

COMMITTEE ON GOVERNMENT ASSURANCES
(2002-2003)

THIRTEENTH LOK SABHA

ELEVENTH REPORT

(Request for Dropping of Assurances)

(Presented to Lok Sabha on December 18, 2002)



LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES*
(2002-2003)

CHAIRMAN

Dr. S. Venugopal

MEMBERS

2. Shri E.Ahamed
- 3.** Shri Padam Sen Choudhry
4. Shri Priya Ranjan Dasmunsi
5. Adv. Uttamrao Dhikale
6. Dr. S. Jagathrakshakan
7. Shri Brahma Nand Mandal
8. Shri Ramjee Manjhi
9. Shri Sudarsana E.M. Natchiappan
10. Shri Rupchand Pal
11. Shri Kishan Singh Sangwan
12. Shri Raghuraj Singh Shakya
13. Shri Bahadur Singh
14. Rajkumari Ratna Singh
15. Shri Tarlochan Singh Tur

SECRETARIAT

- | | | | |
|----|--------------------|---|----------------------|
| 1. | Shri P.D.T. Achary | - | Additional Secretary |
| 2. | Shri R.C. Gupta | - | Director |
| 3. | Ms. J.C. Namchy | - | Under Secretary |

* The Committee was nominated by the Speaker w.e.f. January 16, 2002
vide Para No.2528 of Lok Sabha Bulletin Part-II dated January 16, 2002

** Nominated to the Committee on August 12, 2002 by the Speaker as published
vide Para No.3145 of Lok Sabha Bulletin Part-II dated August 12, 2002 vice Shri
S.B.P.B.K. Satyanarayana Rao resigned.

INTRODUCTION

I, the Chairman of the Committee on Government Assurances, having been authorised by the Committee to submit the Report on their behalf, present this Report of the Committee on Government Assurances.

The Committee (2002-2003) was constituted on January 16, 2002.

The Committee (2001-2002) at their sitting held on January 03, 2002 and January 15, 2002 respectively considered *inter-alia* Memoranda Nos.26, 27, 28, 29, 31, 32, 33, 34 & 35 containing requests received from the Ministries/Departments of the Government of India for dropping of pending assurances.

At their sitting held on December 12, 2002, the Committee (2002-2003) considered and adopted their Eleventh Report. The Minutes of the aforesaid sitting of the Committee form part of this Report. (Appendix)

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

NEW DELHI;
December 16, 2002
Committee on Government Assurances

DR. S. VENUGOPAL
Chairman

CHAPTER I

(i) RETURN OF RUSSIAN VALUABLES

On November 22, 2000 Dr. Manda Jagannath, MP addressed the following Unstarred Question No.551 to the Minister of External Affairs:-

“(a) whether Russia has requested India to return all valuables left behind by famous Russian painter, Svetoslav Roerich, who made India his home; and

if so, the response of the Union Government thereto?”

1.2 The then Minister of State in the Ministry of External Affairs (Shri Ajit Kumar Panja) gave the following reply:-

“(a) & (b): A request has been received from the Government of the Russian Federation for the return of the remains of Svetoslav Roerich for reburial in St. Petersburg. The Government is examining this request.”

1.3 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of External Affairs by February 21, 2001 i.e. within three months of the date of assurance given by the Minister.

1.4 The Minister of Parliamentary Affairs vide their U.O. Note No.XIII/V/External(2)USQ-551-LS/2000 dated March 27, 2001 forwarded a request of the Ministry of External Affairs for dropping of the aforesaid assurance on the following grounds:-

“While the matters as raised in the question pertaining to the Roerich Estate in Bangalore are sub-judice, its resolution will involve discussions between the Governments of India and the Russian Federation and the State Government of Karnataka. In view of this, in the answer to the above Lok Sabha Question, the factual position was placed on the Table of the House and it did not constitute an assurance.

The Ministry of Parliamentary Affairs is hereby requested to delete this assurance from the list of Parliamentary Assurances in the Lok Sabha.”

1.5 The Committee considered the request of the External Affairs at their sitting held on January 03, 2002.

1.6 In reply to a specific question asked on November 22, 2000 whether Russia requested India to return all valuables left behind by famous Russian Painter Svetoslav Roerich, it was stated that a request was received from the Government of the Russian Federation about return of the remains of Svetoslav Roerich for reburial in St. Petersburg and that the Government was examining that request.

1.7 The Committee are surprised to note the arguments of the Ministry of External Affairs that the reply did not constitute an assurance, as according to them, they had placed the factual position on the Table of the House keeping in view that the matter as

raised in the question pertaining to the Roerich estate in Bangalore were sub-judice and its resolution would have involved discussions between the Governments of India and the Russian Federation and the State Government of Karnataka.

1.8 As the request of the Government of Russian Federation was being examined by the Government, it was obvious that the reply to the question was treated as an assurance. The Committee are surprised to note that the reply given to the question nowhere mentioned about the Roerich estate in Bangalore or for that matter the valuables left behind by the late Russian Painter although the Member had specifically sought to know whether a request for return of those valuables was received by the Government. By not divulging the fact in the reply that the matters of Roerich estate in Bangalore are sub-judice, the Ministry of External Affairs had tried to give incomplete information to the House. This lackadaisical attitude of the Government in replying to a Parliament question compels the Committee to believe that the Government were either not keen to give complete reply to the Member or else the Government did not treat the question with due seriousness and care. The Committee, therefore, urge the Government not to treat the parliament questions casually but to provide factual and complete information while replying to these questions.

1.9 It has now been two years since a question about the request of the Government of Russian Federation was asked. The Committee, therefore, desire the Government to apprise them about the progress made in expediting the request and recommend for its early settlement. They also urge the Government to apprise them the progress of the Court case in regard to Roerich estate.

(ii) DIESEL SCAM

1.10 On July 27, 2000 S/Shri Dilipkumar Mansukhlal Gandhi, Uttamrao Dhikale and Vilas Muttemwar, MPs addressed the following Unstarred Question No.856 to the Minister of Petroleum & Natural Gas:-

“(a) whether the Central Bureau of Investigation in Madhya Pradesh and Maharashtra have revealed a wide network of racketeers who took delivery of huge quantities of subsidised diesel from Gujarat and other States;

if so, whether 23 companies were raided in Indore, Bhopal, Ujjain, Dhar and other places in M.P. and also in Maharashtra;

whether the investigation agency has found that the oil companies had failed to detect that their retail outlets were getting supplies from outside sources;

if so, the details of the outcome of these raids; and

the action that has been taken against those found guilty?”

1.11 In reply, the Minister of State in the Ministry of Petroleum and Natural Gas (Shri Santosh Kumar Gangwar) stated as follows:-

“(a) to (e):- Information is being collected and will be laid on the Table of House.”

1.12 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Petroleum and Natural Gas within three months of the date of the reply i.e. by October 26, 2000.

1.13 On November 23, 2000, S/Shri R.S. Patil and Dilipkumar Mansukhlal Gandhi, MPs addressed the following Unstarred Question No.876 giving reference to Unstarred Question No.856 dated July 27, 2000 to the Minister of Petroleum and Natural Gas:

“(a) whether requisite information has been collected;

(b) if so, the details thereof; and

(c) if not, the reasons for the delay?”

1.14 In reply, the Minister of State in the Ministry of Petroleum and Natural Gas (Shri Santosh Kumar Gangwar) stated as follows:-

“(a) to (c):- Central Bureau of Investigation (CBI) has registered a case on 23rd May, 2000 at Gandhinagar, Gujarat. The investigation is in progress.”

1.15 The reply to the above question was also treated as an assurance and was required to be fulfilled by the Ministry of Petroleum and Natural Gas within three months of the date of the reply i.e. by February 22, 2001.

1.16 The Ministry of Parliamentary Affairs vide their U.O. No.V/Petro(2)USQ 876-LS/2000 dated April 19, 2001 forwarded a request of the Ministry of Petroleum & Natural Gas for dropping of the assurance given in reply to USQ No.876 on November 23, 2000 on the following grounds:-

“Since the matter is under investigation by the CBI and it will take a long time for investigation to be completed, it is proposed that in view of appropriate action being taken by the investigating agency, the assurance may be considered to be dropped. If the above request is not acceded to, it is requested that assurances may be permitted to be fulfilled on completion of investigation by CBI.”

The Committee took into consideration earlier assurance too given in reply to USQ No.856 dated July 27, 2000 as the present assurance emanated from that reply.

The Committee considered the request of the Ministry of Petroleum & Natural Gas at their sitting held on January 15, 2002.

1.19 On July 27, 2000, a question was asked whether the CBI had revealed a wide network of racketeers operating in Madhya Pradesh and Maharashtra indulging in taking delivery of huge quantities of subsidized diesel from Gujarat and other States. The question further sought to know whether some companies were raided in these States and whether the Oil Companies are alleged to have failed to detect such indulgence by their retail outlets. In reply, an assurance was given that the information was being collected and would be laid on the Table of the House. On November 23, 2000, when it was asked whether the information has since been collected, the reply was that the CBI had registered a case in Gandhinagar and that the investigation was in progress.

1.20 By informing the House that the CBI have registered a case and that they have been carrying out the investigation, the Ministry of Petroleum & Natural Gas have revealed as much that irregularities had indeed taken place in certain retail outlets of Oil Companies. The instant case seems to be a tip of an iceberg and, therefore, the Committee would like the CBI to get the investigation done thoroughly. They therefore do not like to drop the assurance as requested by the Ministry of Petroleum & Natural Gas.

The Committee are aware that the investigation by the CBI would take a long time to be completed. It, however, does not mean that the Ministry of Petroleum & Natural Gas should only act after the CBI completes its investigation. Pending the outcome of the CBI investigation, the Committee strongly recommend that the Oil Companies working under the Ministry of Petroleum & Natural Gas should themselves examine the shortcomings and weaknesses in their day-to-day administration and evolve a mechanism to strengthen the monitoring system so as to avoid recurrence of such irregularities resulting in huge loss to exchequer.

1.21 The Committee would like the CBI to complete the investigation expeditiously. Simultaneously, the Ministry of Petroleum & Natural Gas should apprise the Committee about the progress of the case from time to time.

CHAPTER II

(i) CHANDLA COMMITTEE

2.1 On August 11, 1997, Shri G. Venkat Swamy, MP addressed the following Unstarred Question No.2971 to the Minister of Human Resource Development:-

“(a) whether the Government have taken any decision on the Chandla Committee Report relating to donation by the public schools in the Capital;

if so, the details thereof; and

(c) if not, the reasons therefor?”

2.2 The then Minister of State in the Department of Education in the Ministry of Human Resource Development (Shri Muhi Ram Saikia) gave the following reply:-

“(a) to (c): The Government of NCT of Delhi have informed that they are examining the Chandla Committee Report.”

2.3 The above reply to the question was treated as an assurance which was to be fulfilled within three months of the date of the reply i.e. by November 10, 1997.

2.4 The Ministry of Parliamentary Affairs vide their U.O. No.V/HRD(20)USQ2971-LS/97 dated February 28, 2000 forwarded a request for dropping of the assurance on the grounds indicated below:-

“The assurance concerns Government of NCT of Delhi and we have been requesting that Government for expediting the fulfilment of the assurance time and over again. That Government has now explained that the assurance pertains to the amendments in Delhi School Education Act & Rules, 1973. A Committee was constituted by them under the Chairmanship of Shri P.K. Chandla to examine the amendments and submit the Report in the matter. The Report has been submitted by the Chandla Committee and is under consideration of the Government of NCT of Delhi. No definite time-frame has been indicated by that Government when the final decision would be taken on the recommendations of the Chandla Committee.

In this connection Government of NCT of Delhi have further stated that Delhi Education Act & Rules 1973 was passed by the Parliament and, therefore, any amendment in it or its repeal would need approval of the Central Government. Thereafter, a Bill containing the amendment proposals will have to be considered by the Legislative Assembly of Delhi, which is not under control of Government.

In view of fact the Legislative Assembly which is to decide the amendments in the Delhi School Education Act 1973 is not under the control of the Government, it is not possible to fulfill the assurance in a definitive time-frame.

In view of the position explained above and as the assurance has been pending for many years, you are requested to take necessary action to drop the Assurance.”

2.5 The request was placed before the Committee at their sitting held on July 17, 2000 but the Committee did not agree to drop the assurance. Thereafter another request of the Ministry of Human Resource Development was forwarded by the Ministry of Parliamentary Affairs for dropping of the aforesaid assurance reiterating the earlier plea vide their U.O. No.V/HRD(20)USQ2971-LS/97 dated March 07, 2001 as under:-

“The assurance concerns Government of NCT of Delhi. We had taken up the matter with Delhi Government for fulfilling the Assurance immediately. That Government has explained that the issue relates to Delhi School Education Act & Rules, 1973 for which Chandla Committee was set up by the Government of NCT of Delhi in 1994. The Report was submitted in June, 1997 and the draft Act & Rules have since been reviewed by the Government. The present position is that the draft Act is still under consideration of the Government of NCT of Delhi where after it will have to be considered by the Ministry of Human Resource Development for concurrence of Government of India as the Bill proposes to repeal the 1973 Act which was passed by the Parliament.

The Government of NCT of Delhi has stated that the reply of the Question only contained the de-facto position and the Bill has to be considered by the Legislative Assembly of Delhi, which is an independent legislative authority and is not under the control of the Government of NCT of Delhi or any other legislature.

As the matter relates to enactment by an independent legislature, it was proposed that the pending assurance might be dropped. But the Committee on Government Assurances of the Lok Sabha is not agreeing to dropping of the Assurance. The de-facto position would continue until the legislation is finalized and it may not be possible for Government of NCT of Delhi to predict any time frame for it and thus no useful purpose is likely to be served by continuance of the Assurance.

In view of the position explained above and as no definitive time frame can be given by the Government of NCT of Delhi to fulfil the Assurance, kindly take necessary action to have the assurance dropped.”

2.6 The Committee considered the request of the Ministry of Human Resource Development at their sitting held on January 03, 2002.

2.7 To a specific question whether the Government have taken any decision on the Chandla Committee Report relating to donation by the public schools in the capital, the reply given was that the Government of NCT of Delhi was examining the Chandla Committee Report. The Committee note that the Chandla Committee was constituted in 1994 to examine the issue related to Delhi School Education Act & Rules 1973. The Chandla Committee presented its Report to the Government of NCT of Delhi in June 1997 and the same was still under consideration of that Government. While preferring their request for dropping of the assurance, the Ministry of Human Resource Development have emphasized that the matter relates to enactment by an independent legislature i.e. the Legislative Assembly of Delhi and that it is not possible for the Government of NCT of Delhi to predict any time frame for it. The Committee were also

informed that the draft Act eventually has to have the concurrence of the Union Government to repeal the 1973 Act.

2.8 The Committee, having been convinced that the draft Act framed, would have to be concurred by the Union Government, have agreed to drop the assurance. Earlier the request of the Ministry of Human Resource Development for dropping of the assurance was not acceded to as the Committee were of the view that the information sought in the question related to an important issue of donation in public schools in the Capital and that could have wide ramifications in the educational institutions all over the country. The Committee, therefore, urge the Union Government that this very aspect of donation in public schools should not be ignored and may be kept in view at the time when the draft Act on the subject comes for concurrence of the Union Government.

(ii) SCHEDULED CASTES STATUS TO DALIT MUSLIMS

2.9 On March 01, 2000, Shri Annasaheb M.K. Patil, MP addressed the following Unstarred Question No.1051 to the Minister of Social Justice & Empowerment:

“(a) whether the Government have received a demand for grant of Scheduled Caste status to Dalit Muslims from All India Backward Muslims Morcha to enable them to avail of equal opportunities as available to dalits of other religions;

If so, the details thereof and action proposed to be taken by the Government thereon; and

(c) If not, the reasons therefore?”

2.10 In reply, the then Minister of State in the Ministry of Social Justice & Empowerment (Smt. Maneka Gandhi) stated as follows:-

“(a) Yes, Sir.

(b) The matter regarding grant of Scheduled Castes status to Dalit Muslims is being examined.

(c) Does not arise.”

2.11 Reply to part (b) of the question was treated as an assurance and was required to be fulfilled by the Ministry of Social Justice & Empowerment within three months of the date of the reply i.e. by May 31, 2000.

2.12 The Ministry of Parliamentary Affairs vide their U.O. No.III/SJE(11)USQ1051-LS/2000 dated May 18, 2001 forwarded a request of the Ministry of Social Justice & Empowerment for dropping of the assurance on the following grounds:-

“that Article 341 of the Constitution of India is explicit in the matter of specification of Scheduled Castes. According to Clause (1) of Article 341 of the Constitution the President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within the castes, races or tribes which shall for the purposes

of the Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory.

In drawing of the list of Scheduled Castes of any State or Union Territory the test applied was 'extreme social, educational and economic backwardness arising out of traditional practice of untouchability.'

Further, Clause (2) of Article 341 of the Constitution provides provision that Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under Clause (1) any caste, race or tribe or part of or group within any caste, race or tribe.

Thus, for the purpose of specification of Scheduled Caste(s) in relation to any State or Union Territory, stress has been given on social, educational and economic backwardness arising out of the traditional practice of untouchability and also for inclusion of a specific caste, race or tribe or part of or group within a caste, race or tribe in the Scheduled Castes list.

Any proposal for amendment in the list of Scheduled Caste has to be processed keeping in view provision under clause (2) of Article 341 of the Constitution. As per approved modalities, this matter was referred to the Registrar General of India. They have advised to examine the socio-legal aspects of this issue further. As per Article 338(9) of the Constitution of India, it is mandatory to have the views of the National Commission for Scheduled Castes and Scheduled Tribes. The matter has been referred to the Commission for comments. Their reply is awaited.

Legislation for amendment would be proposed to Parliament only after the proposal of the State Government is endorsed by the Registrar General of India and National Commission for Scheduled Castes and Scheduled Tribes.

The above consultation, which is of socio-legal in nature, will take considerable time and it may not be appropriate to keeping Parliament Assurance pending for such a long time. It is therefore, requested that the above mentioned assurance may kindly be dropped."

2.13 The Committee considered the request of the Ministry of Social Justice & Empowerment at their sitting held on January 15, 2002.

2.14 An assurance was given on March 01, 2000 that the matter regarding grant of Scheduled Caste status to Dalit Muslims is being examined when a question was asked as to whether the Government had received such a demand from All India Backward Muslims Morcha. The Ministry of Social Justice & Empowerment mentioned that the process of granting Scheduled Caste status to a community requires considerable time and requested for dropping of the assurance. While acceding to the request of the Ministry of Social Justice & Empowerment for dropping of the assurance, the Committee recommend that socio-legal aspects of the proposal should be expeditiously got examined

by the National Commission for Scheduled Castes and Scheduled Tribes so as to take appropriate action for legislation of the amendment or otherwise.

(iii) PERSONS ARRESTED FOR BLACKMARKETING

2.15 On March 16, 2000, Shri Ramanand Singh, MP addressed the following Unstarred Question No.3233 to the Minister of Consumer Affairs & Public Distribution:-

“(a) the number of persons arrested for adulteration and blackmarketing under the Essential Commodities Act in the country during 1998-1999 and 1999-2000 till date, State-wise; and

(b) the action taken against them?”

2.16 In reply, the Minister of State in the Ministry of Consumer Affairs & Public Distribution (Shri V. Sreenivasa Prasad) stated as follows:-

“(a) & (b): Information is being collected and will be laid on the Table of the House.”

2.17 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of Consumer Affairs & Public Distribution by June 15, 2000 i.e. within three months of the date of assurance given by the Minister.

2.18 A statement containing implementation report was laid on the Table of the House on July 26, 2000 vide SS.III/26 (Annexure I) but it was not complete.

2.19 The Ministry of Parliamentary Affairs vide their U.O. Note No.XIII-III/CA/(6)USQ-3233-LS/2000 dated March 19, 2001 forwarded a request of the Ministry of Consumer Affairs, Food & Public Distribution for dropping of the aforesaid assurance on the following grounds:-

“On the basis of the replies received from the State Governments/UT Administrations, a partial implementation report of the assurance (both in Hindi and English) was sent to the Ministry of Parliamentary Affairs. Now the fulfillment statement of the assurance based on information received from the remaining States/UTs except the State of Bihar is enclosed (Annexure II).

In so far as information from Bihar is concerned, it is stated that in spite of repeated D.O. reminders to the Secretary, Food and Civil Supplies Department, Government of Bihar and the Chief Secretary, Government of Bihar, the reply from the Government of Bihar has not been received so far.

The assurance is pending for about one year and as there is no response from the Government of Bihar in spite of repeated reminders, it is requested that the Lok Sabha Secretariat (Committee on Government Assurances) may be moved to treat the assurance fulfilled and to drop the Assurance from the list of Assurances.”

2.20 The Committee considered the request of the Ministry of Consumer Affairs, Food & Public Distribution at their sitting held on January 03, 2002.

2.21 An assurance was given on March 16, 2000 to collect the information with regard to details of persons arrested in States/UTs for adulteration and black marketing under the Essential Commodities Act and to lay the same on the Table of the House. The Committee note that the Ministry of Consumer Affairs, Food & Public Distribution could collect information from 26 States and UTs and the same was laid on the Table of the House on July 26, 2000. Thereafter they collected information from 5 other States and UT except Bihar. As they had managed to collect information from almost all the States/UTs except Bihar, the Committee acceded to the request of the Ministry of Consumer Affairs, Food and Public Distribution to drop the assurance. Whereas the Committee appreciate the efforts made by the Ministry of Consumer Affairs, Food & Public Distribution in collecting the information, at the same time they would like to point out that the information collected from 5 States/UT has not been laid on the Table of the House. As the information collected from the State of Bihar has been laid on the Table of the House on March 07, 2002, the Committee desire that the information collected from the above 5 States/UT be laid on the Table of the House without any further delay and that the Government should avoid such lapses in future.

(iv) ALTERATION IN GOVERNMENT QUARTERS

2.22 On April 25, 2000, Shri Bherulal Meena, MP addressed the following Unstarred Question No.4581 to the Minister of Urban Development:-

“(a) whether the Government propose to construct an additional kitchen and convert the old kitchen into a room in the four-storeyed Government Quarters in Sector-4 of Gole Market, Lodhi Complex and Pushp Vihar;

(b) if so, the details thereof; and

(c) the time by which the said work is likely to be started and completed?”

2.23 The then Minister of State in the Ministry of Urban Development (Shri Bandaru Dattatraya) gave the following reply:-

“(a)&(b): Feasibility of adding additional kitchen and conversion of existing kitchen into storage space in type ‘C’ quarters of Sector-IV, DIZ Area (Gole Market) is under examination. There is no such proposal under consideration for Lodhi Road Complex and Pushp Vihar.

(c): Presently no time frame can be given as it will be known only after feasibility aspect is over.”

2.24 Reply to parts (a) & (b) of the above question was treated as an assurance and was required to be implemented by the Ministry of Urban Development within three months of the date of reply i.e. July 24, 2000.

2.25 The Ministry of Parliamentary Affairs vide their U.O. No.III/UD(24)/USQ-4581-LS/2000 dated April 19, 2001 forwarded a request of the Ministry of Urban Development for dropping of the assurance on the following grounds:-

“The DG(W) have completed the study of feasibility in respect of conversion of existing kitchen into storage space in type-C quarters in Sector 4 DIZ Area and adding of an additional Kitchen and has found the proposal not feasible as per the local bye laws, which may also lead to poor ventilation and natural light. However, the CPWD proposes to close the existing balcony to convert it into a room and also to provide an additional covered verandah in front of the existing kitchen. The size of the verandah is to be so adjusted so as to provide light and ventilation to the kitchen in conformity with the local body bye laws. The architectural Drawings incorporating this modification are under finalization and the work could be taken up after building plan are approved by the local bodies and the expenditure sanction obtained.

In view of the above result of the feasibility of study by DG (W), CPWD in consultation with Chief Architect of CPWD, it is requested that the assurance may kindly be dropped.”

2.26 The Committee considered the request of the Ministry of Urban Development & Poverty Alleviation at their sitting held on January 15, 2002.

2.27 An assurance was given in reply to USQ No.9581 on April 25, 2000 that the Government were examining the feasibility of adding additional kitchen and conversion of existing kitchen into storage space in type ‘C’ quarters of Sector-D, DIZ area (Gole Market). While making a request for dropping the assurance, the Committee were informed that the proposal was not found feasible as per the local bye-laws. Instead, the CPWD were now proposing to convert the existing balcony into a room and to construct a covered verandah in front of the existing kitchen and that they are finalising the plan. Keeping in view the above facts, the Committee have acceded to the request of the Ministry of Urban Development for dropping the assurance. The Committee, however, are confident that the CPWD would be able to get their latest plan passed by the local authorities and would start construction work immediately in the proposed quarters.

(v) SENIORITY OF SC/ST CANDIDATES

2.28 On April 27, 2000, Shri Ramji Lal Suman, MP addressed the following Unstarred Question No.5046 to the Minister of Railways:-

“(a) whether the Hon’ble Supreme Court had decided in Virpal Singh Chauhan case that as per panel position those SCs/STs who are selected in earlier panel would be treated senior to those who are selected in subsequent panel;

whether Railways are empowered to overlook the Hon’ble Supreme Court’s decision of Virpal Singh Chauhan which has been confirmed by the Hon’ble Supreme Court on September 16, 1999 in the case of Ajit Singh Januja;

whether the Government have proposed to allow the benefits of the Hon’ble Supreme Court’s judgement to those SCs/STs who have been denied and deprived of the benefits of the Hon’ble Supreme Court’s ruling; and

(d) the circumstances under which the law laid down by the Hon'ble Supreme Court has not been followed?"

2.29 In reply, the then Minister of State in the Ministry of Railways (Shri Digvijay Singh) stated as follows:-

“(a) to (d): The two-judge Bench judgement dated 10.10.1995 of the Hon'ble Supreme Court in Virpal Singh Chauhan's case read with their three-judge Bench judgement dated 01.03.1996 in Ajit Singh Januja's case laid down the law that even if a SC/ST candidate is promoted earlier by virtue of rule of reservation than his senior General candidate and the senior General candidate is promoted later to the said higher grade, the General candidate regains his seniority over such earlier promoted SC/ST candidate.

The judgement in Ajit Singh Januja's case did not make any distinction between selection and non-selection posts in respect of regaining of seniority by senior General candidates over earlier promoted SC/ST candidates who were junior in the lower grade.

The Government through the Department of Personnel & Training being the nodal Department responsible for framing policy in this regard, have laid down the instructions pursuant to above judgements after due consideration. The said instructions have been followed by the Railways accordingly.

The five-judge Constitution Bench of the Hon'ble Supreme Court in their judgement dated 16.09.1999 have upheld the judgements in Virpal Singh Chauhan's and Ajit Singh Januja's cases and further clarified the question of prospectivity of the judgement in question and its implications.

As the issue of revised instructions pursuant to the judgement of the five-judge Constitution Bench of the Hon'ble Supreme Court is still under examination of the Government, the question of Hon'ble Supreme Court's judgement being overlooked does not arise.”

2.30 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Railways within three months of the date of the reply i.e. by July 26, 2000.

2.31 The Ministry of Parliamentary Affairs vide their U.O. No.III/Rail(38)USQ 5046-LS/2000 dated April 18, 2001 forwarded a request of the Ministry of Railways for dropping of the assurance on the following grounds:-

“that the instructions issued by the Department of Personnel and Training, being the nodal Ministry responsible for framing the policy on the Judgement of the Hon'ble Supreme Court regarding seniority of SC/ST employees vis-à-vis the general OBC employees have been followed by the Railways. It was in reply to part (d) of the question which referred to the circumstances under which the law laid down by the Hon'ble Supreme Court in their judgement dated 16.09.1999 has not been followed that it was stated that the issue of revised instructions pursuant to the judgement of the Five Judge Constitution Bench of the Hon'ble Supreme Court dated 16.09.1999 is still under

examination of the Government (Department of Personnel and Training) and therefore the question of the Hon'ble Supreme Court's judgement being overlooked does not arise. However, the issue of revised instructions is still under consideration of the Department of Personnel and Training and is likely to take some more time.

In view of the above, Ministry of Parliamentary Affairs are requested that the Committee on Government Assurances (Lok Sabha) may be moved for deletion of the Assurance under reference.”

2.32 The Committee considered the request of the Ministry of Railways at their sitting held on January 15, 2002.

2.33 The part of the reply given to USQ No.5046 on April 27, 2000 that the issue of revised instructions pursuant to the judgement of the five judge Constitution Bench of the Hon'ble Supreme Court was still under examination of the Government and that the question of Hon'ble Supreme Court's Judgement having overlooked does not arise, had been treated as an assurance.

2.34 The Committee were informed by the Ministry of Railways that the matter regarding issuing the revised instructions in pursuant of the Hon'ble Supreme Court Judgement is the duty of the nodal Ministry i.e. the Department of Personnel and Training. They have, therefore, acceded to the request of the Ministry of Railways for dropping of the assurance. The Committee, however, desire that the Government should apprise them about the decision taken by the Government on Supreme Court Judgement of September 16, 1999.

(vi) FDI IN TEA PLANTATION

2.35 On May 05, 2000, Dr. Jaswant Singh Yadav and Shri Sultan Salahuddin Owaisi, MPs addressed the following Unstarred Question No.6169 to the Minister of Commerce and Industry:-

- “(a) whether the Government have allowed upto 74% FDI in tea plantation;
- (b) if so, the details thereof ;
- (c) the impact on the domestic tea growers as a result thereof;
- (d) whether various issues of foreign ownership of Indian land is yet to be resolved; and
- (e) if so, the time by which these are likely to be resolved?”

2.36 In reply, the Minister of Commerce and Industry (Shri Murasoli Maran) stated as follows:-

“(a) No Sir.

(b)& (c) Does not arise.

(d)& (e) Information is being collected.”

2.37 Reply to parts (d) & (e) of the question was treated as an assurance and was required to be fulfilled by the Ministry of Commerce and Industry within three months of the date of the reply i.e. by August 4, 2000.

2.38 The Ministry of Parliamentary Affairs vide their U.O. No.XIII-III/Commerce (2)/USQ6169-LS/2000 dated March 27, 2001 forwarded a request of the Department of Commerce for dropping of the assurance on the following grounds:-

“The subject of FDI in Plantations is dealt with by Deptt. Of IPP and the issue of allowing FDI in Plantations is reportedly under consideration of the Government for quite sometime. As allowing FDI in Plantations is a sensitive issue, it is still not known how much time the Government will take before a final decision is taken in this regard. As and when a decision is taken, the Government will have to make a statement in the Parliament and same will be released to Press.

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In view of the facts mentioned above, it is requested that Ministry of Parliamentary Affairs may consider deletion of the above Parliamentary Assurance.”

2.39 The Committee considered the request of the Department of Commerce at their sitting held on January 03, 2002.

2.40 A question was asked on May 05, 2000 whether the Government have allowed upto 74% Foreign Direct Investment (FDI) in tea plantation. In reply, it was denied by the Government. However, to a specific query to a part of the same question whether various issues of foreign ownership of Indian land is yet to be resolved, the Ministry of Commerce & Industry stated that information is being collected. While requesting to drop the assurance, the Department of Commerce had informed that the issue of allowing FDI in Plantation is under consideration of the Government for quite some time and that it being a sensitive issue, it was not known how much time the Government would take to arrive at a decision in the matter. The Committee acceded to the request of the Department of Commerce.

(vii) ARABIC MADARASAS

2.41 On August 08, 2000, Shri Danve Raosaheb Patil, MP addressed the following Unstarred Question No.2588 to the Minister of Human Resource Development:-

“(a) Whether the number of Arabic Madararas is increasing in Maharashtra particularly in Jalna and Aurangabad ; and

if so, the reasons therefor?”

2.42 The Minister of Human Resource Development, Minister of Science & Technology and Minister of Ocean Development (Dr. Murli Manohar Joshi) gave the following reply:-

“(a) & (b): Information is being collected.”

2.43 The reply to the above question was treated as an assurance and was required to be implemented by the Ministry of Human Resource Development within three months of the date of reply i.e. November 07, 2000.

2.44 The Ministry of Parliamentary Affairs vide their U.O. No.IV/HRD(35)USQ-2588-LS/2000 dated March 28, 2001 forwarded a request of the Ministry of Human Resource Development for dropping of the assurance on the following grounds:-

“The State Government of Maharashtra was requested to send us the information relating to the increase of Madarasas in that State, particularly in the districts of Jalna and Aurangabad.

The State Government of Maharashtra has informed us that madrasas are neither sanctioned by the State Government nor registered with it. Therefore, it is difficult both to state whether the number of Arabic Madarsas is on the rise and to cite specific reasons for any increase. However, as per the information obtained from the field officers of the Districts, the State Government adds that there are 14 Arabic Madarsas in Jalna District and 19 in Aurangabad District.

The Ministry of Parliamentary Affairs is requested to take further necessary action on the above facts and thereafter to drop the assurance.”

2.45 The Committee considered the request of the Ministry of Human Resource Development at their sitting held on January 15, 2002.

2.46 In reply to a question asked on August 08, 2000 whether the number of Arabic Madarsas has been increasing in Maharashtra particularly in Jalna and Aurangabad and the reasons therefor, the Government had stated that ‘information is being collected’. The Committee have been informed that the madrasas are neither sanctioned by the State Government nor are required to be registered with it and as such the State Government of Maharashtra are not in a position to state whether the number of Arabic Madarsas is on the rise and to cite specific reasons for any increase. However, as per the information obtained from the field officers of the District, the State Government added that there are 14 Arabic Madarsas in Jalna District and 19 in Aurangabad District.

2.47 The Committee feel that this information could have been laid on the Table of the House instead of requesting the Committee for dropping of the assurance. The Committee, however, agreed to drop the assurance.

NEW DELHI;
December 16, 2002
Committee on Government Assurances

DR. S. VENUGOPAL
Chairman

MINUTES
TWELFTH SITTING

Minutes of the Twelfth sitting of the Committee on Government Assurances held on January 03, 2002 in Committee Room 'E', Basement, Parliament House Annexe, New Delhi.

The Committee met from 1100 hours to 1200 hours on Thursday, January 03, 2002.

PRESENT

Shri Rupchand Pal - in the Chair

MEMBERS

2. Shri E. Ahamed
3. Shri Padam Sen Choudhry
4. Shri Priya Ranjan Dasmunsi
5. Shri Sudarsana E.M. Natchiappan
6. Dr. Prasanna Kumar Patasani
7. Shri Chandra Vijay Singh
8. Rajkumari Ratna Singh

SECRETARIAT

Shri A.K. Singh, Deputy Secretary

In the absence of the Chairman (Dr. S. Venugopal) Shri Rupchand Pal, MP chaired the meeting of the Committee after his name was proposed and seconded by the Members of the Committee present.

The Committee considered the following Memoranda regarding dropping of assurances:-
Memorandum No.26 Request for dropping of assurance given on August 11, 1997 in reply to USQ No.2971 regarding Chandla Committee.

The Committee considered the above mentioned Memorandum. The Committee agreed to drop the above assurance as the matter concerns Government of NCT of Delhi..

Memorandum No.27 Request for dropping of assurance given on March 16, 2000 in reply to USQ No.3233 regarding Persons Arrested for Blackmarketing.

The Committee took up the above Memorandum for consideration. The Committee acceded to the request of the Ministry of Consumer Affairs, Food and Public Distribution for dropping the above assurance as the Ministry has already laid the information

received from all the States/UT administration except from Bihar on the Table of the House.

Memorandum No.28 Request for dropping of assurance given on May 05, 2000 in reply to USQ No.6169 regarding FDI in Tea Plantation.

The Committee considered the request of this Ministry of Commerce and Industry and decided to drop the above assurance, as allowing FDI in plantations is a sensitive issue.

Memorandum No.29 Request for dropping of assurance given on November 22, 2000 in reply to USQ No.551 regarding Return of Valuables.

The Committee considered the above mentioned Memorandum. The Committee were not satisfied with the reasons given by the Ministry of External Affairs for dropping the above assurance. The Committee decided not to drop the said assurance.

Memorandum No.30 Request for dropping of assurance given on March 01, 2001 in reply to USQ No.1122 regarding Defence Cooperation with Russia.

Lastly, the Committee took up the above mentioned request of the Ministry of Defence. The Committee decided not to drop the above assurance.

Thereafter the Committee discussed the Study Tour of the Committee on Government Assurance to Chennai, Port Blair and Kolkata from 4 to 8 January, 2002.

The Committee then adjourned.

MINUTES
THIRTEENTH SITTING

Minutes of the Thirteenth sitting of the Committee on Government Assurances held on January 15, 2002 in Committee Room No.62, First Floor, Parliament House, New Delhi.

The Committee met from 1230 hours to 1315 hours on Tuesday, January 15, 2002.

PRESENT

CHAIRMAN

Dr. S. Venugopal

Members

2. Shri Padam Sen Choudhry
3. Shri Priya Ranjan Dasmunsi
4. Shri Brahma Nand Mandal
5. Shri Dharam Raj Singh Patel
6. Shri Chandra Vijay Singh
7. Shri Manoj Sinha
8. Rajkumari Ratna Singh

SECRETARIAT

1. Shri M. Rajagopalan Nair, Joint Secretary
2. Shri A.K. Singh, Deputy Secretary
3. Ms. J.C. Namchyo, Assistant Director

The Committee considered the following Memoranda regarding dropping of assurances:-
Memorandum No.31 Request for dropping of assurance given on March 01, 2000 in reply to USQ No.1051 regarding Scheduled Castes Status to Dalit Muslims.

The Committee considered the above mentioned Memorandum. The Committee agreed to the request of the Ministry of Social Justice & Empowerment to drop the above assurance.

Memorandum No.32 Request for dropping of assurance given on April 25, 2000 in reply to USQ No.4581 regarding Alteration in Government Quarters.

The Committee took up the above Memorandum for consideration. The Committee acceded to the request of the Ministry of Urban Development for dropping the above assurance.

Memorandum No.33 Request for dropping of assurance given on April 27, 2000 in reply to USQ No.5046 regarding Seniority of SC/ST Candidates.

The Committee considered the request of the Ministry of Railways and decided to drop the above assurance as the matter relates to the judgement of the Hon'ble Supreme Court. Memorandum No.34 Request for dropping of assurance given on August 08, 2000 in reply to USQ No.2588 regarding Arabi Madarassas.

The Committee considered the above mentioned Memorandum. The Committee were of the view that the matter concerned with the State Government and decided to drop the above assurance.

Memorandum No.35 Request for dropping of assurance given on July 27 & November 23, 2000 in reply to USQ No.856 & 876 regarding Diesel Scam.

The Committee considered the above mentioned Memorandum. The Committee did not agree to the request of the Ministry of Petroleum & Natural Gas for dropping the above assurance as the matter relates to the scam which is under investigation.

Memorandum No.36 Request for dropping of assurance given on March 01, 2001 in reply to USQ No.1122 regarding Defence Cooperation with Russia.

Lastly, the Committee took up the above mentioned request of the Ministry of Defence again. The Committee did not agree to drop the above assurance and desired to call the Defence Secretary for clarification in regard to the confidentiality of the information.

The Committee then adjourned.

MINUTES
TENTH SITTING

Minutes of the Tenth sitting of the Committee on Government Assurances held on December 12, 2002 in Room '62', First floor, Parliament House, New Delhi.

The Committee met from 1500 hours to 1600 hours on Thursday, December 12, 2002.

PRESENT

CHAIRMAN

Dr. S. Venugopal

MEMBERS

2. Shri Priya Ranjan Dasmunsi
3. Adv. Uttamrao Dhikale
4. Shri Ramjee Manjhi
5. Shri Rupchand Pal
6. Shri Kishan Singh Sangwan
7. Shri Raghuraj Singh Shakya
8. Shri Tarlochan Singh Tur

SECRETARIAT

1. Shri R.C. Gupta, Director
2. Ms. J.C. Namchyo, Under Secretary

2. The Committee considered the draft 11th Report and adopted the same without any amendment/modification.

3. The Committee also authorized the Chairman to present the Report in the current Session.

4. Thereafter, the Committee decided to hold their next sitting on January 3, 2003 and also to undertake study tour from 9 January 2003 to 14 January, 2003 to Bangalore, Chennai and Hyderabad.

The Committee then adjourned.

Sl No.	States/UTs	(a) the number of persons arrested for adulteration and black marketing under the Essential Commodities Act in the country during 1998-99 and 1999-2000 till date, State-wise; and		(b) the action taken against them?
		1998-99	1999-2000	
1.	Andhra Pradesh	494	533 (upto February)	Inspections were conducted by the Vigilance Cell of CS Deptt. of the State Government and samples were collected and cases have been filed against the defaulters.
2.	Arunachal Pradesh	Nil	Nil	Not applicable.
3.	Assam	Nil	Nil	Not applicable.
4.	Goa	Nil	Nil	Not applicable.
5.	Gujarat	210 (1998-99 & 1999-00) (upto Jan.)		Necessary action have been taken for violation of provisions of Essential Commodities Act, 1955 and 872 licenses have been suspended, 530 licenses cancelled, an amount of deposits of Rs.121.89 lakhs and amount of stock of Rs.9.52 lakhs have been confiscated.
6.	Himachal Pradesh	Nil	Nil	Not applicable.
7.	Karnataka	38	28 (29.02.2000)	Action has been taken to launch prosecution against these persons in the respective courts for their conviction and cases have also been booked before the District Magistrate for confiscation of the seized essential commodities.
8.	Kerala	10	10	Action taken against all of them under EC Act, 1955 for adulteration & black marketing.

9.	Maharashtra	1089	1110	The necessary action has been taken against the defaulters under EC Act, 1955. During this period 173 persons prosecuted & 21 persons have been convicted.
10.	Manipur	Nil	Nil	Not applicable.
11.	Meghalaya	Nil	Nil	Not applicable.
12.	Mizoram	1	2	Cases have been registered against the culprits under the EC Act & the cases are under trials.
13.	Nagaland	Nil	Nil	Not applicable.
14.	Orissa	15	7 (31.01.2000)	Sub-judice in the Court.
15.	Punjab	3	4	Criminal cases have been registered against all of them.
16.	Rajasthan	1	4	Cases against them were registered under provisions of the EC Act.
17.	Sikkim	Nil	Nil	Not applicable.
18.	Tamil Nadu	512	389 (14.03.2000)	Cases have been filed against the defaulters under the EC Act by the State Government.
19.	Tripura	Nil	Nil	Not applicable.
20.	West Bengal	986	598 (up to Feb, 00)	Legal action is being taken against them.
21.	A & N Islands	Nil	Nil	Not applicable.
22.	Chandigarh	6	7	Cases have been registered for committing offences under EC Act.
23.	D & N Haveli	Nil	3	They have been produced before the JCM, Silvassa.

24.	Delhi	140	42 (15.03.2000)	All the accused persons have been arrested under appropriate provision of law and the cases have been sent for trial of court. Wherever necessary, the business establishments are also sealed to prevent them from indulging in the activities of black marketing and adulteration etc. The adulterated goods are seized and destroyed by the orders of the Court.
25.	Lakshadweep	Nil	Nil	Not applicable.
26.	Pondichery	Nil	Nil	Not applicable.

Sl No.	States/UTs	(a) the number of persons arrested for adulteration and black marketing under the Essential Commodities Act in the country during 1998-99 and 1999-2000 till date, State-wise; and		(b) the action taken against them?
		1998-99	1999-2000	
1.	Haryana	217	178	The Action has been taken against the defaulters in accordance with the provisions of Essential Commodities Act, 1955.
2.	Jammu & Kashmir	1	503	The defaulters dealing in different essential commodities were booked and some cases registered are sub-judice.
3	Madhya Pradesh	4		All the four detained persons were released in compliance of the High Court/District Magistrate's order.
4.	Daman & Diu	Nil		Not applicable
5	Uttar Pradesh	9	21	The action has been/are being taken by the UP Government against the defaulters in accordance with the provisions of Essential Commodities Act, 1955.

Sl No.	States/UTs	(a) the number of persons arrested for adulteration and black marketing under the Essential Commodities Act in the country during 1998-99 and 1999-2000 till date, State-wise; and		(b) the action taken against them?
		1998-99	1999-2000	
1.	Bihar	134	150	F.I.R. and complaint case U/S-7 of E.C. Act have been lodged against 529 persons and 527 persons have been convicted by the competent court. Licences of the concerned convicted persons have been cancelled.

III SESSION 2000 OF THIRTEENTH LOK SABHA, 2000

MINISTRY OF CONSUMER AFFAIRS & PUBLIC DISTRIBUTION

DATE OF FULFILMENT:

DEPARTMENT OF CONSUMER AFFAIRS

Question No., Date & Name of M.P.	Subject	Promise made	When & How fulfilled (a) & (b)	Reasons for delay
USQ No. 3233, dated 16.03.2000 by Shri Ramanand Singh, MP	<u>PERSONS ARRESTED FOR BLACKMARKETING</u> (a) the number of persons arrested for adulteration and blackmarketing under the Essential Commodities Act in the country during 1998-1999 and 1999-2000 till date, State-wise; and (b) the action taken against them? PART IMPLEMENTED	(a) & (b): Information is being collected and will be laid on the Table of the House.	A consolidated list of information received from 26 States/UTs pertaining to the parts(a) & (b) of the question is enclosed. The information pertaining to remaining States/UTs will be furnished as and when received from them.	

ANNEXURE-III**III SESSION 2000 OF THIRTEENTH LOK SABHA****MINISTRY OF CONSUMER AFFAIRS & PUBLIC DISTRIBUTION**

DATE OF FULFILMENT:

DEPARTMENT OF CONSUMER AFFAIRS

Question No., Date & Name of M.P.	Subject	Promise made	When & How fulfilled	Reasons for delay
USQ No. 3233, dated 16.03.2000 by Shri Ramanand Singh, MP	<p><u>PERSONS ARRESTED FOR BLACKMARKETING</u></p> <p>(a) the number of persons arrested for adulteration and blackmarketing under the Essential Commodities Act in the country during 1998-1999 and 1999-2000 till date, State-wise; and</p> <p>(b) the action taken against them?</p>	(b) & (b): Information is being collected and will be laid on the Table of the House.	The information pertaining to the parts(a) & (b) of the question in respect of the remaining State of Bihar has been obtained and enclosed.	

ANNEXURE-II**III SESSION 2000 OF THIRTEENTH LOK SABHA, 2000**

MINISTRY OF CONSUMER AFFAIRS & PUBLIC DISTRIBUTION

DATE OF FULFILMENT:

DEPARTMENT OF CONSUMER AFFAIRS

Question No., Date & Name of M.P.	Subject	Promise made	When & How fulfilled	Reasons for delay
USQ No. 3233, dated 16.03.2000 by Shri Ramanand Singh, MP	<u>PERSONS ARRESTED FOR BLACKMARKETING</u> (a) the number of persons arrested for adulteration and blackmarketing under the Essential Commodities Act in the country during 1998-1999 and 1999-2000 till date, State-wise; and (b) the action taken against them?	(c) & (b): Information is being collected and will be laid on the Table of the House.	A consolidated list of information received from the remaining States/UTs pertaining to the parts(a) & (b) of the question is enclosed.	

