

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1991-92)**

(TENTH LOK SABHA)

FIRST REPORT

(Presented on March 18, 1992)



**LOK SABHA SECRETARIAT
NEW DELHI**

January, 1992/Magha, 1913(Saka)
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**COMPOSITION OF THE COMMITTEE ON GOVERNMENT
ASSURANCES***
(1991-92)

Dr. Laxminarain Pandey—Chairman

MEMBERS

2. Shri Sai Prathap Annayyagari
3. Dr. Krupasindhu Bhoi
4. Shri B. Devarajan
5. Shri B.K. Gudadinni
6. Shri Prabhu Dayal Katheria
7. Shrimati Krishnandra Kaur (Deepa)
8. Shri Balin Kuli
9. Shri Manphool Singh
10. Shri Ajoy Mukhopadhyay
11. Shrimati Pratibha Devisingh Patil
12. Shri Shashi Prakash
13. Shri Naval Kishore Rai
14. Shri Gadam Ganga Reddy
15. Shri Chinmaya Nand Swami

SECRETARIAT

Shri R.C. Bhardwaj — *Additional Secretary*
Shri Joginder Singh — *Deputy Secretary*
Shri K.K. Ganguly — *Under Secretary*

The Committee was nominated by the Speaker w.e.f. 25 November, 1991
vide Para 515 of Lok Sabha Bulletin Part-II dated 25.11.91.

INTRODUCTION

I, the Chairman of the Committee on Government Assurances, as authorised by the Committee, do present on their behalf, this First Report of the Committee on Government Assurances.

2. The Committee (1991-92) were constituted on November 25, 1991.

3. The Committee at their first sitting held on December 5, 1991 considered the request received from the Minister of Parliamentary Affairs (Shri Gulam Nabi Azad) *vide* his D.O. letter dated August 30, 1991 regarding the impact of dissolution of Lok Sabha on pending assurances. At their sitting held on January 29, 1992, the Committee considered and adopted the draft First Report.

4. The Minutes of the aforesaid sittings of the Committee form part of the Report.

5. The conclusions/observations of the Committee are contained in the succeeding chapters.

NEW DELHI;
January 29, 1992

Magha 9, 1913 (Saka)

DR. LAXMINARAIN PANDEY
Chairman
Committee on Government Assurances.

CHAPTER I

EFFECT OF THE DISSOLUTION OF THE LOK SABHA ON PENDING ASSURANCES

The Minister of Parliamentary Affairs *vide* his D.O. letter No. F.6(5)/91-Imp. I dated the 30th August, 1991 requested the Hon'ble Speaker, Lok Sabha that the pending assurances being carried over from the Ninth Lok Sabha and earlier should be treated as deemed to have lapsed, as it does not have the sanction of any law or rule. (*Appendix-I*). In support of his argument the Minister appended the advice obtained by his Ministry from the Ministry of Law, Justice and Company Affairs (*Appendix II*).

2. The Committee at their first sitting held on December 5, 1991 considered the request of the Minister of Parliamentary Affairs.

3. The Committee was apprised that on an earlier occasion also, the Ministry of Parliamentary Affairs had requested that after the dissolution of Lok Sabha all pending assurances, like pending Bills, should be treated as lapsed (*Appendix III*). The Ministry was informed that as per well established practice, the assurances given by the Ministers on the floor of the House which remain pending at the time of the dissolution of the House do not lapse (*Appendix IV*).

4. The Committee noted that after the dissolution of Lok Sabha all pending business lapses but not the assurances as they are solemn promises given to the representatives of the people in Parliament. There is no express or implied provision either in the Constitution of India or in the Rules of Procedure and Conduct of Business in Lok Sabha whereby the assurances pending at the time of the dissolution of the Lok Sabha must lapse.

5. The Committee learnt that this issue first came up for consideration before the Committee on Government Assurances of First Lok Sabha. The then Committee examined the matter and decided that they might select from among the pending assurances such of them as are of substantial character and of public importance and incorporate them in their report so as to enable the successor committee of the new House to pursue them (*Appendix V*). Accordingly, the Committee selected some of the pending assurances for being pursued further for the new Committee. The outgoing Committee of the Second Lok Sabha also adopted the same procedure. The Committee of the Third Lok Sabha could not undertake the review of pending assurances owing to the dissolution of the House before its normal tenure. Therefore, the first Committee of the Fourth Lok

APPENDIX I

(Vide para 1 of the Report)

D. O. No. F.6(5)/91-Imp. I

**MINISTER OF PARLIAMENTARY AFFAIRS
GOVERNMENT OF INDIA**

NEW DELHI-110001

30th August, 1991

Hon'ble Speaker,

Kindly refer to correspondence resting with Secretary-General, Lok Sabha Secretariat D.O. letter No. 12/4/91-Q (CGA) dated 4th May, 1991 regarding the effect of dissolution of Lok Sabha on pending assurances.

2. The matter has been got examined by the Ministry of Law and Justice (Department of Legal Affairs) and the advice tendered by that Department, duly approved by the Minister of Law and Justice is as under:—

- (i) The Constitution of India article 107(5) provides that a Bill which is pending in the House of the People, or which having been passed by the House of the People is pending in the Council of States, shall, subject to the provisions of Article 108, lapse on a dissolution of the House of the People. Barring this provision, there is no other provision in the Constitution as to the effect of a dissolution of the House of the People on pending business.
- (ii) Since dissolution puts an end to the life of the House itself, it follows, *prima facie*, that all pending business must be wiped away by dissolution (Basu's Commentary on the Constitution of India, 6th Edition, Vol. G. p. 38).
- (iii) The Rules of Procedure and Conduct of Business in Lok Sabha, made in exercise of the powers conferred on Lok Sabha under Article 118(1) of the Constitution, also create only one exception to the aforesaid general rule in Rule 285 thereof concerning unfinished work of a Committee of Lok Sabha. Rule 285 has a direct bearing on the question of lapse of pending assurances following the dissolution of the House of the People.
- (iv) If all pending business, except the one covered by Rule 285, were to lapse upon the dissolution of the House, there is no **reason** as to why an exception should be created in favour of the pending assurances not covered by Rule 285.
- (v) Our attention has not been drawn to any directions or rulings given by the Speaker on the subject. Accordingly, it appears to us that the view taken by the Lok Sabha Secretariat is supported only by practice.

3. A copy of the advice tendered by the Department of Legal Affairs is enclosed. It would be seen therefrom that the practice followed by the Lok Sabha does not have the sanction of any law or rule. In fact, it seems to be against the spirit of the Constitution and the Rules of Procedure of the Lok Sabha. In my view, such a 'practice' cannot be sustained only on the strength of past precedents.

4. As you are aware according to British Parliamentary Practice, everything lapses even on prorogation of the Session. Ofcourse our Constitution specifically provides against this practice in Article 107(3).

5. There is another very strong argument against the practice followed by the Lok Sabha. A successor Government should not be expected to stand by any commitment that a previous Government may have given. This logic has greater validity when the successor Government is of a different political party. Holding a new Government to the promises or assurances given by an earlier government, more often than not, merely embarrasses the successor government, particularly where major policy issues are involved. I am aware that an argument is sometimes advanced in favour of the practice followed at present on the ground that 'government' is continuous and therefore cannot lightly disown commitments made by a predecessor. While this is true of legal obligations or rights already created under agreements, contracts, court orders, treaties etc. the same cannot be stretched to apply to mere assurances held out by a previous government.

6. Therefore, I am of the view that the pending assurances being carried over from the Ninth Lok Sabha and earlier should be deemed to have lapsed, particularly in view of the legal advice tendered by the Department of Legal Affairs of the Ministry of Law and Justice. I shall be grateful for your early decision in the matter.

With regards,

Yours sincerely,

Sd/-

(GHULAM NABI AZAD)

Shri Shivraj V. Patil,
Speaker,
Lok Sabha,
New Delhi.

APPENDIX-II

(Vide para 1 of the Report)

MINISTRY OF LAW AND JUSTICE (DEPARTMENT OF LEGAL AFFAIRS)

The present reference from the Ministry of Parliamentary Affairs concerns the effect of dissolution of Lok Sabha on pending assurances. More precisely, the issue is whether the assurances given by a Minister on the Floor of Lok Sabha, which remained pending at the time of dissolution of the House, lapsed on such dissolution.

2. Whereas the Lok Sabha Secretariat appears to consider that, as per well-established practice, such assurances do not lapse, the Ministry of Parliamentary Affairs do not appear to share that view.

3. The Constitution of India has expressly dealt only with the question of the effect of dissolution of the House of the People on a Bill pending in the House of the People. Article 107(5) provides that a Bill which is pending in the House of the People, or which having been passed by the House of the People is pending in the council of States, shall, subject to the provisions of article 108, lapse on a dissolution of the House of the People. Barring this provision, there is no other provision in the constitution as to the effect of a dissolution of the House of the People on pending business.

4. Since dissolution puts an end to the life of the House itself, it follows, *prima facie*, that all pending business must be wiped away by dissolution (Basu's commentary on the Constitution of India, 6th edition, Vol. G, p. 38).

5. The rule of Procedure and conduct of Business in Lok Sabha, made in exercise of the powers conferred on Lok Sabha under article 118(1) of the Constitution, also create only one exception to the aforesaid general rule in Rule 285 thereof concerning unfinished work of Committee of Lok Sabha. Rule 285 has a direct bearing on the question of lapse of pending assurances following the dissolution of the House of the People, if the outgoing Committee made a report about such assurances to the new Committee.

6. If all pending business, except the one covered by Rule 285, were to lapse upon the dissolution of the House, there is no reason as to why an exception should be created in favour of the pending assurances not covered by rule 285.

7. It does not appear to be the contention of the Lok Sabha Secretariat

that the view taken by them is sanctioned either by the Constitution or the Rules of Procedure made thereunder. In support of their view, they rely upon well-established practice. In this regard, attention may also be drawn to the following observation made by Kaul and Shakhder:—

“The assurances given by Ministers on the floor of the House which are pending implementation by the Government and of which a report has been made by the Committee on Government Assurances are deemed not to lapse on dissolution of Lok Sabha.”

In support of their statement, the learned authors added the following in the footnote:—

“Before the dissolution of the First Lok Sabha, the Committee on Government assurances selected from among the pending assurances such of those as were of a substantial character and incorporated them in a report so as to enable the successor Committee of the new House to pursue them. In the report (which was presented on 28 March, 1957, the last sitting of the First Lok Sabha), the Committee recommended that these assurances might be implemented by Government.”

(*ibid*)

8. Our attention has not been drawn to any directions or rulings given by the Speaker on the subject. Accordingly, it appears to us that the view taken by the Lok Sabha Secretariat is supported only by practice.

Sd/-
(DR. P.C. RAO)
LAW SECRETARY
27.6.1991.

LS & Secy. Parliamentary Affairs may kindly discuss this with me orally

Sd/-
Minister of Law, Justice and Co. Affairs

The matter was discussed with MSLJ & CA on 1 July 1991. As desired by him, Secretary, Ministry of Parliamentary affairs, has submitted a note on the issues mentioned by MSLJ & CA. There is nothing in the said note to change my opinion.

Sd/-
(DR. P.C. RAO)
LAW SECRETARY
11.7.1991.

Approved
Sd/- 30.7.91
Minister of Law, Justice and Co. Affairs

APPENDIX 'III

(Vide para 3 of the Report)

No. 6(5)/91-Imp.1

Secretary

Ministry of Parliamentary Affairs

42, Parliament House

New Delhi-110001.

R. SRINIVASAN
(I.A.S.)

3rd May, 1991.

Dear Shri Rastogi,

Please refer to the correspondence resting with your Secretariat U.O. No. 12 / 4 / 91-B (CAG) dated the 16th April, 1991, regarding the effect of dissolution on pending assurances.

2. It has been contended that the assurances given by Ministers on the floor of the House which remain pending at the time of dissolution do not lapse on that account. But this does not seem to have any legal backing, as dissolution puts an end to the life of Lok Sabha itself and no part of the records of the dissolved House can be carried over and transcribed into the records or registers of new House. All business pending before it or any of its committees lapses on dissolution. To quote Kaul and Shakhder, "all business pending before Parliamentary Committees lapses upon dissolution of Lok Sabha Committees themselves stand dissolved on Lok Sabha". To this general rule, only one exception has been given in Rule 285 of the Rules of Procedure and Conduct of Business in Lok Sabha. It reads as under :—

"A committee which is unable to complete its work before the expiration of its term or before the dissolution of the House may report to the House that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee."

3. A bare reading of the Rule postulates two things (a) consideration of the matter before the dissolution of the House and (b) making a report to the House to that effect. In fact the correct procedure was followed in 1957 when the Committee on Government Assurances reviewed the pending assurances and asked the successor committee of the new Lok Sabha to pursue them. This does not appear to have happened on subsequent occasions. It has not been done in respect of assurances

pending at the time of dissolution of 9th Lok Sabha and as a consequence thereof all pending assurances, like pending bills, should lapse. I shall be grateful if you kindly look into the matter and give your considered views in the light of the above. If considered necessary, the correct legal position can be ascertained from the Ministry of Law and justice.

With regards,

Shri K.C. Rastogi,
Secretary-General,
Lok Sabha,
New Delhi.

Yours sincerely,

Sd /-
(R. SRINIVASAN)

APPENDIX IV

(Vide para 3 of the Report)

D.O.No. 12 / 4 / 91-Q (CGA)

K.C. RASTOGI

14th May, 1991

Dear Shri Srinivasan,

Please refer to your D.O. letter No. 6(5) / 91-Imp. I dated the 3rd May, 1991 regarding the effect of dissolution of Lok Sabha on pending assurances.

2. As per well established practice, the assurances given by Ministers on the floor of the House which remain pending at the time of dissolution of the House do not lapse.

With regards.

Yours sincerely,

**Sd /-
(K.C. RASTOGI)**

**Shri R. Srinivasan,
Secretary,
Ministry of Parliamentary Affairs,
Government of India,
New Delhi.**

APPENDIX-V

(Vide para 5 of the Report)

(Extracts from Fourth Report of First Lok Sabha)

I

INTRODUCTION

I, the Chairman of the Committee on Assurances, having been authorised by the Committee present on their behalf, this fourth report of the Committee.

II

SITTINGS OF THE COMMITTEE

2. After the presentation of their Third Report on the 22nd December, 1956, the Committee held two sittings (namely, on the 22nd and 27th March, 1957) and reviewed the pending assurances.

III

PENDING ASSURANCES

3. xxx...The Committee considered the procedure that should be adopted with respect to the assurances pending implementation.

4. Under rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha, a Parliamentary Committee which is unable to complete its work before the dissolution of the House may report to the House accordingly and its report and recommendations are to be made available to the new Committee for further action thereon.

5. In the light of this rule the Committee decided that they might select from among the pending assurances such of them as are of a substantial character and public importance and incorporate them in their report so as to enable the successor Committee of the new House to pursue them.

6. Accordingly they have selected certain specific assurances as listed in the Appendix and recommend that they may be implemented by Government.

7. The Committee, however, desire to emphasise that though a number of pending assurances have been recommended to be dropped on the ground that they have lost their utility either by lapse of time or because of their insubstantial character, that should in no way be construed to affect the forms for culling out assurances approved by the Committee and included in their First Report.

8. The Committee also recommend that the assurances given by

Ministers on the Floor of the House during the current Session may be treated as pending implementation by Government.

New Delhi,
28th March, 1957.

K.S. RAGHAVACHARI,
Chairman, Committee on Assurances.

APPENDIX-VI

(Vide Para 5 of the Report)

(Extracts from First Report of Fourth Lok Sabha)

REPORT

I. Introduction

I, the Chairman of the Committee on Government Assurances, having been authorised by the Committee to present the Report on their behalf, hereby present this First Report of the Committee.

II. Sitzings of the Committee

2. After the presentation of the Fourth Report (Third Lok Sabha) on the 3rd May, 1966*, the predecessor Committee of the Third Lok Sabha (hereinafter referred to as the 'last Committee') held seven sittings during the life-time of the Third Lok Sabha, namely, on the 16th May, 20th and 21st July, 8th and 31st August, 24th and 25th November, 1966. At these sittings, the last Committee considered the nature and extent of implementation of a number of assurances, treatment, or otherwise, of certain replies given during the course of supplementaries on questions as assurances and also reviewed the pending assurances of the Second Lok Sabha and those given during the First to Thirteenth Sessions of the Third Lok Sabha. That Committee also scrutinised the reasons for the delay in the implementation of the assurances relating to the years 1962-63—First to Sixth Sessions of the Third Lok Sabha—which had become more than three years old. The last Committee also considered certain procedural matters regarding the implementation of the assurances, examination of the Debates for extraction of assurances as also that of the statements laid on the Table by the Minister of Parliamentary Affairs in implementation of the assurances. The relevant minutes of the sittings of the Committee were laid on the Table of the House.**

3. The last Committee which was nominated by the Speaker on the 1st May, 1966 at their Twenty-Eighth Sitting held on the 24th November, 1966 inter alia authorised the Chairman following the past practice to examine all the pending assurances and select such of them which he considered to be of substantial nature and of considerable importance and incorporate

* This was approved by the Committee on Government Assurances (1965-66) at their sitting held on the 28th April, 1966.

** Minutes of the 23rd Sitting held on 16th May, 1966—laid on 17.5.66;
Minutes of the 24th and 25th Sittings held on 20th and 21st July, 1966—laid on 1st August, 1966;
Minutes of the 26th and 27th Sittings held on 8th and 31 August, 1966—laid on 5th September, 1966; and
Minutes of the 28th and 29th Sittings held on 24th and 25th November, 1966—laid on 29th November, 1966.

them in a Report. A draft report was accordingly prepared, but it could neither be adopted by that Committee nor presented to the House consequent on a decision being taken on the 2nd March, 1967 not to hold the Seventeenth Session of the Third Lok Sabha scheduled to be held from the 13th to 31st March, 1967 and which was followed by the dissolution of the Third Lok Sabha on the 3rd March, 1967.

The Committee at their Second Sitting held on the 9th May, 1967 considered and adopted the above Report of the last Committee for presentation to the House. The minutes of the First and Second Sitzings of the Committee held on the 8th and 9th May, 1967 which form part of this Report are appended.

III. ** ** ** **

 ** ** ** **

IV. ** ** ** **

V. ** ** ** **

VII. Assurances remaining pending on the dissolution of the Third Lok Sabha

12. A statement showing the position of pending assurances at the time of dissolution of the House and those now pending is given in Appendix II. From the statement it would be observed that out of 3,560 assurances extracted during the life-time of the Third Lok Sabha, 3,327 assurances have since been implemented. This means, that about 93.5 per cent of the assurances were implemented during that period. In view of the decision of the last Committee referred to in para 3 above, the present Committee have selected certain specific assurances out of those given during the First to Sixteenth Sessions of the Third Lok Sabha as listed in Appendix III and recommend that these may be implemented by Government. The Committee were constrained to drop quite a large number of assurances which had been pending for the last 3-4 years and had lost their importance by efflux of time. Even in the list of assurances selected by them from the bulk of the pending ones, they find that some of them are becoming stale and would lose their utility by further lapse of time. The Committee would, therefore, strongly urge the various Ministries and Departments concerned to take vigorous steps to collate the requisite information and ensure that the implementation is achieved within the next 2 months. In case it is not possible to do so, the Committee would like a report to this effect being submitted to them explaining the circumstances under which it is not possible to do so.

NEW DELHI;
May 29, 1967

Jyaistha 8, 1889(Saka).

Sd/-
ATAL BIHARI VAJPAYEE,
Chairman,
Committee on Government
Assurances.

APPENDIX VII

(vide para 10 of the Report)

D.O. No. 12/4/91-Q(CGA)

**Secretary-General
Lok Sabha**

K.C. RASTOGI

**Parliament House
New Delhi**

19/30 December, 1991.

Dear Shri Srinivasan,

Please refer to your D.O. letter no.6(5)/91-Leg. I dated December 3, 1991 regarding the effect of dissolution of Lok Sabha on pending assurances.

When the First Lok Sabha was about to be dissolved and the Second Lok Sabha was about to come into being, the Committee on Government Assurances considered the procedure that should be adopted with respect to the assurances pending implementation. In the light of Rule 285 (the then Rule 382) of the Rules of Procedure and Conduct of Business in Lok Sabha, the Committee decided that they might select from among the pending assurances such of them as are of substantial character and of public importance and incorporate them in their Report so as to enable the successor Committee of the new House to pursue the same. Accordingly, the Committee selected certain specific assurances and recommended that these may be pursued by the new Committee. The out-going Committee of the Second Lok Sabha also adopted the same procedure. The Committee of the Third Lok Sabha could not undertake the review of pending assurances owing to dissolution of the House before its normal tenure. Therefore, the first Committee of the Fourth Lok Sabha reviewed all the assurances pending at the time of dissolution of the Third Lok Sabha. Since then the practice followed in the subsequent Lok Sabhas has been that the new Committee reviews the assurances pending at the time of the dissolution of the previous Lok Sabha and selects from among them such assurances as are important enough to be pursued further. It will thus be seen that during each of the first Nine Lok Sabhas, the Committee has consistently taken the view that the pending assurances do not lapse but that they selectively pursue such of them as are of sufficient public importance.

The present request of the Ministry of Parliamentary Affairs to drop the assurances pending at the time of the dissolution of the Ninth Lok

Sabha was considered by the newly constituted Committee on Government Assurances in their first meeting held on December 5, 1991.

After, careful consideration of all the pros and cons of the matter, the Committee unanimously decided that the well-established practice to keep alive the assurances pending at the time of the dissolution of the Lok Sabha may continue as heretofore.

The Committee was of the view that where the new Government does not agree with the policies of the previous Government in specified areas, they can certainly approach the Committee to drop the assurance. Moreover, only those assurances which are of substantial character and of public importance are pursued further. All pending assurances which have lost importance or relevance due to efflux of time are invariably dropped by the Committee themselves.

With regards,

Yours sincerely,

Sd/-
(K.C. RASTOGI)

Shri S. Srinivasan
Secretary
Ministry of Parliamentary Affairs
Government of India
New Delhi.

APPENDIX VIII
(Vide Para 16 of the Report)

(iv) Statement showing the position of the assurances of Seventh Lok Sabha pending implementation as on 22 November, 1991.

Session	No. of Assurances culled out	No. of Assurances implemented / dropped	No. of Assurances outstanding
First Session, 1980	26	26	—
Second Session, 1980	196	196	—
Third Session, 1980	548	548	—
Fourth Session, 1980	333	333	—
Fifth Session, 1981	793	793	—
Sixth Session, 1981	373	373	—
Seventh Session, 1981	418	418	—
Eighth Session, 1982	798	798	—
Ninth Session, 1982	429	429	—
Tenth Session, 1982	315	315	—
Eleventh Session, 1983	861	861	—
Twelfth Session, 1983	433	433	—
Thirteenth Session, 1983	424	424	—
Fourteenth Session, 1984	956	954	2
Fifteenth Session, 1984	328	328	—
Total	7,231	7,229	2

APPENDIX IX
(Vide para No. 16 of the Report)

(ii) Statement showing the position of pending assurances of Eighth Lok Sabha pending implementation as on 22 November, 1991.

Session	No. of Assurances culled out	No. of Assurances implemented/ dropped	No. of Assurances outstanding
1st Session	19	19	—
2nd Session	430	430	—
3rd Session	323	323	—
4th Session	357	356	1
5th Session	774	770	4
6th Session	478	478	—
7th Session	477	474	3
8th Session	784	777	7
8th Session (Part II)	593	581	12
9th Session	775	748	27
10th Session	1208	1168	40
11th Session	571	537	34
12th Session	541	507	34
13th Session	1140	1057	83
14th Session	592	509	43
Total	9022	8734	288

APPENDIX X
(Vide Para 16 of the Report)

(iii) Statement showing the position of assurances of Ninth Lok Sabha pending implementation as on 22 November, 1991.

Session	No. of Assurances culled out	No. of Assurances implemented/ dropped	No. of Assurances outstanding
First Session, 1989	93	75	18
Second Session, 1990	1538	1227	311
Third Session, 1990	732	571	161
Fourth Session, 1990	Nil	—	—
Fifth Session, 1990	Nil	—	—
Sixth Session, 1990	240	150	90
Seventh Session, 1991	224	110	114
Total	2827	2133	694

APPENDIX XI
(Vide Para 16 of the Report)

(iv) *Statement showing the position of the assurances of First Session of Tenth Lok Sabha pending implementation as on 22 November, 1991.*

Session	No. of Assurances culled out	No. of Assurances implemented/ dropped	No. of Assurances outstanding
First Session, 1991	868	80	788

MINUTES OF THE FIRST SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES

I

FIRST SITTING

The Committee met on Thursday, December 5, 1991 from 15.00 hours to 16.05 hours.

PRESENT

- Dr. Laxminarain Pandey—*Chairman*
2. Shri Sai Prathap Annayyagari
 3. Shri B. Devarajan
 4. Shri B.K. Gudadinni
 5. Shri Prabhu Dayal Katheria
 6. Shrimati Krishnandra Kaur (Deepa)
 7. Shri Balin Kuli
 8. Shri Manphool Singh
 9. Shri Gadam Ganga Reddy
 10. Shri Chinmaya Nand Swami

SECRETARIAT

- Shri R.C. Bhardwaj — *Joint Secretary*
Shri Joginder Singh — *Deputy Secretary*
Shri K.M. Mittal — *Under Secretary*

2. At the outset, the Chairman extended a warm welcome to the Members of the Committee. For the information of the Members of the new Committee, the Chairman in his inaugural address referred to the scope, functions and achievements of the Committee. The text of his speech is at Annexure I.

3. The Committee took up for consideration Memorandum No. 1 containing a request received from the Minister of Parliamentary Affairs (Shri Gulam Nabi Azad) *Vide* his D.O. letter No. F.6(5)/91-Impl.I dated 30.8.1991 addressed to Hon'ble Speaker, regarding the impact of the dissolution of the Lok Sabha on pending assurances.

4. The Committee was informed that after the dissolution of Lok Sabha all pending business lapses but not the assurances as they are solemn promises given to the representatives of the people in Parliament. There is no express or implied provision either in the Constitution of India or in the Rules of Procedure and Conduct of Business in Lok Sabha whereby the assurances pending at the time of the dissolution of the Lok Sabha must lapse.

5. The Committee was also apprised that this issue first came up for consideration before the Committee on Government Assurances of First Lok Sabha. The then Committee examined the matter and decided that they might select from among the pending assurances such of them as are of substantial character and of public importance and incorporate them in their report so as to enable the successor committee of the new House to pursue them. Accordingly, the Committee selected some of the pending assurances for being pursued further for the new Committee. The outgoing Committee of the Second Lok Sabha also adopted the same procedure. The Committee of the Third Lok Sabha could not undertake the review of pending assurances owing to the dissolution of the House before its normal tenure. Therefore, the first Committee of the Fourth Lok Sabha reviewed all the assurances pending at the time of dissolution of the Third Lok Sabha. Since then the same practice had been followed in the subsequent Lok Sabhas.

6. The Committee felt that if the practice to drop all the assurances pending at the time of the dissolution of the Lok Sabha is followed, the Ministries/Departments might not take any initiative to fulfil the assurances. They might go on seeking extension of time knowing fully well that after the dissolution of the Lok Sabha the assurances would lapse. At present, the Committee do not have any mechanism to bar the Ministries/Departments from seeking further extension of time. Thus, the very purpose of the Committee on Government Assurances is likely to be defeated if the present request of the Ministry of Parliamentary Affairs is acceded to. Indeed the assurances solemnly given on the floor of the House may themselves lose their meaning and value.

7. Further, the Committee was of the view that where the new Government does not agree with the policies of the previous Government in specified areas, they can certainly approach the Committee to drop such assurance. Moreover, only those assurances which are of substantial character and of public importance are pursued further. All pending assurances which have lost importance or relevance due to efflux of time are invariably dropped by the Committee themselves.

8. After careful consideration of all the pros and cons of the matter, the Committee unanimously decided that the well-established practice to keep alive the assurances pending at the time of the dissolution of the Lok Sabha may continue as heretofore.

9. The Committee then decided to review all the pending assurances of the Seventh, the Eighth and the Ninth Lok Sabha in their next sittings.

10. The Committee also decided to have their next sitting on Friday, December 27, 1991 at 15.00 hours.

11. The Committee then adjourned.

ANNEXURE

Inaugural address by Dr. Laxminarayan Pandey, Chairman, Committee on Government Assurances, Tenth Lok Sabha (1991-92) at the First Sitting of the Committee on December 5, 1991.

Friends and colleagues,

I am greatly delighted to welcome you to this first meeting of the newly constituted Committee on Government Assurances.

2. As most of us are new to this Committee, it may be in the fitness of things if at this sitting we talk about the background, scope, functions and achievements of the Committee.

3. It is a common belief that the Parliamentary procedure in Indian is akin to that of the British Parliament. While there is a lot in common between the two systems, Indian system has undergone several changes and innovations to secure accountability of the Administration to the Parliament. One such innovation is the institutionalisation of the procedure to ensure the fulfilment of the promises and undertakings given from time to time by the Ministers on the floor of the House. For this purpose we have this standing Committee of Lok Sabha known as the Committee on Government Assurances.

4. As you are aware, while replying to questions or supplementaries thereon or during discussions on Bills, Motions, Resolutions etc. Ministers sometimes give assurances or undertakings or make promises either to consider the matter or to take suitable action or to furnish relevant information to the House later on. Our Committee is vested with the function of scrutinising these assurances and follow-up of their implementation within the prescribed time schedule.

5. The Committee on Government Assurances was first constituted by the Speaker on December 1, 1953. Prior to this, there was no institutional arrangement to make a scrutiny or to keep a watch on the assurances given by the Ministers. It was left to each individual Member to keep a watch whether assurances or promises given by the Ministers on the floor of the House had been implemented. The appointment of this Committee helped in following up the matter and ease the problems of the Members who had to follow-up the implementation of the assurances in individual capacity.

6. The functions of the Committee as enumerated in Rule 323 of Rules of Procedure and Conduct of Business in Lok Sabha, are to scrutinise the assurances, promises, undertakings, etc. given by the Ministers from time to time on the floor of the House and report on:—

- (i) the extent to which such assurances, promises, undertakings, etc. have been implemented; and
- (ii) Where implemented whether such implementation has taken place within the minimum time necessary for the purpose.

7. The Secretariat of the Committee has already circulated to all the Members of the Committee the Brochure entitled "An Introductory Guide" which gives in nutshell the scope and functions of the Committee. This is a useful booklet and I hope all of you have already gone through it.

8. The expressions which constitute an assurance, as laid down by the Committee in 1954 in their First Report, have been printed as annexure to the Introductory Guide. Besides, laying down the standard forms, the Committee has also framed detailed Rules of Procedure for its internal working and these Rules are given in the Introductory Guide.

9. The Government have made arrangements to extract assurances, promises and undertakings given on the floor of the House from the debates and to report action taken on them from time to time to the House. The Ministry of Parliamentary Affairs acts as a coordinating agency for all the Ministries/Departments of the Government of India and as a liaison with the Committee to ensure prompt implementation of the assurances. As per established practice and procedure approved by the Committee, the Ministry of Parliamentary Affairs is charged with the responsibility of examining the Lok Sabha debates to cull out the assurances given by the Ministers in the House and sending them on to the concerned Ministry or Department.

10. After culling out assurances, the Ministry of Parliamentary Affairs sends a list of such assurances to the Lok Sabha Secretariat within a week of the dates to which they relate. The Lok Sabha Secretariat also examines on its own the debates to cull out assurances. To ensure that assurances have been properly extracted, the Lok Sabha Secretariat compares the assurances culled out by the Ministry of Parliamentary Affairs with those culled out on its own. In case of difference of opinion between the Ministry of Parliamentary Affairs and the Lok Sabha Secretariat, it is referred to the Ministry of Parliamentary Affairs for comments in the first instance. Their comments are brought to the notice of the Chairman. The Chairman may either dispose of the matter himself or if he considers it necessary place the matter before the Committee for its final decision as to whether a particular statement by a Minister should be treated as an assurance. Where necessary, the Chairman or the Committee may refer the matter to the Speaker for guidance.

11. In regard to the implementation of the assurances, normally a time-limit of three months has been laid down by the Committee. However, if the Government feel any genuine difficulty in implementing an assurance within the prescribed period of three months, they can approach the

committee for extension of time stating the grounds on which the extension of time is sought. I may mention here that the Committee would be considering the requests of the Government for extension of time for implementation of the assurance keeping in view the broad principles laid down by the previous Committee at their sitting held on January 11, 1983, wherein it was decided that the assurances might be classified into three categories and extension of time for implementation of these assurances might also be specified as follows:—

(i) **Category 'A':** Where the assurances pertain solely to Central subjects, request for one extension of three months might be agreed to.

(ii) **Category 'B':** Where assurances pertain to matters which are in the Concurrent List and the information needed for implementation of the assurances pertains partly to the Central Government, the Committee might grant one or more extensions after taking into account the efforts made by the Ministry to collect the information from the State Government(s).

(iii) **Category 'C':** Where the assurances pertain to matters which falls purely in the jurisdiction of State Government, request for extension of time for implementation of such assurances might be agreed to subject to the Committee/Chairman being convinced that sincere efforts are being made by the Government to collect the information from the State Government(s).

12. On behalf of the various Ministries / Departments of the Government of India, the Minister of Parliamentary Affairs from time to time lays on the Table of Lok Sabha statements showing action taken by the Government in implementation of assurances, promises and undertakings given by the Ministers. These statements are examined by the Lok Sabha Secretariat in terms of rule 323 of the Rules of Procedure and Conduct of Business in Lok Sabha. Such of the assurances as do not appear to have been implemented satisfactorily are placed before the committee for further directions. Cases where Government take unreasonably long time in implementation of the assurances are also placed before the Committee.

13. The powers and privileges of the Committee are the same as those of the other parliamentary Committees such as the power to take evidence or call for documents, send for persons, papers and records etc.

14. During the Fifth Lok Sabha, the Committee came to the conclusion that it was necessary to take evidence of the representatives of various Ministries/Departments, where necessary, to enable the Committee to go deep into the reasons resulting in delay in implementation of assurances in specific cases. Accordingly, the Committee have been hearing the representatives of different Ministries/Departments from time to time in connection with selected cases of delays in implementation of assurances and thereafter making suitable recommendations/observations with regard to these matters in their Report which are presented to the House. This

procedure of examining witnesses of Ministries, etc. has had a salutary effect in speeding up implementation of the assurances and thus reducing the number of pending assurances.

15. During the course of examination of pending assurances, if the committee find that there is abnormal delay in fulfilling any assurance, the Committee may, if it feels necessary that an on-the-spot study should be made to have first-hand information about the reasons for the delay etc., undertake with the specific approval of the Honourable Speaker, tour of the Department/Organisation, etc. connected with the subject under examination. Subject to specific approval of the Honourable Speaker, the Committee may also undertake on-the-spot study tours in connection with implemented assurances of the Department/Organisation, etc. connected with the subject under examination to find out whether the assurances have been adequately and timely implemented. However, these occasions are not frequent.

16. By convention, all the pending assurances of earlier Lok Sabha are reviewed by the new Committee and only those assurances which are of substantial character and of considerable importance are selected for being pursued further and the rest are dropped.

17. The Committee has gained in recent years, mass popularity. May I quote here a few instances where Committee has been able to secure compliance of the commitments given by the Ministers in the House:—

- (i) In reply to an Unstarred Question on May 8, 1985, the Government informed that a National Airports Authority for the development and maintenance of domestic airports was proposed to be set up by the Government. After sometime, the Ministry of Civil Aviation and Tourism requested the Committee to drop this assurance as it was not possible to fulfil it during the prescribed period of three months. The Committee turned down the request and asked the Ministry to speed up the introduction of the legislation. The Government complied with the direction of the Committee. Ultimately, National Airports Authority Bill, 1985 was passed by both the Houses on November 19, 1985.
- (ii) Similarly, the introduction of the Delhi Apartment Ownership Bill, 1986 and the Customs and Excise Revenue (Appellate) Tribunal Bill, 1986 was expedited by the Government on reiteration by the Committee of their recommendation to implement the assurances given in reply to Unstarred Questions on March 23, 1984 and March 7, 1986, respectively.
- (iii) The release of gold and other valuable items which were removed by the Portuguese a few days prior to the liberation of Goa, were in the custody of Portuguese Government. The release of gold from the custody of Portuguese Government and handing over the same to the legal heirs was the long standing demand of the

citizens of Goa. This issue figured in the Lok Sabha through an Unstarred Question on April 4, 1986. The Government informed the House that Portuguese authorities were considering the matter. Bilateral negotiations held between the Union Government and the Portuguese Government to settle the case, did not bear any fruit.

The Ministry then approached the Committee to drop the assurance as the assurance was contingent upon the response of the Portuguese Government. The Committee did not agree to drop the assurance and urged the Government to pursue the matter more vigorously. Ultimately an agreement was signed on February 14, 1991 in New Delhi between the State Bank of India and Banco Nacional Ultramarino (BNU) of Lisbon for return of the gold to India. The State Bank of India then received sealed packets containing valuables pledged against loans and safe custody articles from the Banco Nacional Ultramarino (BNU), Lisbon for onward transmission to legal heirs.

18. Before I conclude, I would urge all of you to take an active interest in working of the Committee which acts as an important functional limb between the Executive and the Legislature. I am sure by our labour and co-operative efforts, the Committee would become more effective and we shall continue to maintain the happy and well-established tradition of working in a non-partisan spirit in the Committee and arrive at unanimous decisions, as far as possible, on all issues coming up before the Committee. I would also welcome any suggestions which you might like to offer for effecting an improvement in the working of the Committee.

Thank you.

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES

IV

FOURTH SITTING

The Committee met on Wednesday, January 29, 1992 from 11.00 hrs. to 11.35 hours.

PRESENT

Dr. Laxminarain Pandey — *Chairman*:

2. Shri Sai Prathap Annayagari
3. Dr. Krupasindhu Bhoi
4. Shri B. Devarajan
5. Shri B.K. Gudadinni
6. Shri Prabhu Dayal Katheria
7. Shrimati Krishnandra Kaur (Deepa)
8. Shri Balin Kuli
9. Shri Manphool Singh
10. Shri Ajoy Mukhopadhyay
11. Shri Shashi Prakash
12. Shri Naval Kishore Rai
13. Shri Chinmaya Nand Swami

SECRETARIAT

1. Shri R.C. Bhardwaj—*Additional Secretary*
2. Shri K.M. Mittal—*Deputy Secretary*
3. Shri S.S. Bhatnagar—*Under Secretary*
2. The Committee considered the draft First Report and adopted the same.
3. The Committee authorised the Chairman to present the Report in the ensuing Session of Lok Sabha.
4. *The Committee then adjourned.*