

**COMMITTEE  
ON  
GOVERNMENT ASSURANCES  
1986-87**

**(EIGHTH LOK SABHA)**

**SEVENTH REPORT**

*Presented on* 26 Jan 1987



**LOK SABHA SECRETARIAT  
NEW DELHI**

*8 September, 1986/Bhadra 17, 1908 (Saka)*

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# LOK SABHA

## C O R R I G E N D A

to

The Seventh Report of the Committee  
on Government Assurances (1986-87)

Eighth Lok Sabha

Page No.		Correction
(1)	Line 19 :	Add. 'and statement referred to in reply to S.Q.No. 220 dated 10 March, 1986' after '9 July, 1982'.
5	Line 13 :	For '12' <u>read</u> '12A'
		Para Nos. 12 and 12A contain observations of the Committee.
6	Between Lines 15 and 16 :	Read (ii)
7	Line 1 :	<u>Delete</u> First line
	Line 3 :	<u>For</u> 'earlier' <u>read</u> 'earlier'
	Line 12 :	<u>For</u> 'help' <u>read</u> 'held'
10	Line 13 :	<u>For</u> 'May, 1986' <u>read</u> 'March, 1986'
26	Line 7 :	<u>For</u> 'trully' <u>read</u> 'truly'
	Line 24 :	<u>For</u> 'wth' <u>read</u> 'with'
	Line 25 :	<u>For</u> 'achive' <u>read</u> 'achieve'
29	Line 7 :	<u>For</u> 'U.P. Note' <u>read</u> 'U.O.Note'
	Line 31 :	<u>For</u> 'particular' <u>read</u> 'particular'
31	In between Line Nos. 23 and 24 :	<u>Put</u> xxx       xxx       xxx
33	Line 1 :	<u>Delete</u> 'CONFIDENTIAL'
35	Statement Heading Last Column :	<u>For</u> 'No of actuals' <u>read</u> 'No of acquittals'

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## COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES (1986-87)

Prof. Narain Chand Parashar—*Chairman*

2. Shri Tadur Bala Goud
3. Shri Virdhi Chander Jain
4. Shri Jitendra Prasada
5. Shri Rahim Khan
6. Shri Purna Chandra Malik
7. Shri Channaiah Odeyar
8. Shri S. S. Ramasamy Padayachi
9. Shri Keshorao Pardhi
10. Shri Ram Pujan Patel
11. Shri K. N. Pradhan
12. Shri K. Pradhani
13. Shri Jagannath Prasad
14. Dr. G. Vijaya Rama Rao
15. Shri Muhiram Saikia

### SECRETARIAT

Shri D. C. Pande—*Joint Secretary*

Shri C. K. Jain—*Chief Examiner of Questions*

Shri D. M. Chanan—*Senior Examiner of Questions*

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\*The Committee was nominated by the Speaker w.e.f. June 2, 1986 vide para No. 1071 of Lok Sabha Bulletin, Part-II, dated 19 May, 1986.

## INTRODUCTION

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

2. The Committee at their sittings held on 18 and 19 June, 1986, considered twelve requests from Government for dropping of pending assurances, out of which nine requests were disposed of and their decisions are contained in this Report. On the remaining three requests, the Committee decided to take the oral evidence of the officials of the Ministries concerned.

3. The Minutes of the aforesaid sittings of the Committee are also included in this Report.

4. At their sitting held on 8 September 1986, the Committee considered and adopted this Seventh Report.

5. Conclusions/Observations of the Committee are contained in succeeding chapters of this Report.

PROF. NARAIN CHAND PARASHAR,

*Chairman,*

*Committee on Government Assurances*

NEW DELHI,

8 September, 1986

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17 Bhadra 1908 (Saka)

## **CHAPTER I**

### **REVIEW OF PENDING ASSURANCES OF SEVENTH AND EIGHTH LOK SABHA**

During the Seventh Lok Sabha, 7,231 assurances were culled out from Lok Sabha Debates for implementation by Government. Of these, 7201 assurances have since been implemented, leaving a balance of 30 assurances to be implemented.

2. During the First, Second, Third, Fourth and Fifth Sessions of Eighth Lok Sabha in all 19,426, 331, 355 and 760 assurances, respectively, were culled out. Out of them 19,395, 302, 257 and 289 assurances have since been implemented, thus leaving a balance of Nil, 31, 29, 98 and 471 assurances, respectively, pending implementation.

3. 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 13 August, 1986.

## CHAPTER II

### REQUESTS FOR DROPPING OF ASSURANCES— NOT ACCEDED TO

(i)

4. On 8 April, 1983, the following Unstarred Question (No. 6342) given notice of by Shri Krishan Datt Sultanpuri, M.P., was addressed to the Minister of Defence :

“Will the Minister of Defence be pleased to refer to the reply given to Unstarred Question No. 246 on 9th July, 1982 (Appendix) regarding promotion of employees of Directorate General, Ordnance Factories as Chargemen Grade-II and state :

- (a) whether the judgement of the Supreme Court dated 2nd February, 1981 in Appeal No. 441 of 1981 (Virendra Kumar and others vs. the Union of India) and subsequent clarificatory order of the Court dated 5th March, 1982 have since been implemented by Government;
- (b) if so, whether the arrears of pay & allowance have since been paid to the employees receiving promotions retrospectively in implementation of the Supreme Court Judgement; and
- (c) what steps have been taken by Government to give promotions to the employees from back dates from which their juniors have been promoted to higher post?”

5. The Minister of State in the Ministry of Defence (SHRI K. P. Singh Deo) gave the following reply:—

“(a) Yes, Sir,

(b) and (c) The matter is under examination.”

6. The above Reply to parts (b) & (c) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply i.e. by 7 July, 1983.

7. The Ministry of Defence requested through the Ministry of Parliamentary Affairs for the dropping of the aforesaid assurance on the grounds set forth in a note dated 8 February, 1985 from the Ministry of Parliamentary Affairs. Relevant extracts there from are reproduced below:—

“In November, 1962 D.G.O.F. (Director General of Ordnance Factories) issued instructions to all the Ordnance Factories that those diploma holders who worked satisfactorily as supervisors ‘A’ Technical or in equivalent grades for two years in Ordnance Factories should be promoted as Chargeman. In 1972, about 100 employees belonging to various factories in Kanpur filed a writ petition praying that in terms of D.G.O.F. circular dated 6-11-1962 they should be automatically promoted as Chargemen Grade-II from the date they completed two years service as Supervisor ‘A’(T) or equivalent. After taking up the issue in High Courts, finally the questions was taken up in the Supreme Court who gave the judgement that appellants will have to be promoted with effect from the date on which they ought to have been promoted unless they are found to be unfit.

As there were 75 petitioners in the appeal before the Supreme Court, they have been promoted as Chargemen Grade-II from the respective dates of completion of two years service as Supervisor ‘A’. They have, however, filed another writ petition in the Supreme Court seeking their Orders on the following two aspects:—

- (i) Promotion to the next higher grades viz Chargemen Grade-I & Asstt. Foreman should be ante-dated.
- (ii) To give their arrears of pay and allowances consequent upon such ante dated promotions.

The Ordnance Factory Board have filed a rejoinder to the above-mentioned petition in the Supreme Court. The views taken by the Ordnance Factory Board in the rejoinder is as follows:—

- (i) The Orders contained in Supreme Court Judgement dated 2-2-1981 have been fully implemented by the Government by ante-dating the promotion of the Petitioners in the Grade of Chargemen Grade-I and that the Petitioners



cannot have any claim to ante-dated promotions to higher Grades of Asstt. Foreman etc. in terms of the said Supreme Court Judgement; and

- (ii) The question of payment of arrears of pay & allowances on account of such ante-dating of promotion to higher posts does not arise since the petitioners have not actually performed the duties of the higher posts.

Until the Supreme Court passes its Orders on the above Petition no further action can be taken by the Government. The case which was last heard by the Supreme Court on 12-3-1984 has been adjourned for further hearing by the Chief Justice. The next date of hearing of the case has not yet been intimated by the Supreme Court."

8. The Committee on Government Assurances (1985-86) considered the above request from the Ministry of Defence at their sitting held on 13 July, 1985 and recommended as follows *vide* para no. 5 of their 2nd Report presented on 29th August, 1985:—

"The Committee did not agree to drop the assurance and decided to keep it pending for six months (upto December, 1985): The Committee desired that the Ministry of Defence be asked to inform about, the development taking place in the matter in the meantime."

9. On 21 February, 1986, the Ministry of Defence again approached the Committee on Government Assurances through the Ministry of Parliamentary Affairs [*vide* their U.O. Note No. F-XI/D(9) US. 6342-LS/83] dated 21 February 1986, to drop the assurance on the grounds indicated below:—

"The case is still *sub-judice* in the Supreme Court despite our having moved the Standing Counsel in Supreme Court for expediting early hearing of the case. The Committee had agreed to review the case for taking a final decision with regard to dropping of the Assurance some time in December, 1985."

10. The Committee at their sitting held on 18 June, 1986, considered the request of the Ministry of Defence for dropping the assurance as also keeping in view their earlier recommendation.

11. The request for dropping the assurance was not accompanied by any request for extension of time for implementation of the assurance as recommended by the Committee earlier.

12. The assurance in the question pertains to matters concerning promotions and payment of arrears of pay and allowances to certain employees working in Ordnance factories. The assurance has been awaiting implementation for over three years as the matter is pending before the Supreme Court. The Committee regret that the matter has been hanging in fire for such a long time and little seems to have been done to have early finalization of the case in the Court. In this process the real sufferers are the employees. The Committee urge upon the Government to take effective steps to secure early hearing of the case in the Supreme Court so that the case is decided quickly and Government are able to settle the claims of the employees and also in turn implement the assurance.

12. The Committee further recommend that Government should seek extension of time as may be considered minimum to implement this assurance.

13. On 22 August, 1985, the following Unstarred Question (No. 4668) given notice of by Shri Vishnu Modi, M.P. was addressed to the then Minister of Shipping and Transport:

- “(a) whether the second instalment of interim relief has been granted to all the employees of the Central Government;
- (b) whether Delhi Transport Corporation is also under the control of the Central Government;
- (c) if so, whether the second instalment of interim relief has been paid to the employees of DTC;
- (d) if not, the reasons therefor; and
- (e) the time by which Government propose to grant this instalment to them?”

14. The then Minister of State for Shipping and Transport (Shri Z. R. Ansari) gave the following reply:—

“(a) Yes, Sir

(b) Yes, Sir.

(c) to (e) The question of grant of interim relief is being examined.”

15. Reply to parts (c) to (e) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply i.e. 21 November, 1985.

16. On 26 February, 1986, the Ministry of Transport approached the Committee on Government Assurances through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. III/S T(5) USQ. 4668-LS/85 dated 26 February, 1986, to drop the assurance on the grounds indicated below:—

“The question of payment of 2nd instalment of interim relief to DTC employees has been under consideration. However, in the meantime a petition requesting for grant of interim relief to the employees of the public sector undertakings has been admitted in the Supreme Court and the matter has therefore become *sub-judice*. In view of this it may not be possible to fulfil the assurance till the matter is finally decided by the court.”

17. The Committee at their sitting held on 18 June, 1986 considered the request of the Ministry of Transport for dropping the assurance. The Committee before taking any decision, on their request, desired that the Ministry might be requested to furnish information on the following points:—

- (i) The date when the petition requesting for granting of interim relief to the employees of public sector undertakings was admitted in the Supreme Court;
- (ii) The precise issue raised in the aforesaid petition and the specific reasons for which the action on the payment of second instalment of interim relief to DTC employees could not be taken;
- (iii) The progress of the aforesaid petition in the Supreme Court indicating the date(s) of hearing(s) already taken place and if no hearing had taken place so far the date on which the hearing was likely to be fixed.

18. The Ministry did not furnish information on the above points raised by the Committee but implemented the assurance by laying a statement containing the information required in the aforesaid assurance, on the Table of the House on 24 July, 1986. In the implementation statement laid on the Table, Government stated that the second instalment of interim relief had been paid to the employees of the DTC.

19. While noting the implementation of the assurance, the Committee must express their unhappiness on the delay in bringing to their notice the inability of the Government to implement the assurance on account of a petition having been moved

implement the assurance on account of a petition having been moved in the Supreme Court. This fact should have been brought to the notice of the Committee earlier and necessary request for permission to grant extension of time for implementation of the assurance made after the expiry of the normal period of three months allowed for implementation of an assurance. The Committee also deprecate the casual mannner in which the Ministry made a request for the dropping of the assurance. The question of payment of second instalment of interim relief to the DTC employees, which was the subject matter of the assurance, was already under consideration of the Government and its finalisation, as it seems from the circumstances mentioned above, had to be help up since the matter became sub-judice. The right course, therefore, for the Ministry was to assess the quantum of time likely to be taken in the disposal of the petition in the Supreme Court and accordingly make a request to the Committee for extension of time and not for the dropping of the assurance. The Committee hope that the Ministry would show due deference to the House to which the assurance was given and to its Committee which was seized of the matter for follow up.

(iii)

20. On 26 November, 1985 the following Unstarred Question (No. 1354) given notice of by Shri Sarfaraz Ahmed, M.P. was addressed to the Minister of Law and Justice:

- “(a) the names of States demanding a second bench of High Court;
- (b) the names of States for which Government have agreed to set up the second bench and the time by which and the names of places where second bench in such States is likely to be set up; and
- (c) the names of the States whose demand for setting up of second bench has not been accepted and the reasons thereof?”

21. The Minister of State in the Ministry of Law and Justice (Shri H. R. Bhardwaj) gave the following reply:—

- “(a) apparently, the Hon'able Member desires to know the names of States which have demanded new benches, as some States already have a second Bench of the High Court.

The following States have demanded establishment of permanent Benches of their High Courts:

1. Uttar Pradesh	.	.	.	.	.	Allahabad High Court
2. Manipur	.	.	.	.	.	Gauhati High Court
3. Meghalaya	.	.	.	.	.	
4. Nagaland	.	.	.	.	.	
5. Tripura	.	.	.	.	.	
6. Karnataka	.	.	.	.	.	Karnataka High Court
7. Madhya Pradesh	.	.	.	.	.	Madhya Pradesh High Court
8. Tamil Nadu	.	.	.	.	.	Madras High Court

(b) and (c): Theses demands were referred to the Jaswant Singh Commission. The report of the Commission has been received and is engaging the attention of the Government of India."

22. The above reply to parts (b) and (c) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply i.e. by 25 February, 1986.

23. On 27 January, 1986, the Ministry of Law and Justice approached the Committee on Government Assurances through the Department of Parliamentary Affairs *vide* their U.O. Note No. F.IV/LJ (2) USQ. -1354-LS/85 dated 27 January, 1986 to drop the assurance on the grounds indicated below:—

"The Jaswant Singh Commission was required to report on the general question of establishment of Benches of High Courts away from their principal seats, and also to examine and report on the specific demands for Benches of certain High Courts. The report of the Commission is a confidential document. It is not possible to indicate how much time would be taken to process the report and reach decisions on the recommendations contained in it. Further, the reply given to parts (b) & (c) of the Question was not intended to constitute an Assurance. The entry made in the column "Promise Made" in the state-

ment enclosed with the aforesaid OM does not conform to the reply actually given to the Question. In view of the foregoing, it is requested that the Committee on Government Assurances (Lok Sabha) may be moved to delete the assurance."

24. The Committee at their sitting held on 19 June, 1986 considered the request of the Ministry of Law and Justice for dropping the assurance.

25. The Committee do not agree to the request of the Ministry to drop this assurance as the matter is of wide public importance affecting as it does several States in the country which have been demanding the establishment of new permanent benches of their High Courts and that those demands were pending consideration of Union Government for a considerable time. In this connection, the Committee would like to reiterate their following observations made earlier in respect of a similar assurance and contained in para 77 of their Sixth Report (Eighth Lok Sabha) presented to the House on 13 August, 1986.

"The demands for setting up of additional benches of different High Courts in towns other than their main seats have been pending since long. Now that the report of the Jaswant Singh Commission has already been received by the Government, it is high time that a general policy is laid down by the Government and in the light of that policy the specific demands including the one about setting up a Bench of Allahabad High Court in Western U.P., referred to in the aforesaid question, are considered and finally decided. With these considerations in view, the Committee have come to a decision that the assurance need not be dropped as requested by the Ministry and is required to be implemented early."

(iv)

26. On 17 December, 1985, the following Unstarred Question (No. 4288) given notice of by Shri Anandi Charan Das, M.P., was

addressed to the Minister of Industry:

"(a) whether Government are considering any proposal for merging the Engineering Projects (India) Ltd. with some other public undertaking; and

(b) if so, the details thereof?"

27. The then Minister of State in the then Ministry of Industry (Shri M. Arunachalam) gave the following reply:—

"(a) and (b): Details of certain proposals for restructuring of Engineering Projects India Limited, are being worked out."

28. The above reply to the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply *i.e.* by 16 May, 1986.

29. On 9 April, 1986, the Ministry of Industry approached the Committee on Government Assurances through the Department of Parliamentary Affairs *vide* their U.O. Note No. IV|Ind(29)USQ, 4288-LS|85 dated 9 April, 1986, to drop the assurance on the grounds indicated below:

"In the answer to the question referred to above, this Department had given the factual position in the matter. However, the various implications of restructuring of Engineering Projects (India) Ltd. are being worked out and it is difficult to indicate either the nature of restructuring that may finally come about nor the time frame by which a decision will be taken in the matter of restructuring. EPI has large contracts and dealings with banks both in India and abroad. Any premature disclosure of the proposed restructuring of the company may jeopardise the interests of the Government company vis-a-vis the clients, banks and collaborators. In view of the above, the Department of Public Enterprises requests that the reply given in respect of the above question may please be not treated as an assurance."

30. The Committee at their sitting held on 19 June, 1986 considered the request of the Ministry of Industry for dropping the assurance. The request for dropping the assurance was not accompanied by any request for extension of time for implementation of assurance.

31. In the opinion of the Committee, the request of the Ministry for dropping of the assurance is supported by a vague and omnibus

argument of secretiveness. The Committee feel that after having given an indication that some scheme of restructuring of the Company was under consideration, Government could have shared at least some more information about the lines on which the proposal was being worked out, if not the minute details of the scheme. Sharing of information with the Parliament on such a vital matter is bound to serve national interest better as it would provide opportunities to the Members to offer their views and comments for consideration of Government. In case the Ministry wanted a little more time to come out with the requisite information, they could request for extension of time, a suggestion made by the Committee on several occasions in the past. The assurance should be implemented expeditiously and the Ministry should seek permission of the Committee for extension of time as may be considered minimum for the purpose.

(v)

32. On 10 March, 1986, the following Starred Question (No. 220) given notice of by Dr. B. L. Shailesh and Shri Ananda Pathak M.Ps was addressed to the Minister of Labour:

- “(a) whether his Ministry has made any assessment about the implementation of the Equal Remuneration Act, 1976 and if so, the infirmities noticed therein and instances of violations of provisions of the Act during the last three years brought to his Ministry’s notice; and
- (b) what steps are being taken to give more teeth to this law and to make the violations of its provisions cognisable by courts?”

33. The Minister of State in the Ministry of Labour (Shri P. A. Sangma) gave the following reply:—

- “(a) the implementation of the Equal Remuneration Act in most employments is the responsibility of the State Governments. As regards implementation of the Equal Remuneration Act in employments for which Central Government is appropriate Government figures relating to enforcement have been collected from time to time. The particulars of violations of the Act in these employments during the last three years are given in the *Annexure*.
- (b) proposals to amend the Act to make it more effective are under consideration.”



34. The above reply to part (b) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply i.e. by 9 June, 1986.

35. On 16 May, 1986, the Ministry of Labour approached the Committee on Government Assurances through the Department of Parliamentary Affairs *vide* their U.O. Note No. V/L(6)SQ-220-LS/86 dated 16 May, 1986 to drop the assurance on the grounds indicated below: —

“The amendment of the Equal Remuneration Act will take time as it is in the very preliminary stages. Therefore, the Ministry requests that the reply may not be treated as an assurance to be fulfilled only when the Act is amended.”

36. The Committee at their sitting held on 19 June, 1986 considered the request of the Ministry of Labour for dropping the assurance. The request for dropping the assurance was not accompanied by any request for extension of time for implementing the assurance.

37. From the reply given by Government to this question, it is clear that the proposal to amend the Equal Remuneration Act to make it more effective has been receiving Government's consideration. In the absence of any specific and expressive language implying that the proposal is only in a preliminary stage, the Committee can reasonably interpret that Government intend to finalise the amendments to the aforesaid Act within a reasonable time. From the date of assurance given on the floor of the House already a considerable period has elapsed. However, the Ministry instead of submitting to the Committee precise progress made by them in the direction of finalizing their proposals, have pleaded for the dropping of the assurance stating vaguely that ‘the amendment of the Equal Remuneration Act will take time as it is in very preliminary stages’. From this request of the Ministry, the Committee are constrained to draw an inference that no proper application of mind was made either at the time of giving reply to the question or making the request for the dropping of the assurance. The Committee would like the Government to finalize their proposals early and report the implementation of the assurance to the House. A request for extension of time likely to be taken in this process should also be submitted to the Committee without delay.

(vi)

38. On 10 March, 1986, the following Starred Question (No. 212) given notice of by Saivashri D. K. Naikar and Ram Swarup Ram M.Ps. was addressed to the Minister of Urban Development.

- “(a) whether Government propose to bring forward any legislation to fix urban land ceiling, as has been done in the case of land ceiling;
- (b) whether any Committee has been appointed to go into the question; if so, what are their recommendations; and
- (c) when the legislation is likely to be introduced in Parliament?”

39. The Minister of Urban Development (Shri Abdul Ghafoor) gave the following reply:—

“(a) The Urban Land (Ceiling & Regulation) Act, 1976 enacted by Parliament on 17-2-1976 imposing a ceiling on vacant lands in urban areas is already in force in all the Union Territories and States except Jammu and Kashmir, Kerala, Nagaland, Sikkim and Tamil Nadu. Tamil Nadu has its own State law which is in force from the 14th May, 1978.

“(b) & (c): The question of making certain amendments in the Act is under consideration.”

40. The above reply to parts (b) and (c) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply i.e. by 9 June, 1986.

41. On 16 May, 1986, the Ministry of Urban Development approached the Committee on Government Assurance through the Department of Parliamentary Affairs *vide* their U.O. Note No. F.V/UD (2)SQ-212-LS/86 dated 16 May, 1986, to drop the assurance on the grounds indicated below:—

“The Urban Land (Ceiling & Regulation) Act, 1976 is an important Act whereunder action lies not only with the Government of India but mostly with State Governments also. Amendments particularly if these are substantial, to such Act invariably take time. In view of the above and having regard to the fact that it will not be in the public interest to disclose the nature of amendments that are under consideration, it is requested that answer given to the above question (Part B & C) may not kindly be treated as an assurance.”

42. The Committee at their sitting held on 19 June, 1986 considered the request of the Ministry of Urban Development for dropping the assurance. The request for dropping the assurance was not

accompanied by any request for extension of time for implementing the assurance.

43. The Committee must express their grave concern over the growing tendency on the part of the Ministries to retract from the assurances on one ground or the other notwithstanding the fact that in their replies to questions, Minister made categorical assurance to the House.

44. In the instant case, when the Minister stated in reply that 'the question of making certain amendments in the Act Urban Land (Ceiling and Regulation) Act 1976) is under consideration', it obviously meant that the whole process which includes the consultation with the State Governments and other concerned Ministries in the Centre would be completed quickly. To say now that the reply of the Minister should not be treated as an assurance is obviously not the business of the Ministry but is the exclusive jurisdiction of the Committee, as also pointed out by them in their earlier reports. The Ministries must, therefore, refrain from doing so and make sincere and speedy efforts for the quick implementation of the assurance. The Committee are of the opinion that the implementation of the assurance should be possible without giving the details of the amendments envisaged which are sought to be kept secret by the Government.

(vii)

45. On 25 March, 1985, the following Unstarred Question (No. 1018) given notice of by Shri C. D. Gamit, M.P. was addressed to the Minister of Food and Civil Supplies:

"(a) Whether Shri Madhivibhag Khand Udyog Sahakari Mandali Ltd., Madhi, District Surat, Gujarat has increased the capacity of its sugar factory from 2500 T.C.D. to 3500 T.C.D. without obtaining permission from Government of India, Ministries of Food and Civil Supplies and Industry;

(b) if so, the details thereof; and

(c) whether the Government of India have taken any action against this concern for violating the licensing laws; if so, the details of the action taken or proposed to be taken?"

46. The then Minister of Food and Civil Supplies (Shri Rao Birendra Singh) gave the following reply:—

(a), (b) and (c)

“The Government are aware of the matter regarding the expansion undertaken by Shri Madhivibhag Khand Udyog Sahakari Mandali Ltd., Madhi Distt. Sura raising their factory's capacity from 2500 T.C.D. to 3500 T.C.D. The legal ramifications of the entire matter are under active examination of the Government.”

47. The above reply to the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply, i.e., by 24 June, 1985.

48. On 28 May, 1985 the Ministry of Food and Civil Supplies requested the Committee on Government Assurances through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. II/FCS(i) USQ 1018-LS/85, dated 28 May, 1985, that the above assurance might be dropped on the following grounds:—

“This Department feels that the reply should not have been regarded as an assurance as it is not feasible to fulfil the same within any specified time limit. In this connection, it may be stated that in a similar type of case, a sugar factory filed a writ petition in the Delhi High Court and the Division Bench of the Delhi High Court has passed its judgement. As per advice of the Law Ministry, this Directorate has filed an appeal in the Supreme Court against the judgement passed by the High Court of Delhi. As such, a final decision on this case is likely to take time. Keeping in view the decisions to be taken in this case, all such cases are likely to be reviewed and a decision on merits of each will be taken by the Government.”

49. Not agreeing to the request of the Ministry, the Committee recommended in para 7 of their Second Report (1985) that the assurance be implemented at the earliest.

50. The Ministry of Food and Civil Supplies thereafter informed the committee through the Ministry of Parliamentary Affairs *vide* their O.M. No. F/II/F&CS(1)USQ-1018-LS/85, dated 2 April, 1986, that the Delhi High Court had passed its judgement in a similar case (Dhampur Sugar Mills Ltd., Dhampur, Distt. Bijnor, U.P.). Against the judgement of the High Court, a special leave petition was filed in the Supreme Court which had also been dismissed. They also informed

that the issue in the court case was similar to the case under reference. It was stated that the Madhivibhag Khand Udyog Sahakari Mandali Ltd., Madhi, Distt. Surat to which the above assurance relates, had also filed a writ petition in the Delhi High Court (No. 1584 of 1985). The Show-Cause Notice, seeking quashing of the same through a writ and for grant of a writ, mandamus in the nature, directing the respondent (Union of India—Chief Director of Sugar) to grant registration retrospectively to the factory. The next date of hearing was fixed for 24 March, 1986. On an enquiry they also informed that the case was still *sub judice* and could not be heard on 24 March, 1986 due to the dissolution of the existing division bench. The next date for hearing would be fixed only after the constitution of a new division bench in High Court for hearing this case which was yet to be done.

51. On 1 May, 1986 the Ministry of Food and Civil Supplies approached the Committee on Government Assurances through the Ministry of Parliamentary Affairs *vide* their O.M. No. F.II/F&CS(1) USO. 1018-LS/85, dated 2 June, 1986 for the dropping of this assurance on the following grounds:—

“That Shri C. D. Gamit, Member Parliament who had raised the above question has *already withdrawn the objections* raised by him. . . . It may also be mentioned that while all attempts would be continued to expedite the disposal of the case pending in the High Court of Delhi, the likely time taken to dispose of about 2 to 3 years, in such cases by High Courts may also be kept in view.

52. The Committee at their sitting held on 19 June, 1986, again considered the request of the Ministry of Food and Civil Supplies for dropping the assurance.

53. The Committee do not agree with the Ministry of Food and Civil Supplies that since the Member of Parliament who raised the above question had withdrawn the objections raised by him, this assurance be dropped. According to the established Parliamentary practice, the moment a question is replied to in the House, the reply including an assurance given by the Minister thereon becomes the property of the House and even if at that stage the Member who might like to withdraw such a question would not affect the position of the question as well as assurance given in reply. The Committee desire that the Ministry of Food and Civil Supplies should take note of this position for future guidance and take all steps to implement the assurance at the earliest.

### CHAPTER III

#### REQUESTS FOR DROPPING OF ASSURANCES ACCEDED TO

(i)

54. On 12 December, 1985, the following Starred Question (No. 356) given notice of by Sarvashri N. Dennis and Dr. V. Rajeshwaran, M.Ps., was addressed to the Minister of Transport.

“(a) whether Government propose to have a second look at the Sethusamudaram Canal Project in Tamil Nadu in view of the prevailing circumstances in the region; and

(b) if so, whether the scheme is proposed to be examined by a new committee of experts?”

55. The then Minister of Transport (Shri Bansi Lal) gave the following reply:

“(a) & (b): No decision as yet has been taken by Government on the report of the committee of experts.”

56. During the course of supplementaries on the question, Sarvashri N. Dennis and P. Kolandaivelu, MPs wanted early implementation of Sethusamudaram Canal Project which had been pending for a long time.

57. In reply, the Minister of Transport stated as follows:—  
“We are still considering it.”

58. The above reply of the Minister to the supplementaries on the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply, i.e., by 11 March, 1986.

59. On 9 April, 1986, the Ministry of Transport approached the Committee on Government Assurances through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. F. IV/T (36) SQ-356-LS/85, dated 9 April, 1986, to drop the assurance on the following grounds:—

“Presently a decision on the proposal relating to the Sethusamudaram Shipping Canal Project has been deferred by the Government. The Seventh Five Year Plan, since finalised,

does not contain any provision for this project during the Seventh Five Year Plan."

60. The Committee at their sitting held on 19 June, 1986 considered the request of the Ministry of Transport for dropping the assurance.

61. In view of the position stated by the Ministry that the Seventh Five Year Plan does not contain any provision for the aforesaid project, the Committee agree to the request of the Ministry to drop the assurance.

(ii)

62. On 2 April, 1986, the following Unstarred Question (No. 4882) given notice of by Shri Vijay Kumar Mishra, M.P., was addressed to the Minister of External Affairs:

- "(a) whether Government have taken up the work of re-organising the foreign office;
- (b) whether the report of the Pillai Committee would be used as a guide for reorganisation work;
- (c) whether another report of Sen Committee submitted in April, 1984 has been made public;
- (d) whether the main recommendations of the Sen Committee and the Pillai Committee have been implemented; and
- (e) if not, the reasons therefor?"

63. The then Minister of State in the Ministry of External Affairs (Shri K. R. Narayanan) gave the following reply:—

"(a) Some reorganisation in the functioning of the Ministry is undertaken in the normal course from time to time in order to meet specific needs and to make the functioning of the Ministry more streamlined and effective.

(b) As in (d) below.

(c) No, Sir.

(d) Follow-up action on majority of recommendations of the Pillai Committee, which were accepted by the Government including recommendations on such subjects as greater delegation of administrative and financial powers to Missions, improvement of foreign language skills of IFS personnel, planning for expansion in representation abroad,

greater emphasis on economic and commercial work, review of instructions on consular matters and toning up of information and publicity work etc. was initiated in 1966 and their implementation carried out over the years.

As for the Sen Committee report, its recommendations are under consideration."

64. The above reply to part (d) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of reply *i.e.* by 1 July, 1986.

65. On 16 May, 1986, the Ministry of External Affairs approached the Committee on Government Assurances through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. FV/EA'(4) USQ 4882-LS/86 dated 16 May, 1986, to drop the assurance on the grounds indicated below:—

"The report of the Indian Missions Review Committee has been classified as 'Restricted'. The Report is not proposed to be made public; it is not considered to be in the national interest to have a public discussion on its recommendations. These recommendations are under consideration within the Ministry. As many of the recommendations have far-reaching implications, they would be required to be discussed extensively with other Ministries and Departments concerned before they are accepted by the Government. The Report has not yet been accepted by the Government. Only after the Government accepts the Report wholly or partly, can decisions be taken to implement the recommendations which are accepted."

66. The Committee at their sitting held on 19 June, 1986 considered the request of the Ministry of External Affairs for dropping the assurance.

67. In view of the position explained by the Ministry, the Committee are inclined to agree to their request for the dropping of the assurance. . . . .



## CHAPTER IV

### POSITION OF PENDING ASSURANCES PERTAINING TO SEVENTH AND EIGHTH LOK SABHA

68. A statement showing the position of assurances pertaining to Seventh and Eighth Lok Sabha pending implementation by the Government as on 24 July, 1986, is given in Appendices I & II.

69. 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.

PROF. NARAIN CHAND PARASHAR  
*Chairman,*  
*Committee on Government Assurances.*

NEW DELHI;

8 September 1986.

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17 Bhadra, 1908 (Saka)

## MINUTES

### FIRST SITTING

*Minutes of the First Sitting of the Committee on Government Assurances held on 18 June, 1986, in Committee Room No. 50, First Floor, Parliament House, New Delhi.*

The Committee met on Wednesday, 18 June, 1986, from 15.30 hours to 16.30 hours.

### PRESENT

Prof. Narain Chand Parashar—Chairman

### MEMBERS

2. Shri Virdhi Chander Jain
3. Shri Jitendra Prasada
4. Shri Rahim Khan
5. Shri Purna Chandra Malik
6. Shri Channaiah Odeyar
7. Shri Keshorao Pardhi
8. Shri Ram Pujan Patel
9. Shri K. N. Pradhan
10. Shri Jagannath Prasad
11. Dr. G. Vijaya Rama Rao
12. Shri Muhiram Saikia

### SECRETARIAT

1. Shri C. K. Jain—*Chief Examiner of Questions*
2. Shri D. M. Chanan—*Senior Examiner of Questions*
3. Shri S. C. Gupta—*Senior Examiner of Questions*

2. At the outset, the Chairman extended a warm welcome to the Members of the Committee. Explaining the scope and functions of the Committee, the Chairman emphasised that the Committee act as a watch dog on the implementation of assurance given by ministers from time to time on the floor of the House,

which were in the nature of solemn promises to the House. The Chairman observed that although normal time limit prescribed by the Committee for implementation of an assurance is three months, efforts are made to see that the assurances are implemented by the Ministries/Departments within the shortest possible time. The Chairman mentioned that from the previous Lok Sabha, the Committee took over 697 pending assurances. Out of them 663 had since been implemented and 34 remain pending. During the present Lok Sabha, upto the end of 1985, 1,131 assurances were called out and out of them 897 had since been implemented, leaving a balance of 234 assurances the implementation of which is being closely pursued by the Committee. For the current year (1986), the Chairman added, the scrutiny of Lok Sabha debates for extracting assurances was in hand. Concluding his observations, the Chairman observed that by convention the working in Parliamentary Committees was not subject to party whips and was conducted in a spirit of camaraderie and with objectivity away from glitter of media publicity. Every issue was considered and decided on merits with a view to achieving unanimity. The Chairman pointed out, that the system had lent strength to the recommendations of the Committees and enhanced their dignity and prestige. The Chairman stressed the need of keeping up this tradition. At the end, the Chairman sought cooperation of the Members in the deliberations of the Committee. (Text of Chairman's Observations *vide Appendix*).

3. The Committee then took up for consideration Memoranda Nos. 39, 40 and 41.

*Memorandum No. 39:* Request for dropping of assurance given on 8 April, 1983, in reply to Unstarred Question No. 6342 regarding promotion of employees of Directorate General, Ordnance Factories as 'Chargeman Grade II.'

4. The Committee considered the following request of the Ministry of Defence received through the Department of Parliamentary Affairs *vide* O.M. No. F.XI/D(9)UQ6342-LS/83 dated 21 February, 1986, for dropping the assurance on the following grounds:—

"The case is still *sub judice* in the Supreme Court despite our having moved the Standing Counsel in Supreme Court for expediting early hearing of the case. The Committee had agreed to review the case for taking a final

decision with regard to dropping of the Assurance some time in December, 1985."

4.1 Noting that the assurance had been kept pending for more than three years and recalling the earlier decision of the Committee taken at their sitting held on 13 June, 1985, the Committee decided not to drop the assurance as requested by the Ministry and desired that the Ministry should seek further extension of minimum time required for implementing the assurance.

\* \* \* \* \*

*Memorandum No. 41:* Request for dropping of assurance given on 22 August, 1985, in reply to Unstarred Question No. 4668 regarding payment of second instalment of interim relief to D.T.C. employees.

6. The Committee considered the following request of the Ministry of Transport received through the Department of Parliamentary Affairs *vide* their U.O. Note No. III/ST(5) USQ 4668-LS/85, dated 26 February, 1986, for dropping of the assurance on the following grounds:—

"The question of payment of 2nd instalment of interim relief to DTC employees has been under consideration. However, in the meantime a petition requesting for grant of interim relief to the employees of the public sector undertakings has been admitted in the Supreme Court and the matter has therefore become *sub-judice*. In view of this it may not be possible to fulfil the assurance till the matter is finally decided by the court."

6.1 The Committee desired that in the first instance the Ministry of Transport be asked to furnish further information on the following points:—

- (i) The date when the petition requesting for granting of interim relief to the employees of public sector undertakings was admitted in the Supreme Court;
- (ii) The precise issue raised in the aforesaid petition and the specific reasons for which the action on the payment of second instalment of interim relief to DTC employees could not be taken;
- (iii) The progress of the aforesaid petition in the Supreme Court indicating the date(s) of hearing(s) already taken

place and if no hearing had taken place so far the date on which the hearing was likely to be fixed.

7. The Committee decided to hold their next sittings on Tuesday, 8 July and Wednesday, 9 July, 1986.

8. The Committee then adjourned to meet on Thursday, 19 June, 1986 at 11.00 hrs. in Committee Room No. 50, Parliament House, New Delhi.

### ANNEXURE

(*Vide* para 2 of the minutes dated 18-6-1986)

#### OPENING OBSERVATIONS TO BE MADE BY PROF. NARAIN CHAND PARASHAR, M.P., CHAIRMAN, COMMITTEE ON GOVERNMENT ASSURANCES, EIGHTH LOK SABHA (1986-87) AT THE FIRST SITTING OF THE COMMITTEE ON 18.6.1986

Friends and Colleagues,

I deem it a great pleasure and privilege to welcome you all colleagues in this Committee which is having its first sitting after reconstitution for 1986-87.

2. As you are aware, Ministers while replying to questions or participating in other debates like Motions, Resolutions and Bills make promises and give assurances to furnish certain information or to take some action on a matter under consideration of the government. These promises, commonly termed in parliamentary parlance as assurances, need follow up for fulfilment. It is the duty of this Committee to keep a watch on assurances given by Ministers from time to time on the floor of House and ensure their implementation within minimum time.

3. The moot question is what constitutes an assurance. This was defined by the first Committee in their first Report of 1954. This definition has now been delineated in the Brochure "Introductory Guide" on this Committee brought out by the Lok Sabha Secretariat, copies of which have already been circulated to all the Members of the Committee.

4. The parameters for our functioning have been set out in Rule 323 of Rules of Procedure and Conduct of Business in Lok Sabha. The Rule provides, I quote:

There shall be a Committee on Government Assurances to scrutinise the assurances, promises, undertakings, etc., given by Ministers, from time to time on the floor of the House and to report on—

- (a) The extent to which such assurances, promises, undertakings, etc. have been implemented; and
- (b) where implemented whether such implementation has taken place within the minimum time necessary for the purpose.

5. The normal time limit prescribed by the Committee for the implementation of an assurance is 3 months. When a Ministry or a Department feel difficulty in implementing an assurance within that time, a request is made by them to the Committee to grant extension of time.

6. Out of the vast majority of the assurances given on the floor of the House, a large number relate to providing factual information to the House not readily available with the Minister at the time of answering a question in the House. Such assurances are usually implemented within the prescribed time of three months. However, difficulty arises when the assurances relate to some policy matters where things move not so swiftly as ought to. It is in such cases that the Committee ensure implementation of the assurance within minimum time. For instance, passing of the Delhi Apartment Ownership Bill during the last Session was a sequel to the Committee's efforts to get the assurance implemented. The Committee are pursuing another important matter—an assurance given on the floor of the House a few years back about the decision on the question of converting the lease land holdings in Delhi into freehold. There are several other cases which are being closely pursued by the Committee. I would like to mention that from the previous Lok Sabha, this Committee took over 697 assurances which were pending implementation. Out of these, 663 have since been implemented leaving a balance of 34. During the present Lok Sabha, 1,131 assurances were culled out and out of them 897 have since been implemented. The remaining 234 assurances are being closely pursued for implementation. For the current year, that means, the last budget session, the scrutiny of debates for extracting assurances in on.

7. The assurances given on the floor of the House are a solemn promise or undertaking given by Ministers, thereby raising a sort of hope in the minds of the people affected by such an assurance and government's decision thereon is required to be expedited by an agency outside the Executive and this precisely is the role of this Committee. The success of the Committee lies in making this Parliamentary device truly effective by achieving genuine fulfilment of the assurances and within the shortest possible time.

8. In the past, the Committee have very zealously and fervently tried to preserve their independence and not to allow any Ministry to sit in judgement on the decision of the Committee about treating a reply as an assurance. Not only this, the Committee have impressed upon the Ministries of the Government of India not to take them for granted. Time and again, the Committee have stressed that while sending a request for dropping of an assurance, the Ministry concerned should not assume that their request would be acceded to. To avoid delay in such case, the Committee have been of the opinion that the request for dropping of an assurance must be accompanied by a request for extension of time for implementation of the assurance.

9. Before I conclude, I would like to add a word about the working of Parliamentary Committees. The work in these committees by convention is not subjected to party whips and is conducted in a spirit of camaraderie with objectivity and away from glitter of media publicity. Every issue is considered and decided on merits with a view to achieve unanimity. This has lent strength to the recommendations of the Parliamentary Committees and enhanced their dignity and prestige. We have to keep up this tradition.

10. With these words, friends, I welcome you once again and invite your valuable cooperation in the deliberations of the Committee which should lead to a fruitful discharge of our duties.

Thank you.

**MINUTES**  
**SECOND SITTING**

*Minutes of the Second Sitting of the Committee on Government Assurances held on 19 June, 1986, in Committee Room No. 50 First Floor, Parliament House, New Delhi.*

The Committee met on Thursday, 19 June, 1986, from 11.30 hours to 12.30 hours.

**PRESENT**

Prof. Narain Chand Parashar—*Chairman*

**MEMBERS**

2. Shri Virdhi Chander Jain
3. Shri Rahim Khan
4. Shri Purna Chandra Malik
5. Shri Channaiah Odeyar
6. Shri Keshorao Pardhi
7. Shri K. N. Pradhan
8. Dr. G. Vijaya Rama Rao
9. Shri Muhiram Saikia

**SECRETARIAT**

1. Shri D. C. Pande—*Joint Secretary (A)*
2. Shri C. K. Jain—*Chief Examiner of Questions*
3. Shri D. M. Chanan—*Senior Examiner of Questions*

2. The Committee took up for consideration

Memoranda Nos. 42, 43, 44, 45, 46, 47, 48, 49, and 50.

*Memorandum No. 42.—Request for dropping of assurance given on 26 November, 1985, in reply to Unstarred Question No. 1354 regarding demand for setting up second bench of High Courts in various States.*

3. The Committee considered the following request of the Ministry of Law and Justice received through the Department of Parliamentary



Affairs *vide* their U.O. Note No. FIV|LJ (2)USQ-1354-LS|85 dated 27 January, 1986, for dropping of the assurance on the following grounds:—

“The Jaswant Singh Commission was required to report on the general question of establishment of Benches of High Courts away from their principal seats, and also to examine and report on the specific demands for Benches of certain High Courts. The report of the Commission is a confidential document. It is not possible to indicate how much time would be taken to process the report and reach decisions on the recommendations contained in it. Further, the reply given to parts (b) & (c) of the Question was not intended to constitute an Assurance. The entry made in the column “Promise Made” in the statement enclosed with the aforesaid OM does not conform to the reply actually given to the Question. In view of the foregoing, it is requested that the Committee on Government Assurances (Lok Sabha) may be moved to delete the assurance.”

3.1 Considering the wide importance of the matter, the Committee decided not to agree to the request of the Ministry of Law and Justice to drop the assurance. The Committee desired that Government should expedite their decision in the matter so as to be in a position to implement the assurances at the earliest and request for necessary extension of time.

\* \* \* \* \*

*Memorandum No. 44:* Request for dropping of assurance given on 12 December, 1985 in reply to Starred Question No. 356 regarding Sethusamudaram Canal Project.

5. The Committee considered the following request of the Ministry of Transport received through the Department of Parliamentary Affairs *vide* their U. P. Note No. FIV|T(36)SQ-356-LS|85 dated 9 April, 1986, for dropping of the assurance on the following grounds:—

“Presently a decision on the proposal relating to the Sethusamudram Shipping Canal Project has been deferred by the Government. The Seventh Five Year Plan, since finalised, does not contain any provision for this project during the Seventh Five Year Plan.”

5.1. Agreeing to the request of the Ministry, the Committee decided to drop the assurance.

**Memorandum No. 45:** Request for dropping of assurance given on 17 December, 1985, in reply to Uustarred Question No.4288 regarding merger of Engineering Projects (India) Ltd. with some other Public Undertaking.

6. The Committee considered the following request of the Ministry of Industry received through the Department of Parliamentary Affairs *vide* their U.P. Note No. IV|Ind(29)USQ 4288-LS|85 dated 9 April, 1986, for dropping of the assurance on the following grounds:—

“In the answer to the question referred to above, this Department had given the factual position in the matter. However, the various implications of restructuring of Engineering Projects (India) Ltd. are being worked out and it is difficult to indicate either the nature of restructuring that may finally come about nor the time frame by which a decision will be taken in the matter of restructuring. EPI has large contracts and dealings with banks both in India and abroad. Any premature disclosure of the proposed restructuring of the Company may jeopardise the interests of the Government company *vis-a-vis* the clients, banks and collaborators.

In view of the above, the Department of Public Enterprises requests that the reply given in respect of the above question may please be not treated as an assurance.”

6.1 Committee decided that the assurance need not be dropped and Ministry be asked to expedite its implementation. The Committee were unhappy to note that the Ministry instead of making a straight request for dropping of the assurance had suggested that the reply should not have been treated as an assurance. The Committee desired that the attention of the Ministry should be drawn to their earlier observation that the question of deciding whether or not a particular reply of a Minister should be treated as an assurance, was exclusively the function of the Committee and no Department or Ministry was competent to question their decision. The Committee further desired that in view of their decision not to agree for dropping of the assurance, the Ministry should make request for extension of time required for implementation of the assurance.

**Memorandum No. 46:** Request for dropping of assurance given on 10 March, 1986, in reply to Starred Question No. 220 regarding offences under Equal Remuneration Act to be cognizable.

7. The Committee considered the following request of the Ministry of Labour received through the Department of Parliamentary Affairs *vide* their U.O. Note No. V/L(6) SQ-220-LS/86 dated 16 May, 1986, for dropping of the assurance on the following grounds:—

“That amendment of the Equal Remuneration Act will take time as it is in the very preliminary stages. Therefore, the Ministry requests that the reply may not be treated as an assurance to be fulfilled only when the Act is amended.”

7.1 The Committee found no substance in the request of the Ministry of Labour for dropping of the assurance and desired that it should be implemented at the earliest. However, if Government requested some more time to implement the assurance they could make a request to the committee for extension of time.

*Memorandum No. 47:* Request for dropping of assurance given on 10 March, 1986, in reply to Starred Question No. 212 regarding legislation to fix urban land ceiling.

8. The Committee considered the following request of the Ministry of Urban Development received through the Department of Parliamentary Affairs *vide* their U.O. Note No. F.V./D(2)SQ-212-LS/86 dated 16 May, 1986, for dropping of the assurance on the following grounds:—

“The Urban Land (Ceiling & Regulation) Act, 1976 is an important Act whereunder action lies not only with the Government of India but mostly with State Governments also. Amendments particularly if these are substantial, to such Act invariably take time. In view of the above and having regard to the fact that it will not be in the public interest to disclose the nature of amendments that are under consideration, it is requested that answer given to the above question (Part B&C) may not kindly be treated as an assurance.”

8.1 The Committee noted that the reply to the question clearly indicated that Government were considering to amend the Urban Land (Ceiling & Regulation) Act, 1976. Therefore, the Committee decided not to accede to the request of the Ministry to drop the assurance and later might make a request for extension of time to implement the assurance.

*Memorandum No. 48:* Request for dropping of assurance given on

2 April, 1986, in reply to Unstarred Question No. 4882 regarding reorganisation of foreign office.

9. The Committee considered the following request of the Ministry of External Affairs received through the Department of Parliamentary Affairs *vide* their U.O. Note No. V/EA(4) USQ 4882-LS/86 dated 16 May, 1986, for dropping of the assurance on the following grounds:—

“The Report of the Indian Missions Review Committee has been classified as “Restricted”. The Report is not proposed to be made public; it is not considered to be in the national interest to have a public discussion on its recommendations. These recommendations are under consideration within the Ministry. As many of the recommendations have far-reaching implications, they would require to be discussed extensively with other Ministries and Departments concerned before they are accepted by the Government. The Report has not yet been accepted by the Government. Only after the Government accepts the Report wholly or partly, can decisions be taken to implement the recommendations which are accepted.”

9.1. In view of the position explained by the Ministry, the Committee agreed to the dropping of the assurance.

*Memorandum No. 50:* Request for dropping of assurance given on 25 March, 1985, in reply to Unstarred Question No. 1018 regarding increase of capacity of sugar factory by Shri Madhivibhag Khand Udyog Sahakari Mandali Ltd., Surat, Gurat.

11. The Committee considered the following request of the Ministry of Food and Civil Supplies received *vide* their O.M. No. F.7(6)/85-ST dated 8 May, 1986, for the dropping of this assurance on the following grounds:—

“That Shri Chhitubhai Gamit, Member of Parliament who had raised the above question has *already withdrawn the objections* raised by him. . . . . It may also be mentioned that while all attempts would be continued to expedite the disposal of the case pending in the High Court of Delhi, the likely time taken to dispose of about 2 to 3 years, in such cases by High Courts may also be kept in view.”

....

11.1. The Committee decided not to agree to the request of the Ministry to drop the assurance. Incidentally the Committee desired to point out that the moment the question was replied in the House, the reply including an assurance given by the Minister became the property of the House and even if at that stage the Member who might like to withdraw such a question would not affect that position. The Committee desired the Ministry to take note of this position for future guidance and to take all steps to expedite their decision in the matter.

The Committee then adjourned.

***Minutes of the Sixth Sitting of the Committee on Government Assurances held on 8 September, 1986, in Committee Room No. 'B', Parliament House Annexe, New Delhi***

The Committee met on Monday, 8 September, 1986 from 15.30 hours to 16.15 hours.

**PRESENT**

**Prof. Narain Chand Parashar—*Chairman***

**MEMBERS**

2. Shri Virdhi Chander Jain
3. Shri Jitendra Prasada
4. Shri Purna Chandra Malik
5. Shri Keshorao Pardhi
6. Shri Ram Pujan Patel
7. Shri K. Pradhani
8. Shri Jagannath Prasad
9. Shri Muhiram Saikia

**SECRETARIAT**

1. Shri C. K. Jain—*Chief Examiner of Questions*
2. Shri D. M. Chanan—*Senior Examiner of Questions*

2. The Committee considered the draft Seventh Report as circulated to them. In view of certain developments, for para 7 and 10 in the draft report, the following revised paragraphs were suggested for consideration of the Committee.....The draft Report with above mentioned modifications was adopted by the Committee. The Committee authorised the Chairman to present the Report during the next Session of Lok Sabha.

\* \* \* \* \*

The Committee then adjourned to meet again on 9 September, 1986 at 11.30 hours.

## APPENDIX 1

[Appendix to Para No. 4 of the Report]

### LOK SABHA

#### UNSTARRED QUESTION 246

TO BE ANSWERED ON THE 9TH JULY 1982

#### **Promotion of Employees of Directorate General, Ordnance Factories. As Chargeman Grade II**

246. SHRI ERA ENBARASU:

Will the Minister of Defence be pleased to State:

- (a) the steps taken by Government to implement the judgement of the Supreme Court dated 2-2-1981 in Civil Appeal No. 441 of 1981 (Virendra Kumar and others Vs. the Union of India) and subsequent order of the Court of 5th March, 1982 regarding the promotion of employees of the Directorate General, Ordnance Factories as Chargeman Grade II on completion of two years service;
- (b) if no steps in this regard have been taken so far, the reasons therefor; and
- (c) the action now Government propose to take in the matter and by when?

#### ANSWER

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI K. P. SINGH DEO) (a) to (c) The modalities of implementation of the Judgement dated 2-2-1981 (Not 1-2-1981) read with Order dated 5-3-1982 of the Supreme Court are under examination. Efforts are being made to expedite finalisation of the case.

# ANNEXURE

(Vide para No. 33 of the Report)

Statement referred to in reply to Starred Question No. 220 in the Lok Sabha for 10th March, 1986.

Enactment	Year	No. of irregularities		No. of prosecutions launched	No. of cases disposed off	No. of convictions	No. of actuals.
		Detected	Rectified				
Equal Remuneration Act, 1976.	1983	879	1230	1209	58	25	25
	1984	1189	1501	1009	167	49	38
	*1985	1563	2286	1282	289	77	76
*Provisional							1



## APPENDIX II

(Vide para No. 68 of the Report)

(i) Statement showing the position of the assurances of Seventh Lok Sabha pending implementation as on 13 August, 1986.

Session	No. of assurances called out	No. of assurances implemented/dropped	No. of assurances outstanding
First Session, 1980 . . . . .	26	26	..
Second Session, 1980 . . . . .	196	196	..
Third Session, 1980 . . . . .	548	547	1
Fourth Session, 1980 . . . . .	333	333	..
Fifth Session, 1981 . . . . .	793	793	..
Sixth Session, 1981 . . . . .	373	372	1
Seventh Session, 1981 . . . . .	418	418	..
Eighth Session, 1982 . . . . .	798	798	..
Ninth Session, 1982 . . . . .	429	428	1
Tenth Session, 1982 . . . . .	315	315	..
Eleventh Session, 1983 . . . . .	861	859	2
Twelfth Session, 1983 . . . . .	433	433	..
Thirteenth Session, 1983 . . . . .	424	423	1
Fourteenth Session, 1984 . . . . .	956	939	17
Fifteenth Session, 1984 . . . . .	328	321	7
<b>Total Assurances out-standing</b>			<b>30</b>

(ii) Statement showing the position of assurances of Eighth Lok Sabha pending implementation as on 13 August, 1986.

Session	No. of assurances called out	No. of assurances implemented/dropped	No. of assurances out-standing
First Session, 1985 . . . . .	19	19	..
Second Session, 1985 . . . . .	426	395	31
Third Session, 1985 . . . . .	331	302	29
Fourth Session, 1985 . . . . .	355	257	98
Fifth Session, 1986 . . . . .	760	289	471
<b>Total Assurances outstanding :</b>			<b>629</b>

(iii) Ministry-wise details of outstanding assurances of Seventh Lok Sabha

Ministry/Department	Session of Seventh Lok Sabha																Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Agriculture . . . . .														1			1
Atomic Energy . . . . .																	
Commerce . . . . .																	
Communications . . . . .											1			1	1	2	
Defence . . . . .																	1
Electronics . . . . .																	
Energy . . . . .																	
Environment and Forests . . . . .																	
External Affairs . . . . .														3			3
Finance . . . . .									1		1		1				3
Food and Civil Supplies . . . . .																	
Health and Family Welfare . . . . .														1			1
Home Affairs . . . . .															1		1
Human Resource Development . . . . .																	
Industry . . . . .														4			4
Information and Broadcasting . . . . .																1	1
									1		2		1	10	3	17	

Ministry/Department	Session of Seventh Lok Sabha															Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Labour . . . . .														1		1
Law and Justice . . . . .			1											3		4
Ocean Development . . . . .																
Parliamentary Affairs and Tourism . . . . .																
Personnel and Trainings Administrative Reforms and Public Grievances and Pension . . . . .																
Petroleum and Natural Gas . . . . .													1			1
Planning . . . . .																
Prime Minister . . . . .																
Programme Implementation . . . . .																
Science and Technology . . . . .																
Space . . . . .																
Steel and Mines . . . . .																
Textiles . . . . .																
Transport . . . . .																
Urban Development . . . . .					1									1	3	5
Water Resources . . . . .																
Welfare . . . . .														1		1
	1				1			1		2		1	17	6	29	

## (iv) Ministry-wise details of outstanding Assurances of Eighth Lok Sabha

Ministry/Department	2nd Session	3rd Session	4th Session	5th Session
Agriculture . . . . .	..	..	2	32
Atomic Energy . . . . .	..	..	2	3
Commerce . . . . .	1	1	3	10
Communications . . . . .			2	8
Defence . . . . .			1	9
Electronics . . . . .				5
Energy . . . . .	..		..	18
Environment and Forests . . . . .	1		3	24
External Affairs . . . . .		1	..	15
Finance . . . . .	..	7	13	45
Food and Civil Supplies . . . . .	2	1	1	10
Health and Family Welfare . . . . .	4	..	..	21
Home Affairs . . . . .	2	3	7	27
Human Resource Development . . . . .	3	4	9	32
Industry . . . . .	1		18	33
Information and Broadcasting . . . . .	2	..	1	10
Labour . . . . .	3	3	6	33
Law and Justice . . . . .	4		4	10
Ocean Development . . . . .			..	
Parliamentary Affairs . . . . .			..	
Personnel and Training, Administrative Reforms and Public Grievances and Pension . . . . .	..	..	..	8
Petroleum and Natural Gas . . . . .	2	2	2	3
Planning . . . . .	..	..	3	4
Prime Minister . . . . .	..	..	..	..
Programme Implementation . . . . .	..	..	..	..
Science and Technology . . . . .	..	1	..	11
Space . . . . .	..	..	..	..
Steel and Mines . . . . .	4	..	4	17
Textiles . . . . .	..	..	..	2
Tourism . . . . .	..	1	3	6
Transport . . . . .	..	1	10	31
Urban Development . . . . .	2	3	1	25
Water Resources . . . . .	..	1	..	3
Welfare . . . . .	..	..	3	16
<b>Total :</b>	<b>31</b>	<b>29</b>	<b>98</b>	<b>471</b>

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