

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1990-91)**

(NINTH LOK SABHA)

TENTH REPORT

(Presented on 4 January, 1991)



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1990/Pausa, 1912 (Saka)

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LOK SABHA
COMMITTEE ON GOVERNMENT
ASSURANCES

Corrigenda to the Tenth
Report of the Committee on
Government Assurances (1990-91)

(NINTH LOK SABHA)

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>Corrections</u>
5	3.3	1	<u>for</u> 'reply the' <u>read</u> 'reply to the'
8		1	<u>for</u> 'That way' <u>read</u> 'That is why'
13		14	<u>for</u> 'Shri Mahadeepak Singh Shakya' <u>read</u> 'Dr. Mahadeepak Singh Shakya'

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION	(v)
REPORT	1

MINUTES

Minutes of sitting held on 6 March, 1990	13
Minutes of sitting held on 28 December, 1990	19

COMPOSITION OF THE COMMITTEE ON GOVERNMENT
ASSURANCES*
(1990-91)

- Dr. Vijay Kumar Malhotra — *Chairman*
2. Smt. Subhashini Ali
3. Shri Het Ram
4. Shri Kamal Nath
5. Shri Mahabir Prasad
6. Dr. Mahadeepak Singh Shakya
7. Shri Haribhau Shankar Mahale
*** 8. Shri V. Krishna Rao
9. Shri Kusuma Krishnamurthy
*** 10. Dr. P. Vallal Peruman
11. Shri Amar Roy Pradhan
*** 12. Shri Sanford Marak
13. Shri C. Srinivasan
** 14. Shri Surya Narain Yadav
**** 15. Vacant

SECRETARIAT

- Shri R. C. Bhardwaj— *Joint Secretary*
Shri G.C. Hallan — *Director*
Shri A.N. Chopra — *Under Secretary*

*The Committee was nominated by the Speaker w.e.f. 19 January, 1990 *vide* Para No. 125 of Lok Sabha Bulletin Part-II dated 19 January, 1990.

**Nominated by Speaker w.e.f. 17 July, 1990 *vice* Shri Bhajaman Behera ceased to be a Member of the Committee consequent on his appointment as Minister of State w.e.f. 21 April, 1990, *vide* Para No. 611 of Lok Sabha Bulletin Part-II dated 17 July, 1990.

***Nominated by Speaker w.e.f. 8 August, 1990 *vice* Sarvaswari J.P. Agarwal, Dr. Debi Prosad Paul and P.K. Thungan resigned from the membership of the Committee on Government Assurances, w.e.f. 7 August, 1990, *vide* Para No. 680 of Lok Sabha Bulletin Part II dated 8 August, 1990.

****Shri Ramji Lal Suman, ceased to be a member of the Committee w.e.f. 21.11.1990 consequent upon his appointment as a Minister of State in the Union Council of Ministers.

INTRODUCTION

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

2. The Committee (1990-91) were constituted on 19 January, 1990.

3. The Committee, at their sitting held on 6 March, 1990 took the evidence of the representatives of the Ministry of Urban Development in connection with the non-implementation of the certain assurances. The Committee considered and adopted the draft Report at their sitting held on 28 December, 1990.

4. The Minutes of the aforesaid sitting of the Committee form part of this Report.

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

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

NEW DELHI;
28 December, 1990

7 Pausa, 1912 (Saka)

DR. VIJAY KUMAR MALHOTRA,
Chairman,
Committee on Government Assurances.

REPORT

Assurance regarding ownership rights to Allottees of D.D.A. flats

1.1. On 23 July, 1984, Shri Mohd. Asrar Ahmad, M.P. addressed the following Unstarred Question No. 64 to the Minister of Works and Housing:—

“(a) Whether DDA (Delhi Development Authority) flat allottees do not possess ownership rights over their flats even after they have paid the full cost of the flats;

(b) whether the allottees have to pay ground rent to DDA in perpetuity;

(c) whether the allottees of flats and Residents' Welfare Associations have made several representations to confer full ownership rights to the allottees and do away with the ground rent system; and

(d) if so, the reaction of Government in this regard?”

1.2. In reply to the said question, the then Deputy Minister of Works and Housing (Shri Mallikarjun) stated as follows:—

“(a) In accordance with the present policy of the Government flats are allotted by DDA on lease-hold basis.

(b) Yes.

(c) DDA has reported that some representations from the Residents' Welfare Associations have been received for the full ownership rights to allottees.

(d) the matter is under consideration of the Government.”

1.3. The reply to part (d) of the question was treated as an assurance. The assurance was to be implemented by the Ministry of Urban Development by 22 October, 1984.

1.4. The assurance could not be implemented by the Ministry of Urban Development within the stipulated period and Ministry requested the Committee through the Ministry of Parliamentary Affairs from time to time for extension of time. As the Assurance remained unfulfilled for a long time, the Committee took the oral evidence of the representatives of the Ministry of Urban Development at their sitting held on 6 March, 1990.

1.5. When asked during evidence as to why extension of time upto 23 March, 1990 had been sought to fulfil the assurance when some

decision had already been taken in the matter, the representative of the Ministry of Urban Development stated:—

“We have submitted the implementation statement. Now, the ownership right over the flats is connected with the issue of the ownership right over the land itself and that was the reason why we wanted some time to go into this.”

The representative added:

“The implementation statement has already been submitted. In fact, the main reasons for the delay is that it involved a policy decision which was announced in October, 1989. Thereafter, the Government remained busy in so many other things in the context of general elections and that was the reason why the implementation statement could not be sent earlier. Immediately after the announcement of the policy decision, you may recall that, the general elections took place and the Government was busy with that.”

1.6. When pointed out that three months had then already passed after the elections and the implementation had been delayed, the representative of the Ministry of Urban Development stated that the assurance had been fulfilled. Thereupon, the Committee directed them to lay the fulfilment statement on the Table of the House.

1.7. Regarding the question of conversion of leasehold into freehold, the representative of the Ministry of Urban Development informed the Committee:—

“In October, 1989, the Government gave policy decision that leaseholds can be converted into freeholds up to certain sizes on payment of certain scale of fees. This was supposed to be optional as far as lessees are concerned. The public authorities, like the DDA and the L&DO have to issue a notice inviting these options. While inviting the options, various implications have to be spelt out. That has not yet taken place. The questions of payment of unearned increase and other procedural matters, including registration, are involved.” x x x x x x x

“I would also submit that the Government decision is up to plots of 500 sq. yards or below. There may be a number of plots above 500 sq. yds. They do not come under the purview of the October, 1989 decision.”

1.8. The assurance has been subsequently implemented on 16 March, 1990 by laying a statement on the Table of the House (Statement No. XV, Item No. 1).

1.9. The Committee note that the Government have taken more than six years to decide its policy about conferment of full ownership rights to allottees of DDA flats. The Committee also note that the delay in taking a decision in this matter has resulted in considerable loss to the exchequer as

the conversion of lease-holds into free holds has to be done on payment of certain fees. The Committee are very much concerned about the lethargic manner in which a decision was taken in the matter. The Committee recommend that the Government should expedite their decision for making progress in matters connected with the revenue to the exchequer and in the larger interest of innumerable allottees of DDA flats.

(ii)

*Assurance regarding Amendment to Urban Land
(Ceiling and Regulation) Act, 1976*

2.1. On 6 April, 1987, Shri Hussain Dalwai, M.P. addressed the following Starred Question No. 557 to the Minister of Urban Development:—

“(a) whether Union Government propose to revise their policy by Urban Land ceiling; and

(b) if so, the details thereof?”

2.2. In reply to the said question, the then Minister of Urban Development (Shri Dalbir Singh) stated as follows:—

“(a) & (b) Certain proposals to amend the Urban Land (Ceiling and Regulation) Act, 1976 are under the consideration of Government.

2.3. The above reply to the question was treated as an assurance. The assurance was to be implemented by the Ministry of Urban Development by 5 July, 1987.

2.4. The Committee also noticed that another assurance USQ No. 79 regarding Distribution of Land under Urban Land Ceiling Act, 1976, addressed by Shri Narsinh Makwana, M.P. to Minister to Urban Development on 27 July, 1987, the text of which is reproduced below is also pending for implementation by the Ministry:—

“(a) the acreage of land acquired in various States under the Urban Land Ceiling Act, 1976;

(b) the extent to which work of distribution of land so acquired has been done according to the Act and the acreage of land distributed and yet to be distributed;

(c) the acreage of land released under Sections 20 and 21 of the act., separately; and

(d) the details of the complaints received in regard to which the States have taken a decision against the spirit of this Act and whether any action has been taken to annul this decision?”

2.5. In reply to the above question the Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) stated as follows:—

“(a) According to the information received from the concerned

State Governments/Union Territories, 14,845.93 acres of land have been acquired under the Act.

(b) As per the information received from various State Governments/Union Territories, 3,341.24 acres of land has either been placed at the disposal of public agencies/Improvement Boards or allotted to Co-operative Housing Societies.

(c) State Governments/Union Territories have intimated that 1,19,889.38 acres under Section 20 and 9,301.58 acres under Section 21 have been exempted under the Act.

(d) Several suggestions have been received for amending the Act from the State Governments/Public Organisations/Eminent Professionals. They generally relate to certain anomalies and lacunae in the Act as well as procedural difficulties. These suggestions would be kept in view while considering amendments to the Act."

2.6. The reply given to part (d) of the above question was treated as an assurance and the assurance was to be implemented by the Ministry of Urban Development by 26 October, 1987.

2.7. As the aforesaid assurances remained unfulfilled, the Committee took the oral evidence of the representatives of the Ministry of Urban Development at their sitting held on 6 March, 1990.

2.8. In a note furnished to the Committee on 2 March, 1990, the Ministry of Urban Development have stated that several amendments/proposals were under consideration of the Government and at that time the note of Ministry containing such proposals was before the Group of Ministers appointed by the Cabinet.

2.9. When asked during evidence about the proposals to amend the Urban Land (Ceiling and Regulation) Act, 1976, the representative of the Ministry of Urban Development stated:

"Sometime after July, 1987, a group of Secretaries had considered the proposals regarding amendments to Urban Land Ceiling Act and then the matter had been under the consideration of the Cabinet since February 1988 and the group of Ministers have gone into the amendments. Uptil now, the Government have not taken any decision as to what are the amendments to be made on the Act."

2.10. The assurances are yet to be implemented and the Ministry has sought extension of time upto 30 April, 1991, as the proposals are still under consideration of the Government.

2.11. The Committee note that in the last four years the Government have been considering the question of amendment of Urban Land (Ceiling and Regulation) Act, 1976 and still the Government have not come out with any concrete proposals in this regard. It appears that no serious thought has been given to such an important matter and the things have

been allowed to drift by the Government. The Committee are surprised to note that despite the comments furnished by the State Government in 1987, no decision has so far been taken by the Union Government about the amendments proposed to be incorporated in the Act. The Committee emphasise that the Government should finalise the proposed amendments quickly and bring forward the necessary Bill before the Parliament in the next session, keeping in view the urgency of redistribution of urban land due to the pressure on land in urban areas.

(iii)

Assurances regarding regularisation of unauthorised colonies

3.1. On 15 March, 1989, Shri Kamla Prasad Rawat, M.P. addressed the following Unstarred Question No. 2772 to the Minister of Urban Development:—

“(a) whether Union Government propose to regularise the unauthorised colonies in Delhi 1989-90; and

(b) if so, the details thereof?”

3.2. In reply to said question, the then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) stated as follows:—

“(a) and (b): The matter is under consideration with the Delhi Development Authority.”

3.3. The reply to the above question was treated as an assurance. The assurance was to be implemented by the Ministry of Urban Development by 14 June, 1989.

3.4. The assurance remained unfulfilled and the Committee took the oral evidence of the representatives of the Ministry of Urban Development at their sitting held on 6 March, 1990.

3.5. In a note furnished to the Committee, the Ministry of Urban Development stated that an assurance was given before information had not been received from the Delhi Administration. The matter remained under correspondence with the Delhi Administration and the Municipal Corporation of Delhi, who are concerned with the survey and the regularisation of the unauthorised colonies in the Union Territory of Delhi. Since there was no positive information given on the subject by the Delhi Administration and the Ministry did not propose to regularise any unauthorised colonies in Delhi during the year 1989-90 it had been decided with the approval of UDM (Urban Development Minister) that the Assurance may be fulfilled on the above lines.

3.6 While seeking the extension of time the Ministry had stated that the required information was still awaited from the authorities concerned.

When asked during evidence as to why the Ministry could not ring up the office which is in Delhi itself to get the information the representatives of the Ministry stated:

“We would like to avoid giving such assurances. We would like to furnish information which we would try to collect in time. If it is a must, we shall see to it that it is fulfilled at the earliest and that all possible delays are avoided.”

3.7. Subsequently, the Ministry of Urban Development have implemented the assurance by laying statement on the Table of the House on 16 March, 1990 vide Statement No. VI item No. 112 which reads as follows:—

“The Union Government do not propose to regularise any unauthorised colony during 1989-90.”

3.8. The Committee note that the Government had taken more than a year to decide as to whether or not unauthorised colonies in Delhi should be regularised. The Committee would like to impress upon the Government that they should promptly collect information to answer questions in Parliament and avoid giving assurances especially in relation to Offices situated in Delhi. The Committee recommend that the Government should appreciate the fact that every assurance raises some hope in the minds of the public and as such the Government should take expeditious decisions on matters of public importance.

(iv)

Assurance regarding permission for sale of DDA flats

4.1. On 15 March, 1989, Shri Banwari Lal Purohit, M.P. addressed the following Unstarred Question No. 2860 to the Minister of Urban Development:—

(a) the number of applications received by the Delhi Development Authority from the original allottees of flats for permission to sell them during the last three years;

(b) the number of cases in which permission has been granted and the number of flats transferred to the new buyers;

(c) the number of applications pending and the reasons for delay in their disposal; and

(d) whether Government propose to simplify the present procedure with regard to sale and transfer of the DDA flats in order to check irregular deals, if so, the details thereof?”

4.2. In reply to the question the Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) stated as follows:—

“(a) : 132

(b) In 25 cases permission has been granted and in two cases flats have been transferred to new buyers.

(c) 107 applications are pending as the requisite formalities have not been completed by the intending sellers.

(d) Yes, Sir. The details are being worked out."

4.3. The reply to part (d) of the question was treated as an assurance. The assurance was required to be implemented by the Ministry of Urban Development by 14 June, 1989.

4.4. As the assurance remained unfulfilled, the Committee took the oral evidence of the representatives of the Ministry of Urban Development at their sitting held on 6 March, 1990.

4.5. When the Committee pointed out during the evidence that 99 per cent of the sale of DDA flats was being done by a method by which the Government and the Corporation were losing and nobody was coming forward to register them and enquire whether the procedure had been really simplified, the representative of the Delhi Development Authority, in reply, stated:—

"With your permission, Sir I would like to explain some salient features of simplification which DDA has got regarding the power of attorney. You have put it very rightly that the general power of attorney system has been in vogue in Delhi on a big scale. We cannot say certainly, but it is noted that 70 to 80% flats are sold under power of attorney. Just with a view to streamline and simplify the system, we have taken certain steps in the recent past. One of the steps was that we have given wide advertisements letting the public know that we are prepared to regularise all the past deals which have taken place on power of attorney. There is a fear that if this comes to the DDA, it might take drastic action and that fear has been taken out. We have liberalised the punitive part. On the past transactions, it will not be to the extent as it used to be. Then, we have told them that if the people get regularised by a certain date, we will give them 15 per cent discount just to attract them so that they come forward and these transactions are regularised.

We also came to know that a large number of persons were suffering from the impression that they might have to pay lakhs of rupees. It is not a huge amount. It is only a reasonable amount. We have prepared statement indicating locality-wise what will be the incidence on the LIG and the MIG flats indicating the amount as also the procedure of calculation. The concerned person can himself calculate what he would have to

pay on the unearned increase. That way, we have tried to simplify it and are passing on the information to the public so that they can get attracted to these transactions.”

The representative of the Ministry further added:—

“The Government decision of October, 1989 was that those who are lessees, will be given the option to convert into freehold. But a POA holder has to step into the shoes of the lessee.”

4.6. When asked regarding the latest position about the question of conversion of leasehold into free-hold and also about the question of permission of sale, the representative of Delhi Development Authority clarified to the Committee as follows:—

“About conversion, we have to announce in the Press that this is to be done and then the implementation is to take place. A notification has to be issued but it has not been done.

As far as conversion from GPA and other sale permissions are concerned, we have allowed 253 persons so far. We have collected more than Rs. 10 crore. It proves that people did come forward to follow out simplified procedure.”

4.7. The assurance has been subsequently implemented by the Ministry of Urban Development by laying a Statement on the Table of the House on 16 March, 1990 *vide* Statement No. VI, item No. 113.

4.8. The Committee note that the Government have taken more than a year's time to simplify the procedure regarding sale and transfer of DDA flats in order to check irregular deals by way of Power of Attorney transactions. The Committee recommend that in future all such matters which have revenue implications should be expeditiously decided and wide publicity should be given to such decisions.

(v)

Assurance Regarding Papan Kalan Project by D.D.A. in South Delhi

5.1. On 19 April, 1989, Shri Kamla Prasad Singh, M.P. referring to Unstarred Question No. 2099 dated 10.8.1987 regarding Papan Kalan Project by D.D.A. in South Delhi addressed the following Unstarred Question No. 6111 to the Minister of Urban Development:—

“(a) the progress made so far in the development of the Papan Kalan area; and

(b) the reasons for slow progress of the scheme?”

5.2. In reply to the question, the then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) stated as follows:—

“(a) The Development Plan of Papan Kalan was approved by the Delhi Development Authority on 14.4.88 and after inviting public objections/suggestions it was modified and finally approved on 12.12.88. Sector details and work plan are under progress. Preliminary estimates for construction of major roads and development of land in phase I have been prepared. Tenders for taking up construction of roads are being processed. Planning of peripheral linkages and major linkages has been taken up with the Defence Authorities, Delhi Administration, International Airport Authority of India and other concerned agencies. Planning of major infrastructure and trunk services is in progress in consultation with the concerned bulk service agencies like the Delhi Electric Supply Undertaking, Delhi Water Supply and Sewage Disposal Undertaking etc. Layout plans and detailed schemes for development of about 7,836 sites and services plots for the economically weaker sections and low income group housing have been finalised and are under consideration.

(b) Modifications in the plan necessitated by the Public objections/suggestions and uncertainty about the availability of water and delay in acquisition of land in the area where sewage treatment plant is to be located were some of the factors responsible for slow progress of the Scheme.”

5.3. The reply given to part (a) of the question was treated as an assurance. The assurance was to be implemented by the Ministry of Urban Development by 18 July, 1989.

5.4. As the assurance remained unfulfilled, the Committee took the oral evidence of the representatives of the Ministry of Urban Development at their sitting held on 6 March, 1990.

5.5. When asked about the progress made in Papan Kalan Project during evidence, the representative of the Ministry of Urban Development stated:—

“At that time, the assurance was given that layout plans and detailed schemes for development of about 7836 sites and services plots for the economically weaker sections and low income group housing have been finalised and are under consideration. Now, a lot of progress has been made. About 60 per cent work has been done. Of course, it is a continuing process. The layout plans of residential plots which will accommodate 15,000 dwelling units have been completed. The work is in progress allround. Details have been worked out for parks, playgrounds, shopping centres, stalls for fruits and vegetables, etc.

5.6. When the Committee pointed out that the assurance related to sites for EWS and other low income groups and a criticism had come up that many acres had been given for entertainment purposes. The representative of the Ministry of Urban Development stated:—

“Sir, now we call it as Dwarka Scheme. The whole emphasis is on integrated colonies. We see to it that it will have sufficient number of EWS, LIG, MIG and a small number of HIG. You mentioned about allotment of land to cooperative societies. Government have taken the decision that 40 per cent of the land should be allotted to cooperative societies and the same will be followed in this Dwarka Scheme also.”

The representative further stated:—

“Sir, there is no such proposal that we should allot some acres for some park or for beautification. This is an integrated scheme where EWS and LIG find place alongwith shopping centres. 60 per cent of the total housing is earmarked for EWS and about 35 per cent for MIG and HIG.”

5.7. The Ministry of Urban Development have implemented the assurance by laying a statement on the Table of the House on 8 May, 1990 *vide* statement No. VII, item No. 40.

5.8. The Committee note that Ministry of Urban Development has since implemented the assurance and in their brief note submitted to the Committee, the Government have *inter-alia* stated that big projects like Papan Kalan are long-term projects and any information regarding the progress given in respect of such projects was bound to reflect future expectations and plans of action and such expression should not therefore, ordinarily be treated as an assurance; because inspite of best efforts of the implementing authorities the project cannot be completed before the scheduled time. The Committee are, therefore, constrained to observe that the question whether or not a particular reply should constitute an assurance is a matter exclusively for the Committee to decide and the Ministry/Department concerned is not competent to question such decision. The Committee hope that in future the Ministry would take immediate action to implement the assurance after giving the solemn promises in the House instead of pleading with the Committee to not to treat the reply as an assurance.

(vi)

Assurance regarding Development of plots in Rohini

6.1. On 17 July, 1989, Shrimati D.K. Bhandari, M.P. addressed the following Unstarred Question No. 390 to the Minister of Urban Development:—

“(a) whether the D.D.A. has decided to develop a large number of plots under Rohini Residential Scheme, during 1989;

(b) if so, the details thereof, category-wise;

(c) whether some such plots have been developed and are ready for allotment;

(d) if so, the details thereof, category-wise;

(e) whether the D.D.A. proposes to hold a draw for allotment of developed plots in near future; and

(f) if so, the details thereof and if not, the reasons therefor?”

6.2. In reply to the said question, the then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) stated as follows:—

“(a) Yes, Sir.

(b) Category-wise break up is still awaited from Delhi Development Authority and the same will be laid on the Table of the Sabha on its receipt.

(c) Yes, Sir.

(d) Economically Weaker Sections/Janata	— 900
Low Income Group	— 1740
Middle Income Group	— 2064
	<hr/>
	4704
	<hr/>

(e) & (f): Yes, Sir. A draw for allotment of 4704 plots is expected to be held in the month of August, 1989.”

6.3. The reply to part (b) of the question was treated as an assurance. The assurance was to be implemented by the Ministry of Urban Development by 16 October, 1989.

6.4. As the assurance remained unfulfilled, the Committee took the oral evidence of the representatives of the Ministry of Urban Development at their sitting held on 6 March, 1990.

6.5. When asked during evidence about the progress made in Rohini Scheme, the representative of the Ministry of Urban Development stated:—

“In Rohini scheme, so far we have allotted 35,436 plots. The total number of people registered, i.e. in the EWS category is 12,695, HIG 14,380 and MIG 8361. 45,000 people are still in the waiting list. The land which is available with us is only 10,000 acres. We have moved the Delhi Administration for further acquisition of land. The land has not been acquired so far.”

6.6. When the Committee enquired as to why allotments were not done

at one stretch, the representative of the Ministry of Urban Development stated:—

“The land which was acquired in the initial stage, a part of it, has to be left out because of the litigation and also because of built-up houses. 152 cooperative societies were allotted the houses. 23,000 dwelling units and 23,000 houses have been constructed by the DDA. Because of this there has been a shortfall. So, we have moved the Delhi Administration.”

6.7. The Ministry of Urban Development subsequently, implemented the assurance by laying a statement on the Table of the Houses on 16 March, 1990 vide statement No. III, Item No. 88.

6.8. The Committee note that this is yet another instance where Government has been not able to collect the required statistical information from the office located in Delhi, for implementing the assurance given in Parliament even after a gap of eight months.

6.9. The Committee express their concern about the slow pace of development of plots in Rohini and recommend that the matter should be accorded the highest priority.

NEW DELHI;
28 December, 1990

7 Pausa, 1912 (Saka)

DR. VIJAY KUMAR MALHOTRA
Chairman,
Committee on Government
Assurances

MINUTES

FOURTH SITTING

Minutes of the fourth sitting of the Committee on Government Assurances held on 6 March, 1990 in Committee Room 'C', Parliament House Annexe, New Delhi.

The Committee met on Tuesday, the 6 March, 1990 from 11.00 hours to 12.45 hours.

PRESENT

Dr. Vijay Kumar Malhotra — *Chairman*

MEMBERS

2. Shri Bhajaman Behera
3. Shri Het Ram
4. Shri Mahabir Prasad
5. Shri Mahadeepak Singh Shakya
6. Shri Kusuma Krishnamurthy

SECRETARIAT

1. Shri C.K. Jain—*Joint Secretary*
2. Shri S.C. Gupta—*Director*
3. Shri Jyoti Prasad—*Under Secretary*

WITNESSES EXAMINED

* * *

MINISTRY OF URBAN DEVELOPMENT

1. Shri K.C. Sivaramakrishnan — *Secretary*
2. Shri P.P. Shrivastav — *Additional Secretary*
3. Shri K. Dharmarajan — *Joint Secretary*
4. Shri M.G. Gupta — *Acting Vice Chairman,*
Delhi Development Authority.

2. At the outset, the Chairman drew the attention of the witnesses to Direction 58 of the Directions by the Speaker whereunder their evidence could be treated as

public and was liable to be published unless the witnesses specifically desired that all or any part of the evidence given by them was to be treated as confidential.

17. The Committee then took evidence of the representatives of the Ministry of Urban Development regarding certain selected assurances relating to that Ministry.

*Assurance regarding ownership rights to allottees of
D.D.A. flats (SQ. No. 64 dated 23.7.1984)*

18. The Committee enquired as to why extension of time up to 23 March 1990 had been sought to fulfil this assurance when some decision had already been taken in the matter. The representative of the Ministry of Urban Development stated:

“We have submitted the implementation statement. Now, the ownership right over the flats is connected with the issue of the ownership right over the land itself and that was the reason why we wanted some time to go into this.”

19. The representative added:

“The implementation statement has already been submitted. In fact, the main reason for the delay is that it involved a policy decision, which was announced in October 1989. Thereafter, the Government remained busy in so many other things in the context of general elections and that was the reason why the implementation statement could not be sent earlier. Immediately after the announcement of the policy decision, you may recall that, the general elections took place and the Government was busy with that.”

20. When pointed out that three months had already passed after the elections and the implementation had been delayed, the representative of the Ministry of Urban Development stated that the assurance had been fulfilled. Thereupon, the Committee directed them to lay the fulfilment statement on the Table of the House.

21. Regarding the question of conversion of leasehold into freehold, the representative of the Ministry of Urban Development informed the Committee:-

“In October, 1989, the Government gave a policy decision that leaseholds can be converted into freeholds up to certain sizes on payment of certain scale of fees. This was supposed to be optional as far as leasees are concerned. The public authorities, like the DDA and the L&DO, have to issue a notice inviting these options, various implications have to be spelt out. That has not yet taken place. The questions of payment of unearned increase and other procedural matters, including registration, are involved.”

“I would also submit that the Government decision is up to plots of

500 Sq. yards or below. There may be a number of plots above 500 sq. yds. They do not come under the purview of the October, 1989 decision.”

Assurance regarding permission for sale of DDA flats (USQ. No. 2869 dated 15.3.1989)

22. The Committee pointed out that 99 percent of the sale of DDA flats was being done by a method by which the Government and the Corporation were losing and nobody was coming forward to register them and enquired whether the procedure had been really simplified. The representative of the Delhi Development Authority, in reply, stated:

“With your permission, Sir, I would like to explain some salient features of simplification which DDA has got regarding the power of attorney. You have put it very rightly that the general power of attorney system has been in vogue in Delhi on a big scale. We cannot say certainly, but it is noted that 70 to 80% flats are sold under power of attorney. Just with a view to streamline and simplify the system, we have taken certain steps in the recent past. One of the steps was that we have given wide advertisements letting the public know that we are prepared to regularise all the past deals which have taken place on power of attorney. There is a fear that if this comes to the DDA, it might take drastic action and that fear has been taken out. We have liberalised the punitive part. On the past transactions, it will not be to the extent as it used to be. Then, we have told them that if the people get regularised by a certain date, we will give them 15 percent discount just to attract them so that they come forward and these transactions are regularised.

We also came to know that a large number of persons were suffering from the impression that they might have to pay lakhs of rupees. It is not a huge amount. It is only a reasonable amount. We have prepared statement indicating localitywise what will be the incidence on the LIG and the MIG flats indicating the amount as also the procedure of calculation. The concerned person can himself calculate what he would have to pay on the unearned increase.

That way, we have tried to simplify it and are passing on the information to the public so that they can get attracted to these transactions.”

23. The representative of the Ministry of Urban Development added:

“The Government decision of October, 1989 was that those who are leasees, will be given the option to convert into freehold. But a “POA-holder has to step into the shoes of the leasee.”

24. Regarding the latest position about the question of conversion of leasehold into freehold and also about the question of permission of sale

the representative of Delhi Development Authority clarified to the Committee as follows:—

“About conversion, we have to announce in the Press that this is to be done and then the implementation is to take place. A notification has to be issued but it has not been done.

As far as conversion from GPA and other sale permissions are concerned, we have allowed 253 persons so far. We have collected more than Rs. 10 crore. It proves that people did come forward to follow out simplified procedure.”

Assurance regarding Amendment to Urban Land (Ceiling and Regulation) Act, 1976 (SQ. No. 557 Dt. 6.4.87 and USQ No. 79 dt. 27.7.1987)

25. When enquired about the proposals to amend the Urban Land (Ceiling and Regulation) Act, 1976, the representative of the Ministry of Urban Development stated:

“I will state the Position at present. Sometime after July 1987, a group of Secretaries had considered the proposals regarding amendments to Urban Land Ceiling Act and then the matter had been under the consideration of the Cabinet since February 1988 and the group of Ministers have gone into the amendments. Uptil now, the Government have not taken any decision as to what are the amendments to be made on the Act.”

Assurance regarding approval of Delhi High Court for allotment of plots to Members of Delhi School Teachers Cooperative House Building Society (USQ No. 9318 dated 2.5.88)

26. The Committee pointed out that details about only 860 members out of 905 members had been furnished in the implementation statement laid on the Table and details about 45 members had not been given. The representative of the Ministry of Urban Development stated that the latest list given by them contained all the details and further clarification had been sent to the Ministry of Parliamentary Affairs.

Assurance regarding Papan Kalan Project by D.D.A. in South West Delhi (USQ No. 6111 dated 19.4.1989)

27. Regarding the progress made in Papan Kalan Project, the representative of the Ministry of Urban Development stated:

“At that time, the assurance was given that layout plans and detailed schemes for development of about 7836 sites and services plots for the economically weaker sections and low income group housing have been finalised and are under consideration. Now, a lot of progress has been made. About 60 per cent work has been done. Of course, it is a continuing process. The layout plans of residential plots which will accommodate 15,000 dwelling units have been completed. The

work is in progress allround. Details have been worked out for parks, playgrounds, shopping centres stalls for fruits and vegetables, etc.

28. The Committee pointed out that the assurance related to sites for EWS and other low income groups and a criticism had come up that many acres had been given for entertainment purposes. The representative of the Ministry of Urban Development stated:

“Sir, now we call it as Dwarka Scheme. The whole emphasis is on integrated colonies. We see to it that it will have sufficient number of EWS, LIG, MIG and a small number of HIG. You mentioned about allotment of land to cooperative societies. Government have taken the decision that 40 per cent of the land should be allotted to cooperative societies and the same will be followed in this Dwarka Scheme also.”

29. The representative further said:—

“Sir, there is no such proposal that we should allot some acres for some part or for beautification. This is an integrated scheme where EWS and LIG find place alongwith shopping centres. 60 per cent of the total housing is earmarked for EWS and about 35 per cent for MIG and HIG.

30. When the Committee pointed out that in their reply the Ministry of Urban Development had stated that ‘such expression should not ordinarily be treated as an assurance’ and remarked that what was an assurance and what was not an assurance was a matter to be decided by the Committee and it was not for the Ministry to do so, the representative of the Ministry stated that they had taken note of that.

Assurance regarding regularisation of unauthorised colonies (USQ NO. 2773 dt. 15.3.1989)

31. The Committee pointed out that in the advance implementation report it has been stated that it had been decided not to regularise any unauthorised colonies in 1989-90 and while seeking extension of time it had been stated that the required information was still awaited from the authorities concerned. The Committee enquired as to why they could not ring up the office which is in Delhi itself to get the information.

32. The representative of the Ministry of Urban Development stated:

“We would like to avoid giving such assurances. We would like to furnish information which we would try to collect in time. It is a must, we shall see to it that it is fulfilled at the earliest and that all possible delays are avoided.”

Assurance regarding development of plots in Rohini (USQ. 390 dated 17.7.1989)

33. Regarding the progress made in Rohini scheme, the representative of the Ministry of Urban Development stated:—

“In Rohini scheme, so far we have allotted 35,436 plots. The total number of people registered, *i.e.* in the EWS category is 12,695, MIG 14,380 and MIG 8361. 45,000 people are still in the waiting list. The land which is available with us is only 10,000 acres. We have moved the Delhi Administration for further acquisition of land. The land has not been acquired so far.”

34. The Committee pointed out that due to delay the prices and cost of construction would go up and enquired why allotments were not done at one stretch. The representative of the Ministry of Urban Development stated:—

“The land which was acquired in the initial stage, a part of it, has to be left out because of the litigation and also because of built-up houses. 152 cooperative societies were allotted the houses. 23,000 dwelling units and 23,000 houses have been constructed by the DDA. Because of this there has been a shortfall. So, we have moved the Delhi Administration.”

The Witnesses then withdraw.

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The Committee then adjourned.

MINUTES

EIGHTEENTH SITTING

Minutes of the Eighteenth Sitting of the Committee on Government Assurances held on 28 December, 1990 in Committee Room No. 62, Parliament House, New Delhi.

The Committee met on Friday, the 28 December, 1990 from 15.00 hours to 16.00 hours.

PRESENT

1. Dr. Vijay Kumar Malhotra — *Chairman*

MEMBERS

2. Shri Het Ram
3. Dr. Mahadeepak Singh Shakya
4. Shri V. Krishna Rao
5. Shri Surya Narain Yadav

SECRETARIAT

1. Shri R.C. Bhardwaj — *Joint Secretary*
2. Shri G.C. Hallan — *Director*
3. Shri A.N. Chopra — *Under Secretary*

2. The Committee welcomed the Chairman and Members of the Committee on Government Assurances of Tamil Nadu Legislative Assembly and exchanged views on points of common interest.

3. The Committee took up for consideration the draft Tenth and Eleventh Reports of the Committee and adopted the same.

4. The Committee deferred the consideration of Memorandum No. 53 to their next sitting.

5. *The Committee then adjourned.*

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