

**ELEVENTH REPORT**

**ESTIMATES COMMITTEE  
(2006-07)**

**(FOURTEENTH LOK SABHA)**

**MINISTRY OF HOME AFFAIRS**

**NEW DELHI MUNICIPAL COUNCIL**

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**Presented to Lok Sabha on 23.5.2006**

**LOK SABHA SECRETARIAT  
NEW DELHI**

**May 23, 2006/Jyaistha 2, 1928(S)**

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**COMPOSITION OF THE ESTIMATES COMMITTEE**  
**(2006-2007)**

Shri C. Kuppusami, MP - Chairman

**MEMBERS**

2. Shri Lal Muni Choubey
3. Shri Adhir Chowdhury
4. Shri Bikram Keshari Deo
5. Shri V. Kishore Chandra S. Deo
6. Shri Anant Gudhe
7. Shri Jai Prakash
8. Shri P. Karunakaran
9. Shri Vijaykumar Khandelwal
10. Shri Vijoy Krishna
11. Shri B. Vinod Kumar
12. Prof. Chander Kumar
13. Shri Samik Lahiri
14. Shri Sanat Kumar Mandal
15. Shri Zora Singh Mann
16. Shri Mahendra Prasad Nishad
17. Shri Prabodh Panda
18. Shri Sukdeo Paswan
19. Shri K.S. Rao
20. Prof. Rasa Singh Rawat
21. Shri Iqbal Ahmed Saradgi
22. Shri Jyotiraditya M. Scindia
23. Shri Arjuncharan Sethi
24. Shri Manabendra Shah
25. Shri Brijbhushan Sharan Singh
26. Shri Lakshman Singh
27. Dr. Ramlakhan Singh
28. Shri Rewati Raman Singh
29. Shri Dharmendra Yadav
30. Shri Madhu Goud Yaskhi

**SECRETARIAT**

1. Smt. P.K. Sandhu - Additional Secretary
2. Shri A. Mukhopadhyay - Joint Secretary
3. Shri Rajeev Sharma - Deputy Secretary
4. Shri Cyril John - Under Secretary
5. Smt. Manju Chaudhary - Assistant Director

## INTRODUCTION

1. I, the Chairman of the Estimates Committee, having been authorised by the Committee to submit the report on their behalf present this Eleventh Report on the Ministry of Home Affairs – ‘New Delhi Municipal Council (NDMC)’.

2. The subject was selected for detailed examination by the Estimates Committee (2003-2004). The Estimates Committee (2004-2005) took briefing on the subject on 31<sup>st</sup> January, 2005 and the Estimates Committee (2005-2006) took evidence of representatives of Ministry of Home Affairs and NDMC on 19<sup>th</sup> July, 2005. The Committee wish to express their thanks to the officers of the Ministry of Home Affairs and NDMC for placing before them the detailed written notes on the subject and for furnishing information desired in connection with the examination of the subject. The Committee also appreciate the frankness with which the officers of the Ministry of Home Affairs and NDMC shared their views, perceptions and constraints with the Committee.

3. The Committee would also like to express their gratitude to the Estimates Committee 2003-2004, 2004-2005 and 2005-2006 for the able guidance and right direction provided by them in obtaining information for in depth and comprehensive study of the subject.

4. The Report was considered and adopted by the Estimates Committee (2005-2006) at their sitting held on 20<sup>th</sup> April, 2006. Since the report could not be presented before 30<sup>th</sup> April as the House was not in Session, it was placed before the newly constituted Committee (2006-2007). The Committee considered and adopted the report at their sitting held on 18<sup>th</sup> May, 2006.

5. The Report is divided into five chapters. The Committee have inter alia made the following important observations/recommendations:

- (i) As the area covered by NDMC includes about three lakh residents population, the recommendation of Balakrishna Committee that NDMC should consist of a certain number of members elected on the basis of adult franchise needs to be reconsidered by the Government in all seriousness.
- (ii) Government should review the desirability of modifying composition of the Council as recommended by Balakrishna Committee keeping in view the basic democratic principles and also granting voting right at the Council meetings to the Members of Parliament representing the constituencies comprising wholly or partly the area under the jurisdiction of NDMC.

- (iii) In view of the under utilisation of funds by NDMC, it should be ensured that the projections made in its Budget Estimates are based on realistic assessment of requirement of funds.
- (iv) Specific time frame should be fixed for assessment/ reassessment of property tax and also for recovery of arrears which has reached Rs. 329.25 crore as in 2004-05 from Rs. 78.28 crore in 1994-95.
- (v) Ministry of Home Affairs should take prompt steps for amending the NDMC Act for collection of service charges in lieu of property tax from Government Departments.
- (vi) Ministry of Home Affairs should take up the matter at the highest level with the Ministry of Urban Development so that Government Departments are directed to comply strictly with the decision for payment of license fee at CPWD rates. The licensee fee should also be increased for a period of five years at 20% per annum to bring it close to the market rates and the position should be reviewed after five years.
- (vii) NDMC should make advance planning for modernising and augmenting its system of water supply for meeting the demand in its area in an efficient manner.
- (viii) To ensure uninterrupted power supply to the consumers, NDMC should motivate its maintenance staff through appropriate incentives and implement short term and long term plans strictly according to time schedules prescribed for the purpose.
- (ix) NDMC should take steps to check over billing and for replacing faulty water and electricity meters with promptitude. Programme for modernization of water meter workshop should be taken up in right earnest and completed in a specified time frame.
- (x) There is need for re-organisation and motivation of the entire division of NDMC that is responsible for maintenance, cleaning and removal of garbage.
- (xi) NDMC should pursue the project for setting up state of art compost plant with the facility for segregation of all types of waste and a Refuse Derived Fuel (RDF) plant within the time frame worked out for the purpose.
- (xii) There is an imperative need to improve the overall working of the NDMC run hospitals, and dispensaries by ensuring punctuality of doctors and staff and also by maintaining equipments and providing medicines.

- (xiii) Decision to start the new school opposite Birla Mandir should be reviewed at the highest level after making a realistic assessment of the need of the area.
- (xiv) NDMC should concentrate more on improving the quality of education so that the students of its schools may achieve standards and gradings comparable to public schools.
- (xv) Process of mechanisation of road repair should be introduced without any further delay so as to ensure time and cost effectiveness in maintenance of roads.
- (xvi) Horticulture Department should draw-up an action plan for imparting adequate training to its personnel so as to ensure better up keep of the parks and roundabouts.
- (xvii) In order to optimally utilise the rain water for being used for various purposes in the city, NDMC should explore the possibility that even the existing buildings in the area are gradually made to adopt water harvesting techniques.
- (xviii) NDMC should formulate a parking policy to regulate traffic in the NDMC area.
- (xix) The public grievances redressal machinery in the Council should be further strengthened and concrete steps be taken for timely redressal of grievances of the public.
- (xx) NDMC should pursue earnestly with Delhi Subordinate Service Selection Board and get the vacancies filled up at the earliest to ensure smooth functioning of NDMC.
- (xxi) An enquiry should be conducted into missing of records pertaining to unauthorized constructions/encroachments prior to January 2002 and the culprits brought to book. The files should either be traced or reconstructed within a specified time frame and encroachers dealt with firmly.
- (xxii) NDMC must pay specific attention to removal of the Jhuggi clusters in its municipal area in view of the forthcoming Commonwealth Games 2010.
- (xxiii) In view of the serious problems being faced by nearby residents of Talkatora Indoor Stadium, NDMC should use space inside the Stadium for cooking food etc and not use the parking space for such purposes.  
NDMC should frame clear cut guidelines for the users and ensure their strict compliance by the users as well as NDMC Staff.

- (xxiv) Vigilance mechanism in NDMC should be strengthened and stringent action taken against employees who are found indulging in corrupt practices.
- (xxv) In view of the prestigious Commonwealth Games, 2010 to be hosted in the capital. NDMC should formulate an action plan for providing total face lift to the city falling within its jurisdiction and have it implemented within a stipulated and rigid time frame.

6. For facility of reference, the observations/recommendations of the Committee have been printed in bold type in the body of the report and have also been reproduced in consolidated form in the Appendix.

New Delhi;  
May 18, 2006  
Vaisakha 28, 1928(Saka)

C. KUPPUSAMI,  
Chairman,  
Committee on Estimates.

## Chapter I

### INTRODUCTION

#### Introductory

New Delhi Municipal Council (NDMC) has been charged with the Municipal Government of New Delhi. It has a jurisdiction of 42.74 square kilometers with resident population of about three lakh and floating population of around 15 lakh. The area under NDMC includes Rashtrapati Bhawan; Sansad Bhawan; the Prime Minister's Office and residence; Central Government Offices; Foreign Missions; residences of Ministers, Members of Parliament, Diplomats and Central Government employees; and also a few private residential properties and shopping complexes.

#### Historical Background

In order to cater to sanitation needs of workers engaged in construction of the new capital, a Committee called the "Raisina Municipal Committee" was constituted in 1916. In 1925, it was upgraded to the level of a second class municipality under the Punjab Municipal Act. It consisted of ten Members appointed by the local Government either by name or by office. The first Committee so constituted included five ex-officio members and five appointed by name. Thus, public men were included to participate in the deliberation of local affairs/problems for the first time. On 9<sup>th</sup> September, 1925, this Committee was empowered to impose tax on buildings thereby creating the first source of revenue for the Committee. This was followed by transfer of many administrative functions to the civic body by the Chief Commissioner of Delhi and both its income and expenditure grew noticeably. By a resolution passed by the Raisina Municipal Committee on 22<sup>nd</sup> February, 1927, the Committee changed its name as "New Delhi

Municipal Committee” and on 16<sup>th</sup> March, 1927 the Chief Commissioner conveyed his approval for adoption of the new name “New Delhi Municipal Committee”. From the year 1916, the Committee looked after sanitation needs of the workers engaged in construction of the new capital. In 1931, it was decided to transfer the functions relating to buildings, roads, sewers, medical and public health to the Committee. After some time, the functions relating to electricity and water supply were also transferred to it. The New Delhi Municipal Committee was upgraded to the level of a 1<sup>st</sup> class municipality in 1932 and it was entrusted with supervisory powers to look after all the civic amenities.

In May 1994, the Punjab Municipal Act 1911 was replaced by the NDMC Act passed by the Parliament and the New Delhi Municipal Committee was renamed as the New Delhi Municipal Council. Under Section 418 of the NDMC Act, 1994, the Central Government appointed a Special Officer for the period till nomination of the Members. The first meeting of the Council took place on 23<sup>rd</sup> December, 1995. In the light of the 74<sup>th</sup> Constitutional Amendment Act which dealt with the subject of Municipalities and in conformity therewith, the NDMC Act, 1994, came to be enacted. The NDMC Act, 1994 is stated to have been structured especially for New Delhi Area on account of the following salient features.

“The New Delhi Municipal Council area comprises the territory that has been described as Lutyens’ Delhi and is historically regarded as the seat of Central authority in Union of India. It comprises important buildings like Rastrapati Bhavan, Parliament House, Supreme Court, North and South Blocks and buildings abutting Central Vista and also all diplomatic missions which function as territorial entities, under the sovereign jurisdiction of their Flag

States. The Government of India is nearly the sole landowner and own about eighty per cent of the buildings in the NDMC area.

Private ownership of property in this area is marginal. On account of these special characteristics, it was felt that any scheme for the governance of this area based on conventional pattern of representative local self-government, would be unworkable and out of place, since the pre-eminent character of this area is that of the seat of the Central Government.”

### **NDMC Act, 1994**

On an enquiry about the salient features and improvements incorporated in the NDMC Act, 1994 vis-à-vis the provisions contained in the Punjab Municipal Act, 1911 as extended to New Delhi, the Ministry of Home Affairs in their written reply stated as follows:-

- (1) To provide for a new legislation for the NDMC area in place of the Punjab Municipal Act as the amendments therein had become archaic.
- (2) To bring uniformity, as far as possible, in building regulations, audit, revenue and budgetary provisions in the Municipal Corporation of Delhi and the New Delhi Municipal Council.
- (3) To harmonize the law with the Constitution (74<sup>th</sup> amendment) Act, 1992, with necessary exemptions and modifications under Article 243(ZB) of the Constitution wherever departure had been made from the Constitutional provisions.
- (4) To do away with the conventional pattern of representative local self government for NDMC areas, keeping in view the pre-eminent character of this area as it is the seat of the Central Government.
- (5) The Special Legislation governing the New Delhi Municipal Council area provides:-

- a) The Chairperson to be nominated by the Central Government in consultation with the Chief Minister of Delhi. He is to be an Officer of the Central Government or of the Government of the National Capital Territory of Delhi, being not lower in rank than a Joint Secretary to the Government of India.
  - b) Three members of the Legislative Assembly of National Capital Territory of Delhi representing whole or part of the New Delhi area;
  - c) Five members from the officers of Government to be nominated by the Central Government;
  - d) Two members to be nominated by the Central Government in consultation with the Chief Minister of Delhi to represent professionals, like lawyers, doctors, intellectuals, traders, labourers, etc.
  - e) The Member of Parliament representing constituency which comprises wholly or partly the New Delhi area to be the Special Invitee without voting right; and
  - f) Out of eleven members, there shall be at least three members who are women and one member belonging to the Scheduled Castes.
- (6) Upon dissolution, the new Council shall continue for a full term of five years as in the case of the Municipal Corporation of Delhi.
- (7) The provision of disqualification relating to "Office of Profit", for purposes of elections to the Legislative Assembly of the National Capital Territory of Delhi shall not be made applicable to the nominated members.
- (8) The Finance Commission constituted under the Delhi Municipal Corporation Act, 1957 will also work in respect of New Delhi Municipal Council.

As regards the improvement incorporated in the NDMC Act, the Ministry of Home Affairs in their written reply stated as follows :-

- “1. With regard to audit and accounts of the NDMC, provisions have been made at par with the provisions of the Delhi Municipal Corporation Act, 1957.
2. A specific provision has been made in the new Act, conferring on the Central Government the powers to give directions to the NDMC regarding efficient delivery of services to the public and generally regarding the municipal administration.
3. All other matters such as provisions relating to taxation, revenue and expenditure, municipal officers and other municipal employees, budget estimates, property and contracts, street, building regulations, sanitation and public health, vital statistics, public safety and suppression of nuisances, markets, trades and occupations, powers, procedure, offences and penalties etc. have been uniformly made applicable, as far as possible, between the NDMC and the MCD.
4. The Chairperson has been conferred with the executive powers of the Council.
5. The term of the Council is five years and when the NDMC is constituted upon dissolution of the earlier Council, the new Council shall continue for a full term of five years.
6. Under the new Act, the Central Government alone have the authority to inspect or examine any municipal department or office or any service or work undertaken by the Council or any property belonging to the Council.”

## **Composition of the Council**

According to the NDMC Act, 1994, the Council shall consist of the following members:-

1. (a) A Chairperson, from amongst the officers of the Central Government or the Government of National Capital Territory of Delhi, or above the rank of Joint Secretary to the Government of India to be appointed by the Central Government in consultation with the Chief Minister of Delhi.
  - (b) Three members of Legislative Assembly of Delhi representing constituencies which comprise, wholly or partly, the New Delhi area;
  - (c) Five members from amongst the officers of the Central Government or the Government of NCT of Delhi or their undertakings, to be nominated by the Central Government, and
  - (d) Two members to be nominated by the Central Government in consultation with the Chief Minister of Delhi to represent from amongst lawyers, doctors, chartered accounts, engineers, business and financial consultants, intellectuals, traders, labourers, social workers including social scientists, artists, media persons, sports persons and any other class of persons as may be specified by the Central Government in this behalf.
2. The Members of Parliament representing constituency which comprises wholly or partly the New Delhi area, shall be Special Invitees for the meetings of the Council but without a right to vote.

3. Out of the eleven members referred to in para (1) above there shall be at least three members who are women and one member belonging to the Scheduled Caste.
4. The Central Government shall nominate, in consultation with the Chief Minister of Delhi, a Vice Chairperson from amongst the members specified in clauses (b) and (d) of para (1) above.
5. The Council, unless sooner dissolved under Section 398 or any other law for the time being in force, shall continue for five years from the date appointed for its first meeting.

During evidence, the Committee observed that according to NDMC Act, 1994, the Members of Parliament representing the constituency which comprises wholly or partly the New Delhi area, shall be special invitees for the meetings of the Council but without a right to vote. Pointing out that MLAs who are the elected representatives have been given right to vote in the Council but the Member of Parliament who is also a elected representative of public has not been provided the same right to vote in the Council, the Committee asked whether the Ministry thought that an Amendment in the Act was required. The Secretary, Ministry of Home Affairs in his reply stated as under:-

“I would think, we will of course be guided by this Committee. But I think it stands to reason that members of Parliament should also have a voting right.”

Taking note of the fact that Balakrishna Committee (which was a Committee of Experts constituted to look into the manner in which the governance of this Union Territory should take place and also looked

into the functioning of municipal arrangement in the area) had recommended that NDMC should consist of a certain number of members elected on the basis of adult franchise and an equal number of members appointed by the Lt. Governor and the Vice Chairman should be elected by the members themselves, the Committee asked for the comments of the Ministry in this regard. In reply, the Secretary of the Ministry during his deposition stated as under:-

“When the Act per se was conceived and when the objects and reasons of the Act were framed, at that stage itself it was deliberated in Parliament at length and it was decided as to how the Council should be constituted. With your permission, I will read out the relevant concluding lines. They have given out full reasons as to why it should be like that. “It was felt that any scheme for the governance of this area based on conventional pattern of representative local self-government would be unworkable and out of place since the pre-eminent character of this area is that of the seat of the Central Government.” Before reaching this conclusion, we will give a formal written statement. They have given full reasons as to why it should be like this. Notwithstanding that, enough care has been taken that public representatives must be part of the Council.

Three MLAs, who represent the area, whose constituencies fall either wholly or partly in the 42 square kilometer area are, by rule or by convention, members of the Council. They take the peoples’ aspirations to the Council.”

To a specific query regarding the attendance of members at meetings of NDMC and the contribution of nominated members to the working of NDMC, the Ministry in their written reply, inter alia stated as follows:-

“The New Delhi Municipal Council presently consists of the following members:-

1. Shri D.S. Meshram
2. Dr. S.R. Shukla
3. Smt. Kiran Dhingra
4. Shri Rakesh Mohan
5. Shri Ravi Kant Chopra

The status of attendance of these official members in the Council's meetings/meetings of the Committee of the Council in the year 1996 and 1997 are as under:-

S.No.	Member's Name	Attendance required in meetings & attended during			
		1996		1997	
		_____	_____	_____	_____
1.	Sh. D.S. Meshram	21	05	16	02
2.	Dr. S.R, Shukla	25	19	21	07
3.	Smt. Kiran Dhingra	22	05	15	02
4.	Sh. Rakesh Mohan	13	06	21	04

Shri Ravi Kant Chopra has been nominated vide Notification dated 20.05.98. He has neither attended any meeting nor taken oath so far.

.....The Council has not been able to take advantage of their expertise and experience in the management of the affairs of the Council.”

## **Framing of Rules**

During the course of evidence, the Committee made some specific queries regarding framing of rules, regulations and bye-laws under the NDMC Act, 1994. The Secretary, Ministry of Home Affairs stated as under:-

“We are equally concerned in the Ministry. First of all, the delay is admitted. There is no excuse. It should have been done earlier. The bye-laws under the earlier Act, wherever applicable, were being used. It is not that the functioning was hampered but that is no excuse. We should have had the bye-laws under Act in place.”

When enquired about specific initiatives taken to complete and notify the rules, regulations etc., the Secretary stated as under:-

“A competent consultant has been appointed. He has been given a certain time frame to complete the bye-laws. I would assure the august Committee that the bye-laws shall be in place before the end of this year.”

## Chapter II

### **FINANCE**

#### Budget

Budget estimates, revised estimates and actual expenditure of NDMC for the last five years are as follows:-

(in Rs. Lakhs)

Year	Budget Estimates	Revised Estimates	Actual Expenditure	Variations
1999-2000	66,119.00	61,474.38	58,350.01	-3124.37
2000-2001	73,368.41	82,175.36	74,722.91	-7452.45
2001-2002	82,871.51	84,064.22	74,367.37	-9696.85
2002-2003	86,089.64	87,503.33	77,570.36	-9932.97
2003-2004	88,425.54	88,377.71	80,148.07	-8229.64

The Committee asked the reasons for variations in Budget Estimates, Revised Estimates and Actual Expenditure and the Chairperson, NDMC during evidence stated as under:-

“.....unlike Government account, the Council funds are placed in a Fund called ‘New Delhi Municipal Fund’. Any savings therefore are not lapsed but remain in this account. These accounts are maintained with the State Bank of India as required under the NDMC Act. However, consistently, it has been seen that the Revised Estimates which are framed or which are projected by the various spending departments are not actually spent and which results in a variation in the Revised Estimates and the actual expenditure. The Council and the officers have undertaken a very detailed analysis of the audit reports which have been presented as well as the actual trends in these savings. We would be taking remedial steps to ensure that such large variations do not occur in future. However, coming to the reasons why they have occurred in the past, it is partly because the capital expenditure is taken from year to year basis and as some of these estimates are projected even before the projects are properly and fully conceptualized and procedures completed. In the past, there has been an anxiety to make sure that the proposals are adequately reflected in the Budget so that in case the project

comes into being there should not be problem of provision in the budgets. This year, the advice received from the Financial Adviser has been that there should be a proper project time schedule made and planning for projects should receive some sort of importance. We are paying adequate attention to these lacunae in the Council's functioning. We hope and expect that the results would be seen in the next one or two years and these wide variations would be reduced.”

The Ministry of Home Affairs further stated that budget estimates are based on the trends of receipts and expenditure in regard to various ongoing activities as well as new services/projects planned during the ensuing year. Similarly revenue estimates are based on past trends/prevaling tariffs.

On being asked about the revenue resources, NDMC in its written reply stated that it “is universally acknowledged that the municipal bodies responsible for providing a range of civic services, face shortage of resources, making it difficult even to maintain the existing level of services satisfactorily. However, unlike other municipalities, which are increasingly becoming more and more dependent on government funding for discharging their responsibilities, NDMC is a municipality with a difference. It does not depend on State or Central grants for its expenditure. The revenues of NDMC consist of property tax, duty on transfer of properties, advertisement tax and theatre tax, tax on building applications, etc. In addition, it has been getting its share of assigned taxes from the Government of Delhi. The share of assigned taxes are given by the State Government as per the formula derived by the Delhi Finance Commission.”

As regards the major source of revenue of NDMC, the Ministry of Home Affairs in their written reply stated as under:-

“Major source of revenue relate to sale of electricity, which is based on the tariff fixed by NDMC on the lines of tariff fixed by Delhi Electricity Regulatory Commission (DERC) for MCD and the extent of consumption by the consumers. Other major sources of revenue are property tax on private properties and licence fee realizable from NDMC’s properties.

For the purpose of development the Planning Commission has been sanctioning plan funds in the form of grants-in-aid as well as loans. Since 2001-02, NDMC has stopped taking loans. Non-plan grants for the education sector are also received from the Directorate of Education, Government of Delhi.”

When asked about the details of the resource-wise and year-wise, revenue/receipts (internal and external) of NDMC during last five years, Ministry of Home Affairs furnished the statement reproduced at Annexure-I. It may be seen therefrom that grants-in-aid from Union Government feature prominently in the receipts of NDMC.

### **Property Tax**

On being asked about the realization of property tax, Ministry of Home Affairs in their written reply stated as under:-

“Property tax is the main source of tax revenue of NDMC. This is leviable on private properties. Most of these properties have been developed/constructed prior to 1960 and their valuations are nominal. The result is that out of demand of Rs. 139 crore, demand on 87% properties is only Rs. 23 crore i.e., 16.5%.

More than 80% of the properties are Government properties. The properties of the Union constructed on or after 26<sup>th</sup> of January, 1950 are exempted from payment of property taxes and under executive instructions, NDMC is being paid service charges in lieu of property tax. The calculation of service charges is on the

historical cost of the building and as most of Government properties are old construction, contribution from old Union of India buildings is not more than Rs. 8 crore, which is about 6.7% of revenues from property tax and service charges. The method of valuation of properties as laid down by the Government needs a revision.”

When the Committee desired to know about arrears of property tax outstanding for the last ten years, Ministry of Home Affairs furnished the following statement:-

(Rs. In crore)

Year	Arrear
1994-95	78.28
1995-96	100.32
1996-97	147.46
1997-98	151.47
1998-99	172.25
1999-00	199.95
2000-01	150.39
2001-02	188.10
2002-03	223.30
2003-04	329.08
2004-05	329.25

To a specific query, Ministry of Home Affairs stated that an amount of Rs.1,97,46,32,679 is outstanding as property tax against 88 defaulters above the range of Rs. 50 lakh and the recoverable amount is Rs. 20,00,83,833 as on 31.03.2005.

The Committee desired to know about the steps taken to recover the arrears and the Ministry of Home Affairs stated in a written reply as under:-

“The Department has been following up the arrear cases. Action is also taken by moving the Estate Officer for recovery under the Public Premises Act and cases of arrears before the various courts are also being monitored. The Government departments are being reminded for payment of licence fee as per policy of the Council including clearance of arrears of 20% enhancement since 1.4.2002.

Wherever possible, the demand is being enforced by attachment of rents. Opportunity is given to the tax payers to clear the dues voluntarily before resorting to the extreme step of attaching the rents.

In most cases, the demand is locked up in appeal/remand. Also, there has been a slump in rental market and the tax payers are claiming benefit of reduction in rateable values where assessments have been made on comparable rents.

In a large number of cases, where the department had assessed self occupied properties on comparable rents, property owners have requested assessment on standard rent in view of the decision of the Delhi High Court. Department has filed an SLP against the order and the cases have been kept pending till the issue is finalized. The demand is being raised at the existing rateable value, however, the tax payers are paying the admitted taxes only, which is very nominal as compared to demand.”

On being asked as to what penalties are imposed in case of default of payment of taxes, the Ministry of Home Affairs stated as under:-

“Section 101 provides for 20% penalty for default on payment of taxes. This penalty is imposed only where there is no dispute or stay from the Court and where no appeals are pending. This penalty is not being imposed on the cases which have been remanded by the Court. In last five years about Rs. 23.56 crore was imposed as penalty U/s-101.”

To a further query, Ministry of Home Affairs stated as under:-

“At present a sum of only Rs. 8.87 crore is outstanding as penalty. The remaining has been collected or reduced due to corrections of assessments/penalties. The department had launched a scheme for reducing penalty by giving publicity in news papers. Many tax payers have paid taxes and availed the benefit of reduction in penalty as covered in the scheme.”

During the course of oral evidence, the Committee drew attention to the audit report of the Chief Auditor, NDMC for the year ending March, 2003 regarding a set of properties located at Anant Ram Dairy which also received publicity in the media. On this, the Chairperson, NDMC stated as under:-

“These 85 properties which have been named in the audit report relate to a set of properties located in a place called Anant Ram Dairy. These buildings constructed on land belonging to the CPWD and they were considered to be unauthorized buildings for a certain period of time and were therefore not coming under the purview of the tax net. However, now, the Council had taken the view that without prejudice to their status of regular or authorized or unauthorized under the law, they shall be assessed and assessment notices shall be issued to them as well.”

On a further query as to whether the property owners of Anant Ram Dairy area have been charged property tax with interest since the date or providing basic amenities to them, the Ministry of Home Affairs in their post evidence reply stated as under:-

“The assessment of property of Anant Ram Dairy have not been finalized as this is an unauthorized colony.”

The Ministry of Home Affairs also stated that in various Annual Audit Report Chief Auditor, NDMC has made observations regarding House Tax Department as under:-

“There were delays in finalisation of assessment of rateable value of properties and tax thereon. Cases of incorrect/under assessment of tax resulting in loss of revenue were also noticed. The progress of recovery of tax was also not satisfactory and there were heavy arrears of tax against a large number of assesses. Recovery of service charges in respect of Central Government properties was also in arrears. There were abnormal delays in finalisation of remand cases in non-recovery of tax revenue.”

### **Tax due on Hotels**

The Committee during evidence enquired about the huge amount of arrears due on defaulters. In reply, the Chairperson NDMC stated as under :-

“Approximately half of the arrears which have been referred to here relate to those pertaining to hotels. The hotels, before 1994, were liable for assessment according to a certain formula, which has now been changed by the courts. Now, they would all be re-assessed and those arrears therefore have to be brought down or written off. This is a matter on which we have been addressing the

Council and we would also be returning to them the reduced assessments due to court orders.”

The Committee further enquired as to why hotels are not being charged tax. Replying to this, the Chairperson, NDMC stated as under :-

“The hotels are paying taxes. They have always been paying taxes as assessed. The current dues are being assessed on the basis of construction. The issue that was sub judice was for the demand raised on them prior to 1994 when they were being assessed on room rent basis. Now, some of the hotels had gone to court protesting against the assessment on room rent basis. That has now been settled. They are all being assessed and arrears are being collected on revised assessment based on the ruling of the courts. The current dues are being paid and there are hardly any defaulters. If there are defaulters then properties are attached and recovered as arrears of land revenue as provided in the Act. There is no exemption to hotels at all.”

### **Tax Liability on Government Departments**

On being asked about the large recoveries outstanding against Government Departments and reasons for such large outstandings and the steps taken for their early recovery, the Ministry of Home Affairs stated that as on 31.3. 2005 an amount of Rs. 3410 lakh is outstanding against Government Departments. It was stated in a written reply as follows:-

“While the Act does not provide for recovery of service charges by coercive measures, the fact of disobeying the GOI instructions is required to be brought to the notice of Ministry of Finance/Ministry of Home. In case of perpetual defaulters, Ministry of Finance can be requested to adjust these amounts from the budget of the concerned Ministries.”

To a query, Ministry of Home Affairs in written reply further stated as follows:-

“Railways and Posts and Telegraphs are disputing the tax liability. Defence have not paid for the last three years. Sucheta Kriplani Hospital were disputing the rateable value, it has been corrected and now they proposed to liquidate in 2005-06. CPWD has made the payment partially and are claiming that they are liable to pay only 75% and not 100% of the service charges. Some of the Divisions have paid 100%, some are objecting. Since the service charges are through executive instructions, action for the recovery by the attachments is not possible. It is only by persuasion that the service charges are collected.”

On being asked about the specific suggestions for levying of service charges, Ministry of Home Affairs stated in written reply as under:-

“At present the service charges are being levied through executive instructions. If the service charges are levied on the basis of an amendment in Section 65 of the NDMC Act to provide for that where the properties are exempt from payment of property taxes, the properties shall be liable to service charges, there will be no difficulty in recovery of service charges. Similarly, a provision has to be made in Section 412 for payment of service charges on the properties of Diplomatic Missions.”

In reply to a question about measures being taken to revise the licence fee by bringing it at par with the existing market rates in respect of the premises occupied by some of the Government Departments in prime locations, the Ministry of Home Affairs stated as under:-

“Licence fee is governed by Section 141 of NDMC Act. Immovable properties are to be given on licence in normal and fair competition. In August, 2000 the Council decided to renew the

licences of the Government Departments at CPWD rates or the market rates whichever is higher and to increase the L.F. 10% every year. Accordingly, the Government Departments were informed of the Council's decision. There were discussions with the Secretary, Ministry of U.D. Since payment at market rate involved sharp increase in licence fee, it was decided that the NDMC would be paid the L.F. as per the CPWD rates and the licence fee shall be increased for a period of five years at 20% per annum to bring it substantially at the market rates and the position shall be reviewed after five years. However, this decision has not been implemented so far by the Dte. of Estate itself, the MEA, IT Department, CBI and others. Large amount of licence fee and interest on the late payments are outstanding. The MEA made a reference to the Ministry of U.D. and are still pursuing the matter with the Ministry of U.D. The I.T. Department, made a reference to the Law Ministry as to whether the Council can increase the L.F. The NDMC has issued a show cause notice to the CBI as well as the IT Department proposing cancellation of licence. The CBI has promised to liquidate the admitted liability by 30<sup>th</sup> of April, 2005. However, response from IT Department is awaited. Time has been given upto 30<sup>th</sup> of April, 2005. The Ministry of U.D. is being requested to direct the user department to pay the L.F. at 20% above the CPWD rates on year to year basis or permit the NDMC to raise the demand on market rates as per provisions of section 141 of NDMC Act and if the user Departments fail to pay, the NDMC would be free to take action under PPAct, 1971.”

Regarding the suggestion made to the Ministry of Urban Development for appointing a person or an authority for valuation of properties and calculation of service charges, Ministry of Home Affairs stated in a written reply as under:-

“A letter has been written to Secretary (U.D.) bringing to his notice, difficulty in collection of service charges, the lower valuation, refusal for payment of service charges by Railways and Posts and Telegraphs and for permitting levy of service charges on the properties of State and the Diplomatic Missions. It has been suggested that the Ministry of Urban Development may appoint a person or an authority for valuation of properties and calculation of

service charges. Valuation by such an authority cannot be challenged in any Court of law. The authority has to be appointed in consultation with NDMC and MCD and valuations given by the Authority should hold good for a period of five years.”

To a further query on this aspect, the Secretary, Ministry of Home Affairs also stated during evidence as under:-

“.....It is a bit of tenuous issue. They have been operating, collection of service charge through executive orders issued by the Ministry of Finance or some such things and not through under a statute. That is how the Government Departments and others have been kind of finding an escape route and not really paying the service charges which are absolutely and essentially due to the Council because services are being provided. So, we have advised the Council as well as the Delhi Government that an amendment in the Act must be made. It must become a statute and a statutory provision should be there so that it makes your life a lot easier as far as collection of service charges is concerned. I am happy to inform this Committee that perhaps that amendment is already under the consideration of the Government of NCT of Delhi and once they have done their internal examination, they will be sending it to the Ministry of Home Affairs for passage of the Bill etc.”

Elaborating further, Principal Secretary of Urban Development, Delhi Government stated during evidence as under:-

“The proposal to amend the NDMC Act to provide for collection of service charges in lieu of property tax on the basis of Mumbai pattern; Mumbai Municipal corporation has done it in their Act and that is successfully being implemented there. We have considered it very actively. Last month it was received and we have consulted our Law Department also.”

## Chapter III

### ORGANISATION, FUNCTIONS AND MANPOWER

#### Organisational set up

Within the parameters laid down under the New Delhi Municipal Council Act, 1994, the Chairperson is the head of the organization. In day-to-day functions, he is assisted by the Secretary, Financial Advisor, Engineer-in-Chief and heads of various other departments of the civic body. While management and control of the departments rest with the respective heads, overall administration of the organization has been vested in the Chairperson, who is assisted by the Secretary. The Secretary is also responsible for coordinating work of various departments on behalf of the Chairperson within the organization, improve efficiency in day-to-day working, develop administrative skills, which translates into efficient management of the civic body.

The details of departments, which contribute towards the management of the NDMC in their respective fields, are as under:-

S. No.	Deptt.	Head of Deptt.	Functions
1	Finance Department	Financial Advisor	Finance & Accounts Department is headed by Financial Advisor who exercises financial control over items involving expenditure from the budget of the organization including internal audit and accounting of expenditure of the Council.

2	Engineer-in-Chief Office	Engineer-in-Chief	The Civil Engineering, Electrical Engineering, Horticulture, Architect Departments, Quality Control and Technical Audit are put under the control of one Engineer, designated as Engineer-in-chief.
3	Vigilance Department	C.V.O.	To conduct enquiries etc. and assist the disciplinary authority in finalisation of vigilance/departmental cases.
4	Law Department	Legal Advisor	To render legal advice to the management.
5	Audit Department	Chief Auditor	The Audit Department, headed by the Chief Auditor, is responsible for conducting statutory audit of the accounts of the Council as per Section 59 of NDMC Act and submitting a report on the accounts to the Council.
6	Civil Engineering Department	Chief Engineers (Civil)	Civil Engineering works are got executed by two Chief Engineers. The Chief Engineer (Civil-I) is responsible for all activities connected with construction and maintenance of roads, water supply, sewerage and drainage system. Chief Engineer (C)-II is responsible for construction and maintenance of municipal buildings.
7	Electric Department	Chief Engineers (Elect.)	This department is responsible for all activities relating to supply, maintenance and distribution of power in NDMC area, construction of new 11KV, 33KV & 66KV works, Planning, stores, maintenance of electrical

			installations in municipal buildings, road lighting, Compost Plant & new projects etc.
8	Health Department	Director (Public Health) and Director (Medical Services)	Health Department has a wide network of medical services comprising hospitals, allopathic, ayurvedic and homeopathic dispensaries and maternity and child welfare centers and sanitation control in NDMC area, prevention and control of communicable diseases like dengue, malaria, etc.
9	Architect and Environment Department	Chief Architect	This department is responsible for Planning and Designing for building projects undertaken by NDMC, sanctioning of building plans within NDMC area including removal of unauthorized construction and misuse of buildings.
10	Personnel Department	Director(P)	The Personnel Department is responsible for management of various service categories of NDMC employees. This Department is also responsible for recruitment/promotion etc.
11	Education Department	Director (Edu.)	Education Department is headed by Director (Education). This Department is for imparting elementary education through Middle, Primary and Nursery Schools. NDMC also runs Sr. Sec., Secondary, Middle School.
12	House Tax Department	Director (Tax) and Director (Recovery)	House Tax Department of NDMC deals with assessment of house-tax and its collection. It is headed by Director (Tax) who is also responsible for the

			realization duties on transfer of properties, etc.
13	Estate Department	Director (Estate)	Director (Estate) is the incharge of this department. The department looks after NDMC properties and ensures revenue realization from these properties, etc.
14	Commercial Department	Director (Comml.)	This department has been entrusted with the work of realization of revenue from sale of electricity and water. It is also responsible for settlement of dues in respect of water and electricity purchased from Delhi Jal Board and DVB (Transco) respectively.
15	Enforcement Department	Director (Enf.)	This department is responsible for the removal of encroachment from municipal land/public place and regulation of parkings in NDMC area.
16	P.R. Department	Secretary/ Dir. (PR)	Holding of exhibitions, functions, press conferences etc. Attending to delegations, release of advertisements, functioning of libraries, attending to civic services related grievances, all the work relating to publicity and organization of cultural programmes.
17	Hindi Section	Secretary/ Hindi Officer	Official Language implementation.
18	Horticulture Department	Director (Hort.)	All works related to horticulture, maintenance of municipal parks and gardens.
19	Welfare Department	Director (Welfare/	Welfare activities, sport activities and allotment of municipal

		Housing)	accommodations.
20	General Administration Department	Dir. (Gn. Admn.)	All works pertaining to General Administration, Transport Controlling i.e., maintaining and up keeping of Municipal vehicles, security and fire. Council meetings, Parliament/Assembly questions and other important matters are also being dealt by GA Department.
21	I.T. Department	Director (IT)	To formulate policy and to plan activities for computerization of various departments of NDMC by providing hardware and software infrastructure support including computer training for employees.

### **Functions of NDMC**

On being asked about the functions of NDMC, Secretary Ministry of Home Affairs during oral evidence stated that as far as the mandatory, obligatory and other functions are concerned, which are being given to it, they do not differ from any municipality or any corporation in India. In general terms, the main function of it is to provide the basic amenities like water, electricity, scavenging, construction of houses, roads, parks, hospitals, schools, etc., which are not being looked after by the State administration. Detailed list of mandatory and obligatory functions are given in Annexure-II.

## **Water Supply**

According to Section 147 of NDMC Act, it shall be the duty of the Council to take steps from time to time:-

- (a) For ascertaining the sufficiency and wholesomeness of water supplies within New Delhi and receiving bulk supplies of water from the authority prescribed by the Central Government;
- (b) For providing a supply to wholesome water in pipes to every part of New Delhi in which there are houses, for the domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that this clause shall not require the Council to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of New Delhi where such a supply is already available at such point or points aforesaid;
- (c) For providing as far as possible, a supply of wholesome water otherwise than in pipes to every part of New Delhi in which there are houses, for the domestic purposes of the occupants thereof and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

On being asked about water supply, Ministry of Home Affairs in their written reply stated as under:-

“NDMC procures filtered water from Delhi Jal Board and supplies it in its area. Earlier NDMC was getting 140 million litres of water per day. In 1998, the supply was reduced to 128 million litres per day and was further reduced to 120 MLD during last two years. NDMC generated about 20 MLD of water from 137 tube wells and 500 deep well hand pumps. The demand has been increasing day by day. A study was got conducted by M/s Tata Consulting Engineers and their recommendations have been implemented by augmentation of system and laying of new lines in some areas.”

### **Electricity**

On being asked about the arrangement for supply of electricity by the Government, Ministry of Home Affairs stated in their written reply as under:-

“The Electricity Department, NDMC receives power in bulk from Delhi Transco Ltd. in accordance with Section 284 of the Delhi Municipal Corporation Act, 1957, according to which DTL is to supply power in bulk to NDMC as per its demand. NDMC further provides stable and reliable power supply to most important buildings like – Rashtrapati Bhawan, PM House, Parliament House, Supreme Court, Major Hospitals, Government Buildings, and various Foreign Missions. It provides power supply to above from different sources and keeping full spare capacity at each source to enable the user (mainly CPWD) to change over to alternate source in the event of any failure. Accordingly NDMC has to ensure installed capacity of system atleast 1.5 times of peak demand.”

To a further query regarding functions of Electricity Department, the Ministry of Home Affairs stated in writing as under:-

“The main function of Electricity Department is construction, maintenance and operation of 66/33/11 KV sub-stations including

distribution network up to the supply point of the consumers in the entire NDMC area. Also the department is responsible for development of power distribution system to meet the growing demand of load of various categories of consumers. Various electrical services like internal electrical installations, AC Plants, Lifts, Fire Detection System, Public Address System and DG Sets etc. in Mpl. Buildings, both residential as well as commercial, are looked after by the Department. Besides the road lighting on various roads, service roads and by-lanes is also provided, maintained and operated by the Department.”

When the Committee asked during evidence about the steps taken by them to provide uninterrupted power supply, Chairperson, NDMC stated as follows:-

“As far as electricity is concerned, this time some of the problems were due to the tripping of the Grid and some were due to the simultaneous burn out of some of our transformers which needed replacement. The long-term plans are made in consultation with the Central Electricity Authority and in consonance with the National Plan periods, that is the Tenth Plan at this moment.”

The Committee desired to know about the system to rectify over billing and faulty working of water and electricity meters. In this connection Ministry of Home Affairs stated in their written reply as follows:-

“Water meter workshop has been set up for rectification of defective water meters on day-to-day basis, besides procurement of new water meters of international standards. About 25 water meters are repaired daily. Complaints regarding defective water meters are either received from the consumers or the meter reading section. Water meters are replaced by giving priority as per availability of the water meters. A programme for modernization of the existing water meter workshop is in hand.

There is an established procedure to rectify over billing and faulty working of water and electricity meters. Wherever it is felt that the meters placed at site are faulty, the officials of the Meter Reading Section forward a request in writing to the Electricity Department for their checking and replacement. The meters having been checked by the Testing Department, if found faulty, the assessment of consumption for the period, the Meter remained effective is made by the Commercial Department under the Administrative control of EE(Commercial). The consumption in units found charged in excess is adjusted in the subsequent bills of respective consumers allowing credit thereof.”

The Committee desired to know about the electricity tariff in NDMC area, the Ministry of Home Affairs stated in their written reply as follows :-

“....The revision of electricity tariff from 2001-02 as recommended by the DERC for DVB was implemented mutatis mutandis in NDMC. The tariff increase ordered by DERC for NDMC was higher than that of the three companies created in July 2002 and distributing electricity in Delhi. NDMC successfully contested the matter and succeeded in getting the tariff lowered for itself. This has benefited NDMC roughly to the tune of Rs 35 crore annually.”

### **Cleanliness in NDMC area**

The Committee desired to know about the efforts made to upgrade the cleanliness in New Delhi area. The Ministry of Home Affairs in a written reply stated that NDMC is constantly making efforts to upgrade the general cleanliness in the area. To a further query in this regard, Ministry of Home Affairs stated in written reply as under:-

“NDMC has been undertaking night sweeping since 1994 under the orders of the Apex Court. All the market places and their adjoining areas along with office complexes are being cleaned

and swept in the night shift. NDMC also made efforts to clean and sweep in residential areas in the night shift but due to complaints from the residents that their sleep is disturbed due to the noise made in sweeping, it was discontinued. This matter was discussed with CPCB who had also endorsed the view of the residents. Due to this reason, the residential areas have not been covered till date. Moreover, approx. 50% of the staff of the safai karamcharis are females, who may find it difficult to come in the night due to family constraints and security reasons.”

On being asked as to whether cleaning and sweeping are done in all seven days of the week, Ministry of Home Affairs stated as under:-

“Cleaning and sweeping and removal of rubbish and filth is being undertaken on all days including Sundays and holidays. 6/7<sup>th</sup> staff has been ordered to be on duty while 1/7<sup>th</sup> staff is given weekly off.....NDMC is putting sustained efforts in improving the attendance of safai karamcharies on Sundays and holidays.

Section 261 of NDMC Act envisages garbage removal by NDMC so as to provide neat and clean environment and aesthetic look to the area within its jurisdiction.”

The Committee also went into the grievances of residents regarding garbage removal as indicated in the Audit Report :-

“However, with a view to assess the efficiency of these services, Audit enquired from Presidents/Secretaries of 16 nos. of Resident Welfare Associations about removal of garbage, daily sweeping of roads, etc. through a structured questionnaire. Their responses revealed as under:-

- (i) The NDMC staff takes two to six days in attending to the complaints.
- (ii) Daily surface cleaning of all the streets and removal of sweepings therefrom is not done.
- (iii) The NDMC staff does not remove garbage daily. Thus provisions of the Act remained on paper only, the reality was that the residents were deprived of the neat and clean environment due to above deficiencies.”

Audit Report of 2001 on Government of NCT, Delhi states as under:-

“The garbage generation in the NDMC area ranged from 221 MT per day to 334 MT per day during the five year period. As against this, the capacity for garbage removal using trucks owned by the NDMC alone ranged from 240 to 432 MT per day. Year –wise details are given in the table below:-

#### Total available capacity

Year	Quantity of garbage generated/removed in MT/day	Fleet available			Total Capacity Available in MT/day
		2.5MT	4MT	8 MT	
1995-96	264	16	48	25	432
1996-97	237	16	50	24	432
1997-98	221	-	50	5	240
1998-99	284	-	67	5	308
1999-2000	334	-	67	5	308

Thus the NDMC possessed sufficient number of trucks to transport the garbage assuming that one truck made only one trip a day during the five years covered in review with the exception of year 1999-2000. In fact, even with one trip per day norm the NDMC acquired larger fleet size than actually required.

Inspite of sufficient fleet capacity the NDMC hired private vehicles during 1997-98 to 1999-2000 for lifting of garbage. The details of trips made by the NDMC vehicles and private vehicles, garbage lifted etc. during the last five years ended March 2000 are given below:-

## Trips made by vehicle and garbage lifted

Year	Trips made by NDMC vehicles	Trips made by private vehicles	Total	Quantity of garbage removed (MT)	No. of trucks available	No. of trucks required
1995-96	23732	-	23732	96476	89	66
1996-97	25778	-	25778	86341	90	59
1997-98	23911	9265	33176	80823	55+26*	55
1998-99	23923	12331	36254	103767	72+20*	71
1999-00	23569	13285	36854	122049	72+20*	84

\*Figures represent no. of trucks hired.

The NDMC intimated in July 2000 that their vehicles made only one trip each per day while the private vehicles made occasionally two trips. A perusal of the table above revealed that the NDMC trucks did not complete even one trip per day. Thus, the NDMC failed to utilize the available fleet capacity of its own to optimum level resulting in unnecessary hiring of trucks during 1997-98 to 1999-2000 and made payment of hiring charges amounting to Rs. 2.14 crore during 1997-98 to 1999-2000.

In its reply of January 2001, the NDMC while admitting the facts intimated that there were many drawbacks such as number of holidays, breakdown of vehicle, will to work in a Government setup, absenteeism, etc. The reply really brings out the pathetic situation prevailing in NDMC supervisory level who admitted that they were not able to motivate and take work from their regular staff. However, this is to be really viewed in the light of the fact that even though enough capacity to remove the garbage was available, NDMC paid out hefty sum of Rs. 2.14 crore during 1997-2000 as hiring charges.”

### **Power Generation out of garbage**

On being asked whether there is any proposal under consideration of NDMC to produce power out of garbage, a representative of Delhi Government stated during evidence as under:-

“Actually, Delhi has a number of sanitary landfill sites picking up garbage. Even the garbage of NDMC area is taken to the sanitary landfill sites and the management is participative. As far as generating power from garbage is concerned, I am personally not aware of any such project. Moreover, the plants which are already generating power are either thermal-based in Delhi or gas-based. To generate power on large scale out of garbage I think is not there.”

Further elaborating on the subject, the Chairperson, NDMC stated as under:-

“.....One of NDMC’s constraints is also that we buy bulk electricity from outside NDMC. We buy bulk water from outside NDMC. We generate garbage and we take that garbage to landfill sites outside NDMC. All these services cost us money. We pay for these services. When you are paying for services, there is always a tendency for us to try and restrict the consumption. But that demand restriction is not possible within this area given its special character and its special requirement.

So as far as landfill is concerned, we generate about 275 metric tones of garbage per day, which we take to the MCD landfill sites. We have computed it. We pay somewhere around Rs. 2 crore for that. Now, the landfill sites are going to be filled up very soon. The MCD has been raising the red flag very often that these landfill sites are no longer going to be sufficient for the entire Delhi.

So, the first people to be choked off will be those who bring the garbage to it from the outside, that is, the NDMC. They are looking at certain studies for, scientific landfill sites, not necessarily gas generation but also scientific state of the art landfills. We will look at working together with the MCD and also take this advice on generation of gas. The follow up on studies is being done by the MCD in the matter.”

To a further query, Ministry of Home Affairs stated as under:-

“The existing compost plant has no facility for generation of electricity from garbage. Moreover, the plant is old and obsolete. NDMC is working

on new project to set up State-of-art compost plant with facility for segregation of all types of waste and power generation. NDMC is also in touch with MCD and considering collaboration with MCD in this regard.”

In this regard the Chairperson, NDMC also stated as under:-

“A project report is ready with us for the state-of-the-art compost plant. We have also looked into the aspect of setting up a Refuse Derived Fuel (RDF) plant at the site after suggestions were received by us in the Briefing Meeting, which was held in January. Presently, we are looking at a proposal for private-public participation in it. The Infrastructure Leasing and Finance Services Limited (ILFS) is a section 25 company, and it has come before us with a proposal for inviting private partnership to set up a compost plant including a plant to derive some fuel from garbage. The garbage will be sought both from the Municipal Corporation of Delhi and New Delhi Municipal Council. We expect this project report to be ready by this year itself. The bid managers, who will be appointed for the purpose, would manage the bids.

The compost plant project report was analysed very carefully, and it was felt that in case the proposal is for compost plant plus something more, then we should consider it. Therefore, the advice received by us has been agreed to, and we expect this plant to be set up in the coming year or so.”

## **Health and Hospitals**

According to the information furnished by the Ministry of Home Affairs, NDMC has one 150 bedded General Hospital and one 50 bedded Maternity Hospital. In addition, it has 36 dispensaries of different streams of medicine and 13 MCW Centres. Besides this NDMC areas has a tertiary level hospital being run by the Central

Government/Railway Administration. NDMC has been regularly expanding and upgrading the facilities at its existing hospitals as per the need of the masses.

In reply to a question on the general complaints alleging of non availability of doctors and medicines in NDMC run dispensaries and hospitals, the Ministry of Home Affairs in a written reply stated as under:-

“All the essential and life saving medicines approved in the formulary of NDMC have always been available in sufficient quantities in all the dispensaries and hospitals under the administrative control of NDMC. Director (Medical Services), Departmental Vigilance Officer (DVO) and the Vigilance Department of NDMC, periodically check the attendance of the Doctors and the para-medical staff. The Vigilance Department alone checked the attendance of the Doctors in the dispensaries and the hospitals 15 times during the last one year in addition to the checking by the Director (Medical) and the DVO.”

The Committee desired to know about the findings of the surprise inspections. The Ministry of Home Affairs in their reply stated as under:-

“Action was taken against the defaulters as per CCS Rules in the form of advice/warning to be punctual in future. A few chronic late comers were even transferred and put in under the direct supervision of Senior Officers.”

On being specifically asked about the difficulties usually faced by people utilizing medical facilities in NDMC hospitals and dispensaries, Ministry of Home Affairs stated as under:-

“Since NDMC hospitals are district level hospitals, the patients at times have to be referred to other Government institutions where more specialised services are available. Some inconvenience is faced by the people on this account.”

To another related query, Ministry of Home Affairs in their written reply stated that 3602 patients were admitted in emergency ward and 21145 patients in indoor ward of Charak Palika Hospital during last three years and 1218 patients were referred to other hospitals for specialized services during this period.

On being enquired about the programme implemented on HIV/AIDS as given by National Aids Control Organisation, the Chairperson, NDMC stated during evidence as follows:-

“On HIV/AIDs, we are following a programme given to us by the National AIDS Control Organisation through the Delhi State AIDS Control Society. Blood samples are being collected at four of the NDMC’s own facilities. They are at Charak Palika Hospital, Moti Bagh, the Maternity Hospital in Lodhi Road, Polyclinic Centre, and Laboratory at Babar Road. The testing and counselling are being undertaken at our center in Shaheed Bhagat Singh Marg. It has received a great deal of appreciation within the international bodies at the way the Centre is set up and the way it is being run.”

Chairperson, NDMC further added as follows:-

“For the limited area within the NDMC, at present this is the one VC TC Centre. If there is a demand or requirement, we will expand the services.”

### **Education**

The Committee desired to know about the number of schools run by NDMC. The Ministry of Home Affairs furnished the following information in this regard:-

(i)	Sr. Sec.	06
(ii)	Secondary	09

(iii)	Middle	10
(iv)	Primary	31
(v)	Nursery	18
(vi)	Navyug Sr. Sec.	06
(vii)	Navyug Primary	03
(viii)	Aided Schools (95% aid)	04
<b>Total</b>		<b>87</b>

In addition to the above mentioned schools, there is one training center for teachers called the “School of Science and Humanities Education” located at Tughlak Crescent, New Delhi.”

To a further query, they stated that the number of schools is satisfactory as per requirement.

On being asked about expansion of facilities, Ministry of Home Affairs stated as under:-

“NDMC will lay emphasis on improving school infrastructure by proper maintenance of buildings, replacing furniture, timely supply of textbooks and uniform to students, upgradation and modernization of education by way of introducing computer education will continue getting priority. Computer labs have already been established in 23 schools and 8 more labs will be provided during 2004-05. With the cooperation of Delhi Government, NDMC intends to bring all out of schools children in the age group 6 to 14 years to mainstream of formal education.

Construction of a three storied Navyug school building opposite Birla Mandir will be taken up during the current year.”

Pointing out that there are already a number of schools around Gole Market area and NDMC has the contention that the existing number of

schools are adequate to cater to the need of population of NDMC area, the Committee enquired what necessitated setting up a new school opposite Birla Mandir. The Ministry of Home Affairs stated in their reply as under:-

“.....the existing number of schools are adequate to cater the needs of general public of NDMC area. Navyug schools were formulated to provide quality education to gifted children of weaker sections. Already there is Navyug Primary school running in a part of the building of NDMC school. This space is very limited hence school is only upto class 5<sup>th</sup>. In order to provide continuous good and proper education to these children of Navyug Pry. School, a Sr. Secondary School is under consideration for construction for which a PE amounting to Rs. 6.50 crore has been approved by the Council.”

To a further related query, Chairperson, NDMC stated in reply as under:-

“.....However, in the last two years, due to the movement away from New Delhi area of a large segment of this population, enrolments dropped.....”

On being asked as to how do the results of class Xth and XIIth of NDMC schools compare with the results of other Public Schools and MCD Schools, the Ministry of Home Affairs stated as under:-

“The results of Xth and XIIth of NDMC Schools cannot be compared with leading Public Schools in Delhi whereas the results can be compared with other Governments Schools/MCD Schools. Average results of NDMC Schools are at par with results of other Government Schools and even better in some schools.”

To a specific query regarding number of students who scored more than 75% and 90% marks in CBSE Board examination during last five years, Ministry of Home Affairs in their statement furnished to the Committee stated that out of 3091 students of NDMC schools who appeared in class X during the last five years, 54 students got marks

between 75% and 89% and 4 students scored above 90% marks. Out of 2510 students who appeared in class XII during this period, only 39 students scored marks between 75% and 89% and none of the students could score 90%. Statement showing year-wise, percentage-wise and school-wise results in CBSE Board examination during last five years is at Annexure III.

The Committee desired to know about the efforts made to improve the results in NDMC owned schools, the Ministry of Home Affairs in their reply stated as under:-

“Extra classes during autumn and winter break has been started to improve the board result. Principals and Vice Principals have been given additional responsibilities as Zonal Inspectors for conducting inspections for “spot academic evaluation/assessment” to improve the quality of teaching.”

### **Road Surfacing**

The Committee desired to know about the periodicity of resurfacing of roads undertaken by NDMC. The Ministry of Home Affairs in their written note stated as under:-

“NDMC has 1290 KM (single lane) of roads in its area and the periodicity of resurfacing is as follows:-

- (i) Roads with heavy traffic – 5 years.
- (ii) Roads with medium traffic – 6 years.
- (iii) Roads with Crumbled Rubber Mixed Betumen (CRMB) – 7 years.
- (iv) Lanes/ service road – 5 years.”

The Committee further wanted to know about the efforts made by NDMC to maintain good quality of roads especially during rainy season. Ministry of Home Affairs stated in written reply as under:-

“Efforts are being made to mechanise the patch repair and pothole repair of road which will take very less time for repair. At present, the repairs are being carried out manually through 18 road service centers spread across entire NDMC area.”

To a related query in this regard, the Secretary, Ministry of Home Affairs stated during oral evidence as under:-

“As far as road resurfacing is concerned, firstly there is a basic annual plan that is based on the total requirement. Each Department prepares a plan. Of their total receipts how much expenditure can be done and how much reserves must be kept, that is there in the annual plan. On all these things there are norms. There is norm on road resurfacing also. There are norms on the kind of road you lay and how many years that road must last before it can be re-laid. There are engineering norms. I think we must be following the CPWD Manual on these things. That is how road resurfacing is done as per the CPWD norms. There may be an emergency. There may be a sudden cloudburst and you find that the road that was laid is not in a position to withstand that problem. The common problem in Delhi, if you ask me, is services. There are telephone services, there are sewer services and there are other services where digging of road becomes a prerequisite. Hence, we have to re-lay it and there are things like that. Otherwise, I think, roads in NDMC area are much better maintained than in the rest of Delhi.”

In reply to another query in this regard, Chairperson, NDMC stated as under:-

“In addition the signages, the traffic roundabouts, the street signs, etc. are according to the Indian Road Congress specifications. We take the advice of the Central Road Research Institute at times. The specific norms about the exact proportion for each part of the roadwork is determined by maintenance norms of the Ministry of

Road Transport and Highways, and the process followed is that of the CPWD Manual.

The specifications are generally higher in New Delhi area especially of the main roads. As far as services and colony roads are concerned, we have already drawn up the norms and we expect, as the Home Secretary has pointed out, five to seven years.”

### **Horticulture**

When asked about the activities of Horticulture Department, Ministry of Home Affairs in a written reply stated as under:-

“Horticulture Department of NDMC is maintaining about 1,107 acres of green area including 6 gardens and 49 roundabouts. In the entire NDMC area the Road Berms have been converted into beautifully maintained green strips. The trees along the roadsides are 75,000 and in Garden 1,60,000. Apart from maintenance works, various development and improvement works for environmental improvement by way of tree plantation, grassing, etc. have been taken up by the Department to reduce air pollution.”

According to the information furnished by the Ministry of Home Affairs, the present strength of staff in Horticulture Department category wise is as under:-

S.No.	Name of Post	Group of Post	Present Strength
1	Director(Horticulture)	A	01
2	Additional Director (Hort.)	A	02
3	Deputy Director (Hort.)	A	01
4	Assistant Director (Hort.)	B	12
5	Section Officer(Hort.)	C	13
6	Pump Driver	C	31
7	Choudhary	C	62
8	Mason	C	02

9	Carpenter	C	01
10	Hedge man	D	05
11	Machine Man	D	08
12	Single Bull Man	D	11
13	Chowkidar	D	09
14	Mali	D	1338
15	Khallasi	D	04

The duty hours of the horticulture staff are from 9 am to 5 pm. However as per requirement, some malis are required to work in early morning and late evening for watering of plants and watch and ward in parks and gardens. There are large green areas including 3 large gardens (area : 384.58 acres), of central vista (area:182 acres), 49 roundabouts, 82 parks in residential colonies, green strips and avenue plants along roadsides. The staff carries out regular maintenance of Parks and Gardens and plantation of trees, shrubs and ornamental plants in available spaces. The green areas of NDMC are maintained by existing staff in the best possible manner. Work done by Horticulture staff is regularly supervised and monitored by senior officers.”

On being asked whether the staff in Horticulture Department is misutilised by NDMC officers as domestic helps resulting in poor maintenance of various gardens and road side trees, Ministry of Home Affairs stated in their reply that it is not correct that malis are being employed as domestic help and that no specific case has come to notice in this regard.

### **Rain Water Harvesting**

On being asked about the rain water harvesting, the Chairperson, NDMC stated during oral evidence as under:-

“As regards rainwater harvesting, there is a provision in the building bye-laws that no new building would be given a Completion Certificate unless and until it has rainwater harvesting

provision in it. In addition to it, the NDMC itself has completed 17 such works in the buildings belonging to the Council. We have also referred 85 such projects to the CGWB for their advice and 3 works for rainwater harvesting are in progress.

.....We are also looking at rainwater collection, which is a very traditional way of collecting rainwater for being used for various purposes. It is considered to be very cost-effective in dry areas like Rajasthan. A number of studies have been conducted on this issue, and we have a report with us on those studies. We will be trying rainwater collection also in some of our own institutional buildings.”

To a further query about the extent to which water harvesting helped in overcoming shortage of water supply, the Ministry of Home Affairs stated as under:-

“Since this is minuscule as far as NDMC is concerned it would be difficult to comment on issue of overcoming shortage of water supply as same is not connected to the water supply system. However, CGWB would be the best source to give details of any raise in water table in subsoil strata.”

On being asked about the waste water recycling, Chairperson, NDMC stated as under:-

“.....we will be talking to the building agencies. Our main building owners are the Central Public Works Department (CPWD) and we will be talking to them about this aspect.”

### **Parking**

On being asked about the policy for parking vehicles in NDMC area, Ministry of Home Affairs stated in written reply as follows:-

“Section 10 of the NDMC Act, 1994 provides that the municipal government of New Delhi shall vest in the Council. The obligatory and discretionary functions of the Council have been specified in Section 11 and Section 12 of the Act. To run the municipal government of New Delhi, the Act provides for levy of municipal taxes, rates, cesses, fees and charges. The functions include regulatory and enforcement duties as well. When the Municipal Act was drafted, the modes of conveyance were the vehicles drawn by animals and the local bodies were authorised to levy tax on such vehicles and animals. The rate of tax on such vehicles and animals has been provided in Schedule II of the NDMC Act. This was a direct copy from the MCD Act, 1957. The provisions made had become totally out-dated in the present context. Besides, the levy of taxes on the vehicles drawn by animals, rickshaws and animals is redundant as such vehicles are not allowed to ply in NDMC area. The tax is to be levied on all vehicles whether two wheelers or four wheelers drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes. Tax is also to be levied on hand drawn vehicles. The Act also provides for levy of tax on cycle rickshaws, bicycles, camels, horses etc. and since the mode of transport was mainly these vehicles and animals, the discretionary functions of the Council include construction and maintenance of garages, sheds and stands for vehicles and cattle biers. However, no specific provision was made for parking space needed for vehicles like motorcars, motor-cycles and buses to avoid congestion on roads. It is the obligatory function of the

NDMC to ensure that there is no obstruction on the streets and other public places. The Act also prohibits carrying on the trade of business of or any operation connected with the trade of auto car or auto cycle servicing or repairing without a license. Since with the increasing number of motor vehicles on roads in Delhi, road usage and parking requirement is on increase, it has become necessary to frame a parking policy for the NDMC area.”

The Ministry further stated as follows:-

“The total number of vehicles registered in Delhi has increased more than six times during the last twenty years. The number of private cars, motor cycles and scooters has increased by more than seven times. In addition to this, a large number of vehicles registered in nearby States enter into New Delhi area from nearby townships like Gurgaon, Faridabad, Noida, Ghaziabad and other places.”

On being asked about the allotment of parking lots, Ministry of Home Affairs stated as under:-

“Prior to 1.4.1991, in NDMC the parking lots were being allotted on open tender basis. To mitigate the complaints, of the public regarding misbehaviour, in December, 1990 it was decided to request Director General (Resettlement) Ministry of Defence to sponsor suitable names of ex-servicemen for running the parking lots at the rate at which the allotments were earlier made and accordingly the parking lots were allotted to ex-servicemen w.e.f. 1.4.91 by draw of lots from amongst the names sponsored by DG (R), Ministry of Defence.

Subsequently, the Committee vide Resolution No. 18 dated 15.3.93 revised the rates of parking w.e.f. 1.4.93 with an enhancement of 10%. Thereafter, appreciating that the rates of licence fee being received from the parking allotments, were considerably on lower side, the Committee vide Resolution No. 15 dated 15.10. 93 decided that the existing term of allotment of all parking lots be extended up to 31.12.93 and simultaneously invite open tenders for allotment. Followed with the said decision, the Council vide item no. 3(xiv) dated 29.4. 97 decided that the parking lots be allotted through open tenders and 50% be reserved for Ex-servicemen, 15% for SC/ST, 5% for physically handicapped and rest to General Category. A Sub Committee was also constituted to decide the offers received by way of open tenders.

The NDMC vide its Resolution No. 3(vii) dated 2.11.2001 revised the terms & conditions of parking lots. However, experiencing some practical difficulties during the year 2002, certain amendments became necessary warranting revision in the said terms and conditions of the NIT governing the allotment of parking lots and accordingly, the Council vide Resolution No. 3(xiii) dated 27.6.2003 while approving the revised terms and conditions in addition to the existing ones for the allotment of parking lots in NDMC area, also resolved that boards be displayed at each parking lot giving name, designation and telephone number of the officer whom complaint against parking lot can be filed.”

From the Audit Report for the year 2004, on Government of NCT of Delhi, the Committee learnt about running of the unauthorized Parking Lots. It was pointed out in para 4.2. 25 of the Report as under:-

“It was noticed in July 2001 that two parking lots located at UCO Bank Building, Sansad Marg and E Block, Middle Circle, Connaught Place were being run unauthorisedly with the apparent connivance of the field staff who had been specifically instructed to prevent such unauthorized parking. No action was taken against the erring staff.”

It has also been pointed out in para 4.2.26 as under:-

“Allotment of parking lots on short term basis is to be made on the basis of the recommendations of a sub-committee formed for the purpose and with the approval of the competent authority. However, recommendations of the sub-committee or formal approval of the competent authority were not found on record in respect of such allotments. Seven parking lots were allotted by the Asstt. Secretary (Enforcement) during October, 2000 to September, 2001 without the approval of even the Director (Enforcement).”

In para 4.2. 27 it has been pointed out as under:-

“Four parking lots, namely H-Block Connaught Circus, E Block, Radial Road, Connaught Place, H-Block, Chelmsford Road, Connaught Place and A-Block, Middle Circle, Connaught Place were allotted in March/May, 1995 for three years to different contractors who did not make any payment to the Council as of March 2003 except for the initial deposits. No efforts were made by the Council to demand or pursue the recovery of outstanding licence fee of Rs. 13.25 lakh due from the contractors up to July, 1998.”

The Committee asked during the evidence whether in view of introduction of ‘Metro’ railway, NDMC has any plan to set up parking lots near Metro Stations and whether there is any proposal for building multi-level parking areas. In reply, the Chairperson, NDMC stated as follows:-

“As regards surface parking, as a rule, it is the lowest priority for the New Delhi Municipal Council (NDMC). Three sites have been given to NDMC to

develop multi-level parking lots. The first site is behind the Hindustan Times Building of Barakhamba Road. The second site is on Baba Kharak Singh (BKS) Marg next to the Mohan Singh Place and in between the Gurudwara and the Mohan Singh Place. The third site is in Saojini Nagar. The project is in a very advanced stage. Bids are going to be invited very shortly. Our Bid Managers are in the process of finalizing the documents. Maybe, in a month, we will be ready to advertise.”

On being asked whether these parking areas will be developed on Built Operate Transfer Basis (BOT), Chairperson, NDMC stated as under:-

“These will be with private participation on BOT basis. Land has been allotted to us by the Ministry of Urban Development. It has been agreed, with the consent of the Urban Development Ministry, that 30 per cent of this area can be utilized for commercial activities in order to make the parking areas more lucrative.”

### **Redressal of Grievances**

The Committee enquired about the procedure evolved to register complaints/grievances of public and whether any record of complaints registered on telephone and through written communication is being maintained. In this connection Ministry of Home Affairs stated in a written reply as under:-

“The grievances redressal system of NDMC is mainly through Central Control Room. All the complaints relating to civic services are received in the Complaint Room and IVRS (Interact Voice Response System). HODs and Senior Officers meet the public and receive complaints for appropriate redressal.

Chairman, NDMC, Vice Chairman, NDMC, Members of the NDMC and all HODs/Senior officers meet the public and receive complaints. These complaints are attended to on priority. These complaints are monitored by

senior officers. No separate record was however, being kept of the complaints received during public audience but top priority is accorded. The complaints received at Central Control Room has proper record and its disposal is periodically monitored by the Chairman himself.”

To a query, whether senior officers of NDMC meet public in an ‘open darbar’ for resolving their grievances, Ministry of Home Affairs in their reply stated as under:-

“Senior officers of NDMC meet public in an OPEN DARBAR for resolving their grievances regularly. All the officers are available to the general public from 3 to 4 pm everyday. Senior officers of Health Department i.e. all the Chief Medical Officers and Medical Officers of Health go into the field regularly and interact with the public. Whenever, any market association or Resident Welfare Association or any group of people call them to address their community and solve their grievances on the spot, they are always willing to go there. In JJ Clusters also, the officers go themselves and also meet the Pradhans for community interaction and participation. Open darbars are also being held periodically under bhagidari scheme of Hon’ble Chief Minister, Delhi in NDMC area. Senior officers attend these darbars and redress grievances of the public.”

They further stated as under:-

“Not only this, NDMC also arrange the holding of Lok Adalats from time to time for resolving the disputed cases. From 20.3.1999, in all 238 cases have been listed before these Lok Adalats from time to time and out of 238, 235 cases have been decided/compromised and remaining 3 cases have been adjourned to.”

When asked about the nature of complaints received by NDMC, Ministry of Home Affairs stated in a written reply as under:-

“In general complaints relate to no water, low pressure, leakages in water lines, contaminated/dirty water, replacement of G.I. Pipe lines of hydrants, connections/disconnection etc. All efforts are made to attend to the

complaints promptly. Emergent water supply is being supplied through water tankers stationed at control room functioning round the clock.”

On being asked about the redressal of grievances of female employees, Ministry of Home Affairs stated as under:-

“In pursuance to the directions of the Hon'ble Supreme Court and further directions received from the Chairman, States Complaints Committee, Government of Delhi, a three members Departmental Committee was set up in NDMC to look into the cases of sexual harassment of women working in NDMC in the year 1999. The Committee is chaired by Chief Auditor and has two Senior officers as members. NGO has also been associated as envisaged in the Supreme Court Judgement on Vishaka Dutt case. The committee meets as and when the complaints are received and tries for early settlement of cases.”

The Committee desired to know the number of complaints received so far from female employees, the Ministry of Home Affairs stated in their written note as under:-

“The Committee has so far received total eight cases. Only in one case, charge of sexual harassment was prima facie established. Disciplinary action has been initiated. In one case charge of misbehaviour has been established.”

### **Manpower/Recruitment**

In reply to a question about staff strength in NDMC, Chairperson NDMC stated during evidence as under:-

“.....The total sanctioned strength in the NDMC is approximately 18000 of which about 364 and odd are Group 'A' posts. Recruitment to these posts are made by UPSC and we are actively pushing and pursuing with them. Vacancies in Group A are mainly on account of doctors which is standard because of the UPSC combined recruitment. To some marginal degree there are also in the Engineering Department where some issues were

before various courts because different cadres were agitating for promotions to particular posts.”

On being asked about the vacancies as on date, Chairperson NDMC stated during evidence as under:-

“We have only about 1,668 vacancies, as on date, out of almost 18000. You would kindly agree that this is not a very large number proportionately. However, a number of these vacancies are with the Delhi Staff Selection Board. The Government has directed the Council to make recruitment to Group ‘B’ and Group ‘C’ posts only through the Delhi Staff Selection Board. We are again pursuing it with them. They are also continuously making efforts to fill these vacancies and we expect that some of the shortfalls will be taken care of. However, no part of the NDMC is suffering on account of vacant posts because the short-term contracts are used extensively in anticipation of these vacancies being filled up on a regular basis by the Delhi Staff Selection Board. Wherever vacancies could be filled by promotion, it has been done. There is hardly any group C vacancy which is now available or vacant because promotions have not taken place. A large number of DPCs have been made and these vacancies have been filled up on regular basis.”

Chairperson, NDMC further stated as under:-

“As far as compassionate appointments are concerned, we are governed by Government of India regulations where a cap of 5 per cent on overall strength is there. We cannot take more people than that cap of 5 per cent. The kind of vacancies we have is always in the Group ‘D’ category where mortality is rather high given the kind of workers that the Municipality has to employ. There is also a lot of dissatisfaction that there is a backlog in the category of compassionate appointments. However, this 5 per cent cap is a regulation. We shall see how we can accommodate the overall cap that has been imposed.”

## Chapter IV

### **ENCROACHMENTS**

#### **Encroachment/Unauthorised Construction**

On being asked about the policy of NDMC against encroachment and unauthorized squatters, Ministry of Home Affairs stated in their written reply as under:-

“ NDMC does not allow any encroachment on municipal land by unauthorized squatters. Regular raids are conducted under Section 226 of the NDMC Act, 1994 and all unauthorised squatters are removed.

A few of hawkers operating in NDMC area filed a petition in Supreme Court of India known as “Sodan Singh versus NDMC & Others” against removal by the municipal staff and claiming right to trade on the pavement. The Constitutional Bench vide its judgement dated 30.8.89 in the above case came to the conclusion that right to carry on the trade or business on street pavement, if properly regulated, cannot be denied to any person on the ground that street pavements are not exclusively meant for pedestrian and can be put in any use in a regulated manner. The Hon'ble Court further directed the NDMC to formulate a scheme for the rehabilitation of squatters/hawkers. The NDMC accordingly in pursuance of the guidelines laid down by the Hon'ble Apex Court, framed a scheme vide Resolution No. 28 dated 10.11.89. The Hon'ble Apex Court further appointed a Committee, known as Thareja Judicial Committee to verify the claims of the hawkers/squatters. The said Committee invited claims from the hawkers/squatters of NDMC area by public advertisement. Approximately, 5500 claims were received by the Thareja Committee out of which 760 claims were verified. The report was approved by the Hon'ble Supreme Court and further appointed another Committee known as 'Chaturvedi Committee' to make allotment to the verified squatters. The Chaturvedi Committee allotted open tehbazari/built up stalls to 725 verified squatters.

The Hon'ble Supreme Court vide their order passed in 1998, further directed the NDMC for eviction of unauthorized squatters so as to protect the right of authorized squatters as also to protect the land from any encroachment. Thus at present NDMC is not allotting any tehbazari to anyone. However, people migrate from the disturbed area of the country like Jammu & Kashmir to seek temporary rehabilitation. NDMC, at present has been tolerating about 200 Kashmiri migrants on pavements at Plaza Bus Stand, Shankar Market, INA Market, Yusuf Sarai & Palika Bhawan.

On the directions of Hon'ble Prime Minister of India, a scheme for accommodating vendors/squatters was formulated by the NDMC. One Green Zone as envisaged in the letter of Prime Minister known as "Haat" was established in Sarojini Nagar facing Ring Road on 9.10.2001. Initially there was enthusiastic response from the unauthorised squatters with the impression that they shall be provided alternative site on issuance of receipt from NDMC. In the beginning about 150 unauthorised squatters squatting, but thereafter their number started declining. However, a few unauthorised squatters dealing in sale of vegetable are squatting at this place."

To another related query, Ministry of Home Affairs in their written note replied as under:-

"The Unauthorized Construction Cell has been divided in 4 areas. The same has now been looked after by 3 J.E.s. Out of them one is looking after North area and remaining two are looking after the South area. After any unauthorized construction is detected, notice under relevant sections of NDMC Act, 1994 are served to the party. The details with respect to sealing/demolition and the total number of notice served during last three years are as under:-

## **North**

Total number of premises detected  
since Jan, 2002 to June, 2005 : 172

Total number of premises demolished : 66

Total number of premises sealed : 19

## **South**

Total number of premises detected  
since Jan, 2002 to June, 2005 : 246

Total number of premises demolished : 34

Total number of premises sealed : 26”

The Committee were informed that records of unauthorized construction prior to January, 2002 were not traceable. However, efforts were being made to trace out the records prior to January, 2002.

On being asked about the records prior to 2002, Chairperson, NDMC stated during evidence as under:-

“...with regard to unauthorized construction in buildings, the records prior to 2002, are being reconstructed.”

To a specific query regarding status of rest of the premises in which unauthorized construction has been detected, Ministry of Home Affairs in their written reply stated as follows:-

“The NDMC area has been divided in two zones. In North Zone 172 cases of unauthorized construction have been detected, out of which 85 have been demolished/sealed and remaining cases are pending before different courts including public hearing by competent authority in NDMC. In South Zone 246 cases of unauthorized construction have been detected, out of which 60 have been demolished/sealed and remaining cases are pending before different courts including public hearing by competent authority in NDMC.”

When the Committee asked as to whether premises with unauthorised constructions were demolished completely or partly, the Ministry of Home Affairs in their written reply stated that only unauthorized portions of the premises have been demolished completely.

Chairperson, NDMC further stated as under:-

“.....The unauthorized constructions are of two types..... that are either against the building bye-laws or building regulations or area not in consonance with the sanctioned building plans. The other kind that exists is the encroachment on public land, public pathways, roads, footpaths etc. A large number of religious structures exist on public pathways, footpaths etc. In respect of these, the Government of NCT of Delhi has a Religious Committee under the Principal Secretary (Home) before whom most of these issues are placed and a very studied decision is conveyed with regard to the kind of action that needs to be taken. In order to ensure that they do not spread and do not proliferate, we have already video-graphed all this and these are going to be up-dated every three to six months and given for records. Any responsibility for the expansion – unauthorized expansion – on public roads will be pinned on the official who is in charge of the area.”

On construction of unauthorized religious structures, NDMC stated in a written reply as under:-

“Strict instructions have been issued for ensuring that unauthorized constructions don’t take place on public path-ways. The Area Inspectors are responsible for ensuring that no unauthorized construction takes place.”

The Chairperson, NDMC further stated during evidence as under:-

“Hearings are being given in cases where complaints subsist. Some of these cases are before the Courts. We are trying to bring back the records by reconstructing them through various means, that is, either on the ground surface by the staff or complaints received, from time to time, from various members of the public and others.

.....will come to disposal of cases. As far as the cases before 31 March 2004 are concerned, notices have been issued, and hearings are being held on a weekly basis even at my level. An attempt is being made to dispose of these cases very quickly.”

The Committee enquired whether any norms have been fixed for construction/renovation in buildings in Lutyen Zone area. Ministry of Home Affairs in their written reply stated that construction/renovation of buildings in Lutyens Bungalow Zone (LBZ) area is regulated as per guidelines issued on 8.2.88 by the Government of India. The guidelines have been incorporated in the Zonal Development Plan of Zone (Division) – ‘D’, New Delhi.

To a further query, Ministry of Home Affairs stated that a joint survey with L&DO was carried out for Luyten Bungalow Zone (LBZ) Area in January, 2005 and during this survey out of 771 properties only 554 were surveyed. 217 properties were either locked or not allowed.

On being asked about the action taken/proposed to be taken against unauthorized construction, Ministry of Home Affairs in their

written reply stated that action against unauthorized construction noticed in this area is taken as per the NDMC Act, 1994.

## **Slums and Jhuggis**

The Committee desired to know whether any survey has been conducted to know the exact number of existing jhuggi clusters and slum basties in NDMC area. Ministry of Home Affairs in their written reply stated as under:-

“As per the survey conducted by the DDA in December, 1990 there were 56 JJ Cluster in NDMC area. Thereafter, on verification of these clusters by the NDMC staff it was detected that there were 5 more clusters. Hence the total number of JJ clusters in 1990 were 61. Out of these 61 clusters, 25 clusters have since been removed up to 2002.

Presently, there are 37 clusters comprising of approximately 7200 jhuggies having approximate population of 30,000 in NDMC area.”

On being asked whether Supreme Court has given any order regarding providing sanitation for slums or else clearing the slum out of the city, the Ministry of Home Affairs in their written reply stated as follows:-

“In LPA(W.P.) No. 940 of 2004, the Hon’ble High Court of Delhi in the matter of Nafees Ahmed and others vs. MCD & others, has taken a view that encroachers and squatters on public land should be removed expeditiously without any pre-requisite requirement of providing alternative sites. An appeal has been filed against this judgement which is pending in the Supreme Court vide SLP No. 12144-12252/2005. NDMC is pursuing the matter of relocation of JJ Clusters existing on NDMC land with Slum & JJ Department of MCD. The policy of relocation is in accordance with GNCTD guidelines and Slum & JJ Wing of MCD in the nodal agency

designated for relocation of JJ Clusters on NDMC land. For other clusters, the land owning agency is responsible for the same. However, NDMC is extending sanitation services to all slums situated in its jurisdiction.”

The Committee further desired to know about the steps taken by NDMC for removal of slums and their resettlement and Ministry of Home Affairs stated in their written reply as under:-

“Most of the JJ clusters in NDMC area, say 98% are located on the land of CPWD, L&DO, Railway, P&T, Defence etc. As per policy of the Government, it is the responsibility of the land owning agency to remove and relocate the JJ cluster after observing requisite formalities. For relocation and rehabilitation purposes, the JJ & Slum Department of MCD is the nodal agency who receives relocation charges and provides plot to the displaced jhuggi dwellers. As per amended policy of the Government, there are two categories of JJ Clusters.

(a) Pre 1990 jhuggies (b) jhuggies in between January 1990 to 31.12.98. Different rates of relocation charges viz. Rs. 29,000/- for pre 1990 jhuggi and Rs. 20,000/- for jhuggi between January, 1990 to 31.12.98 have been fixed.

Under the above scheme, 25 JJ clusters have been removed from the NDMC area and the displaced jhuggi dwellers have been provided alternative plot by the Slum and JJ Deptt. of MCD.

Regarding remaining 37 clusters the land owning agency has to take action for their relocation.”

The Committee further enquired as to whether there are any specific provisions in the NDMC Act, 1994 for checking growth of slums in NDMC area, Ministry of Home Affairs stated in their reply as under:-

“There are no specific provisions in the NDMC Act, 1994 for checking growth of slums in NDMC area. However, Sections 221

to 227 of NDMC Act, 1994 empowers the Council to check any kind of unauthorized encroachment on public place and street. In view of this provision, unauthorized growth in the form of JJ clusters/jhuggies is checked by the Enforcement agency of the NDMC. However, land owning agencies are responsible for the protection of their land.”

The Committee desired to know about the efforts being made for removal of encroachment on the land lying unused for construction of electric sub stations at various places, where almost all the plots allotted by Land and Development Office are full of jhuggies/encroachment. The Ministry of Home Affairs stated in evidence as under:-

“Action for evictions of land from the Jhuggi dwellers for construction of Electric Sub Station at (i) Harish Chander Mathur Lane (ii) Red Cross Road No. 2, Sarojini Nagar, near Vivekanand Camp II, Chankaya Puri near Bapu Dham Service Centre, near Sanjay Camp Park, Chankaya Puri is under active consideration of the Chief Engineer (Elect.) with concerned authorities.”

The Committee asked as to what efforts are being made to make NDMC area slum free in view of the forth coming Commonwealth Games in 2010 and also the strategy drawn up to rehabilitate the slum dwellers. The Ministry of Home Affairs replied during evidence as under:-

“There are 41 Jhuggi/Clusters in NDMC area out of which 6 are on NDMC land, 2 on Race Course Road, 10 on CPWD land, one on NSCI, one on Defence land, 18 on L&DO land, one at Flying Club and two on Railways land.

All the 41 No. of jhuggi clusters have been recently surveyed which fall in NDMC area. After depositing compensation, action for removal/reallocation of JJ Clusters will be taken by the owning

agencies. It is presumed that NDMC area will become slum free keeping in view the forth coming Common Wealth Games 2010.”

On being asked about the JJ Clusters, Chairperson

NDMC stated as under:-

“..... A survey was done jointly by the Land and Development Officer (L&DO) and the NDMC in January, 2005. Out of the seven clusters, only five clusters remain on the land which has been allotted to NDMC. It is the responsibility of the land-owning agency – I repeat ‘land-owning agency’ – to remove JJ Clusters. Therefore, all the concerned agencies have been notified. They are all Central Government agencies. They have to ensure that these remaining clusters are removed within a time frame.

As far as clusters, which remain on NDMC land, are concerned, we have already acquired land from the DDA. Money has been paid at a place called Bakkarwala. The Slum and JJ Wing of the Municipal Corporation of Delhi has been entrusted with the task of relocating the eligible members out of these clusters at Bakkarwala.”

On being asked as to what action plan is drawn up for removal/reallocation of Jhuggi Clusters from the NDMC area and the progress achieved in this regard and also by when is the NDMC area expected to become slum free, Ministry of Home Affairs stated in a written reply as under:-

“NDMC has been allotted a piece of land measuring two acres at Bakkarwala for relocation and more sites allowed in case the need arises in future.

It has also been decided that a ground level survey at the allotted site will be done. Apart from this, the Slum and JJ Department, MCD is being requested to provide infrastructure at the allotted land and also intimate NDMC the cost of development charges so that all JJ Clusters existing on NDMC land could be relocated.

The relocation of JJ Clusters in NDMC area on the land owned by other agencies/departments is the responsibility of the concerned Land Owning Agencies and consultations are being held with L&DO also with regard to these. All efforts are being made for making the NDMC area slum-free.”

## Chapter V

### MISCELLANEOUS

(i) **Representation received from the residents of Park Lane**

On receiving a representation from the residents of Park Lane adjoining Indoor Stadium regarding nuisance caused due to misuse of parking area for cooking and catering purpose, the Committee asked Ministry of Home Affairs to furnish the details in this regard. In their reply, Ministry of Home Affairs stated as under:-

“New Delhi Municipal Council is in receipt of representation made by the residents of Park Lane adjoining Indoor Stadium, Talkatora Garden.

Indoor Stadium is given on rent for a variety of functions which include programmes organized by the Central Government and the Government of NCT of Delhi, National and International Indoor Sports competitions, Cultural/Musical programmes, School Functions, Seminars, Annual General Meetings, Conferences, etc.

At times, the vacant space adjacent to the Indoor Stadium is also rented out for cooking and catering services for the delegates of the functions, but not in every function. Generally the vacant space is let out for an average of 2-3 days in a month. Whenever the vacant space is let out, the staff of Health Department, NDMC clears the left over food by 10 a.m. the following morning. All efforts are made by NDMC to ensure that the vacant space is kept cleaned all the time. During the function, in order to meet the demand of water for public, additional tankers are deployed around the Stadium as well as in the Park Lane. It is true that at times vehicles are also parked in the Park Lane by the organizers

themselves after obtaining permission of DCP (Traffic) directly.”

On being asked as to what are the guidelines under which it is ensured that functions organized in the Indoor Stadium are done in a manner which do not cause noise pollution and disturbance to nearby residents, Ministry of Home Affairs in their reply stated as under:-

“Although no guidelines/instructions have been stipulated in this regard, the organizers of the functions are being asked to clean up the parking space immediately after the function is over, asked to ensure that residents are not disturbed in the night.”

(ii) **Misuse of Gardens**

When the Committee invited the attention of the Chairperson, NDMC towards the inconvenience caused to the public due to misuse of gardens by playing crickets, hockey, etc. in the garden maintained by NDMC, Secretary, NDMC stated in a written reply as under:-

“In Talkatora Garden, there is an earmarked separate area called “cricket ground” where cricket and football playing is officially permitted as per NDMC policy. This area is also booked for playing tournament and matches on nominal rates approved by NDMC.

Nehru Park and Lodhi Gardens are not permitted to be used for playing purpose. The staff at these places are cautioned to be extra vigilant in stopping public from playing games like cricket, football, hockey, etc. Police help is also obtained in case of resistance by the public.”

(iii) **Corruption Charges**

On perusal of the list detailing the corruption charges against NDMC officers in which CBI has taken cognizance during the last five years and the cases pending before Court/Special Judge, the Committee pointed out that out of the 10 cases, 9 cases were connected with accepting illegal gratification and asked about the steps being taken by NDMC to check demand of illegal gratification by the employees.

Ministry of Home Affairs in their reply regarding steps taken to check demand of illegal gratification by the employees spelled out the following measures: wide publicity for rules and regulations is made through hoardings and publication; simplification of procedure has been made and even the tenders are being shown on website; there is transparency in transactions; full information is given as mentioned in Delhi Public Information Act and General Public is informed as per law; Public grievances are solved through Janta Milan and all Heads of Departments; stringent action against the defaulters; close supervision and monitoring of the cases; to check quality control frequent inspections are being done, etc.

(iv) **Commonwealth Games**

On being asked about the role of NDMC in preparations for the prestigious 2010 Commonwealth Games, the Chairperson, NDMC stated as under:-

“As regards the organization of the Commonwealth Games, NDMC is one of the team players in it. In addition to the projects that the Government of Delhi and Government of India are going to propose, the NDMC will contribute its bit by upgrading the stadia, etc.”

The representative of Urban Development Division, Government of Delhi stated in this regard as under:-

“As far as Government of Delhi is concerned, we have embarked on a very ambitious programme for the Commonwealth Games to prepare ourselves and Delhi to meet all the requirements of international standards, in collaboration with Government of India, Sports Authority of India, CPWD and various other agencies. There is a Standing Committee under the Chairmanship of the Chief Secretary, which meets very frequently. Major Departments in Delhi Government like the Municipal Corporation of Delhi, NDMC, Transport Department, Tourism Department are called. They have already decided their schemes. Those schemes have been approved by the Government and we are going to take them up.

This is in two parts. One is preparations for inside the stadia which are mainly with the Government of India and the Sports Authority of India, and which are to be maintained by the CPWD or their own agencies. Outside the stadia, the parking places, the roads, the ground, parks, meeting places, markets, shopping centers, places of tourist interest, health and education and community activity will be our responsibility. We have already formulated plans for Rs. 1,314 crore and they have been discussed in the Committee of Ministers. These Departments have decided their schemes and they have been approved. We are going ahead on this.”

The witness further stated as under:-

“The DDA, of course, is a very important partner. They have come up with the games village. They have engaged international consultants to suggest the steps to be taken, where the updating is required, which stadia are to be changed, etc. We are going ahead very systematically in this area.”

## **RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE**

1. The Committee took up the subject 'New Delhi Municipal Council' (NDMC) for examination and had detailed interactions with the representatives of Ministry of Home Affairs and New Delhi Municipal Council. In the light of the landmark Constitution (74<sup>th</sup> Amendment) Act, 1992 which provided for constitutional status and a distinctive role to municipalities, the NDMC Act, 1994 was enacted by Parliament providing special status to New Delhi Municipal Council. NDMC area comprises the territory that has been described as Lutyen's Delhi which includes Rashtrapati Bhawan; Parliament House; Supreme Court; Central Government Offices; Diplomatic Missions; residences of Ministers, Members of Parliament, Diplomats and Central Government employees; and also a few private residential properties and shopping complexes. After going into the working of NDMC, the Committee are of the view that there is sufficient scope for improvement in several spheres of its working. These aspects have been dealt with in detail by the Committee in the succeeding paragraphs.

2. The Committee note that Balakrishna Committee constituted to look into the manner in which the governance of the Union Territory should be carried on,

also looked into the functioning of the municipal arrangements in the area. That committee had recommended that NDMC should consist of a certain number of Members elected on the basis of adult franchise and an equal number of members appointed by the Lt. Governor and the Vice Chairman, NDMC should be elected by members themselves. As the area covered by NDMC includes not only Government offices, Diplomatic Missions, etc., but also about three lakh resident population, the Committee are of the view that the recommendations of Balakrishna Committee in this regard need to be reconsidered by the Government in all seriousness. This attains even greater significance in view of poor participation of nominated members of the Council in the meetings of the Council and its committees. The Committee also note that according to Section 4(2) of the NDMC Act, 1994, the Members of Parliament representing the constituencies which comprise wholly or partly the New Delhi area, shall be special invitees for the meetings of the Council without a right to vote. On the other hand, the MLAs representing constituencies which comprise wholly or partly the New Delhi area enjoy the right to vote in the Council meetings. The Home Secretary was candid in admission during evidence : "I think it stands to reason that Members of Parliament should also have a voting right". The Committee, therefore, stress that

**Government should review the desirability of modifying composition of the Council as recommended by Balakrishna Committee keeping in view the basic democratic principles and also granting voting right at the Council meetings to the Members of Parliament representing the constituencies comprising wholly or partly the area under the jurisdiction of NDMC.**

**3. The Committee on Subordinate Legislation in their 5<sup>th</sup> Report (Second Lok Sabha) had recommended that ordinarily Rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed six months. The Committee take serious note that though the NDMC Act came into force in 1994, NDMC has not framed the Rules and Regulations under it even after more than a decade of its commencement. Section 24 of the Act provides that the quorum necessary for transaction of business at a meeting of the Council shall be prescribed by the Central Government. The word, 'prescribed' has been defined under Section 2 (34) of the Act as prescribed by rules made under this Act. The Committee are at a loss to understand how the Council has been regulating its meetings without prescribing the quorum and how the Council continues to function under the saving clause of the Act, i.e. under the Rules and Bye-laws which were framed way back in the year 1911. The Committee feel that the delay in framing the Rules has defeated the very**

purpose of the Act as its provisions cannot be fully implemented as contemplated until Rules and Regulations are put in place. The Home Secretary admitted during his deposition before the Committee that there has been inordinate delay in framing the Rules under the Act and assured the Committee that the Bye-laws shall be in place before the end of 2005. The Committee trust that Rules must have been framed and notified by Government by now as per the assurance given before the Committee. The Committee would like to be apprised of the action taken by the Government in this regard.

4. The Committee find that NDMC receives substantial grants-in-aid from Government and the deposition by the Chairperson, NDMC in this regard that NDMC is a municipality with a difference and it does not depend on State or Central grants for its operations is not fully justified. The Committee also note with concern that the Council has not been able to utilize fully the annual budget allocations since 1999-2000. The unspent amount with the Council was Rs. 3,124.37 lakh, Rs. 7,452.45 lakh, Rs. 9,696.85 lakh, Rs. 9,932.97 lakh and Rs. 8,229.64 lakh in each of the succeeding years during the period 1999-2000 to 2003-04. The reasons for the under-utilisation of funds put forward by NDMC are that : the capital expenditure is taken from year to year basis, some of these estimates are

projected even before the projects are properly and fully conceptualized, there are certain procedures before the actual expenditure could take place, etc. The Committee are not satisfied with these reasons adduced by the Council for under-utilisation of funds. The Committee, therefore, recommend that the Council should ensure that the projections made in its Budget estimates are based on realistic assessment of requirement of funds. A system of development accounting based on modern principles of municipal management and accounts needs to be put in place which should make costs of services transparent for both NDMC and the public. The Committee would like to be informed about the precise steps taken by NDMC in this regard.

5. The Committee are perturbed to note the staggering amount of outstanding property tax which has reached Rs. 329.25 crore as in 2004-05 from Rs. 78.28 crore in 1994-95. The Committee further note that as on 31.3. 2005, there were 88 major defaulters of property tax whose outstandings were above the range of Rs. 50 lakh each. While the quantum of arrears of outstanding property tax against these defaulters is stated to be Rs. 197 crore, the amount recoverable on this account works out to over Rs. 20 crore as per the information furnished to the Committee. The measures taken by NDMC for recovering the outstanding dues

from defaulters, such as attachment of rent, moving Estate Officer for recovery under Public Premises Act, litigations and reminders have not yielded the desired results. In many cases the recovery of property tax/service charges is locked up in dispute, litigation or remand. The Committee are also deeply concerned to note that half of the arrears for recovery pertain to hotels. The formula under which the hotels were being assessed prior to 1994 has been set aside by the Court and the arrears are being reassessed as per Court order. The Chief Auditor, NDMC has also pointed out in the Annual Audit Report that there have been cases of under assessment of tax resulting in loss of revenue and undue delay in finalization of assessment of rateable value of property and tax thereon. The Committee view these facts seriously and recommend that specific time-frame should be fixed for assessment/re-assessment of tax as also for recovery of arrears and concerted efforts should be made for an early recovery of the outstanding dues.

6. The Committee are also constrained to find that there were press reports and audit observations on the failure of NDMC in assessing tax pertaining to 85 properties located at Anant Ram Dairy, though basic amenities were being provided by NDMC to the colony. What is more distressing is the fact that NDMC has failed to explain before the Committee as to how NDMC

was obliged to provide civic amenities to these buildings considered to be unauthorised and even not coming under the purview of the tax net. It is also not clear on what considerations and at what level it was decided to provide civic amenities to these unauthorised buildings. These facts lead to the presumption that NDMC has possibly aided and abetted unauthorised constructions by providing them the amenities. Under the circumstances, the Committee recommend that an in-depth and thorough enquiry be conducted into the entire sequence of events of this case and those responsible be brought to book.

Although the Committee were informed during evidence held on 19<sup>th</sup> July, 2005 that the Council had taken a decision that without prejudice to the status of the buildings, they shall be assessed and notices shall be issued to the owners, it had not been implemented till August, 2005. The Committee trust that NDMC would earnestly pursue the matter and recover the arrears of property tax as admissible under the rules without any further delay. The Committee would like to be apprised of the specific action taken in this regard.

7. Government buildings under NDMC Act, 1994 are exempt from payment of property tax. In lieu of property tax, NDMC is levying service charges on these buildings through executive instructions issued by the Ministry of Finance. While service charges are being

paid by some Ministries/Departments, others have raised objections to the executive instructions. As a result, an amount of Rs. 3410 lakh was outstanding against Government Departments as on 31.03.2005. The Committee also note that at present the service charges are being levied on the basis of executive orders issued by the Ministry of Finance without any statutory provisions in this regard. In view of the constraints being faced in the recovery of service charges, NDMC has been advised to carry out an amendment to the NDMC Act to provide for collection of service charges in lieu of property tax. At the time of evidence taken by the Committee, the proposed amendment was stated to be under active consideration of the Delhi Government. The Committee desire that the Ministry of Home Affairs should take prompt steps for amending the NDMC Act.

As stated during the course of examination of this subject, the proposal for appointing a person or an authority with statutory powers for valuation of properties and calculation of service charges should also be considered seriously so that NDMC is not denied of its rightful dues. Recovery of outstanding service charges from Government Departments should also be pursued at the highest level and the Committee apprised of the results achieved in this regard.

8. The Committee have been informed that it has

been decided that NDMC would be paid licence fee by Government Departments at CPWD rates and that the license fee shall be increased for a period of five years at 20% per annum to bring it closer to the market rates and the position shall be reviewed after five years. It has been pointed out that the Directorate of Estates itself has not implemented the decision so far and NDMC is facing difficulties in recovering huge outstandings of license fee from Government Departments. The Committee therefore, desire that Ministry of Home Affairs should take up the matter at the highest level with the Ministry of Urban Development so that user Departments are directed to comply strictly with the decision for payment of license fee.

9. NDMC used to procure 140 million litres per day (MLD) of filtered water from Delhi Jal Board. When the supply was reduced to 120 MLD, NDMC generated about 20 MLD water through its own efforts by installing 137 tubewells and 5000 deep well hand pumps to meet the short supply. In order to meet the growing demand for drinking water in future and to redress the complaints on account of no supply or low pressure in water lines, the Committee suggest that NDMC should make advance planning for modernising and augmenting its system of water supply for meeting the demand in its area in an efficient manner.

**10. Electricity Department of NDMC is responsible for distribution network upto the supply point of the consumers in the entire NDMC area and for development of power distribution system to meet the growing demand of various categories of consumers. The Committee have been informed that some of the problems of power supply were due to tripping of the grid and burn out of some transformers, which needed replacement. Since it is essential to ensure overall improvement in the services provided by the Council as well as uninterrupted power supply to the consumers, the Committee suggest that NDMC should motivate its maintenance staff through appropriate incentives and implement their short-term and long-term plans strictly according to time schedules prescribed for the purpose.**

**11. As regards over billing and faulty working of water and electricity meters, the Committee are informed that there is an established procedure to rectify over billing and faulty working of water and electricity meters. The Committee is of the opinion that this is an area that requires utmost attention by NDMC and steps should be taken to check over billing and for replacing faulty water and electricity meters with promptitude. They also desire that the programme for modernization of Water Meter Workshop should be taken up in right earnest and**

completed within a specific time frame.

12. One of the important statutory functions of NDMC is to ensure daily cleaning of streets and removal of garbage so as to provide neat and clean environment in the areas within its jurisdiction. According to the Ministry, cleaning and sweeping of roads and surroundings and removing of garbage are being undertaken on all days including Sundays and holidays and sustained efforts are being made for improving the attendance of safai karamcharies. However, a study conducted by Audit has brought out that the claims made by the Ministry have a hollow ring to it as 16 Resident Welfare Associations had reported that cleaning, sweeping and removal of garbage were not attended to by the staff daily and complaints in this regard were not attended to promptly. It is distressing to note that Audit Report 2001 pointed out that NDMC paid a hefty sum of Rs. 2.14 crore to private transporters for removal of garbage during the period from 1997 to 2000, despite the fact that NDMC had more than the required fleet of its own vehicles. From the information made available to them, the Committee find that NDMC hired private vehicles thus having at its disposal 81 trucks against the requirement of 55 trucks in 1997-98, 92 trucks against the requirement of 71 trucks in 1998-99 and 92 trucks against the requirement of 84 trucks in 1999-2000. NDMC admitted that low

utilization of fleet of trucks for removal of garbage has been on account of number of holidays, breakdown of vehicles, lack of will to work in a Government set up, absenteeism, etc. In the opinion of the Committee it is a clear manifestation of lack of supervision, monitoring and work culture in NDMC. There is need for reorganization and motivation of the entire division of NDMC that is responsible for maintenance, cleaning and removal of garbage. The Committee, therefore, recommend that NDMC should devise a scientific mechanism for close monitoring and supervision at all levels with a view to ensuring optimum utilization of manpower and fleet of trucks available for daily cleaning and removal of garbage.

13. NDMC generates about 275 metric tones of garbage per day which is transported to MCD landfill sites incurring an expense of Rs. 2 crore per annum. The Committee have been informed that even the MCD landfill sites are going to be filled up very soon and NDMC does not have any scientific state of the art landfill. The Committee, however, note with satisfaction that taking clue from a suggestion made by them during the briefing, NDMC is presently working on a new project to set up state-of-art compost plant with the facility for segregation of all types of waste and a Refuse Derived Fuel (RDF) plant with private sector participation and the plant is expected to be set up in a

year. The Committee trust that NDMC would pursue this project earnestly and make all out efforts to set up the plant within the time frame worked out for this purpose. They expect to be apprised of the progress made by NDMC in this regard.

14. NDMC has a 150-bed General Hospital, one 50-bed Maternity Hospital and 36 dispensaries to cater to the health requirements of the people in the NDMC area. Reportedly, there are complaints that doctors and medicines are generally not available in the NDMC run hospitals and dispensaries causing hardships to the patients. Despite surprise checks and action taken against absentees and chronic late comers, the situation does not seem to be fully satisfactory. In the opinion of the Committee, there is an imperative need to improve the overall working of the hospitals by ensuring punctuality of doctors and staff and also by maintaining equipments and providing medicines. They, therefore, stress that appropriate steps should be taken to improve the functioning of NDMC run hospitals and dispensaries. The Committee also recommend that complaint/ suggestion boxes be kept at prominent locations in the hospitals and dispensaries run by NDMC and the Health Department should make arrangements to collect the complaints and suggestions from the boxes every fortnight and take corrective measures for improving the health services.

15. There are as many as 87 schools being run by NDMC including 6 Navyug Senior Secondary Schools and 3 Navyug Primary Schools. The Committee are surprised to note that inspite of informing them that existing number of schools are adequate to cater to the needs of NDMC area, construction of a Senior Secondary School opposite Birla Mandir is under consideration for which an amount to Rs. 6.50 crore has been approved by the Council. During evidence, the Chairperson of NDMC informed that enrolments in NDMC schools have dropped during the last two years. In view of the above facts, the Committee have serious doubts whether the decision to start a new school has been taken after making proper assessment of the needs of the area. The Committee, therefore, desire that the decision to start the new school should be reviewed at the highest level after making a realistic assessment of the need of the area and the Committee be apprised of the outcome thereof.

16. The Committee note with concern that out of 3091 students of NDMC schools who appeared in class X examinations during the last five years, only 54 students scored marks between 75% and 89% and only 4 students scored above 90% marks. Out of 2510 students who appeared in class XII examinations during the same period, only 39 students scored marks between 75% and 89% and none of the students could

score above 90% marks. It is a clear indication that the quality of education being imparted to students in NDMC owned schools is not upto the mark. Although NDMC has informed the Committee during evidence that it will give emphasis on improving the infrastructure in schools, timely supply of books, uniforms and upgradation and modernization of education, they would like to be assured in more concrete terms of the seriousness NDMC attaches to achieving these objectives. The Committee would also like NDMC to concentrate more on improving the quality of education so that the students of NDMC schools may achieve standards and gradings comparable to public schools. A concrete action plan should be drawn up for achieving this end and the Committee be apprised of the same.

17. At present the repair of roads is being carried out manually through 18 Road Service Centres spread across the NDMC area. It is also stated that efforts are being made to mechanise patch and pothole repair of the roads. According to the Home Secretary, the common problem in Delhi is multiplicity of agencies providing various services such as telephones, sewer and others where digging of roads becomes a prerequisite and NDMC has to re-lay the roads. The Committee, therefore, strongly feel that the process of mechanization of road repair should be introduced

without any further delay so as to ensure time and cost effectiveness in maintenance of roads. They further desire that there should be proper coordination based on GIS system and agreement among different service providers and it should be made mandatory for all such agencies to repair the roads immediately after they have finished their work.

18. The Horticulture Department of NDMC is responsible for maintaining 6 gardens, 49 roundabouts and 82 small parks in residential colonies for which total manpower in the Department is 1492 out of which 1338 are *Malis*. Although NDMC has claimed that the green areas are maintained in the best possible manner, the Committee strongly feel that the maintenance and upkeep of parks and roundabouts in NDMC area is not up to the mark despite having as many as 1338 *Malis* on the payroll of NDMC. Evidently, the personnel in this Department are not properly deployed and they also lack proper training, guidance and motivation. Considering the fact that NDMC area, being the heart of the national capital, should receive highest priority as far as maintenance and beautification of green areas are concerned, the Committee desire that the Horticulture Department should accordingly, draw up an action plan for imparting adequate training to its personnel so as to ensure better upkeep of the parks and roundabouts. They would like to be apprised of follow up action taken

by NDMC in this regard.

19. The Committee express their satisfaction over the fact that NDMC has made a provision for rain water harvesting in its building bye-laws and it does not give Completion Certificate to any new building unless it has rainwater harvesting provision in it. NDMC is stated to have completed 17 such works in the buildings belonging to it, three works for rainwater harvesting are in progress and has also referred 85 such projects to the Central Ground Water Board for their advice. The Committee suggest that in order to optimally utilize the rain water for being used for various purposes in the city, NDMC should explore the possibility that even the existing buildings in the area are gradually made to adopt water harvesting techniques. In order to achieve this objective, the possibility of extending certain incentives to such building owners who go for water harvesting works should also be considered seriously.

20. The total number of vehicles registered in Delhi has increased more than six times and the number of private cars, motor cycles, etc. has increased more than

seven times during the past twenty years. The Committee find it astonishing that despite such a substantial increase in the number of vehicles in Delhi, NDMC has not yet framed any “parking policy” to meet the requirements of people visiting some of the already over-crowded and prominent places within its area. What is more distressing is the fact that NDMC displayed a lackadaisical attitude in the matters connected with allotment of parking lots and could not prevent running of unauthorized parking lots in its area as substantiated by the information furnished to the Committee. Even Audit has brought out that as many as seven parking lots were allotted in 2000 and 2001 without obtaining proper approval and two parking lots were being run unauthorizedly during the same period. Contractors who were allotted four parking lots in 1995 for three years had not until March, 2003 paid outstanding license fee of Rs. 13.25 lakh due upto July, 1998 and no efforts were made by the Council to pursue recovery of the outstandings. It goes without saying that such irregularities cannot be perpetuated without the connivance of employees in the Council who are responsible for regulating parking lots. The Committee take a very serious note of such irregularities in the Council and recommend that responsibility should be fixed for the irregularities, erring officials punished, defaulting contractors black-listed and the overdues

recovered without any further delay. The follow up action taken in this regard should be intimated to the Committee. The Committee also desire NDMC to formulate a parking policy to regulate traffic in the area under its jurisdiction, to take up the construction of proposed multi-level parking lots at the earliest and take steps for setting up more multi level parking lots in its area.

21. Complaints received in NDMC are registered in the Central Control Room. Besides this, senior officers meet the public as part of open darbar and bhagidari scheme of the Chief Minister of Delhi. While proper record of complaints received in the Central Control Room are being kept, no record of complaints received in open darbars is maintained by NDMC. The Committee consider it important that proper record of complaints received during open darbars is also maintained for their timely follow-up and redressal. They also stress that keeping in view the nature of responsibilities discharged by NDMC, the public grievances redressal machinery in the Council should be further strengthened and concrete steps taken for timely redressal of grievances of the public.

22. In NDMC there were 1,668 vacancies in different grades in July, 2005 against the sanctioned strength of 18,000 employees. The Committee have been informed that the vacancies in Group 'C' and 'D' posts have been

intimated to Delhi Staff Selection Board and that no part of the Council has been suffering on account of vacant posts as short-term contracts are resorted to in anticipation of the vacancies. The Committee consider that such a large number of vacant posts is a clear manifestation of the adverse effect on the delivery of services by NDMC and they, therefore desire that NDMC should pursue the matter earnestly with Delhi Staff Selection Board and get the vacancies filled up at the earliest to ensure smooth functioning of NDMC.

23. It is disturbing to note that as against 418 notices served by the Unauthorized Construction Cell of NDMC, follow up action was taken by NDMC only in 145 cases for demolition or sealing of unauthorized premises. The remaining cases are pending before different courts including public hearing by competent authority in NDMC. The Committee have also been informed that a number of religious structures exist in NDMC area on public pathways, footpaths, etc., and in order to ensure that they do not spread, these structures have been videographed and will be updated every three to six months. The Area Inspectors have been made responsible for checking any addition to the existing structures. From the data furnished before the Committee, it is quite evident that the Area Inspectors have not been vigilant enough to check encroachments and unauthorized constructions.

**Distressingly, all records pertaining to unauthorized constructions/encroachments prior to January, 2002 are not traceable. To say the least, it is a clear indication of NDMC officials working hand in glove with those responsible for such encroachments. The Committee deplore such actions on the part of public servants who are responsible for protecting and safeguarding public property. The Committee recommend that an enquiry be conducted into the entire episode connected with missing official records pertaining to encroachments in NDMC area and the culprits be brought to book. The files should either be traced or reconstructed within a specified time-frame and the encroachers dealt with firmly. The Committee would like to be apprised of the results achieved in the matter within six months from presentation of this Report.**

**24. The Committee also note that during the joint survey for unauthorized constructions in Luyten Bungalow Zone Area conducted by NDMC and Land & Development Office, only 554 out of 771 properties could be surveyed as 217 properties were either locked or not allowed. The Committee desire that the survey of the remaining 217 properties should also be conducted expeditiously and appropriate action taken in cases of unauthorized construction noticed in this area.**

**25. As per the latest survey there are as many as 41 jhuggi clusters in NDMC area of which five are on NDMC land and others are on Government owned land belonging to different Departments. After 25 jhuggi clusters were removed in 2002, there has not been much progress in removal and relocation of such encroachments in NDMC area. As for removal of such clusters on NDMC land, NDMC has been allotted two acres of land at Bakkarwala for relocation of the jhuggies and the Slum and JJ Wing of MCD has been entrusted with the task of relocating the eligible members out of these clusters. Since NDMC is responsible for monitoring encroachments on its land, the Committee desire that NDMC must draw up a time-frame for vacating the jhuggi clusters on its land. The Committee also expect NDMC to pay specific attention to removal of jhuggi clusters in its municipal area in view of the forthcoming Common Wealth Games 2010 and apprise the Committee of the progress achieved in this regard.**

**26. Talkatora Indoor Stadium is given on rent for holding various functions and the parking space adjacent to the Indoor Stadium is also rented out for cooking and catering services for some of such functions. It has been pointed out in a representation submitted to the Committee by the residents of Park**

Lane that whenever the vacant space is let out, the leftover food and other garbage are not cleaned for days. Moreover, tents and fittings are erected and dismantled late in the night causing great deal of noise pollution and disturbance to the residents of Park Lane adjacent to the Indoor Stadium. However, Ministry of Home Affairs informed the Committee that efforts are made to clear the leftover food by 10 a.m. on the following day and the users of the Stadium are also being asked to clean up the parking space immediately after the functions are over. In view of the serious problems being faced by nearby residents particularly during nights, the measures taken by NDMC for timely cleaning up, checking noise pollution and disturbance to the nearby residents seem to be inadequate. The Committee, therefore, recommend that NDMC should use space inside the Stadium for cooking food etc. and not use the parking space for such purposes. They also desire that NDMC should frame clear cut guidelines for users of Talkatora Indoor Stadium and ensure their strict compliance by the users as well as NDMC staff. The concerned officers/staff should be invariably made accountable for any lapses in this regard.

27. Yet another area requiring attention of NDMC is the improper utilization of the parks for playing cricket, football, etc. Undoubtedly, such activities amount to

**misuse of gardens and inconvenience to the morning walkers. According to NDMC, an area in Talkatora Garden has been earmarked as cricket ground where playing of cricket and football is officially permitted. The Committee stress that the area meant for cricket ground should be clearly demarcated with boundaries so that other users of the park are not put to undue inconvenience.**

**28. The Committee are perturbed to note that out of 10 cases relating to corruption charges against employees of NDMC pending before Courts/Special Judge, 9 cases relate to illegal gratification. It gives an impression to the general public that corruption is rampant in NDMC. Undoubtedly, NDMC would be able to improve its working only if corrupt practices and cases of illegal gratification are totally weeded out. The Committee, therefore, strongly recommend that vigilance mechanism in NDMC should be further strengthened and stringent action taken against employees who are found indulging in corrupt practices.**

**29. In view of the prestigious Commonwealth Games 2010 to be hosted in the capital, there is an urgent need for all agencies of the Government including NDMC to gear up in order to provide infrastructure on a par with international standards. In addition to upgradation of the stadia, parking areas; roads; parks; shopping**

centres; places of tourist interest; etc., are also required to be brought up to the desired standards. Making NDMC area slum free and rehabilitation of the slum dwellers are also some of matters requiring prompt attention of the Council. The Committee, therefore, stress that NDMC should formulate an action plan for providing total face lift to the city falling within its jurisdiction and have it implemented within a stipulated and rigid time-frame. The Committee would like to be apprised of specific steps being taken by NDMC in preparation for the Common Wealth Games 2010.

**NEW DELHI;**  
**May 18, 2006**  
**Vaisakha 28,1928(S)**

**C. KUPPUSAMI**  
**Chairman**  
**Committee on Estimates**

**ANNEXURE I**  
**DETAILS OF RESOURCE-WISE AND YEAR-WISE REVENUE/RECEIPTS (INTERNAL & EXTERNAL) OF NDMC DURING LAST FIVE YEARS.**

(Rs. In lac)

S.No.	Items	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
1.	<b>Tax Revenue</b>							
	House Tax	7071.82	8945.92	11026.36	13281.02	12788.53	13300.00	12700.00
	Duty on Transfer of Properties	433.82	709.64	609.68	558.28	794.50	1200.00	900.00
	Adv.Tax/Show/Theatre	11.30	4.44	7.15	5.96	11.37	11.90	12.50
	Dog Tax etc.	201.92	336.11	428.35	628.48	638.61	1128.62	1252.00
	<b>Sub-Total: Tax Revenue</b>	<b>7718.86</b>	<b>9996.11</b>	<b>12071.54</b>	<b>14473.74</b>	<b>14233.01</b>	<b>15640.52</b>	<b>14864.50</b>
2.	<b>Non Tax Revenues</b>							
	Building related receipts	107.78	131.54	117.93	139.88	84.32	109.30	81.00
	Interest on Investments	0.00	3000.00	2454.48	3228.85	2727.75	17873.00	15567.00
	Sale of Energy	41717.23	47031.98	48370.77	53187.64	53252.54	54000.00	55000.00
	Sale of Water	0.61	0.12	202.27	0.10	1500.00	1450.00	2000.00
	Rent/Licence Fee from Commercial Projects	5358.77	7584.31	7942.03	9402.83	7889.22	8000.00	8600.00
	Fee & Fines	163.96	155.78	205.96	603.59	275.00	311.12	105.62
	Other Misc. Receipts	3681.20	5114.77	3369.03	4922.14	3455.91	4125.44	3922.34
	<b>Sub-Total:Non Tax Revenue</b>	<b>51029.55</b>	<b>63018.50</b>	<b>62662.47</b>	<b>71485.03</b>	<b>69184.74</b>	<b>85868.86</b>	<b>85275.96</b>
	<b>Total: Internal Receipts</b>	<b>58748.41</b>	<b>73014.61</b>	<b>74734.01</b>	<b>85958.77</b>	<b>83417.75</b>	<b>101509.38</b>	<b>100140.46</b>
3.	<b>External Assistance</b>							
	Loan (Plan)	704.05	75.00	0.00	0.00	0.00	0.00	0.00
	Grants-in-aid(Plan)	1041.60	1090.97	1208.63	1016.64	1507.75	1625.00	1475.00
	Grants-in-aid(Non-Plan)	675.08	770.85	1145.85	1364.64	1409.47	3104.00	2087.00
	<b>Total:External Assistance</b>	<b>2420.73</b>	<b>1936.82</b>	<b>2354.48</b>	<b>2381.28</b>	<b>2917.22</b>	<b>4729.00</b>	<b>3562.00</b>
	<b>Grand Total</b>	<b>61169.14</b>	<b>74951.43</b>	<b>77088.49</b>	<b>88340.05</b>	<b>86334.97</b>	<b>106238.38</b>	<b>103702.46</b>

## Annexure - II

### Functions

#### (1) Obligatory Functions :

1. The construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences.
2. The construction and maintenance of works and means for providing supply of water for public and private purposes.
3. The scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matter.
4. The construction or purchase, maintenance, extension management to:
  - i) Supply and distribution of electricity to the public;
  - ii) Providing a sufficient supply of pure and wholesome water;
5. The reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances.
6. The regulation of places for the disposal of the dead and the provisions and maintenance of place for the said purpose.
  1. The registration of births and deaths.
  2. Public vaccination and inoculation.
  3. Measures for preventing and checking the spread of dangerous diseases.
  4. The establishment and maintenance of dispensaries and maternity and child welfare centers and the carrying out of other measures necessary for public medical relief.
  5. The construction and maintenance of municipal markets and

regulation of all markets.

6. The regulation and abatement of offensive or dangerous trade or practices.
7. The security or removal of dangerous building and places.
8. The construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeways and the like.
9. The lighting, watering and cleansing of public streets and other public places.
10. The removal of obstructions and projections in or upon streets, bridges and other public places.
11. The naming and numbering of streets and premises.
12. The establishment, maintenance of and aid to, schools for primary education subject to such grants as may be determined by the Central Government from time to time.
13. The maintenance of municipal offices.
14. The laying out or the maintenance of public parks, gardens or recreation grounds.
15. The maintenance of monuments and memorials vested in any local authority in New Delhi immediately before the commencement of this Act or which may be vested in the Council after such commencement.
16. The maintenance and development of the value of all properties vested in or entrusted to the management of the Council.
17. The preparation of plans for economic development and social justice.

18. The maintenance including the expansion and upgradation of facilities of the hospitals existing on the date of the commencement of this Act.
19. Sanction or refuse erection or re-erection of buildings and
20. The fulfillment of any other obligation imposed by or under this Act or any other law for the time being in force.

## II) **DISCRETIONARY FUNCTIONS**

Subject to any general or special order of the Government, or the Central Government from time to time, the Council may provide either wholly or in part for all or any of the following matters, namely :-

1. The furtherance of education including cultural and physical education, by measures other than the establishment and maintenance of and aid to schools for primary education.
2. The establishment and maintenance of, and aid to, libraries, museums, art galleries, botanical or zoological collections.
3. The establishment and maintenance of, and aid to, stadia, gymnasia, akharas and places for sports and games.
4. The planting and care of trees on roadsides and elsewhere.
5. The surveys of buildings and lands.
6. The registration of marriages.
7. The taking of a census of population.
8. The provisions of housing accommodation for the inhabitants of any area or for any class of inhabitants.
9. The providing of music or other entertainments in public places or places or public resort and the establishment of theaters and cinemas.

10. The organization and management of fairs and exhibitions.
11. The acquisition of movable or immovable property for any of the purposes mentioned above, including payment of the cost of investigations surveys or examinations in relation thereto for the construction or adaptation of buildings necessary for such purposes.
12. The construction and maintenance of :-
  - i) Rest-house
  - ii) Poor-house
  - iii) Infirmaries
  - iv) Children's homes
  - v) Houses for the deaf and dumb and for disabled and handicapped children.
  - vi) Shelters for destitute and disabled persons; and
  - vii) Asylums for persons of unsound mind.
13. The construction and maintenance of cattle ponds.
14. The building or purchase and maintenance of dwelling houses for municipal officers and other municipal employees.
15. Any measures for the welfare of the municipal officers and other municipal employees or any class of them including the sanctioning of loans to such officers and employees or any class of them for construction of houses and purchase of vehicles.
16. The organization or management of chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief.
17. The provision of relief to destitute and disabled persons.
18. The establishment and maintenance of veterinary hospitals.

19. The organization, construction, maintenance and management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health.
20. The organization and management of farms and diaries within or without New Delhi for the supply, distribution and processing of milk and milk products for the benefits of the residents of New Delhi.
21. The organization and management of cottage industries, handicraft centers and sales emporia.
22. The construction and maintenance of warehouses and godowns.
23. The provisions for unfiltered water supply.
24. The improvement of New Delhi in accordance with improvement schemes approved by the Council.
25. Any measure not hereinbefore specifically mentioned likely to promote public safety, health, convenience or general welfare.

## Appendix I

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (2004-2005)

#### TWELFTH SITTING

The Committee sat on Monday, the 31<sup>st</sup> January, 2005 from 1500 hours to 1730 hours.

#### Present

Shri C. Kuppusami - Chairman

#### Members

2. Shri B. Vinod Kumar
3. Prof. Chander Kumar
4. Shri Anant Gudhe
5. Shri N.N. Krishnadas
6. Shri Bhartruhari Mahtab
7. Shri Sanat Kumar Mandal
8. Shri Prabodh Panda
9. Shri Annasaheb M.K. Patil
10. Shri Harikewal Prasad
11. Prof. M. Ramadass
12. Shri Iqbal Ahmed Saradgi
13. Shri Lakshman Singh
14. Shri Sartaj Singh
15. Shri M.A. Kharabela Swain
16. Shri V. Kishore Chandra S. Deo

#### **Secretariat**

1. Shri John Joseph - Additional Secretary
2. Shri A.K. Singh - Principal Chief Parliamentary Interpreter
3. Shri Cyril John - Under Secretary

**Representatives**  
**Ministry of Home Affairs**

1. Shri Dharendra Singh - Home Secretary
2. Shri K.P. Singh - Additional Secretary (BM)
3. Shri K.S. Sugathan - Joint Secretary (UT)

**New Delhi Municipal Council (NDMC)**

4. Smt. Sindhu Shree Khullar - Chairperson
5. Shri U.K. Wohra - Secretary

**Govt. of NCT of Delhi**

6. Shri O.P. Kelkar - Principal Secretary (UD)

**Ministry of Urban Development**

7. Shri M. Rajamani - Joint Secretary

2. The Committee was briefed by the representatives of Ministry of Home Affairs, NDMC, Ministry of Urban Development and the Government of NCT of Delhi on the subject 'New Delhi Municipal Council (NDMC)'. The briefing was concluded.

3. A verbatim record of the proceedings was kept.

**The Committee then adjourned**

## Appendix II

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (2005-06)

#### EIGHTH SITTING

The Committee sat on Tuesday, the 19<sup>th</sup> July, 2005 from 1100 hours to 1315 hours.

#### Present

Shri C. Kuppusami - Chairman

#### Members

1. Shri Lal Muni Choubey
2. Shri Anant Gangaram Geete
3. Shri Anant Gudhe
4. Shri P. Karunakaram
5. Prof. Chander Kumar
6. Shri Bhartruhari Mahtab
7. Shri Sanat Kumar Mandal
8. Shri Zora Singh Mann
9. Shri Prabodh Panda
10. Shri Annasaheb M.K. Patil
11. Shri K.S. Rao
12. Shri Iqbal Ahmed Saradgi
13. Shri Jyotiraditya Madhavrao Scindia
14. Shri Lakshman Singh
15. Shri M.A. Kharabela Swain
16. Shri Chandra Pal Singh Yadav

#### Secretariat

1. Smt. P.K. Sandhu - Additional Secretary
2. Shri A.K. Singh - Principal Chief Parliamentary Interpreter
3. Shri B.D. Swan - Deputy Secretary
4. Shri Cyril John - Under Secretary
5. Smt. Manju Chaudhary - Assistant Director

## **Witnesses**

### **New Delhi Municipal Council**

1. Smt. Sindhushree Khullar - Chairperson
2. Shri U.K. Worah - Secretary

### **Ministry of Home Affairs**

1. Shri V.K. Duggal - Union Home Secretary
2. Shri K.P. Singh - Special Secretary(Home)
3. Dr. K.S. Sugathan - Joint Secretary(UT)
4. Shri I.B. Karn - Director(Delhi)

### **Ministry of Urban Development**

- Shri P.K. Pradhan - Joint Secretary

### **Urban Development, Government of NCT of Delhi**

- Shri O.P. Kelkar - Principal Secretary

2. The Committee took oral evidence of representatives of Ministry of Home Affairs and New Delhi Municipal Council on the subject – ‘New Delhi Municipal Council (NDMC)’. The evidence was concluded.

(The witnesses then withdrew)

3. The Committee decided to have the next sitting on 11<sup>th</sup> August, 2005 for a briefing by the representatives of Ministry of Agriculture (Department of Agriculture and Cooperation) and National Agricultural Cooperative Marketing Federation of India Limited on the subject – ‘National Agricultural Cooperative Marketing Federation of India Limited (NAFED)’.

4. A verbatim record of the proceedings was kept.

**The Committee then adjourned.**

## Appendix III

### **MINUTES OF SITTING OF THE ESTIMATES COMMITTEE** **(2005-06)**

#### **TWENTY FIRST SITTING**

The Committee sat on Thursday, the 20<sup>th</sup> April, 2006 from 1500 hours to 1610 hours.

#### **Present**

Shri C. Kuppusami - Chairman

#### **Members**

2. Shri Lal Muni Choubey
3. Shri V. Kishore Chandra S. Deo
4. Shri Anant Gudhe
5. Shri B. Vinod Kumar
6. Shri Bhartruhari Mahtab
7. Shri Sanat Kumar Mandal
8. Shri Zora Singh Mann
9. Shri Prabodh Panda
10. Prof. M. Ramadass
11. Shri Iqbal Ahmed Saradgi
12. Shri Arjun Charan Sethi
13. Shri Lakshman Singh
14. Shri M.A. Kharabela Swain
15. Shri Chandra Pal Singh Yadav

#### **Secretariat**

1. Shri A. Mukhopadhyay - Joint Secretary
2. Shri Rajeev Sharma - Deputy Secretary
3. Shri Cyril John - Under Secretary
4. Smt. Manju Chaudhary - Assistant Director

2. The Committee considered the draft Report on Ministry of Home Affairs – ‘New Delhi Municipal Council (NDMC)’ and adopted the same with some modifications/additions as given in the Annexure.

3. The Committee authorized the Chairman to finalise the Report in the light of modifications and also to make verbal and other consequential changes, if any, arising out of factual verification by the concerned Ministry and present the same to the House.

4. Being the last sitting of Estimates Committee (2005-06), the Chairman thanked the Members for the constructive support and cooperation extended by them for the smooth and effective functioning of the Committee in the past one year.

**The Committee then adjourned.**

**ANNEXURE**

**Modifications made by the Estimates Committee in the Draft Report on Ministry of Home Affairs – ‘New Delhi Municipal Council (NDMC)’**

<b><u>Para No.</u></b>	<b><u>Line</u></b>	<b><u>Modification</u></b>
2	5 (from bottom)	<b><u>After</u></b> : Balakrishna Committee <b><u>Add</u></b> : keeping in view the basic democratic principles
7	21	<b><u>For</u></b> : The Committee trust..... ..... taken for amending the NDMC Act. <b><u>Read</u></b> : The Committee desire that the Ministry of Home Affairs should take prompt steps for amending the NDMC Act.
9	11	<b><u>For</u></b> : for augmenting and strengthening its system <b><u>Read</u></b> : for modernising and augmenting its system.
10	14	<b><u>For</u></b> : staff through strict supervision and monitoring <b><u>Read</u></b> : staff through appropriate incentives
11	last line	<b><u>For</u></b> : completed expeditiously <b><u>Read</u></b> : completed within a specific time- frame.
17	15	<b><u>After</u></b> : coordination <b><u>Add</u></b> : based on GIS system

## Appendix IV

### MINUTES OF FIRST SITTING OF THE ESTIMATES COMMITTEE (2006-2007)

The Committee sat on Thursday, the 18<sup>th</sup> May, 2006 from 1500 to 1545 hours.

#### Present

Shri C. Kuppusami - Chairman

#### **MEMBERS**

2. Shri Lal Muni Choubey
3. Shri Adhir Chowdhury
4. Shri Bikram Keshari Deo
5. Shri V. Kishore Chandra S. Deo
6. Shri Anant Gudhe
7. Shri Jai Prakash
8. Shri Vijaykumar Khandelwal
9. Shri B. Vinod Kumar
10. Prof. Chander Kumar
11. Shri Sanat Kumar Mandal
12. Shri Prabodh Panda
13. Shri Jyotiraditya M. Scindia
14. Shri Manabendra Shah
15. Shri Lakshman Singh
16. Shri Rewati Raman Singh
17. Shri Madhu Goud Yaskhi

#### Secretariat

1. Shri A. Mukhopadhyay - Joint Secretary
- 2.. Shri Rajeev Sharma - Deputy Secretary
3. Shri Cyril John - Under Secretary
4. Smt. Manju Choudhary - Assistant Director

2. At the outset, the Chairman welcomed the Members to the first sitting of the Committee and congratulated them on their election to the Committee.

3.                   xx                   xx                   xx

4.                   xx                   xx                   xx

5. Thereafter, the Committee considered and adopted the draft Report on Ministry of Home Affairs – ‘New Delhi Municipal Council (NDMC)’ without any modification as adopted by the Estimates Committee(2005-2006) on 20<sup>th</sup> April, 2006.

6. The Committee authorized the Chairman to finalise the Report in the light of verbal and other consequential changes, and present the same to the House.

**The Committee then adjourned.**