

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(2009-2010)**

(FIFTEENTH LOK SABHA)

ELEVENTH REPORT

**PENDING ASSURANCES PERTAINING TO
MINISTRY OF RURAL DEVELOPMENT
(DEPARTMENT OF RURAL DEVELOPMENT)**

Presented to Lok Sabha on 27 August, 2010



**LOK SABHA SECRETARIAT
NEW DELHI**

August 25, 2010/Bhadrapada 3, 1932 (Saka)

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COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES*
(2009 - 2010)

Shrimati Maneka Gandhi - Chairperson

MEMBERS

2. Shri Anandrao Adsul
3. Shri Avtar Singh Bhadana
4. Shri Dara Singh Chauhan
5. Dr. Kakoli Ghosh Dastidar
6. Shri Mohan Jena
7. Shri Raghuvir Singh Meena
8. Shri Bishnu Pada Ray
9. Shri K.J.S.P. Reddy
10. Shri M. Raja Mohan Reddy
11. Rajkumari Ratna Singh
12. Shri Takam Sanjoy
13. Dr. M. Thambidurai
14. Shri Manohar Tirkey
15. Shri Hukumdeo Narayan Yadav

SECRETARIAT

1. Shri P. Sreedharan - Joint Secretary
2. Shri R.S. Kambo - Director
3. Shri D.S. Malha - Additional Director

* The Committee was constituted on 23 September, 2009 *vide* Para No. 580 of Lok Sabha Bulletin Part-II dated 23 September, 2009.

INTRODUCTION

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

2. The Committee (2009-2010) at their sitting held on 29 April, 2010 took oral evidence of the representatives of the Ministry of Rural Development (Department of Rural Development).

3. At their sitting held on August, 2010 the Committee (2009-2010) considered and adopted their Eleventh Report.

4. The Minutes of the aforesaid sittings of the Committee form part of this report.

NEW DELHI;

MANEKA GANDHI

CHAIRPERSON

COMMITTEE ON GOVERNMENT ASSURANCES

August 25, 2010

Bhadrapada 3, 1932 (Saka)

I. Introductory

In the light of pendency of large number of assurances pertaining to the various Ministries/Departments of Government of India, the Committee on Government Assurances (2009-10) soon after its constitution decided to call the representatives of the various Ministries/Departments of the Government of India for oral evidence with a view to looking into the reasons for the pendency, the operation of the prescribed system in the Ministries/Departments in this regard and to ensure implementation of the assurances which had been outstanding over a period of time.

2. Accordingly, the Committee took oral evidence of the Ministry of Rural Development (Department of Rural Development) on 29 April, 2010 where the following assurances were pending as on 24 April, 2010. However, assurances (marked*) which were earlier implemented, were also reviewed by the Committee to ascertain their adequacy of implementation:-

Sl.No.	SQ/USQ No. Dated	Subject	Remarks
1.	USQ No. 2503 5.12.2000	Appointment of SCs/STs	Implemented vide SS-XXIX/1/5.5.2010
2.	USQ No. 4408 17.4.2001	Appointment of Monitors under CAPART	Implemented vide SS-XLVII/1/5.5.2010
*3.	SQ No. 682 14.5.2002	Allocation of Fund under IAY	
4.	USQ No. 3805 8.4.2003	Change in Funding pattern of Rural Development	Implemented vide SS-XXIX/1/5.5.2010
*5.	Special Mention 13.12.2004 by Shri Shivraj Singh Chouhan, MP	Employment Guarantee Bill	
6.	USQ No. 709 4.3.2005	Funds for Rural Development	Implemented vide SS-XXI/1/5.5.2010

7.	USQ No. 770 4.3.2005	Private Sector in Rural Development	Implemented vide SS- XXI /2/5.5.2010
8.	SQ No. 154 1.12.2006	PURA Scheme	Implemented vide SS- XIII/5/28.4.2010
9.	SQ No. 247 8.12.2006	Expansion of NREGS	Implemented vide SS- XIV /1/5.5.2010
10.@	USQ No. 1496 1.12.2006	Irregularities under NFFWP	
*11.	USQ No. 3447 15.12.2006	Vacant Posts in DRDAs	
*12.	SQ No. 82 17.8.2007	Performance of NREGS	
13.	SQ No. 85 17.8.2007	Finalisation of BPL List	
*14.	SQ No. 222 14.3.2008	Implementation of NREGS	
*15.	SQ No. 114 24.10.2008	Review of Norms for BPL People	
*16.	SQ No. 301 19.12.2008 (Shri Anandrao V. Adsul, MP)	Wages under NREGS	
*17.	SQ No. 301 19.12.2008 (Mrs. Jayaprada, MP)	Wages under NREGS	
18.	USQ No. 2126 12.12.2008	Unemployment Allowance under NREGS	
19.@	USQ No. 455 20.2.2009	Files in the Offices of CAPART	

***Implemented on 2.12.2009/12.3.2010.**

@ Implemented on 18.08.2010.

3. The Ministry furnished a status note of aforesaid pending assurances. From the perusal of this status, the Committee observed that Implementation Reports on 06 assurances viz. (i) USQ No. 2503 dated 05 December, 2000 (ii) USQ No. 4408 dated 17 April, 2001 (iii) USQ No. 3805 dated 08 April, 2003 (iv) USQ No. 709 dated 04 March, 2005 (v) USQ No. 770 dated 04 March, 2005 and (vi) SQ No. 247 dated 8 December, 2006 were furnished by the Ministry of Rural

Development (Department of Rural Development) on 14 January, 2002, 27 March, 2002, 15 October, 2008, 6 October, 2008, 23 April, 2010 and 3 April, 2007 but were not laid on the Table of the House except Implementation Report of USQ No. 4408 dated 17 April, 2001 which was laid by the Ministry of Parliamentary Affairs, thereby partly implementing the assurance. These assurances were laid on the Table of the House on 05 May, 2010.

4. During oral evidence the Committee pointed out that the Implementation Reports forwarded by the Ministry of Rural Development to the Ministry of Parliamentary Affairs were seldom laid on the Table of the House and that it appeared to the Committee that there is no mechanism for ensuring that the Implementation Reports were actually laid on the Table of the House within a time frame. The Committee also pointed out that an assurance would be treated as implemented only when its Implementation Report is actually laid on the Table of the House.

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

5. The Committee note that 11 assurances pertaining to the Department of Rural Development were pending implementation at the beginning of 15th Lok Sabha. Of these pending assurances, three assurances pertained to 13th Lok Sabha and the remaining to 14th Lok Sabha. The Committee desire that the pending assurances should be implemented and laid on the Table of the House without any further delay.

According to the laid down procedure, the Ministries/Departments of Government of India are required to implement an assurance, given on the floor of the House, within three months and they are required to seek extensions of time wherever they are unable to fulfill the assurances within the stipulated period. The Implementation Reports on all such assurances are to be laid on the Table of the House by the Ministry/Department concerned through the Ministry of Parliamentary Affairs which act as an interface between the Government and Parliament. The Committee's examination has, however, revealed that despite existence of specific guidelines in this regard, neither the Department of Rural Development nor the Ministry of Parliamentary Affairs took any concrete steps to ascertain whether the implementation reports furnished by the Department of Rural Development from time to time had actually been laid on the Table of the House. The fact that Implementation Reports furnished by the Department of Rural

Development way back in 2002 in reply to USQ No. 2503 dated 5 December, 2000 and USQ No. 4408 dated 17 April, 2001 could be laid on the Table of the House only after the instructions by the Committee, speaks volume about the extent of laxity prevailing in observance of the stipulated procedure. The Committee have also noticed instances of undue delay in laying of the Implementation Reports by the Ministry of Parliamentary Affairs on assurances given in reply to SQ No. 247 dated 8 December, 2006; USQ No. 3805 dated 8 April, 2003; and USQ No. 709 dated 4 March, 2005 for which replies had been earlier furnished by the Department of Rural Development on 3 April, 2007; 15 October, 2008 and 6 October, 2008 respectively. Although the Implementation Reports on all these five assurances have been finally laid on the Table of the House in May 2010 on the instruction of the Committee, the fact remains that these assurances could have been implemented earlier had the Ministry of Rural Development (Department of Rural Development) and the Ministry of Parliamentary Affairs been vigilant enough in the implementation of the pending assurances. The Committee desire that the Ministry of Parliamentary Affairs should find out the reasons for such undue delay in laying the relevant Implementation Reports and take corrective measures to obviate recurrence of such instances in future. Needless to say that the Department of Rural Development also cannot escape the responsibility cast upon it to ensure that Implementation Reports sent to the Ministry of Parliamentary Affairs are laid on the Table of the House well in time. The Committee trust

that both the Ministries would now take appropriate corrective measures to review their systems and ensure that the assurances are fulfilled in accordance with the prescribed procedure. The Committee would like to be apprised of the precise steps taken by both the Ministries in this regard.

II. Scrutiny of Pending Assurances Pertaining to Ministry of Rural Development (Department of Rural Development)

6. During oral evidence, the Committee examined all the 19 assurances. However, some of the more important issues have been dealt in the succeeding paragraphs. These issues are as follows:-

- (a) USQ No. 1496 dated 01 December, 2006 regarding irregularities under NFFWP.
- (b) SQ No. 85 dated 17 August, 2007 regarding finalization of BPL list.
- (c) USQ No. 2126 dated 12 December, 2008 regarding unemployment allowances under NREGS.
- (d) USQ No. 455 dated 20 February, 2009 regarding files in the offices of CAPART.

(a) Irregularities under NFFWP

7. On 01 December, 2006 an USQ No. 1496 was answered as under:-

“(a) whether irregularities have come to the notice of the Government under National Food for Work Programme (NFFWP) in Jharkhand during the last three years and current year;

(b) if so, the details thereof; and

(c) the action taken by the Government in the matter?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI CHANDRA SEKHAR SAHU)

(a) to (c) : Yes, Sir. National Food for Work Programme was launched in November, 2004 in 14 districts of Jharkhand. The programme is now subsumed in NREGA with effect from 2.2.2006. During the period NFFWP was in operation, five cases of irregularities in the implementation of the programme in the State have been reported to the Ministry. These cases have been referred to the State Government for examination and submission of an Action Taken Report on the issues raised.”

8. The assurance involved in the above reply was that five cases of irregularities in the implementation of the National Food for Work Programme were referred to the State Government for examination and submission of an Action Taken Report on the issues raised.

9. On being asked about the delay in implementation of the assurance, the representative of the Ministry stated as follows:-

“.....we have written several letters to the State Government. In March, I have written a D.O. letter to the Chief Secretary also. We have not got a reply from them..... I am going to speak to the Chief Secretary.”

10. On being asked about the steps which can be contemplated due to non-receipt of replies from the State Government concerned, the representative of the Ministry deposed:-

“We can report the matter to the Finance Department and get a fine levied on the State Government. We can ask the State Government to take action against the concerned officials.”

11. The Committee pointed out that the assurance was given about four years back and directed the Ministry to sort out the matter within one month. In reply the representative of the Ministry stated as follows:-

“That should be sufficient.”

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

12. The Committee note that an assurance regarding irregularities noticed in the implementation of National Food for Work Programme in the State of Jharkhand in reply to USQ No. 1496 dated 01 December, 2006, was given about three and half years ago. According to the Ministry, the assurance remained unimplemented despite several communications/reminders by the Ministry of Rural Development. The Committee are of the view that the Ministry of Rural Development cannot be a mere spectator in the irregularities committed in the implementation of the centrally sponsored programme. The Committee desire that some penal action should have been initiated, after efflux of a reasonable time, so as to obtain the desired information. The Committee are of the firm view that the Ministry cannot evade its responsibility of implementing the assurance, given on the floor of the House and it is their responsibility to obtain the desired information from the State Government. The Committee now hope that the Ministry would sort out the matter within a month, as promised during the evidence.

(b) Finalisation of BPL List

13. On 17 August, 2007, an SQ No. 85 was answered as under:-

“(a) whether the Government has issued any directions to the State Governments to finalise the list of BPL families;

(b) if so, whether the Below Poverty Line list has been finalized by the States; and

(c) if not, the reasons for delay in the matter?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (Dr. RAGHUVANSH PRASAD SINGH)

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

Statement referred to in reply to Lok Sabha Starred Question No.85 to be answered on 17.08.2007

The Ministry of Rural Development conducts the BPL Census to identify the households in rural areas living Below the Poverty Line who could be assisted under the programmes of this Ministry. The BPL Census is generally conducted in the beginning of the Five Year Plan and first such BPL Census was conducted in 1992 for the 8th Five Year Plan. The Ministry had issued guidelines in September, 2002 to the States and UTs to conduct the `BPL Census 2002` for the 10th Five Year Plan. However, the results of the BPL Census 2002 could not be finalized because of the stay order passed by the Hon`ble Supreme Court on 5.5.2003 during the hearing of a Writ Petition No.196 of 2001 in the matter of PUCL V/s Union of India. The stay was vacated by the Hon`ble Supreme Court on 14.2.2006. Immediately after vacation of the stay, the State Governments were advised to finalise the BPL list in a transparent manner. In order to ensure transparency, it is required to get the BPL lists approved by the Gram Sabhas. It was also suggested to give wide publicity to the process of preparation of BPL list by displaying it at the Panchayat Headquarters. The guidelines have also been issued to keep the printed copies of the BPL list in the form of a booklet at the Panchayat Headquarters, paint the list of BPL families on the wall of the Panchayat building in the ascending order and also post the BPL list on the website. In order to redress the public grievances, a provision of two-stage appeal mechanism was

also made so that people having any grievance with regard to their rank in the New BPL list, can file the first appeal with the Tehsildar or the SDM as the case may be and the second appeal with the Collector.

As per latest available reports, 14 States and UTs have finalized the New BPL list after getting it approved by the Gram Sabhas. In the remaining States and UTs, the finalization of New BPL list is in an advanced stage. The State-wise status is indicated in Annexure-I.

After the vacation of the stay by the Hon`ble Supreme Court, getting the BPL lists approved by the Gram Sabhas and completion of two-stage appeal process took time in finalization of New BPL lists. The State Governments are reported to have received a large number of objections from the people and it took considerable time to dispose them. Therefore, it has resulted in delay in finalizing the New BPL lists.”

Annexure-I

Annexure referred to in reply to Lok Sabha Starred Question No.85 to be answered on 17.8.2007

State-wise status of BPL Census, 2002

S.No.	Name of the State	Status
1.	Andhra Pradesh Gram Sabha	The score based house hold list approved by is available in the booklet form in the districts.
2.	Arunachal Pradesh	BPL list finalized in all respects.
3.	Assam printed in due to	Survey completed and BPL list prepared and most of districts. However, finalization is pending addition/deletion on account of appeals.
4.	Bihar process of	Cut off point has been decided as 13. The finalizing the list is in progress.
5.	Chhattisgarh	The BPL list has been finalized in all respects.
6.	Goa	The BPL list has been finalised.

7. Gujarat of 25 The BPL list has been finalized by 23 districts out districts.
8. Haryana survey complaints, entire villages has drawn State Govt. noticed a large scale irregularities in the BPL conducted in 2002. In view of the large scale survey has been scrapped. A fresh survey in all the been started w.e.f. 1.3.2007. BPL list is expected to be by August, 2007.
9. Himachal districts have bound All formalities completed in all GPs except in 5 GPs. The Pradesh Deputy Commissioners of the respective Been instructed to get the issue resolved in a time manner.
10. J & K Work is in progress and completed shortly.
11. Jharkhand website. The BPL list has been finalized and displayed on the website.
12. Karnataka website. The BPL list has been finalized and displayed on the website.
13. Kerala 2007. The BPL list will be finalized by the middle of August, 2007.
14. Madhya Pradesh website. The BPL list has been finalized and displayed on the website.
15. Maharashtra The BPL list has been finalized.
16. Manipur Latest status still awaited.
17. Meghalaya Survey completed but the BPL list is yet to be finalised.
18. Mizoram be The BPL list is reported to have been finalized but yet to be

received in the Ministry.

19. Nagaland
The BPL list has been finalized.
20. Orissa
convened to
A Meeting of the High Power Committee is being
finalise the BPL list.
21. Punjab
displayed on
The BPL list has been finalized but it is yet to be
the website.
22. Rajasthan-
displayed
30% in the
have been
District-wise BPL list has been finalized and has been
on the website. The districts having variation of more
number of BPL families as compared to 1997 survey
advised to recheck the position simultaneously.
23. Sikkim
the
The BPL list has been prepared but is not displayed on
website.
24. Tamil Nadu
shortly.
The cut off score is 17. The BPL list will be finalized
25. Tripura
The BPL list is yet to be finalised.
26. Uttar Pradesh
the
The BPL list has been finalized and have been put on
website.
27. Uttrakhand
The BPL list has been finalized.
28. West Bengal
lists are
discussed
the end
Conducted a fresh household survey in 2005. Draft BPL
reported to have been approved by the Gram Sabhas,
with the State Govt. official, final results are expected by
of August, 2007.

- | | | |
|-----|-------------|--|
| 29. | Andaman | BPL list finalized. |
| 30. | Daman & Diu | BPL list finalized. |
| 31. | Lakshadweep | The BPL list has been published. The objections of the people are being looked into. |

14. The assurance involved in the above reply was that 14 States and Union Territories have finalized the new BPL list. In the remaining States and Union Territories the finalization of new BPL list is in an advanced stage.

15. On being asked during evidence about the finalization of the BPL list, the representative of the Ministry stated as follows:-

“.....27 States and Union Territories have reported but there are six States like Kerala, Orissa, Sikkim, Tripura, Lakshadweep & Puducherry which have not yet finalized the BPL list..... The Kerala Government tell us this they would not like to go with the indicators given in the 2002 BPL and they will develop their own indicators. So, they are not willing and similar is the case with Orissa. Other States have not responded to this inspite of our letters as late as February. This is the position.”

The representative further stated as follows:-

“Out of those six States the two major ones are Orissa and Kerala. Kerala has followed its list which is very much like our list..... so, we did agree to it. Orissa had an issue with its 2002 list and wanted to follow the 1997 list..... we allowed them to use the 1997 list.”

16. On being asked about the Monitoring system to rectify the BPL list. The representative of the Ministry stated as follows:-

“The BPL list by historical origin is prepared as the basis of estimates prepared in consumer household expenditure survey..... The Planning Commission had appointed recently a Committee and that Committee has given certain recommendations and it was headed by Prof. Tendulkar..... we have reasons to believe that the Planning Commission is considering to accept the Report of the Tendulkar Committee which will fix the people living below the poverty line in the rural areas at 41.5 or 41.6 per cent..... we have also appointed a Committee headed by Dr. N.C. Saxena..... the previous survey..... had been done on the basis of recommendations made by another Committee headed by Dr. P.L. Sanjiva Reddy, so that Committee had recommended a 13 point scoring method that had been followed but evidently there had been something wrong with that method and its implementation..... So this time we have formed an expert Committee..... it was decided to undertake a pilot study, pre-testing so, that pre-testing will be starting very soon.”

17. When asked, as to when this whole exercise be completed, the representative of the Ministry stated as follows:-

“We will start out BPL survey operations in April 2011 before that we will have pre-testing.”

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

18. The Committee note that the assurance given in reply to SQ No. 85 dated 17 August, 2007 regarding finalization of BPL list is pending for the last three years. During oral evidence the representative of the Ministry apprised the Committee that as many as six States namely Kerala, Orissa, Sikkim, Tripura, Lakshadweep & Puducherry have not finalized the BPL list and except Kerala and Orissa which want to develop their own indicators for finalizing the BPL lists, the other four States have not at all responded. The Committee further note that three Committees namely Prof. Tendulkar Committee, Dr. N.C. Saxena Committee & Dr. P.L. Sanjiva Reddy Committee were constituted at different point of time but the BPL list could not be finalized. As a result Ministry have now formed an expert Committee and have decided to take a pilot study/pre-testing etc. The Committee are concerned to note that the inordinate delay in finalization of an authentic BPL list, the beneficiaries may be deprived of the benefits of various schemes, which are under implementation. Taking note of various exercises being undertaken by the Ministry to finalise the BPL list, the Committee urge upon the Government that concrete steps be taken to finalise the BPL list and the assurance implemented at the earliest.

(c) Unemployment Allowance under NREGS

19. On 12 December 2008, an USQ No. 2126 was answered as under:-

“(a) whether unemployment allowance is being paid by the State Governments to registered job seekers who could not get employment within 15 days of receipt of their application under the National Rural Employment Guarantee Scheme (NREGS);

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

ANSWER

MINISTER OF THE STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI CHANDRA SEKHAR SAHU)

(a) to (c) Section 7(1) of NREG Act, 2005 provides for payment of unemployment allowance by the State Government to an applicant if he/she is not provided employment within 15 days of receipt of application seeking employment or from the date on which the employment has been sought in case of an advance application, whichever is later.

Unemployment allowance is paid by the State Governments from their own resources. As per reports available from the State Governments, unemployment allowance has been paid by Government of Madhya Pradesh, Orissa and Karnataka. Details of the unemployment allowance paid by these States are as under.

S.No.	Name of the State	Details of the unemployment allowance paid
1	Madhya Pradesh	During 2006-07, In Badwani district, 1574 applicants were paid a sum of Rs. 4,75,386 as unemployment allowance
2	Orissa	A total of 543 job seekers have been paid Rs. 1,03,462 as unemployment allowance in three districts viz.Nawarangpur, Kalahandi and Bolangir.
3	Karnataka	679 applicants have been paid Rs.1,68,068 as unemployment allowance in 8 Gram Panchayats of Raichur district.

No unemployment allowance has been paid by the Governments of Punjab, Tamil Nadu and Nagaland. Information from the remaining States is being collected.”

20. The assurance involved in the above reply was that the information regarding payment of unemployment allowance was being collected from remaining States.

21. On being asked about the collection of the information and the States which have not replied, the representative of the Ministry stated as follows:-

“They are Bihar, Jharkhand, Puducherry and Daman & Diu.”

22. On being further asked as to how the Ministry intend to get the information from the States, the representative of the Ministry stated as follows:-

“We have just written to them again. A reminder has gone from the Secretary to the Chief Secretary on 26th of April.”

23. The Committee then pointed out that the desired information can also be obtained telephonically and the Committee gave one month time for collecting the information.”

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

24. The Committee note that an USQ No. 2126 dated 12 December, 2008 was asked seeking information whether unemployment allowance was being paid by the State Governments to registered persons seeking jobs who could not get employment within 15 days of receipt of their application under National Rural Employment Guarantee Scheme. In reply, the Minister of Rural Development informed that the unemployment allowance was paid by three States namely Madhya Pradesh, Orissa and Karnataka. The Governments of Punjab, Tamil Nadu and Nagaland, however, were not paying any unemployment allowance. It was further stated that the information from the remaining States was being collected. In the light of the deposition made during evidence and also through the status note of pending assurances furnished by the Ministry, it is clear that the information from four States/Union Territories is presently awaited. Undoubtedly, the desired information from most of the States has since been received by the Ministry but the same is yet to be placed before the House. The Committee, therefore, desire that the information so received from the States be laid on the Table of the House in the ensuing monsoon Session of the Parliament so that the assurance is at least partly implemented. At the same time, the Committee would like to stress that the information from the remaining four States be obtained expeditiously so that the assurance can be fully implemented at the earliest.

(d) Files in CAPART Offices

25. On 20 February, 2009, an USQ No. 455 was answered as under:-

"(a) whether the Agency looking into the discrepancy between the files physically present in various offices of CAPART and the files shown in its database has submitted its report;

(b) if so, the details and the findings thereof; and

(c) the action taken by the Government thereon?

ANSWER

MINISTER OF THE STATE IN THE MINISTRY OF RURAL DEVELOPMENT
(SHRIMATI SURYAKANTA PATIL)

(a) : Yes, Sir.

(b) The task of tracing out the missing files and preparing an inventory of physically available files in various offices of CAPART was given to an independent firm of Chartered Accountants. As per the report of the firm, 22793 files were traced out of 26372 files reflected in the data base of CAPART. However, subsequent to the report and an extensive in-house search and cross checking with the Council's data base, it has been found that 2157 files are missing as on date.

(c) Efforts are on to trace the missing files. The Council has constituted a Committee under the Chairmanship of the Chief Vigilance Officer of CAPART to investigate the matter further and fixing responsibility for the missing files. Action will be taken on the recommendations of the Committee on priority basis."

26. The assurance involved in the above reply was that a Committee under the Chairmanship of the Chief Vigilance Officer of CAPART to investigate the matter further and fixing responsibility for the missing files has been constituted.

27. When asked about the missing files, the representative of the Ministry stated as follows:-

“Madam, 4719 was the figure in 2007..... we have done three things..... firstly we have taken decision to digitize all records. We have already finalized the technical parameters and we are just going to place orders..... The second thing is that this figure has come down to 821 and they are missing and 1,168 files are those where all the transaction have been completed..... Only in respect of 821 cases, action is pending.”

28. On being asked about fixing responsibility in the matter, the representative of the Ministry stated as follows:-

“..... since the physical record is not available, putting responsibility on one persons is becoming a little difficult..... we constituted a Committee under the Chairmanship of Chief Vigilance Officer of the organization. Now he has suggested a couple of things, out of which we have implemented the digitization issue. In fact we have web enabled application filing..... only yesterday we had a meeting. It was gone for security audit. On the optimistic side we feel that by 30th June, 2010 it should be there.”

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

29. The Committee note that the Ministry of Rural Development assured the House in reply to USQ No. 455 dated 20 February, 2009 that efforts were on to trace the missing files in CAPART and that a Committee had been constituted to investigate the matter and fix responsibility for the same. The Committee are, however, dismayed at the deposition made by the representative of the Ministry that "putting responsibility on one person is becoming a little difficult" since the physical record is not available. The Committee are of the firm view that the management of office records of CAPART, is far away from being satisfactory and needs to be toned up. Although the Council is stated to have implemented the digitization of records on the recommendation of the Committee constituted under the Chairmanship of the Chief Vigilance Officer of the organization, the fact remains that a substantial

number of files continue to remain missing from CAPART. The Committee views missing of such large number of files seriously and desire that besides identifying officials responsible for such a lapse and fixing responsibility against erring officials, the Ministry should introduce foolproof measures under the overall responsibility of designated senior officials in order to obviate recurrence of such events in future.

NEW DELHI;

MANEKA GANDHI
CHAIRPERSON

COMMITTEE ON GOVERNMENT ASSURANCES

..... August, 2010

Bhadrapada, 1932 (Saka)

*Extracts from Manual of Practice & Procedure in the
Government of India, Ministry of Parliamentary Affairs,
New Delhi*

Definition	<p>8.1 During the course of reply given to a question or a discussion, if a Minister gives an undertaking which involves further action on the part of the Government in reporting back to the House, it is called an 'assurance'. Standard list of such expressions which normally constitute assurances and as approved by the Committees on Government Assurances of the Lok Sabha and the Rajya Sabha, is given at Annex 3. As assurances are required to be implemented within a specified time limit, care should be taken by all concerned while drafting replies to the questions to restrict the use of these expressions only to those occasions when it is clearly intended to give an assurance in these terms.</p> <p>8.2 When an assurance is given by a Minister or when the Presiding Officer directs the Government to furnish information to the House, it is extracted by the Ministry of Parliamentary Affairs from the relevant proceedings and communicated to the department concerned normally within 10 working days of the date on which it is given.</p>
Deletion from the list of assurances	<p>8.3.1 If the administrative department has any objection to treating such a statement as an assurance or finds that it would not be in the public interest to fulfil it, it may write to the Lok/Rajya Sabha Secretariat direct with a copy to the Ministry of Parliamentary Affairs within a week of the receipt of such communication for getting it deleted from the list of assurances. Such action will require prior approval of the Minister.</p> <p>8.3.2 Departments should make request for dropping of assurances immediately on receipt of statement of assurances from the Ministry of Parliamentary Affairs and only in rare cases where they are fully convinced that the assurances could not be implemented under any circumstances and there is no option left with them but to make a request for dropping. Such requests should have the approval of their Minister and this fact should be indicated in their communication containing the request. If such a request is made towards the end of the stipulated period of three months, then it should invariably be accompanied with a request for extension of time. The department should continue to seek extension of time till a decision of the Committee on Government Assurances is received by them. Copy of the above communications should be simultaneously endorsed to the Ministry of Parliamentary Affairs.</p>
Time limit for fulfilling and assurance	<p>8.4.1 An assurance given in either House is required to be fulfilled within a period of three months from the date of the assurance. This time limit has to be strictly observed.</p>
Extension of time for fulfilling an	<p>8.4.2 If the department finds that it is not possible to fulfil the assurance within the stipulated period of three months or within the period of extension already granted, it may seek further extension of time direct from the respective Committee on</p>

assurance	<p>Government Assurances under intimation to the Ministry of Parliamentary Affairs as soon as the need for such extension becomes apparent, indicating the reasons for delay and the probable additional time required. Such a communication should be issued with the approval of the Minister.</p>
Registers of assurances	<p>8.5.1 The particulars of every assurance will be entered by the Parliament Unit of the department concerned in a register as at Annex 4 after which the assurance will be passed on to the concerned section.</p> <p>8.5.2 Even ahead of the receipt of communication from the Ministry of Parliamentary Affairs, the section concerned should take prompt action to fulfil such assurances and keep a watch thereon in a register as at Annex 5.</p> <p>8.5.3 The registers referred to in paras 8.5.1 and 8.5.2 will be maintained separately for the Lok Sabha and the Rajya Sabha assurances, entries therein being made session wise.</p>
Role of Section Officer and Branch Officer	<p>8.6.1 The Section Officer incharge of the concerned section will:</p> <ul style="list-style-type: none"> (a) scrutinise the registers once a week; (b) ensure that necessary follow-up action is taken without any delay whatsoever; (c) submit the registers to the branch officer every fortnight if the House concerned is in session and once a month otherwise, drawing his special attention to assurances which are not likely to be implemented within the period of three months; and (d) review of pending assurances should be undertaken periodically at the highest level in order to minimise the delay in implementing the assurances. <p>8.6.2 The branch officer will likewise keep his higher officer and Minister informed of the progress made in the implementation of assurances, drawing their special attention to the causes of delay.</p>
Procedure for fulfilment of an assurance	<p>8.7.1 Every effort should be made to fulfil the assurance within the prescribed period. In case only part of the information is available and collection of the remaining information would involve considerable time, an implementation report containing the available information should be supplied to the Ministry of Parliamentary Affairs in part 30crutinize of the assurance, within the prescribed time limit. However, efforts should continue to be made for expeditious collection of the remaining information for complete implementation of the assurance at the earliest.</p> <p>8.7.2 Information to be supplied in partial or complete fulfilment of an assurance should be approved by the Minister concerned and 15 copies thereof (bilingual) in the prescribed proforma as at Annex 6, together with its enclosures, along with one copy each in Hindi and English duly authenticated by the officer forwarding the implementation report, should be sent to the Ministry of Parliamentary Affairs. If, however, the information being furnished is in response to an</p>

assurance given in reply to a question etc., asked for by more than one member, an additional copy of the completed proforma (both in Hindi and English) should be furnished in respect of each additional member. A copy of this communication should be endorsed to the Parliament Unit for completing column 7 of its register.

8.7.3 The implementation reports should be sent to the Ministry of the Parliamentary Affairs and not to the Lok/Rajya Sabha Secretariat. No advance copies of the implementation reports are to be endorsed to the Lok/Rajya Sabha Secretariat either.

Laying of the implementation report on the Table of the House

8.8 The Ministry of Parliamentary Affairs, after a scrutiny of the implementation report, will arrange to lay it on the Table of the House concerned. A copy of the statement, as laid on the Table, will be forwarded by the Ministry of Parliamentary Affairs to the member as well as the department concerned. The Parliament Unit of the department concerned and the concerned section will, on the basis of this statement, make a suitable entry in their registers.

Obligation to lay a paper on the Table of the House vis-à-vis assurance on the same subject

8.9 Where there is an obligation to lay any paper (rule/order/notification, etc.) on the Table of the House and for which an assurance has also been given, it will be laid on the Table, in the first instance, in fulfilment of the obligation, independent of the assurance given. After this is done, a report in formal implementation of the assurance indicating the date on which the paper was laid on the Table will be sent to the Ministry of Parliamentary Affairs in the prescribed proforma (Annex 6) in the manner already described in para 8.7.2.

Committees on Government Assurances
LSR 323,324
RSR 211-A

8.10 Each House of Parliament has a Committee on Government assurances nominated by the Speaker/Chairman. It scrutinized the implementation reports and the time taken in the scrutinized of Government assurances and focuses attention on the delays and other significant aspects, if any, pertaining to them. Instructions issued by the Ministry of Parliamentary Affairs from time to time are to be followed strictly.

Reports of the Committees on Government Assurances

8.11 The department will, in consultation with the Ministry of Parliamentary Affairs, scrutinize the reports of these two committees for remedial action wherever called for.

Effect on assurances on dissolution of the Lok Sabha

8.12 On dissolution of the Lok Sabha, all assurances, promises or undertakings pending implementation are scrutinized by the new Committee on Government assurances for selection of such of them as are of considerable public importance. The Committee then submits a report to the Lok Sabha with a specific recommendation regarding the assurances to be dropped or retained for implementation by the Government.

MINUTES

FIFTEENTH SITTING

Minutes of the sitting of the Committee on Government Assurances (2009-2010) held on 29 April, 2010 in Committee Room 'C', Parliament House Annexe, New Delhi.

The Committee sat from 1500 hours to 1700 hours on Thursday, 29 April, 2010.

PRESENT

CHAIRPERSON

Shrimati Maneka Gandhi

Members

2. Shri Anandrao Adsul
3. Shri K.J.S.P. Reddy
4. Shri M. Raja Mohan Reddy

Secretariat

1. Shri P. Sreedharan - Joint Secretary
2. Shri R.S. Kambo - Director
3. Shri D.S. Malha - Additional Director
4. Smt. Veena Kumari - Deputy Secretary

Ministry of Rural Development

1. Shri B.K. Sinha, Secretary (RD)
2. Shri Mohd. Haleem Khan, Director General (CAPART)
3. Smt. Manjula Krishnan, Chief Economic Adviser
4. Smt. Nilam Sawhney, Joint Secretary
5. Dr. P.K. Anand, Joint Secretary
6. Shri Niten Chandra, Director
7. Shri Jagdish Singh, Director
8. Smt. Meeta Khulbe, Director
9. Shri Darshan Lal, Under Secretary
10. Shri E.J. Jos Consultant
11. Shri D.P. Singh, Consultant

At the outset, the Chairperson welcomed the Members to the sitting of the Committee. Thereafter, the Committee took oral evidence of the representatives of Ministry of Rural Development (Department of Rural Development) regarding pending assurances pertaining to the Department. The Committee sought certain clarifications on assurances which were replied to by the representatives of the Ministry.

2. A verbatim record of the proceedings have been kept.

The Committee then adjourned.

MINUTES

TWENTYFIFTH SITTING

Minutes of the sitting of the Committee on Government Assurances (2009-2010) held on 25 August, 2010 in Committee Room 'B', Parliament House Annexe, New Delhi.

The Committee sat from 1500 hours to 1600 hours on Wednesday 25 August, 2010.

PRESENT

CHAIRPERSON

Shrimati Maneka Gandhi

Members

2. **Dr. Kakoli Ghosh Dastidar**
3. **Shri Bishnu Pada Ray**
4. **Rajkumari Ratna Singh**
5. **Shri Hukumdeo Narayan Yadav**

Secretariat

1. **Shri P. Sreedharan** - **Joint Secretary**
2. **Shri R.S. Kambo** - **Director**
3. **Shri D.S. Malha** - **Additional Director**
4. **Smt. Veena Kumari** - **Deputy Secretary**

Ministry of Civil Aviation

1. Shri M. Madhavan Nambiar, Secretary
2. Shri V.P. Agrawal, Chairman, AAI
3. Shri R.K. Tyagi, CMD, PHHL
4. Shri S. Raheja, Member (P), AAI
5. Shri E.K. Bharat Bhushan, Addl. Secretary & FA
6. Shri Prashant Sukul, Joint Secretary
7. Shri Alok Sinha, Joint Secretary
8. Shri Rohit Nandan, Joint Secretary
9. Shri Prashant Kumar, Chief Commissioner (RS)
10. Shri J.K. Bhoukiyal, ED, AAI
11. Shri Alok Shekhar, Director
12. Shri Syed Nasir Ali, Director
13. Shri L. Raja Sekhar Reddy, Director
14. Smt. Pragya Richa Srivastava, Director
15. Shri M.C. Kishore, ED & Company Secretary, AAI
16. Shri R.P. Sahi, Jt. DGCA
17. Shri Lalit Gupta, Director, DGCA
18. Shri Vijay Pal, ED, NACIL
19. Shri M.L. Sharma, Chief Manager, NACIL

At the outset, the Chairperson welcomed the Members to the sitting of the Committee. Thereafter, the Committee considered the following draft reports:-

- (i) 8th Report regarding review of pending assurances pertaining to Ministry of Finance (Department of Revenue).

- (ii) 9th Report regarding requests for dropping of assurances (acceded to).
- (iii) 10th Report regarding requests for dropping of assurances (not acceded to).
- (iv) 11th Report regarding review of pending assurances pertaining to Ministry of Rural Development (Department of Rural Development).

2. The Committee adopted draft 8th & draft 11th Reports without any changes. While considering the draft 9th report, the Committee observed that they had agreed to drop the assurances arising out of (i) USQ No. 1574 dated 23.8.2007, (ii) SQ No. 260 dated 30.8.2007, (iii) USQ No. 68 dated 15.11.2007 & (iv) USQ No. 854 dated 22.11.2007 as contained in the Memorandum No. 123 based on the request made by the Ministry of Civil Aviation, at their sitting held on 06 August, 2010. Keeping in view the revised position as stated by the Ministry in the status note furnished on the relevant Questions on 21 August, 2010, the Committee decided not to drop the assurances. They decided to modify the draft reports, accordingly, and adopted draft 9th & 10th reports with this change.

3. Thereafter, the Committee resumed the oral evidence of the representatives of Ministry of Civil Aviation in connection with the pending assurances. The Committee sought certain clarifications on pending assurances (Sl. No. 47 to 56) which were replied to by the representatives of the Ministry. The Committee decided to review the remaining pending assurances on a later date.

4. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

