

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(2004-2005)**

FOURTEENTH LOK SABHA

SECOND REPORT

(REQUEST FOR DROPPING OF ASSURANCES)

(Presented to Lok Sabha on)



LOK SABHA SECRETARIAT
NEW DELHI

February, 2005/ Magha, 1926 (Saka)

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**COMPOSITION OF THE COMMITTEE ON
GOVERNMENT ASSURANCES*
(2004-2005)**

CHAIRMAN

SHRI HARIN PATHAK

MEMBERS

2. Shri Yogi Adityanath
3. Shri Anandrao Vithoba Adsul
4. Shri J.M. Aaroon Rashid
5. Shri Biren Singh Engti
6. Shri Ramesh Jigajinagi
7. Shri Sunil Khan
8. Shri Rasheed Masood
9. Shri Kailash Meghwal
10. Shri A. Venkatesh Naik
11. Shri M. Shivanna
12. Shri Ajit Singh
13. Shri V. Aruna Kumar
14. Shri Kailash Nath Singh Yadav
15. Shri Mohan Jena**

SECRETARIAT

- | | | | |
|----|---------------------|---|----------------------|
| 1. | Shri P.D.T. Achary | - | Secretary |
| 2. | Shri S.K. Sharma | - | Additional Secretary |
| 3. | Shri K. Chakraborty | - | Director |
| 4. | Shri K. Jena | - | Under Secretary |

* The Committee was constituted on August 7, 2004 *vide* Para No.337 of Lok Sabha Bulletin Part-II dated 7th August, 2004.

** Nominated to the Committee by the Speaker w.e.f. August 23, 2004
Vide Para No.415 of Lok Sabha Bulletin Part-II dated 23rd August, 2004.

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 Second Report of the Committee on government Assurances.

2. The Committee (2004-2005) was constituted on August, 07,2004.

3. The Committee (2004-2005) at their sitting held on 27.10.2004 considered *inter-alia* Memoranda Nos. 01, 03, 04, 05, 07, 08 and 10 containing requests received from the Ministries/Departments of the Government of India for dropping of pending assurances.

4. At their sitting held on 10.02.2005, the Committee (2004-2005) considered and adopted their Second Report. The Minutes of the aforesaid sitting of the Committee form part of this Report. (Appendix)

5. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the Report.

NEW DELHI;

10 February, 2005

21 Magha, 1926(Saka)

HARIN PATHAK
CHAIRMAN

COMMITTEE ON GOVERNMENT ASSURANCES

REPORT

CHAPTER – I

(i) WHITE PAPER ON HEAVY INDUSTRIES

1.1 Five assurances were given in reply to the following Unstarred Questions by the then Minister of State for Heavy Industries and Public Enterprises in regard to White Paper on Heavy Industries:-

- 1. USQ No.309 dated 25.2.2000**
- 2. USQ No.1943 dated 09.3.2001**
- 3. USQ No.4205 dated 14.12.2001**
- 4. USQ No.5857 dated 03.5.2002**
- 5. USQ No.4926 dated 24.4.2003**

1.2 The above mentioned assurances (Annexure 1 to 5) remained unfulfilled. The Ministry of Heavy Industries & Public Enterprises sought extension of time on several occasions for fulfillment of the aforesaid assurances as the White Paper on Heavy Industries could not be finalized due to various reasons.

1.3 The Ministry of Heavy Industries & Public Enterprises (Department of Heavy Industry) vide their O.M. No.F.No.2(9)/2003-Coord. Dated 20th July, 2004 stated that "sincere efforts were made by the Ministry towards preparation and finalization of the White Paper. However, the approval of the competent authority could not be obtained due to various reasons including changing circumstances from time to time. At one stage, the final Cabinet Note was also sent for consideration of the Cabinet but was returned with more suggestions".

1.4 It was also stated that, the formation of a new Government and announcement of a new public sector policy in the National Common Minimum Programme (NCMP) has brought about a paradigm shift in the way the role and status of Public Sector Enterprises would be viewed. Accordingly, the Ministry was working out the details on the future of each Public Sector Enterprises in the light of NCMP, to be placed before the proposed 'Board for Reconstruction of Public Sector Enterprises' which was expected to take a view on the future of these Enterprises.

1.5 In the light of the above, the Ministry requested that they may be absolved from the obligation to fulfill the five assurances referred to above and the Committee on Government Assurances may kindly be moved for dropping of these assurances.

1.6 This request of the Ministry was considered by the Committee at their sitting held on 27th October 2004, and the Committee decided not to drop the assurances. The Ministry of Heavy Industries and Public Enterprises was informed accordingly.

1.7 Thereafter another request for dropping the above noted assurances was received from the Minister of State (Independent Charge) for Heavy Industries and Public Enterprises, Government of India *vide* his d.o. letter No.2(9)/2003-Coord.-72-F dated 31st January, 2005 wherein he requested the Committee to review their earlier decision of not dropping the assurances and to consider afresh the dropping of the assurances on the following grounds :-

“That the laying of White Paper on the subject was assured as a part of the policy of the previous Government. Sincere efforts were made towards preparation and finalization of the White Paper but the same could not materialize due to various reasons including changing policy environment from time to time. Upon the formation of the present Government, the announcement of the new public sector policy in the National Common Minimum Programme has brought about a paradigm shift in the way the role and status of public sector enterprises would be viewed. The Department of Heavy Industry is working out details on the future of each PSE in the light of present policy for placing the same before the Board for Reconstruction of Public Sector Enterprises (BRPSE). Their future would be decided upon the Cabinet after receipt of the recommendations of BRPSE. In this context, the preparation of a White Paper on PSEs of DHI at this stage may not serve any fruitful purpose, as decisions regarding several of the PSEs may take some time. The Minister also stated that there were two assurances in Rajya Sabha also on the same subject and on their request, the Committee have kindly agreed for dropping of the Assurances”.

1.8 The request of the Minister was placed before the Committee for their consideration. At their sitting held on 10th February, 2005 the Committee considered the request of the Minister afresh and examined in detail the D.O. letter written by Shri Santosh Mohan Dev, Minister of State (Independent charge),

Department of Heavy Industries and Public Enterprises, Government of India and once again decided not to drop the assurances.

1.9 The Committee note that five questions were asked from February 2000 to April 2003 regarding preparation of White Paper on Heavy Industries. The first Question was asked on 25th of February, 2000 in which information regarding proposal of Government to bring out a White Paper on the financial condition of heavy industries under the public sector and the reasons for deterioration of financial position of public sector heavy industries was sought. In their reply. the Government gave an assurance that White Paper on Public Sector Undertakings, under the Department of Heavy Industry, was under preparation. The Second Question was asked on 9th of March, 2001, wherein information regarding loss making Public Sector Undertakings (PSUs), White Paper on restructuring of such PSUs, and the funds required for it, was sought, and the Government in their reply again gave an assurance that White Paper was under finalization. They also informed that 25 PSUs under the Department of Heavy Industry which were declared sick and also suffered losses, were referred to BIFR. The third question was asked on 14th December, 2001 whereby information as to the White Paper on sick industries, investment norms for such industries, steps taken to improve their performance etc. was sought. This time also the Government in their reply gave an assurance that the White Paper was under finalization. The fourth question was asked on 14th December, 2001 in which the attention of the Government was drawn to a news item wherein it was reported that the Government may

dump the White Paper on heavy industries. As was done in the past, the Government once again gave an assurance stating that finalization of White Paper was under preparation. The fifth and the last question on the subject was asked on 24th April 2003 and in reply to which again an assurance was given by the Government.

1.10 The Committee note with serious concern that the House was assured five times by the Government that White Paper on Public Sector Undertakings was under their consideration but even after the lapse of nearly four years, the said white paper could not be finalized and the assurances given to the House remained unfulfilled. The Committee are of the view that the functioning of most of the PSUs is poor and the Government themselves have declared 25 PSUs as sick which are reported to have made losses in the year 1999-2000. In fact PSUs are backbone of the country's economy on which the infrastructural development of the country as well as the scientific and technological development depends. Their proper functioning is vital for the economic growth and development, but it seems that the Government have altogether neglected the PSUs which is evident from their failure to bring a white paper on them. They have, therefore, requested the Committee to drop all the five assurances given to Lok Sabha on the grounds that "sincere efforts" have already been made by them, but could not get the approval of competent authority. Besides the

Committee were informed that with the announcement of the new public sector policy in the National Common Minimum Programme by the new Government, a paradigm shift in the role and status of public sector enterprises has been brought about. The Committee are not fully convinced by the reasons advanced by the Ministry for dropping of the assurances which are based on theoretical consideration. The words "sincere efforts" having been made in this direction need to be further elaborated by the steps taken and the results achieved or otherwise they remain vague. The Committee are also of the view that white paper on PSUs is now all the more necessary. The Committee are further of the opinion that "white paper" is only a status report and it has nothing to do with the change of Governments. Moreover "white paper" will not change the policy of Government, rather it will strengthen the hands of the Government. The Committee are not convinced with the contention of the Hon'ble Minister that "presentation of the 'white paper' at this stage, will not serve any fruitful purpose". On the contrary, the Committee are of the firm view that "white paper" will definitely help in improving the deteriorating conditions of Public Sector Enterprises. The Committee strongly recommend that the Government should render all necessary assistance to the Board for Reconstruction of Public Sector Enterprises. The functioning of the said Board should be reviewed at regular intervals. Moreover, the Board, on its part, should initiate concrete steps not only for revival of the sick PSUs by making them

financially viable, but also initiate strong measures to prevent sickness among the PSUs in future. Since the Ministry contended that the Board for Reconstruction of Public Sector Enterprises is expected to take a view on the future of PSUs, the Committee would like to know the steps taken by the Board so far in this regard.

(ii) CORRUPTION CASES

1.11 On 18th December, 2002, S/Shri Ram Rati Bind and Saiduzzama, MPs addressed the following Unstarred Question No.4468 to the Minister of Communications and Information Technology:-

- “(a) the number of cases of corruption detected against officers/employees of Mahanagar Telephone Nigam Limited working in Delhi and Mumbai from November 1, 1998 to October 31, 2002;**
- (b) the details of each case and the action taken so far in each case;**
- (c) whether no action has been taken on the complaints received from representatives of unions and Members of Parliament during the said period;**
- (d) if so, the reasons therefore; and**
- (e) the time by which action would be taken against guilty personnels after investigating the matter?”**

1.12 In reply, to the above question, the then Minister of State in the Ministry of Communications and Information Technology (Shrimati Sumitra Mahajan) stated as follows:-

- “(a): 94 cases**
- (b): Details of each case and details of action taken are given in the Annexure (Annexure XVII).**
- (c): No, Sir. Action has been taken/initiated on the complaints received during the said period from the Union representatives and the Members of Parliament.**
- (d): Does not arise in view of (c) above.**

(e): Guilty officers/officials have been punished in 29 cases. In 21 cases, allegations could not be established. For remaining disciplinary/prosecution cases, it is not possible to give specific time frame for their finalization as investigation/inquiry is done as per prescribed procedure in consultation with various authorities like Central Vigilance Commission & Union Public Service Commission etc.”

1.13 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. 17th March, 2003. As the assurance could not be fulfilled within that period, the Ministry had requested for extension of time *vide* their O.Ms dated 17th July and 17th September, 2003 and 16th March, 2004, up to 17th September, 2003 and 17th March and 17th September, 2004 respectively to fulfill the assurance.

1.14 The Ministry of Parliamentary Affairs vide their U.O. No.XIII-XII/Communications (22) USQ No.4468-L.S./02 dated 1st August, 2003 have forwarded a request of the Ministry of Communications and Information Technology for dropping of the said assurance. The Ministry of Communications and Information Technology have also requested for dropping of the said assurance vide their O.M. No.16-25/2002-VM.I dated 16th March, 2004 on the following grounds:-

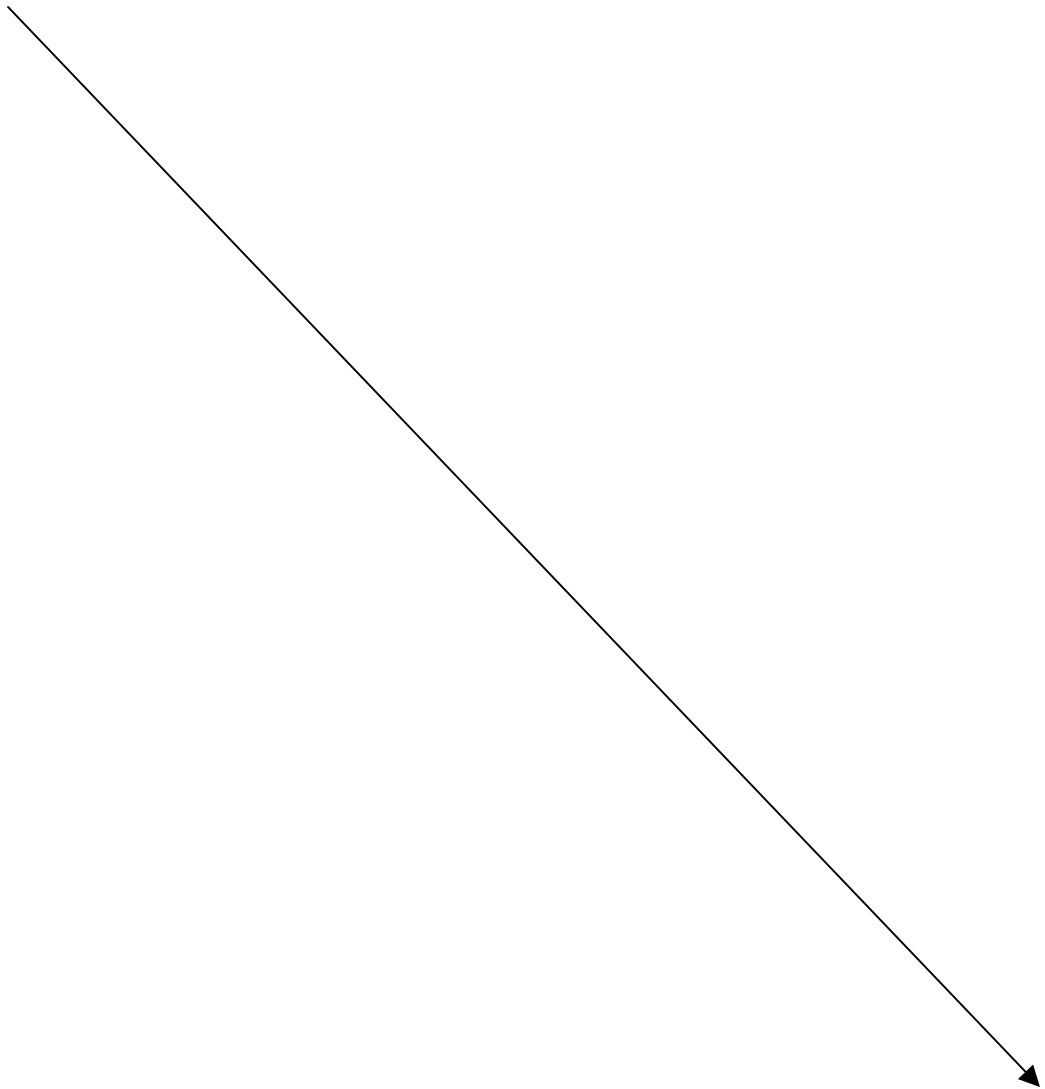
“(a) that against part (b) of the question, it was replied that details of each case and details of action taken are given in the Annexure/statement. In the said statement/annexure, against the column ‘action taken’, it was mentioned against some of the cases that the matter is under investigation/examination by CBI/under Trial in Court. It is understood that perhaps on this count the reply for part (b) of the question has been taken as assurance. It may be comprehended that the cases which have either been

registered by the CBI for investigation/examination or those pending trial in Court, are likely to take their own time for finalisation and further possible litigation in Courts of Law followed by appeals, etc. in Higher Courts and may, therefore, take considerable time before the guilty are finally punished. As such the final picture is not likely to emerge for a considerable period. All this depicts the ongoing function of Government machinery and does not constitute assurance."

1.15 The Ministry also stated that it has the approval of Hon'ble Minister of State (C&IT).

1.16 The Committee note that a question was asked on 18th December, 2002 to know the number of corruption cases detected against officers/employees of Mahanagar Telephone Nigam Limited in Delhi and Mumbai and the action taken thereon. The Government in their reply stated that 94 cases were registered against various officers and in some of which investigations had been concluded or were in progress. In 29 cases action had already been taken and in 21 cases, allegations could not be established and in the rest of the cases action had to be taken in consultation with authorities like Central Vigilance Commission/Union Public Services Commission etc. The Ministry while requesting the Committee to drop the assurance had stated that the reply given by them was construed as an assurance perhaps on the ground that investigation in some of the cases was in progress. The Ministry, therefore, apprised the Committee about the delay involved in the procedure, and disposal of such cases. The Committee at their sitting held on 27th October, 2004 considered the request of the Ministry and decided not to drop the assurance. The Committee are of the opinion that the reply of the Ministry was treated as an assurance not only because of pending investigations but also due to the gravity of the matter as corruption is involved. The Committee note with concern that civil as well as criminal cases have been registered against the officials of MTNL of the level of GM/DGM in a number of cases. This rampant corruption will definitely hamper the future prospects of MTNL as

compared to its private competitors in the field. The Committee, therefore, strongly recommend that foolproof measures to tackle the menace of corruption should be initiated by the Government instantly. Apart from this, preventive measures to stop recurrence of such cases are also equally important. Punitive as well as deterrent action, along with a vigilant eye on the officers/officials, are the need of the hour. The Committee would like to be apprised of the steps taken by the Ministry in this regard.



CHAPTER – II

[i] GOSWAMI COMMITTEE ON SICK COMPANIES

2.1 Assurances were given in reply to the following ten Unstarred Questions/points raised from July 30, 1993 to August, 8, 1995 by the then Minister of State for Finance regarding Goswami Committee on sick companies :-

- 1. USQ No.1033 dated 30.7.1993**
- 2. Point raised by Shri Chitta Basu on 26.8.1993 during discussion on Demands for Excess Grants – General**
- 3. USQ No. 4896 dated 27.8.1993**
- 4. USQ No. 250 dated 03.12.1993**
- 5. USQ No. 1368 dated 10.12.1993**
- 6. USQ No.3463 dated 18.3.1994**
- 7. USQ No.5525 dated 29.4.1994**
- 8. USQ No. 459 dated 09.12.1994**
- 9. USQ No. 1807 dated 24.3.1995**
- 10. USQ No. 3440 dated 25.8.1995**

2.2 The replies given to the above questions (Annexures VI to XV) were that the recommendations of the Goswami Committee were being considered by the Government, which were construed as assurance. Assurances thus given were to be fulfilled by the Ministry of Finance within three month of the reply given to each question. However, the same remained unfulfilled and the Ministry sought extension from time to time for the fulfillment of the aforesaid assurances on the

very ground that the recommendations of the Goswami Committee were under careful consideration of the Government.

2.3 The Ministry of Finance (Department of Economic Affairs) *vide* their O.M. No.F.No.15(30)/94-IF.II dated 11th June, 2004 had requested for dropping of all the above assurances on the ground that the assurances related to the implementation of the recommendations of Dr. Onkar Goswami Committee which examined the various aspects of industrial sickness and corporate restructuring and had made a wide range of recommendations starting from a change in definition of sickness to converting the Board for Industrial & Financial Reconstruction (BIFR) into a fast track facilitator. They further added that the Bill to repeal 'Sick Industrial Companies (Special Provisions) Act, 1985' (SICA) under which BIFR was established being passed by both Houses of Parliament in the winter session 2003 and also with the repeal of SICA, the recommendations of Goswami Committee stand implemented as the proposed National Company Law Tribunal (NCLT), the alternative to BIFR, is expected to be fast track mechanism to deal with cases of industrial sickness. Further, the definition of sickness has also been changed in the Companies (Second Amendment) Act, 2002 under which NCLT was to be set up. The Ministry also stated that it had the approval of Minister of Finance.

2.4 The Committee note that nine questions were asked on Goswami Committee on sick companies from the year 1993 to 1995. Apart from this, a point was also raised by Shri Chitta Basu, M.P. on 26.8.1993 during discussion on Demands for Excess Grants – General. The Committee further note since the recommendations of the Goswami Committee report were under consideration of the Government, the Ministry gave assurances in reply to all the questions/points raised in the House. Consequently, with the change in definition of sickness, conversion of Board for Industrial Financial Reconstruction (BIFR) into a fast track facilitator, as also with the passage of Bill to repeal `Sick Industrial Companies (Special Provisions) Act, 1985 (SICA) by both Houses of Parliament in winter session, 2003, a request was made to drop the assurances, which was considered by the Committee at its sitting held on 27th October, 2004. Having been satisfied that with the repeal of SICA, recommendations of the Goswami Committee stand implemented, the Committee decided to drop all the aforesaid assurances.

[ii] INDUSTRIAL TRAINING TO WOMEN

2.5 On 25th February, 1999, Shrimati Kamal Rani, MP addressed the following Unstarred Question No.417 to the Minister of Labour :-

- “(a) the details of financial assistance given to States particularly in Bihar and Uttar Pradesh for imparting industrial training to women during each of the last three years, State-wise;**
- (b) Whether the Government have received complaints regarding misuse of the financial assistance;**
- (c) If so, the details thereof;**
- (d) Whether there is any proposal for setting up of any monitoring group in this regard; and**
- (e) If not, the reasons thereof?”**

2.6 In reply to the above question, the then Minister of Labour (Dr. S.N. Jatiya) stated as follows :-

- “(a) State-wise details of the financial assistance provided for imparting industrial training to women under the vocational training project during the last three years, is annexed. (Annexure XVI);**
- (b), (c), (d) & (e) : The information is being collected from the concerned States and will be laid on the Table of the House.”**

2.7 The reply given to parts (b), (c), (d) & (e) 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. 24th May, 1999. As the Ministry could not fulfill the assurance within that period, they requested for extension of time vide their O.Ms dated 24th May, 20th September, 15th November, 1999, 19th June, 11th August and 20th

November, 2000, 14th February, 10th May and 10th August, 2001, 8th February, 8th May, 9th August, 2002 and 22nd August, 2003, upto 24th August and 24th November, 1999, 24th February, 24th August and 24th November, 2000, 24th February, 24th May, 24th August and 24th November, 2001, 24th May, 24th August, 24th November, 2002 and 24th November, 2003 to fulfill the assurance.

2.8 The Ministry of Parliamentary Affairs forwarded a request of the Ministry of Labour *vide* their U.O Note No.XIII/IV/Labour (14) USQ No. 417-L.S./99 dated 17th September, 2003 for dropping of the said assurance on the following grounds: -

“no complaint regarding misuse of financial assistance was reported from the concerned States except the State of Andhra Pradesh. The State Government has also reported that the Anti-Corruption Bureau is conducting investigation on the misuse of funds allotted to the women ITIs.

In order to expedite the completion of investigations, Ministry of Labour has been doing extensive and regular follow up with the State Government at various levels such as Chief Secretary, Principal Secretary, Additional Secretary, and Director as indicated below:

- . **A D.O. letter from DG/JS dated 22.1.2001 was sent to Special Chief Secretary, Government of Andhra Pradesh, requesting him to look into the matter, so that the enquiry is completed within a specific time frame.**
- . **Principal Secretary, Government of Andhra Pradesh was requested at the level of DG/JS vide d.o. letter dated 29.10.2001 to complete the enquiry by the ACB Department within a specific time period.**
- . **The Chief Secretary, Government of Andhra Pradesh was requested at the level of Secretary (Labour) vide d.o. letter dated 24.4.2002 to get the enquiry by the ACB Department completed on priority basis.**

- . **D.O. letters were sent to the Director of Employment and Training, A.P. on 25.7.2002, 21.10.2002 and 27.1.2003.**
- . **A d.o. letter was sent to the Principal Secretary (E&T), Andhra Pradesh by the DG/JS on 8.4.2003.**
- . **A d.o. letter was also sent to Additional Secretary, A.P. on 15.7.2003.**
- . **Follow-up with senior officers is also being done regularly over telephone.**

In this regard, following is submitted for kind Consideration:-

- . **The State Government has taken an appropriate action by entrusting investigation on misappropriation of funds to the Anti-Corruption Bureau.**
- . **Anti-Corruption Bureau is a State Government agency over which Central Government has no control.**
- . **Ministry of Labour has been doing extensive and regular follow up with the State Government at various levels such as Chief Secretary, Principal Secretary, Additional Secretary and Director through d.o. letters and over telephone to expeditiously complete the investigation. State Government has requested the Anti-Corruption Bureau for expeditiously completing the investigation. However, such enquiries normally take long time.**
- . **The Assurance is pending since February 1999 and 17 extensions have already been taken.**

In view of the above, the Ministry requested for deletion of the Assurance."

2.8 The Committee note that a question was asked on 25th February, 1999 to know the details of financial assistance given to States especially in Bihar and Uttar Pradesh for imparting industrial training to women during the last three years along with the details of misuse of such assistance and the action taken thereon. In reply, the Government furnished the desired information but assured the House that information regarding complaints of misuse and action taken thereon would be provided after the same is collected. Accordingly the Government compiled the information and informed the Committee that only one case in Andhra Pradesh regarding misuse of financial assistance had occurred and investigation was in progress. The Ministry also requested the Committee to drop the assurance on this ground, which was considered by the Committee at their sitting held on 27th October, 2004. The Committee found that in the sole case of misuse of financial assistance reported in Andhra Pradesh, the Union Government had no role to play and the matter was related to the concerned State Government's. The Committee, therefore, decided to drop the assurance.

[iii] SABARIMALA TEMPLE IN KERALA

2.9 On 31st July, 2000, Shri Kodikunnil Suresh, MP addressed the following Unstarred Question No.1097 to the Minister of Environment and Forests:-

- “(a) whether the Government have received any proposal from Kerala Government for the development of Sabarimala temple in Kerala;**
- (b) if so, the details thereof;**
- (c) whether the Government have sent any study group to visit Sabarimala and assess the land utilisation;**
- (d) if so, whether Kerala Government has put forth any alternative proposal for additional land; and**
- (e) if so, details thereof?”**

2.10 In reply to the above question, the then Minister of State in the Ministry of Environment and Forests (Shri Babu Lal Marandi) stated as follows:-

- “(a) Yes, Sir.**
- (b) The Government of Kerala had earlier in 1993 submitted a proposal for diversion of 115.60 – hectare forest land under Forest (Conservation) Act, 1980 for providing amenities to pilgrims of Sabarimala Temple. While this proposal was under process, the State Government in December, 1995 forwarded another proposal involving 20 hectares of forest land for the same purpose. The State Government was requested to carry out a study so as to minimize any adverse environmental effect of the development activity in the area and to prepare a long term Master Plan as majority of the forest area formed part of Periyar Tiger Reserve. Despite repeated reminders, the State Government did not furnish all the required information. Meanwhile, the Ministry has approved diversion of 0.4225 hectare area on 26.11.98 for construction of sewage treatment plant at Cheriyanavottam as it was site-specific and for an eco-**

friendly use and 0.20 hectare for construction of a check dam at Kunnar for water augmentation & allowed temporary use of 5.00 hectare at Pamba for parking facilities on 2.2.2000.

(c) Yes, Sir. A Committee led by Shri O. Rajagopal, Hon'ble Minister of State for Law, Justice & Company Affairs alongwith Shri Ramesh Chennithala, M.P. has inspected the site on 26th & 27th March, 2000. The Committee has made detailed observations and suggested action on removal of unauthorized constructions & dumped garbage from Pamba, preparation of long term detailed master plan of the entire complex, action plan for pollution control of Pamba river, etc. The State Government has been requested on 8.6.2000 to initiate action on the above recommendations and formulate a proposal accordingly for fresh consideration of the Ministry. In view of this the already submitted proposal for balance area has been closed.

(d) No, Sir.

(e) Does not arise."

2.11 The above reply was treated as an assurance and was required to be implemented by the Ministry of Environment and Forests within three months of the date of reply i.e. 30th October, 2000.

2.12 The Ministry of Environment and Forests was requested vide this Secretariat D.O. No.12/2/1/2003-Q(CGA) dated 24th September and 27th October, 2003 and 12th February, 2004 to furnish latest information regarding the assurance.

2.13 The Ministry of Parliamentary Affairs vide their D.O. letter No.XIII-IV/Environment & Forests (10) USQ 1097-LS/2000 dated 15th March, 2004 forwarded a request of the Ministry of Environment and Forests to drop the said assurance on the following grounds: -

“That all the proposals for diversion of forest land for non forestry purposes sent by the State Government, which are complete in all respects, are duly considered by the Central Government under Section 2 of the Forest (Conservation) Act, 1980 according to the prevailing rules/guidelines issued by the Ministry of Environment and Forests and relevant orders of the Hon’ble Supreme Court of India in this regard.

As far as matter pertaining to the Sabarimala Temple is concerned, no action is pending on the part of the Central Government. In the past, various projects have already been approved by the Central Government for developmental activities at Sabarimala Temple and to provide facilities to Sabarimala pilgrims, which include: -

- 1. Diversion of 0.4625 ha. of forest land for establishing temporary stalls/shops along Plappilly-Pamba road during Sabarimala season on 19.10.1997.**
- 2. Diversion of 0.2 ha. of forest land for construction of a check dam for augmenting water supply at Kunnar near Sabarimala Shrine and temporary use of 5.0 ha. of forest land for parking purposes at Pamba on 02.02.2000.**
- 3. Temporary use of forest land for pitching of tents at Marakootam and Valiyanavattom over 20.0 ha. and 2.7 ha. respectively on 17.8.2001.**

In respect of a proposal involving diversion of forest land falling under Periyar Tiger Reserve, the State Government has already been requested to approach the Hon'ble Supreme Court of India for a specific permission in this regard in compliance of the order of the Hon'ble Court dated 14.2.2002 in W.P. No.202/1995. Therefore, no action is pending on the part of the Central Government in respect of the matters relating to the Sabarimala Temple.

It has also been stated that while replying to this question, the Hon'ble Minister did not intend to give an assurance to this question, as the reply was in complete shape as far as this Ministry is concerned.

In view of the above the Ministry requested that the assurance may be dropped."

2.14 The Committee note that a question was asked on 31st July, 2000 regarding Sabrimala Temple in Kerala to know whether the Government have received any proposal from the Government of Kerala for the development of Sabrimala temple in Kerala and whether any study group was sent by the Government to assess the land utilization alongwith the details of alternative proposal of the Kerala Government regarding additional land. In reply the Government stated that the Government of Kerala had submitted a proposal for diversion of 115.60 hectares of forest land under Forest (Conservation) Act, 1980 and another proposal involving 20 hectares of forest land for providing amenities to pilgrims of the temple but the information regarding adverse environmental effect of the proposed development was not forwarded by the State Government despite repeated reminders. However approval for diversion of 0.4225 hectare area was accorded. Moreover the State Government had been requested to take action on the recommendation of the Committee which inspected the temple for fresh consideration by the Ministry. The Ministry requested the Committee to drop the assurance stating *inter-alia* that the Central Government had already approved various projects for developmental activities at Sabrimala Temple including a host of other facilities. Having been satisfied by the reasons advanced by the Ministry, the Committee decided to drop the assurance.

[iv] WATER LOGGING IN BIHAR

2.15 On 09th December, 2002, Dr. Raghuvansh Prasad Singh, MP addressed the following Unstarred Question No.2959 to the Minister of Water Resources:-

- “(a) whether ten lakh hectare area of land is affected by water logging in Bihar;**
- (b) if so, whether certain areas falling under the Gandak, Koshi, Ghanghara rivers and Mokama Tal area are prone to the problem of water logging;**
- (c) if so, whether the Union Government have received any proposal from the Government of Bihar to formulate any programme/scheme to solve the problem of water logging;**
- (d) if so, the action taken by the Government so far in this regard; and**
- (e) the action proposed by the Government in this regard?”**

2.16 In reply to the above, the then Minister of State in the Ministry of Water Resources (Smt. Bijoya Chakravarty) stated as follows:-

“(a) & (b): The Government of Bihar has reported that the total water logged area in the State is 9.41 lakh hectare which inter-alia includes the areas falling under the Gandak, Koshi, Ghanghara rivers and Mokama Tal area.

(c) to (e): Flood Management being a State subject, the responsibility of planning, funding, executing and operating flood control schemes including water logging primarily rests with the concerned State Government. The assistance rendered by the Central Government is technical, catalytic and promotional in nature.

Central Water Commission has received three schemes from the State Government for drainage development in Bihar particularly in Mokama Tal Area which are under

examination for inclusion in the Centrally Sponsored Scheme, "Improvement of drainage in the country including Mokama Tal area" for implementation during the 10th Plan."

2.17 The above reply was treated as an assurance and was required to be implemented by the Ministry of Water Resources within three months of the date of reply i.e. 08 March, 2003. As the Ministry could not fulfill the assurance within the stipulated time, they requested for extension of time vide their Om dated 5th March, 12th June, 25th September and 16th December, 2003 upto 08th June, 08th September and 08th December, 2003 and 08th March, 2004 respectively to fulfill the assurance.

2.18 The Ministry of Water Resources vide their O.M. No.MOWR 8/129/2002-ER/5239-41 dated 16th December, 2003 forwarded a request for dropping of the said assurance on the following grounds:-

"That Central Water Commission had received three schemes from the Government of Bihar for drainage development in Bihar particularly in Mokama Tal area, which were examined by Central Water Commission for inclusion in the Centrally Sponsored Scheme "Improvement of drainage in the country including Mokama Tal Area". Out of these three schemes, first scheme namely, "Punpun Right Embankment" was a continuing scheme and is being executed by the State Government from their own funds. The second scheme was examined and it was observed that

the scheme will not serve the envisaged purpose due to higher water levels in the Ganga river during the period of drainage congestion.

However, the 3rd scheme namely, "raising & strengthening of 74 Zamindari Bunds for improvement of drainage in the Mokama Tal Area" has been included in the new Centrally Sponsored Scheme namely, "Improvement of drainage in critical areas of the country" which was considered by the Expenditure Finance Committee in its meeting held on 23rd October, 2003. The Committee has recommended the scheme for implementation during the Tenth Plan. This being a new scheme will require approval by the Finance Minister and Full Planning Commission".

2.19 The Ministry, therefore, requested to drop the assurance. It was also stated that it had the approval of Hon'ble Minister of State for Water Resources.

2.20 The Committee note that a question was asked on 9th of December, 2002 regarding land affected by water logging in Bihar as also the details of any proposal received from the State Government to solve the problem of water logging and action taken/proposed to be taken by the Union Government in pursuance thereof. In reply it was inter-alia stated by the Government that flood management is a State subject and three schemes for drainage development were received from the State Government, which were under their consideration.

2.21 The Government requested the Committee to drop the assurance on the ground that the first scheme was a continuous scheme being executed by the State Government and the second scheme was not viable due to higher water level in Ganga. As regard the third scheme, it was stated that it required approval of Finance Minister and Planning Commission as well. The Committee considered the request of the Committee and acceded to the request of the Ministry to drop the assurance at its sitting held on 27th October, 2004 since the matter related to the State Government.

[v] TELECOM RACKET

2.22 On 19th February 2003, Shri Kailash Meghwal, M.P. addressed the following Unstarred Question No.166 to the Minister of Communications and Information Technology :-

- “(a) whether some persons obtain telephone connection on the basis of fake documents and use them for providing STD/ISD service to the public and wind up when their telephone bills mount to lakhs of rupees;**
- (b) if so, the details of such cases detected during each of the last three years till date and the action taken against them;**
- (c) the amount recovered therefrom so far along with the outstanding amount due against them;**
- (d) whether any departmental officers/employees have been found involved in providing them such connections;**
- (e) if so, the details thereof along with the action taken against them; and**
- (f) the steps being taken by the Government to prevent recurrence of such cases?”**

2.23 In reply to the above question, the then Minister of State in the Ministry of Communications & Information Technology (SHRIMATI SUMITRA MAHAJAN) stated as follows:-

“(a) to (f): The information is being collected and will be laid on the Table of the House.”

2.24 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. 18th May, 2003. As the Ministry could not fulfill the assurance within that period, they requested vide their O.M. No.16-2/2003/VM.I dated 14th July, 2003 for extension of time upto 18th August, 2003 to fulfill the assurance.

2.25 The Ministry of Communications & Information Technology furnished Implementation Report in respect of this assurance vide their O.M. dated 14.5.2003, but the Ministry of Parliamentary Affairs informed the Ministry of Communications and Information Technology vide their O.M. dated 23.6.2003 that the Implementation Report has been taken as part-fulfillment only as the implementation report has been deemed as incomplete.

2.26 The Ministry of Parliamentary Affairs vide their U.O. No.XIII-XII/Communications(2) USQ No.166-L.S./03 dated 22nd August, 2003 forwarded a request of the Ministry of Communications and Information Technology for dropping of the said assurance on the following grounds :-

“that it may be noted that all parts of the question i.e. (a) to (f) have been clearly and completely answered in the implementation report. The year-wise details of the cases detected including details of action taken etc. have been given clearly and completely. The implementation report furnished should not be taken/treated as part fulfillment of the assurance simply because against some cases, under the column – action taken, it has been mentioned that FIRs have been lodged by the Police/CBI and further investigation is in progress by them. It may be comprehended that the cases wherein FIRs have been lodged by Police/CBI for investigation, are likely to take their own time for finalization and further possible litigation in Courts of Law followed by appeals etc. in Higher Courts and may take considerable time before the guilty are finally punished. As such the final picture is not likely to emerge for a considerable period. Besides, the cases under departmental

investigation are also likely to take time before they are finally decided. All this depicts the ongoing function of Government machinery and does not constitute assurance.

In view of above, all the facts/information given in the annexure to the implementation report furnished are in the nature of stating ongoing function and as such the implementation report already furnished vide this office O.M. dated 14.5.2003 may be taken as complete fulfillment of the assurance and not part-fulfillment."

The Ministry also stated that this has the approval of Hon'ble Minister of State (C&IT).

2.27 A question was asked on 19th February, 2003 to know inter-alia whether telephone connections were obtained by some persons on fake documents for providing STD/ISD to public but such persons later on wound up their booths when their telephone bills mounted to lakhs of rupees. The Government gave an assurance stating that requisite information would be provided after the same is collected. Accordingly the information was furnished in the form of statement regarding fulfillment of the assurance which stated about the amount of loss suffered by them, recovery made from the defaulters and also the preventive measures initiated by them in the matter. But the fulfillment statement was treated as "partly fulfilled" by the Ministry of Parliamentary Affairs, since the said statement was deemed to be incomplete. However, the Ministry of Communications and Information Technology requested the Committee to drop the assurance on the ground that the fact/information furnished were their on-going functions, therefore the statement already furnished may be deemed to be complete fulfillment of the assurance. The Committee considered this request of the Ministry at their sitting held on 27th October, 2004 and were convinced by the contentions of the Ministry. The assurance was accordingly dropped. However, the Committee is perturbed to note the quantum of loss suffered by the Government. Even in some of the cases the loss is running into crores of rupees and in majority of the cases it is running into lakhs of rupees, whereas the amount recovered is quite

negligible. This is a matter of serious concern and requires constant monitoring, keeping in view the massive loss already suffered by the Government. The Committee would also like to know as to how effectively the remedial measures taken by the Government have been proved and also whether any such loss has been reported after initiation of remedial steps by the Government.

NEW DELHI;
10 February, 2005

21 Magha, 1926 (Saka)

HARIN PATHAK)
CHAIRMAN
COMMITTEE ON GOVERNMENT ASSURANCES