



**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI**

**FOURTH INTERIM REPORT
COMMITTEE ON PETITIONS
PRESENTED ON 17.08.2023
ADOPTED ON 18.08.2023**

**SUBJECT: NON-SUBMISSION OF ACTION TAKEN REPORTS
ON THE FIRST, SECOND AND THIRD INTERIM
REPORTS OF THE COMMITTEE ON PETITIONS**

LEGISLATIVE ASSEMBLY SECRETARIAT, OLD SECRETARIAT, DELHI 54

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COMPOSITION OF THE COMMITTEE

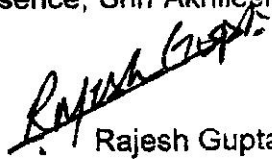
1.	SHRI RAJESH GUPTA	CHAIRPERSON
2.	SHRI AKHILESH PATI TRIPATHI	Member
3.	SHRI B. S. JOON	Member
4.	SHRI DILIP KUMAR PANDEY	Member
5.	SHRI JAI BHAGWAN	Member
6.	SHRI KARTAR SINGH TANWAR	Member
7.	SHRI KULDEEP KUMAR	Member
8.	SMT. RAJ KUMARI DHILLON	Member
9.	SHRI SOMNATH BHARTI	Member
Assembly Secretariat		
1	Shri Raj Kumar	Secretary
2	Shri C. Velmurugan	Joint Secretary
3	Shri Sadanand Sah	Deputy Secretary

PREFACE

The Committee on Petitions had submitted its First, Second and Third Interim Reports, on the issues of OPD Counters in Delhi Government Hospitals, Old Age Pension and Mohalla Clinics respectively, to the House in January 2023. These Reports were adopted by the House in its sitting held on 19th January 2023. As the Action Taken Reports, as recommended by the Committee, had not been received within the stipulated time, the Committee took up the matter in its sitting held on 13th August 2023.

Keeping in view the urgency and gravity of the matter, the Committee in its sitting held on 16th August 2023 decided to submit its interim report to the House in the current session itself.

The Committee authorised Shri Rajesh Gupta and in his absence, Shri Akhilesh Pati Tripathi to present the Report to the House.


Rajesh Gupta
Chairman
Committee on Petitions

REPORT:

In its sitting held on 19th January 2023, the House adopted three Interim Reports presented by the Committee on Petitions. The First Interim Report dealt with the issues and irregularities in the functioning of OPD Counters in the Delhi Government Hospitals. This Report was presented to the House on 18th January 2023 and adopted in the sitting held on 19th January 2023. The Second Interim Report dealt with the issues relating to the stoppage and irregularities in the disbursement of the Old Age Pension. The Third Interim Report dealt with the issues relating to the attempts to sabotage the functioning of the Mohalla Clinics. The Second and Third Interim Reports were presented and adopted by the House on 19th January 2023. Recommendations of the Committee on these three issues have been annexed to this Report.

The Committee had recommended that the Chief Secretary, Delhi should submit the Action Taken Reports on the recommendations within 30 days of the adoption of the Reports. In a separate recommendation it was also requested that the Hon'ble President and the Ministry of Home Affairs, Government of India should take appropriate action against the Chief Secretary and the Hon'ble Lieutenant Governor of Delhi.

However, the Chief Secretary and the Secretaries of the departments concerned, in complete disregard to the recommendations of the Committee and in defiance to the decision of the House failed to submit the Action Taken Reports. As there was no satisfactory reply to the reminders sent by the Assembly Secretariat, the Committee decided to seek the comments from these officers and asked them to attend the sitting of the Committee which was scheduled for 14th August 2023.

In the meantime Shri Saurabh Bharadwaj, the Hon'ble Minister of Health forwarded to the Hon'ble Speaker a file containing the draft Action Taken Reports on the Interim Reports of the Committee. From the perusal of the file, copy of which was made available to the Committee by the Speaker's Office, it was found that the Departments of Health, Finance and Social Welfare had submitted

the draft ATRs to the Chief Secretary. The ATRs were consolidated and submitted by the General Administration Department. The note was marked up to the level of the Chief Secretary only. The Chief Secretary on 28th May 2023 observed that the approval of the 'Government' should be taken before submitting the ATRs to the Assembly. Later when the proposals were again submitted to the Chief Secretary, the proposals were marked to the Ministers concerned, the Chief Minister and finally up to the level of the Hon'ble Lieutenant Governor.

The Chief Secretary in his note dated 08.06.2023 *inter alia* wrote:

"18 It is observed that the Hon'ble Committee on Petitions of the Legislative Assembly of Delhi has undertaken investigations in day-to-day administrative matters of Government of NCT of Delhi which is prohibited in terms of first proviso to section

33(1) of the GNCTD Act, 1991, and also dragged the name of the Hon'ble Lt. Governor in the subject of these interim reports without any evidence. These actions are not in terms of the provisions of proviso to section 33(1) of the GNCTD Act, 1991 and also unconstitutional as allegations in the title of the interim reports have been made against the Hon'ble Lt. Governor without any basis.

19 Accordingly it is proposed that the facts mentioned in para 17 & 18 above may be added suitably in draft ATRs to these reports.

20 In addition to proposals at paras 16 and 19, it is proposed that:

(i) since the matter involves violation of Proviso to section 33(1) of the GNCTD Act, 1991, therefore, these draft ATRs be placed before the Hon'ble Lt. Governor for prior opinion in terms of Proviso to Section 44 (2) of the GNCTD Act read with para 1 of the Order dated 28.04.2021 issued by the O/o Hon'ble Lt. Governor, and

(ii) as the matter in First Interim Report also involves engagement of manpower through outsourcing (which is a Services matter), therefore the file may also be submitted before the Hon'ble Lt. Governor on draft ATR on First Interim Report

for approval pursuant to insertion of section 3 A in the GNCTD Act, 1991 on 19.05.2023 through the GNCTD (Amendment) Ordinance, 2023."

The file was thereafter submitted to the Hon'ble Minister of Social Welfare. The Hon'ble Minister stated in his note dated 15.06.2023 that he was inclined to forward the draft action taken report. The file was thereafter submitted to the Hon'ble Minister of Health.

The Hon'ble Minister of Health in his note dated 10.08.2023 observed that as the Committee had recommended action against the Chief Secretary and other Officers *"..the Chief Secretary has reasons to stall the Action Taken Report, therefore as an afterthought on 08.06.2023, tried to stall the report on the pretext of section 33 (1) of the GNCTD (Amendment) Act."*

The Hon'ble Minister also pointed out that this action of the Chief Secretary was against the directions of the Hon'ble Speaker, who is the final authority in these matters.

The Committee agrees with the opinion of the Hon'ble Minister. On 06.03.2023, the Hon'ble Speaker had convened a meeting which was attended by the Hon'ble Chairpersons as well as the Chief Secretary and other officers of the Government. In the meeting the Hon'ble Speaker conveyed his decision that:

"1. No officer should absent himself from the sittings of the Committee without the prior permission of the Hon'ble Chairperson.

2. All information sought by the Committee or the Assembly should be promptly furnished. In case the Department has any reservation in providing information/ documents, the matter should be brought to the notice of the concerned Minister who in turn will take it up with the Hon'ble Speaker. The Speaker's decision in this matter would be final."

This decision of the Hon'ble Speaker was communicated to the Hon'ble Chief Minister and the Chief Secretary vide DO Letter dated 06.03.2023. In the enclosed note to the letter which had been shared with the Chief Secretary in the meeting the Hon'ble Speaker had made it clear that:

"..matters of 'day-to-day administration' are not considered by the Committees. The phrase 'day-to-day administration' has not been defined

anywhere. In the absence of any definition, the Speaker is the final authority to interpret the same. The inherent powers of the Speaker of the Delhi Assembly in this regard are similar to those exercised by the Lok Sabha Speaker. All the Committees function under the overall supervision of the Speaker. The Agenda of the proposed sitting is finalised with the approval of the Speaker and any challenge or defiance in this regard can tantamount to a breach of privilege or contempt.

*The NCT (Amendment) act, 2021 also places a restriction on the Committees to not **conduct any inquiries on administrative decisions**. As mentioned earlier, till a decision of the Hon'ble Supreme Court in this matter, none of the Committees of the Delhi Assembly are conducting any 'inquiry'. The Committees examine the issues before them and recommend certain action or measures. If the Government does not agree with these recommendations they can express their reasons in their ATNs which ought to be submitted with the approval of the Hon'ble Minister."*

The letter of the Hon'ble Speaker in this regard alongwith enclosures is annexed with this Report.

Thus the Chief Secretary, in spite of being aware of these facts, appears to have deliberately brought in these objections to protect himself and other officers. The Chief Secretary had himself attended the proceedings of the Committee when it was examining these issues and at no point of time were these arguments put forward. These provisions have existed since 2021 when the proceedings were going on, and there is no justification for bringing in these objections at the time of submission of the ATRs.

In its sitting held on 14th August 2023, which was attended by Shri Naresh Kumar (Chief Secretary), Dr. AC Verma, Principal Secretary (Finance), Shri Anbarasu (Link Officer to Secretary Health) and Smt. Garima Gupta (Secretary Social Welfare), the Committee sought the comments of the Officers. However no satisfactory reply was received from them as to why the ATRs were delayed.

Recommendation:

The Committee is of the opinion that the Chief Secretary, the Principal Secretary (Finance), the Secretary (Health) and the Secretary (Social Welfare) have wilfully attempted to stall and delay the submission of the ATRs to the Assembly. Further, as is evident by the language in his note, the Chief Secretary has defied the directions of the Hon'ble Speaker and the decision of the House.

The Committee recommends that the matter of non submission of ATRs to the Assembly should be referred to the Committee of Privileges for detailed examination and report so that the guilty officer(s) can be identified and punished as deemed fit.


Rajesh Gupta
Committee on Petitions
Legislative Assembly of NCT of Delhi

Annexures:

1. Recommendations of the First Interim Report
2. Recommendations of the Second Interim Report
3. Recommendations of the Third Interim Report
4. DO Letter of Hon'ble Speaker regarding NCT Amendment Act



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

FIRST INTERIM REPORT OF THE COMMITTEE ON PETITIONS
(PRESENTED ON 18.01.2023)

(ADOPTED ON 19.01.2023)

SUBJECT:
SABOTAGING THE FUNCTIONING OF OPD COUNTERS IN
DELHI GOVERNMENT HOSPITALS AT THE BEHEST OF THE
HON'BLE LIEUTENANT GOVERNOR OF DELHI

Legislative Assembly, Old Secretariat, Delhi - 110054

RECOMMENDATIONS

1. The Committee recommends that the hospitals should purchase computer systems of their own instead of issuing tender for the same.
2. The Committee recommends that the tender to engage DEOs should be reissued every 2 years without fail and any extensions should be dealt with at the MS level alone.
3. The Committee recommends that if at all AR study is to be conducted the same should be done simultaneously or prior to the issuance of tender while DEOs are engaged rather than first removing the DEOs and then conducting the Study.
4. The Committee recommends that the Chief Secretary take strict action against the Secretary, Health and Principal Secretary, Finance Department for willfully causing delay in processing of files regarding the DEOs in OPD Counters.
5. The Committee recommends that Privilege proceedings be initiated against (i) Mr.Amit Singla, Secretary, Health Department (ii) Dr.A.C.Verma, Principal Secretary, Finance Department and (iii) Mr.Manoj Sharma, Deputy Secretary, Finance Department for the acts of misleading the Committee, disrespectful conduct and attempting to conceal information from the Committee.
6. The Chief Secretary, Government of NCT of Delhi should submit an Action Taken Report on the abovementioned recommendations by the Committee (No.1 to No.5) to the Legislative Assembly of Delhi within thirty working days of the adoption of this report.
7. The Committee humbly requests the Hon'ble President of India and Ministry of Home Affairs, Government of India, to take cognizance of this report of the Committee on Petitions and take appropriate action against the Chief Secretary and the Hon'ble Lieutenant Governor.

Dated: 18/01/2023
Place: New Delhi


AKHILESH PATI TRIPATHI
CHAIRMAN
COMMITTEE ON PETITIONS



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

SECOND INTERIM REPORT OF THE
COMMITTEE ON PETITIONS
(PRESENTED ON: 19.01.2023)

(ADOPTED ON: 19.01.2023)

SUBJECT:
ABRUPT STOPPAGE OF PENSIONS OF OLD AGE CITIZENS
IN DELHI AT BEHEST OF HON'BLE LIEUTENANT
GOVERNOR OF DELHI

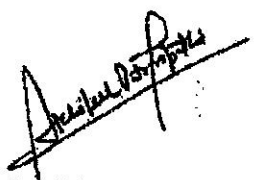
Legislative Assembly, Old Secretariat, Delhi - 110054

RECOMMENDATIONS

1. The Committee recommends that strict Departmental action should be taken against the concerned District Social Welfare Officer, Lajpat Nagar, Mr. Vikas Pandey who failed to perform his duties and did not adhere to mandated protocol.
2. The Committee also recommends that there should be better Inter-Departmental coordination and a mechanism between Social Welfare Department and Finance Department, GNCTD in order to fast-track the process of approval and sanction of funds for the purpose of financial assistance, especially in the wake of uncertainty in the release of funds from Government of India in relation to CSS schemes, so that such delays do not occur in the future and the citizens should not be denied of their legitimate benefits.
3. Social Welfare Department, GNCTD shall ensure that regular sensitization programs be made a key component of the training modules for officials involved in public dealing.
4. A complaint box should be mandatorily placed at all the district offices and other offices of the Social Welfare Department. The Secretary, Social Welfare Department should open this complaint box, record all the complaints, and personally oversee the disposal of such complaints.
5. Social Welfare Department, GNCTD shall enforce a verification mechanism to ensure that pensions are verified, sanctioned, and released in a time-bound manner and to the intended beneficiaries.
6. Both Social Welfare Department and Finance Department, GNCTD together take up the matter of release of CSS component with concerned officials in the Government of India and resolve any procedural roadblocks that exist in the process.
7. The Committee recommends that the Chief Secretary of GNCT of Delhi to take appropriate action against Dr. Pooja Joshi, Director, Social Welfare Department, for causing a wilful delay in the disbursal of old-age pensions to old-age citizens.

8. The Chief Secretary of GNCT of Delhi should submit an Action Taken Report on the recommendations by the Committee for serial no(s). 1-7 to the Legislative Assembly of Delhi within thirty working days of the adoption of this report.
9. The Committee humbly requests the Hon'ble President of India and Ministry of Home Affairs, Govt of India, to take cognizance of this report of the Petitions Committee and take appropriate action against the Chief Secretary and the Hon'ble Lieutenant Governor.

Dated: 18.01.2023
Place: New Delhi


AKHILESH PATI TRIPATHI
CHAIRMAN
COMMITTEE ON PETITIONS



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

THIRD INTERIM REPORT OF THE COMMITTEE ON PETITIONS
(PRESENTED ON 19.01.2023)

(ADOPTED ON 19.01.2023)

SUBJECT:
CONSPIRACY OF OFFICIALS TO SABOTAGE THE
FUNCTIONING OF MOHALLA CLINICS AT THE BEHEST OF
HON'BLE LIEUTENANT GOVERNOR OF DELHI

Legislative Assembly, Old Secretariat, Delhi - 110054

RECOMMENDATIONS

1. The Committee recommends that the movement of files through the Officials of the Departments should be digitized and disposed in a time-bound manner.
2. The Committee recommends that the Health Secretary should minutize his meetings and conduct field visit of at least 3 Mohalla Clinics every week
3. The Committee recommends that the Chief Secretary take strict action against the Secretary (Health Department) and Principal Secretary (Finance Department) for willfully causing delay in processing of files and release of funds for the AAMC services and remuneration to the Doctors therein.
4. The Chief Secretary, Government of NCT of Delhi should submit an Action Taken Report on the abovementioned recommendations by the Committee (No.1 to No.3) to the Legislative Assembly of Delhi within thirty working days of the adoption of this report.
5. The Committee humbly requests the Hon'ble President of India and Ministry of Home Affairs, Government of India, to take cognizance of this report of the Committee on Petitions and take appropriate action against the Chief Secretary and the Hon'ble Lieutenant Governor.
6. In the interest of transparency and accountability, the Committee humbly recommends the House to allow live telecast of Committees proceedings and uploading of videos where ever that Committee deems it necessary.

Dated: 18.01.2023
Place: New Delhi


AKHILESH PATI TRIPATHI
CHAIRMAN
COMMITTEE ON PETITIONS



सत्यमेव जयते

राम निवास गोयल
Ram Niwas Goel

अध्यक्ष, दिल्ली विधान सभा
Speaker, Delhi Vidhan Sabha

पुराना सचिवालय, दिल्ली - 110054
दूरभाष : 23880140, 23880150
फैक्स : 23880375
Old Secretariat, Delhi - 110054
Tel. : 23880140, 23880150
Fax : 23880375

D.O.No.25/21/GNCTD Act/2023/LAS-VII/Leg./2301

Respected Majisat Sir

Date: 6th March 2023²³⁰¹

I am writing this letter to bring your attention towards the conduct of some of the Administrative Secretaries and Officers of various departments who are absenting themselves from the sittings of the Committees and also not furnishing information called for by the Committees on the pretext of the amendments made to the Government of the National Capital Territory of Delhi, Act, 1991.

To address this issue I had called a meeting of the Chairpersons and the Chief Secretary (Delhi) today in the Assembly. It was made clear to the Chief Secretary that the officers of the Government should not absent themselves from the sittings of the Committee and should also provide any information that is sought by the Committee. The note prepared for the meeting is enclosed for your ready reference.

In order to avoid the Assembly taking any action against these officers and to obviate the need for the Assembly to take action against them, I would be grateful if you could impress upon the Hon'ble Ministers to issue the following directions to the Departments under them in the form of Standing Orders:

1. No officer should absent himself from the sittings of the Committee without the prior permission of the Hon'ble Chairperson.
2. All information sought by the Committee or the Assembly should be promptly furnished. In case the Department has any reservation in providing information/ documents, the matter should be brought to the

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notice of the concerned Minister who in turn will take it up with the Hon'ble Speaker. The Speaker's decision in this matter would be final.

with regard.

Yours sincerely,



(Ram Niwas Goel)

Encl: As above.

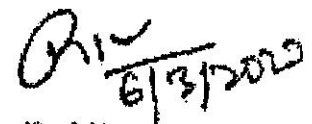
26/03/23

Shri Arvind Kejriwal,
Hon'ble Chief Minister,
Government of the NCT of Delhi,
Delhi Secretariat, New Delhi -2.

F. No.25/21/GNCTD Act/2023/LAS-VII/

Date: 5th March 2023

Copy forwarded for information and necessary action to the Chief Secretary, Government of the NCT of Delhi, Delhi Secretariat, New Delhi -2.



(Raj Kumar)
Secretary