

31

**MINISTRY OF HOME AFFAIRS—
SYSTEM OF ADMINISTRATION IN
UNION TERRITORIES**

**ESTIMATES COMMITTEE
1992-93**

THIRTY-FIRST REPORT

162

TENTH LOK SABHA



722252
4231

**LOK SABHA SECRETARIAT
NEW DELHI**

THIRTY-FIRST REPORT ESTIMATES COMMITTEE (1992-93)

(TENTH LOK SABHA)

MINISTRY OF HOME AFFAIRS—

SYSTEM OF ADMINISTRATION IN UNION TERRITORIES



Presented to Lok Sabha on 30.4.1993

**LOK SABHA SECRETARIAT
NEW DELHI**

April, 31st 1993/Vaisakha, 1915(S)

Price: Rs. 12.00

Janma Govts Publications

Acc. No. RC.....

Date.....

42
3517222 5R
N 2.31

© 1993 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of Business in the Lok Sabha (Seventh Edition) and printed by the Manager, P.L. Unit, Government of India Press, Minto Road, New Delhi-110002.

59	5.13	1	are approved	aprooved
59	5.13	3	Ministries, and	Ministries, are
59	5.13	3	are finally	finally
			Sanctioned, the	Sanctioned, and the
			financial	financial sanction
59	5.13	5	sanction	
62	5.25	12	become	becomes
62	5.26	1	felt	felt
62	5.29	7	outline	outlines
62	5.29	7	suggestions	suggestions
62	5.29	7	continuous	continuous
62	5.31	1	scheme	scheme
62	5.34	1	crores	crores
62	5.39	21	Source	Source
62	5.46	10	additional	additional
62	5.47	1	District	District
62	5.48	34	exercised	is exercised
62	5.54	2	Parliament- The	Parliament, the
			Additional	Additional Secretary
62	5.55	1	Secretary	
62	5.58	1	Decusse	because
62	5.60	1	aegis	aegis
62	5.74	1	impact	impact
62	6.6	1	dovetailed	dovetailed
62	6.25	1	as	are
62	6.26	1	happened	happened
62	6.33	1	Particularly	Particularly
			Candidates. The	Candidates, the
62	6.46	2	Committee	Committee
62	6.80	2	Lakshadweep	Lakshadweep
62	6.81	2	king	kind
62	6.82	2	rigorously	rigorously
62	6.82	10	scraping	scraping
62	6.83	10	abolished	abolished
62	6.84	1	Andaman	Andaman
62	6.88	1	Cadres	Cadres
62	6.89	1	malady	malady
62	6.90	1	different	different
62	6.91	1	Police	Police
62	6.91	1	divided	divided
62	6.94	3	combination	combination
62	6.94	10	Recruitment	Recruitment
62	6.94	10	recruitment	recruitment
62	6.95	1	bad idea	bad idea
62	6.100	1	accentuated	accentuated
62	6.102	1	recruitment	recruitment
62	6.102	1-7	unemployed	unemployed
62	6.102	1	languish	languish
62	6.105	1	far off	far off
62	8.3	1	need	need
62	8.6	1	if to	to
62	8.16	1	it	I
62	8.27	1	complaisance	Complacency
62	8.30	1	attend	attending

CONTENTS

	PAGES
COMPOSITION OF THE COMMITTEE.....	(i)
INTRODUCTION.....	(v)
CHAPTER I — INTRODUCTORY.	
Brief Historical Background	1
CHAPTER II — CONSTITUTIONAL AND LEGISLATIVE SET-UP	
A. Powers of Legislatures in Union Territories...	5
B. Role of Home Ministry.....	5
C. Rationale for Union Territories.....	8
D. Implications of 72nd and 73rd Constitutional Amendment act	9
E. Rationale for having Union Territories and the questions of granting Statehood/ Merger	12
F. Legislative Set-up	16
G. Effectiveness of Representative Bodies	18
CHAPTER III — LOCAL SELFGOVERNMENT IN UNION TERRITORIES	
A. Local self Government in Union Territories	24
B. Panchayati Raj System in Union Territories...	25
C. Participation of the Member of the Legisla- tive Assembly	27
D. Applicability of Constitution 72nd and 73rd Amendments to Union Territories	28
E. Effectiveness of Panchayati Raj Bodies	29
CHAPTER IV — ADMINISTRATIVE SET-UP IN UNION TERRITORIES	
A. Structure.....	33
B. General Administrative Set-up	36
C. Inter-action with Union Ministry	40
D. Responsive Administration.....	44
E. System of Accountability of Subdivisional and District Level Officers of various Deptts. to SDM and Collector	45
F. Delegation of Powers from Union Territories Lt. Governor/Councillor/Administrators to local Govts.....	46
G. Mechanism to review adequacy/suitability of Administrative Set-up.....	48
CHAPTER V— FINANCIAL ADMINISTRATION AND PLANNING PROCESS	
A. Budget Formulation	58
B. Grass Root Planning	63

C. Fiscal Position in UTs	67
D. Need for distinct fund for Union Territories	72
E. Island Development Authority	74
CHAPTER VI — PERSONNEL ADMINISTRATION	
A. Status of UT Employees	80
B. Recruitment in Union Territories	81
C. Independent Selection Board	88
D. Assessment of Staff Requirement	89
E. Recruitment of Teachers in Andaman and Nicobar Islands	91
F. Vacancies position in Union Territories Cadre of All India Services	91
G. Level of Recruitment	92
H. Reservation of Posts for Scheduled Caste/ Scheduled Tribe Candidates in Union Territories	93
I. Transfer policy in UTs	96
J. Transfer of All India Officers	97
K. Bifurcation of Delhi, Andaman & Nicobar Island Service and creation of a unified Civil Service for Union Territories other than Delhi	99
L. A Unified Service for Delhi and Chandigarh.	101
CHAPTER VII — JUDICIAL SYSTEM IN UNION TERRITORIES	
A. Judicial System in various Union Territories	107
B. Establishment of Judicial Benches	109
CHAPTER VIII— SYSTEM OF REDRESSAL OF PUBLIC GRIEVANCES	
A. Existing System of Redressal of Public Grievances in various Union Territories	111
B. Volume and type of complaints received by the Union Territories Administration	117
C. Complaints received by the Home Ministry from locally elected bodies of Union Territories	120

APPENDIX I**APPENDIX II**

COMPOSITION OF THE ESTIMATES COMMITTEE

CHAIRMAN

Shri Manoranjan Bhakta

MEMBERS

2. Shri Abraham Charles
3. Shri Rajendra Agnihotri
4. Shri Mumtaz Ansari
5. Shri Ayub Khan
6. Shri Sartaj Singh Chhatwal
7. Shri Somjibhai Damor
8. Shri Pandurang Pundlik Fundkar
9. Shri Santosh Kumar Gangwar
10. Shrimati Girija Devi
11. Shri Nurul Islam
12. Shri R. Jeevarathinam
13. Dr. Viswanatham Kanithi
14. Shri C. K. Kuppuswamy
15. Shri Dharampal Singh Malik
16. Shri Manjay Lal
17. Shri Hannan Mollah
18. Shri G. Devaraya Naik
19. Shri Rupchand Pal
20. Shri Sriballav Panigrahi
21. Shri Harin Pathak
22. Shri Harish Narayan Prabhu Zantye
23. Shri Amar Roypradhan
24. Shri Ebrahim Sulaiman Sait
25. Shri Moreshwar Save
26. Shri Manabendra Shah
27. Shri Mahadeepak Singh Shakya
28. Shri Rajnath Sonker Shastri
29. Shri Manku Ram Sodhi
30. Shri Braja Kishore Tripathy

SECRETARIAT

1. Shri G. L. Batra — *Additional Secretary*
2. Shri K. K. Sharma — *Joint Secretary*
3. Shri B. B. Pandit — *Director*
4. Shri K. L. Anand — *Under Secretary*

INTRODUCTION

1. the Chairman of Estimates Committee having been authorised to submit the Report, on their behalf, present this 31st Report, on the Ministry of Home Affairs—System of Administration in Union Territories.

2. The Administration of Union Territories unless otherwise determined by Parliament rests with the President as there is no provision for a directly elected popular Government. The Committee undertook the examination of this subject with an intention to revamp and restructure the administration in Union Territories which had suffered many a lapses due to inadequate provisions in the Constitution viz. absence of legislatures in the UTs and participation in the Presidential elections etc.

3. The Committee considered the replies given by the Ministry of Home Affairs to a detailed questionnaire issued on the subject whereafter the Committee took evidence of the representatives of the Ministry alongwith the representatives of all the Union Territories, on 5.1.1993 and 6.1.1993. Besides this, a detailed evidence was again taken of the Ministry of Home Affairs, Ministry of Personnel, Public Grievances and Pensions and the UPSC on 2.3.1993. For a more elaborate understanding of the various complicated issues regarding the Union Territory administration, the Committee took further evidence of two non-official representatives—Shri M. L. Kampani former Lt. Governor of Andaman & Nicobar Islands and Shri Pawan Kumar Bansal, MP on 16.3.1993. The Committee wish to express their thanks to the officers of the Ministry of Home Affairs for placing before them a detailed note on the subject. The Committee also undertook a study tour of the two Island Territories and Dadra & Nagar Haveli. They also thank the Ministry of Home Affairs, Ministry of Personnel, Pension and Public Grievances, UPSC and the representatives of all the Union Territories, for furnishing whatever information they desire in connection with the examination of the subject. The Committee also appreciate the frankness in which the officials/representatives shared their views, perceptions and constraints with the Committee.

4. The Committee wish to place on record their gratitude to Shri M. L. Kampani and Shri Pawan Kumar Bansal as the Committee were significantly benefitted from their views.

5. The Report was considered and adopted by the Committee on 28.4.1993.

6. In their Report, the Committee have been guided by the urgent need to ensure a fully representative and responsive administration to the public in Union Territories through a restructured constitutional and administrative set up in these Territories.

7. The Report is divided into Eight Chapters. One each is devoted to aspects as indicated below:

- (i) Chapter I — Introductory
- (ii) Chapter II — Constitutional and Legislative set up
- (iii) Chapter III — Local Self Governments in Union Territories
- (iv) Chapter IV — Administrative set up in Union Territories
- (v) Chapter V — Financial Administration and Planning Process
- (vi) Chapter VI — Personnel Administration
- (vii) Chapter VII — Judicial System in various Union Territories
- (viii) Chapter VIII — System of Redressal of Public Grievances

8. Chapter-I of the Report discusses a brief historical background of each of the Union Territories.

9. Chapter-II highlights that the existing administrative Mechanism in Union Territories are far too inadequate and do not fulfil the minimum aspirations of the people. Therefore, the Committee have desired that the Government should initiate necessary steps for empowerment of citizens living in Union Territories. The Committee have also recommended to the Government to reconsider usefulness of maintaining a Union Territory status of some of the geographically isolated Territories which can be more conveniently merged with the adjoining States and to initiate a dialogue with the concerned public representatives to negotiate an acceptable package. The Committee have also urged the Government to provide full opportunity to the people of Union Territories to participate in the Presidential Election in an appropriate manner.

10. In Chapter III of the Report, the Committee urged the Government to suitably amend existing regulations concerning local bodies in different Union Territories in conformity with the 72nd and 73rd Constitutional Amendment Act.

11. Chapter IV of the Report focus on general administrative set up in each of the Union Territories. The Committee have desired that the necessary constitutional amendment should be incorporated to specify the Constitutional position of Lt. Governors as at present the Constitution is silent on this aspect. They have further desired that a definite term of office for Administrator would be in the best interest of administrative efficiency in the Union Territories. To make Legislature/Pradesh Councils effective, the Committee have desired that the power may be delegated to these bodies in a far liberal manner.

12. The Committee find that though Ministry of Home Affairs (UT Division) is supposed to chase up files in other Ministries on behalf of the Union Territories this arrangement does not seem to operate effectively.

They, therefore, recommend that Home Ministry be given all powers of Government of India to clear proposals of Union Territories subject to consultaion with the administrative Ministry concerned whenever it is felt necessary.

13. The Committee have also underlined the need for expeditiously undertaking a study to restructure the entire administrative set up in Union Territory to give a clean, efficient and responsive administration and to provide to the public a single window for seeking redressal of their problems.

14. Chapter V of the Report discusses budget formulation and the planning procedure in Union Territories. The Committee have welcomed the revised procedure under which the Planning Commission give advance indication of the resources likely to be made for the Annual Plan and have suggested that: (i) more powers may be delegated to Union Territories to bring down the number of proposals required to be referred to Government of India and that (ii) keeping in view the advance intimation of annual plan allocation it should be possible for the Planning Commission to give indication about the allocation of resources well before the fag end of the financial year.

15. The Committee have also emphasised the need for delegating powers to the Administrator of Union Territories to reappropriate funds from one plan scheme to another. They also recommend creation of Planning Boards in Union Terriortories.

16. Further the Committee have accepted the suggestion that while determining the Annual Plan Allocations to Union Territories the Planning Commission must give them credit for mobilisation of additional revenues by way of savings in non-plan expenditure and better tax collection at existing rates into effect better tax recovery and more economy in non-productive expenditure.

17. For better fiscal management, the Committee is of the view that there should be separate Consolidated Fund in each Union Territories. At the same time delegation of sufficient powers to Pradesh Councils/ Advisory Councils for exerting financial budgetary and expenditure control over the Administration has been recommended.

18. Chapter VI focusses the Personnel Administration in Union Territories. The significant recommendations of the Committee in this regard include delegation of powers to finalise the recruitment rules for Group 'A' and 'B' employees to the Union Territory Administration subject, however, to the conformity with the guidelines and principles laid down of the Department of Personnel and UPSC.

19. Expeditious action to constitute Selection Committees for recruitment of Group 'A' and 'B' on the pattern of similar Committees set up in past in the case of North Eastern States after obtaining an appropriate posts in Island Territories from UPSC.

20. To maintain virtual casteless social fabric of Andaman & Nicobar Islands question of reserving vacancies in these posts for Scheduled Caste category when locally no recognised Scheduled Castes exist requires a careful examination. The Committee have recommended that posts lying vacant for years together can be filled up expeditiously by qualified local youths particularly the tribal youths.

21. Chapter VII of the Report focus on judicial set up in various Union Territories and in all the Union Territories falls under the jurisdiction calls for a setting up of a permanent bench of Calcutta High Court at Port Blair.

22. Chapter VIII of the Report discuss the Public Grievances Redressal Machinery available in each of the Union Territory. Greater emphasis has been laid on attitudinal changes amongst officers and staff dealing with the Public. To streamline the higher administrative set up the Committee have called for bifurcation of DANI service, creation of a separate service for UTs and abolition of UT Cadre of All India Services.

23. For facility of reference the recommendations/observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in consolidated form in Appendix I of the Report.

NEW DELHI;
April 29, 1993

Vaisakha 9, 1915 (Saka)

MANORANJAN BHAKTA
*Chairman,
Estimates Committee.*

CHAPTER I

INTRODUCTORY

1.1 Union Territories are those areas of the country which do not form part of any of the States of the Union of India and are administered by the President through an Administrator under Article 239 of the Constitution.

1.2 The Union Territories are/specified in the First Schedule of the Constitution and include the following:

Name	Extent
1. Delhi	The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of Delhi.
2. The Andaman & Nicobar Islands.	The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of the Andaman and Nicobar Islands.
3. Lakshadweep	The territory specified in Section 6 of the States Reorganisation Act, 1956.
4. Dadra and Nagar Haveli	The territory which immediately before the eleventh day of August, 1961 was comprised in Free Dadra and Nagar Haveli.
5. Daman and Diu	The territories specified in Section 4 of the Goa, Daman and Diu Reorganisation Act, 1987.
6. Pondicherry	The territories which immediately before the sixteenth day of August, 1962, were comprised in the French Establishments in India known as Pondicherry, Karikal, Mahe and Yanam.
7. Chandigarh	The territories specified in Section 4 of the Punjab Reorganisation Act, 1966.

Brief Historical Background

1.3 A brief historical background and geographical para of each UT is as follows:—

1. *Andaman & Nicobar Islands*

The Andaman & Nicobar Islands being backward and tribal in character

was declared as a scheduled district in 1874 under the Scheduled Districts' Act. The main objectives of this arrangement were to provide simple and good administration in these areas as these were inhabited by simple tribal people. The territory, Andaman & Nicobar Islands being too small to have a legislature continue to remain under Central Legislature under the Government of India Act, 1919 with powers vested in the then Governor General to make regulations under the Government of India Act and to extend laws of other parts of India to it as scheduled district. The position continue to remain the same under the Government of India Act, 1935 except that Governor General was empowered to make regulations for peace and progress and for good governance of Andaman and Nicobar Islands and such regulations could repeal or amend any act of federal legislature or any existing India law which was applicable to the provinces. The regulations had the same force and effect as an Act of federal legislature. Up to the time of Andaman and Nicobar Islands coming under the occupation of Japanese forces during the Second World War Archipelago was used by the British Government in India as a penal supplement. However, after Independence the Union Constitution Committee in its Report Submitted on October 21 of 1947 favoured direct administration of Andaman and Nicobar Islands by the Centre.

2. *Chandigarh*

The area of Chandigarh is 114 sq. kms. comprising the city of Chandigarh, Manji Majra, notified area committee, and 22 villages. The population of the Union Territory is 7 lakhs (1991 Census).

Chandigarh has 3 sub-divisions and one development block.

3. *Dadra & Nagar Haveli*

The area of Dadra & Nagar Haveli is 491 sq. kms. covering 69 villages with a population of 1.41 lakhs (1991 census). It came into being as a distinct entity on 17.12.1779 as a result of treaty between the Portuguese and Marathas. It was a Portuguese colony till 2.8.1954 when it was liberated by local volunteers. It was ruled by the local people of Dadra and Nagar Haveli till 11.8.1961 the date when the territory voluntarily merged with the Indian Union. It has been an Union Territory since then.

4 *Daman & Diu*

Union Territory of Daman & Diu was delinked from Goa and formed as a separate Union Territory on 30th May, 1987 as per provisions of Goa, Daman and Diu Regulation Act. Daman & Diu consists of 2 parts situated about 800 kms from each other. The area of Daman is 72 sq. kms. with a population of 61 thousand and that of Diu is 40 sq. kms. with a population of 39 thousand. The total area of Daman & Diu is 112 Sq. kms. and the population is 1.01 lakhs.

5. *National Capital Territory of Delhi*

The Union Territory of Delhi comprises of an area of 1483 sq. kms. of

which 891.1 sq. kms. is rural and 591.9 sq. kms. urban. The urban area accommodates 92.7% of the population. However, Parliament has passed a Bill in its winter session (Nov. 1991), which provides for a Legislative Assembly and a Council of Ministers for National Capital Territory. It came into force in February, 1992.

6. *Lakshadweep*

The Lakshadweep archipelago which was a part of erstwhile Madras State till it became Union Territory in 1956, comprises 36 Islands which lie about 220 to 440 kms. off the coast of Kerala. Only 10 Islands are Lakshadweep. The total land area is 32 kms. As per 1991 census the population of the Island is 51,681.

The Headquarters of Lakshadweep is at Kavaratti Island.

The UT is treated as one District.

7. *Pondicherry*

The Union Territory of Pondicherry consists of 4 segments, namely, Pondicherry, Karaikal, Mahe and Yenam. All these areas are Geographically isolated from one another. Pondicherry is on the East coast about 160 kms south of Madras, Karaikal, about 140 kms. south of Pondicherry. Yenam is about 850 kms from Pondicherry near Kakinada in Andhra Pradesh. Mahe is on the West coast about 650 kms. from Pondicherry, about 150 kms. south of Mangalore off Kerala. Pondicherry covers a total area of 492 sq. kms. The total population of Pondicherry is 8,07,045 as per 1991 census. The Pondicherry and Karaikal segments the language spoken is Tamil. In Mahe and Yenam the languages spoken are Malyalam and Telugu respectively.

Prior to 1.11.54, these areas were part of the French Establishment. In 1954 under the 'Treaty of Cession of the French Establishments of Pondicherry, Karaikal, Mahe and Yenam' entered into between the French Republic and the Government of India, these area were transferred by the French Republic to the Indian Union. In accordance with Article 1 of the Treaty, these establishments were ceded to India with full sovereignty by France. As per Article 2 of the Treaty, these establishments will keep the benefit of the special administrative status which was in force prior to November, 1954. Any constitutional change in this status which may be made subsequently shall be made after ascertaining the wishes of the people.

CHAPTER II

CONSTITUTIONAL AND LEGISLATIVE SET-UP

2.1 Unlike the States of the Union, for territories designated as Union Territories there is no provision for a directly elected popular Governments. The Administration of these Union Territories, unless otherwise determined by the Parliament rests in the President who acts, to the extent he deems fit, through an Administrator appointed by him under Article 239 of the Constitution.

2.2 The only exception to this general situation is the Union Territory of Pondicherry which has both a Legislature and a Council of Ministers.

2.3 The Constitutional set up of the various Union Territories is laid down in the Union Territory Act 1963. Under this Act no uniform pattern of the Government has been provided for all the Union Territories. Different systems of Administration have been provided for various Union Territories, keeping in view the historical background, population customs and the development of the territories.

2.4 The variegated has of the Constitutional and administrative structure in the Union Territories to best indicated nomenclature given to the Head of Administration in different Union Territories. In this context the Ministry in a written note stated:

“In case of Union Territories of Andaman and Nicobar Islands, Delhi and Pondicherry, the Administrator has been designated as the Lt. Governor. In case of Lakshadweep, a civil service officer of the AGMU (Arunachal, Goa, Mizoram and Union Territories) cadre of the IAS is normally appointed as the Administrator. In the case of the Union Territories of Dadra & Nagar Haveli and Daman and Diu, though a post of Administrator common for both the Territories exists, no one has so far been appointed as Lt. Governor/Administrator of these Union Territories. The Governor of Goa is looking after this charge in addition. Similarly, in case of Chandigarh, the Governor of Punjab has been appointed as the Administrator of the Union Territory, in addition to his normal charge keeping the post of Chief Commissioner in abeyance for the present. The Governor of Punjab is assisted by an Adviser, an officer of the AGMU Cadre of the IAS, in the affairs of the Union Territory of Chandigarh.”

2.5 The Ministry further stated in this context:

“The Union territory of Pondicherry is governed as per provisions of the Government of Union Territories Act 1963. This Act provides for a Legislative Assembly consisting of 33 (including 3 nominated members and a Council of Ministers. As per Section 18 of this Act, can pass/enact any legislation on items enumerated under the State List/Concurrent List, subject to certain restrictions. The Union Territory of Delhi is governed as per provisions of Delhi Administration has been provided with a Metropolitan Council, consisting of 61 (including 5 nominated) members and an Executive Council. The Metropolitan Council has no legislative powers.

However, Parliament has passed a bill in its winter Session which provides for a Legislative Assembly and a Council of Ministers for National Capital Territory. For other Union Territories, namely A&N Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli, various administrative Regulations have been promulgated from time to time, under Article 240 of the Constitution. As per these Regulations a Pradesh Council system has been provided to each of these Union Territories. For the Union Territory of Chandigarh, no separate Regulation exist.”

A. Powers of Legislatures in Union Territories

2.6 Dwelling upon the power conferred on the legislatures of Union Territories, the Committee asked whether the power of Legislatures of Union Territories are circumscribed by the powers of the Parliament and whether Assemblies can exclusively frame laws on State list as in the States. The Ministry in a written reply stated that the Government of Union Territories Act, 1963 describes the extent of Legislative powers, by which the Union Territories can make laws.

2.7 Section 18 of the said Act confers on the Legislative Assembly powers to make laws for the whole or any part of the territory with respect to any of the matters enumerated in the State List or the Concurrent List. In the 7th Schedule to the Constitution in so far as any such matter is applicable in relation to Union Territories. The legislative powers however do not derogate from the powers conferred on Parliament to make laws with respect of any matter for a Union Territory [Art. 246 (4)].

B. Role of Home Ministry

2.8 Explaining the role of Government of India and in particular, Ministry of Home Affairs in regard to ‘Union Territories having a

legislature', the Ministry in a written reply furnished to the Committee stated:

"The Ministry of Home Affairs deals with the following subjects in respect of Union Territory having a Legislature:—

- (i) public order (but not including the use of naval, military or air force of the Union in aid of civil power) except Union territory of Delhi.
- (ii) Police including railway and village police.
- (iii) Prisons, reformatories, borstal institutions and other institutions of a like nature and persons detained therein; arrangements with other States for the use of persons and other institutions;
- (iv) Constitution and powers of Delhi Municipal corporation and the New Delhi Municipal Committee.
- (v) Delhi Fire Service.
- (vi) Betting and Cambling.
- (vii) General questions relating to public service.
- (viii) Offences against laws with respect to any of the matters in List II of the Seventh Schedule to the Constitution.
- (ix) Jurisdiction and powers of courts with respect to any of the matters in List II of the Seventh Schedule to the Constitution.
- (x) Fees in respect of any of the matters in List II of the Seventh Schedule to the Constitution by not including fees taken in any court.
- (xi) Extension of State Acts to the Union Territories.
- (xii) Inquiries and statistics for the purpose of any of the matters in List II of the Seventh Schedule to the Constitution.
- (xiii) Creation of non-plan posts.
- (xiv) General questions relating to administration on subjects other than these dealt with in other departments.

Case For Haring Populor Administrator in UTs

2.9 The Committee enquired from the Secretary, Ministry of Home Affairs during evidence whether there is any difference between States and the Union Territories in regard to Citizenship. In his reply he said:—

"There is no difference so far citizenship is concerned. Every citizen enjoys the same rights and privileges whether he is in a State or in a Union Territory."

2.10 He, however, elaborated upon this point as under:—

“The basic difference in articles 239, 239A, 239AA and 240, which are the basic articles dealing with the Union Territories, is that the Union Territories are expected to be administered by the Government of India, through the President directly, as opposed to the States which are administered basically by the Governor and by the Council of Ministers. While in the case of States, the Governor acts largely on the aid and advice of the Council of Ministers, in respect of Union Territories the Lt. Governor or the Administrator, as the case may be, is answerable to the President and, therefore, the President acts through him. If there is any difference of opinion between him and the Council of Ministers, he makes a reference to the Government of India for resolving the issue. In that sense there is distinction in terms of the governance.”

2.11 Explaining different types of set-up in the Union Territories a non-official witness Shri M.L. Kampani, retired Additional Secretary in the Ministry of Home Affairs, and former Lt. Governor of Andaman & Nicobar Islands stated during evidence:—

“The Union Territories to day fall into two categories. One is those which have very small population. I would include in this two Union Territories. One is Daman and Diu with a population of about one lakh and the other is Dadra and Nagar Haveli with a population of 1.38 lakhs. The others are Andman with a population of three lakhs, Lakshadweep with a population of about 51,000 and Pondicherry with a population of about eight lakhs. I have kept Lakshadweep separately for the second group because it is an island territory. Of course, it has a small area but it stands distinctly apart from the other group.”

2.12 Asked whether it was an acceptable proposition to leave certain pockets in the country without directly elected popular Government merely because the size of population involved is small, the witness said:—

“My feeling is that once we have accepted a system wherein the control of Govt. is provided by public opinion elected through elected representatives, the size of the population or the size of the area should not stand in the way of their getting the same system which everybody else is getting. I see no justification for that whatsoever. Here the people are deprived of participating, for e.g. in the election to the President. Since, they have no Assemblies, they cannot participate in the election to the President. There has been a system where there has been one Administrator. In some cases, he does not have. So, public are deprived of the opportunity to work for themselves, to develop themselves or to run their administration in the way they like.”

2.13 While explaining during the evidence the Secretary of the Ministry of Home Affairs stated:

“Whether or not some kind of an arrangement with Chief Minister and Council of Ministers in a Union Territory with a small area which is equivalent to a tehsil or a couple of tehsils put together can be made.”

2.14 The Secretary of the Ministry of Home Affairs states:

“I do not foresee any possibility of that kind of an arrangement being put into position because today the constitution does not foresee any other arrangement except to administer Union Territories through an Administrater or through a Council of Ministers.”

2.15 He further states:

“If you see Article 239A(a), it talks about providing Council of Ministers or Legislative Assembly for Delhi and similarly, there is an enabling provision for providing a Council of Ministers and Legislative Assembly in Union Territories. What you are talking about is an intermediate arrangement between a Council of Ministers of Legislature and a lower body in which there would be a Council of Ministers. But that Council of Ministers has to be answerable to somebody and that somebody has to be created. Effectively, we are talking about creating a kind of a organ at the tehsil level which will have the effect of the Council of Ministers. This is something which has never been attempted even in States which have a regular kind of administrative set up for the last 40 or 45 years. If one tries to attempt that, there is no way in which you can have a better kind of set up to govern these small pockets to provide for a top heavy kind of administration. That is why, I urge that this is a larger question which the Committee should deliberate upon.”

2.16 During evidence of non-official representatives Shri Pawan Kumar Bansal, Member of Parliament from Chandigarh suggested to the Committee:

“The Govt. should introduce some sort of electoral system in the Union Territories including that of Chandigarh. Because of certain historical factors we are having Autonomous Districts and Autonomous Regional Councils in certain parts of the Countries. I think the people of Union Territory should also not be deprived of some sort of a legislative body. I will not really call it a legislature as postulated by Article 239(A) of the Constitution. Article 239(A) deals with the creation of local legislatures or Council of Ministers or both for certain Union Territories. I am suggesting a little less than that.”

C. Rationale for Union Territories

2.17 The Committee during their deliberation upon the system of administration in Union Territories examined in depth the rationale for different Union Territories as also the desirability of continuing with the existing legislative and administrative arrangements in these territories. The question whether or not there ought to be uniformity in the treatment to be given to different Union Territories in regard to their right to have popularly elected and responsible Government at par with their fellow citizens in the States form the core thought of the Committee deliberations.

D. Implications of 72nd and 73rd Constitutional Amendment Act

2.18 The Ministry of Home Affairs in a written note stated in the context of Union Territory the President acts on the advice of his Ministers who are responsible to Parliament. The Administrator is the agent of the President. There is, thus, no doubt that in theory, at least this agency system is fully justifiable on Constitutional-cum-democratic grounds. At the same time it needs to be mentioned that apropos 72nd and 73rd Constitutional Amendment Bills, already passed by the two Houses of Parliament, the proposition of setting up representative bodies in the UTs will be considered.

2.19 In this context the Secretary, Ministry of Home Affairs during evidence stated:

“In the context of the new Constitutional Amendment, we are taking a look at the whole issue. There are bodies which are contemplated in these kinds of elected arrangements. They are elected bodies. Then, there will be a question whether there is a need at all to have an Advisory body or Pradesh Councils which were there earlier and whether there is a need to give them some what larger functions which are subsumed, which are currently available to the Pradesh Councils etc. This is an issue which we are examining now because within one year, we have to give effect to this proposal.”

2.20 Asked whether he was not mixing up the issue of giving a full representative Administration to Union Territory with that of empowering local bodies and whether the local bodies could take policy decision expected of a representative Administration the Home Secretary during the evidence stated:

“Take the example of smaller areas-Dadra-Nagar Haveli and small pockets of Pondicherry etc. First, you must consider whether you will be able to have this kind of arrangement under which you can give them total dispensation in terms of developmental functions. But the point which was raised by the Hon. Member will be gone into at a later stage and to see what kind of other intermediate arrangement, if it is feasible under the provision of the Constitution can be made or whether a Constitution Amendment is required. So, we will have to go into those issues later.”

2.21 Touching on the same aspect a non-official witness Shri P.K. Bansal, Member Parliament, during evidence stated that “the aforesaid Amendments to the Constitution were a welcome step and that with the enactment of these amendments the people of Union Territories in particular would feel elated.”

2.22 He further stated “the two Amendments to the Constitution should be the “beginning for Union Territories.”

2.23 In a subsequent written note the Ministry stated the Constitution (72nd & 73rd Amendment) Bill provides for Constitution of Municipal Bodies and defines the powers and functions of such bodies. The implementation of the provisions of the Constitution 72nd and 73rd Amendment Bills in the Union Territories is likely to put on a firmer footing the relationship between the Administrator and the local self Government bodies with respect to the functions and taxation powers, arrangement for revenue sharing, ensure regular conduct of elections and elections in the case of supercession and provide adequate representation to weaker sections including women. This exercise may require undertaking of fresh legislation and may call for amendment of various laws/regulations or other statutory provisions as applicable in the Union Territories. The question of amendment of statutory provisions etc. will be considered in consultation with the Union Territory administrations, after these two Amendment Bills come into force.

2.24 When asked as to how the Government proposes to meet the political aspiration of those areas in order to involve people in development activities, the Secretary of the Ministry of Home Affairs stated:

“About five years ago an Island Development Authority was created specifically to take a look at changing nature of the economic requirements of the Island territories and a forum was provided at which all issues pertaining to the development of these islands can be looked into. This is one of the set-ups in which regular meetings have been held. Standing Committees have been meeting regularly and a number of basic issues pertaining to the island have come up for discussions. At the same time, it was felt that the set up of Pradesh Councils and the Councillors to be appointed thereunder would serve the purpose. But this experiment does not work uniformly. While in some areas there were a large number of regular meetings councillors have been elected or nominated and they have been functioning in some other areas where the Pradesh Councils have run into some difficulties. Therefore, it was thought that it is better to take recourse to elected kind of arrangement in which people’s representative can be brought in and then they can look after the affairs of the concerned Union Territories. In that

sense it is going to be a major departure with the kind of arrangements which are now contemplated.”

2.25 When asked as to why the Advisory Council in each of the Union Territories has not been made into an elected body and why their edvice is not mandatory on the Administrator and the Lt. Gevernor etc. so long as their advice is not illegal or unconstitutional or injurious/hazardous to the human life and property. To this, the Secretary reacted as under:

“In the context of the new Constitutional Amendment, we are taking a look at the whole issue. There are bodies which are contemplated, in these kinds of elected arrangements. They are elected bodies. Then, there will be a question whether they need at all to have an Advisory body or Pradesh Councils which were there earlier and whether there is a need to give them somewhat larger functions which are subsumed, which are currently available to the Pradesh Councils etc. This is an issue which we are examining now because within one year, we have to give effect to this proposal.”

2.26 When asked, whether the aforesaid proposal has been finalised, the Ministry in a written reply stated:

“The Constitution (73rd Amendment) Bill and the constitution (73rd Amendment) Bill provides for Constitution of Panchayats and Municipi-

pal bodies and defines the powers and functions of such bodies. The matter has been taken up with the concerned Ministries who are administratively concerned with the subject matter. The question of undertaking suitable legislation; and also for amendments in the laws/statutory provisions as applicable in the various Union Territories is also being considered. After a final decision is taken in respect of the implementation of the provisions of the Constitution Amendment Bills the question of having an Advisory Body or Pradesh Council will be considered and decided taking into consideration the powers and functions of such bodies established on implementation of the provisions of Constitution amendments.

2.27 & 2.28 -On being observed by the Committee that the Administrators, are by and large, sole and full authorities to take decision in respect of the Union Territories even without consulting anybody the Addl. Secretary, to the Home Ministry stated:

“The Expression ‘by and large’ used by you is the correct choice. Within the authority which is delegated to them and that as well applies to financial and administrative authorities-they are independent. In respect of projects etc. for which they have to make a

reference to the concerned ministries. Subject to all these provisions, the Administrator is free to take his decision."

2.29 When doubt was raised that in such a case the involvement of the public in the administration will not be there, the representative of the Ministry stated:

"There is public involvement in the case of Pondicherry Legislature. A large degree of powers are vested with the Council of Ministers who are answerable to the Legislature. It is only in the area of disagreement between the Lt. Governor, who is the agent of the President and the Council of Ministers that the Lt. Governor is required to make a reference to the President as per the law. The President may in turn decide the matter as per the aid and advice given by the Union Council of Ministers. In that way, even the will of the people, through their representative in Parliament, is considered. The people wishes are predominant. In the case of Union Territories there is a procedure of consulting Pradesh Councils as in Andaman & Nicobar Islands, Dadra and Nagar Haveli and Lakshadweep Islands etc. In these cases also they are elected bodies which discuss the matters and other issues relevant to the local administration. In the case of Delhi there used to be a Metropolitan Council which is not there now. An Act has been passed by Parliament recently with regard to legislature to Delhi. Except the three subjects of Public Order Police and Lands, all other subjects will be with the Legislature. So there is a system of public representation."

2.30 It was observed that so far as the Pradesh Councils are concerned, in some of the Union Territories there is no system of reference to public opinion and in such case the question of disagreement does not arise. In such cases, the Administrators don't take the public opinion or opinion of the public representative. When asked to comment upon it, the representative of the Ministry stated:

"I would not exactly agree with you. The reason is that the Administrator is aided and advised by the Council and discussions do take place. Ultimately in respect of Union Territories Parliament is supreme and Parliament makes laws for them. There are forums available for ventilating grievances. The Members of Parliament can raise issues of the Union Territories. They can take up the issues with the Government of India which can ask the Administrators to consider the issues. It is not as if the Administrator is free to take all decisions as he likes. He is subject to the will of the people."

2.31 When asked as how many recommendations of the Andaman & Nicobar Pradesh Council have been accepted and how many have been rejected by the Central Government and Administrator during the last three years, the Ministry in a written reply stated:

“Andaman and Nicobar Administration have informed that Pradesh Council have made 10 recommendations during the last 3 years. Out of the 10, one recommendation has already been accepted. On one recommendation the UT Administration is taking up the issue with the Government of India and the remaining 8 recommendations are under consideration in various Departments of Government of India.”

E. Rationale For having Union Territories and the Questions of Granting Statehood/Merger

2.32 Explaining the rationale for creation of Union Territories, the non-official witness further stated:

“The main consideration in earlier days was the size of the population. As early as 1963, Nagaland had a population of about three lakhs but we gave Statehood to Nagaland. In 1972, Arunachal Pradesh was made a Union Territory and within Five-six years Mizoram and Arunachal Pradesh were given statehood. Mizoram also had a population of about three lakhs at that time. So, I think we need not be worried about the size.

The other consideration was that there was some hope or thinking that they should be merged with the contiguous areas. For example, there was a thinking that Goa should be merged with small areas of Dadra and Nagar Haveli. But this did not happen for various reasons. At least for the small areas like Diu and Daman and Dadra and Nagar Haveli, effort could still be made to take some hard decisions.”

2.33 Taking note of the fact that many territories which earlier figured in the list of Union Territories were subsequently granted full statehood, the last such instance being that of Goa, the Committee enquired from Secretary, Home Affairs as to what was the basic approach followed by Government in granting statehood to Union Territories and if the population was the only criteria for making such decisions why this criteria had not been followed in other cases. In his reply the Home Secretary stated:—

“Earlier most of the territories were administered by Government of India. Over a period of time a number of them were either got merged with the adjacent States or converted into fullfledged States. One of the reasons why a common system of administration is not possible is because of adverse nature of the areas. For example, Chandigarh and Delhi are cities and urban areas. You have areas like Dadra, Nagar Haveli and islands like Andaman and Nicobar, where naturally the administration or governance will have to differ necessarily from the system prevailing in the cities. Over a period of time

Government may consider merging them in nearby States. But I connot say about it now."

2.34 In this context, the Additional Secretary, Ministry of Home Affairs at a later stage of the evidence stated:

"I would like to cite the example of Daman & Diu. At one stage, the question of merging Diu with Gujarat was considered. The problem was, prohibition came in the way. In one territory they were used to having liquor and in another they were not."

2.35 Giving some examples that some Union Territories had merged in nearby States, the Home Secretary stated:

"There are some instances. Coorg was merged in the then Mysore State, now known as Karnataka. Cooch Bihar was merged in West Bengal. Bhopal merged in Madhya Pradesh in 1956."

2.36 He further added:

"The merger proposal of the Union Territories with nearby States is a matter which will be examined and we will have to go to the Cabinet and then bring up a proposal to the Parliament. We will certainly process some of these ideas."

2.37 It was however pointed out that most of the mergers referred to by the Home Secretary had taken place during reorganisation of States, while expressing agreement with this observation, the witness further stated:

"For the Union Territories one will have to take a look as to what are the systems suitable. Some of the general issues have been under discussion in the Home Ministry including the case of Andaman and Nicobar Islands as to what kind of administrative structure should be evolved for those areas."

2.38 When the Committee pointed out that even as priorities could differ from area to area, there could be no two opinions about having a system of administration, which empowers people to decide for themselves within the overall framework of Constitution, the Home Secretary in his reply stated:

"I personally believe that the Estimates Committee should take a look at the larger question of whether the Union Territories should continue. For example, a large number of Union Territories have such a population that it is not necessary to retain its status as a Union Territory. In the case of Delhi, it being a national Capital, at the time when the administrative status for Delhi was considered, a discussion took place as to what kind of status should be given to it. An arrangement had to be devised by which the Lt. Governor of Delhi has a seat of power and it will be more or less kept aside from other kinds of differences which may come about in the governance of the area. Therefore, a particular system was approved by Parliament and

that had become a law. In the case of Chandigarh, for the time being the question of giving any Legislature to Chandigarh does not arise because it is closely related to what happens to Punjab problems. In the case of Andaman and Nicobar, because of the location of these Islands, these are cut off from the other areas. They will continue to have a separate identity of their own and some kind of administration of those areas has to be thought about. Take the case of Pondicherry. It had its own culture and its past association with French history and culture. All the provisions of the agreement between the then French Government and the Government of India, were incorporated in consultation with the people. In Pondicherry three different languages are spoken, it has four Islands they have a large geographical distance of one from the other. Take the case of Daman and Diu. The distance between the two parts is about 800 kilometres. In the case of Dadra and Nagar Haveli again, the distance is 491 sq. kilometres. These are located between Gujarat and Maharashtra, and they are very small pockets. For historical and other reasons these particular territories came about."

2.39 Expatiating further on the subject, the witness stated:

"I would urge that all efforts should be made to see what is the pattern operating in the adjoining area. If an area is having a tehsil, in the neighbourhood area can we not adopt the same pattern which is applicable there? In the final analysis, is it necessary to keep them as separate categories because after all, you raised the question as to whether they should be separate entities."

2.40 Asked whether the Government was proposing a referendum in Pondicherry to bring changes there, the Home Secretary stated:

"In this case the reference was to arriving at an agreement in consultation or in a agreement with the representatives of the people. It does not have to be necessarily by way of a referendum. This kind of an issue can be referred to Parliament also which truly represents the will of the People. Therefore, I do not see any need for a referendum."

2.41 Reacting to an observation made during the evidence before the Committee that excepting one or two Union Territories such as Andaman & Nicobar Islands there is perhaps no justification in having these Union Territories in the present form, the Addl. Secretary of the Ministry of Home Affairs stated:

"Our own feeling is aligned to your perception. There is very little justification to maintain such high-powered structure. If you would recall, long time back when Goa was a Union Territory, there used to be a lot of criticism that we had such a big

administration here for very small pocket. It became a State later on. In many cases perhaps, it would have to be reviewed whether they should continue as Union Territories.”

2.42 In this context, he also quoted the following lines from the report of the States Reorganisation Committee given in 1956:

“These ‘Territories’ should be represented in the Union Legislature, but there should be no division of responsibility in respect of them. Democracy in these areas should take the form of the people being associated with the administration in an advisory, rather than a directive capacity. The ‘territories’ may, therefore, have advisory bodies suitable to their requirements. If people of these areas seek a fully democratic form of Government, they should be prepared to merge themselves in larger areas, which can provide a full, normal legislative and administrative control of a State.”

2.43 When it was pointed out that for the last 30 years there is no follow up action to implement this recommendation and that at least now, let us make a beginning to implement it, the Addl. Secretary, Ministry of Home Affairs stated that they would greatly welcome such a recommendation from the Committee.

2.44 Asked whether there were any proposal sent to the Government to modify the present system of administration in Union Territories in any particular way and whether there has been any survey to find out the aspirations and feelings of the people residing in these areas, the Addl. Secretary of the Ministry of Home Affairs stated:

“The administrators of the Pradesh Councils and other representative bodies were duly consulted and the wishes of the people are taken into account. Many of these territories are very small areas and the necessary feedback is available on what exactly is being demanded by the people. But the question of self-governance which is being mentioned, may not be feasible in every case. Some of these Territories would perhaps be in a better position, were they to be aligned with the areas to which they are contiguous. In a way, they are depending on these areas for commerce, trade and other facilities. Merging the territories with them can be considered, depending on how Government takes a decision.”

F. Legislative set up

2.45 There are six Union territories without Legislature, namely: Andman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, Daman and Diu, Delhi and Chandigarh. All the Union Territories except Delhi, Pondicherry and Chandigarh have got a Pradesh Council consisting of, besides official members, representatives of the people nominated through indirect elections. The member of Parliament representing the Territory in the Lok Sabha is also its Member. The members of Pradesh

Council are elected by an indirect process of Electorate College consisting Panchayats of Municipal Boards, Tribal Captains, Island Councils etc. The function of the Pradesh Council are purely advisory in nature. However the Ministry of Home Affairs in a written note to the Committee stated that the decisions of the Council are given due consideration and importance in implementing the various programmes of the different departments.

2.46 The Pradesh Council may discuss and make recommendations to the Administrator on—

- (a) Matters of administration, relating to the Union Territory involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;
- (b) the five year plans and annual plan proposals for the development of the territory;
- (c) the estimates of receipts and expenditure pertaining to the Union Territory to be credited, to and to be met from, the Consolidated Fund of India;
- (d) proposals for undertaking legislation for the Union Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution; and
- (e) any other matters which the Administrator may refer to the Pradesh Council for consideration and advice.

2.47 Members of the Pradesh Council are free to discuss any issue, with the permission of the Chair pertaining to that Union Territory,. Neither the Administrator nor any other Member of the Pradesh Council shall be liable to any proceedings in any court in respect of anything said in the Pradesh Council or any Committee thereof and no person shall be so liable in respect of publication by or under the authority of the Pradesh Council of any report, paper or proceedings.

2.48 In Chandigarh, the Administrator has constituted an Advisory Committee at Local level which acts as a forum for eliciting the view of the opinion leaders on matters of general importance relating to the UT of Chandigarh. In this Advisory Committee, representatives from all sections of the Society are nominated by the Administrator. Pondicherry has a Legislative Assembly with 33 Members (including 3 nominated) and a Council of Ministers. 2.52 Non-official witness, Shri Bansal, MP stated:

“You know that we have local advisory Committee and above the local advisory Committee these used to be a Home Minister’s Advisory Council.”

2.49 Necessary Legislation has also been passed providing for a Legislative Assembly with Council of Ministers for Delhi. As per provisions of Delhi Administration Act, 1966 Delhi Administration has been provided with a Metropolitan Council, consisting of 61 (including 5 nominated) members and an Executive Council. The Metropolitan Council has no legislative powers. The Secretary, Ministry of Home Affairs stated during evidence "some years ago, the manner of governance in Delhi was the Metropolitan Council. Since it was not found to be effective enough, a new pattern was being adopted."

2.50 However, Parliament has passed a bill in its Winter Session (1991) which provides for a Legislative Assembly and a Council of Ministers for National Capital Territory.

G. Effectiveness of Representative Bodies

2.51 The Committee enquired as to how the representatives bodies in the Union Territory is met and whether there is any norm prescribed etc. They also wished to know whether their deliberation are recorded and made open for press and whether the administrators/executive officers etc. reply the matters raised by the representatives of the people and whether the assurance given are recorded.

2.52 The Ministry in a written reply furnished the following information relating to the various UTs:—

Andaman & Nicobar Islands:

Under Regulation 10(1) of the Andaman and Nicobar Islands Administration Regulation, 1979, the Administrator shall from time to time, summon the Pradesh Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and date appointed for its first sitting in the next session.

Pressmen and members of public are allowed to witness the proceedings of the session on permit basis.

The Administrator as an ex-officio member of the Pradesh Council and in his absence, Chairman from the panel having full powers of the Administrator, is required to be present. The questions on matters raised by the representatives of the people are answered by the Councillors and are supplemented by the Administrator, whenever needed. Besides, all Secretaries and Heads of Departments also remain present under administrative orders to furnish the information to Councillors on Supplements. The record for assurances given is also kept for follow up action.

Lakshadweep:

The Pradesh Council is required to meet at least twice a year and has been meeting accordingly. The Administrator is the Chairman of the Pradesh Council and therefore he presides over the sitting of the Pradesh Council. As far as Island Councils are concerned Executive Officers can and do participate in the discussion but they have no power to vote. The record of assurances is kept and is regularly reviewed by the Administrator.

Dadra and Nagar Haveli:

Under the Dadra and Nagar Haveli (Administration) Regulation, 1988 the Pradesh Council can meet for any number of times provided that the period of six months does not intervene between its last sitting in one session and date appointed for its first sitting in the next session. The Pradesh Council since its inception has met seven times. The deliberations of the meeting are open to public and the records of the deliberations are invariably kept.

Under Section 11(a) of the Dadra and Nagar Haveli (Administration) Regulations, 1988, the Administrator is required to preside over the meeting of the Pradesh Council and during his absence from any meeting of the Pradesh Council such persons as the Administrator may designate from a panel prepared by him from amongst the members of the Pradesh Council, shall preside at such meetings. Under Rule 21 of the Dadra and Nagar Haveli Pradesh Council (Procedure and Conduct of Business and Consultation with Councillors) Rules, 1989, the Administrator may at his discretion, require the Secretary to the Department concerned or any other officer of the Department concerned to answer a question.

Daman & Diu:

Under Daman & Diu (Administration) Regulation, 1987, the Pradesh Council can meet for any number of times provided that a period of six months does not intervene between its last sitting in any one session. Under the Goa, Daman and Diu Village Panchayat Meeting Rules, the Panchayat is required to meet at least once in every month, on such date and at such time as may be fixed by the Sarpanch. The Pradesh Council has met seven times. The Pradesh Council was reconstituted by a notification in May 1992. It has 17 members. One vacancy of a lady member exists. Two Councillors are nominated from amongst the members by the Administrator.

The deliberations of the Pradesh Council meetings are open to the public and the records of the deliberations of the meetings of the Pradesh Council are kept and follow up action reported at the next meeting.

Under the Daman & Diu (Administration) Regulation, 1987, the Administrator is required to preside over the meeting of the Pradesh Council. In his absence, such persons as the Administrator may notify from a panel prepared by him from amongst the members of the Pradesh Council may preside over such meetings.

2.53 Asked to comment about the effectiveness of various representative bodies in ensuring popular involvement in their functioning, the Secretary, Ministry of Home Affairs during evidence stated:

“Review have been made from time to time in respect of different

areas. About Delhi, some years ago, the manner of governance was the Metropolitan Council. But that was not found to be effective enough. Therefore, we have adopted new pattern now. In the new pattern itself, it was felt that Delhi Corporation is becoming too unwieldy. Therefore, it was decided that certain functions like electricity, water and sewerage could be delinked from the Corporation and separate state Corporations could be made. Now the manner in which the New Delhi Municipal Area should be governed is also a matter which is under examination. A decision was taken three years ago to give a separate legislature for Pondicherry."

2.54 He, however, added:

"In respect of other areas, I agree that this kind of process of sharing of powers with the representatives of the people was not carried forward. Now we are taking a look at Dadra and Nagar Haveli; we are taking a look at what can be done in respect of Andaman, whether any further delegation of power could be done and so on. But since this new Constitution (Amendment) Bill had been under discussion, we had decided to wait till the outcome of the deliberations of the Select Committee and then to proceed further. Now that has been settled. There is no difference of opinion so far as delegation of powers, functions bringing in representatives and local people are concerned."

Conclusion

2.55 The Committee find that the Union Territories are comprised of areas quite diverse in regard to their history, geographical location, magnitude and composition of their inhabitants, economic development and finally their constitutional and administrative set up. They also find that each one of the Territories stands on a different footing. However, all the territories share one common feature which is the absence of fully representative Government. Notwithstanding the fact that in Pondicherry the Administrative set up is founded on a more popular basis as also the possibility of a similar treatment being given to Delhi at a future date, the Union Territories stand as a class apart from rest of the country in the sense that the citizens of these territories do not enjoy their democratic rights in exactly the same manner as their compatriots in the States of the Union. The Committee find that one of the most persuasive argument in favour of maintaining this state of affairs has been (i) the small size of population in these territories which argueably does not justify a fullfledged Legislature and a Council of Ministers with all its attendant paraphernalia and (ii) the fact that no uniform system can be adopted for all the Union Territories. Forceful as these arguments may be the Committee cannot overlook the basic question posed by discerning observers as also by the general populace of these territories. The question is why the citizens living in these territories ought not to have

some definite constitutional mechanism to provide them an effective say in running the Administration of these territories.

Recommendation

2.56 In the opinion of the Committee there can be no justification for denying representative administration to the people of the Union Territories. The Committee have come to a firm conclusion that the existing mechanisms are far too inadequate and do not fulfil the minimum aspirations of the people in the Union Territories. The Committee, therefore, desire that the Government should initiate necessary steps for empowerment of citizens living in Union Territories. In more specific terms they desire fulsledged assemblies to be given to the Island Territories on the pattern of Pondicherry. The Committee also wish to caution the Government against any procrastination in the matter as that would usher in an avoidable sense of alienation amongst the people which can only endanger national security.

Conclusion

2.57 In deliberating upon the question of providing an adequate constitutional and administrative set up in the Union Territories the Committee have been mindful of the practical difficulties in operationalising such a mechanism in extremely small territories like Dadra and Nagar Haveli, Daman and Diu etc. They are also aware of the complexities arising out of linguistic and cultural factors, geographical situation and finally the historical need of the people of these territories to maintain their identity.

2.58 During the evidence, the Secretary, Ministry of Home Affairs has mooted the idea that the Committee should seriously reconsider the usefulness of maintaining the Union Territory status of some of the geographically isolated Territories which can be more conveniently merged or with an adjoining States or with the State with which it enjoys cultural affinity.

2.59 The Committee, however, are of the opinion that since these Union Territories has come into existence due to some historical reasons, any changes in their present status need to be effected after a broad consensus emerges amongst the people residing in those areas. As such the Committee recommend to the Government of India to initiate a dialogue with the public representatives of the respective Union Territories on the Mainland and negotiate an acceptable package.

Conclusion

2.60 During their submissions before the Committee the representative of the Ministry of Home Affairs have maintained the view that with the extension of the provisions of 72nd and 73rd Constitutional Amendment Act to the Union Territories the people of these territories would be involved to a far greater extent in running the Administration of these territories, particularly in regard to matters of their immediate interest. It has also been stated by them that it would provide Government an opportunity of

taking a fresh view of the whole issue. They have also expressed the opinion that application of these Amendments to Union Territories would obviate the need to have even the existing advisory bodies or Pradesh Councils as also the need to enlarge their functions. The Committee, however, are not impressed by this line of thinking because the 72nd and 73rd Amendment to the Constitution are essentially meant to empower and strengthen local bodies which, however, cannot take upon themselves the policy making role that comes naturally to a Constitution body like a State legislature. In the opinion of the Committee the two types of bodies are mutually exclusive and cannot be a substitute for one another.

Recommendation

2.61 The Committee, while welcoming the intention of the Government to strengthen and empower local bodies in Union Territories, in whatever forms these are established, they advise against mixing it up the demand for fully representative administration. The Committee, therefore, desire that the question of providing a fully representative constitutional set up in the Union Territories particularly in the Island Territories should be pursued independently.

Conclusion

2.62 In regard to Union Territories of Chandigarh even as its future is linked with the settlement of inter-state disputes between Punjab and Haryana, the Committee find it highly regrettable that pending such a settlement the citizens of this cosmopolitan and highly literate territory should have been denied even the barest minimum say in the running of Chandigarh Administration.

Recommendation

2.63 The Committee, therefore, call upon the Government to rectify the situation immediately in consultation with the popularly elected representative of this Territory. They would even go further to suggest that even in the event of merger with a particular state enough statutory safeguard should be provided to ensure that Chandigarh retains its distinct character.

Conclusion

2.64 The Committee find that except Pondicherry, in all the other Union Territories, apparatus of the Pradesh Councils has been created to bridge the gulf between the people and the administration. Apart from these Councils there are elected Members of Parliament from these Territories. Moreover and Island Development Authority with regard to the Island Territories acts as a mechanism for giving expression to people's aspirations and grievances. At the same time, some of the Members of the Pradesh Councils are nominated as Executive Councillors.

2.65 In the case of Pondicherry where a State Legislature and Council of Ministers exist, these bodies, however, are created in terms of Union Territories Act, 1963 and not under the Constitution itself. In this sense the

legislature of Pondicherry is not at par with the States assemblies in as much as it does not form part of the electoral college for election of the President. Similarly the Councillors of other Union Territories though elected by the people, do not form part of the electoral college for the same purpose. The Committee find the situation most incongruous and amazing.

2.66 The Committee strongly recommend to the Government of India to remove this anomaly and to provide full opportunity to the people of Union Territory to participate in the Presidential Election in an appropriate manner.

CHAPTER III

A. Local Self Governments in Union Territories

3.1 Dwelling upon the extent and form of local bodies existing in Union Territories as provided in law and the set up actually in existence in the Union Territories, the Ministry of Home Affairs in a written note furnished to the Committee stated that:

“Local Bodies exist in the form of Municipal Boards, Municipal Councils etc. These bodies exists in both types of Union Territories i.e. with and without legislature. There is a Municipal Board in Port Blair, Municipal Councils in Daman and Diu and Municipality in Pondicherry.”

3.2 Explaining the position further the Minister stated:

“These Local Bodies are expected to make provisions within the Municipal area relating to public places, lightning public streets, watering/cleaning streets, constructing/maintaining public streets, providing water supply and civic amenities.”

3.3 From Functions and Powers of Local Bodies in various Union Territories, the Ministry in a note stated that:

Delhi:

The Municipal Corporation of Delhi (MCD) is an autonomous body established by Act 66 of 1957 of the Parliament. The New Delhi Municipal Committee was declared as a IIInd Class Municipality under Section 4(6) of the Punjab Municipality Act, 1911. In 1932 it was named New Delhi Municipal Committee and became a first class municipality. The Cantonment Board was constituted under the provisions of Cantonment Act 1924(II). By and large the Cantonment Board performs the functions and duties of the Municipal Corporation in respect of the area which has been notified as Cantonment by the Ministry of Defence.

Chandigarh:

3.4 There is no Municipal Corporation in Chandigarh. However, Chief Administrator exercises the powers of the Municipality in Chandigarh.

Lakshadweep:

3.5 Local Bodies in the form of Island Councils exist, in the Union Territory. The Island Councils comprise directly elected Members under the Lakshadweep Island Councils Regulation 1988 and the Lakshadweep Island Councils (Amendment) Regulation, 1989 and the Lakshadweep

Island Councils Rules, 1989. The Members of the Island Council elect a Chairman and a Vice Chairman for the conduct of business under the Regulation and rules. There is an Executive Officer appointed by the Administrator to carry out the functions as provided under the Regulation. The Island Councils have powers to levy taxes etc. and raise their own resources besides getting grants from the Administration including various other organisations. They are also responsible for preparing schemes under sanitation and public health and also development in Agriculture, Animal Husbandry, Fisheries, Island Industry, Co-operatives and Social Welfare. They can also make provision to carry out within its jurisdiction any other work or measure which is likely to promote Health, Safety, Education, Comfort, Convenience or Social Economic Well-being of the residence of the islands.

3.6 The Committee enquired as to what were the areas in which Cantonment Boards did not function a Municipal Corporation and who control such like functions. The Ministry in a written note stated that the municipal functions of Cantonment Boards are similar to functions of Municipal bodies. However, in Delhi as part of the Municipal Corporation, DESU also generates electricity and supplies to some in bulk even to the Cantonment Board. Similarly, there is Delhi Water Supply and Sewage Disposal Undertaking under the Municipal Corporation. This also makes bulk supplies of water to the Cantonment Board.

B. Panchayati Raj System in Union Territories

3.7 In a written note furnished to the Committee the Ministry explained the system of Panchayati Raj for various Union Territories which is as follows:

Andaman and Nicobar Islands:

Only one tier system of Panchayati Raj is existing in this Territory which is governed by Andaman & Nicobar Islands, Gram Panchayat Regulation. 1961 and Andaman & Nicobar Islands Gram Panchayat Rules, 1961 framed thereunder. No separate Panchayat Department exists in this territory.

No separate staff exists. The work is being managed by District Office.

Lakshadweep:

There is no Panchayati Raj system in Lakshadweep and as such there is no Department of Panchayati Raj. However, the constitution of Island Councils is more or less in the nature of Panchayats only. At present, the Island Councils are under the control of Secretary (Pradesh Council) who has also been appointed as ex-officio Director of Island Councils.

Pondicherry:

The Pondicherry Village and Commune Panchayats Act, 1973 which

came into effect on 26.1.1974 provides for two tier Panchayati Raj Administration, one at the village level called "Village Panachayat" and the other at the Commune level called "Commune Panchayat" (intermediate level).

Village Panchayat:

3.8 Village Panchayat will consist of such number of members, as may be prescribed, one Vice-President and one President. The members and President of the village Panchayat are elected directly by the people whose names appear in the Electoral Roll of the Village Panchayat. The Vice-President shall be elected from among the members of the Village Panchayat. The minimum age for the members and the President of the Village Panachayat is 18.

Commune Panchayat:

3.9 The Commune Panchayat Council consists of one Chairman, one Vice-Chairman and such number of members as may be prescribed. The Presidents of all the Village Panchayats in the Commune Panchayat shall be the ex-officio members of the Commune Panchayat Council. The Vice-Chairman of the Commune Panchayat Council shall be elected from among the members of the Commune Panchayat Council. The Chairman of the Commune Panchayat Council shall be elected by the people directly.

3.10 There are 11 Commune Panchayats and 4 Municipalities in the Union Territory of Pondicherry. The works of the Council are looked after by special officers nominated in this regard. The Commissioner is the Chief Executive Officer in the Commune Panchayat & Municipalities. Number of seats are reserved for Scheduled Castes proportionate to their population subject to a maximum of 3 in the Panchayat village. Provision is also available to every village panchayat to co-opt to itself one woman, if there is no elected woman member. Apart from this, the Government may reserve the Office of Presidents of Village Panchayats for members of Scheduled Castes and for woman provided that such reservation shall not exceed 20% in the case of the members of SCs and 15% in the case of women of the total number of Offices of Presidents of Village Panchayat in the Union Territory. Similar provision of reservation is made for the Chairman of the Commune Panchayats.

3.11 The Pondicherry Village and Commune Panchayat Act, 1973 came into force with effect from 26th January 1974. Prior to this, the Municipal system as introduced by the then French Regime was in force. It provides for a unitary structure of municipal administration for the urban as well as for the rural areas, with a Commune forming the basic unit of local self Government. All the Municipal Councils in the town areas existing at that time were extended periodically as successor Councils. Similarly, all the "Municipal Councils" in the rural areas existing at that time were redesignated as "Commune Panchayat Councils" (Intermediate Panchayats) and their tenure was also extended periodically. The extensions were

made upto 1978 only. In April 1978, all these successor Councils were superseded and Special Officers were appointed in their place. Since then the work of all these Councils is being looked after by Special Officers only and no election was conducted after 1978 to the local bodies. At present, action is being taken by Pondicherry administration to conduct elections to the local Bodies.

C. Participation of the Member of the Legislative Assembly

3.12 A member of the Legislative Assembly of Pondicherry representing a constituency comprising the whole or any part of a Commune Panchayat shall be entitled to take part in the proceedings of the Commune Panchayat Council but shall not be entitled to vote therein.

Delhi

Community Development Block. The entire rural area of the National Capital Territory of Delhi is divided into five CD blocks, viz., Alipur, Kanjhawla, Mehrauli, Najafgarh and Shahdara, each under a Block Development Officer.

The hierarchy of Panchayat administration is like this:

1. **Development Commissioner:** Head of the Department / Secretary (Development).
2. **Deputy Commissioner, Delhi, ex-officio Addl. Development Commissioner.**
3. **Additional District Magistrate-cum-Director (Panchayats), ex-officio Deputy Secretary (Dev.).**
4. **Sub-Divisional Magistrates, ex-officio Deputy Director (Panchayats): Five, one for each Block.**
5. **Five Block Development Officers.**
6. **Panchayat Inspectors, one for each Block.**
7. **Panchayat Secretaries, one for two or three Panchayats.**
8. **At the Headquarters, the Additional District Magistrate-cum-Director (Panchayat) is assisted by two Tehsildars, i.e., Tehsildar (Land Management) and Tehsildar (Panchayats).**

Dadra and Nagar Haveli

The Panchayat department exists. There is a Development and Planning Officer (DPO) who functions for the guidance of the Panchayats. He guides and supervises the Panchayati Raj Institutions and also conducts general Panchayat elections and by-elections.

There are 10 Group Gram Panchayats and in each Group Gram Panchayat one Panchayat Secretary has been posted, who maintains the accounts, records the proceedings of the Panchayat meetings and assists the Panchayat in implementation of the developmental schemes sanctioned for the Panchayats.

Daman & Diu

The Panchayati Raj system for Daman & Diu functions under the Panchayat department. The Block Development Officer (BDO) guides and supervises the Panchayati Raj institutions.

There are 8 Gram Panchayats in Daman and 2 Gram Panchayats in Diu. One Panchayat Secretary posted in each Panchayat maintains accounts, records the proceedings of the Panchayat meetings and assists the Panchayat in implementation of the developmental schemes functioning in the Panchayat.

3.13 In regard to recent enactments two Constitutional Amendment Bills regarding Panchayats and Nagar Palikas, the Secretary of the Ministry of Home Affairs informed the Committee as follows:

"These amendments will have to be taken into account when we devise any new kind of administrative arrangement. They are equally applicable to the Union Territories. In a place like Chandigarh we may have to evolve a different system than that of Andaman & Nicobar Islands. As regards Delhi changes have to be brought about in Delhi Corporation Act. There are some proposals under consideration for the New Delhi area. The recent enactments of legislations have changed the position altogether in respect of the basic norm to the structure of governance in terms of administration. We are working out the modalities."

D. Applicability of Constitution 72nd & 73rd Amendments to Union Territories

3.14 The relevant provisions of the 72nd and 73rd Constitution Amendments as enacted by the Parliament are reproduced below:—

"The provisions of this Part shall apply to the Union Territories and shall in their application to a Union Territory have effect as if the references to the Governor of a State were reference to the Administrator of the Union Territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union Territory having a Legislative Assembly to that Legislative Assembly.

Provided that the President may, by public notification direct that the provisions of this Part shall apply to any Union Territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council by each House of the Legislature of that State."

3.15 When the attention of the Secretary, Ministry of Home Affairs was drawn to the fact that in the Constitution Amendment Bills the proviso was codified by the phrase that President may by public notification direct that the provisions of this Part shall apply to any Union Territory or part thereof which in other words would leave scope for denying the people of Union Territories the same rights as would be enjoyed by citizens of various States in regard to local bodies. He stated:

“I entirely agree with you that there is the enabling provision and the provisions of the Bill automatically do not apply to the Union Territories. The provisions of these Acts should be implemented for Union Territories also. Even before that Amendment, we were inspecting Dadra and Nagar Haveli for introducing some measures whether the same kind of institutional arrangement as it obtains in the nearby States could be extended. Some proposals were formulated which are under the consideration of the Ministry.

I may submit that we shall be looking at these issues at a high level. We will have to go to the Government and Cabinet for consideration. The intention would be to give effect of this enactment to the maximum extent possible in terms⁴ of giving powers to the local people to elect their own representatives.”

3.16 During evidence Secretary, Home Affairs further clarified that under the new Constitution Amendment Bills a three tier arrangement is envisaged with certain powers necessarily delegated.

3.17 When a doubt was raised by the Committee that if the President pleases to provide Panchayati Raj System in Union Territories, then it will be there and that too will be depending upon the types of authorities desired as it was specifically stated ‘with or without modifications’. The Additional Secretary to the Ministry of Home Affairs reacted by saying :

“As constitutional amendments, we should consider whatever further devolution is possible and provide the framework within which a large measure of public participation would be possible.”

3.18 While discussing the local sector schemes and state sector schemes, during the evidence, it was stated by the representative of the Ministry of Home Affairs that “duplication of the work can be brought down once you have a system of Panchayati Raj institution brought into being. These details can be worked out in consultation with the concerned Ministries.”

3.19 Asked as to what concrete steps were taken in this regard and the progress made, the Ministry in a written reply stated that the Constitution (72nd Amendment) Bill provides for setting up of Panchayats and such powers and functions to be vested in the Panchayats. Department of Rural Development, Ministry of Agriculture is administratively concerned with the subject matter. The matter has been taken up with Department of

Rural Development to advise as to the course of action taken/proposed to be taken in pursuance of the Constitution amendment in respect of the Union Territories. The question of undertaking of fresh legislation; and also for amendment of various laws / regulations and other statutory provisions to give effect to the provisions of the Constitution amendment is being considered separately in consultation with the administration of each Union Territory.

E. Effectiveness of Panchayati Raj Bodies

3.20 During evidence it was pointed out to the Secretary, Ministry of Home Affairs that even though some Union Territories like Andaman & Nicobar Islands, Panchayati Raj Bodies existed in some form and elections were held regularly yet no organisational or structural arrangements were made to discharge their administrative responsibilities. The Secretary, Home Affairs in his response stated that this was a question of devolution of powers at the district and panchayat level which differed great deal from place to place and even within a particular state; he added:

“It is a question of political will and how much power you really want to delegate at the lower levels. Take the case of a State like Maharashtra from which I come. We started the Zilla Parishads with a great deal of fanfare in 1961-62. Initially, in fact, the Chief Minister used to say that “the President of the Zilla Parishad is like a Minister for the district. Don’t come to me any longer. Get all your problems solved by him at the district level.” Delegation of powers was done. Large number of departments were completely transferred over a period of time. After getting the case reversed, a number of functions of the Departments which were given to the Zilla Parishads were re-transferred back to the State Government. Now the flow has turned a full circle..... What is provided now in the new Constitution Amendment Bill is to provide for a three-tier arrangement with certain powers necessarily delegated. I believe that as a result of this kind of a new set up including the proposed Finance Commission kind of an arrangement for devolution of funds with the local bodies, this experiment would now have much more strength, much more character than what it had some time ago. You would like to see that in respect of the Union Territories also, a set up for devolution is established which will enable substantial delegation of powers. To what extent it would be possible from place to place, again one would have to see with reference to the experience in the adjoining area, if that kind of delegation of powers is done. Then a large number of issues in respect of powers at the local level, accountability etc., will be taken care of and only a few functions will remain.”

3.21 In this context, it was pointed out that while as in case of states each legislature would pass the Panchayati Raj Bill incongruity with the recent Amendments to the Constitution, in the Union Territories the initiative would rest with the President who might be pleased to provide the Panchayati Raj System in Union Territories and that too with or without modifications to the original model envisaged under the Constitutional Amendment Bills. In other words empowerment of Panchayati Raj System in the Union Territories would not be automatic. Reacting to this analysis, the representative of Ministry of Home Affairs stated:

“...we should consider whatever further devolution is possible and provide the framework within which a large measure of public participation would be possible.”

Conclusion

3.22 The Committee find that in the Union Territories there are local bodies of different denominations such as Municipal Corporation, Municipal Committees, Nagar Panchayats, Gram Panchayats, etc., each having a different status but all acting as instruments of local self-Governments. However, the Committee are not happy at the actual situation on the ground in regard to these bodies as in Delhi these stands superseded for a considerable period, and in Pondicherry no elections to Panchayat Raj bodies have been held. At the same time there is no municipal body in Chandigarh and no Panchayati Raj institutions in Lakshadweep Islands where only island Councils exist. Further the Committee have noted that in Andaman & Nicobar Islands even though elections to panchayat raj bodies have been held regularly no organisational or structural arrangements exist to enable these bodies to discharge their responsibilities. The representatives of the Ministry of Home Affairs have stated in this connection that this was a matter of devolution of powers which they hoped would get resolved with the application of the 72nd and 73rd Constitution Amendments to Union Territories. In this context, the Committee, however, note that the application of these amendments to Union Territories is not automatic and would depend on its timing and scope at the initiative of the President, which in other words means the Ministry of Home Affairs. They also cannot rule out the possibility of extending the provisions of these amendments to Union Territories with deviation from the original model envisaged under the Constitutional Amendment. However, the Committee are sanguine about the future developments in this regard as Ministry representatives have given the assurance that whatever further devolutions is possible will be made and a framework provided within which large public participation in local self Government will be possible.

Recommendation

3.23 The Committee urge upon the Government of India to suitably amend the existing Regulations created for the Local Bodies i.e. Municipal Boards and Panchayats in different Union Territories in conformity with

the 72nd and 73rd Constitutional Amendment Act which has come into force on 24 April, 1993. In case no such regulations are in force—suitable regulations need to be promulgated in accordance with the interests of the local population of such territory.

3.24 The Committee further desire that the Government should not take shelter under the 'exceptions' and 'modifications' mentioned in the Article 243 L and Article 243ZB of part IX of the Constitution.

3.25 The Committee is of the strong view that for establishment of the Local Bodies, there should be fundamentally no discrimination between the States and Union Territories and the people should enjoy equal rights in regard to civic services and control over the related authority.

Conclusion/Recommendation

3.26 The Committee observed that there is lack of adequate structural arrangements with adequate staff in the Union Territory of Andaman & Nicobar Islands for proper and systematic functioning of Panchayati Raj Institutions. The Committee desire that a three-tier system of Panchayati Raj Institution should be created in the Union Territory of Andaman and Nicobar Islands *i.e.* District Level, Block Level and Gram Panchayat Level supported by adequate infrastructure. The Panchayat should be vested with more powers.

3.27 They also desire that adequate staff should be provided in the Union Territory Secretariat for giving necessary direction and institutional support to the local bodies from the Union Territory Administration.

CHAPTER IV

ADMINISTRATIVE SET-UP IN UNION TERRITORIES

A. Structure

4.1 Explaining the general administrative set up of each Union Territory, the Ministry of Home Affairs have furnished organisational charts showing different wings of administration and authorities in-charge of each wing. These charts are reproduced in the Appendix.

4.2 The Ministry in a written note furnished to the Committee further stated:—

“General Administrative set-up in all the Union Territories are Single District type except Andaman & Nicobar Islands which have two Districts. Generally, the Administrator/L.G. is Head of the set-up followed by the Chief Secretary, Finance Secretary and Collector etc. Thereafter come the Heads of the Departments.”

Appointment of Administrators

4.3 Asked whether the persons appointed as Lt. Government/Administrators so far have had sufficient experience of civil administration and whether Ministry of Home Affairs have laid down any criteria for the purpose and how are such top functionaries selected, the Ministry in a written reply stated that:

“The appointment of Lt. Governor is a political appointment and generally eminent people with enough experience of administration are selected. As for bureaucrats, experienced and senior IAS officers are appointed as Administrators.”

4.4 The Committee inquired whether appointments under Article 239 of the Constitution of India are political appointments. The Secretary, Ministry of Home Affairs stated:

“There are two kinds of Administrators for Union Territories. One is for Union Territories like Delhi or Pondicherry which are headed by a Lieutenant Governor. Like the appointment of Governors, the appointments of Lieutenant Governors are also coming under the purview of the Appointments Committee of the Cabinet. It is done by the Home Minister and the Prime Minister with the approval of the President. The appointment for other posts are done by Home Ministry where the question of political appointment does not come in.”

Chandigarh

4.5 In the context of Union Territory of Chandigarh as non-official witness, Sh. Pawan Kumar Bansal, MP (from Chandigarh) stated; during eviaence:

“In the case of all the UTs, there may be a Lt. Governor; but in the case of Chandigarh, if there is a Chief Commissioner, a step below, we will not mind. But in Chandigarh, they want a Lt. Governor; they have been asking for it.”

4.6 When it was pointed out to him that the Constitution is absolutely silent about the position of Lt. Governor and that there is provision for only the Administrator, whom the President may designate as Lt. Governor, the witness stated:

“Article 239 of the Constitution should be amended to this extent. I think it will be quite in the fitness of things if an oath of office is prescribed for him also. I would again say that a UT like Chandigarh should have a Lt. Governor.”

Accountability of Administration

4.7 It was pointed out that different practices were being followed in different UTs in regard to entrustment of over all responsibility as a result of which accountability of administration in UTs has been diluted, an indication of which could be gained by considering the manner in which the recommendations of Island Councils were being overlooked. Reacting to this statement, Secretary, Ministry of Home Affairs stated:—

“Since the administration of Union Territories is supposed to be with the President himself, it is with the Government of India and therefore, the accountability of the Administrator is there to the Government of India. In fact, if anything goes wrong there, complaints do come to the Home Ministry and the Planning Commission and questions are raised in Parliament and in the Consultative Committee meetings.”

4.8 It was pointed out in this connection that during last year the demands of Ministry of Home which included the demands of the Union Territories as a whole were not discussed at all in the Parliament as a result of which members of Union Territories could not raise issuses relating to their Constituencies. Asked how under these circumstances accountability of Government of India and through it, that of Administrator and functionaries under him could be enforced, the Secretary, Ministry of Home Affairs stated:

“So far as the law and order is concerned, it will continue to be dealt with by the Administrator. The post of the Lieutenant

Governor is a post under the Constitution with all the paraphenia is attached to it. Even today, I find in a number of places, the UT administration is too top-heavy. Therefore, you have to provide senior officers to whom the powers can be delegated from here. You have to give large number of posts in these areas."

Power of Administrator

4.9 Asked once a scheme of plans and programmes has been finalised after a lot of deliberations and *suo-moto* the Administrator diverts that scheme to some other area without any consultation and arbitrarily, what could be done against him, the Addl. Secretary, Ministry of Home Affairs stated:

"As per the rules prevalent today, it is the Administrator who is administering the territory. The Pradesh Council is the advisory body to the Administrator. Normally, it does not happen that without giving any reason or following the established rules and regulations he goes against the advice of the Pradesh Council. In case he does it there are forums available for the remedy. The basic power of the Parliament or the President is not taken away. The Administrator is only an agent of the President."

4.10 He added:

"Notwithstanding this formal channel of communication or formal procedure of consultation, there is, as I have always been pointing out, an informal channel of communication with the Government of India. If there is a point which is agitating you, on which there is a very sharp difference with the Administrator you can certainly write to the Home Minister or to the concerned Department and immediately those issues are taken up."

4.11 He further stated:

"So, it is not that he has an unchecked power to take any decision. He is the man on the spot to the decision; he is the man who is acting as an agent of the President. Ultimate authority of the President and the Parliament still remains, so, if there is some grouse or if there is some matter on which people are agitated and that if they feel that their wishes are not being fully adhered to and if there is some reason or substance in their demand, then, definitely the matter can be taken up at the Home Ministry level."

4.12 Asked who can take up the matter since as Chairman of the Pradesh Council, he has the control. The Additional Secretary, Ministry of Home Affairs stated:

"The Member of Parliament representing that area is also very much a part of the legislature which is governing the UT. It is not that as if the representative body does not exist. It exists. The difficulty is that of distance. If the legislature is locally available, people would

directly approach. But, there is still a forum available to the people, regardless of whether an institutional mechanism is permanently available or not. Home Minister's Advisory Council meets once a year or twice a year; but there is a continuing mechanism.

4.13 When asked how many meetings of the Home Minister's Advisory Council was held in regards to the Andaman & Nicobar Islands, in their reply the Addl. Secretary, Ministry of Home Affairs stated:

"In the case A&N in May 1988 in Lakshadweep in 1988; in Dadra & Nagar Haveli in 1990; and in Daman & Diu in 1991 November."

B. General Administrative Set-up

Executive Councillors

4.14 Section 17 of the Union Territories Act says that Administrators can appoint two persons amongst the Members as Councillors. The Administrator may, from time to time, consult any Councillor or Councillors on any matter relating to the administration of the UT and any views expressed by the Councillor or Councillors on such matters shall be recommendatory in nature. It is envisaged that there will be a general body of Councillors which makes recommendations and since the Council may not meet as often as it may be desired during the interragnum, there is a provision for appointment of some Councillors to whom these matters can be referred by the Administrator and their advice is also sought.

4.15 When asked as to what is the status of the Councillors in the Pradesh Council, the Additional Secretary stated:

"They are advisors and their recommendations are to be given due weightage by the Administrator in taking the decisions. There is also a provision for appointment of Executive Councillors to whom the Administrator may refer matters for special advice, discussion etc. So, they have a very relevant place in the administration of the UTs."

4.16 Asked whether they are the Councillors of Administration or they are Councillors of the Pradesh Council, the representative of the Ministry stated:

"The Pradesh Council is the advisor to the Administrator. Amongst the Pradesh Council members, there can also be two or three Executive Councillors. They are the Councillors of the Adminsitration."

4.17 The Secretary (General Administration), Andaman & Nicobar Islands stated in this regard:

"Though we have five Councillors, they are basically known as

Councillors to the Pradesh Council. There is no Executive Councillor in Andamans. They are all known as Councillors and their role is to give recommendations and also counsel the Administrator."

4.18 When asked how the Pradesh Council was working in Andaman Islands, the representative of the Ministry stated:

"Pradesh Councils meet twice in a year and they are available to the Administrator on a continuous basis."

Routing of files through Councillors

4.19 It was brought out during the discussion that in Andaman and Nicobar Islands when the Pradesh Council system was first introduced, all the departments were divided among the Councillors and the files of these departments were routed through the Councillors concerned. They used to post their views on the files and then the Administrator used to take decisions. However, it was brought to the notice of the Committee that in some places the files are routed through the Councillors and in some places files go directly to the Administrator.

4.20 Asked whether there is no movement of files through Councillors in Daman and Diu, the representative from Daman and Diu stated:

"After de-linking from Goa, they constituted a Pradesh Council for Daman and Diu. The same system has been followed apparently on the pattern of the Dadra and Nagar Haveli Panchayat. In the beginning certain subjects were allotted among the two Councillors. But subsequently this notification was cancelled. About eight months ago, the files were really routed through them though the subjects have been allocated. Thereafter, there is no allocation of subjects and no routing of files. At the moment, we do not have any Councillor in Daman and Diu. They are yet to be appointed."

4.21 Asked about routing of files in Andaman and Nicobar the Secretary (General Administration), Andaman and Nicobar stated:

"The Business Allocation Rules are contained in Scheduled (D). Service matters and Vigilance are not routed through the Councillors but the rest of the files, which are to be disposed off by the Secretary of the Department concerned. They should be routed through the concerned Councillor and the Secretaries do send these files to the concerned Councillors."

4.22 He further added:

"This was highlighted in the last meeting of the same committee in Port Blair and then we had given instructions to the Secretaries that they must abide by the rules framed and all these files which should be disposed of by the Secretary should be sent to the Councillors concerned.."

4.23 It was pointed out, however, that the Committee had come to the conclusion that a very small number of files were being routed through the Councillors and there are a number of files which on the subjects enumerated in the State List and the Concurrent List other than the reserved subjects were not coming to them at all and were being sent direct to the Administrator.

4.24 In this connection when it was pointed out that Councillors do not have any real authority even as, in Pradesh Councils, they are answerable to the people on behalf of the Administration, the representative of the Ministry of Home Affairs stated:

“There are rules and regulations which provide for consultation with the Councillors. But the question is whether in practice the same proposition holds good. That is something which I have said, we will certainly look into. I may mention about the Councillors having to toe the line shown by the executives. I have got the order with me about Dadra and Nagar Haveli saying that they have not allocated the business yet. Presumably, they are in the process of doing it. It says that the administration shall, in its discretion allocated to the Councillors so much of business with which the administration is related. Then it says that the Councillor may ask for the information pertaining to any matter relating to the business and the requisition shall be made to the Secretary dealing with the department concerned and such Secretary shall furnish the Councillor a report containing the required information. The basic proposition is already laid down that the Councillor has a right to ask for any further information from the Secretary of the Department.”

4.25 When asked whether the files were routed through the concerned Councillors in Lakshadweep the Administrator, Lakhsadweep stated:

“As far as Lakshadweep in concerned, there are three Councillors and we have already allocated the work to various Departments and the Departmental Heads are regulary meeting the Councillors and all the matters pertaining to them are being dealt with. But I must say that all the files are not routed through them. As far as my information goes, the Councillors are as good as part of the Administration and even in Pradesh Council meetings, at least in Lakshadweep, the Councillors are supposed to give replies to the questions. In addition to that, even Heads of Departments sometimes give replies.”

4.26 Regarding the types of files which are not routed through the Councillors, the Administrator, Lakshadweep stated:

“At the moment, there is a little difference between the procedure which is applicable in Andamans, and the procedures and rules which have been framed for Lakshadweep. In Andaman,

there is consultation with the Councillors. But in Lakshadweep, rules have not been framed."

4.27 It was brought out during the official evidence that in Lakshadweep Pradesh Council (Regulations) also do provide that all the subjects should be taken and concurrence of the Council should be sought from the Pradesh Council.

4.28 Asked as to what is the difficulty in routing of these subjects through the Councillors when the Government has accepted them as part and parcel of the administration. The Additional Secretary, Ministry of Home Affairs stated:—

"This is a matter which can be looked into regarding what is the extent to which the reference of files is presently being made and what further steps should be taken and what are the areas in which reference should be made. We can have a look into the matter whether a certain degree of uniformity in this regard can be obtained."

4.29 He further added:

"In principle what is conceived is that the Councillor can keep himself informed of the developments taking place. He has a right to know about the developments and then on the basis of that he can indicate his views which would be given weightage at the time of taking the decision by the Administrator."

Home Minister's Advisory Committees

4.30 Advisory Committee known as Home Minister's Advisory Committee is also constituted at Government of India level in respect of all Union Territories having no Legislative Assembly or Metropolitan Council. The Advisory Committees are constituted in regard to general question of policy relating to the administration of the territory; all legislative proposals concerning the territory and various developmental matters. In such Committees, representative of various sections of the society are either nominated or elected by the Local Administration. The Administrator of the Union Territory and the M.P. representing the Union Territory concerned in the Lok Sabha are also members of such Committees.

Meetings of Home Minister's Advisory Committee

4.31 When it was enquired as to how many times Home Minister's Advisory Committee met in each Union Territory (wherever it has been set up). So as to sort out arbitrary action on the part of Administrator, the representative of Home Ministry stated:

"In the case of Andaman and Nicobar in May 1988; in Lakshadweep in 1988; in Dadra and Nagar Haveli in 1990 and in Daman and Diu in 1991 November. "

4.32 The Joint Secretary (UT) stated during evidence that the Home Minister's Advisory Council earlier used to meet once in six months, but now it meets once a year.

Reorganisation of Administrative set up

4.33 When asked whether there is a plan to reorganise the administrative set up in the field of different Union Territories, the Ministry in a written reply stated that as far as Lakshadweep is concerned, a study was conducted by the School of Management Studies of Cochin regarding restructuring and redesignating the administrative set up of Union Territory of Lakshadweep in 1988-89. Various proposals have been made based on the study. In Daman and Diu and Dadra and Nagar Haveli, the Administrative set up has been reorganised recently. In Andaman and Nicobar Administration, the matter is under active consideration. In Delhi, on the recommendations of the Sarkaria / Balakrishnan Committee on reorganisation of Delhi set up, an exercise was undertaken regarding setting up of a number of districts in Delhi for effective administrative control for providing service to the citizens. A number of proposals have been made under this.

C. Inter-action with Union Ministry

4.34 In a note on the mechanism for inter-action and coordination with Central Government offices and establishments in Union Territories directly controlled by various Ministries of Union Government the Ministry stated that there is no such formal mechanism. However, whenever decisions are to be taken by the Union Territory Administration on subject in which any of the Central Government Ministry/Departments are concerned, their representatives present in the offices of these Departments located in the Union Territories are invariably associated.

4.35 Under the allocation of Business Rules, 1961, each Ministry is responsible for items of work allocated to it. Accordingly, the policy and implementation of each item of work is the responsibility of the Ministry concerned. It would not be possible for policy decisions in respect of all the items of work to be taken by the Ministry of Home Affairs or by the Administrator of the Union Territory.

4.36—4.39 Regarding the method of coordination at the ministerial level between the Ministry of Home Affairs and other Ministries who are concerned with the various subjects for development such as Health, Education, Agriculture, Transport etc. The Ministry in a note furnished to the Committee stated that with regard to the subjects specifically allocated to the Ministry of Home Affairs, UTs approach this Ministry directly. As regards other subjects allotted to other Ministries, the UTs take up the matters directly with these Ministries. However, MHA whenever the need arises, also intervenes to pursue the matters with the concerned Ministry. Developmental programmes are also discussed at the Home Ministers' Advisory Committee meetings wherein representatives of the concerned Ministries are also called.

4.40 When it was asked whether the different Ministries (other than Home Ministry) have any responsibility in relation to the Union Territories, the Secretary to Home Ministry, during evidence stated:

“In fact, according to Rules of Business, the position about distribution of responsibilities between different Ministries is quite clear except in respect of Andaman & Nicobar and Lakshadweep where specific responsibility has been given to Home Ministry.”

4.41 In respect of other Union Territories, the responsibility for individual subjects is with the individual Ministries.

4.42 Even in respect of Andaman & Nicobar and Lakshadweep, if any matter pertains to health or education or personnel or any of the concerned Ministries, that Ministry is in the best situation to take a decision on these matters. The responsibility with the Home Ministry is mainly in respect of coordination, in respect of budget of which again the Finance Ministry takes a view.

4.43 In terms of administrative arrangements for making sure that the available budget allocation is distributed properly between the departments, etc., that again is the overall responsibility with the Home Ministry. But all concerned Ministries are responsible for their individual items in the Union Territories concerned.”

4.44 He further stated:

“When any matter pertaining to any State comes here, it is dealt with in the Home Ministry in a nodal kind of manner. We necessarily go by the advice given by the concerned Ministry. If we have any different view on the subject, we take the matter to the Cabinet and get it resolved. The same is the case with Union Territories. The responsibility of individual Ministries is as much applicable in respect of Union Territories as it is applicable in respect of States. The responsibility of the Home Ministry is mainly in respect of larger policy issues such as decentralisation, nature of administrative set up, appointment of Lieutenant Governor, cadre management, matters of coordination etc. Secondly, if anything is getting delayed in a particular Ministry and if a Union Territory requests the Home Ministry to pursue the matter, we use our good offices in the matter. But otherwise, individual Ministries are concerned with the subject.”

Pending Proposals of UTs

4.45 The Committee then enquired as to the actual pendency of VT proposals with the Union Ministries. The Development Commissioner, Pondicherry stated:

“As far as Pondicherry is concerned, we have 72 pending proposals, Ministry-wise break up is as follows. 31 are with the

Home Ministry; one is with the Personnel Department; one is with Law and Justice regarding a clarification on Pondicherry Court. Some are pending since 1987 but most of them are of 1991-92 origin."

4.46 When it was asked for how long and how many proposals of the Union Territories are pending with the Govt. of India in different Ministry, the Administrator, Lakshadweep stated:

"About 65 proposals with regard to Lakshadweep are pending with different Ministries for the last one or two years. Most of these are 1992 proposals. These mainly relate to creation of posts and sanction of plan schemes."

4.47 In this regard the Administrator, Daman and Diu and Dadra & Nagar Haveli Stated:

"As regard Dadra and Nagar Haveli, 93 proposals are pending in different Ministries. Many of them relate to creation of posts, since we do not have powers to create posts. These keep on getting deferred from year to year and if we look at it that way, some are pending since 1986."

4.48 The Adviser to Administrator, Chandigarh stated:

"So far as Chandigarh is concerned, we do not have any such problem. One or two major proposals are pending in the Ministries which we are pursuing, like the sanction of staff for the Medical College and Hospital that we have opened. Within the given powers of the Administrator, we have created the posts for six month and further extended them for another six months. Beyond that the Administrator is not competent to extend. We have sent it to the Health Ministry. We have not yet received the clearance and this is creating problems with regard to salary of staff, etc. This matter is pending for the last three months."

4.49 The second problem relates to lease-hold system of Chandigarh on the pattern of Delhi. While it is finalised for Delhi, decision regarding Chandigarh is still pending with the Urban Development Ministry."

Coordination within the UT Administration

4.50 To a query that since there is no Council of Ministers in Union Territories what co-ordinative mechanism exists to ensure that administration function on the principle of collective responsibility and in a cohesive manner.

4.51 The Ministry in a written note stated that the Administration is responsible to the Union Government and the Parliament which ensures

that it functions on the principle of collective responsibility and in a cohesive manner.

4.52 The Ministry gave the Committee detailed picture regarding number of proposals pending in different Ministries and the time since when they were pending.

4.53 When asked whether any mechanism is available for interaction and co-ordination with central officers and establishments in Union Territory directly controlled by various Ministries of the Union Government, the Ministry in a written reply stated:

“There is no such formal mechanism. However, whenever decisions are to be taken by the UT Administration on subjects in which any of the Central Government Ministries/Departments are concerned, their representatives present in the offices of these Departments located in the UTs are invariably associated.”

4.54 In this context the Ministry also gave written information regarding the details of the letters received by the Ministry from the MPs of Union Territories, since last three years as was asked by the Committee. (Details not incorporated). They also assured the Committee that a very great deal of deference is shown to the letters received from Members of Parliament and the Ministers take great care to see that proper reply is sent to the MPs.

4.55 When asked why there should not be a senior level officer in the Ministry to co-ordinate matters between the Union Territories and various Ministries to monitor the progress of various proposals of the Union Territories, the Ministry in a written reply stated:

“The UT Division in MHA, headed by JS (UT), looks after the affairs of UTs. As regards coordination, since each Central Ministry is the administrative Ministry as far as the subjects with which it deals relating to each of the UT, there does not appear to be any need to make MHA as coordination Ministry. Similarly for monitoring, each Central Ministry is equally responsible.

A system of obtaining lists of pending references with the various Ministries/Departments of the Government of India from UT administration has been started with the object to pursue the matters with the concerned Departments for their expeditious disposal.”

D. Responsive Administration

4.56 When asked whether in the absence of coordinating authority and single window system public are facing much difficulties for redressal of their grievances and whether the administration are planning to reorganise the administrative set up, the Ministry in a written reply stated that: the Deputy Commissioner Andaman & Nicobar Islands (Andaman) is Head of the Department declared by the Government of India under Delegation of Financial Powers Rules, 1978 in respect of Revenue Department of Andaman District. He was competent to make all appointments to Group 'C' and 'D' staff in Revenue Department as well as in Community Development Block.

4.57 The Community Development Block schemes are implemented under the direct control, including budgetary control and supervision of Deputy Commissioner (Andaman) though he does not have any Administrative control. The introduction of single line of responsibility and accountability by various block officers to the District Collector would bring efficiency in Developmental activities in the District.

Lakshadweep: The Collector-cum-Development Commissioner is the co-ordinating authority for block, sub-division and district level.

Pondicherry: There is co-ordination and inter-linking in the delivery of services at all levels of the functionaries in respect of revenue administration.

All grievances that could be redressed by the revenue administration are being attended to. The single window system is not in vogue in this U.T.

At times of breakdown of law and order, extending relief and rehabilitation facilities, the District Authorities maintain a coordinating and nodal function.

The Administrator concerned is the co-ordinating authority and as the local head he looks after the overall administration including co-ordination and liaison work among various departments. In respect of Pondicherry region the Development Commissioner co-ordinates.

Chandigarh: There is no proposal to reorganise the Administrative System.

Delhi: In Delhi on the recommendation of the Sarkaria/Balakrishnan Committee on reorganisation of Delhi set up an exercise was undertaken regarding setting up of a number of districts in Delhi for effective administrative control for providing services to the citizens. These are under consideration.

Dadra and Nagar Haveli: There is no sub-division here due to the smallness of the territory. However, there is a single block where a Block Development Officer, now designated as Development & Planning Officer is functioning in the Collectorate. The Development & Planning Officer is

the focal point under whom the Joint Block Development Officer and various Extension Officers are working.

The Administration has already proposed creation of another block during the current year for providing better services to the people.

The Union Territory Administration is functioning with due coordination at the block as well as district level. So far, the grievances of the Public are concerned, a single window is functioning since August, 1989 in the Collectorate. All public applications are acknowledged. They are being given two dates, one on which they can enquire about the progress and other for final disposal. In addition to this, the officers of the Administration are available to the general public during 1100 to 1230 hours in their office and even otherwise.

E. System of Accountability of Sub-divisional and District Level Officers of Various Departments to SDM and Collector.

4.58 Regarding the system of accountability of sub-divisional and district Officers of various Departments to SDM and Collector, the Ministry of Home Affairs in a written reply stated that the following pattern is followed in each of the UTs.

Dadra & Nagar Haveli and Daman & Diu: Though there is no sub-division in the U.T., because of small size however various departmental officers at the District level are accountable to the Collector.

Andaman & Nicobar Islands: The Administration is actively considering introducing necessary administrative changes to enhance multi-departmental coordination.

Pondicherry: There is no accountability of officers of different departments of S.D.M. or to the Collector.

In respect of departmental Blocks, as per the present set up in this Union Territory, the question of accountability to Sub-Divisional Magistrate/Collector by the Block-level officers does not arise. However, they are accountable to the Administrator of the respective regions, and in Pondicherry to the Project Director, a post held by an Officer of I.A.S.

Lakshadweep: Officers belonging to Lakshadweep Administration having different seniority are posted to various islands.

Chandigarh: The S.D.Ms are totally accountable to the Collector and other senior officers in the Administration.

4.59 When it was asked since how long the matter regarding restructuring of district administration in A. & N. Islands was under consideration of the Government in Andaman & Nicobar and what is the present position, the Secretary (Gen. Admn.) A. & N. Administration stated:

“Basically, this is restructuring of the district administration at the block level and sub-divisional level. What is happening today is though we have the Collector and the Deputy Commissioner in

two districts of A&N Islands, over the last many years, the powers of the Deputy Commissioner have eroded due to many reasons. One of which is the coordinating role in all governmental activities besides law and order and revenue matters. Another reason is many departments have come up over the last many years and they have started functioning independently with the result that the coordinating role at the district level and sub-divisional level has come down. The Sub-divisional magistrate is not directly involved in the implementation of the schemes because each department is monitoring on its own. In one of the districts of Andaman, we have discovered that the functionaries in the sub-division are not reporting to the Asstt. Commissioner sub-divisional magistrate. There is an Assistant Commissioner who is of a slightly lower rank as compared to many of the officers in the sub-division as we could not upgrade the post. They are not coordinating with each other. I have submitted a report in October in which I have said that these functionaries should be made directly responsible to the Assistant Commissioner so that he will be able to implement the schemes and we can fix the responsibility on one person. Similarly, at the district level, the coordinating role should be given to the district officer or the Collector so that he can effectively implement the schemes instead of each department reporting to the headquarter. This should be able to deliver the goods to the people."

4.60 He further added:

"Recently, we have submitted a proposal to the Government that we should have a re-look at the district administration and see whatever powers have been withdrawn at the District Magistrate's level or at the Collector's level or at the Sub-divisional level, so that we have a better and effective co-ordination at the district level and sub-divisional level. That is whey we should re-look into it. We should restructure and streamline the administration."

F. Delegation of Powers from Union Territory Lt. Governor/Councillors/ Administrators to local Govts.

4.61 It was pointed out during the official evidence that:

"In Andaman and Nicobar administration, all the powers of director-level officers have been withdrawn and these have been vested with the Secretaries. Now Secretaries are the appointing authority. Secretaries are the disciplinary authority as such. The Director-level officers have no authority to even impose a minor penalty on them on the basis of this. So, all powers are centralised with the Secretariat, Lt. Governor and the Secretaries.

All powers have been vested with them. The down-level officers do not have the powers. They are only moving around and sending the files to Secretariat.

Under these conditions, the transfer policies are to be implemented only by the Secretariat-level officers, that is the Secretaries or the Lt. Governor."

4.62 When it was brought to their notice that what they were referring to were the powers which were earlier exercised by the departmental heads have been withdrawn, the representative of the Ministry of Home Affairs stated:

"In some cases, the heads of departments of secretaries are common and that power was also withdrawn by the Secretariat. Once the Secretary, PWD and Secretary, Forest, were made arbitrarily Special Secretaries. Though there is no post of Special Secretary, it has been created. Any how, there is some anomalous position. Subsequently, when they could not work it out, all files started pending. Then again, this work was given back to those departments."

4.63 In light of the above, the Additional Secretary, Ministry of Home Affairs stated:

"I really cannot answer why it was done. But one plausible explanation is that the Territory administration grows, the powers were initially with the very few officers. They were exercising all sorts of powers. But as you have strengthened the Secretariat functioning and Heads of Departments, higher-level officers have been placed there."

4.64 The Ministry was asked to give their views as to whether it should be centralised or decentralised, the Additional Secretary to the Ministry of Home Affairs stated:

"This is what I want to explain but not with particular reference to Andaman. If there are large number of departments which have come up, then there is a certain element of transferability and a certain element of common cadre and promotion opportunities coming up. It is there in our Home Ministry also. For example, Rehabilitation Division was working independently. When we come to promotional opportunities, it gets restricted and a common interest gets created. It is in that context I was submitting that as the administrative machinery expands for the purpose of better administration, then it becomes necessary to centralise that power. But if it happens for some extraneous reasons and for reasons which are not connected with administrative efficiency or desirability, then it is not so."

G. Mechanism to Review Adequacy/Suitability of Administrative set-up

4.65 When it was asked whether there is any mechanism available for the purpose of reviewing the administrative set up in Union Territories from time to time and for deciding on its adequacy the Ministry in a written reply stated that there is no regular mechanism. However, whenever need arises the review is done by the Internal Work Study Unit of Ministry of Home Affairs and Staff Inspection Unit of the Ministry of Finance.

4.66 When asked whether any review has actually been carried out by Internal Works Study Unit of the Ministry of Home Affairs and Staff Inspection Unit of the Ministry of Finance, the Ministry gave the following details.

Lakshadweep

The Staff Inspection Unit conducted a study of 5 departments under Lakshadweep administration and submitted its reports during January/February, 1989. Recommendations of the SIU in respect of Police Department and the Lakshadweep Public Works Department have been fully implemented. The recommendations in respect of Electricity Deptt. for abolition of one post of A.E (Electrical) can be implemented as soon as post of E.E. (Electrical) is filled up as suggested by the SIU. Recommendations in respect of Medical Department have been partly implemented and two of the four posts recommended for abolition could not be abolished for want of vacancies to accommodate the incumbents working in these posts. As soon as vacancies are available to accommodate these individuals the posts presently held by them shall be abolished. However, the UT administration has not found it possible to implement the SIU recommendations for abolition of 5 posts in the Industries Department as the same are considered to be necessary for smooth functioning of the Department and the matter is being taken up with the Staff Inspection Unit for reconsideration of their recommendations in respect of these posts.

The Staff Inspection Unit conducted another study of Lakshadweep administration for reorganisation of its administrative set up and separation of Accounts from Audit. It recommended abolition of 107 posts of various grades in different departments of the UT administration and creation of one post of a Chief Secretary and a Stenographer to be attached to him along with 51 posts of various grades towards the scheme of departmentalisation of accounts. Necessary order for implementation of these recommendations, except creation of the post of Chief Secretary and Stenographer to be attached to it, have already been issued in consultation with the Ministry of Finance.

Andaman and Nicobar Islands

The Staff Inspection Unit conducted studies of all Departments of the A & N administration during the period from February, 1990 to February, 1991. A statement indicating the existing staff strength in respect of these 11 departments the assessed strength No. of posts found to be surplus and number of posts recommended for creation is annexed.

A & N administration has made further references to the Staff Inspection Unit seeking clarifications and requesting reconsideration of their recommendations in respect of some of the Departments where the SIU does not appear to have gone by the scale of staff as per certain technical norms. Implementation of the recommendations of the SIU shall be taken up after disposal of the references made to the Staff Inspection Unit.

STATEMENT SHOWING THE EXISTING ASSESSED STAFF STRENGTH, SURPLUS POSTS AND ADDITIONAL MANPOWER REQUIREMENTS AS RECOMMENDED BY SIU

Sl. No.	Name of the Department	Sanctioned strength	Assessed strength	Number of posts found surplus	Additional posts recom- mended
1	2	3	4	5	6
1.	Education	120	111	9	—
2.	Health	225	196	29	—
3.	Industry	195	178	17	—
4.	Supply	149	135	14	—
5.	I.G.P.	50	67	—	17
6.	Fisheries	81	69	12	—
		(excluding grade D staff)			
7.	Sectt.	358	295	63	—
8.	Shipping	1277	1134	143	—
9.	D.C. Office	80	73	7	—
10.	Transport	1054	855	199	—
11.	I.P. & T.	Not indicated	Not indicated	14	—

4.67 During the evidence of the non-official representative, Shri M.L. Kampani stated,

“In the Union Territories there should be some sort of Committees where we should really go into every rule if any is against the interest of the public, it should be removed. I can quote a small example. Here in Delhi everybody knows that no house can be constructed in less than a year. The temporary connection for electricity is given only for three months. On that particular day the official knows that your roof is going to come and you will pay something to him. So, why it is not seen that it cannot be constructed in one year and charge a little more? It is a lacunae in the rules which the subordinate officers do not realise. There is a need for such a Committee. In Delhi we are going to take it up in various forums, but these departments like electricity, water supply, the Municipal Corporation etc. are very small.”

Autonomous Tribal Council for Andaman & Nicobar islands

4.68 When it was pointed out that Andaman & Nicobar Tribals are demanding autonomous Tribal Councils under the Sixth Schedule of the Constitution and enquired whether this would create more confidence and involvement in the Tribal areas development, the non-official representative stated:

“In Andaman & Nicobar Islands, the real tribe who will be wanting or who will be really demanding this Council are the Nicobaris. Nicobaris are one of the most docile and well-organised tribes in the entire tribal belt of the North-East. The way they organise their life, the way they manage their own affairs, I think it is an example which the rest of the tribal communities in the country could follow. I feel that there will be no harm if they are given a tribal council. It will give them more confidence and they feel that they are being treated well. I have had lot of association with the North-East. The just demands of the tribal people should be met before they start any agitation.”

4.69 During the evidence of the non-official representatives, it was pointed out that many agencies are being created for implementing developmental work in the UTs neglecting the local units e.g. in Andamans PWD is there, but the administrator always asks NBCC or CPWD or other agencies to come there for construction work. Because of this the job opportunities to the locals are limited, only when the local department are given the work of generation of employment will be there.

4.70 In this context, Shri Pawan Kumar Bansal, MP stated that the departments of the UTs should be given the works to the extent possible.

Conclusion

4.71 The Committee note that Constitution provides for appointment of an Administrator in Union Territories. They also note that the Administrators appointed in different Union Territories have been designated differently and are either political figures or retired army officers of civil servants. While in Union Territories like Delhi and Pondicherry the Administrator is designated as Lt. Governor, in other places they have been designated as Administrators. The Committee, however, are of the view that designation of the Head of Administration is a matter of considerable significance as it connotes the extent of Authority vested in him/her. They are also of the view that it is desirable to appoint a political figure as Administrator in Union Territory because in absence of an elected Head of the Government an appropriate political input in the running of Administration. Moreover such a person is also likely to establish a better rapport with the general public.

Recommendation

4.72 The Committee, therefore, desire that all efforts may be made, in future, to appoint only political figures as Administrators in Union Territories. They also desire that all Administrators of the Union Territories may be designated as Lt. Governors enjoying more or less similar powers over the Territories administered by them.

At present there is no constitutional position of Lt. Governors though he is appointed by the President under Act 239 of the Constitution. As such necessary constitutional amendment be made to incorporate the Lt. Governors Constitutional position.

Conclusion

4.73 The Committee are apprised that in the case of Union Territory of Chandigarh over the past few years Governor of an adjoining State has been asked to concurrently discharge the responsibility of Administrator, Chandigarh. It has been pointed out to the Committee that this arrangement is not in keeping with the interests of the citizens of Chandigarh. The Committee are inclined to go alongwith this assessment.

Recommendation

4.74 The Committee, therefore, desire that an independent Administrator may be appointed in Chandigarh as was the practice in past and that he should be designated as Lt. Governor.

Conclusion

4.75 The Committee find that no specific term of office as such has been prescribed for the post of Administrator. However, as a matter of

convention such appointments are normally made for a period of 3 years. The Committee, also note that ultimately the tenure of the Administrator depends on the pleasure of the President.

Recommendation

4.76 The Committee feel that Administrator of a Union Territory by whichever designation he is known must feel secure enough in his position as would not make him look over his shoulder every now and then. They, therefore, desire that a definite term of office for the Administrator in a Union Territory would be in the best interest of administrative efficiency in the Union Territories.

4.77 They further desire that where there is an Assembly and a Council of Ministers the term of office of Lt. Governor should run concurrent to the term of the Assembly.

Conclusion

4.78 The Committee have in Chapter II of this Report dwelt upon the question of providing representatives administration in the Union Territories. In this context, it was contended by the Ministry of Home Affairs that accountability of administration in Union Territories to the people is being ensured in sufficient measure through the President, the Parliament, the Legislatures/Pradesh Councils and through the Home Minister's Advisory Committee/Council, wherever these have been set up. The Committee during examination of the effectiveness of all these avenues available for channelising people's perceptions on matters of importance as also their grievances on specifical issues have come to the conclusion that these fora are either far too remote or too infrequently available and finally unsatisfactory. The Committee are convinced that these fora do not help citizens of Union Territories to fulfil their democratic aspirations in a purposeful manner.

Recommendation

4.79 In order to make Legislature/Pradesh Councils effective, the Committee desire that the powers may be delegated to these bodies in a far liberal manner than has been done hitherto. They also recommend that in the case of a difference of opinion between the Lt. Governor and the Legislative/Pradesh Council, the views of the elected representatives should prevail except in matters concerning national security, law and order and such like important areas. For this purpose, necessary amendments in the Government of Union Territories Act should also be effected.

Conclusion/Recommendation

4.80 The Committee are dismayed to find that even though Executive Councillors / Counsellors have been appointed in various Union Territories

in most cases either no files are routed through them or these are routed in a very lackadaisical manner. The Committee desire the Ministry of Home Affairs to issue clear instructions to Administration in all the Union Territories to ensure routing of all files to be submitted by the Lt. Governors through the respective Executive Councillors/Counsellors except where such files relating to reserve subjects which are submitted direct. The Committee would like it to be ensured that no deviation from this instruction is permitted. They also desire that violation of this provision should be seriously viewed by the Government.

4.81 Under these circumstances Committee wonder how Executive Councillors / counsellors are expected to fulfil their role as Advisor to the Administrator or to even be able to hold meaningful discussions with him. In fact the Pradesh Council is a body created under Provisions of 239/240 of the Constitution for the purpose of the Administration of the respective Union Territories. The Councillors appointed by the Administrator are supposed to be allocated one or more Departments and therefore, they for all practical purposes, are the Counsellors of the respective U.T. Administration and not of Pradesh Council. Being public representatives protocol-wise they are supposed to be above the Secretary and Chief Secretary of the concerned Union Territory. The Committee regret to note that such democratic approach towards public representatives was found missing in all the Union Territories.

The Committee, therefore, feel that comprehensive guidelines should be issued by the Ministry of Home Affairs to the Administrators of all the Union Territories without a Legislative Assembly for more close effective association of Executive Councillors with the administration of the Union Territory and for observance of proper protocol in regard to them.

Conclusion/Recommendation

4.82 They also find that appropriate facilities like transport, medical etc. have not been extended to these Executive Councillors. The Committee recommend that all the necessary facilities ordinarily available to the Minister in State should be extended to Executive Councillors of Union Territories. The Committee further desired that meetings of the Pradesh Councils should at least be called on a quarterly basis.

Conclusion/Recommendation

4.83 The Committee were informed during evidence that Home Minister's Advisory Council which used to meet once in six months are now required to meet only once a year. However, they find that in actual practice these Councils have not met as even in accordance with revised norms for the last three years. The Committee, therefore, recommend that the Advisory Council should meet twice in a year.

Conclusion/Recommendation

4.84 The Committee find that for matters falling outside their powers the Administrators of Union Territories have to make references to various Ministries of the Government of India which operate the relevant Budget Heads of the Union Territory. The Committee, however, feel that while the Ministry of Home Affairs which is the Administrative Ministry controlling the affairs of Union Territories itself is not fully geared to give the exclusive attention to the problems referred to it by various Union Territories, it is rather farfetched to expect other administrative Ministries to show even that much of involvement in the problems of Union Territories. The situation gets compounded in the case of Island Territories which owing to the perceptual gaps at the Government of India level and the remoteness of their geographical location can ill afford long delays in clearance of proposals without giving rise to a sense of grievance among the people. Although the Ministry of Home Affairs UT Division is supposed to chase up files in other Ministries on behalf of the Union Territories, this arrangement does not seem to operate effectively. The Committee feel that there is definite need for improving the situation in this regard. They desire that Home Ministry be given all the powers of Government of India to clear proposals of Union Territories subject to consultation with the Administrative Ministry concerned wherever it is felt necessary.

4.85 The Committee also desire that a senior officer of the rank of atleast Special Secretary should be appointed in the Ministry of Home Affairs for exclusively looking after matters relating to Union Territories and effecting coordination with various Ministries and agencies of the Government of India.

4.86 The Committee learn that at present there is no formal mechanism in the Union Territories for inter-action between the Union Territory Administration and the field offices of Government of India operating independently in a Union Territory. The Committee feel that for better coordination and purposeful inter-action such a mechanism needs to be established without loosing further time. They may be apprised of the steps taken in this regard.

Conclusion/Recommendation

4.87 The Committee understand that a final decision regarding conversion of lease hold land in Union Territory Chandigarh has been pending for a considerable time with the Government of India, Ministry of Urban Development. The Committee desire that Ministry of Home Affairs should actively pursue the matter with Ministry of Urban Development to ensure a speedy decision in this regard.

In the similar manner there should be proper land Survey and Settlement conducted for all the Union Territories where it has not been done earlier and free hold land patta for agricultural land and house site should be

issued without any further loss of time. Government of India should amend the land tenure regulations of concerned Union Territory, if necessary.

Conclusion / Recommendation

4.88 The Committee are informed that in Andaman and Nicobar Islands the Deputy Commissioner, Andmans has been declared Head of the Department in respect of revenue department. The community development schemes are also under his direct control. However, he has no administrative control over the authorities responsible for implementing the schemes. It has been admitted by the Ministry of Home Affairs during evidence before the Committee that introduction of single line of responsibility and accountability of block level officers to the District Collector would bring efficiency in the developmental activities of the District Collector Sub-Divisional Magistrate. Further the Committee are concerned to note that in the Andaman and Nicobar Islands even the Sub-Divisional Magistrates are not effective in exercising power and so at coordination as often they are quite junior to Sub-Divisional Heads of functional departments. In this manner departmental heads tend to go on their own thus ultimately eroding the role and power of the Dy. Commissioner who is directly controlling the Sub-Divisional Magistrates. The Committee wonder how in such a situation developmental schemes can be implemented efficiently and effectively. The Committee, however, note that the Government are actively considering restructuring of District Administration in Andaman and Nicobar Islands at the block level and Sub-Divisional level.

4.89 The Committee desire that necessary changes in the district set up may be introduced expeditiously to make administration responsive to the public needs. The Committee recommend that the Administrator Andaman & Nicobar Islands should undertake a study of restructuring the entire Union Territory administration on the basis past of experience to provide a clean efficient and responsive administration. They also desire that the changes should be effected in such a manner that public have to deal with the administration through a single window for seeking redressal of their problems. The Committee would like to be apprised of the position at the earliest but not later than a period of six months.

Conclusion / Recommendation

4.90 The Committee are perturbed to note that in Andaman and Nicobar Islands a reverse delegation has been taking place as powers have been withdrawn from the Heads of the Department and vested with the Secretaries with the result that instead of giving their full attention to policy inputs and effecting coordination the Secretaries of the UT Administration have burdened themselves with the task of effecting transfers etc. which is the function of heads of the department. In the opinion of the Committee this situation is not redeemed by the fact that in some cases the Secretaries are concurrently the Heads of the Departments. The representative of the

Ministry of Home Affairs has in his evidence before the Committee admitted that this is a somewhat anomalous position.

Recommendation

4.90A The Committee are of the firm view that in any administration secretariat cannot be strengthened at the expence of fields offices. The Committee, therefore, desire that Andaman and Nicobar Islands Administration should be asked to immediately review existing delegation of powers with a view to restoring the importance and effectiveness of heads of department.

Conclusion / Recommendation

4.91 The Committee note that the mechanism for reviewing the adequacy or suitability of administrative set up in Union Territories is provided by Internal Work Study Unit of Ministry of Home Affairs and the Staff Inspection Unit of Ministry of Finance.

The Committee, however, find that most of the recommendations of Staff Inspection Unit in regard to restructuring of the Administration and abolition of some posts have generally not been implemented. The Committee cannot but take a serious view of this default and desire that the recommendations of the Staff Inspection Unit, once made should be faithfully implemented. Whatever observations the Administration may have to make on the preliminary conclusion of the Staff Inspection Unit should be placed before it well before the Unit gives its report. It would not be out of place to expect each head of the department to discuss the draft SIU Report with the head of the SIU tea visiting the Union Territory. The Committee would like the Ministry of Home Affairs to issue necessary instructions in this regard.

Conclusion

4.92 The Committee are informed that tribal population of Andaman and Nicobar Islands have demanded setting up of an Autonomous Tribal Councils under the sixth Schedule of the Constitution. The Committee fully support this demand and desire that Ministry of Home Affairs should promptly initiate steps to fulfill same.

The Committee are apprised that in the Andaman & Nicobar Islands a number of developmental works are being implemented through agencies like NBCC & CPWD because of which local youth lose job opportunities.

Recommendation

4.93 The Committee desire that in all Union Territories developmental works would be implemented departmentally and non-departmental agencies should be involved only when this is completely unavoidable. They also desire that in departmentally as well as non-departmentally executed works local youth should be given preference in jobs.

CHAPTER V

FINANCIAL ADMINISTRATION AND PLANNING PROCESS

A. Budget Formulation

5.1 Regarding the participation of the representative bodies of the UTs. In formation of Budget the Home Ministry in a written note stated that in the Union Territory of Pondicherry there is a Legislative Assembly. The budget of the Union Territory is presented in that Assembly. It is discussed and voted there. The members of the Assembly can propose suitable changes in the budget proposals.

5.2 Union Territory of Delhi necessary legislation for making provisions for the Legislative Assembly in the Union Territory of Delhi has already been undertaken.

5.3 Union Territories of Andaman and Nicobar Islands, Daman & Diu, Dadra and Nagar Haveli, Lakshadweep have Pradesh Councils and the Pradesh Councils are to discuss and make recommendations to the administrator on the estimated receipts and expenditure pertaining to these Union Territories. The budget in respect of these Union Territories is discussed and passed by Parliament.

5.4 Chandigarh the city of Chandigarh is the capital of two State Governments viz Punjab & Haryana and Head Quarters of the Union Territory of Chandigarh. The Administration of the Union Territory is headed by the Administrator who is assisted by the Advisor to the Union Territory.

5.5 The budget estimates of the Union Territories without Legislature are included in the budget of the Ministry of Home Affairs.

Budget Allocations

5.6 The Budget Estimates of various Union Territories is as follows:

Annual Plan / Union Territory	Approved Outlay (in crores)	Expenditure (in crores)
<i>Andaman & Nicobar Islands</i>		
1991-92	154.50	148.45
1992-93	155.00	155.00 (anticipated)

1	2	3
Chandigarh		
1991-92	64.36	65.36
1992-93	68.00	68.00 (anticipated)
Dadra & Nagar Haveli		
1991-92	19.19	19.17
1992-93	18.15	18.15 (anticipated)
Daman & Diu		
1991-92	15.68	14.97
1992-93	14.50	16.45 (anticipated)
Lakshadweep		
1991-92	20.07	19.28
1992-93	20.00	22.00
Pondicherry		
1991-92	85 crores	81.79 crores
1992-93	90 crores	90.00 crores
Delhi		
1991-92	839.00 (R.E.)	819.15 (Sept' 92)
1992-93	909.00	398.81

5.7 When asked about consolidation of the proposals asking the Demands for Grants in the Parliament, the Secretary stated:

“The demands of UTs are consolidated by the Financial Adviser and then scrutinised. They are also scrutinised by the Finance Ministry. Then, whatever is the final allocation, that gets distributed among the various Ministries. The responsibility for monitoring the individual items of policy decisions is with the concerned Ministries.”

5.8 & 5.9 Asked whether the present arrangement was working satisfactorily and whether the individual Ministries should also provide for a separate head for the Union Territories in their respective Ministries / Departments, the Secretary of the Ministry of Home Affairs stated:

“There can be two views on it. But if individual Ministries have separate heads and if all these things get distributed among various Ministries, it will be exceedingly difficult to get access to a particular Union Territory’s project in the maze of the documents. It will then become the job of a researcher to find out what belongs to which Union Territory. On the other hand, if these things are available at a centralised place, retrieval becomes easy. It does not mean that the individual Ministries do not have any role to play at all. The concerned Ministry alone can pronounce judgement on whether a particular scheme is working well or not.”

Processing of Plan Schemes

5.10 During the official evidence, it was enquired as to what are Planning Commission's guidelines for formulation of plans in regard to UTs. The Jt. Secretary Planning Commission stated:

“When the Plan is formulated, having regard to the Five Year Plan and its objectives, we send out letters every year for preparing Annual Plans to all the States and Union Territories. The objective is common and there are no separate guidelines applicable to Union Territories alone.”

5.11 It was remarked by the Committee that after a lot of exercise, schemes are prepared and after having discussions at all levels, these are sent to the Planning Commission. Then the Planning Commission asks the States to reduce the outlay by 30 per cent or so. If this indication were to be given before the scheme is prepared, it would save a lot of time and stationery.

5.12 In this connection, the Jt. Secretary, Planning Commission stated:

“Till last year, the States and UTs were asked to send their proposals which used to be far in excess of the money available with the Commission and the States' own resources. This year, we have started a new process. The Planning Commission gives an indication of the total money available and requests the States and UTs to prepare their plans within a ceiling. This is still experimental. After judging the results this year, we will take a final view whether to continue this process or not.”

5.13 It was further observed by the Committee that the schemes are approved by the Planning Commission, in consultation with various nodal Ministries, and are finally sanctioned, the financial sanction is conveyed to the concerned States through a wireless message or telephonically in the month of February or March. At that time it become very difficult to implement the scheme.

5.14 When the Committee enquired as to why a scheme should require any further approval or sanction for its implementation by the concerned UT, the representative of Planning Commission stated:

“This point was specifically discussed in the IDA. Our information is that mere inclusion of the scheme in the Plan does not imply automatic financial sanction. It is not possible for the Planning Commission to have an intimate knowledge of each of those individual schemes which have been included in the Plan, with particular reference to details on staff component, recurring expenditure, contingency expenditure, and so on. These aspects have to be looked at by the Finance Ministry or by the appropriate sanctioning machinery in the State or the UT. It is very difficult for the Planning Commission to take the responsibility of detailed

scrutiny of each scheme and to allow automatic expenditure immediately thereafter."

5.15 In this regard the Additional Secretary, Ministry of Home Affairs stated:

"The problem does not lie in the plan process. The problem lies in the way the schemes are formulated or put up for consideration. Even after a scheme is included in the Budget with a token provision and is voted for by the Parliament or the State Legislature, question may arise whether financial scrutiny has taken place or not. Even in respect of continuing schemes, this problem arises."

5.16 He further elaborated as follows:

"Now, let me put it this way. A provision is made to purchase a ship. But the ship is not purchased. Now, that money is either lapsed or utilised for some other purpose and certain re-appropriation takes place. So, plan schemes do undergo changes. It is not as if what is included in the Plan is sacrosanct."

5.17 When it was enquired that if the approvals are not conveyed by the month of February or January, how will be the money spent, the Additional Secretary, Ministry of Home Affairs stated:

"What you say is right. In fact the normal procedure is that while budgetary process is on, or Planning Commission discussion is on the schemes which are being proposed should simultaneously be scrutinised. The system which they have adopted now should facilitate that process because they know what is going to be the outside limit. Therefore, the persons who are entering in the plan process should also be in a position to know what kind of schemes will be able to find place there."

5.18 The Additional Secretary summed up the formation of budget as follows:

"Before the process starts in a particular year, Planning Commission issues a letter indicating what are the priorities which are national priorities and what is the project strategy, etc. Each year there is a letter issued to all the States and the Union Territories indicating how to look at the schemes what kind of priorities should be projected and things like that. Some detailed instructions are given which form the basis of working out the formulation of a plan. The entire formulation of the plan depends upon what is the geographical position the economic resources of the territory and what kind of requirements and problems are there. We take into account all these things in working out a plan. We also take note of what kind

of new policies have to be taken account of consistent with the national policy which has been outlined by the Planning Commission."

5.19 He further added:

"The stage of plan formulation is before the plan document comes to the Planning Commission. It is discussed by various departments of the concerned Government and in the case of a State, the State Council or the Planning body takes a decision regarding what should be the plan."

5.20 But it was pointed out that this is not happening in practice for e.g. in Andaman & Nicobar Islands. For example during Durga Puja time during 1992-93 a message was passed on to the Council members that the plan would be discussed on Dussehra day and whether it is discussed or not, it will be approved.

5.21 In this context the representative of the Home Ministry stated that they would ensure that this doesn't happen again.

5.22 When it was asked that the Home Ministry has to undergo a lot of exercise viz. first the Planning Commission is there, then it goes to the Home Ministry and to the concerned Ministry then again to the Planning Commission, the Home Secretary stated:

"Individual projects along with all the details have to be necessarily sent whether they are on the non-plan or plan side. In fact, strictly according to the Manual no scheme should get into the Budget unless it is fully scrutinized. But with the nature of rush which is there at the time of Budget formulation, it is not possible for the Ministries, departments to come up with the details which are required. Therefore, what you do, is to make broad *inter se* prioritisation. In spite of all these being scrutinised in the Parliament, you always find complaint is being made that there is too much of staff and too much of infructuous expenditure. If we do away this kind of scrutiny, you can imagine what will be the position."

5.23 When asked whether a Central scrutiny of budget of Union Territories is being carried out under Section 27 of Union Territories Act and if so, whether intimation of quantum of Central Assistance to these territories is given in advance so that they can prepare their budgets, the Ministry in a written reply stated that the Union Territory Government of Pondicherry (with legislature) forwards Annual Financial Statement or Budget for the ensuing year at the beginning of each financial year for the approval of the President under Section 27(1) and 30 of the Government of Union Territories Act, 1963. After scrutiny of the Annual Financial Statement, approval of the President is obtained and conveyed to the UT Administration and the same is presented to the Legislature. When the

Administrator viz. Lt. Governor has accorded his assent the Executive is empowered to carry on the administration within the financial limits laid down in the Annual Financial Statement.

Plan Allocations

5.24 When asked what criteria is being followed in making plan allocations in Union Territories, the Ministry in a written reply stated that plan allocations are determined by the Planning Commission and are generally based on the requirements projected by the U.T. Administration through Plan documents, resource position and also additional resource mobilisation to be achieved by the U.T. area, population and other socio-economic factors are also given due weightage.

B. Grass Root Planning

5.25 Enquired as to what is the Planning Commission's view regarding the grassroot planning in Union Territories, the representative of the Planning Commission stated:

“Decentralised planning has been talked of for a long time and the Planning Commission has set up several committees to recommend about the decentralised planning. Even now there is a sub-committee of NDC which is holding its deliberations.

The Commission has also been advocating that there should be what we call the united funds which are not tied to any particular scheme and are available at the level of district, with Zila Parishad or Panchayat machinery, for execution of schemes which are needed locally, for which the need is felt locally. In UTs at least one case has come to me where the Commission has agreed to provide some fund last year.”

5.26 When asked whether it is the Planning Commission which outline the development strategy or it is decided by the Home Ministry, the representative of Planning Commission stated:

“The Union Territory send their plans directly to the Planning Commission. At the time of discussion Home Ministry representatives are present.”

Planning Procedure

5.27 The representative of each of the Union Territories then explained the procedure for preparing the plans. Firstly, the Development Commissioner, Pondicherry stated:

“We have got, at the Chief Minister's level a State Advisory Committee where all MLAs as well as MPs and other important people from various rural and urban areas are included. Before we formulate the plans, their views are taken into account and whatever allocations or the broad guidelines which come from the Planning Commission are sent to the respective Departments and further sent down to the lowest level. In the case of rural

development, of course, the plans are prepared and approved by the concerned Ministries as well as the Chief Ministers before we send them. In the rural development departments, it comes from the bottom."

5.28 The Administrator, Daman & Diu and Dadra & Nagar Haveli stated:

"In both the Union Territories-Daman & Diu and Dadra & Nagar Haveli-all the Sarpanches and all the Gram Panchayats are there and from their respective areas whatever problems are there, they throw them up at us. We also invite suggestions. Then, they will be discussed in the Pradesh Councils and on that basis a document is drawn and presented. Those present will include the Municipal Councils, the President of the Municipal Council, the Member of Parliament of the area and nominated individuals who will be representing the Scheduled Tribes, women etc. Their views get reflected in the Councils."

5.29 When it was pointed out that in Daman & Diu a meeting of the Pradesh Council was held after a gap of one year. The Administrator Daman & Diu and Dadra & Nagar Haveli stated:

"Even if the Pradesh Council Meetings are not held there, the Panchayat Meetings are held regularly. Our officers are regularly attending them. District level officers are visiting them, discussing with them and taking note of their suggestions. This is a continuous process."

5.30 In reply to a question the representative of the Planning Commission agreed that except for certain specified matters the planning process in Union Territories is same as that of the States.

5.31 To an observation that the repeated appraisal of scheme and their reformulation results in cost over runs which in some cases is more than 200% than the estimates cost, the representative of the Planning Commission stated:

"Planning Commission will support any system in which the cost over-runs and time over-runs do not take place and where the implementation starts immediately after the plan is approved."

5.32 Explaining the planning process, the Addl. Secretary to the Ministry of Home Affairs stated:

"The process is like this. The direction which they actually give is supposed to be right from the lower district and the schemes are formulated at the level of blocks which are part of the district plan."

5.33 It was pointed out that where ever TRDA meeting is held, hardly these district level officer attend it. The representative of Home Ministry in this regard stated:

"That certainly is a matter which we will have to take up with the Administrators. These are the things which need to be given

attention to. Now, there are consistent directions from the Planning Commission that the plans have to be prepared from district level upwards. There is a certain time schedule which used to be indicated viz. generally you prepare a plan in this fashion and many States are preparing their plans on that basis only."

5.34 During the evidence a view was expressed that in reality planning is done by a select group of people and is imposed downwards disregarding the priorities of the people of Union Territories. To this the non-official witness, Shri M. L. Kampani said:

"The planning from grassroot level is a misnomer. Obviously, the requirement of the people has to be taken into account. You can not have anything like planning until the people are consulted."

5.35 He further added:

"But today in our present state of development, the requirement of the people are so great that our financial position will not allow us to do so. In the end, when the plan really comes, it looks like as if things have really been settled at Secretaries' level or ministerial level."

5.36 To another proposition that Planning Commission should indicate the size of the plans and let the Union Territories decide the priorities, he stated:

"The approach of the Planning Commission is correct from the point of view of the overall development of the country. We should follow the guidelines of the Planning Commission. But the States and the Union Territories, with their peculiar problems, should have more flexibility to change allocation from one sector to the other. If that can be done, I think it will be a very great achievement."

5.37 Asked to give the actual allocation and utilisation of grants, loans and other funds to different five years plans, the Ministry in a written reply gave the following figures:

(Rupees in crores)

Union Territories	1st Plan	2nd Plan	3rd Plan	4th Plan	5th Plan	6th Plan
Andaman & Nicobar	5.58	6.03	9.70	14.00	33.72	96.61
Chandigarh	U.T. was not in existence -			7.75	40.00	100.75
Dadra & Nagar	No outlay & expdr. during			2.30	9.40	32.41
Haveli	1st to 3rd Five Year Plans.					
Daman & Diu	Not applicable.					
Delhi	6.30	17.00	99.33	152.65	316.01	800.00
Lakshadweep	—	0.74	0.99	2.00	6.23	20.35
Pondicherry	0.74	4.76	6.93	14.54	35.86	100.78

(Rupees in Crores)

7th Plan Outlay

U.T wise 1985-86 to 1989-90

Approved		Agreed
301.50	A & N	285.00
223.34	Chd.	203.09
47.26	D & N H	46.29
40.45	Daman & Diu	26.17
2644.34	Delhi	2000.00
70.95	Laksh.	43.90
237.00	Pondi.	170.00
3564.94	TOTAL	2774.45

	Annual Plans 1990-91	Annual Plan 1991-92	Annual Plan 1992-93
A & N	97.00	154.50	182.42
Chd.	55.97	65.36	95.00
D & N Haveli	12.99	21.50	27.97
Daman & Diu	12.58	15.68	28.16
Delhi	800.00	920.00	1259.18
Lakshadweep	22.00	22.46	30.35
Pondicherry	65.85	85.00	200.00

5.38 Plan outlays and expenditure have been more than doubled in successive Five Year Plans in Delhi. The expenditure during the Seventh Five Year Plan was Rs. 2631.47 Crores compared to the original outlay of Rs. 2000.00 crores. Planning Commission approved an outlay of Rs. 4500.00 crores for Eighth Five Year Plan (1992-97).

Resource position

5.39 The Ministry further furnished a note regarding the resource position, the degree of resource mobilisation and the extent of inadequacy therein.

Andaman & Nicobar Islands

For the Union Territory of A & N Islands the State excise forms the biggest source of tax revenue followed by Stamps & Registration. Among non-tax revenue Forestry and Wildlife followed by power, Water Supply

and Sanitation, Public Works, Animal Husbandry, Agriculture programmes and Stationery and Printing are revenue sources. Dairy Development, Housing, Police and other Administrative services are some other sources of non-tax revenue.

Chandigarh

In Chandigarh Sales Tax is the biggest source of revenue followed by Power, State Excise. Some other sources are Stamps and Registration, taxes and duties on electricity, taxes on vehicles, interest receipts, Road Transport etc.

Delhi

In Delhi Sales Tax is the biggest source followed by excise on water rates, property tax, electricity tariff, road taxes on commercial vehicles, small savings and other taxes etc.

Dadra & Nagar Haveli

In Dadra and Nagar Haveli Electricity is the major sources of revenue followed by Sales Tax, Taxes on vehicles, forest and land revenue and other miscellaneous sources.

Daman and Diu

The main source of revenue for this Union Territory are land revenue, Stamp/Registration fees, State excise, Sales tax and vehicles and goods duties.

Pondicherry

The Union Territory derives its main source of revenue from Electricity fees, State Excise, Sales tax, Motor Vehicle tax and Registration fees. Every year additional resources are mobilised by revision of taxes/fees.

Lakshadweep

The main source of revenue are stamps and Registration, Sales tax, fisheries, Shipping and Civil Aviation.

C. Fiscal Position in UTs.

5.40 The Budget position of the Union Territories showing the revenue and expenditure position from 1990-91 onwards is indicated below:

A & N Islands

(Rs. in lakhs)

Year	Revenue	Net Expenditure (Revenue, Capital and Loans)	Percentage of exp. to revenue
1990-91	2551.39	2,22,66.66	872
1991-92	3100.00	3,17,25.00	1023
(Rev. Est.)			
1992-93	3202.00	2,99,79.00	936
(B. Est.)			
Chandigarh			
1990-91	15402	22,630	147
1991-92	19400	27,244	140
(R. E.)			
1992-93	19600	27,858	142
(B. E.)			
Dadra & Nagar Haveli			
1989-90	1552.19	2794.39	180.0
1990-91	1856.41	3339.04	179.8
1991-92 (RB)	2207.32	—	—
1992-93 (BB)	2764.05	—	—
Daman & Diu			
1990-91	3343.00	3059.00	91.5
1991-92 (R.E.)	3436.00	2806.06	81.6
1992-93 (B.E.)	3780.00	5226.00	138.2
Delhi			
1990-91	10,20,69.75	14,04,78.00	138.00
1991-92 (R.E.)	12,62,97.91	15,41,00.00	122.00
1992-93 (B.E.)	15,15,32.29	16,64,83.00	109.86
Lakshadweep			
1990-91	3910.56	5157.82	131.9
1991-92 (R.E.)	4335.37	5569.70	128.5
1992-93 (B.E.)	3564.63	3831.94	107.5
Pondicherry			
1990-91	11652.50	25322.56	217
1991-92 (R.E.)	24434.19	30033.77	123
1992-93 (B.E.)	26605.00	32799.55	123

Resource Base

5.41 Regarding the resources position of the Union Territories, the revenue yield under important items is as under:—

A&N Islands

(In lakhs of rupees)

Year	Forest & Wild life	Power	Road & Water Trans- port	Port, Light Houses & Shipping	State Excise
1990-91	1535.13	258.96	293.63	170.41	76.42
1991-92 (RE)	1817.00	300.00	503.00	170.00	90.00
1992-93 (BE)	1857.00	300.00	550.00	180.00	95.00

Chandigarh

Year	State Excise	Sales Tax	Stamp & Regis- tration	Sale of Power	Printing & Stationary
1990-91	2834	5133	582	2740	548
1991-92 (RE)	3300	6500	930	3758	654
1992-93 (BE)	3348	6800	750	3856	654

Dadra & Nagar Haveli

Year	Forest	Land Revenue	Excise Tax	on Elec- tricity	Sales Tax
1990-91	5.87	4.10	11.01	34.00	1691.45
1991-92 (RE)	10.00	3.65	12.16	40.00	2000.00
1992-93 (BE)	10.00	3.76	13.35	41.00	2546.00

Dayman & Diu

Year	Sales Tax	Tax on Vehicles	Stamps & Registrat- ion	State Excise
1990-91	2123.89	110.01	43.00	266.00
1991-92 (RE)	2200.00	60.00	39.00	280.00
1992-93 (BE)	2400.00	85.00	40.00	290.00

Delhi

Year

	Sales Tax	Excise Duty	Enter-tainment Tax	Terminal Tax	Vehicle Tax
--	-----------	-------------	--------------------	--------------	-------------

1990-91	68971.26	16220.78	1654.94	3719.75	5316.06
1991-92 (RE)	88596.60	20065.00	1737.00	3800.00	4364.00
1992-93 (BE)	109300.04		1833.00	4000.00	4404.00

Lakshadweep

Year

	Power	Animal Husbandry	Fisheries	Port Light Houses & Shipping	Agriculture
--	-------	------------------	-----------	------------------------------	-------------

1990-91	5694	581	6823	7393	1287
1991-92 (RE)	5500	1000	6000	7955	1350
1992-93 (BE)	6000	1000	7000	8820	1450

Pondicherry

Year

	State Excise	Sales Tax	Electricity	Taxes on vehicles	Stamps & Registration
--	--------------	-----------	-------------	-------------------	-----------------------

1990-91	2484.54	3647.22	4027.15	350.27	502.94
1991-92 (RE)	2764.00	4100.00	5562.00	371.90	480.00
1992-93 (BE)	2900.00	4500	6747.00	390.00	535.00

Note: The entire Budget of the Union Territories except Pondicherry is met from the Central Budget i.e. of M/o Home Affairs. The revenue yields/receipts are deposited in the Consolidated Fund of the Union and the expenditure is met from the Consolidated Fund of the Union.

Revenue Administration

5.42 As regards, the revenue administration set up in the each Union Territory, the Ministry in a written note stated that Distt. Collector is the Head of Revenue Administration in a District as is the normal pattern followed in other States. Except A&N Islands, all UTs are single Distt. territories for the purposes of revenue administration. A&N Islands has got two revenue district a different set of land revenue laws and rules made thereunder.

Additional Revenue Mobilization

5.43 Emphasizing the inclusion of tax revenue in finalisation of budget, the Addl. Secretary to the Ministry of Home Affairs stated during evidence:

“The Annual Financial Statement tabled in Parliament for 1992-93 which gives the figures of receipts for Chandigarh. Tax revenue for

1992-93 was Rs. 84.51 crore, revised revenue for 1991-92 was Rs. 115.78. Revenue estimated in the budget was Rs. 121.42 crores. Against that, revenue expenditure was Rs. 134.94 in 1991-92. In the revised one, it was Rs. 191.04 crores and in the Budget for 1992-93 it is Rs. 193.10 crores. So, it is not as if the tax revenues are not taken into account when the budget is finalised. In fact, they are taken into account."

5.44 When point was raised that the Planning Commission does not take into account the additional revenues effort, the representative of the Ministry stated,

"The Planning Commission is not taking into account how your resources are going to be derived. They take into account what is going to be the total resources available to you within which a plan can be formulated. In the case of Union Territories as distinct from the States, they know that whatever be the resource exercise, it is all coming out of the Central Budget. Therefore, they are not taking into account what are your revenue receipts."

5.45 When it was pointed out that there are same territories which are the special category territories where 98% central grant is given e.g. Chandigarh, the Addl. Secretary to the Ministry of Home Affairs stated:

"In the case of Union Territories, they know that so far as the Central assistance is concerned, this question does not apply. As it is a cent per cent financing from the Government of India. So, whether it is a plan or non-plan fund it does not make any difference."

5.46 However, in this regard this Chief Secretary, Delhi Administration stated,

"It is true that additional resource mobilisation is certainly taken into account by the Planning Commission and the Union Finance Ministry in determining the areas of the plan for the Union Territories. In fact, the size of the plan is determined after taking into account three things—one is additional resource mobilisation, the second is our share of the small savings and the third is the Central assistance which comes as cent per cent grant in aid. But the real thing is what is understood by additional resource mobilisation. That is a matter of running argument between the Delhi Administration on the one hand and the Planning Commission on the other."

"It is because they would like to take into account only such additional resources which come either by way of collection on account of additional rate of taxation and otherwise. If I realise better revenue by better administration this is not fully taken into account towards financing my plan. There is no real incentive for a Union Territory to raise more revenue or strengthen its revenue collection unlike the States. The balance from the current revenue is not applicable to the Union Territories. The balance from the current revenue is not taken into account and this year, we made a plea

before the Planning Commission and at last they gave credit to us. This is an area where certain formalisation needs to take place through the good offices of this august Committee and that the balance from the current revenue could be given to the Delhi Administration.”

5.47 The Chief Secretary, Delhi Administration added further,

“There is no necessity, for economising my non-plan expenditure also. If I were to economise all my non-plan expenditure, then both ways, my balance from the current revenues will go up. That is an element which is missing.”

D. Need for a District Fund for Union Territories

5.48 There is no consolidated fund for the Union Territories which do not have legislatures. They draw from the Consolidated Fund of India. Pondicherry has a consolidated fund of its own. Delhi will also have a district fund after an assembly comes into existence.

(1) Under article 266 of the Constitution, subject to certain provisions thereof, all revenue received by the Government of India/State, all loans raised by the Government by issue of treasury bills, loans or ways and means advances and all money received by that Government in repayment of loans, form one Consolidated Fund of India/State. All other public money received by or on behalf of the Government of India/State is credited to the “Public Account of India / State. There is also a “Contingency Fund” of India/State established by Parliament/State Legislature. This Fund is placed at the disposal of the President/Governor to enable advances to be made by him for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament/State Legislature.

(2) Present Practice:

Union Territories without Legislature:

The budget of these Union Territories forms part of the Central Government budget. All the revenues/receipts and expenditure of these Union Territories are accounted for in the Consolidated Fund of India. Similarly, other public money relating to “Public Accounts” are included in the “Public Account of India.” The financial, budgetary and expenditure control in respect of these Union Territories is exercised by Parliament and its Committees.

(b) Union Territories having Legislature:

Such Union Territories have their own “Consolidated Fund” and their own budget. However, provision is made for grants-in-aid towards the revenue deficit (including Plan Expenditure and loan for capital expenditure) in the budget of the Central Government. So far as “Public Account” is concerned, even these Union Territories have no separate “Public Account” and their transactions are included in the “Public Account of

India." The financial, budgetary and expenditure control in the case of such Union Territories exercised by the Legislative Assembly concerned and its Committees.

5.49 When it was enquired why all the Union Territories can not have a consolidated fund, the Additional Secretary of Ministry of Home Affairs stated:

"So far as the working is concerned, I do not think that we are constrained by the presence or the absence of the Consolidated Fund. Because these are schemes and the sanctions are operated on the basis of the financial sanctions given to them and also under the powers which are vested with them or delegated to them under the rules and regulations."

5.50 The Director, Fin.(UT) for the Ministry of Home Affairs stated:

"So far as the consolidated fund is concerned, unless a legislature is there, it can not be created."

5.51 When it was pointed out that if each Union Territory had a separate consolidated fund there would be better fiscal management. The representative of the Ministry regretted about not being aware of the particular advantage that would accrue to UTs by having a Consolidated Fund. He however, stated:

"If there is any particular advantage in having consolidated fund and if it would enable to control certain kinds of expenditure then that is a issue which needs consideration."

5.52 The Committee desired to note whether Pondicherry's budget is passed by the Parliament or the Assembly, the Development Commissioner, Pondicherry stated that it was passed by the Aseembly. However, the Joint Secretary (UT) stated:

"Although the Budget is passed by the Assembly, there is an one line entry about deficit, which is passed by Parliament, as to how much grant is to be given. There is an approval from the Consolidated Fund of India to the Consolidated Fund of UT."

5.53 He further added that the detailed budget of Pondicherry is passed by the Assembly. As to why the Union Territories can not have consolidated fund he explained as follows:

"If you were to have a Consolidated Fund in other UTs instead of having a detailed Budget presented in Parliament, that would have one line entry and there would be correspondingly no Legislative Assembly to go into the detailed Budget. That partly answers to the question as to why other UTs cannot have a Consolidated Fund."

5.54 When asked whether or not detailed discussion takes place before budget is passed by the Parliament. The Additional Secretary to the Home Ministry stated:

"All monetary proposals which have to be introduced in the Assembly have to have prior approval of the President. Money

Bills are introduced and they are approved. Then only the difference is met by way of grant from the Union to Pondicherry to cover the deficit.”

5.55 Asked whether Pondicherry’s budget is discussed in the Assembly before the budget is presented to the Parliament, the Joint Secretary (UT) stated “as far I know the ceiling comes on the non plan side. It is governed by the Section 27 of the Union Territory Act.” The Additional Secretary also added:

“One simple explanation which appears to me is that in the case of a State, there is a Consolidated Fund because all revenues are going to that particular State and in the case of a Union Territory, all credits go to the Union of India. Theoretically it does not appear sound to have a separate Consolidated Fund for UTs. This is only a logical explanation which appears to me. I will have to check up with the Ministry of Finance.

5.56 To a query, whether budget in Pondicherry would be passed without modification and does the assembly have absolute authority over it or the administrator can change some of the provisions, the Development Commissioner of Pondicherry stated:

“Once the Assembly has passed the budget there is no change and it is mandatory for the Administrator to accept it”.

5.57 Asked to give their views about having a consolidated fund for each of the Union Territory, the Ministry stated:

“Under Article 265 of the Constitution, “No tax shall be levied or collected except by authority of law”. Similarly under Article 266(3), no money out of the Consolidated Fund can be appropriated except in accordance with law and for the purposes and in the manner provided in the Constitution. These two provisions clearly spell out the principle that there will be “No taxation without representation” and no money can be appropriated out of the Consolidated Fund without the authority of law. In view of this, it is necessary that if a Consolidated Fund of a Union Territory is created, there should be a system of supervision of Legislature over the Fund in regard to the sources of revenue, authority to grant money for expenditure and an elaborate system of budgetary and expenditure control. There can be discharged only by a Legislature. In the absence of such a Legislature, it may not be feasible to establish a Consolidated Fund for a Union Territory.”

E. Island Development Authority

5.58 The Ministry in a written note informed the Committee that Island Development Authority and the Standing Committee of the IDA has been formed under the aegis of the Planning Commission to explore development possibilities for the Islands of Lakshadweep and Andaman & Nicobar.

5.59 It was asked as to what are the aim and objects of the Island Development Authority, the Additional Secretary Ministry of Home Affairs stated:

“The aim and object is that there should be a plan development of the Island. That is the aim of the Island Development Authority. It is a very high powered body. It has been constituted to decide policies and programmes which must take into account ecological and other factors which are so very relevant for these two islands.”

5.60 The exact terms of reference of the IDA are as follows:

“To decide on policies and programmes for an integrated development of the Island keeping in view of aspects of environmental protection as well as special technical and scientific requirements of the Island; to review programmes of implementation and the impact of progress and development and the authority submitted by the Planning Commission...”

5.61 The terms of reference of the Standing Committee were also referred to. It says:

“Preparation of perspective plans for both the islands; to identify appropriate programmes; to advise on plan priorities, programmes, financial investments, etc. and to assist in the formulation of Annual and Five Year Plans by the UT Administration and relevant Central Ministries; to monitor and review the progress of development activities and plans in terms of their implementation, bottlenecks if any, shortfalls, gaps if any, documents, etc.; to facilitate inter-action with Central Ministries, agencies and UT Administration and other agencies; to provide the technical and other support needed for the development of this Island; to sponsor special studies as required to take all such measures as may be necessary for ensuring environmentally sound development of the Island on scientific lines.”

5.62 The representative of the Ministry further added:

“That is why this Authority was constituted. It was presided over by the Prime Minister. It has a number of Cabinet Ministers and it has a Standing Committee.”

5.63 Regarding the terms of reference of the Standing Committees, he added:

“The Standing Committee does, in the interim period when the Council is not meeting, take stock of various studies, reports, etc. which are coming and on the basis of which certain programmes and policies are to be decided. The Standing Committee discusses the Draft Plan and it is put up to the Council. They make their own suggestions.”

5.64 When asked whether the Home Ministry follow the guidelines of the IDA the representative of the Ministry stated:

"The suggestions and directions received from the IDA are certainly taken into account."

5.65 When it was pointed out that despite nothing having been left out in the terms of IDA it appeared to the Committee that there is no co-ordination amongst various authorities concerning Island Territories, the Additional Secretary of the Home Ministry stated:

"I would beg to submit that it is not like this. The Island Development Authority, takes into account what should be the method of development of these two islands. This body is providing a kind of guidance both to the Planning Commission and to the various Ministries. And that is why the entire composition of the IDA is such that a large number of Central Ministries are included in that. And whether it is a tourism programme or health programme or educational programme or shipping and transport programme, in all these things some kind of guidance is being given. The Home Secretary is also a part of the Standing Committee. He is a member. The Home Minister is a member of the IDA. And in order that the IDA formulates and presents its programmes, makes its suggestions, which is to be backed by certain studies. It has carried out about 30 studies in various facts including the administration and various other subjects, etc. On that basis, both the Planning Commission and the relevant Ministries do take into account the recommendations of the IDA. As far as I am aware, I participated in one of those programmes, where a draft programme, before it was presented to the Planning Committee, was presented to the Standing Committee and it was discussed in the IDA."

5.66 However the Committee pointed out that so far, no Annual Plan had been discussed in the IDA or the Standing Committee and once when the date was fixed the meeting was postponed subsequently.

Conclusion

5.67 The Committee find that formulation of budget in the Union Territories is closely linked to the process of finalizing the Annual Plans in consultation with the Planning Commission because size of the budget in most Union Territories does entirely and in some cases substantially depend upon the quantum of grant-in-aid received from the Central Government. They are further apprised that budget making, and particularly discussions thereupon by the Pradesh Councils wherever these take place lose their purposefulness if size of the annual Plan allocation is later reduced by the Planning Commission.

Recommendation

5.68 In this context the Committee welcome the revised procedure under which the Planning Commission gives advance indication of the resources likely to be made available for the annual plan. This step they hope will

lend a certain degree of certainty to the budgetary exercise in UTs. The Committee desire that no effort should be spared to make this innovation a success.

5.69 The Committee feel concerned at the fact that often financial sanctions for different schemes/projects are issued by Government of India at the fag end of the financial year because even after approval of a scheme by the Planning Commission various other Ministries that are to be consulted before according a financial sanction take their own time in clearing the projects. The Committee aver that this is an unhappy situation and desire that a multipronged approach should be adopted to minimize the impact of such delays. They further suggest that, i) more powers may be delegated to UTs to bring down the number of proposals required to be referred to Government of India and ii) that keeping in view the advance intimation of annual plan allocation it should be possible to make timely references to Ministry of Home Affairs or other Ministries of Government of India.

Conclusion

5.70 The Committee note that even though a scheme is incorporated in the Annual Plan there is nothing sacrosanct about such schemes and in reality it can happen that the sanctioned scheme is not implemented in that particular year. However under such circumstances the funds allocated can either remain unspent or be reappropriated to some other scheme or project. The Committee however find that in reality while waiting for expected sanctions reappropriation of funds a different scheme would be a difficult proposition due either to the paucity of time or the absence of an alternative scheme that has already received approval. Moreover even the proposals for reappropriation would have to be referred to the Government of India and can experience the usual delays.

Recommendation

5.71 The Committee, therefore, wish to emphasise the need for delegating powers to the Administrators of Union Territories to reappropriate funds from one plan scheme to another.

Conclusion

5.72 The Committee are perturbed by the revelation that discussion of annual plan with members of Pradesh Council has not been accorded due importance by A&N Administration. They cannot also rule out similar attitude being taken by administration in other UTs. The Committee cannot but take a very serious view of the matter and would like to know what steps have been taken by the Ministry of Home Affairs to avoid recurrence of such instances.

Conclusion

5.73 The Committee find that at present, planning process by and large relies heavily on sectoral priorities determined at a macro-level and that by

sheer insufficiency of resources, developmental ideas and needs of people at the grass-root yet elbowed out during series of bureaucratic confabulations. The situation gets more accentuated in the case of Union Territories where Administration is not directly accountable to the people. The Committee gain the impression that in ultimate analysis people at the grass-root level are left out of the planning process.

Recommendation

5.74 While the Committee do not wish to discount the importance of macro-level direction of the planning process they do feel that enough room should be left for developmental needs at the grass roots to be devetailed. They accordingly desire that plan allocation should set apart an appropriate portion which can be placed at the disposal of District, Block and Panchayat level bodies. They hope with the application of 72nd and 73rd Constitution Amendment to Union Territories it should be possible to move fast in this direction. The Committee would like to be apprised of the progress made within a period of six months. The Committee recommends to create UT level ~~Planning~~ board for planning process and monitoring the same in each Union Territory.

Conclusion

5.75 The Committee find that in all the Union Territories net annual expenditure exceeds the revenue. Whereas in other Union Territories the gap has been ranging from 7.5 per cent (Lakshadweep 1992-93) to 117 per cent (Pondicherry 1990-91), in regard to Andaman and Nicobar Islands where the expenditure has been exceeding the revenue 8 to 10 fold the position is very acute. Being conscious of the fact that without a fiscal balance Union Territories cannot become financially viable, the Committee are concerned at his state of affairs. They feel that the existing fiscal position of the Union Territories, particularly that Andaman and Nicobar Islands is not in congruity with the objective of greater democratisation of administration in these territories.

Recommendation

5.76 The Committee therefore, desire that serious thought should be given at rectifying the existing fiscal imbalance in the Union Territories.

This would, obviously call for economy in unproductive expenditure and as also identification of new sources of revenue. The Committee also observe that the revenue base in some of the Union Territories which include Island territories is very narrow the Committee desire Government to take speedy measures for the economic development of these territories so that rise in general prosperity of the citizens also leads to better revenue mobilisation.

5.77 The Committee are surprised to find that Planning Commission while determining the annual plan allocations to Union Territories the Planning Commission does not give any credit for mobilisation of additional revenue by way of savings in non-plan expenditure and better tax

collection at existing rates. They are, however, inclined to find considerable merit in arguments put forth in this regard by the Chief Secretary, Delhi Administration. The Committee, therefore, desire that Home Ministry should take up the matter with the objective of encouraging Union Territories to effect better tax recovery and greater economy in non-productive expenditure.

Conclusion

5.78 The Committee find that all the revenues/receipts and expenditure of the Union Territories without legislatures are accounted for in the Consolidated Fund of India and the financial, budgetary and expenditure control in respect of these Union Territories is exercised by Parliament and its Committees. While in case of Union Territories with legislatures they have their own 'Consolidated Fund' and their own budget and the financial budgetary and expenditure control in the case of such Union Territories is exercised by the Legislative Assembly concerned and its Committees. The Committee was informed by the Ministry that it is necessary that if a Consolidated Fund of a Union Territory is created, there should be a system of supervision of legislature over the Fund in regard to the sources of revenue authority to grant money for expenditure and an elaborate system of budgetary and expenditure control. However, the Committee feel that the working system could be significantly improved if there is a Consolidated Fund for Union Territories.

Recommendation

5.79 The Committee desire that there should be separate consolidated fund of each Union Territory so that they have better fiscal management. They urge the Government to give sufficient powers to the Pradesh Council/ Advisory Council to exert financial budgetary and expenditure control. The Committee emphasize that necessary amendments should be carried out in the legal provisions to give effect to the above recommendations.

CHAPTER VI

PERSONNEL ADMINISTRATION

A. Status of UT Employees

6.1 The Committee enquired whether employees working in Union Territories were to be treated as Central Government employees or simply as Union Territory employees. The representative of the Ministry stated that the Constitution recognises only Central Government employees and State Government employees. The Article 309 of the Constitution says that subject to the provisions of the Constitution, heads of the appropriate legislature may regulate the recruitment and conditions of service of persons appointed to public service and posts in connection with the affairs of the Union or of any State. Since Union Territories are administered by the President through an administration which is ultimately answerable to the Parliament through the Council of Ministers in the Central Government the employees of the Union Territories are, therefore, working for the Union of India. In this context, it was pointed out to the representative of the Ministry that while there was no doubt about the officers of IAS/ IPS working in Union Territories being treated as Central Government employees the position was ambiguous about the exact status of employees working in various subordinate services of Union Territories as to whether or not they were Central Government employees at par with other Central Government employees. Reacting to this statement the representative of the Ministry stated:

“It is very difficult to say whether they are Central Government employees as such but they are all working in connection with the affairs of the Union because Constitution recognises only two categories: State or the Centre. It is only in some cases that the Union Territories have been given the powers of the State.”

6.2 Asked whether all the financial and other benefits to the Central Government employees should be applicable to the employees of the Union Territories, the Additional Secretary to the Ministry of Home Affairs stated:

“There is a distinction drawn here. Those who are the people who are working for the Union of India are not necessarily Central Government employees. In that sense Central Government employees are those who are working for the Central Ministries. I think there is a distinction between the two. All the conditions of

service in that case of category of employees, who are recruited there in the Union Territories, can be different. But those who are there in Group 'A' posts, etc. say for instance, which are transferrable categories, they would be Central Govt. employees, for example CGHS cadre, like doctors."

6.3 In a written note, however, the Ministry stated:

"Pay structure in the different Union Territories is same as recommended by the Fourth Central Pay Commission. The Pay Commission had made specific recommendations in respect of UTs vide its Chapter 27."

B. Recruitment in Union Territories

Recruitment Policy

6.4 Regarding the system for recruitment and promotion of UTs employees the Ministry in a written note stated that UTs are following the rules and regulations issued by the Central Govt. in regard to recruitment and promotion. However, in case of Chandigarh, Chandigarh employees are governed by the rules and regulations as applicable to Punjab Govt. employees.

6.5 The Ministry further stated:

"Recruitment, promotion, deputation are governed on the basis of recruitment rules framed by the U.T. administration in consultation with Deptt. of Personnel and Training and UPSC wherever necessary."

Delay in finalisation of recruitment rules

6.6 It was pointed out during evidence that finalisation of recruitment rules for various posts as in arrears. Even though the posts had been created the process of finalising recruitment rules is a tortuous one involving not only the UT Administration, Ministry of Home Affairs and the administrative Ministry concerned but also the UPSC. In this context, the representative of Ministry of Home Affairs said:

"What you are pointing out is a big problem. In fact, it is a big default on our part that various rules have not been finalised."

6.7 He further informed the Committee that as a measure of simplification Home Ministry's involvement has been done away with. Now, the Union Territory Administration takes up the matter directly with the administrative Ministry concerned. After approval by the administrative Ministry matter is pursued with UPSC whereafter the Law Ministry notifies the recruitment rules. Asked whether it was necessary to go through the entire process and as to why the administrative Ministry could not be empowered to finalise recruitment rules at their own level, the representative of the Department of Personnel stated:

“For the recruitment rules of posts in Group ‘C’ & ‘D’ the approval of DOP is not required. Only for Group ‘A’ and ‘B’ the approval of UPSC and DOP is required.”

6.8 In this context, it was also clarified by the representative of the DOP that appointment to Group ‘C’ & ‘D’ are done by the Union Territory Administration. When it was pointed out that at the level of DOP the recruitment rules were often changed even after these had been framed in consultation with UPSC with the result that availability of recruits became a problem the representative of the Ministry stated:

“It is not really like that. For Group A and B posts we try to maintain similar standards all over the country as far as the Central Government and Union Territory employees are concerned. If the Union Territory administration wants to have a lesser age limit and qualifications we ensure that the guidelines of DOPT are followed. Some broad features are given in those guidelines. As long as they are within those broad features we cannot object. If they want to lower the standards, then it becomes a different matter. Sometimes various Ministries and Departments propose a lower level.”

6.9 In this context, the Administrator to Lakshadweep Islands stated that there are different kinds of recruitment rules for each post as we do not have an organised kind of system. He further added:

“We do not have an organised service. We have isolated posts and we have isolated recruitment rules. Supposing some recruitment of Superintending Engineer is there, it has to be filled from Executive Engineer. The post of Port Officer has to be filled up by direct recruitment. So, there is no organised service as such.”

6.10 When asked whether all the posts in Lakshadweep have separate recruitment rules, he replied:

“Not all but most of them have. About 15-20 posts are not having recruitment rules.”

He further stated that for Group A and Group B posts the procedure is same as it applies to other UTs.

6.11 When asked about the break up of posts having recruitment rules and those which do not have recruitment rules in respect of all the UTs, the Ministry in a written reply stated:

	Have Recruitment Rules	Do not Have Recruitment Rules
Delhi	27	5
Chandigarh	94	1

1	2	3
Pondicherry	482	6
Daman & Diu	5	3
Dadra & Nagar Haveli	61	41
Andaman & Nicobar	413	13
Lakshadweep	325	6

6.12 As to why the recruitment rules have not been made for all the posts, the Ministry in a written reply explained that although Recruitment Rules have been framed in most of the cases, in some cases they are in the process of being finalised and are at various stages they have to go through before notification. Department of Personnel and Training have issued instructions for review of Recruitment rules from 1975 or before. Union Territories have replied that necessary instructions have been issued to take action on priority basis to review all recruitment rules framed prior to 1975 except in case of Daman and Diu which came into being only in 1987.

6.13 Asked how in the absence of Recruitment Rules temporary appointments are made, the representative of the Ministry stated:

“Where there are no Recruitment Rules—and this happens also in the Government of India and the State Government, where occasionally there are posts created for which the Recruitment Rules are not finalised and they have to be filled up you broadly have an idea that these are the conditions which you are going to keep in the Recruitment Rules and taking that into account you may fill up the posts temporarily on deputation. In this way some vested interests can be avoided. Sometimes, temporarily, whoever is in the line of promotion may be given an *ad hoc* kind of promotion to discharge that duty because if that post is required to be operated and it takes a year or two to finalise the Recruitment Rules, then the provision to fill it up temporarily has to be made.”

6.14 Asked why instead of promotion direct recruitments in the State services cannot be resorted to as it will be more scope to reach top level for the locals, the representative of the Ministry in reply stated:

“Direct recruitment already exists for Delhi and Andaman and Nicobar Islands. If there is any all-India competition, the local people can compete for higher posts. We are considering whether we could have State cadres for these two Union Territories also.”

6.15 When asked what was the percentage of promotion from B to A group, the Ministry replied that it was 50% and was in accordance with the relevant principle.

Delay in Recruitment to Posts in the Island Territories

6.16 In the context of Island Territories it was pointed out that the recruitment to many of the posts in various administration especially the Islands Territory Administration is done through UPSC which takes a lot of time. It was further pointed out that even after lapse of considerable

time the selected candidates do not join their posts there and the process has to be started all over again. This in turn leads to the cumulative vacancies of posts. On the other hand local candidates who might be willing to serve in Island Territories do not even get through the interview calls. The Secretary, Ministry of Home Affairs in this connection stated during evidence:

“We went to UPSC in 1988 on the advice of the Island Development Authority; UPSC suggested that if Andaman & Nicobar Islands has the problem of distance from the mainland and people are not willing to go on recruitment or people who go there are not willing to stay there for any length of time or go there, stay there and after three months they leave the job and come back; so why do you not consider a special reservation of 25 to 30 per cent of the posts for local people? Of course, we can define ‘local people’ that anyone who has stayed there for more than three years or who has got married to a resident of Andaman, etc., later; we can determine that later.”

6.17 Asked whether any finalisation of the Recruitment Rules UPSC should deliberate upon the question whether or not recruitment should be made by promotion or direct recruitment, an aspect to which UPSC should have nothing to do the representative of the Department of Personnel stated:

“We have certain principles. Normally we do not approve 100% promotion. We approve 100% promotion where there is a ratio of 2:1.”

6.18 Asked whether there was apprehension with the officers working in Union Territories even though drawn from All India Services would not follow the relevant Rules/Guidelines the witness said: “No Sir. In UPSC we are tending all these things.”

Recruitment from UPSC

6.19 It was pointed out during evidence that since Union Territory do not have Public Service Commission of their own recruitment of Group A&B posts is being done by UPSC. Asked whether this arrangement had been worked out with the intention of helping Union Territory Administration, the witness stated “I am not sure of this.” In this context the representative of the Ministry of Home Affairs said:

“The Union Territory recruitments have been given to UPSC because they don’t have service conditions of their own. That is not correct. Under article 315 of the Constitution the Union Territories do not have a Service Commission of their own at all. So, until it happens, until the Constitution is amended, the Union Territories shall go to UPSC mandatorily for all recruitments. As a reasonable relaxation C&D have been given to the Union Territory Adminis-

rations. In respect of A&B (Gazetted posts), the Union Public Service Commission have not given that relaxation, or those posts have not been exempted from the purview of UPSC."

Recruitment of Local Candidates in Union Territories

6.20 The Ministry furnished following details of *ad hoc* appointments made in various Union Territories:

Union Territory	Group 'A'	Group 'B'	Total
Lakshadweep	3	2	5
Daman and Diu	29	33	62
Pondicherry	29	13	42
Andaman & Nicobar Islands	60	55	115
Dadar & Nagar Haveli	7	22	29
Chandigarh	65	82	247

6.21 Asked to define *ad hoc* employees the Ministry stated that *ad hoc* employees as conventionally defined will mean that there is a regular post created and the employee has all the necessary qualifications prescribed, only he did not go through the prescribed selection.

6.22 In this connection the representative of the UPSC during the official evidence stated:

"The candidate who we select will not reach Andaman within six to seven months, which is the normal time and such candidates do not join or even if they join, they come away from there at the first available opportunity. At the same time there are local candidates appointed on an *ad hoc* basis possessing qualifications, but they may not measure up with the standards. They are appointed for six months and thereafter they extend their appointment with the concurrence of UPSC. It is because at the end of six months we are not able to get people."

6.23 In this context, the Committee enquired whether any preference was being given to local people in filling up various posts. The Ministry of Home Affairs in a written reply stated that for Group 'C' and 'D' posts only those candidates are considered whose names are sponsored by the local employment exchange. Further only local people can get their names registered with the local employment exchange.

6.24 Asked to indicate what procedure could be adopted to ensure entry of local people in Group 'A' and 'B' services as well, particularly keeping in view the fact that the local people are in a better position to understand

the temperament and problems of their people and can, therefore, proved to be more efficient and useful, the Ministry stated:

“In Andaman & Nicobar Islands we came up with a solution that we given them age relaxation and asked them to appear in competition with all the others in a recruitment process and at the time of recruitment show them some favour informally. We cannon perhaps say it on paper. In some cases, it was pointed out that it may be necessary to relax some of the qualifications. This was done in November, 1989. Some 64 Doctors of Andaman and Nicobar Island were regularised.”

6.25 He further added :

The exercise was a hundred per cent success in the sense that all the *ad hoc* employees, who were considered, were regularised. We did not have to reject anyone. Even if they had been rejected, some other special arrangements would have been evolved to take them in because we cannot throw out a man who has served us for five, six or seven years. We will find some administrative way of admitting him. But it so happended in November, 1989 that no such adjustment was necessary. They competed with others in the regular selection process. And all of them were selected. All of them were regularised.”

6.26 In regard to vacancy position that obtained at present the witness said:

“We can consider a repetition of that exercise. We find that the sectors of medical, engineering and education particulary, do call for special attention. So if this Committee says this we could certainly consider repeating an exercise of that type which we did in 1989. Age relaxation we will certainly give. There is no difficulty. If some minor relaxations are necessary in qualification, that can also be considered.”

6.27 On this point the representative of UPSC stated during evidence:

“Keeping all this in mind we have suggested in consultation with the Home Ministry, Department of Personnel and the Law Minister that they should examine the feasibility of reserving more posts for local persons in Andaman and Nicobar Island because they are having engineering and medical reservations outside. So, to give them this encouragement, we suggested that this should be examined, and what is important for us is that the recruitment rule in the end should be suitably amended to take into account this 20 per cent or 30 per cent, if it finds favour with the Minstry of Law.”

6.28 The Committee also observed that a large number of doctors were working on an *ad hoc* basis for a long time say 15 years, 14 years, 19 years etc. and on the instructions of CAT their services were regularised,

but no cadre was fixed for them. The representative of UPSC in an oral reply stated :

“The CHS cadre and the position of CHS Doctors, according to the latest information there are 117 Doctors in Andaman Island. Out of that, 38 posts are in the CHS cadre and the remaining are in the non-CHS cadre. There the position could vary because the Island Administration could create MO, SMO and any post with pay scale below Rs. 5000/- . There is a certain amount of difficulty in filling up these posts which I have already reiterated in my reply.”

6.29 He ‘further added:

“As regards doctors, who are regularised, my information is that they were regularised under the posts of the Andaman and Nicobar Islands. Posts under the CHS belong to the Government of India cadre. I have been advised during my meetings yesterday and this morning that CHS cadre is different from the A&N administrative cadre. Posts are created separately for the A&N administrative cadre and these doctors were regularised against the A&N administrative cadre. There should be no doubt about this. If there is any doubt, we will do all that is necessary to clarify the position and see that their services are duly recognised in their records.”

6.30 In a subsequent written note the Ministry summed up the position as under:

“The views of Union Public Service Commission on the issue are that appointment to Group ‘B’ non-Gazetted posts under the A&N Administration are already outside their purview. The Commission appreciates the problems faced by the A&N Administration in the matter of filling up Group ‘A’ and ‘B’ Gazetted posts and have already advised that Administration to identify, in the first instance, various affected services/posts in which the problem of non-acceptance and failure to join by selected candidates is most acute, or where even after joining, the selected persons leave for alternative employment in the mainland, at the earliest opportunity. Once, such a survey has been done, the A&N Administration may make a reference on a selective basis on the strength of the relevant data to the Ministry of Home Affairs/Department of Personnel and Training, Government of India, proposing a special dispensation in respect of those posts for A&N administration, keeping in recruitment upto a certain extent, without which there could be complete stagnation of talent in the Administration.”

Special Coaching for Local Candidates

6.31 Regarding the special coaching facility, they stated that it is available to some UT areas where we sponsor candidates to get admitted

in medical or engineering colleges and get properly educated and qualified because such educational facilities are not available everywhere. They suggested:

“In case of A&N Islands, also we can consider if we find that we are not getting sufficient number of engineers, doctors of a particular discipline. We can sponsor such students, get them educated in mainland institutions, give them preferential appointment back in the A&N Administration.”

6.32 In reply to a question it was emphasised during the official evidence that a bond could be introduced to force such candidates go back and serve in the Union Territory. Otherwise there could be a tendency to get away from the Island area.

C. Independent Selection Board

For Recruitments in Island Territories

6.33 *In the context of endemic delays experienced in filling up posts of Group 'A' and 'B' categories through UPSC, reluctance of candidates to join duty on posts in Island territories and denial of opportunity to local candidates. The Committee examined at length the suggestion to have an independent selection board for recruitment of Group 'A' & 'B' officers for each of the Union Territories. On the analogy of such an arrangement already prevailing in the North Eastern Region Viz. Mizoram etc. (before it was granted statehood). In this context, the Secretary of the Ministry of Home Affairs stated:*

“In the case of States, the UPSC does not come into the picture. But we will examine this point in consultation with the Personnel Department and the UPSC.”

6.34 At a subsequent sitting of the Committee on the subject, the Special Secretary (CS), Ministry of Personnel & Grievances stated:

“The problem has been Article 315 of the Constitution says that there will be a separate Public Service Commission only for the Union and for each State. The legal opinion has been that there cannot be a Public Service Commission separately for a Union Territory. However, taking into account certain extraordinary local factors, there can be a separate local recruitment arrangement. There can be a special Selection Committee in cases of extreme circumstances.”

6.35 He further clarified:

“In Arunachal Pradesh and Mizoram, such a facility was provided which was continued even after they became Union Territories. These were Selection Committees, comprising representatives of the area concerned, of the UPSC and of the Ministry of Home Affairs. After they became a State, of course, these bodies were converted into Public Service Commissions.”

6.36 In this context, the Additional Secretary, UPSC stated:

“As far as exemption from UPSC is concerned, it has to be considered by the Commission in a full meeting. The Commission, as a Constitutional Authority, considers the proposal in a full meeting and takes a decision. Earlier there were five proposals of this nature in 1987 and 1988. In 1988, the question which was considered was that there were lot of delays. The Commission was of the view that it was not justified. But subsequently in 1988 when the matter was put in a proper way, the Commission considered the matter in all its detail and agreed that the power to recruit group ‘D’ categories which was with the UPSC could be delegated to the Andaman & Nicobar Islands and accordingly the exemption regulation has been modified.”

6.37 He further added that UPSC is charged with making recruitments of the best persons for a post and has to maintain its standard. The Committee also takes all the factors into consideration while considering such proposals.

6.38 The Additional Secretary, UPSC, however, promised to place such a recommendation, if made by the Committee, for consideration before the Commission.

The Joint Secretary of the Ministry of Personnel, Public Grievances and Pensions also agreed with the statement made by the representative of the UPSC.

6.39 He further added:

“If you take one Member with the recruitment Board he has to act as the Chairman of the Board. We have such problems. We will also put up the proposal. It requires the Cabinet approval. The Cabinet will take a decision. Our views will reflect the views of the UPSC.”

6.40 However, the Special Secretary (CS) in this context added:

“If this Committee makes a recommendation like this, I am sure the Ministry of Home Affairs will be able to support it. We will have no objection to the representative of the UPSC chairing such a Committee. This was what was done in the North-East. There should be no objection.”

D. Assessment of Staff Requirement

6.41 Asked whether any study about the staff position in UTs has ever been conducted, the representative of the Ministry stated:

“For Dadra and Nagar Haveli it has not been done. In the case of Delhi, the Chief Secretary mentioned “They have their own SIU which does the study”.

6.42 He further added:

“We have our Administrative Department which has a whole-time team in terms of examining the strength, and work-load. If we feel the need of studying a Department. We send that team to a particular organisation. We are always studying that situation.

6.43 Asked whether the findings are accepted by the Ministry of Finance or do they also depute officials from their SIU, the representative of Delhi Administration stated:

“We have our own Finance Department. When the posts are sought to be created as a part of the plan, then, of course, we include those in the proposals. Occasionally the SIU team of the Finance Ministry also visits us.”

6.44 L.G. of Andaman & Nicobar Island has the powers to create posts. In that case administration can have its own SIU. Reacting to this suggestion the Additional Secretary to the Ministry of Home Affairs stated:

“Power of creation of post is delegated. But under economy orders, restrictions have been placed on creation of any non-plan posts. In such cases, reference has to be made to the Ministry of Finance. This applies to the Ministries of the Government of India also.”

6.45 When asked as to whether the ban would apply also to Delhi Administration stated:

“It applies to everyone. In the case of promotion, powers have been given to the Administrator to create certain category of posts. But that is again subject to the clearing of the plan proposals. Merely inclusion in the plan is not a sanction.”

6.46 Explaining the powers of the Administrators of the Union Territories, the Additional Secretary to the Ministry of Home Affairs stated during evidence that:

“There is slight distinction. In the case of Group A posts in Delhi with a maximum of Rs. 5000 as the pay, L.G. has got powers to appoint. In the case of Pondicherry, Andaman & Nicobar and Delhi, it is for the post of B,C and D category posts. In the case of Lakshdawee, it is C and D category posts where the L.G. has got the power.”

6.47 When asked why there is no uniform authority of delegation provided to the Heads of Union Territories, the representative of the Ministry stated:

“It is no longer the rationale. Rationale is about the size and nature of work requirement. So far as Delhi is concerned, because of the nature of the territory Group A posts are also included within LG's powers. Otherwise, for that category, the number of posts in other categories would be very few. For those posts, reference can be made to the Ministry.”

E. Recruitment of Teachers in Andaman and Nicobar Islands

6.48 During evidence it was pointed out that teachers selected by UPSC during the last 2 to 3 years were reluctant to join the schools based in Island territories.

6.49 Asked to indicate the steps taken to overcome the situation the Ministry in a written note stated that there is a selection committee constituted by the Andaman and Nicobar Administration for the selection of teachers. One Principal of Senior Secondary School appointed as a direct recruit on the recommendations of the Union Public Service Commission joined and left the service. Four lecturers appointed on the recommendation of the Union Public Service Commission had also joined the College and left the service. The lecturers/teachers recruited from the mainland are provided rent free unfurnished accommodation, annual free sea passage for them and their family members for proceeding to the mainland and return once in a year. There is no proposal for further incentives for motivation.

6.50 There is a proposal under consideration of the Administration to bring the colleges under the management of an autonomous body.

6.51 The Ministry further stated that teaching and non-teaching staff is adequate in the institutions in Union Territories of Lakshadweep except that some more posts of Primary School teachers/Nursery School teachers as well as graduate assistants in the subjects like English, Mathematics and Science (Physics, Chemistry and Biology) are to be sanctioned and posted.

6.52 All group 'C' and 'D' posts however are filled only by local scheduled tribe candidates on regular basis.

6.53 Teachers selected by UPSC during last two years, barring a few, joined the school. Now that the powers for appointment for group 'B' non-gazetted posts have been delegated to the Administrator, Lakshadweep it is hoped there will not be any problem. The selection board for the purpose has been constituted by the Administrator.

F. Vacancies Position in Union Territories Cadre of All India Services

6.54 Regarding the total strength of the UT Cadre of All India Services officers and the sanctioned strength for each of the UT at present, the Ministry in written reply stated :

Indian Administrative Service

Cadre posts in respect of Union Territories

(a) Andman & Nicobar Admn.	:	8
(b) Chandigarh	:	4
(c) Daman & Diu	:	4
(d) Dadra & Nagar Haveli	:	1
(e) Delhi Administration	:	35
(f) Lakshadweep	:	2
(g) Pondicherry	:	8

Indian Police Service**Cadre Posts in respect of Union Territories**

(a) Andaman & Nicobar Admn.	:	4
(b) Chandigarh	:	1
(c) Daman & Diu	:	—
(d) Dadra & Nagar Haveli	:	—
(e) Delhi Administration	:	53
(f) Lakshadweep	:	1
(g) Pondicherry	:	3

G. Level of Recruitment

6.55 The number of posts in various Union Territory Administration in Group 'A' & 'B' (other than those of IAS and IPS) under various categories viz.; technical, non-technical and administrative posts is as under:—

		Technical	Non-Technical	Administrative
Delhi	Group A	917	1166	479
	Group B	693	745	1380
Chandigarh	Group A	349	10	29
	Group B	374	618	80
Pondicherry	Group A	1309	32	48
	Group B	1277	57	320
Daman & Diu	Group A	34	41	5
	Group B	21	33	29
D & NH	Group A	46	4	1
	Group B	37	19	15
Andaman & Nicobar	Group A	228	80	105
	Group B	271	108	50
Lakshadweep	Group A	47	—	10
	Group B	59	5	93

6.56 In a note the Ministry furnished the number of Group A & B posts filled on deputation and through direct recruitment as also the vacancies as on date:

		No. of Deputation Posts		Direct Vacancies	
		Category- wise			
Delhi	Group A	2562	102	1701	419
	Group B	2818	205	1741	208
Chandigarh	Group A	388	97	119	66

	Group B	1072	451	201	103
Pondicherry	Group A	1389	40	—	121
	Group B	1654	54	—	—
Dadra & Nagar	Group A	52	—	30	20
Haveli	Group B	72	—	55	17
Daman & Diu	Group A	70	—	54	16
	Group B	81	—	76	5
Andaman &	Group A	413	23	250	140
Nicobar	Group B	429	23	289	117
Islands Lak- shadweep	Group A	57	—	3	22
	Group B	157	9	51	33

H. Reservation of Posts for Scheduled Castes/Scheduled Tribes Candidates in Union Territories

6.57 During evidence it was pointed out to the Committee that there are no recognized Scheduled Castes in Andaman and Nicobar Islands and, therefore, the practice of importing Scheduled Caste candidates from the mainland for appointment to posts reserved for that category was likely to create a problem in the Island Territory where, otherwise, a casteless society exists.

6.58 In this context, the Ministry of Home Affairs in a written note stated the general policy on reservation of posts for SC/ST category as follows:—

“The percentage for Scheduled Castes/Scheduled Tribes in appointments to services and posts have been fixed depending on whether the appointments are to be made on all India basis through direct recruitments or otherwise. In the case of appointments to Group ‘A’ & ‘B’ posts which are made on all India basis the percentage of reservation for these Castes/Tribes is on the basis of the strength of their population at the national level whereas in the case of Group ‘C’ & ‘D’ posts the percentage has been fixed according to the share of these Castes/Tribes in the population of the particular region/area. Thus, quota of reservation for these castes/tribes have relevance to their strength in the population of the area/zone of the applicants.”

6.59 In regard to application of this policy to A & N Islands, the Ministry stated:

“In accordance with this policy whereas no posts have been reserved for Scheduled Castes in the Andaman & Nicobar Administration in the case of Group ‘C’ & ‘D’ percentage of reserved posts in appointments which are restricted to Group ‘A’ & ‘B’ posts have been fixed on the basis of the national criteria as applicants from all over the country are eligible to such appointments which are made on all India basis.”

6.60 Giving details about the percentages of reservations, it was stated during evidence that in respect of Government of India recruitment for Group 'A' and 'B', it is 7½% for STs and 15% for SCs. In respect of Group 'C' and 'D', the population percentage of the area is taken into account for determining the reservation level.

6.61 The Ministry further explained the reservation policy as under:

"A person belonging to a particular caste scheduled in any given State would be recognised in other State or UT as well, for all purposes, including for employment against Scheduled Caste vacancies. However, a person belonging to the same caste, but from a different State or UT will not be treated as belonging to a Scheduled Caste unless that caste is scheduled in that particular State or UT. He will also not be eligible for any benefits, including employment, available to a Scheduled Caste, in any State or UT including the one to which he belongs.

However, in A & N Islands, recruitment on a Scheduled Caste vacancy is restricted only to Group A & B posts to which an SC/ST from any State or UT can apply."

6.62 In reply to a question, Shri R. K. Takkar, Chief Secretary stated during evidence:

'Legally I find no reason why there should be representation for Scheduled Castes in Union Territories when there is no much population.'

6.63 Asked whether the SC/ST reservations can be inter-adjusted, the Secretary, Ministry of Home Affairs stated during evidence:

"In respect of Group 'A' and 'B' posts the kind of diversion that is suggested that in case there is no SC people available, the 7½% for STs and 15% for SCs reservation could be inter-adjusted, is not constitutional. What is relevant is not whether there is an SC recognised in Andaman & Nicobar or not. What is relevant is that the reservation is for the catchment of the recruitment made on All India basis. If there is an SC candidate available elsewhere, he can take advantage of this reservation and go to Andaman & Nicobar Islands and work there. This will have other larger implications."

6.64 He added:

"In the case of especially, Andaman & Nicobar Islands which has some extraordinary features, may be, we can even consider the possibility of requesting the Government to extend the relaxation and allow it to be applied in a liberalised manner; to be precise, allow more percentage of reservation for tribal people and less for the Scheduled Castes because there are no Scheduled Castes. In other words, abolish the reservation for the SCs and add it to the STs.

In fact, there is an existing provision in the UPSC and it has permitted that if a post reserved for SC or ST is not filled up for three years, it can be diverted and converted to the other Groups. In the case of Andaman & Nicobar Islands, for example, if a post reserved for SCs, for any reason, is not filled up for three years, it can be added on to the STs. So, we can on that basis, recruit more of ST candidates. Even today, within the existing instructions, this is possible."

6.65 The Secretary, Ministry of Home Affairs further stated:

"We will consult the Law Ministry to see whether in addition to this we can also consider further relaxations or further adjustments in respect of reservation percentages for STs, a slight addition and a slight reduction in SCs, bearing in mind the special features obtaining in the Andaman & Nicobar Islands."

6.66 Pointing out the peculiar situation obtaining in the A & N Islands it was stated during the evidence that in the Education Department, there are about 1,000 posts which have been created for various grades of teachers and straight-away, 20 per cent of the posts are reserved for the tribals. Being, multi-lingual territory there are several media of school education. While the posts meant for Hindi and English medium can be filled up very easily from the tribal candidates and in languages like Tamil and Telugu at no point of time, the candidates will be available and these posts cannot be filled up. Similarly local doctors and engineers are unemployed and the posts are lying vacant due to there being reserved for SCs and no local SC being available.

6.67 The representatives of Ministry of Home Affairs reacted saying:

"The policy of reservation is laid down by the Department of Personnel and Department of Welfare. So, we have to adhere the policy of reservation. Now, the point is, how this policy can be applied in this situation so that this policy does not become a bottleneck in the effective running of these institutions. There are isolated posts and the reservation policy applied here in a particular manner. We will have to consider this and we will discuss with the concerned Ministries whether these posts which are specifically meant for a particular medium of instruction can be clubbed together and accordingly they can be considered for reservation. They should not go to general categorisation of reservation and that could be a via-media for the application of reservation principle and also the utility of the system is also not affected."

6.68 The Administrator, Lakshadweep stated in this regard:

"Some posts remain vacant but if we have some senior people available we may give them some *adhoc* appointment for six months."

1. Transfer Policy in UTs.

6.69 The Ministry of Home Affairs in a written note stated:

“A common feature of the transfer policy being followed in the Union Territories is that normally people are being transferred after putting in 3 to 5 years service in a particular post. The period after which transfer is effected is less in posts of a sensitive nature. Another feature is that employees have to move out of their Department on promotion which in case of UTs which comprises many islands/segments involves moving from one segment to another segment. Generally husband and wife are being posted at the same station. Transfers are normally effected keeping in view the academic session of the schools so that education of the children is not affected.”

6.70 Apart from the above common features there are features peculiar to each Union Territory keeping in view the distance between different segments of the Union Territory and mainland and island etc. For example Lakshadweep has provided different periods of posting in the various Islands and the Mainland Offices of the UT Administration. Another feature peculiar to Lakshadweep is that personnel should not be posted to their native Islands except on compassionate grounds.

6.71 In Chandigarh the senior Group “A” and “B” posts are filled up by officers on deputation from Punjab and Haryana and posting is generally for a period of 5 years which in extreme necessity may be extended.

6.72 Asked whether there was a transfer policy in each Union Territory the representatives of various UTs. stated during evidence:

Administrator Daman, Diu, Dadra & Nagar Haveli

6.73 We follow the general tenure. There are two aspects so far as our Territory is concerned. One is in the case of Dadra & Nagar Haveli Territory. There we are following the system of rotation among the transferable posts. Many of the posts are not transferable. But there is the case of Executive Engineer, we keep changing the charge.

6.74 The other aspect is about the transfer between Daman and Diu. People are unwilling to go to Daman from Diu and *vice versa*. Therefore, we have a two-year tenure system of rotation between these two places.

Secretary, General Administration, A & N Islands

6.75 We also have the same policy at a particular station. But we take into consideration the cases of some representation or mutual transfer, etc. Group ‘C’ and ‘D’ transfers are effected by the Heads of Departments and Group ‘A’ and ‘B’ are effected by the Chief Secretary.

6.76 The Ministry have also sent a detailed note on individual transfer policy prescribed in each UT which is reproduced in the Appendix.

J. Transfer of All India Service Officers

6.77 During evidence it was observed that generally postings to Andaman and Nicobar Islands or other far off UTs. were looked upon as a kind of punishment by IAS/IPS and DANI Service Officers. Asked why willing officers are not posted in such UTs. (other than Delhi and Chandigarh) the Secretary Home Affairs stated:

“The question about cadre management is causing a lot of worry also to the Home Ministry, because of the number of problems which you have mentioned. We have been witnessing this practically every day. We have a very serious problem about the management of cadres in North-East as also in the Union Territories. And unless we have a mix of postings, some good postings and some in such areas, it will not be possible to have various postings in these locations, manned properly by sufficiently senior and responsible officers.”

6.78 In this context it was pointed out during evidence that often, even after posting to an Island Territory, officers tend to retain accommodation at Delhi and keep back their families which in due course leads to various problems for the Administration and, ultimately, for the people of UTs.

6.79 Reacting to this statement Home Secretary stated during evidence,

“The question about whether the accommodation should be permitted to be retained by the officers in Delhi, is a point which is also raised by the North-Eastern States. We also have received representations from a number of cadres on this question. Points are raised that firstly the officers from the States or the Union Territories keep their families away and therefore they are inclined to go out of their headquarters too often; stay outside for too long a period. Some say that some are ready with a hold-all; ready always having a suitcase; want to leave at the slightest opportunity. This is one side of the story and the other side of the story is that there are genuine problems which the officers who are posted in these cadres.”

6.80 The witness further said:

“Firstly, we have received representations, from a number of officers, that the children face, a number of problems regarding schooling. When the children are small, there is no problem; they can go to the local schools, But with the kind of difficulties which are now there in getting admissions to the professional colleges and institutions, it becomes a problem. Medical facilities are not available, elderly parents are there for the officers who are posted to areas in which basic facilities are not available. Therefore, they have been making a point that while we would not be unwilling to work in these areas, turn by turn, we should at least be provided with basic amenities which will enable us to work with some amount of satisfaction that we will be able to give our best in the jobs which we have to do. Therefore, this kind of an idea came

about for permitting them to retain the accommodation in Delhi and this is being continued. To get over some of these problems of unwilling officers or those who are not prepared to go over there at all, we have worked out guidelines under which we have now laid down that every officer at every stage of his service if you divide their service into three broad categories of ten years spell that is junior level, middle management level which is between ten and twenty years of service and thirdly the senior management level which starts from the 29th years of service-in each of these spells, at least one posting should be a hard posting. So, the place has been decided according to the availability of infrastructural facilities, general willingness of officers to go there; and we have started adhering to this kind of guidelines; and making an exception only in cases of extremely compassionate grounds, which is also only for a few months at a time. Therefore, unless you have done a hard posting, it will not be possible to look at you as an officer for the purposes of any promotions or any other facilities of foreign training assignments, etc., etc."

6.81 Asked whether the All India Service Officers had accepted this position, the Home Secretary said:

"This system has become operative and by and large, officers cadres have also accepted this that this is a fair and reasonable kind of arrangement. We found for ourselves that—if you go merely by the willingness of the officers, very few officers will be willing to go—we will be denuded of the kind of talent that we would like to see in the administration of these areas. Therefore, I would urge that we should be permitted to give a fair trial of these guidelines which have been worked out which we have started operating since the last few months and which we are following rigorously with a great deal of problems of management of cadres, even at the super-time scale that is at level of officers of 20 years of service. Senior officers are willing to go depending upon the nature of the place and there is no escape from that. Then, it will be possible to have officers of various levels, of various seniority, of various categories of experience, to man postings in those areas."

6.82 Asked whether scaping UT cadre itself would solve the problem, Home Secretary said:

"Over a period of time, it was found that having independent cadres or independent service for these areas to not necessarily serve the purpose. There was a Frontier Administrative Service which operated from the North-East. It was there for a long number of years. A large number of Army Officers, for example, after their term was over, after secondment, came to the Frontier Administrative Service. There was a persistent demand from this

service that this service should be abolished and they should be merged with general pool of the IAS and the IFS, etc.

“Several years ago, a conscious decision was taken to disband this service and to merge this cadre with the all-India cadres. Therefore, I urge that just looking to the practical situation on the ground, it is really not possible to have a situation where for various reasons that we discussed earlier, we have independent cadres.”

6.83 He however added:—

“At the same time, it is not also possible to provide a situation in which you have totally unwilling officers or the officers who have nowhere to go. Therefore, they remain unsatisfied people and that kind of unsatisfied lot is not going to do any good work. Therefore, we are trying to find a mean-point by which officers’ genuine difficulties are taken care of and the requirements of the Administration on the other side are also looked at. We will make refinements in this as we go along.”

K. Bifurcation of Delhi, Aandaman & Nicobar Island Service and Creation of a unified Civil Service for Union Territories other than Delhi

6.84 Asked whether the individual catires should be developed in UTs for better administration and development of the country, the Additional Secretary to the Ministry of Home Affairs stated:

“I may mention that in Union Territory like Pondicherry there is a separate cadre. In the case of Delhi and Andaman and Nicobar Islands the DANI Service is there. A promotion opportunity is there for the local officers. So far as Dadra and Nagar Haveli and Lakshadweep Islands are concerned, till now there has not been a State Cadre as such.....many of the top posts are filled by local officials. We are already considering to have a kind of state service similarly in respect of Dadra and Nagar Haveli and Lakshadweep for better administration.”

6.85 During evidence before the Committee Chief Secretary, Delhi stated:

“One thing comes to my mind which I thought I should bring before your notice. The DANI Civil Service should be bifurcated. I see no need for the Andaman & Nicobar Islands and Delhi to have a common service. It creates a lot of irritation. It unnecessarily transfers the management of the service from the Government of Delhi to the Union Government. The number of posts in Delhi is large. A few of them, some three dozen, are posted in Andaman & Nicobar Islands. Because of this we loss control over the management of the service. This service is very important in the administration of the Union Territory of Delhi.”

He further added:

"That leaves us with the problem of providing personnel of requisite type for managing administration in the A&N Islands. I think those posts can be filled up by local service officials. They can have an organised service officials. They can have an organised service of their own. Or otherwise those posts can be filled up on deputation from Delhi Administration or from West Bengal cadre. Or we can leave the field open for filling up the posts from persons all over the country."

6.86 Asked whether the suggestion could also be applied to DANI Police Service, the witness said:

"Whatever I say for DANI Civil Service will apply *mutatis mutandis* to DANI Police Service."

6.87 In the context, it was pointed out during evidence that DANI Civil Service has a quota in promotion to Indian Administrative Service. However, most of this quota is filled by officers posted in Delhi Administration. If Island territories could have a different cadre it would provide an opportunity for local officers also to get promotion to IAS.

6.88 Dwelling upon the problem in posting officers from Delhi to the far of Union Territories a non-official witness, Shri M.L. Kampani said:

"Delhi has a very special attraction. Actually the basic problem is education of the children. Delhi people stick here more for the education of their children than anything else. That is the melody we have been facing."

6.89 In this connection, the representative of the Ministry of Home Affairs were asked to give his opinion about the suggestion to have a separate provincial civil service for all the Union Territories other than Delhi. The representative said:

"We will have to consider the implications. Today, for instance, there is a certain level of development which takes place in diffrent Territories. In Delhi, there is a large number of senior level posts and all the facilities are available here to the persons who are part of the Delhi Administration. We will examine this point in detail."

6.90 In a subsequent written note on the subject the Ministry stated that a proposal for extention of DANI Civil and Police Services to the Union Territories of Lakshadweep Dadra & Nagar Haveli and Daman & Diu is already under consideration of the Ministry. The Union Territory of Pondicherry is already having Civil as well as Police Services of their own and as such, there is no proposal for bringing Civil and Police Services in the Union Territories of Pondicherry under the purview of combined Civil and Policy Services proposed to be formed with regard to Delhi, Andaman & Nicobar Islands, Dadra and Nagar Haveli and Daman and Diu. In

Chandigarh, as per the Punjab Reorganisation Act/Rules 1966, all posts are to be devided in the ratio of 60:40 between Punjab & Haryana, and are drawn from the respective state service.

6.91 In this context, a non-official witness, Shri M.L. Kampani stated:

“ We have been trying various cobinations earlier also. It is true that Delhi has become a state. It can have its own cadre. It will be a workable cadre also. What happens is that the smaller union Territories are made into states. Also, the further requirement will be so small that I will not justify a full cadre. A secretary there can come back as Chief Secretary. He has some experience of it.”

6.92 Asked to give his views about taking officers on deputation from other States the non-official witness said:

“Getting a new man at every stage will be very difficult. Further, the states are also non sending their best officers. They will also try to pass on the people whom they want to get rid of”

In regard to having a joint cadre Shri Kampani stated:

“Administratively I still maintain that it is better to have a cadre rather than depending on the borrowed officers. Having a joint cadre is also difficult one. For example, there was a joint cadre in Manipur and Tripura. It was always very difficult to post an officer from one State to the other. If Tripura wanted to get rid of an officer, they used to send him to Manipur and vice versa. Joint cadres are difficult to manage.”

6.93 When asked about his view about having a separate Civil Service and Police Service for the rest of the Union Territories excluding Delhi, Shri Kampani State:

“Problem should not come because they have their own seniority list.”

L. A Unified Service for Delhi and Chandigarh

6.94 The Advisor to the administrator of Chandigarh state that:

“So far as Chandigarh is concerned, because of historical reasons, most of our posts have continued to be filled up by deputation from Punjab and Haryana. Civil Service posts are filled up from Punjab and Haryana in the ratio of 60:40. In Police Service Group B, all the posts are filled up by promotion from Inspectors as per Punjab Police Service Rules. So far as other Services are concerned, we are either following the Punjab Recuitment Rules or we have made our own Recruitment Rules with the approval of the UPSC. For Group A & B, we are following recruitment rules and we provided from promotion in all cases.”

6.95 In this context a non-official witness Shri Pawan Kumar Bansal, MP stated during the evidence:

“Vested interests from Punjab and Chandigarh States are at Play, the influential people are interested in bringing particular office there. It will not be a bad idea if Delhi and A & N Islands civil services could be extended further to all the Union Territories. They will not look to the bureaucrats or the politicians of Punjab or Haryana. It was pointed out that if his suggestion was implemented, having a unit cadre would there not be a great pressure from both Haryana and Punjab.”

6.96 Shri Bansal further stated:

“Notwithstanding the possibility of such pulls and pressures from time to time people there have lived with it. Earlier they used to be only one officer from the Centre but now you have IG from Union Territory cadre. You have one Chief Executive of the Chandigarh Housing Board, then you have another IAS officer which has gone there as Deputy Director of Food and Civil Supplies. When you can take three IAS Officers and one IG of Police. I think you can take some more also.”

6.97 He further added:

“If you were to decide that people above a particular rank have to be from the Union Territory Cadres no vested interests will develop from anywhere. You can work out that people from Delhi or other places will be taken on deputation but there must be room for transfer occasionally from one place to another. I think region-wise Chandigarh and Delhi could be treated as one.”

Conclusion / Recommendation

6.98 The Constitution of India recognises only two categories of public servants viz. the Central Government and the State Govt. employees. The employees of the Union Territories should ordinarily have been categorised as Central Government employees. However, this is not exactly the position. The Committee are apprised that Union Territory employees have been categorised as those working for the Union of India. The Committee are unable to understand this subtle distinction particularly when the pay structure in most of the Union Territories has been determined on the basis of the recommendations of the Fourth Pay Commission and all the service rules and regulations applicable to Central Government employees apply to UT employees *mutatis mutandis* or with minor modifications also determined by the Government of India. The Committee feel that the net effect of making this distinction is that it lends itself as a ground for denying or delaying some legitimate demands of the Union Territory employees.

Recommendation

6.99 The Committee, therefore, desire that the desirability of maintaining this distinction should be reviewed by the Government and remedial measure be taken immediately.

Conclusion

6.100 The Committee find that recruitment rules have not been framed in different Union Territories in regard to a large number of posts. The position is particularly Accentuated in regard to the Island territories. The Committee are apprised that the procedure of framing recruitment rules involves a series of clearances from the Home Ministry, Administrative Ministry, Department of Personnel and the UPSC. However, recently as a measure of simplification the requirement to obtain a clearance from Ministry of Home Affairs has been dispensed with. Nevertheless the position remains that getting recruitment rules approved continues to be a problem and consequently a large number of posts of Group 'A' & 'B' category remain unfilled or are filled by *ad hoc* appointees who remain unregularised over a long period of time, or by deputationists who are also not easily forthcoming. In this context, the Committee have considered the problem from various angles and examined various suggestions which could minimise the impact of this phenomenon. The Committee after carefully considering these suggestions make the following recommendation.

Recommendation

6.101 The power to finalise recruitment rules for Gr. A & B employees should be delegated to the UT Administration in consultation with the administrative Ministry concerned subject to conformity with guidelines and principles laid down by the Department of Personnel and the UPSC. The burden of ensuring this should be left to UT Administration and the Administrative Ministry. Reference to DOP or UPSC should be made only in exceptional cases where deviations are sought to be made from the general guidelines and principles governing recruitment of public servants.

Conclusion/Recommendation

6.102 The Committee are further apprised that in respect of Group 'A' and 'B' posts recruitment is made by the UPSC on an all-India basis. Since the selected candidates mostly happen to come from mainland they either fail to join the posts offered to them or leave their jobs or seek transfer prematurely. On the other hand the local candidates who are either not even called for interview or fail in the selection process remain unemployed in spite of the fact that they may have been given professional training at Government expense in fields like medicine and engineering. The Committee therefore desire that where qualified local candidates are available maximum consideration should be shown to them to ensure that locally available qualified candidates do not languish while the posts remain vacant. The Committee further desire that all the *ad hoc* appointees to Group 'A' 'B' and 'C' posts whose services are yet to be regularised may now be regularised by the Administration/UPSC in relaxation of the normal criteria for selection for these posts as a one time measure.

The Committee are also apprised that Services of a number of doctors appointed at one stage in A & N Islands on *ad hoc* basis due to non-

availability of regular candidates have since been regularised. The Committee desire that these doctors may be absorbed in CGHS which was the cadre available on the date of their regularisation.

Conclusion / Recommendation

6.103 The Committee are apprised that under the constitution there is no provision for a Public Service Commission in the Union Territories. While the powers to make recruitment to Group C & D posts have been delegated to the Administrators of these Union Territories, group A & B posts are filled through the Union Public Service Commission. The Committee are informed that unless Constitution is amended the status-quo would remain. However in this respect the Committee have taken note of the fact that in the North-eastern States a Selection Committee comprising representatives of the areas concerned, the UPSC and the Ministry of Home Affairs had been constituted to over-come difficulties in finding suitable local candidates for Group A & B posts willing to serve in those areas. The Committee find that both the UPSC and the Ministry of Home Affairs have taken a positive stand on the question of giving a similar treatment to Island Territories. The Committee, therefore desire that expeditious action may be taken to constitute similar Committees for recruitment of Group A & B posts in the Islands Territory. For this purpose the required exemption from UPSC may be obtained by Ministry of Home Affairs.

6.104 The Committee also desire that in fields where sufficient number of local candidates are not forth-coming concerted efforts may be made to have suitable willing men and women specially trained or coached in those fields particularly the field of shipping, and other professional areas at Government expenses and with a stipulation to serve in the native Island Territory for a certain number of areas.

Conclusion / Recommendation

6.105 The Committee find that there is no uniform delegation of authority to the Administrator of Union Territories in regard to appointments. While the Lt. Governor of Delhi can appoint persons to a post carrying a maximum pay of Rs 5000 the same cannot be said about the administrative Head of other Union Territories. The Committee do not agree with the explanation put forward by the Ministry of Home Affairs in regard to the rationale behind this difference in delegated powers. The Committee desire the Government to review this position and to ensure that heads of Administration in Union Territories which are located far off from the seat of Union Government should in the ordinary course enjoy equal if not greater administrative powers.

6.106 The Committee are apprised that there are no recognised Scheduled Castes in the Andaman and Nicobar Islands. however, as per the existing reservation policy of Government of India while recruitment of Group C and D posts does not require reservation of posts for Scheduled Caste category. However, Group A & B posts do come within the ambit of

reservation quota for both Scheduled Castes and Scheduled Tribes in accordance with the proportion of their population on all India basis i.e. 15% and 7½% respectively. It has been pointed out that in Andaman and Nicobar Islands where society is virtually casteless, persual of reservation policy for Scheduled Castes for higher posts which means recruitment of suitable candidates from the mainland, has resulted in avoidable resentment amongst the local youth. In this context, it has also been brought to the notice of the Committee that in these Islands the proportion of educated tribal youth is fairly high and that many of them fail to get employment within the 7½ percent of post reserved for them.

6.107 The Committee are also apprised that the situation is more complex in the case of teachers because in Andaman & Nicobar Islands there are schools catering to various linguistic groups viz. Hindi, Bengali, Tamil, Telugu etc. Often the Administration is not able to find locally Scheduled Tribes candidates from amongst these linguistic groups as a result of which a large number of posts of teachers require to be filled from different linguistic groups have remained vacant. In this regard, the representative of Ministry of Home Affairs have stated that the Ministry would consult Law Ministry to examine the possibility of relaxing the reservation policy in Andaman and Nicobar Islands to facilitate recruitment of local candidates against Group A,B & C posts for which Scheduled Castes/Scheduled Tribes candidates are not locally available.

6.108 The Committee strongly urge the Government to study this problem on a priority basis with a view to finding ways and means of giving greater employment opportunities to local youth particularly the tribal youth.

The Committee find that in Andaman & Nicobar Islands there are several Group 'A', 'B' and 'C' posts reserved for SC/ST candidates are lying vacant for more than three years. They further understand that possibility of filling up such posts in future is remote as a consequence of which the working of the Andaman & Nicobar Administration has been adversely affected.

The Committee, therefore, desire that these posts may be filled up without further loss of time by going through the normal process of de-reservation.

6.109 Although the Committee find that the transfer policies which exist in different Union Territories are more or less satisfactory. The implementation of the policy is faulty. However, they find that transfer policy of Lakshadweep Administration to be more comprehensive. The Committee desire that other Union Territories should adopt this as a model transfer policy with appropriate modifications in keeping with the local conditions.

6.110 The Committee find that management of transfer of officers belonging to Union Territory cadre of All India services and DANI service is a task beset with problems. However, the overall policy of the Government is to balance postings to remotely located Union Territories

with relatively attractive postings in Delhi. Moreover, postings in Union Territories other than Delhi are also accompanied by incentives such as preference in promotions, foreign postings and deputation on foreign training, etc. allowing special pay. The Ministry of Home Affairs have in this context fully justified the rules permitting All India service and DANI service offices to maintain their families in Delhi by retaining Government accommodation while they serve in Island Territories. The Committee find that this arrangement though unavoidable from a humanitarian point of view is not in the interests of efficient Administration in Union Territories. The Committee have carefully deliberated upon this question and make the following recommendations:—

(a) The DANI service may be bifurcated to create one unified service for Delhi and Union Territory of Chandigarh; and another for Andaman and Nicobar Islands to be extended to all other Union Territories except Pondicherry. The Committee envisage that the service catering to Island territories would attract either local candidates or candidates willing to serve the Administration in these territories on a long term basis. This they ever would also provide greater opportunities for the officers of these two Administrations to get promoted to/in IAS and IPS which in turn can relieve pressure of finding willing All India Service Officers for postings in these areas.

The Committee desire that this arrangement should hold equally true for both DANI Civil Service and DANI Police Service.

(b) The Committee recommend that to have Union Territories Cadre to IAS and IPS have lost relevance after Delhi having legislature. As Delhi can have a separate IAS and IPS Cadre.

(c) The Committee also desire that for filling posts earmarked for All India Service Officers the Administration in different Union Territories should be encouraged to borrow the services to efficient officers from the State cadres of IAS and IPS particularly those from the neighbouring States by circulating.

CHAPTER VII

JUDICIAL SYSTEM IN UNION TERRITORIES

A. Judicial System in Various Union Territories

7.1 Describing the existing judicial system operating in different Union Territories, the Ministry of Home Affairs in a written note stated: *Andaman & Nicobar Islands*:

The jurisdiction of the Hon'ble High Court of Calcutta extends to the UT of Andaman & Nicobar Islands. This Island Territory forms a single session division. The Sessions Judge also holds the charge of the District Judge in addition to other assignments under the various Acts given to him. The Chief Judicial Magistrate also discharges the functions of Senior Subordinate Judge. There are three Courts of Judicial Magistrate 1st Class in these Islands, and they also discharge the functions of Subordinate Judges in civil side. At present, there is one Court of District and Sessions Judge, one Court of Chief Judicial Magistrate First Class functioning in this Union Territory.

The District & Sessions Judge also functions as the Registrar of the Hon'ble High Court of Calcutta at Port Blair. As per the High Court Rules, the Hon'ble Chief Justice of Calcutta High Court may constitute Circuit Bench which may hold the sittings at Port Blair. Accordingly, the Hon'ble High Court of Calcutta used to hold Circuit Bench at Port Blair after a long gap at random in the past. But due to the initiative and persuasion made by the UT Administration, since November 1991, it has been possible to hold Circuit Bench of Calcutta High Court at Port Blair for a fortnight once in a month on regular basis. As a result it has been possible to obtain for the speedier and early disposal of the cases. This also provides justice to the common man virtually at his door step.

Similarly, the Central Administrative Tribunal, Calcutta Bench also exercises jurisdiction over this Union Territory in respect of cases pertaining to service matters. The Central Administrative Tribunal, Calcutta Bench is also holding circuit sitting at Port Blair from time to time.

At present the post of Chief Judicial Magistrate is lying vacant.

The Staff strength of subordinate judiciary includes

- 1 District and Session Judge,
- 1 Chief Judicial Magistrate,
- 3 Judicial Magistrates 1st Class,
- 1 Office Supdt.,

- 6 H.G.Cs.,
- 7 L.G.Cs.,
- 2 Stenos,
- 1 Daftary,
- 14 Peons and
- 2 Process servers.

Lakshadweep

The Union Territory of Lakshadweep is under the jurisdiction of High Court of Kerala and District and Sessions Court of Calicut. There is only one court of Sub Judge-cum-Chief Judicial Magistrate at the headquarter Island Kavaratti and two courts of Munsif-Magistrates at Amini and Andrott Islands under it. There is a proposal under consideration for the upgradation of the existing court at Kavaratti to the level of District & Session Court which has already been recommended by the High Court of Kerala.

Pondicherry

There are the following Courts in the Union Territory of Pondicherry namely:

- (a) The Court of the District Judge
- (b) The Subordinate Judge's Courts, and
- (c) The Munsif's Courts.

On the criminal side, the following courts are existing:

- (a) Court of Session
- (b) Court of Chief Judicial Magistrate, and
- (c) Courts of Sub-Divisional Judicial Magistrate and First Class Judicial Magistrate.

The Pondicherry Judicial Service consists of two grades, namely, Junior Scale Grade and Senior Scale Grade. The Senior Scale Grade consist of only the posts of District Judge and Chief Judge. The Time Scale Grade (Grade II of Junior Scale) consists of the post of District Munsif, Magistrate and Inspector of Processes and Senior Grade Scale (Grade I) consists of the post of Sub-Judge, Chief Judicial Magistrate and Special Officer. The total strength of the Pondicherry Judicial Service gradewise is as follows:—

I. Junior Scale

- (a) Time Scale (Grade II): Group 'B' Gazetted (Rs. 2000 - 3500) (Revised), including
 - Sub-Divisional Judicial Magistrate,
 - Judicial First Class Magistrate,
 - District Munsif,
 - District Munsif-cum-Sub-Divisional Judicial Magistrate
 - Inspector of Processes = 10
- (b) Selection Grade Scale (Grade I):
 - Group 'A' Gazetted (Rs. 3000-4500) (Revised), including Chief Judicial Magistrate
 - Subordinate Judge and Special Officer = 5

II. Senior Scale:

Group 'A' Gazetted (Rs. 3000-5000) (Revised), including Chief Judge and, District and Session Judge =3

Chandigarh

In UT Chandigarh, there is one District and Sessions Judge, two Additional District and Sessions Judges, one Chief Judicial Magistrate, one Senior Sub-Judge and seven Sub-Judges. This system is almost similar to the system prevalent in Haryana and Punjab. In addition, there is one Presiding Officer, Labour Court, who is in the rank of Additional Sessions Judge. All this system is governed by the Punjab & Haryana High Court. The service matters are referred to Central Administrative Tribunal. There are 120 persons on the Non-judicial side (Class III-69, Class IV-51).

Daman & Diu and Dadra and Nagar Haveli:

In the Union Territories of Daman & Diu and Dadra & Nagar Haveli, there is one sanctioned post of Civil Judge-cum-Chief Judicial Magistrate which is filled up on deputation from the State of Maharashtra or Gujarat with the concurrence of the Bombay High Court. There is also one post of district and Sessions Judge on part time basis. The Court of district and Sessions Judge is functioning for three days in a month. The appointment is made by the Hon'ble High Court, Bombay. The jurisdiction of the Bombay High Court has been extended to the Union Territories of Dadra and Nagar Haveli & Daman & Diu. All the posts of non-judicial staff have been filled.

B. Establishment of Judicial Benches

7.2 When it was suggested that a permanent Bench of Calcutta High Court should be set up in A&N Islands and representative of the Ministry of Home Affairs during the official evidence stated:

“The question was examined by us. The volume of work is very little there. The norm is that at least 135 cases should be instituted in the case of a High Court, in a year. Normal average disposal has been kept as 650 cases.”

7.3 It was pointed out that for the litigants to come to Calcutta and then engage a lawyer the expenditure involved is enormously high. The Additional Secretary to the Ministry of Home Affairs stated in this connection:

“This matter was considered by the Calcutta High Court and also considered by the Chief Justice of India; and both opined that it would not be desirable to have a permanent Bench there. But both of them have taken a decision to have one Judge visiting Andaman and Nicobar Islands every fortnight.”

7.4 When it was remarked that the present system can be modified and thereafter one single Judge Bench can be there, as it can provide a better legal support, the representative of the Ministry stated:

“If you mention so, then we will again take it up with them because these issues have been discussed already. We can again project the same thing.”

7.5 Supporting the demand for setting up an independent bench of high court at remote places like Andaman & Nicobar Islands a non-official witness, Shri Pawan Kumar Bansal, MP stated:

“Yes, Sir, there should be a bench of the High Court. I think, some mechanism can be worked out. But, there is no denying the fact that it is imperative to have benches.”

7.6 When the Committee in this context enquired about the position in Lakshadweep Administrator Lakshadweep said:

“We have not made any request for a bench of High Court because there is not much demand to that effect as people find it easier sometimes to go to the High Court, then to bring an advocate to Lakshadweep.”

7.7 When asked about Dadra & Nagar Haveli, the Administrator, Daman & Diu and Dadra and Nagar Haveli during the evidence stated:

“Both come under the Bombay High Court. We have a Chief Judicial Magistrate one at Silvassa and one at Daman. We have the Sessions Judge visiting Silvassa and Daman & Diu. This arrangement seems to be okay for the time being.”

7.8 The Ministry informed the Committee that there are 108.37 court cases pending in A&N Islands as on 31.1.93. They also informed that there are 10408 pending cases in Session and Judicial Magistrates courts in Andaman & Nicobar Islands and 57 such cases in Lakshadweep courts.

7.9 When asked as to how many cases are against the administration of different Union Territories and in how many cases appeal has been performed to the Supreme Court against the High Court's order or the CAT's, the Ministry stated:

Name of UT	Case against UT	Appeal to Supreme Court
Delhi	594	31
Chandigarh	7202	14
Pondicherry	1473	15
Daman & Diu	19	1
Dadra & Nagar Haveli	73	3
Andaman & Nicobar	373	32
Lakshadweep	184	14
Total:	9918	110

7.10 When it was pointed out that in case of A&N Islands majority of the cases are against the administration, the Secretary (Gen. Admn.) Andaman & Nicobar stated:

“Most of the cases relates to the service matters and also some public interest litigation. They have filed them in CAT as well as in the High Court.”

7.11 Asked about the incidence of making appeal against the High Court's or the CAT's orders, the representative of the A&N administration stated:

“We seek the opinion of the Public Prosecutor and also the legal Department of the Administration. If they found that we can go for appeal, we file the SLP in the Supreme Court.

We purely go by the advice of the Law Department. If they say that sufficient reason is there, then only those cases will be taken up.”

Conclusion

7.12 The Committee find that judicial set up varies from the Union Territory to another. They also find that judicial set up in all the Union Territories falls under the jurisdiction of High Courts of neighbouring States. The Committee further note that people's expectations on this point in each of the Union Territories also vary. For example, while there is a demand for a High Court Bench in Port Blair no such demand has been made in Pondicherry or Lakshadweep. In this context, the Ministry have apprised that even though initially Chief Justice of the Calcutta High Court had felt that to have a permanent Bench at Port Blair would not be necessary. It has finally been decided to hold a Circuit Court every month at Port Blair and transfer all the cases pending in the High Court at Calcutta to Port Blair.

Recommendation

7.13 The Committee however are of the view that in view of the remoteness of A&N Islands from Calcutta, a permanent Bench of Calcutta High Court at Port Blair would not be out of place particularly when a Bench already sits there every fortnight. On the other hand, however, such a step would greatly facilitate dispensation of justice in the Island Territory. The Committee would desire the Government to take prompt action in this regard.

7.14 The committee urges to the Govt. of India to appoint one Law Commission for examining the problems and requirement of all the Union Territories to shower justice to the people of Union Territories. It is also necessary to consolidate all the regulations and rules prevalent in the respective UTs, which is not readily available at the moment.

CHAPTER VIII

SYSTEM OF REDRESSAL OF PUBLIC GRIEVANCES

A. Existing System of Redressal of Public Grievances in various Union Territories

8.1 The Ministry of Home Affairs informed the Committee that there is machinery for redressal of public grievances in all the Union Territories although the set-up may differ from one Union Territory to another depending upon its location, topography and the requirements of the Union Territory on the basis of the instructions issued by the Ministry of Personnel, Public Grievances and Pensions.

8.2 The Ministry explained the system of redressal of Public Grievances in each of the Union Territories in a written reply to Preliminary questions :

System of Redressal of Public Grievances in Union Territories:

Dadra & Nagar Haveli

For redressal of Public Grievances in UT a Single Window is functioning since August 1989 in the Administration Office. There is a Head Clerk (I) and L.D.C. (I) for this purpose. It provides guidance to the visitors/ applicants for approaching the right agencies/offices for early disposal of their works. If necessary it helps the applicants to make them aware of the procedural requirement in respect of their applications, monitors the receipt and disposal of public applications/grievances meant for any department under this Administration. With introduction of this, all public application are acknowledged. They are being given two dates one on which they can enquire about the progress and other for final disposal.

Daman and Diu

There is a "Public Grievances Cell" in each of the two districts of the UT and is headed by District Collectors.

Delhi

The system for redressal of grievances could be termed as three tier system.

- (i) At the basic level each local department and local body has its own grievance redressal Officer/Nodal Officer who is usually a senior officer. One hour is exclusively earmarked for hearing the grievances by the officer who also enquire into the matter and monitors the progress of redressal.

(ii) Grievances unredressed at the Department level are looked into by Government Redressal and Anti Corruption Cell (GRA Cell), which functions in the Delhi Admn. Secretariat under a Super time scale IAS Officer. It also looks into the complaints/representations received through the Presidents Secretariat, Prime Minister's Office, Ministry of Personnel, Public Grievances and Pensions, L.G. House etc. The GRA Cell obtain comments from the concerned departments and takes appropriate measures deemed expeditious for quick redressal. These measures may include convening of meeting of senior officers, inspection of records personal visits to monitor the progress, issue of periodical reminders, review of the pending cases etc.

Grievances are personally heard by the Secretary, Joint Director and for this purpose a Cell also functions from 9.30 A.M. to 11.00 A.M. exclusively for hearing the grievances in the Delhi Admn. Secretariat.

Since the installation of GRA Cell in February, 1985 a total number of 5856 grievances have been received in it till 31.10.1991, out of which 4625 have been redressed/disposed.

(iii) Chief Secretary, Delhi, also listens to the grievances from 3.00 p.m. to 4.00 p.m. and directs the concerned departments to take suitable action. Chief Secretary's Office monitors the progress in such cases.

Lakshadweep

The public grievances received at Island level are processed by the concerned sub-Divisional Officer's etc. and wherever orders are required from the higher authorities are submitted to the Collector-cum-Development Commissioner/Administrator. The representations on Various grievances received by the Administrator are passed on to concerned levels and monthly action taken reports are obtained from respective departments to ensure that the paper received timely attention.

Andaman and Nicobar Administration

A.P.G. Cell was set up in the Sectt. of this UT as early as in 1980 onwards for dealing with matters related to grievances of public of these Islands. Because in earlier days there was no particular Cell/Section for dealing with such matters of the General Public in the Sectt. Hence a need for setting up of a Public Grievance Cell was felt and accordingly the said cell was established as a separate Cell for dealing such matters of the public under the direct control of the Chief Commissioner/Chief Secretary for the purpose of redressal of grievances. This Cell was functioning under the control of the Assistant Secretary (CC) with staff of one senior most Supdt. and a Steno.

2. Later on during 1983 this Cell was transferred to the Public Section of the Sectt. and since then only one HGC has been dealing with the matters of this Cell in the Public Section (now. Genl. Admn. Section). It is mentioned here that on receiving the representations from the Unions/ Federation/Association/MPs/General Public etc. in the P.G. Cell, we used to call the comments/reports on these representations from the concerned Administrative section of the Sectt. as well as from the concerned respective departments and after receiving the replies from the respective Administration, the matters are examined/verified and accordingly the replies of the same are being sent to all concerned including Govt. of India.

3. In the beginning of the P.G. Cell used to deal with all types of matters directly but later on say during 1983 onwards, after its merger in Public Section of the Sectt., this Cell has been functioning as a coordinator in the matter service Associations/Unions Federation etc. because the matters pertaining to the service Association used to send to the Personal Wing and simultaneously the matters relating to the Union/Federations are being sent to the H&R Section for dealing with directly under intimation to the P.G. Cell. Thus the work load of the P.G. Cell decreased. But, however, the representations from the Ministeries/MPs and the Home Ministry by the Administration are being dealt with in the P.G. Cell by sending their replies promptly.

Thus this cell has been functioning in this Administration since its inception with an aim to minimise the grievances of the general public as per the instructions of the Ministry of Personnel, Public Grievances and Pension (Dept. of Administrative Reforms & Public Grievances, New Delhi).

Chandigarh

A grievances Cell has been set up and it is working under the Home Department in Record Branch. All public complaints relating to Chandigarh Administration are received in the name of Secretary, Grievances Cell which are later on examined. Afterwards the cases are put up to the officers through Secretary, Grievances (L.R.) and to the Chairman, Grievances Committee (A.A.) through Home Secretary Union Territory who is a member of the said committee. As Union Territory Chandigarh has a small area, individual officers are easily accessible and no difficulty has been encountered in this regard.

Pondicherry

The system of redressal of Public Grievances has been prescribed in the Manual of Office procedure, 1987 and Govt. has issued proper guidelines and procedure in dealing with petitions/grievances received from the public. These procedure is being broadly followed by one and all Departments in the Union Territory of Pondicherry including the outlying regions, namely Karaikal, Mahe and Yanam.

In order to watch and monitor whether the system is scrupulously followed in the entire Union Territory of Pondicherry and for the purpose of reviewing the progress of action taken to redress the grievances of the public, the Administration has constituted Review Committees for all the four regions of the Union Territory of Pondicherry. The duties and functions of the Review Committee has been vividly spelt in a Government order. In addition this Administration is also taking follow-up action on the issue of the Grievance column appearing in the newspapers. The Regional Committee so constituted in all the four regions are reviewing redressal of Public Grievances once in two months and furnishing returns to this effect every quarter which are scrutinised and reviewed by the P&AR Wing and submitted to the perusal of Chief Secretary/Chief Minister.

Moreover, a gazetted officer attached to each office has been appointed as Public Relation/Grievance Officer to redress the grievances of public then and there if possible. Apart from that, a complaint Box has been kept in all Head offices and Subordinate offices, which will be opened once in a week under the supervision of the Public Relations Officer.

Apart from that all Heads of Departments of this Union Territory are furnishing half-yearly Action-Plans and progress reports under the Twenty Point Programme wherein they are making reports on the appointment of Grievances Officers with delegation of powers to redress the grievances in each Department.

8.3 When it was asked whether the system of Redressal of Public Grievances is adequate and sufficient in the Union Territories and whether any need has been felt to strengthen the system, the Ministry in a written reply stated:

Andaman & Nicobar Islands

“Since there is no separate machinery set up in these Islands exclusively for dealing with redressal of public grievances, all the Heads of Departments/Offices of the Andaman & Nicobar Administration have already fixed one hour during each working day to meet the public and dispose off their grievances. The Public Grievances work is being coordinated by the Secretary (Gen. Admn) of the Administration who is assisted by the Asstt. Secretary (Gen. Admn.). Only a skeleton staff is

available for dealing with Public Grievances. The question of strengthening the Public Grievances Cell is being examined.

Lakshadweep

The system of redressal of public grievances adopted by the Administration is adequate keeping in view the smallness of the Territory. Administrator and other officers meet the public practically every day and entertain grievances if any.

Chandigarh

The Deputy Commissioner's Office is a public dealing Department. The visiting hours for the general public from 3.00 p.m. to 4.00 p.m. have been fixed by the Administration and during this period all officers are available for hearing/redressal grievances of General public, if any. The system of redressal of public grievances is adequate and sufficient.

Delhi

A Grievance Redressal and Anti Corruption (GRA) Cell has been functioning in Delhi Administration Secretariat since 1985 under the direct supervision of Secretary (AR) and Chief Secretary of Delhi. It was set up to the Administration more responsive to the needs of common people and take up their cause on priority. Delhi being the seat of power, its potential in fields of industry, commerce, culture etc. generates better opportunities and attracts a large population from the neighbouring States. The unprecedented increase in the population in the last two decades has left the planners at their wits end. The rapid increase in population with proportionally slow augmentation in facilities like civic amenities, housing, food, electricity, water, transport etc. is being felt by every inhabitant of Delhi. This disproportionate increase in demand caused mismanagement in the Government Departments and breed corruption and hence grievance from the general public.

8.4 GRA Cell takes up the grievances of the common man on priority basis with the departments and tries to mitigate their hardship.

1. Functioning of GRA Cell

8.5 The Cell is at present headed by a Joint Director (who is a senior officer of Deputy Secretary level of Government of India) who attends to the public grievances in person from 9.30 AM to 11.00 AM on all working days. Grievances/complaints are received directly from public and indirectly from President's Secretariat, Prime Minister's Secretariat, L.G. House etc. These are sent to concerned departments and suitably followed up. In other cases concerned departments are visited to try to sort out the grievances on the spot by contacting Heads of Departments or the next in command. Regular reminders are sent to the departments and in cases requiring immediate attention D. O. reminders from Joint Director and Secretary are issued.

Pondicherry

8.6 Organisational set-up for Redressal of Public Grievances:

Government of Pondicherry has issued proper guidelines/procedures to be followed in dealing with the petitions/grievances received from public. In order to monitor whether the system is scrupulously followed and for the purpose of reviewing the progress of action taken to redress the grievances, the Administration has constituted Review Committees for all the four regions of this Union Territory of Pondicherry (Pondicherry, Karaikal, Mahe and Yanam). These Committees are meeting periodically to review the position.

2. Institutional arrangement, if any, in the State for using inputs from public grievances redress units for Administrative Reforms

A Gazetted Officer attached to each office has been nominated as Public Relations/Grievances Officer to redress the grievances then and there to utmost possibility. Apart from that, a complain Box has been kept in all Offices which will be opened once in a week under the supervision of the concerned officer. Further, an Information/Reception Counter has been installed with a responsible staff of the department to receive/redress the grievances of the public in all departments where public contact is frequent.

3. Role of the Director of Public Grievances of the Cabinet Secretariat in the Central Government. The feasibility of setting-up similar institution in the State Government

The reports of the Review Committee are consolidated in every quarter in the Administrative Reforms Wing, Chief Secretariat, Pondicherry and consolidated statement is submitted to the Chief Secretary/Chief Minister for information. Due to the smallness of the Union Territory, it is felt that the present system will suffice and there is no feasibility in setting a separate Directorate for the Redressal of Public Grievances at present.

4. Better co-ordination between the Central Government and State Government in the field of Public Grievances Redress

It is felt that for better co-ordination between the Centre and State Government, the Officer-designated at the State level may liaise with the Director of Public Grievances of the Cabinet Secretariat at Centre. Further the Public Grievances Redressal Committee functioning at District and State level should be comprising Officers of the Central Government Departments functioning at District and State level and they should be responsive to the deliberation/decision of the Committee.

5. Management Information System for Public Grievances Redress

It has been decided to set apart a specified period on every working day by the Secretaries, Head of Department/Offices and the Administrators of outlying regions to allow the public to personally ventilate etc. their grievances, if any. Heads of Departments are also instructed to inspect the

Sub-ordinate offices periodically. It has also been instructed to follow a single window concept wherever possible of to hold camps for disposal of grievances.

Dadra & Nagar Haveli and Daman and Diu

8.7 The Administrator for U.T. of Daman & Diu and Dadra & Nagar Haveli meets the public during specified hours thrice a week and visits Silvassa once a week. Even otherwise, the people of the two U.Ts are free to meet the Administrator on any day. In addition to this he meets the public during his visits to villages/work sites etc. and representations/ grievances of the public received there are followed up.

Apart from this the Development Commissioner and Finance Secretary meet the public daily from 11.00 to 12.30 hours which are well known and publicised and are exclusively reserved for meeting the public and the Development Commissioner visits Silvassa once a week. The Finance Secretary also visits Silvassa twice a week. Even otherwise because of the small size of the territories officers are Accessible.

At the District level the Collector meets the public daily and other district level officers at the specified hours i.e., 11.00 to 12.30 hours each day. Gram Sabhas are also organised where the Development and Planning Officer and Collector and other district level officers are also present and the representations made or applications received are taken care of.

While replying to the Estimates Committee during their visit to this territory on 29th June, 1992, the existence of single window and the deployment of staff therein could not be conveyed/expressed properly.

The factual position is that in the Collectorate there is one single window where one Head Clerk assisted by LDC has been posted to receive applications from the general public and to guide them for approaching the right agencies for early disposal of the case. It works as a central focal point so as to ensure that representation/grievance of the people are not lost sight of. These officials posted in the single window are not handling or monitoring the cases independently. The cases are brought to the notice of higher authorities such as Assistant Secretary to the Administrator and the Collector who issue direction for early and proper disposal of the case. During the last three years of the functioning of the single window a total of 7050 applications have been received out of which 6905 were disposed off.

B. Volume and type of complaints received by the Union Territories Administration

8.8 Regarding grievances cell, the Secretary (Gen. Admn.) Andaman & Nicobar stated:

"I would divide these into two categories, one the petitions which come through the box and also those come through VIPs, MPs and others.

There is a separate register for VIP references. I myself closely monitor to which department they have been sent and the result. So far as the Secretariat is concerned, we have issued instructions to all Secretaries and Deputy Commissioners about this because anytime we want to be sure that we are accessible to them. We are trying to dispose of the problems there itself. Most of the problems are about jobs. There is no use giving a reply asking them to wait. At the same time, at the level of heads of departments they have also earmarked time for public grievances. There also they try to collect information and give a suitable reply to the petitioners. This is what is generally done in the districts as well as in the headquarters."

8.9 When asked whether there is any particular officer designated for this purpose, the Secretary of the Union Territory stated:

"We do not have a designated officer; our Assistant Secretary, GAD acts as a coordinator for this purpose."

8.10 During the oral evidence, The Administrator, Daman & Diu and Dadra & Nagar Haveli informed the Committee:

"During the last three months we have received 347 representations of which 213 have been replied to. We have a system of regular hearing of grievances."

8.11 The Secretary (Gen. Admn.), Andaman & Nicobar was asked the volume of Public Grievances in his area, he replied:

"At the Secretariat level upto about 80% grievances are related to jobs. The volume of complaints at the district level is mostly of revenue cases."

8.12 When asked whether there is any system of monitoring public grievances or for relevant compiling data department wise, the representative from A&N Islands stated:

"These are monitored by the Deputy Commissioner and the head of the departments. As far as the VIP references are concerned, we get them through the Chief Secretary and we keep track of them and reply to them accordingly. As far as the other district levels are concerned, there is no monitoring at the level of the State as to how many cases are disposed of at the level of States."

8.13 When asked as to how many references had been received during the last two years from the VIPs and how many had been attended to, the representative of A&N Administration stated:

"We do get 20 to 30 letters from the Home Ministry, Chief Secretary or the Administrator. Many of them are repetitive in nature because one case which has already been disposed of by somebody is taken up again when a new incumbent comes to the post.....We do not have any figures as such. But we do get 20-30 references a month."

8.14 In a written post evidence reply the Ministry clarified that total number of complaints received from the general public during the last two years in A&N Island was 134. It was also stated that :

“During the last two years the Andaman & Nicobar Islands Administration received 64 complaints from VIPs out of which 47 have been disposed off and the balanced 17 have been referred to the concerned Departments for taking action.”

8.15 Asked about the time taken to send replies, the representative of A&N Administration stated:

“Two to three months is the time. If information is needed from various places it may take more than that also. But our effort is to dispose of them on the spot.”

8.16 The Advisor to Administrator of Chandigarh stated during the evidence:

“The Deputy Commissioner is the nodal officer. All the heads of the Departments and the Secretary are available for one hour between three and four for listening to the public grievances. It myself do it. For three days, I meet people with appointment; for three days, I meet people without appointment. We also receive petitions. We send replies to the petitioners. I maintain my own register.”

8.17 He further added:

“In the case of Chandigarh the Governor of the Union Territory who is the Administrator also visits the Secretariat and receives people. Action is taken after that.”

8.18 During the official evidence the Administrator, Daman & Diu and Dadra & Nagar Haveli stated:

“The Development Commissioner and other officers are available to people regularly. There are visiting hours from 1100 to 1230. Since Silvassa territory is farther from Daman at my level I meet people three times a week or on Mondays and Tuesdays. Every Wednesday I go to Silvassa and I am there the whole day. The file is submitted to me, wherever I am and I make sure that it comes to me. In addition the various officers attend to the grievances. Of course, there is also a Central Cell in the Deputy Commissioner’s office.

8.19 Chief Secretary, Delhi Administration during the evidence stated:

“Every officer of Delhi Administration is expected to earmark one hour during his working time for listening to public complaints from 11 a.m. to 12 p.m. It is without prior appointment. All the public has direct access to the senior most officers. I myself have kept one hour between three and four for public hearing.”

8.20 He, however, pointed out :

“I was referring to earmarking a part of the day for complaints but we have this institutionalised system, which, I must say, does not work very well. It leads to a lot of correspondence. It does not result in anything. A Deputy Secretary sitting and taking papers from public does not help much. The best thing is for an officer to sit and hear and redress the grievances.”

8.21 During the official evidence, Administrator, Lakshadweep stated:

“Every day practically every officer has kept-including myself-one hour between 11 a.m. and 12 p.m. for hearing public grievances. That arrangement works very well. People do come and meet us. They have no grievances. All officers are approachable. I do take notes in their presence and send their complaints to the officers concerned. I also monitor what action has been taken.”

8.22 When asked that after a petition is disposed of, is the petitioner informed about the action taken, the representative from Lakshadweep stated:

“We are not able to reply to the petitions regarding unemployment. We do reply to the general petitions.”

8.23 During the official evidence, the Development Commissioner, Pondicherry informed the Committee in Pondicherry, there is a fixed time for receiving petitions and meeting people. For monitoring we have review Committees in all the territories of the Pondicherry Union Territory, which are headed by an administrator or a Collector. Besides an officer in each department has been nominated to hear and dispose of petitions. Besides there is a complaint box and a reception counter where anybody can leave their complaints and representations. The reports of these review Committees are put up periodically to the Chief Minister, Chief Secretary and other officers.

8.24 When asked whether the administration of Pondicherry maintain a grievances cell and are the replies sent, the representative of the Union Territory stated:

“Yes, replies are sent. Grievances cell is there. Replies are sent except in cases where the Administrator has sent it already and position is being monitored regularly.”

C. Complaints received by the Home Ministry from locally elected bodies of Union Territories

8.25 In a detailed written note the Ministry described the kind of complaints that were received by the Home Ministry from locally elected bodies of Union Territories as follows:

“Complaints about U.T. Administration’s are not received from the elected bodies as such but from the individual members of the elected bodies such as Pradesh Councils and Panchayats etc. On receipt of the complaint action is taken to get it investigated through the Administration

and they are asked to submit a report to this Ministry. A few examples of the types of complaints generally received against the UT Administration are as under:—

1. Complaints regarding service matters of employees e.g. supersession in promotion, Non-payment of deputation allowance etc.
2. Complaints against individual officers such as Administrator or other Junior level officers alleging corruption.
3. Complaints regarding delay in implementation of developmental projects, as Sugar Factory.
4. Complaints regarding non-holding of meeting of representative bodies such as Pradesh Council.
5. Complaints regarding favouring on one M.P./Political appointee.
6. Complaints regarding showing of disrespect to the Elected Representatives.
7. Complaints against general decision of Administration which adversely affect the interest of public.
8. Complaints regarding misuse of funds.
9. Complaints regarding partisan attitude towards a particular Political Party's representatives/workers.
10. Complaints regarding inaction on part of Administration on sensitive issues of public interest.

Conclusion

8.26 The Committee find that the public grievances redressal machinery is available in each Union Territory in varying dimensions depending upon the magnitude of the public grievances. It is evident from the facts placed before the Committee that redressal of public grievances has not been given the primacy it calls for.

8.27 While in Delhi, an elaborate system of redressal of public grievances exists, the Committee feel that magnitude of grievances of the citizens is far too great to permit any complacency.

Recommendation

8.28 The Committee, therefore, avert that much more need to be done in Delhi in regard to redressal of public grievances not only by active involvement of senior officers of the Delhi Administration in this sphere of public administration but also in terms of updating and modifying different laws, regulations and procedures effecting the citizens in their day-to-day life. The Committee feel that there is a tremendous scope for simplification of procedures and decentralisation of authority so as to leave higher echelons of the administration free to ensure proper and corruption free enforcement of laws and effective implementation of developmental programmes. The Committee, would desire Delhi Administration to launch a

comprehensive campaign to improve its public grievances redressal situation. They also suggest that greater emphasis should be laid on attitudinal changes amongst officers and staff dealing with the public.

Conclusion

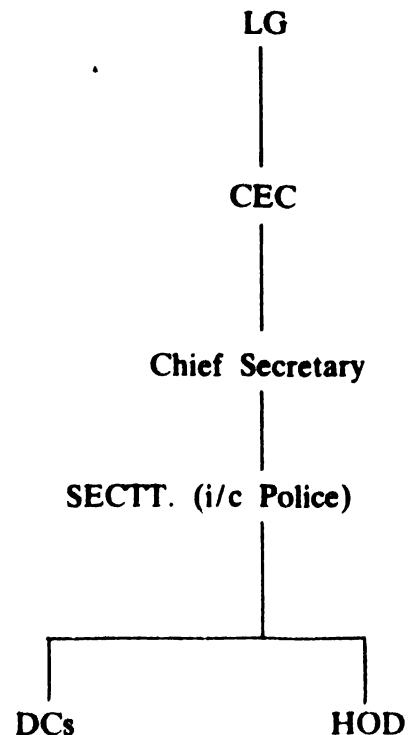
8.29 In regard to other Union Territories, the Committee find that institutional mechanism available for redressal of grievances is somewhat rudimentary and that more reliance is placed on personal contact of public with the higher echelons of the administration which includes the Administrator. While the Committee appreciate that the grievance redressal machinery in these territories can better be dealt by the active interest on the part of Administrators as also by adoption of a helping attitude on the part of departmental officers, they are, however, left with a disconcerting feeling that in reality things does not work out so well. They feel that there is scope for institutional improvement in other Union Territories as well, particularly in regard to lack of coordination between different limbs of administration which itself can give rise to large many grievances.

Recommendation

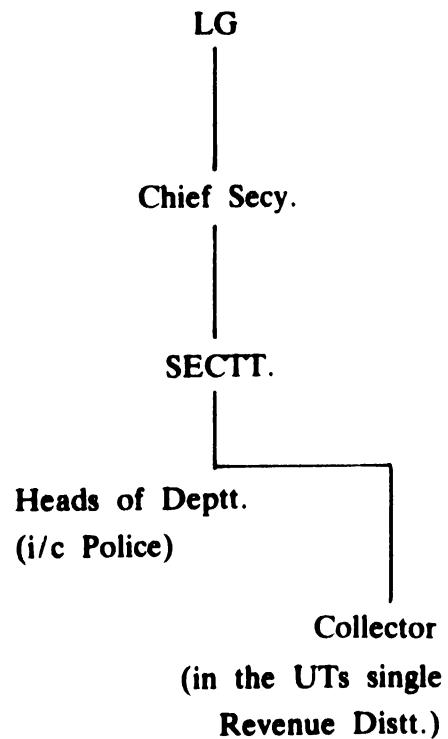
8.30 The Committee, therefore, desire that whole position about redressal of public grievances should be reviewed by the Ministry of Home Affairs, at the highest level in respect of each of the Union Territories and suitable administrative improvements effected in a time bound manner. They also desire that a thorough review of laws, regulations and procedures may be undertaken in each of Union Territories to eliminate all chances there being such provisions of law and procedure that may be causing inconvenience to the public or that may not be in tune with the present times. The Committee desire that necessary directive be issued by the Ministry of Home Affairs to all the administrators of UT's to designate a Senior Officer who should be made responsible for attend Public Grievances.

ORGANISATIONAL CHART

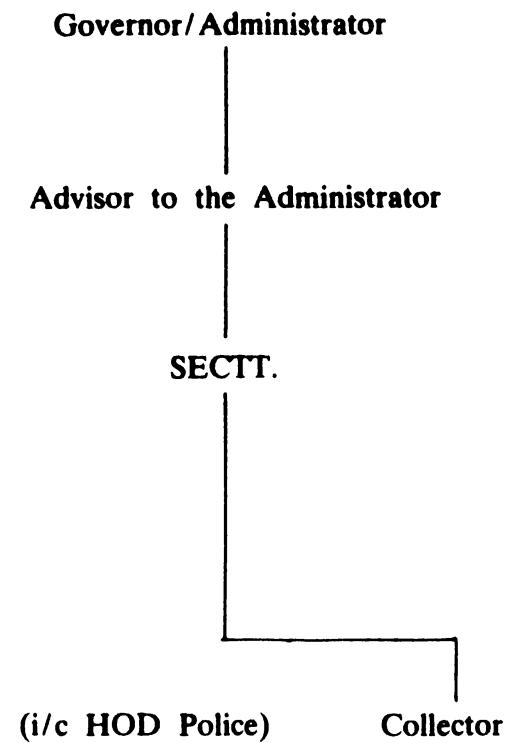
Delhi



Pondicherry



Chandigarh



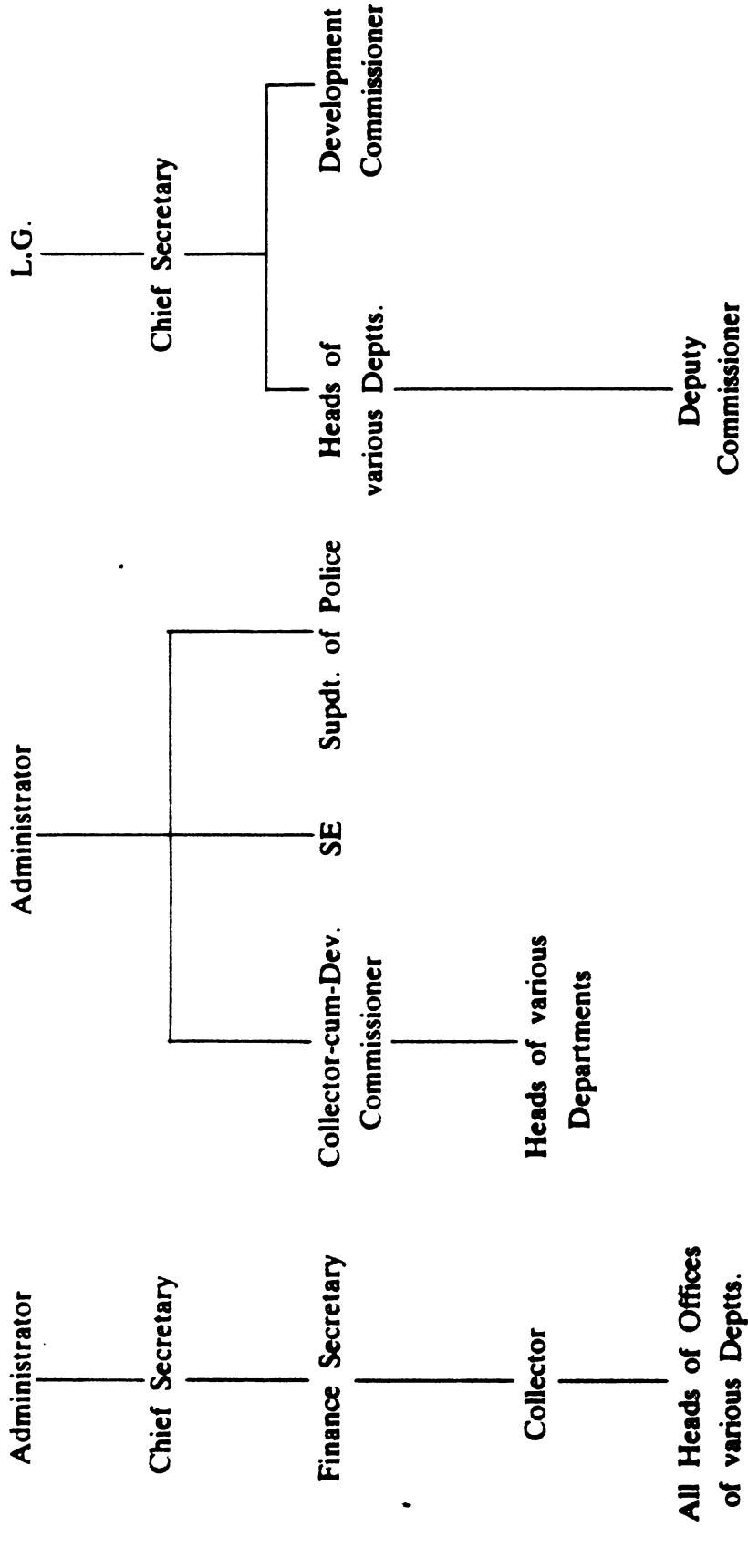
DADRA & NAGAR HAVELI

&

DAMAN & DIU

LAKSHADWEEP

ANDAMAN & NICOBAR ISLANDS



APPENDIX II

Statement of Recommendations

S.No.	Para	Ministry/ Depart- ment	Recommendation
1	2	3	4
1.	2.55	Home Affairs	<p>The Committee find that the Union Territories are comprised of areas quite diverse in regard to their history, geographical location, magnitude and composition of their inhabitants, economic development and finally their constitutional and administrative set up. They also find that each one of the Territories stands on a different footing. However, all the territories share one common feature which is the absence of fully representative Government. Notwithstanding the fact that in Pondicherry the Administrative set up is founded on a more popular basis as also the possibility of a similar treatment being given to Delhi at a future date, the Union Territories stand as a class apart from rest of the country in the sense that the citizens of these territories do not enjoy their democratic rights in exactly the same manner as their compatriots in the States of the Union. The Committee find that one of the most persuasive argument in favour of maintaining this state of affairs has been (i) the small size of population in these territories which argueably does not justify a fulfledged Legislature and a Council of Ministers with all its attendant paraphernalia and (ii) the fact that no uniform system can be adopted for all the Union Territories. Forceful as these arguments may be the Committee cannot overlook the basic question posed by discerning observers as also by the general populace of these territories: The question is why the citizens living in these territories ought not to have some definite constitutional mechanism to provide them an effective say in running the Administration of these territories.</p>

2. 2.56 Home Affairs In the opinion of the Committee there can be no justification for denying representative administration to the people of the Union Territories. The Committee have come to a firm conclusion that the existing mechanisms are far too inadequate and do not fulfil the minimum aspirations of the people in the Union Territories. The Committee, therefore, desire that the Government should initiate necessary steps for the empowerment of citizens living in Union Territories. In more specific terms they desire fullfledged assemblies to be given to the Island Territories on the pattern of Pondicherry. The Committee also wish to caution the Government against any procrastination in the matter as that would usher in an avoidable sense of alienation amongst the people which can only endanger national security.

3. 2.57 -do- In deliberating upon the question of providing an adequate constitutional and administrative set up in the Union Territories the Committee have been mindful of the practical difficulties in operationalising such a mechanism in extremely small territories like Dadra and Nagar Haveli, Daman and Diu etc. They are also aware of the complexities arising out of linguistic and cultural factors, geographical situation and finally the historical need of the people of these territories to maintain their identity.

4. 2.58 -do- During the evidence, the Secretary, Ministry of Home Affairs has mooted the idea that the Committee should seriously reconsider the usefulness of maintaining the Union Territory status of some of the geographically isolated Territories which can be more conveniently merged or with an adjoining States or with the State with which it enjoys cultural affinity.

1	2	3	4
5.	2.59	-do-	The Committee, however, are of the opinion that since these Union Territories had come into existence due to some historical reasons, any changes in their present status need to be effected after a broad consensus emerges amongst the people residing in those areas. As such the Committee recommend to the Government of India to initiate a dialogue with the public representatives of the respective Union Territories on the Mainland and negotiate an acceptable package.
6.	2.60	-do-	During their submissions before the Committee the representative of the Ministry of Home Affairs have maintained the view that with the extension of the provisions of 72nd and 73rd Constitutional Amendment Act to the Union Territories the people of these territories would be involved to a for greater extent in running the Administration of these territories, particularly in regard to matters of their immediate interest. It has also been stated by them that it would provide Govt. an opportunity of taking a fresh view of the whole issue. They have also expressed the opinion that application of these Amendments to Union Territories would obviate the need to have even the existing advisory bodies or Pradesh councils as also the need to enlarge their functions. The Committee, however, are not impressed by this line of thinking because the 72nd and 73rd Amendment to the Constitution are essentially meant to empower and strengthen local bodies which, however, cannot take upon themselves the policy making role that comes naturally to a Constitutional body like a State Legislature. In the opinion of the Committee the two types of bodies are mutually exclusive and cannot be a substitute for one another.
7.	2.61	-do-	The Committee, while welcoming the intention of the Government of strengthen and empower local bodies in Union Territories, in whatever forms these are established, they advise against

1	2	3	4
			mixing it up the demand for fully representative administration. The Committee, therefore, desire that the question of providing a fully representative constitutional set up in the Union Territories particularly in the Island Territories should be pursued independently.
8.	2.62	-do-	In regard to Union Territories of Chandigarh even as its future is linked with the settlement of inter-state disputes between Punjab and Haryana, the Committee find it highly regrettable that pending such a settlement the citizens of this cosmopolitan and highly literate territory should have been denied even the barest minimum say in the running of Chandigarh Administration.
9.	2.63	-do-	The Committee, therefore, call upon the Government to rectify the situation immediately in consultation with the popularly elected representative of this Territory. They would even go further to suggest that even in the Government of merger with a particular state enough statutory safeguard should be provided to ensure that Chandigarh retains its distinct character.
10.	2.64	-do-	The Committee find that except Pondicherry, in all the other Union Territories, apparatus of the Pradesh Councils has been created to bridge the gulf between the people and the administration. Apart from these Councils there are elected Members of Parliament from these Territories. Moreover an Island Development Authority with regard to the Island Territories acts as a mechanism for giving expression to people's aspirations and grievances. At the same time, some of the Members of the Pradesh Councils are nominated as Executive Councilors.
11.	2.65	-do-	In the case of Pondicherry where a state legislature and Council of Ministers exist, these bodies, however, are created in terms of Union Territories Act, 1963 and not under the Con-

1 2 3

4

stitution itself. In this sense the legislature of Pondicherry is not at par with the States assemblies in as much as it does not form part of the electoral college for election of the President. Similarly the Councillors of other Union Territories though elected by the people, do not form part of the electoral college for the same purpose. The Committee find the situation most incongruous and amazing.

12. 2.66 -do- The Committee strongly recommend to the Government of India to remove this anomaly and to provide full opportunity to the people of Union Territory to participate in the presidential Election in an appropriate manner.

13. 3.22 -do- 3.22 The Committee find that in the Union Territories there are local bodies of different denominations such as Municipal Corporation, Municipal Committees, Nagar Panchayats, Gram Panchayats, etc. each having a different status but all acting as instruments of local self-Governments. However, the Committee are not happy at the actual situation on the ground in regard to these bodies as in Delhi these stands superseded for a considerable period, and in Pondicherry no elections to Panchayat Raj bodies have been held. At the same time there is no municipal body in Chandigarh and and no panchayati raj institutions in Lakshadweep Islands where only Island Councils exist. Further the Committee have noted that in Andaman & Nicobar Islands even though elections to panchayat raj bodies have been held regularly no organisational or structural arrangements exist to enable these bodies to discharge their responsibilities. The representatives of the Ministry of Home Affairs have stated in this connection that this was a matter of devolution of powers which they hoped would get resolved with the application of the 72nd and 73rd Constitution Amendments to Union Territories. In this context, the Committee, however, note that the application

1 2 3

4

of these amendments to Union Territories is not automatic and would depend on its timing and scope at the initiative of the President, which in other words means the Ministry of Home Affairs. They also cannot rule out the possibility of extending the provisions of these amendments to Union Territories with deviation from the original model envisaged under the Constitutional Amendment. However, the Committee are sanguine about the future developments in this regard as Ministry representatives have given the assurance that whatever further devolutions is possible will be made and a framework provided within which large public participation in local self Government will be possible.

14. 3.23 -do- The Committee urge upon the Government of India to suitably amend the existing Regulations created for the Local Bodies *i.e.* Municipal Boards and Panchayats in different Union Territories in conformity with the 72nd and 73rd Constitutional Amendment Act which has come into force on 24th April, 1993. In case no such regulations are in force — suitable regulations need to be promulgated in accordance with the interests of the local population of such territory.

15. 3.24 -do- The Committee further desire that the Government should not take shelter under the 'exceptions' and 'modifications' mentioned in the Article 243 L and Article 243 ZB of Part IX of the Constitution.

16. 3.25 -do- The Committee is of the strong view that for establishment of the Local Bodies, there should be fundamentally no discrimination between the States and Union Territories and the people should enjoy equal rights in regard to civic services and control over the related authority.

17. 3.26 -do- The Committee observed that there is lack of adequate structural arrangements with adequate staff in the Union Territory of Andaman &

1 2 3

4

Nicobar Islands for proper and systematic functioning of Panchayati Raj Institutions. The Committee desire that a three-tier system of Panchayati Raj Institution should be created in the Union Territory of Andaman and Nicobar Islands *i.e.* District Level, Block Level and Gram Panchayat Level supported by adequate infrastructure. The Panchayat should be vested with more powers.

18. 3.27 -do- They also desire that adequate staff should be provided in the Union Territory Secretariat for giving necessary direction and institutional support to the local bodies from the Union Territory Administration.

19. 4.71 -do- The Committee note that Constitution provides for appointment of an Administrator in Union Territories. They also note that the Administrators appointed in different Union Territories have been designated differently and are either political figures or retired army officers of civil servants. While in Union Territories like Delhi and Pondicherry the Administrator is designated as Lt. Governor, in other places they have been designated as Administrators. The Committee, however, are of the view that designation of the Head of Administration is a matter of considerable significance as it connotes the extent of Authority vested in him/her. They are also of the view that it is desirable to appoint a political figure as Administrator in Union Territory because in absence of an elected Head of the Government an appropriate political input in the running of Administration. Moreover such a person is also likely to establish a better rap with the general public.

20. 4.72 -do- The Committee, therefore, desire that all efforts may be made, in future, to appoint only political figures as Administrators in Union Territories. They also desire that all Administrators of the Union Territories may be designated as Lt. Governors enjoying more or

1	2	3	4
			less similar powers over the Territories administered by them.
			At present there is no constitutional position of Lt. Governors though he is appointed by the President under Act 239 of the Constitution. As such necessary constitutional amendment be made to incorporate the Lt. Governors constitutional position.
21.	4.73	-do-	The Committee are apprised that in the case of Union Territory of Chandigarh over the past few years Governor of an adjoining State has been asked to concurrently discharge the responsibility of Administrator, Chandigarh. It has been pointed out to the Committee that this arrangement is not in keeping with the interests of the citizens of Chandigarh. The Committee are inclined to go alongwith this assessment.
22.	4.74	-do-	The Committee, therefore, desire that an independent Administrator may be appointed in Chandigarh as was the practice in past and that he should be designated as Lt. Governor.
23.	4.75	-do-	The Committee find that no specific term of office as such has been prescribed for the post of Administrator. However, as a matter of convention such appointments are normally made for a period of 3 years. The Committee, also note that ultimately the tenure of the Administrator depends on the pleasure of the President.
24.	4.76	-do-	The Committee feel that Administrator of a Union Territory by whichever designation he is known must feel secure enough in his position as would not make him look over his shoulder every now and then. They, therefore, desire that a definite term of office for the Administrator in a Union Territory would be in the best interest of administrative efficiency in the Union Territories.
25.	4.77	-do-	They further desire that where there is an Assembly and a Council of Ministers the term of office of Lt. Governor should run concurrent to the term of the Assembly.

1	2	3	4
26.	4.78	-do-	<p>The Committee have in Chapter II of this Report dwelt upon the question of providing representatives administration in the Union Territories. In this context, it was contended by the Ministry of Home Affairs that accountability of administration in Union Territories to the people is being ensured in sufficient measure through the President, the Parliament, the Legislatures/Pradesh Councils and through the Home Minister's Advisory Committee/Council, wherever these have been set up. The Committee during examination of the effectiveness of all these avenues available for channelising people's perceptions on matters of importance as also their grievances on specifical issues have come to the conclusion that these fora are either far too remote or too infrequently available and finally unsatisfactory. The Committee are convinced that these fora do not help citizens of Union Territories to fulfill their democratic aspirations in a purposeful manner.</p>
27.	4.99	-do-	<p>In order to make Legislature/Pradesh Councils effective, the Committee desire that the powers may be delegated to these bodies in a far liberal manner than has been done hitherto. They also recommend that in the case of a difference of opinion between the Lt. Governor and the Legislative/Pradesh Council, the views of the elected representatives should prevail except in matters concerning national security, law and order and such like important areas. For this purpose, necessary amendments in the Government of Union Territories Act should also be effected.</p>
28.	4.80	-do-	<p>The Committee are dismayed to find that even though Executive Councillors/Councillors have been appointed in various Union Territories in most cases either no files are routed through them or these are routed in a very lackadaisical manner. The Committee</p>

desire the Ministry of Home Affairs to issue clear instructions to Administration in all the Union Territories to ensure routing of all files to be submitted by the Lt. Governors through the respective Executive Councillors/ Counsellors except where such files relating to reserve subjects which are submitted direct. The Committee would like it to be ensured that no deviation from this instruction is permitted. They also desire that violation of this provision should be seriously viewed by the Government.

29. 4.81 -do- Under these circumstances Committee wonder how Executive Councillors/Counsellors are expected to fulfil their role as Advisor to the Administrator or to even be able to hold meaningful discussions with him. In fact the Pradesh Council is a body created under Provisions of 239/240 of the Constitution for the purpose of the Administration of the respective Union Territories. The Councillors appointed by the Administrator are supposed to be allocated one or more Departments and therefore, they for all practical purposes, are the Counsellors of the respective U.T. Administration and not of Pradesh Council. Being public representatives protocol-wise they are supposed to be above the Secretary and Chief Secretary of the concerned Union Territory. The Committee regret to note that such democratic approach towards public representatives was found missing in all the Union Territories.

The Committee, therefore, feel that comprehensive guidelines should be issued by the Ministry of Home Affairs to the Administrators of all the Union Territories without a Legislative Assembly for more close effective association of Executive Councillors with the administration of the Union Territory and for observance of proper protocol in regard to them.

1	2	3	4
30.	4.82	-do-	They also find that appropriate facilities like transport, medical etc. have not been extended to these executive councillors. The Committee recommend that all the necessary facilities ordinarily available to the Minister in State should be extended to Executive Councillors of Union Territories. The Committee further desired that meetings of the Pradesh Councils should at least be called on a quarterly basis.
31.	4.83	-do-	The Committee were informed during evidence that Home Minister's Advisory Council which used to meet once in six months are now required to meet only once a year. However, they find that in actual practice these Councils have not met as even in accordance with revised norms for the last three years. The Committee, therefore, recommend that the Advisory Council should meet twice in a year.
32.	4.84	-do-	The Committee find that for matters falling outside their powers the Administrators of Union Territories have to make references to various Ministries of the Government of India which operate the relevant Budget Heads of the Union Territory. The Committee, however, feel that while the Ministry of Home Affairs which is the Administrative Ministry controlling the affairs of Union Territories itself is not fully geared to give the exclusive attention to the problems referred to it by various Union Territories, it is rather farfetched to expect other Administrative Ministries to show even that much of involvement in the problems of Union Territories. The situation gets compounded in the case of Island Territories which owing to the perceptual gaps at the Government of India level and the remoteness of their geographical location can ill afford long delays in clearance of proposals without giving rise to a sense of grievance among the people. Although the Ministry of Home Affairs UT Division is supposed to chase up files in other Ministries on behalf of the Union Territories,

1	2	3	4
---	---	---	---

this arrangement does not seem to operate effectively. The Committee feel that there is definite need for improving the situation in this regard. They desire that Home Ministry be given all the powers of Government of India to clear proposals of Union Territories subject to consultation with the Administrative Ministry concerned wherever it is felt necessary.

33. 4.85 -do- The Committee also desire that a senior officer of the rank of atleast Special Secretary should be appointed in the Ministry of Home Affairs for exclusively looking after matters relating to Union Territories and effecting coordination with various Ministries and agencies of the Government of India.

34. 4.86 -do- The Committee learn that at present there is no formal mechanism in the Union Territories for inter-action between the Union Territory Administration and the field offices of Government of India operating independently in a Union Territory. The Committee feel that for better coordination and purposeful inter-action such a mechanism needs to be established without loosing further time. They may be apprised of the steps taken in this regard.

35. 4.87 -do- The Committee understand that a final decision regarding conversion of lease hold land in Union Territory Chandigarh has been pending for a considerable time with the Government of India, Ministry of Urban Development. The Committee desire that Ministry of Home Affairs should actively pursue the matter with Ministry of Urban Development to ensure a speedy decision in this regard.

In the similar manner there should be proper land Survey and Settlement conducted for all the Union Territories where it has not been done earlier and free hold land patta for agricultural land and house site should be issued

1 2 3

4

without any further loss of time. Government of India should amend the land tenure regulations of concerned Union Territory, if necessary.

36 4.88 -do- The Committee are informed that in Andaman and Nicobar Islands the Deputy Commissioner, Andamans has been declared Head of the Department in respect of revenue department. The community development schemes are also under his direct control. However, he has no administrative control over the authorities responsible for implementing the schemes. It has been admitted by the Ministry of Home Affairs during evidence before the Committee that introduction of single line of responsibility and accountability of block level officers to the District Collector would bring efficiency in the developmental activities of the District Collector, Sub-Divisional Magistrate. Further the Committee are concerned to note that in the Andaman and Nicobar Islands even the Sub-Divisional Magistrates are not effective in exercising coordination as often they are quite junior to Sub-Divisional Heads of functional departments. In this manner departmental heads tend to go on their own thus ultimately eroding the role and power of the Dy. Commissioner who is directly controlling the Sub-Divisional Magistrates. The Committee wonder how in such a situation developmental schemes can be implemented efficiently and effectively. The Committee however, note that the Government are actively considering restructuring of District Administration in Andaman and Nicobar Islands at the block level and Sub-Divisional level.

37 4.89 -do- The Committee desire that necessary changes in the district set up may be introduced expeditiously to make administration responsive to the public needs. The Committee recommend

1 2 3

4

that the Administrator Andaman & Nicobar Islands should undertake a study of restructuring the entire Union Territory administration on the basis of past experience to provide a clean efficient and responsive administration. They also desire that the changes should be effected in such a manner that public have to deal with the administration through a single window for seeking redressal of their problems. The Committee would like to be apprised of the position at the earliest but not later than a period of six months.

38 4.90 -do- The Committee are perturbed to note that in Andaman and Nicobar Islands a reverse delegation has been taking place as powers have been withdrawn from the Heads of the Department and vested with the Secretaries with the result that instead of giving their full attention to policy inputs and effecting coordination the Secretaries of the UT Administration have burdened themselves with the task of effecting transfers etc. which is the function of heads of the department. In the opinion of the Committee this situation is not redeemed by the fact that in some cases the Secretaries are concurrently the Heads of the Departments. The representative of the Ministry of Home Affairs has in his evidence before the Committee admitted that this is a somewhat anomalous position.

39 4.90A -do- The Committee are of the firm view that in any administration secretariat cannot be strengthened at the expense of field offices. The Committee, therefore, desire that Andaman and Nicobar Islands Administration should be asked to immediately review existing delegation of powers with a view to restoring the importance and effectiveness of heads of department.

40 4.91 -do- The Committee note that the mechanism for reviewing the adequacy or suitability of administrative set up in Union Territories is provided by Internal Work Study Unit of Ministry of

1 2 3

4

Home Affairs and the Staff Inspection Unit of Ministry of Finance. The Committee, however, find that most of the recommendations of Staff Inspection Unit in regard to restructuring of the Administration and abolition of some posts have generally not been implemented. The Committee cannot but take a serious view of this default and desire that the recommendations of the Staff Inspection Unit, once made should be faithfully implemented. Whatever observations the Administration may have to make on the preliminary conclusion of the Staff Inspection Unit should be placed before it well before the Unit gives its report. It would not be out of place to expect each head of the department to discuss the draft SIU Report with the head of the SIU team visiting the Union Territory. The Committee would like the Ministry of Home Affairs to issue necessary instructions in this regard.

41 4.88

-do- The Committee are informed that tribal population of Andaman and Nicobar Islands have demanded setting up of an Autonomous Tribal Councils under the sixth Schedule of the Constitution. The Committee fully support this demand and desire that Ministry of Home Affairs should promptly initiate steps to fulfill same.

The Committee are apprised that in the Andaman & Nicobar Islands a number of developmental works are being implemented through agencies like NBCC & CPWD because of which local youth lose job opportunities.

The Committee desire that in all Union Territories developmental works would be implemented departmentally and non-departmental agencies should be involved only when this is completely unavoidable. They also desire that in departmentally as well as non-departmentally executed works local youth should be given preference in jobs.

1	2	3	4
42	5.67	-do-	The Committee find that formulation of budget in the Union Territories is closely linked to the process of finalizing the Annual Plans in consultation with the Planning Commission because size of the budget in most Union Territories does entirely and in some cases substantially depend upon the quantum of grant-in-aid received from the Central Government. They are further apprised that budget making, and particularly discussions thereupon by the Pradesh Councils wherever these take place lose their purposefulness if size of the annual Plan allocation is later reduced by the Planning Commission..
43	5.68	-do-	In this context the Committee welcome the revised procedure under which the Planning Commission gives advance indication of the resources likely to be made available for the annual plan. This step they hope will lend a certain degree of certainty to the budgetary exercise in UTs. The Committee desire that no effort should be spared to make this innovation a success.
44	5.69	-do-	The Committee feel concerned at the fact that often financial sanctions for different schemes/projects are issued by Government of India at the fag end of the financial year because even after approval of a scheme by the Planning Commission various other Ministries that are to be consulted before according a financial sanction take their own time in clearing the projects. The Committee aver that this is an unhappy situation and desire that a multipronged approach should be adopted to minimize the impact of such delays. they further suggest that (i) more powers may be delegated to UT to bring down the number of proposals required to be referred to Government of India and (ii) that Keeping in view the advance intimation of annual plan allocation it should be possible to make timely references to Ministry of Home Affairs or other Ministries of Government of India.

1	2	3	4
45	5.70	-do-	The Committee note that even though a scheme is incorporated in the Annual Plan there is nothing sacrosanct about such schemes and in reality it can happen that the sanctioned scheme is not implemented that in that particular year. However under such circumstances the funds allocated can either remain unspent or be reappropriated to some other scheme or project. The Committee however find that in reality while waiting for expected sanctions reappropriation of funds a different scheme would be a difficult proposition due either to the paucity of time or the absence of an alternative scheme that has already received approval. Moreover even the proposals for reappropriation would have to be referred to the Government of India and can experience the usual delays.
46	5.71	-do-	The Committee, therefore, wish to emphasise the need for delegating powers to the Administrators of Union Territories to reappropriate funds from one plan scheme to another.
47	5.72	-do-	The Committee are perturbed by the revelation that discussion of annual plan with members of Pradesha Council has not been accorded due importance by A & N Administration. They cannot also rule out similar attitude being taken by administration in other UTs. The Committee cannot but take a very serious view of the matter and would like to know what steps have been taken by the Ministry of Home Affairs to avoid recurrence of such instances.
48	5.73	-do-	The Committee find that at present, planning process by and large relies heavily on sectoral priorities determined at a macro-level and that by sheer insufficiency of resources, developmental ideas and needs of people at the grass-root yet elbowed out during series of bureaucratic confabulations. The situation gets

1 2 3

4

more accentuated in the case of Union Territories where Administration is not directly accountable to the people. The Committee gain the impression that in ultimate analysis people at the grass-root level are left out of the planning process.

49 5.74 -do- While the Committee do not wish to discount the importance of macro-level direction of the planning process they do feel that enough room should be left for developmental needs at the grass roots to be devetailed. They accordingly desire that plan allocation should set apart an appropriate portion which can be placed at the disposal of District, Block and Panchayat level bodies. They hope with the application of 72nd and 73rd Constitution Amendment to Union Territories it should be possible to move fast in this direction. The Committee would like to be apprised of the progress made within a period of six months. The Committee recommends to create UT level Planning Board for Planning process and monitoring the same in each Union Territory.

50 5.75 -do- The Committee find that in all the Union Territories net annual expenditure exceeds the revenue. Whereas in other Union Territories the gap has been ranging from 7.5 per cent (Lakshadweep 1992-93) to 117 per cent (Pondicherry 1990-91), in regard to Andaman and Nicobar Islands where the expenditure has been exceeding the revenue 8 to 10 fold the position is very acute. Being conscious of the fact that without a fiscal balance Union Territories cannot become financially viable, the Committee are concerned at his state of affairs. They feel that the existing fiscal position of the Union Territories, particularly that Andaman and Nicobar Islands is not in congruity with the objective of greater democratisation of administration in these berritories.

51 5.76 -do- The Committee therefore, desire that serious thought should be given at rectifying the existing fiscal imbalance in the Union Territories.

1	2	3	4
---	---	---	---

This would, obviously call for economy in unproductive expenditure and as also identification of new sources of revenue. The Committee also observe that the revenue base in some of the Union Territories which include Island territories is very narrow the Committee desire Government to take speedy measures for the economic development of these territories so that rise in general prosperity of the citizens also leads to better revenue mobilisation.

52. 5.77 -do- The Committee are surprised to find that Planning Commission while determining the annual plan allocations to Union Territories the Planning Commission does not give any credit for mobilisation of additional revenue by way of savings in non-plan expenditure and better tax collection at existing rates. They are however inclined to find considerable merit in arguments putforth in this regard by the Chief Secretary, Delhi Administration. The Committee, therefore, desire that Home Ministry should take up the matter with the objective of encouraging Union Territories to effect better tax recovery and greater economy in non-productive expenditure.

53. 5.78 -do- The Committee find that all the revenues/ receipts and expenditure of the Union Territories without legislatures are accounted for in the Consolidated Fund of India and the financial, budgetary and expenditure control in respect of these Union Territories is exercised by Parliament and its Committees. While in case of Union Territories with legislatures they have their own 'Consolidated Fund' and their own budget and the financial budgetary and expenditure control in the case of such Union Territories is exercised by the Legislative Assembly concerned and its Committees. The Committee was informed by the Ministry that it is necessary that if a Consolidated Fund of a Union Territory is created, there should be a system of supervision of legislature over the

1 2 3

4

Fund in regard to the sources of revenue authority to grant money for expenditure and an elaborate system of budgetary and expenditure control. However, the Committee feel that the working system could be significantly improved if there is a Consolidated Fund for Union Territories.

54. 5.79 -do- The Committee desire that there should be separate consolidated fund of each Union Territory so that they have better fiscal management. They urge the Government to give sufficient powers to the Pradesh Council/ Advisory Council to exert financial budgetary and expenditure control. The Committee emphasize that necessary amendments should be carried out in the legal provisions to give effect to the above recommendations.

55. 6.98 -do- The Constitution of India recognises only two categories of public servants viz. the Central Government and the State Govt. employees. The employees of the Union Territories should ordinarily have been categorised as Central Government employees. However, this is not exactly the position. The Committee are apprised that Union Territory employees have been categorised as those working for the Union of India. The Committee are unable to understand this subtle distinction particularly when the pay structure in most of the Union Territories has been determined on the basis of the recommendations of the Fourth Pay Commission and all the service rules and regulations applicable to Central Government employees apply to UT employees *mutatis mutandis* or with minor modifications also determined by the Government of India. The Committee feel that the net effect of making this distinction is that it lends itself as a ground for denying or delaying some legitimate demands of the Union Territory employees.

56. 6.99 -do- The Committee, therefore, desire that the desirability of maintaining this distinction should be reviewed by the Government and remedial measure be taken immediately.

1	2	3	4
57.	6.100	-do-	<p>The Committee find that recruitment rules have not been framed in different Union Territories in regard to a large number of posts. The position is particularly accentuated in regard to the Island territories. The Committee are apprised that the procedure of framing recruitment rules involves a series of clearances from the Home Ministry, Administrative Ministry, Department of Personnel and the UPSC. However, recently as a measure of simplification the requirement to obtain a clearance from Ministry of Home Affairs has been dispensed with. Nevertheless the position remains that getting recruitment rules approved continues to be a problem and consequently a large number of posts of Group 'A' & 'B' category remain unfilled or are filled by ad-hoc appointees, who remain unregularised over a long period of time, or by deputationists who are also not easily forthcoming. In this context the Committee have considered the problem from various angles and examined various suggestions which could minimise the impact of this phenomenon. The Committee after carefully considering these suggestions make the following recommendation.</p>
58.	6.101	-do-	<p>The power to finalise recruitment rules for Gr. A&B employees should be delegated to the UT Administration in consultation with the Administrative Ministry concerned subject to conformity with guidelines and principles laid down by the Department of Personnel and the UPSC. The burden of ensuring this should be left to UT Administration and the Administrative Ministry. Reference to Department of Personnel or UPSC should be made only in exceptional cases where deviations are sought to be made from the general guidelines and principles governing recruitment of public servants.</p>
59.	6.102	-do-	<p>The Committee are further apprised that in respect of Group 'A' and 'B' posts recruitment is made by the UPSC on an all India basis.</p>

1 2 3

4

Since the selected candidates mostly happen to come from mainland they either fail to join the posts offered to them or leave their jobs or seek transfer prematurely. On the other hand the local candidates who are either not even called for interview or fail in the selection process remain unemployed in spite of the fact that they may have been given professional training at Government expense in fields like medicine and engineering. The Committee therefore desire that where qualified local candidates are available maximum consideration should be shown to them to ensure that locally available qualified candidates do not languish while the posts remain vacant. The Committee further desire that all the ad hoc appointees to Group 'A', 'B' and 'C' posts whose services are yet to be regularised may now be regularised by the Administration UPSC in relaxation of the normal criteria for selection for these posts as a one time measure.

The Committee are also apprised that services of a number of doctors appointed at one stage in A&N Islands on ad hoc basis due to non-availability of regular candidates have since been regularised. The Committee desire that these doctors may be absorbed in CGHS which was the cadre available on the date of their regularisation.

60. 6.103 -do-

The Committee are apprised that under the Constitution there is no provision for a Public Service Commission in the Union Territories. while the powers to make recruitment to Group C&D posts have been delegated to the Administrators of these Union Territories, Group A&B posts are filled through the Union Public Service Commission. The Committee are informed that unless Constitution is amended the *status quo* would remain. However in this respect the Committee have taken note of the fact that in the North-eastern States a Selection Committee comprising representatives of the

1	2	3	4
---	---	---	---

areas concerned, the UPSC and the Ministry of Home Affairs had been constituted to overcome difficulties in finding suitable local candidates for Group A&B posts willing to serve in those areas. The Committee find that both the UPSC and the Ministry of Home Affairs have taken a positive stand on the question of giving a similar treatment to Island Territories. The Committee, therefore, desire that expeditious action may be taken to constitute similar Committees for recruitment of Group A&B posts in the Islands Territory. For this purpose the required exemption from UPSC may be obtained by Ministry of Home Affairs.

61 6.104 -do- The Committee also desire that in fields where sufficient number of local candidates are not forthcoming concerted efforts may be made to have suitable willing men and women specially trained or coached in those fields particularly the field of shipping, and other professional areas at Government expenses and with a stipulation to serve in the native Island Territory for a certain number of areas.

62 6.105 -do- The Committee find that there is no uniform delegation of authority to the Administrator of Union Territories in regard to appointments. While the Lt. Governor of Delhi can appoint persons to a post carrying a maximum pay of Rs. 5000 the same cannot be said about the administrative Head of other Union Territories. The Committee do not agree with the explanation put forward by the Ministry of Home Affairs in regard to the rationale behind this difference in delegated powers. The Committee desire the Government to review this position and to ensure that Head of Administration in Union Territories which are located far off from the seat of Union Government should in the ordinary course enjoy equal if not greater administrative powers.

1	2	3	4
63	6.106	-do-	<p>The Committee are apprised that there are no recognised Scheduled Castes in the Andaman and Nicobar Islands. However, as per the existing reservation policy of Government of India while recruitment of Group C and D posts does not require reservation of posts for Scheduled Caste category. However, Group A & B posts do come within the ambit of reservation quota for both Scheduled Castes and Scheduled Tribes in accordance with the proportion of their population on all India basis i.e. 15% and 7½% respectively. It has been pointed out that in Andaman and Nicobar Islands where society is virtually casteless, persual of reservation policy for Scheduled Castes for higher posts which means recruitment of suitable candidates from the mainland, has resulted in avoidable resentment amongst the local youth. In this context, it has also been brought to the notice of the Committee that in these Islands the proportion of educated tribal youth is fairly high and that many of them fail to get employment within the 7½ per cent of post reserved for them.</p>
64	6.107	-do-	<p>The Committee are also apprised that the situation is more complex in the case of teachers because in Andaman & Nicobar Islands there are schools catering to various linguistic groups viz. Hindi, Bengali, Tamil, Telugu etc. Often the Administration is not able to find locally Scheduled Tribes candidates from amongst these linguistic groups as a result of which a large number of posts of teachers require to be filled from different linguistic groups have remained vacant. In this regard, the representative of Ministry of Home Affairs have stated that the Ministry would consult Law Ministry to examine the possibility of relaxing the reservation policy in Andaman and Nicobar Islands to facilitate recruitment of local candidates against Group A, B & C posts for which Scheduled Castes/Scheduled Tribes</p>

1 2 3

4

candidates are not locally available.

65 6.108 -do- The Committee strongly urge the Government to study this problem on a priority basis with a view to finding ways and means of giving greater employment opportunities to local youth particularly the tribal youth.

The Committee find that in Andaman & Nicobar Islands there are several Group 'A', 'B' and 'C' posts reserved for SC/ST candidates are lying vacant for more than three years. They further understand that possibility of filling up such posts in future is remote as a consequence of which the working of the Andaman & Nicobar Administration has been adversely affected.

The Committee, therefore, desire that these posts may be filled up without further loss of time by going through the normal process of de-reservation.

66 6.109 -do- Although the Committee find that the transfer policies which exist in different Union Territories are more or less satisfactory. The implementation of the policy is faulty. However, they find that transfer policy of Lakshadweep Administration to be, more comprehensive. The Committee desire that other Union Territories should adopt this as a model transfer policy with appropriate modifications in keeping with the local conditions.

67 6.110 -do- The Committee find that management of transfer of officers belonging to Union Territory cadre of All India services and DANI service is a task beset with problems. However, the overall policy of the Government is to balance postings to remotely located Union Territories with relatively attractive postings in Delhi. Moreover, postings in Union Territories other than Delhi are also accompanied by incentives such as preference in promotions, foreign postings and deputation on foreign

training, etc. allowing special pay. The Ministry of Home Affairs have in this context fully justified the rules permitting All India service and DANI service offices to maintain their families in Delhi by retaining Government accommodation while they serve in Island Territories. The Committee find that this arrangement though unavoidable from a humanitarian point of view is not in the interests of efficient Administration in Union Territories. The Committee have carefully deliberated upon this question and make the following recommendations:—

(a) The DANI service may be bifurcated to create one unified service for Delhi and Union Territory of Chandigarh, and another for Andaman and Nicobar Islands to be extended to all other Union Territories except Pondicherry. The Committee envisage that the service catering to Island territories would attract either local candidates or candidates willing to serve the Administration in these territories on a long term basis. This would also provide greater opportunities for the officers of these two Administrations to get promoted to in IAS and IPS which in turn can relieve pressure of finding willing All India service officers for postings in these areas.

The Committee desire that this arrangement should hold equally true for both DANI Civil Service and DANI Police Service.

(b) The Committee recommend that to have Union Territories Cadre to IAS and IPS have lost relevance after Delhi having legislature. As Delhi can have a separate IAS and IPS Cadre.

(c) The Committee also desire that for filling posts earmarked for All India Service officers the Administration in different Union Territories should be encouraged to borrow the services to efficient officers from the State

1	2	3	4
			cadres of IAS and IPS particularly those from the neighbouring States by circulating.
68	7.12	-do-	<p>The Committee find that judicial set up varies from one Union Territory to another. They also find that judicial set up in all the Union Territories falls under the jurisdiction of High Courts of neighbouring States. The Committee further note that people's expectations on this point in each of the Union Territories also vary. For example, while there is a demand for a High Court Bench in Port Blair no such demand has been made in Pondicherry or Lakshadweep. In this context, the Ministry have apprised that even though initially Chief Justice of the Calcutta High Court had felt that to have a permanent Bench at Port Blair would not be necessary.</p> <p>It has finally been decided to hold a Circuit Court every month at Port Blair and transfer all the cases pending in the High Court at Calcutta to Port Blair.</p>
69	7.13	-do-	<p>The Committee however are of the view that in view of the remoteness of A & N Islands from Calcutta, a permanent Bench of Calcutta High Court at Port Blair would not be out of place, particularly when a Bench already sits there every fortnight. On the other hand, however, such a step would greatly facilitate dispensation of Justice in the Island Territory. The Committee would desire the Government to take prompt action in this regard.</p>
70	7.14	-do-	<p>The Committee urges to the Govt of India to appoint one Law Commission for examining the problems and requirement of all the Union Territories to shower justice to the people of Union Territories. It is also necessary to consolidate all the regulations and rules prevalent in the respective UTs. which is not readily available at the moment.</p>
71	8.26	-do-	<p>The Committee find that the public grievances redressal machinery is available in</p>

1 2 3

4

each Union Territory in varying dimensions depending upon the magnitude of the public grievances. It is evident from the facts placed before the Committee that redressal of public grievances has not been given the primacy it calls for.

72 8.27 -do- While in Delhi, an elaborate system of redressal of public grievances exists, the Committee feel that magnitude of grievances of the citizens is far too great to permit any complacency.

73 8.28 -do- The Committee, therefore, aver that much more need to be done in Delhi in regard to redressal of public grievances not only by active involvement of senior officers of the Delhi Administration in this sphere of public administration but also in terms of updating and modifying different laws, regulations and procedures effecting the citizens in their day-to-day life. The Committee feel that there is a tremendous scope for simplification of procedures and decentralisation of authority so as to leave higher echelons of the administration free to ensure proper and corruption free enforcement of laws and effective implementation of developmental programmes. The Committee, would desire Delhi Administration to launch a comprehensive campaign to improve its public grievances redressal situation. They also suggest that greater emphasis should be laid on attitudinal changes amount officers and staff dealing with the public.

74 8.29 -do- In regard to other Union Territories, the Committee find that institutional mechanism available for redressal of grievances is somewhat rudimentary and that more reliance is placed on personal contact of public with the higher echelons of the administration which includes the Administrator. While the Committee appreciate that the grievance redressal machinery in these territories can

1	2	3	4
---	---	---	---

better be dealt by the active interest on the part of Administrators as also by adoption of a helping attitude on the part of departmental officers, they are, however, left with a disconcerting feeling that in reality thing does not work out so well. They feel that there is scope for institutional improvement in other Union Territories as well, particularly in regard to lack of coordination between different limbs of administration which itself can give rise to large many grievances.

75 8.30 -do-

The Committee, therefore, desire that whole position about redressal of public grievances should be reviewed by the Ministry of Home Affairs, at the highest level in respect of each of the Union Territories and suitable administrative improvements effected in a time bound manner. They also desire that a thorough review of laws, regulations and procedures may be undertaken in each of Union Territories to eliminate all chances there being such provisions of law and procedure that may be causing inconvenience to the public or that may not be in tune with the present times. The Committee desire that necessary directives be issued by the Ministry of Home Affairs to all the administrators of UT's to designate a Senior Officer who should be made responsible for attending Public Grievances.

OF AUTHORISED AGENTS FOR SALE OF LOK SABHA SECRETARIAT PUBLICATIONS

Name of Agents	Sl. No.	Name of Agents
JHARAKHANDA PRADESH		UTTAR PRADESH
M/s. Vijay Book Agency, 11-4-477, Mylaradda, Secunderabad-500361.	12.	Law Publishers, Sardar Patel Marg, P.B. No. 77, Allahabad, U.P.
BIHAR		WEST BENGAL
M/s. Crown Book Depot, Upper Bazar, Ranchi (Bihar).	13.	M/s. Manimala Buys & Sells, 123, Bow Bazar Street, Calcutta-1
ARATHA PRADESH		DELHI
3. The New Order Book Company, Lis Bridge, Ahmedabad-380006. (T. No. 79065).	14.	M/s. Jain Book Agency, C-9, Connaught Place, New Delhi. (T. No. 351663 & 350806)
MADHYA PRADESH		15. M/s. J.M. Jaina & Brothers, P. Box 1020, Mori Gate, Delhi-110006. (T. No. 2915064 & 230936)
M/s. Modern Book House, in Vilas Palace, Indore City. (T. No. 35289).	16.	M/s. Oxford Book & Stationery Co., Scindia House, Connaught Place, New Delhi-110001. (T. No. 3315308 & 45896);
MARATHA PRADESH		17. M/s. Bookwell, 2/72, Sant Nirankari Colony, Kingsway Camp, Delhi-110009. (T. No. 7112309).
1. M/s. Sunderdas Gian Chand. 11, Girgaum Road, Near Princes Street, Bombay-400002.	18.	M/s. Rajendra Book Agency IV-DR 59, Lajpat Nagar, Old, Double Storey, New Delhi- 110024. (T. No. 6412362 & 6412131).
6. The International Book Service. Deccan Gymkhana, Poona-4.	19.	M/s. Ashok Book Agency, BH-82, Poorvi Shalimar Bagh, Delhi-110033.
The Current Book House, Maruti Lane. Raghunath Dadaji Street, Bombay-400001.	20.	M/s. Venus Enterprises, B-2/85, Phase-II, Ashok Vihar, Delhi.
M/s. Usha Book Depot, Law Book Seller and Publishers' agents Govt. Publications '5, Chira Bazar Khan House, Bombay-400002.	21.	M/s. Central News Agency Pvt. Ltd., 23/90, Connaught Circus, New Delhi-110001. (T. No. 344448, 322705, 344478 & 344508)
M/s. & J Services, Publisher, Representative Agents & Law Book Sellers. Awan Kunj, Ground Floor 68, Jyotiba Fule Road, Nalgaum-Dadar, Bombay-400014.	22.	M/s. Amrit Book Co., N-21, Connaught Circus, New Delhi.
0. Subscribers Subscription Services India, 71 Raghunath Dadaji Street, 2nd floor, Bombay-400001.	23.	M/s. Book India Corporation Publishers, Importers & Exporters. L-27, Shastri Nagar, Delhi-110052. (T. No. 269631 & 714465)
ANDHRA PRADESH		24. M/s. Sangam Book Depot, 4378/4B, Murari Lal Street, Ansari Road, Darya Ganj, New Delhi-110002.
11. M/s. M.M. Subscription Agencies, 14th Murali Street (1st floor) Mahalingapuram, Nungambakkam, Madras-600034. (T. No. 476558).		

Corrigenda to 31st Report of Estimates
 Committee (1992-93) on System of
 Administration in Union Territories

<u>Page No.</u>	<u>Para No.</u>	<u>Line No.</u>	<u>Text</u>	<u>Read</u>
6	4		TakshashEEP	inhabited
7	2-3		Geographically	geographically
7	9		The	In
7	15		area	areas
2.1	2		Government's	Government.
2.1	3		The variegated	The variegated
	4		has of the	constitutional
	5		constitutional	
2.4	2		to best	is the best
2.7	4		Act, can	Act, Legislative
	5			Assembly can
2.14	5		Administrator	Administrator
2.17	7		popularly	popularly
2.25	2		advise	advice
2.26	3		73rd	72nd
2.41	3		is	in
2.46	4		respect	respect
2.51	7		representatives	representative
2.53	7		for too unwieldy	for too unwieldy
2.55	5		arguably	arguably
2.55	6		fullfledged	fullfledged
2.55	9		discerning	discerning
2.56	0		Procrastination	Procrastination
2.58	5		or with	with
2.64	1		and	an
3.1	1		exists	exist
3.2	1		Minister	Ministry
3.2	2		Lightning	Lighting
3.7	1		is	in
3.10	5		solved	solved
4.1	1		Paraphenia	Paraphernalia
4.15	1		in	is
4.25	1		regularly	regularly
4.71	1		or	or
4.71	13		<u>Delete</u> - because in absence to	
			running of Administration	
5.1	1		rap	rapport
5.1	1		discharge	discharge
5.2	1		representatives	representative
5.2	1		Specific	Specific
5.3	1		circumstances	circumstances
5.4	1		behalf	behalf
5.5	1		tenure	tenure
5.6	1		expense	expense
5.7	2		Union Territory	Union Territory of
			of Delhi necessary	Delhi: Necessary
			legislation	legislation
57	4		Chandigarh the	Chandigarh: The
			city of	city of Chandigarh