

COMMITTEE ON PAPERS LAID ON THE TABLE
(2018-2019)

SIXTEENTH LOK SABHA

34

THIRTY FOURTH REPORT

(Presented on 28.12.2018)



**LOK SABHA SECRETARIAT
NEW DELHI
December, 2018 /Pausha, 1940(Saka)**

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COMPOSITION OF COMMITTEE ON PAPERS LAID ON THE TABLE
(2018-2019)

Shri Chandrakant Khaire - ***Chairperson***

M E M B E R S

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

SECRETARIAT

1. Dr. Preeti Srivastava - Joint Secretary
2. Smt. Rita Jailkhani - Director
3. Smt. Maya Lingi - Additional Director
4. Shri Munish Kumar Rewari - Deputy Secretary
5. Smt. Rajni Bhagat - Committee Officer

INTRODUCTION

I, Chairperson of the Committee on Papers Laid on the Table of the House (2018-19), having been authorized by the Committee to present this Report on their behalf, present this Thirty Fourth Report in respect of delay in laying of the Annual Reports of the National Commission for Schedules Castes, New Delhi.

2. The Annual Reports of the National Commission for Schedules Castes, New Delhi are being laid on the Table of the House as per Clause 05 and 06 of the National Commission for Schedules Castes, Act 2003. However, the Audited Accounts of Commission have also not been laid on the Table of the House since its inception. In terms of the recommendation of the Committee on Papers Laid on the Table contained in its Para 1.17, First Report(5th Lok Sabha), presented to the House on 08 March 1976, the Organisations, which are laying only their Annual Reports, have to lay their the Annual Reports within six months of the closure of the respective Accounting Year.

3. Considering the matter of delays in laying of the Annual Reports and not laying the Audited Accounts of the Commission, the Committee took oral evidence of the representatives of the Ministry of Social Justice and Empowerment at their sitting held on 15th June 2015.

4. The Committee considered and adopted this Report at their sitting held on 18.12.2018.

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

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

**New Delhi
December, 2018
Agrahayana, 1940 (Saka)**

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

REPORT

Delay in laying of the Annual Reports and Audited Accounts of the National Commission for Scheduled Castes, New Delhi.

National Commission for Scheduled Castes (NCSC) was established on 19.2.2004 upon the bifurcation of the earlier, National Commission for Scheduled Castes and Scheduled Tribes (NCSCST) through Constitution (Eighty-Ninth Amendment) Act, 2003. The Commission is funded by the Ministry of Social Justice and Empowerment, Government of India. The NCSC has received a Non-Plan budget Rs. 14.90 crore for the year 2015-2016.

2. Clause 5(d) of Article 338 of the Constitution provides that it shall be the duty of the Commission, inter-alia, to present to the President, annually and at such other times, as the Commission may deem fit, reports upon the working of the safeguards provided to the Scheduled Castes. As per Clause 6 of Article 338, the President shall cause all such reports to be laid before each House of Parliament along with a Memorandum explaining the action taken or proposed to be taken on the recommendation relating to the union and the reasons for the non acceptance if any, of any of such recommendations. **However, No time limit for laying these Reports have been specified.**
3. As per Rule 237 of General Financial Rule (GFR), the Annual Reports and Audited Accounts of the organizations are required to be laid on the Table of the House within nine months of the closure of respective Accounting year.
4. In term of recommendations of the Committee on Papers Laid on the Table contained in Paras 1.16 and 3.5 of its First Report (5th Lok Sabha), Paras 4.16 and 4.18 of Second Reports of 5th Lok Sabha and Paras 1.12 and 3.6 to 3.8 of Second Report of 6th Lok Sabha presented to the House on 08.03.1976, 12.05.1976 and 22.12.1977 respectively, the Annual Report and Audited Accounts together along-with Review Statement of the Institutes/Organisations (Statutory/Autonomous Organization, Public Undertakings, corporations, Joint ventures, Societies etc.) are required to be laid within

09 months of the close of the respective Accounting Year. To comply with this requirement proper time schedule should be laid down for compilation of Annual Report and Accounts and their auditing. The Committee felt that normally a period of 3 months would be sufficient for compilation of accounts and their submission to audit; the next 6 months might be given for auditing of accounts; printing of the Report and sending it to Government for laying. If for any reason, the Annual Reports and Audited Accounts of the Institutes could not be laid within the prescribed period of 9 months, the Ministry concerned should lay a Statement within 30 days of the expiry of the said period or as soon as the House meets whichever is later, explaining the reasons as to why the documents could not be laid in time.

5. The Committee have also recommended in Para 1.17, First Report (5th Lok Sabha) that the autonomous Organisations which lay only their Annual Reports should not take unduly long time in laying them after close of the accounting year. In such cases the administrative Ministries should ensure that the Annual Reports are invariably laid before Parliament within six months after the close of Accounting years.

6. The scrutiny by the Committee on Papers Laid on the Table reveals that the Annual Reports of the NCSC for the years 2004-2005 to 2016-2017 were laid on the Table of the House with delays ranging from 06 years and 11 months to 10 months. The dates of laying and extent of delay, in laying of the Annual Reports of the NCSC have been given at Annexure.

7. The Annual Audited Accounts of Commission have not been laid since its inception i.e. 2004-2005. The Ministry in its written note submitted the reasons for repeated delay in laying the Annual Reports of NCSC:-

"For preparation of Explanatory Memoranda, recommendations in the Annual Reports of the Commission are required to be taken up with concerned central Ministries/Departments and other concerned agencies. Obtaining comments/views on the recommendations take considerable amount of time. Several reminders were issued at different levels to the central Ministries/Departments and after tireless efforts, comments/reports on the recommendations were received and thereafter the same are compiled for incorporation in the Memoranda."

8. The reasons for not laying the Audited Accounts of the Commission since its

inception as given in the written replies of NCSC are as under:-

"Grant-in-aid is not released to the NCSC. Funds under Non-Plan Budget are allocated to the Commission from the Demands for Grants of Ministry of Social Justice & Empowerment. Hence, the Audited Accounts are not prepared by the Commission"

9. Regarding the mechanism to monitor the progress of the work for timely laying of documents and the remedial measure taken/proposed in this regard, NCSC in its written replies have stated as under:-

" The progress of receipt of comments/views of various Ministries/Departments on the recommendations of the NCSC is regularly reviewed. The defaulting Ministries/Departments are reminded on regular basis and are also contacted on phone and mail. The Ministry also proposes to hold meetings with representatives of the Ministries/Departments to impress upon them the importance of timely submission of their requisite inputs to avoid delays in future. The main reason for delay for preparation of Annual Report of NCSC are non-receipt of information needed for the report from the State Governments. Steps taken by the NCSC to avoid delay in preparing the Annual Reports are (i) holding preparatory meetings with In-charge of State Office of NCSC for data collection and (ii) meeting with Chief Secretaries/Secretaries of Social Welfare Departments of State Governments requesting them to provide data."

10. As regards streamlining of the process for timely laying of the Annual Report and Audited Accounts of the Commission, NCSC in its written note have submitted as under:-

" The NCSC is not receiving information/data from the States/UTs in time that have resulted in delay in the preparation of the yearly Annual Report. The Ministry and NCSC will increase the frequency of the review meetings with the concerned central Ministries/Departments and State/UT officials respectively for early submission of the information/data to enable the Ministry to prepare and compile the Explanatory Memorandum.."

11. The Committee took evidence of the representatives of the Ministry of Social Justice and Empowerment and NCSC on this issue on 16 June, 2015.

12. Elaborating the reasons for delay in laying of the Annual Reports of the Commission, the Secretary to the Ministry during the evidence informed the Committee as under:-

"We sincerely regret the delay because though there were many reasons for the delay, these things should have been taken care of and report should have been filed on time. Though we have spent a lot of time in giving reminders for getting the compliances, probably a better way would have been to have effective meetings and get the compliances. But whatever has been the delay, we regret it and I must assure that from 2012 the process of actually expediting the submission, laying it before the parliament has picked up the speed and we hope that from now on there will be no reason for you to think that we have not been sincere our task. "

Observations/Recommendations

13. The Committee note that National Commission for Scheduled Castes (NCSC) came into being as an individual entity on 19.2.2004 after bifurcation of the earlier, National Commission for Scheduled Castes and Scheduled Tribes (NCSCST) Act through Constitution (Eighty-Ninth Amendment) Act, 2003 . It is funded by the Ministry of Social Justice and Empowerment, Government of India,. The Annual Reports of the Commission are being laid on the Table of the House as per Clause 5(d) and Clause 6 of the Article 338, of the aforesaid Act. However, time limit for laying of the aforesaid Reports has not been specified in the said Act. Further a provision for laying of the Audited Accounts of the Commission has not been made in the said Act.

14. While examining the reasons for not laying of the Audited Accounts of the Commission for the aforesaid years the Committee was apprised that the Commission received *Funds under Non-Plan Budget from the Demands for Grants of Ministry of Social Justice & Empowerment*. Hence, the Audited Accounts were not prepared by the Commission. The Committee find from the Annual Report of the Commission for the year 2015-2016 laid on the Table of the House that a Section has been made in the Report indicating the funds received and utilized by their Commission during the year. The Committee however, recommend that the reasons for not laying of the Audited Accounts of the Commission may also be mentioned in the Report so as to apprise the actual position. The Committee may be informed about the action taken by the Ministry in this regard.

15. *The Committee observed that the Annual Reports of the Commission for the years 2004-2005 to 2016-2017 were laid on the Table of the House with delays of 06 years and 11 months to 10 months. The main reason for delay in laying of the Annual Reports of the Commission was stated to be obtaining of the Action Taken Replies on the recommendations contained in the Annual Report of the Commission as the Annual Reports are to be laid in the Parliament along-with the Memorandum of Action Taken in respect of the recommendations contained in the Reports. The committee appreciate that though after the case taken up by the Committee and remedial measure taken by the Ministry the extent of delay has come down from 06 years 11 months for the year 2005-2006 to 10 months for the year 2016-2017, still there is need to continue the efforts so that the Annual Reports of the Commission should be laid within six months after the closure of respective Accounting year as recommended by the Committee. The Committee would like to be informed about the concrete measures taken in this regard*

16. The Committee also impress upon the Ministry that if for any reasons, the Annual Reports of the NCSC could not be laid on the Table of the House within the stipulated time; a statement explaining the reasons as to why the requisite documents could not be laid within prescribed period should be laid strictly within 30 days after 30th September of the respective Accounting year or within seven days after the reassembly of the next Session whichever is later.

New Delhi
December, 2018
Agrahayana, 1940 (Saka)

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

Annexure
vide para 06 of the Report

**Statement showing the dates of laying of the Annual Reports of the National
Commission for Scheduled Castes, New Delhi**

Year	Due Date	Date of laying of Annual Reports	Extent of delay
2004-2005	30.09.2005	08.03.2010	04 years 05 months
2005-2006	30.09.2006	27.08.213	06 years 11 months
2006-2007	30.09.2007	10.12.2013	06 years 02 months
May 2007 to November 2009	-	18.02.2014	*
2010-2011	30.09.2011	17.03.2015	03 years 05 ½ months
2011-2012	30.09.2012	17.03.2015	02 years 05 ½ months
2012-2013	30.09.2013	31.07.2015	01 year 10 months
2013-2014	30.09.2014	04.08.2015	10 months
2014-2015	30.09.2015	19.07.2016	9 ½ Months
2015-2016	30.09.2016	14.03.2017	5 ½ Months
2016-2017	30.09.2017	07.08.2018	10 Months

*** Delay could not be calculated as the Reports could not be laid annually/uniformly.**

Appendix-I

MINUTES OF THE SITTING OF THE COMMITTEE ON PAPERS LAID ON THE TABLE (2014-2015)

The Committee sat on Tuesday, 16 June ,2015 from 15:00 hrs to 16:35 hrs. in Committee Room No. 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Chandrakant Khaire - Chairperson

MEMBERS

2. Smt Veena Devi
3. Shri Choudhary Mohan Jatua
4. Shri Uday Pratap Singh
5. Shri Virendra Singh
6. Shri P.R.Sundaram

SECRETARIAT

1. Shri Shiv Kumar - Director
2. Smt. Maya Lingi - Additional Director

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

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9. Then, the representatives of the Ministry of Social Justice and Empowerment were ushered in. The following were present:

REPRESENTATIVES OF MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

(Department of Social Justice & Empowerment)

1. Ms. Anita Agnihotri Secretary
2. Shri B.L. Meena Joint Secretary (SCD-A)
3. Smt. Aindri Anurag Joint Secretary
4. Shri R. K. Singh CMD (NSFDC)

REPRESENTATIVES OF THE NATIONAL COMMISSION FOR SCHEDULED CASTES, NEW DELHI

1.	Dr. (Smt.) Smitha Chaudhry	Joint Secretary
2.	Shri Kanhaiya Lal	Director

10. The Chairperson welcomed the representatives of Ministry of Social Justice & Empowerment (Department of Social Justice & Empowerment) and the National Commission for Scheduled Castes to the sitting of the Committee.

11. The Committee, thereafter, took evidence of the representatives of the Ministry and the Commission on the issue of inordinate and repeated delays in laying of the Annual Report of the Commission for the years 2005-2006 to 2013-2014. At first, the Secretary during evidence regretted for delays in laying of the Annual Reports of the Commission for the aforesaid years and informed the Committee that Clause 5(d) of Article 338 of the Constitution provides that it shall be the duty of the Commission, inter-alia, to present to the President, annually and at such other times, as the Commission may deem fit, reports upon the working of the safeguards provided to the Scheduled Castes and as per Clause (6), the President shall "cause all such reports to be laid before each House of Parliament" along with a Memorandum explaining the action taken or proposed to be taken on the recommendation(s) relating to Union and the reasons for the non-acceptance, if any, of any such recommendations. The Secretary further submitted that for preparation of Explanatory Memoranda, the recommendations made in the Annual Report of the Commission were required to be taken up with concerned Central Ministries/Departments and other concerned agencies. The Secretary, however, further clarified before the Committee that obtaining comments/views on the recommendations has been taking considerable amount of time. She also apprised the Committee about the remedial measures taken or proposed to be taken by the Ministry/Commission to ensure timely laying of the document of the Commission - specifically the measures that instead of issuing reminders to the Ministries/Departments for getting their comments/views on the recommendation made in the Report, the concerned Ministries would be engaged in meetings for obtaining compliance. The Committee impressed upon the Ministry/ Commission to take every corrective measure to curb delays in laying of the documents in the House.

12. Thereafter, the Hon'ble Chairperson thanked the representatives of the Ministry and the Commission for furnishing information that the Committee desired - in

connection with examination of the subject and also for frankly replying to the queries raised by Members of the Committee.

13. The witnesses then withdrew.

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

The Committee then adjourned.

**MINUTES OF THE 2ND SITTING OF THE
COMMITTEE ON PAPERS LAID ON THE TABLE (2018-2019)**

The Committee sat on Tuesday, 18 December, 2018 from 15:00 hrs to 16:30 hrs. in Committee Room 'C', Parliament House Annex, New Delhi.

PRESENT

Shri Chandrakant Khaire - **Chairperson**

MEMBERS

2. Shri Dushyant Chautala
3. Shrimati Veena Devi
4. Shri P.C. Gaddigoudar
5. Smt Mausam Noor

SECRETARIAT

1. Dr. Preeti Srivastava - Joint Secretary
2. Smt. Maya Lingi - Additional Director
3. Shri Munish Kumar Rewari - Deputy Secretary

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2. At the outset, Chairperson welcomed the Members to the sitting of the Committee.
3. Thereafter, the Committee took up following Draft Reports for considerations :-
 - (i) Delay in laying of the Annual Report and Audited Accounts of the National Commission for Schedule Castes, New Delhi;
 - (ii) The Action Taken by Government on the recommendations/observations made by the Committee in their Fourteenth Report on Delay in laying of Annual Report and Audited Accounts of the Biecco Lawrie Ltd., Kolkata;
 - (iii) The Action Taken by Government on the recommendations/observations made by the Committee in their Fifteenth Report on Delay in laying of Annual Report and Audited Accounts of the Pawan Hans Helicopter Ltd., Noida; and

(iv) The Action Taken by Government on the recommendations/observations made by the Committee in their Seventeenth Report on Delay in laying of Annual Report and Audited Accounts of the Indian Institute of Forest Management, Bhopal

4. After deliberations, the Committee adopted the Reports without modifications.

5. The Committee authorized the Hon'ble Chairperson to present the same to the Parliament during ongoing Session.

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The Committee then adjourned.