

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1993-94)**

(TENTH LOK SABHA)

**TWENTY SECOND REPORT
ON
DROPPING OF ASSURANCES**

(Presented on



**LOK SABHA SECRETARIAT
NEW DELHI**

558 *June 27, 1994/Asadha 6, 1916 (Saka)*
Price: Rs. 10

CORRECTIONS
to the Twenty Second Report of the
Committee on Government Assurances (1993-94)

(Tenth Lok Sabha)

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***COMPOSITION OF THE COMMITTEE ON GOVERNMENT
ASSURANCES (1993-94)**

CHAIRMAN

Shri Basudeb Acharia

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Gurcharan Singh Dadhahoor
4. Prof. K. Venkatagiri Gowda
5. Shri P.P. Kaliaperumal
- @6. Major D.D. Khanoria
7. Shri Harpal Panwar
8. Shri Surendra Pal Pathak
9. Shrimati Suryakanta Patil
10. Shri V. Sreenivasa Prasad
11. Shri Nawal Kishore Rai
12. Shri G. Ganga Reddy
13. Shri Yoganand Saraswati
14. Shri Shibu Soren
15. Shri V.S. Vijayaraghavan

SECRETARIAT

Shri Murari Lal	—	<i>Joint Secretary</i>
Shri Joginder Singh	—	<i>Director</i>
Shri Ram Autar Ram	—	<i>Under Secretary</i>

* The Committee was nominated by the Speaker w.e.f. 20 December, 1993 *vide* para 2609 of Lok Sabha Bulletin Part-II dated 20-12-93.

@ Nominated to the Committee on 23 December, 1993 *vide* para 2628 of Lok Sabha Bulletin Part-II dated 23.12.93.

INTRODUCTION

I, the Chairman of the Committee on Government Assurances having been authorised by the Committee to submit the Report on their behalf, present this Twenty Second report of the Committee on Government Assurances.

2. The Committee (1993-94) were constituted on December 20, 1993.

3. The Committee at their sittings held on February 10 and April 6, 1994 considered requests (*vide* Memoranda Nos. 86, 87, 89, 91 & 92) received from the Ministries/Departments of the Government of India for dropping of pending assurances and their decisions are contained in this Report. At their sitting held on June 27, 1994 the Committee considered and adopted the Draft Twenty Second Report on the Memoranda.

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

5. The conclusions/observations of the Committee are contained in this Report.

NEW DELHI;

June 27, 1994

Asadha 6, 1996 (Saka)

BASUDEB ACHARIA,
Chairman,

Committee on Government Assurances.

REPORT

CHAPTER I

(i) DELHI MILK SCHEME

On July 27, 1993, the following Unstarred Question (No. 362) given notice of by Sarvashri G. Devaraya Naik, Tara Chand Khandelwal, V. Sreenivasa Prasad, Vijay Naval Patil, Madan Lal Khurana, Rama Krishna Konathala and Surendra Pal Pathak, M.Ps, has addressed to the Minister of Agriculture:—

- ♦ “(a) whether the Government propose to hand over the Delhi Milk Scheme to the Delhi Administration;
- (b) if so, the details thereof; and
- (c) the steps taken or proposed to be taken by the Government for the effective functioning of the Delhi Milk Scheme?”

1.1 The Minister of State in the Ministry of Agriculture (Shri Arvind Nctam) gave the following reply:—

“(a) and (b): Yes, Sir. The matter has been taken up with the Government of the National Capital Territory of Delhi and modalities are being worked out.

(c) Various steps have been taken by Delhi Milk Scheme to increase its efficiency by better utilisation of capacity, economics in the consumption of polythene film and other consumables like lubricants, electricity etc.”

1.2 Reply to parts (a) and (b) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply *i.e.* by October 26, 1993.

1.3 The Ministry of Agriculture approached the Committee on Government Assurances through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. VII/Agri(15)USQ 362-LS/93 dated January 17, 1994 to drop the assurance on the grounds indicated below:—

“.... the reply given by the Hon. Minister was complete and final and no part of the question required any further clarification/facts etc. and this position was accepted by Lok Sabha Secretariat. It is only after 3 months that the Lok Sabha Secretariat has treated this question as an assurance without informing us.

The Delhi Milk Scheme is a public utility organisation and is presently running in losses. It is essential to have the consent of Government of National Capital Territory of Delhi for which we have

written to Delhi Administration at the highest level. The modalities of transfer of staff/assets have to be worked out before-hand. We have taken requisite action on all aspects of transfer and as such reply to the question mentioned above is complete and final. It is requested that this may not be treated as an assurance."

1.4 The Committee considered the request of the Ministry of Agriculture for dropping the assurance at their sitting held on February 10, 1994.

1.5 The Committee did not agree to drop the assurance. The decision of the Committee was accordingly conveyed to the Ministry of Agriculture for compliance.

1.6 The Committee take notice with concern that the Ministry of Agriculture is pleading to get the assurance dropped on the ground that the reply to the question is complete and final and, therefore, the question does not require any further clarification/facts etc. The Committee need not emphasise again that the Minister has given a clear cut assurance by stating 'the matter has been taken up with the Government of National Capital Territory of Delhi and modalities are being worked out'. Now the assurance is pending and a final decision should be taken in the matter for implementation of the assurance. In regard to the plea of the Ministry of Agriculture that the reply to parts (a) and (b) of the Question does not constitute an assurance, this Committee take a strong objection to it and once again reiterate that it is the prerogative of the Committee to treat a particular reply as an assurance and the Ministry concerned have no authority to dispute the decision of this August Committee.

1.7 The Committee are of the view that when the Ministry of Agriculture have already approached the Delhi Administration at the highest level to work out the modalities regarding handing over the staff, assets and liabilities etc. of the unit, there is no point to disown the responsibility for furnishing details in this regard to the House. The Committee deprecate the tendency of the Ministry to get the assurance dropped instead of taking necessary steps for its implementation especially delay when a lot of work has already been taken in hand to transfer the assets of a public utility organisation which is running into losses since long. The Committee wish that the observations of this Committee should be taken with all seriousness and a final decision be taken and the assurance be implemented without any further loss of time.

1.8 The Committee also take a serious note of the fact that the Ministry of Agriculture has not sought even a single extension of time from the Committee. This shows that the Ministry of Agriculture is not taking the assurances given by their Minister on the floor of the House seriously. The Committee, recommend that the responsibility be fixed for not seeking extension of time before the expiry of the prescribed time limit of three months. The Committee need not emphasise that once the solemn commitment is made on the floor of the House, the Ministry should gear up their

machinery in the direction to implement the assurance with all seriousness and greater zeal.

1.9 The Committee hope that the assurance would be implemented at the earliest by taking a final decision in the matter.

(ii) SETTING UP OF NATIONAL INSTITUTE TO MONITOR/
CHECK NATURAL CALAMITIES

1.10 On February 27, 1992, the following Unstarred Question (No. 628) given notice of by Shri Mrutyunjaya Nayak, M.P., was addressed to the Minister of Agriculture:—

“(a) whether the Government propose to set up a national institute to monitor/check natural calamities;

(b) if so, the details thereof; and

(c) the steps being taken by the Government in this regard?”

1.11 The then Minister of State in the Ministry of Agriculture (Shri Mullappally Ramachandran) gave the following reply:—

“(a) to (c): A proposal to set up a National Institute for Disaster Management is under consideration of the Government. The proposed functions of the Institute are, *inter alia*.

(a) documentation in respect of different facts of disaster management;

(b) research; (c) human resource development programmes; and

(d) promotion of public awareness about disasters and of community response and participation in relief and disaster reduction”.

1.12 Reply to the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply i.e. by May 26, 1992.

1.13 The Ministry of Agriculture approached the Committee on Government Assurances through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. III/Agri(4)USQ No. 628-LS/92 dated February 29, 1994, to drop the assurance on the grounds indicated below:—

“During the Sixth and Seventh Five Year Plans, Planning Commission had provided an outlay of Rs. 15 crores and Rs. 10 crores respectively for disaster management programme including setting up of Disaster Management Training Institute. The Cabinet had considered a proposal for this purpose twice in 1984 and 1986 and deferred a decision, as time was not opportune to establish the Institute. During the 8th plan, however, the Planning Commission has not provided any specific outlay for the purpose. The matter has, therefore, to be considered totally afresh and if it is found to be desirable to set up an Institute the source of funds for the purpose also has to be considered. The matter involves several steps and considerations at various levels including at the level of Cabinet. This

process is likely to take considerable time and it is not considered appropriate to seek extension of time indefinitely for fulfilling this assurance."

1.14 The Committee considered the request of the Ministry of Agriculture for dropping the assurance at their sitting held on April 6, 1994.

1.15 The Committee did not agree to drop the assurance. The decision of the Committee was accordingly conveyed to the Ministry of Agriculture for compliance.

1.16 The Committee take notice of the fact that the question of setting up of National Institute to monitor/check National Calamities in the country has been under consideration of the Union Government since the Sixth Five Year Plan. During the Sixth and Seventh Five Year Plans, the Planning Commission had also made a provision of Rs. 15 crores and 10 crores respectively for Disaster Management Programme and this proposed provision included the amount relating to setting up of Disaster Management Training Institute. The Committee, therefore, conclude that a proposal for the setting up of such an Institute in the country was, however, not a new concept but it has been deferred on one ground or the other.

1.17 The Committee need not highlight the importance of setting up of such an Institute which will bring awareness among the people of the country about disasters and activate the community to participate in relief and disaster reduction in addition to its research work. Keeping in view the latest natural calamities taking place in the country the Committee observe that it is the right and opportune time to take up the matter with the Planning Commission for setting up of a National Institute to monitor natural calamities in the country. The Committee also wish that the Institute should be well equipped with all the latest technology and manpower.

1.18 The Committee wish that a decision in this regard may be taken with all earnestness and the same may be executed promptly as the country as a whole has to face economic setbacks every year due to disastrous natural calamities in several parts of the country since independence.

1.19 The Committee hope that a positive decision would be taken at the Ministry level and the assurance be implemented in turn by intimating this August Committee about the blue print of the Institution and starting the work at site within six months.

CHAPTER II

(i) GOVERNMENT MAPS

On August 26, 1993 the following Unstarred Question (No. 4552) given notice of by Shri D.J. Tandel, M.P., was addressed to the Minister of Home Affairs:—

- “(a) whether there are two different Government maps (Regional Plan of Daman showing different area of different industrial zones;
- (b) if so, the reasons therefor;
- (c) whether any inquiry has been ordered in this regard;
- (d) if so, the outcome thereof;
- (e) whether the permission for non-agricultural land is being granted for the lands involved in the maps; and
- (f) the action taken/proposed to be taken by the Government against the erring officers?”

2.1 The Minister of State in the Ministry of Home Affairs (Shri P.M. Sayeed) gave the following reply:—

- “(a) & (b): The Government have received a complaint of existence of two versions of the Regional plan of Daman. Both the versions are different and are alleged to be authenticated on the same day.
- (c) and (d): Yes, Sir. A detailed inquiry by the District Collector has been ordered. The C.B.I. has also initiated an inquiry. The outcome of these inquiries will be known after they are completed.
- (e) No permission is now being granted for non-agricultural use in the alleged disputed area and the permission already given is being kept in abeyance.
- (f) Until the enquiries established complicity, no action can be taken against any officer.”

2.2 Reply to parts (c) and (d) of the question has treated as an assurance by the Committee which was to be fulfilled within months of the date of reply i.e. by November 25, 1993.

2.3 The Ministry of Home Affairs approached the Committee on Government Assurances through the Ministry of Parliamentary Affairs vide their U.O. Note No. VII/HA(35)USQ 4552-LS/93 dated January 1, 1994, to drop the assurance on the grounds indicated below:

"As per interim reply received from the CBI they have filed 3 regular cases in the Court of Sub-Judge, Greater Bombay. Since the matter has now gone to the Court it may take a long time before the cases are finalised. The Ministry may, therefore, not be in a position to fulfil the assurance in a reasonably expected time."

2.4 The Committee considered the request of the Ministry of Home Affairs for dropping the assurance at their sitting held on February 1, 1994.

The Committee decided to drop the assurance.

(ii) FIVE JUDICIAL DISTRICTS IN DELHI

2.5 On September 13, 1991, the following Unstarred Question (No. 7015) given notice of by Shri Moreshwar Save, M.P., was addressed to the Minister of Law, Justice and Company Affairs:—

"(a) whether there is any demand from the Delhi High Court Bar Association for dividing Delhi into five judicial districts; and

(b) if so, the action taken or proposed to be taken in this regard?"

2.6 The then Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Law, Justice and Company Affairs (Shri Rangarajan Kumaramangalam) gave the following reply:—

"(a) Yes, Sir.

(b) The Government is of the view that the interest of litigant public of Delhi should be the main criterion in effecting changes. Accordingly, the Government is actively considering bringing measures for implementation of the proposal of bifurcation of Delhi into five judicial districts and also another proposal for raising of pecuniary jurisdiction of Delhi Courts."

2.7 On December 13, 1991, the following Unstarred Question (No. 3792) given notice of by Shri Ramashray Prasad Singh, M.P., was addressed to the Minister of Law, Justice and Company Affairs:—

"(a) whether the lawyers of Delhi Courts have been on strike for the past several months;

(b) if so, the reasons therefor; and

(c) the effective steps taken by the the Government to solve the crisis?"

2.8 The then Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Law, Justice and Company Affairs (Shri Rangarajan Kumaramangalam) gave the following reply:—

"(a) and (b): Yes, Sir. The lawyers of the Tis Hazari Courts have been on strike demanding mainly that the pecuniary jurisdiction of the District Court should not be bifurcated.

(c) The Government is of the view that the interest of the litigant public of Delhi has to be the main criterion in effecting changes and that both the proposals need to be implemented simultaneously. The Delhi High Court (Amendment) Bill, 1991 raising the pecuniary jurisdiction of District Court has been passed by the Rajya Sabha on 3rd December, 1991 and is presently under processing in the Lok Sabha. As regards the matter of decentralisation of the District Court, the same is in an advanced stage of consideration in consultation with Delhi Administration and Delhi High Court."

2.9 Reply to parts (b) and (c) respectively of the questions were treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply.

2.10 The Minister of Law, Justice and Company Affairs *vide* his D.O. letter No. L-20012/25/91-Jus. dated January 28, 1994 approached the Committee on Government Assurances to drop the assurances on the grounds indicated below:—

"These assurances relate to bifurcation of Delhi into five Judicial Districts and raising of pecuniary jurisdiction of the Delhi Courts. While the pecuniary jurisdiction of Delhi Courts has already been raised, it has so far not been possible to bifurcate Delhi Courts. The decision in this regard is dependent upon the advice of the Delhi High Court. The High Court of Delhi had suggested certain changes which involved amendment of various laws. Some administrative problems are likely to arise, and, as such, they have been projected before the High Court through Delhi Administration. Unless and until the High Court is able to decide these issues, it would not be possible to fulfil these assurances. Since the District Courts have to work under the supervision and control of the Delhi High Court, the question of division of Delhi into various judicial districts is also dependent upon the decision taken by the Delhi High Court in this regard. As the Delhi High Court is already seized of this matter, it is requested that these assurances may please be dropped."

2.11 The Committee considered the request of the Minister of Law, Justice and Company Affairs for dropping both the assurances at their sitting held on April 6, 1994.

2.12 The Committee decided to drop both the assurances.

(iii) FAMILY COURTS IN DELHI

2.13 On December 29, 1989, the following Unstarred Question (No. 376) given notice of by Shri L.K. Advani, M.P., was addressed to the Minister of Law and Justice:—

"when Government propose to set up Family Courts in Delhi under the Family Courts Act 1986?"

2.14 The then Minister of Steel, Mines and Law and Justice (Shri Dinesh Goswami) gave the following reply:—

"Efforts are being made by the Delhi Administration to establish Family Courts in Delhi as early as possible."

2.15 On December 28, 1990, the following Unstarred Question (No. 407) given notice of by Shri Kamal Chaudhary and Shri Yashwantrao Patil, M.Ps. referring to the reply given 17 August, 1990 in reply to USQ 1472 was addressed to the Minister of Law and Justice:—

- " (a) the number of cases relating to divorce and annulment of marriage under Hindu Marriage Act pending in Delhi Courts for more than five years;
- (b) whether the family courts have been set up in Union Territory of Delhi and whether these have started functioning;
- (c) if so, the number of such courts and the strength of the Judges;
- (d) whether the cases at advanced and judgement stage will also be transferred to such family courts or allowed to be decided by the present courts; and
- (e) the other steps taken to reduce pending of such cases in the courts and for their speedy disposal?"

2.16 Reply to the questions were treated as an assurance by the Committee which were to be fulfilled within three months of the date of reply.

2.17 The Minister of State in the Ministry of Law, Justice and Company Affairs *vide* his D.O. Letter No. J-14013/2489-JR dated March 11, 1994 approached the Committee on Government Assurances to drop the assurance on the grounds indicated below:—

"In accordance with provision of Section 3(1) of the family courts act, 1984 the responsibility to set up Family Court in a State lies with the concerned State Government which reads as follows:—

"3(1) For the purpose of exercising the jurisdiction and powers conferred on a Family Court by this Act, the State Government after consultation with the High Court, and by notification:—

(a) shall, as soon as may be after the commencement of this Act, establish for every area in the State comprising a city or town whose population exceeds *one million*, a *Family Court*;

(b) may establish Family Courts for such other areas in the State as it may deem necessary.'

Since a representative Government has come into power in the State, it

is now for the Government of National Capital Territory of Delhi to take necessary action in accordance with the above statutory provisions. As the Government of National Capital Territory of Delhi is already seized of this matter."

2.18 The Committee considered the request of the Minister of State in the Ministry of Law, Justice and Company Affairs for dropping of both the assurances at their sitting held on April 6, 1994.

2.19 The Committee decided to drop both the assurances. However, the Committee expressed their displeasure and observed that it should have been possible for the Ministry to implement the assurances which were pending with them since December, 1989.

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NEW DELHI;
June 27, 1994

Asadha 6, 1916 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Government Assurances.

APPENDIX I

(Vide para No. 4 of the Introduction)

MINUTES

Thlrđ Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON FEBRUARY 10, 1994 IN ROOM No. '62', PARLIAMENT HOUSE, NEW DELHI

The Committee met on Thursday, February 10, 1994 from 11.30 hours to 12.30 hours.

PRESENT

Shri Basudeb Acharia—*Chairman*

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Gurcharan Singh Dadhahoor
4. Shri P.P. Kaliaperumal
5. Major D.D. Khanoria
6. Shri Surendra Pal Pathak
7. Smt. Suryakanta Patil
8. Shri Nawal Kishore Rai
9. Shri Yoganand Saraswati
10. Shri Shibu Soren
11. Shri V.S. Vijayaraghvan

SECRETARIAT

Shri Murari Lal —*Joint Secretary*
Shri Joginder Singh —*Deputy Secretary*
Shri Ram Autar Ram —*Under Secretary*

3. The Committee then took up for consideration Memoranda Nos. 86 & 87 regarding dropping of assurances.

Memorandum No. 86: Request for dropping of the assurance given on July 27, 1993 in reply to Unstarred Question No. 362 regarding Delhi Milk Scheme.

4. The Committee considered the request of the Ministry of Agriculture received through the Ministry of Parliamentary Affairs *Vide* their U.O. Note No. VII/Agri. (15) USQ 362-LS93 dated January 17, 1994 for the dropping of the assurance on the following grounds:—

“....The reply given by the Hon'ble Minister was completed and final and

no part of the question required any further clarification/facts etc. and this position was accepted by Lok Sabha Secretariat. It is only after three months that the Lok Sabha Secretariat has treated this question as an assurance without informing us.

The Delhi Milk Scheme is a public utility organisation and is presently running in losses. It is essential to have the consent of Government of National Capital Territory of Delhi for which we have written to Delhi Administration at the highest level. The modalities of transfer of staff/assets have to be worked out before-hand. We have taken requisite action on all aspects of transfer and as such reply to the question mentioned above is complete and final. It is requested that this may not be treated as an assurance."

4.1 The Committee did not accede to the request of the Ministry of Agriculture for dropping of the assurance. The Committee noted that the Ministry of Agriculture did not seek any extension of time. The Committee, however, gave three months time for fulfilment of the assurance.

Memorandum No. 87: Request for dropping of the assurance given on August 26, 1993 in reply to Unstarred Question No. 4552 regarding Government Maps.

5. The Committee considered the request of the Ministry of Home Affairs received through the Ministry of Parliamentary Affairs *Vide* their U.O. No. VIIHA (25) USQ 4552-LS93 dated January 1, 1994 for the dropping of the assurance on the following grounds:—

"As per interim reply received from the CBI they have filed 3 regular cases in the Court of Sub-Judge, Greater Bombay. Since the matter has now gone to the Court it may take long time before the cases are finalised. The Ministry may, therefore, not be in a position to fulfil the assurance in a reasonably expected time."

9. *The Committee then adjourned.*

APPENDIX II

(Vide para No. 4 of the Introduction)

MINUTES

Fifth Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON APRIL 6, 1994 IN PARTY MEETING ROOM No. '139', PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee met on Wednesday, April 6, 1994 from 11.00 to 12.00 hours.

PRESENT

Shri Basudeb Acharia—*Chairman*

MEMBERS

2. Shri P.P. Kaliaperumal
3. Shri Surendra Pal Pathak
4. Shri V. Sreenivasa Prasad
5. Shri Nawal Kishore Rai
6. Shri Yoganand Saraswati
7. Shri G. Ganga Reddy
8. Shri V.S. Vijayaraghvan

SECRETARIAT

Shri Murari Lal —*Joint Secretary*

Shri Joginder Singh —*Deputy Secretary*

Shri Ram Autar—*Under Secretary*

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2. The Committee considered and adopted their Twentieth Report with the following additions and modifications:—

- (i) The following be added at the end of para No. 1.15 of Chapter I (i) relating the Levy of Consignment Tax:—

“The Committee urge upon the Government to make all out efforts to narrow down divergence of views regarding the levy of consignment tax.”

- (ii) In para No. 1.16 of Chapter I (i) relating to the Levy of Consignment Tax *for the words* “in the Monsoon Session of Lok Sabha this year in order to implement the assurances,” the words “at the earliest to implement the assurances.” *be substituted.*

- (iii) In para No. 1.33 of Chapter I (iii) relating to resettlement and rehabilitation, affected by reservoir project, *for the words 'sought from' substitute 'made to'.*

4. The Committee took up for consideration the following memoranda Nos. 89, 90, 91 and 92.

Memorandum No. 89: Request for dropping of assurance given on:—

- (i) September 13, 1991 in reply to Unstarred Question No. 7015 and
- (ii) December 13, 1991 in reply to USQ No. 3792 regarding demand for five judicial districts in Delhi.

5. The Committee considered and acceded to the request of the Ministry of Law, Justice and Company Affairs *vide* his letter D.O. No. L-2001325/91-Jus dated January 28, 1994 for the dropping of the two assurances on the following grounds:—

“These assurances relate to bifurcation of Delhi into five Judicial Districts and raising of pecuniary jurisdiction of the Delhi Courts. While the pecuniary jurisdiction of Delhi Courts has already been raised, it has so far not been possible to bifurcate Delhi Courts. The decision in this regard is dependent upon the advice of the Delhi High Court. The High Court of Delhi had suggested certain changes which involved amendment of various laws. Some administrative problems are likely to arise, and, as such, they have been projected before the High Court through Delhi Administration. Unless and until the High Court is able to decide these issues, it would not be possible to fulfil these assurances. Since the District Courts have to work under the supervision and control of the Delhi High Court, the question of division of Delhi into various judicial districts is also dependent upon the decision taken by the Delhi High Court in this regard. As the Delhi High Court is already seized of this matter, it is requested that these assurances may please be dropped.”

Memorandum No. 90: Request for dropping of the assurance given on May 3, 1990 in reply to Unstarred Question No. 7381 regarding participation in management by workers on the basis of secret ballot.

6. The Committee considered the request of the Ministry of Surface Transport received through the Ministry of Parliamentary Affairs *Vide* their U.O. Note No. I/ST(38) USQ 7381-LS90 dated February 1, 1994 for the dropping of the assurance on the following grounds:—

“That as per the present procedure, the representation of various

unions functioning under Major Port Trusts and Dock Labour Boards is determined out of their strength verified by Ministry of Labour biannually. The procedure of verification was agreed upon by the Indian Labour Conference in its 16th Session held in 1958 and modified from time to time in consultation with Central Trade Unions Organisations.

During 1979, the possibility of introducing secret ballot was considered in consultation with the Ministry of Labour and that Ministry advised that introduction of secret ballot can be considered if and when all the registered trade unions operating in Major Ports give their willingness for secret ballot. Since a proposition to obtain consent from all the registered trade unions operating in all the Ports was felt to be very difficult task, the matter could not be pursued further.

Consequent to the reply given to the Parliament Question No. 7381 dated 3.5.90, the matter was examined afresh. It was earlier desired to appoint an Election Commissioner for preparation of electoral rolls for holding secret ballot among Port and Dock Workers and, thereafter, to frame the scheme in consultation with Federations of Port and Dock Workers. Later, the matter was reviewed and it was felt that the details of the scheme could be finalised in consultation with Labour Federations and secret ballot could be held by the Port Managements themselves. However, so far, it has not been possible to take a final decision in the matter.

As already mentioned in first para above, the present system of verification of strength of unions of Port and Dock Workers had been evolved by the Indian Labour Conference in 1958. Any change in the present system would require the consent of all the unions of Port and Dock workers. It appears unlikely that all the unions will agree to adopt the system of secret ballot. This is the reason that so far no final decision could be taken in this regard. This might be possible if the Indian Labour Conference sometimes passes a resolution in this regard.

In view of the position explained above, it is unlikely to fulfil the assurance in near future."

6.1 The Committee did not agree to drop the assurance. The Committee decided to hear the oral evidence of the representatives of the Ministry of Surface Transport in this regard. The Committee desired that the Ministry should seek extension of time from the Committee to implement the assurance.

Memorandum No. 91: Request for dropping of assurances given on:—

- (i) December 29, 1989 in reply to USQ 376; and

(ii) December 28, 1990 in reply to USQ 407 regarding Family Courts in Delhi.

7. The Committee considered and acceded to the request of the State Minister in the Ministry of Law and Justice and Company Affairs *vide* his D.O. Letter No. J-14013/2489-JR dated March 11, 1994 for dropping of the above mentioned two assurances on the following grounds:—

“In accordance with provision of Section 3(1) of the Family Courts Act, 1984 the responsibility to set up Family Court in a State lies with the concerned State Governments which reads as follows:—

- (a) shall, as soon as may be after the commencement of this Act, establish for every area in the State comprising a city or town whose population exceeds *one million, a Family Court*;
- (b) may establish Family Courts for such other areas in the State as it may deem necessary.

Since a representative Government has come into power in the State, it is now for the Government of National Capital Territory of Delhi to take necessary action in accordance with the above statutory provisions. As the Government of National Capital Territory of Delhi is already seized of this matter.”

7.1 The Committee, however, expressed their displeasure and observed that it should have been possible for the Ministry to implement the assurances which were pending with them since December, 1989.

Memorandum No. 92: Request for dropping of the assurance given on February 27, 1992, in reply to Unstarred Question No. 628 regarding setting up of National Institute to monitor/check natural calamities.

8. The Committee considered the request of the Ministry of Agriculture received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. IIV/Agri. (4) USQ No. 628-LS92 dated February 29, 1994 for the dropping of the assurance on the following grounds:—

“During the Sixth and Seventh Five Year Plan, Planning Commission had provided an outlay of Rs. 15 crores and Rs. 10 crores respectively for disaster management programme including setting up of Disaster Management Training Institute. The Cabinet had considered a proposal for this purpose twice in 1984 and 1986 and deferred a decision, as time was not opportune to establish the Institute. During the 8th plan, however, the Planning Commission has not provided any specific outlay for the purpose. The matter has, therefore, to be considered totally afresh and if it is found to be desirable to set up an Institute the source of funds for the purpose also has to be considered. The matter involves several steps and considerations at various levels including at the level of Cabinet. This

process is likely to take considerable time and it is not considered time and it is not considered appropriate to seek extension of time indefinitely for fulfilling this assurance."

8.1 The Committee did not agree to drop the assurance. The Committee also decided that the Minsitry of Agriculture should seek extension from the Committee for Implementation of the assurance.

11. *The Committee then adjourned.*

APPENDIX III

(Vide para 4 of the Introduction)

MINUTES

Ninth Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON JUNE 27, 1994 IN ROOM No. '53' PARLIAMENT HOUSE, NEW DELHI

The Committee met on Monday, June 27, 1994 from 15.00 hours to 15.45 hours.

PRESENT

Shri Basudeb Acharia—*Chairman*

MEMBERS

2. Shri Gurcharan Singh Dadhahoor
3. Shri Surendra Pal Pathak
4. Smt. Suryakanta Patil
- ✦ 5. Shri G. Ganga Reddy
6. Shri Yoganand Saraswati
7. Shri V.S. Vijayraghvan

SECRETARIAT

Shri Murari Lal —*Joint Secretary*

Shri Joginder Singh —*Director*

Shri Ram Autar Ram—*Under Secretary*

- ✦ 2. The Committee considered and adopted their draft 22nd Report. The Committee authorised the Chairman to present the report during the Monsoon Session of Parliament.

7. The Committee decided to hold their next sitting on Monday, July 18, 1994 at 15.00 hours to hear the evidence of the Ministries of Railways and Urban Development.

8. *The Committee then adjourned.*