

**COMMITTEE ON PAPERS LAID ON THE TABLE
(2017-2018)**

SIXTEENTH LOK SABHA

NINETEENTH REPORT

(Presented on -----)



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI
February, 2018/Magha, 1939(Saka)**

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COMPOSITION OF COMMITTEE ON PAPERS LAID ON THE TABLE
(2017-2018)

Shri Chandrakant Khaire - ***Chairperson***

M E M B E R S

2. Shri Dushyant Chautala
3. Shrimati Veena Devi
4. Shri P.C. Gaddigoudar
5. Shri Laxman Giluwa
6. Shri Choudhury Mohan Jatua
7. Shrimati Mausam Noor
8. Shri Bheemrao B. Patil
9. Shri Sanjaykaka Ramchandra Patil
10. Shri Bishnupada Ray
11. Shri Midhun Reddy
12. Shri Uday Pratap Singh
13. Shri Virendra Singh
14. Shri P.R. Sundaram
15. Shri Manohar Untwal

SECRETARIAT

1. Dr. Preeti Srivastava - Joint Secretary
2. Smt. Rita Jaikhani - Director
3. Smt. Maya Lingi - Additional Director
4. Shri Rajni Bhagat - Committee Officer

INTRODUCTION

I, Chairperson of the Committee on Papers Laid on the Table of the House (2017-18), having been authorized by the Committee to present this Report on their behalf, present this Nineteenth Report in respect of delay in laying of the Annual Reports together with Audited Accounts of the National Commission for Minorities, New Delhi.

2. As per Section 13 of the National Commission for Minorities Act 1992, the Annual Report and Audited Accounts of the National Commission for Minorities, New Delhi are required to laid on the Table of the House. However, no time limit has been laid down by the Ministry in the Act for laying the papers on the Table of the House. Audit Accounts of National Commission for Minorities have also not been laid on the Table of the House since it inception. As per General Financial Ruls, 2017, the Annual Reports and Audited Accounts of the National Commission for Minorities are required to be laid on the Table of the House within 09 months after the Closure of respective financial year.

3. The Committee considered the matter of delays in laying of the Annual Reports and not laying the Audited Accounts of the National Commission for Minorities, New Delhi, the Committee took oral evidence of the representatives of the Ministry of Minority Affairs at their sitting held on 18th November 2015.

4. The Committee considered and adopted this Report at their sitting held on 06 February, 2018.

5. The Committee wish to express their thanks to the officers of the Ministry of Minority Affairs for furnishing the written replies, other material/information and for placing their views in the matter before the Committee.

6. The Observations / Recommendations of the Committee have been printed in bold letters at the end of the Report.

New Delhi
06 February, 2018
16 Magha, 1939 (Saka)

Chandrakant B. Khaire
Chairperson
Committee on Papers Laid on the Table

REPORT

NATIONAL COMMISSION FOR MINORITIES (NCM)

The National Commission for Minorities became a statutory body, with the enactment of National Commission for Minorities (NCM) Act, 1992. Section 2 (c) of NCM Act, 1992 stipulates that 'Minority' for the purposes of the Act means a community notified as such by the Central Government. As per the Gazette notification issued on 23rd October, 1993 by the then Ministry of Welfare, Government of India, five religious communities – the Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) have been notified as minority communities. The Commission receives funds from the Ministry of Minorities Affairs, Government of India. A statement showing funds provided to the NCM 2002-2003 is at **Appendix -I.**

2. Section 9(1) of the NCM Act, 1992, requires the Commission to perform the functions as stated under:-

- (a) Evaluation of the progress of the development of minorities under the Union and states;
- (b) Monitoring of the working of the safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the State Legislatures;
- (c) Making recommendations for effective implementation of the safeguards for the protection of the interest of minorities by the Central Government or the State Government.
- (d) Looking into specific complaints regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities;
- (e) Getting studies to be undertaken into the problems arising out of any discrimination against minorities and recommending measures for their removal;
- (f) Conducting studies, research and analysis on the issues relating to socio-economic and educational development of minorities;
- (g) Suggesting appropriate measures in respect of any minority to be undertaken by the Central Government or the State Governments;
- (h) Making periodical or special reports to the Central Government or any matter pertaining to minorities and in particular the difficulties confronted by them.

3. Section 10 (i) of the Act contains a provision for Grants by the Central Government. It states-

"The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central government may think fit for being utilized for the purposes of this Act."

4. Section 11 (i) of the Act contains of following provisions regarding accounting and audit procedures:

"The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India."

5. Section 12 of the Act requires that:-

"The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forwarded a copy thereof to the Central Government."

6. Section 13 of the Act requires the Annual Report and Audit Report to be laid before Parliament as stated under:-

"The Central Government shall cause the Annual Report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament."

7. As per Rule 230 (12) (i) and 238 (6) of General Financial Rules, 2017 , the Annual Reports and Audited Accounts of the Autonomous Organizations are laid on the Table of the House within nine months after the closure of respective Financial year. However, the Annual Reports of the Commission for the years 2006-2007 to 2010-2011 were laid on the Table of the House with delays of **15 months to 43 months**. The Annual Reports of the Commission for the years 2011-2012 to 2016-2017 have not been laid as yet. Further the Audited Accounts of the Commission have not been laid on the Table of the House since its inception The details of delay in laying of Annual Report of Commission have been shown in **Appendix-II**.

8. On being asked by the Committee about the reasons for not laying of the Audited Accounts of the NCM since its inception, the Ministry in their written Note submitted that -

" In case of NCM separate Audit Report is not required to be tabled because the budget provision of NCM is being made under various units under a specified budget Sub Head in the Demand for Grants of the Ministry of Minority Affairs. The NCM is thus drawing their bills through the Pay & Accounts Office set up by the Ministry of Minority Affairs. As a result, the yearly audit by the CAG is taking place as a part of the composite Appropriation Audit of the Union Finance and no separate statutory audit of CAG is taking place. Since the Annual Audit of the Appropriation Account of the Ministry of Minority Affairs covers the Budget of NCM as well and that the CAG Report of Union Finances are presented every year before the Parliament, the requirement of CAG's statutory audit of NCM Account is taken care of."

9. On being categorically asked by the Committee to furnish the reasons for repeated delays in laying the Annual Report of the NCM for the aforesaid years, the Ministry in their Note submitted that -

As per Section 9(c) of the National Commission for Minorities Act, 1992, the Commission shall make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or the State Governments. Further, as per Section 9(2) of the Central Government shall cause the recommendations referred to in clause (c) of sub-section (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

For preparing the Action Taken Memorandum, the Action Taken Report on the recommendations has to be collected from various Ministries / Departments. For collecting the Action Taken Report from various Ministries / Departments, several reminders have to be sent in addition to making many requests on the phone.

After the Action Taken Report is received from various Ministries / Departments, then the draft Cabinet Note is prepared. All the concerned Ministries / Departments are required to take approval of their Minister before sending their comments. After the comments are received from various Ministries / Departments, then the final Cabinet Note is prepared.

Initially, as per procedure, 5 copies of the Cabinet Note are sent to the Cabinet Secretariat and 1 copy to PMO. After waiting for 3 days, in case there is no reply either from Cabinet Secretariat or the PMO, then the requisite copies of the Cabinet Note are sent to the Cabinet Secretariat. The Cabinet Secretariat then places the proposal before the Cabinet for consideration. After approval of the Cabinet, the Annual Report of NCM along with the Action Taken Memorandum

after obtaining approval of the Minister of Minority Affairs are sent to the Lok Sabha Secretariat and Rajya Sabha Secretariat for laying in the Parliament.

10. The Committee desired to know as to what efforts were made by the Ministry to ensure timely laying of the documents . The Ministry in their written Note submitted that -

"Repeated reminders are sent to the concerned Ministries/Departments for obtaining their Action Taken Report on the recommendations contained in the Annual Report of NCM. Reminders are also sent at the level of Secretary."

The Ministry further submitted that -

In spite of acute shortage of staff in the Ministry of Minority Affairs, repeated follow up action is taken for collection of Action Taken Report from various Ministries/Departments.

11. Considering inordinate delay in laying of the Annual Reports and not laying of the Audited Accounts of the Commission, the Committee took oral evidence of the representatives of the Ministry on 20.10.2015. At first, the Committee wanted to know the reasons for absence of Secretary, to the National Commission for Minorities, New Delhi. The representative of the Ministry submitted before the Committee that the Secretary (NCM) had gone for medical checkup owing to eye operation and hence he could not attend the sitting of the Committee. Further, the Secretary to the Commission was absent without the prior permission of the Committee. The Committee, therefore, decided to take oral evidence of the representatives of the Ministry and Commission on 18.11.2015.

12. Elaborating the reasons for delay in laying of the documents of the Commission, the Secretary to the Ministry during the evidence held on 18 November, 2015 stated as under:-

"Hon'ble Chairman sir and Hon'ble Members at the outset. I would like to apologize to the Committee that this is a postponed Committee. The last time the meeting of this Committee was held, unfortunately I was in the hospital, I underwent an operation and he was admitted in All India Institute of Medical Sciences, he is my Additional Secretary in National Commission for Minorities, Shri Ajay Kumar. Therefore, last time Joint Secretary was able to come and that is why this Committee has held this meeting again. I submit that the main issue of the meeting today is that there was delay in laying of Committee Reports on the Table of the House, and this is a fact, there has indeed been delay. I would explain the reason for the same. I would also like to submit that the Committee has sent us a questionnaire and we have prepared answers for the same that I would like to present before the Committee. First If all I would talk about the delay. I took over as Secretary in National Commission for Minorities in September and on one October I took over as Secretary of Ministry of Minority Affairs as well and I immediately observed and also asked my

colleagues on 05 September why it was being delayed as the Committee would raise objections. I have gone through again all the letters. I am not hesitant to say that the main reason for delay is bureaucratic. We prepare Annual Reports in National Commission for Minorities. Then we forwarded the Annual Report to various departments under it and seek their replies. If we do not receive replies then we cannot present it as P.M.O. and Cabinet Secretary office wants complete reply. Mr. Chairman...report for the year of 2010-11 has been forwarded, the replies to the 2011-12 report have just been received. Sir, we would lay it on the Table of the House in next session of the Parliament and report for the year 2012-13 is ready. I can show this informally to you. Reports for the year 2013-14 and 2014-15 are also ready. All reports are ready but replies are yet to be received."

13. To avoid delay at the stage of finalisation of Annual Reports and Audited Accounts of the Commission, the Secretary to the Ministry further submitted that-

"It is also recommended that when the Annual Report is received from the NCM by the Ministry of Minority Affairs to all stake holders a time limit of three months be fixed to enable them to respond failing which it should be presumed that they have no comments to offer so that it can be placed in the next Session of Parliament. "

14. The Committee note that the National Commission of Minorities, constituted vide National Commission for Minorities Act, 1992, working under the administrative control of the Ministry of Minorities Affairs is a regular defaulter with regard to the timely laying of the Annual Reports and it is not laying the Audited Accounts of the Commission. The Committee observe from the information furnished by the Ministry that the Commission is getting regular grants from Government of India since its inception and as per section 11 and 13 of the NCM Act they have to lay the Audited Accounts of the Commission on the Table of the House. However, the Committee was apprised that in case of NCM, separate Audit Report is not required to be Tabled because the budget provision of NCM is being made under various units under a specific budget Sub-Head in the Demands for Grants of the Ministry of Minority Affairs. They further informed the Committee that the yearly audit by the CAG is taking place as a part of the Composite Appropriation Audit of the Union Finance and no separate statutory audit of CAG is taking place in respect of the Commission. Since the Annual Audit of the Appropriation Account of the Ministry covers the Budget of NCM as well and that CAG Report of Union Finance are presented every year before the Parliament, the requirement of CAG's statutory audit of NCM Account is not required. The Committee are, however, not convinced with the reasons put forth by the Ministry and feel that the Ministry is not going by statutory provisions. The Committee, therefore, strongly recommend that the Annual Reports and Audited Accounts of the Commission should be laid on the Table of the House as per Section 13 of NCM Act and the responsibility for the non-compliance of the statutory requirement should be fixed. The Committee would like to be informed about the concrete measures taken in this regard.

15. While examining the issue of delay in laying of the Annual Reports of the Commission for the years 2006- 2007 to 2010 -2011, the Committee find that the delay was largely due to obtaining of the Action Taken Report on the recommendations contained in the Annual Report of the Commission as per section 13 of the Act. Annual Report and Audited Accounts are to be laid in the Parliament along-with the Memorandum of Action Taken in respect of the recommendations contained in the Reports. The Committee note that to avoid persistent delay on this score, the Secretary had suggested that after the receipt of the Annual Report from the Commission a time limit of three months be fixed to enable all stake holders/Ministry concerned to respond, failing which it should be presumed that they have no comments to offer. The Committee are disappointed to note that even after the assurance given by the Secretary to the Ministry and the time schedule laid down by the Ministry, the Annual Reports of the Commission for the years 2011-12 to 2016-2017 have not been laid on the Table of the House as yet. The Committee are, therefore, inclined to conclude that the chronology of events have brought into sharp focus the failure of the Ministry to put in place a system which would ensure submission of documents of the Commission to the Parliament within the stipulated period. The Committee reiterate that every possible effort should be made to plug the systemic loopholes to eliminate avoidable delay and formulate an action plan so as to enforce and ensure compliance with statutory requirement in the matter of laying of the documents in the House.

16. The Committee also recommend that if, for any, reason the Annual Reports and Audited Accounts of the Commission could not be laid within nine months after the closure of respective accounting year, the Ministry concerned should lay within 30 days of the expiry of the prescribed period or as soon as the House Meets,

whichever is later, a statement explaining the reasons as to why the Report and Accounts could not be laid within the stipulated period.

17. The Committee further recommend that in case of delay in laying of the Annual Reports and Audited Accounts of the Commission, a Statement should be laid on the Table of the House indicating the dates of different activities undertaken for finalization of Reports and Accounts so that the Committee may identify the stages and extent of delay and suggest remedial measures therefor. The Committee may be apprised of the action taken by the Ministry within three month of the presentation of the Report on the Table of the House.

New Delhi
February, 2018
Magha, 1939 (Saka)

Chandrakant B. Khaire
Chairperson
Committee on Papers Laid on the Table

Year wise funds released by the Government of India to
National Commission for Minorities, New Delhi since 2002-2003

| Year | BE (Rs. in lakh) | RE (Rs. in lakh) |
|-------------|-------------------------|-------------------------|
| 2002-03 | 263.00 | 261.00 |
| 2003-04 | 317.00 | 264.00 |
| 2004-05 | 303.00 | 304.00 |
| 2005-06 | 338.00 | 338.00 |
| 2006-07 | 366.00 | 366.00 |
| 2007-08 | 440.00 | 362.56 |
| 2008-09 | 404.00 | 454.80 |
| 2009-10 | 528.00 | 505.00 |
| 2010-11 | 526.00 | 519.00 |
| 2011-12 | 565.00 | 561.75 |
| 2012-13 | 636.40 | 596.76 |
| 2013-14 | 563.00 | 516.50 |
| 2014-15 | 730.00 | 969.09 |

Appendix - II

Statement showing the dates of laying of the Annual Reports of the National Commission for Minorities, New Delhi for the years 2006-07 to 2016-2017

| Year | Due date | Date of laying of Annual Reports | Extent of delay |
|-----------|------------|----------------------------------|--------------------------|
| 2006-2007 | 31.12.2007 | 11.08.2011 | 43 months |
| 2007-2008 | 31.12.2008 | 15.11.2010 | 22 ^{1/2} months |
| 2008-2009 | 31.12.2009 | 24.11.2011 | 23 months |
| 2009-2010 | 31.12.2010 | 29.03.2012 | 15 months |
| 2010-2011 | 31.12.2011 | 06.02.2014 | 25 months |
| 2011-2012 | 31.12.2012 | Not laid | - |
| 2012-2013 | 31.12.2013 | Not laid | - |
| 2013-2014 | 31.12.2014 | Not laid | - |
| 2014-2015 | 31.12.2015 | Not laid | |
| 2015-2016 | 31.12.2016 | Not laid | |
| 2016-2017 | 31.12.2017 | Not laid | |

**MINUTES OF THE THIRD SITTING OF THE
COMMITTEE ON PAPERS LAID ON THE TABLE (2015-2016)**

The Committee sat on Tuesday, 20 October, 2015 from 11:00 hrs to 12:00 hrs. in Committee Room No. 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Chandrakant Khaire - Chairperson

MEMBERS

2. Shri P.C. Gaddigoudar
3. Shri Laxman Giluwan
4. Shri Choudhary Mohan Jatua
5. Shri Bishnupada Ray
6. Shri Virendra Singh
7. Shri P.R. Sundaram

SECRETARIAT

1. Shri U.B.S. Negi - Joint Secretary
2. Smt. Maya Lingi - Additional Director

REPRESENTATIVES OF THE MINISTRY OF MINORITIES AFFAIRS

Shri Rakesh Mohan Joint Secretary

2. At the outset, Hon'ble Chairperson welcomed the Members to the sitting of the Committee.
3. Then, the representative of the Ministry of Minorities Affairs was ushered in.
4. The Chairperson welcomed the representatives of the Ministry of Minorities Affairs to the sitting of the Committee. The Chairperson also explained to the representative the provisions of Direction 58 of Directions issued by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

5. At first, the Committee wanted to know the reasons for absence of Secretary, to the National Commission for Minorities, New Delhi. The representative of the Ministry submitted before the Committee that the Secretary (NCM) had gone for medical checkup owing to eye operation and hence he could not attend the sitting of the Committee. The Committee were, however, displeased to note that the Secretary to the Commission was absent without the prior permission of the Committee.

6. The Committee, thereafter, took evidence of the representatives of the Ministry and the Commission, on the issue of delay in laying of the Annual Reports of the Commission for the years 2006- 2007 to 2013 -2014. On being asked by the Committee to state the reasons for delay in laying of the Annual Reports and not laying of the Audited Accounts of the Commission since its inception, the representative stated that in case of NCM separate Audit Report is not required to be tabled because the budget provision of NCM is being made under various units under a specific budget Sub-Head in the Demands for Grants of the Ministry of Minority Affairs. They further informed the Committee that the yearly audit by the CAG is taking place as or part of the Composite Appropriation Audit of the Union Finance and no separate statutory audit of CAG is taking place. Since the Annual Audit of the Appropriation Account of the Ministry covers the Budget of NCM as well and that CAG Report of Union Finance are presented every year before the Parliament, the requirement of CAG's statutory audit of NCM Account is taken care of. However, the Committee were not satisfied with the explanation furnished by the representative of the Ministry on the subject under discussion. The Committee, therefore, decided that the Ministry of Minorities Affairs and the National Commission for Minorities, New Delhi may be recalled again to appear before the Committee on 18.11.2015 on the issue.

7. The witnesses then withdrew.

8. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

The Committee then adjourned.

**MINUTES OF THE FOURTH SITTING OF THE
COMMITTEE ON PAPERS LAID ON THE TABLE (2015-2016)**

The Committee sat on Wednesday, 18 November, 2015 from 15:00 hrs to 16:00 hrs. in Committee Room No. 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Chandrakant Khaire - **Chairperson**

MEMBERS

2. Shri Dushyant Chautala
3. Shri Laxman Giluwan
4. Shri Choudhary Mohan Jatua
5. Smt. Mausam Noor
6. Shri Bishnupada Ray
7. Shri Uday Pratap Singh

SECRETARIAT

1. Shri U.B.S. Negi - Joint Secretary
2. Smt. Rita Jaikhani - Director

REPRESENTATIVES OF THE MINISTRY OF MINORITY AFFAIRS

Shri Amarendra Sinha Secretary

REPRESENTATIVES OF THE NATIONAL COMMISSION FOR MINORITIES

Shri Ajoy Kumar Additional Secretary

2. At the outset, Hon'ble Chairperson welcomed the Members to the sitting of the Committee.
3. Then, the representatives of the Ministry of Minority Affairs were ushered in.

4. The Chairperson welcomed the representatives of the Ministry of Minority Affairs to the sitting of the Committee and explained that the meeting has been convened to discuss the reasons for delay in laying of the Annual Reports and Audited Accounts of the NCM on the Table of the House. The Chairperson also explained to the representatives the provisions of Direction 58 of Directions issued by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

5. The Committee, then, took evidence of the representatives of the Ministry and the Commission, on the issue of delay in laying of the Annual Reports of the Commission for the years 2006- 2007 to 2013 -2014. On being asked by the Committee to state the reasons for delay in laying of the Annual Reports, the Secretary of the Ministry stated that the late receipt of Action Taken Replies from the Departments/Ministries concerned on the recommendations contained in the Report was main reason for delay. The Secretary further suggested that after the receipt of the Annual Report from the Commission a time limit of three months be fixed to enable all stake holders/Ministry concerned to respond, failing which it should be presumed that they have no comments to offer so that it can be placed in the next Session of Parliament. In response to the reasons for not laying of Audited Accounts of the Commission since its inception, the Secretary submitted before the Committee that Commission neither receive any separate "Grants in aid" nor it is an Autonomous Organization. Further, the entire financial wing is actually with the Ministry.

6. The witnesses then withdrew.

7. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

The Committee then adjourned.

**MINUTES OF THE SIXTH SITTING OF THE
COMMITTEE ON PAPERS LAID ON THE TABLE (2017-2018)**

The Committee sat on Tuesday, 06th February, 2018 from 1500 hrs to 16:30 hrs. in Committee Room No. 3, Parliament House Annexe Extn. Building, New Delhi.

PRESENT

Shri Chandrakant Khaire - **Chairperson**

MEMBERS

2. Shri Dushyant Chautala
3. Smt. Veena Devi
4. Shri Sanjay Kaka Patil
5. Shri Uday Pratap Singh
6. Shri Virendra Singh
7. Shri P.R. Sundaram

SECRETARIAT

1. Dr. Preeti Srivastava - Joint Secretary
2. Smt. Rita Jaiikhani - Director
3. Smt. Maya Lingi - Additional Director
4. Shri R.S. Banga - Deputy Secretary

**REPRESENTATIVES OF THE MINISTRY OF CHEMICAL AND FERTILIZERS
(DEPARTMENT OF PHARMACEUTICALS)**

1. Shri Jai Priye Prakash Secretary
2. Ms. Meenakshi Gupta Addl. Secretary and Fin. Adviser
3. Shri Rajneesh Tingal Joint Secretary

**REPRESENTATIVES OF NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION AND
RESEARCH, SAS NAGAR.**

1. Prof. Raghuram Rao Akkinapally Director
2. At the outset, Chairperson welcomed the Members to the sitting of the Committee.
3. Thereafter, the Committee took up for consideration the draft Nineteenth Report regarding delay in laying of the Annual Reports and Audited Accounts of the National Commission for Minorities, New Delhi.

4. After deliberations, the Committee adopted the Report without modifications.
5. The Committee authorized the Hon'ble Chairperson to present the same to the Parliament during the ongoing session.
6. to 7. XX XX XX
12. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

The Committee then adjourned.