37

REVIEW OF NORMS FOR RE-APPROPRIATION OF FUNDS

MINISTRY OF FINANCE

PUBLIC ACCOUNTS COMMITTEE 2006-2007

THIRTY-SEVENTH REPORT

FOURTEENTH LOK SABHA



LOK SABHA SECRETARIAT NEW DELHI

THIRTY-SEVENTH REPORT

PUBLIC ACCOUNTS COMMITTEE (2006-2007)

(FOURTEENTH LOK SABHA)

REVIEW OF NORMS FOR RE-APPROPRIATION OF FUNDS

[Action Taken on 23rd Report of Public Accounts Committee (14th Lok Sabha)]

MINISTRY OF FINANCE (DEPARTMENT OF EXPENDITURE)



Presented	to Lok Sabha	on
Laid in Rai	va Sabha on	

LOK SABHA SECRETARIAT NEW DELHI

December, 2006/Agrahayana, 1928 (Saka)

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COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE (2006 - 2007)

Prof. Vijay Kumar Malhotra — Chairman

Lok Sabha

2.	Shri	Khagen	Das
∠.	SILLI	Magch	Dao

- 3. Shri P.S. Gadhavi
- 4. Shri R.L. Jalappa
- 5. Shri Raghunath Jha
- 6. Shri Bhartruhari Mahtab
- 7. Shri Brajesh Pathak
- 8. Prof. M. Ramadass
- 9. Shri Magunta Sreenivasulu Reddy
- 10. Shri Madan Lal Sharma
- 11. Shri Mohan Singh
- 12. Shri Rajiv Ranjan 'Lalan' Singh
- 13. Shri Kharabela Swain
- 14. Shri K.V. Thangkabalu
- 15. Shri Tarit Baran Topdar

Rajya Sabha

- 16. Shri V. Narayanasamy
- 17. Shri R.K. Dhawan
- 18. Shri Janardhana Poojary
- 19. Shri Suresh Bhardwaj
- 20. Shri Prasanta Chatterjee
- 21. Dr. K. Malaisamy
- 22. Shri Ravula Chandra Sekar Reddy

SECRETARIAT

- Shri S.K. Sharma Additional Secretary
 Shri A.Mukhopadhyay Joint Secretary
- 3. Shri Ashok Sarin Director
- 4. Shri R.K. Suryanarayanan Assistant Director

INTRODUCTION

- I, the Chairman, Public Accounts Committee, as authorised by the Committee, do present this 37th Report on action taken by Government on the recommendations of the Public Accounts Committee contained in their 23rd Report (14th Lok Sabha) on "Review of norms for re-appropriation of funds".
- 2. This Report was considered and adopted by the Public Accounts Committee at their sitting held on 16th November, 2006. Minutes of the sitting form Part II of the Report.
- 3. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix to the Report.
- 4. The Committee place on record their appreciation of the assistance rendered to them in the matter by the Office of the Comptroller and Auditor General of India.

New Delhi; <u>17 November</u>, 2006 <u>26 Kartika</u>, 1928 (*Saka*) PROF. VIJAY KUMAR MALHOTRA,

Chairman,

Public Accounts Committee.

CHAPTER I

REPORT

A Fiscal Policy Strategy Statement was laid before the Parliament by the Finance Minister on 26th February, 2005 under the mandate of the Fiscal Responsibility and Budget Management Act, 2003. Pursuant to this, the Ministry of Finance (Department of Expenditure) sought approval of the PAC for revision of norms for re-appropriation of funds. The proposals of the Ministry inter-alia included that the limit of Rs. 1 crore and more for re-appropriation of funds under various sub-heads of the Grant, which required approval of Secretary (Expenditure), may be enhanced to Rs. 5 crore or more. Also, full powers were sought to be delegated to the Ministries/Departments to re-appropriate funds from the head 'Salary' for augmentation of head 'Salary' across the schemes (sub-heads) within a grant. It was further proposed that financial limits for obtaining approval of Parliament under New Service/New Instrument of Service may be enhanced/revised. The revised norms were stated to be aimed at enabling Administrative Departments in having efficient management of their departmental budgets with a view to improving the quality of implementation, and enhancing the 'efficiency' and 'accountability' of delivery mechanism through quicker decision making.

- 2. On receipt of this proposal from the Ministry of Finance (Department of Expenditure), the Committee considered the justification and need for a review of the financial norms and finalized their Twenty-third Report (14th Lok Sabha) on the subject, *viz.*, "Review of norms for re-appropriation of funds" which was presented to Lok Sabha on 22nd December, 2005. The Twenty-third Report contained three Recommendations. Action Taken Notes on all the three recommendations have been received from Ministry of Finance (Department of Economic Affairs—Budget Division). A scrutiny of these Action Taken Notes reveals that the Recommendations of the Committee made in their earlier Report have been accepted by Government.
- 3. This Report of the Committee deals with the action taken by Government on the Observations/Recommendations of the Committee contained in their Twenty-third Report. The Action Taken Notes received from the Ministry are reproduced in Chapter-II of the Report.
- 4. The Committee in their original Report had expressed their agreement with the proposed revision in the norms for re-appropriation of funds and recommended as follows:—

"As these proposals have been finalized after consulting various Ministries and obtaining the concurrence of the Office of the Comptroller & Auditor General of India, and there is adequate justification and need therefore, the Committee are in agreement with the proposed revision in the norms for re-appropriation of funds. At the same time, the Committee would like

to impress upon the Ministry of Finance (Department of Expenditure) to devise an effective mechanism for proper and continuous monitoring of the revised norms in order to ensure strict adherence to the same by each and every Ministry/Department. The Committee also expect the Financial Advisors of all the Ministries/Departments to ensure that there is no violation in implementation of the said revised norms for re-appropriation of funds and any slackness in complying with the said norms is strictly dealt with".

5. In their Action Taken Note the Ministry of Finance (Department of Economic Affairs—Budget Division) have stated as under:—

"The recommendations contained in Para No. 15 of Twenty-third Report of the Public Accounts Committee (Fourteenth Lok Sabha) on "Review of norms for re-appropriation of funds" in so far as they are concerned with the revision/enhancement of financial limits for obtaining approval of Parliament under 'New Service', 'New Instrument of Service', have been considered by the Department of Economic Affairs, Ministry of Finance. Revised Guidelines incorporating the Observations/Recommendations of the Public Accounts Committee on Financial Limits to be observed in determining cases relating to 'New Service', 'New Instrument of Service' have been issued *vide* this Department's Office Memorandum No. F.1(23)-B(AC)/2005 dated 25.5.2006".

6. While agreeing with the proposed revision in the norms for re-appropriation of funds, the Committee had impressed upon the Ministry of Finance to devise an effective mechanism for proper and continuous monitoring of the revised norms in order to ensure strict adherence by every Ministry/Department. The revised guidelines incorporating the Observations/Recommendations of the Committee on financial limits to be observed in determining cases relating to 'New Service'/'New Instrument of Service' are stated to have been issued by the Ministry of Finance (Department of Economic Affairs—Budget Division). The Committee hope that Government would take effective steps to ensure strict observance of these guidelines by the Ministries/Departments on the subject. They would also like the Government to make an analysis of the position prior to and after implementation of the revised norms and apprise the Committee about the extent of improvement brought about as a result thereof.

CHAPTER II

ACTION TAKEN NOTES RECEIVED FROM M/O FINANCE (DEPTT. OF ECO. AFFAIRS)

Ministry of Finance Department of Economic Affairs (Budget Division)

Recommendations

The Committee have been given to understand that a Fiscal Policy Strategy Statement was laid before the Parliament by the Finance Minister on 26th February, 2005 under Fiscal Policy Strategy Statement Responsibility and Budget Management Act, 2003. Pursuant to this, the Ministry of Finance (Department of Expenditure) have sought approval of the PAC for revision of norms for re-appropriations of funds. The proposals *inter-alia* include that the limit of Rs. 1 crore or those for re-appropriation of funds under various sub-heads of the Grant, which require approval of Secretary (Expenditure), may be enhanced to Rs. 5 crore or more. Also, full powers are sought to be delegated to the Ministries/Departments to re-appropriate funds from the head 'Salary' for augmentation of head 'Salary' across the schemes (sub-heads) within a grant. It is further proposed that financial limits for obtaining approval of Parliament under New Service-New Instrument of Service may be enhanced/revised.

[Para No. 13 of Twenty-third Report of the Public Accounts Committee (Fourteenth Lok Sabha) on "Review of norms for re-appropriation of funds"]

Action Taken

The recommendations contained in para No. 13 of Twenty-third Report of the Public Accounts Committee (Fourteenth Lok Sabha) on "Review of norms for re-appropriation of funds" in so far as they are concerned with the revision/enhancement of financial limits for obtaining approval of Parliament under 'New Service'/'New Instrument of Service', have been considered by the Department of Economic Affairs, Ministry of Finance. Revised Guidelines incorporating the observations/recommendations of the Public Accounts Committee on Financial Limits to be observed in determining cases relating to 'New Service'/'New Instrument of Service' have been issued *vide* this Department's Office Memorandum No. F.1(23)-B(AC)/2005 dated 25.5.2006.

2. This note has been vetted by Audit \emph{vide} their U.O. No. RR-II/I-6/2006-07/808 dated 14.6.2006.

[Ministry of Finance, DEA, U.O. No. F.1(23)-B(AC)/2005 dated 16.06.2006.]

No. F.1(23)-B(AC)/2005 Government of India Ministry of Finance Department of Economic Affairs (Budget Division)

New Delhi, the 25th May, 2006.

Office Memorandum

Subject: Revised Guidelines on Financial Limits to be observed in determining cases relating to 'New Service'/'New Instrument of Service'

In accordance with the commitment made in the Fiscal Policy Strategy Statement (Budget 2005-06) under the mandate of the Fiscal Responsibility and Budget Managment (FRBM) Legislation and in pursuance of the approval of Public Accounts Committee (2005-2006) in the twenty-third report (Fourteenth Lok Sabha) on the proposal for review of Financial Limits to be observed in determining the cases relating to 'NEW SERVICE/NEW INSTRUMENT OF SERVICE' for reappropriation of funds (Annex.), which has the concurrence of the C&AG, the following revised guidelines for re-appropriation of funds are hereby conveyed, in modification of this Ministry's Office Memorandum No. F.7(15)-B(RA)/82 dated 13th April, 1982.

2. Definition of the terms 'New Service'/'New Instrument of Service' and its application:

- (i) 'New Service': As appearing in article 115(1)(a) of the Constitution of India, this has been held as referring to expenditure arising out of a new policy decision, not brought to the notice of Parliament earlier, including a new activity or a new form of investment.
- (ii) 'New Instrument of Service': Refers to relatively large expenditure arising out of important expansion of an existing activity.
- (iii) While using these terms and applying the financial limits as indicated in the Annex., it needs to be noted that no expenditure can be incurred from the Consolidated Fund of India on a 'New Service'/'New Instrument of Service' without prior approval of Parliament through supplementary demands for grants. Further, the determination of these financial limits will be with reference to Primary Unit of Appropriation.
- (iv) Where in an emergent case of 'New Service', 'New Instrument of Service' it is not possible to wait for prior approval of Parliament, the Contingency Fund of India can be drawn upon for meeting the expenditure pending its authorisation by Parliament. Recourse to this arrangement should normally

be taken only when Parliament is not in session. Such advances are required to be recouped to the Fund by obtaining a Supplementary Grant in the immediate next session of Parliament. However, when Parliament is in session, a Supplementary Grant should preferably be obtained before incurring any expenditure on a 'New Service'/'New Instrument of Service'. That is to say, recourse to Contingency Fund of India should be taken only in cases of extreme urgency; in such cases the following procedure recommended by the Sixth Lok Sabha Committee on Papers Laid in their 4th Report should be observed:

"As far as possible, before such withdrawal is made, the concerned Minister may make a statement on the floor of the Lok Sabha for information giving details of the amount and the scheme for which the money is needed. In emergent cases, however, where it is not possible to inform the Members in advance, the withdrawal may be made from the Contingency Fund and soon thereafter a statement may be laid on the Table of the Lok Sabha for the information of the Members".

It has been suggested by the Rajya Sabha Secretariat that the above procedure may also be observed in Rajya Sabha.

3. Checks to be observed by the Ministries/Departments to ensure compliance of the provisions of this Office Memorandum are as under:

- (i) By Integrated Finance Division/Budget Unit: A specific certificate should be recorded in each case involving aurmentation of sanctioned provision on receipt of related proposals, to the effect that the proposed augmentation attracts/does not attract financial limits of 'New Service'/'New Instrument of Service'.
- (ii) By PAOs: Each expenditure sanction to be examined by PAOs from the 'New Service'/'New Instrument of Service' angle keeping in view the financial limits indicated in the Annex.
- (iii) Where any doubt arises about the application of financial limits of 'New Service'/'New Instrument of Service', the PAO would seek decision from CCA/ FA of appropriate jurisdiction.

4. Circumstances for obtaining Supplementary grants for expenditure qualifying as 'New Service'/'New Instrument of Service' and the reporting procedure thereof are as follows:

- (i) If sufficient savings are available within the same section of the relevant grants for meeting additional expenditure to the extent mentioned in column 2 of the annex., re-appropriation can be made, subject to report to Parliament.
- (ii) The Report to Parliament should ordinarily be made through the ensuing batch of Supplementary Demands for Grants, failing which by adding an Annex. in the Detailed Demands of the Ministry/Department for the ensuing year.

- (iii) A suitable write-up of such cases where possible, may also be made in the Notes on Demands for Grants of the Ministry/Department.
- (iv) Mere depiction of augmented provisions in the Revised Estimates included in the Demands for Grants will not be adequate to meet the requirement to incur expenditure. In cases where the financial limits of 'New Service'/'New Instrument of Service' are attracted, approval of Parliament may be obtained for incurring such expenditure through supplementary demands for grants.
- (v) The provisions in the 'Vote on Account' are not intended to be used for expenditure on any 'New Service'. In cases of urgency, expenditure on a 'New Service' during Vote on Account period can, therefore, be incurred only by obtaining an advance from the Contingency Fund in the manner recommended by the Sixth Lok Sabha Committee on the Papers Laid on the Table already referred to in para 2(iv) of this OM. Such advances will be resumed to the Contingency Fund on enactment of Appropriation Act in respect of expenditure for the whole year.

5. Exceptions:

- (i) Having regard to the volume and nature of Government transactions, it is not possible to list out all such cases which are not attracted by 'New Service'/ 'New Instrument of Service' limits. Broadly, however, expenditure on normal activities of Government (such as normal administrative expenditure—including that resulting from re-organization of Ministries/Departments, holding of conferences, seminars, exhibitions, surveys, feasibility studies, etc. assistance to foreign Governments, contributions to international bodies and fulfilment of Government guarantee on its invocation) are not attracted by the limits of 'New Service'/'New Instrument of Service'.
- (ii) Transfer to State and Union Territory Governments are also exempt from these limits provided the scheme is not new.
- (iii) Further, these limits are applicable only to expenditure which is subject to Vote of Parliament.

6. Doubtful cases:

In case of disagreement between the Integrated Finance Wing and Pay and Accounts Office, the Ministry/Department may send a self-contained communication to the Budget Division, Ministry of Finance bringing out the specific point of doubt incorporating their Financial Advisor's views thereon. The decision taken by the Budget Division in the matter will be final.

7. Conclusion:

While agreeing to the revision of norms for re-appropriation of funds as annexed, the Public Accounts Committee in its twenty-third report (Fourteenth Lok Sabha) has concluded by stating as under:

"The Committee also expects the Financial Advisors of the Ministries/ Departments to ensure that there is no violation in implementation of the said revised norms for re-appropriation of funds and any slackness in complying with the said norms is strictly dealt with."

8. Hindi version will follow.

Sd/-(Dakshita Das) Director (Budget)

To

- 1. All Ministries/Departments of the Government of India.
- 2. Financial Commissioner (Railways), Financial Advisor (DS), Member Finance (Telecom) and all other Financial Advisers.
- 3. Finance Secretaries of Union Territory Administrations (Chandigarh, Andaman and Nicobar Islands, Dadra and Nagar Haveli and Lakshadweep).
- 4. Controller General of Accounts, Controller General of Defence Accounts and Chief Controllers of Accounts.

Copy forwarded for information to:

- 1. Lok Sabha Secretariat (PAC) Branch/Rajya Sabha Secretariat.
- 2. Comptroller and Auditor General of India and all Directors of Audit/Accountants General.
- 3. Finance Secretaries of all State and Union Territory Governments.

Sd/-(Dakshita Das) Director (Budget)

Annex to Ministry of Finance O.M. No. F. 1(23)-B(AC)/2005 dated 25.05.2006 Financial limits to be observed in determining the cases relating to 'NEW SERVICE'/'NEW INSTRUMENT OF SERVICE'

can of s		cimits upto which expenditure an be met by reappropriation of savings in a Grant subject to report to Parliament	•
	1	2	3
I. CA	PITALEXPENDITUI	RE	
A. Do	epartmental Underta	kings	
(i)	Setting up a new ur taking, or taking up activity by an existi undertaking.	a new	All cases
(ii)	Additional investme an existing undertak		
B. Pu	ıblic Sector Compan	ies/Corporations	
(i)	Setting up of a new Company, or splittir of an existing Comp or amalgamation of or more Companies, taking up a new act by an existing Comp	any, two or ivity	All cases
(ii)	Additional investme in/loans to an existi company		
(a)	Where there is no Budget Provision	Above Rs. 50 lakhs be not exceeding Rs. 1	
(b)	Where Budget Provexists for investment or loans		

Note: Where a lumpsum provision is made for providing 'Loans' under a particular scheme, the details of substantial apportionment (10% of lumpsum or Rs. 1 crore, whichever is higher) should be reported to Parliament. In the case of lumpsum provision of loans to States, the State-wise distribution should be reported to Parliament.

	•	
1	2	3
Paid up capital	of the Company	
(i) Upto Rs. 50 cre	ore 20% of appropriation already voted or Rs. 10 crore, whichever	Above 20% of appropriation already voted or
	is less	Rs.10 Crore, whichever is less
(ii) Above Rs. 50 c	rore 20% of appropriation already voted or Rs. 20 crore, whichever is less	Above 20% of appropriation already voted or, Rs. 10 crore, whichever is less
	rities within the administrative at or substantially financed by the	O
Loans	Upto 10% of the appropriation already voted or Rs. 10 crore, whichever is less	More than 10% over the appropriation already voted by Parliament or Rs. 10 crore, whichever is less
D. Expenditure on new Works (Land, Buildings and/or Machinery)	Above Rs. 50 lakhs but not exceeding Rs. 2.5 crore or not exceeding 10% of the appropriation already voted, whichever is less	Above Rs. 2.5 crore or above 10% of the appropriation already voted.
II. REVENUE EXPENIE E Grants-in-aid to an or authority		All cases
scheme, the detail whichever is higher	provision is made for providing gran s of substantial apportionment (10%) should be reported to Parliament. In a , the State-wise distribution should be	of lumpsum or Rs. 1 crore, the case of lumpsum provision
F. Subsidies		
(i) New Cases	_	All cases
(ii) Enhancement of provision in the e appropriation	Upto 10% of the appropriation already approved	More than 10% of the appropriation already voted by Parliament

by the Parliament

or Rs. 10 crore,

whichever is less

or Rs. 10 crore,

whichever is less

	1	2	3
	Payments against cess collections	Limits as applicable to grants-in-aid to statutory or public institutions will apply	All cases
	New Commissions or Committees of Enquiry	_	Above Rs. 20 lakhs (total expenditure)
G	Write off of Government loans	Above Rs. 50,000 but not exceeding Rs. 1 lakh (individual cases)	Above Rs. 1 lakh (individual cases)
H.	Other cases of Government expenditure	Each case to be considered	ed on merits.
I.	Posts	The aforesaid limits, including those relating to Works expenditure,	The aforesaid limits, including those relating to Works expenditure
	Railways	will also apply to these Departments subject to considerations of security	will also apply to these Departments subject to considerations of security
_	Defence	in the case of Defence	in the case of Defence Services Estimates.

Note 1: For investment in Ordnance Factories, the limit of Rs. 5 crore mentioned in item A (ii) will be applicable with reference to investment in all the factories as a whole.

Note 2: Civil Works, which do not form part of any project of the departmental undertakings (Ordnance Factories) should be treated as ordinary Defence works. As such, prior approval of Parliament will be necessary if the cost of individual works exceeds Rs. 2.5 crore and in cases where the individual works cost Rs. 50 lakhs or more but not exceeding Rs. 2.5 crore, a report to Parliament will be required. A list of such works should, however, be supplied to Director of Audit, Defence Services.

New Delhi; 17 November, 2006 26 Kartika, 1928 (Saka) PROF. VIJAY KUMAR MALHOTRA,

Chairman,

Public Accounts Committee.

PART II

MINUTES OF THE FIFTEENTH SITTING OF PUBLIC ACCOUNTS COMMITTEE (2006-2007) HELD ON 16th NOVEMBER, 2006

The Committee sat from 1100 hrs. to 1200 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

Parliam	ent House Annexe, New Delhi.		
	PRES	ENT	
	Prof. Vijay Kumar Malhotra —	Chairm	an
	I	Members	
	L	ok Sabha	
2.	Shri Khagen Das		
3.	Shri P.S. Gadhavi		
4.	Shri Raghunath Jha		
5.	Shri Bhartruhari Mahtab		
6.	Shri Brajesh Pathak		
7.	Shri Mohan Singh		
8.	Shri Rajiv Ranjan 'Lalan' Singh		
9.	Shri Kharabela Swain		
10.	Shri Tarit Baran Topdar		
	Ra	jya Sabh	a
11.	Shri R.K. Dhawan		
12.	Shri Janardhana Poojary		
13.	Shri Suresh Bhardwaj		
14.	Dr. K. Malaisamy		
	Si	ECRETARIAT	· ·
	1. Shri Ashok Sarin	—	Director
	2. Shri M.K. Madhusudhan	_	Under Secretary
Repre	sentatives of the Office of the Con	nptroller	and Auditor General of India
	1. Shri B.K. Chattopadhyay	_	ADAI(RC)
	2. Shri Nand Kishore	_	Principal Director (AB)
	3. Shri Sanjay Kumar	_	Director (DT-II)

Representatives of the Ministry of Shipping, Road Transport & Highways (Department of Shipping) * * * * * * * * Representatives of Chennai Port Trust * * * * * * * Representatives of Dredging Corporation of India Limited * * * * * * * *

- 2. At the outset, the Chairman-welcomed the Member and the officers of C&AG of India to the sitting. The Committee then took up for consideration and adoption of the following draft Reports:—
 - (i) Action Taken on 14th Report of the Public Accounts Committee (14th Lok Sabha) relating to "Assessment of Private Schools, Colleges and Coaching Centres", and
 - (ii) Action Taken on 23rd Report of Public Accounts Committee (14th Lok Sabha) relating to "Review of Norms for Re-appropriation of Funds".

After some deliberations, the Committee adopted these draft Reports without any amendments/modifications and authorized the Chairman to finalise and present the same to Parliament in the light of factual verification by Audit.

3.	*	*	*	*	*	*	*
4.	*	*	*	*	*	*	*
5.	*	*	*	*	*	*	*

The Committee then adjourned.

APPENDIXSTATEMENT OF OBSERVATIONS AND RECOMMENDATIONS

Sl. No.	Para No.	Ministry/Department	Observations/Recommendations
1.	6	Finance (Deptt. of Expenditure)	While agreeing with the proposed revision in the norms for re-appropriation of funds, the Committee had impressed upon the Ministry of Finance to devise an effective mechanism for proper and continuous monitoring of the revised norms in order to ensure strict adherence by every Ministry/Department. The revised guidelines incorporating the Observations/ Recommendations of the Committee on financial limits to be observed in determining cases relating to 'New Service'/New Instrument of Service' are stated to have been issued by the Ministry of Finance (Department of Economic Affairs—Budget Division). The Committee hope that Government would take effective steps to ensure strict observance of these guidelines by the Ministries/Departments on the subject. They would also like the Government to make an analysis of the position prior to and after implementation of the revised norms and apprise the Committee about the extent of improvement brought about as a result thereof.