

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

(FOURTEENTH LOK SABHA)

SEVENTEENTH REPORT

REQUESTS FOR DROPPING OF ASSURANCES

Presented to Lok Sabha on



**LOK SABHA SECRETARIAT
NEW DELHI**

March 2007/Phalgun 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 S. Bal Shekar - Joint Secretary
2. Shri T.K. Mukherjee - Director
3. Shri B.S. Dahiya - Deputy 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 Seventeenth Report of the Committee on Government Assurances.

2. The Committee (2006-2007) was constituted on 7 August 2006.
3. The Committee at their sitting held on 11 December 2006 considered Memoranda Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 containing requests received from the Ministries/Departments of the Government of India for dropping of pending assurances.
4. At their sitting held on 15 March 2007, the Committee considered and adopted their Seventeenth Report which had been drafted on the basis of the decisions taken by the Committee on the Memoranda cited in the previous para.
5. The Minutes of the aforesaid sittings of the Committee form part of this report. (Appendices).
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;

15 March 2007

24 Phalgun 1928 (Saka)

HARIN PATHAK
CHAIRMAN

COMMITTEE ON GOVERNMENT ASSURANCES

REPORT

CHAPTER-I

REQUESTS FOR DROPPING OF ASSURANCES (NOT ACCEPTED)

(I) TASK FORCE ON FLOOD AND EROSION CONTROL

1.1 On 18 April 2005, Dr. Arun Kumar Sarma and Shri Madhu Goud Yaskhi, MPs asked the following Starred Question No. 335 to the Minister of Water

Resources:-

- “(a) the details of action plan as well as implementation schedule finalized for implementation of various recommendations of the Task Force on flood and erosion control;
- (b) the details of flood and erosion control projects submitted by the State Governments including Assam Government pending for clearance showing total outlays as well as stages of clearance; and
- (c) The specific plan, if any, finalized for controlling flood and erosion of the Brahmaputra river and its tributaries?”

1.2 In reply, the Minister of Water Resources (Shri Priya Ranjan Dasmunsi)

stated as follows:-

- (a) to (c) A Statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (c) of Lok Sabha Starred Question No. 335 to be answered on 18 April 2005 in Lok Sabha regarding Task Force on Flood and Erosion Control.

(a) The Government of India had set up a Task Force for Flood Management/Erosion control under the chairmanship of Chairman, CWC to look into the problem of floods in Assam & neighbouring states, West Bengal, Bihar & Eastern Uttar Pradesh in August, 2004. The Task Force had submitted its report on 31.12.2004 to Ministry of Water Resources. The Broad recommendations of the Task Force are as under:

The Task Force has recommended expanding the role of the Central Government in the flood control sector. It has recommended that the flood control schemes should be funded through the Centrally

sponsored Scheme in the ratio of 90% Central and 10% State from the present 75:25. The Task Force has recommended that corpus for Centrally Sponsored Scheme also needs to be increased substantially to accommodate all critical flood management and critical anti-erosion works.

The Task Force has recommended schemes worth Rs. 316.14 crore as immediate measures to be taken before the coming flood season. The Schemes worth Rs. 2030.15 crore have been recommended during the remaining two years of the 10th Five year Plan i.e. during the 2005-06 and 2006-07 under short term I measures and Rs. 2635.81 crore have been estimated as requirement during the 11th Plan.

Task Force has recommended that the total investment for plan/Flood Management may be increased from the existing half percent of the total outlay to at least 1%.

It has recommended earmarking funds in the State Sector as Additional Central assistance for maintenance of embankments.

Eligibility criteria for Central funding is proposed to be reduced to Rs. 1 crore from the existing limit of Rs. 3 crore per scheme.

The Task Force has recommended creation of a revolving fund of say Rs. 50 crore which may be available annually to the Ministry of Water Resources to take up emergent flood management schemes. The normal requirement of 'in principle' approval of Planning Commission is recommended to be waived in this particular case. The schemes under this fund could be implemented by the States/Board after inspection by CWC/Brahmaputra Board. The Task Force has further recommended that to mobilize resources for this revolving fund, a flood cess of say 1% to 2% could be levied on new infrastructures like roads, buildings, power plants etc. in the flood prone states.

The Task Force has recommended that the Central Government may consider funding the flood control component of the reservoir projects.

Under the institutional arrangements, the Task Force has recommended setting up of an Authority in the North East region with all the statutory powers. In the meantime it has recommended strengthening and restructuring of the Brahmaputra Board.

The Task Force has recommended establishment of Sikkim and North Bengal River Management Board as well as strengthening of the Ganga Flood Control Commission by addition of a Member (Works) and appropriate field formations for investigation and execution of critical flood management works.

The Task Force has recommended extension of jurisdiction of Farakka barrage organization.

In order to have policy formulation and coordination among various agencies so recommended by the Task Force, it has also recommended strengthening of Flood management Organizations of the Central Water Commission by re-starting the post of Member (Floods) abolished earlier and re-deployment of posts of Chief Engineer, two Directors and other lower level functionaries.

The Task Force has also recommended that the Brahmaputra Board and the proposed Sikkim and North Bengal River Management Board be entrusted the techno-economical examination of the schemes for submission to the Planning Commission for investment clearance.

The Task Force has also given due importance to the long-term measures by expediting the taking up of reservoir projects in the North-east as well as in Nepal and Bhutan.

The report of the Task Force has been circulated to the various Ministries/Planning Commission and the concerned State Government. The report of the Task Force is under consideration in the Ministry.

(b) the Statement giving status of appraisal of flood management schemes pending clearance is detailed below:-

| Sl. No. | Name of State | Schemes under examination | | Schemes for which comments sent | |
|-------------------------------|-------------------|---------------------------|-------------------------------|---------------------------------|-------------------------------|
| | | No. of schemes | Estimated Cost (In Rs. crore) | No. of schemes | Estimated cost (In Rs. crore) |
| A. Central Water Commission** | | | | | |
| 1. | Arunachal Pradesh | 3 | 14.69 | 1 | 4.90 |
| 2. | Assam | 5(2*) | 68.88 | 22(12*) | 266.11 |
| 3. | Meghalaya | - | - | 1* | 1.80 |

| | | | | | |
|--------------------------------------|------------------|----|--------|-------|---------|
| 4. | Mizoram | - | - | 1 | 5.60 |
| 5. | Nagaland | 1* | 1.81 | - | |
| 6. | Tripura | - | - | 5(1*) | 37.30 |
| 7. | J & K | 7 | 14.80 | 7 | 146.29 |
| 8. | Gujarat | - | - | 1 | 1427.30 |
| 9. | Punjab | 1 | 8.19 | 1 | 128.29 |
| 10. | Himachal Pradesh | - | - | 1 | 241.57 |
| 11. | Andhra Pradesh | - | - | 2 | 12.50 |
| 12. | Orissa | - | - | 6 | 740.95 |
| 13. | Karnataka | - | - | 1 | 183.20 |
| 14. | Kerala | - | - | 1 | 5.80 |
| B. Ganga Flood Control Commission*** | | | | | |
| 15. | Bihar | 2 | 357.98 | 15 | 93.86 |
| 16. | Jharkhand | - | - | - | - |
| 17. | West Bengal | 5 | 12.32 | 6 | 6.78 |
| 18. | Uttar Pradesh | 6 | 122.80 | 9 | 296.35 |

*Schemes submitted by the Brahmaputra Board.

**Upto March 2005

***Upto Jan. 2005.

(c) Government of India had set up Brahmaputra Board under an act of Parliament i.e. Brahmaputra Board Act, 1980 (46 of 1980) under the then Ministry of Irrigation (now renamed as Ministry of Water Resources). The Board has been given responsibility for preparation of Master Plan to control floods, bank erosion and improvement of drainage in the Brahmaputra and Barak Valleys also giving due regard to the development and utilisation of the Water Resources for irrigation, hydropower, navigation and other beneficial use. Accordingly, the Brahmaputra Board undertook preparation of the Master Plan in three parts as indicated below:

- (a) Part I- Main Stem of Brahmaputra river.
- (b) Part II- The Barak river
- (c) Part III- The tributaries of the Brahmaputra & Barak & rivers of Tripura

The Part I and Part II of the master Plans have been approved by the Government of India. Under part III, 32 Master Plans have been approved by the Government of India.

Government of India has approved the scheme "Critical flood control and anti erosion schemes in Brahmaputra and Barak valley under State Sector estimated to cost Rs. 150.00 Cr as the share of Central Govt (09% grant and 10% loan) for implementation during X plan. Out of this an amount of Rs 81 Cr has been earmarked for the State of Assam.

1.3 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Water Resources within three months of the date of reply i.e. by 17 July 2005; but the assurance is yet to be fulfilled.

1.4 The Ministry of Water Resources *vide* their letter dated 1 May 2006 requested for dropping the assurance on the ground that the report of the Task Force has been considered and the follow up action on the recommendation of the Task Force has been taken by the Ministry.

1.5 The Committee note that a question was asked on 18 April 2005 regarding Task Force on Flood and Erosion Control. The question sought information regarding the details of action plan as well as implementation schedule finalised for implementation of various recommendations of the Task Force on Flood and Erosion Control, the details of pending flood and erosion control projects submitted by the State Governments and the plan for controlling flood and erosion of the Brahmaputra and its tributaries. In reply it was inter-alia stated that a Task Force for Flood and Management/Erosion Control under the Chairmanship of Chairman, Central Water Commission (CWC) was set up in 2004, which submitted its report on 31 December 2004 and the same was under consideration. This reply was treated as an assurance and the Ministry of Water Resources requested for deletion of the same on the ground that the Report of the Task Force has been considered and follow up action on its recommendations has also been taken. This request was considered by the Committee at their sitting held in 11 December 2006 and the Committee decided not to drop the assurance.

1.6 The Committee, while not acceding to the request of the Ministry to drop the Assurance note that the Ministry has informed that the Task Force for Flood management/Erosion Control submitted its report on 13 December 2004 and the same has been considered and follow up action has also been taken. However, the Ministry has not apprised them as to what follow up action has been taken on the

recommendations of the Task Force. The Committee, therefore, desire to be apprised of the action taken at the earliest and also desire that the implementation of the assurance be expedited.

(II) ACCOMODATION FOR GOVERNMENT EMPLOYEES

1.6 On 4 September 1996, Shri S. Ajay Kumar, MP asked the following Unstarred Question No. 4251 to the Prime Minister:-

“(a) whether Government propose to construct new type II quarters for Central Government employees in Delhi for easing the housing problems of these low paid employees;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?”

1.7 In reply, the then Minister of State for Urban Affairs & Employment (Dr. U. Venkateswarlu) stated as follows:-

(a): Yes, Sir.

(b): 540 Type-II quarters at Dev Nagar and 515 Type II quarters at Mata Sundari Road Area are proposed to be constructed.

(c) Does not arise in view of 'b' above.

1.8 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 3 December 1996; but the assurance is yet to be implemented.

1.9 The Ministry of Parliamentary Affairs vide their U.O. Note No. II/UAE (24)USQ-4251-LS/96 dated 14 March 1997 forwarded a request of the Ministry of Urban Development for dropping of the above noted assurance which was considered by the Committee at their sitting held on 19 September, 1998 and the Committee decided not to drop the assurance. Accordingly the Committee in their Second report (13th Lok Sabha) observed that the Quarters are essential for the Government employees as there is shortage of accommodation in Delhi and

the rent of private accommodation is abnormally high and beyond the reach of Government employees. The Committee found that the approach of the Ministry to this acute problem lacks the required seriousness and enthusiasm and deplored such lackadaisical attitude of the Government. The Committee desired that the latest position with regard to construction of Government accommodation may be furnished at the earliest. The decision of the Committee was conveyed to the Ministry accordingly. The assurance was partly implemented on 9 March 2006.

1.10 The Ministry of Urban Development *vide* their O.M. No. 20014/09/1996/W2 dated 23 May, 2006 have again requested for dropping the assurance on the ground that the matter has been examined in detail and it is felt that a categorical reply was given to parts (a) and (b) of the said question. The Member had asked whether there is any proposal to construct Type II quarters for Central Government Employees in Delhi and the details thereof. In reply thereto, it was mentioned that Government proposes to construct 540 Type II quarters at Dev Nagar and 511 quarters At Mata Sundri Road, New Delhi. To fulfill the assurance, the latest position was intimated indicating that the redevelopment plan at Mata Sundari Road was modified and it has been decided not to construct Type-II quarters there. The proposal to construct 540 Type-II quarters at Dev Nagar has also been modified and revised building plan which include construction of 450 Type-II quarters at Dev Nagar have been submitted to Town Planner of MCD. This reply should not have been treated as part implemented.

1.11 In this connection, the Ministry also submitted that whereas the Government have already decided to construct new government quarters as mentioned above, the construction of the same will be taken up in phases and will also depend on the availability of funds to be provided for this purpose. The proposal to construct these quarters is a part of the larger proposal for the construction of general pool quarters in Delhi. The construction of large number of quarters as mentioned in reply to the question, will take a long time. It may, therefore, not be possible to fulfill the assurance within next 2-3 years.

1.12 The Committee note that a question was asked on 4 September 1996 regarding accommodation for Government employees. The question sought information regarding proposal of the Government to construct new type-II quarters for Central Government employees in Delhi, its details etc. An affirmative reply was given by the Government and it was stated that it proposed to construct 540 Type-II quarters at Dev Nagar and 515 Type-II quarters at Mata Sundari Road Area. This reply was treated as an assurance and the Ministry of Urban Development requested for deletion of the same *inter-alia* on the ground that the construction of large number of quarters would take a long time, however the Committee decided not to drop the assurance at their sitting held on 19 September 1999. The Ministry of Urban Development once again requested for deletion of the assurance *inter-alia* on the ground that Government have already decided to construct new government quarters, which is subject to availability of funds. Moreover the construction of quarters will take a long time. The Committee considered this request at their sitting held on 11 December 2006 and decided not to drop the assurance.

1.13 The Committee note that the Ministry of Urban Development assured the house in reply to USQ 4251 dated 04 September 1996 that it was proposed to construct 540 and 515 Type-II quarters at Dev Nagar and Mata Sundari Road area respectively. However, the Ministry instead of initiating steps to implement the assurance, requested for

deletion of the assurance, primarily on the ground that the construction of large number of quarters will take a long time. Thereafter the Ministry again requested for deletion of the assurance and the Ministry *inter-alia* took the plea of non-availability of funds and also the long time period required for construction of quarters. The Committee are surprised to note that the Ministry has not felt the need to apprise the Committee about the progress made/steps taken to implement the assurance. The Committee are further surprised to note that the assurance was given in the year 1996 and the actual construction of the quarters has not at all commenced till date even after the lapse of eleven years and the Ministry is still struggling for funds to be provided for construction of quarters. The Committee deplores the lethargic attitude of the Ministry in handling the assurance and desire to be apprised of the present position of the proposal to construct the quarters. The Committee do not consider the contention of the Government that "the construction of the large number of quarters.....will take a long time" as a valid ground for dropping the assurance. The Committee reiterate their earlier recommendation contained in Para 1.15 of Second report (13th Lok Sabha) presented to the House on 25 August 2000 and desire the Government to take concrete steps to construct the quarters without any further loss of time. The Committee would like to be apprised of the action taken in the matter.

(III) NARASIMHAN COMMITTEE ON INSURANCE AND AMENDMENT TO INSURANCE LAW

1.14 On 02 December 2005, Sarvashri Iqbal Ahmed Saradgi and Prabhodh Panda, M.Ps., addressed the following Unstarred Question No.1624 to the Minister of Finance:-

- “(a) whether the Narasimhan Committee in its draft report on the proposed amendment in the Insurance Act has stressed the need to bring down the minimum required capital base from Rs.100 crores to Rs.45 crores for Insurance companies;**
- (b) if so, whether the Committee is preparing a draft on the proposed amendments in the Insurance Act; and**
- (c) if so, the main recommendations and the number of recommendations which have so far been considered and incorporated in the present Insurance Act.”**

1.15 In reply, the Minister of State in the Ministry of Finance (Shri S.S. Palanimanickam) stated as follows:-

“(a), (b) & (c) The Narasimhan Committee was set up by the Insurance Regulatory and Development Authority (IRDA) to deliberate on the recommendations of the Law Commission to review the Insurance Act, 1938. It has submitted its report to IRDA in July, 2005. IRDA has placed this report in the public domain for comments of all stakeholders. IRDA is yet to submit its report to Government.”

1.16 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Finance within three months of the date of the reply *i.e.* by 01 March 2006. However the assurance has not been fulfilled so far.

1.17 The Ministry of Finance vide O.M.No.H.-12016/(19)/2005-Ins.IV dated 24 May 2006 requested for dropping the assurance on the grounds that the Committee of Expert has submitted its report to IRDA, which will forward its views on the recommendations to the Government to enact a law for the amendments in the concerned Acts and it will take a sufficient/long time for fulfilling the assurance.

1.18 On 10 March 2006, Shri Hemlal Murmu, MP asked the following USQ No. 2286 to the Minister of Finance:-

- “(a) whether Insurance Regulatory and Development Authority (IRDA) has prepared a draft of proposed amendments in insurance laws;**
- (b) if so, the details thereof;**
- (c) whether Narsimhan Committee has been constituted to suggest amendments in the present insurance laws;**
- (d) if so, the details thereof; and**
- (e) the effective steps taken by the Government to implement the recommendations of the said committee.**

1.19 In reply, the Minister of State in the Ministry of Finance (Shri Pawan Kumar Bansal) stated as follows:-

(a) to (e): The Law Commission in its 190th Report submitted to the Government has recommended merging, amending, regrouping, re-casting, re-defining, deleting and re-examining of various provisions of the Insurance Regulatory and Development Authority (IRDA) Act, 1999 and Insurance Act, 1938. IRDA constituted a Committee of Experts on 7th March 2005 under chairmanship of Sh. Narasimhan, Ex-Chairman LIC, to deliberate upon the report of Law Commission. The Government has not received the report of the Committee.

1.20 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Finance within three months of the date of reply i.e. by 9 June 2006 but the assurance is yet to be implemented. The Ministry have sought the extension of time to fulfil the assurance up to 10 September 2006.

1.21 The Ministry of Finance *vide* their O.M. No. H-12016/9/2006-Ins.IV dated 25 May, 2006 requested for dropping the assurance on the ground that the Committee of experts has submitted its report to IRDA which will formulate its views to enact a law for the amendments in the concerned Acts and it will take a sufficient/long time for fulfilling the assurance. Accordingly, the Ministry, with the approval of MOS (EB&I), requested the Committee on Government Assurances, Lok Sabha to drop the assurance.

1.22 The Committee at their sitting held on 31 May 2006 considered a request for dropping of a similar assurance given in reply to USQ No. 6249 dated 6 May 2005 regarding Legislation on Insurance Sector. The Committee decided not to drop the assurance.

1.23 The Committee note that a question was asked on 2 December 2005 regarding Narasimhan Committee on Insurance. The question sought information regarding the recommendation of the Narasimhan Committee contained in its draft report on the proposed amendment in the Insurance Act for bringing down the minimum required capital base from Rs. 100 crores to Rs. 45 crores for insurance companies. The question also sought information regarding the recommendations of the Narasimhan Committee, which have been considered and incorporated in the present Insurance Act. In reply, it was stated that the Narasimhan Committee set up by the Insurance Regulatory and Development Authority (IRDA) to deliberate on the recommendations of the Law Commission to review the Insurance Act, 1938, submitted its report to IRDA in July 2005 and IRDA was yet to submit its report to Government.

1.24 A similar question was asked on 10 March 2006 regarding Amendment to Insurance Law, preparation of draft of proposed amendments in Insurance laws by IRDA, constitution of Narasimhan Committee and steps taken by the Government to implement the recommendations of the Narasimhan Committee. In reply, the Government *inter-alia* stated that the Law Commission in its 190th Report recommended the modification of various provisions of IRDA Act 1999 and Insurance Act 1938. Accordingly, IRDA constituted a Committee of experts under Chairmanship of Shri K.P. Narasimhan, Ex-

chairman LIC to deliberate upon the report of the Law Commission and the Government had not received the Report of the Committee.

1.25 Both the replies were treated as assurances and the Ministry of Finance requested for deletion of those on the ground that on the basis of the final report submitted by the IRDA, recommendations of the Law Commission and KPN Committee, a draft cabinet note with the approval of Minister of Finance has been circulated to various ministries for their comments which are awaited. After the approval of the Cabinet, appropriate bill will be introduced in Parliament and since it will take a long time to enact the law to amend the Acts concerned, the assurances may be dropped. This request was considered by the Committee at their sitting held on 11 December 2006 and the Committee decided not to drop the assurances.

1.26 The Committee note that a similar request for dropping the assurance given in reply to USQ 6249 dated 06 May 2005 regarding legislation on Insurance sector was considered by the Committee at their sitting held on 31 May 2006 and the Committee decided not to drop the assurance. Accordingly the Committee in Para 1.7 of 13th report (14th Lok Sabha) presented to Lok Sabha on 04 August 2006 recommended that recommendations of the Law Commission are of immense relevance for the insurance sector and the required amendments should be expedited. The Committee also desired that the Government should come out with the legislation without any further

loss of time as promised to the House. The Committee, therefore, reiterate their earlier recommendation and urge the Government to bring the legislation at the earliest and implement both the assurances.

(IV) PASSPORT TO SMUGGLER

1.27 On 19 December 2001, Shri A.P. Abdullakutty, M.P., addressed the following Unstarred Question No.4590 to the Minister of External Affairs:-

- “(a) whether an `Israeli smuggler used Indian passport for two years` as reported in the Hindustan Times dated November 21, 2001;**
- (b) if so, the facts in this regard; and**
- (c) the action taken/proposed to be taken against those found guilty in this regard?”**

1.28 In reply, the then Minister of External Affairs (Shri Jaswant Singh) stated as follows:-

- “(a) & (b) A short validity passport was issued to one Rachel Cyrus Ilavia by the RPO, Mumbai on 3.12.1998 on the basis of a Verification Certificate issued by a Joint Secretary to the Government of Maharashtra. A Verification Certificate, inter alia, certifies the bonafides of an applicant. The passport was renewed to its full validity of 10 years, in December, 1999, on police report overdue basis.**

The Mumbai police sent a report in July, 2000 to the effect that the particulars of the applicants could not be verified. As this was not a sufficient ground for taking action under the provisions of the Passport Act, 1967, the passport was not impounded/revoked. It was only in October, 2001 that the Delhi Police informed the Passport Office, Mumbai that the applicant was an Israeli National and the passport was revoked thereafter.

- (c) The matter is under investigation by the Police Authorities.”**

1.29 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 18 March 2002. However the assurance has not been fulfilled so far.

1.30 The Ministry of External Affairs vide their D.O. letter No.VI/125/42/01 dated 18 July 2006 requested for dropping the assurance on the grounds that the matter was under the investigation of the Police authorities at the time of giving reply in Lok Sabha, a reply at clause (c) was given accordingly. However the police authorities later conveyed to the Ministry that the matter was pending trial in the court.

1.31 The Ministry further stated that the matter was sub-judice and the Ministry would be able to take action, if any, only after the same is pronounced by the Court.

1.32 The Committee note that a question was asked on 19 December 2001 regarding Passport to Smuggler. The question sought information regarding use of Indian passport for two years by an Israeli smuggler, its details and the action taken or proposed to be taken against those found guilty. In reply, it was stated that a short validity passport was issued on 03 December 1998 on the basis of a verification certificate issued by a Joint Secretary to the Government of Maharashtra and was renewed to its full validity of 10 years on police report overdue basis. Subsequently, the Mumbai police informed that the particulars of the applicants could not be verified and the passport was not revoked. However on being informed by the Delhi Police that the applicant was an Israeli National, the passport was revoked. It was also stated that the matter was under investigation by the Police authorities. This reply was treated as an assurance and the Ministry of External Affairs requested for dropping the same on the ground that at the time of replying the above question, the matter was under investigation by the Police authorities. However, the Police authorities have informed that the matter is pending trial in the court. The Committee considered this request at their sitting held on 11 December 2006 and decided not to drop the assurance.

1.33 The Committee note with serious concern that a short validity passport was issued to an Israeli national in 1998 on the basis of verification certificate issued by a Joint Secretary to the Government of

Maharashtra which was later renewed to its full validity of ten years. The passport could be revoked only in the year 2001 on the information given by Delhi Police. The Committee consider it a very serious matter and therefore, like to be apprised of the action taken in the matter and the details about the case/proceedings pending in the Court. The Committee would also urge the Government to initiate concrete steps to avoid recurrence of such serious lapses in future and implement the long pending assurance at the earliest.

CHAPTER-II

REQUESTS FOR DROPPING OF ASSURANCES (ACCEPTED)

(I) BANKING FUNCTIONS IN POST OFFICES

2.1 On 24 August 2005, S/Shri S. Ajaya Kumar and Parsuram Majhi, MPs addressed the following Starred Question No.417 to the Minister of Communications and Information Technology:-

- (a) whether the Department of Posts proposes to start its ATM network;**
- (b) if so, the details thereof;**
- (c) the target set for 2005-06;**
- (d) whether the services would be provided in the rural areas also;**
- (e) if so, the details thereof;**
- (f) whether the Government plans to convert the post offices into post Banks by entrusting them with banking functions; and**
- (g) if so, by when the decision is likely to be taken in this regard?**

2.2 In reply, the Minister of State in the Ministry of Communications and Information Technology (Dr. Shakeel Ahmad):-

(a) to (e): The proposal for providing ATM access to the customers of Post Office Saving Bank is in a conceptual stage and details are yet to be worked out.

(f): The proposal for creating a Post Bank with banking functions is also in a conceptual stage and the proposal is yet to be firmed up.

(g): In view of reply to (f) above, it is not possible to indicate any definite time frame in this regard.

2.3 The above reply 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 reply i.e. by 23 November 2005 but the assurance is yet to be fulfilled.

2.4 The Ministry of Communications and Information Technology vide their O.M. No. 73-16/2005-FS dated 17 February 2006 requested for dropping of the assurance on the ground that this is a subject, whose implementation cannot be fructified within a reasonable period of time due to the following facts:-

(a) The Department of Posts, in its endeavor to diversify the services is engaged in conceptualizing value added services to its customers in addition to strengthening the traditional services. Installation of ATMs is one such concept. However, the details in this regard will be worked out only along side the introduction of card based payment solution, which is yet again a product at the conceptual stage. These two concepts are further linked to review of Savings Bank computerization and a national networking. This all India exercise is cumbersome in addition to being capital intensive for which fund requirement will be assessed for projection to Planning Commission. Thus, the subject matter is being considered very carefully in consultation with the IT and finance experts. For this purpose, it is considered desirable to engage a Consultant to spell out exactly the roadmap in terms of requirements of technology, forecasting likely investment and phased manner in which the project is to be taken up. Tenders for engagement of a consultant have been invited and are under examination. After the Consultant submits its report, a view on the matter will be taken. Thereafter, the matter will be taken up with the Planning Commission and on provision of funds for the purpose, the project will be taken up. Thus, the timeline on the matter relating to installation of ATMs cannot be spelt out in exact terms.

(b) The concept of creation of a Post Bank is in the initial stages. Apart from operational requirements, there are many statutory obligations to be fulfilled in terms of seeking approval of Ministry of Finance, Reserve Bank of India and Ministry of Law. At this stage, it may be pre-mature to indicate any time frame by which the concept of Post Bank would be crystallized.

2.5 The Committee note that a question was asked on 24 August 2005 regarding Banking functions in Post Offices. The question sought information regarding starting of ATM network by Department of Posts, its details thereof and the proposal of the Government to convert the post offices into post Banks. In reply, it was stated that the proposal for providing ATM access to the customers of Post Office Saving Bank and creation of Post Bank with banking functions was in a conceptual stage and was yet to be firmed up. This reply was treated as an assurance. However the Ministry of Communications and Information Technology requested for deletion of the assurance on the ground that it cannot be fulfilled within a reasonable period of time. The Committee considered this request of the Ministry at their sitting held on 11 December 2006 and noted that the said proposals were in a conceptual stage and were in the nature of a continuous process and decided to drop the assurance.

(II) FOREST RIGHTS OF TRIBALS

2.6 On 12 December 2005, Shri Prabodh Panda and Dr. Dharendra Agarwal, MPs addressed the following Starred Question No. 265 to the Minister of Environment and Forests:-

- “(a) whether the Government has taken steps to safeguard the rights of tribal people residing on forest lands for more than hundred years;**
- (b) if so, the details thereof; and**
- (c) Whether the Government has stopped the eviction process of forest dwellers;**
- (d) if not, whether any rehabilitation package has been provided for them ; and**
- (e) if so, the details thereof?”**

2.7 In reply, the then Minister of State in the Ministry of Environment and Forests (Shri Namu Narain Meena) stated as follows:-

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF THE LOK SABHA STARRED QUESTION NO. 265 BY SHRI PRABODH PANDA AND DR. DHIRENDRA AGARWAL REGARDING “FOREST RIGHTS OF TRIBALS” DUE FOR REPLY ON 12.12.2005

(a) & (b) The Ministry of Environment and Forests has issued guidelines on 18.09.1990 under the Forest (Conservation) Act, 1980 for grant of traditional rights of forest dwellers, including tribals, over forest land. Such traditional rights over forest land include settlement of disputed claims over forest land, regularisation of eligible encroachment of forest land, conversion of forest villages into revenue villages and regularization of eligible pattas/grants/leases over forest land.

On the basis of the proposals received from the State Governments, about 3.66 lakh hectares of encroachment of forest land has been regularized and 511 forest villages have been converted into revenue villages under the guidelines dated

18.09.1990. This process of grant of traditional rights over forest land to forest dwellers, including tribals, came to a halt due to a ban imposed by the Hon'ble Supreme Court of India on de-reservation of forest land as well as regularization of encroachment of forest land vide its orders dated 13.11.2000 and 23.11.2001 respectively. The Ministry is pursuing the matter with the Hon'ble Court to obtain a suitable modification in the orders so that grant of traditional rights over forest land could be continued further under the Forest (Conservation) Act, 1980.

- (c) The Ministry of Environment and Forests, vide its letter dated 21.12.2004, has requested all the State/Union Territory Governments not to resort to eviction of forest dwellers, including tribals, other than ineligible encroachers of forest land till complete survey is carried out for recognition of such people and their rights on forest land as provided in the guidelines dated 18.09.1990 issued under the Forest (Conservation) Act, 1980. These instructions were reiterated on 17.10.2005. On 03.11.2005, the Ministry has issued detailed revised guidelines for verification/recognition of such rights on forest land and again requested the State/Union Territory Governments to complete the entire process within a period of one year.
- (d) & (e) Rehabilitation package for the evicted ineligible encroachers, if any, needs to be provided by the concerned State/Union Territory Government.

2.8 During the course of discussion Shri Lakshman Seth, MP *inter-alia* asked as under:-

"Sir, I would like to thank the hon. Minister because he has promised to bring the bill for Recognition of the Forest Rights for the tribal people. I would like to know this from the Hon. Minister. What is the number of evictions? What steps have been taken for rehabilitation of the evicted tribals from the forest area?"

2.9 In reply, the Minister *inter-alia* stated that even after merging in the Tenth Plan, if any eligible tribals are removed then necessary assistance is provided. In this connection, the Tribal Ministry is bringing a bill.

2.10 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Environment and Forests within three months of the date of reply i.e. by 11 March 2006. As the assurance was yet to be implemented, the Ministry sought extension of time up to 30th June 2006.

2.11 The Ministry of Environment and Forests vide their letter No.10-122/2005-FC dated 16 May 2006 requested for dropping the assurance on the ground that the 'Scheduled Tribes (Recognition of Forest Rights) Bill, 2005' was being steered by the Ministry of Tribal Affairs and not by that Ministry. Moreover, the said Bill had already been introduced in the Parliament on 13.12.2005 by the Ministry of Tribal Affairs. The Ministry of Environment and Forests with the approval of the Minister of Environment and Forests therefore, requested the Committee on Government Assurances, Lok Sabha to drop the Assurance, since the Ministry of Environment and Forests does not have any role to play with respect to the proposed Bill of the Ministry of Tribal Affairs.

2.12 The Committee note that a question was asked on 12 December 2005 regarding forest rights of Tribals. The question sought information on the steps taken to safeguard the rights of tribals residing in forest Land for more than hundred years, eviction of dwellers, rehabilitation packages for them and its details thereof. In reply, it was, inter-alia, stated that the Government had issued guidelines on 18 September 1990 under the Forest (Conservation) Act 1980 for grant of traditional rights of forest dwellers etc. However during the course of supplementaries a question was raised to know the number of evicted tribals and steps taken to rehabilitate them. In reply it was stated by the Minister of State in the Ministry of Environment and Forests that the Government proposed to introduce a bill in that regard. This reply was treated as an assurance and the Ministry of Environment and Forests requested for deletion of the same on the ground that the scheduled Tribes (Recognition of Forests Rights) Bill 2005 was being steered by the Ministry of Tribal Affairs and not by the Ministry of Environment and Forests. The Committee considered this request at their sitting held on 11 December 2006 and noted that since the Ministry of Environment and Forests does not have any role to play with respect to the proposed bill of the Ministry of Tribal Affairs. Moreover, the bill has since been introduced and passed by both the Houses, decided to drop the assurance.

(III) RECOMMENDATIONS OF LAW COMMISSION

2.13 On 17 March 2006, Dr. Chinta Mohan , MP asked the following Starred Question No. 346 to the Minister of Law and Justice:-

- “(a) whether the Law Commission has observed that there would be a requirement of 300 additional Judges in High Courts and 6500 additional judges for the lower courts to dispose of all the pending cases in the next five years;**
- (f) if so, the details thereof;**
- (g) whether the Government has assessed the financial implications to implement the recommendations of the Law Commission;**
- (h) if so, the details thereof; and**
- (i) the action proposed to be taken by the Government in this regard?”**

2.14 In reply, the Minister of Law and Justice (Shri H.R. Bhardwaj) stated as follows:-

- (a), (b),(c),(d)& (e): A statement is laid on the Table of the House.**

STATEMENT REFERRED TO IN REPLY TO PARTS (a),(b),(c), (d) & (e) OF THE LOK SABHA STARRED QUESTION NO.346 FOR ANSWER ON 17.3.2006.

No such recommendation has been received from the Law Commission. However, judge strength of the High Courts is reviewed every three years. The last review was undertaken in the year 2003 when 94 new posts were recommended. As an interim review, 4 posts of Judges were approved for the Bombay High Court in 2005, making the total for increase of 98 posts. The next review is due in 2006 for which the High Courts have been requested to furnish data.

- (a) As per the guidelines, the required strength of permanent Judges in a High Court is worked out by dividing the average institution of main cases during the last five years by the national average or the average rate of disposal of main cases per Judge per year in that High Court, whichever is higher.

(b) Similarly, the required strength of Additional Judges in a High Court is worked out by dividing the number of main cases pending over two years by the national average or the average rate of disposal of main cases per judge per year in that High Court, whichever is higher.

(c) If the disposal per Judge in the concerned High Court is below even the national average then instead of increasing the strength, the concerned High court is required to take steps for improvement in the rate of disposal of cases. If the average disposal of concerned High Court is above the national average then increase in Judge strength is accordingly considered. The strength of Additional Judges is reviewed only if there is an increase in the arrears of the pending cases during the last 5 years and the disposal per Judge is above the national average.

(d) Under Article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court and the State Government. Thus, filling up of vacant posts of judges/magistrates at the District and Subordinate Courts is the concern of the respective High Courts and the State Governments.

(e) The Supreme Court, in its judgment of March 21, 2002 in All India Judges Association case had directed that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31st March, 2003, in all the States.

(f) The Central Government has been periodically urging all the State Governments/Union Territories to accord utmost priority to filling up of vacant posts of judges and magistrates. The Minister of Law and Justice has written to the Chief Justices of all High courts and Chief Ministers of all States on 26.4.2002 for ensuring compliance of the aforesaid order of the Supreme Court dated 21st March, 2002.

2.15 During the course of supplementary, Dr. Chinta Mohan, MP desired to know the steps Government is planning to make the Judiciary more accountable and transparent. In reply, the Minister of Law and Justice stated as under:-

“I have already drafted a law on Judicial Council.....very soon we will come with a Bill in the Parliament.”

2.16 During the course of supplementaries Smt. Maneka Gandhi, MP desired to know the following:-

"Sir, filling the vacancies in High Courts is all very well, but in Uttar Pradesh, it was agreed in 2004, that there would be nine Munsif Courts made to facilitate justice in smaller towns. One of them was my own area called Bisalpur. This proposal was passed by the State Government and every letter that we write to them, they say that the matter is lying with the Allahabad Court for ratification. It has been two years now. Can the Centre do something about it or it is purely a State matter?"

2.17 In reply, the Minister of Law and Justice stated as follows:-

"Since the hon. Member has drawn my attention to this, I will look into it."

2.18 During the course of supplementaries Shri Brahmananda Panda, MP also desired to know the following:-

"Hon. Speaker, Sir, I would like to know from the hon. Minister that so far as the Orissa High Court is concerned, more than two lakh cases are pending. So far as the lower courts are concerned, more than ten lakh cases are pending.

The Justice delivery system is very slow as a result of which poor people are deprived of justice. The lawyers of Orissa High Court were in strike for about a month. More than eight vacancies are lying vacant as per the present strength. I would like to know when these vacancies are going to be filled. As they say, justice delayed is justice denied. Is any tangible step being taken to overcome such alarming situation which is prevailing not only in my State but also in the other States of the country?"

2.19 In reply, the Minister of Law and Justice stated as follows:-

"I had one proposal from Orissa which has been appointed. Proposals have to come from the Chief Justices and the Chief Ministers of the States. I personally visited Orissa to resolve the conflict between the judges. I can take the House into confidence that they have assured they will send the proposal quickly. I met the Chief Justice and the two senior-most Judges and emphasized this upon them.

Orissa courts is a very good court. We have to resolve this. I also met the senior members of the Bar. I think this strike was called off immediately on my assurance. I am monitoring this court particularly. I have a lot of attachment to the Cuttack court. So, I assure the hon. Members that this will be resolved.....”

2.20 The above replies were treated as assurances and were required to be fulfilled by the Ministry of Law and Justice within three months of the date of reply i.e. by 16 June 2006 but the assurances are yet to be implemented.

2.21 The Ministry of Law and Justice *vide* their O.M. No. 20013/4/2006-Jus dated 9 June 2006 requested for dropping the assurance given in reply to supplementary raised by Smt. Menaka Gandhi, MP on the ground that the matter raised by the Hon'ble M.P. in the supplementary question relates to establishment of Munsif Court in Bisalpur. Under article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned State Government and the High Court. Thus, establishment of Munsif Courts in the towns of Uttar Pradesh is purely a State matter and the Government of Uttar Pradesh and the Allahabad High Court are primarily responsible for this matter. Central Government has nothing to do in this regard.

2.22 The Committee note that a question was asked on 17 March 2006 regarding recommendations of Law Commission. The question *inter-alia* sought information regarding observations of Law Commission about the requirement of additional Judges in High Courts and lower courts and its details thereof. In reply it was inter-alia stated by the Government that no such recommendation was received from the Law Commission, however the judge strength is reviewed every three years. During the course of supplementaries information about the filling of the vacancies in High Courts and also the pendency of cases in Orissa High Court and filling of vacancies of judges was sought. In reply, it was inter-alia stated that the Minister would look into that and proposals had to come from the Chief Justices and the Chief Minister of the States. Since the replies of the Minister to the supplementary questions were treated as assurances, the Ministry requested for deletion of them on the ground that the Union Government cannot fill up the vacancies on their own. The Committee considered this request at their sitting held on 11 December 2006 and having convinced by the reasons forwarded by the Ministry decided to drop both the assurances.

(IV) FOREIGN OPERATION OF LIC

2.23 On 09 December 2005, Smt. Maneka Gandhi and Kunwar Manvendra Singh, M.Ps., addressed the following Unstarred Question No.2627 to the Minister of Finance:-

- “(a) whether the Life Insurance Corporation of India (LIC) proposes to expand its business in foreign countries;**
- (b) if so, the details thereof alongwith the names of the countries;**
- (c) whether the formalities in this regard have since been finalized; and**
- (d) if so, the time by which the LIC is expected to start its operations there?”**

2.24 In reply, the Minister of State in the Ministry of Finance (Shri S.S. Palanimanickam) stated as follows:-

“(a) Yes, Sir.

(b), (c) & (d): LIC has reported that it has already been operating in foreign countries, such as Sri Lanka, Nepal, U.K., Fiji and Mauritius. There are plans to expand its activities to some other countries. The names of the countries and status of proposed foreign operations are as under:-

| S.No. | Country | Status |
|--------------|---------------------|--|
| 1. | Saudi Arabia | A Joint Venture Company with New India Assurance Co. Ltd., LIC (International), BSC © Bahrain & AL Hokair Group of Saudi Arabia has been approved by the LIC Board and Government of India. The proposal is in advanced stage and licence is expected to be issued shortly. |

| | | |
|-----------|--------------------|---|
| 2. | Mauritius | A Joint Venture Company is established in partnership with GIC of India. Operations are expected to start after actuarial evaluation of proposals and finalization of products. |
| 3. | Nigeria | The LIC Board has accorded in principle approval to set up a Joint Venture Company in Nigeria in partnership with New India Assurance Co. Ltd. and Prestige Assurance Plc of Nigeria. The operations are expected to start in 2006-07. |
| 4. | New Zealand | The entry strategy is being evaluated by Actuarial team and operations are expected to start in 2006-07. |
| 5. | Egypt | Options for entry strategy are being examined. |

2.25 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Finance within three months of the date of the reply *i.e.* by 08 March 2006. However the assurance has not been fulfilled so far.

2.26 The Ministry of Finance vide O.M.No.H.-12016/18/2005-Ins.III dated 15 June 2006 requested for dropping the assurance on the grounds that the matter has been taken up with the Life Insurance Corporation of India who has informed that for opening of foreign operation in Egypt, the entry strategy is being evaluated and a decision will be taken by them thereafter. Since it is in the beginning stage it may take very long time to materialize and it is very difficult for fulfillment of assurance in time.

2.27 The Committee note that a question was asked on 9 December 2005 regarding Foreign Operation of Life Insurance Corporation of India (LIC). The question sought information regarding proposal of LIC to expand its business in foreign countries and its details thereof. In reply it was inter-alia stated that LIC was already operating in foreign countries. However there were plans to expand its activities to some other countries and in the case of Egypt, options for entry strategy were being examined. This reply was treated as an assurance and the Ministry of Finance requested for its deletion on the ground that the entry strategy for opening of foreign operation in Egypt was being evaluated and a decision would be taken thereafter. It was also stated that the proposal was in the beginning stage and could take a very long time to materialize. This request was considered by the Committee at their sitting held on 11 December 2006 and after taking note of the submissions made by the Ministry, it was decided to drop the assurance.

(V) SURAJ KUND FAIR

2.28 On 08 March 2001, Dr. Jaswant Singh Yadav, Sarvashri Vijay Goel and Tarachand Bhagora, M.Ps., addressed the following Unstarred Question No.1823 to the Minister of Textiles:-

- “(a) the reaction of the Government on the recent incident of falling of joy-ride in the handicraft fair on Surajkund in Haryana;**
- (b) whether the Government propose to conduct an inquiry into this incident;**
- (c) if so, the details of findings of the committee including the cause of the incident;**
- (d) the action taken against the guilty persons;**
- (e) the number of casualties occurred in the incident along with compensation paid to each victim;**
- (f) whether any directions are issued to fair organising companies by the Government; and**
- (g) if so, the details thereof and the remedial measures taken to control such incident in future?”**

2.29 In reply, the then Minister of State in the Ministry of Textiles (Shri V. Dhananjaya Kumar) stated as follows:-

- “(a): It was an unfortunate incident wherein four people were killed and 11 were injured.**
- (b) to (d): The Surajkund Craft Mela is organised by the Tourism Department of Haryana Government. Government of India only sponsors craftpersons and weavers for participation in the Mela and provides financial assistance to the Government of Haryana.**

According to the report received from Government of Haryana, the district police of Faridabad has registered an FIR No.123 under Section 304-A, 337 & 34 IPC at the Police Station, NIT, Faridabad on 11th February, 2001 i.e. the day of mishap against the owner and contractor of the Swing and three others. Within 24 hours of the accident all accused were arrested. The matter is still under investigation.

The report states that accident occurred due to shifting the movement of swing from the first gear to the fourth gear directly thereby causing breaking of the shaft of the swing.

Since Government of Haryana is responsible for organising the event, the Government of India does not propose to conduct an enquiry unless a request to that effect is received from Government of Haryana.

(e): As per report of Government of Haryana, in all four persons died and eleven sustained injuries. A total of Rs.9.50 lakhs has been disbursed to the next of the kin of the deceased and the injured as ex-gratia assistance.

(f) & (g): As per report, Government of Haryana, is issuing instructions to the Fair Organising Companies to ensure the safety of visitors."

2.30 The reply to the above question was treated as an assurance and was required to be fulfilled by the Ministry of Textiles within three months of the date of the reply *i.e.* by 07 June 2001. However the assurance has not been fulfilled so far.

2.31 The Ministry of Textiles vide their U.O..No.1/15/2001-Parl/426 dated 27 January and 22 June 2006 requested for dropping of the assurance on the grounds that the investigation regarding the mishap that occurred on 11

February 2001 at Surajkund Craft Mela due to swing turning upside down in which four persons died and 12 sustained injuries was sub-judice.

2.32 The Committee note that a question was asked on 08 March 2001 regarding Surajkund Fair. The question *inter-alia* sought information on the reaction of the Government on an incident of falling from joy-ride in the handicraft fair its enquiry and details thereof. In reply, it was, *inter-alia*, stated that the State Government of Haryana had registered a case in that regard and since the Government of Haryana was responsible for organizing the event the Government of India did not propose an enquiry and the matter is still under investigation. This reply was treated as an assurance and the Ministry of Textiles requested for deletion of the same on the ground that the matter was sub-judice. The Committee considered this request at their sitting held on 11 December 2006 and after taking note of the submissions made by the Ministry, it was decided to drop the assurance.

New Delhi;

15 March 2007
24 Phalguna 1928 (saka)

HARIN PATHAK
CHAIRMAN
COMMITTEE ON GOVERNMENT ASSURANCES

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:-

Memorandum No.32 Request for dropping of assurance given on 24 August 2005 in reply to SQ No. 417 regarding 'Banking Functions in Post Offices'.

The Committee considered the above memorandum and noted that the proposal for providing ATM access to the customers of Post Office Saving Bank is in a conceptual stage besides being a continuous process. The Committee, therefore, decided to drop the assurance.

Memorandum No.33 Request for dropping of assurance given on 12 December 2005 in reply to SQ No. 265 regarding 'Forest Rights of Tribals'.

The Committee considered the above memorandum and noted that the Scheduled Tribes (Recognition of Forest Rights) Bill, 2005 is being steered by the Ministry of Tribal Affairs and not by the Ministry of Environment and Forests. Moreover, the said Bill has already been introduced in the Parliament on 13 December 2005 by the Ministry of Tribal Affairs. The Committee, therefore, acceded to the request of the Ministry to drop the assurance.

Memorandum No.34 Request for dropping of assurance given on 18 April 2005 in reply to SQ No. 335 regarding 'Task Force on Flood and Erosion Control'.

The Committee considered the above memorandum and noted that the Task Force for Flood Management/Erosion Control had submitted its report on 13 December 2004 which has been considered and follow up action on the

recommendations of the Task Force has also been taken by the Ministry. The Committee, therefore, desired to be apprised of the action taken by the Ministry in this regard. Accordingly the Committee decided not to drop the assurance.

Memorandum No.35 Request for dropping of assurance given on 04 September 1996 in reply to USQ No. 4251 regarding 'Accommodation for Government Employees'.

The Committee considered the above memorandum and observed that a specific assurance was given that it is proposed to construct 540 type –II quarters at Dev Nagar. The Committee, therefore, desired to know the present status of the assurance and decided not to drop the assurance.

Memorandum No.36 & 37 Request for dropping of assurance given on 02 December 2005 in reply to USQ No. 1624 regarding 'Narasimhan Committee on Insurance' and assurance given on 10 March 2006 in reply to USQ No. 2286 regarding 'Amendment to Insurance law'.

The Committee considered the above memoranda together and noted that the Committee of experts have submitted its report to Insurance Regulatory and Development Authority (IRDA) which will forward its views on the recommendations to the Government to enact a law for the amendments in the concerned Acts. The Committee, therefore, desired that the said law for amendments in the concerned Acts may be enacted at the earliest. They therefore, decided not to drop the assurances.

Memorandum No.38 Request for dropping of assurance given on 17 March 2006 in reply to SQ No. 346 regarding 'Recommendations of Law Commission'.

The Committee considered the above memorandum and noted that the entire process of initiation of proposal for appointment of a Judge of a High Court lies with the Chief Justice of that High Court and the Union Government cannot initiate proposals for fulfilling the vacancies of Judges in the High Courts, including Orissa High Court. The Committee, therefore, acceded to the request of the Ministry to drop the assurance.

Memorandum No.39 Request for dropping of assurance given on 09 December 2005 in reply to USQ No. 2627 regarding 'Foreign Operation of LIC'.

The Committee considered the above memorandum and after taking note of the submissions made by the Ministry decided to drop the assurance.

Memorandum No.40 Request for dropping of assurance given on 08 March 2001 in reply to USQ No. 1823 regarding 'Suraj Kund Fair'.

The Committee considered the above memorandum and noted that the matter is sub-judice and accordingly decided to drop the assurance.

Memorandum No.41 Request for dropping of assurance given on 19 December 2001 in reply to USQ No. 4590 regarding 'Passport to smuggler'.

The Committee considered the above memorandum and noted that the passport was issued on 03 December 1998 on the basis of a verification Certificate issued by a Joint Secretary to the Government of Maharashtra. The Committee therefore, desired to know the action taken against the said officer and the details about the case/proceedings pending in the Court. Accordingly they decided not to drop the assurance.

The Committee then adjourned.

MINUTES

FIFTH SITTING

Minutes of the sitting of the Committee on Government Assurances (2006-2007) held on 15 March 2007 in Chairman's Chamber Room No.133, Parliament House Annexe, New Delhi.

The Committee sat from 1500 hours to 1630 hours on Thursday 15 March 2007.

PRESENT

Chairman

Shri Harin Pathak

Members

2. Shri J.M. Aaroon Rashid
3. Dr. K. Dhanaraju
4. Shri Sunil Khan
5. Shri A. Vankatesh Naik
6. Smt. M.S.K. Bhavani Rajenthiran
7. Shri Rajiv Ranjan 'Lalan' Singh
8. Shri Aruna Kumar Vundavalli

Secretariat

1. Shri S. Bal Shekar - Joint Secretary
2. Shri T.K. Mukherjee - Director
3. Shri B.S. Dahiya - Deputy Secretary
4. Shri V.P. Goel - Deputy Secretary-II

2. At the outset, the Chairman welcomed the Members and apprised them briefly about the agenda of the sitting of the Committee. First of all, the Committee took up for consideration the draft Sixteenth and Seventeenth

Reports regarding requests for dropping of assurances. After some deliberations, the Committee adopted both the draft Reports without any amendment. The Committee authorized the Chairman to finalise the draft report and present in the current session itself.

3. Thereafter, the Committee took up the following Memoranda regarding the requests received from various Ministries/Departments for dropping the assurances:-

XXXX

XXXX

XXXX

XXXX

XXXX

The Committee then adjourned.

The Committee note that a Note for restructuring and strengthening of BHVP has been submitted to the Department of Public Enterprises which is yet to be considered. The Committee considers the revival of BHVP as an important issue and therefore would like to know whether the said note has been considered by the Department of Public Enterprises or not. They would therefore like to know the present status of the assurance. As regards the plea of the Ministry that the reply does not constitute as assurance, the Committee express their strong displeasure over the language used by the Ministry and observe that it is the prerogative of the Committee to constitute a reply of the Minister as an assurance and it is not for the Ministry to comment on that.