

**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI**

SESSION REVIEW- SEVENTH SESSION

Seventh Session – 16/03/2018 to 10/04/2018

The Seventh Session (Budget Session) of the Sixth Assembly commenced on 16 March 2018 and was adjourned *sine die* on 10.04.2018 after holding sixteen sittings for 58 hours against the scheduled 54 hours. The House conducted the following business during the sittings :

Hon'ble Lieutenant Governor's Address: The Hon'ble Lieutenant Governor addressed the House on 16 March 2018. Hon'ble Minister Shri Satyendra Jain moved the Motion of Thanks on 16.03.2018 which was adopted by the House on 20 March 2018. Thirteen Members participated in the debate, and the Hon'ble Deputy Chief Minister replied to the debate.

Outcome Budget: The Hon'ble Deputy Chief Minister presented the first ever outcome budget on 21.04.2018 outlining the performance and targets of various departments as compared to the actual achievements in physical terms.

Annual Budget (2018-19): The Hon'ble Deputy Chief Minister presented the Annual Budget for the year 2018-2019 on 22 March 2018. The Budget was termed as the 'Green Budget' on account of the importance given to environment friendly initiatives of various departments to ensure pollution-free Delhi. The discussion on the budget was held on 26th and 27th March 2018. Fourteen Members participated in the discussion. The Hon'ble Chief Minister also expressed his views on the budget. The budget was passed on 27th March 2018.

Questions: A total of 667 notices of questions were received for this session for Question Hour scheduled for eight days. Out of these 160 notices of starred questions and 461 notices of unstarred questions were admitted.

69 starred questions and 138 supplementary questions were asked and replied to in the House.

On the directions of the Office of the Hon'ble Lieutenant Governor, replies to 36 Questions (11 Starred and 25 Unstarred) were not provided by some Departments on the pretext of them being 'reserved' subjects. These have been referred to the Questions and Reference Committee and the Committee of Privileges.

Special Mention (Under Rule 280): 286 notices for Special Mention were received for this session. 147 matters were raised in this session under Rule 280. The departments have been directed to reply to the matters raised by the Hon'ble Members within 30 days.

Calling Attention Motion (Under Rule 54): On 20 March 2018, Sh. Raju Dhingan called the attention of the Minister of Urban Development regarding 'Dumping of

garbage by NOIDA authority in Gazipur Land filling.’ Ch. Fateh Singh also expressed his views and Sh. Satyendra Jain made a brief statement on the issue.

On 21 March 2018, Sh. Pankaj Pushkar called the attention of Hon’ble Dy. Chief Minister regarding ‘alleged leak of question papers and mismanagement of Staff Selection Commission and harassment faced by the students of Jawaharlal Nehru University, Delhi’. He also moved a resolution in this regard. Sh. Vijender Gupta, Leader of Opposition and Sh. Saurabh Bharadwaj also expressed their views. A Resolution was also moved by Sh. Saurabh Bharadwaj. Hon’ble Dy. Chief Minister made a brief statement. The Resolutions moved by Sh. Pankaj Pushkar and Sh. Saurabh Bharadwaj were adopted by voice-vote.

On 23 March 2018, Sh. Pankaj Pushkar, Sh. Prakash Jarwal, Sh. Manoj Kumar, Sh. Amanatullah Khan and Sh. Vijender Gupta called the attention of Hon’ble Minister of Food & Supply towards ‘the delay in implementation of doorstep delivery of ration’. Sh. Imran Hussain, Hon’ble Minister of Food & Supply replied to the discussion.

On 26 March 2018, Sh. Vijender Gupta, Leader of Opposition called the attention regarding ‘measures adopted by the private schools of Delhi to increase their pass percentage in Board Exams and the mental pressure suffered by the Students’. Sh. Manish Sisodia, Hon’ble Dy. Chief Minister made a brief statement.

On 27 March 2018, Ms. Alka Lamba called the attention towards ‘security of women and demanded that stalking be made a non bailable offence and necessary legislation be introduced by the Government’. Smt. Bandana Kumari and Sh. Somnath Bharti expressed their views and Sh. Satyendra Jain, Minister of Home made a brief statement on the issue. A Resolution moved in this regard by Sh. Saurabh Bharadwaj was adopted by voice vote.

On 2 April 2018, Ms. Rakhi Birla called the attention towards ‘situation arising out of the decision of Hon’ble Supreme Court of India regarding Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989’. Nine Members participated in the discussion and Sh. Rajendra Pal Gautam, Hon’ble minister of Social Welfare replied to it.

On 2 April 2018, Ms. Rakhi Birla, Hon’ble Dy. Speaker called the attention towards ‘hardships being faced by the ‘Safai Karamcharis’ of MCDs due to non-regularization of their services and lack of other basic amenities.’ Eight Members took part in the discussion. On 3 April 2018, Sh. Arvind Kejriwal, Hon’ble Chief Minister replied to the discussion and the Resolution moved by Ms. Rakhi Birla was adopted by voice-vote.

On 6 April 2018, Sh. Avtar Singh Kalkaji called the attention towards ‘proposed move of South Delhi Municipal Corporation to handover Purnima Sethi Super Speciality Hospital to private entities.’ Sh. Vijender Gupta also expressed his views.

Short Duration Discussions: On 16 March 2018, Sh. Saurabh Bharadwaj initiated short duration discussion on ‘suffering caused to people of Delhi due to sealing of premises and Police brutality during the Sealing processes.’ 18 Members including Hon’ble Deputy Speaker, Hon’ble Minister of Social Welfare, Hon’ble Minister of Labour, and Hon’ble Leader of Opposition participated in the discussion. Hon’ble Chief Minister

replied to the discussion and a Resolution moved by Sh. Saurabh Bharadwaj in this regard was adopted by the House with voice vote.

On 23 March 2018, Sh. Saurabh Bharadwaj initiated discussion on 'severe water scarcity caused due to alarming level of ammonia in water released by Haryana'. Seven Members participated in the discussion and Sh. Satyendra Jain, Hon'ble Minister of Health replied to the discussion.

On 2 April 2018, Sh. Saurabh Bharadwaj initiated discussion on the situation arising out of "Officers of GNCT especially those belonging to IAS/DANICS cadre not attending meetings/phone calls/messages related to public works and official matters of MLAs". Seven Members participated in the discussion and a Resolution, moved by Sh. Saurabh Bharadwaj, was adopted by voice vote.

On 9 April 2018, Sh. Saurabh Bharadwaj initiated discussion on 'Utilization of MLALAD fund in MCD Parks'. Eight Members participated in the discussion and Principal Secretary (UD) and the Commissioners of EDMC, NDMC and SDMC were directed to be present in the House on 10 April 2018. Nineteen more members participated in the discussion on 10 April, 2018 and Sh. Satyendra Jain, Hon'ble Minister of Urban Development replied to the discussion and Sh. Saurabh Bharadwaj moved a Resolution which was adopted by voice-vote.

On 3 April 2018, Sh. Gulab Singh initiated discussion on the situation arising out of 'the difficulties being faced in disbursal of various pension schemes of Social Welfare and Women & Child Departments of GNCT of Delhi'. Thirteen Members participated in the discussion. Hon'ble Dy. Chief Minister made a statement and Hon'ble Minister of Social Welfare replied to the discussion.

Motion: A Congratulatory Motion was moved by Ms. Rakhi Birla to thank the Govt. of NCT of Delhi for reducing the electricity tariff. Five members took part in the discussion and Hon'ble Minister of Power replied to the discussion.

On 10 April 2018, Hon'ble Dy. Chief Minister congratulated Ms. Manika Batra for winning the Gold Medal in Table Tennis in Commonwealth Games 2018 at Gold Coast.

Resolution:

The following Government Resolution under Rule 90 regarding 'Restructuring of DASS and Steno Cadre' was moved by Sh. Rajendra Pal Gautam, Hon'ble Minister of Social Welfare on 26 March 2018 and was adopted by voice-vote:

"The Legislative Assembly of the National Capital Territory of Delhi in its sitting held on 26 March 2018 resolves: That having noted with serious concern the plight of officers of Delhi Administration Subordinate Services (DASS) Cadre, who have been facing acute stagnation at all levels due to long pending restructuring of their cadre and resultant lack of promotional avenues, our Cabinet approved the proposal for restructuring of DASS cadre vide Cabinet Decision No.2283 dated 31.12.2015. That to our utter dismay, this Cabinet Decision could not materialize till now, even after lapse of more than two years due to lackadaisical and indifferent attitude of the officers responsible for examining such service matters and placing proposals before appropriate

authority for approval/implementation. Further, now having realized with great dissatisfaction that these authorities have overlooked the need of the hour and miserably failed in providing an efficient state administration of dedicated and motivated workforce to serve the people of Delhi, this House resolves that: Pursuant to Cabinet Decision No.2283 dated 31 December 2015, DASS Cadre be restructured and parity between DASS cadre and CSS Cadre as proposed in para 5 of the Cabinet Note be established immediately without any delay. Since the employees of Steno Cadre are also facing acute stagnation similar to DASS cadre, it is also resolved that Steno Cadre also be restructured on the pattern of CSSS cadre of GOI. All procedural formalities for amending the DASS Rules, 1967 and restructuring of DASS and Steno Cadre be completed by the Services Department exactly within a month from the date adoption of this Resolution by the House. Further, this House also resolves that the proposal be considered by the Hon'ble Lt. Governor, Delhi on priority and approval be accorded for its expeditious implementation.”

On 23.03.2018 the Private Members Resolutions of Shri Vijender Gupta on 'labour issues' and Shri Jagdish Pradhan on 'Fifth Finance Commission' were discussed but not adopted.

Besides the above '**sense of the House**' Resolutions on the following issues were adopted by the House:

1. On 16 March 2018, following Resolution regarding 'suffering caused to people of Delhi due to sealing of premises and police brutality during the Sealing processes' moved by Sh. Saurabh Bharadwaj was adopted by voice-vote:

“The Legislative Assembly in its sitting on 16th March 2018 resolves that: Whereas, the ongoing sealing drive in various markets in the National Capital Territory of Delhi has wreaked havoc among the traders and has left thousands of workers unemployed; and It takes a lifetime and in many cases generations to set-up any establishment for livelihood; and A metropolis of the size of Delhi has come up over centuries and has witnessed hard working people contributing immensely to the country's economy; and After 2012, the Hon'ble Supreme Court of India had given ample opportunities to the DDA and Municipal Corporations in Delhi to regularise the existing commercial establishments; The unjustified sealing drive being carried out today is a direct consequence of the negligence and inefficiency of Delhi Development Authority and Municipal Corporations of Delhi; and Not only are the MCDs resorting to sealing of commercial establishments by force without even checking the papers/documents, but Delhi Police has also been unleashed to terrorise innocent traders and their family members, which was seen in full force in Amar Colony Lajpat Nagar recently; and Such a state of affairs in the country's national capital is unacceptable and an atmosphere of fear prevails in Delhi markets today; Now therefore, this House strongly condemns the use of force and brutalities committed on innocent traders and their families; and Demands that the ongoing sealing in various markets of Delhi be immediately stopped; and Further resolves that the Central government should take all possible steps, including bringing a new bill, amending existing laws in the ongoing Budget Session of Parliament, or issuing Ordinance; and Also resolves that DDA should suitably amend the Master Plan; and Also resolves to request the Monitoring Committee of the Hon'ble Supreme Court to hold the sealing activities till such time as the Central Government takes suitable corrective steps.”

2. On 21 March 2018, following Resolution regarding 'alleged leak of question papers and mismanagement of Staff Selection Commission and harassment faced by the students of Jawaharlal University, Delhi' moved by Sh. Pankaj Pushkar was adopted by voice - vote:

"The Legislative Assembly in its sitting held on 21 March 2018 resolves and requests Government. of India that : 1. A time bound inquiry under the supervision of sitting bench of Hon'ble Supreme Court be conducted by Central Bureau of Investigation pertaining to the examinations held by Staff Selection Commission and the procedures adopted by it during the year 2016 to 2018, and 2. The Govt. of India should also issue a white paper regarding status of unemployment and the employment/Government jobs provided during the last four years."

3. On 21 March 2018, Resolution moved by Sh. Saurabh Bharadwaj regarding 'Complaints of sexual harassment and molestation against JNU Professor Mr. Atul Johri' was also adopted by voice-vote:

"The Legislative Assembly in its sitting held on 21 March 2018 resolves that : Whereas, students of the Jawahar Lal Nehru University have filed complaints of sexual harassment and molestation against JNU Professor Mr. Atul Johri; This House, therefore, condemns the lethargic attitude of Delhi Police in not taking prompt action on the complaints of the students as a result of which the students had to resort to protest and gherao the Police Station to get their complaints heard & acted upon by the Delhi Police; and This House also resolves that the Government of Delhi should extend all possible assistance to the victims including legal assistance by appointment of Special Public Prosecutors and counselling through its Women & Child Welfare Department and Delhi Commission for Women."

4. On 26 March 2018, the following Resolution moved by Sh. Saurabh Bharadwaj was adopted by voice-vote regarding 'status report of Hon'ble Lieutenant Governor's office on the lines of outcome budget:

"This House of Delhi Legislative Assembly in its sitting dated 26 March 2018 resolves: Whereas, there have been many media reports and the budget speech of Dy. Chief Minister Shri Manish Sisodia mentioned about the role of Hon'ble Lt. Governor office for delay and roadblocks in effective execution of projects and programs of elected Govt. of NCT of Delhi. Whereas, there have been many instances reported in media, when critical decisions of Cabinet of Govt. of NCT of Delhi have not been implemented due to objections from Hon'ble Lt. Governor office. This House directs the Govt. of NCT of Delhi to present a status report of Hon'ble LG office on the lines of outcome budget. The report should mention the files which have been delayed or blocked by Hon'ble LG office."

5. On 27 March 2018, following Resolution moved by Sh. Saurabh Bharadwaj regarding 'legislation on security of women' was adopted by the House:

"The Legislative Assembly of the National Capital Territory of Delhi in its sitting held on 27 March 2018 resolves: That the Government should immediately introduce suitable legislation by amending the Indian Penal Code, the Criminal Procedure Code, POCSO and other related laws to provide for strictest punishment for the persons indulging in

stalking and the offence of stalking should be made a non-bailable offence; This House also resolves that the proposed legislation should prescribe death sentence for rapists where the victim is a minor below 12 years of age.”

6. On 2 April 2018, following Resolution moved by Sh. Saurabh Bharadwaj was also adopted by the House regarding ‘protocol norms regarding official dealings with MLAs’: “This House in its sitting on 02 April 2018 resolves that: Whereas the BJP has been using some of the officers of IAS/AGUMT/DANICS as a tool for creating hurdles in the governance of Delhi. Whereas there have been several instances where Assembly Committees had submitted reports holding Senior IAS officers guilty of dereliction of duty and alleged involvement in Corruption. Even after those reports being adopted by the Delhi Assembly, there has been not a single action against such errant officers. Whereas there have been instances that IAS officers who have acted against the public interest, created hurdles in the projects of Delhi Govt and had been held guilty by Assembly Committees, such IAS officers have been rewarded by BJP’s Central Govt with plum postings and promotions. Whereas the IAS Association and other associations have behave as Khap Panchayats to promote the political interests of BJP by stalling the works of elected Govt of Delhi. Whereas some IAS and DANICS officers have been acting against their rules of conduct by not meeting the elected representatives of Legislative Assembly of Delhi This House strongly condemns the role of Chief Secretary Mr Anshu Prakash and BJP’s Central Govt in creating and aggravating this situation in Delhi. This House directs the Chief Secretary of Delhi Mr Anshu Prakash to ensure that the conduct of officers is strictly as per guidelines of official dealings between Administration and Member of Parliament/state Legislatures as issued from time to time by Central Govt and the State Govt.”

7. On 4 April 2018, the following Resolution moved by Ms. Rakhi Birla regarding ‘hardships being faced by the ‘Safai Karamcharis’ of MCDs due to non-regularization of their services and lack of other basic amenities’ was adopted in the House:

“In its sitting held on 04 April 2018: This House directs the three Municipal Corporations of Delhi to immediately regularize the services of the temporary safai karamcharis; This House also expresses its concern for the health of the workers who are on an indefinite fast and appeals them to withdraw their fast; This House firmly supports all of their demands.”

8. On 10 April 2018, Sh. Saurabh Bharadwaj moved the following Resolution ‘to formulate strict guidelines for the execution of works under MLALAD funds’ which was adopted in the House by voice-vote:

“The Legislative Assembly in its sitting on 10th April 2018 resolves that : Whereas there have been numerous complaints of MLA(s) that Municipal Corporations of Delhi intentionally delay the work under MLALAD funds, This House directs the GNCTD to formulate strict guidelines for the execution of works under MLALAD funds. The request for estimate of any work should not take more than 21 working days for any executing agency to provide estimate of work to the respective MLA and if there is any other proposal for the same work by other entities, the MLA must be informed in 7 days. The request and process of allocation of funds to an executing agency should not take more than 14 working days. The request/process of preparing NH and inviting Tender

should not take more than 30 days of receipt of funds. The award of work after opening of bids should not take more than 14 days after finalization of bids. The execution of work after the award of work should not take more than 90 days. The savings in the MLALAD work should be returned to the Urban Development Department within 90 days of completion of work. If any agency applies for NOC regarding any work to MCD under 'MLALAD' work, the NOC would be deemed to have been provided, if 'NOC' is not provided in 15 days or reason is communicated to the agency for not granting 'NOC' for MLALAD work. In case there is delay in any of the stages as provided above, the concerned Executive Engineer of the executing agency should write a letter to the concerned MLA explaining the reasons for such delay and expected timeline for the said work under MLALAD funds. The concerned Executive Engineer should mark copy of such letter to Secretary, Urban Development Department and Commissioner of its Municipal Corporation. Any violation of the guidelines in this resolution shall be treated as Contempt and breach of Privileges of Legislative Assembly of Delhi and its Members."

Presentation of Outcome Report of Office of Hon'ble Lieutenant Governor :

On 4 April 2018, Shri Manish Sisodia, Hon'ble Deputy Chief Minister presented the Outcome Report of the Office of Hon'ble Lieutenant Governor.

Ruling of the Chair:

1. On 26 March, 2018, Hon'ble Speaker gave the following Ruling regarding non-submission of replies on so called 'reserved' subjects:

"Hon'ble Members, the Principal Secretary (Law) has forwarded a copy of letter dated 19 March 2018 of Joint Secretary to the Lieutenant Governor regarding admissibility of questions on so called 'reserved' subjects. The letter has communicated an advice received from the Department of Legal Affairs, Government of India through the Ministry of Home Affairs. It states, inter alia, that "in view of the provision contained in Article 239AA (3) and (4) read with Rule 29 of the Procedure and Conduct of Business of the Legislative Assembly of National Capital Territory of Delhi, legally the Speaker of the Legislative Assembly cannot admit any Question on any Reserved Subject." Thus information which an ordinary citizen is entitled to have, is being denied to this privileged House. Questions related to the reserved subjects have been asked and answered in this House since its inception. Trying to evade questions on vigilance matters under the garb of 'services' smacks of intent to protect the corrupt. Rule 29 states that "A question must relate to a matter of administration for which the Government is responsible. Its purpose shall be to elicit information or to give suggestion of action on a matter of public importance." First of all it should be noted that as per Rule-291 the Speaker's decision is final regarding interpretation of the Rules of Procedure. Moreover, Rule-293 clearly states that "No decision of the Speaker in respect of allowing or disallowing of any resolution or question or in respect of any other matter, shall be questioned." There is a provision similar to Rule-29 in the Lok Sabha Rules. Rule-41 (2) (viii) of the Lok Sabha Rules, the Question "shall not relate to a matter which is not primarily the concern of the Government of India". But such questions are admitted on the discretion of the Hon'ble Speaker. I would like to quote from Kaul and Shakhthar's Practice and Procedure of Parliament – "The discretion to allow a question which is not the primary concern of the Government of India is exercised by Speaker on the merits of each case. In such matters, the extent of public importance is the deciding factor." The

officers should realise that legislation on reserved subjects and seeking replies on matters of public interest which directly affect the people of Delhi are two different issues. Hence I direct that the officers are duty bound to provide replies to all questions which are admitted. Any attempt from anyone, whatsoever post he may hold, to deny information to the Assembly and its Committees shall be viewed seriously. I reiterate that all the questions, replies to which have not been received from the concerned departments stand referred to the Committee of Privileges.”

2. On 6 April 2018, Shri Vijender Gupta, Hon’ble Leader of Opposition raised objection on the discussion on the Outcome Report of Office of Hon’ble Lieutenant Governor. He stated that the Report should be sent to the Hon’ble Lt. Governor and also demanded that his reply be tabled in the House. Ruling by Chair : The Chair gave the following Ruling: “Hon’ble Members, I have received today i.e. 06 April 2018 a letter dated 05 April 2018 of the Hon’ble Leader of Opposition and other Members of the BJP in which they have raised objections over discussion on the Outcome Report on the Office of Hon’ble Lieutenant Governor. Surprisingly, I read about the letter in the newspapers such as The Pioneer, Hindustan, Hari Bhoomi and Vir Arjun before it actually reached me. In this connection, I wish to inform the Members that submission of a report on administrative matters is the prerogative of the Government. It is not a personal report on the Hon’ble Lieutenant Governor. It is simply a report to bring out the facts on the proposals sent to the Office of the Hon’ble Lieutenant Governor. There was neither any interpretation nor allegation contained in it. The constitutional provision of the post of Lieutenant Governor is different from the other states. The Hon’ble Lieutenant. Governor has been provided executive powers in Delhi and as per established principles, the executive is responsible to the Legislature. The budget to the executive is allotted after approval of the Assembly. As per Rule- 291 of Rules of Procedure and Conduct of Business, if any doubt arises as to interpretation of any of the provisions of these rules, the decision of the Speaker shall be final and Rule-293 states that no decision of the Speaker in respect of allowing or disallowing of any resolution or question or in respect of any other matter, shall be questioned. I request the Members of BJP that they should not politicise the aforesaid issue and should try to understand the facts given in the Outcome Report instead of putting unnecessary efforts for publicity in Media.”

Committee Reports: Second Report of Business Advisory Committee and Third Report of Committee on Private Members Bills & Resolutions were adopted by the House on 19 March 2018.

Constitution of Committees: In its sitting held on 02 April 2018, the House constituted the ‘House Committee on Violation of Protocol Norms and Contemptuous Behavior by Government Officers with MLAs’.

On 6 April 2018, the House constituted ‘the committee to take up the matter of ‘Salaries & Allowances of Ministers/MLAs’ with the Ministry of Home Affairs, Govt. of India.’

Papers laid: Ninety Five papers were laid on the table of the House during the Session including Economic Survey of Delhi for 2017-18, Annual Report of Delhi Commission for Protection of Child Rights for 2016-17, Status Report of Outcome Budget 2017-18

and 3 Reports of Comptroller & Auditor General of India for the year ended 31 March 2017.

Legislation: ‘The Delhi Appropriation (No.1) Bill, 2018’ (Bill No.2 of 2018) and ‘The Delhi Appropriation (No.2) Bill, 2018’ (Bill No. 3 of 2018) were passed during the Session.

Election to Financial Committees: 13 Nominations for each were received for the three financial committees i.e. Committee on Government Undertakings, Public Accounts Committee and the Estimates Committee for the year 2018-2019. After withdrawal of 12 nominations, the remaining 9 Members each for the three Committees, who had filed the nominations were elected unopposed.

Obituary References: The House paid homage to the following:

1. The killing of 9 CRPF soldiers in the Naxalite attack in Sukma, Chhattisgarh on 13 March, 2018 and Army soldiers in Jammu & Kashmir.
2. Thirty Nine Indians killed by ISIS in Mosul, Iraq.
3. Five security personnel who were killed in an encounter with militants in Kupwara, Jammu & Kashmir on 21 March, 2018.
4. Freedom fighters Shaheed Bhagat Singh, Shaheed Sukhdev and Shaheed Rajguru on the occasion of Shaheedi Diwas
5. Three Army personnel and four civilians killed in encounter with terrorists in Shopian & Anantnag in Jammu & Kashmir on 01 April 2018.
6. Tributes on 05 April 2018 on the occasion of Birth Anniversary of Ninth Sikh Guru, Guru Teg Bahadur and to Late Sh. Babu Jagjivan Ram, former Union Minister and freedom fighter on his Birth Anniversary.
7. Sad demise of thirty persons including twenty Seven School children in road accident on 09 April 2018 at Noorpur, Kangda, Himachal Pradesh.
8. Death of Four labourers in Sultanpuri and one person in Chandni Chowk in fire incidents on 09 April, 2018.

* * * * *