

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1992-93)**

(TENTH LOK SABHA)

FOURTEENTH REPORT

LAND FOR NEHRU PLANETARIUM

(Presented on



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358 R LOK SABHA SECRETARIAT
NEW DELHI

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October 4, 1993/Asvina. 12, 1915 (Saka)

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COMPOSITION OF THE COMMITTEE ON GOVERNMENT
ASSURANCES*
(1992-93)

Dr. Laxminarain Pandey — *Chairman*

MEMBERS

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3. Shri B. Devarajan
4. Smt. Saroj Dubey
5. Shri Prabhu Dayal Katheria
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12. Shri Nawal Kishore Rai
13. Dr. D. Venkateshwara Rao
14. Shri A. Prathap Sai
15. Shri Chinmaya Nand Swami

SECRETARIAT

Dr. R. C. Bhardwaj — *Additional Secretary*
Shri Murari Lal — *Joint Secretary*
Shri Joginder Singh — *Deputy Secretary*
Shri K.K. Ganguly — *Deputy Secretary*

*The Committee was nominated by the Speaker w.e.f. 13 December, 1992, vide para 1596 of Lok Sabha Bulletin Part-II dated 14.12.1992.

INTRODUCTION

I, the Chairman of the Committee on Government Assurances, as authorised by the Committee, do present on their behalf, this Fourteenth Report of the Committee on Government Assurances.

2. The Committee (1992-93) were constituted on December 13, 1992.

3. The Committee at their sitting held on May 25, 1993 took the evidence of the representatives of the Ministry of Urban Development in connection with the non-implementation of assurances given on—

(i) May 21, 1990 in reply to USQ No. 9732; and

(ii) August 12, 1991 in reply to Unstarred Question No. 2568 regarding land for Nehru Planetarium.

At their sitting held on October 4, 1993, the Committee considered and adopted the Draft Fourteenth Report.

4. The Minutes of the aforesaid sittings of the Committee form part of the report.

5. The conclusions/observations of the Committee are contained in this report.

6. The Committee wish to express their thanks to the officials of the Ministry of Urban Development.

NEW DELHI;
October 4, 1993

Asvina 12, 1915 (Saka)

DR. LAXMINARAIN PANDEY,
Chairman,
Committee on Government Assurances.

REPORT

LAND FOR NEHRU PLANETARIUM

On May 21, 1990, the following Unstarred Question No. 9732 given notice or by Shri Brij Bhushan Tiwari, M.P., was addressed to the Prime Minister:—

“(a) the name of the Ministry which allotted land for the construction of Nehru Planetarium in Teen Murti Bhavan Campus and the conditions laid down for it; and

(b) in whom the right of ownership of Nehru Planetarium vests?”

2. The Minister of State in the Ministry of Science and Technology (Prof. M.G.K. Menon) gave the following reply:—

“(a) and (b): The information is being collected and will be laid on the Table of the House.”

3. Reply to the 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 August 20, 1990.

4. At their sitting held on August 25, 1992 the Committee (1991-92) reviewed this assurance alongwith other pending assurances of Ninth Lok Sabha. The Committee decided to pursue the subject matter. The recommendations of the Committee are contained in their Eighth Report presented to Lok Sabha on November 24, 1992, read as follows:—

“The Committee do not appreciate the pace of implementation of assurances. The Committee emphasise that the whole attempt should be to find out the reasons why assurances could not be fulfilled. The Committee are of the view that undue delay in fulfilling the assurances defeats the very purpose of raising the matter on the floor of the House. The Committee desire that the Ministries/Departments concerned should take vigorous steps to implement the remainings 63* pending assurances selected by the Committee for being pursued further and ensure that the implementation is completed within the next two months. A positive strategy may be worked out to achieve this goal.

The Committee also desire that the Ministry of Parliamentary Affairs should review the outstanding assurances periodically and remind the concerned Ministry/Department, where necessary, for early implementation of these assurances.”

* Includes pending Assurance to USQ No. 9732 dt. 21.5.1990 stated above.

5. On August 12, 1991, the following Unstarred Question No. 2568 given notice of by Shri Mohan Singh, M.P. was addressed to the Minister of Urban Development:—

“(a) the name of the Ministry which had allotted land for the construction of Nehru Planetarium within the premises of Teen Murti Bhavan, New Delhi; and

(b) the conditions prescribed therefor?”

6. The then Minister of State in the Ministry of Urban Development (Shri M. Arunachalam) gave the following reply:—

“(a) and (b): The information is being collected and will be laid on the Table of the House.”

7. Reply to the question was also treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply i.e. by November 11, 1991.

8. The Ministry of Urban Development sought extension of time from the Committee upto May 12, and August 11, 1992 on the following grounds:-

“...the requisite information is being collected from the Directorate of Estates.”

9. On October 7, 1992 the Ministry submitted a brief note as desired by the Chairman, Committee on Government Assurances to know the reasons for the delay. The contents of the note are as follows:—

“...that the Nehru Memorial Museum and Library Society was constituted on 1.4.1966. As per the Memorandum of Association of the Society, it was provide that ownership of the Teen Murti House and the attached estate shall continue to vest in the Central Government. However, in 1964 the administration and management of the Teen Murti House was transferred to the Nehru Memorial Museum and Library Society and while doing so, it was *inter alia* mentioned that the premises in the East of Teen Murti House and which are within the boundary wall of Teen Murti House will remain the property of Nehru Memorial Museum and Library Society and could be utilised by the institution in the manner considered desirable.

2. In the above context, it may also be mentioned that according to Clause 3 of the Memorandum of the Association of the Society, the ownership and maintenance of Teen Murti House and the attached estate continued to vest in the Central Government. Further, according to Clause 3 (ix)(c), the Society can acquire, hold and dispose of property provided that the prior approval of the Central Government is obtained in the case of acquisition and disposal of the immovable property.

3. Thus, it is clear that the ownership of the land and building continued the vest with the Government of India and at no stage the same has been transferred to the Society. Moreover, the Society could not acquire any land or part with the portion of the property without prior approval of the Government.

4. However, Jawahar Lal Nehru Memorial Fund was established to collect contribution to be devoted to the objectives dear to the heart of Shri Jawahar Lal Nehru so as to perpetuate his memory, in 1964. The Jawahar Lal Nehru Memorial Fund approached the Ministry of Education and Culture with a proposal to put up a building for housing a planetarium to be called Nehru Planetarium in the premises of Teen Murti House. The land use of the property being residential, the proposal was referred by the Ministry of Education and Culture to the Ministry of Urban Development for necessary approval of the Ministry for change of land use in respect of the entire Teen Murti House area. After following the usual procedure, the approval of the Ministry for change of land use was issued on 2.8.1980. The building plans submitted by the Institution were also approved. The entire process for approval of the building plan and construction of the building *i.e.* Nehru Planetarium was undertaken by the Jawahar Lal Nehru Memorial Fund from its own resources in consultation with Ministry of Education and Culture.

5. Usually, whenever a proposal for putting up any construction on a specific plot is formulated and submitted to local body, ownership of land has to be verified and no objection certificate from the land owning agency obtained before approval is accorded but in the instant case, clearance from this Ministry was not solicited by the local body otherwise the provision in the Memorandum of Association with reference to ownership of land and the fact that the Institution cannot acquire or hold or dispose of property without specific permission would have been clarified to the local body. The Institution, it seems, in pursuance of the letters from the Directorate of Estates presumed that the ownership of land has been transferred to the Society and they were free to utilise the land in question for furtherance of the objectives dear to Shri Jawahar Lal Nehru.

6. As the land and building forming part of the Teen Murti House are vested in the Government and the ownership thereof cannot be transferred to them unless a specific provision to this effect is made by amendment to the Memorandum of Article of Association, the question of regularising the utilisation of the area under planetarium building is being examined by this Ministry in consultation with Ministry of Human Resource Development and Finance. A Cabinet Note on the subject matter has been prepared and circulated for comments of Ministry's whereafter Cabinet approval will be taken.

7. Keeping in view the above position, it may kindly be seen that this Ministry is taking steps to sort out the matter and fulfil the assurance at the earliest and the process is likely to take about three months. The desirability of taking oral evidence of the representatives of this Ministry may also be examined in the light of the above position."

10. Thereafter, the Ministry of Urban Development sought further extension of time upto January 31, 1993 on the grounds as stated below:—
 ".....that the entire matter has been examined by the Government in consultation with Directorate of Estates, C.P.W.D. and the Department of Culture as well as Ministry of Finance. In this regard as the land and building form a part of the Teen Murti House are vested in the Government and the ownership thereof cannot be transferred to them unless a specific provision to this effect is made by amendments to the Memorandum of Articles of Association. The question of regularising the utilisation of the area under planetarium building has been examined and a Cabinet Note on the subject has been finalised incorporating the views of the concerned departments. The orders of the Cabinet are being solicited."

11. On February 18, 1993, the Ministry informed the Committee while seeking extension of time upto February 28, 1993, that the proposal for regularisation of utilisation of land for construction of Nehru Planetarium has been forwarded for consideration of the Cabinet.

12. The Committee decided to take evidence of the Ministry of Urban Development of May 25, 1993, to know the reasons for the delay in implementing these two assurances.

13. On May 21, 1993, the Ministry of Urban Development furnished a brief note vide their O.M. No. H-11016/12/91-LD to the Committee. The brief note *inter-alia* contained the following details:—

"The matter relating to land for Nehru Planetarium and construction thereof in the Teen Murti Bhavan Campus *vis-a-vis* conditions laid down for it and the right of ownership of Nehru Planetarium was first raised in pursuance of Lok Sabha Unstarred Question No. 9732 dated 21.5.1990 which was listed in the name of the Ministry of Science and Technology. The Ministry of Science and Technology in reply to the question tendered an assurance which was subsequently accepted by the Ministry of Urban Development for fulfilment.

2. On detailed examination of the Question, it was found that the subject matter is concern of the Department of Culture because consequent on the abolition of erstwhile Prime Minister's pool w.e.f. 9.12.64, it was decided that the premises in the East of Teen Murti House will remain the property of Nehru Memorial Museum and Library Society who were given the administration and management of the Teen Murti House. Since the Nehru Memorial Museum and Library Society is a registered Society under the overall control of Department of Culture,

Department of Culture was requested to accept the transfer of the assurance under intimation to the Lok Sabha Secretariat on 14.9.1990.

3. Simultaneously, reference was also made to the Delhi Development Authority to clarify as to when and how the notifications regarding change of land use of Teen Murti House Complex from "residential to institutional" was issued and who approved the construction of Nehru Planetarium building, whose ownership vests with the Jawaharlal Nehru Memorial Fund.

4. While strenuous efforts were being made to ascertain the factual position and fulfilment of the Assurance; vide Lok Sabha USQ No. 2568 on 12.8.91 the name of the Ministry which had allotted land for construction of Nehru Planetarium and the conditions prescribed therefor were also enquired into.

5. Letters were addressed to Nehru Memorial Museum and Library Society, Jawaharlal Nehru Memorial Fund, Ministry of Human Resource Development, Deptt. of Culture, Department of Science and Technology, NDMC, Director General (Works), Land and Development Officer, Directorate of Estates and Delhi Development Authority, a copy of the Memorandum of Association Rules and Regulations of the Nehru Memorial Museum and Library Society and a copy of the Deed of Declaration of Trust and Rules and Regulations of the Jawaharlal Nehru Memorial Fund and a copy of the Office Memo No. 15011(3)/65-W dated 24.11.65 addressed by the then Ministry of Works and Housing to the Ministry of Education were gone into.

6. While communicating approval of this Ministry to the Memorandum of Association and Rules and Regulation of the Society, this Ministry clarified that the Museum and Library will be housed in the Teen Murti House and, as already decided by the Cabinet, the House and its maintenance would remain with the Government. It was *inter-alia* mentioned that the properties vested in the Society should not include the Teen Murti House and also that the Society should not carry out additions and alterations to the Teen Murti House without prior approval of this Ministry.

7. According to Clause 3 of the Memorandum of Association of the Society, the ownership and maintenance of the Teen Murti House and the attached estate shall continue to vest in the Central Government. Further according to Clause 3 (ix) (c), the Society can acquire, hold and dispose of property provided the prior approval of the Central Government is obtained in the case of acquisition or disposal of the immovable property.

8. Directorate of Estates vide O.M. dated 13.1.67 abolished the erstwhile Prime Minister's pool and took over certain properties in the General Pool. It was also mentioned that the premises in the East

of Teen Murti House and which are in the boundary walls of Teen Murti House would remain the property of the NMML Society.

9. Thus, it is clear that ownership of the land and building continued to vest with the Government of India and at no stage the same has been transferred to the Society. The wording of the letter dated 13.1.67 read with letter dated 14.7.67 which also provides that the buildings situated in the East of Teen Murti House and which are within the Four walls of the Teen Murti House are the property of NMML Society has created a confusion implying that the ownership of land and buildings has been transferred to NMML Society.

10. Jawaharlal Nehru Memorial Fund was established to collect contributions to be devoted to the objects dear to the heart of Shri J.L. Nehru so as to perpetuate his memory in 1964. The Jawahar Lal Nehru Memorial Fund approached the Ministry of Education and Culture with a proposal to put up a building for housing a planetarium to be called Nehru Planetarium in the premises of Teen Murti House and this proposal was referred to this Ministry for necessary approval for change of land use in the area measuring 11.33 ha. The approval of the Ministry for change of land use was issued through Delhi Division on 2.8.80. Approval of the building plan was given by the NDMC on 23.3.82. However the terms and conditions in regard to giving the premises on lease and licence basis to the Jawahar Lal Nehru Memorial Fund have not been formalised.

11. As land and buildings forming part of Teen Murti House are vested in the Government, with a view to formalise the construction of the Nehru Planetarium within the premises of Teen Murti House, Ministry of Urban Development considered various options for regularisation the utilisation in consultation with Ministry of Human Resource Development, Finance and Law and a draft note for consideration of the cabinet was circulated for comments all these Ministries.

12. The entire matter has been examined in consultation with the concerned Ministries/Departments of the Government and the final Cabinet Note is being submitted shortly.

13. The matter required looking into old records and also collecting relevant information from various organisations. Discussions at various stages were held for ascertaining the factual information with reference to earlier records with reference to earlier records exchanged amongst different offices. The process took time before the factual position could be ascertained and regularisation process could be started. The delay in fulfilment of the assurance is regretted. The assurance will be fulfilled after the proposal has been considered by the cabinet. The entire process is being dealt on top priority."

14. The representatives of the Ministry of Urban Development appeared before the Committee on Tuesday, May 25, 1993 to give oral evidence on land for Nehru Planetarium, in Teen Murti House.

15. At the outset, the Chairman drew the attention of the witnesses to Direction 58 of the Directions by the Speaker and clarified to them that their evidence was likely to be treated as public and 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. It was further explained to the witnesses that even though the evidence was desired to be confidential, such evidence was liable to be made available to the Members of Parliament.

16. The Committee then enquired when the approval was accorded to put up a building for Nehru Planetarium in the residential land of Teen Murti House and who approved the plan. The Committee also desired to know the latest position with regard to the implementation of the pending assurances in this regard.

17. The representative of the Ministry of Urban Development gave the following background note and admitted the facts that in 1967 consequent on the abolition of the PM's Pool, the Directorate of Estate had wrongly issued a letter for taking over of certain properties of the Teen Murti House and permitted the balance property to remain with Nehru Memorial Museum and Library Society (NML Society):—

“We should express our gratitude to the hon. M.Ps who raised this issue in 1990, as well as in 1991 through these unstarred questions because it is only after that, that we really went into the matter of the entire ownership of the land for Planetarium and the matter connected with it. We started looking into the matter after 1964 because after 1964, when the Nehru Memorial Museum and Library Society was formed, the management of the Teen Murti House was transferred to them. Then, there was a letter of the Director of Estate sometime later in 1967. Consequent to the abolition of the Prime Minister's pool certain residential accommodation which was available in the Prime Minister's pool got transferred under general pool and the Teen Murti House was left to managed by the Nehru Memorial Museum and Library Society. We had not really looked into the matter at all about the ownership of the land and various aspects connected with the Society and the Teen Murti House management. But thanks to these unstarred questions, we really started looking into the matter. It has taken a little time because the first unstarred question was addressed to the Department of Science and Technology and they had given an assurance because they were not aware of the entire background and subsequently, the Minister of Urban Development took over this assurance for fulfilment.

When we started looking into it, then, particularly after the Prime

Minister's pool was abolished, we felt that this is more the responsibility of the Department of Culture for the reasons that NMML Society was under the overall control of the Department of Culture. So, we have been in correspondence with the Department of Culture with a request to take over the fulfilment of the assurance.

But, meanwhile, there has been a subsequent question with regard to who allotted the land to the Planetarium and who approved the various construction programmes and what conditions were prescribed for granting. We started looking into the matter. As I mentioned earlier, there has been some delay because we had to look into the old records from 1964 onwards; as also various departments like the Ministry of Human Resource Development, Department of Culture were involved in this and also Delhi Development Authority which gave permission for the land use change, the Jawahar Lal Nehru Memorial Fund, Jawahar Lal Nehru Memorial Museum and Library Society, Department of Science and Technology, NDMC which cleared the building plans, Director General (Works), Land and Development Officer, Directorate of Estate etc. There are so many organisations and so many offices which were involved in this. We have been in correspondence with them and tried to ascertain the factual position with regard to this entire issue.

What we have found in the meanwhile is that as per Clause 3 of the memorandum of Association of the Society which was approved by the Ministry of Urban Development—the then Works and Housing Ministry—the ownership and maintenance of the entire Teen Murti House was going to be with the Central Government itself and not with the Society. It is only the management and administration of Teen Murti House which was supposed to be with the Society. We found, therefore, that actually nobody had so far formally allotted the land to the Planetarium. There is no mention as to who allotted this land to the Planetarium. What has really happened was that the Directorate of Estate has issued a letter in 1967, consequent to the abolition of the Prime Minister's pool saying that they are taking over certain properties and the balance that was left would remain the property of the NMML Society. But that was a wrong thing to do. The Director of Estate was not competent enough to issue such a letter. The ownership has to be given by the Ministry of Urban Development. His is an attached office and they were not really competent to issue such a letter. But somehow that mistake had been committed. They, instead of saying that the building will remain with the NMML Society, said that the building will be property of the NMML Society which was a wrong thing to do.

Based on this wrong letter of the Directorate of Estate, NMML Society seems to have agreed to the part with the land or permitted the construction of the Planetarium by Jawahar Lal Nehru Memorial

Fund, when they approached them for taking up the construction of the Planetarium. And it was on that basis, they approached the Department of Culture, who in turn approached the Ministry of Urban Development to change the land use pattern and, therefore, permit construction the Planetarium, again, based on the letter of 1967 issued by the Directorate of Estate. While taking over some of the houses under general pool, we did not at that time, go into this entire matter and in 1980 approved the change of land use pattern to permit construction of this Planetarium. Nobody went into the ownership issue at all and the NDMC approved the building plan and thereafter the construction has taken place. As I mentioned, as per Clause 3 of the Memorandum of Association, the Society is not allowed to have the ownership of this property as it vests with the Central Government. It is only the management and administration of the Teen Murti House which is with the Society and the Society was not competent to pass on the ownership of land to the Jawahar Lal Nehru Memorial Fund.

They have at their cost, put up the Planetarium and the rocket. As a result of all these issues, thanks to the two Unstarred Questions and Assurance given, we have been able to have the various facts at our disposal now. So, we plan to regularise the whole thing; to formalise the entire management. Based on the information that we now have, we are now approaching the Cabinet for taking certain decisions to formalise the entire arrangement. The Note is before the Cabinet. Once it is taken up by the Cabinet, the entire thing will be sorted out."

18. The Committee further sought clarification that in a note furnished to the Committee in October 1992, it was mentioned that whole land of Teen Murti House is under the ownership of the Central Government but the construction work started prior to taking permission. Secondly, in the same note it was also mentioned that the matter had been placed before the Cabinet and within three months all issues would be cleared. That three months has since passed and the Committee desired to know the latest and complete information in this regard.

19. The representative of the Ministry of Urban Development in reply stated as follows:—

"We have been consulting with the various organisations. We have all the information that we need now to approach the Cabinet for taking certain decisions with regard to the Nehru Memorial Museum and Library; the Jawaharlal Memorial Fund and the construction of the Planetarium. We have all the information with us. In the note for the Cabinet, suggestions have been made to the Cabinet. Once

the Cabinet takes a decision in this regard, everything would be sorted out."

20. The representative further added that by the end of September the Cabinet would discuss the matter and whole thing would be sorted out.

21. The Committee then enquired why the extension of time for fulfilment of assurance after February 1993 was not sought by the Ministry.

22. The representative of the Ministry of Urban Development regretted for the mistake and added that in December 1992 a note was sent to the Cabinet but the Cabinet had returned the note saying that it should be revised. Accordingly, a revised note was sent to the Cabinet. If the Cabinet had taken a decision entire issue would have come to formal shape.

23. The Committee further asked how the approval was issued and plan approved. Whether any responsibility was fixed for an irregular and illegal activity.

24. To that the representative stated as follows:—

"The position is that a wrong letter was sent in 1967 by the Director of Estate to the Society consequent on taking over some of the properties in the then Prime Minister's complex. The letter listed out a large number of properties which were coming under the General Pool of the Director of Estates and these which were under the Society for Management. In that letter they had said that the rest of the property will remain as the property of the Society, which was not a right thing to do. It was a mistake. So, because of the particular letter from the Directorate of Estates, the Society thought that the property was with them. Actually they should have been aware that under Clause 3 of the Memorandum of Association the property belonged to the Central Government not to them and they can do any alterations or changes only with the prior approval of the Central Government. But because of this letter they have been under the impression that the property belonged to them."

25. In reply to another Question put forward by the Committee as to when this mistake was detected and whether they had fixed the responsibility for it, the representatives explained:—

"We started looking at the entire issue only after the assurance was given through this Unstarred Question. After 1967, this has really been not gone into. It has taken all this time to arrive at all this information when we started looking into the matter in 1991. A number of Ministries and other organisations are involved. We now have some information, on the basis of which we plan to proceed after the Cabinet's decision.

I would like to explain that because they were under the impression that the land belonged to them, they asked for the change of land use. Based on the approval given by the Ministry, the concerned local bodies had

given permission for building plans in 1992. Therefore the mistake really takes back to 1967 when the Directorate of Estates had given this letter. That has given the basis for the subsequent approval. So fixing up of responsibility for mistake committed in 1967 is not possible now."

26. The Committee then enquired whether any objection was raised by the previous society for the construction of the Planetarium and whether the ownership of the land had been transferred to the Nehru Memorial Fund for the construction of the planetarium. The representatives replied in negative to both these points and added further as follows:—

"When the Cabinet first approved the proposal, ownership of the land was to rest with the Central Government and the Society was to only manage and administer the museum and the library. That was the decision of the Cabinet in 1964.

27. The Committee sought clarification about a point given in the brief submitted to the Committee whether it had been admitted that premises in the east of Teen Murti House would remain the property of the Society and could be utilised by the Institution in the manner it liked. The representatives admitted that it was a mistake that was committed long back. When the Committee further asked whether the mistake has since been rectified, the witness further explained as follows:—

"That is the proposal before the Cabinet. I may be permitted to say that we would like to reiterate the decision taken by the Cabinet in 1964 when the Society was formed. That decision was that the Society would manage and administer the property; but the ownership of the land will rest with the Central Government."

28. The Committee further enquired about the delay in submitting a note to the Cabinet for their consideration. To it, the representatives further clarified as follows:—

"The Cabinet Note is before the Cabinet. I cannot say when it will take up this matter for discussion. It is not in my hands. I hope, in the next three months, it would be possible to sort the matter out. Probably, by end September, the whole thing can be sorted out.

.....What happened was that this Note had gone to the Cabinet in December itself. Then the Cabinet had returned it should be revised. We had to go back to the Cabinet with the Revised Note. It has now been done. Anyhow, I will have to check up the position on this issue."

29. The Committee take notice of the fact that in 1964, the Cabinet took an important decision about the ownership of Teen Murti House and its use and utilisation. It was decided that the Teen Murti House would remain with the Central Government and the maintenance of the building would be done by the Central Government itself. The Committee also find that the two Societies known as Nehru Memorial Museum and Library Society and Jawaharlal Nehru Memorial Fund were formed to manage and administer

the Teen Murti House and to arrange funds respectively for perpetuating the thoughts and feelings of Pandit Jawahar Lal Nehru, First Prime Minister of India. The Societies are under the control of Department of Culture, Ministry of Human Resource Development.

30. The Committee find that the Cabinet also very clearly mentioned that the properties vested in the Society should not include the Teen Murti House and also that the Society should not carry out additions and alterations to the Teen Murti House without the prior approval of the Ministry of Urban Development. Even then the Jawahar Lal Nehru Memorial Fund at the instance of Nehru Memorial Museum and Library Society approached the Ministry of Education & Culture with a proposal to set up a building for housing a planetarium to be called Nehru Planetarium in the premises of Teen Murti House. After the approval of the then Ministry of Education & Culture, the Directorate of Estates perhaps issued communication according permission to change the residential use of the area to institutional use. The approval of the building plan was given by NDMC on March 23, 1992. The terms and conditions in regard to giving the premises on lease and licence to the Jawahar Lal Nehru Memorial Fund have not yet been finalised.

31. The Committee are constrained to note that the Ministry of Urban Development did not look into the matter at all about the ownership of the land and various aspects connected with the NMML Society and the Teen Murti House Management prior to the assurance given in reply to the aforesaid questions. Taking it as the responsibility of the Department of Culture, after the Prime Minister's pool was abolished, for the reasons that NMML Society was under the overall control of that Department, the Ministry of Urban Development have not owned their responsibility in the matter and have not looked into their records from 1964 onwards. The Committee are not convinced with the plea given by the Ministry. The Ministry of Urban Development should have been aware of Clause 3 of the Memorandum of Association of the Society which was approved by the ministry itself, according to which the ownership and maintenance of the entire Teen Murti House was going to be with the Central Government itself and not with the Society.

32. The Committee are also unhappy to note that Director of Estates issued a letter in 1967, which he was not competent to issue, and the mistake was neither rectified at any stage thereafter nor the responsibility fixed.

33. The Committee are distressed to note that the letter of the Directorate of the Estate has presumably given a wrong notion of transferring the ownership right to the Jawahar Lal Nehru Memorial Fund. The Committee are of the opinion that the Departments of the Government of India have muddled the whole issue and made it complicated and no careful and thoughtful consideration has taken place even though clear guidelines and

approval of the cabinet were issued in 1964 regarding the ownership and the management of the Teen Murti House, a historical building of the Capital.

34. The Committee are of the view that such things should not be repeated again in respect of other public/residential offices and a proper care should be taken before taking final decision for their use and transferring ownership right to some other society.

35. The Committee take notice that the matter has been placed before the Cabinet in October, 1992 by the Ministry of Urban Development in Lackadaisical manner and the approval of the Cabinet is still awaited. First of all, the delay of more than two years on the part of the Ministry for placing the note before the Cabinet is not convincing and secondly no special efforts are being made to get the entire arrangements of the Teen Murti House formalised through the Cabinet Committee at an early date.

36. The Committee hope that by the end of this year the approval of the Cabinet would be obtained and all formalities to regularise the whole matter would be completed and the assurances fulfilled at an early date.

NEW DELHI;
 October 4, 1993

Asvina 12, 1915 (Saka)

DR. LAXMINARAIN PANDEY,
 Chairman,
 Committee on Government Assurances.

APPENDIX I

MINUTES

Seventh Sitting

Minutes of Sitting of the Committee on Government Assurances held on May 25, 1993 in Committee Room No. 'D', Parliament House Annexe, New Delhi.

The Committee met on Tuesday, May 25, 1993 from 12.00 hours to 13.30 hours.

PRESENT

Dr. Laxminarain Pandey—*Chairman*

2. Shri B. Devarajan
3. Smt. Saroj Dubey
4. Shri Prabhu Dayal Katheria
5. Shri Balin Kuli
6. Shri Manphool Singh
7. Shri Ajoy Mukhopadhyay
8. Shri Surendra Pal Pathak
9. Smt. Pratibha Devisingh Patil
10. Shri Nawal Kishore Rai
11. Shri A. Prathap Sai

SECRETARIAT

Shri Murari Lal —*Director*

Shri Joginder Singh —*Deputy Secretary*

Shri K.K. Ganguly —*Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF URBAN DEVELOPMENT, MUNICIPAL CORPORATION OF DELHI AND DELHI DEVELOPMENT AUTHORITY

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1. Shri K.J. Reddy — Secretary, Ministry of Urban Development
 2. Shri P.V. Jayakrishnan — Commissioner, Municipal Corporation of Delhi.
 3. Shri H.D. Sharma — Member Engineer, Delhi Development Authority

2. The Committee took oral evidence of the representatives of the Ministry of Urban Development, Municipal Corporation Delhi and Delhi Development Authority in connection with non-implementation of

the assurances given on May 5, 1990 in reply to USQ 9732 and on August 12, 1991 in reply to USQ 2568 regarding land for Nehru Planetarium.

3. At the outset, the Chairman drew the attention of the witnesses to Direction 58 of the Directions by the Speaker and clarified to them that their evidence was likely to be treated as public and 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. It was further explained to the witnesses that even though the evidence was desired to be confidential, such evidence was liable to be made available to the Members of Parliament.

4. The Committee took up for consideration the issue regarding land for Nehru Planetarium and enquired when the approval was accorded to put up a building for Nehru Planetarium in the residential land of Teen Murti House and by whom the plan was approved. The Committee also desired to know the latest position with regard to the implementation of these assurances.

5. The representative of the Ministry of Urban Development gave the following background note and admitted the facts that in 1967, consequent on the abolition of the PM's Pool, the Directorate of Estate had wrongly issued a letter for taking over of certain properties of the Teen Murti House and permitted the balance property to remain with Nehru Memorial, Museum and Library Society (MML Society):—

“We should express our gratitude to the hon. M.Ps who raised this issue in 1990, as well as in 1991, through these unstarred questions because it is only after that, that we really went into the matter of the entire ownership of the land for Planetarium and the matter connected with it. We started looking into the matter after 1964 because after 1964, when the Nehru Memorial Museum and Library Society was formed, the management of the Teen Murti House was transferred to them. Then, there was a letter of the Director of Estates sometime later in 1967. Consequent to the abolition of the Prime Minister's pool certain residential accommodation which was available in the Prime Minister's pool got transferred under general pool and the Teen Murti House was left to be managed by the Nehru Memorial Museum and Library Society. We had not really looked into the matter at all about the ownership of the land and various aspects connected with the Society and the Teen Murti House management. But thanks to these unstarred questions, we really started looking into the matter. It has taken a little time because the first unstarred

question was addressed to the Department of Science and Technology and they had given an assurance because they were not aware of the entire background and subsequently, the Ministry of Urban Development took over this assurance for fulfilment.

When we started looking into it, then, particularly after the Prime Minister's pool was abolished, we felt that this is more the responsibility of the Department of Culture for the reason that NMML Society was under the overall control of the Department of Culture. So, we have been in correspondence with the Department of Culture with a request to take over the fulfilment of the assurance.

But, meanwhile, there has been a subsequent question with regard to who allotted the land to the Planetarium and who approved the various construction programmes and what conditions were prescribed for granting. We started looking into the matter. As I mentioned earlier, there has been some delay because we had to look into the old records from 1964 onwards, as also various departments like the Ministry of Human Resources Development, Department of Culture were involved in this and also the Delhi Development Authority which gave permission for the land use change, the Jawahar Lal Nehru Memorial Fund, Jawahar Lal Nehru Memorial Museum and Library Society, Department of Science and Technology, NDMC which cleared the building plans; Director General (Works), Land and Development Officer, Directorate of Estates etc. There are so many organisations and so many offices which were involved in this. We have been in correspondence with them and tried to ascertain the factual position with regard to this entire issue.

What we have found in the meanwhile is that as per Clause 3 of the Memorandum of Association of the Society which was approved by the Ministry of Urban Development—the then Works and Housing Ministry—the ownership and maintenance of the entire Teen Murti House was going to be with the Central Government itself and not with the Society. It is only the management and administration of Teen Murti House which was supposed to be with the Society. We found, therefore, that actually nobody had so far formally allotted the land to the Planetarium. There is no mention as to who allotted this land to the Planetarium. What has really happened was that the Directorate of Estates had issued a letter in 1967, consequent to the abolition of the Prime Minister's pool, saying that they are taking over certain properties and the balance that was left would remain the property of the NMML Society. But that was a wrong thing to do. The Directorate of Estates was not competent enough to issue such a letter. The ownership has to be given by the Ministry of Urban

Development. This is an attached office and they were not really competent to issue such a letter. But somehow that mistake had been committed. They, instead of saying that the building will remain with the NMML Society, said that the building will be property of the NMML Society which was a wrong thing to do.

Based on this wrong letter of the Director of Estates, NMML Society seems to have agreed to part with the land or permitted the construction of the Planetarium by Jawahar Lal Nehru Memorial Fund, when they approached them for taking up the construction of the Planetarium. And it was on that basis, they approached the Department of Culture, who in turn approached the Ministry of Urban Development to change the land use pattern and, therefore, permit construction of the Planetarium, again, based on the letter of 1967 issued by the Directorate of Estates. While taking over some of the houses under general pool, we did not, at that time, go into this entire matter and in 1980 approved the change of land use pattern to permit construction of this Planetarium. Nobody went into the ownership issue at all and the NDMC approved the building plan and thereafter the construction has taken place. As I mentioned, as per Clause 3 of the Memorandum of Association, the Society is not allowed to have the ownership of this property as it vests with the Central Government. It is only the management and administration of the Teen Murti House which is with the Society and the Society was not competent to pass on the ownership of land to the Jawahar Lal Nehru Memorial Fund.

They have at their cost, put up the Planetarium and the rocket. As a result of all these issues, thanks to the two Unstarred Questions and the assurance given, we have been able to have the various facts at our disposal now. So, we plan to regularise the whole thing; to formalise the entire arrangement. Based on the information that we now have, we are now approaching the Cabinet for taking certain decisions to formalise the entire arrangement. The Note is before the Cabinet. Once it is taken up by the Cabinet, the entire thing will be sorted out."

The Committee further sought clarification that in a note furnished to the Committee in October 1992, it is mentioned that whole land of Teen Murti House is under the ownership of Central Government but the construction work started prior to taking permission. Secondly, in the same note it is also mentioned that the matter has been placed before the Cabinet and within three months all issues will be cleared. That three months has since passed and the Committee desired to know the latest and complete information in this regard.

The representative of the Ministry of Urban Development stated as follows:—

“We have been consulting with the various organisations. We have all the information that we need now to approach the Cabinet for taking certain decisions with regard to the Nehru Memorial Museum and Library; the Jawaharlal Memorial Fund and the construction of the Planetarium. We have all the information with us. In the note for the Cabinet, suggestions have been made to the Cabinet, Once the Cabinet takes a decision in this regard, everything would be sorted out.”

The representative further added that by the end of September the Cabinet would discuss the matter and whole thing would be sorted out.

The Committee then enquired why the extension of time for fulfilment of assurance after February, 1993 was not sought by the Ministry.

The representative of the Ministry of Urban Development regretted for the mistake and added that in December 1992 a note was sent to the Cabinet but the Cabinet had returned the note saying that it should be revised. Accordingly a revised note was sent to the Cabinet. If the Cabinet had taken a decision entire issue would have come to formal shape.

The Committee further asked how the approval was issued and plan approved. Whether any responsibility was fixed for an irregular and illegal activity.

To this the representative stated as follows:

“The position is that a wrong letter was sent in 1967 by the Director of Estates to the Society consequent on taking over some of the properties in the then Prime Minister’s complex. The letter listed out a large number of properties which were coming under the General Pool of the Director of Estates and those which were under the Society for Management. In that letter they had said that the rest of the property will remain as the property of the Society, which was not a right thing to do. It was a mistake. So, because of this particular letter from the Directorate of Estates, the Society thought that the property was with them. Actually they should have been aware that under clause 3 of the Memorandum of Association the property belonged to the Central Government and not to them and that they can do any alterations or changes only with the prior approval of the Central Government. But because of this letter they have been under the impression that the property belonged to them.”

In reply to another question put forwards by the Committee as to when

this mistake was detected and whether they had fixed the responsibility for it, the representatives explained as follows:—

“We started looking at the entire issue only after the assurance was given through this Unstarred Question. After 1967, this had really been not gone into. It has taken all this time to arrive at all this information when we started looking into the matter in involved. We now have some information, on the basis of which we plan to proceed after the Cabinet's decision.

I would like to explain that because they were under the impression that the land belonged to them, they asked for the change of land use. Based on the approval given by the Ministry, the concerned local bodies had given permission for building plans in 1992. Therefore the mistake really takes back to 1967 when the Directorate of Estates had given this letter. That has given the basis for the subsequent approvals. So fixing up of responsibility for a mistake committed in 1967 is not possible now.”

The Committee then enquired whether any objection was raised by the previous society for the construction of the Planetarium and whether the ownership of the land had been transferred to the Nehru Memorial Fund for the construction of the Planetarium. The representatives replied in negative to both these points and added further as follows:—

“When the Cabinet first approved the proposal, ownership of the land was to rest with the Central Government and the Society was to only manage and administer the museum and the library. That was the decision of the Cabinet in 1964”.

The Committee sought clarification about a point given that in the brief submitted to the Committee where it had been admitted that premises in the east of Teen Murti House would remain the property of the Society and could be utilised by the Institution in the manner it like. The representatives admitted that it was a mistake that was committed long back. When the Committee further asked whether the mistake has since been rectified, the witness further explained as follows:—

“That is the proposal before the Cabinet. I may be permitted to say that we would like to reiterate the decision taken by the Cabinet in 1964 when the Society was formed. That decision was that the Society would manage and administer the property; but the ownership of the land will rest with the Central Government.”

The Committee further enquired about the delay in submitting a note to the Cabinet for their consideration. To it, the representative further clarified as follows:—

“The Cabinet Note is before the Cabinet. I cannot say when it will take up this matter for discussion. It is not in my hands. I hope, in the next three months, it would be possible to sort the

matter out. Probably, by end-September, the whole thing can be sorted out.

What happened was that this Note had gone to the Cabinet in December itself. Then, the Cabinet had returned it saying that it should be revised. We had to go back to the Cabinet with a Revised Note. It has now been done. Anyhow, I will have to check up the position on this issue."

The Committee then adjourned.

APPENDIX II

MINUTES

Eleventh Sitting

Minutes of Sitting of the Committee on Government Assurances held on Monday, October 4, 1993 in Room No. 62, Parliament House, New Delhi

The Committee met on Monday, October 4, 1993 from 12.00 hours to 12.45 hours.

PRESENT

CHAIRMAN

Dr. Laxminarain Panday

MEMBERS

2. Shri B. Devarajan
3. Smt. Saroj Dubey
4. Shri B.K. Gudadinni
5. Shri Ajoy Mukhopadhyay
6. Shri Chinmaya Nand Swami

SECRETARIAT

1. Shri Murari Lal — *Joint Secretary*
2. Shri Joginder Singh — *Deputy Secretary*

2. The Committee considered the draft fourteenth report and after certain modifications adopted the same.

3. The Committee then adjourned to assemble for ensuing study tour at Udaipur in the evening.

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