

**NEW DELHI MUNICIPAL COUNCIL**

**COUNCIL'S SPECIAL MEETING NO.03/2014-15 HELD ON 05.07.2014 AT 3-00 P.M.**

The Chairperson welcomed the Members and briefly outlined the reasons for calling up the Special Meeting at short notice, in the backdrop of the Show Cause Notice u/s 395 of NDMC Act, 1994, received from the Ministry of Home Affairs. At the outset, the Members expressed their surprise and dismay at the notice, and opined that possibly, there is a communication gap regarding these issues and therefore the facts in entirety have not been projected adequately over the past several years to the Ministry of Home Affairs, and quite possibly, some incomplete or skewed information has been conveyed through some sources to the Ministry in the past, resulting in the instant Notice.

It was strongly voiced that the time given to the Council to respond to these issues (barely a week), is too inadequate for the fairly broad and open-ended omnibus issues raised in the Show Cause Notice and at this stage, the draft reply prepared by the NDMC officials attempts only to answer these broad issues. However, since we are unaware of the alleged irregularity or violation, if any, it is appropriate to request the Ministry of Home Affairs to consider our reply as submitted at this stage, and to request them to thereafter revert back with the precise area of alleged irregularity/violation, so that the issue can be exhaustively addressed and responded by NDMC.

With these brief observations, the Council went through the detailed reply prepared by the NDMC officials and approved that at this stage it may be conveyed alongwith all the relevant enclosures, ensuring that they are properly receipt-ed and acknowledged in the Ministry of Home Affairs well before the deadline given (viz. within 7<sup>th</sup> July 2014).



**ITEM NO.(i): POWER REVENUE LOSSES IN NDMC**

Supply and distribution of electricity to the public is an obligatory function of the Council. As per section-11 of the NDMC Act, it shall be incumbent on the Council to make adequate provisions by any means or measures which it may lawfully use to take, for construction or purchase, maintenance, extension, management for the supply and distribution of electricity to the public. Accordingly, the NDMC has been ensuring that it receives adequate bulk supply of electricity from the Authority, which has been prescribed by the Central Government to meet the peak demand in the NDMC area. To fulfill its obligatory functions, the Council has thus made arrangement with power generating Companies to draw its **allocated share of energy, fixed by the Central Government** to meet its peak demand.

**02.** Up to the **year 2005** NDMC was paying for the purchase of electricity **as per the metered supply received by the NDMC** and there was **no surplus power to be sold by the NDMC**. However, the method of supply of electricity has subsequently undergone a change: **NDMC has to purchase power as allocated/available to the NDMC, whether it is consumed or not** and have to **pay for the supply** made available to the NDMC. **The payment is to be made as per tariff fixed by DERC in this regard.**

**03.** In **earlier years**, surplus power could be **sold** by the NDMC at the **best available rate**. However, **this power of the NDMC to sell at the best available rate has already been curtailed by the DERC and NDMC has to sell surplus electricity to the Discoms in Delhi at the sale exchange and such sale is at a very low rate, as compared to the purchase rate**, of such electricity and this mechanism of purchasing allocated power and pay for it, whether consumed or not, has **resulted in heavy losses to the NDMC**.

**04.** NDMC has been made a **long-term** agreement for purchase of power from following generators as per the decision and **approval of Ministry of Home Affairs and Department of Power, Govt. of Delhi**.

Sr. No.	Name of generator	Allocation/Quota	Availability	Average rate (as approved by DERC for tariff order 2013-14)
1.	BTPS	125 MW	106 MW	Rs.4.74
2.	NTPC Dadri	125 MW	106 MW	Rs.4.06
3	PPCL-I	100 MW	80 MW	Rs.3.83
4.	PPCL-III Bawana	100 MW	20 MW	Rs.6.22

It is pertinent to mention that NDMC is always **deficit** of Power in terms of MW (peak) but having **surplus** power throughout the year in terms of MUs (energy). Further, being VVIP area, load shedding is not permissible.

The availability of the power from generators depends upon the actual generation and varies due to various factors such as availability of fuel, Demand of Discoms, Unscheduled interchange, maintenance/breakdown of plant and life & efficiency of the plant.

The detail of purchase/sale of power for **last 3 years** is as under:-

Sl. No.	Power Sale/Purchase details	FY 2011-12		FY 2012-13		FY 2013-14	
		Units (MUs)	Amount (in crore)	Units (MUs)	Amount (in crore)	Units (MUs)	Amount (in crore)
1	Total Power purchased	2083.98	815.44	2174.64	895.39	2300.00	1029.99
2	Net Power available at NDMC periphery after transmission losses	2028.52	-	2131.74	-	2240.00	-
3	Total Sale at periphery Bi-lateral/ Exchange/ Inter Discoms/UI	618.34	144.28	740.71	226.32	650.00	149.67
4	Sale to consumers	1246.54	645.96	1291.25	884.81	1356.00	983.49
5	Total Sale	1557.34	790.24	2031.96	1111.13	2006.00	1133.16

From the perusal of last 3 years' detail, it can be seen that there is **no revenue gap in sale and purchase of power** and also there is **no lapse/deficiency in the scheduling process**. The revenue **gap is due to DERC not allowing actual administrative and O&M expenditure** which are being incurred by the **NDMC** for maintaining & operation of the entire system of electricity and providing the quality services to consumers of NDMC area.

**05. DERC have not been allowing** actual administrative and O&M expenditure in aggregate revenue requirement while approving a tariff on **the plea** that NDMC does not have separate accounting of income and expenditure for electricity department. **The DERC are allowing a part of** incurred expenditure i.e. **only Rs.150 crores against actual expenditure of approx. Rs.250**

crores, due to which, the hike in the tariff is **not allowed by the DERC to meet the revenue gap.**

**06.** During lean period, the NDMC has surplus electricity and this is sold by the NDMC through the mechanism **fixed by the DERC.** As per the **DERC guidelines,** the surplus energy has to be **sold first to the private Discoms** in Delhi at prices determined **through mechanism fixed by the DERC.** The NDMC is not getting proper price for the surplus electricity. In the **year 2011-12,** the NDMC purchased about **2200 M.U. against which about 1/3<sup>rd</sup> i.e. 700 minimum units was surplus** and sold outside the NDMC area either directly to private Discoms in Delhi or through Exchange Sale, mechanism at an **average rate of Rs.2.33 per unit** against an **average purchase price of Rs.4.35 per unit** thereby incurring a **loss of Rs.2.25 per unit** which comes to about Rs.141.40 crores on account of sale of **surplus** electricity during 2011-12. It may be noted that in 2011-12, the **average sale price** of electricity is **Rs.6.28 per unit,** in the NDMC area, while the surplus electricity was sold at Rs.2.33 per unit incurring a loss of Rs.141.40 crores. Similarly, **in the year 2012-13,** 767 minimum units of surplus energy was **sold at Rs.2.95 per unit,** as against **purchase price of Rs.4.42 per unit** thereby incurring a loss of Rs.1.47 per unit and **total loss of Rs.112.75 crores.**

**07.** The **DERC has been directing NDMC to have separate account for the Electricity Wing.** In the absence of separate account for the Electricity Wing, the appropriate expenditure on pension, DCR, common administrative expenses are not being accounted for, and NDMC is not getting a proper fixation of tariff from the DERC. The Electricity Department had proposed setting up of **Electricity Cell** in the NDMC, which will be **in accordance with the DERC guidelines.** The **proposal** was put up in the **Council's meeting of 27.01.2014 to appoint M/s. S.B.I. Capital Ltd.** to advise formation of Electricity Cell in the NDMC. **As soon as the report of the advisory Firm is received, an Electrical Cell will be formed and separate account maintained.** Thereby, the DERC shall be approached to fix a proper tariffs for the NDMC area. As such, NDMC has already started taking corrective action since Jan' 2014 in this regard.

**08.** As regards the losses, on sale of surplus electricity, the NDMC is considering to approach the MHA, to allocate differential allotment in the peak period and the lean period. If this becomes possible, the NDMC would be making payment for the lean period **only for the power allocated to NDMC** for the lean period and this will **save NDMC** from the losses being incurred at present.

#### **COUNCIL'S DECISION**

The Council, after detailed deliberation on this issue observed that the situation has not been properly explained to the Ministry of Home Affairs and it is a fact that during 2004-2006, NDMC Power Department was making profits as it had the flexibility of buying and selling power at rates arrived at. However, in 2006, the DERC restricted this freedom and ordered that the scheduling,

the purchase price as well as the sale price of surplus power is to be regulated by the DERC; most significantly, the NDMC is under orders to sell it to private Discoms at the DERC's approved rates. As the detailed note shows, NDMC is supposed to purchase power at about Rs.4.00 per unit and to sell it at Rs.2.00 per unit as per DERC's orders.

Thus there is no revenue gap in sale and purchase of power per se and also there is no lapse / deficiency in the scheduling process. The revenue gap is due to DERC not allowing actual administrative and O&M expenditure which are being incurred by the NDMC for maintaining & operation of the entire system of electricity and providing the quality services to consumers of NDMC area.

Further DERC are not allowing actual administrative and O&M expenditure in aggregate revenue requirement which approving a tariff on the plea that NDMC does not have separate accounting of income and expenditure for electricity department. Sometimes NDMC has surplus electricity and this is sold by the NDMC through the mechanism fixed by DERC. As per the DERC guidelines, the surplus energy has to be sold first to the private Discoms in Delhi at prices determined through mechanism fixed by the DERC.

It was explained to the Council that from this financial year, the Power Portfolio Managers for NDMC, viz. The Power Trading Corporation have been additionally directed to include another clause in their assigned duties under the MOU, viz., power load demand prediction using previous data and financial/statistical schedules so that the demand is realistically projected and accordingly, purchases are optimised, reducing the scope for surplus saleable power. This issue is being negotiated since March 2014.

Therefore, the Council approving the annexed detailed note, desired that we may express strongly to the Ministry of Home Affairs for their kind intervention in rectification of this basic issue by way of asking the Ministry of Power and the DERC to take steps and either to revert to the status prior to 2006 (whereby NDMC had the flexibility of prices and scheduling and therefore, the profits) or at least, to lift the restriction of NDMC having to sell at loss making rates of Rs.2.00 or so to the private Discoms and instead, NDMC may be allowed to sell surplus power to the other Municipal Corporations in Delhi, giving them the First Right of Refusal, so that the other municipal areas also benefit simultaneously under this scheme.

The Council directed that a communication to this effect should also be sent to the Ministry of Power and the DERC from our end, apart from the Ministry of Home Affairs intervening for resolving the issue.

The Council expressed gratitude to the Ministry of Home Affairs for having raised this issue and giving us an opportunity to project the injustice before the Ministry of Home Affairs, to enable a speedy resolution of the issue causing losses to the NDMC since 2006.

**ITEM NO. (ii) UNRESOLVED PROBLEMS OF ILLEGAL SQUATTERS IN NDMC AREA**

Squatting in NDMC area is being regulated as per the directions of the **Hon'ble Hon'ble Supreme Court** from time to time. Some of the squatters had gone to the Court, against the denial of squatting rights in the NDMC area and the **Hon'ble Hon'ble Supreme Court** referred this issue to a Constitutional Bench of the Court. The Constitutional Bench held that squatting is a **Fundamental Right under Article-19(1)(g) of the Constitutional**. After the receipt of the judgement of the Constitutional Bench, **NDMC was directed to frame a scheme** for the rehabilitation of the squatters in the NDMC area. The scheme as framed by the New Delhi Municipal Committee in **November, 1989** was **approved by the Hon'ble Hon'ble Supreme Court** and on the directions of the Court, **Shri G.P. Thareja, ADJ** was appointed to implement the scheme. Shri Thareja **invited applications** to identify eligible persons, for squatting in the NDMC area, as per the scheme and after verifying the claims of **5627 persons**, identified **761 persons as eligible** for allotment of the spaces in NDMC area. This was **13.50%** of the number of applicants. The **remaining 86.5%** of the applications were **rejected**. These rejections were approved by the Hon'ble Supreme Court, while accepting Thareja Committee recommendations in their **judgement dated 04.02.1998**. Shri Thareja was also asked to identify sites for squatting in the NDMC area. He identified **109 sites**, after rejecting objections from the NDMC and the Delhi Police. Another seven sites were identified at the time final hearing of the case in the Hon'ble Supreme Court. Thus, as per Thareja Committee Report, there was **761 eligible persons for squatting at 116 identified sites in the NDMC area**.

2. As per the scheme framed by the New Delhi Municipal Committee in November, 1989, there were **228 open tehbazari permissions** and **1089 built up units** which according to the scheme was **sufficient** to cater to the needs of the residents of NDMC area.

3. The Hon'ble Supreme Court in the judgement dated 04.02.1998 **appointed another Committee** for the allotment of spaces to 761 eligible persons at the 116 sites identified by Shri Thareja. The allotment Committee invited options for the different sites in the zone for which they were found eligible by Thareja Committee on the basis of these options, the Committee allotted spaces and built up units as on date:

(i)	Stalls	-	51
(ii)	Open tehbazari [6' x 4']-	360	
(iii)	Open tehbazari [4' x 3']-	<u>314</u>	
	Total	-	<u>725</u>

4. On 116 sites identified by Shri Thareja, 725 persons were accommodated and still some spaces were available for allotment office spaces in the NDMC area.



5. After the acceptance of the report of the allotment Committee by the Hon'ble Supreme Court, there were:

(i)	Identified old tehbazari holders	-	228
(ii)	Thareja verified squatters	-	<u>725</u>
	Total	-	953

**Thus, as on date, only 953 are the approved squatters in the NDMC area.**

6. After the receipt of the Scheme of 2004 of the Government for the Urban Street Vendors, the **Hon'ble Hon'ble Supreme Court advised the NDMC to revise its scheme of 1989**, if necessary, to be in line with the 2004 scheme of the Government of India. Accordingly, a revised scheme was placed before the Hon'ble Supreme Court for approval which was **approved by the Hon'ble Hon'ble Supreme Court in May, 2007**.

7. Under this scheme, there was to be a **Vending Committee** which was to identify spaces, as per the guidelines available in Master Plan of 2021, to invite applications from unauthorized squatters staying in Delhi **and not registered** for squatting in the MCD area. They were to be registered for allotment of site in the NDMC area after Police Verification. **4372 applications were received** from the persons who are interested to squat in the NDMC area. Out of which, Police verifications were completed in the case of about **2200 applicants**.

8. **As Thareja Committee had taken more than 5½ years to examine** the claims of applicants, the Council decided that on the vacant spaces, allotment may be made to the persons registered for allotment of spaces **on the basis of lottery at the spaces to be identified by Vending Committee**. On the directions of the Hon'ble Supreme Court, Delhi High Court deputed an ADJ for implementation of the scheme. Applications were made before the Presiding Officer of the Vending Committee i.e. ADJ that they may be allowed to continue at the spaces occupied by them, in view of the Delhi Special Laws Act which had come into effect from 2006 and the Presiding Officer granted stay from being removed by the NDMC. Wherever, the **Presiding Officer rejected** the claim of the unauthorized squatters, such a **relief was given by the Appellate Authority**. **The NDMC approached the Delhi High Court against the said orders** and the Delhi High Court held that neither the Presiding Officer Vending Committee nor the Appellate Authority have any powers to grant a stay under the scheme framed by the NDMC and approved by the Hon'ble Supreme Court.

9. **The unauthorized squatters, thereafter, approached the Hon'ble Hon'ble Supreme Court** and the Hon'ble Hon'ble Supreme Court in their judgement dated **08.10.2010** gave

detailed **guidelines** and approved the three Committees constituted by the Chairperson, NDMC for the implementation of the scheme. The four Committees were as under:

- (i) **Vending Committee** are to be headed by Secretary, NDMC.
- (ii) **Site and Space Selection Committee** to be headed by Supdt. Engineer of the Road Division.
- (iii) **Vending Sub-Committee Enforcement** purposes to be headed by Director(Enf.) and
- (iv) **An Appellate Committee.**

**10.** The **Hon'ble Hon'ble Supreme Court** held that since no legislation has come for the squatting by street vendors, the scheme framed by the NDMC is an administrative scheme. The **Court directed Delhi Government to bring a legislation before 30.06.2011** and till then the administrative scheme shall continue. No case would be filed in the Hon'ble Supreme Court against the administrative scheme, **till the legislation is framed by the Delhi Government.**

**11.** Instead of availing administrative remedies or file IA's in the Hon'ble Supreme Court, and on being barred by the Delhi High Court, going to that Presiding Officer or the Appellate Authority, the **unauthorized squatters started moving in bulk to the Delhi High Court and obtained stay orders. The High Court grant stay from the removal of unauthorized squatters, till the allotments are made as per the scheme** to the applicants who had applied for squatting in the NDMC area.

**12.** During the process of allotment of spaces, on the vacant spaces, at the sites verified by Thareja Committee, the **Council resolved that first preference shall be given to the residents of the NDMC area** and if spaces are available, to the applicants outside NDMC area. A **lottery for the 386 spaces was to be drawn on 15.07.2011.** On the said date, unauthorized squatters approached the Hon'ble Supreme Court with a request that the allotment should not be made on the basis of the lottery and the eligible squatters should be identified as per the removal slips available with them and after drawing the seniority on the basis of such removal slips. The **Hon'ble Supreme Court directed that as the Delhi Government has failed to bring out legislation by 30.06.2011, status quo should be maintained, with the result that allotment on the basis of lottery could not be made.**

**13.** The unauthorized squatters again approached to Delhi High court and when the Delhi High Court rejected their writ petition on the grounds that a status quo has been directed by the Hon'ble Supreme Court, the unauthorized squatters challenged the order of the Delhi High Court in the Hon'ble Supreme Court.

**14.** The **Hon'ble Supreme Court** advised that a list of the persons who had gone to the Delhi High Court should be drawn up and they may be allowed on 386 spaces, out of the persons who had gone to the Court. A list of 628 persons was brought to the notice of the Court and the Hon'ble Supreme Court advised that 386 may be accommodated, out of 628 persons, and for the remaining 242 persons, spaces should be identified. The allotment on the basis of lottery and selection of 242 spaces was subject to approval of the Hon'ble Supreme Court. The **lottery was drawn up but the same was again challenged before the Hon'ble Supreme Court**, on the ground that they have not been allowed the space on the basis of lottery at the site at which they were squatting.

**15.** The matter remained pending with the **Hon'ble Supreme Court** and the Hon'ble Supreme Court finally decided on **13.09.2013** all the pending petitions from the New Delhi area and other States through **Maharashtra Sangh Hawkers Units and Others V/s. Municipal Corporation of Greater Bombay** wherein the Court directed that **till a legislation is framed by the Central Government, the local bodies shall implement 2009 scheme of the Central Government**. Under the 2009 scheme, a **Town Vending Committee** has to be set up **by the Delhi Government** which was to perform its functions as per the 2009 guidelines. The Town Vending Committee was constituted but **it could not function**, as the work to be performed by the said Committee had not specified.

In the meantime, the **Street Vendors Projection of livelihood and Regulations of Street Vending Act, 2014** received the assent of the President on **04.03.2014**. **It has to come into force from the date to be notified by the Central Government.**

**16.** Pending start of work the Town Vending Committee, the Department has been advised to issue permission U/s-225 for the period upto 31.03.2015, in the case of **228** old tehbazari holders and **728** Thareja verified squatters, after verifying their present status and collecting up-to-date tehbazari charge.

**17.** In respect of the **386 unauthorized squatters**, who have been successful in the lottery, allotment letter should be issued and they should be asked to shift to the place for which they were found successful in the lottery.

**18.** In respect of the **remaining 242 persons**, intimation letter are being issued that they are being allotted spaces at 242 already identified spaces and communicated to the Hon'ble Hon'ble Supreme Court. **All other persons would be unauthorized squatters.**

19. It has been informed that in the writ petitions filed by the squatters, **390 had obtained stay orders from the High Court.** It is being ensured that there is no violation of the stay order from the Court. It has been further informed that **153 writ petitions are pending before the Delhi High Court.**

20. It can be seen from the above that **NDMC has been constrained from removing unauthorized squatters, due to the orders of the High Court and Hon'ble Supreme Court and also Delhi Special Laws [Amendment] Act, 2011.**

21. **The NDMC has since requested the Chief Secretary, Delhi, to get issue guidelines for implementation of the 2014 Act.** Immediately after the guidelines are made available and **Town Vending Committee established under orders of the Delhi Government,** it shall be ensured that allotment are made strictly according to the Act, legislated by the Central Government and the scheme framed by Delhi Government.

22. There has been no laxity on the part of the NDMC, however, the constraints as given above have certainly resulted in stalemate on the encroachment removal issues from time to time, and resultant confusion has often emboldened more unauthorized squatters to perpetuate their otherwise invalid tehbazari.

#### **COUNCIL'S DECISION**

The Council observed that street vending and hawking is directly related to the lesser privileged section of the society. The hon'ble Supreme Court has in the matter of Maharashtra Sangh Hawkers Units and Other V/s. Municipal Corporation of Greater Bombay directed that no street vendors or hawkers are removed until the Town Vending Committee is constituted under 2009 scheme and pending legislation from appropriate govt. The Street Vendors Protection of livelihood and Regulations of Street Vending Act, 2014 received the assent of the President on 04.03.2014. In this Act also there is a provision not to displace any existing street vendor till the Town Vending Committee is constituted. There are also number of street vendors who are vending in NDMC area on the basis of stay granted by various Courts.

Therefore the Council observed that NDMC has been constrained from removing unauthorised squatters, due to the orders of the High Court and Hon'ble Supreme Court and also Delhi Special Laws (Amendment) Act, 2011. The Council has also taken the notice of Model Code of Conduct which was operational most of the time in the last year. The Council approved the detailed reply on this issue and directed it to be sent to the Ministry of Home Affairs. It was also directed that a copy of the Council's Resolution of 20<sup>th</sup> June may be annexed, whereby the Presiding Officer has made specific reference to the issue, accepted by the Council,

**ITEM NO.(iii): PERSONNEL MANAGEMENT IN NDMC IN RESPECT OF CATEGORIES IN CASUAL/DAILY WAGES/MUSTER ROLL/ TMR/RMR/CONTRACT WORKERS ETC.**

1. The **New Delhi Municipal Council** has been established under the NDMC Act, 1994. Before the establishment of the Council a large number of Daily Wagers, **Temporary Muster Roll (TMR)** workers were employed by the Municipal Committee. With a view to have optimum use of the available manpower and deployment for future, the Council has taken various decisions from time to time. Accordingly, posts have been sanctioned in different departments in the Council based on the functional requirement and recruitment/promotion is being done as per the recruitment rules.

2. However, NDMC being a local body and crucial **obligatory** functions of the Council being sanitation, supply of electricity and water and public health etc., there was need for engaging manpower for health and sanitation, civil and electric, horticulture, security and fire etc. Even before establishment of the Council, a large number of daily wagers and temporary muster roll workers were deployed by the erstwhile Committee. During the year **1987**, the TMR workers who had completed **240 days** in the current year were regularised with a view to ensure availability of adequate manpower and also to provide job security to the workers. In subsequent years, this policy was revised and the **TMR workers who had completed 500 days were converted to RMR.**

3. Through different policies/resolutions, the number of days for getting RMR status were increased or decreased over the years. During **some duration**, the Council **imposed total ban** on the future RMR requirements and it was decided that for short time deployment, muster rolls should be drawn **as per works requirements and charged on the work itself. All the TMR workers** who were existing at that time and **had completed 500 days were granted RMR status.** They were **regularised after rendering six years of service as RMR** after completing other conditions subject to availability of vacancies. After that TMRs were had to be engaged on short time deployment for administrative exigencies, work needs at some occasions were drawn on muster roll as per work requirement/sanction and they were charged on the work itself. Their services were used to be dispensed with at the completion of the work requirements.

However, about **6,000 muster roll workers**, who were taken on **short time deployment** against specific works at various occasions by various wings of NDMC continued to work and charged to those works over many years. A Committee consisting of some officers of the Council was constituted for framing of policy for regularisation of all left-over persons working in the Council on MR/contract/ad hoc basis on the basis of functional requirement.

4. The above Committee recommended that the TMR workers who have continued to work should be accorded some benefits. One of the **recommendations of the Committee was to consider such TMR workers for grant of RMR status**. It was also recommended that further short time requirement should be made from the list of daily wagers/TMR workers, who could not be granted RMR status.

5. The Council slightly amended the policy for regularisation of RMR employees. Keeping in view the fact that many of the TMR/RMR/Contractual workers would have become **overage** and were not able to apply for job somewhere else and also for functional requirement the Council resolved to allow **some relaxation in age and educational qualification**.

6. As a local body functioning under the **NDMC Act**, the Council has been assigned some obligatory and discretionary functions under section 11 & 12 respectively. Under section 12, the Council has been assigned various **discretionary functions** like levy of taxes, providing academic and physical education by establishing schools, establishment and maintenance of libraries, gymnasiums and other welfare measures, for municipal officers and officials. One of such welfare measures is, **appointment to the dependents of deceased NDMC employees on compassionate grounds**. The Govt. of India, Department of Personnel & Training has also made a scheme for compassionate appointments with the object to grant appointment on compassionate grounds to the dependents of the employees dying in harness or retired on medical grounds, thereby relieving their families in penury and to help earn their livelihood and giving relief to the family of the government servant concerned from financial constraints and to help them to get over the emergency. **This scheme** however, envisages appointment for group 'C' post (after implementation of the recommendations of VIth CPC) against the direct recruitment quota **restricted to 5%** of the direct recruitment quota arisen in a recruitment year. In this scheme, very few dependents of the deceased employees are covered to get benefits. Therefore, with a view to provide relief from the financial destitution to the dependents of the deceased Council employee, it was **resolved by the Council** that all the eligible dependents/applicants may be taken as casual worker/daily wagers and deployed in various departments on requirement basis as regular appointment can only be provided against only 5% vacancies. By taking this measure, the Council has discharged its discretionary function and also provided adequate man power to different departments of the NDMC.

7. The reasons for engaging additional manpower in different Departments are as under: -

a) **Safai Karamcharis under Health Department.**

The sanctioned strength of Safai Karamcharis had become inadequate because of the following reasons: -

- i) **The posts of Safai Karamcharis were sanctioned around 40 years back** and since then no new posts have been sanctioned in spite of the fact that there is drastic change in the number of roads, development of market places, introduction of night and evening sweeping and increase of number of beats in the whole area to **more than 1800**.
- ii) **Increase in floating population from 3 lacs to around 18 lacs per day**, proportionately increasing the **load on garbage** on NDMC.
- iii) Increased requirement of man power for vehicles for loading/unloading the garbage.
- iv) **Additional responsibility** for maintaining the sanitary conditions in some colonies which were **earlier being maintained by the CPWD**.
- v) Areas around most of the Ministries and Central Government offices and residences, including Rashtrapati Bhawan, Prime Minister's Office and other VIP areas are maintained by the NDMC. There are many national events organised every year in this area and lot of VIP movement is there, therefore, the requirement of Safai Karamcharis to maintain cleanliness has increased manifold.
- vi) The Council had followed the PPP model suggested by the Ministry of Urban Development and assigned the task of transportation of Garbage from NDMC area to the disposal site with modern equipments the contract was assigned to M/s RAMKY. A RFP is being floated now for selecting another agency for doing this task. It is proposed to follow the same model i.e. primary cleaning and removal of Garbage from different areas will remain with the Health Department and done through our employees with proper training and modern equipments and transportation of the garbage from NDMC area to the disposal site will be done by the outsourced agency. A proper cost-benefit analysis has been done for floating the RFP i.e. the cost of cleaning, removal and transportation of garbage to the disposal site by the Health Department vis-a-vis the cost of the cleaning and removal of garbage by Health Department and transportation of the garbage from NDMC area of the disposal sites by the agency.

**b) SECURITY DEPARTMENT**

The Security Department has been functioning with RMR workers, regular employees and officials on deputation deployed as per requirement. **Due to shortage of trained staff**, Security Guards, Technical Officers/X-ray Screeners, Commando Trainer, Gym/Game Attendant and Gun-man have been engaged **on contractual basis** to meet out the minimum essential requirement.

**Manpower deployed through outsourcing:**

Around **1170 security personnel** are deployed for Watch & Ward duties at various locations under NDMC area under 9 Group Contracts i.e. through outsourcing. These NDMC premises include iconic, vital and sensitive locations like Palika Bazar, Underground Palika Parking, Palika Kendra (NDMC Headquarters), NDCC (which houses NIA and MHA Offices), Hospitals, Park & Gardens, Commercial Complexes, Working Women Hostels, Sr. Citizen Homes, Schools, Stadia, Electric Sub-stations and Water Reservoirs (feeding VVIP areas like Rashtrapati Bhawan, North Block, South Block, AIIMS, RML, Hon'ble Supreme Court, High Court, Rajpath, India Gate and Connaught Place). These personnel are deployed mainly for round-the-clock Watch & Ward duties and in case of any theft/loss to NDMC the security contractor has indemnified the NDMC for making good of any such loss.

**c) FIRE DEPARTMENT**

The Fire Department is also being managed with **regular NDMC employees and TMR/RMR workers** as per the policy of the Council. There is **no outsourcing of manpower/services** in the Fire Department.

In addition to this, daily wages workers are employed often on seasonal basis in departments, other than the aforesaid departments. Contract workers are also being engaged particularly in the ministerial cadre, subject to filling up the vacancy on a regular basis from the DSSSB. In the Transport Department, generally drivers are engaged on contract basis, awaiting filling up the vacancies from DSSSB.

**8.** The **dependents of the deceased employees of the Council** have also been **provided a one-time relief as TMR deployment** without circumventing the policy of Govt. of India on appointment of compassionate grounds. The outsourcing of only those services has been done, which were essentially required for maintaining high standards of sanitation/cleanliness, security and other services without increasing the cost of providing such services.

**9.** The Council has made long-term planning keeping in view the future need/requirement of various activities and to ensure that the existing manpower is also optimally utilized and outsourcing may be done for those services where the cost of procuring machines/equipments and engaging manpower is more than the cost of outsourcing. As stated above, the Council has at the same time kept in mind the overall Welfare of its employees, which is one of the discretionary functions of the Council and a social obligation.

**10.** It is also worth mentioning that **all the decisions** for engaging the personnel or providing them the **status of TMR/RMR/Contractual/ Regular employees have been taken after detailed deliberations in various Council meetings** and in compliance of the resolutions passed by the Council from time to time.



**11.** As far as outsourcing of some services by the Civil Department is concerned, it is worthwhile to mention that the Council had to resort to outsourcing of sanitation services in some NDMC buildings due to shortage of man power for health department, which is already over burdened, for maintaining high standards of sanitation on the roads, localities and other open areas. The work of housekeeping was therefore, transferred to the Civil Engineering Department. In this modern and developing era, the cleaning in NDMC area is being done by the mechanical system which is very costly and may require frequent repairs/maintenance and need specialised labour for running and maintenance. The cost of procurement of these machines and wages to the specialised labour engaged for this work would have been much higher than the outsourcing.

The Council is going to review the position as adequate manpower is now available in Health Department, efforts will be made to enhance these skills and knowledge and housekeeping services will be provided gradually in all NDMC buildings by our own manpower and equipments.

**12.** It may be seen from the above that the observations given in the Memorandum under the impression that the personnel mismanagement in NDMC has resulted in an enhanced expenditure of manpower while no reduction in expenditure has been made in respect of outsourcing of personnel by NDMC. **This is in contrast with the factual position.** The Council has not attempted to contain the trend of engaging the muster-roll employees by converting the experienced TMR workers as RMR workers and engaged dependents of deceased employees as TMR workers giving one-time relief.

**13.** In view of the clarifications given in the foregoing paras, the Council would vehemently submit to correct the mistaken impression that NDMC has got highly skewed manpower position in matching the need/requirement of the activities of NDMC and its future plans/proposals.

#### **COUNCIL'S DECISION**

The Council has observed that NDMC being a civic body, and crucial obligatory functions of the Council being sanitation, supply of electricity, water and public health etc., there was need for engaging manpower for these works. The Council from time to time recommended that the TMR workers who have continued to work should be accorded some benefits and one of such benefits is to grant RMR status. Further, as an welfare measure the Council has appointed the dependents of deceased NDMC employees on compassionate grounds. The Council observed that by granting RMR and regular status to TMR employees the NDMC has taken a good skill development step and human resource management. The Council directed that detailed reply on the above lines be sent to Ministry of Home Affairs and request to give some more time if there are some issues still remain which could not be addressed in this reply.

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**(NIKHIL KUMAR)**  
**SECRETARY**

**(JALAJ SHRIVASTAVA)**  
**CHAIRPERSON**

**(MEENAKSHI LEKHI)**  
**PRESIDING OFFICER**