RAJYA SABHA COMMITTEES – A PROFILE
(2009)

(Standing Committees and Department-related Parliamentary Standing Committees)

SUMMARY OF WORK DONE

RAJYA SABHA SECRETARIAT
NEW DELHI

May, 2010/Vaisakha, 1932 (Saka)
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(2009)

(Standing Committees and Department-related Parliamentary Standing Committees)

SUMMARY OF WORK DONE
(1st January to 31st December, 2009)

RAJYA SABHA SECRETARIAT
NEW DELHI

May, 2010/Vaisakha, 1932 (Saka)
Committee Co-ordination Section

Price: Rs. 150.00

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PREFACE

This brochure attempts to present in concise form information about the activities of five Standing Committees as well as eight Department-related Parliamentary Standing Committees being administered by the Rajya Sabha Secretariat for the period from 1st January to 31st December, 2009.

2. For the sake of better reading, the material has been divided into thirteen chapters dealing with one Committee at a time. Each chapter gives information regarding composition of the Committee, subjects selected for examination, review of work done and Reports presented, etc.

3. After every chapter, Annexures containing details of the sittings of Committees and Sub-Committees, etc. have been appended.

NEW DELHI; V. K. AGNIHOTRI
May, 2009 Secretary-General.
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CHAPTER - I
COMMITTEE ON SUBORDINATE LEGISLATION

I. Composition of the Committee

1. The Committee on Subordinate Legislation was reconstituted on 28th May, 2008. The following was the composition of the Committee:—

COMMITTEE ON SUBORDINATE LEGISLATION
(Constituted on the 28th May, 2008)*

1. Dr. (Shrimati) Najma A. Heptulla — Chairperson
2. Prof. P. J. Kurien
3. Dr. Radhakant Nayak
4. Shri Praveen Rashtrapal
5. Ms. Mabel Rebello
6. Shri Vikram Verma
7. Shri Raghunandan Sharma
8. Shri Penumalli Madhu
9. Shri Ali Anwar Ansari
10. Shri M.V. Mysura Reddy
11. Shri Abani Roy
12. Shri Tiruchi Siva
13. Shri Biswajit Daimary
14. Shri Birendra Prasad Baishya
15. Shri Bharatkumar Raut

1.2 The Committee on Subordinate Legislation was reconstituted on 24th September, 2009. The following is the composition of the Committee:—

COMMITTEE ON SUBORDINATE LEGISLATION
(Constituted on the 24th September, 2009)

1. Dr. (Shrimati) Najma A. Heptulla — Chairperson
2. Shri Motilal Vora
3. Shri Ishwar Singh
4. Shri Rajeev Shukla
5. Dr. Radhakant Nayak
6. Shri Balavant alias Bal Apte
7. Shrimati Maya Singh
8. Dr. Akhilesh Das Gupta
9. Dr. V. Maitreyan
10. Shri Ali Anwar Ansari
11. Shri Syed Azeez Pasha
12. Shri Bharatkumar Raut
13. Shri M.V. Mysura Reddy
14. Shri Biswajit Daimary
15. Shri Kumar Deepak Das

*Nominated to the Committee in place of Dr. Bimal Jalan w.e.f. 5th September, 2008.
#Nominated to the Committee in place of Shri Shivanand Tiwari w.e.f. 27th November, 2009.
II. Subjects selected for examination

1.3 The Committee had identified the following subjects for detailed examination:

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<th>Sl. No.</th>
<th>Ministry / Department</th>
<th>Subject</th>
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<td>(ii) The Assam Rifles Rules, 2008</td>
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<td>(vii) The Dental Council of India Post Graduate Diploma Course Regulations (Dental Materials), 2008</td>
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<td>05.03.2009</td>
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<td>12</td>
<td>Ministry of Micro, Small and Medium Enterprises</td>
<td>The Coir Industry (Registration) Rules, 2008</td>
<td>05.03.2009</td>
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<td>13</td>
<td>Ministry of Petroleum and Natural Gas</td>
<td>(i) The Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008</td>
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<td>(iii) The Petroleum and Natural Gas Regulatory Board (Access Code for Common Carrier or Contract Carrier Natural Gas Pipelines) Regulations, 2008</td>
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<td>(vi) The Petroleum and Natural Gas Regulatory Board (Determination of Natural Gas Pipeline Tariff) Regulations, 2008</td>
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<td>(ii) The Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009</td>
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<td>(iii) Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading license and other related matters) Regulations, 2009</td>
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<td>15. Ministry of Shipping</td>
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<td>(i) The Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 2008</td>
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<td>(ii) The Merchant Shipping (Civil Liability for Oil Pollution Damage) Rules, 2008</td>
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<td>(iii) Merchant Shipping (International Fund for Compensation for Oil Pollution Damage) Rules, 2008</td>
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<tr>
<td>(iv) The Chennai Port Trust Employees’ (Recruitment, Seniority and Promotion) Regulations, 2008</td>
<td>04.08.2009</td>
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</tbody>
</table>
### III. Review of work done

**(a) Sittings of the Committee**

1.4 During the year, the Committee held 11 sittings for 18 hours and 50 minutes. A statement showing the dates of sittings of the Committee held during the period under review, the duration of the sittings and the agenda taken up is given in Annexure-I.

**(b) Study Visits**

1.5 The Committee undertook one study visit to Shimla and Manali to make on the spot study of the subjects under its examination as per the details given below:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Dates</th>
<th>Places visited</th>
<th>Rules/Regulations considered</th>
</tr>
</thead>
</table>
| 1      | 14th -19th June, 2009 | Shimla and Manali | 1. IRCTC Rules  
2. Municipal Solid Waste (Management and Handling) Rules, 2000  
3. Fruits and Vegetables Grading and Marketing Rules, 2004  
4. Regional Rural Banks (Officers and Employees) Service Regulations, 2000  
5. Banking Ombudsman Scheme, 2006  
| 2      | 24th January, 2009   |                 | 1. National Electricity Policy, 2005  
2. Tariff Policy, 2006  
| 3      | 4th February, 2009   |                 | 1. Petroleum and Natural Gas Regulator Board (Authorizing entities to lay, build, operate or expand city or local natural gas distribution networks) Regulations, 2008 and  
2. Petroleum and Natural Gas (Safety in offshore operations) Rules, 2008 |
3. 28th August, 2009 Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 1998
4. 10th November, 2009 Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009

IV. Reports Presented

1.7 During 2009, the Committee presented following Reports to the House:—

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<th>Sl. No.</th>
<th>Report No. and Date of Presentation</th>
<th>Subject</th>
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<td>1.</td>
<td>179th (20.02.2009)</td>
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<td>2.</td>
<td>180th (20.02.2009)</td>
<td>Statutory Orders Laid on the Table of the Rajya Sabha during its 214th Session</td>
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<td>4.</td>
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<td>Statutory Orders Laid on the Table of the Rajya Sabha during its 215th and 216th Sessions</td>
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<td>7.</td>
<td>185th (17.07.2009)</td>
<td>Statutory Orders Laid on the Table of the Rajya Sabha during its 217th Session</td>
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</tbody>
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1.8 Minutes of the sittings of the Committee on Subordinate Legislation relating to various Reports presented to the House were prepared and presented to the House along with the relevant reports.

V. Summary of Recommendations

(a) 179th Report

(i) The Senior Citizens Savings Scheme, 2004

1.9 The Committee felt that the Scheme which was introduced in the year 2004 with a view to help the people who have attained the age of 55 years and above with annual rate of interest of 9 per cent, had failed to fulfil its basic objectives. This has happened mainly due to the fact that more profitable schemes are also available with
the same banks that are supposed to operate it. The rate of interest under the scheme is lower in comparison to even ordinary deposits made in the Bank. Further deductions are made on the benefits under Section 80C of Income Tax Act, 1961, and no withdrawal is ordinarily allowed in the Scheme, before the expiry of five years period.

1.10 The Committee therefore recommended that the rate of interest on the Senior Citizens Savings Scheme, 2004 may be revised and tax incentives such as exemption of interest from income tax may also be added to make it more attractive. The whole Scheme, the Committee felt, needs to be revisited.


1.11 The Committee was happy to note that the Ministry has agreed to the Committee’s suggestion on the following points:

(i) Inclusion of provisions for making the activity of the Committee of the local authority to bring to the public notice by announcements/advertisements.

(ii) Specifying the tenure of the monitoring committee and inclusion of representatives of the people—a humanitarian and/or a well known individual who is interested in animal work in the said locality.

(iii) Inclusion of a provision in the Rule that the monitoring Committee of the said locality should meet at least once in a month to assess the progress made in regard to implementation of the Animal Birth Control Programme.

(iv) In Rule 7(6) inclusion of the word ‘recognized’ between the words “other” and “institutions”.

1.12 The Committee also made the following observations in order to make the Rules more effective:

(i) Monitoring Committee should meet on a regular basis and participate in activities concerning animal welfare organized by NGOs or other authorities.

(ii) Punishment for offences of cruelty to animals should be enhanced and a hefty fine should be imposed so that it acts as a deterrent.

(iii) Organizing seminars and awareness campaigns so as to make the public aware about animal welfare, especially in schools/educational institutions.

(iv) Further increase in grant-in-aid/financial assistance to Animals Welfare Organizations, NGOs engaged in the ABC programme.

1.13 The Committee also felt that better solid waste management would go a long way in controlling the population of stray dogs and recommended the Ministry of Environment and Forests to take stringent measures for more effective implementation of the waste management programmes.


1.14 The Committee noted with satisfaction that the Ministry has carried out the amendments in Rules 8, 9, 10 & 23 in compliance with the recommendations of the Committee.

1.15 However, the Committee took a serious view over the non-implementation of the recommendations at Point No.2 and 14 of the Report and seeking frequent extensions.

1.16 The Committee hoped that the Ministry of Micro, Small and Medium Enterprises would expedite the process of review of Rules mentioned at point No. 2 and 14 of the Report in line with the recommendations of the Committee as contained in its 136th Report and update the Rules, especially in the context of economic liberalization as suggested by the Committee.

(b) 180th Report

Statutory Orders laid on the Table of the Rajya Sabha during its 214th Session.

1.17 The Committee examined the notifications containing Subordinate Legislation that were laid before the Rajya Sabha during the 214th Session in the light of its recommendations as contained in its 131st, 135th and 152nd Reports regarding timely and proper laying of Notifications and reiterated this stand.
1.18 The Committee was in agreement with the amendments proposed in the Schedule M of the Drugs and Cosmetics Rules 1945, which it felt will ensure adherence to the good manufacturing practices and requirements of premises, plants and equipment for the pharmaceutical products by the manufacturers.

1.19 The Committee recommended that the Government should proactively reach out to the SSIs in pharma sector to support them during the transitory phase as they graduate to become Schedule M compliant. Government should promote the Schemes like Credit Linked Capital Subsidy Scheme (CLCSS) and Credit Guarantee Fund Scheme among the small scale drug manufacturers to enable them to access the institutional credit.

1.20 Under the amended Schedule M, the manufacturers are expected to evolve appropriate methodology, systems and procedures which should be documented and maintained for inspection and reference. The Committee recommended that the coverage of Certification Reimbursement Scheme should be extended to cover the expenditure incurred by the small scale manufacturers in maintaining the documentation. Also special package for the small scale pharma units should be made under the Micro and Small Enterprise Cluster Development Programme, so that, such Units could avail the integrated infrastructure facilities.

1.21 The Committee noted that the Department of Chemicals had submitted a proposal with the Planning Commission to provide 5% interest subsidy on the credit upto Rs. 1 crore. The Committee suggested that the in addition to interest subsidy the said scheme should be linked with the Credit Linked Capital Subsidy Scheme to provide upfront relief in capital investment. The Committee recommended to expedite this policy for early implementation.

1.22 The Committee took cognizance of the apprehensions regarding interpretation and enforcement of provisions by the relevant authority. Considering that there remains a possibility of mis-interpretation of provisions during initial years of any rule/regulation, the Committee considered it an imperative that Ministry of Micro, Small and Medium Enterprises should involve NIPER and the representative SSI organizations under its Entrepreneurship and Business Development Programmes to conduct workshops for the field level enforcement agencies of the Government and the technical personnel of such small manufacturing units. Such workshops will help the stakeholders to interact and understand the functional constraints in implementing the amended provisions.

1.23 The Committee expressed its serious disapproval over inexplicable delay in framing the rules pertaining to establishment of funds as provided in the Micro, Small and Medium Enterprises Act, 2006. The Committee recommended that the Government should without any further delay finalise rules for setting up such Funds specially to support the small scale drug manufacturers to meet the requirements prescribed in the amended Schedule M.

1.24 The Section 11 of the Act provides for Procurement Preference Policy by the Central Government Ministries/Departments, aided institutions and PSUs in favour of goods and services produced by small and micro units. However, such Policy has not been formulated as yet. The Committee recommended that the Government must expedite the formulation of Purchase Preference Policy to remove handicaps faced by the small scale units in getting Government orders.

1.25 However, the Committee took a very serious view of instances of closure of small scale units in certain States. The Committee recommended that the MSME Development Organisation alongwith the Drug Technical Advisory Board should conduct a survey to ascertain the extent of cases of closure of SSIs in pharma sector due to non-compliance of revised Schedule M ever since it became applicable from 1st July, 2005.

1.26 The Committee had noted with concern the rising prices of drugs after the introduction of MRP based excise regime. The regime has benefited certain companies who have either set up their units in Excise Free Zones or have contracted the production to units in such Excise Free Zones. This has defeated the entire purpose of introducing the MRP based excise regime to increase the revenue and has also denied the small scale manufacturers the level-playing field. The Committee was informed that the issue has been considered at the highest levels in the Government, yet the anomaly remains. The Committee recommended that Government must dispel such impression. The Government must restore level-playing field in the
pharmaceutical and drug manufacturing sector by rationalizing the fiscal incentives to avoid any misuse to skew the competition.

(ii) State Bank of Mysore Officers' Service Regulations, 1979

1.27 The Committee was happy to note that the Ministry of Finance (Department of Financial Services) has carried out amendments in Regulations 3 and 38 of the State Bank of Mysore Officers’ Service Regulations, 1979, as recommended by it. The Committee however took a serious view on the inordinate delay in carrying out amendments to Regulation 19(1). The Committee was of the opinion that there should be uniformity in the service regulations of SBI and its associate banks as this will also help in smoothening the proposed merger with its associate banks. The Committee therefore reiterated its earlier stand regarding amendment to Regulation 19(1) and recommended that the Ministry should carry out the amendment expeditiously, under intimation to it.

(d) 182nd Report

Statutory Orders Laid on the Table of the Rajya Sabha during its 215th and 216th Sessions

1.28 The Committee examined the notifications containing Subordinate Legislation that were laid before the Rajya Sabha during the 215th and 216th Sessions in the light of its recommendations as contained in its 131st, 135th and 152nd Reports regarding timely and proper laying of Notifications and reiterated this stand.

(e) 183rd Report

The Banking Ombudsman Scheme, 2006

1.29 The Committee considered that there is proliferation of NBFCs and Private Financing Companies often approved by the RBI. As such, the Committee recommended that definition of Banks as given in Clause 3(5) of Chapter I should be amended to include NBFCs, Private Financing Companies approved by the RBI and the Private Companies accepting the term deposits.

1.30 Regarding Clause 4(1) of Chapter II, the Committee considered that in addition to the CGM and GM of the RBI, retired Bank officers not below the rank of General Manager who are conversant with customer relations should also be considered for Banking Ombudsman. In this respect the Committee disagreed with RBI’s reply that appointment of senior bank officers as Banking Ombudsman may result in conflict of interests.

1.31 Regarding Clause 7(1) of Chapter III on the jurisdiction, the Committee considered that often the case may involve more than one Bank located in different territorial jurisdiction. The Committee, therefore, recommended that the above Clause read with Clause 15 (3) must be accordingly elaborated.

1.32 Regarding Clause 7(5), the Committee recommended that the annual Report submitted by the Banking Ombudsman to RBI should outline the shortcomings and contain recommendations for structural modifications in Banking.

1.33 The Committee considered that the grounds for redressal of grievances as detailed in Clause 8 of Chapter IV pertain largely to retail Banking services. The Committee noted that the credit card business is mostly outsourced by the banks, thereby resulting in complete loss of interface between the banks and the customers. Therefore, the Banking Ombudsman should clearly prescribe rules for outsourcing the services in respect of credit card business and the eventual obligations towards the redressal of complaints. The Committee also felt that in view of growing complaints against the credit card dues, respective banks should have a separate grievance redressal cell and that the RBI should consider appointing dedicated Ombudsman in existing locations to deal with credit card issues in line with RBI guidelines.

1.34 Clause 8 (2) of Chapter IV also provides deficiencies in servicing loans and advances as the ground for redressal. The Committee had noted that such a clause is an acknowledgement by the RBI that despite Government’s guarantees and refinancing facilities, there are still complaints about Banks being unwilling to give loans under the Government-schemes. The Committee recommended that the Banking Ombudsman should specially monitor the bank lendings to marginalised sections and farmers under Government schemes. The Committee reiterated that these Schemes must be publicized by the Banks. The Committee felt that advances and loans given under Government’s social sector schemes should be dealt by the Banking Ombudsman as a separate class of cases and should be accorded special provisions. Therefore, the Clause 8 should accordingly be amended.
1.35 The Committee further recommended that RBI and Ombudsman should ensure that the Banks while publicizing the Government schemes should specifically mention the interest rate applicable to the scheme. The Ombudsman should ensure the clarity and transparency in interest rates applicable to Government schemes.

1.36 The Committee recommended that the Banking Ombudsman Scheme should be widely publicized in rural and semi-rural areas. It is incumbent upon the Banking Ombudsman as the forum of first appeal to ensure that the RRBs and the Cooperative banks should widely publicise their grievance redressal mechanism in local languages. The Committee also required that the Ombudsman should reflect in their report to the RBI, on the issue of grievance redressal mechanism in RRBs and Cooperative banks. The Committee also recommended that the grievance redressal mechanism in RRBs should be decentralized and should be independent of the sponsor-nationalised Bank.

1.37 The Committee recommended that number and locations of Banking Ombudsman should be increased and new banking services and credit institutions should be brought under their purview. The Committee recommended that the Banking Ombudsman should incorporate elaborate recommendations in their annual Reports to the RBI and the RBI should regularly review its Guidelines in light of such recommendations.

(f) 184th Report

The Bio-medical Waste (Management and Handling) Rules, 1998

1.38 The Committee recommended that the Central Government and the State Government through Pollution Control Boards and District level Chief Medical Officers must design and implement a programme for setting up decentralized bio-medical waste treatment facilities at least one in each Municipal area. The Committee recommended that the local bodies should have greater role in the implementation of these Rules. The necessary finances and technical support should be provided to these local bodies for setting up the prescribed facilities for bio-medical waste handling, management and treatment. For better coordination at the District level, the Committee recommended that Chief Medical Officer (CMO) of the District or equivalent officer should be made nodal officer for authorization and implementation of these Rules.

1.39 The Committee also apprehended that Rule 8(1) read with Schedule VI generally ignore the veterinary institutions. Considering the recent cases of epidemics caused due to animal waste/residues, the Committee recommended that it is important that both Rule 8(1) and Schedule VI should make clear provisions for veterinary institutions.

1.40 The Committee observed that while Rule 8(1) exempted a large number of establishments from seeking authorization, Rule 4 did not make specific provisions for the disposal of bio-medical waste. The Rule 4 makes only a general requirement on all the establishments. Considering the large number of instances where common facilities have not been established at reasonable distances for treating and disposing of the waste, the Committee apprehended those smaller establishments which are excluded from Rule 8(1), may find a convenient excuse to circumvent the Rules. The apprehensions expressed by the Committee were corroborated by the Ministry of Environment and Forests in their written reply to the Committee’s query during its meeting on the 26th August, 2008, regarding the constraints faced in implementing the Rules. It was stated—

“Many small health clinic/nursing homes in name of servicing less than 1000 patients per month, do not apply for authorization to the respective SPCB/PCC and go scot-free from monitoring net of SPCBs/PCCs.”

1.41 The Committee therefore recommended that the limit of 1000 patients per month should be realistically reduced and that the local bodies should be asked to set up common facilities for the treatment and disposal of bio-medical waste.

1.42 The Committee repeatedly noted the tendency of shifting the onus from Ministry to State Pollution Control Boards, from SPCB to hospitals and local municipal authorities. Therefore, the Committee was inclined to infer that in the instant case, though the rules were framed under a Central Legislation, in practice there is serious lack of monitoring of implementation of the legislation. The Committee found it a classic case where the implementation of Subordinate Legislations framed under a Central Act has been overwhelmingly delegated to the State agencies without any effective monitoring by the Central Ministry or CPCB beyond customary annual reporting.
1.43 The Committee recommended that special training in waste disposal and management should be imparted to all the employees in the hospitals and that special courses could be started by the Ministry of Environment and Forests and the Ministry of Health and Family Welfare for this purpose.

1.44 The Committee further recommended that research institutions like ICMR in collaboration with CPCB and WHO should develop the course in bio-medical waste management, which should be included in the medical and paramedical curricula by the MCI and Indian Nursing Council. The Committee also suggested that it is essential that waste disposal techniques are updated to make them affordable for even the smaller clinics that operate in localities.

1.45 The Committee recommended that the translation of the pictorial communication material from English into various other Indian (regional) languages, printing and distribution of the same to various health care facilities (HCFs) is also required.

1.46 The Committee, therefore, recommended that the three Ministries at the Central level must evolve a joint body of senior officers that will be directly responsible for the implementation of rules or lack of it. Similar bodies could be created at the State levels too. And there should be a Task Force at the District level to enforce and streamline compliance of rules.

1.47 The Committee recommended that such monitoring at the district level should be done by the Chief Medical Officer or his equivalent in the District.

1.48 The Committee noted with due care that the Ministry conceded that provisions relating to safety of workers, especially the nursing and waste handling staff did not find mention in the existing rules and that there was a need to include rules relating to human safety along with measures for harm reduction and precautionary measures. In view of this the Committee strongly recommended that necessary amendments may be brought covering the vital aspects of safety of workers particularly the nursing and waste handling staff and thereby reducing the chances of other human exposure.

1.49 The Committee recommended that the administration of the Bio-Medical Waste (Management and Handling) Rules, 1998 should be shifted from Ministry of Environment and Forests to Ministry of Health and Family Welfare. It considered that Ministry of Health and Family Welfare is technically and administratively better equipped to monitor the treatment and disposal of bio-medical wastes in the hospitals. The Ministry of Health and Family Welfare is also the administrative Ministry for setting institutions and standards of the medical education and training of medical doctors and paramedical staff and the Committee considered it necessary that the bio-medical waste management should be part of their curricula.

(g) 185th Report

Statutory Orders Laid on the Table of the Rajya Sabha during its 217th Session

1.50 The Committee examined the notifications containing Subordinate Legislation that were laid before the Rajya Sabha during the 217th Session in the light of its recommendations as contained in its 131st, 135th and 152nd Reports regarding timely and proper laying of Notifications and reiterated this stand.

(h) 186th Report

Municipal Solid Wastes (Management and Handling) Rules, 2000

1.51 The Committee recommended that the Central Government should engage the State Governments and municipalities to address the issue of funding through a mutually agreed institutionalised mechanism.

1.52 The Committee recommended that the solid waste management and reprocessing should be an integral part of the present and future urban development and renewal schemes and programmes. And the finances out of these schemes/programmes should be devolved to the municipalities to fund the solid waste management and reprocessing.

1.53 The solid waste management and reprocessing would require capital intensive technology. Going by the current status, the Committee was dissatisfied with the performance of Central Pollution Control Board and State Pollution Control Boards, that were supposed to provide technical support to the municipalities. The Committee recommended that the CPCB should present annual status report regarding implementation of rules, to the Parliament.
1.54 The Committee recommended that the experience of last ten years in the implementation of the rules should be reflected in the proposed amendments. As such the financial, administrative and technical constraints faced by the State Government should be addressed in the amendments.

VI. Secretariat

1.55 The Committee Section (Subordinate Legislation) headed by two Assistant Directors constitutes the Secretariat of the Committee. A Joint Secretary, a Joint Director and a Deputy Director remained in-charge of the Branch.

1.56 To assist the Committee in its work, the statutory orders laid on the Table of the Rajya Sabha, Bills passed by the Parliament, representations/references received from individuals/Ministries and the material received from the Ministries/Departments/various non-official organizations and individuals were studied from which points were culled out and questionnaires for written replies/evidence were prepared for the use of the Committee.

1.57 The Secretariat collected material for on-the-spot studies and prepared study tour notes.

1.58 The work relating to drafting of Reports of the Committee and their considerations and approval along with their presentation, laying, printing and distribution was undertaken. The Secretariat also dealt with the work relating to the scrutiny of action taken notes received from the Ministries concerned on the recommendations contained in the Reports of the Committee and preparation of Draft Reports of the Committee on the Action Taken Reports.
ANNEXURE-I

(See Para 1.4)

Details of the sittings of the Committee on Subordinate Legislation during the year 2008

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date</th>
<th>Duration Hrs-Mts.</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>18.02.2009</td>
<td>1 - 30</td>
<td>To consider and adopt its draft 179th, 180th and 181st Reports of the Committee.</td>
</tr>
<tr>
<td>2</td>
<td>16.03.2009</td>
<td>1 - 30</td>
<td>(i) Consideration of memorandum on the Pulses Grading and Marking Rules, 2003;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) Oral evidence of representatives of the Ministry of Finance (Department of Financial Services), Reserve Bank of India and Syndicate Bank on priority sector lending particularly in relation to educational loans and micro credit.</td>
</tr>
<tr>
<td>3</td>
<td>26.03.2009</td>
<td>1 - 30</td>
<td>Oral Evidence of representatives of the Ministry of Finance (Department of Financial Services), Reserve Bank of India, Syndicate Bank and Bank of India on priority sector lending particularly in relation to educational loans and micro credit.</td>
</tr>
<tr>
<td>4</td>
<td>27.03.2009</td>
<td>1 - 30</td>
<td>(i) Consideration of Memorandum regarding Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) Consideration of the representation of the AIIMS Faculty Association regarding increase in retirement age of the teaching faculty of AIIMS and the consequent issues.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(iii) Future plans.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) Oral evidence of the Secretary, Department of Personnel and Training regarding the Civil Services Examination Rules.</td>
</tr>
<tr>
<td>7</td>
<td>30.07.2009</td>
<td>2 - 15</td>
<td>(i) Consideration of the communication received from Shri Silvius Condpan, MP, regarding the Multi Year Tariff Regulations framed by Central Electricity Regulatory Commission for the period of 2009-14.</td>
</tr>
</tbody>
</table>
(ii) Consideration of implementation of the Committee’s Recommendation contained in its 135th Report (2001) asking the Ministries to post Legislations and their respective Subordinate Legislations on the Website

(iii) Supersession of Cigarette and other tobacco products (Packaging and Labelling) Rules, 2006 by Packaging and Labelling Rules, 2008

(iv) Oral evidence of the Secretary, Ministry of Petroleum and Natural Gas, Executive Director, Oil Safety Directorate, Director-General, Directorate of Mines Safety and CMDs of ONGC and Oil regarding the Petroleum and Gas (Safety in Offshore Operations) Rules, 2008.


(ii) Oral evidence of the Secretary, Ministry of Labour and Employment regarding the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Central Rules, 1998.

9. 28.10.2009 2 - 00 (i) Oral evidence of the Secretary, Ministry of External Affairs regarding the Haj Committee Rules, 2002.

(ii) Consideration of memoranda on:


(b) The Electricity Rules, 2005.

(c) The Electrical Wires, Cables, Appliances and Protection Devices and Accessories (Quality Control) Order, 2005.

(d) The Regulation of Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 and


11. 10.12.2009 0 - 30 Consideration and adoption of its draft 185th and 186th Reports.
CHAPTER - II

COMMITTEE ON PETITIONS

I. Composition of the Committee

2. During the year 2008, the Committee on Petitions was constituted on the 28th May and reconstituted in 2009 on the 24th September.

2.2 The composition of the Committee was as follows:

COMMITTEE ON PETITIONS
(Constituted on the 28th May, 2008)

1. Shri M. Venkaiah Naidu — Chairman
2. Shri Vijay J. Darda
3. Shri Dharam Pal Sabharwal
4. Shri Rama Chandra Khuntia
5. Shrimati Maya Singh
6. Shri Virendra Bhatia
7. Shri Shyamal Chakraborty
8. Shri N.R. Govindarajar
9. Shri Subhash Prasad Yadav
10. Shri Sabir Ali

COMMITTEE ON PETITIONS
(Constituted on the 24th September, 2009)

1. Shri Bhagat Singh Koshyari — Chairman
2. Shri Nandi Yellaiah
3. Shri Vijay Jawaharlal Darda
4. Shrimati Viplove Thakur
5. Shri Lalit Kishore Chaturvedi
6. Shri Moinul Hassan
7. Shri Bhagwati Singh
8. Shri Ambeth Rajan
9. Shri N.R. Govindarajar
10. Shri Sabir Ali

II. Review of Work Done

(a) Sittings held and subjects discussed

2.3 During the period under review, the Committee held 13 sittings which lasted for 10 hours and 40 minutes. A statement showing the dates of the sittings of the Committee held during the period under review, the duration of the sittings and the Agenda taken up during those meetings is given in Annexure-II.
(b) Study Visits

2.4 The Committee did not undertake any study visit during the year, 2009.

III. Reports Presented

2.5 During the year 2009, the Committee presented five Reports to the House as per following details:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Subject</th>
<th>Date of Presentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>133rd Petition praying for imposition of certain reasonable restrictions on the use of mobile phone.</td>
<td>26.02.2009</td>
</tr>
<tr>
<td>2.</td>
<td>134th Petition praying for grant of exemption to certain categories of charitable organizations from payment of income-tax on receipt of anonymous donations.</td>
<td>26.02.2009</td>
</tr>
<tr>
<td>3.</td>
<td>135th Petition praying for national debate and evolving consensus on the implementation of the policy for introduction of sex education in the Schools and holding back its introduction until then.</td>
<td>09.06.2009</td>
</tr>
<tr>
<td>4.</td>
<td>136th Petition regarding benefits of pay revision and pension to the VRS optees and retirees of IFCI.</td>
<td>03.07.2009</td>
</tr>
<tr>
<td>5.</td>
<td>137th Action Taken by the Government on the observations/recommendations contained in its Hundred and Thirtieth Report on the petition praying for enhancement of pension to veteran and renowned artists living in indigent condition.</td>
<td>04.08.2009</td>
</tr>
</tbody>
</table>

IV. Summary of Recommendations

(a) 133rd Report

2.6 Kendriya Vidyalaya Sangathan (KVS), Navodaya Vidyalaya Samiti (NVS) and most of the State Governments and UT Administrations had prohibited use of mobile phone in the premises of schools as it causes distractions to the learning atmosphere. The use of mobile phone even in silent mode can cause distractions to learning atmosphere as the students can use Short Message Service (SMS) during the class and may pay little attention towards studies. Silent mode of cell phone can also equally impair teaching performance of the teacher in the class. Camera phone many a time is used in an inappropriate way in school creating MMS scandals. The Committee recommended that prohibition of carrying of mobile phones by the students to the schools and the teachers to the classroom, laboratory and other academic areas, be uniformly made applicable in all schools throughout the country. The State Governments may be advised to issue appropriate instructions/orders in respect of their schools. The school authorities may be directed to provide landline telephone(s) from where teachers and taught can make calls in emergency, on payment basis, if necessary. There could be centrally located landline phone in which important calls for teachers and students could be received and transmitted to them. In higher educational institutions, use of mobile phones both by students and teachers may be prohibited in academic areas viz. classroom, library, laboratory, auditorium, etc. However, they may be allowed to use it during free time in the areas other than prohibited ones in the campus and hostels. The Committee also recommended that school, college, university authorities may be advised to put in place requisite mechanism, so that its recommendations are properly implemented.

2.7 The Committee knew that use of mobile phone whilst driving is a punishable offence under Motor Vehicles Act, 1988 and rules framed thereunder but the penal provisions unfortunately had not deterred the offenders. In that context, the Committee was happy to note that the Department of Road Transport and Highways is in the process of inserting a new Section (Section 183A) in the Motor Vehicles Act, 1988. The Committee while endorsing the proposed amendment recommended that provision may be made in the proposed Section that for the first three offences there would be monetary penalty; subsequent two offences would invite fine along with negative entry in driving licence and for sixth offence licence should be suspended for specified period not exceeding six months. The idea behind making such a recommendation is to strengthen the provision so that it could have salutary effect on the offenders. The Committee also recommended that the term ‘mobile phone’
should be explicitly defined in the Central Motor Vehicle Rules, 1989 in such a way that use of mobile in any form or manner while driving is covered.

**Privacy and Mobile Camera Phone**

2.8 The Committee neither supported the prayer of the petitioner for imposing blanket ban on the use of camera phone nor did it advocate licencing system for the use of camera phone for professional use.

**Cell Phone Etiquettes**

2.9 The Committee recommended to Government to make it obligatory for the service providers and mobile manufactures to create adequate awareness amongst the people about proper usage of mobile phones. They should ensure supply of literature in English and regional languages prescribing mobile etiquettes wherever a customer purchases a mobile hand set and procure a SIM card.

**Mobile Phone Jammer**

2.10 The Committee was in agreement with the views of the State Governments, Cellular Operators Association of India and Indian Cellular Association and does not subscribe to the idea of installing jammers for blocking the use of mobile phone on roads.

**Use of Mobile Phone in Public Offices**

2.11 The Committee was of the view that the concerned authorities may through their internal order/rules regulate use of mobile phone by the public servants in their respective offices.

2.12 The Committee understand that mobile phone is helpful for the attendant of a patient in the hospital to communicate with the relatives of the patient about latter’s health status. The Committee therefore recommended that use of mobile phone should be completely banned, by the doctors as well as the attendants of the patients in the Operation Theatre, Intensive Care Unit and other areas where expensive medical gadgets were kept in hospitals. Other than these restrictions, cell phones should be allowed to be used in the hospitals, nursing homes, etc. as at present.

**SMS on Television Screen**

2.13 The Committee had taken serious note of scrolling of private Short Message Services (SMS) on the Television screen which is generally done between mobile telephone users. Such private messages expose interactions between two individuals to television viewers which is not appropriate. The Committee recommended that there should be ban on scrolling of private SMS by all channels.

(b) 134th Report

2.14 The gravamen of the petition was that charitable institutions named in the petition, carry out activities aimed at providing care and shelter to the most neglected sections of the society, namely, old and infirm persons, orphans, widows, destitute women, etc. Such institutions also provide free treatment to persons afflicted with deadly diseases like cancer; provide food and shelter to the homeless. Besides, rendering humanitarian services in natural calamities and disasters, these charitable organizations also take care of the sick and infirm animals, milch and draught cattle and sick birds. The Committee noted that these organizations perform the tasks which the Government had not been able to perform to the desired extent due to several reasons, particularly the resource constraints and lack of infrastructure. The activities of the charitable organizations are funded through small donations given by individuals, which, in keeping with our cultural traditions and ancient heritage, are mostly anonymous. If such donations are taxed at 30%, then the activities of those organizations would suffer a severe set back. The Government had been taxing those charitable organizations which are doing genuine philanthropic activities without any profit motive simply because no religious tag is attached to those institutions and also no hundi was available to collect small donations.

2.15 The Committee observed that as part of ancient Indian cultural heritage, many philanthropic activities are being carried on by charitable organizations. It is a common practice that every charitable organization keep a donation box and the visitors drop some amount in that box depending upon one’s capacity. Even in aircrafts and big retail stores, donation boxes were kept to collect money for charitable and humanitarian causes. Placing of donation boxes is a common sight particularly in chemists’ shops and pharmacies. It is in public knowledge
that such donation boxes are opened following a well laid down procedure and the proceeds so collected is a very good source of income for the trust.

2.16 The Committee had noticed that people donate for noble causes without giving their names, irrespective of their source and it therefore cannot be concluded that every anonymous donation is from unaccounted source. It is also quite likely that people may donate from their regular income and yet not disclose their identity. There were several philanthropic organizations known to have done yeoman’s service alongside governmental agencies during natural disasters, which had been acclaimed worldwide. As per Government’s policy, these organizations were not granted subsidies. The Committee was of the view that it is primary duty of the Government to support such organizations, if not directly, at least indirectly. Taxing such proceeds as anonymous donation at the highest marginal rate is not justified.

2.17 The Committee noticed that instances of misuse of exemption provision as submitted by the Department of Revenue pertain mostly to educational institutions and other to real estate. Not a single case pertains to the categories of charitable organizations for which exemption has been sought. In the Ministry’s own admission, it is premature to comment on the effectiveness of Section 115BBC, which vindicates the stand taken by the petitioner and endorsed by the Committee that bringing anonymous donation or gupt daan to charitable organizations within the tax net is not justified and such donations deserve exemption. In fact the information provided by the Ministry justify the provisions of Section 115BBC which does not grant exemption to a partly religious and partly charitable organization receiving anonymous donations for educational purposes, but did not support the provision for taxing all charitable organization for anonymous donations. The Ministry’s explanation is only a solemn hope that taxation provisions under Section 115BBC will strengthen the hands of the IT Department.

2.18 The Committee observed that the justification offered by the Department of Revenue for taxing anonymous donation to wholly charitable organizations, is judgmental hypothesis based on assumption which is not backed by concrete evidence or data. In the face of the unprecedented number of representations received from the public opposing the imposition of tax on receipt of anonymous donations by charitable trusts and seeking exemption in favour of certain notified categories of trust, it is the duty of the executive arm of the Government in a Parliamentary democracy, to pay heed to the upsurge of public opinion and review its decision.

2.19 In this context this Committee would like to quote the following recommendations made by the DRPSC on Finance, in its Sixty-eight Report on the Demands for Grants (2008-09) of the related Ministry:

“...The Committee are of the view that the philanthropic activities, for instance, propagation of yoga, providing succour to the victims of natural disasters, running gushalas, old age homes, orphanages, conservation of environment, wild animals etc. are being equated with charitable institutions and the entity concerned taxed accordingly. The Committee are of the view that the aforementioned activities should not be treated at par with the charitable activities like providing education and medical facilities etc. They, therefore, recommend that the appropriate guidelines in this regard be issued not to tax these entities....”

2.20 The Committee underscored that the objective of Section 115BBC of the IT Act, 1961 has not been questioned in the petition. In fact the petitioner had prayed for grant of exemption to ten types of charitable institutions keeping in view of the humanitarian and welfare activities being undertaken by them. This would encourage the charitable entities to carry on their welfare activities which the State should undertake as per the objectives enshrined in the Constitution thereby supplementing and complementing Governmental efforts. Instead of taxing such donations, Government should ensure the end use of such money. The Committee, therefore, recommended that the relevant provision of the IT Act may be reviewed and suitable provisions made in the law to exempt to charitable organizations such as orphanage, old age home, neat house and cow pen (panjarepoles & gushala), school for handicapped and institutions related to them, hospitals for birds and cattle, institutions which provide free treatment for cancer and other deadly disease, institution which provide free shelter to oppressed people, institutions which serve meal free of cost, institutions which are meant for providing humanitarian assistance in case of natural calamity, institutions which were related to widow and boycotted women and institutions looking after Leprosy Affected Persons (LAP) and mentally challenged, from payment of income tax on receipt of gupt daan. It further underlined the need for putting in place adequate safeguards so as to ensure that the end usage of funds take place for the prescribed charitable activities and no diversion/misuse of such funds were resorted to.
(c) 135th Report

2.21 There should be no sex education in schools.

2.22 Message should appropriately be given to school children that there should be no sex before marriage which is immoral, unethical and unhealthy. Student should be made aware of marriageable age which is 21 years in case of boys and 18 years in case of girls and that indulging in sex outside the institution of marriage was against the social ethos of our country. Students should also be made aware that child marriage is illegal and is injurious to the health of girl child. They should also be educated that consensual sex below 16 years of age amounts to rape.

2.23 Appropriate, age specific curriculum should be drawn up for Scientific Health Education, Moral Education, Personality Development and Character Building, Environmental Awareness and Social Awareness. Health Education may include education on hygiene and physiological changes which took place in the adolescents especially amongst the girls.

2.24 The curriculum may commence from 8th Standard onwards to be implemented in all the schools of the country — Government, Public and Private. Education about HIV/AIDS and need to control this deadly disease including Sexually Transmitted Disease may be imparted in the higher classes. Appropriate chapters thereon may be considered for inclusion in the syllabus of ‘Biology’, not before 10+2 stage.

2.25 Awareness of our rich cultural heritage need to be spread amongst school children by using latest technology like audio animatronics shows, hi-tech museums, cultural tableaux, theme parks etc., so that the target group take keen interest in the subject. Student should also be taught the values of our family system and the need to preserve it.

2.26 The new curriculum should include appropriate material on the lives and teachings of our great saints, spiritual leaders, freedom fighters and national heroes so as to re-inculcate in children our national ideals and values which would also neutralize the impact of cultural invasion from various sources.

2.27 The Committee also made following suggestions.

- Chapters like ‘Physical and Mental Development in Adolescents’ and ‘HIV/AIDS and other Sexually Transmitted Diseases’ and other Chapters related to these topics may be removed from the present curriculum and included in the books of Biology not before the 10+2 stage. This would be more effective, appropriate and acceptable.

- The remaining Chapters be made more extensive and introduced under a new name ‘Character Building and Personality Development Programme’.

- “Naturopathy”, “Ayurveda”, “Unani” and “Yoga” be made integral part of the new syllabus.

- The ultimate aim of the new syllabus should focus on the total development of the child.

2.28 The Committee recommended the Union Ministry of Human Resource Development to consider the observations and recommendations made by it in this Chapter while finalizing the new syllabus on the basis of the revised curriculum submitted by the National Review Committee. After taking into consideration this Committee’s observations and recommendations, the feedback received from the State Governments and UT Administrations, the feedback received from parents, teachers and other experts and the general public, the Ministry should finalise proposals on the new syllabus, which would act as a model for the entire country, and obtain approval of the competent authorities. Thereafter this matter may be placed before the Chief Ministers’ Conference so that a general consensus is arrived at before implementing it in all the schools of the country.

2.29 Pending finalization of the new syllabus, the Committee called upon the Ministry of HRD (Department of School Education and Literacy) to issue advisories to Chief Secretaries/Education Secretaries of all States/UT Administrations to withdraw the existing AEP literature from all schools, State run or CBSE affiliated, if those were in circulation. The Committee would like the Ministry of HRD, being the nodal Ministry, to clarify to all concerned that pending finalization of a national policy on the new curriculum, no other set of instructions should be allowed to be introduced in the Schools, in any form or manner. Learning from past experience, the
nodal Ministry must ensure that the entire process is completed under its superintendence, direction and control.

2.30 The Committee called upon the Ministry of Human Resource Development, Department of School Education and Literacy to apprise it of the action taken on its recommendations at the earliest.

(d) 136th Report

2.31 It was the considered view of the Committee that the legislative intent behind Section 8(1) of the Repeal Act was to protect the rights, privileges and remuneration of employees who decided to remain in the entity after its conversion into company. Fixing different cut-off dates for revision of pay scales which was due w.e.f. 1st November, 2002 was therefore a deviation from such intent and should not have been done by the IFCI Ltd.

2.32 The Committee observed that even as on date the IFCI is performing the same functions viz. Development Banking as it used to do as a statutory corporation as 90% of the revenue of IFCI is from that segment. If one take into consideration, the subsequent developments in IFCI after the legal opinion was tendered, IFCI could be considered as ‘State’ based on parameters outlined by Supreme Court for classifying an entity as such viz. (i) it continues to discharge functions of public importance, and (ii) it has been receiving Government loans and grants for meeting substantial portion of its liabilities towards principal and interest payments, till 2006-07. Interestingly the IFCI Ltd. in their written submission has maintained that IFCI Ltd. is not ‘State’ under Article 12 of the Constitution.

2.33 On a perusal of the Appendix to the Industrial Finance Corporation of India (Staff) Regulations, 1974, the Committee observed that the employees of IFCI shall be eligible to various allowances at the rates and subject to the conditions as applicable to the employees of RBI/IDBI and as may be adopted by the Board from time to time. The word “shall” in the Regulations clearly indicate that the IFCI Board has been mandated to implement the allowances as prevailing in RBI/IDBI. A plain and simple reading of the word “adopt” means that as when allowances are revised in RBI/IDBI, the IFCI Board is required to follow the same and implement it. While IDBI/RBI had revised these allowances for its employees who were in service as on 1st November, 2002, IFCI appeared to have denied the revision of allowances, at par with IDBI/RBI, to its employees who were in service as on 1st November, 2002, which is a violation of its own Staff Regulations.

2.34 The Committee had noted the conflicting stances taken by the Government with regard to pay and service conditions of IFCI employees. At one point of time the Ministry of Finance and IFCI Ltd. admitted that the pay scales and other service conditions of the employees of IFCI were at par with those of IDBI/RBI, till IFCI was a Corporation. On the other, the Ministry of Finance had stated in its reply to Lok Sabha Unstarred Question No. 2786 on 3rd July, 1998 that service conditions of IFCI employees are generally at par with the employees of IDBI. Again at another point of time the IFCI Ltd. had submitted that it continued to follow RBI/IDBI in the matters of service conditions of its workmen staff and officers upto 31st October, 2002 (i.e. a day prior to the date of pay revision). Since the IFCI Ltd. was incurring losses from 1999 which stood at Rs.4772 crore at the end of March, 2006, the Board of Directors of IFCI Ltd. delayed the issue of pay-revision and compensation. Later when it started earning profit in 2006-07 it revised pay scale from a date other than date of pay revision as adopted by RBI/IDBI. Had the cut-off date been the same as has been done in IDBI/RBI i.e. 1st November, 2002 the grievances of the petitioners might not have arisen. It was not understood, what prompted the IFCI Ltd. to change the cut-off-dates, even as per the management’s contention, clauses 9.4 & 9.12 of VRS of 2003-04 did not bestow the VRS optees any claim for benefit on account of pay revision. It was self-evident that the cut-off date of pay revision and qualifying dates were arbitrarily decided by the Board of Directors of IFCI Ltd. to deny the benefits of pay revision to VRS optees of 2003-04. It was significant to note that the management of IFCI Ltd. extended the benefits of pay revision to VRS optees of 2000-01, even when the Company was incurring losses. It was the considered view of the Committee that the action of the management of IFCI Ltd. in excluding the retired employees, including those who retired under VRS of 2003-04, from the purview of the revision of pay scales which was due w.e.f. 1st November, 2002, by adopting different cut-off dates, is arbitrary and discriminatory.

2.35 The Committee recommended that the Ministry of Finance may impress upon the IFCI Ltd. through its nominees in its Board of Directors, to implement the revision of pay scale and pensionary benefits w.e.f. 1st November, 2002 in favour of retired employees including VRS optees who were in the pay roll of IFCI Ltd.
as on 1st November, 2002 but who ceased to be in service thereafter on account of death, retirement on account of superannuation or VRS of 2003-04.

2.36 The Committee was of the clear view that the IFCI’s decision to include a condition on VRS optees to surrender their post retirement medical benefits, was violative of the Right to Equality and Right to Life, as enshrined in Articles 14 and 21 inasmuch as VRS optees had been discriminated not only against the employees who retired on superannuation but also the employees of IDBI who retired under their VRS. The Committee, therefore, recommended that the IFCI Ltd. may consider re-admission of VRS optees into VWS if they have or had contributed to VWF.

(e) 137th Report

2.37 The Committee was not satisfied with the decision of the Ministry of Culture. The Committee felt that since the total number of artists receiving financial assistance from the Central Government, were less than 2000, the financial impact on the exchequer would not be too high, should the Ministry agree to revise the assistance to Rs.5000/- p.m. The Committee, therefore, reiterated its original recommendation advocating financial assistance of Rs. 5000/- p.m. to the veteran artists living in indigent condition.

2.38 The Committee noted that the Ministry of Culture had entrusted to all the seven Zonal Cultural Centres (ZCCs) the task of making field-level check of genuine artists, who had applied for financial assistance under the scheme, for speedy disposal of the cases. Those Centres have also been advised by the Ministry to popularize the scheme through programmes, workshops and seminars conducted by them.

2.39 The Committee was of the view that the veteran artists would not prefer to travel a long distance in old age except going to the places of relatives or stage shows or nearest hospital. Keeping that in view, the Railway Board may, as a gesture of gratitude to those persons who have spent the prime of their lives for propagation and preservation of different forms of letters, arts including, folk art and culture, consider issuing complimentary passes to them. It, however, felt that some restrictions could be considered in terms of kilometers or trips to reduce the financial implication.

2.40 The Committee had recommended that backlog of pending cases may be cleared by the Expert Committee by the end of last calendar year and disbursement of financial assistance might be completed in the last financial year. The Ministry should involve the Zonal Cultural Centres (ZCCs) for verification of genuineness of the artists seeking financial assistance under the scheme.

2.41 The Committee appreciated the follow up action taken by the Ministry in response to its recommendations. It would however like the Ministry to fix a timeframe and adhere to it in processing the applications received, in the same calendar year and also ensure that disbursement be made in the same financial year.

V. Secretariat

2.42 The Committee Section (Petitions) has presently a strength of one Committee Officer three Assistants and one Attendant. A Joint Secretary, a Director, a Joint Director and a Deputy Director remained in-charge of the Branch.

2.43 To assist the Committee in its work, the background material received from the Ministries/Departments/ various non-governmental organizations and individuals was culled out for preparing questionnaires for written replies/evidence/report for the use of the Committee. Material from unconventional sources such as internet, news clippings etc. were also utilised for examination and report of the subject.

2.44 The Secretariat also collected material from on-the-spot studies of the Committee in previous year and judiciously utilized the inputs in the preparation of the Reports of the Committee.

2.45 The Secretariat dealt with the work relating to the scrutiny of action taken notes received from the Ministries concerned on the recommendations contained in the Reports of the Committee.
## ANNEXURE-II

**Details of the sittings of the Committee on Petitions during the year 2009**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Time Devoted Hrs.–Mts.</th>
<th>Main Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5.1.2009</td>
<td>1-15</td>
<td>oral evidence of the Secretaries, Department of School Education and Literacy and Department of Higher Education (M/o HRD), Department of Telecommunications (M/o Communications and IT) and Department of Road Transport and Highways on the petition praying for imposition of reasonable restrictions on the use on mobile phone.</td>
</tr>
</tbody>
</table>
| 2       | 22.1.2009       | 1-30                   | oral evidence of:—
|         |                 |                        | (i) Special Secretary, Ministry of Home Affairs and Secretary, Department of Road Transport and Highways on the petition praying for imposition of reasonable restrictions on the use of mobile phone; and |
|         |                 |                        | (ii) Secretary, Department of Revenue (M/o Finance) on the petition praying for grant of exemption to certain categories of charitable organizations from payment of income-tax on receipt of anonymous donations. |
| 3       | 30.1.2009       | 0-30                   | held several discussions on following petitions:—(i) Petition praying for national debate and evolving consensus on the implementation of the policy for introduction of sex education in the School; (ii) petition praying of imposition of certain reasonable restrictions on the use of mobile phones (iii) petition praying for grant of exemption to certain categories of charitable organization from payment of income tax on receipt of anonymous donations (iv) petition regarding benefits of pay revision and pension to the VRS optees and retirees of IFCI. |
| 4       | 25.2.2009       | 0-35                   | considered and adopted its Hundred and Thirty-third Report on the petition praying of imposition of certain reasonable restrictions on the use of mobile phones and Hundred and Thirty-fourth Report on the petition praying for grant of exemption to certain categories of charitable organization from payment of income tax on receipt of anonymous donations. |
| 5       | 17.3.2009       | 0-35                   | considered and adopted its draft Hundred and Thirty-fifth Report on the petition praying for national debate and evolving a consensus on the implementation of the policy for introduction of sex education in the schools across the country and holding back its introduction until then. |
| 6       | 24.3.2009       | 0-40                   | considered the following Action Taken Reports (ATRs):— (i) Interim ATR on the Hundred and thirtieth Report of the Committee on the petition praying enhancement of pension to veteran and renowned |
artists living in indigent condition and (ii) ATR on the Hundred and Thirty-first Report on the petition praying for integration and empowerment of leprosy affected persons (LAPs).

7. 19.6.2009 1-00 (i) considered and adopted draft Hundred Thirty-sixth Report on the petition regarding benefits of pay revision and pension to the VRS optees and retirees of IFCI; and (ii) Oral evidence of the Secretary, Ministry of Culture and Member, Railway Board, Ministry of Railways on recommendations of the Committee contained in its Hundred and Thirtieth Report on the petition paying for enhancement of pension to veteran and renowned artists living in indigent conditions.

8. 3.8.2009 0-30 considered and adopted draft Hundred and Thirty-seventh Report on Action Taken by Government on the observations/recommendations contained in its Hundred and Thirtieth Report on the petition praying for enhancement of pension to veteran and renowned artists living in indigent conditions.

9. 5.10.2009 0-40 Introductory meeting of reconstituted Committee to discuss future programme.

10. 21.10.2009 1-35 oral evidence of Secretary, Ministry of Health and Family Welfare alongwith other Secretaries to the Government of India in the concerned Ministries/Departments on the ATR on Hundred and Thirty-first Report of the Committee and considered Memoranda Nos. 1 to 6 of 2009 related to ATRs on the Hundred and Thirty-first Report.


13. 15.12.2009 1-20 oral evidence of Secretaries of Deptts. of School Education & Literacy and Higher Education on the ATR on Hundred and Thirty-first Report of the Committee and considered Memorandum No.7 thereon.
CHAPTER - III

COMMITTEE ON GOVERNMENT ASSURANCES

I. Composition of the Committee

3. The present Committee was constituted on 24th September, 2009 and is continuing since then.

3.2 The Committee constituted on 27th May, 2008 consisted of the following Members:

COMMITTEE ON GOVERNMENT ASSURANCES
(Constituted on the 27th May, 2008)

1. Shri A. Vijayaraghavan — Chairman
2. Shri Satyavrat Chaturvedi
3. Shrimati Jayanthi Natarajan
4. Shrimati Viplove Thakur
5. Shri Ramdas Agarwal
6. Shri Shanta Kumar
7. Shri Brij Bhushan Tiwari
8. Shri O.T. Lepcha
9. Shri Thomas Sangma
10. Vacant

COMMITTEE ON GOVERNMENT ASSURANCES
(Constituted on the 24th September, 2009)

1. Shri A. Vijayaraghavan — Chairman
2. Smt. Syeda Anwara Taimur
3. Shri Shadi Lal Batra
4. Shri Narendra Budania
5. Shri Ramdas Agarwal
6. Shri Kalraj Mishra
7. Prof. Ram Gopal Yadav
8. Shri Birendra Prasad Baishya
9. Shri O.T. Lepcha
10. Sardar Tarlochan Singh

II. Subjects selected for Examination

3.3 The Committee on Government Assurances examined the assurances pertaining to the following subjects:
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Assurance No. (with date) taken up for examination</th>
<th>Brief Subject</th>
<th>Name of Ministry</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>USQ. No. 2847 dated 19.4.2005</td>
<td>Corruption in revenue department</td>
<td>Finance</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter, and decided to hear the Secretary, Ministry of Finance (Deptt. of Revenue) in the matter on a later date.</td>
</tr>
<tr>
<td>2.</td>
<td>USQ. No. 1870 dated 10.8.2005</td>
<td>Anomalies in FFWP</td>
<td>Rural Development</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>3.</td>
<td>USQ. No. 2048 dated 10.3.2006</td>
<td>New AIDS treatment by German Scientists</td>
<td>Health and Family Welfare</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>4.</td>
<td>USQ. No. 574 dated 31.7.2006</td>
<td>Opening of Indian Institute of Information Technology in each State</td>
<td>Human Resource Development</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter and decided to hear the Secretary, Ministry of Human Resource Development (Deptt. of Higher Education) in the matter on a later date.</td>
</tr>
<tr>
<td>5.</td>
<td>USQ. No. 960 dated 10.11.2006</td>
<td>Hindustan Shipyard Limited’s MoA</td>
<td>Shipping, Road Transport and Highways</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter.</td>
</tr>
<tr>
<td>6.</td>
<td>USQ. No. 1844 dated 8.12.2006</td>
<td>Revival of closed sugar mills in Vidarbha</td>
<td>Consumer Affairs, Food and Public Distribution</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>7.</td>
<td>USQ. No. 1746 dated 14.3.2007</td>
<td>Gujarat Industrial Park Ordinance</td>
<td>Labour and Employment</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>8.</td>
<td>USQ. No. 1482 dated 12.3.2007</td>
<td>(i) Atrocities against women in work place</td>
<td>Women and Child Development</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurances and directed that the Ministry be asked to furnish a Status Note in the matter.</td>
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<tr>
<td></td>
<td>(ii) USQ. No. 712 dated 26.11.2007</td>
<td>(ii) Monetary relief to victim of rape</td>
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<td></td>
<td>(iii) USQ. No. 49 dated 19.11.2007 and</td>
<td>(iii) Working conditions of women domestic help and</td>
<td></td>
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<td></td>
<td>(iv) USQ. 1073 dated 10.3.2008</td>
<td>(iv) Amendment of Anti-Dowry Act.</td>
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<td>9.</td>
<td>USQ. No. 2450 dated 6.9.2007</td>
<td>Installation of AHWR in India</td>
<td>Atomic Energy</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
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<td>10. SQ. No. 132</td>
<td>Survey of Rail Routes in Rajasthan</td>
<td>Railways</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter.</td>
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<tr>
<td>11. USQ. No. 1399</td>
<td>Supply of Uranium</td>
<td>Atomic Energy</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
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<td>12. USQ. No. 1635</td>
<td>Fraud in NACO Programme</td>
<td>Health and Family Welfare</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter indicating the time to be taken to complete the investigation.</td>
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<td>13. USQ. No. 2178</td>
<td>Insurance scheme for girls</td>
<td>Communications and Information Technology</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
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<tr>
<td>14. USQ. No. 2185</td>
<td>VMNOs to Indian Telecom Operators</td>
<td>Communications and Information Technology</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter. The Committee also directed that the Ministry be informed that it should not guide the Committee as to what constitutes and what does not constitute an assurance. It is for the Committee and not for the Ministry to decide what constitutes an assurance.</td>
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<td>15. SQ. No. 29</td>
<td>High Court Bench at Thiruvananthapuram</td>
<td>Law and Justice</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter, and decided to hear the Secretary, Ministry of Law and Justice in the matter on a later date.</td>
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<td>16. SQ. No. 725</td>
<td>Privatization of Coir Board</td>
<td>Micro, Small and Medium Enterprises</td>
<td>The Committee acceded to the request made by the Management of Coir Board and officials of the Ministry during the visit of the Committee to Cochin and Lakshadweep from 3rd to 9th December, 2008 for deletion of the assurance and the assurance was accordingly dropped.</td>
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<td>17. SQ. No. 265</td>
<td>Earning of DD Information and Broadcasting</td>
<td></td>
<td>The Committee was concerned about the mounting losses of Prasar Bharati and did not accede to the request of the Ministry for dropping of the assurance and reiterated its earlier decision to hear the Secretary, Ministry of Information and Broadcasting before taking any decision in the matter.</td>
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<td>18.</td>
<td>(i) USQ. No. 474 dated 4.3.2005</td>
<td>(i) Withdrawal of</td>
<td>Agriculture</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurances and directed that the Ministry be asked to furnish a detailed Status Note in the matter.</td>
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<td></td>
<td>(ii) SQ. No. 146 dated 2.12.2005</td>
<td>(ii) Crops under NCIS</td>
<td>Insurance Scheme</td>
<td></td>
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<tr>
<td></td>
<td>(iii) USQ. No. 3376 dated 23.12.2005</td>
<td>(iii) Reforms in NAIS</td>
<td></td>
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<tr>
<td></td>
<td>(iv) USQ. No. 1810 dated 9.12.2005</td>
<td>(iv) Approving price support scheme of Kerala</td>
<td></td>
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<td></td>
<td>(v) USQ. No. 2421 dated 17.3.2006</td>
<td>(v) Funds for crop insurance</td>
<td></td>
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<td></td>
<td>(vi) USQ. No. 1795 dated 11.8.2006</td>
<td>(vi) Increasing coverage under NAIS and</td>
<td></td>
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<tr>
<td></td>
<td>(vii) USQ. No. 5 dated 17.10.2008</td>
<td>(vii) Agriculture crops insurance scheme</td>
<td></td>
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<tr>
<td>19.</td>
<td>USQ. No. 1775 dated 8.3.2006</td>
<td>Closure of NTC Mills Textiles</td>
<td></td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>20.</td>
<td>USQ. No. 3825 dated 22.5.2006</td>
<td>Implementation of</td>
<td>Human Resource</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
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<td></td>
<td>Noon Meal Scheme</td>
<td>Development</td>
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<td>21.</td>
<td>Point raised by Shri Silvius Condpan, M.P. on 24.11.2006</td>
<td>The motion for consideration of Private Member’s Bill namely the Constitution (Amendment) Bill, 2004 for amendment of Articles 341 and 342</td>
<td>Tribal Affairs</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>22.</td>
<td>USQ. No. 422 dated 27.11.2006</td>
<td>Agreement on quota to private educational institutions</td>
<td>Human Resource Development</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a detailed Status Note in the matter.</td>
</tr>
<tr>
<td>23.</td>
<td>(i) USQ. No. 931 dated 27.11.97</td>
<td>(i) Autonomy to Atomic Energy Regulatory Board</td>
<td></td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a detailed Status Note in the matter.</td>
</tr>
<tr>
<td></td>
<td>(ii) USQ. No. 760 dated 7.3.2002</td>
<td>(ii) Amendment in Atomic Energy Act, 1962</td>
<td></td>
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</tr>
</tbody>
</table>
24. USQ. No. 3572 dated 8.5.2007
   Loans to Minorities Finance
   The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.

25. USQ. No. 1261 dated 23.8.2007
   Creation of a separate Environment and Ministry Forests
   The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter.

26. SQ. No. 238 dated 29.8.2007
   Independent law enforcement agency for investigating corruption cases Home Affairs
   The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter.

27. USQ. No. 2701 dated 7.9.2007
   Bogus SC/ST Certificates Health and Family Welfare
   The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.

28. USQ. No. 02 dated 15.11.2007
   Thorium Reserves in Andhra Pradesh Atomic Energy
   The Committee did not accede to the request of the Ministry for dropping of the assurances and directed that the Ministry be asked to furnish a Status Note and decided to hear the Secretary, Ministry of Petroleum and Natural Gas in the matter on a later date.

29. (i) USQ. No. 1598 dated 4.12.2007
   Indo Iran gas pipeline project Petroleum and Natural Gas
   The Committee did not accede to the request of the Ministry for dropping of the assurances and directed that the Ministry be asked to furnish a Status Note and decided to hear the Secretary, Ministry of Petroleum and Natural Gas in the matter on a later date.

(iii) USQ. No. 1187 dated 11.3.2008
   Meetings regarding Indo-Iran gas pipeline

30. USQ. No. 728 dated 5.3.2008
   Statehood to Delhi Home Affairs
   The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.

31. USQ. No. 929 dated 24.10.2008
   Claims of the SAIL over the leaseholds on Chiria Iron Ore Mines Steel
   The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note and decided to hear the Secretary, Ministry of Steel in the matter on a later date.
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<tbody>
<tr>
<td>32</td>
<td>USQ.No.782</td>
<td>National Coastal Protection Project (NCPP)</td>
<td>Water Resources</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note in the matter.</td>
</tr>
<tr>
<td>33</td>
<td>USQ. No. 1262 dated 16.8.2004</td>
<td>Song and Drama Division</td>
<td>Information and Broadcasting</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurances and the assurances were dropped.</td>
</tr>
<tr>
<td>33. (i)</td>
<td>1262</td>
<td></td>
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<tr>
<td>33. (ii)</td>
<td>USQ. No. 2024 dated 23.8.2004</td>
<td>Surplus staff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>USQ. No. 2038 dated 23.8.2004</td>
<td>Ban on entry of criminals in politics</td>
<td>Law and Justice</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>35</td>
<td>SQ. No.320 dated 16.8.2005</td>
<td>Oil Refinery in Rajasthan</td>
<td>Petroleum and Natural Gas</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurances and directed that the Ministry be asked to furnish a Status Note and decided to hear the Secretary, Ministry of Petroleum and Natural Gas in the matter on a later date.</td>
</tr>
<tr>
<td>35. (i)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35. (ii)</td>
<td>USQ. No. 1595 dated 13.3.2007</td>
<td>Oil Exploration in Barmer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35. (iii)</td>
<td>USQ. No.68 dated 26.2.2008</td>
<td>Survey of Oil and Gas in Rajasthan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35. (iv)</td>
<td>USQ. No. 1957 dated 18.3.2008</td>
<td>refining of crude oil from Barmer region and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35. (v)</td>
<td>USQ. No. 2363 dated 20.3.2007</td>
<td>Oil exploration in Rajasthan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>USQ. No. 2237 dated 20.3.2008</td>
<td>Task Force on disarmament and Non-proliferation</td>
<td>External Affairs</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>37</td>
<td>USQ. No. 2315 dated 20.3.2007</td>
<td>Investment by LIC in sick companies</td>
<td>Finance</td>
<td>The Committee acceded to the request of the Ministry for dropping of the assurance and the assurance was dropped.</td>
</tr>
<tr>
<td>38</td>
<td>SQ. No. 58 dated 19.11.2007</td>
<td>Establishment of Central University</td>
<td>Human Resource Development</td>
<td>The Committee did not accede to the request of the Ministry for dropping of the assurance and directed that the Ministry be asked to furnish a Status Note and decided to hear the Secretary, Ministry of Human Resource Development in the matter on a later date.</td>
</tr>
</tbody>
</table>

### III. Review of Work Done

(a) Sittings of the Committee

During the year 2009, the Committee held 8 sittings lasting 11 hours and 39 minutes. Statement showing the dates of sittings of the Committee held during the period under review, the duration of the sittings, and the subjects discussed are given in *Annexure-III.*
(b) Study Visits

3.5 During 2009, the Committee undertook study visit to various places as per the details given below to hold discussions with the managements of certain institutions/organizations etc. on the matters under its examination:—

<table>
<thead>
<tr>
<th>Place</th>
<th>Name of the Organisation</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jodhpur, Daman and Mumbai from</td>
<td>(i) Management of UCO Bank</td>
<td>(i) Assurances pertaining to USQ. 4213 dated 6.5.2008 regarding credit</td>
</tr>
<tr>
<td>19th to 24th January, 2009.</td>
<td>(ii) Management of Hindustan Copper Ltd.</td>
<td>sources for poor women in the country and USQ 4340 dated 15.5.2007</td>
</tr>
<tr>
<td></td>
<td>(iii) Management of Rajasthan Drugs and Pharmaceuticals Ltd.</td>
<td>regarding loans given by banks to SCs/STs, (ii) USQ. 2871 dated 21.4.2008</td>
</tr>
<tr>
<td></td>
<td>(iv) Management of ONGC</td>
<td>regarding Dead rent on Mines, (iii) USQ.1829 dated 8.12.2006 regarding</td>
</tr>
<tr>
<td></td>
<td>(v) Management of SBBJ</td>
<td>Drug Banks, (iv) USQ.2363 dated 20.3.2007 regarding oil exploration</td>
</tr>
<tr>
<td></td>
<td>(vi) Management of State Bank of India</td>
<td>in Rajasthan and USQ. 68 dated 26.2.2008 regarding Survey of oil and</td>
</tr>
<tr>
<td></td>
<td>(vii) Representatives of Daman Administration</td>
<td>gas in Rajasthan, (v) USQ.1904 dated 18.3.2008 regarding bank credit</td>
</tr>
<tr>
<td></td>
<td>(viii) Management of Dena bank</td>
<td>for dalits and non-dalits, (vi) USQ.709 dated 5.3.2008 regarding</td>
</tr>
<tr>
<td></td>
<td>(ix) Management of EXIM Bank</td>
<td>coastal security scheme, (vii) USQ.2315 dated 20.3.2007 regarding</td>
</tr>
<tr>
<td></td>
<td>(x) Management of LIC</td>
<td>investments by LIC in sick companies, (viii) USQ. 1125 dated 11.3.2008</td>
</tr>
<tr>
<td></td>
<td>(xi) Management of SEBI</td>
<td>regarding short selling, lending and borrowing of securities, and (ix)</td>
</tr>
<tr>
<td></td>
<td>Trust and (xiii) Management of IDBI</td>
<td></td>
</tr>
</tbody>
</table>

3.6 Verbatim record of proceedings of the sittings of the Committee in which evidence was taken has been maintained. These comprised of 150 pages.

IV. Reports Finalised and Presented

3.7 During 2009, the Committee presented the following Report to the House.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Date of Presentation</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>63rd (18.12.2009)</td>
<td>Review of progress of implementation of assurances</td>
</tr>
</tbody>
</table>

V. Summary of Recommendations

63rd Report

3.8 The Committee was anguished to note the casual attitude of the Ministry of Information and Broadcasting in fulfilling the assurance. It was often observed by the Committee that the Ministries did not focus on the issue raised in the question and provided extraneous information in the replies.

3.9. Broadcasting is an important sector for a developing economy like ours. It is a potent medium to spread awareness and disseminate information to the masses. Opening of this sector therefore will have far reaching effects, especially in rural areas. Government owned local bodies as broadcaster would benefit the rural population as these bodies would broadcast content catering to the specific requirements of rural population who are often ignored by the regular broadcasters whose primary audience is in the metropolitan cities. Further, it will also help in preserving the rich cultural heritage of the country and encourage the local artists who often languish on the sidelines.
3.10 The Committee recommended that the Ministry should furnish the requisite information to the Committee at the earliest and liquidate the assurance.

3.11 The Committee observed that the Ministry of Finance had completely sidetracked the main issue and had furnished incomplete information. It was strange that the Ministry had chosen to overlook such an important issue of insider trading which was detrimental to the health of the securities market and led to loss of confidence in investors. Any remedial action by SEBI on the basis of the investigation would have definitely sent a positive signal to the investors who invest their hard earned money in the securities.

3.12 As such the findings of the SEBI on the issue should have been shared with the Committee along with appropriate action on the persons found to be prima facie guilty of insider trading. If required an exemplary punishment/penalty would definitely serve as a deterrent for the companies flouting the market norms.

3.13 The Committee recommended that the Ministry should furnish information regarding result of investigations conducted by SEBI on the above lines.

3.14 The Committee was surprised at the vague information provided by the Ministry of Information and Broadcasting in the Implementation Statement taking the stand of it being a policy matter. Conditional Access System was introduced by the Government to streamline the cable television industry with the objective of providing a choice of better service in terms of technology and competitive rates. But after initially notifying some areas for implementation of CAS, its extension had been delayed in other areas due to several factors. Further its relevance in the present context when the DTH and IPTV are becoming popular and competitive in price, had to be weighed. If the Government did not want to pursue or extend the CAS they should have come forward and taken a decision instead of furnishing vague reply.

3.15 There was no denying the fact that strong arm tactics are being adopted by banks to recover loan amounts from defaulting customers. The mental agony undergone by the unfortunate individuals who have to face humiliation and threats in full public view from the goons hired by banks was unimaginable. In many of the reported cases the burden of humiliation was so unbearable for the individuals that they committed suicide. Many a time fines were imposed by courts on adoption of illegal means for recovery of debts, but it was surprising that even after issue of guidelines by the Reserve Bank of India, such cases did not show any sign of abatement. The Committee strongly felt that some more concrete and deterrent measures were required to achieve the desired results.

3.16 The Committee recommended that the requisite data be made available to the Committee to enable it to get an accurate picture of the matter.

3.17 The Committee observed that the Ministry of Agriculture had furnished a routine reply whereby the question specifically asked for the damage caused by floods and droughts in the year 2008. There was no mention of any assessment in this regard and the State-wise details of damage caused to the crops by floods and droughts had been ignored which was a vital part of the Question. Accurate assessment of the situation was an important step in determining the remedial measures and deciding the compensation to farmers for damaged crops.

3.18 The Committee recommended that the Ministry should supply the information as specifically asked for in the question.

3.19 The Committee observed that the Ministry of Chemicals and Fertilizers furnished the Implementation Statement without bothering to check whether complete information had been provided in the Statement or not.

3.20 Today India is recognised as a major global player in manufacturing of pharmaceuticals. The major factor contributing to the growth of this sector is its low cost of production. Despite the impressive growth there were several issues that need to be addressed particularly relating to accessibility and affordability of these medicines to common man. Opening of one Jan Aushadhi Store in Amritsar appeared as a formality when millions were in dire need of quality drugs at reasonable prices. The Government should have finalised the National Pharmaceutical Policy at the earliest in the interest of millions of people as any laxity on their part would reflect on the health of the nation.

3.21 The Committee expressed its displeasure at the Ministry of Road Transport and Highways attitude in fulfilling the assurance by giving incomplete information.
3.22 It was surprising that when a major emphasis was being laid on construction and upgradation of highways, the Ministry could not provide the information pertaining to work done by them few years back as asked for in the Question. There must be in place a record management system in the Ministry for such an eventuality.

3.23 The Committee recommended that the Ministry should have furnished to the Committee the requisite data and liquidated the assurance.

3.24 The Committee was surprised to note that the assurance was given in the year 2006 and since then almost 3 years had passed but the Government did not finalize the compensation to farmers who depend on their land for their livelihood. The Ministry of Defence should have understood the urgency of the matter and expedited the payment of compensation to the farmers.

3.25 The Committee recommended that the Ministry should have pursued the cases and made payment in all cases in right earnest at the earliest and liquidate the assurance.

3.26 The Committee was anguished to learn that the Ministry of Communications and Information Technology did not provide any time schedule or any proposal for revival of the company and the information furnished to say the least was casual and directionless.

3.27 The Committee accordingly recommended that the Ministry should send a revised Implementation Report with complete information.

3.28 The Committee impressed upon the Ministries to desist from seeking extension in routine manner. The Ministries while seeking extension must spell out the efforts made by them to fulfill the assurance.

3.29 The Committee also observed that though the power to grant extension of time vests with the Committee, in many cases some Ministries/Departments approached the Ministry of Parliamentary Affairs for granting of extension of time for fulfillment of assurances or for dropping of assurances. The Committee reiterated that the power to drop an assurance or extend time-limit for its fulfillment solely vested with the Committee.

3.30 The Committee, therefore, recommended that the Ministry of Parliamentary Affairs should have impressed upon all Ministries/Departments to adhere to the instructions forwarded at the time of sending the assurances and issued separate direction to all the Ministries/Departments of the Government of India to put at rest any ambiguity in this regard.

3.31 The Committee therefore directed the Ministries to seek extension of time well before the expiry of the time given to fulfill the assurance.

3.32 The Committee further recommended that every communication furnished by Ministries/Departments to the Committee should have the approval of the Minister- In-charge.

3.33 The Committee observed that at times the Ministries submitted that the reply given by the Ministers did not constitute an assurance and hence should be dropped.

3.34 The Committee took serious note to this approach of the Ministries as it was for the Committee to decide what constituted an assurance. The Ministries should therefore desist from sending request for dropping of the assurance on that ground.

3.35 The Committee observed that finalisation of a policy matter did take time, but at the same time it should not have been kept pending for an indefinite period for arriving at a decision and felt that the monitoring mechanism in the Ministry must be strengthened.

3.36 The Committee was pained to note that though the Prasar Bharti (Broadcasting Corporation of India) Act was enacted in Parliament in the year 1990 implemented by the Government in 1997 and till date many of its provisions had not been implemented. The Committee was anguished to note that the Committee of Members of Parliament which could have played some effective role in shaping the Prasar Bharti was never constituted. Even the Broadcasting Council was not constituted. The Committee was given to understand that Prasar Bharti could not take off properly in view of lacuna in the law. Had this been the case, the Ministry should have come with the amendments in the law instead of languishing inactively. It was painful to note that even after so many years the Prasar Bharti did not have its own employees and officers for want of appropriate regulations in place. The Committee did understand that being a public broadcaster the Prasar Bharti could run on commercial basis
but at the same time given the prevailing opportunities it must be able to sustain itself. The Committee hoped that the much needed amendments in the Prasar Bharti would be brought at the earliest and soon it would have its own employees.

3.37 As regards the Media regulator or regulation on the contents of the programmes, the Committee understood that the matter was quite sensitive particularly in view of the freedom of expression envisaged under the Constitution. But at the same time, it noted that the right of freedom of expression under the Constitution was not absolute. If there was a case of self regulation by the Media, there was equally strong case in favour of regulations for the defaulting media/channels. As of now, there was not enough teeth with the Ministry to punish the defaulting channels. The Committee hoped that consultations in this regard would be done expeditiously and a balanced view would be evolved.

3.38 The Committee therefore impressed upon the Ministry that assurances given on the floor of the House should have been pursued with all seriousness and urgency so that they did not lose relevance with the passage of time. The Committee was of the view that the Ministry should take urgent steps to galvanise the Doordarshan in such a way that it could fulfill its responsibility as a public broadcaster.

3.39 The Committee though noted the submission, impressed upon the representatives of the Ministry of Chemicals and Fertilizers to support FACT till the time the LNG terminals came up in Kochi and make urgent efforts to convert the Naptha based plants into gas based plants. The Committee hoped that on availability of gas FACT would bounce back from its present position of distress.

3.40 The Committee was of the view that a permanent base of Coast Guard and Navy should have been established in the Islands so that in this delicate security scenario assistance could be provided to Lakshadweep which was far away from the mainland.

3.41 The Committee agreed with the contention of the Coir Board that the functions of the Coir Board should not be construed only as commercial activity as popularisation of Coir Products is also one of the main objectives of the Board. The Committee also felt that accepting the recommendations of the Expenditure Reforms Commission would have a severe impact on the lives of many workers and their families and since the position had changed in both the cases i.e. Hindustan Coir Factory and Coir Board Showrooms, the recommendations of ERC be dropped. The Committee, in view of the above, dropped the assurance later in its meeting held on 20.08.2009.

3.42 India with its vast coastline was an ideal destination for cruise shipping. While this sector had witnessed dynamic growth globally, India had not witnessed the same surge. The economic benefits of the cruise shipping sector could not be ignored as it was a major source of employment in areas where other sources of income were scarce. Sensing vast potential for cruise tourism in India, the Committee was of the view that the environment, in relation to the problems mentioned by the Management, had to be made conducive for promotion of cruise shipping in the country. The Committee recommended that the policy in this regard should be expedited to boost the cruise shipping sector and tap the latent potential which it held within. Besides, the Committee also noted that the cruise shipping was not concerned with the Ministry of Shipping only but was equally part of the hospitality business and, therefore, there had to be a major role of the Ministry of Tourism and Culture in promoting and developing cruise culture in our country.

3.43 The Committee broadly satisfied with the performance of the banks in carrying out their responsibilities towards poor women and SCs/STs, felt that banks should be more generous towards the women and weaker sections of the society and help them liberally in their upliftment and should adopt a pro active approach in this regard. The Committee was of the view that the goal of the public sector banks in providing loan to women should not be restricted to achieving 5% of total bank credit but should go beyond that.

3.44 The Committee felt that the investment made in the project should have been made use of at the earliest as the delay in implementation was costing the nation. The Committee also impressed that all out efforts be made to resolve the issues involved to operationalise the project so that jobs could be created and utilize the abundant natural resources as a step forward in making the country self-reliant.

3.45 The Committee felt that though steps were being taken for improving the security at ports/shipyards, much needed to be done at a faster pace to avert any recurrence of the incident which took the entire nation by
surprise last year. The Committee further felt that the requirement of the speed boats was essential for surveillance and therefore the boats be made available at the earliest. Boat tracking system needed to be enforced and modern technological advances should be used to defend our entire coastline through remote sensing. The intelligence inputs received by various agencies should be shared between them in real time which would help in frustrating the designs of our enemy.

3.46 The Committee observed that though efforts were being made from every quarter to strengthen the security of the coastline and important installations on this line, the pace of implementation of various projects and plans appeared to be slow and needed to be expedited. There was also a need for harmonious relations between Navy, Coast Guard, State Police and the CISF (which protected the vital installations) so that there was no confusion and no area was left out without vigilance. The Committee also felt that once the security systems were put in place, they should be periodically assessed and evaluated so that they did not lack in updation. As there was no room for complacency on security matters, constant review and upgradation of security set up were the need of the hour and it may be ensured that proposals/projects relating to strengthening of security system were cleared expeditiously.

VI. Secretariat

3.47 The Committee Section (Government Assurances) headed by a Committee Officer constitutes the Secretariat of the Committee. A Joint Secretary, a Joint Director and Deputy Director remained in-charge of the Branch.

3.48 To assist the Committee in its work, material received from the Ministries/Departments/various non-official organizations and individuals was studied from which points were culled out and questionnaires for written replies/evidence prepared for the use of the Committee.

3.49 The Secretariat also collected material for on-the-spot studies and gave inputs during the study visits undertaken by the Committee.

3.50 The work relating to drafting of the Reports of the Committee along with their presentation, laying, printing and distribution was also undertaken by the Secretariat.

3.51 The Secretariat also studied material like Parliamentary Debates, answers to Parliamentary Questions etc. relevant to the subjects under examination of the Committee.
### ANNEXURE-III

(See Para 3.4)

**Details of sittings of the Committee on Papers laid on the Table**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Time Duration</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>10.7.2009</td>
<td>1 - 10</td>
<td>The Committee considered requests for dropping of Assurances received from various Ministries.</td>
</tr>
<tr>
<td>2.</td>
<td>20.8.2009</td>
<td>1 - 15</td>
<td>The Committee considered requests for dropping of Assurances received from various Ministries.</td>
</tr>
<tr>
<td>3.</td>
<td>22.9.2009</td>
<td>2 - 21</td>
<td>The Committee heard the representatives of the Ministry of Information and Broadcasting and Prasar Bharati in connection with the progress of implementation of pending assurances particularly SQ. No. 265 dated 10.3.2003 regarding earnings of DD and other pending assurances pertaining to the Ministry of Information and Broadcasting.</td>
</tr>
<tr>
<td>4.</td>
<td>14.10.2009</td>
<td>1 - 05</td>
<td>The Committee considered requests for dropping of Assurances received from various Ministries.</td>
</tr>
<tr>
<td>5.</td>
<td>20.10.2009</td>
<td>2 - 00</td>
<td>The Committee interacted with the Committee on Government Assurances, West Bengal Legislative Assembly.</td>
</tr>
<tr>
<td>6.</td>
<td>5.11.2009</td>
<td>1 - 48</td>
<td>The Committee heard the representatives of the Ministry of Human Resource Development (Deptt. of School Education and Literacy and Deptt. of Higher Education) in connection with the progress of implementation of pending assurances particularly (i) USQ. No. 1188 dated 4.12.2006 regarding IIIT in Orissa, (ii) USQ. No. 574 dated 31.7.2006 regarding Opening of Indian Institute of Information Technology in each State, and (iii) SQ. No. 58 dated 19.11.2007 regarding establishment of Central University and all other pending assurances of Ministry of Human Resource Development.</td>
</tr>
<tr>
<td>7.</td>
<td>24.11.2009</td>
<td>1 - 30</td>
<td>The Committee interacted with the Ugandan Parliamentary Committee on Government Assurances.</td>
</tr>
</tbody>
</table>
CHAPTER-IV
COMMITTEE ON PAPERS LAID ON THE TABLE

I. Composition of the Committee

4. The Committee on Papers Laid on the Table was constituted on 28th May, 2008 and was reconstituted on 24th September, 2009.

4.2 The Committee consisted of the following Members:

1. Shrimati Syeda Anwara Taimur — Chairperson
2. Shri B. S. Gnanadesikan, M.P.
3. Shri G. Sanjeeva Reddy, M.P.
4. Shri Vijaykumar Rupani, M.P.
5. Shri Prakash Javadekar, M.P.
6. Shri Varinder Singh Bajwa, M.P.
7. Shri Ajay Singh Chautala, M.P.
8. Sardar Tarlochan Singh, M.P.
9. Dr. M. A. M. Ramaswamy, M.P.
10. Shri Mahmood A. Madani, M.P.

II. Subjects selected for examination

4.3 The Committee on Papers Laid on the Table, Rajya Sabha performed the following functions:

(i) Examined the laying of the Annual Reports and Audited Accounts of Government Companies, Public

*Nominated on 16th December, 2009.
Sector Undertakings, bodies created by Acts of Parliament, Cooperatives, Institutes and Societies
framed and financed by the Government;

(ii) Examined the delay in the laying of the Government Notifications/Orders on the Table of Rajya Sabha;
and

(iii) Monitored the implementation by the Ministries on the recommendations of the Committee set out in
its various reports.

III. Review of work done

(a) Sittings of the Committee

4.4 During the year 2009, the Committee held 8 sittings lasting for 12 hrs. 10 minutes. A statement showing
the dates of sittings of the Committee held during the period under review, the duration of the sittings and the
subjects discussed are given in \textit{Annexure IV}.

4.5 The Committee examined 162 cases of requests received from the Ministries regarding grant of extension
of time for laying the Annual Reports/Audited Accounts of Government Companies/Organisations and the
Committee after due examination granted extension in 147 cases. Four cases were placed before the Committee
for its consideration and in 11 cases the Committee directed the Ministries to send revised request for extension
of time. The Committee undertook two visits and held discussions with the managements of the concerned
Government organizations. In ten cases, representatives of Ministries and organizations were invited for oral
evidence before the Committee.

(b) Study Visits

4.6 During the year 2009, the Committee visited the following Organisations to discuss with the
management regarding the delayed laying of their Annual Reports and Audited Accounts on the Table of the
Rajya Sabha:

\begin{tabular}{|c|c|}
\hline
Sl. No. & Date of visits & Company/Organisation visited \\
\hline
1 & 02.01.2009 & (i) Sports Authority of India (SAI), New Delhi  \\
& & (ii) India Tourism Development Corporation Limited (ITDC), New Delhi \\
2 & 29.01.2009 & West Zone Cultural Centre (WZCC), Udaipur \\
3 & 30.01.2009 & National Institute of Ayurveda (NIA), Jaipur \\
4 & 31.01.2009 & (i) Malaviya National Institute of Technology (MNIT), Jaipur  \\
& & (ii) Rajasthan Council of Primary Education, Jaipur \\
5 & 19.06.2009 & (i) Brahmaputra Board, Guwahati  \\
& & (ii) Assam Ashok Hotel Corporation Limited, Assam \\
& & (iii) Axom Sarba Siksha Abhijan Mission, Guwahati \\
6 & 20.06.2009 & Sarva Shiksha Abhiyan State Mission Authority, Meghalaya \\
7 & 21.06.2009 & North Eastern Indira Gandhi Regional Institute of Health & Medical Sciences
(NEIGRIHMS), Shillong \\
8 & 23.06.2009 & (i) Padmaja Naidu Himalayan Zoological Park, Darjeeling  \\
& & (ii) Paschim Banga Sarva Shiksha Mission, Kolkata \\
9 & 24.06.2009 & Himalayan Mountaineering Institute (HMI), Darjeeling \\
\hline
\end{tabular}
IV. Reports presented

4.7 During the year 2009, the Committee presented the following Reports to the House:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No.</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>118</td>
<td>Regarding laying of the Annual Reports and Audited Accounts of the National Institute of Technology (NIT), Srinagar, Central Institute of Buddhist Studies (CIBS), Leh, Jammu and Kashmir Development Finance Corporation Limited, (JKDFC) Jammu, Ujala Society Sarva Shiksha Abhiyan, Jammu &amp; Kashmir and Jawahar Institute of Mountaineering and Winter Sports (JIM), Pahalgam</td>
</tr>
<tr>
<td>2.</td>
<td>119</td>
<td>Regarding laying of the Annual Reports and Audited Accounts of the Kerala Land Development Corporation Limited, Thiruvananthapuram, Kerala Agro Industries Corporation Limited, Thiruvananthapuram, Andhra Pradesh State Irrigation Development Corporation Limited, Hyderabad and Andhra Pradesh Pradhamika Vidya Parishad, Hyderabad</td>
</tr>
<tr>
<td>3.</td>
<td>120</td>
<td>Regarding laying of the Annual Reports and Audited Accounts of the (i) Office of the Chief Commissioner for Persons with Disabilities, New Delhi; (ii) National Institute for the Visually Handicapped (NIVH), Dehradun; (iii) National Academy of Medical Sciences, New Delhi; (iv) Indian Red Cross Society (IRCS), New Delhi; (v) All India Institute of Medical Sciences (AIIMS), New Delhi; (vi) All India Council for Technical Education (AICTE), New Delhi; (vii) School of Planning and Architecture (SPA), New Delhi; (viii) Sports Authority of India (SAI), New Delhi and (ix) India Tourism Development Corporation Limited (ITDC), New Delhi</td>
</tr>
<tr>
<td>4.</td>
<td>121</td>
<td>Regarding Government Notifications/Orders and Annual Reports and Audited Accounts of Government Companies/Organisations laid by the various Ministries/Departments on the Table of the House during the 214th Session of Rajya Sabha</td>
</tr>
</tbody>
</table>

V. Summary of Recommendations

(a) 118th Report

National Institute of Technology (NIT), Srinagar

4.8 The Committee took note of the delaying factors in finalisation of Audited Accounts of the National Institute of Technology (NIT), Srinagar and recommended that the Institute and the Ministry may take up the matter of delay in audit of accounts with C&AG. The Ministry as well as the Institute must ensure that the audited accounts were received from C&AG within shortest possible time so as to expedite the process of laying of papers on the Table of the House within the stipulated time.

4.9 The Committee further recommended that in order to streamline the translation work, the setting up of the Hindi Language Cell be expedited.

4.10 The Committee also impressed upon the Ministry to follow a proper procedure for seeking extension of time and invariably approach the Committee sufficiently in advance. The Ministry further directed to lay a delay statement on the Table of the House citing cogent reasons in case the Annual Report and Audited Accounts were not laid within the stipulated time.

Central Institute of Buddhist Studies (CIBS), Leh

4.11 The Committee took not of the climatic situation prevailing in the area and observed that the Ministry in consultation with the AG, Srinagar should work out a procedure for finalization of Accounts and Audit Report in shortest possible time. Postal system should be improved even in bad climatic conditions. The Committee recommended that in future the Ministry should take all possible steps to ensure that pending Reports of Central Institute of Buddhist Studies (CIBS), Leh are laid on the Table of the House at the earliest.
4.12 The Committee impressed upon the Ministry as well as the Central Institute of Buddhist Studies (CIBS), Leh to follow a proper procedure for seeking extension of time sufficiently in advance for laying the papers in the event of delay.

**Jammu and Kashmir Development Finance Corporation Limited (JKDFC), Jammu**

4.13 The Committee observed that most of the time is consumed in getting the Accounts of Jammu and Kashmir Development Finance Corporation Limited (JKDFC), Jammu audited at CAG level. The Committee did not accept the Corporation's plea for enhancing the stipulated time for laying the papers for the year 2005-06 up to 30th April, 2007. The Committee was of the view that there should be a uniform formula with regard to stipulated time for laying of papers in Parliament and it may remain 9 months from close of the financial year. The Committee hoped that in future the Corporation should try to lay their papers within stipulated time. The Committee also recommends that the Organisation should lay the comprehensive review statement along with the laying of the Reports.

4.14 The Committee also impressed upon the Ministry to follow a proper procedure for seeking extension of time and invariably approach the Committee sufficiently in advance for seeking extension of time in case of any delay in the laying of the papers.

**Ujala Society Sarva Shiksha Abhiyan, Jammu and Kashmir**

4.15 The Committee directed that the system of monitoring the various stages involved in the preparation of Annual Report and Audited Accounts of the Society be strengthened and ensure timely laying of papers on the Table of Rajya Sabha. The Committee further directed that a comprehensive review covering the broad performance of the Organisation and a brief description on the critical area of functioning of the Organisation should invariably be laid along with the papers. The Committee also directed that the comprehensive delay statement along with the Annual Report and Audited Accounts giving in chronological order the various dates on which the various stages involved should be laid.

4.16 The Committee also urged upon the Ministry to strictly follow its recommendations pertaining to seeking extension of time citing cogent reasons in case of delay in laying the papers; laying a comprehensive delay statement along with the Annual Report and Audited Accounts and laying a comprehensive review covering broad performance of the Organisation and a brief description of the critical areas along with the Annual Report.

**Jawahar Institute of Mountaineering and Winter Sports (JIMWS), Pahalgam**

4.17 The Committee was of the view that there were some genuine difficulties due to geographical and environmental factors in the area where the Institute is located. The Committee recommended that the Ministry should approach the Committee sufficiently in advance for seeking extension of time. The authorities should try their best efforts to get the Report translated and printed at local level instead of sending the Report to Delhi for translation and printing.

(b) 119th Report

**Kerala Land Development Corporation Limited, Thiruvananthapuram**

4.18 The Committee emphasized that the Kerala Land Development Corporation Limited, as well as the Ministry should prepare a time schedule for each stage involved in the preparation of Annual Reports and Audited Accounts and monitor the same closely so that papers of the Corporation are laid on the Table of the House within the prescribed time limit i.e., within nine months from the date of closure of the annual accounts as per its recommendation. The Committee further recommended that the Kerala Land Development Corporation Limited and the Ministry should take all possible steps to ensure that pending reports of the Corporation are laid on the Table of the House at the earliest.

4.19 The Committee was distressed to note that the delay in laying the papers was mainly due to the fact that there has been a delay in appointment of the statutory auditors and the company auditors (internal auditors) by the Corporation. The Committee recommended that the Corporation and the Ministry should take steps to ensure that the statutory auditors and the internal auditors are appointed well in time thereby avoiding the persistent delay in laying the papers.
4.20 The Committee was dismayed to note that one of the main reasons attributing to the delay in laying of papers has been the financial crisis faced by the Corporation due to waiver of farmers loans by the State Government. The Corporation did not seek timely intervention by the Central Government for financial assistance. The Representatives of the Central Government were seldom invited to the Board meetings of the Corporation thereby keeping them in dark about the various organizational problems leading to delay in laying of papers. The Committee would appreciate if corrective steps in this regard are initiated at the earliest.

4.21 The Committee also recommended that in case of delay, the Ministry should have furnished the statement of reasons for delay which should invariably contain information in chronological order about the date of finalisation of Annual Accounts, appointment of auditors, forwarding the accounts to the auditor, completion of audit, submission to C&AG, adoption of report by AGM, completion of translation, printing and forwarding of the papers to the Ministry. Such a statement should necessarily be laid along with the delayed laying of papers on the Table of the House so as to enable the Committee to identify the stages, causes and extent of delay and suggest remedial measures, wherever required.

4.22 The Committee further recommended that the Government Review laid on the Table of the House along with the Annual Report and Audited Accounts of the Kerala Land Development Corporation Limited should be comprehensive which should cover broadly the performance of the Corporation and contain a brief description of the core areas of its functioning for the year under review.

4.23 The Committee also impressed upon the Ministry to follow the proper procedure for seeking extension of time and invariably approach the Committee sufficiently in advance in case of any delay in the laying of the papers by citing convincing reasons and lay the papers on the Table of the House within the extended period.

4.24 The Committee impressed upon the Ministry to lay the delay statement, if for any reasons Annual Report and Audited Accounts are not laid within the time, within 30 days of expiry of period of nine months or as soon as the House meets which ever is later explaining the reasons as to why the Annual Report and Audited Accounts could not be laid within the stipulated time.

Kerala Agro Industries Corporation Limited, Thiruvananthapuram

4.25 The Committee recommended that the Ministry along with the Corporation should set, if necessary, a revised time schedule, so that the papers are laid on the Table within the prescribed period. It also urged upon the Ministry to ensure that effective steps are taken so that the pending papers are laid on the Table of the House as early as possible.

4.26 The Committee further recommended that the Ministry and the Corporation should have taken effective steps to make sure that the Statutory audit is commenced timely to avoid recurring delay in the audit of the subsequent years. The Ministry must ensure that the Audited Accounts and the Audit Certificate were received from the C&AG within time so as to expedite the process of laying of papers on the Table of the House.

4.27 The Committee was dismayed to note that the delay in laying of the papers of Kerala Agro Industries Corporation Limited was mainly due to the fact that there has been a problem of inadequacy of staff strength and the manual maintenance of the accounts. The Committee was of the view that the Corporation should have approached the Ministry for additional staff as and when required. The Committee recommends that the Ministry and the Corporation should ensure to take necessary steps to avoid such problems in future. The Corporation was advised to approach the Ministry in time if the problem recurs in future.

4.28 The Committee also impressed upon the Ministry to follow a proper procedure for seeking extension of time and invariably approach the Committee sufficiently in advance for seeking extension of time in case of any delay in the laying of the papers by citing cogent reasons and should lay the papers on the Table of the House within the extended period granted.

4.29 The Committee was distressed to note that despite the convening of Annual General Meeting every year, the Board of Directors did not ask for the Audited Accounts. The Committee directed the Board of Directors to ensure that Audited Accounts are asked for during its Annual General Meeting to streamline the process of finalization of accounts by the Corporation at the earliest.

4.30 The Committee also urged upon the Ministry and through it the Corporation to enhance the pace of
computerization, so that the work relating to preparation of Annual Report and compilation of Annual Accounts could be speeded up.

4.31 The Committee impressed upon the Ministry to lay the delay statement, if for any reasons Annual Report and Audited Accounts was not laid within the time, within 30 days of expiry of period of nine months or as soon as the House meets whichever is later explaining the reasons as to why the Annual Report and Audited Accounts could not be laid within the stipulated time.

**Andhra Pradesh State Irrigation Development Corporation Limited, Hyderabad**

4.32 The Committee took serious note of the delay in laying the Annual Reports and Audited Accounts of the Andhra Pradesh State Irrigation Development Corporation (APSIDC) Limited, Hyderabad on the Table of the House. The Committee observed that the reasons given by the Secretary for delay in laying of the papers are generally procedural and can be overcome by proper planning, streamlining and monitoring. The Committee, emphasised that the Andhra Pradesh State Irrigation Development Corporation (APSIDC) Limited, Hyderabad, as well as the Ministry should prepare a time schedule for each stage involved in the preparation of Annual Reports and Audited Accounts and monitor the same closely so that papers of the Andhra Pradesh State Irrigation Development Corporation (APSIDC) Limited, Hyderabad are laid on the Table of the House within the prescribed time limit i.e., within nine months from the date of closure of the annual accounts. The Committee further recommended that the Andhra Pradesh State Irrigation Development Corporation (APSIDC) Limited, Hyderabad and the Ministry should take all possible steps to ensure that pending reports of the Corporation are laid on the Table of the House at the earliest.

4.33 The Committee was dismayed to note that the delay in laying of the papers of Andhra Pradesh State Irrigation Development Corporation (APSIDC) Limited, Hyderabad was mainly due to problem of VRS management policy and lack of good Hindi translators. The Committee was of the view that substitutes should have been asked at the time of accepting VRS. The Committee recommended that the Ministry and the Corporation should ensure that necessary steps are taken to avoid such problem in future. The Corporation is also advised to approach the Ministry in time for good Hindi Translators in future.

4.34 The Committee also recommended that in case of delay, the Ministry should furnish the statement of reasons for delay which should invariably contain information in chronological order about the date of finalisation of annual accounts, appointment of auditors, forwarding the accounts to the auditor, completion of audit, submission to C&AG, adoption of report by AGM, completion of translation, printing and forwarding of the papers to the Ministry. Such a statement should necessarily be laid along with the delayed laying of papers on the Table of the House so as to enable the Committee to identify the stages, causes and extent of delay and suggest remedial measures, wherever required.

4.35 The Committee further recommended that the Government Review laid on the Table of the House along with the Annual Report and Audited Accounts of the Corporation should be comprehensive which should cover broadly the performance of the Corporation and contain a brief description of the core areas of its functioning for the year under review.

4.36 The Committee impressed upon the Ministry to follow the proper procedure for seeking extension of time and invariably approach the Committee sufficiently in advance for seeking extension of time in case of any delay in the laying of the papers by citing convincing reasons and lay the papers on the Table of the House within the extended period.

4.37 The Committee impressed upon the Ministry to lay the delay statement, if for any reasons Annual Report and Audited Accounts were not laid within the time, within 30 days of expiry of period of nine months or as soon as the House meets whichever is later explaining the reasons as to why the Annual Report and Audited Accounts could not be laid within the stipulated time.

**Andhra Pradesh Pradhamika Vidya Parishad, Hyderabad**

4.38 The Committee recommended that the Andhra Pradesh Pradhamika Vidya Parishad, Hyderabad as well as the Ministry should prepare a time schedule for each stage involved in the preparation of Annual Reports and Audited Accounts and monitor closely the same so that papers of the parishad are laid on the Table of the House within the prescribed time limit i.e. nine months from the date of closure of the Annual Accounts. The
Committee also directed that the Parishad and the Ministry should take all necessary steps to ensure that pending reports are laid on the Table of the House at the earliest.

4.39 The Committee also impressed upon the Ministry to follow the proper procedure for seeking extension of time and approach the Committee, well in advance for seeking extensions of time in case of any delay in the laying of the papers by citing convincing and reasons and should Lay the papers on the Table of the House within the extended period.

4.40 The Committee directed the Ministry that as soon as the investigation with regard to embezzlement of funds of Rs. 14.97 crore is over, the reports of special audit be furnished alongwith Annual Report and Audited Accounts for the year 2002-03 to lay on the Table of the House.

4.41 The Committee impressed upon the Ministry to lay the delay statement, if for any reasons Annual Report and Audited Accounts were not laid within the time, within 30 days of expiry of period of nine months or as soon as the House meets which ever is later explaining the reasons as to why the Annual Report and Audited Accounts could not be laid within the stipulated time.

(c) 120th Report

Office of the Chief Commissioner for Persons with Disabilities, New Delhi

4.42 The Committee observed that the period of 9 months for laying the Annual Reports and Audited Accounts is prescribed for all organizations. Office of the Chief Commissioner for Persons with Disabilities, New Delhi can therefore, be not exempted. Every effort needs to be made to adhere to the prescribed time limit. However, in case of inability to send the report on time, the Ministry should seek for extension of time so that the Committee is apprised about the reasons for delay.

4.43 The Committee further reiterated its recommendation that in case of delay in laying the Annual Reports, a comprehensive delay statement should invariably be laid along with the delayed Annual Reports in chronological order, information regarding the date of completion of translation and printing and forwarding of the papers to the Ministry, etc.

4.44 The Committee also impressed upon the Ministry to lay a copy of statements giving reasons for not laying the Annual Reports within the stipulated period.

National Institute for the Visually Handicapped (NIVH), Dehradun

4.45 The Committee recommended that every effort should be made by the Ministry and the NIVH to lay the Annual Reports and Audited Accounts within the stipulated time and clear the pending Reports at the earliest.

4.46 The Committee emphasized that the National Institute for the Visually Handicapped (NIVH), Dehradun should obtain extension of time from the Ministry while informing about its inability to submit the Annual Reports and Audited Accounts within the stipulated time for laying these papers on the Table of Rajya Sabha and the Ministry should invariably approach the Committee sufficiently in advance for seeking extension of time by giving cogent reasons for the delay.

4.47 The Committee further suggested that the Ministry should monitor the timely preparation and submission of Annual Reports and Audited Accounts of NIVH and provide remedies for any problems faced in preparing these papers.

4.48 The Committee impressed upon the Ministry to lay a copy of the statement giving reasons for not laying the Annual Report and Audited Accounts within the stipulated time.

National Academy of Medical Sciences, New Delhi

4.49 The Committee hoped that the trend of timely laying of Annual Report and Audited Accounts on the Table of Rajya Sabha National Academy of Medical Sciences, New Delhi as in 2004-05 and 2005-06 would be followed in future and in case of delay in laying the papers, the administrative Ministry should approach the Committee sufficiently in advance to seek extension of time.

4.50 The Committee noted with disappointment that the NAMS has stated in its written replies that since the Annual Report was not laid on the Table of the House before 31st December, 2007, the matter was reported to
the Parliament Section and it was for the Parliament Section to seek extension of time. The Committee hopes that in future there would be better co-ordination between the NAMS and the Ministry of Health and Family Welfare (Department of Health and Family Welfare) so that there would not be any more lapse in seeking extension of time or timely laying of Annual Reports and Audited Accounts on the Table of the House.

4.51 The Committee impressed upon the Ministry to lay a copy of the statement giving reasons for not laying the Annual Report and Audited Accounts within the stipulated time.

**Indian Red Cross Society (IRCS), New Delhi**

4.52 The Committee directed the Ministry to effectively supervise the timely completion of all the stages involved in the preparation and laying of the Annual Reports and Audited Accounts of the Society so that such delays in the laying of the papers were avoided in future.

4.53 The Committee further recommended that in case of delay in laying the Annual Reports and Audited Accounts of Indian Red Cross Society (IRCS), New Delhi, the Ministry should approach the Committee sufficiently in advance for extension of time.

4.54 The Committee impressed upon the Ministry to lay a copy of the statement giving reasons for not laying the Annual Report and Audited Accounts within the stipulated time.

**All India Institute of Medical Sciences (AIIMS), New Delhi**

4.55 The Committee hoped that the Ministry of Health and Family Welfare (Department of Health and Family Welfare) would take necessary steps for timely laying of papers of the AIIMS on the Table of the Rajya Sabha.

4.56 The Committee was dismayed to note that the Institute stated that since the papers were not laid on the Table of the House within the stipulated time and the matter was reported in time to the Parliament Section in the Ministry and it was for the Parliament Section to seek extension of time from the Committee. The Committee, therefore, reiterated its recommendation that in future, the Ministry should be more careful in seeking extension of time from the Committee, sufficiently in advance explaining the cogent reasons for the delay caused. Extension of time should, however, be sought sparingly and efforts should be made towards laying the papers on the Table of the House on time.

4.57 The Committee impressed upon the Ministry to lay a copy of the statement giving reasons for not laying the Annual Report and Audited Accounts within the stipulated time.

**All India Council for Technical Education (AICTE), New Delhi**

4.58 The Committee reemphasized on timely submission of Annual Reports and Audited Accounts and Audited Certificates and wherever delay was anticipated, AICTE should seek extension of time through its Ministry. In order to avoid any delay at various levels in preparation and submission of Annual Reports with Annual Accounts and Audited Certificates, one officer of AICTE should be personally assigned the monitoring task.

4.59 The Committee further suggested that the Ministry should take up the matter of delay caused in the Office of DGACR in inspection and confirmation of audit certificate seriously and evolve an effective mechanism to streamline the process with the co-operation of the Office of the DGACR.

4.60 The Committee impressed upon the Ministry to lay a copy of the statement giving reasons for not laying the Annual Report and Audited Accounts within the stipulated time.

**School of Planning and Architecture (SPA), New Delhi**

4.61 The Committee suggested that the Ministry should take steps to monitor the timely preparation and submission of Annual Reports and Audited Accounts of SPA on the Table of Rajya Sabha. Every possible effort should be made to ensure the timely laying of these papers on the Table of Rajya Sabha.

4.62 The Committee recommended that in case of delay or wherever delay is anticipated, the Ministry should approach the Committee sufficiently in advance for grant of extension of time citing cogent reasons for delay.

4.63 The Committee impressed upon the Ministry to lay a copy of the statement giving reasons for not laying the Annual Report and Audited Accounts within the stipulated time.
Sports Authority of India, New Delhi

4.64 The Committee emphasised that SAI as well as the Ministry should monitor the time schedule prepared for each stage involved in the preparation of Annual Reports and Audited Accounts closely so that papers of SAI are laid on the Table of the House within the prescribed time limit i.e., within nine months from the date of closure of the annual accounts. The Committee further recommended that the SAI and the Ministry should take all possible steps to ensure that pending reports of the Authority are laid on the Table of the House at the earliest.

4.65 The Committee also impressed upon the Ministry the need to follow a proper procedure for seeking extension of time. It must invariably approach the Committee sufficiently in advance for seeking extension of time in case of any delay in the laying of the papers by citing convincing reasons and should lay the papers on the Table of the House within the extended period.

4.66 The Committee impressed upon the Ministry to lay a copy of the statement giving reasons for not laying the Annual Report and Audited Accounts within the stipulated time.

India Tourism Development Corporation Limited (ITDC), New Delhi

4.67 The Committee recommended that the Ministry of Tourism should invariably approach the Committee for extension of time in case of delay in laying the Annual Reports and Audited Accounts of ITDC on the Table of Rajya Sabha citing cogent reasons.

4.68 The Committee further recommended that the Ministry/ITDC should make every possible effort to lay the Annual Reports and Audited Accounts within the stipulated time period.

4.69 The Committee impressed upon the Ministry to lay a copy of the statement giving reasons for not laying the Annual Report and Audited Accounts within the stipulated time.

(d) 121st Report

4.70 As per the recommendations of the Committee on Subordinate Legislation, the Notifications/Orders were required to be laid before the House (i) if the House is not in Session, during the Session immediately following the date of publication of the Order in the official Gazette; and (ii) if the House is in Session, on the date of the publication of the Order, during its continuance and in case the time lag between the date of publication and the date of the closing of the Session is less than 15 clear days, before the expiry of the Session immediately following the said Session. The Committee was of the view that all the Ministries/Departments are expected to follow the said time schedule. The Ministries of Corporate Affairs, Finance, Health and Family Welfare, Consumer Affairs, Food and Public Distribution, Environment and Forests and Shipping, Road Transport and Highways were requested to strictly adhere to the prescribed time schedule.

4.71 The Committee impressed upon the Ministries that in case of delay in the laying of Government Notifications/Orders, a comprehensive delay statement explaining the reasons in detail for the delay in laying of the papers on the Table of the House from the date of publication of the Notification/Order in the Gazette to the actual date of laying on the Table of the House, mentioning the time frame, if any allowed in the Statute should invariably be laid.

4.72 The Committee took a serious note of the recurring delay in the laying of the Annual Reports and Audited Accounts by the concerned Ministries/Departments and directs them to take necessary steps to ensure that the Annual Reports and Audited Accounts of the Companies/Organisations functioning under their control are laid on the Table of Rajya Sabha within nine months of the closure of the Annual Accounts.

4.73 The Committee took up for close scrutiny the reasons that led to the delayed laying of the Annual Reports and Audited Accounts of some of these Companies/Organisations under a few Ministries where delay involved was more than 1 year and the findings of the Committee are indicated in the succeeding paragraphs.

Central Agricultural University, Imphal

4.74 The Committee was not satisfied with the reasons given for delay by the Ministry in the delay statement laid along with the Annual Report of the Central Agricultural University, Imphal for the year 2004-05. The Committee also noted that the Ministry has not laid delay statements alongwith the Annual Reports for the years 2002-03 and 2003-04.
4.75 The Committee understood that the University has taken comparatively long time in completion of various stages in preparation of Annual Report and therefore urged that the University should have taken effective steps to improve the procedure of preparation of Annual Report and the entire work should be completed within the stipulated time of 9 months from the close of the financial year.

4.76 The Committee reiterated its recommendation that in case of delay, statement giving reasons for delay containing information, in chronological order setting forth the dates of accounts, their submission to Audit, receipt of draft Audit Report, replies given to audit queries, receipt of final Audit Report, translation and printing of Accounts and their submission to the Ministry for laying on the Table of the House, should be laid along with the Annual Report and Audited Accounts.

4.77 The Committee further recommended that a comprehensive review covering broad performance of the organizations and a brief description of the critical areas should be laid along with the Annual Reports and Audited Accounts as the Parliament being preoccupied sometimes with important legislative business may not find sufficient time to go through the Annual Report and Audited Accounts and therefore, a review on the working of the organization may enable it to have cursory look on the functioning of the organization.

4.78 The Committee impressed upon the Ministry of Agriculture that in case of delay in laying the Annual Reports and Audited Accounts of any organization under its administrative control, the Ministry/Department should approach the Committee sufficiently in advance for extension of time by explaining the reasons for doing so. A reference should be made to the extension given by the Committee in the paper when laid.

4.79 The Committee was of the view that the Ministry should take early steps for not only clearing the arrears but also ensure the timely laying of Reports in future.

National Institute of Social Defence (NISD), New Delhi

4.80 The Committee reiterated its recommendation that in case of delay, statement giving reasons for delay containing information, in chronological order setting forth the dates of accounts, their submission to Audit, receipt of draft Audit Report, replies given to audit queries, receipts of final audit Report, translation and printing of accounts and their submission to the Ministry for laying on the Table of the House, should be laid along with the Annual Report and Audited Accounts so that the House may identify the stages, causes and intent of delay and suggest remedial measures wherever required.

4.81 The Committee reiterated its recommendation that in case of delay in laying the Annual Report and Audited Accounts of National Institute of Social Defence (NISD), New Delhi, the Ministry of Social Justice and Empowerment should approach the Committee sufficiently in advance for extension of time by citing cogent reasons for doing so. A reference should be made to the extension given by the Committee in the papers when laid. The Ministry should adhere to this recommendation without failure in future.

4.82 The Committee hoped that the National Institute of Social Defence (NISD), New Delhi, and the Ministry of Social Justice and Empowerment would clear all the arrears in the shortest possible time.

Working of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for the year 2006

4.83 The Committee expressed its displeasure of the delayed laying of the Annual Reports and is of the view that the Ministry of Social Justice and Empowerment could have expedited the follow up with the Ministries/Departments of the Central Government/State Government/Union Territory Administrations to avoid the inordinate delay of 1 year 2 months and 14 days in case of Annual Report of the Annual year 2006. The Committee observed that the Ministry took comparatively a longer time in compilation of data given by the National Crimes Records Bureau. The Committee, therefore, felt that there is a need for strengthening the compiling mechanism in the Ministry so that such delays do not occur in future.

4.84 The Committee directed that the Ministry should chalk out a time bound programme so that the arrears are cleared within a reasonable time.

Sarva Shiksha Abhiyan (SSA), Gangtok, Sikkim

4.85 The Committee was concerned by the delay caused due to late receipt of the papers from Human Resource Development Department, Gangtok, Sikkim. Laying of the Annual Report and Audited Accounts with regard to a programme by the Ministry is not merely a formality to be observed. Its purpose is to ensure the accountability
of such programme to Parliament and as such it has the right to be apprised of the activities thereof to know whether the purpose for which the said programme was constituted is being fulfilled or not. It is, therefore, imperative that the documents with regard to such a programme are laid before the Parliament in time and complete in all respects.

4.86 The Committee, therefore, desired that the Human Resource Development Department, Gangtok, Sikkim should take effective steps to furnish information to the Ministry of Human Resource Development (Department of School Education and Literacy) so that the timely laying of the documents on the Table of the House is ensured.

4.87 The Committee directed that in case of delay, a comprehensive statement giving reasons for delay containing information, in chronological order setting forth the dates of accounts, its submission to Audit, receipt of draft Audit Report, replies given to audit queries, receipts of final audit Report, translation and printing of accounts and their submission to the Ministry for laying on the Table of the House, should be laid along with the Annual Report and Audited Accounts so that the House may identify the stages, causes and intent of delay and suggest remedial measures wherever required.

4.88 The Committee also directed that in case of unavoidable delay in the laying of the papers, the Ministry should request for extension of time giving reason for delay well in time before expiry of the stipulated time of 9 months.

4.89 The Committee had observed that the Ministry of Human Resource Development (Department of School Education and Literacy) have not laid the Annual Reports and Audited Accounts of Sarva Shiksha Abhiyan/ EPDP in respect of most of the States and particularly of Andhra Pradesh, Jammu and Kashmir, Assam, West Bengal, Manipur and Karnataka. The laying of Annual Reports with regard to some other States is also not within stipulated time. In some cases the Ministry have not approached before the Committee for extension of time before the expiry of stipulated time. In recent past, the Committee visited the States of West Bengal, Assam and Meghalaya and heard the representatives of the State Implementing Societies SSA/DPEP of these States and directed them to submit all the pending Annual Reports and Audited Accounts. The Committee also directed them to seek extension of time in case of any delay in laying the Reports. If delay occurs due to non-availability of Hindi translation in a State the Committee advised them to seek assistance from the Ministry in getting the Reports translated in Hindi.

4.90 The Committee was hopeful that the Ministry will take all possible steps to ensure that all the pending Reports are being laid on the Table of the House as early as possible.

4.91 The Committee, therefore, directed that the Ministry of Tourism should approach the Committee sufficiently in advance for seeking extension of time giving cogent reasons for delay.

4.92 The Ministry of Tourism was further directed to chalk out a time bound schedule for finalization of the Annual Reports and Audited Accounts of all the seven subsidiary companies of ITDC. The Ministry should monitor the progress of preparation of Annual Reports and Audited Accounts every month and ensure timely laying of the Reports of all the subsidiary companies.

4.93 The Committee was of the opinion that comparatively less time may be taken in obtaining comments from C&AG and giving replies on those by the Corporation. In future, Corporation should take all steps to avoid such delays.

4.94 The Committee observed that the Ministry failed to seek extension of time well in advance for laying of the papers as per its recommendation and also failed to lay the statement giving the reasons for not laying the Reports within stipulated time. The Committee, therefore, directed that Ministry should note this for strict compliance in future.

4.95 The Committee, therefore, recommended that in case of delay the Ministry should furnish the statement of reason for delay which should invariably contain information in chronological order about the date of finalisation of Annual Accounts, appointment of auditors, forwarding the accounts to the auditor, completion of audit, submission to C&AG, adoption of report by AGM, completion of translation, printing and forwarding of the papers to the Ministry. Such a statement should necessarily be laid along with the Report on the Table of the House so as to enable the Committee to identify the stages, causes and extent of delay and suggest remedial measures, wherever required.
VI. Secretariat

4.96 The Committee Section (COPLOT) consisting of the Assistant Director, two Assistants and two Sr./Jr. Clerks provided the Secretarial assistance to the Committee. The Additional Secretary, Director and Joint Director remained in charge of the Branch.

4.97 To assist the Committee in its work, the Annual Reports and Audited Accounts of various Government Companies/Organisations laid on the Table of Rajya Sabha and the material received from the Ministries/Departments/Government Companies/Organisations were studied, on the basis of which points were culled out and questionnaires/Memoranda/points for discussion on the subject for evidence/local visits were prepared for the use of the Committee.

4.98 The work relating to drafting of reports of the Committee, their consideration and approval along with their presentation, laying, printing and distribution was undertaken.
## Details of sittings of the Committee on Papers laid on the Table

<table>
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<tr>
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<th>Date of Meeting</th>
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<tr>
<td>1</td>
<td>02.01.2009</td>
<td>3 - 00</td>
<td>The Committee considered (i) Delayed laying of Annual Report and Audited Accounts of the Sports Authority of India (SAI), New Delhi on the Table of Rajya Sabha. The Committee also heard the Joint Secretary, Ministry of Youth Affairs and Sports along with the representatives of Sports Authority of India (SAI), New Delhi on the subject. (ii) Delayed laying of Annual Report and Audited Accounts of the India Tourism Development Corporation Limited (ITDC), New Delhi on the Table of Rajya Sabha. The Committee also heard the Chairman and Managing Director of India Tourism Development Corporation Limited (ITDC), New Delhi on the subject. (iii) The Committee reviewed the laying position of some organizations of Rajasthan and decided to visit Jaipur and Udaipur from 29th to 31st January, 2009 to hold the discussion with the Management of some organization in connection with the delayed laying of Annual Reports and Audited Accounts.</td>
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<td>2</td>
<td>25.05.2009</td>
<td>0 - 30</td>
<td>(i) The Committee considered and adopted the draft 118th and 119th Reports. (ii) The Committee took note of the fact that there has been persistent delay in the laying the Annual Reports and Audited Accounts of Sarva Shiksha Abhiyan/Samitis of all the concerned States. The Committee directed the Secretariat to examine all the cases and prepare a comprehensive memorandum for its consideration.</td>
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<tr>
<td>3</td>
<td>15.10.2009</td>
<td>1 - 00</td>
<td>The Committee reviewed the pending business before it and decided to hear the Secretary of Ministry of Urban Development and Ministry of Coal, regarding delayed laying of Annual Reports and Audited Accounts of Delhi Development Authority (DDA), Delhi and Neyveli Lignite Corporation Limited (NLCL), Chennai, respectively in its meeting to be held on 22nd October, 2009.</td>
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<tr>
<td>4</td>
<td>22.10.2009</td>
<td>1 - 30</td>
<td>(i) The Committee heard the Secretary, Ministry of Urban Development along with the representatives of Delhi Development Authority (DDA) on the delayed laying of Annual Reports and Audited Accounts of the organisation on the Table of Rajya Sabha. (ii) The Committee heard the Secretary, Ministry of Coal and Chairman and Managing Director of Neyveli Lignite Corporation Limited (NLCL), Chennai on the delayed laying of Annual Report and Audited Accounts on the Table of Rajya Sabha.</td>
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<tr>
<td>Date</td>
<td>Time</td>
<td>Description</td>
<td></td>
</tr>
<tr>
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<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
| 29.10.2009 | 2 - 00| (i) The Committee heard the Secretary, Ministry of Women and Child Development along with the representatives of Central Social Welfare Board (CSWB), New Delhi on the delayed laying of Annual Reports and Audited Accounts of the Board on the Table of Rajya Sabha.  
(ii) The Committee heard the Secretary, Ministry of Environment and Forest and the representatives of Central Pollution Control Board (CPCB), Delhi on the delayed laying of Annual Report and Audited Accounts on the Table of Rajya Sabha. |
| 05.11.2009 | 2 - 00| (i) The Committee heard the Additional Secretary, Ministry of Labour and Employment along with the representatives of Employees’ State Insurance Corporation (ESIC), New Delhi on the delayed laying of Annual Reports and Audited Accounts of the Corporation on the Table of Rajya Sabha.  
(ii) The Committee heard the Additional Secretary, Ministry of Agriculture (Department of Agriculture and Cooperation) and the representatives of National Horticulture Board (NHB), Gurgaon on the delayed laying of Annual Report and Audited Accounts on the Table of Rajya Sabha. |
| 19.11.2009 | 0 - 40| (i) The Committee heard the Secretary, Ministry of Finance along with the representatives of Securities and Exchange Board of India (SEBI), Mumbai and National Housing Bank (NHB), New Delhi on the delayed laying of Annual Reports and Audited Accounts of the Board on the Table of Rajya Sabha.  
(ii) The Committee considered and adopted the draft 120th and 121st Reports.  
(iii) The Committee considered the delayed laying of Annual Reports and Audited Accounts of various States Sarva Shiksha Abhiyans and observed that most of the States had failed to lay the Reports of the SSA within the stipulated time. The Committee, in order to streamline the laying, decided to hear the representatives of Ministry of Human Resource Development (Department of School Education and Literacy), concerned State Governments and the Sarva Shiksha Abhiyans in the matter. |
| 29.12.2009 | 1 - 30| (i) The Committee heard the Secretary, Ministry of Water Resources along with the representatives of Betwa River Board (BRB), Jhansi on the delayed laying of Annual Reports and Audited Accounts of the Board on the Table of Rajya Sabha.  
(ii) The Committee heard the Secretary, Ministry of Road Transport and Highways and the representatives of National Highways Authority of India (NHAI), New Delhi on the delayed laying of Annual Report and Audited Accounts on the Table of Rajya Sabha. |
CHAPTER-V

COMMITTEE ON ETHICS

I. Composition of the Committee

5. The Committee on Ethics was re-constituted on 8th July, 2009, under rule 287 of the Rules of Procedure and Conduct of Business in the Council of States. Shri Tariq Anwar, Member, Rajya Sabha was nominated to the Committee by Hon’ble Chairman, Rajya Sabha on 18th August, 2009 and the casual vacancies that arose in the Committee from time to time were filled up by the Chairman, Rajya Sabha.

5.2 The Committee consists of the following Members:

COMMITTEE ON ETHICS
(Constituted on 8th July, 2009)

1. Dr. Karan Singh — Chairman
2. Shri S. S. Ahluwalia
3. Shri Sitaram Yechury
4. Shri Janeshwar Mishra
5. Shri Satish Chandra Misra
6. Dr. V. Maitreyan
7. Shri Shivanand Tiwari
8. Shri D. Raja
9. Shri Tariq Anwar
10. Vacant

II. Review of work done

(a) Sittings of the Committee

5.3 During the year 2009, the Committee held five sittings lasting for five hours and forty minutes. A statement showing the date of sitting of the Committee held during the period under review, the duration of sittings and the main agenda taken up is given in Annexure-V.

(b) Study Visits — Nil

III. Reports Presented

5.4 Reports: During the year 2009, the Committee on Ethics presented one Report, namely:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Date of Presentation</th>
<th>Subject of the Report</th>
</tr>
</thead>
</table>

5.5 The Report was presented to the House on 18th February, 2009, but could not be adopted by it and the report would remain the property of the House.

*A sitting of Committee scheduled for 30.11.2009 could not be held for want of quorum.
IV. Summary of Observations/Recommendations

5.6 Under the provisions of sub-Rule of Rule 3 of the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004, every elected Member of Rajya Sabha has to furnish information to the Chairman, Rajya Sabha about the movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries. These rules were framed by the Hon’ble Chairman, Rajya Sabha, in exercise of the powers vested in him under sub-Section 3 of Section 75A of the Representation of the People Act, 1951 and the definition of the term ‘dependent children’ as mentioned in Explanation (v) of sub-Section 5 of Section 75A of the Act ibid applies in respect of dependent children of the Member, Rajya Sabha.

5.7 The Committee noted that the definition of the term ‘dependent children’ appeared to be somewhat irrational with there being no age bar and the sole determining factor being their having no separate means of earning which the Committee felt was perhaps not the case wherever this term was defined.

5.8 Thus, the Committee in its Ninth Report recommended for substitution of the definition of the term ‘dependent children’ occurring in Explanation (v) to sub-Section (5) of Section 75A of the Representation of the People Act, 1951 with the definition as contained in Central Civil Services (Pension) Rules, 1972 consequent upon the concurrence given by the Ministry of Law and Justice (Legislative Department).

V. Secretariat

5.9 The Committee Section (Ethics) headed by a Committee Officer constitutes the Secretariat of the Committee. Joint Secretary and a Joint Director remained incharge of the Branch.

5.10 The work of maintenance of the Register containing information of “Members’ Assets and Liabilities” under the Members of Rajya Sabha (Declaration of Assets and Liabilities) Act, 2004 and the “Register of Members’ Interests” in terms of Rule 293 of the Rules of Procedure and Conduct of Business in the Council of States, was undertaken by the Section.

5.11 During the period under reference, one complaint alleging breach of Code of Conduct by a Member of Rajya Sabha was received. The complaint was examined as per the provisions of the relevant rules. As there was no prima facie case, the complaint was disallowed.

5.12 The Section also processed seventeen requests received from the CPIO, Rajya Sabha Secretariat for supply of information under the Right to Information Act, 2005. The requisite information was furnished within the stipulated time.
ANNEXURE-V  
(See Para 5.3)

Details of the sittings of the Committee on Ethics during the year 2009

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date</th>
<th>Time Duration</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>21.01.2008</td>
<td>0 - 35</td>
<td>Considered a reference made to it by the Hon’ble Chairman, Rajya Sabha for examining the feasibility of placing the information contained in the Register of Declaration of Assets and Liabilities of Members on the Rajya Sabha website in the context of the provisions of Rule 4 of the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004</td>
</tr>
<tr>
<td>2.</td>
<td>16.02.2009</td>
<td>0 - 30</td>
<td>Considered draft Ninth Report of the Committee on Ethics regarding the proposed change in the definition of the term ‘dependent children’ in Explanation (v) to sub-section (5) of Section 75 A of the Representation of the People Act, 1951 in its application to the provisions of sub-rule (1)(i) of Rule 3 of the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004 requiring Members to furnish information <em>inter-alia</em> in respect of the movable and immovable property of their ‘dependent children’.</td>
</tr>
<tr>
<td>4.</td>
<td>09.09.2009</td>
<td>1 - 45</td>
<td>Considered certain aspects relating to furnishing of information to the general public about pecuniary interests of Members of Rajya Sabha under Rule 293 (3) of the Rules of Procedure and Conduct of Business in the Council of States <em>vis-a-vis</em> Right to Information Act, 2005 and to hear the Secretary (Revenue), Ministry of Finance, Chairman, Central Board of Direct Taxes and the CPIO(S) concerned.</td>
</tr>
</tbody>
</table>
| 5.      | 11.09.2009 | 1 - 05        | (i) Further considered the issue of furnishing of information to the general public about pecuniary interests of Members of Rajya Sabha in the light of evidences tendered by the Secretary (Revenue), Ministry of Finance and Chairman, Central Board of Direct Taxes.  

(ii) Considered the reference made by the Hon’ble Chairman, Rajya Sabha to the Committee for review of provisions of Rule 294 (1) of the Rules of Procedure and Conduct of Business in the Council of States regarding declaration of interests by the Members in the light of a suggestion to that effect made by a Member of Rajya Sabha.
CHAPTER-VI

COMMITTEE ON COMMERCE

I. Composition of the Committee

6. The Committee was constituted on 5th August, 2008. The following was the composition of the Committee:

COMMITTEE ON COMMERCE
(Constituted on the 5th August, 2008)

1. Dr. Murli Manohar Joshi — Chairman

RAJYA SABHA

@2. Shri Thennala G. Balakrishna Pillai
3. Shri Jai Parkash Aggarwal
4. Dr. K. Keshava Rao
5. Shri Arun Jaitley
$6. Shri Banwari Lal Kanchhal
7. Shri Mohammed Amin
8. Shri Parimal Nathwani
9. Shri Y.P. Trivedi
#10. Dr. Akhilesh Das Gupta

LOK SABHA

%11. Shri Omar Abdullah
12. Shri C.K. Chandrappan
13. Shri D.V. Sadananda Gowda
14. Shri Radhey Shyam Kori
15. Shri N.N. Krishnadas
&16. Shri Manjunath Kunnur
17. Shri Jivabhai A. Patel
18. Shri Virchandra Paswan
19. Shri Shishupal N. Patle
20. Shri E. Ponnuswamy
21. Shri Gingee N. Ramachandran
22. Shri Kashiram Rana
£23. Shri Haribhau Rathod
24. Shri Sippipurai Ravichandran
25. Shri S.P.Y. Reddy
26. Shri Nikhilananda Sar
27. Shri Bharatsinh Madhavsinh Solanki
28. Shri Sarvananda Sonowal
29. Shri Braja Kishore Tripathy
30. Shri Balashowry Vallabhaneni
31. Shri Amitava Nandy

@ Retired from the Membership of Rajya Sabha w.e.f. 21st April, 2009.
$ Resigned from the Membership of Rajya Sabha w.e.f. 23rd April, 2009.
# Nominated on 27th January, 2009.
% Resigned from the Membership of Rajya Sabha w.e.f. 6th January, 2009.
& Resigned from the Membership of Rajya Sabha w.e.f. 20th October, 2008.
£ Resigned from the Membership of Rajya Sabha w.e.f. 5th January, 2009.
6.2 The Committee was re-constituted on 31st August, 2009. The following is the composition of the Committee:

**COMMITTEE ON COMMERCE**
(Constituted on the 31st August, 2009)

1. Shri Shanta Kumar —Chairman

**RAJYASABHA**
2. Shri V. Hanumantha Rao
3. Dr. K. Keshava Rao
4. Shri Arun Jaitley
*5. Shri A. Vijayaraghavan
6. Shri Jai Prakash
#7. Shri Prem Chand Gupta
8. Shri Rahul Bajaj
@9. Shri Mohammed Adeeb
**10. Prof. P. J. Kurien

**LOK SABHA**
11. Shri G. S. Basavaraj
12. Shri K. P. Dhanapalan
13. Shri Shivarama Gouda
14. Shri Dilip Singh Judev
15. Shri Nalin Kumar Kateel
16. Shri Sakti Mohan Malik
17. Shri O. S. Manian
18. Shri Somen Mitra
19. Shri Deoraj Singh Patel
20. Shri Sanjay Dina Patil
21. Shri Jagdish Singh Rana
22. Shri G. Sukender Reddy
23. Shri M. Venugopala Reddy
24. Shri Vishnu Deo Sai
25. Shri M. I. Shanavas
26. Shri Balkrishna K. Shukla
27. Shri Kalikesh Narayan Singh Deo
28. Shri Rajaiah Siricilla
29. Shri K. Sudhakaran
30. Shri Thirumalaavalavan Thol
$31. Shri Yashvir Singh

The Ministry of Commerce and Industry (Department of Commerce and Department of Industrial Policy and Promotion) is under the purview of the Committee’s scrutiny.

*Nominated w.e.f 23rd December, 2009 vice Shri Mohammed Amin nominated to Committee on Coal and Steel.
# Nominated w.e.f 17th September, 2009.
@ Nominated w.e.f. 17th September, 2009.
** Nominated w.e.f 31st December, 2009.
$ Nominated w.e.f 14th October, 2009.
II. Subjects selected for Examination

6.3 During 2009, the subjects taken up by the main Committee were as under:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Subject taken/Bill referred</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Foreign and Domestic Investment in Retail Sector</td>
<td>-do-</td>
</tr>
<tr>
<td>3.</td>
<td>Towns of Export Excellence and Export Infrastructure at Airports, Ports, ICDs and LCSs in the country (referred to Sub-Committee II)</td>
<td>-do-</td>
</tr>
<tr>
<td>4.</td>
<td>Performance of Cement Industry</td>
<td>Examination of the subject is in progress.</td>
</tr>
<tr>
<td>5.</td>
<td>Export Promotion Schemes</td>
<td>-do-</td>
</tr>
<tr>
<td>6.</td>
<td>Foreign Trade (Development and Regulation) Amendment Bill, 2009</td>
<td>-do-</td>
</tr>
</tbody>
</table>

III. Review of work done

(a) Sittings of the Committee

6.4 Till December, 2009 the Committee held 11 sittings lasting for about nineteen hours and fifteen minutes. The details of the meetings are given in Annexure VI.

(b) Sittings of the Sub-Committees

6.5 Till December 2009, one sitting of the Sub-Committee II was held lasting for about ten minutes. The details of the meeting is given in Annexure VII.

6.6 Verbatim record of proceedings of the sittings of the Committee, at which evidence was taken, was kept.

(c) Study Visit(s)

6.7 During the year, the Committee/Sub-Committee undertook on-the-spot study visit(s) to various institutions/project sites, etc., as per the details given below, in connection with the subject(s) under examination:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Committee/ Sub-Committee</th>
<th>Dates of visits</th>
<th>Places visited</th>
<th>In connection with (subjects)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sub Committee I</td>
<td>4th to 7th February, 2009</td>
<td>Haryana, Gujarat, Andhra Pradesh and Kerala</td>
<td>Foreign and Domestic Investment in Retail Sector.</td>
</tr>
</tbody>
</table>

IV. Reports presented

6.8 During the year 2009, the Committee presented/laid the following Reports in both the Houses:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Date of Presentation/Laying in Rajya Sabha/Lok Sabha</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>89th (08.06.2009)</td>
<td>Development of Leather Industry.</td>
</tr>
<tr>
<td>2.</td>
<td>90th (08.06.2009)</td>
<td>Foreign and Domestic Investment in Retail Sector.</td>
</tr>
<tr>
<td>3.</td>
<td>91st (08.06.2009)</td>
<td>Towns of Export Excellence and Export Infrastructure at Airports, Ports, ICDs and LCSs.</td>
</tr>
</tbody>
</table>
6.9 Minutes of sittings of the Committee on Commerce relating to various Reports presented/laid in the Houses were prepared, along-with the respective Reports.

V. Summary of Recommendations

(a) 89th Report

6.10 In order to improve competitiveness of the leather sector in the international market, the Government should provide financial support for infrastructure improvement, technology upgradation etc., since a major portion of the funds accessible to this sector come from internal sources of inherently family-owned business. The Government should consider to set up more leather parks, leather SEZs, etc., which would help augment investments, production and marketing of leather products.

6.11 The Department of Industrial Policy and Promotion should take steps to identify the reasons for low productivity in the leather sector and find out ways and means to ensure that the productivity standards in this sector can match the international standards.

6.12 Though launching of the SEZs for the leather sector may be laudable, a major issue raking the Committee’s attention is that of inclusiveness of the marginalized unorganized sector, which would be in the danger of being obliterated by the high end technology being inducted in the SEZs. The Committee, therefore, urge upon the Government to introduce a social security scheme for the unorganized sector, so that till they are able to match upto the modern techniques, the Government protection acts as vanguard against their skills, which have provided the world with unique designs such as mojari, kolhapuri, etc.

6.13 Government should take necessary steps for identifying natural unorganized clusters concentrated in the country and develop infrastructure around them, in order to ensure that they are also able to benefit from development of the leather sector.

6.14 There seems to be a general inertia in the Government strategy with regard to collection and curing of raw material in real time, resulting in loss of raw material, thereby making the sector dependent on imports from other countries. In view of the country’s large population base and abundant supply of raw material, the Government should take appropriate steps to capitalize these inherent strengths. For this, the workforce should be trained. More technical support and adequate infrastructure should be provided to this industry. More investments should also be made in people, process and technology. By this strategy, companies would be able to extract value out of the inherent strengths and reduce wastage of manpower, material and monetary resources.

6.15 High quality leather requires knowledge about the nature of material used for tanning, reactivity, etc. There is a clear knowledge gap in the existing set up, which could be bridged by the setting up of information kiosks in the leather clusters (on basis of the e-choupal concept) and a nodal person from the clusters could be appointed to have weekly/monthly meetings, to educate the key personnel from the units, about the techniques and material to produce high quality leather, in line with those used in successful countries across the globe. Knowledge should also be imparted to the tanners so that they understand the nature of the materials used for tanning and the methods of testing and analyzing the finished product. The Government should also find ways and means to get quality hides, skins and leather, so that dependency on imports is done away with. There is also a need to set up centres to provide appropriate technologies, supported by world-class research and development facilities and infrastructure.

6.16 Government should strive to create storage facilities in public-private partnership. To prevent pilferages, it should take necessary steps to construct modern warehousing facilities. Workers in the warehouses should be educated, about the use of various chemicals and cold storage methods, that could be employed by them to preserve hides and skins.

6.17 The tannery industry in India is unorganized and fragmented, due to which they do not have the financial capacity to upgrade or develop tanneries. To ensure access for the leather industry to modern tannery facilities, Government should provide financial support for the development of large integrated tanneries. It should also set up good ventilation systems and effluent treatment centres that would assist in controlling the hazardous effects of the pollutants emitted in the tanning process. A strategy should also be evolved using a collaborative approach between the Government, CLE and industry representatives. Programs related to animal healthcare system, modernization of slaughter houses, etc. should be conducted.
6.18 A strategy could be mooted and be implemented, by the formation of a Special Purpose Vehicle (SPV) between the Government and the CLE. That SPV could help the leather companies to maintain environmental standards and provide them, and to the Government, the information on various environmental issues.

6.19 A substantial portion of the leather sector employs women. The social and economic advancement of the masses is one of the Directive Principles enshrined in the Constitution. The advantage the Leather Sector which provides employment to women which, in a way, helps in the economic advancement of the women, should be consolidated by the Government, by providing special incentives, so that more and more women get employment.

6.20 In order to attract domestic investments, companies ought to go public. To attract foreign investments, they can enter into collaboration agreements with international companies, for marketing their brands abroad. The Government must also fund infrastructure development projects like Leather Parks and social infrastructure in rural areas.

6.21 The Council of Leather Exports could act as a nodal agency for re-aligning the programs, as per the requirements. It could also appoint a focused marketing team or consultants, to re-organize the set-up, and oversee the entire marketing needs of the industry. A body of highly dexterous marketing professionals could focus on developing programs that could establish a competent, time-effective and a flexible dais, to meet global business/developmental relationships, through personal contacts between the buyers and the sellers across the world.

6.22 In order to augment foreign investment, the Government could avail the services of consultants to undertake promotional activities for the leather industry. Those consultants could promote the Indian leather industry through aggressive marketing campaigns, such as road shows, conferences, seminars in Indian cities, as well as in prospective countries, that have the potential to invest, inviting international delegates to India, etc. These consultants could also help the leather industry to organise leather footwear and garment shows in countries across the globe, in order to promote the Indian leather goods.

6.23 Vigorous efforts be made to increase export of leather and leather products. The Department should work out a scheme for the unorganized leather sector, including therein the components for training, financial assistance, for setting up viable units and for market support.

6.24 The Department of Animal Husbandry should consider a dedicated programme for scientific recovery of fallen carcasses.

6.25 The Department should prepare a vision statement on how the different aspects of Leather Industry, dispersed among different Ministries, could be regrouped in such a manner that the inputs from all the different sectors come together and a viable leather policy becomes available.

6.26 The Department should put in place a specific package for the people employed in the sports goods sector which, besides providing financial help, should include proper training and expertise, so that they are able to achieve economic and social upliftment.

6.27 The Government and the Indian sports goods manufacturers should come out of the traditional mindset and tune themselves into the changing market tastes and preferences. More attention needs to be paid to promote Indian sports goods in the major world markets like the USA, Germany and Japan, by studying the trends in their sporting activities. The use of better technology and cost-effective production techniques would help tremendously in cutting manufacturing costs and reduce wastage, resulting in production of items at more competitive rates. Investment in more sophisticated machinery and technology, access to production methods of advanced nations and international product/process quality certifications like ISO 9000, CE/GS marking would further boost the Indian sports goods industry.

6.28 Efforts should be made to promote understanding among small and cottage industry sectors about the competitiveness and the challenges of globalization. A mechanism for key stakeholders should be developed to initiate steps to effectively address adverse social impacts on small scale and cottage and industry sectors, and the people employed by them, especially the poor from ST/SC and other backward classes and the weaker sections of society, particularly from villages. Increased cooperation, dialogue and linkages between small scale and cottage industries, improved mechanism for data collection and development of vibrant Small and Cottage Industry-specific B2B and B2C e-business community could be considered.
6.29 There was a need to sensitize the unorganized units on the benefits of registration as SSIs, as it could enable them to avail various incentives being given by the Government. There was also a need to educate the artisans to get out of the ghetto mentality, which affected not only their social well being, but led to their remaining economically regressive also. The Government should take urgent measures to increase the number of training courses for the artisans, establish workshops at the centers of footwear production, and provide incentives to the private sector.

6.30 The Government should set up some agency to provide raw material at reasonable rates, to ensure reasonable payment for the job work to artisans to manufacture finished goods and provide adequate marketing opportunities for their products. Such agency should start training courses for juti artisans, with latest technologies. Some diploma/degree courses for the leather industry should be considered to be introduced in ITIs, Polytechnics and Engineering Colleges.

6.31 The Government should seriously consider to establish leather trade/exhibition centres at suitable locations like Punjab, Uttar Pradesh (Agra and Kanpur) and Rajasthan (Jaipur and Jodhpur), etc. where any type of leather product can be exhibited. Such trade centre should be equipped with latest equipments and technologies, with E-commerce facilities, to boost this trade in India, as well as abroad. The Government should consider a special incentive policy for this trade, in the form of financial assistance at reduced rates of interest, subsidy against investment, supply of latest machinery without Excise Duty and other taxes.

6.32 The Department should look at the possibility of opening more centres at other places in the country, in proximity to other natural clusters, so that the artisans are able to avail the benefits of the latest know-how in this sector. Such a move would lead to inclusive and integrated growth of the leather industry as a whole.

6.33 The Department should adopt a strategy to first create Indian brand in developing countries, then in some developed countries, before focusing on developed countries. The Government should promote setting up of big institutions, to purchase products from small units and export the same. The same would tend to help the lower strata of the society.

6.34 There was a need to channelise the amount for upliftment of skills of weaker sections of the society, so that the Leather industry is able to help achieve the targets defined by the Government. Instead of setting up design institutes at one or two places which are difficult to be frequented by the traditional artisans, the Government should initiate schemes for small courses by the designers at the places near to their units or workshops, where the traditional artisan could upgrade their skills.

6.35 The Government should make efforts to improve the supply of raw material. The issue of tanneries and the environmental aspects go together. The Department should keep aside sufficient funds for modernization of the sector. There was also a need to integrate good environmental standards to all the clusters involved in the leather trade, instead of providing the same only to the units.

6.36 The need of the hour is to bring the scattered exporters on a common platform, who market their leather goods under a common brand name. The industry must promote India aggressively as a hub for all the leather-related requirements across the globe. Instead of leaving owners of small leather firms to compete for survival, India must brand its clusters, to reap benefits from economies of scale.

6.37 It would be a great support for the industry, if the Government could set up small dwelling units for the young working population, around the manufacturing units.

6.38 The Government can further assist the industry by identifying land for the exporters to set up leather manufacturing bases. The Government could also provide support facilities in the rural areas, such as roads, water, electricity, etc., so as to encourage development of industries in those areas.

6.39 The Government needs to subsidize these facilities, in view of the need for social development, which would take place as a result of development of export-based leather industry. It is essential to develop world class infrastructure in the SEZs and the integrated leather parks. The SEZ approach would create a competitive advantage in terms of cost and access to state-of-the-art technology and infrastructure. The objective of common branding of Indian leather products could also be achieved through this approach. The SEZs could comprise various leather manufacturers, specialized suppliers, designers, marketers, etc., who would operate in harmony with each other. The strength of such SEZs could be attributed to the multiple linkages and synergies involved in the leather industry.
6.40 The emphasis of the industry must be on creating support infrastructure in and around various SEZs, in order to enable the industry to thrive in clusters. An appropriate infrastructure, would be in a position to promote companies in a better way and would attract investments, to take the growth route.

6.41 The Department should have a thorough re-look at the policy for producing quality hides, skins and leather.

6.42 As the leather industry is one of the thrust sectors, having significant prospects for export growth and employment generation, suitable measures should be taken for building a strong and sustainable indigenous raw material base. A strategy for adopting a mission mode approach for enhancing the competitiveness of and increasing the investment in the leather sector should be formulated. The Department should also take appropriate steps to upgrade training facilities to cater to the demands of the industry, which is facing an acute shortage of skilled and semi-skilled manpower.

6.43 Efforts should be made to position Indian leather products in the branded segment and fashion segment. The Department should adhere to the time-frame and avoid any further delay/extension, so that the ILDP does not meet the same fate as it did in the 10th Five year Plan. The Department should look at the possibility of integrating the CLE, CLRI, FDDI and CFTI, as far as possible, under one umbrella.

6.44 In a country like India, there should be a paradigm shift from slaughtering to utilization of fallen carcasses, in order to obtain raw hides. For this purpose, a scheme for proper utilization of fallen carcasses needs to be put in place, with a view to solving the problem of low availability of raw material, without compromising the livestock population. The Department should frame an integrated policy for prescribing and protecting the live cattle in the country which should include provision of better quality leather at cheaper prices, as most of the people involved in the leather industry belong to weaker sections of the society. The Department of Industrial Policy and Promotion, in consultation with the Department of Science and Technology should open more centres for collection of fallen carcasses. The proposed new training centres should be established and the existing ones upgraded during the 11th Five Year Plan and should not spill over the Plan period.

6.45 The Department should take steps to begin the process of organizing the unorganized leather sector, by creating requisite awareness and forums for the purpose. The Department should make adequate budgetary allocation for providing training, market support and direct financial assistance to those engaged in the unorganized leather sector. If necessary, a new scheme may be worked out to give effect to this recommendation.

6.46 The Government should ensure recognition of traditional leather products in the world by patenting them under Geographical Indicators.

(b) 90th Report

6.47 The provision of single brand is not strictly adhered to and shops in malls are selling other branded items, alongwith the brand for which they have got permission. Corporate retailers practice product bundling, whereby products of single or different brands are sold as combinations and bargains in the malls. This also adversely affects small shopkeepers and restricts over-all competition. Allowing cash and carry wholesale in India is nothing but allowing backdoor entry of foreign companies into retailing, as they are selling goods for personal consumption also, whereas they were allowed for only business purposes.

6.48 Opening up of FDI in Retail Trade by allowing single Brand foreign firms in India will result in unemployment due to slide-down of indigenous retail traders. Consumers’ welfare would be side-lined, as the big retail giants, by adopting a predatory pricing policy, would fix lower price initially, tempting the consumers. After wiping out the competition from local retailers, they would be in a monopolistic position and would be able to dictate the retail prices. Local manufacturers, in particular the small scale industrial sector, would be gradually wiped out. The entry of few big organized companies, may result in distortions in the economy and the gap between ‘haves’ and ‘have nots’ in the country. Procurement centres constituted by big corporates for making direct bulk purchases would initially pay attractive prices to the farmers, and cause gradual extinction of mandis and regulated market yards. Then on the strength of their monopolistic position, farmers would be forced to sell their produce at rock bottom prices. Farmers would be unduly affected due to the non-remunerative prices.

6.49 A blanket ban should be imposed on domestic corporate heavy weights and foreign retailers from entering into retail trade in grocery, fruits and vegetables, and restrictions should be entered for opening large malls by
them for selling other consumer products. Reservation policy, similar to that adopted by Government on certain products being manufactured exclusively by SSI units, should be adopted for indigenous small and medium retailers, and financial assistance schemes should be planted for providing assistance to them for undertaking expansion and modernization. Government should stop issuing further licenses for “cash and carry”, either to the transnational retailers or to a combination of transnational retailers and the Indian partner, as it is mere a camouflage for doing retail trade through back door.

6.50 A country with huge numbers of people and high level of poverty, the existing model of retailing is most appropriate in terms of economic viability. Unorganized retail is a self-organized industry, having low capital input and high levels of decentralization. The Government should ensure that some in-built policy must be established to relocate or re-employ the people who are dislocated due to opening up of big malls in the vicinity of their shops.

6.51 In view of the adverse effects of corporate retail (foreign as well as domestic) on the small retailer, there is a compelling need to prepare a legal and regulatory framework and enforcement mechanism for the same, that would ensure that the large retailers are not able to displace the small retailers, by unfair means.

6.52 The traditional system of small retailer should be protected. In order to help them improve their efficiencies, they should be entitled to better deal in terms of institutional credit. Credit should be provided at lower rates of interest to small retailers by public sector banks, for expansion and modernization of traditional retailers. A proactive programme of assisting small retailers, to upgrade themselves, should also be undertaken.

6.53 The Government may consider to establish a National Commission, to study the problems of the retail sector, and to evolve policies that will enable it to cope with FDI. Cooperatives and cooperative marketing should be encouraged to strengthen the unorganized retailers. Akin to MSME (Micro, Small and Medium Enterprises Development Act, 2006) Act, an Act to promote small and medium retailer should also be formulated. Further there was a need to enact a law against predatory pricing and anti-competitive actions.

6.54 The Government should ensure that a level playing field for the small retailers should be made, before opening up of the sector to big ticket foreign and domestic investment. Before any permission for opening any new retail store is given, it should study and analyse the economic and traffic impacts of the store, may be, by a university or economic or environmental institute of repute. The expenditure of the same should be borne by these companies and not by the Government and any proposed store, which has the potential to eliminate the local community from retail sector, or can increase the traffic by more than five per cent, should not be allowed to open.

6.55 There is a need for setting up of a Retail Regulatory Authority, to look into the problems and act as a whistle blower, in case of anti-competitive behaviour and abuse of dominance. Urban planning, zoning laws and environmental laws in urban areas should be used to limit the multiplication of malls and corporate retailers, by creating transparent criteria for licences, that are linked to the density of population and the stage of existing competition in retail in the zone. The regulatory mechanism should be strengthened and be made more democratic, by including the representatives of farmers also.

6.56 The entry of FDI in book publishing would directly affect the domestic industry, not only in respect of price, but also in the context of the published material, which could be detrimental to the national interests. The Department should ensure that the foreign publishers, in the garb of promoting their literature, do not impact the taste and aesthetic values of Indian readers.

6.57 Diverting the agricultural land may not merely lead to reduction in production or income to farmers, it may affect the social and cultural life of the farmers, agricultural labourers and others, connected with the agricultural activities. The Government should come out with adequate safeguards to prevent diversion of agricultural land for setting up of malls, etc.

6.58 The need of the hour was to put into place strict regulations on the entry of big malls, viz. size of a mall, location of a mall from kirana shops, parking facilities, adherence to environmental norms, labour laws, etc., to ensure that cartelization does not take place. It may also be ensured that these big organised retail brings latest technologies, which could be absorbed here, at the same time ensuring large scale unemployment, particularly in the unorganized retail sector, does not take place. A National Shopping Mall Regulation Act could also be enacted to regulate the entire retail sector, both in fiscal and social aspects.
6.59 The Government should formulate a model central law after due consultation with the State Governments and concerned stake holders.

(c) 91st Report

6.60 The Government should provide the facilities to pick up agri-products coming from the north-eastern region through domestic airlines, without involving a third party handling from domestic cargo shed to international cargo shed, involving extra cost and time. Direct booking of cargo by air for export may be allowed from the distant domestic airports in north-eastern region.

6.61 The Government should formulate a policy so as to facilitate provision of basic infrastructure facilities for exports, including incentives for promotion of exports of the country at various Airports, Ports, ICDs and LCSs across the country, which areas seem to have remained neglected by the Government and other agencies.

6.62 Appreciating the initiatives being taken by the Government, the Committee recommend that while taking up development of various airports, the Government should keep in view the fact that the general public is not subjected to any hardships/hazards in terms of noise or environment pollution. At the same time, it should also take into consideration the viability of the domestic as well as the Exim Trade at each of these airports, their connectivity through rail, air and road, and extend all such infrastructure facilities, as are necessary for both types of trade.

6.63 The Government, while formulating its policies for infrastructure and facilities at various cargo export centres, should not only coordinate with various stake-holders and introduce and implement the same in such a way that it takes care of both the Government as well as various stake-holders. At the same time, the Government should study various aspects of introducing the concept of Cargo Village at each airport as it would tend to improve the functioning of the cargo system at the airports.

6.64 The Government should come forward with a long term mechanism so as to provide proper infrastructure facilities of international standards at the airports, especially at the Guwahati International Airport, to boost the trade and exports.

6.65 Dwell time in cargo clearance should be reduced, by simplifying customs procedures, and by similar other measures. Freight handling charges should be reduced to make it globally competitive.

6.66 The EDI system should be made fully operational, as early as possible, so as to facilitate electronic clearance of export and import containers, thus saving the dwell time in cargo clearance.

6.67 In order to achieve substantial step up in Inland Water Transport (IWT) traffic, the Government should focus its thrust on creation of infrastructure. As the Inland Water Transport (IWT) has substantial share in inland transport network, the Government should take steps for augmentation of IWT fleet.

6.68 The Government should take steps to introduce sophisticated navigation system in the River Brahmaputra for promotion of exports, so as to generate revenue and to provide employment, particularly for the people of the North-East.

6.69 The Government should take immediate steps to provide facilities of accommodation, schooling for the kids, transportation, communication network, medical centres, etc., to the staff, so as to increase their efficiency and transparency in the systems.

6.70 There is a need for extension of 6% concession on rail freight given by the Railways for full rake movements from in and out of the North East, to cover export rakes from ICD, Amingaon, being operated by CONCOR.

6.71 While on one hand the Government claimed upgrading various infrastructure facilities, on the other hand, it seemed to have shut eyes in respect of the customer satisfaction and promotion of exports. The Committee, therefore, recommend that the Government should have frequent interactions, not only with the concerned Central and State agencies, but also with the traders and exporters. The trading community was contributing immensely towards generation of revenue, including the foreign exchange, for the Government. The Government should shun its policy of infinite slumber and aloofness, and pay heed to the problems of the traders in a positive manner, to help boost the exports of the country.
6.72 The Government should study the feasibility of establishing an ICD at Moreh, an important trading and strategic point, due to its being on the international border, which has also got the huge potential for Exim Trade, and provide all requisite infrastructure facilities, including the incentives available under various schemes, to boost the export trade of the country.

6.73 The Government should take stock of the prevailing grim situation at the LCS at Agartala and render all possible assistance, to improve the same, on priority basis.

6.74 The Government should study the growth aspects of the terminal and take all the necessary steps, to upgrade it as an Inland Container Depot, in order to boost the trade. It should also envisage a long term policy, whereby the requisite infrastructure facilities like EDI, bonded warehouses, improved transportation connectivity, etc. may be well planned, for promotion of exports.

6.75 The Government should work in a pro-active manner along with the concerned Central Ministries and State Government Departments, and draw up a roadmap for infrastructural development for promotion of exports, covering all the important parts of the country, that have the exports potential.

6.76 The Government should evolve a policy, under which the term “infrastructure” implies the minimum infrastructure comprising adequate space for warehouses, stakeholders’ office and for handling of cargos (loading/unloading); easy and proper road connectivity (good condition), rail and air connectivity for smooth transportation of cargos; latest technology like EDI, for speedy communication between the concerned authorities and the customers for faster disposal of cargos; proper electrification in and around the establishments; various types of sophisticated equipments, including the security gadgets, etc., as per the requirement of these establishments; provisions for renovation/upgradation of the existing establishments; export incentives to traders; and funding, wherever required, under various schemes, with a view to boost the country’s trade.

6.77 The Department of Commerce should have a closer interaction with the Ministry of Urban Development for provision of better infrastructural facilities in and around all establishments that are involved in various types of exports from the country.

6.78 Funds may be earmarked separately to cater to the needs of the Towns of Export Excellence so as to fill in critical gaps in infrastructure like connection of export hubs with National Highways/Waterways, taking care of the power needs of the Towns of Export Excellence by setting up small power plants, setting up of Common Warehouses for display of products of the entire clusters. This separate outlay should be distributed among various TEEs, based on the projects taken at hand by them. Common effluent treatment plan for sea food industries may be set up in places like Alleppy with contribution from the various stakeholders.

6.79 The Government should come out whole heartedly to the rescue of the cashew industry and extend all sorts of assistance in terms of technology, incentives, trainings and other related infrastructure, for proper development and promotion of exports of cashew, under a long term holistic plan. The Government should also explore appropriate ways and means to extend some financial assistance to boost Cashew Cultivation in other areas in the country for development and promotion of exports.

6.80 The Government should pursue the matter vigorously in close coordination with the various agencies so as to expedite the matter of setting up of the Cashew Board at Kollam, keeping in view the huge potential of exports involved in the cashew exports. It should also render all possible assistance to the State Government in this regard.

6.81 Places known for export of fruits, etc., be declared as TEEs. This would tend to create employment and creation of infrastructure there. It would also tend to restrict the movement to bigger cities for employment to a large extent.

6.82 The Government should review the criteria for notification of Towns of Export Excellence with a view to bring more Towns on the International Map of Exports thereby creating more employment and revenue.

IV. Secretariat

6.83 The Committee Section (Commerce) headed by a Assistant Director constitutes the Secretariat of the Committee. Additional Secretary and Financial Advisor, Joint Secretary and Joint Director remained incharge of the Section.
6.84 To assist the Committee in its work, material received from the Ministries/Departments as also from other organizations and individuals was studied, and relevant points were culled out. Questionnaires for written/oral replies were prepared for use of the Committee.

6.85 The Committee Section also studied material like Parliamentary Debates, answers to Parliamentary Questions, Budget Estimates, Economic Survey, Mid-Term Appraisal of the Tenth Five Year Plan, Books, Journals, and Newspapers etc, relevant to the subject under examination of the Committee. The Committee Section sent questions based on newspapers report/articles alongwith the questionnaire based on Expenditure Budget and other relevant documents. The Committee Section also downloaded study material from websites on various subjects for preparation of reports.

6.86 The work relating to drafting, consideration and approval of draft reports by the Committee along with their presentation/laying, printing and distribution was undertaken.
## ANNEXURE-VI

(See Para 6.4)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Time Duration</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>15.01.2009</td>
<td>5 - 30</td>
<td>Oral evidence of Special Secretary, Department of Commerce; Secretary, Department of Revenue; Joint Secretary, Department of Civil Aviation; Secretary, Department of Food &amp; Public Distribution; Member Traffic, Ministry of Railways and Additional Secretary &amp; Financial Advisor, Department of Shipping on the Subject of Towns of Export Excellence and Export Infrastructure at Airports, Ports, Inland Container Depots (ICDs) and Land Customs Stations (LCSs) in the country.</td>
</tr>
<tr>
<td>2.</td>
<td>16.01.2009</td>
<td>1 - 30</td>
<td>Oral evidence of Representatives of Tamil Nadu Chamber of Commerce and Industry and Federation of Associations of Maharashtra on the Subject of Foreign and Domestic Investment in Retail Sector.</td>
</tr>
<tr>
<td>3.</td>
<td>19.02.2009</td>
<td>1 - 30</td>
<td>Oral evidence of the Secretary, Department of Commerce; Secretary, Department of Revenue and Secretary, Department of Road Transport and Highways on the subject of Towns of Export Excellence and Export Infrastructure at Airports, Ports, Inland Container Depots (ICDs) &amp; Land Custom Stations (LCSs) in the country.</td>
</tr>
<tr>
<td>4.</td>
<td>02.03.2009</td>
<td>1 - 45</td>
<td>Oral evidence of the Secretary, Department of Industrial Policy and Promotion and Secretary, Department of Consumer Affairs on the subject of Foreign and Domestic Investment in the Retail Sector.</td>
</tr>
<tr>
<td>5.</td>
<td>04.05.2009</td>
<td>1 - 45</td>
<td>Adoption of 89th Report on Development of Leather Industry; 90th Report on Foreign and Domestic Investment in Retail Sector and 91th Report on Towns of Export Excellence and Export Infrastructure at Airports, Ports, Inland Container Depots (ICDs) &amp; Land Custom Stations (LCSs) in the country.</td>
</tr>
<tr>
<td>6.</td>
<td>16.09.2009</td>
<td>0 - 40</td>
<td>Introductory meeting relating to the selection of subjects by the Committee.</td>
</tr>
<tr>
<td>7.</td>
<td>16.10.2009</td>
<td>1 - 50</td>
<td>Oral evidence of Additional Secretary, Department of Commerce on the latest position regarding the on-going negotiations in WTO; and The Free Trade Agreement between India and ASEAN.</td>
</tr>
<tr>
<td>8.</td>
<td>27.10.2009</td>
<td>0 - 30</td>
<td>Selection of subjects for examination.</td>
</tr>
<tr>
<td>9.</td>
<td>09.11.2009</td>
<td>1 - 40</td>
<td>Oral evidence of Secretary, Department of Industrial Policy and Promotion on the subject of Performance of Cement Industry.</td>
</tr>
<tr>
<td>10.</td>
<td>10.11.2009</td>
<td>1 - 50</td>
<td>Oral evidence of Secretary, Department of Commerce on the subject of Export Promotion Schemes.</td>
</tr>
<tr>
<td>11.</td>
<td>01.12.2009</td>
<td>0 - 40</td>
<td>To discuss the future programme.</td>
</tr>
</tbody>
</table>
ANNEXURE-VII

(See Para 6.5)

Details of the sittings of the Sub-Committee-II of the Committee on Commerce during the year 2009

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date</th>
<th>Time Duration</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>16.01.2009</td>
<td>0 - 10</td>
<td>The progress of examination of the subject of Towns of Export Excellence and Export Infrastructure at Airports, Ports, ICDs and LCS in the Country.</td>
</tr>
</tbody>
</table>
CHAPTER-VII

COMMITTEE ON HOME AFFAIRS

I. Composition of the Committee

7. Department-related Parliamentary Standing Committees are constituted under Rule 268 of the Rules of Procedure and Conduct of Business in the Rajya Sabha. Each of the Standing Committees is related to the Ministries/Departments as specified in the Third Schedule to the Rules of Procedure. As per Part-I of the Third Schedule, there are eight such Committees serviced by Rajya Sabha Secretariat. Sixteen such Committees, as mentioned in Part-II of the Schedule are with the Lok Sabha Secretariat. These Committees are constituted by the respective Presiding Officers of the two Houses of Parliament in consultation with each other. During the period under review, the Committee on Home Affairs which was constituted on 5th August, 2008 with 10 Members from Rajya Sabha and 21 from Lok Sabha, continued until the dissolution of the fourteenth Lok Sabha on 18.5.2009. After the constitution of 15th Lok Sabha the Committee was constituted on 31st August 2009. The Committee has two Ministries under its jurisdiction, namely, the Ministry of Home Affairs and the Ministry of Development of North Eastern Region (DoNER).

7.2 The Committee consisted of the following Members:

COMMITTEE ON HOME AFFAIRS
(Constituted on 5th August, 2008)

1. Smt. Sushma Swaraj — Chairperson

RAJYA SABHA
2. Shri Rama Chandra Khuntia
3. Shri Rishang Keishing
4. Shri R.K. Dhawan
5. Shri S.S. Ahluwalia
6. Shri Janeshwar Mishra
7. Shri Prasanta Chatterjee
8. Shri Satish Chandra Misra
9. Shri Sanjay Raut
10. Shri Tiruchi Siva

LOK SABHA
11. Shri L.K. Advani
12. Dr. Rattan Singh Ajnala
13. Shri Ilyas Azmi
14. Km. Mamata Banerjee
15. Smt. Sangeeta Kumari Singh Deo
16. Shri Biren Singh Engti
17. Shri Tapir Gao
18. Shri T.K. Hamza
19. Shri Naveen Jindal
20. Prof. K.M. Kadermohideen
21. Shri Hemant Khandelwal
22. Shri Ram Chandra Paswan
23. Shri Sachin Pilot
24. Shri Ashok Kumar Pradhan
25. Shri M. Raja Mohan Reddy
26. Shri Baju Ban Riyan
27. Choudhary Bijendra Singh
*28. Ms. Agatha K. Sangma
@29. Vacant
#30. Vacant
&31. Vacant
32. Vacant

* Nominated as a Member of the Committee w.e.f. 1st December, 2008.
@ Consequent upon change in nomination as Member and appointment as the Chairman of DRPSC on Agriculture, Shri Mohan Singh ceased to be a Member of the Committee w.e.f. 5th December, 2008.
# Consequent upon vacation of his seat in Lok Sabha as a result of his election to Legislative Assembly of Chhattisgarh, Shri Ajit Jogi ceased to be a Member of the Committee w.e.f. 26th December, 2008.
& Consequent upon his resignation from his Membership of the Lok Sabha, Shri Brijbhushan Sharan Singh ceased to be the Member of the Committee w.e.f. 20th November, 2008.
RAJYA SABHA

1. Shri M. Venkaiah Naidu — *Chairman*
2. Dr. N. Janardhana Reddy
3. Shri Rishang Keishing
4. Shri S.S. Ahluwalia
5. Shri Prasanta Chatterjee
6. Shri Janeshwar Mishra
7. Shri Brijesh Pathak
8. Dr. V. Maitreyan
9. Shri Tariq Anwar
10. Shri D. Raja

LOK SABHA

11. Shri L.K. Advani
12. Dr. Rattan Singh Ajnala
13. Dr. Kakoli Ghosh Dastidar
14. Shri Ramen Deka
15. Shri Mohd. Asrarul Haque
16. Shri Naveen Jindal
17. Shri Jitender Singh Malik (Sonepat)
18. Shri Lalubhai Babubhai Patel
19. Shri Natubhai Gomanbhai Patel
20. Shri L. Rajagopal
21. Shri Nilesh Narayan Rane
22. Shri Bishnu Pada Ray
23. Shri A. Sampath
24. Shri Hamdullah Sayeed
25. Dr. Raghuvansh Prasad Singh
26. Shri Ravneet Singh
27. Shrimati Seema Upadhyay
28. Shri Harsh Vardhan
29. Shri Bhausaheb Rajaram Wakchaure
30. Shri Neeraj Shekhar
31. Shri Dinesh Chandra Yadav

*Shri Neeraj Shekhar nominated w.e.f. 14th October, 2009 vice Shri Akhilesh Yadav who was nominated to the Committee on Science and Technology, Environment and Forest.*
II. Subjects selected for examination

7.3 The Committee on Home Affairs had selected the following subjects for examination during the year:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Ministry/Department</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ministry of Home Affairs</td>
<td>Internal Security</td>
</tr>
<tr>
<td>2.</td>
<td>Ministry of Home Affairs</td>
<td>Housing Scheme for Central Police Forces and Delhi Police</td>
</tr>
</tbody>
</table>

7.4 In addition to the above subjects, Hon’ble Chairman, Rajya Sabha also referred the following Bills to the Committee for examination and report:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of reference</th>
<th>Name of the Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>09.01.2009</td>
<td>Central Industrial Security Force (Amendment) Bill, 2008</td>
</tr>
<tr>
<td>2.</td>
<td>14.09.2009</td>
<td>The Land Ports Authority of India Bill, 2009</td>
</tr>
</tbody>
</table>

7.5 Besides the above Bill, the Committee (2008-09) had also inherited the following Bills referred to it in 2007 and 2008:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of reference</th>
<th>Name of the Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>20.08.2007</td>
<td>The Private Detective Agencies (Regulation) Bill, 2007</td>
</tr>
<tr>
<td>2.</td>
<td>31.12.2008</td>
<td>@The Land Ports Authority of India Bill, 2008</td>
</tr>
</tbody>
</table>

III. Constitution of Sub-Committees of the Committee on Home Affairs

7.6 The Committee did not constitute any sub-Committee during the period under review.

IV. Review of work done

(a) Sittings of the Committee

7.7 Statement showing the dates of sittings of the Committee held during the period under review, the duration of the sittings, the number of Members present and the subjects discussed is at Annexure VII.

(b) Sittings of Sub-Committees

7.8 No sub-Committee was constituted during the period under review.

(c) Material and Memoranda furnished to the Committee

7.9 A number of voluminous notes/documents, received from the concerned Ministries/Departments on the subjects/Bills were examined by the Committee.

7.10 A large number of memoranda, received from the non-officials on different subjects/Bills were examined by the Committee. Those Memoranda were sent to the concerned Ministries for their comments.

(d) Study Visits

7.11 The Committee had not undertaken any study visit during the period under review.

(e) Evidence Taken

7.12 Thirteen (13) evidences were taken by the Committee during the period under review and verbatim record of the sittings was kept.

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*The Land Ports Authority of India Bill 2008 was referred to the Committee on 31st December 2008 by Chairman, Rajya Sabha in Consultation with the Speaker, Lok Sabha Examination of the Land Ports Authority of India Bill 2008 could not be completed by the Committee, constituted on 5.8.2008, as dates for general elections had been announced. With the dissolution of the fourteenth Lok Sabha on 18.5.2009 the Bill lapsed. After the constitution of the Fifteenth Lok Sabha, the Government introduced a new Bill which was exactly identical to the 2008 Bill. Thus the 2009 Bill was also referred to the Committee by Chairman, Rajya Sabha in consultation with the Speaker, Lok Sabha.*
V. Reports Presented
(a) Reports

7.13 During 2009, the Committee presented the following Reports to both Houses of Parliament:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Dates of Presentation/ Laying in Rajya Sabha/Lok Sabha</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>142th (26.02.2009)</td>
<td>Implementation of Central Scheme of Modernisation of Prison Administration</td>
</tr>
</tbody>
</table>

(b) Action Taken Reports

7.14 The Committee presented 140th and 141st Reports on the Action Taken by the Government on the recommendations contained in its 132nd and 133rd reports, respectively.

VI. Summary of Recommendations
(a) Report No. 137 (Rehabilitation of J&K Migrants)

7.15 The Committee was moved by the pitiable condition of the migrants. Over the years the conditions had only worsened as families have grown and there had been no addition to their resources. The unhygienic environment in which migrants lived was extremely deplorable. The Committee was, therefore, of the strong view that the Government should give a serious thought to the problems of Kashmiri displaced persons and improve their living conditions.

7.16 Expressing deep concern over the pathetic condition of about 4000 Kashmiri Pandits living in the Kashmir valley, the Committee felt that there should be special budgetary provision for Kashmiri Pandits left behind in the valley for fulfilling genuine needs of housing, employment/self employment and improving living conditions.

7.17 The Committee recommended that there should be clear directions by Central Government to all the State Governments and Union Territories to provide relief and rehabilitation on a uniform and holistic basis to Kashmiri displaced persons living in those States and UTs. The Committee also felt that all State Governments should provide land to them for construction of houses under group housing schemes and for construction of cultural centres. To the extent possible, registration charges and stamp duty should be waived as per a uniform policy throughout India.

7.18 The Committee was of the view that recommendations of the high powered inter-ministerial team appointed by Prime Minister, regarding medical fund, immediate employment of 1000 persons and construction of two room flats at existing places of dwelling in Jammu based camps should be implemented without further delay.

7.19 The Committee felt that the displaced persons living outside the camps needed enhanced relief commensurating with the cost of living index and to countervail the burden of rent payments and, therefore,
desired that the Government should take appropriate steps in that direction immediately. The Committee also desired that the Government should implement the recommendations of the Sushma Chodhury Committee Report on Kashmiri displaced persons residing outside the camps for improving their condition of living.

7.20 The Committee felt that the displaced persons should be encouraged to undertake self employment and micro and small scale industries. For this they require loans from the banks. The Committee recommended that the Government should provide the Kashmiri displaced persons the facilities of soft loans from the banks to enable them to take up self-employment projects for earning their livelihood.

7.21 The Committee recommended that the Government should consider increasing the monthly sustenance allowance from Rs.1000 per month per head to a reasonable amount commensurate to the current cost of living.

7.22 The Committee strongly felt that the Government of Jammu and Kashmir and the Central Government should take the matter of the health care of Kashmiri Pandits with utmost seriousness and sanction them a reasonably enhanced medical allowance so that they did not die of any ailments due to lack of medical attention. The Committee also desired that the Government should make a provision for providing insurance coverage to Kashmiri displaced persons who were leading a miserable life and many of them suffering from ailments.

7.23 The Committee was of the view that given the complexity of the situation, confidence-building measures among the displaced persons were necessary which needed utmost attention on the part of the Government.

7.24 The Committee expressed its serious concern about the criminal intent of vested interests to alter the demography in the State of J&K by not only forcibly ousting the minorities out of the State but also by changing the property rights in the revenue records, so that the migrants were left with no stake to return back to the valley. The Committee strongly felt that appropriate and effective action was required to safeguard the right to properties of the Kashmiri Pandits who had been compelled to fled the State, their homes and hearths for fear of their lives and dignity.

7.25 The Committee was given to understand that an Apex Committee on Relief under the Chairmanship of the Revenue Minister of the J&K, had assured that within a period of three months, all encroachments would be got vacated and the details of the Kashmiri Pandits’ properties, which had been taken over by the Divisional Commissioner of each District, would be posted on the internet. However, no action appeared to have been taken on this front. The Committee, therefore, strongly recommended that the authorities should act forthwith with all seriousness, to remove the encroachments and instill the much needed confidence in the migrants by undertaking suitable action in this regard in a time bound manner.

7.26 The Committee recommended that all houses of Kashmiri Pandits lying in dilapidated condition should be rebuilt by Government or a liberal grant be offered to owners of the properties to rebuild them.

7.27 The Committee was also of the opinion that the Government should explore the possibility of declaring all the properties, movable and immovable, sold by the displaced persons after 1989-90, as “Distress Sales” and declare the sales as null and void and accordingly restore possession of the properties back to the respective Kashmiri Pandits who were the recorded owners through the custodian of properties duly constituted.

7.28 The Committee strongly felt that there should be a blanket ban on the acquisition of the properties of Kashmiri Pandits by the State Government. The Jammu & Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distressed Sales) Act, 1997 should be implemented in letter and spirit.

7.29 The Committee was of the considered view that the word ‘migrant’ used in the context of the Kashmiri displaced persons was not an appropriate expression because the affected persons had been forced to give up their homes and hearths against their own will due to the mayhem caused by the militants. The Committee was also of the view that those persons could not wait endlessly for normalcy to return to the valley and there was no harm if some such people preferred to settle outside the valley for the sake of their lives and livelihood. The Committee therefore desired that the Government should consider this aspect and announce suitable and appropriate policy measures.

7.30 The Committee, recommended the Ministry of Home Affairs to explore all avenues for providing employment to Kashmiri Pandits under the package announced by Prime Minister in 2004 with a time-bound programme.
7.31 The Committee was given to understand that the direction of the High Court of Jammu and Kashmir to provide relief to the Jammu Migrants at par with the Kashmiri Migrants had not been implemented either by the Central or State Governments. The Committee also noted the order dated July 12, 2006 of the Supreme Court that the Relief Commissioner may ensure whether Jammu Migrants were provided with all relief measures to which they were entitled as per the policy and any arrears to be paid to the migrants should be made available to them at the earliest. The Committee expressed its anguish that no steps had been taken to provide relief to the Jammu Migrants. The Committee recommended that immediate steps may be taken to implement the directions of the Supreme Court.

7.32 The services of Kashmiri displaced persons who had been appointed as teachers on ad hoc basis in MCD and Government of NCT of Delhi Schools, should be regularized. The Committee was given to understand that there were cases where Kashmiri teachers had been working on contract for the previous thirteen years. The Committee was of the view that all such cases should also be regularized as soon as possible.

7.33 The Committee recommended to the Government to examine the demand made by the Kashmiri displaced persons for providing constitutionally guaranteed schemes for their social, political and economic upliftment and come out with appropriate measures.

7.34 The Committee took a serious note of the fact that the actual expenditure on account of implementation of rehabilitation programmes for J&K displaced persons during 2006-07 was only Rs. 69.31 crore as against the allocation of Rs. 120 crore and against Rs. 120 crore kept for 2007-08 in BE, only Rs. 100 crore was provided at RE 2007-08. The Committee once again took serious note that as enough claims were not received from the Government of Jammu & Kashmir, only Rs. 110.00 crore was kept in the BE 2008-09. The Committee in its successive Reports, i.e. 119th, 126th and 130th Reports, urged upon the Ministry to impress upon the J&K Government about the necessity of sending schemes expeditiously and implement them in time so that all the J&K Displaced Persons are rehabilitated without further delay. The Committee felt that in spite of those recommendations, it was unfortunate that the Government of J & K had not taken requisite action.

7.35 The Committee felt that the role and responsibility of the Ministry of Home Affairs did not end by merely requesting and advising the State Government. It had to play a proactive role in the matter and vigorously pursue with the Government of J&K at the highest level so as to convince the latter the need for formulating rehabilitation schemes and sending them on time to the Central Government for further action.

(b) Report No. 138 [The Central Industrial Security Force (Amendment) Bill, 2008]

Recruitment procedure and existing strength in CISF

7.36 The Committee was of the view that efforts should be made to increase the promotional avenues in all the cadres of CISF in general and in the affected cadres in particular, so that the motivational level of its personnel remain at its peak always.

Security audit in private installations

7.37 The Committee felt that the Government should have undertaken security audit of the installations/industries in the private sector, prior to the introduction of the Bill, as the same would have given the right assessment of the quantum of deployment of CISF for providing security coverage in private and joint sectors. The Committee, therefore, recommended that the Government may conduct an initial comprehensive security audit for private sector before deployment of CISF.

Change in the behavioural pattern of CISF

7.38 The Committee was of the view that there would be a natural inclination amongst the CISF personnel to seek lucrative postings in the private sector. Therefore, there was need for putting in place a suitable personnel policy in the CISF to impart the required re-orientation to its personnel in the wake of the new areas of deployment, so that their devotion to duty and commitment to serve the nation was at its peak always.

Cost reimbursement

7.39 The Committee was of the considered view that Government should formulate a comprehensive billing system for charging the costs from the private/joint sector which must include, among others, all cost-component
viz. medical facilities, pension and gratuity, in lieu of providing CISF security coverage. Government should ensure that it did not incur any expenditure, direct or indirect, for security coverage provided in any private installation. In any case the cost for providing CISF protection to any private industrial house must not be less than the cost for providing security protection to Government owned industrial houses, P.S.Us and Government establishments. Private industrial houses should not be allowed to seek the CISF protection in order to save on benefits like provident fund, gratuity, retirement benefits, ESIC, etc., by suspending, terminating services of personnel already employed by them. The Committee desired that early action may be taken to examine the issue, as assured by Home Secretary.

Inclusion of co-operative sector in the ambit of CISF security

7.40 The Committee was of the view that since the Government was extending the security cover of CISF to the private sector, it would be appropriate if the extended coverage could also include cooperative sector, as there are some big industries in that sector, which are also contributing to the national economic growth and development. The Committee therefore urged upon the Government to examine this aspect.

Criteria for selecting private sector installations and joint ventures

7.41 The Committee agreeing with the submission of the Home Secretary about the need for re-examining the criteria for selecting the units in private and joint sector for providing CISF protection, recommended that the criteria that may be finalized for providing the CISF protection, should be scientific, reasonable and transparent, based on the ground realities viz. the threat perception, security and integrity of the country.

Capability of CISF personnel in preventing cyber and digital crimes in IT sector

7.42 The Committee felt that while the CISF would be entrusted with physical protection and security of the vital areas and vital points in a company, the cyber related crimes should also be appropriately addressed. If necessary, training may be given to CISF personnel and setting up of a separate IT unit may be considered.

Endowing CISF with latest weaponry and technology to enhance their preparedness

7.43 Since the CISF was already providing security to strategic public sector installations including atomic and nuclear energy installations and with the proposed amendment in the Act, CISF would also be providing security cover to vital units of private sector and joint venture, the Committee felt that it would be appropriate to provide helicopters to CISF for quick response to meet any emergent situation.

Possibility of use of CISF personnel in resolving industrial disputes

7.44 The Committee was in agreement with the views of the Ministry of Home Affairs that industrial dispute, land dispute and other local issue should be resolved by the concerned state authorities through tripartite machineries. The Committee, however, recommended that CISF should strictly be deployed to protect the installations and machineries and production only and will not be deployed by the industry houses to interfere into industrial dispute, land dispute and other local issue.

Definite and defined role and responsibility of CISF personnel

7.45 The Committee was given to understand that CISF and private security would work in tandem as a cohesive team, with private security agencies doing the job of watch and ward, and the CISF providing security and surveillance network. The Committee, however, was of the considered view that clear-cut role and responsibility of the CISF deployed in the private sector, must be defined in the Standard Operating Procedure (SOP) in the case of a terrorist threat, or a labour unrest or an agrarian movement and a movement connected with a local issue, so that the district police/state police/private security and the CISF personnel could perform their assigned tasks effectively and without any confusion.

(c) Report No. 139 [The Private Detective Agencies (Regulation) Bill, 2007]

7.46 Despite several rounds of oral evidence and discussions with the officers of the Ministry of Home Affairs, the Ministry could not convince the Committee about the sine-qua-non of the Bill. The Committee, accordingly, decided not to proceed with the clause-by-clause consideration of the Bill and requested the Ministry to have a re-look at the Bill in the light of the issues flagged by it.
7.47 The Committee was constrained to observe that the Ministry of Home Affairs have finalized the replies on
the important policy issues raised by the Committee, in a perfunctory manner. The responses of the Ministry
appeared to the Committee to be laboured explanations. The replies framed by the Ministry were not acceptable
to the Committee, when the Group constituted by the Ministry itself could not arrive at a consensus on
important policy issues. The Committee was of the considered view that the issues need to be thoroughly
examined in consultation with all the concerned Departments, agencies. The Committee, therefore, recommended
that the Ministry may have a re-look at the provisions of the Bill in the light of the issues raised and suggestions
made by it.

(d) Report No. 140 [Action Taken by Government on the Observations/Recommendations contained in the
132nd Report on Demand for Grants (2008-09) of the Ministry of Home Affairs]

Disaster Management

7.48 The Committee was happy to note that 36 additional posts had been approved and some posts had already
been filled. The Committee desired that all the sanctioned posts be filled up at the earliest.

Multipurpose National Identity Cards Scheme

7.49 The Committee was not convinced with the replies of the Government pertaining to the need and objective
of issuance of Multipurpose National Identity Cards Scheme and UID Scheme. It appeared that ultimately it
was UID which was going to be the final outcome. However, it was surprising to note that two pilot projects
were again being implemented for UID, even though results of MNIC pilot projects were already available with
the government. It appeared to be a case of sheer waste of money and manpower. The Committee hoped that
the data to be created in 2011 census would be utilized successfully and NPR would be in place as projected in
2013-14. There should not be any further pilot projects.

Modernisation of Police Forces

7.50 While appreciating that the Ministry of Home Affairs was in the process of devising a Management
Information System (MIS) for proper monitoring and concurrent evaluation of the scheme in a comprehensive
manner, the Committee reiterated that the Central Government must insist upon all the States to furnish at the
earliest the utilization certificate of funds allocated under Modernization of Police Forces. This would ensure
optional utilization of funds in an efficient manner. Modernization of State Police in terms of technological
advancement through procurement of modern gadgets and weaponry was the need of the hour in view of
upsurge of naxal and terror activities particularly, the terrorist attack that took place in Mumbai on 26.11.2008.
The State Governments should take a lesson from this and try to make use of the funds available under the
central scheme.

Disaster Management

7.51 The Committee was dissatisfied and unhappy with the perfumatory reply of the Ministry. The Committee
observed that targets should have been kept for the completion of the DRPs and then the implementation of the
projects. The Committee hoped that at least in 2009-10, the DRPs would be completed.

Delhi Police

7.52 The Committee noted the initiative taken by the Ministry of Home Affairs for providing security cover for
the forthcoming Commonwealth Games in 2010. However, the Committee felt that the actual security cover to
the people of Delhi and NCR appears to be inadequate, particularly in the light of the recent serial bomb blasts
and more recently the Mumbai terror attacks. It needed hardly be emphasized that it is the foremost duty of the
Government to ensure safety and security of its citizens. Towards that end, the Ministry of Home Affairs must
undertake a comprehensive review of the security capability of the Delhi Police and provide the force with
required personnel, weapons and training so that the life and liberty of the residents of Delhi could be secured.
The Committee also desired that the Metro Stations in Delhi need to be provided full security and no stone
should be left unturned.

Illegal Bangladeshi Migrants

7.53 The Committee, while taking note of the measures undertaken by the Ministry of Home Affairs for strict
surveillance and patrolling on Indo-Bangladesh Border to prevent illegal Bangladeshi immigration and other illegal activities, strongly reiterated that the Ministry should leave no stone unturned in making Indo-Bangladesh border intrusion-free. The Committee desired that border surveillance must be strengthened by deployment of hi-tech surveillance equipments, strict patrolling and establishing additional troops in adequate number. Vigilant surveillance along Indo-Bangladesh Border, was all the more necessary keeping in view the alleged involvement of some Bangladesh terrorist groups in recent blasts in the country and also recent terror attacks in Mumbai. The Committee was of the view that any laxity on the Indo-Bangladesh Border would prove detrimental to India’s security and economic progress.


Overall assessment of the Demands for Grants

7.54 The Committee reiterated its recommendation that the Planning Commission should consider making budgetary allocation to the Ministry of DoNER as per its requirement, so that the projects undertaken should not remain incomplete for want of funds.

Overall assessment of the Demands for Grants

7.55 The Committee desired to underscore that strengthening of monitoring mechanism for the projects in the NE Region was absolutely essential. As natural corollary, the monitoring formats that had been evolved should be strictly adhered to.

Non-lapsable Central Pool of Resources (NLCPR)

7.56 The Committee reiterated its recommendation that the Government should consider making budgetary allocation to the Ministry of DoNER as per its requirement so that the projects undertaken should not remain incomplete for want of funds.

North Eastern Council

7.57 The Committee reiterated its recommendation that the Government should consider making budgetary allocation to the Ministry of DoNER as per its requirement so that the projects undertaken should not remain incomplete for want of funds.

Promotion of Tourism and Hospitality

7.58 Even though Home Town LTC had been allowed for travel to NER, but the Committee was given to understand that several government employees could not utilize this facility due to lack of sufficient flights and hotels/guest houses and Government should look into these aspects. The Committee had been given to understand that in several parts of North Eastern States, helicopter services were available to compensate the lack of road, rail and air link. However, as Central Government’s LTC Rules had no provision for reimbursement of expenditure incurred on journey performed by helicopter, Central Government employees were unable to avail the helicopter facilities for visiting various parts of North Eastern Region. The Committee, therefore, recommended that government may examine this aspect and make necessary provision in the LTC Rules for the reimbursement of expenditure incurred on journey performed by helicopter by the Central Government employees.

Connectivity

7.59 The Committee recommended that the Greenfield Airports at Itanagar, Cheithu and Pakyong may be taken up at the earliest as it could help boost development in the region. The Committee also recommends that the upgradation work proposed at other airports, may be completed without further delay.

Vision NER 2020

7.60 The Committee desired that action plan to implement NER Vision 2020 may be prepared at the earliest.

Technical assistance and capacity building

7.61 The Committee expressed its concern over delay in setting up the Pilot Training Institute at Lilabari, Assam. The Committee felt that the issue of availability of instructors should be sorted out at the earliest. The
Committee further desired that the Ministry of DoNER may expedite the process of getting land use clearance from the Land Advisory Committee, Government of Assam, for the purpose. The Committee recommended that the Government should expedite the process of opening a NIFT Centre in Shillong. The Committee also recommended that the Government may take up on priority, the opening of a Sports Academy or Institute in the NER.

**Externally aided projects**

7.62 The Committee was hopeful that the NESRP might have been operationalised. About NESTICI, the Committee was unhappy with the decision to include the project for funding during 2011. The Committee expressed its displeasure over the fact that for a scheme, like NERLP, which was approved in 2006, a consultant could not so far been appointed for preparing a DPR. According to the Committee, this was a sad state of affairs and a typical case of procrastination the Committee strongly recommended to the Ministry to expedite action positively and implement NERLP in the second quarter of 2009-10.

**Connectivity**

7.63 The Committee was constrained to note that progress on the projects on transport and communication meant for North-East Region were moving at snail’s pace. The Committee desired that immediate action may be taken for implementing the projects mentioned above. The Committee was hopeful that in respect of Kaladan Multi Modal Project, Mizoram would have completed its ground survey and desired that if it was completed further action may have been taken to execute the project. For the Trilateral Highway between India, Myanmar and Thailand. The Committee recommended that Ministry of External Affairs may complete the DPR immediately and take further necessary action. The Committee also recommended that a time-bound action plan may be drawn up to upgrade the roads to Myanmar.

**Power sector**

7.64 The Committee was unhappy to note that even though out of total hydropower potential of 84000 MW in the country, 38% (31857 MW) was available in NE region, but only 3.4% of this had been tapped so far. The Committee recommended that all the ongoing hydro power projects may be completed without further delay. The Committee also recommended that the ongoing thermal power project “21MW Baramura Gas based project unit-V” in Tripura funded by North Eastern Council be completed within the stimulated time-frame.

7.65 The Committee further recommended that the Government should explore in a big way “Public Private Partnership Model” for tapping the huge potential of hydro-power available in NE.

**Education**

7.66 The Committee noted that the response of the Ministry to its specific recommendation regarding setting up new Teachers’ Training Institutes in the NE, was evasive. The Committee urged upon the Ministry to initiate immediate action in a time-bound manner.

**Transfer of Hill Area Development Programme (HADP) and Border Area Development Programme (BADP)**

7.67 The Committee failed to understand why the Government was dragging its feet in the matter. The Committee would expect the Government to come out with a clear view in the matter without any further delay.

**(f) Report No. 142 (Implementation of Central Scheme of Modernisation of Prison Administration)**

**Utilization of funds under scheme**

7.68 The Committee, while taking note of the fact that the scheme got a slow start due to delay in preparation and approval of estimates and release of matching share by the State Governments, expressed its concern that against the total released amount of Rs.1756.56 crore (with Central share of Rs. 1315.14 crore and the States share of Rs. 441.42 crore upto December 2008), the funds utilized by States remained at Rs. 1375.53 crore which was 78.3% of the total amount. The Committee also took a note that due to a variety of reasons, the implementation of the scheme had been behind schedule by almost two years and the scheme had therefore been extended by two years w.e.f. 1.4.2007 without affecting the total outlay to enable all the State Governments to complete the entire work by 2008-09. However, the Committee was unhappy to note that even with the extended tenure of the scheme, the States had not taken advantage of the same and the works were yet to be completed.
7.69 The extended tenure of the scheme was to come to an end on 31.03.2009. The Committee was of the view that given the fact that barely a month had been left before the scheme would come to a close, it would be unrealistic to expect that all pending works would be completed. That being the scenario, the Committee urged upon the Union Home Secretary to urgently convene a meeting of Chief Secretaries and DGPs and IGs (Prisons) of all States so that brainstorming sessions could take place to introspect on the achievement and shortcomings of the Central Scheme. Such a conference would also provide opportunities to find out the reasons for the unsatisfactory performance of some State Governments and also to acknowledge and encourage the good work done by other States. The Committee was firmly of the view that such an exercise would be a good prelude before giving concrete shape to the second phase of the scheme. In this context, the Committee underscored the need for getting an evaluation of the scheme done by an expert body. The Committee did not appreciate the idea of the Ministry to engage an external body for the purpose. The Committee strongly recommended that MHA should entrust the study of evaluation of the implementation of the scheme to BPR&D.

7.70 The Committee noted that Bihar, Goa, Himachal Pradesh, Jharkhand and Kerala have performed badly. The Committee desired that special attention may be given to those States lagging behind in the second phase of the scheme.

**Physical progress of various components of the scheme**

7.71 The Committee noted that there was going to be a drastic shortfall in the achievement of physical targets, and recommended that the Ministry may look into this aspect seriously to avoid its repetition before starting the second phase of the scheme.

**Overcrowding in prisons**

7.72 The sub-Committee during its visits to various jails found that one of the most important hurdles coming in the way of prison reforms is the problem of overcrowding of prisoners which was the root cause of most of the ills besetting the prisons. The Committee noted that this problem could be solved only by construction of additional barracks and new jails on priority basis. The Committee accordingly recommended that the Ministry of Home Affairs should seriously introspect and discuss this aspect with all the State Governments before launching the second phase of the scheme.

**Lodging of inmates as per their classification**

7.73 The Committee was disappointed with the routine reply of the Ministry. Although ‘Prison’ is a State subject, the Committee felt that the Ministry should take initiative for ensuring that the State Governments complied with the Model Prison Manual. The Committee was of the considered view that the young offenders/undertrials needed to be kept separately as it had been observed that, when they were kept with other hardened criminals, they often committed more serious crimes after release from Jails. The Committee desired that serious action may be taken to address this issue.

**Section 436A of Cr. P.C. and Plea Bargaining**

7.74 During its study tour to various jails, the sub-Committee found that many poor prisoners were languishing in jails despite being granted bail due to their inability to provide surety. The Committee felt that the State Governments had not been able to effectively invoke Sections 436A, 436(i) and 265 to 265 L of the Cr.PC, 1973 with the objective to reduce the overcrowding and languishing of undertrials in jails. The Committee urged upon all the concerned authorities to extensively use these legal provisions which would help in reducing the burden on the prison infrastructure.

**Model Prison Manual**

7.75 Contrary to the claim of the Ministry of Home Affairs, the sub-Committee, during its study visits to the various States, found that the Model Prison Manual was not being implemented properly. The Committee, therefore, desired that the Ministry should impress upon the State Governments to implement the Model Prison Manual in its letter and spirit so as to maintain uniformity in the prison administration throughout the country which would go a long way in effecting prison reforms.

**Conditions of women prisoners**

7.76 The Committee noted that the guidelines for the preparation of action plan by the individual States lay
down specifically that all the States should have at least one prison exclusively for women. The Committee recommended that the States which did not have prison exclusively for women should plan for the construction of at least one such prison with the capacity depending upon the average number of women prisoners in the respective State. The Committee also noted the requirement of creation of infrastructural facilities like crèches for the accompanying children of women prisoners, hygienic living conditions and provision of separate kitchen for women prisoners as laid down in the guidelines. The Committee recommended that the State Governments should be advised to give priority to construction of separate women jails, repair and renovation of existing women jails and provision of facilities such as crèche for minor children lodged with their mothers and hygienic living conditions for the children and separate kitchen for women prisoners.

Sanitation, water supply, health and hygiene in prisons

7.77 The Committee strongly recommended that concern of health and hygiene in the prisons should be urgently addressed for which adequate supply of water and proper sanitation facilities were a must. It also recommended that the existing medical facilities in the prisons should be overhauled and one police escort party should always be provided to accompany a prisoner requiring emergency medical attention and in the second phase of the scheme, proper emphasis may be laid on this aspect. The Committee felt that at least in the newly constructed additional barracks and jails, facilities for water harvesting, alternative sources of energy, converting garbage into bio-gas etc. must be provided. The Committee was also of the firm opinion that the old system of shaving should be dispensed with and each prisoner should be provided a separate disposable rajor to check the spread of HIV/AIDS among the prisoners.

Visitors' room

7.78 The Committee recommended that steps should be taken to make the procedure of visits to jail inmates transparent in all the prisons of the country and there should be a mechanism to get the feedback from the relatives of the inmates. The Committee strongly recommended that modern visitors’ chamber should be constructed, in place of ramshackled ones, in which there would be transparent glass façade and intercom facilities so that the prisoners’ visitors can talk while looking at each other.

Other related issues

7.79 It was the considered opinion of the Committee that the conditions in an average Indian Prison were awful, which presented a very depressing picture. Being overcrowded, unhygienic and gloomy, those incarceration centers were presumed to be places far from being any kind of correctional centre. They often bred hardened criminals who practically would become a menace to the society. A mindless adherence to centuries old jail manuals would leave very little scope for any innovative approach in the matter of dealing with people who end up in prisons for various reasons and under various circumstances. The Committee felt that with revolutionary changes taking place in every field around us, it was high time that our mindset towards prisoners also underwent a change, that a prison should truly reflect the spirit of correction and reformation by treating the inmates as human beings.

Telephone facility for inmates

7.80 The Committee recommended that telephone facility should be provided in some selected prisons of the country on a trial basis. The inmates could use this facility in the presence of a jail staff. The telephonic conversation could also be taped which would help in tracking the connections of the hardened criminals. In the opinion of the Committee, telephone facility for inmates could check illegal use of mobile phones in the prisons.

Prison workshops

7.81 The Committee observed that barring a few prisons, the prison workshops were still of primitive type. In those workshops activities like carpet making, carpentry, etc. were still being done. The Committee recommended that prison workshops should be urgently modernized and they should function like small modern industrial units with latest equipments, and the Ministry may look into this aspect in the second phase of the scheme.

Wages of prisoners

7.82 The Committee was of the firm opinion that daily wages of the convicted prisoners working in the prison
workshops needed to be increased. Simultaneously, prisoners should also be given the option of working extra hours to earn more money. The Committee also desired that undertrials should be given an opportunity to work in the prison workshop, if they willingly agreed to do so.

**Vocational training**

7.83 The Committee desired that total literacy among prisoners should be achieved across the country, and therefore, recommended that there should be facility of correspondence courses in vocational disciplines in the prisons and degrees/diplomas should be awarded to the prisoners after successful completion of their course so that they could lead a normal life in the mainstream of society, after their release.

7.84 The Committee also recommended that the Government may consider opening of ITI-like institutions within the jail premises to impart industrial training in various disciplines to the inmates, which would go a long way in rehabilitating them after their release, and the State authorities could consider converting existing prison workshops into ITIs.

**Grievance redressal system**

7.85 The Committee with the view that grievance redressal mechanism should properly function in every jail in the country and there should be transparency in its functioning, suggested that every State Government should introduce “Mobile Petition Box” for prisoners to give suggestions and complaints.

**Open Jail**

7.86 The Committee felt that every State should have open jails where the prisoners having good conduct and who have spent considerable years of their sentence, could be sent.

**Release of prisoners sentenced for life**

7.87 The Committee recommended that the power of giving character certificate should be entrusted to respective Jail Superintendents as they would be closely watching the activities of the inmates for a long time.

**Horticulture in jail premises**

7.88 The sub-Committee came across the large tracts of land in the jails which remained unutilized. The Committee felt that planting of medicinal plants, horticulture and kitchen garden etc. should be encouraged in such land as it would not only increase the income of the prisons but would also lead to improving the physical environment in the jail premises.

**Drugs in jail premises**

7.89 During the study visits to various jails, the inmates complained to the sub-Committee about the nexus between officials of the jails and some inmates resulting in the supply and use of drugs inside the jails. The Committee took a serious view of this and strongly recommended that necessary steps be taken by each of the State Governments and the prison officials to prevent such a nexus and use of drugs in jails.

7.90 The condition of most of the jails in the country leave much to be desired and required a complete change of mindset of those administering those prisons. The ideals of reformation and resettlement should be a predominant feature of reforming the inmates in a democratic society. The purpose of the present Report would be more than achieved if it attracts the attention of the concerned quarters in the administrative machinery and this modest effort is continued further to ensure that our country has prisons of global standards with all basic and primary facilities for the inmates.

**VII. Secretariat**

7.91 The Committee Section (Home Affairs) headed by an Assistant Director constitutes the secretariat of the Committee. Joint Secretary, Director and a joint Director remained incharge of the Section.

7.92 To assist the Committee in its work, material received from the Ministries under its jurisdiction i.e., Home Affairs and DoNER, as also from other organizations and individuals was studied, and relevant points were culled out. Questionnaires for written/oral replies were prepared for use of the Committee.
The Secretariat also studied material like Parliamentary Debates, answers to Parliamentary Questions, Budget Estimates, Economic Survey, Mid-Term Appraisal of the Tenth Five Year Plan, Books, Journals, and Newspapers etc., relevant to the subject under examination of the Committee. The Secretariat also downloaded study material from websites on various subjects for use of Committee Members and preparation of reports.

The work relating to drafting, consideration and approval of draft reports by the Committee along with their presentation/laying, printing and distribution were also undertaken by the Secretariat.
## ANNEXURE-VIII

*(See Para 7.7)*

### Meetings of the Committee during the year 2009

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Time Duration</th>
<th>Agenda</th>
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<tbody>
<tr>
<td>1.</td>
<td>09.01.2009</td>
<td>1 - 45</td>
<td>Presentation of Home Secretary on the Land Ports Authority of India Bill, 2008.</td>
</tr>
</tbody>
</table>
| 2.      | 16.01.2009      | 3 - 10        | (i) Presentation of Home Secretary on the Central Industrial Security Force (Amendment) Bill, 2008.  
(ii) Internal discussion on:  
(a) The Private Detective Agencies (Regulation) Bill, 2007; and  
(b) The Land Ports Authority of India Bill, 2008. |
| 5.      | 10.02.2009      | 0 - 30        | Consideration and adoption of the following draft Reports:—  
(i) 137th Report on the Rehabilitation of J&K Migrants;  
(ii) 138th Report on the CISF (Amendment) Bill, 2008; and  
| 6.      | 24.02.2009      | 0 - 30        | Consideration and adoption of the following draft Reports:  
(ii) Draft 141st Report on the action taken by the Government on the recommendations contained in the Committee’s 133rd Report on the Demands for Grants (2008-09) pertaining to Ministry of DoNER; and  
(iii) Draft 142nd Report on the implementation of Central Scheme of Modernisation of Prison Administration. |
| 7.      | 08.09.2009      | 1 - 00        | (a) Discussion on the stands taken by the two Houses of Parliament regarding consideration of Demands for Grants (2009-10) by the DRSCs of respective Houses; and  
(b) First Meeting of Reconstituted Committee: Review the work pending before the Committee to consider future course of action. |
<p>| 8.      | 16.09.2009      | 3 - 00        | Presentation of Home Secretary on 'Internal Security’. |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>07.10.2009</td>
<td>0 - 25</td>
<td>Obituary reference on the passing away of Shri Pyarelal Khandelwal, Member of Rajya Sabha.</td>
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<tr>
<td>14.10.2009</td>
<td>1 - 55</td>
<td>Presentation of the Representatives of Ministry of Home Affairs on the Housing Scheme for Central Police Forces and Delhi Police.</td>
</tr>
<tr>
<td>03.11.2009</td>
<td>1 - 45</td>
<td>Presentation by Home Secretary on the Land Ports Authority of India Bill, 2009.</td>
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<tr>
<td>13.11.2009</td>
<td>0 - 55</td>
<td>(i) Obituary reference to the passing away of Shri Mahendra Sahni, Member, Rajya Sabha; and (ii) Clause-by-clause consideration of the Land Ports Authority of India Bill, 2009.</td>
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CHAPTER-VIII

COMMITTEE ON HUMAN RESOURCE DEVELOPMENT

I. Composition of the Committee

8. The Department-related Parliamentary Standing Committee on Human Resource Development was constituted on 5th August, 2008.

8.2 The Committee consisted of the following Members:

COMMITTEE ON HUMAN RESOURCE DEVELOPMENT

(Constituted on 5th August, 2008)

1. Shri Janardan Dviwedi — Chairman

RAJYA SABHA

2. Shri Shantaram Laxman Naik
3. Shri Vijay Kumar Rupani
@4. Shri Laxminarayan Sharma
#5. Shri Uday Pratap Singh
6. Shri T.T.V. Dhinakaran
7. Shrimati Supriya Sule
8. Dr. K. Keshava Rao
9. Shri N.K. Singh
*10. Shri M. Rama Jois

LOK SABHA

11. Shri Ashok Argal
12. Shri Basudeb Barman
13. Shri Harishchandra Chavan
14. Shri Harisinh Chavda
15. Shri Abu Hasem Khan Chowdury
16. Shri Rahul Gandhi
17. Shri Francis K. George
18. Smt. Paramjit Kaur Gulshan
19. Shri Anant Kumar Hegde
20. Shri Ramswaroop Koli
21. Shri G.V. Harsha Kumar
22. Shrimati Nivedita Sambhajirao Mane
23. Shrimati Archana Nayak
24. Shrimati M.S.K. Bhavani Rajenthiran
25. Prof. Rasa Singh Rawat
26. Shri Ganesh Prasad Singh
27. Dr. Ram Lakhan Singh
28. Shri Chengara Surendran
29. Dr. Meinya Thokchom
30. Shri Ravi Prakash Verma
31. Shri K. Virupakshappa

@ Seat vacant due to demise of Sh. Laxminarayan Sharma on 17th October, 2008.
# Ceased to be a member of the Committee w.e.f. 25.11.2008.
* Nominated w.e.f. 1.9.2008.
8.3 The Committee was reconstituted on the 31st August, in the year 2009 with the following members:—

**COMMITTEE ON HUMAN RESOURCE DEVELOPMENT**

(Constituted on 31st August, 2009)

1. Shri Oscar Fernandes — *Chairman*

**RAJYA SABHA**

2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Vijaykumar Rupani
5. Shri M. Rama Jois
6. Shri Penumalli Madhu
7. Shri Brij Bhushan Tiwari
8. Shri T.T.V. Dhinakaran
9. Shri N.K. Singh
10. Dr. Janardhan Waghmare

**LOK SABHA**

11. Shri Suresh Angadi
12. Shri Kirti Azad
13. Shri P.K. Biju
14. Shri Jitendrasingh Bundela
15. Shrimati J. Helen Davidson
16. Shri P.C. Gaddigoudar
17. Shri Rahul Gandhi
18. Shri Deepender Singh Hooda
19. Shri Prataprao Ganpatrao Jadhav
20. Shri Suresh Kalmadi
21. Shri P. Kumar
22. Shri Prasanta Kumar Majumdar
23. Capt. Jai Narain Prasad Nishad
24. Shri Sis Ram Ola
25. Dr. Vinay Kumar Pandey
26. Shri Tapas Paul
27. Shri Brijbhushan Sharan Singh
28. Shri Ashok Tanwar
29. Shri Joseph Toppo
30. Shri P. Viswanathan
31. Shri Madhu Goud Yaskhi
II. Subjects selected for examination

8.4 The Committee after its reconstitution decided to consider and examine the ‘Preparations for Commonwealth Games, 2010’ as a subject during the year 2009. The Committee held extensive deliberations with the representatives of the Department of Sports and the Organising Committee of the Games. Feedback on detailed questionnaire was also obtained from the Department. The deliberations on the subject are over and the Committee section has prepared a draft Report for consideration and adoption by the Committee.

III. Bills referred to the Committee

8.5 During the year 2009, the Committee on HRD presented its 213th & 218th Reports on two Bills:— (i) The Right of Children to Free and Compulsory Education Bill, 2008 (ii) The National Commission for Minority Educational Institutions (Amendment) Bill, 2009.

8.6 The Right of Children to Free and Compulsory Education Bill, 2008 was referred to the Committee on 18th December, 2008 for examination and report within three months. The Bill was scrutinized and examined and a report on the same was presented to both the Houses of Parliament on 18.2.2009. This legislation was a landmark one as it gave enforcement to the newly inserted Article 21-A in the Fundamental Rights by way of the 86th Amendment to the Constitution whereby the State shall provide free and compulsory education to all children of the age of 6-11 years in such manner as the State may, by law, determine.

8.7 The National Commission for Minority Educational Institutions (Amendment) Bill, 2009 was referred to the Committee on 14th September, 2009 for examination and report within three months. This Bill sought to amend the National Commission for Minority Educational Institutions Act, 2004. The Bill was scrutinized and examined and a report on the same was presented in both the Houses of Parliament on 25.11.2009.

IV. Constitution of Sub-Committees of the Department-related Parliamentary Standing Committee on Human Resource Development

8.8 No Sub-Committee was constituted during the year 2009.

V. Review of work done

(a) Sittings of the Committee

8.9 During the year 2009, the Committee held 9 sittings lasting over 14 hours and 15 minutes. A statement showing the dates and duration of each sitting of the Committee, as also the subjects discussed during this period are given in Annexure IX.

(b) Study Visits

8.10 During the year 2009, the Committee undertook a local visit to the Office of the Commonwealth Games, 2010 NDCC building, New Delhi to interact with the team of the Organising Committee of the Commonwealth Games, 2010 in connection with the examination of the subject- ‘Preparations for Commonwealth Games, 2010’.

8.11 Verbatim record of proceedings of the sittings of the Committee, at which evidence was taken, was duly maintained.

VI. Reports presented

8.12 During 2009, the Committee presented the following Reports to both the Houses of the Parliament:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Dates of Presentation/ Laying in Rajya Sabha/Lok Sabha</th>
<th>Subject</th>
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<tr>
<td>2.</td>
<td>214th (26.11.2009)</td>
<td>Report on Action Taken by Government on the recommendation/observations contained in the 207th</td>
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</table>
8.13 Minutes of sittings of the Department-related Parliamentary Standing Committee on Human Resource Development relating to various Reports presented to the House were prepared and presented to the House alongwith the relevant Reports.

VII. Summary of the Recommendations

(a) 213th Report

Introduction

8.14 Presently, 18 States and 2 Union Territories have their own legislations dealing with compulsory elementary education. The Committee noted that experiences of these States in implementation of their laws has not been very encouraging and to a large extent, they have remained unimplemented. One of the reasons for the State laws remaining largely ineffective was that these laws did not actually make elementary education compulsory. In fact, they merely contained enabling provisions by which States could notify areas and schemes for free and compulsory education. The focus in the State laws had been on determining the regulatory authority to pass attendance orders and impose penalty on defaulting parents. Another reason for their ineffectiveness was the weak and negligible community involvement which has made these Acts purely administrative in nature. The Committee was informed that the State Acts make no commitments whatsoever for improving the quality of education. The Committee wondered whether the experiences of these States and UTs had been fully taken into account while drafting the Central legislation. The Committee was of the opinion that problem areas and short-comings noticed in the implementation of these State laws should be taken into account so that these were ameliorated beforehand in the present legislation. Community involvement and participation was an essential ingredient for the successful implementation of the provisions of the Bill.

8.15 The Constitution 86th Amendment Act, 2002 received presidential assent on 13th December, 2002. This Act was to come into force from such date as the Central Government may by notification in the Official Gazette appoint. However, this notification had not been issued up till now pending enactment of a consequential legislation envisaged under Article 21A. The present Bill was meant for this purpose only. The Committee was of the view that the proposed legislation had been brought after several stages and modifications and a considerable time has elapsed since the inception of the idea of bringing a legislation providing for universalisation of elementary education. Universalisation of Elementary Education had been a long awaited dream since the independence of our country and it was high time, the proposed legislation was given effect at the earliest.
Clause 1
8.16 The Committee recommended that the title of the Bill in its Hindi version should be “Nishulk aur Anivarya Bal Shiksha kaa Adhikar Vidheyak, 2008” instead of “Balkon kaa Nishulk aur Anivarya Shiksha kaa Adhikar”.

Clause 2
8.17 Clause 2 (n) of the Bill entailed the definition of a School which defines school as any recognized school imparting elementary education. The Committee however, felt that this would result in keeping primary schools outside the purview of the proposed legislation. The Committee recommended that definition of school needed to be amended as given below:

‘(n) “School” means any recognized school including primary schools and schools imparting elementary education and includes—’

Clause 3
8.18 Committee’s attention was drawn to the term “neighbourhood school” as provided in Clause 3 (I) of the proposed Bill. The Committee noted that this term had not been defined to enable the State Governments to determine and prescribe the criteria for a neighbourhood school on varied factors like geographical, cultural and social specificity of the State. The Committee, however, would like the inclusion of distance/time for commutation as one of the criteria for neighbourhood schools so that young children do not have to commute long distances which may cause exertion. This criterion could be different for plains, mountainous regions, deserts etc. The Committee, therefore, recommended that the term “neighbourhood school” be defined appropriately.

Clause 7
8.19 According to the Ministry, the revised financial requirement made by NUEPA in 2007 for the seven year period from 2008-09 to 2014-15, worked out to Rs. 2.28 lakh crores. This period covered four years of the 11th Plan and three years of the 12th Plan. However, the total requirement for the period 2008-09—2011-12 falling in the 11th Plan was estimated at Rs. 1.51 lakh crore, of which Rs. 1.02 lakh crores was committed as the Centre share and the remaining to be borne by the States. The Committee observed that the projected financial requirement did not reflect the actual distribution of the burden between the Centre and the States. The Government could not afford to ignore the fact that many State Governments had expressed their inability to bear the huge financial burden estimated for the implementation of the Act. In fact some States had advocated that the Central Government should assume full financial responsibility for the same. The Committee was of the opinion that in the absence of any formula for sharing of funds between Centre and States, the State Governments might end up facing acute financial constraints. The Committee was of the view that this formula should be finalized and reflected in the financial memorandum attached to the Bill. The formula for sharing of the funds should also be clearly stated and in the absence of any other credible formula should state that “till a revised formula was worked out through appropriate consultations, the present sharing formula would continue.”

8.20 The Committee was informed that the 13th Finance Commission had been apprised of the said Bill becoming an Act soon and also about the resources of the country for implementing the provisions of the Act. A memorandum had been submitted to the Finance Commission for equalization principles for elementary education expenditure to take into account financial requirements under SSA and the enhanced costs of making elementary education a fundamental right. The Committee felt that for enabling the Finance Commission to make appropriate recommendations both the over all financial cost as well as the sharing formula between the Centre and the States must be settled. The Committee recommended that necessary steps be taken to ensure that the State Governments discharge their basic responsibility of providing elementary education.

8.21 Clause 7 (6) of the Bill specified the other responsibilities of the Central Government like developing a framework of national curriculum with the help of academic authority, developing and enforcing standards for training of teachers and providing technical support and resources to the State Government for promoting innovations, researches, planning and capacity building. The Committee felt that in addition to all this, the Central Government might consider for a provision for development of skills of children through vocational training which should be an integral part of the school education at an appropriate level of elementary education.
8.22 Clauses 8, 9 and 10 specified the duties of the appropriate Government, local authority and duties of parents and guardians. Both the appropriate Government and local authority have to ensure that every child was provided free and compulsory elementary education. It was the duty of parents/guardians also to send their children/wards to the neighbourhood school. The Committee would like to point out that there was no provision of a monitoring mechanism to ensure the compliance of the provisions by the appropriate Government authority, local authority and parents. The Committee emphasized that a foolproof monitoring mechanism should be put in place to oversee the strict compliance of these provisions because a single instance of non-compliance would defeat the purpose of the legislation. The Committee also recommended that measures should be taken to create mass awareness about this social legislation and that regular monitoring of its implementation should also be ensured.

Clause 12

8.23 The Committee found the above figures quite old. The schools proposed to enhance the fee from the ensuing academic session and the liability of unaided school for per child average expenditure was likely to go up substantially. The Committee would like to be apprised about the mechanism for ensuring the admission of eligible students to private schools under this provision.

8.24 Apprehensions had been voiced about the implication of Clause 12 providing that every private school had to give free admission to underprivileged children subject to 25 per cent of their admission capacity. In the absence of full reimbursement of fees, the remaining 75 per cent children might be required to bear the additional burden. The Committee recommended that arrangements be made to see that expenditure incurred on 25 per cent of underprivileged children was not passed on to the remaining 75 per cent of children. For ensuring this, the reimbursement formula must be determined on the basis of norms by a Group of Experts and in consultation with the Planning Commission. Committee also recommended that the aided or unaided schools should give 25 per cent of their admissions to the children of underprivileged class from the very beginning i.e. from nursery class itself and not from class I as it may not be possible for such children to compete and cope up with the standard of the remaining children in class I. This procedure based on the aforesaid principle should be reflected in Clause 12 (b) of the proposed Bill.

Clauses 13, 14, 15, 18 and 19

8.25 Clauses 13, 14, 15, 18 and 19 in the Bill provided for penalty in respect of capitation fee, scrutiny procedure for admission, non-denial of admission due to lack of proof of age, mandatory requirement for certificate of registration and norms and standards for schools. The Committee appreciated the inclusion of such provisions which would pave the way for equal opportunities to all children in completion of their elementary education without any fear, trauma or anxiety. These provisions would provide a level playing field especially to the children of the poorer sections and disadvantaged groups to complete their elementary education without any social, physical or financial stress. The Committee noted that there was no provision of a monitoring mechanism to ensure implementation of these provisions. The fear of penalties might arrest the alleged irregularities and corruption in the field of education but it required a foolproof monitoring mechanism for its effective implementation so that no school denied admission to any child.

8.26 Clause 14 (2) of the Bill specified that no child shall be denied admission in a school for lack of age proof. The Committee felt that this was a blanket provision which needs to be spelt out clearly. The Committee was of the view that the provision for admission without age proof was not desirable in society which was developing at a rapid speed. Age was an important criterion for the children to encourage competition and to grow. In case the age proof was not available, there should be a provision for production of an affidavit from the parents or an age certificate from the chief of the village panchayat/local counselor.

8.27 Clause 15 of the Bill specified that a child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed. The Committee observed that it was not clear as to which authority would be deciding about extended period for admission. The Committee was of the opinion that there should be some provision with regard to the extended period of admission the manner of completing study if admitted after the extended period. In this regard, rules might be framed for the same.
Clause 16

8.28 Clause 16 provided that no child admitted in a school shall be held back in any class from school till the completion of his/her elementary education. The Committee considered this clause as somewhat counterproductive in so far as the quality of education was concerned. In the absence of any method of evaluation of the child, there would be no motivation for the child to complete and improve. There needed to be an element of fear through proper evaluation lest the non performers may become a liability for the society at large. An evaluation record should be maintained and shared with the Child and the Parents encouraging improved performance particularly in cases where the child failed to meet acceptable quality. The Committee was of the opinion that a minimum level of grading or standardisation should be fixed for the child to be promoted to the next class instead of blanket promotion.

8.29 Clause 16 also laid down that no child admitted in a school shall be expelled from school till the completion of elementary education. In other words, after the enactment of this Bill, no school authority would be having any power to expel any student even if on valid grounds. This provision seemed to be a sweeping one and a rational consideration seems to be called for. The Committee was of the opinion that in cases where a child was habitually deviant or repeatedly created nuisance and vitiates academic atmosphere of the school, in the first instance, suitable counseling be arranged through experts and academicians. If that did not work, suitable action might be taken against such a child in deserving cases. The action of expulsion should not debar him/her from taking admission in some other school.

Clause 21

8.30 Clause 21 of the Bill provided for the constitution of a School Management Committee by a school consisting of elected representatives of local authority, parents or guardians of children admitted in such schools and teachers. The Committee observed that in the composition of the School Management Committee, there was no representation of women who were a major stakeholder in imparting elementary education to children. The Committee therefore, opined that there should be adequate representation of women in the School Management Committee.

Clause 26

8.31 Clause 26 dealt with the filling up of vacancies of teachers by the appointing authority. Vacancy of teachers in a school shall not exceed ten per cent of the total sanctioned strength of teachers. The Committee pointed out that our educational institutions including the school education was presently faced with the problem of huge vacancies of teachers. In this context, filling up of vacancies which should not exceed ten per cent of the sanctioned strength was a daunting task. Delays in recruitment of teachers against vacancies often took 3-4 years. The gaps were managed by employing para-teachers. It was not clear as to what would be the status of para teachers in view of these provisions. Further, it was not clear whether States would be given autonomy in matters of recruitment of teachers and also filling up of vacancies. The Committee presumed that the Central Government had taken cognizance of the actual vacancies of teachers in the States and worked out the strategy to fill up these vacancies. This exercise was absolutely necessary to ensure that there was no conflict between State and Centre laws with regard to the recruitment of teachers and filling up of vacancies.

Clause 30

8.32 Clause 30 (2) provided that every child completing his/her elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed. The Committee was of the opinion that for awarding a certificate to a child for completion of his/her elementary education, a standardized assessment of that child should be done periodically to enable the child to know his level and improve accordingly.

Clause 31

8.33 Clause 31 required the National Commission for Protection of Child Rights to monitor the effective implementation of the proposed legislation and to inquire into complaints relating to child’s right to free and compulsory education and to take steps under Section 15 and 24 of the Commission for Protection of Child Rights Act. The Committee noted that in the event of inquiry into complaints and the steps taken under Section 15 and 24 of the said Act, the party against whom an order was passed by the Commission might feel aggrieved by that order. There seemed to be no provision in the proposed Bill to provide for an appeal against such an order. Therefore, a provision enabling an appeal might be inserted in the Clause.
Clause 32

8.34 Clause 32 dealt with redressal of grievances by the local authority or by State Commission for Protection of Child Rights. In sub clause 2 of Clause 32, it was laid down that the local authority shall decide the matter as early as possible after affording a reasonable opportunity of being heard to the parties concerned. The Committee was of the opinion that the use of the term “as early as possible” was a vague expression. Therefore, a time frame of three months, needed to be specified for the final decision of the local authority. Similar time frame for giving decision needed to be specified even for the State Commissions for Protection of Child Rights thereby safeguarding the interests of the child.

Clause 33

8.35 Clause 33 dealt with the constitution of the National Advisory Council to advise the Central Government on implementation of the provisions of the Act in an effective manner. The Committee believed that the National Advisory Council would be able to fulfil its function only when the monitoring of the implementation of the proposed legislation is done for the whole country. Council on similar lines at State levels needed to be constituted to ensure monitoring of the enactment of the legislation and reporting the problem areas. The State Advisory Council would then be able to advise the Central Government on removal of the lacunae and pave the way for effective implementation of the legislation. The Committee therefore recommended for constitution of Advisory Councils at the State level first.

Clause 34

8.36 Clause 34 laid down the power of the Central Government to issue guidelines and directions to the appropriate Government or local authority for the purposes of implementation of the provisions of this Act. To what extent the guidelines and directions of Central Government would be binding on the State Governments was a moot question. The Committee recommended that in keeping with the constitutional scheme of division of powers between the Centre and States, the words “and directions” appearing in this Clause be deleted.

(b) 214th Report

University Grants Commission

8.37 The Committee pointed out that the Ministry had failed to give the details of funds allocation and pending UCs with the Universities, even after extension of time sought for the purpose. This showed lack of seriousness on the part of the Ministry towards the accountability of Government funds and was an indication of poor fiscal management. It would like the Ministry to initiate an enquiry into the matter and share the report with the Committee at the earliest. The Committee appreciated the formulation of an ‘e-governance’ project by UGC and hoped that system is put into practice by all the Regional Offices and Universities so as to facilitate quick compilation/updation of records.

8.38 The Committee was of the opinion that a long list of Committees constituted was indicative of the plethora of issues which remained unresolved or needed to be reviewed in the field of higher education. It hoped that these respective Committees would expedite their Reports and action thereupon by the Department should be taken with utmost priority as those issues were of vital importance for improving the quality of higher education in the country.

Vacancies in Central Universities

8.39 The Committee had time and again been drawing the attention of Government towards large number of vacancies particularly in teaching positions of the Central Universities; quality of education has been the major casualty as a result thereof. More than 200 vacancies alone in Allahabad University was quite alarming. The Committee had not been apprised about the latest position of filling up of vacancies in Assam University, University of Hyderabad, North-Eastern Hill University, Mahatma Gandhi Antrarashtriya Vishvavidyalaya, Tripura University, Puducherry University and Nagaland University. The Committee would like to know the details of sanctioned posts vis-a-vis the vacant posts in all Central Universities, university-wise for a better appraisal of the faculty position.

8.40 The Committee understood that pursuant to enactment of Central Universities Act, the process of establishing 12 new universities was underway. The Committee has every doubt about the availability of
faculty for these new universities in view of shortage of faculty in the existing universities. The Committee would like to be apprised of the preparatory exercises undertaken for arranging the faculties in the proposed new universities. The Committee was not at all convinced by the argument of the Department that raising the retirement age from 62 to 65 years was a long term policy decision for making the teaching career attractive to the youth. On the contrary, it was more a move to extend the tenure of existing faculty members who are at the brink of their retirement. These teachers perhaps would not be in a position to introduce innovative ways of teaching tuned to the changing times. It would be more practical not only to motivate youth to take up teaching as a profession but also make the profession more attractive for them.

8.41 The Committee, accordingly, recommended the Department to review its decision for raising retirement age and provide better level playing field for the youth so that they accept teaching as an attractive career opportunity.

8.42 Shortage of faculty in higher education is a matter of grave concern. No doubt, the policy decision in making NET compulsory for lecturership is a welcome step from quality education point of view but the same would not address the problem of faculty shortage. The Committee was of the opinion that a mechanism should be devised to ensure that interested and unemployed NET qualified and Ph.D. holders are encouraged to take up faculty position in the institutions of higher education.

Vacancies in State Universities

8.43 The Committee observed that the latest vacancy position in State Universities and colleges was dismal in majority of the States and UTs like Maharashtra, Jammu and Kashmir, Madhya Pradesh, Gujarat, Chhattisgarh, Himachal Pradesh, Kerela, Rajasthan, Tripura, Goa, Haryana and Puducherry. It seemed that the Conference of State Ministers of Higher and Technical Education (held on 23rd - 24th July, 2008) and Conference of Governors (held on 16th-17th September, 2008) could hardly help in improving the vacancy position. The Committee was of the view that assiduous efforts needed to be made both at the Centre and State level to fill up these vacant positions. The Committee appreciated the idea of linking incentives to filling up of vacancies. However, the Committee would like the State Universities to be made more accountable for the funds they get from the UGC and the Ministry should consider going one more step ahead by linking disbursal of funds with position of vacancies.

Fake Universities

8.44 The Committee was deeply disturbed by the grave situation persisting due to the fake universities continuing to function in the country without any check worth mentioning. The Committee would like to have a status note reflecting improvement, if any, noticed in this critical area. The Committee was once again constrained to point out that the so called steps taken by AICTE would not lead to any significant respite for our student community. The Committee reiterated that the Department in consultation with AICTE, UGC and State authorities should chalk out a workable Action Plan, removing all the legal infirmities. The element of helplessness on the part of the Centre since a long period was no longer acceptable to the Committee.

Women and Higher Education

8.45 The Committee would like to be apprised about the specific steps taken by both UGC and the Department for sensitizing the universities in this vital area. The Committee would also appreciate if adequate funds were made available for such schemes.

Indian Institute of Advanced Studies, Shimla

8.46 The Committee endorsed the revised monitoring system adopted in respect of the fellowship programme of the Indian Institute of Advanced Studies, Shimla. It would, however, like to be apprised of this new system of monitoring and the impact thereof since its implementation.

Indira Gandhi National Open University

8.47 The Committee was of the view that delegation of responsibility and giving autonomy to the Regional Centres was a good initiative provided proper monitoring of the Centres is undertaken by IGNOU periodically. It emphasized on maintaining high quality of education imparted through the Regional Centres. The Committee would like to be apprised of the preparatory exercises undertaken in this regard.
Distance Education Council (DEC)

8.48 While welcoming the progress made in the matter of having a separate statutory body for Distance Education, the Committee emphasized that every effort should be made to expedite this long-awaited proposal.

All India Council for Technical Education (AICTE)

8.49 The Committee was surprised to note the Council’s plea that there was no provision in the AICTE Act for taking action against these erring institutions. In fact, para 2.11.1(b) of Regulations, 2006 for AICTE Grant of approval for starting new technical institutions, introduction of courses or programmes and increase/variation intake capacity of seats for the courses or programmes and extension of approval for the existing technical institutions gives adequate powers to the Council to take the required action. It was the execution part of the Regulation which was not coming forth. The inability of the Council to take stringent action against the unapproved institutions and those violating norms and standards under this Regulation was quite disturbing. The accountability of the Council does not end simply by issuing show cause notices to these institutions and requesting the State Governments to take action against them. In the past also, the Committee had expressed its serious concerns over the large number of institutions continuing to flout the norms and operating without any check. The Committee, therefore, urged the Council to assume its mandated responsibility and take immediate corrective steps against the erring institutions.

8.50 The Committee was disturbed to note that inspite of several initiatives taken by the Council, the linkages between industry and technical institutions continue to remain weak as the anticipated response and the desired level of participation of the industry is simply missing. Mere tie up with industry associations such as CII, FICCI, ASSOCHAM, NASSCOM could not be considered justified. Need of the hour was to initiate a meaningful dialogue with the representatives of industry so as to have the real understanding of their requirements and remove the existing bottlenecks. To actually play the role of co-ordinator and facilitator between the industry and institutions, the Council should holistically examine its existing rules, regulations and procedures to further this objective. This may be undertaken after broad-based consultations with Industry.

8.51 The Committee took note of the detailed reply submitted by the Ministry with regard to the procedure for Joint Entrance Examination (JEE) for IITs and the related High Court Judgment. The Committee would like to point out that its apprehension about there being non-fixed procedure or technique for deciding cut-off marks in JEE for IITs remained unanswered. The Committee would appreciate if information on this most vital component of JEE for IITs was also shared with it so as to have the proper assessment about the entire issue. The Committee strongly felt that unequivocal declaration given by a candidate in his admission form and duly signed by his parent did not mean that the entire examination procedure was foolproof.

Polytechnics for persons with disabilities

8.52 The Committee would like the Ministry to share with it the recommendations of Appraisal Committee constituted under the Chairmanship of Prof. Ranjit Singh alongside the action taken by the Government in respect thereof. It hoped that the Government would implement the revised scheme soon so that more and more physically disabled persons benefit therefrom.

Indian Institutes of Management (IIM)

8.53 The Committee observed that the Ministry had not given any reason as to why IIMs raised their fees earlier without waiting for the Bharagava Committee Report. It was again shocking that while the report of the IIM Review Committee was still under the scrutiny of the Ministry, there were media reports about hike in the fees of the IIMs by 1 lakh rupees. The Committee disapproved the pattern of the regular increase in fees of IIMs as this would discourage students from economically backward classes to study in these institutions of higher learning. The Committee would like the Government to substantiate the reasons for recent hike in fees of IIMs.

Development of Languages

8.54 The Committee felt that perhaps State Governments were not aware of the revised scheme and that was why sufficient proposals were not coming forth. The revised scheme be given adequate popularity through print and electronic media in addition to the course of routine communication so that more and more proposals were received for the implementation of the scheme. All out efforts should be made for utilization of funds in a judicious manner.
8.55 The Committee took note of the fact that new schemes of National Translation Mission, Linguistic Survey of India, Development of Pali and Prakrit did not get approval during 2007-08 leading to underutilization of funds allocated for Central Institute of Indian Languages, Mysore. The Committee would like to be apprised of the approval as well as of the implementation status of these schemes.

8.56 The Committee desired that the post of Director, National Council for Promotion of Sindhi Language was filled up as early as possible so that programmes of the Council do not suffer because of this reason.

(c) 215th Report

Budgetary Allocation

8.57 The Committee was of the considered opinion that the Ministry’s plea about shortage of funds should be read in the context of funds projection in both the youth and sports sectors. There had been utter confusion about the required funds, with varying figures floating about the need of money for the forthcoming Commonwealth Games. The Committee, therefore, impressed upon the Ministry to prepare the realistic estimates of funds required for various development schemes so that there was not much variation in the projection for funds and actual allocation of funds by the Planning Commission. The excuse about slashing of Ministry’s projections by the Planning Commission was not going to sustain in the absence of realistic demands.

Youth Bureau

8.58 The past experiences suggested that issuing of reminders and calling for documents for scrutiny had not yielded the desired results with regard to pendency of utilization certificates. The Committee suggested that the Ministry devise a more stringent monitoring mechanism especially for those NGOs which neither bothered to respond to the reminders nor submitted the documents. Penal action against such defaulters needed to be contemplated. They could not afford to escape the accountability for the funds allotted from Government exchequer.

8.59 The Committee would like to have a status of the response received from the Ministry of Corporate Affairs with regard to the amendments proposed to the Societies Registration Act, 1860.

Nehru Yuva Kendra Sangathan (NYKS)

8.60 The Committee deprecated the manner in which the issue of the recruitment of the youth coordinators had been handled by the Ministry and NYKS. The Ministry’s note dated 19th August, 2008 did not reveal any new fact. Despite Secretary’s assurance before the Committee for status of the issue, the information as on the day of evidence had been repeated. The reply that the Ministry was referring to in their action taken note was in pursuance of the Committee’s specific query regarding existence of a final list of the candidates. Since Ministry’s answer to this specific query was affirmative, the Committee reiterated its observation that the candidates who qualified the tests of the Youth Coordinators during the year 1997-98 should be given priority in appointments. The procedural lapse in the entire selection process had gone against these candidates amounting to denial of the right to natural justice. Even in their latest communication received in March, 2009 the Ministry enclosed a copy of its earlier note dated 19th August, 2008 pleading that the matter was sub judice and action in the matter could be taken once the case was finally disposed off by High Court. Therefore, the Committee called upon the Ministry to take note of the corrective measures suggested by the Committee earlier including appropriate departmental action against officials responsible for misplacing of the papers and documents relating to the selection process. The Committee would like the Ministry to keep it informed of the status of the case in the High Court and follow up action on the final list of candidates, which had floated in Ministry’s file and surprisingly not traceable within the Ministry’s walls.

Youth Hostels

8.61 The Committee took note of the reply of the Ministry on the Committee’s Recommendations/Observations as contained in paras 7.3, 7.4 and 7.5 pertaining to youth hostels. Three things emerged from the reply viz (i) out of the seven youth hostels commissioned earlier construction of only two youth hostels had been completed; (ii) about the proposed nine youth hostels, since the sites had not been finalized, their principle approval was to be treated as cancelled, and (iii) the Ministry will consider the Planning Commission’s suggestion regarding
construction of Youth Hostels under Public Private Partnership (PPP) while it reviewed the existing scheme. The Committee felt that the State and the Central agencies responsible for the construction work should coordinate and monitor effectively so that the construction works of the Youth Hostels did not suffer on any account. The Ministry’s argument for cancellation of the proposed construction of more youth hostels due to non-finalization of the sites was not acceptable to the Committee. This factor should have been sorted out before moving the proposal for construction of 9 more Youth Hostels. The Committee felt that the Planning Commission’s suggestion for Public Private Partnership (PPP) for the construction of youth hostels was worth considering and the Ministry should work out the modalities of the suggestion before taking any final decision.

**Sports Authority of India (SAI)**

8.62 The Committee noted that a comprehensive transfer policy for the coaches was under formulation. It hoped that the policy would take care of all the teething problems relating to transfer and placement of coaches as pointed out by the Committee earlier. It would like the SAI to expedite the formulation of transfer policy. The Ministry might keep the Committee informed about the status of the policy.

8.63 The Committee was of the view that 313 vacancies of coaches was a substantial figure. The engagement of contract coaches was worrisome as the desired amount of commitment could not be expected from them. It was, however, encouraging that the Finance Ministry had been consulted for reviewing the ban on recruitment of coaches. The Committee would like to know the status of such consultation. The Committee reiterated its observation that the SAI should formulate a comprehensive and transparent policy with regard to recruitment of coaches. The Committee impressed upon the Ministry to expedite the formulation of transfer policy for various disciplines so that non-availability of coaches did not adversely affect the training of the players.

**Sai Training Centre Scheme (STC)**

8.64 The Committee opined that despite Ministry’s claimed action for effective coaching system, the number of coaches deployed in the Extension Centres continued to be on the lower side. The Committee desired that a more realistic approach in deployment of coaches in the extension centres. The trainees had won 396 medals during the year 2007-08 and they needed to be nurtured and encouraged further for better performance.

**National Sports Federations (NSFS)**

8.65 The Committee emphasized the need for adequate number of synthetic turfs so that our players got regular practice. In case of some sport disciplines practice and playing on synthetic turfs was a necessity if India was to compete at global level. The cost factor for the laying of requisite number of synthetic turfs was secondary. The Committee desired an affirmative and expeditious time bound action for augmenting the synthetic turf facilities across the country.

**Scheme of Incentives for Promotion of Sports**

8.66 The Committee was not satisfied with the status of sportspersons being granted pension. The Ministry could have given the category-wise details of sportspersons along with the committed liability of Government under the revised rates of pension. The Committee hoped that the desired details would be made available to it. The Ministry had also chosen to remain silent over the grievance redressal mechanism relating to incentives to deserving sportspersons. It had come to the notice of the Committee that the cases of pension to deserving sportspersons remained pending for a long time. The fact remained that these sportspersons were forced to approach the authorities for clearance of their pension, which other wise should be released by Government without any application from the sportsperson. The scheme clearly stipulated the criteria and amount of pension for different categories and therefore the sportspersons should not be made to beg for the rewards they truly deserve. Since the grievances on this account were not properly addressed, there was an urgent need to set up an effective redressal mechanism otherwise the very purpose of the scheme would be defeated. The Committee would like the Ministry to furnish the details of applications for pension pending with it. The Committee also expected the Ministry to devise a mechanism so that the cases were cleared within one month of the receipt of application.

**Commonwealth Games 2010**

8.67 The Committee found that the reply was too general and not specific and was of the considered opinion
that the Commonwealth Games being an international event showcasing India to the world, preparations therefore in terms of infrastructure and other related facilities should have been accorded top priority and completed strictly within the prescribed time limits. In the light of this, the Committee found the Ministry’s reply that “most of these sports infrastructure projects would be completed by December, 2009” as being vague. The Committee impressed upon the Ministry to make concerted efforts to ensure that all the sports infrastructural projects be completed in time and the Committee be regularly kept apprised of the progress made in the matter.

8.68 The Committee while reiterating its above observation would like the Ministry to keep the Committee apprised of the progress of different sports infrastructural projects regularly. The Committee would further like to have a status report on the projects that are likely to be delayed along with the reasons for delay and the remedial steps proposed to be taken.

8.69 The Committee observed that the reply of the Ministry did not specify the reasons for wide variations in the proposal and actual allocations. The gap was a cause of worry. It appeared the Ministry had failed to defend its projections. Given the fact that the Commonwealth Games were fast approaching and there were speculations and doubts over the timely completion of projects, the plea regarding non availability of funds would do more harm than good at this stage. In the light of this, the Committee would like the Ministry to take every conceivable step to mobilize the requisite funds from the Planning Commission. Commonwealth Games being an international event, the Country’s prestige was at stake, the Government should endeavour not only to arrange the adequate funding but also timely completion of the projects. The Committee hoped that all sports agencies will collectively work in tandem to make the event a grand success.

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Budgetary Allocation

8.70 The Committee was still not convinced with the trend of utilization of funds. Major chunk of the funds had been utilized between the period from 1.02.2008 to 31.03.2008 with respect to many schemes like ICDS, Training Programme under ICDS, STEP, Short Stay Homes, Swayamsidha and Swadhar. For the scheme of Rashtriya Mahila Kosh, the entire allocated funds of Rs. 12.00 crore could be utilized only in the last two months of the year. The hurried utilization of funds at the end of the financial year was not a healthy pattern of financial discipline. More so, the expenditure still appeared short of financial targets in respect of those schemes. Expenditure should be evenly spread throughout the year to maintain transparency as well as justification in utilization with a view to establish financial accountability at the implementation level. The Committee was not aware about the reasons for funds allocated under the schemes of ‘Conditional Cash Transfer Scheme for the Girl Child with Insurance Cover’ and the Scheme for Combating Trafficking remaining unspent at the end of the year. The Committee hoped that position would be better in 2009-10.

8.71 The Committee agreed in principle with the procedure followed by the Ministry with respect to release of funds to States/UTs. However, it felt that the money released to the State Governments needed to be properly accounted for. The Committee recommended that the Ministry should work in tandem with the concerned State Governments and guide them regularly on the optimum and judicious utilization of the public money on such crucial social sector schemes.

8.72 The Committee would like to draw the attention of the Ministry to the targets set and achievement level with regard to number of beneficiaries under Awareness Generation Programme. Similarly, against the target of organization of 6000 Awareness Generation Camps, achievement level as on 31st December, 2007 was only 1259 and by the end of the year (31.3.08), 5436 camps could be organized. These figures clearly indicated that the last quarter of the year saw the maximum activity. The Committee was also surprised to note that upto 31st December, 2007, 31,250 beneficiaries were reported to have attended 1250 camps. This figure was 1,32,150 beneficiaries having attended 5436 camps as on 31st March, 2008. Not only this, there was also mismatch in the targets set under the Awareness Generation Programme and their achievement level. The Committee therefore, recommended that a view of both the above-mentioned components of Awareness Generation Programme might be undertaken so as to ensure their implementation in the real sense. The Committee found that the information under the Shishu Greh Scheme was maintained for a calendar year. Achievement level for 2007-08 (upto 31.3.08) was actually for the period from 1.1.2007 to 31.12.2007. The Committee failed to understand the rationale for maintaining the information for one single scheme calendar-wise as compared to maintenance of information
for all the other schemes financial year-wise. The Committee was of the view that for the Shishu Greh Scheme also the same accounting mechanism should be put into place.

8.73 The Committee was of the view that pendency of Utilisation Certificates (UCs) and inability of the Government in getting the accounts cleared were major hindrances in the judicious utilization of funds and implementation of the scheme(s) as envisaged. Blocking public money without delivering was a matter of grave concern. The Committee was still doubtful about the effectiveness of the monitoring mechanism for the various schemes being handled by the Ministry. It would like to know about the detailed impact of the stringent measures undertaken by the Ministry after Committee’s recommendation on that account.

**Integrated Child Development Scheme (ICDS)**

8.74 The Committee could hardly emphasise the significance of construction of AWC buildings with basic amenities like safe drinking water, sanitation facilities etc. for efficient delivery of services. The Ministry’s dependence for the support of local community for infrastructural development of AWCs over the years and making no fund provisions therefor had not brought any substantial results. The scheme continued to be plagued with infrastructural deformities. The Committee, therefore, reiterated that a percentage of allocation for ICDS be fixed for construction of AWC buildings. This would be a one time expenditure which would lead to betterment of services given by these AWCs. The Committee would also like to be apprised about construction status of AWCs in North Eastern States, keeping in view the special provision of Rs. 1.75 lakh per AWC since 2005-06.

8.75 The Committee had noted the shortcomings pointed by NIPCCID in the existing Management Information System on ICDS Scheme; it would be more interested in the corrective initiatives taken to ameliorate the problems encountered in providing supplementary nutrition. The State Governments needed to be sensitized about the importance of supplementary nutrition to children, pregnant and lactating mothers. They should be motivated to provide supplementary nutrition on regular basis and that too as per financial norms. The Committee believed that the Management Information System needs to be reviewed in the light of disruptions pointed out in the study undertaken by NIPCCCD.

8.76 No feedback had been reflected by the Ministry about lack of Pre-School Education Kits. The Committee was greatly concerned at the high percentage of AWCs who do not have Pre-School Education Kits. It would like the Ministry to initiate special steps to ensure availability of these kits. This was crucial for achievement of literacy targets and towards this end, the Ministry should work out a time bound action programme. The Committee hoped that all the basic amenities would be arranged to facilitate better delivery of services by AWCs. The Committee would also like to be apprised about the other probable changes/new initiatives in the restructured ICDS scheme.

**Rajiv Gandhi National Creche Scheme for the children of working mothers.**

8.77 The Committee opined that the suggestions given in the Sub-Group Report on Child Protection with regard to lateral linkages with the local PHC or sub-PHC in the area, tie-up with AWCs, upgradation of standard of care provided and of infrastructure and materials etc. were quite important and worth implementing. Monitoring would however be an essential component for the scheme to achieve its objectives and accomplishment of targets. The Committee welcomed the proposed revision in cost norms for providing better services and care for the vulnerable sections of the society i.e. children.

**Child Budgeting**

8.78 The Committee had noted the Ministry’s indifference towards augmenting the outlays for child related issues as no follow up proposal was reflected in their reply. The Committee would like the Ministry to adopt focused approach towards child development, health and protection and approach the Planning Commission for enhanced funds in child related sectors.

**The Integrated Child Protection Scheme (ICPS):**

8.79 The Committee noted that the Integrated Child Protection Scheme (ICPS) got the approval of EFC in its meeting held on the 20th March, 2008. It took almost a year for getting the clearance from the Cabinet Committee
on Economic Affairs on 26th February, 2009. The Committee also observed that response of States/UTs to the communication dated 28th April, 2009 for signing a MoU with the Central Government under the scheme had not been very encouraging. By 27th August, 2009, only three States namely, Andhra Pradesh, Chhattisgarh and Orissa had signed the MoU. ICPS was to be implemented during the Eleventh Plan. Every year funds are being allocated for it. Rs.180.00 crore were allocated during 2008-09 also. The Committee, however, noted with concern that it was already third year of the plan period and only three states have come forward to sign the MoU so far. The Committee had little hope of this much awaited scheme taking off in the real sense during the Eleventh Plan. The Committee, therefore, urged upon the Department to get this scheme implemented at the earliest.

Programme for Juvenile Justice

8.80 The intention behind inviting the specific attention of the Ministry towards the evaluation of the Scheme for Juvenile Justice by CRY in 2007 was to ensure that all shortcomings would be taken care of in the new Centrally Sponsored Scheme of ICPS. Since the Scheme of ICPS was yet to be implemented, the Committee found itself clueless as to how the Ministry envisages to cover the wide subjects within the scheme and what preparatory exercises had been undertaken in this regard. The Committee would like the Ministry to inform the action plan prepared on the evaluation by CRY.

Central Social Welfare Board (CSWB)

8.81 The Committee opined that the need of the hour was to realize the noble objectives with which these schemes were launched and work towards achieving those objectives with much more vigour and will. The very fact that only half of the allocated funds under the Awareness Generation Programme could be released to CSWB by the Ministry indicated that the scheme is not being implemented as envisaged. The Committee had its doubts over the possibility of holding 5372 camps against the targeted number of 6012 camps with half of the allocated funds. This clearly showed that scheme had not been running well. The Committee hoped that review of working of CSWB, the implementing agency for the scheme, must have been completed and corrective measures initiated by now. The Committee would also like to emphasize that the field machinery of CSWB for the running of the Rajiv Gandhi National Creche Scheme must be expanded and strengthened without any further delay.

8.82 The Committee was not at all satisfied by the efforts of the CSWB to spread awareness about the evils of female foeticide through its Awareness Generation Programme given the status of underutilization of funds. Details of release of funds amounting to Rs.49,30,600/- released to 20 States during 2006-07 did not indicate the assessment of year long campaign against female foeticide and importance of girl child at the ground level in these States. The Committee also presumed that no further releases could have been made during 2007-08 and 2008-09 in that eventuality, the purpose of campaigns launched in 2007-08 would also be lost. The need of the hour was sustained campaigns in the most vulnerable States with active participation by the local community.

Hostels for Working Women

8.83 The Committee had been given to understand that the scheme of Hostels for Working Women was to be revised in 2007-08 and the EFC memo for the revised scheme had been circulated for obtaining comments from nodal Ministries/Departments on 30.6.08. The implementation of the revamped scheme was long overdue. The Committee hoped that the scheme would be implemented in this financial year.

8.84 The Committee was not convinced by the Ministry’s repeated excuse of addressing the deficiencies of present schemes through a revised scheme. How could targets set be accomplished as per the prevailing poor rate of achievements. It was equally intriguing that despite poor performance, six new hostels for working women had been sanctioned upto 31.3.2008. The Committee would like to have an action plan for the implementation of the proposed revised scheme as envisaged by the Ministry.

Short Stay Homes (SSH)

8.85 The Committee took note of the fact that the Centre for Marketing Research and Social Development had evaluated the Schemes of Swadhar and Short Stay Home and recommended their merger. Basis for such a recommendation was the same kind of beneficiaries being covered under the two schemes and overlapping in their schematic pattern. Same viewpoint was also held by the Committee in its earlier reports. The Committee would like to emphasize that the process of merger should not be a prolonged one. The Committee, accordingly,
recommended that the Ministry should take all the steps for expediting the completion of procedural formalities for merger of these schemes.

Other Schemes of the Ministry

8.86 The Ministry had not come forward with any reason behind the underutilisation of massive funds in 2007-08 with respect to “Other Schemes” like Research Publication and Monitoring, Innovative Work on Women and Children (Social Defence), Information and Mass Media etc. The Committee would like to know the corrective measures taken by the Ministry with regard to innovative work, research publication, monitoring, publicity etc. of the Scheme.

8.87 The Committee took note of status of appointment of Protection Officers dealing with Domestic Violence Act in all States/UTs. The Committee observed that in the UTs of Chandigarh, Dadra and Nagar Haveli, Delhi, Lakshadweep, Andaman and Nikobar Islands and in the States of Arunachal Pradesh, Haryana, Manipur, Orissa, only women Protection Officers had been appointed and in the States of Himachal Pradesh, Jharkhand, Meghalaya, Mizoram, Sikkim, Tamil Nadu, majority of Protection Officers were women. However, position was different in respect of Goa, Gujarat, Kerala Madhya Pradesh, Maharashtra, Punjab, Uttar Pradesh and Uttarakhand where majority of Protection Officer were men. There were also some States where gender break up of the Protection Officers appointed was not available, which was indicative of the fact that implementation of the provisions of the Domestic Violence Act has not been judicious. The Committee reiterated its recommendation of deputing women as Protection Officers as implementation of the said Act in all the districts of the country was essential for protecting women in all parts of the country from domestic violence.

Role of Non Government Organisations

8.88 Only two cases of action initiated against the erring NGOs had been brought to the notice of the Committee by the Ministry. The Committee would like to point out that role of NGOs was very prominent in all the schemes of the Ministry. It cannot be that only two cases deserved deterrent action. Lack of action gave a free hand to erring NGOs to carry on with their dubious ways. As a result, the objectives of the schemes got defeated. The Committee therefore, recommended that an overall review of all the NGOs blacklisted/not performing well might be made in co-ordination with the State authorities, followed by the necessary corrective steps.

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Budgetary Allocation

Pending Utilisation Certificates (UCs)

8.89 The Committee found the reply of the Ministry too general. The Ministry had not even indicated the steps taken to book the defaulting NGOs under IPC. The Committee was of the considered opinion that accountability needed to be fixed for the funds allotted from the Government exchequer especially in case of defaulting NGOs. The Committee would like the Ministry to devise a stringent monitoring mechanism, entailing stringent penal action, to ensure that the pendency of utilization certificates and the problem of unspent balances was reduced to minimum.

Sarva Shiksha Abhiyan

Goals of Sarva Shiksha Abhiyan

8.90 The Committee would like to point out that the first goal of SSA was to bring all children to schools, Education Guarantee Centres, Alternate Schools, ‘Back to School’ camps by 2005. The entire strategy for achievement of this goal had been based to a large extent on the data gathered and analyzed through District Information System for Education (DISE) and other similar data bases. After four years of targeted year of goal achievement being over, commissioning of an independent study to estimate ‘out of school children’ and examination thereof was too late an exercise. The Committee would like to conclude that the Department had little faith in the data of ‘out of school children’ generated so far. The Committee can only emphasize that follow up action on the independent study on the status of ‘out of school children’ should be initiated at the earliest otherwise the very objectives of SSA would prove to be meaningless.

8.91 The Committee appreciated the improvement that had taken place in narrowing the gender and social gaps at primary and upper primary levels. However, consistent efforts were required to bring it to the optimum level
by 2010. The Committee would like the Department to promote community participation methods by roping in the parents, local bodies/authorities and school management in the system itself so as to ensure that girl child was necessarily given access to school education.

8.92 The Committee was of the considered opinion that universalization of education itself aimed at providing access to each child to the school. However, mere access to school might not help in attaining the goals of SSA. Retention of the children in the schools was equally important. The process of access and retention in the schools have to be simultaneous. Seen in this context, the Committee found that though the dropout rate had declined, it was yet far above the desired level. Further, there were still six States having more than 40 per cent dropout rate. The Committee would like the Ministry to devise appropriate strategies, in consultation with PRIs to bring the overall dropout rate in general and in the six States in particular to the minimum level in a time bound manner.

8.93 The Committee noted that the high dropout rate in respect of girls, Scheduled Castes and Scheduled Tribes, was indicative of the plight of these marginalized sections of the society. It negates the impact of the efforts put in so far by the Government for retention of students at the initial level of enrolment. The Committee, therefore, impressed upon the Ministry to reorient its planning and reschedule its priorities to ensure retention of girls, SC and ST students at the initial enrolment level itself for primary and upper primary level of schooling. The Committee hoped that the new legislation namely the Right of Children to Free and Compulsory Education Bill, 2009 would ensure elimination of drop out rate and also lay the foundation for restructuring of Sarva Shiksha Abhiyan whenever required.

8.94 The Committee was aware about the specific provisions regarding the minimum qualifications prescribed for teachers and also period of five years prescribed for acquiring the same by teachers not possessing the minimum qualifications. However, such a provision in itself could not remove the ground reality of having 44 per cent elementary school teachers possessing only up to higher secondary level education. The Committee noted that sustained efforts were required for implementation of the Right of Children to Free and Compulsory Education Act. The Committee would like to emphasize that the Department had to play a pro-active role in this crucial area so as to ensure achievement of both SSA goal and the objective of the aforesaid Act in the real sense.

8.95 The Committee had been informed that State-wise progress towards all SSA goals including quality was being systematically tracked through regular bi-annual reviews. The Committee would like to be apprised about the latest available data (State-wise) and details of remedial steps initiated.

8.96 The Committee noted Government’s initiative to engage Social Science Institutes to monitor performance evaluation of SSA and MDM in the fields. As of now 536 districts had been covered. The Ministry’s Action Taken Note however did not indicate any time period for such evaluation. The Committee expected the Ministry to expedite the feedback of remaining districts in a time bound manner. It would also like to have studies covering the latest data as well. The Committee hoped that the Ministry would also share with it the plan of action envisaged on all components of both schemes.

8.97 The Committee was at a loss to understand the inability of the Ministry in selecting/identifying the girl students for enrollment in these schools. When the scheme stipulated clearly that these schools were meant for girls who were either dropouts or have difficulty in accessing day schools due to geographical, socio-economic or cultural barriers, there was either some mismanagement in selection criteria or the desired will power was lacking. With such a high drop-out rate amongst marginalized sections of the society, the scrutiny process appeared to be too stringent and time consuming. The Ministry needed to relax its selection process to accommodate all girls who were dropouts by the beginning of ensuing academic session.

8.98 The Committee was not very happy with the feedback furnished by the Department on the crucial issue of role of Para-teachers in SSA. The Committee would like to point out that as per the earlier Action Taken Note on the above para, the number of Para teachers was reduced from 10.71% to 9.86% in all schools (DISE data 2006-07). However, the Committee was surprised to note that the latest ATN referred to existence of 10.48% Para teachers as per DISE data 2007-08. That showed that strength of Para teachers had not shown a declining trend. The very fact that States like Jammu & Kashmir, Jharkhand, Orissa, Mizoram and Uttar Pradesh have high
concentration of Para teachers confirmed Committee’s apprehensions. The Committee has time and again been advocating that engaging para teachers was not a viable option as unlike regular teachers they might lack the desired commitment towards the students. Every effort should therefore be made to recruit regular teachers so that the quality of education was not compromised. Vacancies of more than 2 lakh teachers across the country was a matter of serious concern. The Committee would like the Department to regularly apprise it of the sanctioned strength and the existing strength of regular teachers including the number of para teachers, State wise for its consideration.

8.99 As informed by the Department, States like Uttar Pradesh, Uttarakhand etc. had begun to recruit professionally untrained teachers but were in the process of organizing in-service professional training for such teachers. The Committee viewed this trend with serious concern. The Committee would like to have full details in this regard along with status of teacher training in such States.

8.10 The Committee was happy to note that a Committee had been set up by the Department having representation from Madhya Pradesh, Jharkhand, Chhattisgarh, Orissa, Rajasthan and Gujarat on the extension of MDM Scheme to private managed un-aided schools. The Committee strongly felt that there was an urgent need for coverage of unaided schools specially located in tribal areas and also having minority students. The Committee hoped that report of this Committee would come out shortly followed by corrective action.

8.101 The Committee did not find the status of physical and financial progress on construction of kitchen sheds under MDM Scheme as on 31.12.2008 very encouraging. Only 46 per cent kitchen sheds reported to be completed and in progress did not give a clear picture of the actual progress made so far as the exact figures of completed kitchen sheds were still not forthcoming. The Committee notes that State-wise status of this crucial component of MDM Scheme was more disturbing in respect of States, like Chhattisgarh (31%), Gujarat (26%), Himachal Pradesh (22%), Karnataka (30%), Maharashtra (29%), Punjab (25%), Rajasthan (36%), Tamil Nadu (30%) and West Bengal (21%). Not only this, expenditure figures indicating 48% and 52% of funds lying as unspent balance was a clear indication that problem areas continued to persist. A series of national and regional level of meetings held during the second half of 2008 also seemed to have failed in bringing out any significant improvement. Taking a serious note of this situation and also keeping in view the expansion of MDM Scheme, the Committee impressed upon the Department once again to identify the inherent constraints of this component and play a pro-active role for elimination of the same.

National Programme of Mid-Day Meal in schools

Lifting of foodgrains

8.102 The Committee opined that non lifting of allocated foodgrain quota by certain States adversely affected the performance of the scheme in those States in particular and at the national level in general. The students of such poor performing States must have been deprived of the benefits of the scheme. The Committee observes that overall percentage including primary and upper primary level schools for 2008-09 was 77% which was less than 79% lifting recorded in 2007-08. That confirms Committee’s apprehensions about continuance of constraints being faced by many States in lifting of grains. Majority of North-Eastern States and UTs and also States like Chhattisgarh, Goa, West Bengal showed less that 50% lifting. What was more disturbing was that almost all the States had left over stock of grains at the beginning of the year. The Committee noted that level of grains lifted would come down if compared with gross allocation figures. All these data was based on the FCI figures. The Committee strongly felt that at the ground level, position would be even more discouraging. The Committee accordingly recommended that in the light of extension of MDM Scheme to higher classes, a viable and effective monitoring mechanism for confirming the reach of this scheme to the targeted beneficiaries had to be in place on an urgent basis.

8.103 The Committee appreciated the Department’s follow up of its advice for the need of a FCI godown at Lakshadweep. The Committee would be happy if the Department continues to take a pro-active role by coordinating with both FCI and Lakshadweep Administration so that the FCI godown for storage of foodgrains in this remote island came up at the earliest.

Restructuring and Reorganization of Teacher Education

8.104 The Committee had been voicing its serious concern on the status of teacher education in the country. Latest feedback received from the Department confirmed apprehensions of the Committee. Comprehensive
evaluation of the Teacher Education Scheme was recommended by the Expenditure Finance Committee on 13th November, 2007. This recommendation was based on a report submitted by a Sub-Group of NCERT. NCERT had accordingly been entrusted with the task of evaluation of the Teacher Education Scheme Evaluation which was expected shortly. Prior to that, a Committee was constituted in 2002 by the Department to study the working of National Council of Teacher Education. This Committee made a number of recommendations for streamlining the activities of NCTE. Subsequently, a Review Committee was constituted by the Department to conduct an in-depth study of NCTE and its Regional Committees. In its Report submitted in April, 2007, the Review Committee recommended repeal of NCTE Act, 1993 with regulatory functions relating to teacher education to be vested in the University System. However, keeping in view the implications of such a move and also recommendations of the Yashpal Committee, a decision had now been taken not to repeal the NCTE Act. After the constitution of the National Commission for Higher Education and Research, the matter would be revisited for subsuming the functions of NCTE under the proposed Commission.

8.105 The Committee was extremely unhappy with the pre-dominant element of uncertainty continuing with regard to continuance of NCTE. The Committee had been cautioning the Department time and again in this regard. The Committee was, however, constrained to observe that things were not going to change in the near future. The Committee could only reiterate that teacher training in the right perspective was one of the most crucial components for providing quality education for our children. Further delays due to reviews, counter-reviews will prove to have a negative impact only. The Committee strongly recommends that a final decision about the status of NCTE should be taken on an urgent basis so that the regulatory body for teacher education can execute its mandated tasks with full authority.

8.106 The Committee was also not clear on the total number of blacklog vacancies and new recruitments needed for better training programme. Innovative ways for augmenting infrastructure availability should be adapted for augmenting teacher training needed to be significantly and quickly. A proper assessment of targets and harmonized Action Plan should be evolved. A Special Programme towards this objective needed to be quickly drawn up and reflected in the programme of the Ministry for the coming year.

8.107 The Committee was happy to note the action initiated by NCTE for allotment of an identification number to every education degree holder. The Committee hoped that the Committee set up for the purpose would come up with its Report at the earliest followed by required corrective measures.

8.108 The Committee would appreciate if the issue of inclusion of ‘Education’ as a subject in the competitive examinations including Civil Service Examination was actively pursued with the UPSC by the Department.

**Kendriya Vidyalaya Sangathan**

8.109 Time and again the Committee had been deliberating on the genuine concerns of the Lok Sabha MPs in whose constituencies not even a single Kendriya Vidyalaya fell and for whom the Special/Dispensation Quota did not bear any relevance. The Committee observed that the specific issue raised by it continued to remain unaddressed. The Committee strongly felt that it was high time that the genuine problem being faced by Lok Sabha Members was resolved without any further delay.

**Navodaya Vidyalaya Samiti**

8.110 The Committee noted that against sanctioned strength of 10778 teachers as on 31.12.2007, 1317 posts of teachers were lying vacant; (10778 teachers) as on 31.12.2007, 2013 posts of teachers were vacant against sanctioned strength of 11738 teachers as on 30.6.2009. It had taken considerable time in the completion of recruitment process for vacancies as on 31.12.2007. With advertisements being issued in March, 2008, written exam could be conducted only in November, 2008 with interviews being finally held in June, 2009. Process of joining of teachers was yet to begin. The Committee could well imagine as to when the process for filling up vacancies arising as on 30.6.2009 would be initiated and completed. The fact that the shortfall in the teachers’ recruitment was being made up with the appointment of temporary teachers on contract basis is equally worrisome. The Committee was of the view that the desired amount of commitment could not be expected from the teachers appointed on contract basis. This would only affect the quality of teaching in the schools in the long run. Therefore, the shortfall of teachers be addressed urgently not only by replacing the contract teachers with the regular ones but by ensuring that the process of filling vacant posts was streamlined and made expeditious to the extent possible.
8.111 The Committee observed that the ICT Scheme introduced in 2005-06 after merger of existing schemes of CLASS and ET had failed to take off so far. Apprehensions voiced by the Committee while examining Demands for Grants for 2008-09 still held true. Out of 53, 250 schools approved upto 2008-09, only 14,369 schools could be covered so far. State-wise status made a dismal reading. Not only erratic progress was noticed, in respect of some of the States, details of schools covered was simply not available. The Committee could only hope that with some initiatives taken for regular supply of electricity, position would somewhat improve. The Committee was also of the view that the Department would have to play a more pro-active role so far as effective monitoring of this scheme was concerned.

Vocational education at + 2 Level

8.112 The Committee was not very happy with slow pace of progress in the finalization of revised Scheme of Vocational Education. A Concept Paper on this subject was sent to the Planning Commission on 1.10.2007. Presentation on the Concept Paper before the Planning Commission could be made after six months i.e., on 9.4.2008. Since then, the draft scheme was under preparation. The Committee once again emphasized the need for finalizing the scheme at the earliest. One must not forget that considerable time would the required for getting the scheme implemented.

(f) 218th Report

Clause 1

8.113 The Committee noted that the present Bill did not contain the commencement clause. The Committee fails to comprehend the justification for non-inclusion of the commencement clause in the Bill. The Committee was well aware of the options as indicated by the Department in this regard. The Committee found no harm in inclusion of the commencement clause in the corpus of the Bill. The Committee recommended accordingly.

Clause 2

8.114 Clause 2 of the Bill sought to substitute the following definition of the term ‘Minority Educational Institution’ given in Section 2 (g) of the Act:

2(g) “Minority Educational Institution” means a college or institution (other than a University) established or maintained by a person or group of persons from amongst the minorities.

8.115 The Committee was in agreement with the substitution of the words ‘established or maintained’ with the words ‘established and administered’ in the definition of the term ‘Minority Educational Institution’.

8.116 The Committee did not have any doubt so far as the reference of Azeez Basha case made by the Department is concerned. The Committee emphasized that the Supreme Court had also supplemented its statement in the Azeez Basha case by highlighting that there was no law in India which prohibited any private individual body to establish a university prior to the Constitution coming into force in 1950. However, with the enforcement of UGC Act in 1956, setting up of universities in the country was to be governed by the relevant provisions of this Act. The Committee was, therefore, of the view that Supreme Court observations in Azeez Basha case with regard to the expression ‘Minority Educational Institution’ including ‘University’ also needed to be looked into in totality. Nobody can also dispute the fact that the judgement of the Supreme Court in the instant case on the question of establishment of university by law still held good, although the same was under challenge by the Aligarh Muslim University. The Committee would also like to point out that in the case of TMA Pai, the Supreme Court had not specifically indicated the inclusion of the term ‘University’ within the meaning of ‘Minority Educational Institution’. It was also true that postgraduate level of education could be imparted in colleges which were affiliated to Universities.

8.117 The Committee noted that with the inclusion of ‘University’ within the meaning of ‘Minority Educational Institution’, the above provision would also be applicable on Universities to be set up.

8.118 Nobody would dispute the fact that a minority could establish a co-operative society, a trust, a company and could establish any educational institution. However, it was also true that for establishing a university, law was required. Provisions of the UGC Act, 1956 in this regard, could not be ignored. In the event of delay in the passing of law or refusing to pass a law for establishing a university by a minority, Section 10 of the NCMEI Act, 2004 would give the right for going ahead. The Committee would like to
emphasise that power to establish a university by law was the right of the State and not of an individual or group of persons.

8.119 The Committee was not convinced by the contention of the Department that right to establish a minority educational institution as enshrined in Section 10 could be made applicable to university also. The Committee also strongly felt that the stand of the Department that in the event of there being no legal requirement for an NOC or to follow any procedure, a Minority Educational Institution can be established without such procedure was liable to lead to legal complexities in future, if made applicable to universities also. The Committee, accordingly, recommended that this issue might be examined in detail.

Committee’s attention was drawn to the following definition of ‘College’ as given in the Act:

2(b) “College” means a college or teaching institution (other than a university) established or maintained by a person or group of persons from amongst a minority community.

8.120 The Committee felt that as the definition of the term ‘Minority Educational Institution’ covered college also, separate definition of ‘College’ was not required. The Committee, accordingly, recommended that the same might be deleted.

Clause 3

8.121 The Committee, therefore, felt that membership of the Commission may be expanded to ensure that rights of all the religious minorities were adequately protected.

8.122 The Committee was of the view that mere addition of members might not be of much help in expeditious disposal of cases. On a specific query in this regard, the Commission informed the Committee that it would consider constituting benches once the number of member(s) was increased. A viable solution in the opinion of the Committee was to have additional benches so as to facilitate speedy disposal of cases. The Committee, however, understood that a specific provision authorizing the constitution of additional bench would be required for the purpose. Under the Administrative Tribunal Act, for every bench, there had to be one judicial and one administrative member. The Committee, accordingly, recommended that feasibility of this proposal might be examined by the Department and required action taken accordingly.

8.123 The Committee noted that attention had been drawn to Article 30 of the Constitution which safeguarded the interests of both religious and linguistic minorities. The Committee would like to point out that the right of linguistic minorities was inbuilt in the Constitution. At present, the petitions received from the linguistic minorities were being sent to the Commissioner of Linguistic Minorities at Allahabad for action as deemed proper by NCMEI. The Committee, felt that Government might explore the inclusion of linguistic minorities within the ambit of NCMEI Act and take appropriate action accordingly.

Clause 4

8.124 The Committee was in agreement with the proposed amendment in Section 10(1) of the Act.

Clause 5

8.125 In view of the justification given by the Department for proposing this amendment, the Committee was of the view that there was no likelihood of powers of State Governments being eroded and concept of federalism would remain duly protected. The Committee, accordingly, adopted the clause without any amendment.

8.126 The enacting formula and the title were adopted with consequential changes.

8.127 The Committee recommended that the Bill might be passed after incorporating the amendments/additions suggested by it.

8.128 The Committee would like the Ministry to submit a note with reasons on the recommendations/suggestions made by the Committee, which could not be incorporated in the Bill.

VIII. Secretariat

8.129 The Committee Section (Human Resource Development) headed by a Assistant Director constitutes the Secretariat of the Committee. Additional Secretary, Director and a Joint Director remained incharge of the Section.
8.130 To assist the Committee in its work, material received from the Ministries /Departments as also from other organizations and individuals was studied, and relevant points were culled out. Questionnaires for written/oral replies were prepared for use of the Committee.

8.131 The Committee also studied material like Parliamentary Debates, answers to Parliamentary Questions, Budget Estimates, Economic Survey, Mid-Term Appraisal of the Tenth Five Year Plan, Books, Journals, and Newspapers etc. relevant to the subject under examination of the Committee. The Committee sent questions based on newspapers report/articles alongwith the questionnaire based on Expenditure Budget and other relevant documents. The Committee also downloaded study material form websites on various subjects for preparation of reports.

8.132 The work relating to drafting, consideration and approval of draft reports by the Committee along with their presentation/lying, printing and distribution was undertaken.
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Time Duration</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>12.1.2009</td>
<td>1-45</td>
<td>Oral evidence of the Secretary, Department of School Education and Literacy on the ‘Right of Children to Free and Compulsory Education Bill, 2008 which was referred to the Committee for examination and report.</td>
</tr>
<tr>
<td>3.</td>
<td>11.9.2009</td>
<td>0-50</td>
<td>The Chairman welcomed the newly re-constituted Committee and discussed the various subjects which could be taken up by the Committee for examination and report.</td>
</tr>
<tr>
<td>4.</td>
<td>24.9.2009</td>
<td>2-10</td>
<td>(i) Presentation by the Secretary, Department of Higher Education on NCMEI (Amendment) Bill, 2009.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) Discussion on the subject ‘Preparation for the Commonwealth Games, 2010’.</td>
</tr>
<tr>
<td>5.</td>
<td>8.10.2009</td>
<td>2-10</td>
<td>(i) Oral evidence of the Secretary, Department of Sports on the ‘Preparation for Commonwealth Games, 2010’.</td>
</tr>
<tr>
<td>6.</td>
<td>20.10.2009</td>
<td>3-00</td>
<td>(i) Oral evidence of the Chairman, NCMEI on the NCMEI (Amendment) Bill, 2009.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) The Committee then heard the representatives of the Department of Sports, Ministry of Youth Affairs and Sports on the ‘Preparations for Commonwealth Games, 2010’.</td>
</tr>
<tr>
<td>7.</td>
<td>30.10.2009</td>
<td>1-00</td>
<td>(i) Clause-by-clause consideration of the NCMEI (Amendment) Bill, 2009. After some deliberations, the Committee decided to adopt the report on the Bill in its next meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) Thereafter, the Committee considered and adopted the draft 214th and 215th Action Taken Reports pertaining to Department of Higher Education and Ministry of Youth Affairs and Sports respectively.</td>
</tr>
<tr>
<td>8.</td>
<td>12.11.2009</td>
<td>0-25</td>
<td>Consideration and adoption of draft 216th, 217th and 218th Reports of Ministry of Women and Child Development, Department of School Education and Literacy (Ministry of HRD) and the NCMEI (Amendment) Bill, 2009 respectively.</td>
</tr>
<tr>
<td>9.</td>
<td>16.12.2009</td>
<td>1-35</td>
<td>Oral evidence of Secretary, Department of Sports regarding ‘Preparations for Commonwealth Games, 2010’.</td>
</tr>
</tbody>
</table>
CHAPTER-IX

COMMITTEE ON INDUSTRY

I. Composition of the Committee

9. The Department-related Parliamentary Standing Committee on Industry for the year 2008 was constituted on 5th August, 2008 and for the year, 2009 was constituted on 31st August, 2009 under Rule 287 of the Rules of Procedure and Conduct of Business in the Council of States. The composition of the Committee was as under:—

COMMITTEE ON INDUSTRY

(Constituted on 5th August, 2008)

1. Shri V. Hanumantha Rao — Chairman

RAJYA SABHA

2. Shri G. Sanjeeva Reddy
3. Shri Gireesh Kumar Sanghi
4. Shri Kalraj Mishra
5. Shri Natuji Halaji Thakor
6. Dr. K. Malaisamy
7. Shri Thomas Sangma
8. Shri Pyarimohan Mohapatra
9. Shri O. T. Lepcha
10. Shri Rahul Bajaj

LOK SABHA

11. Shri Guharam Ajgalle
12. Shri Rajnarayan Budholiya
13. Shri S.K. Bwiswmuthiary
14. Shri Ajoy Chakraborty
15. Shri Swadesh Chakraborty
16. Shri Mohan S. Delkar
17. Shri Subhash Sureshchandra Deshmukh
18. Shri Ram Singh Kaswan
19. Dr. Vallabhbhai Kathiria
20. Dr. Prasanna Kumar Patasani
21. Shri Krishnabhau V. Patel
22. Shri P. Rajendran
23. Shri Badiga Ramakrishna
24. Shri Gurjeet Singh Rana
25. Shri Sarvey Sathyanarayana
26. Shri K.C. Pallani Shamy
27. Shri Ganesh Singh
28. Kunwar Manvendra Singh
29. Shri V.K. Thummar
30. Shri Giridhari Yadav
31. Shri Umakant Yadav
COMMITTEE ON INDUSTRY
(Constituted on 31st August, 2009)

1. Dr. Akhilesh Das Gupta — Chairman
   
   RAJYA SABHA
   2. Shri G. Sanjeeva Reddy
   3. Shri Gireesh Kumar Sanghi
   4. Shri Bhubaneswar Kalita
   5. Shri Natuji Halaji Thakor
   6. Shrimati Kusum Rai
   7. Dr. K. Malaisamy
   8. Shri Pyarimohan Mohapatra
   9. Shri O. T. Lepcha
  10. Shri Nandamuri Harikrishna

   LOK SABHA
  11. Shri Suvendu Adhikari
  12. Shri Badruddin Ajmal
  13. Shri Bansagopal Chowdhury
  14. Shri Sabbam Hari
  15. Shrimati Poonam Veljibhai Jat
  16. Shri Ram Singh Kaswan
  17. Shri M. Krishnaswamy
  18. Shri Pakauri Lal
  19. Shri Bharat Ram Meghwal
  20. Shri Devendra Nagpal
  21. Shri Gorakhnath Pandey
  22. Shri Krishanbhui V. Patel
  23. Shri B.Y. Raghavendra
  24. Shri Ramsinh Rathwa
  25. Shri Arjun Charan Sethi
  26. Shri Raju Shetti
  27. Shri Suresh Kashinath Taware
  28. Shrimati Ingrid Mcleod
  29. Vacant
  30. Vacant
  31. Vacant
II. Subjects selected for examination

9.2 The Department-related Parliamentary Standing Committee on Industry (w.e.f. 31.08.2009) selected the following subjects for examination: —

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Ministry/Departments</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ministry of Micro, Small and Medium Enterprises</td>
<td>Impact of global economic meltdown on MSME Sector – remedial measures taken and role played by Banks and Financial Institutions to sustain and revive the sector; and Working and major schemes of KVIC and Coir Board</td>
</tr>
<tr>
<td>2</td>
<td>Ministry of Heavy Industries and Public Enterprises</td>
<td>Revival and restructuring of CPSEs; Plan programmes of CPSEs including infrastructure like land, buildings, machinery, location etc; Working of BHEL; Working of NSIC; and Professionalisation of Boards of CPSEs – representation of SCs, STs and OBCs and shareholders and MoUs of CPSEs</td>
</tr>
</tbody>
</table>

III. Sittings of the Committee

9.3 Till December, 2009, the Committee held 7 sittings lasting for about 11 hours. The details of the meetings are given in Annexure X.

IV. Study Visits:

9.4 The main Committee for the year 2008, undertook study visits of various parts of the country to have an in-depth and on the spot study of their respective subjects which are as under:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Committee/Sub Committee</th>
<th>Dates</th>
<th>Place of visits</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Main Committee</td>
<td>27th Jan. to 3rd Feb., 2009</td>
<td>Bangalore, Goa, Mumbai and Jaipur</td>
<td>Meeting with the representatives of public sector banks on Interest Subsidy Eligibility Certification Scheme for KVI Sector, meeting with Goa Shipyard Ltd., Konkan Railway Corporation Ltd. on MoU performance. Meeting with Bharat Sanchar Nigam Ltd. on the status of reservation of Persons with Disability and meeting with Punjab &amp; Sind Bank and Oriental Bank of Commerce on Credit Guarantee Fund Scheme.</td>
</tr>
</tbody>
</table>

V. Reports presented

9.5 During 2009, no report was presented/laid by the Committee in both the Houses.

VI. Secretariat

9.6 The Committee Section (Industry) headed by a Committee Officer constituted the Secretariat of the Committee. A Joint Secretary, a Director and a Joint Director remained in-charge of the Section.

9.7 The work relating to drafting, consideration and adoption of draft Reports by the Committee along with their presentation/laying in both the Houses of Parliament and distribution was undertaken.

9.8 the Secretariat also studied materials such as Budget Documents, Five Year Plan Documents, Appropriation Accounts (Civil), CAG Reports on accounts of the Union Government (Civil), Books, Journals, Newspapers etc. relevant to the subjects under examination of the Committee. The Secretariat also made use of the materials provided by the concerned Departments/Ministries within the purview of the Committee and related information downloaded from the various websites.
**ANNEXURE-X**

*(See para 9.3)*

**Details of the sitting of the Committee on Industry during the year, 2009**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Time Duration Hrs. - Mts.</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>20.1.2009</td>
<td>0 - 30</td>
<td>To hear the representatives of the BHPV and BHEL along with the representatives of M/o HI&amp;PE on the issue of current status of their merger.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 - 45</td>
<td>To hear the representatives of the Hindustan Machine Tools Ltd., Bridge &amp; Roof Co. Ltd. and Burn Standard Co. Ltd. along with the representatives of M/o HI&amp;PE on the current status of their revival.</td>
</tr>
<tr>
<td>2.</td>
<td>9.9.2009</td>
<td>1 - 40</td>
<td>Introductory meeting of the newly re-constituted Committee.</td>
</tr>
<tr>
<td>3.</td>
<td>25.9.2009</td>
<td>2 - 20</td>
<td>To hear the Secretary of the Ministry of Micro, Small and Medium Enterprises on the working of the Ministry including main highlights on Demands for Grants 2009-10.</td>
</tr>
<tr>
<td>4.</td>
<td>12.10.2009</td>
<td>2 - 50</td>
<td>To hear the Secretaries of the Department of Heavy Industry and Department of Public Enterprises (of the M/o HI&amp;PE) on the working of their Departments including main highlights on Demands for Grants 2009-10.</td>
</tr>
<tr>
<td>5.</td>
<td>9.11.2009</td>
<td>2 - 15</td>
<td>To hear the representatives of the M/o MS&amp;ME and Delhi based public sector Banks on “Impact of global economic meltdown on MSME sector – remedial measures taken and role played by banks and financial institutions to sustain and revive the sector”.</td>
</tr>
<tr>
<td>6.</td>
<td>11.12.2009</td>
<td>0 - 50</td>
<td>To consider and adopt the draft 212th, 213th and 214th Reports on Action Taken Notes received from the concerned Ministries.</td>
</tr>
</tbody>
</table>
CHAPTER-X

COMMITTEE ON SCIENCE AND TECHNOLOGY, ENVIRONMENT AND FORESTS

I. Composition of the Committee

10. The Department-related Parliamentary Standing Committee on Science and Technology, Environment and Forests was constituted on 5th August, 2008 and on 31st August, 2009. The total number of Members of the Committee was 31, out of which 10 Members were from Rajya Sabha and 21 Members from Lok Sabha.

10.2 The Committee consisted of the following Members:

<table>
<thead>
<tr>
<th>RAJYA SABHA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dr. V. Maitreyan — Chairman</td>
</tr>
<tr>
<td>2. Shri Suryakantbhai Acharya</td>
</tr>
<tr>
<td>3. Shri Bhagirathi Majhi</td>
</tr>
<tr>
<td>4. Shri Kamal Akhtar</td>
</tr>
<tr>
<td>5. Shri Saman Pathak</td>
</tr>
<tr>
<td>6. Dr. Ejaz Ali</td>
</tr>
<tr>
<td>7. Shri Jabir Husain</td>
</tr>
<tr>
<td>8. Shri D. Raja</td>
</tr>
<tr>
<td>9. Shri Nandamuri Harikrishna</td>
</tr>
<tr>
<td>10. Vacant</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOK SABHA</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Shri Jasubhai Dhanabhai Barad</td>
</tr>
<tr>
<td>12. Dr. Sujan Chakraborty</td>
</tr>
<tr>
<td>13. Shri Thupstan Chhewang</td>
</tr>
<tr>
<td>14. Shri Pankaj Chowdhary</td>
</tr>
<tr>
<td>15. Shri Akbar Ahmad Dumpy</td>
</tr>
<tr>
<td>16. Shri Francis Fanthome</td>
</tr>
<tr>
<td>17. Shri Babubhai K. Katara</td>
</tr>
<tr>
<td>18. Shri A. Venkatesh Naik</td>
</tr>
<tr>
<td>19. Shri Brahmananda Panda</td>
</tr>
<tr>
<td>20. Shrimati Neeta Pateriya</td>
</tr>
<tr>
<td>21. Shri Jaysingrao Gaikwad Patil</td>
</tr>
<tr>
<td>22. Shri Pratik P. Patil</td>
</tr>
<tr>
<td>23. Shri Bachi Singh ‘Bachda’ Rawat</td>
</tr>
<tr>
<td>24. Shri K.C. Singh “Baba”</td>
</tr>
<tr>
<td>25. Shri Kirti Vardhan Singh</td>
</tr>
<tr>
<td>26. Dr. Rampal Singh</td>
</tr>
<tr>
<td>27. Shrimati Jayaben B. Thakkar</td>
</tr>
<tr>
<td>28. Shri Aruna Kumar Vundavalli</td>
</tr>
<tr>
<td>29. Shri Akhilesh Yadav</td>
</tr>
<tr>
<td>30. Shri Mitrasen Yadav</td>
</tr>
<tr>
<td>31. Shri Sita Ram Yadav</td>
</tr>
</tbody>
</table>
COMMITTEE ON SCIENCE AND TECHNOLOGY, ENVIRONMENT AND FORESTS
(Constituted on the 31st August, 2009)

1. Dr. T. Subbarami Reddy — Chairman

RAJYA SABHA

** 2. Shri Rama Chandra Khuntia
3. Shri Anil H. Lad
4. Shri Rajiv Pratap Rudy
5. Shri Bhagirathi Majhi
6. Shri Saman Pathak
7. Prof. Ram Gopal Yadav
8. Dr. Ejaz Ali
9. Shri Jabir Husain
10. Dr. Barun Mukherji

LOK SABHA

11. Dr. Mirza Mehboob Beg
12. Shri Udayanraje Bhonsale
13. Shri Ninong Ering
14. Shri A. Ganesamurthi
15. Shri D.V. Sadananda Gowda
16. Shrimati Kaisar Jahan
17. Dr. Charan Das Mahant
18. Shri Jayaram Pangi
19. Shri C. R. Patil
20. Shrimati Kamla Devi Patle
21. Shri Gajendra Singh Rajukhedi
22. Shri S.S. Ramasubbu
23. Shri Francisco Sardinha
#24. Shri Yashwant Sinha
25. Dr. Rajan Sushant
26. Shri Pradeep Tamta
27. Shri Bibhu Prasad Tarai
28. Shri Mansukhambji D. Vasava
29. Prof. Ranjan Prasad Yadav
* 30. Shri Akhilesh Yadav
@ 31. Shri K.C. Singh Baba

* Nominated w.e.f. 14th October, 2009.
# Nominated w.e.f. 9th November, 2009.
** Nominated w.e.f. 31st December, 2009.
* Nominated w.e.f. 11th January, 2010.
II. Subject selected for examination

10.3 The Committee deliberated on the various aspects of the functioning of the different Ministries/Departments under its purview and at its meeting held on 10th September, 2009 selected the subject matter pertaining to “The mechanism for enforcement of environment and forestry consistent with the need to infrastructure such as power, irrigation, highways and railways” for consideration and report.

III. Constitution of Sub-Committees

10.4 During 2009, no Sub-Committee was constituted.

IV. Status of Work Done

(a) Sittings of the Committee

10.5 During the year 2009, the Committee held 15 sittings lasting for 28 Hours and 20 minutes. A Statement showing the dates of sittings of the Committee held, the duration of the sittings and the subjects discussed are given in Annexure-XI.

(b) Study Visits

10.6 During 2009, no study visit was undertaken by the Committee.

V. Reports Presented

10.7 During 2009, the Committee presented the following three reports to the House:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Dates of Presentation/ Laying in Rajya Sabha/Lok Sabha</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>202 (08.06.2009)</td>
<td>Coastal Management Programmes</td>
</tr>
</tbody>
</table>

VI. Minutes

10.8 Minutes of meetings of the Committee on Science and Technology, Environment and Forests were prepared and presented to the House along with the relevant Reports.

VII. Summary of Recommendations

(a) 202nd Report

10.9 The roles of the local authorities and State Government were ambiguous in the proposed CMZ Notification, 2009. The basic right and opportunity for the local communities or their representatives (Panchayat members) to participate and plan the activities in their local environment and settlement areas were highly curtailed in the proposed Integrated Coastal Zone Management Plan (ICZMP) process. Roles of public authorities (including various Government Departments like Fisheries, Environment, Municipal Corporation, Block Development Office etc.) had not been defined well, along with the methodology for enforcement, especially in resolving multi-stakeholder conflicts.

10.10 The Committee felt that a common management plan for the entire coastal area of the country was not a workable proposition. It felt that it should rather be specifically designed for different States keeping in mind the diverse coastal environments and specific cultures of coastal communities. The Committee was of the view
that concerned state governments should have enough participation in formulating the Integrated Coastal Zone Management Plan (ICZMP), for their states. This view was shared by Prof. Swaminathan as well.

10.11 The Committee was of the view that composition Board for sustainable coastal zone management showed that out of thirty two members constituting the Board, only six will be experts. Others will be representatives of certain organizations who would not have much involvement in matters related to the Coastal Zone. Non-Government Organizations had been ignored and not given any representation on the Board. The Committee felt that representation of social scientists, representatives of NGOs involved in activities related to coastal zone management, fishermen or their representatives needed to be given in the proposed Board.

10.12 Around 20 per cent of the population in the country dwelt in coastal areas and they depended mainly on fisheries to eke out their livelihood. It was estimated that the fishermen population living along the coastal areas of the country is around 67, 30, 300 as per livestock census of 1992. The Committee was of the opinion that development should be people and not solely economics oriented. As such, concerns of the poor and marginalized sections of the coastal communities, the Committee felt, must be reflected and addressed in State Policy. No attempt should be such as to divorce the people from their cultural life-style and traditional livelihood or interfere with practices that had sustained communities over three millennia and more. The Committee was of the opinion that in a country like ours, where a large number of populace depended on natural resources for their survival, social dimensions of livelihood security and biodiversity conservation should be pivotal to all decision making. The Committee was constrained to observe that these dimensions had not been adequately incorporated in implementation of environmental laws and regulations by the State as a result of which interventions by vigilant public interest groups supported by the positive attitude of the judiciary had played a key role in protecting and conserving environmental resources. The Committee observed that India’s natural resources – land, water, forest and air are getting depleted and polluted at an alarming pace and the communities who live on them for their livelihood are being constantly marginalized and displaced.

10.13 The Committee was of the opinion that Government should not make haste in implementing the CMZ notification without addressing the conflict of interests between the stakeholders – mainly the fisher folk/coastal communities. It suggested that all out efforts must be made first to assuage their feelings and meet their genuine concerns. Panchayats could play a crucial role in generating awareness among them. Government should get the CMZ notification translated into local languages and circulated widely in every village/hamlet so that the local communities were made aware of the actual implications of the notification and not swayed by hearsay or guided by misgivings about it. Government might also seriously think of bringing out a legislation to ensure protection of rights of coastal communities to coastal resources on the lines of the one meant for forest dwellers.

10.14 The National Green Tribunal Act should come into force in all the States/Union territories simultaneously, instead of it being notified on different date in different States.

10.15 The Committee felt that the definition of the term – “substantial question relating to environment” was vague. For example, the community, which was a broad term, had not been defined.

10.16 The Committee observed that the minimum and maximum numbers of judicial and expert members of the National Green Tribunal should have been specified in the Bill. The number of judicial and expert Members should be equal.

10.17 The Committee recommended that the Chairperson of the Tribunal while constituting a sitting or bench should ensure that the number of expert members in a sitting or bench did not exceed the number of judicial members.

10.18 It was felt by the Committee that the National Green Tribunal with only five places of primary sittings would have highly restricted accessibility specially, by the poor and the tribal people who lived in far flung areas of our country. Their problems would be further aggravated because the tribunal should have the exclusive jurisdiction over all civil cases where a substantial question relating to environment was involved. Thus, they were debarred from going to the civil courts too for redressal of their grievances.

10.19 The Committee recommended that adequate precautions should be taken to ensure transparency and
objectivity in the constitution of selection committee for appointment of judicial and expert members of the Tribunal.

10.20 The Committee found that the locus of filing appeal under Clause 18(2)(a) and (b) was very limited. It only mentioned the person who had sustained injury or was owner of the damaged property. Similarly, Clause 18(2)(e) restricted the locus only to any representative body or organisation functioning in the field of environment. The Committee, therefore, had suggested that Clause 18(2)(e) should be amended as “any person aggrieved, including any representative body or organisation”.

10.21 The finality of order of the Tribunal as provided under Clause 21 of that Act took away the right to appeal of citizens, although it had been done with the good intention of bringing out efficiency in the system and for expeditious disposal of cases. Since, the possibility of any institution or authority, making anti-community judgments could not be ruled out, citizens must be given an opportunity to go and appeal in the Supreme Court against any order of the Tribunal. There should be an enabling clause for this purpose in the Bill.

10.22 The Bill did not mention any contempt powers vested in the Tribunal. The Committee recommended that contempt of court powers should be given to the National Green Tribunal to enforce their decisions and insertion to this effect could be made in the Bill at appropriate place.

10.23 The Committee recommended that the amendment in the Schedule I to the Bill, should be done away by bringing an amendment to the Act and not by the notification, as provided in the Bill.

10.24 Various landmark judgments for protection of environment and conservation of forest given by the Supreme Court were supposed to be part of law of the land and form basis in formulation of policies, regulations, enactments, etc. These principles did not find any mention in the Bill. The Committee recommended that the ‘principles of sustainable development’, ‘precautionary principle’ and ‘polluter pays principle’ should be reflected in the Bill at a suitable place. Similarly, the ‘principle of no fault liability’ in case of an accident as defined in Section 2(1)(a) could also be incorporated at an appropriate place in the Bill.

VIII. Secretariat

10.25 The Committee Section (S&T) headed by an Assistant Director constitutes the Secretariat of the Committee. A Joint Secretary, a Director and a Joint Director remained in-charge of the Branch.

10.26 To assist the Committee in its work, material received from the Ministries/Departments/various non-government organizations and individuals was studied from which points were culled out. The questionnaires for written replies/evidence were also prepared for the use of the Committee.

10.27 The work relating to drafting, consideration and approval of draft reports by the Committee along with their presentation, laying, printing and distribution was undertaken. The Secretariat also dealt with the work relating to the scrutiny of action taken notes received from the Ministries concerned on the recommendations contained in the Reports of the Committee and prepared the Draft Action Taken Reports of the Committee on it.

10.28 The Secretariat also studied materials like Parliamentary Debates, Answers to Parliamentary Questions, Budget Estimates, Five Year Plan Documents, Books, Journals, CAG reports, newspapers etc. relevant to the subjects under examination of the Committee.
### ANNEXURE-XI

(See Para 10.5)

Details of the sittings of the Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests during the year 2009

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Time Hrs. - Mts.</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>13.01.2009</td>
<td>1-10</td>
<td>Oral evidence of Dr. Shailaja Rabindranath, Regional Director, Centre for Environment Education, Ahmedabad on ‘Coastal Management Programmes’.</td>
</tr>
<tr>
<td>2</td>
<td>20.01.2009</td>
<td>00-40</td>
<td>Internal Discussion on ‘The Protection and Utilisation of Public Funded Intellectual Property Bill, 2008’.</td>
</tr>
<tr>
<td>3</td>
<td>27.01.2009</td>
<td>02-15</td>
<td>Oral evidence of Secretary, Department of Bio-technology on ‘The Protection and Utilisation of Public Funded Intellectual Property Bill, 2008’.</td>
</tr>
<tr>
<td>4</td>
<td>03.02.2009</td>
<td>00-30</td>
<td>To consider and adopt the draft 201st Action Taken Report on Demands for Grants of the Ministry of Environment &amp; Forests.</td>
</tr>
<tr>
<td>5</td>
<td>10.02.2009</td>
<td>02-30</td>
<td>Oral evidences of Additional Surveyor General, Survey of India, Dehradun and Group Director, Space Applications Centre, Ahmedabad, on ‘Coastal Management Programmes’.</td>
</tr>
<tr>
<td>6</td>
<td>06.03.2009</td>
<td>00-45</td>
<td>To consider and adopt the draft 202nd Report on ‘Coastal Management Programmes’.</td>
</tr>
<tr>
<td>7</td>
<td>10.09.2009</td>
<td>01-00</td>
<td>To decide its future programmes.</td>
</tr>
<tr>
<td>8</td>
<td>22.09.2009</td>
<td>02-30</td>
<td>Oral evidence of Secretary of Ministry of Environment &amp; Forests on ‘The Mechanism for enforcement of Environment and Forestry Consistent with the need to infrastructure such as Power, Irrigation, Highways and Railways’.</td>
</tr>
<tr>
<td>10</td>
<td>15.10.2009</td>
<td>03-50</td>
<td>Oral evidences of (i) Dr. Rajesh Gopal, Member Secretary, National Tiger Conservation Authority, (ii) Shri Sanjay Upadhyay, Head of Enviro-legal Defence Forum, (iii) Shri P.V. Jayskrishnan, Chairman, Central Empowered Committee, (iv) Shri M.K. Jiwrajka, Member Secretary, Central Empowered Committee on ‘The National Green Tribunal Bill, 2009’.</td>
</tr>
<tr>
<td>11</td>
<td>26.10.2009</td>
<td>04-15</td>
<td>Meeting with Delegation from Finland Headed by Kimmo Kiljunen, Oral evidences of (i) Ms. Sunita Narain, Director, Centre for Science &amp; Environment, New Delhi, (ii) Shri Valmik Thapar, renowned Environmentalist, (iii) Shri Harish Salve, Senior Advocate of Supreme Court of India, (iv) Shri Rajeev Dhawan, Senior Advocate, Supreme Court of India on ‘The National Green Tribunal Bill, 2009’.</td>
</tr>
<tr>
<td>12.</td>
<td>05.11.2009 01-45</td>
<td>Oral evidence of the Secretary, Ministry of Environment &amp; Forests on ‘The National Green Tribunal Bill, 2009’.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>16.11.2009 01-30</td>
<td>To consider and adopt the draft 203rd Report on ‘The National Green Tribunal Bill, 2009’.</td>
<td></td>
</tr>
</tbody>
</table>
| 15. | 24.12.2009 02-15 | Oral evidence by (i) Dr. Alok Ray, Head, Centre for Bio-medical Engineering, IIT Delhi,  
(ii) Prof. Avadhesh Surolia, Director, National Institute of Immunology,  
(iii) Prof. Paramjit Khurana, Department of Plant Molecular Biology, University of Delhi on ‘The Protection and Utilisation of Public Funded Intellectual Property Bill, 2008’. |
CHAPTER XI
COMMITTEE ON TRANSPORT, TOURISM AND CULTURE

I. Composition of the Committee

11. The Department-related Parliamentary Standing Committee on Transport, Tourism and Culture was constituted on the 5th August, 2008 and continued till the dissolution of the 14th Lok Sabha. The new Committee was constituted on the 31st August, 2009 with Shri Sitaram Yechury, Member, Rajya Sabha, as its Chairman.

11.2 The earlier Committee that ceased to exist with the dissolution of the 14th Lok Sabha, consisted of the following Members:—

COMMITTEE ON TRANSPORT, TOURISM AND CULTURE
(Constituted on the 5th August, 2008)

1. Shri Sitaram Yechury — Chairman

RAJYA SABHA
2. Shri Satish Kumar Sharma
3. Smt. Jayanthi Natarajan
4. Prof. Alka Balram Kshatriya
5. Shri Shanta Kumar
6. Smt. Hema Malini
7. Shri Naresh Gujral
8. Shri Birendra Prasad Baishya
9. Shri Biswajit Daimary
10. Shri Bhagat Singh Koshyari

LOK SABHA
11. Shri Anandrao Vithoba Adsul
12. Shri Sukhbir Singh Badal
13. Shri N.S.V. Chithan
14. Shri Adhir Chowdhury
15. Dr. K. Dhanaraju
16. Smt. Priya Dutt
17. Shri Dip Gogoi
18. Shri Prahlad Joshi
19. Shri P. Karunakaran
20. Shri Samik Lahiri
21. Shri Alok Kumar Mehta
22. Shri Hemlal Murmu
23. Shri Madan Lal Sharma
24. Shri Akshay Pratap Singh
25. Shri Dushyant Singh
26. Shri Rakesh Singh
27. Shri Suraj Singh
28. Shri Sartaj Singh Chhatwal
29. Dr. Ramkrishna Kusmaria
30. Dr. P.P. Koya
31. Shri Joachim Baxla

* Nominated on 19th February, 2009.
@ Resigned on 18th December, 2008.
# Resigned on 19th December, 2008.
$ Ceased to be a member w.e.f. 9th January 2009.
> Resigned on 1st April, 2009.
11.3 The existing Committee that was constituted on 31st August, 2009 has the following Members:

**COMMITTEE ON TRANSPORT, TOURISM AND CULTURE**
(Constituted on the 31st August, 2008)

1. Shri Sitaram Yechury — **Chairman**

**RAJYA SABHA**
2. Shri Ramdas Agarwal
3. Shri Birendra Prasad Baishya
4. Shri Shadi Lal Batra
5. Shri Naresh Gujral
6. Shri Syed Azeez Pasha
7. Shri Thomas Sangma
8. Shri Satish Kumar Sharma
9. Prof. Saif-ud-Din Soz
10. Shri Vikram Verma

**LOK SABHA**
11. Yogi Aditya Nath
12. Shri Avtar Singh Bhadana
13. Shri V.Kishore Chandra S. Deo
14. Shrimati Bhavana Gawali Patil
15. Shri Mahesh Joshi
16. Shri P. Karunakaran
17. Shri Jose K. Mani
18. Shrimati Ranee Narah
19. Shri Rajaram Pal
20. Shri Bal Kumar Patel
21. Shri Nama Nageswara Rao
22. Shri S.D. Shariq
23. Shri Madan Lal Sharma
24. Shri Dushyant Singh
25. Shri Jitendra Singh
26. Shri Rakesh Singh
27. Shri Shatrughan Sinha
28. Shri K. Sugumar
29. Shri Kabir Suman
30. Shri Anurag Singh Thakur
31. Shri K.C. Venugopal

* Nominated on 12th September, 2009.
II. Subjects selected for examination:—
11.4 The Committee considered the following subjects namely:—
1. Development of tourism infrastructure and amenities for the Commonwealth Games 2010, and
2. Merger of Indian Airlines /Air India: Its Impact on the Civil Aviation Sector

III. Bills referred to the Committee
11.5 The following Bills were referred to the Committee for examination and report.
1. The National Highways Authority of India (Amendment) Bill, 2008, and

IV. Review of work done
(a) Sittings of the Committee
11.6 During the year 2009, the Committee held 10 sittings for 19 hours and 25 minutes. A Statement showing the dates and durations of sittings of the Committee held during the period under review, and the subjects discussed are given in Annexure-XII.

(b) Study Visits
11.7 The Committee undertook one study visit for a total number of five (5) days. 3 Officers/Staff of the Secretariat accompanied them. The details of the visit are as follows:—

<table>
<thead>
<tr>
<th>Places visited</th>
<th>Date</th>
<th>Organisations examined</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Udaipur, Jaipur and Agra</td>
<td>4th to 8th February, 2009</td>
<td>NACIL, Airports Authority of India, Ministries of Civil Aviation, Ministries of Culture and Tourism, Government of India and Governments of Rajasthan, Uttar Pradesh, and Haryana, Archaeological Survey of India.</td>
<td>Discussion on “Development of Tourism infrastructure and amenities for the Commonwealth Games, 2010”.</td>
</tr>
</tbody>
</table>

V. Reports presented
11.8 During the year under review, Three (3) Reports were presented to the Parliament as detailed below:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Dates of Presentation/ Laying in Rajya Sabha/Lok Sabha</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>149th (24.02.2009)</td>
<td>Development of Tourism Infrastructure and Amenities for the Commonwealth Games 2010</td>
</tr>
</tbody>
</table>

VI. Summary of Recommendations
(a) 148th Report
11.9 The Committee termed the Bill as a “piece-meal” approach that did not really address the basic issues particularly those related to greater autonomy and delegation of more powers to NHAI for approval of individual projects. The Committee felt that the Bill had been used as a contingent legislative tool and the Government advised to avoid such attempt so that the dignity and importance of the Parliament was maintained.

11.10 The Committee felt that merely by adding professional in the Board would not yield the desired results as
expected in the new vision statement of NHAI. The Committee was of the opinion that having road projects worth Rs.2, 20,000 crore, NHAI would certainly require much more than that, such as delegation of more powers to NHAI for approval of individual projects; strengthening of its organizational structure; improving its human resources management as well as systems and processes of NHAI.

11.11 The Committee also found that the amendment was silent on the issue of fixed tenure for the Chairman, NHAI that was recommended by the Inter-Ministerial Committee (IMC) to ensure continuity of the Chairman for effective management.

11.12 The Committee found discrepancy in the proposed amendment Bill on the inclusion of additional part time members. While Section 8 said no vacancy would invalidate the decisions of NHAI Board, Section 3 said there would be minimum four and maximum six part time members in the Board of NHAI. It meant, if the number was less than four, the Board could not take any decisions. This might create confusion which needed to be looked into for removing the possible ambiguity.

11.13 The Committee urged upon the Government to come up with a comprehensive legislation incorporating all the suggestions made by Inter-Ministerial Committee (IMC) and cover all the issues concerned with the strengthening of NHAI.

(b) 149th Report

11.14 During the Commonwealth Games a large number of tourists are expected into India besides the participants. The Committee felt that it would provide good opportunity to showcase our rich cultural heritage and achievements of the contemporary India to the International community. The Committee, therefore, called upon for creating best of the facilities and infrastructure, renovation and better up-keep of our tourism and ancient sites, improved road and air connectivity and safety and security of the tourist and adequate accommodation at reasonable prices. The Committee also recommended that we should refurbish the Libraries, Museums, Art Galleries, Haats, etc., in Delhi for showcasing our rich and varied cultural and intellectual heritage.

11.15 The Committee noted with concern that proposals from the Delhi Government for development of infrastructure and capacity building including creation and renovation of hospitality facilities, modernization of tourism sites, etc., was very less. The Committee, therefore, recommended the Ministry of Tourism to impress upon the Government of Delhi and also the Government of Uttar Pradesh, Haryana and Rajasthan for submitting projects proposals for developing tourism infrastructure including hotel accommodation for the Games and release the funds at the earliest for implementing the development works on time.

11.16 The Committee recommended the Ministry of Tourism to provide adequate funds to the Government of Rajasthan who was utilizing the opportunity for promotion of tourism and introducing various packages for the guests/tourists visiting Rajasthan during the games. It also recommended that the tax incentives/benefits as provided to the hotels in the National Capital Region (NCR) of Delhi might suitably be extended to the hotels in Uttar Pradesh, Haryana, Madhya Pradesh and Rajasthan, so as to remove the imbalance in the demand and supply of hotel rooms’ inventory.

11.17 The Committee recommended the Government to find immediate solutions to the transportation problems and introduce easy ticketing procedures like prior ticketing, e-ticketing, composite tickets, flexible tickets, group tickets, tatkal system, transit passes system, etc. for gaining entry to Taj Mahal, besides restructuring and strengthening of the security. The drinking water, toilet facilities and facilitation centers should be provided outside the Taj Mahal to facilitate the tourists. The problems of guides should be resolved by the Ministry of Tourism, Culture and Government of Uttar Pradesh with mutual interaction.

11.18 The Committee hoped that the Government would take the steps to address the problem of shortage of rooms and complete the exercise for developing the accommodation to the visitors well in time. The Committee emphasized the need to designate a single authority which would coordinate and develop synergies between all the agencies involved in developmental work and augmentation of room capacity for the Common Wealth Games 2010. The Committee also felt that the problems brought out by the Hotel Association of India and Federation of Hotels and Restaurants Association of India before the Committee were justified and needed serious attention of Governments. The Committee therefore, recommended the Government to address the key
issues and challenges faced by the hotel sector in India including NCR for development of tourism infrastructure and amenities for the CWG-2010.

11.19 The Committee also, recommended the Ministry to take expeditious steps for facilitating additional hotel accommodation through “Incredible India Bed & Breakfast Scheme”, Guest Houses, upgradation and renovation of existing hotel rooms, tented accommodation and hostel accommodation in the wake of the Commonwealth Games 2010.

11.20 Attempts should be made for exploring the possibilities for augmenting additional accommodation on lands available with the Ministry of Railways, Ministry of Civil Aviation, Governments of Delhi, Haryana and DMRC etc. The hotel rooms in the vicinity of NCR of Delhi like Mathura, Agra, Jaipur, Bhiwadi, Rewari may also be explored to make the room inventory but for that train/road/air connectivity was a must.

11.21 The Committee also noted with concern that the condition of monuments like Amber Fort, Jantar Mantar and Albert Hall was not upto the mark and desired that Amer Development Authority should provide funds for their maintenance and upkeep.

11.22 The Committee noted that a large number of persons were likely to stay in the vicinity of Delhi during the games and the city of Taj Mahal was gearing up to meet the expected tourists rush during the Commonwealth Games 2010. The Committee also noted that the Government of Uttar Pradesh was assessing and preparing the infrastructural needs of the city to accommodate around a million tourists likely to visit the Taj Mahal during the Games.

11.23 The Committee noted that the view of Taj from the other side of Yamuna from Mehtab Bagh might be a thrilling experience for the tourists during full moon night that created a view of Taj being black. The Committee recommended that viewing of Taj Mahal from this side should be promoted and permission for adequate parking and toilet facilities should be provided there. The Committee desired that in maintaining the monuments, environmental developments including horticulture works and landscaping, civic amenities for tourists and display of cultural notice boards and signages should be taken care of. The Government should made concerted efforts to involve public and corporate sector for the purpose. The Committee also recommended that a survey should be conducted by the Government to ascertain the carrying capacity of the monument to protect it from being damaged by over crowd.

11.24 The Committee found the practice of night viewing of Taj more restrictive due to tight security arrangements as well as lack of coordination between U.P. Police and CISF. The Committee without compromising the need for security of Taj, felt that with a proper coordination and communication between the two forces and with proper training for good behaviour with the tourists, efforts could be made to allow the tourists to see the Taj in night from the floor where the stairs reach the main structure.

11.25 The Committee noted that one of the major constraints being faced in the development of tourism was lack of accessibility and road connectivity to many destinations and monuments, resulting in near absence of tourists to such places. Although, the Government had undertaken various infrastructure projects like constructions of flyovers at NOIDA, Mor and Badarpur Border, flyover at the junction of National Highways-24 to facilitate free traffic movement to the Games Village and construction of an under-pass for smooth flow of traffic to the Indira Gandhi International Airport. The Committee recommended that the city monuments, places of tourists’ interest and the Games Village should be well connected for easy accessibility to these places and for smooth flow of traffic. The Committee also recommended that the Ministry of Railway should be pursued for providing basic amenities like, drinking water, tea, coffee, parking facilities, clean toilets and well maintained clean waiting rooms, porters with trolleys at the main stations. The Ministry of Civil Aviation should provide infrastructure facilities at the airport to meet the ever increasing traffic requirements and quality of service. The Delhi Government should make a comprehensive map for the entire city with all information regarding different bus routes and metro-lines to make commuting easy.

11.26 The Committee noted with dismay that higher rate of taxes on tourist transport vehicle in the States have had adverse impact on the growth of tourism. The Committee recommended the Government to rationalize the transport taxes and design consolidated entry tax on the tourist vehicles that would also be applicable in the neighbouring States for hassle free movements of the tourist vehicles. The Committee also recommended that sufficient number of CNG stations need to be provided in and beyond NCR to improve the transportation system.
While making plans for tourist packages for the visitors, arrangement for Buddhist circuit travel might also be explored which should cover all the holy places of Buddhists. A travel plan by Indian Railways has already been in place. However, the road connecting to Lumbini, falls in Nepal was in a very bad condition resulting in chaos and traffic jam. The Committee recommended that there was need to build a by-pass by using the Border Development Fund and the Ministry should take steps to expedite the same.

The Committee noted that infrastructure was most important segment for successful operation of the CWG-2010. The Committee was of the view that such international sporting events trigger growth in different areas and creating tourism infrastructure. India was on the cusp of high growth in tourism and had potential to attract 10 millions by 2012. The Committee fully agreed with the points put forward by the Tour-travel Associations, especially the requirement of type of fleet in car, buses, their colour, uniform for drivers and supporting staff and their training etc. during the CWG. The Committee recommended the Ministry of Tourism to look into the issues and areas of concern seriously and took up the matter with concerned authorities either of the State Government or Government of India. The Committee hoped that the Ministry of Tourism would come out with an early decision for putting up the required infrastructure and policy framework in a definite time-frame.

The Committee noted that to offset shortage of trained manpower in the tourism sector, the Ministry had proposed to setting up of more institute of Hotel Managements and Food Craft Institutions (FCIs) in the States and providing financial assistance for the modernization and capacity upgradation of existing institutes and FCIs. The Committee recommended the Ministry that to fill up the trained manpower gap, the Ministry should consider augmenting the infrastructure of the existing institutes and setting up of more Institutes and FCIs in the private sectors in a phased manner so that the problem of manpower could be addressed to some extent.

The Committee noted the suggestions given by the Tourist Guide Federation of India especially the printing of special tickets for CWG-2010 for foreign tourists, special queues for foreign entry tickets, proper parking facilities, first-class pay toilets, recruitments of guide and state of art glow signs and facilitation desk in all the monuments. The Committee recommended the Government to see that no inconvenience is caused to the tourist at the monuments and the monuments should have these facilities including trained guides for the tourists during the CWG. The Committee felt that it should be done as a part of Incredible India Campaign already being done by the Department of Tourism.

The Committee felt that the tourists who would come for the Commonwealth Games would also like to see India and its different tourist destination. The Committee therefore recommended the Ministry to design comprehensive tour packages to select places to suit to the need of the tourists coming for the Commonwealth Games 2010 in collaboration with the tour and travel operators so that the tourists could see India in its entirety.

The Committee recommended that a dedicated Central Web Portal for Commonwealth Games should be designed to cater to the need of the tourists. The website should be interactive and must contain all the data inputs and feedbacks, that were required for the tourists’ viz., booking of rooms, travel planner, etc. to facilitate their journey and made the stay comfortable.

The Committee welcomed the move of the Government of Delhi for enactment of a law for the safety of the tourists and to protect the tourist from the touts. The Committee was of the opinion that the safety and security of tourists was paramount and should be looked into seriously and recommended the Ministry to pursue the other State Governments for enactment of the law and creation of tourist police force for ensuring of the safety and security of the tourists at the earliest.

The Committee appreciated the work done by U.P. Tourism Police in Agra to prevent fleecing of tourists and misbehaviour with them. However, the Committee felt the need for strengthening the Tourist Police at all the tourist centers/destination and recommended the Ministry of Tourism to impress upon the Government of U.P. for looking into the service conditions of the personnel deployed as Tourism Police, who were all ex-servicemen. The Tourism Police must be provided tourist vehicles with mobile telephones and given training in English language for providing information/guidance to tourist.

The Committee noted that Delhi is the home to around 1200 heritage buildings, out of which 173 were listed as protected by the Archaeological Survey of India (ASI). Three protected sites i.e., Red Fort, Qutab Minar and Humayun Tomb has been given world heritage status by the UNESCO and got top priority for
providing visitors’ amenities and their overall maintenance. The Committee noted that the conservation and preservation of monuments had started and good work had been done by the ASI in this regard. The Committee therefore, recommended the Government to renovate and repair to conserve the monuments and create more tourist facilities like, canteens, toilets, interpretation centre, museums, ramps for disabled and enhanced parking lots. The Committee recommended that the Government should take immediate steps for proper maintenance of the pathways and approach roads, illuminations/floor lighting of the monuments etc. Need immediate attention. The Committee also recommended the Government to promote lesser known monuments, places, like Kashmere Gate, Sheesh Mahal, Baradari and other tourist sites for the tourists with improved connectivity.

11.36 The Committee pointed out the dismal picture of state of affairs relating to the poor management and upkeep of the monuments which was evident through the demolition of Lal Mahal. The Committee was perturbed to note that the concerned agencies were shying away from their responsibility and passing the buck and blame each other. The ASI had washed its hands off claiming that Lal Mahal was not a protected monument and that the MCD should have preserved it. The MCD claimed that it was not on the heritage list and it was protected in the INTACH list as it cared about unprotected ones. The Ministry of Urban Development did not know anything about the incident, although it had been much highlighted in the media. The ASI was being blamed for inaction despite Lal Mahal being in the Zafar Hasan’s List for the Central Protection. The State Government was being blamed for not notifying monuments like the Lal Mahal despite a list sent to them three years ago and the police had not been able to nab the culprits so far. This showed the utter lack of coordination and confusion between different agencies of the Union as well as the State Government and the local bodies. In this connection, a communication was sent to the Ministries of Tourism and Culture to provide information about the role of different agencies in protection of the monuments in Delhi and NCR region, but the Committee was constrained to say that no response was given by the Ministries till the adoption of the Report.

11.37 The representatives of Union Ministry of Urban Development who was asked about the role and performance of the Heritage Conservation Committee, was not able to say much about it. Be that as it might, the Committee had no option but to express its unhappiness about the whole affair. As a result of this, a large number of our monuments had either withered away or had been encroached/demolished by the unscrupulous elements. This could not happen without the connivance of the local agencies/authority. Police did not have adequate legal backup to try the culprit in a deterrent way.

11.38 The Committee therefore, recommended the Governments to prepare an authentic list of monuments at various levels—Central, State and local and notify them so that it was easy to remove encroachments from the monuments and fix responsibility for their protection, maintenance and conservation. The heritage conservation Committee needed to be made more active. The Committee recommended to the Government that they should take immediate steps to notify all the unprotected monuments in Delhi and evolved a coordination mechanism among different agencies involved in the protection of monuments.

11.39 The Committee noted the sorry state of affairs in cleaning and maintenance of river Yamuna. The concerned agencies were not aware of who was doing what and passing the blame and responsibility to one and other. The Committee felt that there appeared a lack of coordination between different agencies of Union, State and the local bodies. The Committee, therefore, recommended that the work of cleaning and beautification of river-bed should be integrated and designated to a single agency for better result or else, there should be close coordination between DJB and the DDA who were mandated to do the two works. The Committee was surprised to find that DDA was blissfully unaware of its responsibility of developing Yamuna river front. These works – cleansing and beautification of river front – should be given utmost importance and urgency because the entire Games Village was being erected just on the banks of Yamuna.

11.40 The Committee observed that the entire Delhi should be cleaned and neat for attracting tourists. However, the nallahs criss crossing the city, gave an unpleasant experience to anyone who visits Delhi. The Committee therefore, recommended that the Ministry of Tourism should took up the issue of cleaning of nallahs at the highest level to ensure that all the drains were cleaned and landscaping and beautifications work was done before the Commonwealth Games 2010.

(c) 150th Report

11.41 The Committee was surprised to note that India ratified the Convention concerning the Protection of the
World Cultural and National Heritage 1972, in the year 1977 and the Government did not take any actions to bring forth a suitable legislation to meet the obligation enumerated in the Article 5 of the Convention, for the last 32 years. This delay, the Committee felt, did not only to ignore the spirit of international convention but also did not to conserve and protect valuable heritage sites in our country. In the meantime, number of heritage sites, protected either by the ASI or the State Archaeology Departments, or the unprotected ones, were encroached upon, demolished or vanished. The Committee expressed its concern over such a lenient approach to protecting and preserving nation’s cultural assets and heritage sites, which provided national identity and were bridge between the past and the future.

11.42 The Committee endorsed the suggestion of the Government of Tripura that notification of the heritage sites in the Bill be made by the Central Government in consultation with the State Governments.

11.43 The Committee hopes that the position be made clear and specified in the Bill itself to avoid possible confusion and duplication as on the lines of the Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958 enacted by the Central Government that prescribed the procedure of notification of monuments of national importance under this legislation also.

11.44 It appeared that the term ‘national importance’ had been used instead of ‘outstanding value’ in Clause 3, inadvertently. Accordingly, the Committee recommended that the term ‘national importance’ may be replaced with the term ‘outstanding value’ in Clause 3.

11.45 The Committee was also of the view that experience in ‘Public administration’ did not appear to be very relevant as far as appointing the Chairperson and Members of the Commission was concerned. The Committee was of the view that the guiding principle should be the contribution of a person to the conservation and preservation of natural and cultural heritage. Removing the words ‘public administration’ would not preclude the possibility of a retired civil servant who had made his mark in the relevant areas during his career, to be appointed as its Chairperson/members. The Committee, therefore, recommended that the term ‘public administration’ appearing in Clause 5 may be deleted.

11.46 It was submitted before the Committee that for the appointment of the Chairperson and Members of the Commission, the restrictions of 25 years and 20 years of experience respectively was not warranted, as it would restrict the choice to a great extent. The Committee, therefore, recommended that the Clause 5 (a) (i) and 5 (b) may be amended to bring down age restriction suitably.

11.47 The Committee noted that the Central Government would nominate the Chairperson and Members of the Commission. The Committee was, however, of the view that in order to ensure fair play and transparency, selection of the Chairperson and Members of the Commission be done by a Search Committee. The Committee felt that if the Chairperson was well-qualified, he should be eligible for another term as in the cases of Members.

11.48 The Committee also noted that it would certainly be in the interest of the nation and for an effective and smooth functioning of the Commission its interface with ASI has to be made clear in the Bill. The Committee also felt that the DG ASI or his representative from ASI may also be associated with the Commission appropriately.

11.49 The Committee, noted that nowhere in the Bill it had been prescribed as to what would be the guiding principle of procedure based on which the Commission should regulate its functioning. The absence of laid down procedure may result in arbitrariness in the functioning of the Commission. The Committee, therefore, recommended that the procedure on the basis of which the Commission would regulate its functioning may be provided in Clause 14 itself or in Clause 24 providing for the rules to be framed under the Bill.

11.50 There was confusion in so far as coverage under this Bill of intangible heritage was concerned. If these were not to be covered, why had these been included here in Clause 16 (e)? The Committee felt that position in this regard needed to be amply clarified and confusion removed.

11.51 The Committee was of the view that with our immense cultural, linguistic, archaeological, geological and environmental diversities, the Commission should be developed as a hub and a centre of excellence of all conservation-related activities in the country. It could also work as a national coordinator for conservation. The Committee recommended that it should be ensured that the Commission did not add to the existing institutions working at cross purposes with other agencies in these fields.
11.52 The Committee noted various functions assigned to the Commission. However, no institutional support for conservation and preservation had been designated. No standardization of various activities or its processes had been provided.

11.53 The Committee hoped that the Commission would not function as a supervisor or overseer but as a facilitator and mentor for organizations working in the field of preserving our diverse environmental, archaeological and natural heritage.

11.54 The Committee did not agree with the views of the Ministry of Culture that most of the functions of the Commission were advisory in nature and, therefore, no conflict was envisaged between the Central and State agencies. The Committee was of the view that possibility of a conflict between the Central and State agencies could be avoided, if a transparent procedure of notification of heritage sites were provided in the Bill under Clause 3. The Committee was of the view that once the process of notification of heritage sites was completed and a site formed part of the heritage site roster, there might be little possibility of non-compliance of directions of the Commission for conservation, preservation or maintenance of the heritage site.

11.55 A number of heritage sites in the urban areas, were getting demolished by those agencies that were implementing public sector projects i.e. roads, tourism, and infrastructure. Therefore, the Committee recommended that Commission may issue directions to any person, agencies which were implementing such public sector projects, any institution, organization, municipal or local body which was the owner of, or had, in its possession or control, any heritage site, to provide access to such site for the purpose of its maintenance and preservation or to desist from doing any act, which in the opinion of the Commission was likely to endanger, damage or destroy such site, and the person against whom direction was issued should comply with the direction so issued.

11.56 The Committee also discussed the right of an individual who would be given direction under Clause 17 (1). It had, the Committee felt, potential for creating misgivings in the mind of the owners regarding their liabilities and losses in the process and its use thereafter. If the heritage property was already being used for commercial purposes in residential area, they could be allowed to use even after the heritage structure had been maintained.

11.57 Although the Committee had examined the provisions of the Bill and given its views/recommendations on different aspects, it was of the considered opinion that the Bill seeks to address only a part of the problem bedeviling entire gamut of identification, protection, preservation, etc. of our valuable national heritage, scattered all over the country. The proposed National Commission, being an advisory body may prove to be merely an addition to the plethora of agencies existing at different levels. The Committee had seen for itself that the demolition of Lal Mahal in Delhi was mainly due to lack of coordination, monitoring and regular interaction between the Union and State Governments and its agencies like ASI, State Archaeology Boards, local bodies, police and revenue authorities. Administrative mechanism required for ensuring protection of heritage sites were not there at every levels. ASI was greatly handicapped on account of manpower, resources and necessary legal powers, as a result of which, it was able to protect only 3675 monuments. State Governments put together were taking care of only about 4000 heritage sites, while there were estimated about two lakhs unprotected heritage sites in the country. There was a distinct lack of required effort at different levels in regard to identification, notification and preservation/protection of our heritage.

11.58 While under this Bill, the National Commission would have the power to notify the heritage sites, it did not provide any enabling agency and powers for protecting these sites. It appeared that sole purpose behind bringing this Bill was to fulfil Government’s obligation under World Convention on National Heritage. Under the Convention, perhaps many more legislations would be required to be enacted by the Government to fulfil the obligations imposed on the State Parties by it. In this situation, the Committee could not but describe the present Bill as a half-hearted effort with distinct lack a holistic approach to tackle the problems. Ideally, the Government should have brought a comprehensive Bill fulfilling all the gaps that were existing and encountered in protecting and preserving our national heritage. The Committee would like the Ministry to submit a note with reasons on the recommendations/suggestions, which could not be incorporated in the Bill.

11.59 India being a vast country with immense unnatural and natural heritage, a proper monitoring of all these may not be feasible with a single centered entity. Monitoring committees/authorities for the conservation and
maintenance of the monuments need to be provided. Particularly to handle the problems of encroachment of monuments and sites, the cooperation of the States was crucial. The Committee felt that in the removal of encroachment etc., the major role had to be played by the State Government and, therefore, their stake has to be properly recognized.

11.60 The Committee further felt that Headquarters of the Commission may be kept at a place other than Delhi, as it was already overburdened and finding a suitable place of accommodating the Commission would be a cumbersome job. The Committee, therefore, recommended that the Commission may be located out of Delhi, a place which is the hub of heritage sites.

11.61 There must be provision in the Bill for creating a data-bank on all our cultural and natural sites. The data bank may be created by sending questionnaire to the people at various levels and the same may be verified by taking the help of students and teachers of that locality. The questionnaire may be prepared with the help of professional and other experts who could help in tracing the facts about such sites. Eminent people of the locality/senior citizens/panchayats may also assist in the project of compiling and verifying the data.

11.62 As regards encroachment on such sites, the Committee found that there was no policy in this regard. Further no guidelines on how to reclaim those sites were provided in the Act. In the absence of those guidelines reclamation of heritage sites under encroachment would not be possible.

VII. Secretariat

11.63 The Committee Section (S&T) headed by an Assistant Director constitutes the Secretariat of the Committee. A Joint Secretary, a Director and a Joint Director remained in-charge of the Branch.

11.64 To assist the Committee in its work, material received from the Ministries/Departments/various non-government organizations and individuals was studied from which points were culled out. The questionnaires for written replies/evidence were also prepared for the use of the Committee.

11.65 The work relating to drafting, consideration and approval of draft reports by the Committee along with their presentation, laying, printing and distribution was undertaken. The Secretariat also dealt with the work relating to the scrutiny of action taken notes received from the Ministries concerned on the recommendations contained in the Reports of the Committee and prepared the Draft Action Taken Reports of the Committee on it.

11.66 The Secretariat also studied material like Parliamentary Debates, Answers to Parliamentary Questions, Budget Estimates, Five Year Plan Documents, Books, Journals, CAG reports, newspapers etc. relevant to the subjects under examination of the Committee.
## ANNEXURE–XII

(See Para 11.6)

### List of Meetings for the year 2009

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Main Items of Agenda</th>
<th>Evidence taken, if any</th>
<th>Time Duration Hrs. - mins.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>19.1.09</td>
<td>(i) Oral evidence of Secretary, Road Transport and Highways on “The National Highways Authority of India (Amendment) Bill, 2008”</td>
<td>Secretary, Department of Road Transport and Highways; Chairman, National Highways Authority of India; Additional Secretary, Ministry of Law and Justice; (ii) Oral evidence of various stakeholders on the ‘Development of Tourism Infrastructure and Amenities for the Common Wealth Games 2010’.</td>
<td>02-30</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) Representatives of Hotel Association of India; Travel Agents Association of India; Indian Tourist Transporters Association; Tourist Guides Federation of India; Adventure Tour Operators Association of India; Indian Association of Tour Operators; Federation of Hotels and Restaurants Association of India.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>13.2.09</td>
<td>Consideration and adoption of the draft 148th Report on the NHAI (Amendment) Bill, 2008.</td>
<td></td>
<td>00-40</td>
</tr>
<tr>
<td>3.</td>
<td>19.2.09</td>
<td>(i) Consideration and adoption of the draft 149th Report on the ‘Development of Tourism Infrastructure and Amenities for the Common Wealth Games 2010’.</td>
<td>(ii) Interaction with the Members of the delegation of Standing Committee on Transport, Building and Urban Affairs of the German Bundestag.</td>
<td>01-30</td>
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<td>4.</td>
<td>24.3.09</td>
<td>Examination of the “Functioning and Performance of NACIL”.</td>
<td></td>
<td>00-50</td>
</tr>
<tr>
<td>5.</td>
<td>15.9.09</td>
<td>Oral evidence of the Secretary, Ministry of Culture on the National Commission for Heritage Sites Bill, 2009.</td>
<td>Secretary, Ministry of Culture and Director-General, ASI.</td>
<td>02-30</td>
</tr>
<tr>
<td>6.</td>
<td>24.9.09</td>
<td>Oral evidence of the Secretary, Ministry of Culture on the National Commission for Heritage Sites Bill, 2009 and INTACH and other individual experts.</td>
<td>Secretary, Ministry of Culture; Member-Secretary, INTACH, Individual Representatives Shri A.R. Ramanathan, Shri Ranesh Roy and Shri Sohail Hashmi.</td>
<td>02-00</td>
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<tr>
<td>No.</td>
<td>Date</td>
<td>Details</td>
<td>Participants</td>
<td>Time</td>
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<tr>
<td>7.</td>
<td>20.10.09</td>
<td>Oral evidence of the Secretary, and representatives of Trade unions/</td>
<td>Secretary, Ministry of Civil Aviation; CMD NACIL; Representatives of Indian</td>
<td>04:30</td>
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<tr>
<td></td>
<td></td>
<td>Associations, Ministry of Civil Aviation on the Functioning and</td>
<td>Airlines Officers Association; President, All India Aircraft Engineers</td>
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<tr>
<td></td>
<td></td>
<td>Performance of NACIL.</td>
<td>Association.</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>30.10.09</td>
<td>Oral evidence of the Secretary, Ministry of Civil Aviation on the</td>
<td>Secretary, Ministry of Civil Aviation and CMD NACIL.</td>
<td>01:30</td>
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<tr>
<td></td>
<td></td>
<td>“Functioning and performance of NACIL”.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>13.11.09</td>
<td>(i) Consideration and adoption of the Draft Report on the National</td>
<td>Secretary, Ministry of Road Transport and Highways, Chairman and Members of NHAI</td>
<td>01:55</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(ii) Oral evidence of the Secretary, Ministry of Road Transport</td>
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<tr>
<td></td>
<td></td>
<td>and Highways on the current scenario regarding development of National</td>
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<td></td>
<td></td>
<td>Highways.</td>
<td></td>
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<tr>
<td>10.</td>
<td>25.11.09</td>
<td>To interact with the members of the Committee for Learning and Cultural</td>
<td>—</td>
<td>01:30</td>
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<tr>
<td></td>
<td></td>
<td>and Historical Data of Chinese Peoples Political Consultative</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Conference (CPPCC).</td>
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</tbody>
</table>
CHAPTER-XII

COMMITTEE ON HEALTH AND FAMILY WELFARE

I. Composition of the Committee

12. The Department-related Parliamentary Standing Committee on Health and Family Welfare was constituted w.e.f. 5th August, 2008.

12.2 The Committee consisted of the following members:—

COMMITTEE ON HEALTH AND FAMILY WELFARE
(Re-constituted w.e.f. 5th August, 2008)

$1. Shri Amar Singh — Chairman

RAJYA SABHA
2. Shrimati Viplove Thakur
3. Prof. P.J. Kurien
4. Shri Rajeev Shukla
5. Shri Su. Thirunavukkarasar
6. Shrimati Maya Singh
7. Shri Digvijay Singh
8. Shrimati Kanimozhi
9. Dr. M.A.M. Ramaswamy
*10. Shri Lalming Liana

LOK SABHA
11. Dr. Ram Chandra Dome
12. Shrimati Maneka Gandhi
13. Shrimati Bhavana P. Gawli
14. Shri Vinod Khanna
15. Shri Rajendra Kumar
16. Shri R.L. Jalappa
17. Shrimati Susheela Bangaru Laxman
18. Shri S. Mallikarjuniah
19. Shri Rasheed Masood
20. Dr. Chinta Mohan
21. Shri Nihal Chand
22. Shri D.B. Patil
23. Shrimati K. Rani
24. Shri Pannian Ravindran
25. Shrimati Yashodhara Raje Scindia
26. Dr. R. Senthil
27. Dr. Mohd. Shahabuddin
28. Dr. Arvind Kumar Sharma
29. Shri Uday Singh
30. Dr. Karan Singh Yadav
#31. Shri B. Vinod Kumar

$ Ceased to be Chairman and Member w.e.f. 26th November, 2008
re-nominated as Chairman and Member w.e.f. 5th December, 2008
* Nominated w.e.f. 12th August, 2008
# Nominated w.e.f. 29th August, 2008
The Committee was re-constituted w.e.f. 31st August, 2009 with the following members:

1. Shri Amar Singh — *Chairman*

**RAJYA SABHA**

2. Shrimati Viplove Thakur
3. Dr. Radhakant Nayak
4. Shri Janardan Dwivedi
5. Shri Balbir Punj
6. Dr. Prabhakar Kore
7. Shrimati Brinda Karat
8. Shrimati Vasanthi Stanley
9. Dr. M.A.M. Ramaswamy
10. Dr. Anbumani Ramadoss

**LOK SABHA**

11. Shri J. M. Aaron Rashid
12. Shri Ashok Argal
13. Shrimati Sarika Devendra Singh Baghel
14. Shri Vijay Bahuguna
15. Dr. Chinta Mohan
16. Shrimati Tabassum Hasan
17. Dr. Sanjay Jaiswal
18. Shri S. R. Jeyadurai
19. Dr. (Shrimati) Kruparani Killi
20. Shri N. Kristappa
21. Dr. Tarun Mandal
22. Shri Datta Meghe
23. Dr. Jyoti Mirdha
24. Shrimati Jayshreeben Patel
25. Shri R.K. Singh Patel
26. Shri M. K. Raghavan
27. Dr. Anup Kumar Saha
28. Shrimati Meena Singh
29. Dr. Arvind Kumar Sharma
30. Shri Pradeep Kumar Singh
31. Shri Ratan Singh
II. Subjects selected for Examination

12.4 The Committee on Health and Family Welfare selected the following subjects for examination in 2009:
   (i) Reproductive and Child Health Programme under National Rural Health Mission (NRHM); and
   (ii) Drug Procurement and Quality Control of Drugs.

III. Bills referred to the Committee

12.5 No Bill was referred to the Committee during the year 2009.

IV. Constitution of Sub-Committees of the Department-related Parliamentary Standing Committee on Health and Family Welfare

12.6 No Sub-Committee was constituted during the year 2009.

V. Review of Work Done

(a) Sittings of the Committee

12.7 During the year, 2009, the Committee held in all, 7 meetings lasting over 9 hours and 34 minutes. A statement showing the dates and duration of each sitting of the Committee with subjects discussed during this period is given in Annexure-XIII.

(b) Study visit:— No study visit was undertaken by the Committee during, 2009.

VI. Reports Presented

(a) Reports

12.8 During 2009, the Committee presented the following Reports to both the Houses of Parliament:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and date of presentation/ laying in Rajya Sabha/Lok Sabha</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>34th (18.02.2009)</td>
<td>Report on the ‘Functioning of the three Vaccine Producing PSUs, namely, the Central Research Institute (CRI), Kasauli, the Pasteur Institute of India (PII), Coonoor, and the BCG Vaccine Laboratory (BCGVL) Chennai.</td>
</tr>
<tr>
<td>5.</td>
<td>38th (25.11.2009)</td>
<td>Report on ‘Major issues concerning the three vaccine producing PSUs, Kasauli, the Pasteur Institute of India (PII), Coonoor, and the BCG Vaccine Laboratory (BCGVL), Chennai.’</td>
</tr>
</tbody>
</table>
12.9 Minutes of the meetings of the Department-related Parliamentary Standing Committee on Health and Family Welfare were prepared and enclosed with the reports to which they related, at the time of the presentation of the Reports to the Houses.

VII. Summary of Recommendations

(a) 34th Report

12.10 The Committee found from the information furnished by the Ministry that while CRI, Kasauli and BCG VL, Chennai have been functioning as subordinate offices under the Ministry of Health and Family Welfare, the PII, Coonoor, functions as an autonomous institution under the Ministry of Health and Family Welfare. It observed that all these Institutes, since their establishment, have remained in the public sector with the Ministry as the nodal administrative and supervising agency. However, it was astonishing to find that the building structures of these 100-year old institutions had continued to remain in their original set up. Ideal position would have been to revamp the existing structures so as to ensure their normal functioning as well as further expansion/strengthening in accordance with the changing times/requirements. The Committee was not aware whether any initiative, whatsoever, was taken either by the Ministry or the Director General Health Services to draw up an action plan and took follow-up action in a time-bound manner.

12.11 The Committee stated here that the concept of Schedule ‘M’, which was the Indian version of cGMP norms of WHO was mooted in 2001 and notified in 2005. Given that the Director General Health Services was the administrative authority under which CRI, Kasauli and BCG VL, Chennai were functioning as subordinate offices, and office of DCGI was the nodal agency entrusted with the responsibility of ensuring cGMP compliance at PII Coonoor, it was the Ministry which should have made timely and appropriate efforts to convert these age old structures as per Schedule M compliant standards. From the feedback made available to the Committee, it could only conclude that no initiative was attempted for drawing out an Action Plan for making these Institutes cGMP compliant. The Ministry’s responsibility did not end with simply bringing out the required legislation in accordance with the international norms. Rather, the real work was to begin thereafter which unfortunately never happened. It was also not clear as to whether the Ministry had allocated adequate funds to these Institutes for the purpose. The Committee also failed to understand as to how the Ministry would ensure cGMP compliance in the private Institutes when it could not enforce the same in its own Institutes.

12.12 The Committee observed that the Ministry had failed to play the role of coordinator and facilitator in the matter. It drew attention to one such situation that confirmed its stand. From the Status note submitted by the Ministry, the Committee found that a proposal for converting the triple-vaccine manufacturing laboratory at CRI, Kasauli into a cGMP compliant structure was made way back in 1997-98, when M/s HSCC, Noida was awarded the contract to build a cGMP compliant structure at CRI. However, the entire exercise ended in a failure, as M/s HSCC, Noida, after continuing the exercise for nine years and spending Rs. 11.86 crores of public money on the project, expressed its inability and disinterest in completing the project in December, 2006. The Committee failed to understand the logic why the Ministry waited so long in such a crucial matter. The Committee felt that the Ministry should have taken immediate appropriate steps such as canceling the contract of M/s HSCC, Noida and asked other parties with technical competence to complete the project. It epitomized the cavalier fashion with which the Ministry had treated the issue. Only achievement seemed to be an expenditure of Rs. 11.86 crores by M/s HSCC, Noida, without any specification thereof. The Committee viewed with serious concern the admission on the part of M/s HSCC, Noida about their not having any expertise to construct a scientific structure of cGMP standards.

12.13 The Committee was informed that a Departmental Inquiry in the matter was presently going on. The Committee observed that this matter had been hanging on for more than ten years. More than two years had elapsed since the Project authorities had comfortably withdrawn themselves. The inquiry also seemed to be continuing in a comfortable mode. Nobody seemed to be bothered about the loss of public money and also the institute not getting the required renovation. The Committee sought that enquiry proceedings are completed expeditiously and full details of follow up action taken for fixing up the responsibility against the concerned official(s) in the Ministry and imposing of penalty on the project authority are appraised to it. The Committee emphasized that the major responsibility of making these Institutes cGMP compliant lies with the Ministry and holding the Institutes entirely responsible for the same goes against the principle of natural justice. The Committee was of the firm opinion that the Ministry was responsible to a large extent for the prevailing
unsatisfactory situation in all the three Institutes which resulted in the cancellation of their vaccine producing licenses and thereby leading to shortage of life saving vaccines with serious impact on Universal Immunization Programme and child healthcare programmes in the country.

12.14 The Status Note also informed that the Institutes suffered from acute shortage of personnel especially in Group ‘A’ and ‘B’ in CRI, Kasauli and BCG VL, Chennai which were subordinate offices under the office of DGHS. The vacancies stated above were reflected in percentage in the table given below:

<table>
<thead>
<tr>
<th>Name of Institute</th>
<th>Shortage of Group ‘A’ staff (%)</th>
<th>Shortage of Group ‘B’ staff (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRI, Kasauli</td>
<td>60</td>
<td>55.6</td>
</tr>
<tr>
<td>BCG VL, Chennai</td>
<td>33</td>
<td>75 (Group ‘B’ Gazetted)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>87.5 (Group ‘B’ Non-Gazetted)</td>
</tr>
</tbody>
</table>

12.15 CRI, Kasauli had also stated that it had extreme shortage of scientists. It had also reported that there had been no regular Director at the Institute after 1997 onwards and also that the present incumbent was on deputation basis. A considerable number of vacancies existed in the Technical Staff at the middle and the higher levels. The Committee understood that the power to fill up the vacancies in Group ‘A’ and Group ‘B’ posts in these Institutes lied with the office of the Director General of Health Services and not the Institutes. It was also clear from the information provided in the Status Report that the Institutes had forwarded a number of proposals to the Ministry for filling up of vacancies of group ‘A’ and ‘B’ services. But, it seemed that the matter was not taken up in the right earnest by the Ministry to fill up these vacancies. The Committee had also observed that a number of posts had either lapsed/abolished or proposed to be lapsed/abolished. The Committee stated that in comparison to CRI and BCG VL, the PII which was an autonomous body functioning under the Ministry had not reported any shortage of manpower. The Committee believed that if similar administrative autonomy had been delegated to CRI and BCG VL, the problems relating to shortage of manpower and many other such issues could have been sorted out early. The Committee desired that a work study about the staff requirement in accordance with GMP norms be initiated at the earliest both at CRI and BCG VL so as to have a viable set up there.

12.16 The inspection report of the joint inspecting team pointed out that there were 55 major deficiencies pointed out by the inspecting team with respect to BCG VL, Chennai. The Institute had, in its Status report, informed that 45 deficiencies had already been rectified by it. Major deficiencies concerning production area, storage of sterile matter, interior infrastructure, record of register for entry and exit of personnel into critical areas, water and steam system, manufacturing area, documentation, training of personnel, self inspection and audit, quality assurance etc. had already been rectified. The Committee found that on the remaining ten deficiencies either corrective action had already been initiated or justification for the existing position had been given by the institute. Not only this, the issue of shortage of manpower at higher and middle level was to be tackled by the Ministry/DGHS, the decision making authorities in such matters. During the meeting with the Committee, the Institute had informed that rest of the rectification work had been unduly delayed due to absence of a regular Director. The Director-In-Charge had not been vested with the financial power and as a result thereof, the orders for execution of cGMP rectification work could not be issued by him.

12.17 The Committee was apprised that the Institute had informed the Deputy Drugs Controller, South Zone on 26th February, 2008 and later on 20th March, 2008 to the Ministry of Health and Family Welfare about the rectification work that it had carried out in the Institute. Also the Institute had preferred appeals twice, one on 24th January, 2008 against DCGI’s decision to suspend its license, and again on 14th June, 2008 to the Ministry of Health and Family Welfare to revoke suspension of the license. However, the Status Note did not mention as to what action was taken on the part of the Ministry to consider their case in the light of the rectifications carried out by the Institute.

12.18 The Committee observed that out of 65 deficiencies pointed out by the Inspection Team in respect of CRI, Kasauli, majority of them, although technical, remained unresolved. The Committee pointed out that it had been more than ten years and the Director of such a premier institutions continues to be brought on
deputation. One could well imagine the state of affairs in an institute without a permanent Head for a prolonged period.

12.19 With regard to PII, Coonoor, the Committee found that a number of shortcomings were pointed out by the Inspection Team. From the feedback made available to the Committee, it was evident that the Institute had admitted that while it would not be possible to completely rectify all the deficiencies especially those relating to structure and manpower, the fact remains that these shortfalls could have been easily tackled with the support of the Ministry.

12.20 The Committee also mentioned that neither of the inspecting teams – the joint inspection team of WHO-NRA or the subsequent team from the DCGI’s office that visited the facilities to take note of the rectification of deficiencies, had made any recommendation regarding stopping production of vaccines by these units or closing down these units.

12.21 The Committee was also given to understand that the international health agency – WHO, had offered to upgrade the technology at these three PSUs. However, the Ministry had declined the offer and preferred to cancel their vaccine-producing license. The Committee wondered as to why, being a member of the WHO, the Ministry did not prefer to take their help to upgrade the technology and make these units conform to international standards. The Committee observed that such lapses on the part of the Ministry only point out that it had failed miserably in upgrading these units to the required standards.

12.22 The Ministry had informed that the licenses for manufacture of vaccines by CRI, Kasauli, BCG VL, Chennai and PII, Coonoor were suspended by the DCG (I) under the powers vested with the Central License Approving Authority (CLAA) under rule 85 (1) of the Drugs and Cosmetics Rules, 1945 which read as under:

“The Central Licensing Approving Authority may, after giving the licensee an opportunity to show cause why such an order should not be passed, by an order in writing stating the reasons therefor, cancel a license issued under this part, or suspend it for such period as he thinks fit either wholly or in respect of any of the drugs to which it relates (or direct the licensee to stop manufacture, sale or distribution of the said drugs and (thereupon order the destruction of drugs and) the stock thereof in the presence of an Inspector) if in his opinion, the licensee has failed to comply with any of the conditions of the licensee or with any provisions of the Act or rules made thereunder.”

12.23 The Committee was of the opinion that as provided in the aforesaid rule, the licenses of these three units should have been suspended for a specific period. This period could have been utilised for removal of all the shortcomings in a time-bound manner under the overall supervision of the Ministry. This was the right course of action not only in accordance with the law but also due to the fact that quite a few drawbacks had already been removed inspite of the constraints being faced by these institutes.

12.24 The Committee also took note of another disturbing development taking place after the suspension of manufacturing licenses of the three Institutes. An Expert Committee was constituted by the Ministry on the 11th April, 2008 for the assessment of the three Institutes. The scope and terms of reference of the Expert Committee are self-revealing. Out of the eight terms of reference of the Expert Committee, the foremost two are as follows:—

(i) Study of infrastructure facilities available at the three vaccine manufacturing units and explore feasibility of conversion of existing laboratories into testing laboratories or training units.

(ii) Scope of re-deployment of the existing staff in production units to the proposed testing labs in view of the stoppage of production of vaccines.

12.25 The above terms of reference clearly indicate that the Ministry had already taken a decision for final stoppage of vaccine production at the Institutes inspite of the fact that the manufacturing license of the three institutes remained suspended till the time of discrepancies noticed were finally removed. The Committee expressed its serious reservation on this development. It was very clear that the three institutes fulfilling the vaccine requirement of the country for the past so many decades were not given a fair chance. They did not deserve such a treatment at the hands of their administrative Ministry.

12.26 It had also come to the notice of the Committee that after the show-cause notice issued to the BCG VL regarding cancellation of its license on the 14th December, the DCG (I) conveyed the proceedings of the CLAA
suspending the license of BCG VL until the new facilities were ready. On 20th February, 2008 the DCG (I) informed the Institute that products manufactured at the Institute could not be used for immunization purpose due to non-conformities of GMP and hence, sought a proposal for destruction and writing off of the stock lying with it.

12.27 The Committee stated that until the inspections were carried out, the Institute had been meeting the requirement of BCG vaccine for the entire country and the same were supplied to the various States under the UIP without reports of any adverse effects from the use of such vaccines. On the other hand, if the vaccines supplied under the UIP conformed to the standards of safety, efficacy and quality, then what could be the logic to order the destruction and writing off of the stock by the DCGI. The Committee observed that since BCG VL was the sole manufacturer of BCG Vaccine in the country, such a move could lead to shortage of vaccines across the States, thereby, affecting the Universal Immunization Programme. The Committee’s apprehensions had been confirmed by media reports regarding shortage of vaccines across the States. The Committee apprehended that large amounts of vaccines produced at CRI and PII would have also met with a similar fate. The Committee observed that the Ministry had not approached the issue with enough foresight to ensure adequate and steady supply of vaccines and that such a move put it in poor light.

12.28 On being asked to inform the Committee about the actual requirements of different vaccines in the country under Universal Immunization Programme during 2008-09, the Ministry had furnished State-wise details in its Status Note as follows:

<table>
<thead>
<tr>
<th>Vaccine</th>
<th>TT</th>
<th>DPT</th>
<th>DT</th>
<th>OPV</th>
<th>Measles</th>
<th>BCG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement in the country (all States/UTs)</td>
<td>1708.00</td>
<td>1579.87</td>
<td>432.66</td>
<td>1581.86</td>
<td>391.20</td>
<td>759.21</td>
</tr>
</tbody>
</table>

12.29 The Ministry had informed that to meet the vaccine requirement in the country for 2008-09, the Vaccine Procurement Cell had placed the following orders with private firms producing vaccines:

<table>
<thead>
<tr>
<th>Supplier</th>
<th>Vaccine</th>
<th>Total Order Placed</th>
<th>Total country requirement</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.E. LTD., Hyderabad</td>
<td>TT</td>
<td>1360.00</td>
<td>1708.00</td>
<td>348.00</td>
</tr>
<tr>
<td>B.E. LTD., Hyderabad</td>
<td>DPT</td>
<td>800.00</td>
<td>1579.87</td>
<td>416.87</td>
</tr>
<tr>
<td>S.I.I., Pune</td>
<td>63.00</td>
<td>1579.87</td>
<td>416.87</td>
<td></td>
</tr>
<tr>
<td>I.I.I. Hyderabad</td>
<td>MEASLES</td>
<td>90.00</td>
<td>391.20</td>
<td>58.80 excess procurement</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>1163.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.E. LTD., Hyderabad</td>
<td>DT</td>
<td>375.00</td>
<td>432.66</td>
<td>57.66</td>
</tr>
<tr>
<td>Bharat Biotech. Ltd., Hyderabad</td>
<td>OPV</td>
<td>1350.00</td>
<td>1581.86</td>
<td>51.36</td>
</tr>
<tr>
<td>HBPCL, Mumbai (PIPELINE)</td>
<td></td>
<td>184.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>1530.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S.I.I., Pune</td>
<td>BCG</td>
<td>600.00</td>
<td>759.21</td>
<td>159.21</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>450.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
12.30 From the above comparative table it was clear that in most cases, the vaccine requirement exceeded the amount of order placed with the firms, while in one case i.e. measles vaccine, the order placed exceeded the total requirement stated in the country figures. The Committee wondered as to how the Ministry planned to cover the shortfall in the vaccine requirement in the country.

12.31 Committee’s attention was also drawn to the awarding of bulk purchase orders to one unit in particular – Biological E. Ltd., Hyderabad. The Committee stated that in the two lists of functioning and non-functioning vaccine manufacturing units, furnished by the Ministry, the name of Biological E. Ltd., Hyderabad was found in both the lists. On being asked regarding the veracity of status of functioning of this production unit, the Ministry replied that the unit might have qualified for a certain category of vaccines while for others it might be either closed or upgrading itself to cGMP standard. The Committee was however, not convinced by the Ministry’s stand. It was clear from the submitted lists that the Ministry was unaware whether Biological E. Pvt. Ltd., was functional as it had not received report regarding the same in the last two years. The Committee was not aware about the status of private units with which the Vaccine Procurement Cell (VPC) had placed the orders. The Committee sought to be apprised as to whether all these units were cGMP compliant.

12.32 Another pertinent issue that drew the Committee’s attention was the procurement price of the vaccines. The Committee believed that since the CRI, Kasauli, BCG VL, Chennai and PII, Coonoor were in the public sector, vaccines were available to the people at cheap price, but once the manufacturing goes into the private hands there was every likelihood that the cost of the vaccines could go up in future, thus, defeating the very objective of providing highly essential drugs like vaccines to the people at affordable prices.

12.33 The Committee earlier discussed that the international health agency—WHO, had offered to upgrade the technology at the three PSUs. The Committee recommended that the Ministry should explore this avenue as an alternative to build these units conforming to international Good Manufacturing Practices.

12.34 The Committee had also been informed that a vaccine park was being proposed to be set up in Chegalpattu near Chennai. On a specific query in this regard, the Committee was informed that the proposed vaccine park would be in the public sector. It would be a unit that would be established by Hindustan Latex Ltd., a public sector undertaking under the administrative control of the Ministry. The Committee pointed out that with three vaccine manufacturing units already functioning for the last so many decades, the right course of action would have been to make sincere efforts for their revamping in accordance with the changing times. Vaccine Park coming up at the cost of already existing units could not be considered justified from any point of view. The Committee observed that this project could take a couple of years before manufacturing and supply of vaccines could actually take place. Till such time the Committee felt that procuring the country’s requirements of various vaccines from the private sector could only increase the cost of the vaccines thereby, adversely hitting the Exchequer. Moreover, a single centralized vaccine producing park might not be able to cater to the needs of the billion plus and growing population of the country.

12.35 The Committee, therefore, recommended that the Ministry should revoke the suspension of vaccine manufacturing licenses of the three vaccine producing PSUs at the earliest. Until such time that new infrastructures are built conforming to the Schedule M norms, these Institutes might be allowed to continue production in the old structures after carrying out the rectifications either fully or to the extent possible. The Committee pointed out that all the three units had their own quality control system. Not only this National Quality Control Authority was also involved in the quality control of vaccines produced by these units. In such a scenario, there was little likelihood of non-standard vaccines being produced by them. These Institutes might be allowed the time sought by them as also provided with adequate funds for completing the rectification works but it should be done under the aegis of the Ministry so that they did not exceed the time-frame.

12.36 The Committee also recommended that all the vacancies in all cadres should be filled up at the earliest and the recruitments rules for those posts, which were yet to be framed, should be framed immediately. The Committee further recommended that the existing scientific and technical staff should be given appropriate training to make them cGMP compliant. The Committee was not aware about the status of private units with
which the Vaccine Procurement Cell (VPC) had placed the orders. The Committee sought to be apprised as to whether all these units were cGMP compliant.

(b) 35th Report

Part-A

Budgetary Allocation

12.37 The Committee was given to understand that the overall approved outlays under two heads - strengthening of hospitals and dispensaries and redevelopment of hospitals/institutions had been drastically reduced vis-à-vis the proposed outlay. Hospitals like RML and Safdarjung and other institutions like AIIMS, JIPMER etc. had been allocated lesser amounts than what had been proposed. The Committee was constrained to observe that time and again it had been pointing out to the Department to place its case before the Planning Commission for funds allocation in an effective way, yet it appeared that once again the Department had not been able to present its case convincingly. The Committee was of the view that lesser approved outlay often stems from past trends of sub-optimum utilization of funds and the issues incidental thereto. The Committee, therefore, recommended to the Department to have a right approach in that regard by making a correct assessment of requirements of funds for the different activities and place the same effectively before the Planning Commission. The Committee also impressed upon the Department to take effective measures so as to ensure optimum and judicious utilization of allocated funds.

12.38 The Committee observed that action regarding audit of all centrally sponsored programmes, PSUs under the Department and autonomous bodies receiving Grants-in-Aid had been initiated by the Department. The Committee sought to be apprised about the latest position in this regard.

12.39 The Committee noted that out of the five units where adverse audit findings were made during 2007-08, compliance in case of only one had been received. The remaining four units had some serious audit paras against them. The Committee desired the matter be taken up with these units urgently so that the irregularities reported were reconciled and a sense of financial accountability prevailed. Status Note in this regard might be furnished to the Committee.

Central Government Health Scheme (CGHS)

12.40 The Committee had called for taking measures which includes training of the staff, connectivity of the computer systems and their backup for power failure. However, the Department had concentrated on the aspect of internet related issues, viz., enhancing its speed and software related problems. The issue of training of staff and the power backup seemed to have been ignored at that juncture. The Committee emphasized that though internet efficiency was a vital aspect of the computerization programme, yet it had to be seen in totality. The issue of proper training of the staff and the power backup were also crucial for the success of the computerization exercise. The Committee, therefore, expected the Department to chalk out a proper strategy in this regard.

12.41 The Committee observed that its recommendation regarding starting of two shifts system in CGHS dispensaries had ultimately resulted in a positive response from the Department. The Committee desired that the matter be placed before the Committee of Secretaries at the earliest.

12.42 The Committee was given to understand that land for CGHS dispensary was available in Dwarka. The Department had in its recent update had admitted that it had been allotted three plots of land in Dwarka at Sectors 6, 8 and 12. The problem cited was that the construction work of a dispensary could not be started for want of a formal possession of the plots being given by the DDA to the Department. The Committee had been apprised that reminders had been sent to the DDA and their reply was still awaited. The Committee was unhappy to note that in the name of expediting formalities only reminders had been sent. The Committee failed to understand the reasons for undue delay on the part of DDA in providing possession of the plots in Dwarka when the same had already been allotted. It was high time that the Department took the matter at the highest level in DDA in the interest of a large number of CGHS beneficiaries residing in Dwarka. The Committee pointed out that even after possession of land, it would take considerable time in the opening of CGHS dispensaries in Dwarka. Concerted efforts were, therefore, required to be made for getting suitable accommodation till then so as to get at least one dispensary operational there.
12.43 The Committee was constrained to note that the Department had adopted a lacklustre approach in the matter. It had been closed to three years since the in-principle approval for opening the new CGHS dispensaries in Sector 82 Noida and Gurgaon was given by the Planning Commission and in the name of action, only a request to Chairman (CEO) Greater NOIDA for allotment of suitable accommodation had been made, which however had not materialized due to high rent cost. Similarly, in case of Gurgaon Dispensary, after a gap of one year since in-principle approval, an advertisement was issued in March 2007, which however didn’t attract any response. Further, it took one more year to write to the Secretary, Government of Haryana for allotment of CGHS Dispensary. No efforts seemed to have been taken since then. The Committee was unhappy with this kind of lackadaisical approach of the Department. If this was the state of affairs at present, the Committee could well imagine that it might take even a decade to start the two dispensaries. The Committee, therefore, recommended to the Department to make every conceivable effort so that the two dispensaries were made functional at the earliest and the large number of beneficiaries residing in these areas got proper CGHS facilities.

12.44 The Committee noted that SIU study report had been implemented in 19 CGHS covered cities except Delhi which was under process in consultation with the Finance Division in the Ministry. The Committee had also been informed that issue of creation of posts in all the 20 CGHS covered cities was being taken up by the Department. The Committee expressed its deep concern on undue delay taking place in such a vital area. No progress seemed to have been made since the presentation of 27th Report of the Committee on the Demands for Grants (2008-09) of the Department. The Committee was also not aware about the time frame for implementation of SIU Study Report in Delhi. The Committee reiterated that the entire process of creation of posts in all the 20 CGHS covered cities should be completed in a time-bound manner with monitoring at all levels.

12.45 The Committee hoped that the proposal for direct procurement of proprietary / branded medicines as per the rates approved by MSO through rate contract system had been approved by the competent authority leading to savings on heavy consultancy fees being paid to HSCC.

12.46 The Committee expressed its strong reservation on the continuance of adhoc arrangements with regard to empanelment of cancer hospitals for CGHS beneficiaries. The Committee was not aware about the progress made by the CGHS Committee with regard to fixation of various packages/ rates for treatment of cancer patients. The Committee could well imagine the plight of cancer patients till a final decision was arrived at, which would ultimately depend on the willingness of hospitals for accepting the rates offered leading to their empanelment. It seemed that CGHS beneficiaries, specially the cancer patients, would continue to suffer. There was an urgent need for review of empanelment procedure so that a situation did not arise where patients needing extensive medical care continue to be deprived of the same.

12.47 The Committee had been provided with the revised rates for various investigation and treatment procedures under CGHS in the four metro cities. The Committee was surprised to note substantial variation in the approved rates for many investigation/treatment procedures. In many cases there had been a variation of 50%. Further, there were several cases where the rates vary up to two to three times in the metro cities which the Committee was not able to reconcile itself with. If such was the level of variance in rates in different metro cities, the Committee could well imagine about the difference in CGHS rates prevalent in other cities. The Committee placed on record its deep concern in this regard. Either there was some inherent problem in the procedure or there might be some mismanagement. The Committee sought to be apprised in detail about the procedure along with criteria for approval of CGHS rates for the various cities.

**Safdarjung Hospital and Vardhman Mahaveer Medical College, New Delhi**

12.48 The Committee in its Report had recommended to the Department to provide adequate funds to the Safdarjung Hospital to meet its functional requirements. The Committee was anguished to note that in the name of the Action Taken in this regard, the Department appeared to have just forwarded the status given by the Hospital administration. The Department had not come up with any assurance or plan of action in this regard. The Committee noted that inadequate provision was likely to result in non procurement of medicines and Disposables thereby adversely affecting the patient care and the various major works/maintenance undertaken by this Hospital and CPWD and the construction of staff quarters would also be put on hold. The Committee therefore recommended that urgent steps be taken to provide additional funds to the Hospital, which caters to the needs of the poorer sections of the people, not only from Delhi but also from the adjoining and far off areas.
All India Institute of Medical Sciences (AIIMS)

12.49 Nobody can deny the fact that our country is facing shortage of medical professionals. Not only this, precious public money is being used to pay for the subsidized education in the Government institutions, some of which are renowned ones. The Committee, therefore, strongly felt that some policy guidelines were urgently required to be framed so that trend of our doctors and nurses leaving the country was checked. The Department cannot shy away from its responsibility to frame such a policy which is required in public interest.

12.50 The Committee noted that it had been about two years since the Valiathan Committee submitted its report on the functioning of AIIMS. In a meeting held on the 14th November, 2008, the representatives of the Department inter alia stated that action on some of its recommendations had taken place. It was also stated that the recommendations pertain to some short-term and some long-term goals. Action in case of short-term goals would take place within 5-6 months and in other cases it would take a longer period. While recommending speedy action on the recommendations of the Valiathan Committee, the Committee desired to have a status note in the matter especially about the recommendations which had been implemented and the time-frame within which the remaining would be implemented.

12.51 The Committee had been pursuing the matter of setting up of a Burns Unit in AIIMS. The Committee noted that the proposal for setting up a Burns Unit in the JPNA Trauma Centre, AIIMS had been approved by the Standing Finance Committee of the Institute on the 7th May, 2008. The Committee found that the minutes of the Standing Finance Committee had then to be approved by the Institute Body / Governing Body. The Committee once again emphasized that this matter needed to be pursued vigorously by both the Department and the Institute authorities so that the proposed Burns Unit started functioning at the earliest. Present pace of progress has to be expedited in a time-bound manner otherwise the proposal would continue to remain on paper for years.

Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh

12.52 The Committee had sought information on the initiatives taken by the Institute for the timely completion of the new projects, especially in the light of under-utilization of allocated funds in the past and the subsequent delay in the ongoing projects. The Action Taken Note submitted by the Department in this regard was a mere statement of the present status of the ongoing projects. The Committee was constrained to observe that there was no mention of the initiatives, if any, being taken by the Department for timely completion of the ongoing and new projects. In the absence of any concrete steps, the Committee apprehended that there would be no improvement in the scheme of things. The Committee again emphasized on the fact that the Department needed to devise a proper strategy urgently to back the targets set for the Institute.

Central Institute of Psychiatry, Ranchi

12.53 The Committee was anguished to note that the Department had not supplied the requisite information sought in respect of the Central Institute of Psychiatry, Ranchi. The Department had not furnished any update regarding the progress made w.r.t. the proposed re-development plan of the Institute. It had only stated the previous position that the EFC proposal had been circulated and was under consideration. From this, the Committee could only infer that there had not been any progress on this front since quite some time and no sincere efforts seem to have been taken by the Department to expedite the same. The Committee was also not happy with the Department for not sharing the circumstances leading to the monitoring of the development of the Institute by the Jharkhand High Court despite being asked to do so specifically. The Committee sought to be furnished the requisite information without further delay.

Vallabhbhai Patel Chest Institute, Delhi

12.54 The Committee was anguished to note that despite its observation regarding the details of the short-term training courses/workshops in respiratory diseases for faculty members and medical practitioners conducted by the Institute during 2007-08 not being specific, the Department had not provided the same again. In Annexure-IX the contents of Annexure-X, which was about the details w.r.t. workshops, courses etc. in 2008-09, had been reproduced. The Committee viewed this with serious concern. Such an approach was neither acceptable nor expected from the Department. The Committee, therefore, directed the Department to be careful in future and provide the requisite information at the earliest.
Pradhan Mantri Swasthya Suraksha Yojna (PMSSY)

12.55 The Committee, during the presentation by the Secretary before it, in connection with the Demands-for-Grants of the Ministry, had conveyed to him its deep concern over the delay in the PMSSY Project. Subsequently, the Committee had directed the Department to furnish a status report regarding the implementation of the Project after every two months, which was agreed to by the Secretary. In spite of a categorical assurance by the Department that such a report would invariably be furnished, till date no such report had been furnished to the Committee. Non-compliance of an assurance given to a Parliamentary Committee was a serious matter. The Committee cautioned the Department in this regard and expected that it would be kept informed of the progress made in the implementation of the project, as desired.

Upgradation of District Hospitals

12.56 The Committee was constrained to observe that the Action Taken Note furnished by the Department was silent on the basic issues raised by the Committee. Though merging the activity with Mission Flexible Pool (NRHM), as an administrative decision, might be aimed at tackling the problems afflicting the scheme, the Department had not categorically stated about any action w.r.t. Committee’s recommendations regarding giving priority to the remote and rural area hospitals and those States where MMR and IMR were high and where maternity facilities were not up to the mark in formulating a mechanism so as to facilitate early selection, granting and overseeing proper utilization of funds and expediting scrutiny of the proposals received from the State Governments from the beginning of financial year 2008-09 itself. The Committee would appreciate if the Department took some pro-active steps keeping in view its specific recommendations on a very crucial issue of public health.

Rashtriya Arogya Nidhi

12.57 The Committee noted that the Department had approached the State Governments of UP, Assam, Orissa, Manipur, Arunachal Pradesh, Meghalaya and Nagaland for setting up of State Illness Assistance Fund. The Committee strongly felt that there was an urgent need for having such a fund in these States. The Committee once again urged upon the Department to take up this vital matter of public interest with the concerned State Governments at the highest level.

12.58 The Committee welcomed the Department’s move regarding increase in financial assistance to less than or equal to Rs.1 lakh per case and extension of the facility to the NEIGRIHMS, Shillong and Regional Institute of Medical Sciences Hospital (RIMS), Imphal. The Committee desired steps be taken for a realistic increase in the revolving fund to cater to the demands of poor patients and some concrete action was taken for extension of the scheme to other hospitals. The Committee pointed out that the Department’s reply was silent on the issue of giving wide publicity to the scheme especially in the hospital campuses to generate awareness so that the same could be utilized by the needy and poor patients. The Committee sought to be apprised of the steps taken by the Department in this regard. The Committee also desired that an assessment of the Rashtriya Arogya Nidhi be made at the earliest. The Committee strongly felt that such an exercise would result in identification of problem areas and necessary remedial steps.

National Aids Control Programme (NACP)

12.59 The Committee was given to understand that steps were being taken to ensure full utilization of funds during 2008-09. Yet no specific steps had been stated. In the opinion of the Committee merely stating that steps were being taken to ensure full utilization without specifying the steps being taken/ to be taken was not adequate. The Committee, therefore, sought to be apprised of the concrete steps being taken/contemplated to be taken to obviate the possibility of under-utilization of funds sanctioned by Parliament.

12.60 The Committee placed on record its anguish that the Department had not shared with it the requisite information categorically asked for in respect of unspent balances available with the blacklisted NGOs and the action taken for recovery of the same, details of all similar cases/discrepancies related to NACO and the action taken by the Department/CBI in that regard. This coupled with contradictory figures regarding the NGOs under paras 16.13 and 16.12 clearly showed the perfunctory and careless approach of the Department towards the Committee. The Committee took this seriously and advised the Department to be careful in future. Accordingly, the Committee sought to be provided with the requisite information without further delay.
National Cancer Control Programme (NCCP)

12.61 The Committee was once again unhappy to note that the requisite information regarding the details of the new component – Public Private Partnership had not been furnished. The Committee, accordingly, sought to be provided with complete details regarding this new component.

12.62 The Committee appreciated the steps taken by the Department regarding submission of UCs by the State Governments. However, the Committee was constrained to note that a Status Note on pending UCs (State/NGO wise), as asked for by the Committee had not been furnished by the Department. The Committee desired that the same be furnished to it.

Medical Education

12.63 The Committee observed that the issue at hand is too urgent to be allowed to linger on, as it concerned the quality and standards of medical education and any compromise in the matter had the potential to put the lives of the people in peril. Therefore, mere assurance of keeping in view the observations of the Committee at the time of finalizing any mechanism did not suffice. In view of the gravity of the issue, the Committee recommended to the Department to deal with it with a sense of promptitude and bring some sort of policy or legislation urgently.

12.64 Last year, Committee’s attention had been drawn to a very disturbing situation whereunder as many as 27 medical colleges continued to function in the country whose first batch of MBBS students had appeared for final examination but they were yet to be recognized. The Committee had impressed upon the Department to resolve this matter involving the fate of our students without any further delay. The Committee was deeply disturbed to note that the position remained unchanged. No action seemed to have been taken in the case of 9 medical colleges where recommendations of MCI had reached the Department. With respect to remaining 18 medical colleges, recommendations of MCI were still awaited. The Committee was well aware of the statutory provisions regarding grant of recognition to a medical college. The Committee viewed with serious concern this state of affairs, that too in the critical area of medical education. The Committee was of the firm opinion that this entire matter along with the existing procedure of recognition of medical colleges needed to be reviewed by all concerned. The Department had to take a pro-active role being the nodal authority for medical education in the country.

Vacancies in CHS Cadre

12.65 The Committee took note of the fact that in the General Duty Medical Officers sub-cadre of CHS recently 179 posts had been abolished in various CGHS units. The Committee welcomed the Department’s initiative to get a clearance from the Cabinet for appointment of retired GDMOs on contractual basis for a period of two years on a remuneration of Rs. 25,000/-. But the Committee cautioned the Department that if agreed to by the Cabinet this should only be a stop gap arrangement and there should be no laxity on its part to make all out efforts for having the vacancies filled up on a full time basis, at the earliest. The Committee was dismayed to note the contradictory figures of vacancies in the Non-Teaching, Teaching and Public Health sub-cadre supplied to it at the time of Demands for Grants and in the present Action Taken Note of the Department. The Committee cautioned the Department to be careful in future in presenting facts and figures to it.

Part-B

Budgetary Allocation

12.66 The Committee had been drawing the attention of the Department to the uneven pace of utilisation of funds allocated under NRHM. Year 2007-08 was also no exception. As on the 29th February, 2008, utilisation figures stood at Rs. 8800.88 crore which reached to Rs. 10,310.16 crore by the 31st March, 2008, clearly indicating release of Rs. 1509.28 crore during the last month of the financial year. The Department had not come up with any clarification on this pertinent issue. The Committee was also not happy with the attempt made by the Department in projecting a satisfactory utilization status of allocated funds by drawing a comparison between RE allocation and utilization thereof. The fact remained that inspite of increased allocation at the beginning of the year, the same had to be brought down at the Revised Estimate Stage. Crucial programmes like Routine Immunisation, Pulse Polio Immunisation, Intergrated Disease Surveillance Project showing this trend was a cause of serious concern for the Committee.
12.67 The Committee was not prepared to accept the argument put forth by the Department that balance remaining at the end of the year was mainly due to curtailed releases owing to low absorptive capacity in the 7E region. The Committee was constrained to observe that the Department, instead of devising means to break through the obstacles to ensure proper utilization of funds in the region, seemed to pose a picture of resignation in the matter. The Committee was of the firm belief that under the above circumstances, major healthcare interventions in the NE region would not be reaching the targetted beneficiaries, thereby depriving them of the health care initiatives. The Committee strongly felt that the Department, being the apex nodal body in the country for healthcare initiatives, had to strive harder so as to ensure their reach to the NE region in the real sense. The Committee, therefore, recommended to the Department to take up this issue with the Chief Secretaries of all the NE states as well as the Department of Development of NE Region.

12.68 The Committee was disappointed to note that the Department had chosen to remain silent on the reasons of steadily decreasing allocation of funds to such an important healthcare programme like the Routine Immunisation Programme. The Committee was also not convinced by the justification given by the Department with regard to Integrated Diseases Surveillance Project. The Department had also, not indicated in its reply as to what extent the number of labs was reduced resulting in less expenditure on the procurement of equipments. Similarly, it was also not clear as to what was the exact number of units that were planned to be linked by the NIC network. The Department had informed the Committee that funds for networking could not be released to NIC since UCs and SOEs could not be timely obtained from it. The Committee was aware that National Informatics Center (NIC) was a government setup. Therefore, it wondered as to what could be the reasons for which there were delays in submission of UCs and SOEs by the latter. The Committee, under the circumstances, could only conclude that the Department’s attempts in the matter had been lackadaisical, and as a result of which, achieving targeted landmarks in fully operationalising critical initiatives like that of the IDSP had been put on the back foot. The Committee observed that the Department should actively pursue the project of making IDSP fully operational and should be extra vigilant towards achieving the targets set for such critical health initiatives.

Infrastructure Strengthening

12.69 The Committee was happy to note that Punjab had been able to furnish all 20 Integrated District Health Action Plans (IDHAPs). However, its concern stood unabated for the progress reported from the State of Himachal Pradesh and Bihar. It failed to understand the reasons as to why the matter of formulation and submission of IDHAPs would go into litigation. Under such a dismal scenario, the situation in a State like Bihar, where the need for basic health facilities was urgent, could only worsen if timely action on the part of both Central and State Government was not taken. The Committee, therefore, urged upon the Department to take up this matter at the highest level in the State. The Committee also recommended that the slow progress made by Haryana in regard of IDHAP might also be monitored by the Department.

12.70 The Committee was disappointed with the Department’s reply to the Committee’s observation regarding pending civil construction work for 66,382 Sub-Centres (SCs). The Committee had also impressed upon the Department to undertake regular monitoring of such SCs. However, the Department, instead of informing the Committee of the progress made so far, and the monitoring mechanisms, if any, put in place, had chosen to take note of the issue as a “matter of record”. Taking a serious note of the approach of the Department, the Committee desired the Department furnish the details of the progress made in the civil construction work of the Sub-Centres in all the states and also indicate the monitoring mechanism in place for the purpose. The data so furnished should also contain details of the funds released to the states, the date of commencement of work, a list of the number of units that were proposed to be built and those that had completed construction, till date.

Accredited Social Health Activist (ASHA)

12.71 The Committee noted with a sense of relief that the Department had at last come to concur with the observations of the Committee regarding its apprehensions on the role clarity and feasibility of discharging the duties assigned to ASHA. The Committee stated that these apprehensions had been voiced by it in earlier reports so that the objective with which the concept of ASHA had been initiated under the NRHM did not get diluted. The Department had stated in its Action Taken Note that National Health System Resource Centre (NHSRC) was reviewing the ‘job responsibilities’ and “Role clarity of ASHA” as well as that of AWW and ANM. The Committee observed that the Department had not specified any timeframe, within which NHSRC would be completing its review. In the meantime, these Social Health Activists would continue discharging
their duties originally mandated with the likelihood of new ones adding to their responsibilities. The NHSRC had to complete its review in a time bound manner so that such an important health initiative did not become redundant. The Committee, therefore, urged upon the Department to ensure the timely submission of the Report by NHSRC, followed by expedientious implementation of the same.

**Mobile Medical Units (MMUs)**

12.72 The Committee observed with constraint that no significant progress had been made in the operationalisation of Mobile Medical Units (MMUs). As per the latest status furnished by the Department, only 200 districts in the country were having this facility. Committee’s apprehensions about states like Bihar, Maharashtra and U.P. failing to procure MMUs inspite of provision of funds therefor continued to persist as confirmed in the response of the Department. Notwithstanding availability of emergency ambulance services on a very large scale in some States, the Committee emphasized that effective steps needed to be taken for strengthening the facility of MMUs in the entire country. This task could be accomplished if follow-up action on the constraints highlighted in this regard in the 1st Common Review Mission (November, 2007) and second Common Review Mission (November, 2008) was taken by the Department in co-ordination with concerned states.

12.73 The Committee hoped that the Second Common Review Mission of NRHM of 13 States scheduled for November, 2008 must have been reviewed and corrective steps initiated by the concerned states. The Committee was, however, not aware as to whether its suggestion for including both performing and non-performing districts in the states selected for CRM had been implemented. The Committee emphasized that in the absence of such a framework, the very purpose of the Review would remain incomplete.

**National Vector Borne Disease Control Programme**

12.74 Apprehensions of the Committee with regard to shortage of surveillance and supervisory staff in Malaria-endemic N-E States continued to persist. Out of 5057 contractual MPWs (male) sanctioned in all the 14 high malaria-endemic States under NVBDCP during 2007-08, with the exception of Nagaland, remaining N-E States like Tripura, Manipur, Arunachal Pradesh and Assam had only initiated the process of recruitment. No mention being made about other health functionaries like Health Supervisor (Male) and (Female) by the Department was self- revealing. The Committee had been persistently drawing the attention of the Department towards the problem of sanctioned posts of Health workers remaining vacant. But it seemed no viable solution had emerged till then. Involving ASHAs in malaria-control activities could only be considered a stop-gap arrangement, that too not viable due to their being already over-burdened with manifold tasks. The Committee reiterated that the matter of filling up of sanctioned posts of Health workers in malaria-endemic N-E States needed to the taken up at the highest level by the Department.

**Japanese Encephalitis**

12.75 The Committee observed that a number of measures had been initiated by the Department in co-ordination with the State authorities with regard to control of Japanese Encephalitis (JE) in eastern UP, the most endemic area. The Committee also took note of two problem areas - one of constraints in lab-testing and prevalence of other viruses, apart from JE with vaccination being available only against JE. The Committee failed to understand why, inspite of adequate funds being provided under the Programme, proper sample testing facilities had been lacking. The Committee stated that lack of proper serological testing facilities would result in improper detection of infected cases and could aggravate the situation further. The Committee suggested that mobile labs for conducting the required test might be introduced so as to supplement the existing facilities and to overcome the constraints faced in lab testing. The Committee desired that such an initiative is implemented at the earliest by the Directorate of NVBDCP after due consultation with the State and district authorities in the JE infested Areas in Assam and UP.

12.76 The Committee pointed out that problem of other viruses, apart from JE in eastern UP was detected by NIV, Pune in 2006. By now, strategy for tackling these viruses including vaccination should have been in place and being implemented. The Committee, therefore, impressed upon the Department to take the required action on an urgent basis.
Chikungunya

12.77 The Committee appreciated the efforts made by the Department in intensifying multi pronged approaches to contain the incidence of Dengue and Chikungunya cases. The Committee felt that results of such measures would surely reflect in the numbers of cases detected for the year 2008. The Committee sought to be apprised about the IEC interventions undertaken in this regard.

12.78 Committee’s attention was, however, drawn to the number of samples tested against the suspected cases. The Committee noted that out of 59,535 suspected cases in 2007 only 13.2% were tested and of these 13.2% cases (7,850 samples tested), 23.3% of the samples turned out to be confirmed cases. The Committee felt that 13.2% samples tested was a fairly low number compared to the suspected cases figures and given the fact that more than 23% turned out to be confirmed cases of the 7,850 tested samples, the figures could be much more if the number of samples tested were increased.

12.79 The Committee apprehended that in such a situation, there were chances of there being a large number of confirmed yet undetected cases. The Committee, therefore, suggested that the Department should concentrate its efforts towards strengthening the testing lab facilities so that maximum numbers of samples were tested.

National T.B. Control Programme

12.80 The Committee was happy to note that the Department had acted on its suggestion for evolving a national forum where participating NGOs/PPs share their experiences of providing services under RNTCP. The Committee hoped that 60-70 NGOs/PPs participating in the conference held on 29-31st January, 2008 must have given some concrete suggestions for successful implementation of RNTCP. The Committee sought to be apprised about the report on an independent evaluation of selected NGOs conducted by the Department.

12.81 The Department had also informed that in order to strengthen advocacy and social mobilization activities under the programme, it was closely working with professional bodies with the support and collaboration of media agency. The Committee sought to be apprised in detail about its plan under the proposed initiative and the outcome of such enterprise.

12.82 The Committee appreciated the Department’s concerns and efforts on the prevention of MDR-TB through the administration of high quality DOTS and the Programme Division’s concerns regarding the availability of effective affordable drugs. However, the Committee felt that perhaps the Department had missed the import of the Committee’s comment seeking further information on the status regarding the trials of the affordable drug for treatment of patients with Multi-Drug Resistant TB, developed by the pharma company Johnson & Johnson. The Committee sought to be apprised of the recent developments in the matter in detail and the preliminary findings of the trial reports, if any, of the drug.

National Leprosy Eradication Programme

12.83 The Committee observed that the proposal for providing incentive of Rs. 5000/- for Reconstructive Surgery to leprosy disabled persons from BPL families and to 20 institutions for conducting RCS was yet to be approved by EFC, though more than half of the 11th Plan period was over. Such an undue delay, that too on a proposal already going on a pilot basis in four Central institutions, was uncalled for. The Committee, therefore, urged upon the Department to expedite the completion of all the procedural formalities.

National Programme for Control of Blindness

12.84 Last year, while welcoming new initiatives under the National Programme for Control of Blindness for the Eleventh Plan with focused attention on NE States and also in Bihar, Jharkhand, J&K, Himachal Pradesh and Uttarakhand, the Committee had voiced its apprehensions about undue delay in their actual initiation. More than one year had passed since then and third year of the Eleventh Plan period was also reaching its end. However, the EFC Memo for the proposed projects remains under active consideration in consultation with the Integrated Finance Division. The Committee had been drawing the attention of the Department to the trend of undue delay in getting the formal approval for the proposed projects from all the authorities. However, no serious introspection on such a vital aspect seemed to have been done by the Department. As a result, funds continue to get allocated for proposed projects year after year with their status remaining unchanged and funds remaining unutilized. Preparatory activities for implementation of new proposals on provisional basis
might also prove to be counter-productive at the end simply because there was always a possibility of the proposed projects undergoing drastic changes. The Committee, therefore, once again emphasized that the Department had to evolve a mechanism whereunder all procedural formalities for a proposed project were expeditiously completed and the project took off in the real sense.

12.85 The Committee appreciated the efforts of the Department for monitoring and evaluation of IEC activities, the functioning of the Eye Banks in the country and other initiatives to boost eye donations. However, the Department had not mentioned clearly the time lines of initiation or the conclusion of the evaluation studies for IEC activities and also the comprehensive evaluation of NPCB on review of Eye Banks. The Committee sought to be informed about the outcomes of the evaluation studies at the earliest and furnish the relevant reports for its perusal.

**National Iodine Deficiency Disorders Programme**

12.86 The Committee found the Status Report on the achievement level of physical targets set under the National Iodine Deficiency Disorders Control Programme for 2007-08 very discouraging. Out of 6 States, i.e. Jharkhand, Bihar, West Bengal, Puducherry, Madhya Pradesh and UP targeted for setting up State IDD Control Cells, Jharkhand, UP and Puducherry had failed to do so. Similarly, only UP could set up IDD Monitoring lab although all the aforesaid 6 States were targeted to do so. What was more disturbing was that the target of analysis of 20,000 salt samples @ 500 samples per district from 40 districts could not be undertaken due to non-availability of programme vehicles by administration. The Committee refused to accept such flimsy justifications. The Committee pointed out that proper planning means achievement of targeted goals within the prescribed time-schedule. Problems like non-availability of programme vehicle could have been easily handled. The Committee, therefore, sought to impress upon the Department once again to make all conceivable efforts in active co-ordination with State authorities for timely achievement of goals.

**Janani Suraksha Yojana**

12.87 The Committee noted with satisfaction that the Department also shares a similar view point with the Committee regarding putting a fool-proof monitoring mechanism in place so that misuse of funds intended for the beneficiaries under the programme are avoided. The Committee observed that nearly a year had passed since the Department had stated in its ATN regarding preparing a Status Note on the procedure of verification of claims and release of compensation package under Janani Suraksha Yojana as desired by the Committee. The Committee hoped that the Department must have obtained specific inputs from the States for the Status Note. The Committee desired the Department to furnish the said Status Note for its perusal and also to be apprised about the follow-up action, if any, taken so far.

12.88 The Committee also pointed out that the Department must have finalized the modalities for concurrent evaluation of the scheme in six major States regarding the impact of the scheme on the lowering of Maternal Mortality Rate. However, the Department had not given any timelines for commencing or concluding the assessment. It, therefore, urged upon the Department to draw the plan of action for making the assessment within a specified timeline and apprise the Committee about its findings.

**Routine Immunisation Programme**

12.89 The Committee hoped that by this time the District Level Household Survey III (DLHS-III) must have been completed and the Report received. The Committee desired the Department to furnish a copy of the Survey Report for its perusal as also the progress made on the proposed course of action in the EAG and NE states indicated in the Action Taken Note.

12.90 In the light of shortage of vaccines in the country, the Committee observed that the reply of the Ministry that the units were not schedule M compliant was unacceptable. It also noted that since there had been no reckonable reports of adverse impact of the vaccines produced by the units over the years, though they had not been schedule M compliant during the said period, the Committee felt that suspension of vaccine producing license and putting the existing facilities to alternative uses would not be a viable move. Therefore, the Committee reiterated its earlier stand and recommended that the suspension of the license of these units be revoked and the units be allowed to produce vaccines.
12.91 The Committee was unable to reconcile itself with the reasoning advanced by the Department that being the first year of the implementation of the schemes, the B.E. provisions could not be utilized fully in respect of Local Health Traditions and Public Health Initiatives Schemes. The Committee felt that merely stating that all efforts were being made to ensure utilization of funds for these schemes in the year 2008-09 did not carry conviction in the absence of any elaborate action plan to realize the targets. The Committee, therefore, once again impressed upon the Department to work out a meticulous action plan for the speedy implementation of the schemes and the resultant enhanced utilization of the BE provisions.

12.92 The Committee was constrained to note the *ad-hoc* approach of the Department in such a serious matter which was evident from the fact that instead of institutionalizing a process for submission of proposals from N.E. States, the Department was relying on half and *ad-hoc* measures like advising Area Officers of the N.E. region to obtain proposals from these States. The Committee felt that such a measure might yield results in the short term, but could never be a solution to the problem in the long run. The Committee therefore, recommended that the Department put in a place a mechanism to ascertain the underlying causes of non-submission of proposals by the NE States and took corrective action accordingly.

**Educational Institutions**

**National Institute of Ayurveda (NIA), Jaipur**

12.93 The Committee noted with concern that more than nine months had elapsed since the Committee presented its Report, but little headway seemed to have been made towards making payment of the arrear NPAs to the faculty of National Institute of Ayurveda, Jaipur. The Committee observed that at a time when the public sector institutes, in general, were not only facing fresh talent crunch but also losing their faculty members to their private sector counterparts, such languid pace in decision making was deplorable. The Committee, therefore, recommended that a decision on the payment of arrear NPAs to the faculty of NIA be taken expeditiously.

**National Institute of Homeopathy (NIH), Kolkata**

12.94 The Committee noted that though the Recruitment Rules had been approved, the reply of the Department was silent about whether or not the autonomous character of the NIH had been kept intact. The Committee felt that before drawing any conclusions in this regard, a perusal of the revised Recruitment Rules would be pertinent. The Committee, therefore, recommended that a copy of the Recruitment Rules be furnished to it.

**National Institute of Unani Medicine (NIUM), Bangalore**

12.95 The Committee noted that the Department’s reply implies that the National Institute of Unani Medicine achieving its full potential in the 11th Plan was contingent upon the Ministry of Finance sanctioning requisite posts for new PG courses. The Committee concurred with the Department’s views in the matter and lent its support to sanctioning of requisite posts for new PG courses. The Committee desired the Department to apprise the Ministry of Finance of the Committee’s views in the matter so that the demand for sanctioning of requisite posts to new PG courses got invested with Parliamentary support.

12.96 The Committee noted that though the Department had assured to streamline the monitoring mechanism and monitor the progress on a quarterly basis, no tangible step, taken or contemplated to be taken towards accomplishing the goals in that regard, had been indicated. Merely stating that the monitoring mechanism would be streamlined and the progress would be monitored on a quarterly basis was too simplistic an answer to be a realistic solution. The Committee, therefore, desired the Department to indicate a specific action plan to realize the above targets.

**Statutory Institutions**

**Central Council of Indian Medicine (CCIM), New Delhi**

12.97 The Committee was constrained to note that merely stating that the Department was pursuing the matter with CCIM to expedite the updation of Central Register of Indian Medicine was too routine a reply to deserve
appreciation. The Committee sought to be apprised of the specific steps taken by the Department to impress upon the CCIM the imperative need for updation of the Register under reference.

Central Council of Homoeopathy (CCH), New Delhi

12.98 Though the Committee was happy to note that in a meeting held on 25.7.08, it had been decided that the States should take steps to computerize the State Registers of Homoeopathy and submit it to the Centre Council. However, what the Committee was concerned about was that no modalities seem to have been worked out to translate this decision into action. The Committee, accordingly, recommended that the Department should proactively pursue the matter with the concerned States so that the necessary modalities were worked out promptly and glitches, if any, were sorted out and such an important decision did not remain on paper only but led to positive results.

12.99 The Committee viewed with serious concern the work culture prevailing in the Central Council as pointed out by the Department. The Committee sought to be apprised about the compliance status with regard to the Physical Register of Central Council.

12.100 The Committee sought to be apprised of the progress made subsequent to the review meeting held by the Secretary (AYUSH).

12.101 The Committee recommended that the forward movement made in the matter since 4.06.08 be communicated to it so that an objective assessment of the efficacy of the efforts could be made.

12.102 The Committee was not happy with the reply given by the Ministry. The Committee was aware that the Central Council of Homoeopathy was a statutory body and competent to outsource the required manpower. However, in the event of the Council failing to carry out its mandate, the Department had to take a pro-active role. The Committee therefore, emphasized that the Department relentlessly pursued with the Council the task of renewal of the Central Registers.

12.103 The Committee was happy to note that taking a cue from the Committee’s recommendation, the Department had asked the Central Council of Homoeopathy to outsource the resources and complete the work. However, the Committee sought to be apprised of the achievements made in this regard.

Research Councils

12.104 The Committee welcomed the setting up of a centralized cell for the purpose of effective monitoring of EMR projects and dissemination of research findings. The Committee hoped that this cell had become fully operational.

Yoga and Naturopathy

12.105 The Committee had time and again been impressing upon the need to complete all preparatory exercises and work out meticulous details before embarking on new projects. The Committee was pained to observe that this was yet another case of shoddy planning resulting in under-utilization of funds sanctioned by Parliament. The Committee trusted the Department’s assurance that action had been initiated to ensure optimal utilization of allocated funds by MDNIY. The Committee, however, sought to be apprised of headway made in the matter.

12.106 The Committee noted that though the Department had assured to look into the complaints received regarding yoga camps and also to educate the general public about the appropriate manner in which yoga classes should be conducted, the reply was deficient to the extent that it failed to indicate the modalities through which the above goals were to be realized. The Committee, therefore, recommended to the Department to communicate to it the mechanisms put in place to achieve the objectives stipulated above.

Hospitals and Dispensaries

Expansion of AYUSH Dispensaries in CGHS

12.107 The Committee observed that AYUSH dispensaries were gaining popularity day-by-day. However, their expansion in CGHS dispensaries was not keeping pace with their demand and one of the factors responsible for their slow expansion was that the required posts were not being created. What was more deplorable was that the inter-departmental differences seemed to have come in the way of creating the new posts. The Committee
exhorted the Department to sort out the matter with the Department of Health and Family Welfare expeditiously and pave the way for expansion of dispensaries in CGHS.

12.108 The Committee was constrained to observe the snail’s pace of progress in the matter. It seemed that the matter of creation of additional posts required for opening more AYUSH dispensaries in CGHS had got bogged down due to procedural delays and indecisiveness on the part of the Department of Health and Family Welfare. The Committee, therefore, recommended that the Secretary of both the Departments should sit together to resolve the bottlenecks, if any, in creation of additional posts at the earliest.

**Ayurveda Hospital, New Delhi**

12.109 The Committee hoped that the panel of selected candidates must have been received from UPSC by now and the required number of doctors would have joined the Lodhi Road Ayurveda Hospital. If not, the Committee desired that the Department take a pro-active role in this long pending matter.

**National Medicinal Plants Board**

12.110 The Committee felt that development of medicinal plants in Shivpuri region assumed added significance in view of the fact that it entailed paying fair remuneration to Adivasis. The Committee, therefore, recommended that the Department should not be content by making a reference to the State Government and instead proactively pursue the matter with the concerned State Government. The Committee sought to be apprised of the progress made in the matter.

12.111 The Committee was constrained to note the lethargic attitude of the Department in the matter. While pointing out the practical difficulties in submission of Utilization Certificates by the farmers after verification by a Chartered Accountant, the Committee had expected the Department to pursue the matter vigorously. However, the fact that the Department was yet to take up the matter with the Ministry of Finance even after a lapse of almost nine months speaks of the cavalier fashion with which the Department had treated the matter. The Committee, therefore, once again exhorted the Department to pursue the matter with a sense of urgency and let the Committee know the outcome thereof.

**Mainstreaming of AYUSH in National Health Care**

12.112 The Committee noted that it had made a pointed recommendation to ensure that the target set for 2008-09 under the scheme of mainstreaming of AYUSH in NRHM was achieved fully. The Committee, therefore, reiterated its earlier recommendation that an action plan be drawn to meet the targets set for 2008-09.

**Quality Control of ASU&H Drugs**

12.113 The Committee however sought to be apprised of the outcome of talks with State Chief Secretaries and whether the talks remained fruitful in revival of some of SDT laboratories.

12.114 The Committee noted that the Department had skirted the issue of the amount involved in pending Utilization Certificates (UCs). The Committee, therefore, recommended that the requisite information on the amount involved in pending UCs under the Scheme under reference be intimated to it.

**Development of Common Facilities for AYUSH Industry Clusters**

12.115 Though the Committee was happy to note that a good number of proposals had been received by the Department, it was not sure as to how many DPRs would materialize. The Committee, therefore, recommended that the Department thrash out the appropriate policy matrix for the purpose of facilitating speedy submission of the DPRs.

**Development of AYUSH Institutions**

12.116 The Committee felt that the Department on its own ought to have issued instruction to the Area Officers to get the pending Utilization Certificates cleared without waiting for the Committee to pursue the matter. Now that the Area Officers had been advised to do the needful in this regard, the Committee sought to be apprised of the progress made in the matter.

**Miscellaneous**

12.117 The Committee noted that the Expert Committee had submitted its Report on the Tibetan System of
Medicine – Sowa Rigpa but the Department had not indicated its reaction to the findings of the Expert Committee. The Committee had asked the Department to apprise it of the follow-up action on the recommendations of the Expert Committee. The Committee, therefore, recommended to the Department to indicate its response to the recommendation of the Expert Committee and follow up action, if any, taken thereon.

(d) 37th Report

Introduction

12.118 More than two years had passed since the Department of Health Research was created on the 17th September, 2007. The Committee hoped that by now the exercise of appointment of Director General, ICMR –cum-Secretary, Health Research must have been completed. If not, the very objective for setting up the Department of Health Research would be defeated.

12.119 The Committee noted with a sense of dismay that the reply of the Department did not address the issue raised by the Committee i.e. placing both medical education and health research under one Department and instead gave information regarding filling up the vacancies of scientists. The Committee, therefore, recommended to the Department to use care and circumspection while framing replies to the observations of a Parliamentary Committee in future.

12.120 The Committee was not satisfied with the comments furnished by the Ministry that merger of medical education and research was not feasible as medical education was being regulated under the Indian Medical Council Act through a statutory autonomous body, the Medical Council of India. The Committee felt that it would be more appropriate if all the premier medical educational institutions and autonomous bodies like Medical Council of India, Pharmacy Council of India, Nursing Council of India and the proposed Central Councils for Paramedical and Allied Medical Sciences Education were brought under the jurisdiction of the newly created Department of Health Research. This arrangement would not only be effective for the purpose of coordinated efforts between medical education and health research but also for the purpose of equitable distribution of workload among all the Departments of Ministry of Health and Family Welfare. The Committee, therefore, reiterated its earlier recommendation that both medical education and the health research need to be brought under the jurisdiction of one Department for the purpose of effective and coordinated efforts in this area.

Indian Council of Medical Research (ICMR)

12.121 The Committee took note of the feedback received from the Department about the status of ongoing research projects under ICMR. Information about the present project status of ongoing projects, funds allocated/ utilized therefor as well as the reasons for rejection of projects had not been forthcoming from the Department. The Committee appreciated the fact that members of the Project Review Committee were eminent scientists. However, that did not justify the non maintenance of centralized information by ICMR. Not only this, the Committee also viewed with serious concern the status of ongoing projects. During 2005-06, out of total 402 projects received, 89 projects continued to be in process, for 2006-07, out of total 476 projects, as many as 164 projects were in process. For 2007-08, position was more discouraging as out of total 400 projects received, 281 projects continued to be in process. The Committee apprehended that there might be projects under process even prior to 2005-06. The Committee failed to understand the reasons for projects continuing to remain under process for such a long period. The Committee desired that a comprehensive assessment of the approval mechanism of research projects by ICMR was made by the Department so as to ensure the removal of existing hurdles. One must not forget that the objective behind setting up a separate Department was for giving a thrust to medical research in the country.

Promotion, Co-ordination and Development of Basic Applied and Clinical Research

12.122 The Committee had sought specific information about the break-up of the funds released and utilized and the achievements made under the scheme of Promotion, Co-ordination and Development of Basic Applied and Clinical Research. The Committee was deeply disturbed by the casual approach indicative in its reply. It seemed that no action worth-mentioning had been initiated so far and Rs.50.00 crore earmarked for the scheme had remained unutilized. The Committee could only emphasize that both clinical trials and operational research were very crucial for our country and the nodal Department had to carry on the mandated task in this regard.
Promotion and Guidance on Research Governance Issues

12.123 The Committee was constrained to observe that the establishment of Tripartite Research Policy and implementation/co-ordination mechanism for the three Departments was yet to start. More than one year had passed but the modalities were still being finalized; resulting in allocated funds of Rs.20.00 crores remaining unutilized. Position in 2009-10 remained unchanged. The Committee urged upon the Department to make concerted efforts for getting this initiative, very vital for research projects originating in the three Departments, started.

North-Eastern Areas and Sikkim

12.124 While seeking to be enlightened about the specific measures for the optimum utilization of the funds earmarked for NE Region and Sikkim, the Committee had *inter alia* meant to be apprised of the mechanism in place to ensure that the allocated funds did not remain idle and were indeed utilized optimally. While the Committee appreciated the envisaged projects for the Region under reference, it sought still to be intimated about the action plan to ensure that the envisaged projects were implemented within a designated timeline so that the funds allocated were utilized optimally for the intended purpose.

(e) 38th Report

Revival of Vaccine -Producing PSUs

12.125 The sequence of events since the suspension of manufacturing licenses of the three units in January, 2008 clearly established the fact that their revival was not envisaged by the Government in the near future. Rather every attempt had been made to create hurdles so as to ensure that the process of making them GMP compliant continued for long and manufacturing process of major vaccines of UIP at these age-old PSUs remained suspended. The Committee took note of the fact that the Expert Committee headed by the Drug Controller General of India, the supreme authority for quality control of drugs in the country had expressed its inability at arriving at a decision about the status of the three units inspite of persistent efforts by the Ministry. The Committee wondered how the Director General, Health Services who was directly under the control of the Ministry could simply negate the report of the Expert Committee. The Committee was not aware of the fate of the latest Committee (Javed Chaudhary Committee) set up by the Ministry. But, the fact remained that the time was running out for the three vaccine producing units.

12.126 What gave credence to Committee’s apprehensions was the background for setting up the Integrated Vaccine Complex at Chengalpattu (TN) and progress made so far. On a specific query, the Committee was informed that capability of HLL Lifecare Limited, a ‘Mini Ratna’ Public Sector Enterprise in implementing Healthcare projects, technology assimilation and expertise in vaccine business were the criteria for entrusting the company with the project. The Committee was, however, surprised to note that the only expertise of HLL Lifecare Limited in vaccine business so far had been marketing of Hepatitis B and Typhoid vaccines from 2005, followed by recent entry into marketing for Rabies Vaccine (Human) and sourcing agent for Government of India for the import and supply of JE vaccines since 2006. Technology transfer discussions with Denmark, Korea and Belgium based institutes and positioning of a project team were the technology assimilation credited to the company.

12.127 The Committee had also been informed that the first phase of the IVC project focusing on formulation facilities was expected to start in January, 2010 and to be completed in December, 2012. The second phase on bulk production units was expected to start in September, 2010 and to be completed in December, 2012. The Committee could, therefore, only conclude that at least for the next three years, supply of vaccines as per the requirements of the entire country would be met mainly by the private sector. Not only this, the quantum of manufacturing of UIP vaccines like DPT (100 million doses), TT (200 million doses), BCG (100 million doses), Measles (100 million doses), Hepatitis B (40 million doses) and Pentavalent combination vaccines (100 million doses) established the fact that the fate of the existing PSUs was sealed.

12.128 The Committee’s worst fears were confirmed by the assessment about the three units given by the Ministry. According to the Ministry, what these units were going to produce was to be determined by a vaccine policy, yet to be formulated by the Government. Secretary, Health Research had been requested to organize a discussion with all concerned. Only thereafter, the policy on what the three units should manufacture for
ensuring vaccine safety would be developed. It had also been pointed out that the three units, given their heritage status had inherent capacity constraints to undergo the requisite modernization. Consequently, their product mix could never be as dynamic as envisaged in the case of IVC.

12.129 The Committee was deeply disturbed by the conflicting signals emerging from the Government’s side on the status of the three existing vaccine-producing PSUs. On the one hand it was being emphasized time and again at different fora that Government was determined for the revival of the three units and every effort was being made to ensure their becoming GMP compliant, on the other hand it was also being categorically pointed out that their fate was to be decided by a vaccine policy yet to be formulated and they could never equate with the proposed ‘state-of-the-art’ IVC project.

Central Research Institute, Kasauli

12.130 The Committee observed that the reply of the Ministry regarding the action taken against M/s HSCC, Noida for its failure to build a GMP compliant structure at CRI, Kasauli was simply untenable. The Committee also raised serious doubts on the process of awarding the contract to M/s HSCC, Noida. The process of awarding contract for building a GMP complaint structure to an agency which did not have the technical competence to build such a unit itself speaks volumes of a faulty process of selection ab initio. The Committee observed that it seemed that from 1997-98 until December, 2006 – the time when M/s HSCC, Noida expressed its inability in completing the project, monitoring as required was not done by the Ministry to assess the progress of work undertaken by the agency.

12.131 The Committee also found that the action initiated by the Ministry against M/s HSCC, Noida had been perfunctory in nature. Instead of pursuing the matter vigorously, the Ministry had moved at a snail’s pace which was evident from the fact that action against the company had been initiated only after the matter was reported upon by the Committee in its 34th Report in February, 2009, and thereafter also, it took the Ministry more than six months to reach a decision regarding referring the matter to CVC for advice and almost nine months to issue a notice to M/s HSCC. The reasons as to why the matter had remained pending from December, 2006 till date without any substantial action being initiated against the defaulter company simply escaped the Committee’s comprehension. The Committee also felt that the tardy pace of action taken so far clearly indicated dilatory tactic on the part of the Ministry. The Committee’s apprehensions in this regard got reinforced from the fact that the records pertaining to this case, which had been forwarded to the CVC on 31st August, 2009, were not furnished in the prescribed new reporting format. The Committee was simply not ready to buy the argument that it took more than two months for the CVO of the Ministry to come to know that the communication from the Ministry to CVC was not forwarded as per the new reporting format. The Committee was constrained to call into question the seriousness of the Ministry to take stringent action against those who were responsible for this mix-up. The Committee, therefore, recommended that the Departmental Inquiry under progress might be completed within a strict time-frame and action might be initiated against those responsible without further delay. The Committee desired the Ministry to provide a copy of the enquiry report as well as the follow-up action taken thereon.

12.132 The Committee took serious objection to the state of affairs emerging after submission of a project proposal by CRI. The Committee wondered about the feasibility of the DPT unit at CRI becoming GMP compliant by June, 2010 as the process of selection of implementing agency was still continuing. Further, the rationale of inviting HLL Lifecare Ltd. for taking up the project by ignoring the names of experienced vendors suggested by WHO was also not known to the Committee. The Committee viewed with serious concern the involvement of HLL Lifecare Ltd., for Kasauli project when it was already set to start an ambitious Vaccine Park at Chengalpattu (TN). The Committee, accordingly, recommended that the approved layout plan for the DPT vaccine unit at CRI, Kasauli should be implemented in a transparent and time-bound manner.

12.133 The Committee was not happy with the status of duly sanctioned posts at CRI remaining vacant for so long leading to some posts getting lapsed. The fact that as many as 27 Group ‘A’ posts and 10 Group ‘B’ Non-Gazzetted Posts were still vacant at CRI requires the matter to be pursued vigorously and persistently. Not only this, action also needed to be initiated without any delay for reassessment of requirement of manpower at CRI in accordance with the GMP norms and the revival plan.
BCG Vaccine Laboratory, Chennai

12.134 The Committee pointed out that as per the status note of the Ministry, a proposal for upgradation/renovation of BCGVL, Chennai was submitted to the Drug Controller General of India on the 30th January, 2008. This was followed by a report of the Institute submitted to the Deputy Drugs Controller, South Zone on 26th February, 2008 and later on 20th March, 2008 to the Ministry of Health and Family Welfare about the rectification work that it had carried out in the Institute. Not only this, the Institute had preferred appeals twice, - once on 24th January, 2008 against DCGI’s decision to suspend its license, and again on 14th June, 2008 to the Ministry of Health and Family Welfare to revoke suspension of the license. However, the ATN did not mention as to what action was taken on the part of the Ministry to consider their case in the light of the rectifications carried out by the Institute.

12.135 The Committee noted that the Ministry had furnished the Inspection Report of the WHO-NRA team that had visited BCGVL in August 2007 along with the status note vide its O.M. dated 24th July, 2008 to the Committee for its consideration. The Committee pointed out that the onus of furnishing vetted information to a Parliamentary Committee lied with the Ministry. The Committee found it strange that the Ministry had not challenged the veracity of the report submitted by the Institute while forwarding the same to it. The Ministry continued to remain silent on this issue even in its Action Taken Note. It was only after a pointed query with regard to rectification of 45 deficiencies out of the 55 deficiencies pointed out by the WHO-NRA assessment team, that the Ministry had chosen to react. An attempt had been made by the Committee to make a comparative analysis of 55-deficiency and 70-deficiency Reports. The Committee had no hesitation in arriving at the conclusion that the so-called additional 15 deficiencies were duly reflected in the original report, the only difference being that some of the deficiencies were in the expanded form in the later report. The Committee was also not inclined to agree with the contention of the Ministry that the action taken information was not complete and did not indicate the manner of compliance/rectification of deficiencies.

12.136 The Committee took note of the fact that as per the Expert Committee constituted in April, 2008, the existing facilities had inherent problems for renovation and vaccines could be manufactured only on the construction of new facilities. Feasibility of BCGVL becoming GMP compliant had become more difficult in the light of the latest report given by the Oversight Committee in October, 2009. Although, WHO GMP expert had been requested to prepare the preliminary layout plan for the Institute, there was no land available for the same. A proposal was, therefore, in the pipeline to shift the work of the Institute along with its personnel to the upcoming Vaccine Complex at Chengalpattu. The Committee strongly felt that a pre-conceived view about there being no possibility of BCGVL becoming GMP compliant was very dominant. The very fact that persistent efforts made by the Institute authorities to rectify the deficiencies pointed out in the WHO-NRA assessment report and succeeding in removing the majority of the same with the remaining ones being the responsibility of the Ministry had been of no avail, confirmed Committee’s observations.

Pasteur Institute of India, Coonoor

12.137 The Committee observed that till the 10th September, 2009 the issues surrounding the commencement of the construction work at PII, Coonoor were yet to be finalized even after three years, of the initial layout plans for the construction of TCARV facility being finalized on the 20th February, 2006. Another disturbing fact which came to the notice of the Committee was that M/s HSCC (I), which had failed to build a GMP compliant structure at CRI, Kasauli after spending nearly 12 crores of public money, was involved by the Department to prepare the drawings of TCARV facility at PII, Coonoor. The Committee failed to understand as to how the services of an agency which expressed its inability to construct a GMP compliant structure in another Institute could be retained by the Ministry in the case of a second unit again. The Ministry had informed that the layout plan was originally submitted to the local body i.e. Coonoor Municipality during September, 2006. In November, 2008 another set of drawings was submitted for approval for the construction of the facility. Subsequently, the Oversight Committee visited the Institute in September, 2009 and the conceptual layout plans of all proposed buildings/blocks of PII were modified and finalized by it in October, 2009. Thereafter, the revised layout plan was again resubmitted to the local authorities for approval. The Committee was constrained to observe that a gap of almost three and a half years between the submission of the first layout plan and the last revised layout plan not only reflected poorly on the decision making process in the Ministry but also showed a lack of urgency on the part of the Ministry for reasons best known to it, in addressing this vital issue in a proactive manner. The Committee apprehended that given the pace with which the approval of the previous plan had
progressed, a similar situation might arise for the revised plan. The Committee, therefore, suggested that the Ministry should, henceforth, leave no stone unturned to expedite the approval of the revised plan so that it was not inordinately delayed.

Procurement Price of Vaccines

12.138 The Committee observed that from the year 2004-05 onwards the prices of the four vaccines namely BCG, DPT, DT and TT remained stable until 2007-08. However, in the year 2008-09, and especially in 2009-10, the prices of vaccines had nearly doubled with the price of BCG rising from Rs. 13.00 per vial of 10 doses in 2007-08 to Rs. 17.50 in 2008-09 and to Rs. 27.85 in 2009-10. Similarly, in the case of DPT vaccine which was earlier procured from the other public/private sector units at the rate of Rs 13.50 per vial of 10 doses to Rs. 13.40 for the quantities procured from Indian Immunological Limited (IIL), Rs. 14.37 from Serum Insitute of India (SII), Pune and Rs. 16.88 from Biological E. (BE) Ltd, Hyderabad during 2008-09. While, in 2009-10 the price per vial of 10 doses for DPT rose to Rs 23.59 for supplies procured from IIL and BE, and Rs. 23.49 from Shanta. Similarly, the price of the DT vaccine rose from Rs. 9.14 per vial of 10 doses in 2007-08 to Rs. 12.00 (IIL) and Rs. 13.85 (BE) for the quantities procured for the year 2008-09. For TT vaccine, the price per vial of 10 doses was Rs. 6.20 in 2007-08 which rose to Rs. 8.40 (IIL) and Rs. 11.85 (BE) for the quantities procured for the year 2008-09 which again shot up to Rs. 17.69 for the quantities procured from IIL, BE and SII for the year 2009-10.

12.139 The Committee observed that within two years of the closure of the three PSUs, the competitive prices of vaccines had shot up to more than double the figures. The Committee noted that with the rising prices of vaccines, the expenditure incurred in the implementation of the Universal Immunization Programme in the country would surely add to the burden of the Public Exchequer and the very objective of providing highly essential drugs like vaccines to the targeted population at affordable prices would stand defeated. Thus it was beyond doubt that the Ministry’s argument that the vaccines had been procured at relatively fair prices is not factually correct. It is also evident that after the closure of the captive units, the challenge to the private sector to provide vaccines at competitive prices had been nullified. Hence, the prices of vaccines had been spiraling upwards. The Committee had been given to understand that the Integrated Vaccine Complex at Chengalpattu, Tamil Nadu would be completed by the year 2012 and until then the vaccines required under UIP would be procured through the process of tendering as had been continuing since the last two years. The Committee apprehended that given the present trend of price rise, the prices of vaccine might rise manifold in the coming years which would hit hard the general public as well as the Government Exchequer. The Committee, therefore, observed, even at the cost of repetition, that for stabilizing the prices of vaccines, there might be no other alternative than revoking the suspension of the manufacturing license of the three vaccine Institutes to enable them to start production forthwith.

Shortage of vaccines

12.140 The Committee was not inclined to agree with the explanation given by the Ministry about the actual requirement and the projected requirement of vaccines under UIP. The Committee wondered as to how the Ministry could deny the information submitted by it under RTI. Fact of the matter was that somewhere something was gravely wrong. Either the categorical information given under RTI supplemented by the fact that requirement details of some States were yet to be received was wrong or the subsequent clarification given by the Ministry is misleading. Either way, position seemed to be very disturbing. Besides that, requirements projected being not judiciously made or non-utilization of available vaccines in a year could not be considered an ideal situation. The Committee, accordingly, recommended that necessary steps might be taken for assessment of actual requirements of vaccines by different States followed by monitoring of their timely utilization. The Committee also pointed out that inspite of overall coverage of states under UIP being satisfactory, very low coverage in some of the crucial States was a cause of serious concern. Committee’s attention had been drawn by the below-50 per cent coverage of vaccines under UIP in Delhi in 2008-09, showing a downward trend when compared with 2007-08 figures. When this was the state of affairs in the capital city of the country, factual position in respect of other States was likely to be different from what was shown on paper.

Efficacy of PSU-Vaccines vis-a-vis WHO norms

12.141 The Committee noted that despite the Secretary’s admission before the Committee on 26th October, 2009 that “there was no evidence to show that the vaccines produced by the three PSUs were unsafe for the
children” the Ministry had not taken any concrete steps towards resuming production of vaccines at the three PSUs. The Committee made it abundantly clear that neither would it compromise on safe vaccines nor was it against GMP compliance, innovations or building competencies for new technology. However, it could not remain a mute spectator to a situation where in the name of exports, GMP compliance and new technology, the entire vaccine market was handed over to the private sector and an impending shortage of vaccines was allowed to loom large over the Universal Immunization Programme. It was in this context that the Committee was of the considered view that revoking of the manufacturing licenses of the three PSUs should not wait for the submission of the Javed Chowdhary Committee Report.

12.142 The Committee, therefore, recommended that while the Ministry continue its exercise towards making the three vaccines Institutes GMP compliant, it should immediately revoke suspension of the manufacturing licenses of the PSUs to enable them to resume production of the vaccines produced by them earlier so that the flow of adequate supply of the vaccines at affordable prices for the UIP was maintained uninterrupted.

**Introduction of new vaccines**

12.143 The Committee noted that the price of Pentavalent vaccine was about Rs. 100 per dose whereas the price inclusive of CST/VAT @ 4% in the case of DPT vaccine was Rs. 2.45 and for Hepatitis B Rs. 4.96 per dose. The Committee had also been given to understand that Hib vaccine was available for Rs. 300-400 per dose in the market. The Committee found that now a review was being undertaken in view of high price and concerns for relevance of Pentavalent vaccine. The Secretary, Health Research had, accordingly, been requested to organize a discussion with paediatricians and experts. Only, thereafter, the policy on Pentavalent vaccine would be developed. The Committee was constrained to observe that the decision of NTAGI for introduction of Pentavalent vaccine was not based on any scientific assessment of its requirement in the country.

12.144 The Committee was happy to note that ultimately the Ministry had realized the essential need for going for an objective assessment in co-ordination with all concerned before arriving at a final decision on a vital issue relating to the health of our children, the future of the country.

**VIII. Secretariat**

12.145 The Committee Section (S&T) headed by an Assistant Director constitutes the Secretariat of the Committee. An Additional Secretary, a Director, and a Joint Director remained in charge of the Branch.

12.146 To assist the Committee in its work, material received from the Ministries/Departments/various non-Government organizations and individuals was studied from which points were culled out. The questionnaires for written replies/evidence were also prepared for the use of the Committee.

12.147 The work relating a drafting, consideration and approval of draft reports by the Committee along with their presentation, laying, printing and distribution was undertaken. The Secretariat also dealt with the work relating to the scrutiny of action taken notes received from the Ministries concerned on the recommendations contained in the Report of the Committee and prepared the Draft Action Taken Report of the Committee and prepared the Draft Action Taken Reports of the Committee on it.

12.148 The Secretariat also studies materials like Parliamentary Debates, Answers to Parliamentary Questions, Budget Estimates, Five Year Plan Documents, Books, Journals, CAG reports, newspapers etc. relevant to the subjects under examination of the Committee.
Details of the sittings of the Committee on Health and Family Welfare during the year 2009

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date of Meeting</th>
<th>Time Duration</th>
<th>Agenda</th>
</tr>
</thead>
</table>
| 1      | 06.01.2009     | 3 - 10        | (i) The Committee heard the Secretary, Department of Health and Family Welfare and the Directors of the three vaccine-producing PSUs on the functioning of the Central Research Institute (CRI), Kasauli, Himachal Pradesh; the Pasteur Institute of India (PII), Coonoor, Tamil Nadu and the BCG Vaccine Laboratory (BCGVL), Chennai, Tamil Nadu.  
(ii) The Committee heard Secretary, Department of Health and Family Welfare and the representatives of MCI on (a) Public-Private Participation in AIIMS like institutions, Government hospitals and district hospitals; and (b) the feasibility of increasing seats at PG level and reducing duration of specialty/super specialty courses in medical education.  
(iii) The Committee also heard the Secretary, M/o H&FW and the Director (AIIMS) on the representation received from Faculty Association AIIMS on the reservation policy for SCs/STs/OBCs in all categories of faculty posts. |
| 2      | 5.2.2009       | 1 - 25        | (i) The Committee considered and adopted the draft 34th Report on the functioning of the three vaccine producing PSUs, namely, the Central Research Institute (CRI), Kasauli, Himachal Pradesh; the Pasteur Institute of India (PII), Coonoor, Tamil Nadu and the BCG Vaccine Laboratory (BCGVL) Chennai, Tamil Nadu; and  
(ii) The Committee also took oral evidence of Shrimati Kavita Khanna on Kala Azar situation in the country. |
| 3      | 14.10.2009     | 0 - 30        | The Committee took stock of the status of work at hand with it, and discussed its future course of action. The Committee decided to take up Reproductive and Child Health (RCH) Programme under National Rural Health Mission (NRHM) and Drug Procurement and Quality Control of Drugs for detailed study. |
| 4      | 26.10.2009     | 1 - 30        | (i) The Committee considered and adopted the draft 35th Report on the action taken by the Department of Health and Family Welfare, on the observations/recommendations contained in the Committee’s 27th Report on Demands for Grants 2008-09 of the Department; and  
(ii) The Committee heard the Secretary, Department of Health and Family Welfare on queries arising out of the ATN furnished by the Department on the 34th Report of the Committee. |
<p>| 5      | 12.11.2009     | 1 - 34        | The Committee considered and adopted its draft 36th &amp; 37th Reports on the action taken by the Departments of AYUSH and Health Research, respectively on the observations/recommendations contained in the Committee’s 28th and 29th Reports on Demands for Grants 2008-09 of the respective Departments. |</p>
<table>
<thead>
<tr>
<th></th>
<th>Date</th>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>25.11.2009</td>
<td>0-40</td>
<td>The Committee heard the Secretary, Department of Health and Family Welfare and the Director, AIIMS on the issue of vacancies in different categories of Faculty Posts in All India Institute of Medical Sciences (AIIMS).</td>
</tr>
<tr>
<td>7.</td>
<td>17.12.2009</td>
<td>0-45</td>
<td>The Committee considered and adopted the draft 38th Report of the Committee on 'Major issues concerning the three vaccine producing PSUs, namely the Central Research Institute(CRI), Kasauli, Himachal Pradesh; the Pasteur Institute of India (PII), Coonoor, Tamil Nadu and the BCG Vaccine Laboratory (BCGVl) Chennai, Tamil Nadu.</td>
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</table>
CHAPTER-XIII

COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

I. Composition of the Committee

13. The Committee was re-constituted on 5th August, 2008 with 10 Members from Rajya Sabha and 20 Members from Lok Sabha with one vacancy of Lok Sabha Members, for a term of one year (2008-09) and consequent upon the dissolution of the 14th Lok Sabha on 18th May, 2009 the Committee became defunct. Again on 31st August, 2009 the Committee was re-constituted with 9 Members from Rajya Sabha with one vacancy and 20 Members from Lok Sabha with one vacancy of Lok Sabha Members for the year 2009-10.

13.2. The composition of the Committee during the year 2008-09 and 2009-10 consisted of the following Members:

COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE
(Re-constituted on 5th August, 2008)

1. Dr. E.M. Sudarsana Natchiappan — Chairman

RAJYA SABHA
2. Shrimati Jayanthi Natarajan
3. Dr. Abhishek Manu Singhvi
4. Shri Balavant alias Bal Apte
5. Dr. (Shrimati) Najma A. Heptulla
6. Shri Virendra Bhatia
7. Shrimati Brinda Karat
8. Shri Tariq Anwar
9. Shri Ram Jethmalani
10. Shri Tarlochan Singh

LOK SABHA
11. Shri Raj Babbar
12. Shri N.S.V. Chitthan
13. Shri Chhattar Singh Darbar
14. Shrimati Tejasvini Gowda
15. Shri N.Y. Hanumanthappa
16. Shri S.K. Kharventhan
17. Shri A. Krishnaswamy
18. Dr. C. Krishnan
19. Shri Shailendra Kumar
20. Shrimati Kiran Maheshwari
21. Shri Harin Pathak
22. Shri Dahyabhai Vallabhbhai Patel
23. Shri Varkala Radhakrishnan
24. Prof. M. Ramadass
25. Adv. P. Sathedevi
26. Shri Vishvendra Singh
27. Shri Bhupendrasinh Solanki
28. Shrimati Krishna Tirath
29. Shri Devendra Prasad Yadav
30. Prof. Ram Gopal Yadav
31. Shri Dharmendra Yadav

* Ceased to be Member of the Committee on being elected in State Legislative Assembly w.e.f. 22nd December, 2008.
@ Resigned from Lok Sabha w.e.f. 14th November, 2008.
# Ceased to be Member of the Committee on being elected in the Rajya Sabha w.e.f. 14th November, 2008.
$ Nominated w.e.f. 5th December, 2008.
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE
(Re-constituted on 31st August, 2009)

1. Shrimati Jayanthi Natarajan — Chairperson

RAJYA SABHA
2. Dr. Abhishek Manu Singhvi
3. Shri Shantaram Laxman Naik
4. Shri Balavant alias Bal Apte
5. Shri Parshottam Khodabhai Rupala
6. Shri Virendra Bhatia
7. Shri Tiruchi Siva
8. Sardar Tarlochan Singh
9. Shri Parimal Nathwani
*10. Shri H.K. Dua

LOK SABHA
11. Shri Bhajan Lal
12. Shri N.S.V. Chitthan
13. Shrimati Deepa Dasmunsi
14. Shrimati Jyoti Dharve
15. Shri D.B. Chandre Gowda
16. Dr. Monazir Hassan
17. Shri Syed Shahnavaz Hussain
18. Shrimati Chandresh Kumari
19. Shri Lalu Prasad
20. Dr. Kirodi Lal Meena
21. Kumari Meenakshi Natrajan
22. Shri Devji M. Patel
23. Shri Harin Pathak
24. Shri S. Semmalai
§ 25. Shri Shailendra Kumar
26. Shri Vijay Bahadur Singh
27. Dr. (Shrimati) Prabha Kishor Taviad
28. Shri Manish Tewari
29. Shri R. Thamaraiselvan
31. Vacant

** Nominated w.e.f. 30th November, 2009.
§ Nominated w.e.f. 14th October, 2009 in place of Shri Radhe Mohan Singh (Ghaziipur).
II. Subjects selected for examination

13.3. During 2009, the Committee considered for detailed examination, the following subjects identified in the previous years:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Ministry/Department</th>
<th>Subject</th>
<th>Status of examination</th>
</tr>
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<tbody>
<tr>
<td>2.</td>
<td>- do -</td>
<td>Backlog of reserved vacancies of Scheduled Castes, Scheduled Tribes and Other Backward Classes and Persons with disabilities.</td>
<td>Inconclusive</td>
</tr>
<tr>
<td>3.</td>
<td>- do -</td>
<td>Stagnation in Promotions in the Ministries/Departments, Organisations, Public Sector Undertakings etc.</td>
<td>Inconclusive</td>
</tr>
<tr>
<td>4.</td>
<td>- do -</td>
<td>Working of Union Public Service Commission.</td>
<td>Inconclusive</td>
</tr>
</tbody>
</table>

13.4. In addition to the above subjects, the Hon’ble Chairman, Rajya Sabha referred the following Bills and Committee reported upon them:—

(i) The Constitution (One Hundred and Eighth Amendment) Bill, 2008;
(ii) The Representation of the People (Second Amendment) Bill, 2008; and
(iii) The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008.

III. Constitution of Sub-Committees

13.5. During 2009, no sub-Committee was constituted.

IV. Review of work done

(a) Sittings of the Committee

13.6. The Committee held 11 sittings lasting for 14 hours and 8 minutes during the year 2009. Statement showing the dates of sittings of the Committee held during the period under review, the duration of the sittings, the number of Members present and the subjects discussed are given in Annexure -XIV.

(b) Materials and Memoranda furnished to the Committee

13.7. Voluminous notes/documents were received from the concerned Ministries/Departments on the subjects/Bills examined by the Committee during this period.

13.8. A large number of memoranda were received from the non-official organizations and individuals on different subjects/Bills examined by the Committee.

(c) Study Visits

13.9. During the period under review one study visit was undertaken by the Committee.

The Committee visited Kochi, Bangaluru and Hyderabad from 18th to 24th January, 2009 in connection with consideration of subjects such as “Reservation Policy in Appointments and Promotions”, “Implementation of Right to Information Act, 2005”, “Vigilance and Containment of Corruption” and Bills such as The Constitution (One Hundred and Eighth Amendment) Bill, 2008 and The Representation of the People (Second Amendment) Bill, 2008 respectively.
V. Reports Presented

(a) Reports

13.10. During the period under review, the Committee presented the following Reports:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Report No. and Dates of Presentation/Laying in Rajya Sabha/Lok Sabha</th>
<th>Subject</th>
</tr>
</thead>
</table>

(b) Action Taken Reports

13.11. One Report on Action Taken by Government on earlier Report of the Committee was presented to the House during the period under review and listed at Sl. No. 3 of the table above. Analysis of action taken by Government on the recommendations of the Committee in its earlier Reports: Action taken by the Government on one report viz. 29th Report on Public Grievances Redressal Mechanism was analysed and Action Taken Report of the Committee was also presented to Parliament.

13.12. Minutes of 11 sittings of the Committee relating to all the Reports presented to the House were prepared and placed before the Hon’ble Chairman, Rajya Sabha.

VI. Summary of Recommendations of the Committee

(a) 33rd Report

The Representation of the People (Second Amendment) Bill, 2008

13.13. The Committee could gather that at the time of revision of electoral rolls, numerous complaints arise alleging that *suo motu* removal/deletion of names from the electoral rolls was done without any intimation to the persons concerned. There have also been numerous instances when the voter reaches the polling station to cast his/her vote, and the opportunity to vote was denied on the ground that his/her name was not in the electoral roll, which makes mockery of his democratic rights.

13.14. The Committee, therefore, endorsed the proposed amendment and felt that this would provide a reasonable opportunity to the elector to be heard regarding removal/deletion of name from the electoral roll, without incurring much expense of money and time.

13.15. The Committee strongly felt that the inordinate delay which occurs in the current procedure for disqualification of a person found guilty of corrupt practice, defeats the very purpose of punishment of the guilty since he can take advantage of the delay to enjoy the benefits accrued to him during the interim period. Therefore, the Committee was of the view that prescribing a time limit within which the reference shall be submitted to the President, in disqualification cases as proposed in Clause 4 of the Bill is a welcome step and endorses this provision.

13.16. The Committee felt that non-serious candidates whose aim was to get publicity rather than to win the elections, end up polling negligible number of votes. When too many candidates enter the election fray, some of them just to create a record of contesting so many number of elections only, it warrants increased expenditure...
in terms of manpower and balloting units. The Committee felt that the proposed amendment will, to a certain extent, discourage such non-serious candidates, it endorses the amendment.

13.17. The Committee was of the firm opinion that the amendment proposed in this Clause of the Bill would not serve the purpose intended by the Government to engage every person irrespective of whether he was in the service of Government or not for election duty. At the same time, this initiative of the Government may also result in curtailing the democratic rights of certain categories of employees who presently were enjoying such democratic rights. In this background the Committee felt that Government should redraft this clause for engaging any person for election duty and thereafter go for classification ensuring that the democratic rights being enjoyed by any class at present were not taken away. The Committee, therefore, recommended that this clause be redrafted *de novo*.

13.18. The Committee supported and respects the freedom of the press in unequivocal terms and therefore, was of the considered opinion that Exit Poll is a part of the democratic process and to a certain extent, it counters unhealthy rumours propagated by vested interests during the polls. But at the same time, the media too should introspect as to why the Exit Polls were being opposed by the contesting candidates and give due respect to their sentiments.

13.19. The Committee, therefore, recommended that Government should handle this complicated issue cautiously and the media may be allowed to conduct Exit Polls during the elections; but reasonable restrictions should also be there so that free and fair elections were not affected in any manner by the dissemination of the results of the Exit Polls and the Committee endorses the provisions made in the Bill by way of inserting new Sections 126A and 126B in the Principal Act.

13.20. As regards the punishment for contravention of the Section was concerned, the Committee felt that it was quite harsh for the media and it should be re-examined before a final decision was taken to go ahead with the provision.

13.21. Guarding its rights by the media was its democratic right; but contesting hassle free election was the right of the candidates and even if there was an iota of doubt on the Exit Polls, the media should restrain itself from conducting the same respecting the sentiments of the candidates because in a democratic polity, give and take was the best policy. The Committee hopes that media would certainly do introspection on this issue.

(b) 34th Report

The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008

13.22. The Constitution of India mandates “Separation of Judiciary from Executive” even though the Sixth Pay Commission Report has not been prepared by giving sufficient opportunity to them to explain the service conditions in Judiciary. The principle of application was made at par with Executive. The Judiciary and Finance Ministry were taking the adhoc Committee’s Report for fixing the salary and pension. The Committee, therefore, recommended to constitute a comprehensive National Judicial Service Commission on the basis of a Statue to have a permanent body to address these issues.

13.23. The Committee felt that all the suggestions/views expressed by the individuals/experts/stakeholders through their memoranda indicate towards the dire need for reforms in the Indian Judicial system, of which salaries, allowances and other perks were important constituents. Though the Government has proposed an increase in pension and other allowances to the Judiciary, through this legislation, there were certain other issues which need to be addressed simultaneously like huge accumulation of cases in the Supreme Court/High Courts/Subordinate Courts, vacancies of Judges, absence of infrastructural facilities, etc., which have posed greater challenges before the judiciary and have engaged attention of this Committee for quite sometime. The Committee, therefore, recommended that the Government should deal with these problems as part of judicial reforms and hope that the enhanced salary and allowances with these reforms may bring noticeable changes, both in the functioning of Judiciary and the perception of the people.

13.24. The Committee also recommended that the Government should immediately examine the feasibility of introducing the pattern of allowances and salary, applicable to the Judges of some advanced countries of the world by constituting National Judicial Service Commission with the powers to revise the salaries according to the service conditions and accountability.
13.25. The Committee made a note of the suggestions/views expressed by the witnesses that only one-third Judges of High Courts enrolled from the Bar would become entitled to full pensionary benefits and similarly, many of the Judges of the Supreme Court inducted from the Bar do not get full pension, as they retire before completing the qualifying period for full pension. The Committee was of the strong opinion that the differentiation between the Judges appointed direct from the Bar and promoted from State Judiciary need to be removed as the lawyer before elevation would have Income Tax Assessment to show on assessment of the income and expenditure and as per the Income Tax Act which should be taken into account for calculating full pension. The Committee felt that this was one of the reasons that talented legal persons were not joining or do not want to be elevated as Judges of High Court and Supreme Court.

13.26. The Committee also felt that the post retirement benefits already given to the retired Judges of the Supreme Court were not given to the retired High Court Judges and due to this lot of problem are being faced by these High Court Judges. The Committee therefore recommended that Government should seriously look into the matter and extend basic facilities like medical, telephone, secretarial allowances etc to the retired High Court Judges by fixing a suitable quantum keeping their stature in mind.

13.27. The Committee had received lots of memoranda’s from various Individuals/Organisation/ Stakeholders wherein they had highlighted the issue of performance based salary structure, Accountability, corruption and other related issues. The Committee appreciated the concern shown by citizen’s and recommended to the Government to immediately address issues appointing a Judicial Commission for the appointment of Judges of the High Court and Supreme Court, like increasing the age of Judges of High Court, revision of court fees in civil and criminal cases, Benches of Supreme Court, fill up the vacancies of Judges, pending cases, reference procedure recommended by the Committee in its 21st, 26th & 28th Reports etc. to improve and strengthen the entire judicial system in the country.

13.28. The Committee felt that the holidays to High Courts and Supreme Court should be at par with subordinate judiciary. As Bombay High Court (Aurangabad Bench) suggested “the subordinate judicial officers, in view of implementation of Shetty Commission Report were entitled to encash leave at credit to the extent of 30 days in a given year”. The Committee felt that this suggestion can be implemented in the case of High Courts and Supreme Court Judges also.

13.29. The Committee recommended that the Government to constitute a Commission to go into the revenues through the judicial system at the three levels such as Supreme Court, High Court and Subordinate Judiciary and create a system to balance revenue, expenditure and investment for this service industry.

13.30. The Committee, had regard to the explanation given by the Secretary, Department of Justice, and the statement of objects and reasons appended to the Bill, agrees with the proposals for increasing pension and other monetary benefits for judges of the Supreme Court and the High Courts subject to the implementation of said recommendation for full pension instead of structured or scaled pension as proposed in the Bill. The Committee was optimist that Government would take into consideration the observations made by it in the preceding paras.

(c) 35th Report

Action Taken Replies of the Government on the recommendations/observations contained in the 29th Report of the Committee on “Public Grievances Redressal Mechanism”.

13.31. The Committee appreciated the measures taken by the Department for enhancing awareness of general public regarding the existing Public Grievances Redressal Mechanism in various Ministries/Departments and other government offices. The Committee further felt that ongoing nation awareness campaign about the Public Grievance Redressal Mechanism should not be treated on temporary basis rather it should be a continuous exercise so that public would become more conscious about their rights.

13.32. The Committee appreciated that the Department is in agreement with the rationale suggested by the Committee in its recommendation for strengthening the internal grievance redressal system in the Ministries/ Departments/ Organizations. However, the Committee would like to know the responses of the Ministries/ Departments/ Organizations vis a vis the innovative method suggested by the Committee.

13.33. The Committee appreciated the steps taken by the Department regarding the Committee’s above mentioned
recommendations. The Committee was of the view that such steps would definitely encourage the Public Officers for speedy and effectively handling of the grievances. However, the Committee may be apprised of the further developments in this regard.

13.34. Though, the Committee appreciated the introduction of the PGRAM System, it was constrained to note that the Department’s Action Taken Reply under this para does not address the real concerns expressed by the Committee in its recommendation regarding making officers accountable for delays in the redress of grievances. The Committee desired that the Department being the nodal agency should unambiguously specify the administrative action needs to be taken, amend the relevant conduct & disciplinary rules and impress upon all the Ministries/Departments/ Organizations for making of their officers fully accountable to ensure the timely redressal of the public grievances. The Committee desired to be informed of the further action taken in the matter.

13.35. The Committee took note of the Statement made by the Minister in the House on the status of the implementation of the recommendations which is based on the recommendations of the Second Administrative Reforms Commission’s Reports. However, the Committee would like to draw the attention of the Ministry to para 7.9.3 of the Twelfth report of the Second ARC, which refers to the recommendations of the Committee vis-à-vis providing the statutory backing to the PGRM in the lines of the RTI. Further, in the para 7.9.3.2 of the same report, the Commission accepts that some principles of the RTI may be adopted in case of the PGRM as well. In addition, the Commission also recommended that the grievances arising out of abuse of office and corruption on the part of public functionaries are amenable to statutory intervention similar to the RTI Act. Though the Commission acknowledges that various statutory mechanisms to deal with the above mentioned category of grievances already exist and given some financial and functional complexities providing statutory back-up to the PGRM does not seem necessary.

13.36. However, the Committee felt that the existing mechanism as cited in the para 7.9.1 of the Twelfth report of the Commission are external bodies and relating to some specific aspects of the redressal of public grievances but there was no distinct statutory body to look after the internal grievances redressal mechanism in the various Government Department/Ministries/Organizations. The Commission has also accepted in the para 7.9.3A of the above mentioned report that despite the existence of large number of external bodies, the internal grievances redressal mechanism have not functioned effectively and there has been inadequate compliance to the guidelines issued by the DARPG in this regard.

13.37. The Commission has recommended that creation of a Local Body Ombudsman may also be useful in this regard. The Committee welcomed such move, if it serves the very objective of ensuring an effective grievances redressal mechanism. The Committee was of the view that whatever may be the modus operandi for redressal of the internal grievances in the Government Department/Ministries/Organizations but sans statutory backup it remains as an arrangement without teeth. However, if the government desired to had other specific statutory body to deal with the grievances in the lines of the recommendations of the second ARC, the Committee has no reservations in this regard. Therefore, the Committee urged the Government to take immediate and pertinent steps in this regard at the earliest as ensuring an effective Public Grievances Redressal Mechanism was the need of the hour.

13.38. Another rationale behind the Committee’s favour for statutory backup to the PGRM is that it would provide an alternative avenue for the redressal of public grievances that would ultimately lessen the burden of the judiciary. Though, prima facie, it might appear that providing statutory backup to the PGRM for some category of grievances would lead towards some functional overlapping and legalistic complexities. Nevertheless, in the long run, when this mechanism would have become popular, it would certainly provide a speedy alternative to the redressal of the public grievances and would lessen the overburdened Judiciary as the cases, in which the government was a party, were cause of large bulk of litigation in the Courts. The Law Commission’s 100th and 230th Reports Litigations by and against the Government: Some Recommendations for Reform; and Reforms in Judiciary: Some Suggestions, respectively, were the indicative of this fact. The Committee therefore impressed upon the Government to come out with a solution taking into account the observations of this Committee in a time bound manner.

13.39. The Committee gathers from the reply of Ministry that its mandate is restricted to framing guidelines and issuing circulars, instructions to the Ministries/Department of Government of India. This reply was not acceptable
to the Committee. The Committee strongly felt that merely by doing so the responsibility of DARPG, the nodal Department was not over. This Department has to stretch out to ensure the implementation of these guidelines by all concerned because anything less than this would not fulfill the objective. This was true in respect of PGRM and also in respect of other various issues which were coordinated by DARPG. The Committee, therefore, impressed upon DARPG to ensure such guidelines were implemented in letter and spirit.

13.40. The Committee still remains concerned about the fact that without statutory backup how the system of PGRM in all Governments/Ministries/Departments/Organizations would function effectively. The Committee takes note of the reply furnished by the Department in this regard that is based on the recommendations of the Second ARC. However, the Committee would like to elaborate some recommendations of the same commission relating to the establishment of an effective internal grievances redressal mechanism in the lines of the RTI Act as per the para 7.9.3.3 of the Commissions’ Twelfth report. The Committee found that theses recommendations may be considered by the Government to ensuring successful PGRM in the lines of the RTI Act. Therefore, the Committee desired the Government to implement the recommendation of the Commission in this regard at the earliest possible.

13.41. The Committee appreciated the steps taken by the DARPG to ensure the standardization of the Citizen’s Charter and effective monitoring of the level of services defined in the Citizen’s Charter. However, the Committee would like to know the steps taken by the Ministries/Department for providing the Citizen’s Charter in possible simple and spoken language. The Committee would also like to be appraised of the status of the action taken by the DARPG to ensure the effective implementation of the Citizen’s Charter and PGRM in all central Ministries/Departments/Organizations through a comprehensive strategy of Sevottam model.

13.42. The Committee failed to understand how the Central Information Commission can be held responsible for the publicity to PGRM. Central Information Commission is entrusted with RTI only. The confusion in the minds of people with reference to RTI vis-à-vis PGRM has to be removed by the DARPG in general and the respective Ministries/Departments/PSUs/Banks, etc. in particular. The PGRM failed to get due attention as it does not have the statutory backing as in the case with RTI. The thrust of the Committee’s recommendation is that Government must gave statutory support to PGRM on the lines of RTI. The Committee desired Ministry’s reply from that point of view. The Government should categorically inform the Committee what it was doing in this regard and also set up a time frame for doing so.

13.43. The Committee appreciated the introduction of CPGRAM system for monitoring of grievances both by the nodal agency as well as by the citizens. However, the Committee felt that CPGRAM mechanism just deals with the monitoring part of the PGRM, the other part pertaining to the establishment of an relevant authority for the appropriate redressal of grievances has not received the due importance. The redressal of the grievance requires a designated authority within the Ministries/Departments/Organizations for the internal settlement of grievances, as recommended by the Committee. The Committee further felt that desired weightage had not been given to this aspect in the Department’s reply. Therefore, the Committee would like to be apprised of the comments of the Department in this regard.

13.44. The Committee took note of the reply given by the Department to ensure the effective implementation of the PGRM so that the burden over judiciary could be lessened. The Committee also noted that the Department has conveyed Committee’s concerns to various Ministries / Departments on the above mentioned subject. But this was not enough. The DARPG, Law Ministry and other Ministries had to find out the ways to change the colonial attitude or mind set which is main hurdle in the way of redresal of grievances and forcing citizens to go to the Courts. The change of mind set and support of strong redress mechanism is the only remedy. In this context the Committee would like to know the specific steps taken by the Department and also by other Ministries / Departments.

(d) 36th Report

The Constitution (One Hundred and Eighth Amendment) Bill, 2008

13.45. The Committee was of the firm opinion that there was no adequate representation of women in the social, economic and political life of the country even after more than 60 years of independence. It noted that though women have made their presence felt in many male dominated professions, their representation in the decision making bodies/processes was far less than that of men. The Committee acknowledged that there has been a
historical social exclusion of women from polity due to various social and cultural reasons and patriarchal traditions. The Committee felt that meaningful empowerment of women can be achieved only with adequate participation by women in legislative bodies or Parliamentary machinery, as inadequate representation of women in Parliament and State Legislature was a primary factor behind the general backwardness of women at all levels.

13.46. The Committee was of the unanimous opinion that reservation of seats for women was a valid and necessary strategy to enhance women’s participation in the decision/policy making process. It felt that representation of women in policy making machineries was critical to the nation building process.

13.47. The Committee took note that in all walks of life, women who acquired the necessary skills and education had proved themselves capable of holding their own. But unfortunately they have failed to gain the requisite ground in the field of politics. All these trends indicate that women’s representation in politics requires special attention and positive action.

13.48. The Committee was of the considered view that reservation for women is needed to compensate for the social barriers that have prevented women from participating in politics and thus making their voices heard. It is of the opinion that this Bill was a crucial affirmative step in the right direction of enhancing the participation of women in the State Legislatures and Parliament and increasing the role of women in democratization of the country.

13.49. The Committee was of the firm opinion that reservation was needed to ensure the participation of women who constitute a traditionally neglected section of the society. The Committee felt that in the true democratic spirit, no class/community should be excluded from the decision making due to the social and economic barriers placed upon that gender as a whole, and merely hypothetical tokenism or symbolic participation should be avoided. It was of the firm opinion that ‘Reservation’ was a sociological concept evolved to bring about social reengineering and that reservation for women is therefore needed to make the democratic process inclusive.

13.50. Taking into account the above mentioned facts and opinions, the Committee was of the firm view that reservation of seats for women in Panchayati Raj Institutions through the Constitution (73rd and 74th Amendment) was a pioneering step as far as political empowerment of women is concerned. It felt that the reservation in Panchayati Raj Institutions was more effective than expected in energising women and has underscored the need for reservation in higher bodies such as State Legislatures and Parliament.

13.51. The Committee, therefore, noted that the concerns raised earlier that women would be only proxy to men, after reservation was given to women in Panchayats and Nagarpalikas, often leading to misuse of their position, have in time turned out to be baseless and that the track record of most of the elected women representatives had been proved commendable. This had led the Government to make 50 per cent reservation for women in local bodies. This further augments the imminent need to give reservation for women in State Assemblies and Parliament.

13.52. The Committee was of the opinion that it was through 1/3rd reservation of seats for women in Panchayats and Nagarpalikas that women were enabled to make meaningful contributions in these bodies. It noted that the actual representation of women in Panchayati Raj Institutions has gone upto 42.3% i.e., beyond the mandatory reservation percentage which was proposed to be further raised to 50%. The Committee felt that this proves that strategic empowering measures were the need of the hour for the upliftment of women.

13.53. The Committee acknowledged the definite and positive impact that the reservation of 1/3rd seats at the grassroot level for women has had, on the participation of women at the grassroot levels.

13.54. The Committee felt that the various policies and programmes adopted by the Central and State Governments have mainly been responsible for the astounding rate of growth of opportunities in education and employment for women in India. It was of the view that what was lacking at present was the political empowerment of women in its true sense. The commendable representation and performance of women in Panchayats was largely due to statutory reservation of seats for them. Therefore, the Committee strongly felt that reservation would ensure considerable political empowerment of women and pave the way to the achievement of political justice to women as promised in Preamble and Article 38 of the Constitution of India.
13.55. Taking into account the increase in the interest shown by women in the political process in the country as substantiated by various studies and data supplied to the Committee, the Committee felt that this is furthermore reason to enable women to have greater participation in the decision/policy making process. It was of the view that the reservation proposed in the Bill was an affirmative step in this direction.

13.56. A view was expressed before the Committee that consequent upon reservation of 1/3rd of seats in State Assemblies and Lok Sabha, the sitting members in case they happen to be male members who had nurtured their constituencies would suffer injustice, as would other males who might wish to contest from the reserved constituency. The propounders of this view opined that if at all the reservation is to grant to the women it should be done by increasing the seats in Assemblies and Parliament. In this context, the Committee wished to place on record that the rationale behind reservation for women, was to mitigate the deleterious effects of social and economic barriers that have prevented the political empowerment of women, and not to discriminate against men through the process of reservation, but to instill a new harmonious social order promoting genuine fraternity between both the sexes.

13.57. The Committee was of the considered opinion that the pertinent question at this juncture was not whether there was necessity of reservation of seats for women in Parliament and State Assemblies. It was of the view that the recommendations of the Geeta Mukherjee Committee which had examined this issue earlier make it amply clear that the reservation for women is the need of the hour. Since this matter is well settled, the Committee was of the considered view that taking into consideration the Report of the Geeta Mukherjee Committee, views of the Political Parties, NGOs and individuals, other provisions of the Bill should be deliberated upon.

13.58. In this regard, the Committee noted that 33% reservation of seats for women in Panchayats and Municipalities has had the desired effect on the empowerment of women. It was of the considered view that 1/3rd reservation of seats in Assemblies and Lok Sabha would ensure a certain level of presence of women that cannot be overlooked by Political Parties. Therefore, it was of the opinion that dilution of the 1/3rd reservation of seats for women is not called for at this juncture.

13.59. Taking into account the abovementioned views, the Committee recommended that the Government might consider this proposal as and when the need arises. The Committee felt that reservation is certainly needed to enable women to cross the socio-gender hurdles and to give them a level playing ground/ equal opportunities as their male counterparts. Once this “equalisation” process was done and “adequate” political representation of women was achieved, then the time prescribed for reservation might be reconsidered.

13.60. The Committee was of the opinion that rotation was in the interest of democracy and that it is the duty of the incumbent to work towards the welfare of the constituency, irrespective of whether she would be elected next time or not.

13.61. The Committee desired that the Government may consider this proposal appropriately.

13.62. The Committee was aware that this is a Constitutionally mandated requirement. In addition, the Committee strongly felt that political equality cannot be realized without social and economic equality. It felt that reservation was needed for women belonging to the SC/ST communities to enable them to have fair competition with women belonging to the forward classes. It was of the firm view that reservation as provided in Clauses 3 and 5 of the Bill is necessary for their political, economic and social advancement.

13.63. Although some of the memoranda received expressed the view that Anglo-Indians were too small in number to have seats reserved for them, and that seats should instead be reserved for other marginalized sections including physically challenged citizens, the Committee was of the view that since Anglo-Indian reservation was mandated in the Constitution, it needed not be disturbed while Government may appropriately consider, reservation for other marginalized sections.

13.64. The Committee was of the firm opinion that reserving seats for women in Assemblies and Lok Sabha should not be left to the discretion of Political Parties, rather it should be guaranteed in the Constitution itself and enforced by all means.

13.65. The Committee recommended that the demand for extending reservation for women in Rajya Sabha and the Legislative Councils needs to be examined thoroughly as the upper Houses of the Parliament and State
Legislatures play equally important role under the Constitution and by applying the principle of equality women should also get their due share in the second or upper chamber of Parliament and State Legislatures.

13.66. The Committee felt that the Bill in itself was not an entirety, rather it is a formula to achieve Political Empowerment of women. The Committee was of the considered view that this Bill only lays down the principle/basic framework for reservation of women in State Assemblies and Lok Sabha. It was of paramount importance that women reach a goal of adequate representation in Parliament and the State Legislatures and all other issues may be considered at an appropriate time by Government without any further delay at the present time in the passage of the Bill.

13.67. The question of reservation within reservation for OBC women & some minorities generated great discussion in the Committee, with one section of opinion strongly of the view that such OBC reservation within reservation should be provided. The Committee was of the view, that this matter should be considered by Government and action on this taken at the appropriate time.

13.68. The Committee, after taking into account the abovementioned views and the reply of the Ministry, does not endorse the concept of double-Member constituencies. It felt that elected women representatives should be granted the same opportunities/status as their male counterparts. Providing for double-Member constituencies might result in women being reduced to a subservient status, which would defeat the very purpose of the Bill. Therefore, the Committee felt that this concept is discriminatory to women. The Committee strongly felt that further delay in enactment of this Bill would further hamper the concept of Political Empowerment of women.

13.69. The Committee felt that already more than twelve years have elapsed after the Geeta Mukherjee Committee Report and still the much required reservation has not reached 50 per cent of the population of the nation, namely women. It strongly felt that further time should not be wasted; rather the Women’s Reservation Bill should be passed in Parliament and put in action without further delay.

VII. Secretariat

13.70. The Committee Section (Personnel and Public Grievances) consists of one Committee Officer/Assistant Director, three Assistants, three Clerks and supervised by one Joint Director, one Director and Joint Secretary remained incharge of the Section constituted the Secretariat of the Committee.

13.71. The work relating to drafting, consideration and adoption of four draft Reports by the Committee along with their presentation / laying in both the Houses of Parliament and distribution was undertaken.

13.72. The Secretariat also studied materials such as Parliamentary Debates, answers to Parliament Questions, Budget Documents, Five Year Plan Documents, Appropriation Accounts (Civil), CAG Reports on accounts of the Union Government (Civil), Books, Journals, Newspapers etc. relevant to the subjects/Bills under examination of the Committee. The Secretariat also made use of the materials provided by the concerned Departments/Ministries within the purview of the Committee and related information downloaded from various websites.
## ANNEXURE - XIV

(See Para 13.6)

Details of the Meetings of the Committee on Personnel and Law held during 2009

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Date of Meeting</th>
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        |                 |               | 2. Presentation by the Secretary, Ministry of Law and Justice (Department of Justice) on the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008.; and  
        |                 |               | 3. Oral evidence of the following on the Representation of the People (Second Amendment) Bill, 2008:—  
        |                 |               | (i) Shri Vir Sanghvi, Editor;  
        |                 |               | (ii) Shri Jaideep Bose, Editor, The Times of India;  
        |                 |               | (iii) Shri Shekhar Gupta, Editor, The Indian Express;  
        |                 |               | (iv) Shri Harish Khare, Correspondent, The Hindu; and  
        |                 |               | (v) Shri K.S. Sachidananda Murthy, Resident Editor, The Week Magazine. |
| 2     | 28.01.2009      | 2 - 01        | 1. Oral evidence of the following on the High Courts and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008:—  
        |                 |               | (i) Shri Suraj Narain Prasad Sinha, Chairman Bar Council of India ; and  
        |                 |               | (ii) Shri P.H. Parikh, President, Supreme Court Bar Association. |
        |                 |               | 2. Oral evidence of Shri Pradeep S. Mehta, Secretary General, Consumer Unity & Trust Society on the subject “Judicial Reforms”.  
        |                 |               | 3. Oral evidence of Shri Mohammed Haleem Khan, Secretary, Central Information Commission on the “Implementation of the RTI Act, 2005”. |
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(4) Oral evidence of Dr. Anupama Singh, Rakshak Foundation on the High Courts and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008.

Clause-by-clause consideration of :—

(i) The Representation of the People (Second Amendment) Bill, 2008; and

(ii) The High Courts and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008.

4. 16.02.2009 1 - 05 (1) Consideration and adoption of the following Reports:—

(i) Draft 33rd Report on the Representation of the People (Second Amendment) Bill, 2008; and


(2) Presentation by Secretary, Legislative Department on ‘Amendment of Election Rules, 1961 to provide for use of Totaliser for counting of votes in EVMs’; and

(3) In-house discussion on the Constitution (One Hundred and Eighth Amendment) Bill, 2008.

5. 14.09.2009 0 - 30 (1) Introductory meeting of the newly constituted Committee.

(2) Chalk out future Programme of the Committee.

6. 06.10.2009 1 - 49 (1) Hear Presentation of the functioning of the Departments of the Ministry of Personnel, Public Grievances and Pensions and Highlights of the Demands for Grants (2009-2010) by the:—

(i) Secretary, Department of Personnel and Training;

(ii) Secretary, Department of Administrative Reforms and Public Grievances; and

(iii) Secretary, Department of Pensions and Pensioners Welfare.

7. 07.10.2009 1 - 30 (1) Presentations by the:—

(i) Secretary, Legislative Department;

(ii) Secretary, Department of Legal Affairs; and

(iii) Secretary, Department of Justice on the functioning of Ministry of Law and Justice and highlights of the Demands for Grants 2009-10.

8. 21.10.2009 1 - 10 (1) Hear Presentation on the subject “Stagnation in Promotion in the Department/Organisation in the Ministry of Human Resource Development” by the:—

(i) Additional Secretary, Department of Secondary and Higher Education; and

(ii) Secretary, Department of School Education and Literacy.

9. 03.11.09 1 - 23 (1) Hear Presentation of:—

(i) Secretary, Ministry of Tourism; and
(ii) Secretary, Ministry of Culture on the subject “Working of UPSC vis-à-vis not filling up of the posts in the Ministries and subordinate/attached offices, autonomous bodies and PSUs falling under these Ministries”.

10. 10.11.09 0 - 35 (1) To hold in-house general discussion and on the clauses of the Constitution (One Hundred and Eighth Amendment) Bill, 2008.

11. 14.12.09 0 - 29 (1) Consideration and adoption of the following Reports:—


GMIPRMN—2549RS-04-06-2010.