of Education (Under whose jurisdiction come the Archaeological Survey of India) for period of 5 years. As the land on which these tenements and shops had been constructed was near the Archaeological Monument, Ministry of Education desired that these persons should be shifted elsewhere. Various steps were taken in the past to shift the occupants of these tenements, but without success. Ultimately, it was decided that the matter regarding shifting of the Kotla Ferozeshah settlers should be placed before the Cabinet for decision. Accordingly, a note for consideration of the Cabinet was submitted by the Department of Culture on 25.6.1985. The Cabinet at its meeting held on 8.7.1985 decided that the proposal for shifting the occupants may, in the first instance, be considered by the Group of Ministers, consisting of Minister of Works and Housing, Minister of Education, Minister of State in the Ministry of Law and Justice, Minister of State in the Ministry of Personnel and Training and in the Department of Culture. The present composition of the Group of Ministers (as intimated by Cabinet Secretariat *vide* No. 11/2/86-Cab. dated 31.10.1986) is as follows :—

- (i) Minister of Human Resources Development.
- (ii) Minister of Urban Development.
- (iii) Minister of State in the Ministry of Law and Justice.

(A Minister who is not a member of the Committee will be invited to attend the meeting when any subject concerned with the area of responsibility is discussed).

The Group of Ministers held its first meeting on 19.11.1985 and arrived at a number of conclusions. In subsequent meetings of the Group of Ministers, various proposals to provide alternative accommodation to the occupants of Ferozeshah Kotla Tenements were considered. The last meeting of the Group of Ministers took place on 2.12.1986 at Parliament House. The matter is still under their consideration.

Though the Group of Ministers is fully seized of the matter, it is very difficult to say when a solution could be found out to the problem to the satisfaction of the occupants of tenements at Kotla Ferozeshah.

It may be mentioned that in addition to this Ministry, the matter also concerns the Department of Culture. Hence further action in this regard can be taken by this Ministry only after the Cabinet has taken a decision on the note before it brought by the Department of Culture."

6.1 The Committee noted that the assurance related to a matter hanging fire for almost four decades. The request of the Ministry was also sketchy as it did not give a chronological account of the sequence of steps taken in the direction of finalisation of the matter. The request also did not indicate that the Cabinet and the Group of Ministers appointed in this regard had been duly apprised of the fact that the Committee on Government Assurances was seized of the matter. The Ministry had also not made a request for extension of time even though a period of more than nine months had elapsed after the assurance was given in the House. Not agreeing with the plea of the Ministry for the dropping of the assurance, the Committee desired that the Ministry of Home Affairs should make earnest efforts to expedite the decision of the Government in the matter and immediately submit a request for extension of time as might be considered minimum for the implementation of the assurance. The Committee further desired that a detailed note giving a chronological account of the sequence of steps taken so far in this regard be furnished for their information.

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The Committee then adjourned.

MINUTES

Minutes of the Sixth Sitting of the Committee on Government Assurances held on 24 September, 1987 in Committee Room No. 'C' Ground Floor, Parliament House Annexe, New Delhi.

The Committee met on Thursday, 24 September, 1987 from 15.00 hours to 16.00 hours.

PRESENT

Prof. Narain Chand Parashar—*Chairman*

MEMBERS

2. Shri L. Balaraman
3. Shri Bapulal Malviya
4. Shri Sanat Kumar Mandal
5. Shri Murlidhar Mane
6. Shri V. Krishna Rao
7. Shri Bhola Raut
8. Shrimati Shanti Devi
9. Shri Kamla Prasad Singh
10. Shrimati Usha Thakkar

SECRETARIAT

1. Shri C.K. Jain—*Chief (Questions)*
2. Shri Raghbir Singh—*Senior Examiner of Questions*
3. The Committee took up for consideration Memoranda Nos. 98, 99, 100, 101, 102 and 103.

x	x	x	x	x	x
(viii)	USQ. No. 310 dated 2.7.1985				Extension upto 24 October, 1987 was granted. It was decided that in case Committee did not inform implementation of the assurance before 18 October, 1987, the Secretary of the Ministry be called for oral evidence to explain the reasons for delay in implementation of the assurance.

8. The Committee then adjourned to meet before Diwali holidays.

MINUTES

Minutes of the Fourteenth Sitting of the Committee on Government Assurances held on 30 May, 1988 in Room No. 'C', Parliament House Annexe, New Delhi

The Committee met on Monday, 30 May, 1988 from 11.30 hours to 12.10 hours.

PRESENT

Prof. Narain Chand Parashar—*Chairman*

MEMBERS

2. Shri L. Balaraman
3. Shri Bapulal Malviya
4. Shri Sanat Kumar Mandal
5. Shri Murlidhar Mane
6. Shri Bhola Raut
7. Shrimati Shanti Devi
8. Shri Kamla Prasad Singh
9. Shrimati Usha Thakkar
10. Shri Mahabir Prasad Yadav

SECRETARIAT

1. Shri C.K. Jain—*Chief (Questions)*
2. Shri S.C. Gupta—*Chief Examiner of Questions*
3. Shri Raghbir Singh—*Senior Examiner of Questions*

WITNESSES EXAMINED

Ministry of Home Affairs

Shri R. Srinivasan—*Additional Secretary*

Shri G.P.S. Sahi—*Joint Secretary (Rehabilitation)*

*Ministry of Human Resource Development (Department of Culture)*Shri R.C. Tripathi—*Joint Secretary*Shri Jagatpati Joshi—*Director General (Archaeology)*

2. The Committee took the oral evidence of the representatives of the Ministries of Home Affairs and Human Resource Development (Department of Culture) regarding non-implementation of the assurance given on 26 November, 1986, in reply to Unstarred Question No. 3471 regarding rehabilitation of displaced persons migrated from West Pakistan in 1947.

3. At the outset, the Chairman drew the attention of the witnesses to the provisions of Direction 58 of the Directions by the Speaker whereunder their evidence would be treated as public and was liable to be published unless the witnesses specifically desired that all or any part of the evidence given by them was to be treated as confidential.

4. When asked to state the reasons for delay in fulfilling the assurance, the representative of the Ministry of Home Affairs stated :

“.....It is because previously the Government who were seized of this problem for more than two decades have not been able to come to a final decision. The latest development is that a Group of Ministers has been set up to look into this question. The group of Ministers consists of the Ministers of Human Resource Development, Urban Development, Tourism, Law and Justice etc. The group of Ministers has had three meetings so far. The first one was on 19.11.1985; second was on 14.3.1986 and the third was on 2.12.1986. The group of Ministers also visited the area at Ferozshah Kotla on 15.9.1987. We understand that the group of Ministers is finalising the report and the report will be considered by the group shortly. This is the present position. The group of Ministers is serviced by the Department of Culture.”

5. In reply to the query whether any alternative sites were offered to the residents and if so, the response of the residents thereto, the witness further stated that alternative sites for the residents in the Ferozshah Kotla were considered. There was another colony, Dilshad Colony, which was considered to be far off by some of the displaced persons. However, no formal offer of any such areas was made.

6. The Chairman pointed out that this matter had been raised earlier through Unstarred Question No. 2971, dated 6 December, 1983. The reply by the Government to that question was also not specific to the points raised in the question. Further, in reply to a notice from a Court in Delhi, on a petition filed by one resident of the area, the Government had given an assurance to the Court in 1970 that a decision in the matter would be taken soon. Consequently, the petitioner withdrew his petition. Asked about the reasons for delay in settlement of the matter even thereafter, the witness stated :—

“The question is essentially one of the permanent settlement of the refugees who came at that time. As we have explained in the note, which has been circulated by the Department of Culture, this matter has been under continuous consideration right from the beginning of 1956 onwards. It is only the inability of the Government to find a permanent solution to this question. As I mentioned earlier, alternative suggestions were made. Government changed in the meantime. The then Prime Minister said that we must find an alternative location for these people. Without doing that, the evacuation of the people cannot be considered. So, it has gone on like this for more than two decades. The latest position is that a group of Ministers is looking into this.”

7. As regards the petition filed in the Court, the witness stated ‘I am sorry, we are not aware of this petition’.

8. As the representatives of the Ministry were not aware of the full facts of the case, the Committee desired that they should come prepared to give evidence at a later date and in the meantime the Ministry should furnish a detailed note giving in chronological order all the facts of the case indicating specifically the steps taken by Government to settle the case.

9. As the term of the Committee was to end on 31 May, 1988 and this was their last sitting, the Chairman gave an account of the work done by the Committee during the year. He thanked the Members for their whole-hearted cooperation and valuable contribution to the work of the Committee. He also expressed his thanks to the Honourable Speaker and Secretary-General for their guidance and assistance. Shri Mahabir Prasad Yadav, Member, of the Committee speaking on behalf of all Members of the Committee, thanked the Chairman for his leadership and to the Secretariat for the assistance rendered to the Committee.

10. The Committee then adjourned.

MINUTES

FIFTH SITTING

Minutes of the sitting of the Committee on Government Assurances held on 12 October, 1988 in Committee Room No. B, Parliament House Annexe, New Delhi.

The Committee met on Wednesday, 12 October, 1988 from 11.00 hours to 13.35 hours.

PRESENT

Prof. Narain Chand Parashar—*Chairman*

MEMBERS

2. Shri L. Balaraman
3. Shri Bapulal Malviya
4. Dr. A.K. Patel
5. Shri V. Krishna Rao
6. Shri Bhola Raut
7. Shri Prabhu Lal Rawat
8. Shri Kamla Prasad Singh
9. Shrimati Usha Thakkar
10. Shri Mahabir Prasad Yadav

SECRETARIAT

1. Shri C.K. Jain—*Director-IC (A)*
2. Shri S.C. Gupta—*Deputy Secretary (Q)*
3. Shri Raghbir Singh—*Senior Examiner of Questions.*

Witnesses Examined

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4. **Shri C.G. Somiah, Secretary, Ministry of Home Affairs**
5. **Shri J. Veera Raghvan, Secretary, Department of Culture**
6. **Shri R. Srinivasan, Additional Secretary, Ministry of Home Affairs**
7. **Shri Kuldip Rai, Deputy Secretary, Ministry of Home Affairs**
8. **Shri J.P. Joshi, Director General, Archaeological Survey of India**
9. **Shri R.C. Tripathi, Joint-Secretary, Department of Culture**

* * * * *

13. After the tea-break the Committee took the evidence of the representatives of the Ministry of Home Affairs and the Department of Culture regarding non-implementation of the assurance given in Lok Sabha on 26 November, 1986 in reply to Unstarred Question No. 3471 regarding rehabilitation of displaced persons migrated from West Pakistan in 1947.

14. The Chairman drew the attention of the witnesses to Direction 58 of the Directions by the Speaker whereunder their evidence could be treated as public and was liable to be published unless the witnesses specifically desired that all or any part of the evidence given by them was to be treated as confidential. The representative of the Ministry of Home Affairs requested that the recommendations of the Group of Ministers mentioned in the note sent by them may be kept confidential till Cabinet takes a decision on the matter.

15. The Committee enquired about the reasons for the delay in the implementation of the assurance. The representative of the Department of Culture replied :—

“The facts had been placed before the Group of Ministers. They had gone into several alternatives as given in the note already circulated by the Ministry of Home Affairs. They made certain proposals to solve the problem. Now, this has to be placed before the Cabinet for decision and we are processing this for placing before the Cabinet and it will be taken up shortly for final decision in the matter.”

16. Asked about the position of the petition filed in the High Court in this connection, the witness stated that the petitioner was permitted to withdraw his petition.

17. In reply to a question about the decision taken in the matter, the representative of the Ministry stated :—

“Originally the idea was that all the 220 families may be shifted from there. But afterwards it was found that it was not necessary to evacuate all the families from there. Those who are adjoining or abutting the walls have to be evacuated. So only 50 families have to be evacuated which have 62 tenements and in order to void hardship to those people also, alternative land has to be provided.”

18. When asked whether the 50 families have been identified, the representative replied :—

“Out of these 50 families, in the first phase, 20 families will be asked for shifting and the remaining will be taken up in the second phase. So, the families have been identified. At least these 20 families have been identified.”

19. In reply to a question whether the land had been identified the representative of the Ministry stated that although the land had been identified it would be demarcated only after the decision was taken.

20. The Committee enquired whether the residents had been consulted. The representative of the Ministry stated :—

“In fact, at the time of the visit of the group of Ministers, I was personally present and almost the entire colony had come out and many of them met the Group of Ministers. They spent about two hours at the site. The information was that all the representatives of the resident associations had been meeting the Ministers on different occasions. I know that they are meeting the Minister of Human Resource Ministry and the Defence Minister.”

21. Asked whether the settlement had been reached by negotiation or by administrative action, the representative of the Ministry replied :—

“There have been consultations and discussions. It is not a negotiated settlement in the full sense of the term, in the sense of two parties sitting together and coming to have a full agreement. But my understanding is that by and large the solution is likely to be acceptable to the groups who will be affected by this.”

22. The Committee enquired about the facilities to be provided to the families who were to be shifted, the witness stated that after the decision of

the Cabinet, they would demarcate the land and then the plots would be made available to the families. The loans for construction of houses will also be given. Another suggestion was that no money would be charged for the land.

23. As regards the time frame by which the matter would be settled, the witness stated that the matter would go to the Cabinet. It might take about six weeks or so to take a decision. Further there were six agencies involved. The area would have to be notified. Then arrangements would have to be made for finalisation of the shifting. So, it might take about a year.

24. Asked about the final decision in regard to rehabilitation of the families which were not proposed to be shifted, the representative of the Ministry stated :—

“My understanding is that those who are there, they want to remain there. But it is in the interest of protecting the monuments that we are asking them to vacate. First, we wanted all of them to be shifted. But they want to remain there and they do not want to be shifted. After reasonable compromise, taking into all aspects and their interests into account, the proposed Group of Ministers finally had come out not to shift all the 220 families and decided to shift the absolute minimum required. They decided that the others should not be disturbed and they should be allowed to continue there. At the same time, we have to protect the monuments and we have to think how to solve this problem. We have to ensure that those who are affected by shifting are given enough incentives so that they do not feel that they have been deprived of something. Therefore, considering this aspect, free land, building and all these things are being arranged. I feel that if you also take the other issues, then this note may again get delayed. We should take up the issue of the remaining people also. But as of now, the immediate problem is about the 50 families. 20 families are being shifted immediately. As we go along, we can examine other part of the problem also as to what to do with the remaining if they have a demand in that regard ”

25. The Chairman pointed out that the problem pertained to all the 220 families only. The matter has to be viewed in its entirety and it must be solved once for all, although it could be done in stages. Thereupon the Secretary of the Ministry stated ‘That will be examined.’

26. The Committee then adjourned.

MINUTES
THIRTEENTH SITTING

*Minutes of the sitting of the Committee on Government Assurances
held on 25 April, 1989 in Committee Room 63, Parliament House,
New Delhi.*

The Committee met on Tuesday, 25 April, 1989 from 15.30 hours to 17.30 hours.

PRESENT

Prof. Narain Chand Parashar—*Chairman*

MEMBERS

2. Shri Bapulal Malviya
3. Dr. A.K. Patel
4. Shri Bholu Raut
5. Shri Kamla Prasad Singh
6. Shrimati Usha Thakkar
7. Shri Mahabir Prasad Yadav

SECRETARIAT

1. Shri C.K. Jain—*Joint Secretary*
2. Shri S.C. Gupta—*Deputy Secretary*

WITNESSES EXAMINED

1. Shri J.A. Kalyan Krishnan, *Secretary, Ministry of Home Affairs.*
2. Shri J.V. Raghavan, *Secretary, Deptt. of Culture.*
3. Shri R. Srinivasan, *Addl. Secretary, Ministry of Home Affairs.*
4. Shri R.K. Thakkar, *Addl. Secretary, Ministry of Urban Development.*
5. Shri K.S. Bains, *Vice Chairman, Delhi Development Authority*

2. At the outset, the Chairman drew the attention of the witnesses to Direction 58 of the Directions by the Speaker whereunder their evidence could be treated as public and was liable to be published unless the witnesses specifically desired that all or any part of the evidence given by them was to be treated as confidential.

3. The Committee took evidence of the representatives of the Ministry of Home Affairs and the Department of Culture regarding non-implementation of the assurance given in reply to Unstarred Question No. 3471 dated 26 November, 1986 regarding rehabilitation of displaced persons migrated from West Pakistan in 1947.

*Assurance regarding rehabilitation of displaced persons of
Feroze Shah Kotla Monument*

4. The Committee enquired about the latest position regarding implementations of the assurance. The representative of the Department of Culture stated :

“In the meeting of 12th October, we were quite confident that the Cabinet Note would be finalised within six week’s time. We tried to expedite it even earlier than that. The Cabinet Note was finalised by us. Some changes had to be made and those changes in the particular form were made. We did succeed in finalising the Note by 2nd December and we circulated it to all the Departments for their views and concurrence because before placing it before the Cabinet, we must have the views of various Departments incorporated in it. Most of them concurred. But in the note of the Ministry of Urban Development, apparently, there was some difficulty. xx xx They represented to us on 3rd April saying that the plot of land earmarked earlier would be difficult to give. Instead of that, they gave the land at Mata Sundari Road. Because of this change in the original position, we had to add this in the Cabinet Note along with the suggestions of the Ministry of Urban Development, with this charge we finally got the Note approved by the Minister. It is now being placed before the Cabinet. This is the present position.”

5. When asked whether the plot of land had been identified now, the representative of the Ministry of Urban Development stated :

“Yes Sir. We have identified the alternative land in two lots. The first priority is to some 15 families who are occupying 20 tenements.

We are going to resettle them in one piece of land and the remaining 35 families will be resettled in Matasundari which is a complex we are developing for the resettlement of not only these 35 families ; but many other families of the old Delhi. I may also submit that Matasundari is not very far from the location under discussion."

6. When asked about the settlement of rest of the families, the representative of the Department of Culture stated that the final decision would be taken by the Cabinet but that would be in phases.

7. When pointed out that almost 18 years have now elapsed after the High Court judgement and the Prime Minister's order for the rehabilitation of the displaced persons of Kotla Feroze Shah monument and the problem remained unsolved, the representative of the Department of Culture stated :

"I know that we have slowed down in terms of the time allotted and the reason for this was at that time we wanted to accommodate these 50 families in the area adjacent to the monument itself. Now, we are able to accommodate 15 families and the other 35 families will have to go to the Mata Sundari Road."

8. About the role of Ministry of Home Affairs in the matter of rehabilitation of these displaced persons, the representative of Ministry of Home Affairs stated as follows :

"For the protection of the monuments or for the proper maintenance of the monuments the question arises whether all of them should be shifted or none may be shifted or some of them should be shifted. This is a matter which has been in the discussion for some years now. This matter is presented before the Cabinet by the Department of Culture because the monuments are under their charge. In this scheme of things there is no separate Ministry of Home Affairs decision to be delivered in this matter. As far as the Ministry of Home Affairs is concerned, it has a limited purpose in this regard. The Ministry of Home Affairs, in terms of its rehabilitation component, has to analyse one of the gross component and the last action has to be made by the Rehabilitation Section of the Ministry. In so far as this particular matter which is under consideration is concerned, there is a financial liability. The Ministry of Home Affairs has accepted that financial liability."

9. When asked whether rehabilitation of only 50 families will serve their purpose or the total number of 220 families will be rehabilitated, the representative of the Ministry of Culture stated that the first phase will include 15 families, second phase would include 35 families and the rest in other phases as might be decided by the Cabinet.

10. When enquired about the delay in taking a decision on the proposal, the representative of the Ministry of Urban Development stated :

“Immediately on receipt of the note from the Department of Culture we took up the matter with the Delhi Development Authority who had gone into the subject, considered it from all angles and they made earnest efforts to locate a suitable plot of land where these 50 families could be re-settled. A group of Ministers had suggested a plot of land next to the present location but on detailed verification, the DDA came across a number of problems about the use of this piece of land for resettlement of 50 families. The first was as per the prescribed land-use in the Master Plan of Delhi of 1962 it is just a playground by the side of the district park, etc. In the approved Master Plan for 2001 also ; the same land-use has been repeated. Strictly speaking this piece of land is not available for building of any houses as such. In actual use also we found that it would not be entirely correct to forget the housing need of these refugees of West Pakistan because part of this land was being used for a local bus stop by the D.T.C. Then it is also the cultural meeting point in the area. Every year the Ramalcela is held in this area. Therefore, the DDA had come to the conclusion that it would not be correct if these 50 families were housed in this plot of land. So, a detailed examination was necessary. At the same time, the DDA was conscious of the desire of the group of Ministers that these families should not be located at a place which is inconveniently located. Therefore, they suggested another plot of land which is next door to the present location. It is also next door to the plot of land suggested by the Group of Ministers. They said that they were going to have alternative plots for these fifty houses. They said that they would reconsider and absorb them in Mata Sundari Road area and that is why they had to explain it to the Department of Culture. That shows how keen they were to finalise the proposal. At the same time, three to four months were taken up by the DDA to go into all these aspects and that should not be taken as a long delay.”

11. When asked whether before taking the earlier decision the Ministry of Urban Development was taken into confidence by them or whether their proposal was vetted by Ministry of Urban Development or the assurance was given without consulting the Ministry of Urban Development, the representative of the Department of Culture stated :

“We went by the recommendation of the Group of Ministers. They had given the recommendation. But it does happen when you start implementing a proposal that you meet some anticipated difficulty. Apparently the department faced that problem and they started implementing this particular issue. But we thought that the Group of Ministers having gone into it, it should not be difficult for the different departments to agree to it straightaway.”

12. When asked whether this was an ideal solution or some alternative solution would come up again, the representative of the Ministry stated :

“What we have submitted to the Cabinet is not an ideal solution. It is a compromise. The practical solution is worked out by a group of Ministers. What we have submitted has come out a practical compromise on all sides.”

13. When the Committee pointed that most important for them was an integrated solution to the rehabilitation of 220 families the representative of the Ministry stated that the views of the Committee will be fully presented in the Cabinet note.

14. When asked about the total area required for the settlement of these 220 and 50 families which had been earmarked for them, the representative of the Ministry of Urban Development stated :

“The total area required is not much and that is not what is to bothering us. Our concern is the location of the alternative site. Some years ago, we offered them alternative location which was many Kilometres away from the present site. We are not making serious efforts to find an alternative place which may be next door to them or which may be within a reasonable distance. For fifteen families, hopefully, we may be able to find a little corner in the same location and for thirty five families a little away.”

15. When asked about the total cost of development involved in these fifty plots, the representative of the Delhi Development Authority stated :

“Generally the cost of development, including the cost of land, is different in different areas. But we Charge varying amounts from different categories considering whether they belong to the economically weaker section or what.”

16. When asked how much time would they take in the submission of the note to the Cabinet and whether the note will incorporate all the concern and anxiety expressed by the Committee, the representative stated that the note would be submitted to the Cabinet within 10 days and it would incorporate the concern and anxiety of the Committee.

17. When asked whether they will stick to the present limit of extension of time i.e. upto 26 May, 1989, the representative of the Ministry stated that they will go to the Cabinet before that. He further stated that they hope to liquidate the assurance before the end of this Session.

Assurance regarding management of Heun Tsang Memorial at Nalanda

18. The Committee enquired about the reasons for non-implementation of the assurance regarding management of Heun Tsang Memorial at Nalanda. The representative of the Department of Culture stated :—

“In 1955, some relics of Heun Tsang were presented by H.H. Dala Lama to the late Prime Minister, Pandit Jawaharlal Nehru, with the consent of the Chinese Government. He also received a cheque for Rs. 574,713 from the Chinese Embassy in Delhi along with a plan of the Memorial Hall in Chinese style to house relics to be erected at Nalanda. The work was entrusted to CPWD. The construction commenced in 1961 and was finally completed in 1984. While the construction was on, it became necessary to decide about the status and the future use of this building Memorial Hall. In December, 1983, the Ministry of Education and Culture submitted a proposal to Government of Bihar that the Heun Tsang Memorial may be merged with the Nava Nalanda Mahavihara, which is situated at Nalanda itself, and being administered by the Government of Bihar. The amalgamated organisation could be taken over by the Central Government with the status of an autonomous body to be managed by a registered society consisting of the representatives of the Central Government, and the Bihar Government as also scholars engaged in

historical/Buddhist studies. The autonomous body could be mainly financed by the Central Government, with partial financial contribution from the Government of Bihar. After a lot of correspondence, the Bihar Government was agreeable in principle in 1985 to the merger of the two with full obligations of the Centre and the State Government would let the Centre know about the terms and conditions of the transfer of property of Nava Nalanda Mahavihara and the representation of the Bihar Government in the new board.

Since then, to get this institution, we have been pursuing the matter with the State Government starting from June, 1985. We have been writing at various levels, also meeting and discussing at various levels. In 1986, the Government of Bihar told the State Government had decided to accept the Central Government proposal to convert the Nava Nalanda Mahavihara into a "Deemed-to-be-University". We pointed out to them that this would come much later. Let the autonomous body be established. We wanted them to reconsider the matter and give us the terms and conditions of the transfer of property of Mahavihara. Since then we have been having a series of correspondence and discussions. The reply from the State Government was not forthcoming but we did get an interim reply from the Chief Secretary in September, 1988 that the matter is receiving consideration at the highest level of the State Government. In September, 1988, a meeting was taken by Secretary, Ministry of Parliamentary Affairs to review the assurances pending over one year in which this assurance was also considered. It was decided at that time that a meeting should be arranged between Secretary, Department of Culture and the Chief Secretary, Bihar to sort out this proposal. The Chief Secretary was then requested for a meeting and finally, the Secretary and Commissioner, Department of Human Resources of the Government of Bihar and Additional Secretary, Department of Culture met in April, 1989 and discussed the issue. Shri Sarma, Secretary, Government of Bihar informed that the State Government will write formally separately at a very early date regarding the transfer of Nava Nalanda Mahavihara. This was on 10th April, 1989. We are pursuing the matter at the highest level. We hope that this long outstanding assurance will get resolved. There is a proposal by us to merge Nava Nalanda Mahavihara with Heun Tsang Memorial. It is for the Bihar Government to accept our proposal and to transfer it as such. The moment they agree to it on representation from Bihar, we will go ahead."

19. The Committee pointed that the Ministry had not sought for further extension of time beyond 24.1.1989 and suggested to clinch the issue at higher level. The representative of the Ministry stated :

“We would very much like to do that. We have been requesting our Minister and he has written to the Chief Minister and we are also pursuing at our own level. They said they already accept it in principle. They have to decide modality of transfer of assets and the representation if they want to get in the new Society. We will register the Society.”

20. When asked about the pattern of management and function, the representative of the Ministry stated :

“The pattern of management we envisage is a kind of small autonomous Body under the Registration Act. with Central and State representation where there are Buddhist stupas. It should be a compact Body.”

21. When asked whether they were satisfied with the management of the memorial the representative of the Ministry stated that there were no complaints about the functioning. They wanted to have full management with them. They wanted to do that through an autonomous body.

22. The Committee then adjourned.

MINUTES

THIRD SITTING

The Minutes of the Sitting of the Committee on Government Assurances held on 8 August, 1989 in Committee Room No. 63, Parliament House, New Delhi.

The Committee met on Tuesday, 8 August, 1989 from 15.00 hours to 16.00 hours.

PRESENT

Prof. Narain Chand Parashar—*Chairman*

MEMBERS

2. Shri L. Balaraman
3. Shri Bapu Lal Malviya
4. Shri Murlidhar Mane
5. Shri Bhola Raut
6. Shri Prabhu Lal Rawat
7. Shrimati Shanti Devi
8. Shrimati Usha Thakkar
9. Shri Mahabir Prasad Yadav

SECRETARIAT

1. Shri C.K. Jain—*Joint Secretary*
2. Shri S.C. Gupta—*Director*

x * x * * x

5. The Committee considered and adopted the Draft Twenty-First Report with the following modification :

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>Correction</u>
17	1,40	25	<i>after 'final' add' and clear'</i>

6. The Committee authorised the Chairman to present the Report in the Current Session of Lok Sabha.

The Committee then adjourned.
