

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(2006-2007)**

FOURTEENTH LOK SABHA

FIFTEENTH REPORT

REQUESTS FOR DROPPING OF ASSURANCES

Presented to Lok Sabha on 15.12.2006



LOK SABHA SECRETARIAT
NEW DELHI

December 2006/Agrahayana, 1928 (Saka)

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COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES*
(2006-2007)

Shri Harin Pathak - CHAIRMAN

MEMBERS

2. Shri Rashid J.M.Aaron
3. Shri Yogi Aditya Nath
4. Km. Mamata Banerjee
5. Shri Jigajinagi Ramesh Chandappa
6. Dr. K. Dhanaraju
7. Shri Biren Singh Engti
8. Shri Sunil Khan
9. Shri Vijoy Krishna
10. Shri Rasheed Masood
11. Shri A. Venkatesh Naik
12. Shri Nihal Chand
13. Smt. M.S.K. Bhavani Rajenthiran
14. Shri Rajiv Ranjan 'Lalan' Singh
15. Shri Aruna Kumar Vundavalli

SECRETARIAT

1. Shri P. Sreedharan - Joint Secretary
2. Shri T.K. Mukherjee - Director
3. Shri B.S. Dahiya - Under Secretary

* **The Committee was constituted on 07 August 2006 vide Para No.2829 of Lok Sabha Bulletin Part-II dated 28 August 2006.**

INTRODUCTION

I, the Chairman of the Committee on Government Assurances, having been authorized by the Committee to submit the Report on their behalf, present this Fifteenth Report of the Committee on Government Assurances.

2. The Committee (2006-2007) was constituted on 7 August 2006.
3. The Committee (2006-2007) at their sitting held on 05 October 2006 considered Memoranda Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 containing requests received from the Ministries/Departments of the Government of India for dropping of pending assurances.
4. At their sitting held on _____2006, the Committee (2005-2006) considered and adopted their Fifteenth Report.
5. The Minutes of the aforesaid sittings of the Committee form part of this report. (Appendix)
6. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the Report.

NEW DELHI;

December 2006

Agarhayana 1928 (Saka)

HARIN PATHAK

CHAIRMAN

COMMITTEE ON GOVERNMENT ASSURANCES

REPORT

CHAPTER – I

REQUESTS FOR DROPPING OF ASSURANCES (NOT ACCEPTED)

(i) SHIKAYAT ADALAT

1.1 On 4 April 1990, Shri Ram Sagar, MP addressed the following USQ No.3356 to the Minister of Health and Family Welfare:-

- “(a) whether any “Shikayat Adalat” to look into the grievances of C.G.H.S. beneficiaries and the rest of the Public about treatment at Union Government hospitals has been set up;**
- (b) if so, the details thereof; and**
- (c) the details of the complaints that were received after the setting of the Shikayat Adalat along with details of action taken thereon?”**

1.2 In reply, the then Minister of Health and Family Welfare (Shri Nilmani Routray) stated as follows:-

- “(a) and (b). Yes, Sir. The ‘Shikayat Adalat’ consisting of Senior officers of D.G.H.S. and this Ministry has been constituted to look into the grievances of CGHS beneficiaries relating to CGHS/Hospitals in Delhi only. The Shikayat Adalat are required to hold its meeting once in 3 months.**
- (c) Information is being collected and will be laid on the Table of the House.**

1.3 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Health and Family Welfare within three months of the date of reply i.e. by 3 July 1990 but the assurance is yet to be implemented.

1.4 The Ministry of Health and Family Welfare vide their O.M. No. H.11016/18/90-CGHS (P) dated 8 May 2006 requested for dropping the assurance on the ground that the Ministry of Parliamentary affairs vide its Office Memorandum No. F.11/Health/10/USQ 3356/LS/90 dated 11 September 2000 informed them that the implementation report forwarded in September 1990 was treated as part implementation only and requested them to liquidate the assurance finally with the approval of the Minister-in-charge. After receipt of the communication of 11 September, 2000, all out efforts were made to trace the old file, but in vain. A communication of even number dated 17 September 2003 was, therefore, sent to the Ministry of Parliamentary Affairs for deletion/dropping of the assurance. Thereafter the matter was regularly pursued with the Ministry of Parliamentary affairs but no reply was received. According to the Ministry, another communication dated 31 March 2005, was sent to the Ministry of Parliamentary Affairs requesting for the dropping of assurance on the ground that a lot of improvement has taken place in respect of the CGHS and also that an inspection committee keeps visiting CGHS and submits its report for further improvement which also contain information regarding the complaints received and disposed of. The Ministry further stated that the number of complaints received formed a miniscule portion of the total number of beneficiaries, which was less than 0.005%. Thereafter, a D.O. letter from Joint Secretary in the Ministry to the Joint Secretary in the Ministry of Parliamentary affairs was sent on 20 February, 2006. The Ministry of Parliamentary Affairs informed the Ministry of Health vide its D.O. No. II/Health/10/USQ/3356-LS/90 dated 16 March 2006, that the requests for

dropping/deletion of assurances are to be addressed to the Lok Sabha Secretariat directly to be placed before the Committee on Government Assurances for dropping/deletion.

1.5 Accordingly, the Ministry, with the approval of Minister of State in the Ministry of Health and Family Welfare, requested the Committee on Government Assurances, Lok Sabha to drop/delete the assurance in view of the non-availability of records which are more than 15 years old.

1.6 The Committee note that a question was asked on 04 April 1990 in which information regarding setting up of 'Shikayat Adalat' to look into the grievances of C.G.H.S. beneficiaries and also the complaints of the public regarding treatment at Union Government Hospitals was sought. The question also sought information regarding complaints received after the setting up of the 'Shikayat Adalat' and the action taken thereon. In reply, it was stated by the Government that a 'Shikayat Adalat' was set up to look into the grievances of C.G.H.S. beneficiaries and Hospitals in Delhi only. As regards the complaints received by the 'Shikayat Adalat' it was stated that the information would be collected and laid on the table of the House. This reply was treated as an assurance and was required to be fulfilled within three months. However the Ministry requested to drop the same on the ground that old files pertaining to the assurance were not traceable. Further, according to them, a lot of improvement has taken place in respect of the C.G.H.S. and an inspection Committee visits C.G.H.S. and submits report for further improvement. This request of the Ministry was considered by the Committee at their sitting held on 05 October 2006 and the Committee decided not to drop the assurance.

1.7 The Committee regret to note that the file relating to the assurance is not traceable in the Ministry. The Committee are of the view that this cannot be a valid ground for dropping the assurance and

hope that the Ministry will make sincere efforts to maintain the old records.

1.8 One of the arguments made by the Ministry for dropping the assurance is that an inspection Committee keeps visiting C.G.H.S. and submits its report for improvement. The Committee cannot remain satisfied with this. In their opinion, it is absolutely essential that proper steps are taken by the Ministry to look into the grievances of the Central Government Health Scheme (C.G.H.S.) beneficiaries and the rest of the public regarding treatment at hospitals of the Union Government. The Committee would, therefore, like to be informed of the number of inspections made by the inspection committee during the last three years alongwith the steps taken in pursuance thereof to redress the grievances of the beneficiaries/the public and also the status on implementation of the assurance.

1.9 The Committee cannot but express their unhappiness over the manner in which the assurance was handled by the Ministries of Health and Family Welfare as well as Parliamentary Affairs. After submission of an interim/part implementation report as claimed by them was back in 1990, the Ministry of Health and Family Welfare never bothered to look into the precise status of implementation of the assurance. Strangely enough, after one and a half decade, the Ministry have now cited files not being "traceable" as a ground for dropping the assurance. The Committee deplore the casual attitude of the Ministry in the matter of

fulfillment of assurance and desire that this situation should be remedial forthwith.

1.10 The Committee further note that the Ministry of Parliamentary Affairs intimated the Ministry of Health and Family Welfare in September 2000 that the implementation report forwarded by the Ministry of Health and Family Welfare in September 1990, was treated as part implementation only and thereby requested them to liquidate the assurance. The matter was later reminded by them in February 2006 only, i.e. after a period of six years. All these further indicate the casual manner in which matters relating to assurance are dealt with by the Ministry, as commented upon by the Committee in the earlier paragraph. The Committee are equally surprised that as per the information submitted by the Ministry of Health and Family Welfare, it took 10 years for the Ministry of Parliamentary Affairs to respond to the reference made by the Ministry of Health and Family Welfare. The Committee, desire that the Ministry of Parliamentary Affairs should respond quickly to such references from the concerned Ministries so that the action is initiated promptly for implementation of the assurance.

[ii] OPERATION LEECH CONDUCTED IN ANDAMAN AND NICOBAR ISLANDS

1.11 On 15 April 1999, Dr. Saroja V, MP addressed the following USQ No. 3669 to the Minister of Defence:-

- “(a) whether the probe into the controversial Operation Leech conducted jointly by the three services in the Andaman and Nicobar Islands in February, 1998 has since been completed;**
- (b) if so, the details thereof; and**
- (c) the follow up action taken against those held responsible?”**

1.12 In reply, the then Minister of Defence (Shri George Fernandes) stated as follows:-

“(a) to (c): A Statement is attached.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (c) of LOK SABHA UNSTARRED QUESTION NO.3669 FOR 15.04.1999.

A tri-services operation was launched in February 1998 to apprehend foreigners along with their arms, ammunition and equipments. A case, Crime NO. 50/98, was registered in the Central Crime Station, Andaman on 18 February 1998 in this regard.

1.13 On the basis of certain information and in view of the possible international ramifications of 'Operation Leech', it was considered desirable that investigation into this episode be carried out by a Central Investigating Agency. Accordingly, Government of India directed Central Bureau of Investigation (CBI) to take over

investigation in this case. Accordingly RC 1 (S)/98-Calcutta was registered in special Crimes Branch, Calcutta on 27.02.98. Investigation in this case has not yet been completed.

1.14 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Defence within three months of the date of reply i.e. by 14 July 1999 but the assurance is yet to be implemented.

1.15 The Ministry of Defence vide their O.M No. 11 (13)/99/D(Gs.1) dated 18 February 2005 requested for dropping the assurance on the ground that the investigation of the case has not yet been completed by the Central Bureau of investigation. The Committee considered the request of the Ministry at their sitting held on 19 May 2005 and decided not to drop the assurance. The decision of the Committee was conveyed to the Ministry. The Ministry of Defence *vide* their O.M. No. 11(13)/99/D(GS.1) dated 19 July 2006 again requested for dropping the assurance on the ground that the subject matter of the assurance had become *sub-judice*, and the fulfillment of the assurance depends on the outcome of the case pending before the Court of law.

1.16 The Committee note that a question was asked on 15 April 1999 regarding completion of the probe of Operation Leech conducted jointly by the three services in Andaman and Nicobar Islands in February 1998 and its details thereof. In reply it was inter-alia stated by the Government that the investigation of the said operation has not yet been completed. This reply was treated as an assurance, which was required to be implemented within three months. The assurance remained unimplemented. However the Ministry of Defence requested for deletion of the same on the ground that the subject matter of the assurance had become sub-judice and its fulfillment depends on the outcome of the case pending in the Court. This request of the Ministry was considered by the Committee at their sitting held on 05 October 2006.

1.17 The Committee note that while replying the above question and also in a subsequent request for dropping the assurance it was stated that the investigation of the said operation has not yet been completed by CBI. But now the Ministry have taken the plea that the matter of assurance had become sub-judice. The Committee regret to point out that the Ministry have neither apprised them about the results of the investigation nor submitted the facts relevant to its sub-judice nature. In the circumstances the Committee are not inclined to accede to the request of the Ministry for dropping the assurance. They therefore, desire that a detailed status report with full facts of the case may be furnished for their consideration at the earliest.

[iii] RAISING OF BONUS

1.18 On 26 July 2000, Shri Abul Hasnat Khan, MP addressed the following USQ No. 456 to the Minister of Labour:-

“(a) whether the Government propose to raise the limit of Bonus in respect of workers and employees of the country; and

(b) if so, the details thereof?”

1.19 In reply, the then Minister of State for Labour and Employment (Shri Muni Lall) stated as follows:-

“(a) & (b): The proposal to amend the Payment of Bonus Act, 1965 so as to raise the eligibility limit and calculation ceiling is under consideration of the Government.”

1.20 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Labour within three months of the date of reply i.e. by 25 October 2000 but the assurance is yet to be implemented.

1.21 On 04 August 2003, Shri Basudeb Acharia, MP addressed the following SQ No. 212 to the Minister of Labour:-

“(a) whether bonus parameters for eligibility and calculation have been reviewed;

(b) if so, whether the proposed amendments in Bonus Act have been finalized;

(c) if so, the details alongwith the likely number of beneficiaries as a result thereof; and

(d) if not, the reasons therefor?”

1.22 In reply, the then Minister of Labour (Shri Sahib Singh Verma) stated as follows:-

“(a) to (d): The proposal regarding amendment to the Payment of Bonus Act, 1965 to enhance eligibility limit from Rs.3500/- to Rs.5000/- and calculation ceiling from Rs.2500/- to 3500/- has been under consideration of the Government for quite some time. Meanwhile, the Second National Commission on Labour (NCL) has submitted its report recommending suitable enhancement in the ceilings for reckoning entitlement and for calculation of bonus to Rs.7500/- and Rs.3500/- respectively. The issue is being examined afresh in the light of NCL’s recommendations, as the benefits of bonus are required to be extended to the employees of Public Sector Undertakings (both Central & State), Central & State Governments and Autonomous Organisations besides Private Sector having huge financial implications. Given the procedures/steps involved, it is not possible at present to specify a definite time frame for carrying out the amendment to the Act.

No specific information regarding number of employees who would become eligible is centrally maintained because the coverage under the Payment of Bonus Act is very vast as it covers employees both in public and private sectors and is mainly administered by the State Governments.”

1.23 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Labour within three months of the date of reply i.e. by 03 November 2003 but the assurance is yet to be implemented.

1.24 On 11 August 2003, Shri Hannan Mollah, MP addressed the following SQ No. 312 to the Minister of Labour:-

“(a) whether there is any proposal under consideration of the Government to enhance the ceiling on the

payment of bonus to the workers of organised/unorganized sector;

(b) if so, the details thereof; and

(c) by when a final decision is likely to be taken in this regard?"

1.25 In reply, the then Minister of Labour (Shri Sahib Singh Verma) stated as follows:-

“(a) to (c): The Payment of Bonus Act, 1965 provides for payment of bonus to employees of factories and establishments employing 20 or more persons. The proposal regarding amendment to the Act to enhance eligibility limit from Rs. 3500/- p.m. to Rs. 5000/- p.m. and calculation ceiling from Rs.2500/- p.m. to Rs.3500/- p.m. has been under consideration of the Government. Meanwhile, the Second National Commission on Labour (NCL) has submitted its report recommending suitable enhancement in the ceilings for reckoning entitlement and for calculation of bonus to Rs.7500/- p.m. and Rs.3500/- p.m. respectively.

The issue is being examined afresh in the light of NCL`s recommendations, as the benefits of bonus are required to be extended to the employees of Central & State Governments, Public Sector Undertakings (both Central & State), and other Autonomous Organisations besides Private Sector involving huge financial burden to the Government exchequer. Given the procedures/steps involved and related financial implications, it is not possible at present to specify a definite timeframe for carrying out the amendment to the Act.”

1.26 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Labour within three months of the date of

reply i.e. by 10 November 2003 but the assurance is yet to be implemented. The Ministry sought extension of time upto 10 November 2006.

1.27 On 12 December 2005, S/Shri E.G. Sugavanam and S.K. Kharventhan, MPs addressed the following SQ No.268 to the Minister of Labour and Employment:-

- “(a) the salary limit for receiving bonus by the employees in the private sector across the country;**
- (b) whether any proposal is pending with the Government to revise the bonus ceiling under the Payment of Bonus Act, 1965;**
- (c) if so, the details thereof; and**
- (d) the time by which the said proposal is likely to be cleared?”**

1.28 In reply, the then Minister of Labour and Employment (Shri K. Chandrasekhar Rao) stated as follows:-

- “(a): At present, the salary limit for receiving bonus by the employees of a factory and every other establishment employing 20 or more persons is Rs. 3500/- per mensem.**
- (b) & (c): A proposal to amend the Payment of Bonus Act, 1965 so as to revise the eligibility limit of bonus from Rs 3500/- to Rs. 7500/- month, and calculation ceiling from 2500/- to Rs. 3500- per month, as per the recommendation of the Second National Commission on Labour is under consideration of the Government in consultation with all concerned.**
- (d): Given the steps /procedures involved, it is not possible to specify a definite time frame.”**

1.29 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Labour within three months of the date of reply i.e. by 11 March 2006 but the assurance is yet to be implemented.

1.30 The Ministry of Parliamentary Affairs vide their U.O. No. XIII-IV/Labour(1)USQ-456-LS/2000 dated 26 November 2001 forwarded the request of the Ministry for dropping the assurance given in reply to USQ 456 dated 26 July 2000 on the ground that the proposal to amend the Payment of Bonus Act, 1965 so as to raise the eligibility limit and calculation ceiling was under consideration of the Government and it was not possible to specify a definite time-frame for carrying out the amendment in the Act. The Committee considered this request of the Ministry at their sitting held on 22 April 2003 and decided not to drop the assurance. Accordingly, the decision of the Committee was conveyed to the Ministry. The Ministry of Labour vide their O.M. No. H-11021/2/2006-WB dated 2 August 2006 again requested for dropping the assurances on the ground that there are 4 assurances relating to amendment to Payment of Bonus Act, 1965. The amendment to Payment of Bonus Act, 1965 is under process and may take a long time.

1.31 The Ministry further stated that a Cabinet Note suggesting to increase the eligibility limit of bonus from Rs. 3500/- p.m. to Rs. 5000/- p.m. and calculation ceiling of bonus from Rs.2500/- p.m. to Rs.3500/- p.m. was submitted to Cabinet Secretariat on 18 July 2000. The item was taken up by the Cabinet in its meeting held on 25 July 2000, but the decision was deferred.

1.32 According to them, the Second National Commission on Labour (NCL) had recommended Rs. 7500/- p.m. for reckoning entitlement, and Rs.3500/- p.m., as the calculation ceiling of Bonus. As per the recommendations of Second National Commission on Labour (NCL), a proposal to amend the Payment of Bonus Act, 1965, so as to revise the eligibility of Bonus from Rs. 3500/- p.m. to Rs. 7500/- p.m. and calculation ceiling of bonus from Rs.2500/- p.m. to Rs. 3500/- p.m. was sent to Ministry of Finance on 01 November 2004. The Ministry of Finance advised on 24 November 2004 to postpone the matter till next year, and, also, to work out the additional burden on the economy as a whole in the meantime.

1.33 They further stated that as per the Ministry of Finance's advice, Planning Commission, Ministry of Finance themselves, the State Government/Union Territories Administrations, and three major Employers' Organisations, namely FICCI (Federation of Indian Chambers of Commerce and Industry), ASSOCHAM (Associated Chambers of Commerce and Industry) and CII (Confederation of Indian Chambers of Industry), were requested to furnish information relating to the amount of bonus paid and additional financial implications likely to occur on account of revision of the eligibility limit and calculation ceiling as per the recommendations of second NCL in respect of Government employees and employees in public and private sectors as available with them.

1.34 The Planning Commission, the Ministry of Finance, and all the three major employers' organisations replied that it is not possible for them to furnish the aforesaid information. Moreover, the employers' organisations stated that they

were not in favour of revising the existing eligibility limit and calculation ceiling of bonus.

1.35 Likewise, State Governments/Union Territories were requested constantly to furnish the requisite information. Till date, except a few, most of the States/Union Territories had not furnished the requisite and complete information. Hence, it has not been possible to work out the financial implication for the whole economy as advised by Ministry of Finance.

1.36 The Ministry, therefore, stated that it is not known how much time it will take to amend the Payment of Bonus Act. Accordingly, the Ministry, with the approval of Hon'ble Union Minister for Labour and Employment, requested the Committee to drop the assurances.

1.37 The Committee note that four questions were asked during the period July 2000 to December 2005 regarding raising the limit of bonus and in reply to each of the questions assurances were given by the Government that the proposal to amend the Payment of Bonus Act, 1965 was under its consideration. The Ministry of Labour and Employment requested for deletion of the said four assurances on the ground that to increase the eligibility limit of bonus a Cabinet Note was submitted to Cabinet Secretariat, however, the Cabinet deferred its decision. Further on the recommendations of Second National Commission on Labour (NCL) to revise the eligibility limit of bonus, a proposal was sent to the Ministry of Finance in the year 2004 which advised to postpone the matter for a year to work out the additional burden on the economy as a whole and requested to furnish the information regarding additional financial implications likely to occur. The Ministry of Labour and Employment requested the Planning Commission, Ministry of Finance, the State Governments, Union Territories and Employers Organisations, from whom either a nil reply has been received or a reply has not been received so far. This request of the Ministry was considered by the Committee at their sitting held on 05 October 2006 and the Committee decided not to drop the assurance.

1.38 The Committee note that the Ministry of Finance had advised the Ministry of Labour and Employment about two years ago i.e. in the year 2004 to postpone the matter for a year, so as to work out the additional

burden on the economy as a result of enhancing the eligibility and calculation ceiling of bonus but the Ministry failed to give a concrete shape to the recommendations of the NCL even after the lapse of two years. As a result, the assurance is still pending. Since the issue involved has a significant bearing on the welfare of the working class, both in private as well as public sectors, the Committee, desire that the matter be pursued vigorously with all concerned and all the four long pending assurances be fulfilled at the earliest.

[iv] CBI RAIDS

1.39 On 01 December 2004, S/Shri Vijoy Krishna, Ram Chandra Paswan, Kirti Vardhan Singh, Uday Singh and Ramakant Yadav, M.Ps. addressed the following Unstarred Question No.193 to the Prime Minister:-

- “(a) whether CBI has conducted raids in various parts of the country during September, 2004;**
- (b) if so, the details thereof; and**
- (c) the action taken against the persons found guilty during the said raids so far?”**

1.40 In reply, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs (Shri Suresh Pachouri) stated as follows:-

- “(a) Yes, Sir.**
- (b) CBI conducted raids at several places on 29.9.2004 as a part of Special Drive. 65 cases were registered in this drive which involved 88 Government Servants and 142 private persons/firms.**
- (c) Investigations in all these cases are in progress and further action will be taken as per law on the basis of evidence collected during investigation.”**

1.41 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Personnel, Public Grievances and Pensions within three months of the date of the reply *i.e.* by 01 March 2005. However the assurance is yet to be fulfilled.

1.42 The Ministry of Personnel, Public Grievances and Pensions vide O.M.No.235/28/2004-AVD.II dated 14 August 2006 requested for dropping of the assurance on the grounds that the process of investigation is a legal matter and an ongoing process. Investigation of cases is a long drawn process after which trial in courts commences and it is not possible to indicate a fixed time frame within which it would be completed. The Ministry further stated that reply to the question gave complete information as existed on the day of reply. Thus, it was not possible to give a final reply to the question within the stipulated time frame.

1.43 The Ministry also stated that CBI had reported that out of 65 cases, registered during Special Drive conducted on 29 September 2004, chargesheet had been filed in 28 cases, RDA had been recommended in 8 cases, sanction for prosecution was awaited in 5 cases, 2 cases were closed and in 1 case after completing investigation, the Department concerned had been advised to launch prosecution as per provisions of Drugs & Cosmetics Act. In the remaining 21 cases investigations were in progress. In view of the above the Ministry requested that the reply given may not be treated as assurance and may be dropped.

1.44 The request of the Ministry was considered by the Committee at their sitting held on 05 October 2006 and decided not to drop the assurance.

1.45 The Committee note that a question was asked on 01 December 2004 regarding CBI raids conducted in various parts of the country during September 2004, the details and the action taken thereon. In reply it was stated by the Government that raids were conducted by CBI at several places on 29 September 2004 in which 65 cases were registered involving 88 Government servants and 142 private persons/firms. It was also stated that investigations in these cases were in progress and further action would be taken as per law on the basis of evidence collected during investigation. This reply was treated as an assurance and the Ministry requested for dropping the same on the ground that it is not possible to indicate a fixed time frame as investigation of the cases is a legal and ongoing process besides being a long drawn process after which trial in court will commence. The Ministry also stated that out of the total 65 cases, in 28 cases chargesheet have been filed, in 8 cases RDA has been recommended, in 5 cases sanction for prosecution is awaited, 2 cases have been closed and in 1 case investigation has been completed and the concerned department has been directed to do the needful and in remaining 21 cases investigation are in progress. The Committee considered this request of the Ministry at their sitting held on 05 October 2006 and decided not to drop the assurance.

1.46 The Committee note that for dropping the assurance the Ministry has taken the plea that it is not possible to indicate a fixed time frame as

investigation of the cases is a legal and ongoing process besides being a long drawn process after which trial in court will commence. The Committee are aware of these facts. They are of the firm view that longevity of the investigations can certainly be not a reason for dropping an assurance. Considering the imperative need to check such nature of alleged offences which formed the basis for conducting the raids, the Committee desire that the the remaining 21 cases should also be pursued vigorously and taken to their logical conclusions.

[v] MERGER OF BSNL AND MTNL

1.47 On 01 December 2004, Sarvashri Ratilal Kalidas Varma and Thaawar Chand Gehlot, M.Ps. addressed the following Starred Question No.7 to the Minister of Communications and Information Technology:-

- “(a) whether there is any proposal to merge or synergise BSNL and MTNL operations in the near future;**
- (b) if so, whether the modalities have been worked out in this regard;**
- (c) the extent to which the merger is likely to help in improving the efficiency of the two public undertakings in providing cost effective service to the public; and**
- (d) the steps taken to safeguard the interests of workers in both the organisations?”**

1.48 In reply, the Minister of Communications and Information Technology (Shri Dayanidhi Maran) stated as follows:-

“(a) to (d) A statement is laid on the Table of the House.

STATEMENT TO BE LAID ON THE TABLE OF THE LOK SABHA IN RESPECT OF PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO. 7 FOR 1ST DECEMBER, 2004 REGARDING MERGER OF BSNL AND MTNL.

(a) Yes Sir, the Government is examining different options for restructuring of MTNL & BSNL with the objective of bringing higher synergy in their operations.

(b) The Government has appointed consultants to advice and assist in the restructuring task. In the first phase of assignment, the consultant shall submit a report on the most appropriate restructuring option

to the Government.

(c) & (d) After evaluation of the options with reference to all important issues such as the likely business synergies, transaction costs, concerns of shareholders, managements & employees etc., final decision would be arrived at. The restructuring of both PSUs will strengthen their competitive positioning and enhance value for stakeholders."

1.49 On 20 April 2005, Dr. Laxminarayan Pandey and Shri P. Rajendran, M.Ps. addressed the following Starred Question No.372 to the Minister of Communications and Information Technology:-

- "(a) whether the Government has received the report of Industrial Credit and Investment Corporation of India securities with regard to merger of the BSNL and the MTNL;**
- (b) if so, the main points thereof;**
- (c) whether any Committee has been constituted by the Government to study the merger of BSNL and MTNL;**
- (d) if so, the details thereof and the views of the Government on the recommendations of the Committee;**
- (e) whether any discussion with the recognised Unions of these two PSUs have been held;**
- (f) if so, the details thereof and by when the said PSUs are likely to be merged;**
- (g) the manner in which the Government proposes to protect the interest of the employees working in both the PSUs; and**
- (h) the likely benefits to accrue to the general public as a result of merger?"**

1.50 In reply, the Minister of Communications and Information Technology (Shri Dayanidhi Maran) stated as follows:-

“(a) to (h): A statement is laid on the Table of the House.

STATEMENT TO BE LAID ON THE TABLE OF THE LOK SABHA IN RESPECT OF PARTS (a) TO (h) OF LOK SABHA STARRED QUESTION NO. 372 FOR 20TH APRIL, 2005 REGARDING MERGER OF MTNL AND BSNL.

(a) Yes Sir. M/s ICICI Securities, lead partner of the Consortium of consultants have submitted their report on `Restructuring of Bharat Sanchar Nigam Ltd. (BSNL) and Mahanagar Telephone Nigam Ltd. (MTNL).

(b) As per the consultant, in the telecom market, the vertically and geographically integrated operator will be better positioned to compete effectively and unsynergised MTNL/BSNL would loose out. The consultant has short listed following four options:-

- Option I A: Merger of MTNL into BSNL**
- Option I B: Merger of BSNL into MTNL**
- Option II A: Acquisition of MTNL by BSNL, IPO by BSNL**
- Option II B: Acquisition of BSNL by MTNL**

Out of these, option II A has been preferred by the Consultant.

(c) & (d) Yes Sir. A Steering committee comprising of the Secretary, DOT and other senior officers of DOT, Department of Disinvestment, MTNL & BSNL has been constituted to examine the consultant`s report. The committee is studying details of the report.

(e) & (f) No, Sir. The Government is yet to take a view on the report submitted by the consultant.

(g) As per the consultant`s report, restructuring of BSNL & MTNL does not adversely affect interests of the employees of the PSUs.

(h) All the relevant factors would be considered while taking final view on the report."

1.51 On 20 April 2005, Shri Iqbal Ahmed Saradgi, M.P., addressed the following Unstarred Question No.4049 to the Minister of Communications and Information Technology:-

- "(a) whether the MTNL is not in favour of the idea that it should be made a subsidiary of BSNL;**
- (b) if so, the details thereof;**
- (c) whether a proposal has been mooted for a three-way agreement among DoT, MTNL and BSNL to merge the two companies alongwith the decision that BSNL be made to finalise its accounts for last year;**
- (d) if so, whether any final decision in this regard has been reached; and**
- (e) if so, the details thereof?"**

1.52 In reply, the Minister of Communications and Information Technology (Shri Dayanidhi Maran) stated as follows:-

- "(a) & (b) The consultants in their report for restructuring of MTNL and BSNL have short listed four options which are under examination by MTNL and DOT.**
- (c) No, Sir.**
- (d) & (e) No final decision has been taken in this regard."**

1.53 The above replies to the questions were treated as assurances and were required to be implemented by the Ministry of Communications and Information

Technology within three months of the date of their replies but the assurances are yet to be implemented.

1.54 The Ministry of Communications and Information Technology vide their letter No.58-21/2006-SU dated 19 June 2006 requested to drop the assurances on the grounds that Rajya Sabha Secretariat have intimated the decision that replies to Unstarred Question No.740 dated 27 February 2006 of Ministry of Communications and Information Technology regarding restructuring of BSNL and MTNL have not been treated as an assurance. The Ministry stated that Starred Question No.7 dated 01 December 2004, Starred Question No.372 dated 20 April 2005 and Unstarred Question No.4049 dated 20 April 2005 are on the same subject i.e. restructuring/merger of MTNL and BSNL and there are several complex issues involved in restructuring exercise and a decision in the matter is likely to take time. The Ministry, therefore, requested, with the approval of MOS(C&IT) that these assurances may be dropped.

1.55 The assurance given in reply to SQ No.7 dated 01 December 2004 was also discussed at Chennai by the Committee during its Study Visit during September 2005 and Committee were informed that the issue of merger of MTNL and BSNL is a quiet complex matter.

1.56 The request of the Ministry was considered by the Committee at their sitting held on 05 October, 2006 and decided not to drop the assurance.

1.57 The Committee note that three questions were asked from 01 December 2004 to 20 April 2005 regarding merger of BSNL and MTNL and in reply to each of the questions it was *inter-alia* stated by the Government that the matter was under consideration. It was also stated that a Steering Committee was examining the report of consultant appointed by the Government. These replies were treated as assurances and were required to be fulfilled by the Ministry within three months from the date of replies. The Ministry of Communications and Information Technology requested for dropping of these three assurances mainly on the ground that several complex issues are involved in the restructuring exercise and decision in the matter is likely to take time. This request was considered by the Committee at their sitting held on 05 October 2006 and decided not to drop the assurances. The Committee note that consultants were appointed by the Government to advice and assist in the restructuring task and they have already submitted their report and the same is being examined by a Steering Committee. Keeping in view the need for providing superior quality of service to the consumer in the prevailing competitive market environment and also for safeguarding the interests of the various stakeholders including the employees of the two organisations, the Committee desire that the decision on the issue be expedited. The Committee, would like to be apprised of the latest position of the assurances. They also desire that the fulfillment of the assurances be

expedited and a detailed status report be furnished on the same for consideration by the Committee.

[vi] NATIONAL HERITAGE SITES COMMISSION

1.58 On 28 July 2005, Kunwar Manvendra Singh and Shri Sita Ram Yadav, M.Ps., addressed the following Unstarred Question No.839 to the Minister of Culture:-

- “(a) whether the Union Government proposes to set up a National Heritage Sites Commission for framing a policy for preservation of the heritage sites in the country;**
- (b) if so, the details including the composition and terms of reference thereof; and**
- (c) the time by which it is likely to be set up?”**

1.59 In reply, the then Minister for Information & Broadcasting and Culture (Shri S. Jaipal Reddy) stated as follows:-

“(a)&(b) Yes, Sir. The Ministry of Culture proposes to constitute a National Heritage Sites Commission. As the present legal and institutional framework is not adequate to address the documentation, inventorisation and conservation of built heritage in its broadest outline, it is proposed to constitute a Heritage Sites Commission. The Commission would lay down broad policy guidelines and take steps to ensure that such guidelines are observed.

The composition and mandate of the proposed Heritage Sites Commission is being worked out. It is expected that the Commission would:

- tender advice to the Government on heritage matters.**
- frame guidelines in the matter of conservation of heritage monuments and sites.**
- can study or cause to study in important matters regarding conservation of heritage and submit reports to the Government.**

- suggest appropriate amendments to the existing heritage legislations, with specific terms of references for stocktaking and studying the present heritage laws and regulations, the practices followed in the leading European countries and suggest the ways of setting up a Heritage Site.

(c) The Commission could be set up after the enactment of an appropriate legislation, on which work is on."

1.60 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Culture within three months of the date of the reply *i.e.* by 27 October 2005. However the assurance is yet to be fulfilled.

1.61 The Archaeological Survey of India vide O.M.No.34/76/2005-M dated 08 May 2006 requested for dropping of the assurance on the grounds that a reference to the above assurance was referred to the Ministry of Culture as process for enactment of such Heritage Sites Commission lies with the Ministry concerned, but the Ministry of Culture vide their letter No.F.5-2/2006-ASI/AS dated 02 May 2006 informed that the issue was examined in the Ministry of Culture and viewed that since the Archeological Survey of India had replied to Parliament Question, the assurance related to that should also be answered/fulfilled by them. It was stated that Rajya Sabha Secretariat vide their O.M. No.RS.1/205/2005-Com.III dated 06 February 2006 in respect of USQ No.2732 dated 19 December 2005 regarding setting up heritage sites commission wherein it was replied that 'the Commission is likely to be set up after the drafting & enactment of the appropriate legislation, for which work is on' has informed that it was decided by the Rajya Sabha Secretariat, not to treat the reply to the Question under reference

as assurance and thereby the above assurance was deleted from the list of pending assurances.

1.62 In view of the above, the Committee on Government Assurances was requested that the reply to the above said question may also not to be treated as assurance and hence may be dropped from the list of pending assurance as the content of the above replies are similar and identical to the assurance given in respect of the Lok Sabha USQ No.839 dated 28 July 2005.

1.63 A question was asked on 28 July 2005 regarding the proposal of the Union Government to set up a National Heritage Sites Commission for framing a policy for preservation of the heritage sites in the country, its composition, etc. and the time by which the said Commission is likely to be set up. In reply it was inter-alia stated that the Ministry of Culture proposed to constitute a National Heritage Site Commission as the present legal and institutional frame work is not adequate. The said Commission would lay down broad policy guidelines and also take steps to ensure their adherence and the Commission would be set up after the enactment of an appropriate legislation, on which work was in progress. This reply was treated an assurance but a request for deletion of the same was made by the Archaeological Survey of India (ASI) on the ground that the assurance in question was referred to the Ministry of Culture as it pertains to them however the Ministry of Culture stated that since the Parliament Question was replied by ASI the assurance should also be fulfilled by ASI itself. This request was considered by the Committee at their sitting held on 05 October 2006 and they decided not to drop the assurance.

1.64 The Committee observe that for dropping the assurance no concrete reasons have been advanced by the Ministry. The matter whether the assurance is to be dealt by ASI or the Ministry of Culture is to be sorted out by the departments. Moreover in reply it has been specifically stated that it is proposed to constitute a National Heritage

Sites Commission. The Committee therefore recommend that the work on the setting up of the said Commission which has already been commenced should be brought to a logical end especially in view of the fact that the present legal institutional framework is not adequate to address the documentation, inventorisation and conservation of built heritage in its broadest outline. The Committee, therefore desire that a status report regarding the present position of the assurance be furnished for their consideration at the earliest and the fulfillment of the assurance be expedited.

CHAPTER – II
REQUESTS FOR DROPPING OF ASSURANCES (ACCEPTED)

[i] SCHEME FOR THE SCIENTISTS OF COMMODITY BOARD

2.1 On 22 November 1996 Shri P.C. Thomas, M.P., addressed the following Starred Question No.42 to the Minister of Commerce:-

- “(a) Whether research made by the Rubber Board has succeeded in developing high yielding rubber plants which can help further increase of productivity;**
- (b) if so, the details thereof;**
- (c) whether more funds are planned to be spent on research;**
- (d) if so, the details thereof and the total amount spent during each of the last three years;**
- (e) whether the demand to implement flexible complimenting scheme for scientists of Rubber Board and other Commodity Boards has been pending for a long time; and**
- (f) if so, the action taken to implement the scheme without delay?”**

2.2 In reply the then Minister of State in the Ministry of Commerce (Dr.B.B. Ramaiah) stated as follows:-

“(a) to (f): A statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN PARTS (A) TO (F) OF THE
LOK SABHA STARRED QUESTION NO.42 FOR 22.11.96
REGARDING RESEARCH ON RUBBER PLANTS.**

- (a) & (b) Yes, Sir, the clone RRII 105 developed by Rubber Board yields on the average, 300 to 500 kg more per ha/year as compared to any other high yielding clone available. Another clone**

with a yield potential of 20% more than that of RRII 105 is being developed by RRII. This has already been introduced in some fields as an experimental clone.

(c) & (d) Yes, Sir. RRII is planning to strengthen the research stations in West Bengal, Orissa, M.P., Maharashtra and Kannur in Kerala, research in bio-technology and tissue culture during the 9th Five Year Plan. An increased outlay has been proposed for research during this plan.

Annual expenditure incurred on research during the last three years has been as under:-

1993-94	:	Rs.606.04 lakhs
1994-95	:	Rs.501.79 lakhs
1995-96	:	Rs.662.01 lakhs

(e) & (f) The existing Flexible Complementing Scheme being operated by the Department of Science and Technology for scientists of ICAR/CSIR is under review by the Fifth Central Pay Commission. The proposal for extension of FCS to the scientists of Commodity Boards will be considered only after the report of the Pay Commission is received."

2.3 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Commerce within three months of the date of the reply *i.e.* by 21 February 1997 but the assurance is yet to be implemented.

2.4 On 11 December 1998 Shri P.C. Thomas, M.P., addressed the following Unstarred Question No.2261 to the Minister of Commerce:-

- “(a) Whether there is any proposal under consideration to implement flexible complementing scheme for scientists of Commodity Board;**
- (b) if so, the present status of the proposal;**
- (c) whether there is any impediments in implementation thereof; and**
- (d) by when this proposal is likely to be implemented?”**

2.5 In reply, the then Minister of Commerce (Shri Ramakrishna Hedge) stated as follows:-

“(a) to (d): Yes, Sir. The proposal for extension of Flexible Complementing Scheme to the Scientists of Commodity Boards is under consideration of the Government of India.”

2.6 The above reply was treated as an assurance and was required to be implemented by the Ministry of Commerce and Industry within three months of the date of the reply by *i.e.* 10 March 1999, but the assurance is yet to be implemented.

2.7 On 10 December 2004 Shri Varkala Radhakrishnan, M.P., addressed the following Unstarred Question No.1659 to the Minister of Commerce and Industry:-

- “(a) whether the Government have extended FCS (Flexible Complementary Scheme) to all research institutes under the different Ministries/ departments;**
- (b) if so, the steps taken by the Government for granting FCS to the Scientists in Rubber Research Institute; and**
- (c) if not, the reasons therefor?”**

2.8 In reply the Minister of State in the Ministry of Commerce and Industry (Shri E.V.K.S. Elangovan) stated as follows:-

“(a) No, Sir. The Flexible Complementing Scheme (FCS) is not extended to all research institutes under different Ministries / departments.

(b) & (c) The proposal for extending the FCS to the Scientists in Rubber Research Institute of India is under consideration of the Government.”

2.9 The above reply was treated as an assurance and was required to be implemented by the Ministry of Commerce and Industry within three months of the date of the reply by *i.e.* 09 March 2005, but the assurance is yet to be implemented.

2.10 The Ministry of Parliamentary Affairs *vide* their U.O. No.III/Commerce(1) SQ.42-LS/96 dated 02 January 2001 forwarded a request for dropping of the assurances given in reply to SQ No.42 dated 22 November 1996 and USQ No.2261 dated 11 December 1998. The request of the Ministry was considered by the Committee at their sitting held on 19 March 2002 and the Committee decided not to drop the assurances. The decision of the Committee was communicated to the Ministry accordingly.

2.11 The Ministry of Commerce and Industry *vide* their O.M. No.23/38/96-Plant(B) dated 18 July 2005 and 16 January 2006 again requested the Committee to reconsider their decision afresh and drop the assurance on the ground that the Department of Science & Technology (DST) has already given its report recommending extension of Flexible Complementing Scheme (FCS) to the Scientist (up to the level of Scientist 'F') of Coffee, Rubber and Spices Board subject to approval of DOPT and Ministry of Finance. The Ministry further stated that

proposal of the Department, duly approved by DST and Commerce Minister, was referred to Ministry of Finance, which sought certain clarifications. The file with clarifications was sent to Ministry of Finance, which again sought additional clarifications and also linked the proposal with Prabhu Committee report. The file with requisite clarifications along with Department's orders on Prabhu Committee report, was referred to the Ministry of Finance. However, the file was returned by Ministry of Finance stating that final decision in the matter may be taken after completion of the ongoing election process. The Department was advised by Ministry of Finance to refer the said proposal to them after obtaining fresh approval of the Minister(s) concerned on completion of the ongoing election process. Accordingly, the proposal, duly approved by Commerce & Industry Minister, was referred to DOPT for obtaining approval of Minister-in-charge. However, the file was returned by DOPT stating that as per the directions of ACC, FCS is under review and pending a final view thereon, implementation of FCS in organisations cannot be considered. They advised that the matter could be referred to them after a month. The proposal was referred to them and it was also indicated that the FCS could be extended in its existing form and in case of modification of the scheme, it would be applied to these Boards also as in the case of other scientific organizations. However, DOPT has not agreed to this proposal and has stated that the proposal could be considered only after review of FCS. Thereafter, the matter was again referred to the Department of Expenditure impressing upon them the need to apply FCS to the Commodity Boards of the DOC. This request was turned down by the Department of Expenditure in the context of review of the entire working of FCS. They have indicated that there is no scope for extending the benefits of FCS to any organization at this stage.

2.12 The Ministry further stated that the DOPT *vide* its communication dated 21 November 2005 conveyed the revised guidelines on Flexible Complementing Scheme and the Ministry took up the matter with the DOPT but not received any response from DOPT.

2.13 In view of the above, the Ministry with the approval of the Minister of State for Commerce & Industry requested that every effort has been made by them and considering the fact that review of the FCS by DOPT would take a long time, it would not be feasible to fulfill the assurances. The Ministry requested that the above-mentioned assurances may be deleted from the list of pending assurances.

2.14 The Committee note that three questions were asked from November 1996 to December 2004 regarding research on rubber plants, extension of the flexible complementing Scheme to the Scientists of Commodity Board and Rubber Research Institute. In reply assurances were given that the proposal for extension of Flexible Complementing Scheme (FCS) to the Scientists of Commodity Board and Rubber Research Institute was under consideration. The Ministry of Commerce and Industry requested for dropping of all these three assurances inter-alia on the ground that the Department of Science and Technology (DST) has already given its report recommending extension of FCS to the Scientists upto the level of Scientist 'F' of Coffee, Rubber and Species Board subject to approval of Department of Personnel, Training and Ministry of Finance. The Committee considered this request at their sitting held on 05 October 2006 and noted that the Ministries of Commerce and Industry, Finance and the Department of Personnel and Training are concerned with the matter. Moreover efforts have already been made by the Ministry of Commerce and Industry for fulfilling the assurance. The Committee, were convinced with the reasons forwarded by the Ministry and therefore, decided to drop the assurances.

[ii] SUBSCRIBING TO UN CONVENTIONS/CHARTERS/DOCUMENTS

2.15 On 16 August 2000 Shri G.M. Banatwalla, M.P., addressed the following Unstarred Question No.3610 to the Minister of External Affairs:-

- “(a) whether there are any Conventions, Charters or Documents of the United Nations to which India has not subscribed or is not a signatory or which has not been ratified by India, either in full or in part;**
- (b) if so, the details of such Documents and their subject-matters;**
- (c) the reasons, in each case, for not subscribing, signing or ratifying these Documents;**
- (d) whether there is any proposal to subscribe to sign or ratify any such Documents; and**
- (e) if so, the details thereof?”**

2.16 In reply the then Minister of State for External Affairs (Shri Ajit Kumar Panja) stated as follows:-

“(a), (b), (c), (d) and (e): Yes, Sir. There are a large number of multilateral treaties to which the Secretary General of the United Nations is a depository. In addition, many international treaties/agreements have been concluded under the auspices of the specialised agencies of the United Nations such as International Maritime Organisation (IMO), International Civil Aviation Organisation (ICAO), International Labour Organisation (ILO), etc. The treaties concluded within the framework of United Nations cover the whole spectrum of human interaction.

The subject matter of these treaties/agreements fall within the jurisdiction of various Ministries/Departments. of the Government of India.

The required information is being collected from them and shall be made available as soon as possible."

2.17 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of External Affairs within three months of the date of the reply *i.e.* by 15 November 2000 but the assurance is yet to be implemented.

2.18 On 29 August 2001 Shri Sadashivrao Dadoba Mandlik, M.P., addressed the following Unstarred Question No.5459 to the Minister of External Affairs:-

- "(a) The details of the conventions, charters or documents of UNO which India has not signed or endorsed, fully or partially;**
- (b) the reasons therefore in each case; and**
- (c) the time by which the same are likely to be signed or endorsed?"**

2.19 In reply, the then Minister of External Affairs (Shri Omar Abdullah) stated as follows:-

- "(a), (b), (c), : Yes, Sir. There are a large number of multilateral treaties to which the Secretary General of the United Nations is a depository. The treaties concluded within the framework of the United Nations cover the whole spectrum of human interaction.**

The subject matter of these treaties/agreements fall within the jurisdiction of various Ministries/Depts. of the Government of India. The required information is being collected from them and shall be made available as soon as possible."

2.20 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of External Affairs within three months of the date of the reply by *i.e.* 28 August 2001, but the assurance is yet to be implemented.

2.21 The Ministry of External Affairs *vide* their D.O. letter No.L-125/8/2000 dated 19 July 2006 requested for dropping the assurances given in reply to USQ No.3610 dated 16 August 2000 and USQ No.5459 dated 29 August 2001 on the ground that to gather information, these questions were circulated to other Ministries/Departments along with a list of treaties to which the UN Secretary General is the depository. The Ministry stated that since the assurances were pending against the Ministry, other Ministries and Departments of Government of India were again requested to furnish requisite information to enable the Ministry to fulfill these assurances. In response to it nil reply was received from Ministry of Home Affairs, Commerce (Department of Supply), Youth Affairs and Sports, Planning, Law and Justice, Railways, and Agriculture (Department of Agriculture and Cooperation). The Ministry of Finance stated that no document was pending with them. The Ministry of Civil Aviation, Space Commission, Agriculture (Department of Animal Husbandry and Dairy), Ministry of Shipping, Ministry of Commerce (Department of Commerce, Trade Policy Division) Ministry of Defence, Ministry of Human Resource Development (Department of Women and Child Development) indicated the treaties not signed. The Ministry of Communication (Department of Telecommunication), Ministry of Commerce (Department of Commerce RMTR Division), Ministry of Labour and Department of Atomic Energy

indicated the treaties they signed and no reply was received from the Ministry of External Affairs, Ministry of Health and Family Welfare, Ministry of Human Resource Development (Department of Culture), Ministry of Human Resource Development (Department of Education). The Ministry further stated that the genuine difficulties faced by the concerned Ministries/Departments in replying to the assurances may be appreciated. The main reason was that the Questions were not specific as they sought the details of the Conventions, Charters, and Documents of UNO, which India had not signed or endorsed, fully or partially and reasons therefore. It may be noted that hundreds of documents were considered in the UN system every year and it was not necessary to endorse all these documents. For different conventions/treaties, different departments of the Government were responsible and such conventions were considered on the basis of their importance and relevance to India. It was also difficult to give a time frame within which a treaty may be signed or ratified as the signing of a convention or a treaty depends on the urgency, national priorities and other considerations. Therefore it is quite understandable as to why the replies received from other Ministries/Departments do not elucidate any response as to their reasons for not becoming a party to such treaties.

2.22 In view of the above, the Ministry with the approval of the Minister of State for External Affairs requested that the reply received from different Ministries/Departments, may be treated as sufficient towards the fulfillment of both the assurances and these assurances may be deleted from the list of pending assurances.

2.23 The Committee note that questions were asked on 16 August 2000 regarding subscribing to UN Conventions/Charters/Documents and also on 29 August 2001 regarding signing of UN Charters and Conventions. The questions *inter-alia* sought information regarding those Conventions, Charters or documents of the United Nations to which India has not subscribed or is not a signatory or which has not been ratified by India either in full or in part, the reasons thereof and the time by which the same are likely to be signed or endorsed. The Ministry gave an affirmative reply and stated that the required information after collection would be laid on the Table of the House. Since this reply was treated as an assurance a request was made by the Ministry of External Affairs to drop it on the ground that to gather information, the questions were circulated to all Ministries/Departments and replies were received from them except a few Ministries. This request was considered by the Committee at their sitting held on 05 October 2006 and the Committee observed that to gather information the Ministry of External Affairs circulated the above questions to other Ministries/Departments along with a list of treaties to which the UN Secretary General is depository. The Committee also noted that the information desired is not specific and omnibus in character involving a large number of Ministries and moreover receipt of replies is an ongoing process. Accordingly the Committee decided to drop the assurances.

[iii] CBI REPORT ON CRICKET MATCH FIXING

2.24 On 27 November 2000, Dr. Vijay Kumar Malhotra and Shri Tarachand Bhagora, MPs addressed the following SQ No. 108 to the Minister of Youth Affairs and Sports:-

- “(a) whether the Government have received the CBI report on cricket match fixing scandal;**
- (b) if so, the details of recommendations made therein;**
- (c) the names of cricketers found guilty and the action proposed to be taken by the Government and BCCI against them;**
- (d) the views of certain other ministries as well as BCCI in this regard and action proposed in the matter;**
- (e) whether the Government have proposed any inquiry regarding sale of telecast rights of cricket matches by the BCCI during the last two years as pointed out by CBI;**
- (f) if so, the details thereof;**
- (g) whether the Government have contacted the South African Government in regard to match fixing;**
- (h) if so, the outcome thereof; and**
- (i) the concrete steps taken/being taken to check the recurrence of such episodes of match fixing in future?”**

2.25 In reply, the then Minister of Youth Affairs and Sports (Sushree Uma Bharti) stated as follows:-

“(a) to (i): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN THE REPLY TO PARTS (a) TO (i) OF LOK SABHA STARRED QUESTION NO. 108 FOR 27.11.2000 REGARDING CBI REPORT ON CRICKET MATCH FIXING BY DR. VIJAY KUMAR MALHOTRA AND SHRI TARACHAND BHAGORA.

(a) to (d) & (i): CBI submitted its report on Match Fixing and related malpractices to the Government on 30.10.2000. CBI has indicted some bookies, punters, some foreign players and five Indian players viz; Ajay Sharma, Manoj Prabhakar, Azharuddin, Ajay Jadeja, Nayan Mongia and Dr. Ali Irani, Physiotherapist. CBI has also indicated in its report, after consulting various legal experts including the Solicitor General of India, that no criminal charges can be filed under cheating or the Gambling Act against anyone because of the nebulous position of the law in this regard, as well as the improbability of the investigating agency being able to obtain sufficient legal evidence. However, it is evaluating the probability of prosecuting Ajay Sharma and Azharuddin as public servants under the Prevention of Corruption Act. A copy of the report has been sent to the concerned Ministries seeking their advice about the future course of action. The advice of the Ministry of Law has since been received and they have also expressed similar views about the likely prosecution of indicted persons as indicated in the CBI report. A copy of the report has also been given to BCCI for taking action against the indicted persons as per its rules and Code of Conduct. BCCI has suspended the indicted players for the time being and will submit its views on the report and decide the final action after examining the report by the end of November, 2000. The future course of action will be decided after getting advice from all concerned.

(e) & (f): CBI, in its report, indicated that the enquiry into the matter of grant of television rights was being dealt with separately. CBI has since informed that it has recently registered 5 cases against DD officials and others. 3 cases relate to cricket and two to Tennis.

(g) & (h): As per information received from Ministry of External Affairs, the South African authorities have been kept informed regarding the possible involvement of certain members of their cricket team in match fixing in

conformity with the close and cordial relations between the two countries. The South African Government has reaffirmed their decision to abide by the results of the due process of law in this case."

2.26 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Youth Affairs and Sports within three months of the date of reply i.e. by 26 February 2001 but the assurance is yet to be implemented.

2.27 The Ministry of Youth Affairs & Sports vide their O.M. F.No. H.11016/49/2000-SP-III/SP-I dated 11 July 2005 requested for dropping the assurance on the ground that this assurance pertains to concrete steps taken/being taken to check the recurrence of such episode of match fixing in future. In this regard the Ministry stated that the matter was taken up with the Legislative Department, Ministry of Law for evolving a draft Legislation for adoption by State Government. Legislative Department advised that they feel that any penal law providing for punishment for match-fixing should territorially extend to the whole of India and may even have extra-territorial operation, keeping in view the national/international ramifications of certain sports. This could be possible only if the subject of 'Sports' is either within the exclusive legislative power of Parliament or within its concurrent legislative power. As, at present, the subject of 'Sport' is covered under entry 33 of the State List of the Seventh Schedule of the Constitution, an amendment to the Constitution in order to transfer the said subject to the Concurrent List has been suggested. The issue to bring 'Sports' in the 'concurrent List' was one of the agenda item in the State Sports Ministers Conference held on 16

February 2005. Most of the State Governments did not support the proposal though agreed to send their comments in writing.

2.28 In view of the position explained above the Ministry stated that there was likely to be no consensus for bringing sports to the Concurrent list, in the near future. Accordingly no Central Legislation is legally feasible on any matter relating to sports and it does not seem possible to fulfil the assurance. Accordingly, the Ministry with the approval of Hon'ble Minister of State (YA & S) requested to consider dropping of the assurance.

2.29 A question was asked on 27 November 2000 regarding CBI report on cricket match fixing. The question *inter-alia* sought information regarding receipt of CBI report on cricket match fixing scandal and the details of recommendations made therein. In reply it was inter-alia stated that CBI submitted its report on 30 October 2000 and the future course of action would be decided after getting advice from all concerned. This reply was treated as an assurance and the Ministry requested to drop it primarily on the ground that there is likely to be no consensus for bringing sports to the Concurrent List and as such no Central Legislation is legally feasible on any matter relating to sports. The Committee considered this request of the Ministry at their sitting held on 05 October 2006 and having satisfied with the reasons advanced by the Ministry decided to drop the assurance.

[iv] AMENDMENT IN LAND ACQUISITION ACT

2.30 On 24 April 2001, Shri Annasaheb M.K. Patil, M.P., addressed the following Starred Question No.537 to the Minister of Tribal Affairs:-

- “(a) whether the Union Government propose to make amendment in the Land Acquisition Act to incorporate provisions on the relief and rehabilitation as demanded by NGOs and tribal organisations ;**
- (b) if so, the details thereof;**
- (c) if not, the reasons therefor;**
- (d) whether any committee has been constituted to look into the matter relating to the displaced persons and tribal land acquired for other than the agricultural purposes; and**
- (e) if so, the time by which the said committee is likely to submit its report?”**

2.31 In reply, the then Minister of Tribal Affairs (Shri Jual Oram) stated as follows:-

- “(a) to (e) As intimated by the Ministry of Rural Development, certain recommendations made by a Group of Ministers to consider the issues relating to suggestions regarding amendments to be made to the Land Acquisition Act and formulation of a National Policy for the Resettlement and Rehabilitation of Project Affected Persons are under the consideration of the Government.”**

2.32 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Tribal Affairs within three months of the

date of the reply *i.e.* by 23 July 2001. However the assurance has not been fulfilled so far.

2.33 The Ministry of Tribal Affairs vide O.M.No.16012/5/2001-TDB(CP&R) dated 13 June 2006 requested for dropping the assurance on the grounds that the assurance pertains to two policy issues which do not directly concern with the Ministry of Tribal Affairs, but concern the Ministry of Rural Development. The policy issues referred to in the assurance relate to the following :-

- (i) Amendments to the Land Acquisition Act and
- (ii) Formulation of the National Policy on the Resettlement and Rehabilitation of Project Affected Persons.

2.34 However the Ministry of Rural Development had not so far responded to the request of the Ministry of Tribal Affairs to accept the transfer of the Question in their name.

2.35 The Ministry further stated that they have already notified the National Policy on the Resettlement and Rehabilitation of Project Affected Persons – 2003 on 17 February 2004 and the assurance can be partly fulfilled stating this fact.

2.36 The Ministry further stated that the proposal to amend the Land Acquisition Act, 1894, like any legislative process, is a cumbersome and long drawn affair with various stages to be gone through. Hence it is likely to take a very long time. The matter is compounded by the fact that 'Land' and its administration being under the 'State List' of Schedule VII of the Constitution, it would need the concurrence of State Governments. The concerned Central Ministries also need to be consulted. Hence no time limit could at all be fixed for completion of this exercise.

2.37 Accordingly the Ministry, with the approval of the Minister of Tribal Affairs, requested that the assurance may be dropped.

2.38 A question was asked on 24 April 2001 regarding amendment in Land Acquisition Act, its details and reasons thereof. In reply it was stated that the amendments to be made to the said Act and also the formulation of a National Policy for the resettlement and rehabilitation of project affected persons was under the consideration of the Government. Since this reply was treated as an assurance a request was made by the Ministry of Tribal Affairs to drop the assurance on the ground that the assurance involves two policy issues, which are not directly concerned with the Ministry of Tribal Affairs. Moreover, the subject matter of the assurance is a state subject. The Committee, at their sitting held on 05 October 2006 considered this request and having satisfied with the reasons furnished by the Committee decided to drop the assurance.

[v] CVC REPORT ON DEFENCE DEALS

2.39 On 25 April 2001, Shrimati Shyama Singh and Shri M.V.V.S. Murthi, M.Ps., addressed the following Starred Question No.550 to the Minister of Defence:-

- “(a) whether the Central Vigilance Commission has submitted its final report on all major Defence procurement worth over Rs.75 crores since April, 1989 to the Government;**
- (b) if so, the details of the recommendations made in the report;**
- (c) whether the involvement of middlemen in the Defence purchases has been noticed during the past few years;**
- (d) if so, the details thereof and the reasons therefore; and**
- (e) the steps taken by the Government to bring transparency in the defence deals?”**

2.40 In reply, the then Minister of Defence (Shri Jaswant Singh) stated as follows:-

- “(a) Yes, Sir.**
- (b) The Report is being examined.**
- (c) & (d) The instructions of 17.4.1989 issued by Ministry of Defence barred the involvement of agents in the purchase of weapons/weapon systems. Further instructions had also been issued on 7.11.1997 by the Ministry of Defence that in all contracts with foreign supplies, clauses need to be incorporated whereby the seller is required to give an undertaking that they have not engaged any individual or firm, etc. or paid any amount to them for purpose of interceding or facilitating the award of the contract. As and when, any complaint is received**

in this regard, it is examined and appropriate action taken.

- (e) With a view to ensuring high levels of transparency in defence purchases, Government have issued orders, in consultation with the CVC/C&AG, for mandatory and time-bound scrutiny of all major procurements/purchase decisions, involving cost of above Rs.75 crores, by the C&AG and where necessary, by the CVC."**

2.41 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Defence within three months of the date of the reply *i.e.* by 24 July 2001. However the assurance is yet to be fulfilled.

2.42 The Ministry of Parliamentary Affairs vide their U.O.No.XIII-VI/Defence(23)SQ550-LS/2001 dated 07 January 2002 forwarded a request for dropping of the above mentioned assurance on the following grounds:-

"The CVC submitted its Final Report on its investigation into Defence Procurement cases on 31 March 2001. Action as considered appropriate, on the recommendations of the CVC, has been taken/being taken.

Since the Report of the CVC is based on 'SECRET' and 'TOP SECRET' documents of the Ministry of Defence, as well as based on IB, CBI's Reports, it has been classified as 'Secret'. In the last session of the Lok Sabha, a provisional Starred Question Dy.No.2166 for answer on 22 November 2001 came up seeking information on the recommendations made by the CVC in its Report on Defence procurement and the action taken thereon. The Ministry sought disallowance of the Question, under rule 41(2)(XXI) of the Rules of Procedure and Conduct of Business in Lok Sabha, on the ground that CVC report by itself is 'Secret' and it will not be in public interest to divulge the contents of the report. The Ministry's request for disallowance of the Question was acceded to and the Question was not admitted.

Since the subject matter of the Parliamentary Assurance and the Lok Sabha question as mentioned above which has been dropped is the same. The Ministry of Parliamentary Affairs are, therefore, requested to move the Committee on Government Assurances to drop the above mentioned assurance from the list of pending assurances.”

2.43 The request of the Ministry was considered by the Committee at their sitting held on 01 October 2002 and the Committee decided not to drop the assurance as they were not satisfied by the reasons advanced by the Ministry for dropping of the assurance. The Ministry were informed of the decision of the Committee.

2.44 The Ministry of Defence vide their O.M. No.163/CVC/LSSQ/2001/2006/D(Vig) dated 29 May 2006 again requested the Committee to drop the assurance on the ground that since the CVC's Report is based on 'Secret' and 'Top Secret' documents of the Ministry of Defence as well as based on the reports of I.B. and C.B.I., it has been classified as a 'Secret' document. In view of this fact the Report has not been tabled in the Parliament and also both the Houses of Parliament have disallowed Questions on this issue under the relevant Rules. The Ministry further stated that the Committee on Government Assurances, Rajya Sabha at its meeting held on 14 June 2002 had acceded to the request of the Ministry to drop two assurances given in reply to Rajya Sabha Starred Question No.495 dated 19 April 2001 and Unstarred Question No.1257 dated 02 August 2001 regarding CVC report on Defence Deals.

2.45 In view of the above position, the Ministry with the approval of the Minister of Defence requested that the assurance may please be dropped.

2.46 A question was asked on 25 April 2001 regarding submission of final report on all major Defence Procurement by the Central Vigilance Commission, the details of the recommendations made therein, steps taken by the Government etc. An affirmative reply was given by the Government and it was stated that the report was being examined. This reply was treated as an assurance. The Ministry of Defence requested to delete the assurance on the ground that the said report is based on 'Secret' and 'Top Secret' documents of the Ministry of Defence besides being based on the reports of Intelligence Bureau and Central Bureau of India it has been classified as a 'Secret' document. This request was considered by the Committee at their sitting held on 05 October 2006 and after taking note of the submissions made by the Ministry of Defence, the Committee decided to drop the assurance.

[vi] JUSTICE NANAVATI COMMISSION

2.47 On 13 July 2004, Shri Raghunath Jha , MP asked the following USQ No. 907 to the Minister of Urban Development :-

Will the MINISTER OF URBAN DEVELOPMENT be pleased to refer to the reply given to Unstarred Question No. 2451 dated 19 March, 2002 and state:

“(a) whether the Justice Nanavati Commission of Inquiry had submitted its report:

(b) if so, the details thereof and the action taken thereon; and

(c) if not, the reasons therefor?”

2.48 In reply, the then Minister of Parliamentary Affairs and Urban Development (Shri Ghulam Nabi Azad) stated as follows:-

“(a) and (b): No, Sir.

(c): The Commission is probing into the matter within the ambit of its terms of reference. The subject matter involves collection of information/evidence from various agencies/ local bodies etc., which is time consuming. On the request of the commission, the Government of NCT of Delhi has appointed a nodal officer for collecting and furnishing information required from the GNCTD and local bodies.”

2.49 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Urban Development within three months of the date of reply i.e. by 12 October 2004 but the assurance is yet to be fulfilled.

2.50 The Ministry of Urban Development vide their O.M No. H- 11016/6/2004-DDIIB and O.M of even number dated 17 March 2006 requested for dropping the

assurance on the ground that in reply to part (c) of the question it has been indicated that the Commission is probing into the matter within the ambit of its terms of reference. The subject matter involves collection of information/evidence from various agencies/ local bodies etc. which is time consuming. On the request of the Commission, the Government of NCT of Delhi appointed a nodal officer for collecting and furnishing information required from the GNTCD and local bodies. In the said reply the Ministry had indicated the reasons that have resulted in delay in submission of report by the Justice Nanavati Commission. There is no issue/matter in the reply that would constitute an assurance. The Ministry further stated that the Commission had since submitted its report on 03 September 2005. The recommendations made by the Commission in its report has been examined in the Ministry and a draft Cabinet Note containing Action Taken notes on the recommendations of the Commission, was circulated to the concerned ministries for their views/comments on 28 February 2006.

2.51 Accordingly, the Ministry of Urban Development, with the approval of Minister of Urban Development, requested that the Committee on Government Assurances, Lok Sabha may kindly be moved for the deletion of the assurance.

2.52 The Committee note that a question was asked on 13 July 2004 regarding submission of report by the Justice Nanavati Commission, its details and reasons for non-submission of the said report. In reply it was inter-alia stated that the Commission had not submitted the report and was probing into the matter within the ambit of its terms of reference. This reply was treated as an assurance and a request was made by the Ministry of Urban Development for dropping the same on the ground that the Commission submitted its report and the necessary action has also been initiated. The Committee considered this request at their sitting held on 05 October 2006 and having been convinced by the reasons forwarded by the Ministry decided to drop it.

[vii] ASSISTANCE TO POWER PROJECTS IN NEPAL

2.53 On 17 August 2004, Shri Shivaji Adhalrao Patil and Devendra Prasad Yadav, MPs addressed the following Starred Question No. 319 to the Minister of Power:-

- “(a) whether the Government of India has been assisting some hydro power projects in Nepal;**
- (b) if so, the details thereof along with the terms and conditions;**
- (c) the present status of each project;**
- (d) whether any project report has been prepared in this regard;**
- (e) if so, the details thereof;**
- (f) the benefits in terms of sharing of power likely to be accrued there from; and**
- (g) the details of investment made/proposed to be made in these projects by Indian Government?”**

2.54 In reply, the then Minister of Power (Shri P.M. Sayeed) stated as follows:-

“(a) to (g) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (g) OF STARRED QUESTION NO. 319 TO BE ANSWERED IN THE LOK SABHA ON 17.08.2004 REGARDING ASSISTANCE TO POWER PROJECTS IN NEPAL.

(a) to (e) : Yes, Sir. Government of India has been assisting Nepal in development of its hydro power potential. Four Hydro electric schemes, having total installed capacity of 51.1 MW, have been implemented with Indian assistance. The details are given in Annexure-I.

Four major water resources projects having hydro electric component namely, Karnali, Pancheshwar, Sapta Koshi and Burhi Gandaki Projects are under discussion at various levels. Besides, the possibility of development of Upper Karnali Project in Nepal by National Hydro-electric Power Corporation (NHPC) as an independent power project is also under consideration. The details of these projects are given in Annexure-II.

(f) : As per Mahakali Treaty, energy generated from Pancheshwar Project is to be shared equally by the two countries viz. India and Nepal. However, no agreement had so far been reached between the two countries as regards sharing of power from other Projects.

(g) : No decision regarding investment in the various projects under consideration has been taken so far.

ANNEXURE-I

ANNEXURE REFERRED TO IN PARTS (a) TO (e) OF THE STATEMENT LAID IN REPLY TO STARRED QUESTION NO. 319 TO BE ANSWERED IN THE LOK SABHA ON 17.08.2004 REGARDING ASSISTANCE TO POWER PROJECTS IN NEPAL.

(Amount in Rs. Crores)

Sl. No.	Name of the Hydroelectric Project Grant by MEA (GOI)	Capacity (MW)	Year of Commissioning	
1.	Pokhara	1 MW	1968	0.44
2.	Trishuli	21MW	1969	15.19

3.	Western Gandak	15 MW	1979	8.00
4.	Devighat 42.18	14.1MW	1983	

ANNEXURE-II

ANNEXURE REFERRED TO IN PARTS (a) TO (e) OF THE STATEMENT LAID IN REPLY TO STARRED QUESTION NO. 319 TO BE ANSWERED IN THE LOK SABHA ON 17.08.2004 REGARDING ASSISTANCE TO POWER PROJECTS IN NEPAL.

DETAILS OF HYDRO POWER PROJECTS UNDER CONSIDERATION FOR IMPLEMENTATION IN NEPAL

(i) Karnali Multi-Purpose Project(10,800 MW)

This project is proposed to be located on Karnali River in Nepal. Feasibility report of the project was got prepared by His Majesty`s Government of Nepal (HMG) from foreign consultants M/s Himalayan Power Consultants (HPC) in 1989. Discussions have been held between GOI and HMG Nepal and various key parameters are yet to be finalized.

(ii) Pancheshwar Multipurpose Project (5600 MW)

Pancheswar Multipurpose project is proposed on river Mahakali and is covered under Mahakali Treaty signed between HMG, Nepal and India in Feb, 1996. Efforts are being made to resolve the outstanding issues with Nepal and prepare a mutually acceptable DPR.

(iii) Sapta Kosi High Dam Multipurpose Project (3300 MW) and Sun Kosi Storage cum Diversion Scheme

Sapta Kosi High Dam Multipurpose Project and Sun Kosi Storage cum Diversion Scheme is proposed to be located on Kosi river near Kurule in Nepal. The project would provide irrigation and flood control benefits in Bihar and power generation of which major portion would be available to India. As mutually agreed, a Joint Project Office in Nepal is being set up and field investigations and preparation of DPR are proposed to be completed in 30 months after opening of this

office.

(iv) Burhi Gandaki HE Project(600 MW)

Burhi Gandaki H.E. Project is proposed to be located in mid-western Nepal near Benighat on Burhi Gandki river, a tributary of Gandak. The project is being considered for development with Indian cooperation. Ministry of Water Resources proposes to entrust the work of field investigations/preparation of Detailed Project Report to WAPCOS.

(v) Upper Karnali HE Project(300 MW)

The Upper Karnali HE Project is a run-of-the river project proposed to be located on river Karnali in Western part of Nepal. Feasibility Study Report for Upper Karnali Hydro-Electric Project was prepared by Canadian International Water and Energy Consultants (CIWEC). The possibility of development of this project through NHPC as an Independent Power Producer (IPP) is presently under consideration.”

2.55 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Power within three months of the date of the reply i.e. by 16 November 2004.

2.56 The Ministry of Power vide O.M.No.5/16/2004-BBMB, dated 30 June 2005 requested the Committee to drop the assurance on the grounds that the reply was furnished based on the facts. The projects under consideration are at various stages of consideration and since these are bilateral issues, they are not entirely under the control of Government of India.

2.57 The request of the Ministry was considered by the Committee at their sitting held on 26 October 2005 and the Committee decided not to drop the assurance. Accordingly, the Committee in their Seventh Report desired that all matters

relating to expeditious completion of these projects may be pursued vigorously. The Ministry were informed of the decision of the Committee.

2.58 The Ministry of Power vide their O.M. No.5/16/2004-BBMB dated 08 June 2006 again requested the Committee to drop the assurance on the ground that NHPC has been unable to make progress because of political instability and adverse security situation in Nepal. The project could be taken up for implementation subject to techno-economic feasibility and approvals from Government of Nepal. As the issue involves development of a project in a neighboring country over which Government of India has no control, no time frame can be fixed for fulfillment of the assurance.

2.59 In view of the above position, the Ministry with the approval of Minister of Power requested that the said assurance may please be dropped from the list of pending assurances.

2.60 The Committee note that a question was asked on 17 August 2004 regarding assistance to Power Projects in Nepal. The question inter-alia sought information regarding assistance of Government of India to Nepal in some hydro power projects and the benefits likely to be accrued to India. In reply, it was inter-alia stated that four hydro electric schemes having total installed capacity of 51.1 MW were implemented with Indian assistance and four major water resources projects were under discussion. It was also stated that no agreements have so far been reached between India and Nepal for sharing of power from the Projects except the 'Pancheshwar Project'. This reply was construed as an assurance however the Ministry of Power requested for dropping the same primarily on the ground that NHPC could not make progress due to political instability and adverse security situation in Nepal. This request was considered by the Committee at their sitting held on 05 October 2006 and keeping in view the present political instability and adverse situation in Nepal the Committee decided to drop the assurance.

[viii] DIGITISATION OF CABLE T.V. AND SATELLITE RADIO SERVICE

2.61 On 10 March 2005, Sarvashri Rajnarayan Budholiya and Y.G. Mahajan, M.Ps. addressed the following Unstarred Question No.1112 to the Minister of Information and Broadcasting:-

- “(a) whether the Government has received proposals for digitisation of cable T.V. and to improve licensing system;**
- (b) if so, the details thereof; and**
- (c) the time by which the final decision is likely to be taken by the Government in this regard?”**

2.62 In reply, the Minister of Information & Broadcasting and Culture (Shri S. Jaipal Reddy) stated as follows:-

- “(a) to (c): The Telecom Regulatory Authority of India (TRAI), issued a consultation paper on 3.1.2005 for comments of the stakeholders on the issues relating to digitalisation of cable TV. TRAI has not come up with its final recommendations/suggestions so far in the matter.”**

2.63 On 10 March 2005, Dr. Laxminarayan Pandey and Shri Santosh Kumar Gangwar, M.Ps. addressed the following Unstarred Question No.1292 to the Minister of Information & Broadcasting:-

- “(a) whether the Government is contemplating to formulate a policy for Satellite Radio Service;**
- (b) if so, the details thereof;**

- (c) whether the Government has received any suggestion from Telecom Regulatory Authority of India (TRAI) in this regard; and**
- (d) if so, the details thereof and the action taken by the Government thereon?"**

2.64 In reply, the Minister of Information & Broadcasting and Culture (Shri S. Jaipal Reddy) stated as follows:-

"(a) to (d) : The Telecom Regulatory Authority of India (TRAI), issued a consultation paper on 29.12.2004 for comments of the stakeholders on the issues relating to Satellite Radio Service. TRAI has not come up with its final recommendations/suggestions so far in the matter."

2.65 The above replies to the questions were treated as assurances and were required to be fulfilled by the Ministry of Information and Broadcasting within three months of the date of their replies but the assurances are yet to be fulfilled.

2.66 The Ministry of Information and Broadcasting vide D.O. No.7/9/2005-BP&L dated 23 June 2005 and 30 June 2006 requested to drop the assurances on the grounds that in reply to the question, the Ministry had only mentioned that TRAI has issued a consultation paper and has not come up with its final recommendations/suggestions. In view of this, it is clear that nothing is pending with the Government and therefore, the question of its taking any decision does not arise. Since no proposal is pending with the Government, reply given should not have been treated as an assurance.

2.67 In view of the above, the Ministry with the approval of Hon'ble Minister of Information & Broadcasting and Culture requested the Committee to drop both the assurances.

2.68 The Committee note that two questions were asked on 10 March 2005 regarding digitization of Cable T.V. and Satellite Radio Service. In reply to these questions assurances were given that Telecom Regulatory Authority of India (TRAI) has not come up with its final recommendations/suggestions so far in the matters. However a request was later made by the Ministry of Information and Broadcasting for dropping both the assurances on the ground that TRAI has not come up with the final recommendations/suggestions, as such nothing is pending with the Government and the question of taking any decision does not arise. It was also stated that since no proposal is pending with the Government the reply should not be treated as an assurance. This request was considered by the Committee at their sitting held on 05 October 2006 and having been convinced by the reasons advanced by the Ministry the Committee decided to drop the assurance.

[ix] UNIFIED TELEPHONE SYSTEM

2.69 On 27 July 2005, Sarvashri Kirti Vardhan Singh and Eknath Mahadeo Gaikwad, M.Ps. addressed the following Starred Question No.49 to the Minister of Communications and Information Technology:-

- “(a) whether the Government has finalised the policy on unified telephone system;**
- (b) if so, the details thereof;**
- (c) whether this unified system will have an impact on mobile as well as land line phones; and**
- (d) if so, the details in this regard?”**

2.70 In reply, the Minister of Communications and Information Technology (Shri Dayanidhi Maran) stated as follows:-

“(a) to (d): A statement is laid on the Table of the House.

**STATEMENT TO BE LAID ON THE TABLE OF THE LOK SABHA
IN RESPECT OF PARTS (a) TO (d) OF LOK SABHA STARRED
QUESTION NO. 49 FOR 27TH JULY, 2005 REGARDING
UNIFIED TELEPHONE SYSTEM.**

(a) to (d) Telecom Regulatory Authority of India has submitted its recommendations for Unified Licensing regime to the Government. The recommendations are under consideration and no final decision has been taken so far. The recommendations envisage change in the present licensing structure, reduction in annual licence fee and opening of Internet telephony by access Providers etc. Mobile as well as Land Line phones can be provided by one operator under Unified Licence regime.”

2.71 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Communications and Information Technology within three months of the date of the reply i.e. by 26 October 2005.

2.72 The Ministry of Communications and Information Technology vide letter No.843-200/2005/BS-III/MS/LS-1 dated 14 July 2006 requested the Committee to drop the assurance on the grounds that the decision on the Unified Licensing recommendation is a policy matter and no time framework can be fixed to arrive at a conclusion in the matter.

2.73 In view of the above position, the Ministry with the approval of Minister of Communications and Information Technology requested that the said assurance may please be deleted from the list of pending assurances.

2.74 The Committee note that a question was asked on 27 July 2005 regarding finalization of the policy on unified telephone system by the Government and its details thereof. In reply it was stated that Telecom Regulatory Authority of India (TRAI) submitted recommendations for Unified Licensing regime and the same were under consideration. This reply was construed as an assurance and a request was received from the Ministry of Communications and Information Technology to drop it on the ground that the decision on the Unified Licensing recommendations is a policy matter. The Committee considered the request for dropping at their sitting held on 05 October 2006 and having convinced by the reasons advanced by the Ministry decided to drop the assurance.

[x] INFANT MORTALITY RATE

2.75 On 27 July 2005 Shri M. Appadurai, M.P., addressed the following Unstarred Question No.428 to the Minister of Health & Family Welfare:-

- “(a) The details of the infant mortality rate, State-wise; and**
- (b) The budget allocated during the last three years to check/prevent the infant mortality, State-wise?”**

2.76 In reply, the Minister of State in the Ministry of Health & Family Welfare (Smt. Panabaka Lakshmi) stated as follows:-

- (a) Statewise details of Infant Mortality rate, as provided under the Sample Registration System of Registrar General of India for 2003 are at Annexure-1. Data on Infant Mortality Rate subsequent to 2003 is not yet available.**
- (b) Child Health is an integral component of the ongoing Reproductive Child Health Programme (RCH) which aims at reducing Infant/maternal mortality and Total Fertility Rate. Funds for Child Health interventions are provided to the States as part of the overall RCH Budget. The releases made for this programme to various States/Union Territories during the past three years are enclosed as per Annexure-II.”**

Annexure-I

INFANT MORTALITY RATE (IMR)

S.No.	States	2003
	ALL INDIA	60
1.	Andhra Pradesh	59
2.	Assam	67
3.	Bihar	60
4.	Chhatisgarh	70
5.	Gujarat	57
6.	Haryana	59
7.	Jharkhand	51
8.	Karnataka	52
9.	Kerala	11
10.	Madhya Pradesh	82
11.	Maharashtra	42
12.	Orissa	83
13.	Punjab	49
14.	Rajasthan	75
15.	Tamil Nadu	43
16.	Uttar Pradesh	76
17.	West Bengal	46
18.	Arunachal Pradesh	34
19.	Delhi	28
20.	Goa	16
21.	Himachal Pradesh	49
22.	J & K	44
23.	Manipur	16
24.	Meghalaya	57
25.	Mizoram	16
26.	Nagaland	NA
27.	Sikkim	33
28.	Tripura	32
29.	Uttaranchal	41
30.	A & N Islands	18
31.	Chandigarh	19
32.	D & N Haveli	54
33.	Daman & Diu	39
34.	Lakshadweep	26
35.	Pondicherry	24

Source : Sample Registration System, Registrar General, India

Annexure-II

Annexure II referred to a reply to part (b) of Lok Sabha USQ No.428 of 27.7.2005

**STATE-WISE RELEASES ON RCH PROGRAMME FOR THE PERIOD 2002-03 TO
2004-05
(Rs. in Lakhs)**

Sl. No.	Name of State/UT	2002-2003 Releases	2003-2004 Releases	2004-2005 Releases
(1)	(2)	(13)	(15)	(17)
1	Andhra Pradesh	1590.69	3344.30	3133.38
2	Arunachal Pradesh	269.20	145.50	319.46
3	Assam	745.28	1462.12	2810.76
4	Bihar	3834.74	3731.31	3895.36
5	Chhatisgarh	1190.93	1305.46	1137.00
6	Goa	15.47	16.67	16.37
7	Gujarat	1399.12	1742.49	8718.02
8	Haryana	1007.86	2177.80	1976.01
9	Himachal Pradesh	411.41	665.90	497.32
10	Jammu & Kashmir	426.53	206.20	264.31
11	Jharkhand	781.05	1003.11	1341.65
12	Karnataka	2883.78	827.02	1057.00
13	Kerala	711.76	891.95	638.32
14	Madhya Pradesh	1582.10	2517.87	4059.46
15	Maharashtra	1528.13	3472.98	3486.68
16	Manipur	402.44	434.24	258.46
17	Meghalaya	70.80	78.79	111.33
18	Mizoram	733.36	335.18	502.19
19	Nagaland	173.62	253.43	246.51
20	Orissa	690.55	954.70	1854.70
21	Punjab	275.45	376.52	559.08
22	Rajasthan	1610.99	4119.19	2797.98
23	Sikkim	91.10	15.10	328.35
24	Tamil Nadu	1688.91	1220.86	1447.41
25	Tripura	154.22	78.61	119.38
26	Uttar Pradesh	9569.69	12525.56	14577.83
27	Uttranchal	424.61	703.83	410.38
28	West Bengal	1640.14	3278.19	3356.74
Total - All States		35903.93	47884.88	59921.44
UTs with Legislature				
1	Delhi	354.06	770.61	1044.45
2	Pondicherry	25.85	25.78	82.13
UTs without Legislature				
1	A&N Islands	13.53	26.43	25.76
2	Chandigarh	17.86	19.11	19.58
3	D&N Haveli	6.18	9.66	5.30
4	Daman & Diu	25.41	7.31	13.48
5	Lakshdweep	14.16	10.24	7.31
Total (UTs)		457.05	869.14	1198.01
GRAND TOTAL		36360.98	48754.02	61119.45

2.77 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Health & Family Welfare within three months of the date of the reply *i.e.* by 26 October 2005, but the assurance is yet to be fulfilled.

2.78 The Ministry of Health & Family Welfare vide O.M.No.H-11016/29/2005 CH dated 13 June 2006 requested for dropping the assurance on the grounds that at the time of replying part (a) of the above Question data for Infant Mortality Rate (IMR) up to the year 2003 only had been available by the Registrar General of India and after receiving the assurance, Office of the Registrar General of India was again approached to provide the latest data on IMR. They have informed as under:-

- a. The SRS is a retrospective survey where the field work for collecting data relating to a year is completed only towards the end of the 3rd quarter of the next year.
- b. The data processing takes a few more months and it is possible to make available the rates for a particular year only after 11-12 months of the close of the year to which the data relates.
- c. In view of the above the final rates for 2004 would not have been available in July 2005 when the question was answered.
- d. The completion of the baseline survey and collection of data has resulted in a delay in bringing out the SRS results for the year 2004. The SRS results for 2004 had been released in April 2006.
- e. In view of the above facts, especially the fact that the data was not due on the day on which the question was answered the assurance may be dropped.

2.79 The Ministry therefore requested, with the approval of the Minister of State for Health and Family Welfare that the above mentioned assurance may be dropped.

2.80 The Committee note that a question was asked on 27 July 2005 regarding infant mortality rate. The question sought information regarding details of the infant mortality rate State-wise and the budget, State-wise, allocated during the last three years to check/prevent the infant mortality. In reply the Government furnished the State-wise infant mortality rate as provided under the Sample Registration System (SRS) of Registrar General of India for 2003 and the releases made to various States/Union Territories also. However, the Infant Mortality Rate (IMR) subsequent to 2003 was not furnished as the same was not available. This reply was treated as an assurance, but the Ministry of Health and Family Welfare requested for dropping the same on the ground that at the time of replying Parliament Question, data for IMR up to the year 2003 only was available and thereafter efforts were made to collect the information however the office of the Registrar General of India inter-alia informed that SRS is a retrospective survey where the field work is completed only towards the end of the 3rd quarter of the next year. As such the final rates for the year 2004 were not available at the time of replying the Parliament question. The Committee considered the request for dropping of the assurance at their sitting held on 05 October 2006 and after taking into account the submissions of the Ministry, decided to drop the assurance.

[xi] TAKING OVER OF KELTRON

2.81 On 28 July 2005, Dr. K.S. Manoj, M.P., addressed the following Unstarred Question No.683 to the Minister of Defence:-

- “(a) whether the Government has accepted the recommendations of the Task Force to take over the various electronic factories as defence units;**
- (b) if so, whether the Government proposes to take over Keltron as a defence unit;**
- (c) if so, the details thereof;**
- (d) if not, the reasons therefor; and**
- (e) the time by which the final decision is likely to be taken in this regard?”**

2.82 In reply, the Minister of State in the Ministry of Defence and Minister of State in the Ministry of Parliamentary Affairs (Shri Bijoy Krishna Handique) stated as follows:-

- “(a) to (e): A statement is attached.**

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA
UNSTARRED QUESTION NO. 683 FOR 28.7.2005

The Government has received requests to take over KELTRON as unit under the Ministry of Defence. The Government has not found it feasible to take over the units of KELTRON.

2. In response to such requests a Task Force was set up to examine and identify the possible areas for long term arrangements between Public Sector Undertakings under Ministry of Defence and Ordnance Factory Board with KELTRON. The Task Force has submitted its Report. The recommendations of the Task Force are annexed. It has been decided that the Public Sector Undertakings under Ministry of Defence and the Ordnance Factories would consider placing orders on KELTRON within the existing framework of Government guidelines and purchase policies.

ANNEXURE REFERRED TO IN THE STATEMENT GIVEN IN REPLY TO PARTS (a) TO (e) OF LOK SABHA UNSTARRED QUESTION NO. 683 FOR 28.7.2005

RECOMMENDATIONS OF THE TASK FORCE WITH RESPECT TO LONG-TERM ARRANGEMENTS.

1. The two State PSUs, KELTEC/KELTRON, are valued suppliers to Defence Establishments and Space Department for over a decade. The companies have been more involved in supplies of developmental nature, which does not provide a long-term and planned feed for their consistent growth and upgradation. It is desirable to provide the Companies with a consistent and committed workload through long-term procurement relationship.

2. HAL, BEL, BDL, OFB, ISRO and DRDO have identified items for such long-term relationship. These are listed in Chapter 7.0. DRDO and ISRO have already a successful ongoing procedure for placing orders on these firms. Continuation and further enlargement of this relationship would be useful for mutual benefit of these organisations. However, with respect to DPSUs and OFB a viable procedure for implementation of such a relationship be looked into and approved by competent authority because at present they are bound to follow the general tendering procedure based on Government/CVC guidelines.

3. For orders of development nature, small batch size and requiring constant interaction and upgradation of skills and facilities appropriate long term relationship with KELTEC and KELTRON would be desirable.

4. The Task Force, after considerable deliberations, recommends the following:-

4.1 The DPSUs, DRDO, OFs, etc. may appoint KELTEC and KELTRON as a 'Preferred Vendor' as currently being done by Space Department, in specified

areas of procurement. The buying company may follow the limited tender process within the preferred vendors for such procurements.

4.2 In view of the financial constraints of KELTEC and KELTRON, the long-term orders may include advance payment/ free issue of material along with orders, wherever possible.

4.3 DPSUs/OFB may also consider investment in upgradation of specific technologies as needed for their niche production coupled with operational control, if desired.

4.4 The items and work identified may be put on a 'Rate Contract' for a period ranging from one to five years, depending on the nature of item, volumes involved and the spread over a time frame. The 'Rates' and terms shall be mutually agreed by the buying company and KELTEC/KELTRON. For the period when this Rate Contract is in vogue, the buying company can straightaway procure from KELTEC and KELTRON based on agreed schedule, without having to follow any tendering process. Arrangement currently in practice with DGS&D in this respect may be considered.

5. OFB representative has sited synergy between OFB and KELTEC and some of the units of KELTRON and has indicated an option to acquire KELTEC and some units of KELTRON either as subsidiary or direct integration with OFB.

Considering the proposal from Kerala Government to the Central Govt. for acquiring KELTEC and KELTRON the Government may examine this in details including due diligence.

2.83 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Defence within three months of the date of the reply *i.e.* by 27 October 2005.

2.84 The Ministry of Defence vide O.M.No.30(PQ)/2005/D(B&C) dated 22 February 2006 requested for dropping of the assurance on the grounds that the answer given to the question, the decision of the Government on the Report of the Task Force was given in the last sentence, namely, that Defence Public Sector Undertakings (DPSUs) and Ordnance Factories would consider placing orders on Keltron within the existing framework of Government guidelines and purchase

policies. It was accordingly clarified that the answer given was not an assurance. The Ministry further stated that the recommendations of the Task Force were annexed to the answer and the assurance/promise mentioned by the Ministry of Parliamentary Affairs was actually an extract from the recommendations of the Task Force and may not be treated as an assurance.

2.85 In view of the above, the Ministry requested that the above mentioned assurance may be dropped.

2.86 The Committee note that a question was asked on 28 July 2005 regarding taking over of Keltron. The question sought information regarding acceptance of recommendations of the task force for taking over the various electronic factories as defence units, taking over of Keltron, its details etc. In reply it was inter-alia stated by the Government that the Government received requests to take over Keltron as unit under the Ministry of Defence but the same has not been found feasible. However considering a proposal from Government of Kerala for acquiring Keltec and Keltron the Government may examine it in details. This reply was treated as an assurance but a request was received from the Ministry of Defence to drop the same on the ground that the answer given to the question implies that the Defence Public Sector Undertakings and Ordinance factories would consider placing orders on Keltron. This request was considered by the Committee at their sitting held on 05 October 2006 and having satisfied with the reasons advanced by the Ministry the Committee decided to drop the assurance.

**[xii] CLOSURE OF MORE THAN 600 DYEING AND BLEACHING FACTORIES
LOCATED IN AND AROUND TIRUPUR IN COIMBATORE DISTRICT,
TAMILNADU**

2.87 On 28 July 2005 Shri Vijayendra Pal Singh, M.P., during discussion on the

Calling Attention desired to know as follows:-

"I have a very specific question. Is it not a fact that most of the effluent plants that you are talking about are more expensive than even the processed houses and the dyeing plants? So, they will not be able to afford them. If they are not in a cluster, you cannot have a common effluent plant. Then, what is the solution to it?"

The second question that I want to ask the Minister is that you have a Pollution Board in all the States, and they give NOCs. Are they really doing their job and what is the solution to all this? Because, the effluent and the pollution of the waters in that area is so much that it creates a lot of disaster in that area. There is no solution. Mr. Minister, you must have a solution to it. So far, there are no solutions that have really come forward."

2.88 In reply the Minister of Textiles (Shri Shankarsinh Vaghela) stated as follows:-

"Mr. Chairman, sir, the subject of pollution control does not come in the purview of the Ministry of Textiles. The State Pollution Control Boards, which are to monitor its regulation have not been observing the quality of water. The farmers moved the High Court therefore stay has been given. The Ministry of Textiles is not a party to it. The Ministry of Textiles has implemented two schemes namely Apparel Parks and TCIDS till date for infrastructure development. For the first scheme Rs.17 crore are given and Rs.20 crore are given for the second scheme. Effluents plants are covered under them. I want to go on record that so far no body has sought the help of the Ministry of Textiles. Tirupati Exporters Association has sought some funds on 17th May 2005, which does not come under our purview. Despite the fact, we have given Rs.11 crore for

wind mills. We will provide a sum of additional Rs.9 crore to them if they ask it. Rs.50 crore have been allocated to the Installed Pollution Control. Madras out of which Rs.25 crore have been released. Our Minister in the Ministry of Environment, Shri A. Raja belongs to Tamilnadu. I have discussed with him that whatever the State Government is doing let it be that way. If a project is put before us then jointly with the Minister of Environment we will consider it sympathetically to provide grants from both the Ministries.”

2.89 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Textiles within three months from the date of reply i.e. by 27 October 2005 but the assurance is yet to be fulfilled.

2.90 The Ministry of Textiles vide their O.M. No.3/1/2006-CT-I dated 15 January 2006 requested to drop the assurance on the ground that the statement made by the Hon'ble Minister during the discussion in the Lok Sabha neither in the statement nor in the reply, any mention is available which may be treated as an assurance having been given by the Hon'ble Textile Minister. In fact, the issue of pollution control does not come under the purview of the Ministry of Textiles.

2.91 The Ministry further stated that the issue of pollution control in all activities including textile processing activities is looked after by respective State Pollution Control Boards. Certain acts and rules have been formulated and emission norms have been prescribed for discharge of effluents in air, water and land. It is the responsibility of every enterprise to follow the norms so prescribed and not to discharge the effluents beyond the permissible limits so that the quality of environment is protected. Since the enforcement of pollution control measures is

done by State Pollution Control Board under the control of State Government, the issue mainly relates to the concerned State Government. In the instant case, the farmers of the region have gone to the Madras High Court. And the Court after having a thorough hearing has ordered for closure of only those dyeing and processing units which were not adhering to the pollution norms. The Court is not against the units but only against the pollution causing activities of the units. The units, which have fitted pollution control devices or have given undertakings to do so within a stipulated time scheduled, have been permitted by the Court to function. Therefore, the situation does not warrant any action on the part of Government of India. Everyone is bound to follow the law of the land and dyeing and processing units of Tirupur areas are no exceptions. It may, thus, be noted that the situation does not warrant for any assurance nor any assurance has been given by the Hon'ble Textile Minister. It may also be relevant to mention that no specific proposal either from the State Government of Tamilnadu or from Industry of the region has been received in the Ministry so far.

2.92 In view of the above the Ministry requested that the Statement as well as reply given by the Hon'ble Textile Minister may not be treated as an assurance and deleted from the pending list of assurance.

2.93 The Committee note that on 28 July 2005 during Calling Attention regarding closure of more than 600 dyeing and bleaching factories located in and around Tirupura in Coimbatore District, Tamil Nadu an assurance was given by the then Ministry of Textiles that if a project is put before them jointly with the Minister of Environment then they will consider it sympathetically to provide grant from both the Ministries. The Ministry of Textiles later requested for dropping the assurance on the ground that the issue of pollution control in all activities including textile processing activities is looked after by the respective State Pollution Control Board. The Committee considered this request at their sitting held on 05 October 2006 and having satisfied with the reasons furnished by the Ministry decided to drop the assurance.

[xiii] CONTRACTS AWARDED ON BOGUS BANK GUARANTEES

2.94 23 August 2005, S/Shri Anandrao Vithoba Adsul, Braja Kishore Tripathy and Ravi Prakash Verma, MPs addressed the following Unstarred Question No.4129 to the Minister of Urban Development:-

- “(a) whether the National Building Construction Corporation has awarded contracts worth crores of rupees against the bogus bank guarantees as reported in the Jansatta, dated August 5, 2005;**
- (b) if so, the facts thereof;**
- (c) the action taken in this regard;**
- (d) the steps taken to punish the guilty persons in this regard; and**
- (e) the steps being taken by the Government to check such incidents in future?”**

2.95 In reply, the then Minister of Parliamentary Affairs and Urban Development (Shri Ghulam Nabi Azad) stated as follows:-

- “(a) & (b): No, Sir. NBCC works are awarded as per the guidelines issued by CVC. The bank guarantees submitted, by the construction firm referred to in the `Jansatta` dated 5.8.2005, as per the terms of contract were found to be bogus when the NBCC sought confirmation/ revalidation from the issuing banks.**
- (c): The NBCC has taken the following action against the construction firm which submitted the bogus bank guarantees:-**
 - (i) Bank guarantees commission @ 2% p.a. amounting to Rs. 95,178/- on the total amount of all the four bank guarantees for the intervening period has been recovered from the contractor.**

Further the interest @ 18% p.a. amounting to Rs. 7,91,806/- on the amount of bank guarantees has also been recovered from the contractor.

(ii) The contractor has been blacklisted for all future works with the instructions that no further works should be awarded to the contractor.

(iii) The Earnest Money Deposit with NBCC of Rs. 3.00 lacs has also been forfeited.

(iv) One of the awarded works at Patna i.e. Construction of Swimming Pool for Sports Complex at Kankarbagh, which was yet to be started, has been withdrawn from the contractor.

(d): Investigation in the matter is being conducted by CBI.

(e): The system for confirming the genuineness of the bank guarantees which is already in place in the Corporation has been recirculated for strict compliance."

2.96 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Urban Development within three months of the date of reply i.e. by 22 November 2005 but the assurance is yet to fulfilled.

2.97 The Ministry of Urban Development vide their O.M. No. H-11016/1/2005-PS (Pt.) dated 17 February 2006 requested to drop the assurance on the grounds that neither the Ministry nor NBCC entrusted the matter to CBI. As such, CBI investigation is an independent action. Neither the Ministry nor the NBCC have any control over the process of investigation nor can they reliably predict duration of this investigation by CBI. It will, as such, not be feasible for this Ministry to fulfil the deemed Assurance.

2.98 Accordingly, the Ministry, with the approval of Minister of Urban Development, requested that the reply may not be treated as an assurance and be deleted.

2.99 A question was asked on 23 August 2005 regarding contracts awarded on bogus bank guarantees. The question sought information regarding awarding of contracts against the bogus bank guarantees by the National Building Construction Corporation (NBCC) and action taken in this regard. In reply it was stated that NBCC works are awarded as per the guidelines issued by CVC and NBCC took several measures against the contractor whose bank guarantee was found to be bogus. It was also stated that the investigation in the matter was being conducted by CBI. This reply was treated as an assurance. However, the Ministry of Urban Development requested for deletion of the same inter-alia on the ground that neither the Ministry nor NBCC entrusted the matter to CBI. This request was considered by the Committee at their sitting held on 05 October 2006 and the Committee noted that the Ministry have initiated necessary steps to stop recurrence of such incidents in future and accordingly decided to drop the assurance.

[xiv] MORE POWER TO STATE

3.0 On 29 November 2005, Shri Sunil Khan, MP addressed the following USQ No.951 to the Minister of Home Affairs:-

Will the Minister of Home Affairs be pleased to refer to reply to USQ No. 2079 regarding More Power to State Government and state:

- “(a) the details of progress made in the implementation of remaining 6 recommendations of Sarkaria Commission report;**
- (b) whether the Government has taken decision on the demands of Inter-State Council Secretariat (ISCS) in respect of implementation of these recommendations; and**
- (c) if so, the details thereof?”**

3.1 In reply, the Minister of State in the Ministry of Home Affairs (Shri Manikrao Hodlya Gavit) stated as follows:-

“(a) to (c): Out of the 6 recommendations of Sarkaria Commission, which were pending at the time of replying to the Lok Sabha Unstarred Question No. 2079 dated 14.12.2004, final view has since been taken on 3 recommendations and no further action is required . The remaining 3 recommendations are under consideration by the concerned administrative Ministries. The Inter-State Council Secretariat is closely monitoring the implementation of these recommendations.”

3.2 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Home Affairs within three months of the date of reply i.e. by 28 February 2006 but the assurance is yet to fulfilled.

3.3 The Ministry of Home Affairs vide their O.M. No. IV/13012/24/2005-CSR-II dated 7th February 2006 requested for dropping the assurance. The Ministry stated that the USQ No. 951 dated 29 November 2005 drew a reference to the reply to the Lok Sabha USQ No. 2079 dated 14 December 2004, which was also treated as an assurance and on the request for dropping, the Committee on Government Assurances (At their sitting held on 26 October 2005) dropped the assurance given in reply to USQ No. 2079 on the ground that 'the reply was given in the context that whenever demands for devolution of more powers to States are received they are duly considered and appropriate action is taken. Rearrangements of sharing of powers to Union and States are a continuous process within the overall framework of the Constitution of India. No time-frame can, therefore, be given for completion of this process.'

3.4 The Ministry further stated that the reply to the USQ No. 951 dated 29 November 2005 needs to be similarly treated keeping in view the same ground, which was kindly accepted by the Committee.

3.5 Accordingly, the Ministry of Home Affairs, with the approval of the Minister of State (G) in the Ministry of Home Affairs, requested to drop the assurance.

3.6 A question was asked on 19 November 2005 regarding the progress made in the implementation of the remaining six recommendations of Sarkaria Commission Report, decision of the Government on the demands of Inter-State Council Secretariat (ISCS) and details thereof. In reply it was stated that out of the six pending recommendations of Sarkaria Commission final view has been taken on three recommendations and the remaining three are under consideration of the concerned administrative Ministries besides being closely monitored by the ISCS. Since this reply was considered as an assurance a request was made by the Ministry of Home Affairs on the ground that rearrangement of sharing of powers to Union and States is a continuous process. The Committee at their sitting held on 05 October 2006 considered the request of the Ministry for dropping and having convinced with the reasons forwarded by the Ministry decided to drop the assurance.

MINUTES

SECOND SITTING

Minutes of the sitting of the Committee on Government Assurances (2006-2007) held on 05 October 2006 in Committee Room 'D', Parliament House Annexe, New Delhi.

The Committee sat from 1500 hours to 1630 hours on Thursday, 05 October 2006.

PRESENT

CHAIRMAN

Shri Harin Pathak

Members

2. Shri J.M. Aaroon Rashid
3. Shri Jigajinagi Ramesh Chandappa
4. Dr. K. Dhanaraju
5. Shri Biren Singh Engti
6. Shri Sunil Khan
7. Shri Vijoy Krishna
8. Shri Rasheed Masood
9. Shri A. Venkatesh Naik
10. Shri Nihal Chand
11. Shri Rajiv Ranjan `Lalan' Singh
12. Shri Aruna Kumar Vundavalli

Secretariat

1. Shri P. Sreedharan - Joint Secretary
2. Shri T.K. Mukherjee - Director
3. Shri B.S. Dahiya - Under Secretary

At the outset, the Chairman welcomed the Members and apprised them briefly about the requests received from various Ministries regarding dropping of pending assurances. Thereafter, the Committee took up the following Memoranda:-

Memorandum No.2 Request for dropping of assurance given on 04 August 1990 in reply to USQ No. 3356 regarding 'Shikayat Adalat'.

The Committee considered the above memorandum and desired to know what specific steps taken by the Ministry to look into the grievances of CGHS beneficiaries and the rest of the Public regarding treatment at hospitals of Union Government. The Committee also desired to know about the number of inspections made by the inspection Committee during a year. The Committee, therefore, decided not to drop the assurance.

Memorandum No.3 Request for dropping of assurance given in reply to Starred Question No. 42 dated 22 November 1996 regarding 'Research on Rubber Plants', Unstarred Question NO. 2261 dated 11 December 1998 "Scheme for the Scientists of Commodity Board' and Unstarred Question No.1659 dated 10 December 2004 regarding 'Rubber Research Institute.

The Committee considered the above memorandum and noted that two Ministries viz. the Ministry of Commerce and Industry and Ministry of Finance besides Department of Personnel and Training are involved in the issue and moreover all out efforts have been made by the Ministry of Commerce and

industry for fulfilling the assurance. The Committee, therefore, decided to drop the assurance.

Memorandum No.4 Request for dropping of assurance given on 15 April 1999 in reply to USQ No. 3669 regarding 'Operation Leech conducted in Andaman and Nicobar Islands'.

The Committee considered the above memorandum and was unable to understand as to how the matter has become sub-judice? The Committee were of the view that even if the subject matter of the assurance had become sub-judice, the Committee would like to be apprised of the outcome of the investigations. The Committee, therefore, desired that a detailed status report with full facts of the case may be furnished for their consideration. The Committee, therefore, decided not to drop the assurance.

Memorandum No.5 Request for dropping of assurance given in reply to USQ No. 456 dated 26 July 2000, SQ No. 212 dated 04 August 2003, SQ No. 312 dated 11 August 2003 regarding 'Raising of Bonus'.

The Committee considered the above memorandum and noted that the Ministry of Finance in the year 2004 advised the Ministry of Labour to postpone the matter for a year and also to work out the additional burden which the economy will have to bear as a result of enhancing the eligibility limit of Bonus from Rs. 3500/- p.m. to Rs. 5000/- p.m. and calculation ceiling from Rs. 2500/- p.m. to Rs. 3500/- p.m., however, till date the Ministry of Labour has not been able to work out the financial implications for the whole economy as advised by the Ministry of Finance. The Committee also noted that the Second National

Commission on Labour (NCL) has also recommended for suitable enhancements in the ceilings for reckoning entitlements and for calculation of bonus which will benefit vast number of employee in public and private sector. The Committee, therefore, decided not to drop the assurance.

Memorandum No.6 Request for dropping of assurance given in reply to USQ No. 3610 dated 16 August 2000 regarding 'Subscribing to UN Conventions/Charters/Documents' and USQ No. 5459 dated 29 August 2001 regarding 'Signing of UN Charters and Conventions'.

The Committee considered the above memorandum and noted that to gather information the Ministry of External Affairs circulated the above questions to other Ministries/ Departments along with a list of treaties to which the UN Secretary General is depository. The Committee also noted that a large number of Ministries are involved and moreover receipt of replies is an ongoing process. The Committee, therefore, decided to drop the assurance.

Memorandum No.7 Request for dropping of assurance given in reply to SQ No. 108 dated 27 November 2000 regarding 'CBI Report on Cricket Match Fixing'.

The Committee considered the above memorandum and noted that there is likely to be no consensus for bringing sports to the Concurrent List and as such no Central Legislation is legally feasible on any matter relating to sports. The Committee, therefore, decided to drop the assurance.

Memorandum No.8 Request for dropping of assurance given on 24 April 2001 in reply to SQ No. 537 regarding 'Amendment in Land Acquisition Act'.

The Committee considered the above memorandum and noted that the assurance involves two policy issues which are not directly concerned with the Ministry of Tribal Affairs. Moreover, the subject matter of the assurance is a state subject. The Committee, therefore, decided to drop the assurance.

Memorandum No.9 Request for dropping of assurance given on 25 April 2001 in reply to SQ No. 550 regarding 'CVC Report on Defence Deals'.

The Committee considered the above memorandum and noted that the assurance pertains to a very sensitive issue. The Committee, therefore, decided to drop the assurance.

Memorandum No.10 Request for dropping of assurance given on 13 July 2004 in reply to USQ No. 907 regarding 'Justice Nanavati Commission'.

The Committee considered the above memorandum and noted that the Nanavati Commission has submitted its report and its recommendations has been examined by the Ministry and the same have also been circulated to the concerned Ministries for their views/comments on 28 February 2006. The Committee, therefore, decided to drop the assurance.

Memorandum No.11 Request for dropping of assurance given on 17 August 2004 in reply to SQ No. 319 regarding 'Assistance to Power Projects in Nepal'.

The committee considered the above memorandum and noted that National Hydro-Electric Power Corporation (NHPC) was unable to make progress of the

project because of the present political instability and adverse security situation in Nepal. The Committee, therefore, decided to drop the assurance.

Memorandum No.12 Request for dropping of assurance given 01 December 2004 in reply to USQ No. 193 regarding 'CBI Raids'.

The Committee considered the above memorandum and noted that out of the total cases registered during special drive action has been taken in 44 cases but in the 21 cases investigations are in progress. The Committee, therefore, desired to know the outcome of these 21 cases and decided not to drop the assurance.

Memorandum No.13 Request for dropping of assurance given in reply to SQ No.7 dated 01 December 2004 regarding ' Merger of BSNL and MTNL, SQ No. 372 dated 20 April 2005 regarding 'Merger of MTNL and BSNL and USQ No. 4049 dated 20 April 2005 regarding 'Three Way Agreement among DOT, MTNL & BSNL'.

The Committee considered the above memorandum and desired to be apprised of the latest position of the assurances and also desired that a detailed status report may be furnished for their consideration at the earliest. The Committee, therefore, decided not to drop the assurances.

Memorandum No.14 Request for dropping of assurance given on 10 March 2005 in reply to USQ Nos. 1112 and 1292 respectively regarding 'Digitisation of Cable T.V. and Satellite Radio Service'.

The Committee considered the above memorandum and noted that no proposal is pending with the Government and accordingly decided to drop the assurance.

Memorandum No.15 Request for dropping of assurance given on 27 July 2005 in reply to No. 49 regarding 'Unified Telephone System'.

The Committee considered the above memorandum and observed that Telecom Regulatory Authority of India has already submitted its recommendations for unified licensing regime to the Government. The Committee, therefore, decided to drop the assurance.

Memorandum No.16 Request for dropping of assurance given on 27 July 2005 in reply to USQ No. 428 regarding 'Infant Mortality Rate'.

The Committee considered the above memorandum and noted that the Ministry have collected the details of the infant mortality rate, State-wise and accordingly decided to drop the assurance.

Memorandum No.17 Request for dropping of assurance given on 28 July 2005 in reply to USQ No. 683 regarding 'Taking over of Keltron'.

The Committee considered the above memorandum and having satisfied with the reasons advanced by the Ministry, decided to drop the assurance.

Memorandum No.18 Request for dropping of assurance given on 28 July 2005 in reply to USQ No. 839 regarding 'National Heritage Sites Commission'.

The Committee considered the above memorandum and noted that in the reply it was specifically stated that the Ministry of Culture proposed to constitute a National Heritage Sites Commission and the Commission could be set up after the enactment of an appropriate legislation, on which work was in progress. The Committee therefore desired that a status report regarding the present position of the assurance may be furnished for their consideration at the earliest and accordingly decided not to drop the assurance.

Memorandum No.19 Request for dropping of assurance given on 28 July 2005 during discussion on the Calling Attention regarding 'Closure of more than 600 dyeing and bleaching factories located in and around Tirupur in Coimbatore district, Tamil Nadu.

The Committee considered the above memorandum and noted that the issue of pollution control in all activities including textile-processing activities is looked after by respective State Pollution Control Boards and accordingly decided to drop the assurance.

Memorandum No.20 Request for dropping of assurance given on 23 August 2005 in reply to USQ No. 4129 regarding 'Contracts Awarded on Bogus Bank guarantees'.

The Committee considered the above memorandum and noted that the Ministry have initiated necessary steps to stop recurrence of such incidents in future and accordingly decided to drop the assurance.

Memorandum No.21 Request for dropping of assurance given on 29 November 2005 in reply to USQ No. 951 regarding ' More Power to State'.

The Committee considered the above memorandum and noted that the Inter-State Council Secretariat is closely monitoring the implementation of recommendations and accordingly decided to drop the assurance.

The Committee then adjourned.

MINUTES

FOURTH SITTING

Minutes of the sitting of the Committee on Government Assurances (2006-2007) held on 11 December 2006 in Committee Room 'B', Parliament House Annexe, New Delhi.

The Committee sat from 1500 hours to 1600 hours on Monday, 11 December 2006.

PRESENT

CHAIRMAN

Shri Harin Pathak

Members

2. Shri Jigajinagi Ramesh Chandappa
3. Dr. K. Dhanaraju
4. Shri Biren Singh Engti
5. Shri Sunil Khan
6. Shri Rajiv Ranjan 'Lalan' Singh
7. Shri Aruna Kumar Vundavalli

Secretariat

1. Shri P. Sreedharan - Joint Secretary
2. Shri T.K. Mukherjee - Director
3. Shri B.S. Dahiya - Under Secretary

At the outset, the Chairman welcomed the Members and apprised them briefly about the agenda for the sitting. Thereafter, the Committee considered and after discussion adopted draft Fourteenth Report regarding assurances relating to

Petroleum and Natural Gas with slight amendment as shown in the Annexure. The Committee then considered and adopted the draft fifteenth report regarding requests for dropping of assurances. Thereafter, the Committee took up the following Memoranda on the requests received from various Ministries/Departments for dropping the assurances:-

XXXXX

XXXXX

XXXXX

XXXXX

The Committee then adjourned.

Annexure

Amendments made in the Draft 14th Report on “ Assurances relating to the Ministry of Petroleum and Natural Gas”.

Page	Para	Line	Amendments
27	2.14	Second Last line	<u>Add</u> “within a time frame” after “logical conclusions”