

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1990-91)**

**(NINTH LOK SABHA)
ELEVENTH REPORT**
(Presented on 4 January, 1991)



**LOK SABHA SECRETARJAT
NEW DELHI**

December, 1990 / Pausa, 1912 (Saka)

Price : Rs. 2/-

LOK SABHA
COMMITTEE ON GOVERNMENT
ASSURANCES

Corrigenda to the Eleventh
Report of the Committee on
Government Assurances (1990-91)
(NINTH LOK SABHA)

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>Corrections</u>
(ii)		24	<u>for</u> 'Bhajman Behera' <u>read</u> 'Bhajaman Behera'
2	2.4	1	<u>for</u> 'on' <u>read</u> 'On'
4	8	3	<u>for</u> 'FRG wer' <u>read</u> 'FRG were'
22	4.2	1	<u>for</u> 'They desned' <u>read</u> 'They desired'
22	5.1	20	<u>delete</u> (iii)

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE	(ii)
INTRODUCTION	(iii)
REPORT	
CHAPTER I Requests for Dropping of Assurances	1
II Review of Pending Assurances Pertaining to Seventh, Eighth and Ninth Lok Sabha	16

MINUTES

Minutes of Sitting held on 31 July, 1990	20
Minutes of Sitting held on 17 September, 1990	24
Minutes of Sitting held on 28 December, 1990	28

COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES*
(1990-91)

1. Dr. Vijay Kumar Malhotra — *Chairman*
2. Smt. Subhashini Ali
3. Shri Het Ram
4. Shri Kamal Nath
5. Shri Mahabir Prasad
6. Dr. Mahadeepak Singh Shakya
7. Shri Haribhau Shankar Mahale
- *** 8. Shri V. Krishna Rao
9. Shri Kusuma Krishnamurthy
- *** 10. Dr. P. Vallal Peruman
11. Shri Amar Roy Pradhan
- *** 12. Shri Sanford Marak
13. Shri C. Srinivasan
- ** 14. Shri Surya Narain Yadav
- **** 15. Vacant

SECRETARIAT

Shri R. C. Bhardwaj— *Joint Secretary*
Shri G.C. Hallan — *Director*
Shri A.N. Chopra — *Under Secretary*

*The Committee was nominated by the Speaker w.e.f. January 19, 1990 *vide* para No. 125 of Lok Sabha Bulletin Part-II dated 19 January, 1990.

**Nominated by Speaker w.e.f. 17 July, 1990 *vice* Shri Bhajman Behera ceased to be a Member of the Committee consequent on his appointment as Minister of State w.e.f. 21 April, 1990, *vide* para No. 611 of Lok Sabha Bulletin Part-II dated 17 July, 1990.

***Nominated by Speaker w.e.f. 8 August, 1990 *vice* Sarvashri J.P. Agarwal, Dr. Debi Prosad Paul and P.K. Thungan resigned from the membership of the Committee on Government Assurances, w.e.f. 7 August, 1990, *vide* para No. 680 of Lok Sabha Bulletin Part II dated 8 August, 1990.

****Shri Ramji Lal Suman, ceased to be a member of the Committee w.e.f. 21.11.1990 consequent upon his appointment as a Minister of State in the Union Council of Ministers.

INTRODUCTION

I, the Chairman of the Committee on Government Assurances, as authorised by the Committee, do present on their behalf, this Eleventh Report of the Committee on Government Assurances.

2. The Committee (1990-91) were constituted on 19 January, 1990.
3. The Committee 1990-91, at their sittings held on 31 July, 1990 and 17 September, 1990 considered requests for dropping of assurances. At their sitting held on 28 December, 1990, the Committee considered and adopted the draft Eleventh Report.
4. The Minutes of the aforesaid sittings of the Committee form part of the Report.
5. The conclusions / observations of the Committee are contained in the succeeding chapters.

NEW DELHI;
28 December, 1990
7 Pausa, 1912 (Saka)

DR. VIJAY KUMAR MALHOTRA
Chairman,
Committee on Government
Assurances.

CHAPTER I
REQUESTS FOR DROPPING OF ASSURANCES
(i)

Freedom Fighters Pension

1.1 On 12 April, 1990, Prof. Savithri Lakshmanan, M.P. addressed the following Unstarred Question No. 4587 to the Minister of Home Affairs:—

“(a) Whether there is any provision to grant pensions to the freedom fighters who remained underground avoiding arrest warrants for participating in the Quit India Movement;

(b) if so, the number of persons who have been granted pension under this category;

(c) whether there are some pending applications also in this category; and

(d) if so, the reasons therefor and steps being taken to expedite them?”

1.2 In reply to the above question, the then Minister of Home Affairs (Shri Mufti Mohammed Sayeed) stated as follows:—

“(a) Yes, Sir.

(b) No separate statistics are maintained in this regard.

(c) & (d) As stated above, no separate statistics are maintained claimwise. However, there are 30 cases received before the prescribed last date i.e. 31.3.1982 pending in which State Governments' reports are awaited. The State Governments are being reminded periodically.”

1.3 The above reply to parts (c) and (d) of the question was treated as an assurance which was required to be implemented by the Ministry of Home Affairs by 11 July, 1990.

1.4 On 18 July, 1990 the Ministry of Home Affairs approached the Committee through the Ministry of Parliamentary Affairs by U.O. Note No. II/HA(57) USQ 4587-LS/90 for the dropping of the assurance on the following grounds:—

“.....that from the answer given to the above mentioned question, it is not clear as to what is the assurance that is required to be fulfilled. The Home Minister's answer related to periodical reminder being issued to the State Government from whom reports are awaited. The answer, therefore, may not be regarded as an assurance.”

1.5 The Committee considered the request of the Ministry of Home Affairs for the dropping of the assurance at their sitting held on 31 July, 1990.

1.6 Taking into consideration the position explained by Ministry, the Committee are inclined to agree to their request for dropping of the assurance.

(ii)

Enquiry into H.D.W Submarine deal

2.1 On 19 March, 1990, Shri Dharmesh Prasad Verma and eight other MPs addressed the following Unstarred Question No. 999 to the Prime Minister:

- “(a) whether Union Government have appointed an enquiry committee to go into the West German H.D.W. submarine deal; and
(b) if so, the time by which the final report is likely to be submitted?”

2.2 In reply to the above question, the then Minister of State in the Ministry of Defence (Dr. Raja Ramanna) stated as follows:—

- “(a) the Central Bureau of Investigation have registered a regular case in the matter on 5.3.1990 and investigations are in progress;
(b) the time-frame within which these investigations can be completed cannot be predicted at present.”

2.3 The reply to Part (a) of the question was treated as an assurance which was required to be implemented by the Ministry of Defence by 18 June, 1990.

2.4 on 28 June, 1990, the Ministry of Defence approached the Committee through the Ministry of Parliamentary Affairs *Vide* their U.O. Note No. II/D(4)USQ 999—LS/90-Impl-I, for the dropping of the assurance on the following grounds:—

“While the CBI are making every effort to complete the investigations at the earliest in view of the importance of the case, they have informed the Ministry that they are not in a position to foresee the time by which these investigations are likely to be completed. The reasons given by them for this are as follows:—

- (i) The complicated and sensitive nature of the case on account to which each step in the investigation has to be taken after indepth consideration, by senior law officers as well as other senior officers of the Government.
- (ii) The voluminous documents and the extensive field of investigation that are involved.
- (iii) Investigations have to be conducted also in Sweden, Switzerland, West Germany and possibly other places. The speed with which the investigating authorities of these countries would conduct investigations cannot be foreseen. Besides, legal implications created due to

the substantive and procedural laws of these countries were also likely to cause delays.

(iv) In particular, objections that could be raised by the signatories and beneficiaries of the concerned accounts in Switzerland and the pleas, including of commercial confidentiality, that could be raised by M/s HDW/AEG-T/Ferrostaal in West Germany could further delay the investigations.

It has further been informed by the CBI that every effort is being made by them to complete the investigations at the earliest and that the progress of the investigations is being monitored regularly at the highest level."

2.5 The Committee considered the request of the Ministry of Defence for the dropping of the assurance at their sitting held on 31 July, 1990 and did not agree to drop the assurance. The Committee also desired that the Ministry should submit a note stating the latest position of the enquiry.

2.6 The decision of the Committee was accordingly conveyed to the Ministry.

2.7 The Ministry of Defence furnished a note *vide* their O.M. No. F.H. 11012/7/90(Parl.) dated 17 September, 1990. The details of the note are as follows:—

"The Central Bureau of Investigation registered a Case RC. 1(A)/90/ACU-I/CBI/New Delhi on 5.3.1990 under Section 120-B IPC r/w Section 409 IPC and 5(2) r/w 5(i)(c) of Prevention of Corruption Act, 1947 and Sections 161, 162, 164 and 165-A and 409 IPC and 5(2) r/w 5(1) (c) and (d) of Prevention of Corruption Act, 1947.

2. After registration of the case in March 1990 a Joint Secretary of the P.M.O and a Joint Director from the CBI visited Switzerland and the Federal Republic of Germany for seeking assistance and cooperation of the respective Governments in the investigation of this case. A Note Verbale for assistance and cooperation in the investigation of the case was also sent to the Government of the FRG on 28.3.1990. through the Ministry of External Affairs, New Delhi.

3. Preliminary examination of four accused persons namely, Capt. M. Kondath (Retd), Vice Admiral M.R. Schunkar (Retd), Shri B.S. Ramaswamy and Dr. S.S. Sidhu, both retired, has been completed. Dr. Sidhu was examined in Montreal, Canada by the CBI Officers.

4. Till the end of August, 1990, altogether 32 witnesses, including Sarvshri M.A. Rehman and J.C. Ajmani, former Indian Ambassadors in Bonn and senior officers of the Navy and the Ministry of Defence, have been examined in this case. Further examination of witnesses by the CBI is in progress.

5. About 290 files pertaining to the HDW deal have so far been

collected from the Ministry of Defence, NHQ, Ministry of Finance (Defence), NGEF and the Indian Embassy in Bonn by the CBI and these are being scrutinized.

6. Detailed enquiries have also been conducted by the CBI in Bangalore and New Delhi regarding the alleged non-payment of commission in the supply of torpedoes by M/s. AEG-T of the FRG to the New Government Electrical Factory, (NGEF), Bangalore a Government of Karnataka enterprise, allegedly with the connivance of certain officials of M/s. NGEF. In this connection also 8 witnesses have been examined and relevant documents have been collected.

7. Letters Rogatory for investigations to be conducted in Switzerland and West Germany have been prepared by the CBI and issued to the Competent Judicial Authorities in Switzerland and the Federal Republic of Germany through the Court of Special Judge Delhi and Chief Metropolitan Magistrate, Delhi on the 7th and 13th June, 1990 respectively.

8. A Joint Secretary from the P.M.O. and a Joint Director, CBI visited Switzerland and Federal Republic of Germany again in June 1990. During their visit the Letters Rogatory for Switzerland and the FRG were delivered to the Federal Department of Justice, Berne and Federal Ministry of Justice, Bonn respectively. The concerned Federal Justice authorities have assured full co-operation and assistance to the CBI in respect of the investigation to be conducted by the latter in Switzerland and the FRG. This will be done as per the laws and the legal process applicable in the two countries.

9. The Swiss authorities vide their Note Verbale dated the July 25th, 1990 have returned the Letter Rogatory issued to them as it did not correspond to the format stipulated under the Swiss laws. This Letter Rogatory is accordingly being amended for further action as necessary in the matter by the Swiss authorities. It has also been ascertained from the FRG authorities that the Letter Rogatory to the FRG is still under consideration of their local authorities.

10. While all efforts are being made to complete the investigation of this case expeditiously, the progress depends to a large extent on the co-operation given by the foreign authorities, since important aspects and documents specially relating to payment of commission, are required to be investigated/collected in Switzerland, West Germany and other places. The legal processes relating to the substantive and procedural laws of these countries have to be completed before investigations can be taken up abroad and these procedural requirements are likely to take time. The case also involves scrutiny of voluminous documents of the Ministry of Defence and Naval Headquarters. The examination of witnesses is further complicated by the fact that the contract was negotiated and signed almost 10 years ago and most of the officers dealing with the subject have retired and settled at different places in India and abroad.

2.8 The Ministry of Defence have once again requested the Committee to reconsider their earlier proposal to drop the assurance.

2.9 The assurance is yet to be fulfilled.

2.10 The Committee express their dissatisfaction over the efforts made by CBI regarding enquiry into H.D.W. submarine deal and note that a large number of files are still under scrutiny of the CBI and further examination of witnesses by CBI is in progress. The Committee recommend that the assurance should be fulfilled without further delay and for this purpose, the Ministry should take all positive steps to complete the investigations at the earliest.

(iii)

Railway projects in Orissa

3.1 On 13 March, 1990, Shri Anadi Charan Das and Shri Bhajaman Behra, M.P. addressed the following Unstarred Question No. 35 to the Minister of Railways:—

“(a) the details of ongoing railway projects being implemented in Orissa, alongwith the target dates, extent of work completed and cost of the projects;

(b) the steps taken to complete these projects; and

(c) the details of proposals received for inclusion of more railway projects in the State?”

3.2 In reply to the above question, the then Minister of Railways (Shri George Fernandes) stated as follows:

“(a) Details of on-going new railway line projects being implemented in Orissa are as under:

S.No.	Name of project	Estimated Cost (Rs. in crores)	Physical Progress of work completed (upto 1/90)	Expected date of completion
1.	Koraput-Rayagada (164 Km.)	322	46.5%	3/91
2.	Talcher-Sambalpur (172 Km.)	100	17%	*

(b) The projects are in progress.

(c) The following are some of the major proposals of Railway projects received:

1. Daitari-Banspani new BG line.

*completion of Talcher-Sambalpur would depend on availability of resources in coming years.

2. Khurda Road-Bolangir new BG line.

3. Rupsa-Bangriposi NG for conversion to BG and extension to Dalbhumgarh and/or Gorumahisani.”

3.3 The above reply to Part (b) of the question was treated as an assurance which was required to be implemented by the Ministry of Railways by 12.6.1990

3.4 On 12 July, 1990, the Ministry of Railways approached the Committee through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/Rly (1) USQ 35-LS/90 for the dropping of the assurance on the following grounds:—

“.....and to submit that the reply to the question had stated the only factual positions. This was not an assurance to the Lok Sabha which could be fulfilled by this Ministry in a limited period.

The Hon. Members have asked for the details of the on-going projects being implemented in Orissa along with the target dates, extent of work completed the cost of the projects and the steps taken to complete these projects. As may be seen from the reply to the Question this Ministry has furnished the details asked for by the Hon. members and also given the factual position that these projects are in progress. One of the projects viz. the construction of Koraput-Rayagada (164 Km.) new BG line is targetted to be completed during 90-91. In the Talcher-Sambalpur (172 Kms) new BG line only 33 Kms are targetted to be completed during 1990-91. Its completion will depend upon the allocation of funds in the Annual Plans by the Planning Commission. Resultantly, no target date has been prescribed for this project.”

3.5 The Committee considered the request of the Ministry of Railways for dropping the assurance at their sitting held on 31 July, 1990 and decided not to accede to the request of the Ministry. The Committee also desired that the target date fixed for the on-going projects be intimated.

3.6 The decision of the Committee was accordingly conveyed to the Ministry of Railways.

3.7 The assurance is pending for implementation.

3.8 The Committee note that the new Broad Gauge railway line project between Talcher and Sambalpur in Orissa was scheduled to be completed during 1990-91. However, only 17 percent of the work has been physically completed upto January, 1990. Further work on the project will depend upon the allocation of funds. The Committee, therefore, recommend that the Government should persuade the Planning Commission to allocate sufficient funds in the Annual Plans so that a definite target date could be fixed for the completion of the work expeditiously and the assurance fulfilled.

(iv)

Allocation to Bihar

4.1 On 30 April, 1990, Shri Surya Narayan Yadav, M.P. addressed the following Unstarred Question No. 6969 to the Minister of State in the Ministry of Planning:—

- “(a) the total amount allocated to Bihar by the Planning Commission during the current Five Year Plan;
- (b) the amount utilised for the development of backward areas of the State; and
- (c) if not, the reasons therefore?”

4.2 In reply to the above question, the then Minister of State in the Ministry of Planning (Shri B. Gobardhan) stated as follows:

- “(a) Outlay for the current Five Year Plan of Bihar has not been finalised so far.
- (b) & (c) Do not arise.”

4.3 The above reply to Part (a) of the above question was treated as an assurance which was required to be implemented by the Planning Commission by 30 July, 1990.

4.4 On 16 July, 1990 the Planning Commission approached the Committee through the Ministry of Parliamentary Affairs *vide* O.M. No. II/P(19) USQ 6969-LS/90 for the dropping of the assurance on the following grounds:—

“Finalisation of the Eighth Five Year Plan (1990—95) of the states including Bihar would take considerable time. It is therefore, requested that this may not be treated as an assurance.”

4.5 The Committee considered the request of the Planning Commission for the dropping of the assurance at their sitting held on 31 July, 1990.

4.6 The Committee agree to drop the assurance.

(v)

Daitari-Banspani Railway Line

5.1 On 10 April, 1990, Shri Govinda Chandra Munda, M.P. addressed the following Unstarred Question No. 4302 to the Minister of Railways:—

- “(a) whether the Committee appointed by Government to examine the techno-economic aspects of the rail link between Daitari-Banspani has submitted its report;
- (b) if so, the details in this regard; and
- (c) the reaction of Government thereto?”

5.2 In reply to the above question, the then Minister of Railways (Shri George Fernandes) stated as follows:—

“(a), (b) & (c) : The construction of Daitari-Banspani Railway line is a part of the proposal for export of iron ore via Paradip Port and the

same is under consideration of Ministry of Surface Transport and M.M.T.C. The nodal Ministry dealing with this project is the Ministry of Surface Transport.”

5.3 The reply to the question was treated as an assurance which was required to be implemented by the Ministry of Railways by 10 July, 1990.

5.4 On 1 August, 1990, the Ministry of Railways approached the Committee through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/Rly(20)USQ 4302—LS/90 for the dropping of the assurance on the following ground:—

“.....The answer to the Question has only stated the factual position that the construction of Daitari-Banspani railway line is a part of the proposal for export of iron ore *via* Paradip Port and the same is under consideration of the Ministry of Surface Transport and MMTC. As may be seen from the detailed position given below, this was not an assurance which should be fulfilled by this Ministry in a limited period.

Construction of the Jakhapura-Banspani rail line (176 Km) was approved in 1974-75 and construction of Phase-I from Jakhapuri to Daitari (33 Km) was taken up and completed in 1981. However, after opening of the Jakhapuri-Daitari section, the anticipated traffic of iron ore from Daitari mines did not materialise. Consequently, and also due to the severe constraint of resources, construction of the balance portion from Daitari to Banspani could not be taken up. The construction of Daitari-Banspani line is now estimated to cost about Rs. 175 crores. In view of the continuing resource constraint it may be difficult to take up construction of this line in the railway sector.

In the meantime, a proposal was mooted by M/s Hyundai Corporation of South Korea through the Minerals and Metals Trading Corporation for development of Paradip Port with requisite facilities in order to enable the port to export 6 million tonnes of iron ore annually. The proposal also envisages development of iron ore Mines and construction of a new Railway line between Daitari and Banspani.

In the meeting held by Ministry of Surface Transport on 29th September, 1989, it was decided that an integral financial appraisal would be carried out for the project as a whole. After this is carried out Ministry of Surface Transport would be sorting out financial arrangements for funding the project in consultation with MMTC. Railways have indicated that there is no possibility of this project being taken up in Railways Plan Outlay as the funds required would have to be arranged by MMTC who are wanting this line for export of iron ore.

The detailed project report in respect of various segments of the

scheme are also required to cover the environmental impact, for which a Rapid Assessment Report of the Environmental Impact Study of the Daitari-Banspani line has been carried out and furnished to the Ministry of Environment and Forests for giving the environmental clearance before starting the project. The clearance from the Ministry of Environment and Forests is awaited. Further action regarding construction of Daitari-Banspani rail line can be taken after the Ministry of Surface Transport finalises iron ore export project, including the financial arrangements for funding of the rail link project. This is a very long drawn out process and it will not be possible to fix any time limit for taking the decision."

5.5 The Committee considered the request of the Ministry of Railways for the dropping of the assurance at their sitting held on 17 September, 1990.

5.6 The Committee decide to drop the assurance.

(vi)

MPEDA Scheme to Supply diesel at subsidised rates

6.1 On 18 May, 1990, Prof. K.V. Thomas, M.P. addressed the following Unstarred Question No. 9498 to the Minister of Commerce:—

"(a) whether the All Kerala Mechanised Fishing Boat Operators' Association has submitted a memorandum to supply diesel at a subsidised rate to fishing boats and trawlers;

(b) whether the Marine Products Export Development Authority (M.P.E.D.A.) has a scheme to give diesel at a subsidised rate to fishing vessels; and

(c) if so, when this scheme will be implemented."

6.2 In reply to the above question, the then Minister of Commerce (Shri Arangil Sreedharan) stated as follows:—

"(a) Yes, Sir.

(b) & (c) : The Marine Products Export Development Authority's proposal in this regard has been forwarded to the Administrative Ministry, viz. Ministry of Food Processing Industries for finalisation by them in consultation with the concerned Ministry."

6.3 The reply to parts (b) and (c) of the question was treated as an assurance which was required to be implemented by the Ministry of Commerce by 17 August, 1990.

6.4 On 31 July, 1990, the Ministry of Commerce approached the Committee through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/Com. (23)USQ 9498-LS/90 for the dropping of the assurance on the following grounds:—

"..... that the subject matter relating to supply of diesel oil (the

subject matter of the Unstarred Question No. 9498. answered on 18/5/90) is under the purview of the Ministry of Food Processing Industries. In the reply to the Unstarred Question referred to above, we have, therefore, mentioned that the proposal in this regard was forwarded to the Administrative Ministry namely, Ministry of Food Processing Industries for finalisation by them in consultation with the concerned Ministry. The Ministry of Parliamentary Affairs will kindly agree with us that this reply cannot, appropriately, be construed as a "promise" having been made.

It is also mentioned that in respect of the Unstarred Question No. 8265 answered on 5th May, 1989 by the Ministry of Commerce on the same subject, a similar reply was given. That reply was not treated as an Assurance. The same criteria should be applied in respect of the present Question also."

6.5 The Committee considered the request of the Ministry of Commerce for the dropping of the assurance at their sitting held on 17 September, 1990 and decided not to accede, to request of the Ministry. The decision of the Committee was accordingly conveyed to the Ministry of Commerce.

6.6 The Assurance is still pending for implementation.

6.7 The Committee are unable to accept the reasoning of the Ministry of Commerce for dropping the assurance. They would like that instead of questioning the decision of the Committee to treat reply of the Minister as an assurance to the House the Ministry should put a constructive and meaningful interpretation to the reply of the Minister and make earnest efforts to expedite the decision to fulfil the assurance. The Committee consider that whether or not a particular reply should constitute an assurance is a matter exclusively for the Committee to decide and the Ministry/Department concerned is not to question such decision. The Committee feel that the Ministry of Commerce should have taken necessary action to get the proposal regarding supply of Diesel to fishing vessels at subsidised rate finalised and implemented at the earliest. The Committee also feel that the responsibility of the Ministry of Commerce in the matter is not over by passing on the proposal to the Ministry of Food Processing Industries. The Ministry of Commerce should ensure that their proposal is finally cleared and implemented in letter and spirit.

(vii)

Joint Meeting of Tea, Coffee, Spices and Rubber Boards

7.1 On 6 April, 1990, Shri K.S. Rao, M.P. addressed the following Unstarred Question No. 3734 to the Minister of Commerce:—

(a) Whether a joint meeting of the representatives of the Tea Board, Coffee Board, Spices Board, Rubber Board and the

United Planters Association of South India was held in the first week of February 1990, by his Ministry;

(b) if so, the objectives for holding the joint meeting;

(c) whether his Ministry has proposed that the marginal land under coffee cultivation be brought under rubber plantation; and

(d) if so, the reasons for diversion of land for rubber plantation?"

7.2 In reply to the above question, the then Minister of Commerce and Tourism (Shri Arun Kumar Nehru) stated as follows:—

(a) to (d) : "Coffee is faced with problems of global surplus production, stagnant domestic consumption, and declining international prices. The Working Group on Plantation Crops set up by the Planning Commission had therefore suggested stoppage of further expansion of coffee cultivation and diversion of marginal areas under coffee to rubber or tea as may be appropriate. In case of both rubber and tea, demand is more than the production and both these crops are more remunerative than coffee.

Government have accordingly set up a Committee comprising Chairman of Tea, Coffee and Rubber Boards to examine in depth the feasibility and desirability of the idea."

7.3 The reply to the question was treated as an assurance which was required to be implemented by the Ministry of Commerce by 6 July, 1990.

7.4 On 31 July, 1990, the Ministry of Commerce approached the Committee through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/Com(8)USQ 3734-LS/90 for the dropping of the assurance on the following grounds:—

"That no undertaking or commitment has been given. Also, it has nowhere been mentioned that the feasibility report would be available by such and such time. It is, therefore, felt that the contents of the reply should not be taken as an assurance."

7.5 The Committee considered the request of the Ministry of Commerce for the dropping of the assurance at their sitting held on 17 September, 1990 and decided not to agree to their request. The decision of the Committee was accordingly conveyed to the Ministry of Commerce.

7.6 The Ministry then sought extension of time upto 31 December, 1990 to implement the assurance on the following grounds:—

".....since the Committee comprising Chairmen of the Coffee, Tea and Rubber Boards has not so far finalised any scheme at this stage, it is not possible to implement the assurance."

7.7 The Committee express their unhappiness over the plea taken by the Ministry for dropping of the assurance on the ground that it had nowhere

been mentioned that the feasibility report would be available by such and such time and that the contents of the reply should not be taken as an assurance. The committee in this connection observe that it is the prerogative of the Committee to decide whether or not a particular reply constitute an assurance. It is not proper on the part of the Ministry to question the decision of the Committee in this regard.

The Committee also note that the Ministry has sought extension of time upto 31 December, 1990 to implement the assurance as the Committee comprising Chairman of Coffee, Tea, Spices and Rubber Boards have not so far finalised any scheme. The Committee, therefore, recommend that a scheme should be finalised early regarding diversion of marginal areas under Coffee to rubber or tea as may be appropriate and fulfil the assurance at the earliest.

(viii)

Implementation of agreement with Doctors

8.1 On 27 December, 1989, Shri Jai Prakash Agarwal, M.P. addressed the following Starred Question No. 52 to the Minister of Health and Family Welfare:—

- “(a) whether the agreement signed by Government on 2 August, 1989 in respect of doctors including those of Senior Administrative Grade, has been implemented and if so, the details in this regard;
- (b) if not, the reasons therefor; and
- (c) the steps Government propose to take to implement the agreement?”

8.2 In reply to the above question, the then Minister of Health and Family Welfare (Shri Nilamani Routray) stated as follows:—

“(a), (b) & (c) : The following ten points were given vide statement annexed to the reply indicating the action taken in regard to implementation of the various items included in the Memorandum of Settlement entered into with the doctors on the 21st August, 1989 (not 2nd August, 1989) in so far as doctors belonging to the Central Health Service are concerned.”

S.No.	Name of Item	Action taken/Present Stage of implementation
1.	Enhancement of Non-Practising Allowance	Orders issued on 2.11.1989
2.	Removal of riders on grant of conveyance allowance	Orders issued on 2.11.1989

S.No.	Name of Item	Action taken/Present Stage of implementation
3.	Grant of enhanced Contingency Allowance to Post Graduate General Duty Medical Officers	Orders issued on 22.12.1989
4.	Grant of Post Graduate Allowance to Chief Medical Officers	Orders issued on 2.11.1989
5.	Betterment of Career opportunities of Service Doctors by way of promotion/ Placement in higher scales of pay (including senior administrative grade posts also)	This requires amendment to the Central Health Service Rules, 1982, for which UPSC has been moved. UPSC have raised certain points, which are being examined.
6.	Setting up of High Power Committee to look into career improvement and cadre structuring.	Necessary order constituting the Committee is expected to be issued shortly.
7.	Reimbursement of Rs. 600/- per year for Special Medical Risk Insurance Cover.	The General Insurance Corporation, Bombay has been requested to draw up a suitable scheme for the benefit of the doctors.
8.	Grant of Headquarters Allowance.	Posts in the headquarters satisfying the criteria for grant of the allowance are being identified.
9.	Absorption of Medical Demonstrators, placement of Dental Surgeons on par with medical Officers, counting of residency service and problem of in-service residency.	Dental Surgeons have been given the scale of Rs. 2200-4000 as available to Medical Officers. Orders for counting senior residency service for pensionary benefits subject to certain conditions are already in force. The question of absorption of Medical Demonstrators in the Central Health Service and the problem of in-service residency are under examination.

S.No.	Name of Item	Action taken/Present Stage of implementation
10.	Regularisation of ad-hoc appointees to medical posts in Group B.	All existing ad-hoc appointees to medical posts in Group B have already been regularised in Group B. Regarding their regularisation in Group A, the decision of the Supreme Court in cases that are <i>sub-judice</i> is awaited as the non-petitioners will have to be given the same treatment as decided by the Court in the case of the petitioners.

8.3 The reply given to points at Serial Nos. 5 to 10 of the Statement annexed to the reply was treated as an assurance which was required to be implemented by the Ministry of Health and Family Welfare by 26 March, 1990.

8.4 On 3 August, 1990, the Ministry of Health and Family Welfare approached the Committee through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. I/HFW(3) SQ. 52-LS/89 for the dropping of the assurance on the following grounds:—

“.....that Starred Question No. 52 was about the steps taken to implement the agreement. This Department had furnished the details of the action taken in this regard. It is, therefore, felt that the reply given in this connection cannot be treated as an assurance.”

8.5 The Committee considered the request of the Ministry of Health and Family Welfare for the dropping of the assurance at their sitting held on 17 September, 1990 and decided not to accede to the request of the Ministry. The decision of the Committee was accordingly conveyed to the Ministry of Health and Family Welfare.

8.6 The assurance is pending for implementation.

8.7 The Committee do not appreciate the attitude of withdrawal on the part of the Ministry of Health and Family Welfare who chose to retrace their steps after giving categorical assurance on the floor of the House in reply to Starred Question No. 52 on 27 December, 1989. The Committee would like to impress upon the Government that assurances are solemn promises made to the Lok Sabha and the Government should not try to wriggle out of the assurances on one pretext or the other, in the present case the plea being that they had only given details of the

action taken on the Memorandum of Settlement entered into with the doctors on 21 August, 1989 and no assurance was given by them. The Committee therefore, recommend that all the pending items of the Memorandum of Settlement should be immediately finalised so that the doctors belonging to the Central Health Services may rededicate themselves to the service of the nation with renewed vigour and enthusiasm.

CHAPTER II

REVIEW OF PENDING ASSURANCES PERTAINING TO SEVENTH, EIGHTH AND NINTH LOK SABHA

2.1 During the Seventh Lok Sabha 7,231 assurances were culled out from Lok Sabha Debates for implementation by Government. Of these, 7,227 assurances have since been implemented, leaving a balance of 4 assurances to be implemented.

2.2 During the Eighth Lok Sabha, 9,022 assurances were culled out. Out of them, 8,330 have since been implemented leaving a balance of 692 assurances to be implemented.

2.3 During the First to Fifth Sessions of Ninth Lok Sabha 2,240 assurances were culled out. Out of them, 730 have since been implemented, thus leaving a balance of 1,510 assurances pending implementation.

2.4 The above figures take into account the latest statements of implemented assurances laid on the Table of Lok Sabha by the Minister of Parliamentary Affairs on 7 November, 1990.

2.5 Statements showing Session-wise position of assurances pertaining to Seventh, Eighth and Ninth Lok Sabha pending implementation by the Government is given in Appendices I, II and III.

2.6 The Committee would like the Ministries/Departments concerned to make a critical analysis of these assurances so as to implement them without further loss of time.

NEW DELHI;

28 December, 1990

7 Pausa, 1912 (Saka)

DR. VIJAY KUMAR MALHOTRA,
Chairman,
Committee on Government Assurances.

APPENDIX I

(Vide Para No. 2.5 Chapter II of the Report)

(i) Statement showing the position of the assurances of Seventh Lok Sabha pending implementation as on 7 November, 1990.

Session	No. of Assurances culled out	No. of Assurances implemented/ dropped	No. of Assurances outstanding
First Session, 1980	26	26	—
Second Session, 1980	196	196	—
Third Session, 1980	548	548	—
Fourth Session, 1980	333	333	—
Fifth Session, 1981	793	793	—
Sixth Session, 1981	373	373	—
Seventh Session, 1981	418	418	—
Eighth Session, 1982	798	798	—
Ninth Session, 1982	429	429	—
Tenth Session, 1982	315	315	—
Eleventh Session, 1983	861	861	—
Twelfth Session, 1983	433	433	—
Thirteenth Session, 1983	424	424	—
Fourteenth Session, 1984	956	953	3
Fifteenth Session, 1984	328	327	1
Total	7,231	7,227	4

APPENDIX II

(Vide Para No. 2.5 Chapter II of the Report)

(ii) Statement showing the position of pending assurances of Eighth Lok Sabha pending implementation as on 7 November, 1990.

Session	No. of Assurances culled out	No. of Assurances implemented/dropped	No. of Assurances outstanding
1st Session	19	19	—
2nd Session	430	430	—
3rd Session	323	323	—
4th Session	357	356	1
5th Session	774	766	8
6th Session	478	474	4
7th Session	477	470	7
8th Session	784	766	18
8th Session (Part II)	593	563	30
9th Session	775	716	59
10th Session	1208	1095	113
11th Session	571	504	67
12th Session	541	467	74
13th Session	1140	938	202
14th Session	552	443	109
Total	9022	8330	692

APPENDIX III

(Vide Para No. 2.5 Chapter II of the Report)

(iii) Statement showing the position of the assurances of Ninth Lok Sabha pending implementation as on 7 November, 1990.

Session	No. of Assurances culled out	No. of Assurances implemented/dropped	No. of Assurances outstanding
First Session, 1989	93	54	39
Second Session, 1990	1438	629	809
Third Session, 1990	709	47	662
Third Session (Part-II), 1990	Nil	—	—
Fourth Session, 1990	Nil	—	—
Fifth Session, 1990	Nil	—	—
Total	2240	730	1510

MINUTES

TENTH SITTING

Minutes of the Tenth Sitting of the Committee on Government Assurances held on 31 July, 1990 in Committee Room 'B', Parliament House Annexe, New Delhi.

The Committee met on Tuesday the 31 July, 1990 from 11.00 hrs. to 11.30 hrs.

PRESENT

Dr. Vijay Kumar Malhotra — *Chairman*

MEMBERS

2. Shri Het Ram
3. Shri Mahabir Prasad
4. Dr. Mahadeepak Singh Shakya
5. Shri Haribhau Shankar Mahale
6. Shri Kusuma Krishnamurthy
7. Shri Surya Narayan Yadav

SECRETARIAT

1. Shri C.K. Jain — *Additional Secretary*
2. Shri S.C. Gupta — *Director*
3. Shri Jyoti Prasad — *Under Secretary*

2. The Committee took up for consideration Memoranda Nos. 27, 28, 29, 30, 31, and 32.

MEMORANDUM NO. 27

Request for dropping of the assurance given on 12 April, 1990, in reply to Unstarred Question No. 4587 regarding Freedom fighters pension.

3.1 The Committee considered the request of the Ministry of Home Affairs received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/HA/(57)USQ. 4587-LS/90 dated 18 July, 1990 for the dropping of the assurance on the following grounds:

“...that from the answer given to the above mentioned question, it is not clear as to what is the assurance that is required to be fulfilled. The Home Minister's answer related to periodical reminder being issued to the State Government

from whom reports are awaited. The answer therefore, may not be regarded as an assurance."

3.2 The Committee agreed to the request of the Ministry of Home Affairs for dropping the assurance.

MEMORANDUM NO 28

Request for dropping of the assurance given on 19 March, 1990 in reply to Unstarred Question No. 999 regarding enquiry into H.D.W. Submarine deal.

4.1 The Committee considered the request of the Ministry of Defence received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/D(A) USQ. 999-LS/90-Impl-I dated 28 June, 1990, for the dropping of the assurance on the following grounds:

"While the CBI are making every effort to complete the investigations at the earliest in view of the importance of the case, they have informed the Ministry that they are not in a position to foresee the time by which these investigations are likely to be completed. The reasons given by them for this are as follows:—

- (i) The complicated and sensitive nature of the case on account to which each step in the investigation has to be taken after indepth consideration, by senior law officers as well as other senior officers of the Government.
- (ii) The voluminous documents and the extensive field of investigation that are involved.
- (iii) Investigations have to be conducted also in Sweden, Switzerland, West Germany and possibly other places. The speed with which the investigating authorities of these countries would conduct investigations cannot be foreseen. Besides, legal implications created due to the substantive and procedural laws of these countries were also likely to cause delays.
- (iv) In particular, objections that could be raised by the signatories and beneficiaries of the concerned accounts in Switzerland and the pleas, including of commercial confidentiality, that could be raised by M/s HDW/AEG-T/Ferrostaal in West Germany could further delay the investigations.

It has further been informed by the CBI that every effort is being

made by them to complete the investigations at the earliest and that the progress of the investigations is being monitored regularly at the highest level."

4.2 The Committee did not agree to drop the assurance. They desired that the Ministry should submit a note stating the latest position of the enquiry.

MEMORANDUM NO. 29

Request for dropping of the assurance given on 13 March, 1990 in reply to Unstarred Question No. 35 regarding Railway Projects in Orissa.

5.1 The Committee considered the request of the Ministry of Railways received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/Rly(1) USQ 35-LS/90 dated 12 July, 1990 for the dropping of the assurance on the following grounds:—

"...and to submit that the reply to the question had stated the only factual positions. This was not an assurance to the Lok Sabha which could be fulfilled by this Ministry in a limited period.

The Hon. Members have asked for the details of the on-going projects being implemented in Orissa alongwith the target dates, extent of work completed and cost of the projects and the steps taken to complete these projects. As may be seen from the reply to the Question this Ministry has furnished the details asked for by the Hon. Members and also given the factual position that these projects are in progress. One of the projects viz. the construction of Koraput-Rayagada (164 Kms) new BG line is targetted to be completed during 90-91. In the Talcher-Sambalpur (172 Kms) new BG line only 33 Kms are targetted to be completed during 1990-91. Its completion will depend upon the allocation of funds in the Annual Plans by the Planning Commission. Resultantly, no target date has been prescribed for this project." (iii)

5.2 The Committee did not agree to drop the assurance and desired that the target date fixed for on-going projects be intimated. If no target date had been fixed, the reasons therefore ought to be stated.

MEMORANDUM NO. 30

Request for dropping of the assurance given on 30 April, 1990 in reply to Unstarred Question No. 6969 regarding allocation to Bihar.

6.1 The Committee considered the request of the Ministry of Planning received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/P(19) USQ. 6969-LS/90 dated 16 July, 1990 for the dropping of the assurance on the following grounds:—

"Finalisation of the Eighth Five Year Plan (1990—95) of the States including Bihar would take considerable time. It is, therefore, requested that this may not be treated as an assurance."

6.2 The Committee agreed to drop the assurance.

XXXX

XXXX

XXXX

XXXX

MEMORANDUM NO. 32

Review of pending assurances of Ist Session and 2nd Session of Ninth Lok Sabha

8.1 The Committee reviewed the position regarding implementation of assurances of Ist and 2nd Sessions of Ninth Lok Sabha. The Chairman stated that the question of detailed examination of Implementation Statements laid on the Table of the House by the Committee or its Sub-Committee to ascertain whether the implementation of assurances has been satisfactory need to be examined and the modalities in this regard would be worked out.

8.2 The Committee decided to have their next sitting on 17 September, 1990.

8.3 The Committee then adjourned.

MINUTES

ELEVENTH SITTING

Minutes of the Eleventh Sitting of the Committee on Government Assurances held on 17 September, 1990 in Committee Room 'B', Parliament House Annexe, New Delhi

The Committee met on Monday, the 17th September, 1990 from 16.00 hrs. to 16.30 hrs.

PRESENT

Dr. Vijay Kumar Malhotra—*Chairman*

MEMBERS

2. Smt. Subhasini Ali
3. Shri Het Ram
4. Shri Mahabir Prasad
5. Dr. Mahadeepak Singh Shakya
6. Shri. Haribhau Shankar Mahale
7. Shri V. Krishna Rao
8. Shri Kusuma Krishnamurthy
9. Dr. P. Vallal Peruman
10. Shri Amar Roy Pradhan
11. Shri Sanford Marak
12. Shri C. Srinivasan
13. Shri Surya Narain Yadav

SECRETARIAT

1. Shri R.C. Bhardwaj— *Joint Secretary*
2. Shri A.N. Chopra — *Under Secretary*
3. Shri K.K. Ganguli — *Assistant Director*

2. The Committee took up for consideration Memoranda Nos. 33, 34, 35, 36 and 37.

** ** ** **

MEMORANDUM NO. 34

Request for dropping of assurance given on 10 April, 1990 in reply to Unstarred Question No. 4302 regarding Daitari-Banspani Railway line.

4.1 The Committee considered the request of the Ministry of Railways received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/Rly (20) USQ. 4302-LS/90 dated 1 August, 1990 for the dropping of the assurance on the following grounds:—

“....that the construction of Daitari-Banspani railway line is a part

of the proposal for export of iron ore *via* Paradip Port and the same is under consideration of the Ministry of Surface Transport and MMTC. As may be seen from the detailed position given below, this was not an Assurance which should be fulfilled by this Ministry in a limited period.

Construction of the Jakhapura-Banspani rail line (176 Km.) was approved in 1974-75 and construction of Phase-I from Jakhapura to Daitari (33 Km.) was taken up and completed in 1981. However, after opening of the Jakhapura-Daitari section, the anticipated traffic of iron ore from Daitari mines did not materialise. Consequently, and also due to the severe constraint of resources, construction of the balance portion from Daitari to Banspani could not be taken up. The construction of Daitari Banspani line is now estimated to cost about Rs. 175 crores. In view of the continuing resource constraint it may be difficult to take up construction of this line in the railway sector.

In the meantime, a proposal was mooted by M/s Hyundai Corporation of South Korea through the Minerals and Metals Trading Corporation for development of Paradip Port with requisite facilities in order to enable the port of export 6 million tonnes of iron ore annually. The proposal also envisages development of iron ore Mines and construction of new Railway line between Daitari and Banspani.

In the meeting held by Ministry of Surface Transport on 29th September, 1989, it was decided that an integral financial appraisal would be carried out for the project as a whole. After this is carried out Ministry of Surface Transport would be sorting out financial arrangements for funding the project in consultation with MMTC. Railways have indicated that there is no possibility of this project being taken up in Railways Plan Outlay as the funds required would have to be arranged by MMTC who are wanting this line for export of iron ore.

The detailed project report in respect of various segments of the scheme are also required to cover the environmental impact, for which a Rapid Assessment Report of the Environmental Impact Study of the Daitari-Banspani line has been carried out and furnished to the Ministry of Environment and Forests for giving the environmental clearance before starting the project. The clearance from the Ministry of Environment and Forests is awaited. Further action regarding construction of Daitari-Banspani Rail line can be taken after the Ministry of Surface Transport finalises iron ore export project, including the financial arrangements funding of the rail link project. This is very long drawn out process and it will not be possible to fix any time limit for taking the decision."

4.2 The Committee decided to drop the assurance.

MEMORANDUM NO. 35

Request for dropping of assurance given on 18 May, 1990 in reply to Unstarred Question No. 9498 regarding MPEDA Scheme to supply diesel at subsidised rate.

5.1 The Committee considered the request of the Ministry of Commerce received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/Com (23) USQ. 9498-LS/90 dated 31 July, 1990 for the dropping of the assurance on the following grounds:—

“.....that the subject matter relating to supply of diesel oil (the subject matter of the Unstarred Question No. 9498 answered on 18/5/90) is under the purview of the Ministry of Food Processing Industries. In the reply to the Unstarred Question referred to above, we have, therefore, mentioned that the proposal in this regard was forwarded to the Administrative Ministry namely, Ministry of Food Processing Industries for finalisation by them in consultation with the concerned Ministry. The Ministry of Parliamentary Affairs will kindly agree with us that this reply cannot, appropriately, be construed as a “Promise” having been made.

It is also mentioned that in respect of the Unstarred Question No. 8265 answered on 5th May, 1989 by the Ministry of Commerce on the same subject, a similar reply was given. That reply was not treated as an Assurance. The same criteria should be applied in respect of the present Question also.”

5.2 The Committee did not agree to the request of the Ministry to drop the assurance. The Committee expressed their unhappiness on the plea of the Ministry that similar reply to another question was not treated as an assurance as it was the prerogative of the Committee whether or not to treat a reply an assurance and the Ministry ought not to question their decision.

MEMORANDUM NO. 36

Request for dropping of assurance given on 6 April, 1990 in reply to Unstarred Question No. 3734 regarding joint meeting of tea, coffee, spices and rubber boards.

6.1 The Committee considered the request of the Ministry of Commerce received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/Com (8) USQ. 3734-LS/90 dated 31 July, 1990 for the dropping of the assurance on the following grounds:—

“That no undertaking or commitment has been given. Also, it has nowhere been mentioned that the feasibility report would be available by such and such time. It is, therefore, felt that the contents of the reply should not be taken as an assurance.”

7.2 The Committee while declining the request of the Ministry to drop the assurance pointed out that it was highly improper on the part of the Ministry to state that "it had nowhere been mentioned that the feasibility report would be available by such and such time". The Committee desired that the Ministry should apprise them about the decision taken by the Committee comprising Chairman of Tea, Coffee and Rubber Boards about the feasibility and desirability of diversification of land use.

MEMORANDUM NO. 37

Request for dropping of assurance given on 27 December, 1989 in reply to Starred Question No. 52 regarding implementation of agreement with Doctors.

7.1 The Committee considered the request of the Ministry of Health of Family Welfare received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. I/HF W(3)SQ. 52-LS/89 dated 3 August, 1990 for the dropping of the assurance on the following grounds:—

"...that Starred Question No. 52 was about the steps taken to implement the agreement. This Department had furnished the details of the action taken in this regard. It is, therefore, felt that the reply given in this connection cannot be treated as an assurance."

7.2 The Committee noted that the clauses 5 to 10 of the Memorandum of Settlement entered into with the doctors had not been implemented as per the reply to the main question. In view of the importance and urgency of the subject-matter, the Committee decided not to drop the assurance.

8. The Committee decided to hold their next sitting on 15 October and 16 October, 1990 at 15.30 and 11.00 hours respectively.

9. The Committee then adjourned.

MINUTES

EIGHTEENTH SITTING

Minutes of the Eighteenth Sitting of the Committee on Government Assurances held on 28 December, 1990 in Committee Room No. 62, Parliament House, New Delhi

The Committee met on Friday, the 28 December, 1990 from 15.00 hours to 16.00 hours

PRESENT

Dr. Vijay Kumar Malhotra — *Chairman*

MEMBERS

2. Shri Het Ram
3. Dr. Mahadeepak Singh Shakya
4. Shri V. Krishna Rao
5. Shri Surya Narain Yadav

SECRETARIAT

1. Shri R.C. Bhardwaj—*Joint Secretary*
2. Shri G.C. Hallan—*Director*
3. Shri A.N. Chopra—*Under Secretary—*

2. The Committee welcomed the Chairman and Members of the Committee on Government Assurances of Tamil Nadu Legislative Assembly and exchanged views on points of common interest. •

3. The Committee took up for consideration the draft Tenth and Eleventh Reports of the Committee and adopted the same.

4. The Committee deferred the consideration of Memorandum No. 53 to their next sitting.

5. The Committee then adjourned.

© 1991 LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Seventh Edition) and Printed by Manager, P.L. Unit, Government of India Press, Minto Road, New Delhi-110002.