

**COMMITTEE
ON
GOVERNMENT ASSURANCES**

TENTH LOK SABHA

THIRTY-FOURTH REPORT

- (i) Simplification of Rules and Procedure for obtaining building construction completion certificate.
- (ii) Closure of Government Presses.

(Presented on



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COMPOSITION OF THE COMMITTEE ON GOVERNMENT
ASSURANCES* (1995-96)

CHAIRMAN

Shri Basudeb. Acharia

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Gurcharan Singh Dadhahoor
4. Shri Santosh Kumar Gangwar
5. Shri P.P. Kaliaperumal
6. Shri Prabhu Dayal Katheria
7. Shri Harpal Panwar
8. Smt. Suryakanta Patil
9. Shri Shashi Prakash
10. Shri V. Sreenivasa Prasad
11. Shri J. Chokka Rao
12. Shri Asht Bhuja Prasad Shukla
13. Shri Ummareddy Venkateswarlu
14. Shri V.S. Vijayaraghavan
- **15. Shri Shailendra Mahto

SECRETARIAT

1. Smt. Reva Nayyar — *Joint Secretary*
2. Shri P.D.T. Achary — *Director*
3. Shri Mange Ram — *Under Secretary*

* The Committee was nominated by the Speaker w.e.f. 4 February, 1995 and as published para 3723 of Lok Sabha Bulletin Part-II dated 13.2.1995.

** Nominated to the Committee on 9 August, 1995 as published *vide* para 4164 of Lok Sabha Bulletin Part II dated 9.8.1995.

INTRODUCTION

1. The Chairman of the Committee on Government Assurances having been authorised by the Committee to submit the Report on their behalf, present this Thirty-Fourth Report of the Committee on Government Assurances.

2. The Committee (1995-96) was constituted on February 4, 1995.

3. The Committee at their sitting held on March 22, 1995 reviewed the pending assurances of Eighth Lok Sabha (1984-89). The Committee decided to take the oral evidence of the Ministry of Urban Affairs and Employment. On July 18, 1995, the Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment on the following pending assurances:—

(i) Assurance given on April 18, 1988 in reply to USQ No. 7284 regarding rules and procedures for obtaining building construction completion certificate; and

(ii) Assurance given on February 22, 1988 in reply to USQ No. 939 regarding closure of Government Presses.

4. At their sitting held on October 27, 1995 the Committee considered and adopted the draft Thirty-Fourth Report.

5. The minutes of the aforesaid sittings of the Committee form part of the Report (Appendices).

6. The conclusions/observations of the Committee are contained in this Report.

7. The Committee wishes to express their thanks to the officials of the Ministry of Urban Affairs and Employment for their cooperation.

NEW DELHI;
October 27, 1995

Kartika 5, 1917 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Government Assurances.

REPORT

(I) SIMPLIFICATION OF RULES AND PROCEDURE FOR OBTAINING BUILDING CONSTRUCTION COMPLETION CERTIFICATE

On April 18, 1988, the following Unstarred Question No. 7284 given notice of by Sarvashri Balwant Singh Ramoowalia and H.G. Ramulu, MPs., was addressed to the Minister of Urban Development (Ministry of Urban Affairs and Employment):—

“(a) whether a High-Powered Committee headed by Chairman, HUDCO was constituted in November, 1987 to suggest new measures with a view to simplify and liberalise the existing construction laws, rules and procedures for obtaining building construction and completion certificate in the Union Territory of Delhi.

(b) whether the Committee was asked to submit its report within three months period;

(c) whether Government have received this report and if so, the steps taken in this regard; and

(d) if not, the reasons therefor?”

2. The then Minister of Urban Development and Tourism (Shrimati Mohsina Kidwai) gave the following reply:—

“(a) A ten member Committee was constituted by the Lt. Governor under the Delhi Administration's order dt. 14.10.87 to review the existing building control regulations and to suggest measures for their modifications/rationalisation/liberalisation for better and quicker construction activities;

(b) Yes, Sir.

(c) & (d) The Committee which was unable to complete its work so far, is expected to finalise its report and submit it to Delhi Administration shortly.”

3. Reply to Parts (c) and (d) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of the reply *i.e.* by July 17, 1988.

4. On September 5, 1988, the Ministry laid a statement on the Table of the House in part fulfilment of the assurance. In the implementation Report the Ministry furnished the following details:—

“The Delhi Administration have intimated that the Committee had submitted Part I of the report to the L.G. on rationalisation of

procedures of building approvals and Completion Certificates on 13th May, 1988. Part-II of the Report on Building Regulations is awaited.”

5. Since the assurance remained pending, the Committee on Government Assurances (1991-92) at their sitting held on January 20, 1992 reviewed this assurance alongwith other pending assurances of the Eighth Lok Sabha. The Committee made their observations in the Third Report of the Committee presented to the Lok Sabha on April 21, 1992 to expedite implementation of the assurance.

6. The assurance was again reviewed at the sitting of the Committee on Government Assurances (1995-96) held on March 22, 1995 alongwith other assurances of Eighth Lok Sabha which remained unfulfilled. The Committee decided to pursue this assurance and also decided to take oral evidence of the representatives of the Ministry of Urban Affairs and Employment.

7. On July 18, 1995 the Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment. The Committee was informed that the implementation report was ready and the assurance was being implemented soon.

8. On August 23, 1995, the Ministry of Urban Affairs and Employment laid statements on the Table of the House in fulfilment of the pending assurances including the assurance in question. In the implementation Report the following details were furnished:—

“As per the information received from the Government of National Capital Territory of Delhi on 17.7.95, they had received Volume I of the Report of the High Powered Committee headed by Chairman, HUDCO in the year 1988 and Volume II of the Report in April 1991. It may be added that in the meantime as per the directives of High Court, Delhi, a Committee headed by Secretary of this Ministry examined in detail the building bye-laws and also took into account the recommendations of the High Powered Committee headed by the Chairman, HUDCO, prepared a detailed Report and submitted to the Delhi High Court in August, 1993. As directed by the Delhi High Court in February, 1995, a notification in the Gezette of India was got published by this Ministry on 15.5.95 containing modifications in the Master Plan for Delhi 2001 consequent upon draft amendments to the Unified Building Byelaws. Based on this, DDA, NDMC and MCD will take follow-up action in accordance with their statutory provisions.”

9. The Committee note that the High Powered Committee headed by the Chairman, HUDCO submitted Part I of the Report on rationalisation of procedures of building construction and completion certificates on May 13, 1988 and Part-II of the Report on building regulations in April 1991. The Committee note that the Government could examine the report and amend

the unified building bye-laws as contained in the Master Plan of Delhi on May 15, 1995 *vide* notification in the Gazette of India.

10. The Committee feel that undue long time had been taken in submission as well as in the examination of the report than required. The Committee, therefore, desire that the Ministry of Urban Affairs and Employment would accord priority in the disposal of such matters of public importance expeditiously in future.

(II) CLOSURE OF GOVERNMENT PRESSES

11. On February 29, 1988, the following Unstarred Question No. 939 given notice of by Shri Thampan Thomas M.P., was addressed to the Ministry of Urban Development (now Urban Affairs and Employment):

“(a) whether Union Government propose to close down four Government Presses in the country;

(b) if so, the details thereof and the reasons therefor;

(c) whether Government of India Press Workers Federation has submitted memorandum against the closure of the Government Presses; and

(d) if so, the final outcome of the representation?”

12. The then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) gave the following reply:—

“(a), (b), (c) and (d):—With a view to streamlining the working of the Government of India Presses and to make them economically viable and also as a part of the process of shedding non-essential activities, a decision was taken by the Government to close down four Government of India Presses—three in Calcutta and one in Shimla. Representations have been recieved from the Workers' Association/Federation. The decision of the Government is under active review.”

13. Reply to the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of the reply *i.e.* by May 28, 1988.

14. Since the assurance remained pending, the Committee on Government Assurances (1991-92) at their sitting held on January 20, 1992 reviewed this assurance alongwith other pending assurances of the Eighth Lok Sabha. The Committee made their observations in the Third Report of the Committee presented to the Lok Sabha on April 21, 1992 to expedite implementation of the assurance.

15. The assurance was again reviewed at the sitting of the Committee on Government Assurances (1995-96) held on March 22, 1995 alongwith other assurances of Eighth Lok Sabha which remained unfulfilled. The Committee decided to pursue this assurance and also

decided to take oral evidence of the representatives of the Ministry of Urban Affairs and Employment.

16. The Ministry of Urban Affairs and Employment *vide* their O.M. No. H-11012/9/95-PLT dated July 4, 1995 furnished the following reasons for the delay in implementation of the assurance:—

“The reply given by this Ministry on 29-02-1988 to Lok Sabha Unstarred Question No. 939 was treated as an assurance as it was stated, *inter-alia*, in the reply that the decision of the Government is under active review. Since then the assurance could not be fulfilled as a decision of the Cabinet was required. However, action is being taken to place the matter before the Cabinet. In the meantime, extension of the time has been solicited, last time upto 28-08-1995, for fulfilment of the assurance.”

17. On July 18, 1995 the Committee took the oral evidence of the representatives the Ministry of Urban Affairs and Employment.

18. At the outset the Committee enquired if a decision was taken by the Cabinet in 1985 to close down all Government Presses and whether subsequently that decision was reviewed. In reply, the Secretary, Ministry of Urban Affairs and Employment deposed:—

“This is one case where we cannot take a static and final decision. It is a fact that in 1986 the Cabinet took a decision to close four Presses, three in Calcutta and one in Simla. There are 21 Presses. Most of the Presses were of pre-Independence days”.

19. When the Committee sought clarification for selecting only 4 out of the 21 Presses to be closed down, the representative submitted:—

“There is a Committee of Secretaries. Cabinet decision was based on it. It was looking into the viability of the various Organisation and a study was made in December, 1985 of the stationery printing departments. They found it is unviable. The capacity utilisation is low. Some of the Presses were of 1924. The technology has become outmoded. They considered modernisation on a very massive magnitude. The cost will be very high. This was taken to the Cabinet after consulting every concerned Department in 1986. This decision was taken in 1986. On 24.9.1986, the Cabinet agreed with the recommendation that these units may be closed. As far as the staff is concerned all those can be accommodated where the vacancies can be shifted. Rest of them who cannot be shifted can be brought into the surplus pool of the Department of Personnel so that they can find alternative employment and those who are workers under Industrial Disputes Act, not suitable for accommodation anywhere can be retrenched. There were lot of representations. There was the Federation of Employees represented and in the Parliament, a large number of Members of

Parliament also protested against this decision based on which the Minister gave an assurance in Parliament on 3.12.1986 what this should be reconsidered. It was reconsidered. We were asked to prepare the question, whether it could be modernised and what could be the implication of modernisation..... This exercise on how to modernise was going on from 8.7.1988 onwards."

20. When asked about the modernisation of presses the Secretary, Ministry of Urban Affairs & Employment elaborated as follows:

"A note was sent to Cabinet again in 1987 for modernisation of the Presses. Finance Ministry always had reservations. The main point was whether modernisation will make it viable at all. There is no particular reason to have such a large number of Presses. The proposal was to revoke the earlier decision and give more money for modernising these Presses.

Various reasons were given by the Department for their low capacity utilisation. One is the poor technology and obsolescence of presses. They said they have no paper. Secondly, it was a failure. The Cabinet constituted a group of Ministers. The concerned Finance Minister, the Commerce Minister and the Urban Development Minister were to work out the viability of this revival scheme. The Cabinet considered the note in 1988. The Commerce Ministry gave some concession of buying one-third paper from the market. The original proposal was to construct fresh buildings. Satragachi Press in Calcutta was to cost Rs. 5 crores. They said it could be reduced. Lesser number of workers can be appointed. Modernisation cost can be brought down. A revised note was sent to the Cabinet in 1991. There were two views. The Finance Ministry always felt that it was still not viable. They raised some basic questions saying that by modernisation you increase the capacity. Even in the other Presses which were modernised, the capacity utilisation is low. Their point was the capacity utilisation is low because the labour is poor. It is not merely because you cannot produce. The break-down is more in the Government sector. These questions were considered. There is the problem of labour, on the one hand. It is a problem of what to do with this 2350 labour. All of them may not be accommodated. Even if they are accommodated, it cannot be done in Calcutta. They may have to be shifted to some other places. These are trained workers.

The other problem is it will recurringly run in losses. Even in 1991, after this Note, final decision was not taken. They wanted the Finance Ministry's views to be reconciled so that it can be compared with the views of Planning and we can come up with a proposal which will be accepted. This exercise was going on till 1991. In 1993, another Note was prepared by Cabinet. This is a very issue on which a basic decision has to be taken.

These are the three presses which were considered really bad cases where they felt probably that they could not revive them. There are

21 Presses of the Department itself. In 1993, we have started another exercise to find out whether they could be passed on to the other Departments like Defence, P&T etc. It is because some of the presses are printing forms and publications. Therefore, the press which is printing publications can go to the Ministry of Information and Broadcasting. The Committee of Secretaries felt that would be the ideal way. This was done in 1993. But none of these Ministries were prepared to accept the suggestion. The Defence Ministry said that they are only having a small press catering exclusively to them. Even that one, they are not prepared to take over. They felt that there were a lot of labour problems. So is the case with the Information and Broadcasting Ministry. They said that they did not have the expertise. So, this does not seem to take us any further. Now, we will try to find out some methodology for it. It is a very difficult question. There is no clear exit policy. The labour force has to be protected. One option is the question of VRS. We have not yet considered it. We still do not have a clear idea of what are the losses these presses are incurring. The buyer is the Government itself. What is really needed is to see whether the cost compares favourably with the market cost at which a private press will supply. Unless we get a full fledged analysis of all the aspects, we cannot do anything. My submission is that we would like to examine it in the Department, discuss with the Finance Ministry and find out a way out. Even if we go in for modernisation, there is no guarantee that there will be demand for excess capacity. Even with the present capacity, only 30—40 per cent is achieved. They cannot buy from outside unless they get NOC from the Department. If the total demand is put together, they are not able to utilise the capacity. Even if we modernise some presses and increase their capacity, unless they take order from outside market, they will again incur losses. These are issues on which we cannot take a quick decision. These things will have to be considered indepth."

21. When asked to comment on the objections raised by the Ministry of Finance, the Secretary stated:

"Today, we are not in a position to satisfactorily answer the queries raised by the Ministry of Finance. The present Cabinet Note is dealing with both the issues. I would like to analyse the issues indepth. The argument against closure is essentially the social objective. There is no economic argument against closure."

22. When the Committee further enquired about the viability study conducted by them to modernise these presses, the representative submitted:—

"We only had one consultant appointed for this purpose in 1992. He had recommended closure of all the presses except six. But this was not accepted by the Ministry. The point is, every Department has to necessarily file the requirements of forms and books from these presses. We do not have the exact estimate of the extra amount that

these Departments are made to pay. They charge their cost, direct inputs and overheads. Since these presses are working at 40 per cent capacity and some of them even lower, what happens is, the unit cost per form printed or text book printed will become very high. And in the market with the modern presses coming up they are probably very competitive. Modernisation is because of two reasons. In Calcutta, presses have to be modernised otherwise they cannot operate. The equipment is costly and even for repairs and maintenance, one would not get spare parts. Over a period of time, unless they are changed, their capacity utilisation will come down. Secondly the question comes whether we need modernisation to increase its capacity. One feed back is that the increased capacity will not be able to get the matching orders unless the presses are also making orders from outside. And unless they are competitive with the outsiders, they cannot get the orders. Therefore, the question comes whether we can amalgamate some of the presses. For example in Calcutta, we can merge both the Publication Unit and the Printing Unit into one. Therefore, it is a difficult point on which today we cannot categorically say that we have enough material to support modernisation. Since there is a labour angle involved in it, that is also a point to be taken note of."

23. In regard to the estimated cost for the modernisation and replacing the old machines, the Secretary stated that about Rs. 6 crores was required for modernising the Calcutta presses which included Satragachi and Temple Street presses. He further explained that the estimates were done in September 1994.

24. The Committee was also informed that a sum of about Rs. 20 crores had since been invested in all those 21 presses since 1986.

25. The Committee asked about the total number of workers employed in the three presses of Calcutta and whether any exercise was carried out to know the requirement of the manpower after modernisation, Shri H.A. Yadav, Director (Printing) submitted:—

"It was done. We have proposed modernisation which costs Rs. 5 crore for Calcutta. We have Form Unit, Publication Unit and a training centre is to be set up. We have selected the machines for which also; norms are there. We have also calculated the personnel requirement. Certainly, the staff requirement is always lower in the new technology machines."

26. The Secretary also added:—

"If we look at the overall picture, there are 21 presses and some of them are really small ones like the Government of India Patent Press Bombay. It was only catering to the requirements of the Patents Department. It has 47 workers and the annual expenditure is Rs. 4 lakhs. In the Calcutta press forms unit there are 1,352

people, the recurring expenditure is Rs. 1.89 crore. The point which the Finance Ministry raised and which we have not been able to convincingly answer is, how is it that even the presses which were modernised, they are also working at below the capacity. Then there is a question of trained manpower because most of them are untrained ones. People working in letter press cannot automatically shift to offset press. Today with the advanced technology, they are going in for photo-copy printing and laser printing."

27. The Committee was, however, not satisfied with the reply and insisted to know why the exercise had not been carried out to know the cost of closure of the presses to the modernisation of the presses or to justify their demand and also to give a suitable reply to the points raised by the Ministry of Finance. To this, the representative submitted:—

"After the 1986 decision to review this, the exercise that was done was mostly in favour of modernisation. Modernisation was justified at that point of time because the cost of modernisation was earlier a little higher and they brought it down. They said this additional investment in modernisation is also recoverable over two-three years because one assumption was that they will produce more and the cost of the modernisation will be recovered. The exercise done was that with the modernisation so many extra crore paper forms will be printed and when the capacity is increased, the unit cost will go down, so much cost overhead will be distributed over a larger volume and this will compensate for the investment. Not only the Finance Ministry, even during the Cabinet discussions these issues were again said that this has to be analysed at greater depth. This is all based on the assumption that this extra investment will be matched by orders. But the available data do not support that the orders from the departments will require additional capacity. So the present proposals says we do not want modernisation with creation of additional capacity. So the decision is not to create more capacity. The present proposal is an improvement over the earlier proposal because some of the objections raised at that time have been taken note of. Still it is not in a final stage because we are looking at the four units again and again in Calcutta. There are other presses also and an overview of the entire Department is required. It cannot be decided in a hurry because this is an issue where human labour is involved."

28. The representative further elaborated that if the labour issue had not been there a decision would have been taken earlier.

29. Asked whether the Ministry of Urban Affairs and Employment ever had a talk with the employees to know whether they were willing to run these Presses if they were provided with the fund, the representative replied:

“That is one point we have not studied. I do not know whether they will be interested.”

30. When asked to comment whether the employees could form a co-operative societies to run the presses, the witness stated:

“They are coming and meeting us a number of times to ascertain what the fate of the Government of India presses would be.”

31. To a pointed question that Government Presses were charging more than the market prices for getting the materials printed, the representative submitted:—

“They are charging their cost price. They are not making profits. If they are charging ten times more than the market price, that is the efficiency of our system. This in fact is the main criticism against the press and the main reason why there is a demand to close it down. Looking historically when it all started about a hundred years ago, there was no private printing press and another reason for starting this was to maintain the secrecy and timely delivery. But now things have changed.”

32. The Committee note that in 1986 the Cabinet had taken a decision to close down some of the presses which were found non-viable. The Committee note that at that time it was also decided to accommodate the affected staff of the presses against the existing vacancies or to shift them to the surplus pool of the Department of Personnel for providing alternative employment. On the representations of the Association/Federations and the MPs, the Government decided to review its decision. The Committee, however, lament that Government have not taken any final decision on modernisation of these presses although an exercise for modernisation was started by the Ministry of Urban Affairs and Employment in 1988.

33. The Committee therefore desire that Government should prepare a plan and assess the cost of these Government Presses in question of modernisation.

34. The Committee also take note that all these Government Presses are of pre-independence time and some of them are having the historical background as there was no private press in the country at the time. These presses were established by the Union of India to cater to the needs of the departments of Government of India. The Committee are of the view that without considering the aspect of modernisation, the decision of closing these four presses is not justified. The Committee have been informed that the modernisation process may cost five to ten crores of rupees. The Committee feel that it is not a big amount for the Government to make these ancient presses viable. The modernisation process would save the employees from the curse of retrenchment as well as they will have the pride of contributing something to the national production.

35. The Committee, therefore, desire that the Government should take an early and positive decision in the matter particularly with regard to modernisation of these Presses in question. The sickness aspect of these Government presses should be effectively and efficiently dealt with because it is the baby of the Union of India and at no cost it should meet the end of life with a hasty and ill-considered decision of closing these presses. On the contrary, the Committee desire that the employees working in these presses should be trained on a new technique. The Committee hope that no press should be closed down and no worker retrenched therefrom.

36. The Committee also desire that the Ministry of Urban Affairs & Employment may apprise the Cabinet about the observations of this Committee before a final decision in the matter is taken.

NEW DELHI;
October 27, 1995

Kartika 5, 1917 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Government Assurances.

APPENDIX I
(Vide Para 5 of the Introduction)

MINUTES
Third Sitting

Minutes of the sitting of the Committee on Government Assurances held on Wednesday, March 22, 1995 in Committee Room No. 'B', Parliament House Annexe, New Delhi.

The Committee met on Wednesday, March 22, 1995 from 15.00 hours to 16.00 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Gurcharan Singh Dadhahoor
3. Shri Santosh Kumar Gangwar
4. Shri Prabhu Dayal Katheria
5. Shri J. Chokka Rao

SECRETARIAT

1. Shri Murari Lal — *Joint Secretary*
2. Shri Madan Lal — *Assistant Director*

2. The Committee considered the draft Twenty Seventh Report of the Committee on Government Assurances and adopted the same. The Committee authorised the Chairman to present the Report of the Committee during the current Budget Session.

3. The Committee, thereafter, took up for consideration Memorandum No. 110 containing a batch of 59 pending assurances of the Eighth Lok Sabha pertaining to the Department of Atomic Energy, Ministries of Defence, Environment & Forests, Finance, Health and Family Welfare, Home Affairs, Human Resource Development, Labour, Railways, Steel, Surface Transport, Urban Development and Welfare. After reviewing all the 59 assurances, the Committee decided to take oral evidence of the representatives of the Ministries of Finance and Urban Development.

4. The Committee also took stock of the remaining 27 assurances of the Eighth Lok Sabha. The Committee was informed that implementation Reports in respect of 16 assurances had already been laid on the Table of the House by the Ministry of Parliamentary Affairs. 11 assurances were, however, still pending. The Committee decided to review the second batch of 11 pending assurances later on.

5. The Committee was also informed that the Secretary of the Ministry of Labour and the Secretary, Ministry of Urban Development appeared before the Chairman of the Committee on March 13 and

March 20, 1995 respectively in respect of non-implementation of the following two pending assurances:—

- (i) an assurance given on December 9, 1994 in reply to USQ No. 576 regarding Child Labour (Prohibition & Regulation) Act, 1986; and
- (ii) an assurance given on December 7, 1994 in reply to USQ No. 24 regarding allotment of plots to the weavers of Sawan Park, Delhi.

6. The Committee was apprised by the Chairman that the Secretary, Ministry of Labour, assured the Chairman that a Bill regarding Child Labour (Prohibition & Regulation) Act, 1986 would be introduced during the current Budget Session of Parliament.

7. The Chairman also informed that the Secretary of the Ministry of Urban Development and the Vice Chairman, Delhi Development Authority had stated that alternate plots would be allotted to the weavers of Sawan Park latest by the end of June, 1995.

8. The Committee then adjourned.

APPENDIX II
(Vide para 5 of the Introduction)

MINUTES

Twelfth Sitting

Minutes of the Sitting of the Committee on Government Assurances held on Tuesday, July 18, 1995 in Committee Room 'D' Parliament House Annex, New Delhi.

The Committee met on Tuesday, July 18, 1995 from 11.30 hours to 13.30 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Gurcharan Singh Dadhahoor
3. Shri Santosh Kumar Gangwar
4. Shri Prabhu Dayal Katheria
5. Smt. Suryakanta Patil
6. Shri J. Chokka Rao
7. Shri Asht Bhuja Prasad Shukla
8. Shri Ummareddy Venkateswarlu
9. Shri V. S. Vijayaraghavan

SECRETARIAT

1. Shri P.D.T. Achary — *Director*
2. Shri Mange Ram — *Under Secretary*
3. Km. J.C. Namchyo — *Committee Officer*

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT

1. Shri C. Ramachandran, Secretary
2. Shri N.P. Singh, Additional Secretary
3. Shri A.P. Sinha, Joint Secretary
4. Shri B.S. Minhas, Joint Secretary
5. Shri M.S. Srinivasan, Joint Secretary
6. Shri H.A. Yadav, Director (Printing unit)

DELHI DEVELOPMENT AUTHORITY

7. Shri Anil Kumar, Vice-Chairman
8. Shri K.N. Khandelwal, Member (Finance), DDA

2. At the outset, the Chairman welcomed the representatives of the Ministry of Urban Affairs and Employment and drew their attention to the provision of Direction 58 of the Directions issued by the Speaker, Lok Sabha under the Rules of Procedure and Conduct of Business in

Lok Sabha and clarified to them that their evidence was likely to be treated as public and was liable to be published unless the witnesses specifically desired that all or any part of the evidence given by them was to be treated as confidential. It was further explained to the witnesses that even though the evidence was desired to be confidential, such evidence was liable to be made available to the Members of Parliament.

3. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment in connection with non-implementation of the following two amongst 12 pending assurances of 8th Lok Sabha and 1 of 10th Lok Sabha:

1. Assurance given on April 18, 1988 in reply to USQ No. 7284 regarding rules and procedures for obtaining building construction completion certificate, and
2. Assurance given on February 22, 1988 in reply to USQ No. 939 regarding closure of Government Presses.

4. The Committee then drew the attention of the representatives of the Ministry of Urban Affairs and Employment to pending assurances and desired to know the reasons for the delay in fulfilling the same and the system that was prevalent in the Ministry of Urban Affairs and Employment to oversee or monitor the implementation of assurances. To it, the Secretary of the Ministry of Urban Affairs and Employment submitted:-

"In the list of assurances which was mentioned by you just now, you would kindly notice that most of them relate to certain important areas of legislation and certain decisions which require essentially Cabinet approval. We have, of course, a very rigid system of monitoring the assurances because we are aware that the assurances given in Parliament are to be fulfilled and this Committee monitors very closely all these aspects. One system that is being followed is that monthly review meetings are taken and in addition to that, any proposals which have to be consulted with other departments, they are followed up at frequent intervals. It is a fact and I admit that the assurances have remained unimplemented for a long time. I will explain to you as to how these have remained beyond our control to be fulfilled. I am happy to say that we will be in a position in a couple of cases, to give a note to the Committee that we have implemented them. About the other things, I would now like to place before the Committee that by their very nature, it may take some time to take some of the decisions which have to evolve out of these assurances. I would crave the indulgence of the Committee to consider whether you would like to keep them as pending assurances and take note of the position as it is today, because they are not in a

stage where we have reached certain analysis based on which the Government will now to take a view in the matter.”

5. Thereafter, the Committee enquired about the difficulty in implementing the assurance given on April 18, 1988 in reply to USQ No. 7284 regarding rules and procedure for obtaining building construction completion certificate.

6. The Secretary in the Ministry of Urban Affairs and Employment categorically informed that the information had since been collected and the assurance was being implemented very shortly. The Secretary, Ministry of Urban Affairs & Employment also deposed:—

“This is one assurance, you will be happy to note, where we could say that we have implemented this. The question here was relating to the Committee constituted under the Chairmanship of the Chairman, HUDCO to suggest methods of rationalisation and simplification of building regulation rules. Earlier, Part-I of the report was available. I will have to admit that there has been a delay in the sense that while communicating and taking it up with the Delhi Government, there has been some delay in our Ministry. But now, the latest position is that the final report was also received by the Delhi Administration in April 1991. But they could not immediately implement those recommendations, because simultaneously, at that time, a case was there in the Delhi High Court against some unauthorised encroachment on which the Delhi High Court asked for another Committee to be constituted by the representatives of the Delhi Government and other bodies. This Committee had finalised its report and given it to the High Court and the Delhi High Court asked the Committee to go ahead and simplify a unified law for the buildings. This was done in May, 1992. When this exercise was undertaken, they took into account the various recommendations including the recommendations made by the HUDCO Committee and based on this, a final report was given to the Delhi High Court in August, 1993. Then, the Delhi High Court ordered in August, 1994 that bylaws have to be notified by the Delhi Municipal Corporation. By that time, the Delhi Municipal Corporation Act was amended under which the powers are vested with the Ministry of Urban Development. But the Delhi Municipality represented to the High Court and the High Court subsequently ordered that these bylaws may be amended by the Ministry of Urban Development. This has been finally done in May 1995. Now, it is for the three agencies, NDMC, MCD and DDA to bring them into force. The purpose for which the original Committee was constituted, that is, streamlining and rationalising of these bylaws, has been achieved. In May, 1995, the draft laws have been notified. It has to be given effect to, by the three agencies under their respective laws. It will have to be notified by these three

bodies under their laws. It has been notified on 15th May, 1995 in the Gazettec."

7. Asked whether the draft law had to be introduced in the Parliament, the Secretary replied that it was only a byelaw and was not required to come before the Parliament. When pointed out that much time had been taken to simplify the bylaws, the Secretary clarified:—

"The assurance was very limited. In fact, it was not exactly notifying any laws. In fact, we have done much more than that. A question was asked whether a Committee has been set up under the Chairmanship of the Chairman, HUDCO and whether the report has been received. That was only a prelude. The Committee was only a recommendatory body to suggest improvements or modalities for improvement. As I have mentioned to you, while the Committee's report was given in 1991, we could have said that the assurance had been fulfilled. But subsequently, the proceedings in the Delhi High Court started and based on the directives of the Delhi High Court we had to make unified building laws. That process continued. As far as that particular part is concerned, in 1991 itself that work was over. From 1991 to 1995, the exercise for further simplification of the bylaws was undertaken and it took time. Draft letters have been published on this basis. I would like the Committee to know that the spirit behind that had already been fully achieved."

8. The Committee was not satisfied with the reply and admonished the representative of the Ministry for taking a long time in furnishing a simple information. In reply, the Secretary stated:—

"In fact the other issues strictly flow from the purposes of the question itself. I suppose the Committee does not only want the report but it wants to fulfil the purpose behind it. I could only say that extraneously much more has been done. The report has been received by the Government of Delhi during 1991. It had a very limited purpose. They could not act on it because the parallel exercise was already afoot in working out a unified by-law system."

9. While admitting that the information should have been furnished earlier the Secretary further added:—

"It was not that they were having this information and were not furnishing it to the Committee. But what has happened is that in the background of this case this Committee was appointed by the Government of Delhi. So, we have been corresponding with them to find out what happened to this Committee. The reminders were being sent even to the Chief Secretary level. Since we have to furnish the reply to this Committee we had a meeting on Friday,

the 14th July, 1995 and called everybody concerned to find out as to what is the position. It was brought to our notice that the report was not traceable in the concerned department. As the whole exercise was gone into, in that report, the by-laws have been made and a separate group was working on that report, they did not think it important to find out the report. They presumed that since the by-laws have been made on the basis of that report, no reply is needed. So I have to admit to this point that probably it is a question of whether we have fulfilled the assurance or not. If we look whether the report was received by the Ministry from the Delhi Government, technically speaking the Ministry has not received the reply from the Delhi Government. They do not have any authoritative report from the Delhi Government which could prove that the assurance has been fulfilled. So, there was no credence in the matter which could confirm the fact that the information which was supposed to be given to the Committee had already been received in 1991. The confirmation was not forthcoming from the Delhi Government in this regard. I called a meeting of everybody concerned to find out what exercise has been done. I could only plead that the whole issue has already been dealt with. In substance, the Committee may consider that the assurance has been fulfilled."

10. In regard to query about different versions of information submitted on July 4, 1995 and that being deposed before the Committee, the Secretary clarified:—

"There is no contradiction in the 4th July position and what we are saying now. We did not hear anything from the Government of Delhi till 4th of July, 1995. The Chief Secretary was being reminded to confirm to us as to what is the position about HUDCO report. Till Friday, we had not received the reply. So, on Friday, the 14th July, 1995 we had a meeting with Principal Secretary (Urban Development) to the Government of Delhi and with all of them. He promised to send us the required information and we had received their reply only yesterday. The Hon'ble Member is referring to the reply which was given on 4th July, 1995. What I am talking now is not only based on the meeting which we had but it is also based on the formal reply received from the Government of Delhi. We have been writing to the Chief Secretary. But we do not have anything on record to say that it has been done. There was nothing to confirm it. Had I come without any authoritative report a question would have arisen that what I

am saying is misleading or contradictory. I could say only on the basis of records. Now, they have furnished the reply saying that HUDCO report was submitted to the Lt. Governor of Delhi on 16th April, 1991. I could again say that we were in constant touch with the Government of Delhi in this regard."

APPENDIX III

MINUTES

(Vide Para 5 of the Introduction)

Eighteenth Sitting

Minutes of the Eighteenth Sitting of the Committee on Government Assurances held on October 27, 1995 in Committee Room No. 'E' Parliament House Annexe.

The Committee met on Friday, October 27, 1995 from 11.00 hours to 12.00 hours.

PRESENT

Shri Basudeb Acharia—*Chairman*

MEMBERS

2. Shri Gurcharan Singh Dadhahoor
3. Shri Santosh Kumar Gangwar
4. Shri Prabhu Dayal Katheria
5. Shri J. Chokka Rao
6. Shri Asht Bhuja Prasad Shukla
7. Shri Ummareddy Venkateswarlu
8. Shri V. S. Vijayaraghavan
9. Shri Shailendra Mahto

SECRETARIAT

1. Shri P.D.T. Achary — *Director*
2. Shri Mange Ram — *Under Secretary*
3. Km. J.C. Namchyo — *Committee Officer*

2. At the outset the Committee took up for consideration memorandum No. 117 regarding the dropping of an assurance given on July 26, 1993 in reply to SQ No. 2 regarding Privatisation of DESU. The request of the Ministry of Power was received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. VII/P(1)SQ-2-LS/93 dated 31.7.95 for dropping of an assurance regarding maintaining the reservation policy even after the privatisation of the undertaking (DESU).

3. The following grounds were advanced by the Ministry for the same:—

“It is observed that portion of the statement made by Minister of Power in reply to the supplementaries has been treated as an assurance. It may be mentioned in this regard that during the debate, the subject shifted to the general policy of the Government regarding reservation of SCs/STs in the event of privatisation of public bodies. Hon'ble Speaker, therefore, agreed to allow 'Half-an-Hour discussion' on the issue.

The 'Half-an-Hour' discussion was subsequently admitted and the entire issue was deliberated in the House on 23.8.93. The point raised during the debate were clarified by the Minister of Power."

4. The Committee expressed the view that reservation for SCs & STs is a very important and crucial matter and an assurance that the Government will consider the question of providing it even after a public undertaking is privatised cannot be dropped unless it is implemented. The Committee took the view that the Minister for Power did not clarify the issue during the half-an-hour discussion. The Committee stated that the matter should be pursued and wanted the Government to amend the Constitution, if necessary, to provide for reservation for SCs and STs in undertakings which are privatised.

5. The Committee, thereafter, took up the draft Thirty-Fourth Report of the Committee for their consideration and adopted the same. The Committee authorised the Chairman to present the report during the ensuing Winter Session.

6. The Chairman also informed the Committee that Shri Rajesh Pilot, the then Minister of State (Internal Security) in the Ministry of Home Affairs has made a request for dropping the assurance given in reply to Starred Question No. 344 dated December 17, 1992 regarding restructuring of Medical Cadres in Central Para Military Forces *vide* his letter dated September 14, 1995. The Committee acceded to the request and decided to drop the assurance.

7. The Committee also discussed the tentative Study Tour Plan to Jaipur, Jodhpur, Udaipur, Bombay and Goa starting from November 14 to November 23, 1995.

8. The Committee decided to hold their next sitting on Wednesday, November 8, 1995 at 15.00 hours.

9. The Committee then adjourned.

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