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**STANDING COMMITTEE ON
URBAN AND RURAL DEVELOPMENT
(1998-99)**

TWELFTH LOK SABHA

**MINISTRY OF URBAN AFFAIRS
& EMPLOYMENT
(DEPARTMENT OF URBAN DEVELOPMENT)**

ELEVENTH REPORT

**THE DELHI DEVELOPMENT AUTHORITY
(VALIDATION OF DISCIPLINARY POWERS)
BILL, 1997**



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**LOK SABHA SECRETARIAT
NEW DELHI**

ELEVENTH REPORT

STANDING COMMITTEE ON
URBAN AND RURAL DEVELOPMENT
(1998-99)

(TWELFTH LOK SABHA)

MINISTRY OF URBAN AFFAIRS & EMPLOYMENT
(DEPARTMENT OF URBAN DEVELOPMENT)

Presented to Lok Sabha on ...2... DEC 1998
Laid in Rajya Sabha on

• 1 - DEC 1998



LOK SABHA SECRETARIAT
NEW DELHI

November, 1998/Agrahayana, 1920 (Saka)

Standing Committee on Urban & Rural Development
(1998-99)

Corrigenda to Eleventh Report (12th Lok Sabha)

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COMPOSITION OF THE STANDING COMMITTEE ON
URBAN & RURAL DEVELOPMENT (1998-99)

Shri Kishan Singh Sangwan — *Chairman*

MEMBERS

Lok Sabha

2. Shri D.S. Ahire
- *3. Shri Sudip Bandyopadhyay
4. Dr. Shafiqur Rahman Barq
5. Shri Padmanava Behera
6. Shri Sriram Chauhan
7. Shri Shivraj Singh Chouhan
8. Shrimati Malti Devi
9. Shri Ramkrushna Suryabhan Gavai
10. Shri Mitha Lal Jain
11. Shri Akbar Ali Khandokar
12. Shri Vinod Khanna
13. Shri Subhash Maharia
14. Shri Bir Singh Mahato
15. Shri Subrata Mukherjee
16. Shrimati Ranee Narah
17. Shri Chandresh Patel
18. Shri Rameshwar Patidar
19. Shrimati Jayanti Patnaik
20. Shri Mullappally Ramachandran
21. Shri Gaddam Ganga Reddy
22. Dr. Y.S. Rajasekhara Reddy

*Nominated *to*, e.f. 11.6.1998.

23. Shri Ramjidas Rishidev
24. Shri Chatin Singh Samaon
25. Shri Nikhulananda Sar
26. Shri I.M. Jayaram Shetty
27. Shri Daya Singh Sodhi
28. Shri Vithal Baburao Tupe
29. Dr. Ram Vilas Vedanti
30. Shri K. Venugopal

Rajya Sabha

31. Shrimati Shabana Azmi
32. Shrimati Vyjayantimala Bali
33. Shri Nilotpal Basu
34. Shri Jhumaklal Bhendia
- *35. Dr. M.N. Das
36. Shri N.R. Dasari
37. Shri John F. Fernandes
38. Shri C. Apok Jamir
39. Shri Onkar Singh Lakhawat
40. Prof. A. Lakshmisagar
41. Shri Jagdambi Mandal
42. Shri O.S. Manian
43. Dr. Mohan Babu
44. Shri N. Rajendran
45. Shri Suryabhan Patil Vahadane

SECRETARIAT

- | | | |
|-----------------------|---|-----------------------------|
| 1. Shri G.C. Malhotra | — | <i>Additional Secretary</i> |
| 2. Shri S.C. Rastogi | — | <i>Director</i> |
| 3. Smt. Sudesh Luthra | — | <i>Under Secretary</i> |

INTRODUCTION

1. I, the Chairman of Standing Committee on Urban & Rural Development (1998-99) having been authorised by the Committee to submit the Report on their behalf, present the Eleventh Report on The Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997 of the Ministry of Urban Affairs & Employment (Department of Urban Development).

2. The Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997 was introduced in Rajya Sabha on 14.08.1997 and was referred to the Committee by the Hon'ble Speaker under Rule 331E(1)(b) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee held general discussion on the said Bill at their sitting held on 23.07.1998. Thereafter, the Committee took evidence of the representatives of Ministry of Urban Affairs & Employment (Department of Urban Development) on 31.08.1998. The representatives of the Ministry of Law and Justice also attended the said sitting to assist the Committee. The Committee at their sitting held on 14.09.1998 considered the category-wise detailed list of cases pending in the High Court and disciplinary cases already decided by the Vice-Chairman and other officers of Delhi Development Authority between 22.11.1979 and 01.03.1994 for which validation was required.

4. The Report was adopted by the Committee at their sitting held on 23.09.1998.

5. The Committee wish to express their thanks to the officers of the Ministries of Urban Affairs and Employment and Law & Justice who appeared before the Committee and placed their considered views. They also wish to thank the said Ministries for placing before them the requisite material in connection with the examination of the said Bill.

5. The Committee would like to place on record their sense of deep appreciation for the invaluable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

NEW DELHI;
2 November, 1998
11 Kartika, 1920 (Saka)

KISHAN SINGH SANGWAN,
Chairman,
Standing Committee on
Urban & Rural Development.

REPORT

PART I

BACKGROUND OF THE DELHI DEVELOPMENT AUTHORITY (VALIDATION OF DISCIPLINARY POWERS) BILL, 1997

1.1 On 4th September, 1997, the Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997 (Appendix-I) was referred to the Standing Committee on Urban & Rural Development (1997-98) by the Speaker, Lok Sabha under Rule 331E(i)(b) of the Rules of Procedure and Conduct of Business in Lok Sabha, for examination and report thereon to Parliament. The Bill could not be considered by the Committee due to the dissolution of 11th Lok Sabha on 4th December, 1997. Since the Bill was introduced in Rajya Sabha, it did not lapse with the dissolution of 11th Lok Sabha and was referred again during 12th Lok Sabha to the Committee (1998-99) on 25th June, 1998, for examination and report.

1.2 in the Statement of Objects and Reasons as appended to the Bill, it has been stated that the Delhi Development Authority was set up under the Delhi Development Act, 1957. The conduct of its officers and employees is governed by the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961 framed under section 57 of the Act. Under these regulations, the Vice-Chairman, Delhi Development Authority had been given authority to impose the penalty of censure or withholding of increments or promotion on Group B officers and all penalties on Group C & D officers. However, the Authority acting under sub-section (1) of section 52 of the Act delegated its powers for imposition of certain penalties to the Chairman, Vice-Chairman and other officers of the Delhi Development Authority *vide* Notification dated 22.11.1979.

1.3 In pursuance of this Notification, the Vice-Chairman and other officers of the Delhi Development Authority had acted and functioned as the Disciplinary Authority and imposed major and minor penalties on Group A and B officers. It has further been stated in the Objects and Reasons of the Bill that the Hon'ble High Court of Delhi *vide* its judgment dated 23.9.1993 in CWP No. 2402/91 titled as R.P. Sharma,

vs. Delhi Development Authority, held that Notification dated 22.11.1979 issued under sub-section (1) of section 52 of the Delhi Development Act had no effect as the Regulations of 1961 could be amended by the authority only with the previous approval of the Central Government in accordance with the provisions of section 57 of the said Act. In pursuance of the judgement of the High Court, the Regulations of 1961 had been amended by the Delhi Development Authority and notified *vide* Notification dated 1.3.1994.

1.4 The said Bill seeks to validate the disciplinary powers exercised and action taken by the Vice-Chairman and other officers of the Delhi Development Authority during the period between 22.11.1979 to 1.3.1994 (both days inclusive).

PART II

DETAILED ANALYSIS OF THE DELHI DEVELOPMENT AUTHORITY (VALIDATION OF DISCIPLINARY POWERS) BILL, 1997

2.1 As per the written note furnished by the Department of Urban Development (Ministry of Urban Affairs & Employment), an anomalous situation had arisen in respect of the decision taken by the Vice-Chairman in disciplinary proceedings against Group A and B Officers during the period December, 1979 to February, 1994 due to the decision of the High Court in the case of Shri R.P. Sharma *vs.* DDA. Many Court cases are still pending on the said issue and it was feared that those will be decided against the DDA on the analogy of the case of Shri R.P. Sharma. In addition to the pending litigation, the DDA was receiving representation from officers who have been retired/dismissed or removed from service as also officers on whom penalties of withholding of promotions, stoppage of crossing of Efficiency Bar, etc. had been imposed in disciplinary proceedings. The DDA had to entertain all these requests and would have to reopen all the cases in view of the High Court's orders. It has further been stated that re-opening of all such cases decided between 22.11.1979 and 1.3.1994 (both days inclusive) would not only create enormous administrative problems and financial implications for DDA but would also result in a large number of cases getting delayed for years altogether.

2.2 When asked about the legal validity of the proposed amendment particularly in the light of the cases pending in the Court, the Department of Urban Development in the written replies stated that the Ministry of Law and Justice, (Department of Legal Affairs and the Legislative Department) were consulted in the matter. A copy of the each of extracts are at Appendices-II & III. The Ministry of Law & Justice (Department of Legal Affairs) *vide* their said note did not find any legal or constitutional objection to the proposed Bill. The Legislative Department too *vide* their said note concurred to the proposed legislation of the Government.

2.3 When asked about the details of the financial and administrative problems envisaged in the light of the High Court's Judgement, the Department of Urban Development in the written note submitted that

due to the number of cases pending in the Court and those which might come up in the future it was difficult to calculate the financial implications involved.

2.4 As regards the number of cases which were required to be validated as per the proposed Bill from 1979 to 1994, the Department of Urban Development furnished the category-wise list, according to which 18 cases are pending in High Court challenging the powers of the Vice-Chairman, DDA, in view of the judgement in R.P. Sharma's case. Besides 369 cases had already been decided between 22.11.1979 and 1.3.1994. As per the list, the charges against officers ranged from corruption to various administrative lapses.

2.5 The decision of the Hon'ble High court was given on 23.9.1993. The validation Bill was introduced in Rajya Sabha on 14.08.1997. On a query as to why the matter did not come up before Parliament earlier than 1997, the Special Secretary, Ministry of Urban Affairs & Employment during his endeure before the committee explained as under:

"Sir, it was presented to Rajya Sabha. From 1994 to 1997, honestly speaking, we were examining the legal aspects. It was sent to the Law Ministry and they examined it."

2.6 The Committee observe that the anomalous situation with regard to the decision taken by the Vice-Chairman, DDA and other officers in disciplinary proceedings against Group A and B officers during the period 22.11.1997 to 1.3.1994 had arisen due to the fact that the Regulations of 1961 were amended by the Authority under sub-section (1) of section 52 of the Delhi Development Act, 1957 without the previous approval of the Government as required under the provisions of section 57 of the said Act, 1957. This lapse was noticed only on 23.9.1993 when the Hon'ble High Court gave its judgement in the leading case CWP No. 2402/91 titled as RP Sharma v/s Delhi Development Authority. Further in the light of the judgement of High Court, the Regulations of 1961 were notified *vide* Notification dated 1.3.1994. The Bill seeking validation for the cases decided between 22.11.1979 to 1.3.1994 (both days inclusive) was brought before Parliament only in 1997. The Committee note with concern the serious lapse on the part of the Delhi Development Authority for amending the Regulations of 1961 without the prior approval of the Government as required under the provisions of

section 57 of the Delhi Development Act, 1957. They feel that this was a serious lapse on the part of the officials concerned with the said amendment to the Regulations of 1961 which led to such an anomalous situation. It was desired that the responsibility of such a lapse should be fixed and appropriate action taken against the concerned officials. The Committee urge that utmost care should be taken while interpreting laws by the Government officials so as to avoid occurrence of such an event in future. The Committee further note that the Government brought the matter by way of validating legislation before the Parliament after a gap of about 4 Years. While agreeing to the proposed validation they taken serious note of the delay on the part of the Government.

2.7 Having considered the detailed information as furnished by the Ministry by way of written notes and the clarifications given by the representatives of the Ministries of Urban Affairs and Employment and Law and Justice during the course of oral evidence, the Committee recommend that the Parliament may consider to pass the Delhi Development Authority (Validation of the Disciplinary Powers) Bill, 1997.

NEW DELHI;
2 November, 1998
 11 Kartika, '1920 (Saka)

KISHAN SINGH SANGWAN,
 Chairman,
 Standing Committee on
 Urban & Rural Development.

APPENDIX I

AS INTRODUCED IN RAJYA SABHA ON 14 AUG. 1997

Bill No. LI of 1997

THE DELHI DEVELOPMENT AUTHORITY (VALIDATION OF DISCIPLINARY POWERS) BILL, 1997

A

BILL

to provide for validation of disciplinary powers exercised by the Vice-Chairman and officers of the Delhi Development Authority.

Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Delhi Development Authority (Validation of Disciplinary Powers) Act, 1997.

Definitions.

2. In this Act,—

(a) "Authority" means the Delhi Development Authority established under section 3 of the Delhi Development Act, 1957;

61 of
1957.

(b) "Vice-Chairman" means the Vice-Chairman of the Authority.

Validation of disciplinary powers exercised or action taken by Vice-Chairman or other officers.

3. Notwithstanding any judgment, decree or order of any Court or Tribunal or other Authority to the contrary where any disciplinary powers or action which the Central Government or the Authority may exercise or take under the Delhi Development Authority (Salaries, Allowances and Conditions of Service)

Regulations, 1961 had been exercised or taken by the Vice-Chairman or other officers of the Authority during the period on and from the 22nd day of November, 1979 to the 1st day of March, 1994, such disciplinary powers or action shall be deemed to have been validly and effectively exercised or taken by the Vice-Chairman or such other officer as if the Vice-Chairman or such other officer had been specified, with the previous approval of the Central Government in the said Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations in that behalf and accordingly, no suit or other proceeding shall be instituted, maintained or continued in any Court or Tribunal or before other authority on the ground that the Vice-Chairman or such officer was not competent to exercise such disciplinary power or take such action.

STATEMENT OF OBJECTS AND REASONS

The Delhi Development Authority was set up under the Delhi Development Act, 1957. The conduct of its officers and employees is governed by the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961 framed under section 57 of the Act. Under these Regulations, the Vice-Chairman, Delhi Development Authority had been given authority to impose the penalty of censure or withholding of increment or promotion on Group B officers and all penalties on Group C and D officers. Similarly, the Engineer Member and the Finance Member have been given the authority to impose all penalties on Group C and D officers. However, the Authority acting under sub-section (1) of section 52 of the Act delegated its powers for imposition of certain penalties to the Chairman, Vice-Chairman and other officers of Delhi Development Authority *vide* Notification dated 22.11.1979. In pursuance of this Notification, the Vice-Chairman and other officers of Delhi Development Authority had acted and functioned as the Disciplinary Authority and imposed major and minor penalties on Group A and B officers.

2. In CWP No. 2402/91 titled as R.P. Sharma *vs.* Delhi Development Authority, the Hon'ble High Court of Delhi, *vide* its judgment dated 23.9.1993 has held that the Notification dated 22.11.1979 issued under sub-section (1) of section 52 of the Delhi Development Act has no effect as the Regulations of 1961 could be amended by the Authority only with the previous approval of the Central Government in accordance with the provisions of section 57 of the Delhi Development Act, 1957. In pursuance of the judgment of the High Court, the Regulations of 1961 have since been amended by Delhi Development Authority and notified *vide* Notification dated 1.3.1994.

3. An anomalous situation has arisen in respect of the decisions taken by Vice-Chairman and other officers in disciplinary proceedings against Group A and B officers during the period December, 1979 to February, 1994 due to the decision of the High Court of Delhi. Many court cases are still pending on the said issue and it is anticipated that these may be decided against the Delhi Development Authority on the analogy of the case of Shri R.P. Sharma. In addition to the pending litigations, the Delhi Development Authority is receiving

representations from officers against whom penalties were imposed. The Delhi Development Authority has to entertain all these requests and will have to reopen all the cases in view of the High Court's orders. The reopening of all such cases decided between 22.11.1979 and 1.3.1994 will not only create enormous administrative problems and financial implications for Delhi Development Authority, but will also result in a large number of cases getting delayed for years together. In order to overcome this problem it has become necessary to validate the disciplinary powers exercised and action taken by Vice-Chairman and other officers of Delhi Development Authority during the period 22.11.1979 to 1.3.1994 (both days inclusive) by way of legislation.

4. The Bill seeks to achieve the aforesaid object.

NEW DELHI;
The 11th August, 1997.

U. VENKATESWARLU.

RAJYA SABHA

**A Bill to provide for validation of disciplinary powers
exercised by the Vice-Chairman and officers of
the Delhi Development Authority.**

*(Dr. U. Venkateswarlu, Minister of State in the Ministry
of Urban Affairs and Employment)*

APPENDIX II

MINISTRY OF LAW AND JUSTICE DEPARTMENT OF LEGAL AFFAIRS ADVICE (B) SECTION

Ministry of Urban Affairs and Employment has forwarded us a draft Note for the Cabinet with regard to enactment of Validation Act to validate the disciplinary powers exercised and action taken by Vice-Chairman and other officers of DDA in respect of Group A, B, C and D officers of DDA. The period during which the disciplinary powers have been exercised is between 22.11.1979 to 1.3.1994.

2. The Division Bench of Delhi High Court in C.W.P. No. 2402 of 1991—R.P. Sharma *vs.* Vice-Chairman, DDA has passed an Order on 23.9.93 holding that the order imposing a penalty of reduction in the petitioner's rank by the Vice-Chairman, DDA as per their Order dated 13th February, 1991 is quashed and it is held that the Delhi Development Authority (Salaries, Allowances and Conditions of Service), Regulations, 1961 (for short 'Regulations of 1961') are applicable in the case of the petitioner, and the amendment to these Regulations made by sub-section (1) of section 52 of the Delhi Development Authority Act, 1957 (for short 'the Act'), under which the DDA delegated such of its powers to such of its members, officers as mentioned in the Schedule attached thereto has no effect.

3. Briefly, the facts of the case after perusal of the High Court Order appear to be that the petitioner who was an Executive Engineer was visited with the major penalty of reduction in rank by the Vice-Chairman, DDA in exercise of the powers conferred in Regulation No. 16 of the Regulations of 1961 for a period of 2 years without cumulative effect. The contention of the petitioner was that the Vice-Chairman, DDA was not competent to impose such penalty on him because in his case the authority empowered to impose the penalty of reduction to a lower rank is the Central Government. The DDA has contended that by virtue of an amendment in 1979 in the Regulations of 1961, in exercise of the powers as contained in section 52 of the Act, the power has been delegated to the Vice-Chairman to impose such a penalty. The High Court has observed that any amendment to the Regulations has to be done with the prior approval of the Central

Government under section 57 of the Act. DDA could not assume power under section 52 of the Act to amend the Regulations. It could have done so only if section 57 of the Act provided otherwise and specific power was with the DDA for the purpose. Since the DDA did not have the necessary power to amend the Regulations of 1961, as such, the delegation of these powers to such of its members/officers has no effect. Meaning thereby that though the powers of the disciplinary authority in the case of applicant lay with the Central Government, however, the DDA has wrongly assumed the powers to itself under section 52 of the Act for amending the Regulations of 1961 so as to confer the powers on its officers to initiate disciplinary action against the applicant. Therefore, this is a clear cut case of exercise of jurisdiction not vested in it by law or in other words exercise of powers contrary to the provisions of law. The power to delegate is given to the Central Government in section 52(2) of the Act. But this power does not provide for retrospective delegation. Therefore, it appears necessary that a Validating Act may have to be enacted in the matter. The Department has obtained the views of Ministry of Home Affairs and the Department of Personnel and Training. The Ministry of Home Affairs have communicated that they have no comments to offer on the Cabinet Note whereas the Department of Personnel have communicated their no objection to the proposed Validating Act.

4. Keeping in view the above, we do not find any legal or constitutional objection to the proposal in question. We may, however, refer the matter to the Legislative Department with reference to their note dated 4.10.95 at flag 'X'.

Additional Secretary may kindly see.

Sd/-
(Krishna Kumar)
Additional Legal Adviser
17.4.97

Sd/-
Addl. Secretary (Shri Shiv Prakash)

APPENDIX III

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE LEGISLATIVE DEPARTMENT

The Ministry of Urban Affairs & Employment (Delhi Division) have forwarded a draft Note for the Cabinet seeking approval of the Cabinet for enactment of a validating legislation to validate the disciplinary powers exercised and action taken thereunder by the Vice-Chairman and other officers of the Delhi Development Authority in respect of Group A, Group B, Group C and D officers of the Authority for our concurrence. It is stated that the conduct of officers and employees of the Delhi Development Authority is governed by the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961. The said regulations, which were framed under section 57 of the Delhi Development Act, 1957(61 of 1957), empowered the Delhi Development Authority to impose all penalties except (a) reduction to a lower service, grade or post or lower time scale of pay, or to a lower stage in a time scale; (b) compulsory retirement; (c) removal; and (d) dismissal in cases of Group A posts with a maximum of over Rs. 850 and all penalties in cases of Group A posts with a maximum of Rs. 850. The Vice-Chairman of the Authority had been empowered to impose penalty of censure or withholding of increment or promotion on Group B officers and all penalties on Group C and Group D officers. The Delhi Development Authority, instead of empowering the imposition of such penalties by the authorities under it by amending the aforesaid regulations, delegated the power to impose penalties to its Vice-Chairman and other officers. In pursuance of delegation of such powers, the Vice-Chairman and other officers of the Authority have exercised the powers as disciplinary authorities and imposed major and minor penalties on Group A and Group B officers.

2. The notification regarding delegation of disciplinary powers issued by the Delhi Development Authority was challenged by many Group A and Group B officers in various courts and in one case the Hon'ble High Court of Delhi has held that the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961 are applicable to the petitioner and the notification delegating some of the disciplinary powers to the chairman, vice-chairman, members and officers has no effect. It is further stated that many court cases are still pending on the issue and it is feared that

these will be decided against the Delhi Development Authority on the analogy of the one decided by the Hon'ble High Court of Delhi. In addition to the pending litigations, the Authority is receiving representations from officers who have been retired/dismissed or removed from service and from officers on whom penalties of withholding of promotions, stoppage of crossing of efficiency bar, etc. have been imposed. The Authority has to entertain all such cases in view of the said decision of the High Court of Delhi. The reopening of all such cases pertaining to the period between 22.11.1979 and 1.3.1994 will not only create enormous administrative problems and financial implications for the Authority but also result into a large number of cases getting delayed for years together. Hence a validating legislation is required to obviate the necessity of reopening cases decided by the disciplinary authorities.

3. In paragraph 12 of the draft Note for the Cabinet, approval of the Cabinet is solicited to give effect to the proposal by a validating legislation by promulgation of an Ordinance. In this connection it may be pointed out that Parliament is in session and no Ordinance can be promulgated when Parliament is in session. Promulgation of an Ordinance is possible only on the prorogation of the either House of Parliament. The Ministry of Urban Affairs & employment may, therefore, modify paragraph 12 of the draft Note for the Cabinet to solicit the approval of the Cabinet to enact a legislation to validate actions taken by the disciplinary authorities during the period from 22.11.1979 to 1.3.1994. Further, an abbreviation "(B.D.I.)" has occurred in paragraphs 7, 10 and 12 which may be explained or expanded in the Note for the Cabinet.

4. The draft Note for the Cabinet has been examined by the Department of Legal Affairs and have concurred therein. We may, subject to our observations made in paragraph 3 above, concur in the draft Note for the Cabinet.

Sd/-

(Z.S. Negi)

Joint Secretary & Legislative Counsel

12.05.1997.

Sd/-

Secretary

Sd/-

MSLJ

APPENDIX IV

COMMITTEE ON URBAN & RURAL DEVELOPMENT (1998-99)

MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE HELD ON THURSDAY, 23RD JULY, 1998

The Committee sat from 1500 hrs. to 1630 hrs. in Committee Room 139, Parliament House Annexe, New Delhi.

PRESENT

Shri Kishan Singh Sangwan — *Chairman*

MEMBERS

Lok Sabha

2. Shri D.S. Ahire
3. Dr. Shafiqur Rahman Barq
4. Shri Padmanava Behera
5. Shri Sriram Chauhan
6. Shri Ramkrushna Suryabhan Gavai
7. Shri Vinod Khanna
8. Shri Subhash Maharia
9. Shri Subrata Mukherjee
10. Shri Chandresh Patel

Rajya Sabha

11. Shrimati Shabana Azmi
12. Shri Nilotpal Basu
13. Shri Jhumuklal Bhendia
14. Shri N.R. Dasari
15. Shri Onkar Singh Lakhawat
16. Prof. A. Lakshmisagar
17. Shri O.S. Manian
18. Dr. Mohan Babu
19. Shri Suryabhan Patil Vahadane

SECRETARIAT

1. Shri S.C. Rastogi — Director
2. Shrimati Sudesh Luthra — Under Secretary
3. Shri PVLN Murthy — Assistant Director

I. Further Consideration of Memorandum No. 10

2. *** *** ***

II. Consideration and adoption of draft Action Taken Reports

3. *** *** ***

4. *** *** ***

5. *** *** ***

III. Future Course of action on the Bills referred to the Committee

6. The Committee then considered the future course of action in respect of the following three Bills:—

(i) *** *** ***

(ii) The Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997; and

(iii) *** *** ***

7. *** *** ***

8. As regards the Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997, the Committee felt that the Bill being of technical nature brought forward in the light of the judgement of the High Court of Delhi, there was no need to invite memoranda etc. from the parties. They, therefore, decided to proceed with the Bill by taking evidence of the representatives of the concerned Ministry at a subsequent sitting of the Committee.

9. *** *** ***

10. *** *** ***

11. The Committee then authorised the Chairman to finalise the Reports on the basis of factual verification by the Ministry/Department concerned and present the same to Parliament.

The Committee then adjourned.

*** The Minutes on Consideration of Memo. Nos. 4 and 10 and Future Course of action in respect of other Bills are kept separately.

APPENDIX V

COMMITTEE ON URBAN & RURAL DEVELOPMENT (1998-99)

MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE HELD ON MONDAY, 31ST AUGUST, 1998

The Committee sat from 1500 hrs. to 1700 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Kishan Singh Sangwan — *Chairman*

MEMBERS

Lok Sabha

2. Shri D.S. Ahire
3. Shri Sudip Bandyopadhyay
4. Dr. Shafiqur Rahman Barq
5. Shri Padmanava Behera
6. Shri Sriram Chauhan
7. Shri Shivraj Singh Chouhan
8. Shrimati Malti Devi
9. Shri Subhash Maharia
10. Shrimati Ranee Narah
11. Shri Rameshwar Patidar
12. Shrimati Jayanti Patnaik
13. Shri Mullappally Ramachandran
14. Shri Gaddam Ganga Reddy
15. Shri Ramjidas Rishidev
16. Shri Chatin Singh Samaon

17. Shri Nikhilananda Sar
18. Shri I.M. Jayaram Shetty
19. Shri Daya Singh Sodhi
20. Shri Vithal Baburao Tupe
21. Dr. Ram Vilas Vedanti

Rajya Sabha

22. Shrimati Shabana Azmi
23. Shri Nilotpal Basu
24. Shri C. Apok Jamir
25. Shri Onkar Singh Lakhawat
26. Prof. A. Lakshmisagar
27. Shri Jagdambi Mandal
28. Shri O.S. Manian
29. Dr. Mohan Babu
30. Shri Suryabhan Patil Vahadane

SECRETARIAT

1. Shri G.C. Malhotra — *Additional Secretary*
2. Shri S.C. Rastogi — *Director*
3. Smt. Sudesh Luthra — *Under Secretary*

REPRESENTATIVES OF MINISTRY OF URBAN AFFAIRS & EMPLOYMENT
(DEPARTMENT OF URBAN DEVELOPMENT)

1. Smt. Kiran Aggarwal — Secretary
2. Shri S.S. Chattopadhyay — Special Secretary
3. Shri Hemendra Kumar — Additional Secretary
4. Shri J.P. Murthy — Joint Secretary (H)
5. Shri G.C. Bhandari — Joint Secretary (F)
6. Shri Shiv Raj Asthana — Director (H)

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

- | | | |
|--------------------|----|---|
| 1. Shri Z.S. Negi | — | Joint Secretary & Legislative Counsel, Legislative Department |
| 2. Shri S.D. Ahuja | — | Deputy Legislative Counsel, Legislative Department |
| 2. | ** | ** |

3. The Chairman then welcomed the representatives of the Ministry of Urban Affairs and Employment (Department of Urban Development) to the sitting. He also welcomed the representatives of the Ministry of Law & Justice present at the sitting to assist the Committee on the legal aspects. The Special Secretary, Ministry of Urban Affairs & Employment then briefed the Committee about the background of the Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997.

4. Thereafter, the Committee took up the evidence of the representatives of the Department on the provisions of the Bill.

5. The Committee, directed that the Department should furnish the following details stating *inter-alia* the charges on which minor or major penalties were inflicted by the said disciplinary authorities:

- (i) the cases still pending in the High Court in view of the judgement of the High Court in the case of Shri R.P. Sharma; — (category wise);
- (ii) the cases decided by the Vice-Chairman, DDA and other officer by virtue of the amendment in 1979 in the Regulation of 1961, between the period 22.11.1979 and 1.3.1994 for which validation was required in the proposed Bill. (category-wise)

[The witnesses then withdrew.]

[A verbatim record of the proceedings was kept.]

6. The Committee decided to hold their next sitting on Monday, 14th September, 1998 at 1500 hrs. onwards to deliberate further on the provisions of the Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997.

The Committee then adjourned to meet again on Monday the 14th, September, 1998.

**The Minutes with regard to the tentative study visits of study Group of the Committee have been kept separately.

APPENDIX VI

COMMITTEE ON URBAN & RURAL DEVELOPMENT 1998-99 MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE HELD ON MONDAY, 14TH SEPTEMBER, 1998

The Committee sat from 1500 hrs. to 1600 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Kishan Singh Sangwan — *Chairman*

MEMBERS

Lok Sabha

2. Shri Sudip Bandyopadhyay
3. Shri Sriram Chauhan
4. Shrimati Malti Devi
5. Shri Subhash Maharia
6. Shri Subrata Mukherjee
7. Shrimati Ranee Narah
8. Shri Chandresh Patel
9. Shri Nikhilananda Sar
10. Shri Daya Singh Sodhi
11. Shri Vithal Baburao Tupe
12. Dr. Ram Vilas Vedanti

Rajya Sabha

13. Shri Nilotpal Basu
14. Shri C. Apok Jamir
15. Shri Onkar Singh Lakhawat

16. Prof. A. Lakshmisagar
17. Shri Jagdambi Mandal
18. Shri N. Rajendran
19. Shri Suryabhan Patil Vahadane

SECRETARIAT

1. Shri S.C. Rastogi — *Director*
2. Smt. Sudesh Luthra — *Under Secretary*
3. Shri P.V.L.N. Murthy — *Assistant Director*

2. At the outset the Chairman welcomed the members to the sitting of the Committee.

3. The Committee then parused category-wise detailed lists of the cases pending in the High Court and disciplinary cases already decided by the Vice-Chairman and other officers of Delhi Development Authority (DDA) between 22.11.79 and 1.3.94 for which the validation was required under the Delhi Development authority (Validation of Disciplinary Powers) Bill, 1997.

4. The Committee noted that in most of the cases the charges were related to corruption. In view of it the Committee felt that the Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997 might be passed by the Houses. They therefore, decided to recommend accordingly. They however, observed that the Government had taken unduly long time to validate the action taken by Vice-Chairman and other officers during 1979 to 1994.

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| 5. | *** | *** | *** |
| | *** | *** | *** |
| 6. | *** | *** | *** |

7. The Committee decided to meet again on Wednesday, the 23rd September, 1998 at 1400 hrs.

*The Committee then adjourned to meet again on
Wednesday, the 23rd September, 1998*

***The Minutes with regard to the composition of sub-Committees of the Committee and Study visits of the Study Groups of the Committee are kept separately.

APPENDIX VII

COMMITTEE ON URBAN & RURAL DEVELOPMENT (1998-99)

MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE HELD ON MONDAY, 23RD SEPTEMBER, 1998

The Committee sat from 1400 hrs. to 1530 hrs. in Room No. 63, Parliament House, New Delhi.

PRESENT

Shri Kishan Singh Sangwan — *Chairman*

MEMBERS

Lok Sabha

2. Shri D.S. Ahire
3. Shri Sudip Bandyopadhyay
4. Dr. Shafiqur Rahman Barq
5. Shri Sriram Chauhan
6. Shri Shivraj Singh Chouhan
7. Shrimati Malti Devi
8. Shri Akbar Ali Khandokar
9. Shri Bir Singh Mahato
10. Shri Ramjidas Rishidev
11. Shri Nikhilananda Sar
12. Shri I.M. Jayaram Shetty
13. Shri Vithal Baburao Tupe
14. Dr. Ram Vilas Vedanti

Rajya Sabha

15. Shri Jhumaklal Bhendia
16. Dr. M.N. Das
17. Shri John F. Fernandes
18. Shri Onkar Singh Lakhawat
19. Prof. A. Lakshmisagar
20. Shri Jagdambi Mandal
21. Shri Suryabhan Patil Vahadane

SECRETARIAT

- | | | |
|-----------------------|---|---------------------------|
| 1. Smt. Sudesh Luthra | — | <i>Under Secretary</i> |
| 3. Shri PVLN Murthy | — | <i>Assistant Director</i> |

2. At the outset the Chairman welcomed the members to the sitting of the Committee.

3. The Committee then took up for consideration the draft Report on the Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1997 of the Department of Urban Development (Ministry of Urban Affairs & Employment).

4. The Committee then adopted the said Report with slight additions as indicated in Annexure.

5. The Committee, then authorised the Chairman to finalise the Report after getting it factually verified from the concerned Department/Ministry and present the same to the Houses of Parliament.

The Committee then adjourned.

(See para 4 of the Minutes dated 23.9.998)

Page No.	Para No.	Modifications
5	2.6	<p>Add the following after the words 'before Parliament only in 1997'.</p> <p>The Committee note with concern the serious lapse on the part of the DDA for amending the Regulations of 1961 without the prior approval of the Government as required under the provision of section 57 of the Delhi Development Act, 1957. They feel that this was a serious lapse on the part of the officials concerned with the said amendment to the Regulations of 1961 which led to such an anomalous situation. It was desired that the responsibility of such a lapse should be fixed and appropriate action taken against the concerned officials. The Committee urge that utmost care should be taken while interpreting laws by the Government officials so as to avoid occurrence of such an event in future.</p>