

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(2007-2008)**

(FOURTEENTH LOK SABHA)

TWENTY FIRST REPORT

REQUESTS FOR DROPPING OF
ASSURANCES

(Presented to Lok Sabha on 11 March, 2008)



**LOK SABHA SECRETARIAT
NEW DELHI**

March, 2008/ Phalguna, 1929 (Saka)

CONTENTS

	PAGE
Composition of the Committee (2007-2008)	(iv)
Introduction	(v)
Chapter I Requests for dropping of Assurances (Not Accepted)	
(i) Unstarred Question No.2000 dated 10 August, 1987 regarding Ownership Rights in Resettlement Colonies.	1
(ii) Unstarred Question No.2261 dated 07 December, 2005 regarding Corrupt Practices in Admission Test for BHMS Course.	7
(iii) Unstarred Question No.1529 dated 14 March, 2005 regarding Increase in Natural Resources.	11
(iv) Unstarred Question No. 1014 dated 01 August, 2006 regarding Increase in working hours.	15
(v) Unstarred Question No. 5894 dated 04 May, 2005 regarding Examination of 1977 Protocols to Geneva Convention.	20
(vi) Unstarred Question No. 2356 dated 08 December, 2005 regarding 'LNG Storage Facilities'.	24
Chapter II Requests for dropping of Assurances (Accepted)	
(i) Unstarred Question No.2793 dated 20 March, 2002 regarding Selling of Foreign Exchange.	28
(ii) Unstarred Question No. 214 dated 22 November, 2006 regarding Link Road Under NHDP in Kerala.	31

APPENDICES

- I Minutes of the Sitting of the Committee held on 25 July 2007.
- II Minutes of the Sitting of the Committee held on 19 December 2007.

COMPOSITION OF THE COMMITTEE
ON GOVERNMENT ASSURANCES*
(2007-2008)

Shri Harin Pathak - CHAIRMAN

MEMBERS

2. Shri Rashid J.M.Aaron
3. Shri Yogi Aditya Nath
4. Km. Mamata Banerjee
5. Shri Jigajinagi Ramesh Chandappa
6. Dr. K. Dhanaraju
7. Shri Biren Singh Engti
8. Shri Sunil Khan
9. Shri Vijoy Krishna
10. Shri Rasheed Masood
11. Shri A. Venkatesh Naik
12. Shri Nihal Chand
13. Smt. M.S.K. Bhavani Rajenthiran
14. Shri Rajiv Ranjan 'Lalan' Singh
15. Shri Aruna Kumar Vundavalli

SECRETARIAT

- | | | | |
|----|--------------------|---|---------------------|
| 1. | Shri S. Bal Shekar | - | Joint Secretary |
| 2. | Shri Hardev Singh | - | Director |
| 3. | Shri B.S. Dahiya | - | Deputy Secretary |
| 4. | Shri V.P. Goel | - | Deputy Secretary-II |

* The Committee was constituted on 07 August 2007 vide Para No.3783 of Lok Sabha Bulletin Part-II dated 06 August 2007.

INTRODUCTION

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

2. The Committee (2007-2008) was constituted on 7 August 2007.
3. The Committee (2006-2007) at their sitting held on 25 July, 2007 considered Memoranda Nos.72 to 81 containing requests received from the Ministries/Departments of the Government of India for dropping of pending assurances. Memorandum No. 78 regarding assurance given in reply to USQ No. 901 dated 29 November, 2005 regarding passenger ships services was kept pending and subsequently considered and dropped by the Committee at their sitting held on 2 August, 2007. Memorandum No. 79 regarding assurance given in reply to USQ No. 747 dated 28 July, 2005 regarding disinvestments of IA/AI was implemented vide statement laid on 31 August, 2007. Accordingly, these Memoranda have not been included in the Report.
4. At their sitting held on 19 December, 2007, the Committee (2007-2008) considered and adopted their Twenty First Report.
5. The minutes of the aforesaid sittings of the Committee form part of this Report. (Appendices).
6. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the Report.

New Delhi;

28 February, 2008
09 Phalguna, 1929 (Saka)

HARIN PATHAK

CHAIRMAN

COMMITTEE ON GOVERNMENT ASSURANCES

REPORT
CHAPTER-I

REQUESTS FOR DROPPING OF ASSURANCES (NOT ACCEPTED)

(I) OWNERSHIP RIGHTS IN RESETTLEMENT COLONIES

1.1 On 10 August, 1987, Shri Bharat Singh and Dr. Chandra Shekhar Tripathi, M.Ps., addressed the following Unstarred Question No.2000 to the Minister of Urban Development:-

“(a) whether there is a proposal for giving ownership rights in resettlement colonies;

(b) if so, the time by which the same will be implemented?”

1.2 In reply, the then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) stated as follows:-

“(a): Yes, Sir. The Government of India, the erstwhile Ministry of Works & Housing vide their letter No.K-14014(20)/73/DDIIB (Volume 2) dated 4th/5th September 1980 conveyed the decision regarding conferment of lease-hold rights to the actual allottees of 25sq.yds. plots developed under the jhuggies and jhopries Removal Scheme in Delhi. A proposal to give lease hold rights even to the un-authorised occupants is also received and is presently under consideration of the Government.

(b): It is not feasible to specify the time by which the same will be implemented.”

1.3 The above reply to the question was treated as an assurance and was required to be fulfilled by the Ministry of Urban Development within three months of the date of the reply *i.e.* by 09 November 1987. However the assurance is yet to be fulfilled. The Ministry has not sought extension of time beyond 10 February 2007.

1.4 The Ministry of Urban Development vide O.M.No.H-11016/59/87-DDIIB dated 14 January 2002 and O.M dated 25 November 2006 requested for dropping the assurance on the grounds that the Jhuggi Jhopri Removal Scheme was drawn up in 1960 with a view to remove encroachment from public lands in Delhi. Under the Scheme, as modified from time to time, over 2 lakh squatter families were resettled. In September 1980, it was decided to confirm lease hold rights on the allottees of the plots/tenements developed/constructed under the Scheme.

1.5 It was subsequently reported by Slum Wing of DDA that there was practically no response from the allottees to get lease hold rights, as only very few lease deeds were executed. Further, more than 50% of the plots were reported to have changed hands and the unauthorized occupants were not entitled to get lease hold rights under the existing orders. Keeping this in view, it was proposed that lease hold rights may be conferred on the existing occupants.

1.6 The Ministry further stated that the matter was got examined with GNCTD. In June 1996 GNCTD proposed to recover one-time premium @Rs.5,000/- per plot from the original allottees and Rs.10,000/- per plot from the 'Unauthorized occupants' (other than trespassers). In the meantime, Government of India had decided to convert lease-hold rights into free-hold in Delhi and orders were issued on 14 February 1992. As per the policy, no conversion fee is to be charged on a plot measuring up to 50 sqm. In view of this decision, it was decided to process the case for granting free-hold rights to "authorized allottees" and "unauthorized occupants" of 25 square yards plots.

1.7 After protracted correspondence and various meetings with the concerned authorities, a Cabinet Note was prepared and sent to Cabinet Secretariat on 14 September 1998 for approval of Cabinet. This proposal inter-alia had the proposal to grant free hold rights to the unauthorized occupants (except the trespassers). However, the Cabinet Secretariat returned the proposal with certain observations vide their letter dated 21 September 1998.

1.8 The Ministry also stated that as the case was being re-examined in the light of observations made by the Cabinet Secretariat, it came to knowledge that Delhi High Court in its order passed on 12 October 1998 in CWP No.4215/95 – Pitampura Sudhar Samiti & Another Vs Government of NCT of Delhi & others – has inter-alia directed that “the land allotted on relocation basis or under relocation scheme shall not be converted into free hold till further orders”. Therefore, the further processing of the case has been stalled.

1.9 The Government of NCT of Delhi and Slum & JJ Department (MCD) filed applications in the Delhi High Court making distinction between the JJR Scheme and the present relocation policy and has prayed to clarify/modify the order to the extent that it does not apply to the conferment of free hold ownership rights in the resettlement colonies. However, the court has not so far clarified/modified its order and the stay still continues

1.10 In view of the above, the Ministry, with the approval of Minister of Urban Development, requested that the assurance may be deleted from the list of pending assurances.

1.11 The Committee at their sitting held on 20 January, 1992 reviewed the pending assurances pertaining to Eighth Lok Sabha and decided to pursue this

assurance. The Committee once again reviewed the assurance at their sitting held on 25 July, 2007 and decided not to drop the assurance.

1.12. The Committee note that a question regarding Ownership Rights in Resettlement Colonies was asked on 10 August, 1987. The Question sought information regarding proposal for giving ownership rights in resettlement colonies In reply, it was inter-alia stated by the Government that a proposal regarding conferment of lease-hold rights to the actual allottees of 25 sq.yards plots developed under the Jhuggies and Jhopries Removal (JJR) Scheme in Delhi and also a proposal to give lease hold rights even to the unauthorised occupants, was under consideration. This reply to the question was treated as an assurance. The assurance remained unimplemented. However, the Ministry of Urban Development requested for the dropping of the same inter-alia on the ground that further processing of the case had been stalled in view of order dated 12 October 1998 of Delhi High Court. This request of the Ministry was considered by the Committee at their sitting held on 25 July 2007 and it was decided not to drop the assurance.

1.13 The Committee note that the assurance was given twenty years ago and even after the lapse of such a long period the Ministry has not been able to implement the same. In these twenty long years the proposal for conferment of lease-hold rights to the actual allottees and unauthorized occupants of 25 Sq.yards plots developed under JJR Scheme, shuttled from one wing of the Government to another. According to the Ministry, the Delhi High Court on 12th October, 1998 in CWP No. 4215/95-(In the case titled "Pitampura Sudhar Samiti and

another" vs Government of NCT of Delhi and others") had directed that the land allotted on relocation basis or under relocation scheme shall not be converted into free hold till further orders. The Ministry has also informed the Committee that the Government of NCT of Delhi and Slum and JJ Department (MCD) had filed applications in the Delhi High Court for making distinction between the JJR Scheme and the present relocation policy. They had also prayed the Delhi High Court to clarify/modify their order to the extent that it does not apply to the conferment of free hold ownership rights in resettlement colonies.

1.14 The Committee are of the view that the matter is related to ownership rights in resettlement colonies of thousands of poor people and therefore desire that it may be actively pursued in the Court of Law for necessary clarifications and also for early hearing of the case.

(II) CORRUPT PRACTICES IN ADMISSION TEST FOR BHMS COURSE

1.15 On 07 December, 2005, Shri Hannan Mollah, MP addressed the following Unstarred Question No. 2261 to the Minister of Health & Family Welfare:-

- (a) whether the Government is aware of several corrupt Institute of Homoeopathy (NIH) in 2003-2005; practices in the admission test for Bachelor of Homoeopathic Medicine and Surgery (BHMS) course of the National
- (b) if so, the details thereof; and
- (c) the action taken by the Government in this regard?

1.16 In reply, the Minister of State in the Ministry of Health and Family welfare (Smt. Panabaka Lakshmi) stated as follows:-

(a) to (c): Government has received complaints alleging irregularities like allowing impersonators in the admission test for Bachelor of Homoeopathic Medicine and Surgery (BHMS) course of the National Institute of Homoeopathy (NIH) in 2003-2005. National Institute of Homoeopathy, Kolkata clarified that during the admission tests for the Bachelor of Homoeopathic Medicine and Surgery Course for the sessions 2003-2005, eight candidates were found to be impersonators and so their eligibility for admission was cancelled by the Institute. Other allegations are being enquired into.

1.17 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of Health and Family Welfare within three months of the date of reply, i.e. by 06 March 2006 but the assurance is yet to be implemented. The Ministry has not sought extension of time beyond 07.12.2006 to implement the assurance.

1.18 The Ministry of Health and Family Welfare, *vide* their O.M. No. 11016/10/2006-HD dated 29 November/12 December 2006 requested for

dropping the assurance on the ground that in reply to the aforesaid question the sentence "Other allegations are being enquired into" crept into the reply inadvertently and was not intended to be part of the reply to this question. The only irregularity which had come to the notice of Government regarding the admission tests for the BHMS in the National Institute of Homoeopathy (NIH), Kolkata in the sessions 2003-04 and 2004-05, was a total of eight attempts of impersonation which were duly detected and these facts were given in the reply to the question.

1.19 Accordingly, the Ministry, with the approval of Hon'ble MOS (H&FW), requested the Committee to treat the assurance as fulfilled and drop it from the pending list of assurances.

1.20 The Committee note that a question regarding Corrupt Practices in Admission Test for Bachelor of Homoeopathic Medicine and Surgery Course (BHMS) was asked on 07 December, 2005. The question sought information regarding details of corrupt practices in the admission test for BHMS Course in 2003-2005, and the action taken by the Government in this regard. In reply, it was stated by the Government that complaints alleging irregularities were received and National Institute of Homoeopathy, Kolkata clarified that candidature of eight impersonating candidates for the test was cancelled. It was further stated that other allegations were being enquired into. This reply was treated as an assurance but the assurance remained unimplemented. However, the Ministry of the Health and Family Welfare requested that the assurance may be treated as fulfilled and the assurance may be dropped inter-alia on the ground that the statement that "Other allegations are being enquired into" had crept into the reply inadvertently and was not intended to be a part of the reply. It was also stated that only eight attempts of impersonation were duly detected, and the position was given in the reply to the question. The Committee considered this request of the Ministry at their sitting held on 25 July, 2007 and decided not to drop the assurance.

1.21 The Committee observe that the Ministry had specifically stated in their reply to the above question that "Other allegations were being enquired into". However, while requesting for dropping the assurance

it has been stated that the phrase "Other allegations are being enquired into" crept into the reply inadvertently. The Committee wonder that if it was so, then the reply given by the Ministry in the year 2005 should have been corrected and a fresh copy of the corrected reply should have been laid on the Table of the House. The Committee are anguished to note that the Ministry has acted in a very casual manner in replying to a Parliamentary Question. The Committee, therefore, want a clarification on this issue from the Ministry urgently and strongly recommend that steps be taken to stop the recurrence of such serious mistakes/lapses in future. Meanwhile, the Committee desire that the Ministry should implement the assurance by laying the details of the attempts of eight impersonations at the earliest.

(III) INCREASE IN NATURAL RESOURCES

1.22 On 14 March, 2005, Sarvashri Anajan Kumar M. Yadav and Sunil Kumar Mahato, M.Ps., addressed the following Unstarred Question No.1529 to the Minister of Environment and Forests:-

- “(a) the quantum of natural resources available in each State of the country at present;
- (b) the measures adopted by the Government to increase the natural resources in each State;
- (c) the State of development at the time of independence of India and after 50 years of independence in each State; and
- (d) the reaction of the Government on the development of these resources?”

1.23 In reply, the Minister of State in the Ministry of Environment and Forests (Shri Namo Narain Meena) stated as follows:-

- “(a) to (d) Information is being collected and will be laid on the Table of the House.”

1.24 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of Environment and Forests within three months of the date of the reply i.e. 13 June 2005. However the assurance is yet to be implemented. The Ministry has sought extension of time upto 04.03.2008 to implement the assurance.

1.25 The Ministry of Environment and Forests vide O.M.No.8/1/2005-EI dated 01 December 2006 requested for dropping the assurance on the following grounds:-

“that the continuous effort has been made to get information from the State Governments and Union Territories. However, assurance could not be fulfilled due to non-receipt of information from the State/UTs within stipulated time-

frame and extension of time has been sought. The present extension is upto 3 December 2006. The Ministry further stated that no authentic estimate of the country's natural resources i.e., land, soil, water, forests, grasslands, wetlands, minerals, etc. at the time of independence is available either with the Ministry or with the State/UTs Governments. Further, even today consolidated data on natural resources other than forests is neither available with the State/UT Governments nor with the Central Government. Information on Forests Resources is available because Forest Cover assessment of the country on a two year cycle is carried out by Forest Survey of India, Dehradun since 1987 and the information is published in the form of State of Forest Report (SFR). It is pertinent to mention that it is conceptually impossible to make an assessment of the quantity of natural resources in any State/UT only limited systematic studies have been carried out to conduct a survey for the exact estimate of specific natural resources in limited areas".

1.26 In view of the above, the Ministry with the approval of Minister of Environment of Forests (MEF), requested that the assurance may be deleted from the list of pending assurances.

1.27 The Committee note that a question regarding Increase in Natural Resources was asked on 14 March, 2005. The question *inter-alia* sought information regarding the quantum of natural resources available in each State of the country, the measures adopted to increase the natural resources in each State, the status of development of Natural Resources at the time of independence vis-à-vis after 50 years of the independence state-wise and the reaction of the Union Government on the development of these resources. In reply, it was stated by the Government that information would be collected and laid on the table of the House. This reply was treated as an assurance. As the assurance remained unimplemented, the Ministry of Environment and Forests requested for the dropping of the same on the ground that no authentic estimate of the country's natural resources, i.e. land, soil, water, forests, grasslands, wetlands, minerals, etc. at the time of independence was available either with the State/UT Governments or with the Union Government . It was also stated that it is conceptually impossible to make an assessment of the quantity of natural resources in any State/UT and only limited systematic studies have been carried to conduct a survey for the exact estimate of specific natural resources in limited areas. The Committee considered this request of the Ministry at their sitting held on 25 July, 2007 and decided not to drop the assurance.

1.28 The Committee note that in the above question not only information about quantum of natural resources available in each State

of the Country was sought but also information regarding development of these scarce resources was sought. However, the Ministry has not furnished any information for the development of natural resources. The Committee would, therefore, like to be apprised of the general steps taken by the Government for the development of natural resources since independence in the shape and style of an implementation report.

(IV) INCREASE IN WORKING HOURS

1.29 On 01 August, 2006, Sarvashri Bhanu Pratap Singh Verma and Kailash Meghwal, M.Ps., addressed the following Unstarred Question No.1014 to the Minister of Textiles:-

- “(a) whether the Government has constituted a Group of Ministers (GoM)/ a Committee for making changes in the terms and conditions of service of labourers working in the factories and industry under Ministry of Textiles;
- (b) if so, the terms of reference thereof;
- (c) whether a proposal to make changes in the working hours from 8 hours to 12 hours daily and from 48 hours to 60 hours weekly and making changes in the Factory Act is under consideration of the GoM;
- (d) if so, the details thereof;
- (e) whether the GoM/Committee has submitted its report;
- (f) if so, the details thereof and the reaction thereto; and
- (g) the name of the competent authority / Department empowered to make changes in the Factory Act?”

1.30 In reply, the Minister of State in the Ministry of Textiles (Shri E.V.K.S. Elangovan) stated as follows:-

“(a) to (g): The Government has constituted a Group of Ministers (GoM) on the “Textile Export scenario – performance, prospects and the way forward”. The GoM held its meeting on 15th May, 2006, in which it considered inter-alia the following proposals for providing flexibilities in labour laws in the textile sector:

- i) Provide flexibility to textile exporting units in hiring labour, by amendment to the Industrial Disputes Act. 1947, exempting textile units (units exporting 75% of their annual production) from the provisions of Chapter V(B), provided such units give employment for at least 100 days in a year for all their workers.

ii) Treating export activity in the textile sector as a public utility service, for the purpose of industrial dispute. This would require amendment to the Section 2(n) of the Industrial Disputes Act. 1947 declaring textile export activity as Public Utility Service.

iii) Amendment in Section 51 and 54 of the Factories Act. 1948 to increase the weekly working hours from 48 hrs per week to 60 hours per week and the daily working hours from 9 hours a day to 12 hours a day. The workers would suitably be compensated for working during the extra working hours.

The GoM, in its meeting of 15th May, 2006, decided inter-alia that the consultations be held with Chief Ministers / Industry Ministers of State Governments / Trade Unions leaders and other stake holders for considering proposed amendments in the Industrial Disputes Act. 1947 and Factories Act.1948. Power and transaction costs which are other State related issues be also deliberated upon during these consultations.

Accordingly, a Conference of the State Governments / Trade Unions and Textile Industry Associations was held on 25.7.2006 and discussed the labour, power and transaction cost issues in textile sector. The GoM has not finalised its recommendations in the matter as yet."

1.31 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of Textiles within three months of the date of the reply i.e. by 31 October, 2006. However the assurance is yet to be implemented. The Ministry has not sought extension of time beyond 30 June, 2007 to implement the assurance

1.32 The Ministry of Textiles vide their O.M.No.10/21/2006-EP dated 15 November, 2006 requested for dropping the assurance on the ground that the meeting of the Group of Ministers has not yet been held, and is still awaiting views from various Ministries/Departments on the note circulated.

1.33 In view of the above, the Ministry with the approval of Hon'ble Minister of State for Textiles requested that the reply to the above said question may be dropped from the list of pending assurance.

1.34 The Committee note that a question regarding Increase in Working Hours was asked on 01 August, 2006. The question sought information regarding proposal to make changes in the working hours of labourers working in the factories and the amendment of the Factory Act and the related details. In reply, it was *inter-alia* stated by the Government that a Group of Ministers (GoM) was constituted in this regard which held its meeting on 15 May, 2006, in this meeting issues i.e. (i) providing flexibility to textile exporting units in hiring labour, by amendment to the Industrial Disputes Act, 1947, (ii) treating export activity in the textile sector as a public utility service, and (iii) proposal to amend Section 51 and 54 of the Factories Act, 1948 to increase the weekly working hours from 48 to 60 per week and to increase daily working hours from 9 hours to 12 hours a day, were surfaced. It was also decided in that meeting of the Group of Ministers (GoM) to have consultations with Chief Ministers/Industry Ministers of respective State Governments/Trade Union Leaders and other stake holders for considering these proposed amendments in the Industrial Disputes Act, 1947 and Factories Act, 1948. Accordingly a conference had been held on 25.07.2006, but the recommendations of GoM were yet to be finalised. This reply was treated as an assurance. The assurance remained unimplemented. However, the Ministry of Textiles requested for the dropping of this assurance on the ground that the meeting of the GoM has not yet been held and the Ministry is awaiting views from various Ministries/Departments on the note circulated. The

Committee considered this request of the Ministry at their sitting held on 25 July, 2007 and decided not to drop the assurance.

1.35 The Committee are not convinced about the reasons for seeking the dropping the assurance. They desire that the matter should be pursued vigorously with the State Governments/Union Territories for expediting the requisite information on the note circulated to them and inform the Committee of the information received from various Ministries/Department so far. The Committee also desire that efforts be made to convene the meeting of GoMs at the earliest. They may be kept informed about the progress made in the matter on a monthly basis. The Committee would like to know whether the consultations with Chief Ministers/Industry Ministers of respective State Government/Trade Union Leaders and other Stakeholders for considering the proposed amendments to the Industrial Disputes Act, 1947 and Factories Act, 1948 have since been held and if so the outcome thereof.

(V) EXAMINATION OF 1977 PROTOCOLS TO GENEVA CONVENTION

1.36 On 4 May, 2005, S/Shri Kishanbhai V. Patel, Anandrao V. Adsul and Sugrib Singh, MPs addressed the following Unstarred Question No.5894 to the Minister of External Affairs:-

- “(a) whether the Government proposes to examine the 1977 Protocols to the Geneva Convention of 1949;
- (b) if so, the details in this regard;
- (c) whether the National Human rights Commission (NHRC) has requested the Government to complete its examination of the 1977 Protocols at the earliest;
- (d) if so, the details thereof; and
- (e) the time by when the Government is likely to complete the examination in this regard and submit its comments to the NHRC?”

1.37 In reply, the Minister of State in the Ministry of External Affairs (Shri E. Ahamed) stated as follows:-

“(a) to (e) This Ministry is examining the substantive aspects of the two 1977 Additional Protocols to the Geneva Conventions of 1949 in consultation with the concerned Ministries and Agencies. The NHRC has also been in touch with the Government in this regard.”

1.38 The reply to the above question was treated as an assurance and was required to be implemented by the Ministry of External Affairs within three months of the date of the reply i.e. by 4 August, 2005 but the assurance is yet to be implemented. The Ministry has sought extension of time upto March 2008.

1.39 The Ministry of External Affairs vide O.M.No.UII/125/2/2005 dated 5 July, 2005 requested for dropping of the assurance on the following grounds:-

“That the issue of accession by the Government to the 1977 Additional Protocols to the Geneva Conventions of 1949 remains under consideration of the

Government. The issue of reviewing International Humanitarian Law and the Geneva Conventions has acquired salience in the light of the changing nature of armed conflict, including some of the current conflicts in Iraq, Afghanistan and the African region, as well as the legal framework to deal with non-State actors and terrorists. A thorough examination of substantive aspects of these protocols is therefore, needed. While Ministry is examining these protocols and monitoring relevant developments the subject matter also concerns various other agencies, including the Ministry of Defence and the Ministry of Home Affairs. This requires inter-Ministerial consultations to discuss various aspects including the implications of accession to these protocols. It is felt that while the concerned Ministries and Agencies are engaged in the process of examination because of the evolving nature of the issues involved, it would be difficult to indicate any definite time frame for completion of examination.”

1.40 The request of the Ministry was considered by the Committee at their sitting held on 09 September, 2005 and it was decided not to drop the assurance. Accordingly, the Committee in their Seventh Report (14th Lok Sabha) recommended *inter-alia* that the process of examination of the Geneva Convention should be taken to its logical conclusion. The Ministry was informed of the decision of the Committee.

1.41 The Ministry of External Affairs vide their letter No.UII/125/2/2005 dated 07 December 2005 again requested the Committee with the approval of Minister of State in the Ministry of External Affairs, to reconsider their decision afresh and drop the assurance on the following grounds:-

“That the issue of accession by the Government to the 1977 Additional Protocols to the Geneva Conventions of 1949 remains under consideration of the Government. However, this issue requires a thorough examination of the substantive aspects of these protocols, keeping in view several factors including International Humanitarian Law, armed conflicts in various parts of the world, terrorism, non-State actors etc. The implications of accession to these protocols for Government of India have also to be studied in detail. While consultations involving the Ministry of Defence and Ministry of Home Affairs on these issues have been going on, due to the complexities of issues, it is not possible to indicate a definite time frame for the completion of these consultations to take a holistic view.”

1.42 The Committee note that a question regarding Examination of 1977 Additional Protocols to the Geneva Convention of 1949 was asked on 04 May, 2005. The question sought information regarding proposal of the Government to examine the two 1977 Additional Protocols to the Geneva Convention of 1949, its details, request of the National Human Rights Commission (NHRC) to complete examination of the 1977 Additional Protocols at the earliest and the time by which it would be completed. In reply, it was stated by the Government that the substantive aspects of the two 1977 Additional Protocols to the Geneva Conventions of 1949, in consultation with the concerned Ministries and agencies, were under examination and NHRC was also in touch with the Government. This reply was treated as an assurance. However, the Ministry of External Affairs requested for dropping the same *inter-alia* on the ground that the issue requires a thorough examination of the substantive aspects of Geneva protocols and the implications of accession to these Protocols have also to be studied in detail. According to them though the consultations with the Ministry of Defence and Ministry of Home Affairs are in progress, but due to the complexities of issues, it is not possible to indicate a definite time frame for the completion of the consultations. The Committee reconsidered the request of the Ministry at their sitting held on 25 July, 2007 and decided not to drop the assurance.

1.43 The Committee note that the issue requires a thorough examination of the substantive aspects of Additional Protocols.

Moreover, the implications of accession to these Protocols have also to be studied in detail. However, the Ministry has mentioned nothing about the steps taken by it in this regard. The Committee do agree with the contention of the Ministry that the assurance involves complex issues besides being a time consuming one, but the Committee would reiterate its earlier recommendation contained in their 7th Report (14th Lok Sabha) that the process of examination of the Geneva Convention Protocols should be expedited and taken to its logical conclusion. The Committee also desire to be apprised of the steps taken by the Government in this regard on the recommendations contained in 7th Report (14th Lok Sabha) at the earliest. The Ministry should, in the meantime, submit a request for further extension of time to implement the assurance.

(VI) LNG STORAGE FACILITIES

1.44 On 08 December, 2005 Shri M. Raja Mohan Reddy, MP addressed the Unstarred Question No. 2356 to the Minister of Petroleum and Natural Gas referring to the reply given to Unstarred Question No.606, dated March 3, 2005 regarding `Storage of Natural Gas` and desired to know the steps taken by the Government to develop underground natural gas storage facilities in the country.

1.45 In reply, the then Minister of Petroleum and Natural Gas (Shri Mani Shankar Aiyar) stated as follows:-

“The Oil Industry Development Board (OIDB) have been entrusted with the task of building Strategic Natural Gas Storage. They have been asked to engage consultants to prepare the pre-feasibility report and detailed feasibility report for the project. The proposal is at a preliminary stage.”

1.46 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of Petroleum and Natural Gas within three months of the date of reply, i.e. by 07 February, 2006; but the assurance is yet to be implemented. The Ministry has not sought extension of time even after conveying the decision of the Committee.

1.47 The Ministry of Petroleum and Natural Gas *vide* their O.M. No. L-15014/91/05-GP dated 03 May, 2006 and 15 January, 2007 requested for dropping the assurance on the following grounds alongwith the status report:-

STATUS REPORT

- (i) OID Board in its 66th meeting held on 15.12.2005 in New Delhi has approved the proposal of EIL for preparation of PFR for Storage of Natural Gas and to approach Central Government to accord approval for award of work to EIL.
- (ii) The Secretary (P&NG) has also set up one Committee to oversee and monitor the progress on the report and another committee to provide data to EIL on depleted Oil & Gas fields; and
- (iii) The Committee have had their first meeting and have requested DG (Hydrocarbons) to provide geological data on depleted Oil & Gas Fields in the country.

1.48 The Ministry has further stated reasons for dropping the assurance that the setting up of natural gas storage is a long drawn process involving *inter-alia* identification of possible locations where natural gas could be sorted viz., depleted oil/gas fields, aquifers, salt caverns/rock caverns, etc., preparation of PFR, preparation of DFR, deciding about the project structure, arranging the financing, sourcing gas, etc. As such, at this juncture, it may be appreciated that the development of an underground natural gas storage facility is still at a very preliminary stage and the assurance for setting up the same is not likely to be fulfilled in the near future."

1.49 The Ministry further, requested that the reply to the question may be deemed as complete and the reply may not be construed as an assurance.

1.50 In view of the above, the Ministry, with the approval of MOS (P&NG), requested to drop the assurance.

1.51 The Committee note that a question referring to the earlier reply given to Unstarred Question No. 606 dated 3 March, 2005 regarding Storage of Natural Gas, was asked on 08 December, 2005. The question sought information regarding the steps taken by the Government to develop underground natural gas storage facilities in the country. In reply, it was stated by the Government that the Oil Industry Development Board (OIDB) has been entrusted the task of building Strategic Natural Gas Storage and have been asked to engage consultants to prepare the pre-feasibility report and detailed feasibility report for this project. It was also stated that the proposal was at a preliminary stage. This reply was treated as an assurance. The Ministry of Petroleum and Natural Gas has now requested for the dropping of the assurance on the ground that the setting up of natural gas storage was a long drawn process involving inter-alia identification of possible locations where natural gas can be stored and as such the assurance cannot be implemented in the near future. The Ministry has also furnished a Status Report on the assurance. This request of the Ministry was considered by the Committee at their sitting held on 25 July, 2007 and the Committee decided not to drop the assurance.

1.52 The Committee note from the Status Report that the OID Board approved the proposal of EIL for preparation of PFR for storage of natural gas and to approach Central Government to accord approval for awarding work to EIL in December, 2005 and desire to know whether the Central Government has since been approached in this regard and

if so, the response of the Government thereon. The Committee also note that a Committee has been formed to oversee and monitor the progress of the Report and DG (Hydrocarbons) has been requested to provide geological data on depleted oil and gas fields in the country. They desire to be informed of the progress made so far in this regard.

1.53 The Committee observe that the matter of building a Strategic Natural Gas Storage has a lot of implications for the energy security of India in critical times and desire that all the work in this connection should be taken up with utmost serious within a definite time frame.

CHAPTER-II

REQUESTS FOR DROPPING OF ASSURANCES (ACCEPTED)

(I) SELLING OF FOREIGN EXCHANGE

2.1 On 20 March, 2002, Shri Gutha Sukender Reddy, MP addressed the following Unstarred Question No. 2793 to the Minister of Communications and Information Technology:-

- “(a) whether the facility for buying and selling of foreign exchange will be made available in some of the identified post offices in the country;
- (b) if so, the foreign currencies which will be made available in post offices;
- (c) the time by which this scheme is likely to be launched; and
- (d) the details in this regard?”

2.2 In reply, the then Minister of State in the Ministry of Communications and Information Technology (Shri Tapan Sikdar) stated as follows:-

“(a) to (d): A proposal to provide facilities for buying and selling of Foreign Exchange from identified post offices is under consideration and a decision will be taken based upon technical and commercial feasibility.”

2.3 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of Communications and Information Technology within three months of the date of reply, i.e. by 19 June, 2002 but the assurance is yet to be implemented.

2.4 The Ministry of Communications and Information Technology (Department of Posts) *vide* their O.M. No. 61-13/2002-SB dated 19 December, 2005 and 12 December, 2006 requested for dropping the assurance on the ground that the proposal to start the Foreign Exchange Service is under process to take a

decision in favour or otherwise. Moreover, there has been no competitive response to an open Expression of Interest for a partner to operate the Service. Hence, the service would not be effectively started. The Department of Posts is new to this work and requires a reputed partner to see it through 2-3 years of service before it is able to confidently and independently handle the technicalities of Foreign Exchange sale & purchase. A reputed partner is important, as there is a lot of trust in the post office, which should not be adversely affected. The Ministry has requested that since the assurance involves providing one more financial service, subject to the commercial and procedural aspects being followed, the Committee may like to consider dropping this assurance as its fulfillment is now entirely dependent on commercial considerations which is not fully within the control of the Department.

2.5 Accordingly, the Ministry with the approval of Hon'ble Minister of State in the Ministry of Communications and Information Technology, requested the Committee to drop the assurance.

2.6 The Committee note that a question regarding Selling of Foreign Exchange was asked on 20 March, 2002. The question sought information regarding making available the facility of buying and selling of foreign exchange in some of the identified post offices in the country, the foreign currencies which would be made available, the time by which the scheme would be launched and its details. In reply, it was stated by the Government that a proposal to provide facilities for buying and selling of foreign exchange from identified post offices was under consideration. This reply was treated as an assurance. However, the Ministry of Communications and Information Technology (Department of Posts) requested this Committee for the dropping of the same inter-alia on the ground that they have not received a competitive response to an open expression of interest for a partner to operate the service. The Department of Posts also informed "that Department of Posts is new to this work and requires a reputed partner to see it through 2-3 years of service before it is able to confidently and independently handle the technicalities of Foreign Exchange sale and purchase. According to the Ministry a reputed partner is important, as there is a lot of trust in the post office, which should not be adversely affected. The Committee considered this request of the Ministry at their sitting held on 25 July, 2007 and after being convinced with the reasons advanced by them acceded to the request of the Ministry to drop the assurance.

(II) LINK ROAD UNDER NHDP IN KERALA

2.7 On 22 November, 2006, Shri Pannian Ravindran, M.P., addressed the following Unstarred Question No.214 to the Minister of Shipping, Road Transport and Highways:-

- “(a) whether the Union Government has received a proposal from Kerala for a link road to Thiruvananthapuram under the National Highways Development Programme;
- (b) if so, the details thereof; and
- (c) the action taken by the Union Government in this regard?”

2.8 In reply, the Minister of State in the Ministry of Shipping, Road Transport and Highways (Shri K.H. Muniyappa) stated as follows:-

“(a) & (b): Proposal to link Thiruvananthapuram to National Highways Development Project (NHDP) via Kattakada-Kottoor-Ambasamundram-Tirunelveli at Tinneveli in Tamil Nadu has been received from the Government of Kerala.

(c): This proposal involves declaration of about 100 Km of State Road as National Highways. At present, the Government is concentrating on the development of already declared National Highways rather than expanding the National Highway network.”

2.9 The above reply to the question was treated as an assurance and was required to be implemented by the Ministry of Shipping, Road Transport and Highways within three months of the date of the reply i.e. by 21 February, 2007, but the assurance is yet to be implemented. The Ministry has not sought any extension of time to fulfil the assurance.

2.10 The Ministry of Shipping, Road Transport and Highways vide their O.M. No.H-11016/24/2006-KL(P7) dated 03 January, 2007 requested for dropping the assurance on the grounds that a careful reading of the reply given for part (a),

(b) and (c) of the question, indicates that the statement does not constitute any assurance as it is only a factual statement as well as a policy matter.

2.11 The Ministry of Shipping, Road Transport and Highways, therefore, with the approval of the Minister of State for Shipping, Road Transport and Highways, requested that the assurance may be dropped from the list of Assurances.

2.12 The Committee note that a question regarding Link Road under National Highway Development Programme (NHDP) in Kerala was asked on 22 November, 2006. The Question sought information regarding receipt of a proposal from the State Government of Kerala for a link road under NHDP. In reply, it was *inter-alia* stated by the Government that the said proposal was received by them but the Government was concentrating on the development of already declared National Highways rather than expanding the National Highway network. This reply was treated as an assurance. The Ministry of Shipping, Road Transport and Highways requested for dropping the same on the ground that the reply given, 'does not constitute any assurance and it is also a policy matter'. This request was considered by the Committee at their sitting held on 25 July, 2007 and the Committee decided to drop the assurance.

New Delhi;

28 February, 2008

09 Phalguna, 1929 (Saka)

HARIN PATHAK

CHAIRMAN

COMMITTEE ON GOVERNMENT ASSURANCES

MINUTES

NINTH SITTING

Minutes of the sitting of the Committee on Government Assurances (2006-2007) held on 25 July 2007 in Committee Room 'B', Parliament House Annexe, New Delhi.

The Committee sat from 1130 hours to 1230 hours on Wednesday, 25 July, 2007.

PRESENT

CHAIRMAN

Shri Harin Pathak

Members

2. Shri J.M. Aaroon Rashid
3. Shri Jigajinagi Ramesh Chandappa
4. Shri Biren Singh Engti
5. Shri Sunil Khan
6. Shri Vijoy Krishna
7. Shri Rasheed Masood
8. Smt. M.S.K. Bhavani Rajenthiran

Secretariat

- | | | | |
|----|-------------------|---|---------------------|
| 1. | Shri Hardev Singh | - | Director |
| 2. | Shri B.S. Dahiya | - | Deputy Secretary |
| 3. | Shri V.P. Goel | - | Deputy Secretary-II |

At the outset, the Chairman welcomed the Members to the sitting of the Committee and apprised them briefly about the agenda for the sitting. The Committee, thereafter, considered the draft Nineteenth report regarding requests for dropping of assurances and after discussion adopted the same without any amendments. The Committee authorized the Chairman to finalise the report and present the same to the House in the coming session. Thereafter, the Committee took up the following ten Memoranda containing requests received from various Ministries/Departments for dropping the assurances:-

Memorandum No.72 **Request for dropping the assurance given in reply to USQ No. 2000 dated 10 August, 1987 regarding 'Ownership Rights in Resettlement Colonies'.**

The Committee considered the above Memorandum and noted that the matter is related to thousands of poor people and is pending for the last twenty years. The Committee decided not to drop the assurance and desired that the matter be actively pursued in the Court of Law for necessary clarifications and for the vacation of the stay.

Memorandum No.73 **Request for dropping the assurance given in reply to USQ No. 2793 dated 20 March, 2002 regarding 'Selling of Foreign Exchange'.**

The Committee considered the above Memorandum and after being convinced with the reasons furnished by the Ministry, decided to drop the assurance.

Memorandum No.74 **Request for dropping the assurance given in reply to USQ No. 2261 dated 07 December**

2005 regarding 'Corrupt Practices in Admission Test for BHMS Course'.

The Committee considered the above Memorandum and noted that in the admission test for BHMS in National Institute Homoeopathy (NIH), Kolkatta, eight attempts of impersonation were detected and these facts were given in the reply. The Committee desire that the Ministry should implement the assurance by laying these facts on the Table of the House. They decided not to drop the assurance.

Memorandum No.75 Request for dropping the assurance given in reply to USQ No. 1529 dated 14 March 2005 regarding 'Increase in Natural Resources'.

The Committee considered the above Memorandum and noticed that neither the Ministry nor the State/UT Governments have authentic estimates of the country's natural resources, i.e. land, soil, water, forests, grasslands, wetlands, minerals, etc. The Committee is of the view that without proper record of the data, optimal utilization of the natural resources of the country is not possible. They therefore, decided not to drop the assurance and desired that proper data regarding the natural resources should be maintained by the Union Government, as this data would help them in formulating plans and policies for the growth and development of the country.

Memorandum No.76 Request for dropping the assurance given in reply to USQ No. 1014 dated 01 August 2006 regarding 'Increase in Working Hours'.

The Committee considered the above Memorandum and noted that the meeting of the Group of Ministers had not been held till date and the Ministry is still awaiting views from various Ministries/Departments on the note circulated by

them. The Committee was not convinced with the reasons forwarded by the Ministry and decided not to drop the assurance. The Committee desired that the meeting of the Group of the Ministers be convened early and the matter be finalised expeditiously.

Memorandum No.77 **Request for dropping the assurance given in reply to USQ No. 214 dated 22 November 2006 regarding 'Link Road Under NHDP in Kerala'.**

The Committee considered the above Memorandum and agreeing to the reasons advanced by the Ministry, decided to drop the assurance.

Memorandum No.78 **Request for dropping the assurance given in reply to USQ No. 901 dated 29 November 2005 regarding 'Passenger Ship Services'.**

The Committee considered the above Memorandum and decided to keep the request of the Ministry pending and to be placed before them for further consideration at their next sitting to be held on 02 August 2007.

Memorandum No.79 **Request for dropping the assurance given in reply to USQ No. 747 dated 28 July 2005 regarding 'Disinvestment of IA/AI'.**

The Committee considered the above Memorandum and noted that the Initial Public Offering (IPO) of both Air India and Indian Airlines have been put on hold due to the impending merger of the two airlines which is under consideration of the Government. The Committee, therefore, decided not to drop the assurance and desired a status report on the merger of IA and AI.

Memorandum No.80 **Request for dropping the assurance given in reply to USQ No. 5894 dated 04 May 2005 regarding 'Examination of 1977 Protocols to Geneva Convention'.**

The Committee considered the above Memorandum and noted that the issue of accession by the Government to the 1977 Additional Protocols to the Geneva Conventions of 1949 remains under the consideration of the Government. The Committee, therefore, decided not to drop the assurance and desired the Ministry to furnish the details of the steps taken by the Government in the matter at the earliest.

Memorandum No.81 Request for dropping the assurance given in reply to USQ No. 2356 dated 08 December 2005 regarding 'LNG Storage Facilities'.

The Committee considered the above Memorandum and desired that the status report regarding the development of the underground natural gas storage facility should be furnished by the Ministry for consideration by the Committee. As the process is still going on, the Committee decided not to drop the assurance.

The Committee then adjourned.

MINUTES THIRD SITTING

Minutes of the sitting of the Committee on Government Assurances (2007-2008) held on 19 December, 2007 in Committee Room No. 139 Parliament House Annexe, New Delhi.

The Committee sat from 1130 hours to 1230 hours on Wednesday, 19 December, 2007.

PRESENT

CHAIRMAN

Shri Harin Pathak

Members

2. Shri Jigajinagi Ramesh Chandappa
3. Dr. K. Dhanaraju
4. Shri Biren Singh Engti
5. Shri Sunil Khan
6. Shri Rasheed Masood
7. Smt. M.S.K. Bhavani Rajenthiran
8. Shri Rajiv Ranjan ' Lalan ' Singh

Secretariat

- | | | | |
|----|--------------------|---|------------------|
| 1. | Shri S. Bal Shekar | - | Joint Secretary |
| 2. | Shri Hardev Singh | - | Director |
| 3. | Shri B.S. Dahiya | - | Deputy Secretary |

At the outset, the Chairman welcomed the Members to the sitting of the Committee and apprised them briefly about the agenda for the sitting. The Committee, thereafter, considered the draft Twenty first and Twenty second reports regarding requests for dropping of assurances and after discussion adopted both the reports without any amendments. The Committee authorized the Chairman to finalise the reports and present them to the House in the ensuing session.

Thereafter, the Committee took up the following ten Memoranda containing requests received from various Ministries/Departments for dropping the assurances:-

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The Committee then adjourned.

