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COMMITTEE ON

GOVERNMENT ASSURANCES (2016-2017)

(SIXTEENTH LOK SABHA)

FIFTY- THIRD REPORT

REVIEW OF PENDING ASSURANCES PERTAINING TO THE MINISTRY OF CULTURE

Presented to Lok Sabha on 11/04/2017



LOK SABHA SECRETARIAT NEW DELHI

April, 2017/Chaitra, 1939 (Saka)

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COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES* (2016 - 2017)

Dr. Ramesh Pokhriyal "Nishank" - Chairperson

MEMBERS

- 2. Shri Rajendra Agrawal
- 3. @ Vacant
- 4. Shri Anto Antony
- 5. Shri Tariq Anwar
- 6. Prof. (Dr.) Sugata Bose
- 7. Shri Naranbhai Bhikhabhai Kachhadiya
- 8. Shri Bahadur Singh Koli
- 9. Shri Prahlad Singh Patel
- 10. Shri A.T. Nana Patil
- 11. Shri C.R. Patil
- 12. Shri Sunil Kumar Singh
- 13. Shri Taslimuddin
- 14. Shri K.C. Venugopal
- 15. Shri S.R. Vijay Kumar

SECRETARIAT

1. Shri R.S. Kambo - Additional Secretary

2. Shri P.C. Tripathy - Director

3. Shri S. L. Singh - Deputy Secretary

^{*} The Committee has been re-constituted w.e.f. 01 September, 2016 <u>vide</u> Para No. 4075 of Lok Sabha Bulletin Part-II dated 05 September, 2016

[@] Shri E. Ahamed passed away on 01 February 2017

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2. Shri J.M. Baisakh - Director

3. Shri S. L. Singh - Deputy Secretary

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Dr. Ramesh Pokhriyal "Nishank"

- Chairperson

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- 2. Shri Rajendra Agrawal
- 3. Shri E. Ahamed
- 4. Shri Anto Antony
- 5. Prof. (Dr.) Sugata Bose
- 6. Shri Narayanbhai Bhikhabhai Kachhadia
- 7. Shri Bahadur Singh Koli
- 8. Shri Prahlad Singh Patel
- 9. Shri A.T. Nana Patil
- 10. Shri C.R. Patil
- 11. Shri Sunil Kumar Singh
- 12. Shri Tasleem Uddin
- 13. Shri K.C. Venugopal
- 14. Shri S.R. Vijayakumar
- 15. Shri Tariq Anwar**

SECRETARIAT

1. Shri R.S. Kambo - Joint Secretary

2. Shri U.B.S. Negi - Director

3. Shri T.S. Rangarajan - Additional Director

- * The Committee was constituted w.e.f. 01 September, 2014 vide Para No. 633 of Lok Sabha Bulletin Part-II dated 02 September, 2014.
- ** Nominated to the Committee vide Para No.1281 of Lok Sabha Bulletin Part-II dated 05 February, 2015.

INTRODUCTION

I, the Chairperson of the Committee on Government Assurances (2016-2017),

having been authorized by the Committee to submit the Report on their behalf,

present this Fifty- Third Report (16th Lok Sabha) of the Committee on Government

Assurances.

2. The Committee (2014-2015) at their sitting held on 19 March, 2015 took oral

evidence of the representatives of the Ministry of Culture regarding pending

Assurances from the 03rd of Session of the 13th Lok Sabha to the 13th Session of

the 15th Lok Sabha.

3. At their sitting held on 06 April, 2017, the Committee (2016-2017) considered

and adopted their Fifty-Third Report.

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

Report.

5. For facility of reference and convenience, the Observations

Recommendations of the Committee have been printed in bold letters in the Report.

DR. RAMESH POKHRIYAL "NISHANK"

CHAIRPERSON COMMITTEE ON GOVERNMENT ASSURANCES

NEW DELHI;

07 April, 2017

17 Chaitra , 1939 (Saka)

(vi)

REPORT

I. Introductory

The Committee on Government Assurances scrutinize the Assurances, promises, undertakings etc., given by the Ministers from time to time on the floor of the House and report the extent to which such Assurances, promises, undertakings have been implemented. Once an Assurance has been given on the floor of the House, the same is required to be implemented within a period of three months. The Ministries/Departments of Government of India are under obligation to seek extension of time required beyond the prescribed period for fulfillment of the Assurance. Where a Ministry/Department are unable to implement an Assurance, that Ministry/Department are bound to request the Committee for dropping it. The Committee consider such requests and approve dropping, in case, they are convinced that grounds cited are justified. The Committee also examine whether the implementation of Assurances has taken place within the minimum time necessary for the purpose and the extent to which the Assurances have been implemented.

- 2. The Committee on Government Assurances (2009-10) took a policy decision to call the representatives of the various Ministries/Departments of the Government of India, in a phased manner, to review the pending Assurances, examine the reasons for pendency and analyze operation of the system prescribed in the Ministries/Departments for dealing with Assurances. The Committee also decided to consider the quality of Assurances implemented by the Government.
- 3. The Committee on Government Assurances (2014-2015) decided to follow the well established and time tested procedure of calling the representatives of the Ministries/Departments of Government of India, in a phased manner and review the pending Assurances. The Committee took a step further and decided to call the

representatives of the Ministry of Parliamentary Affairs also as all the Assurances are implemented through them.

4. In pursuance of the *ibid* decision, the Committee on Government Assurances (2014-2015) called the representatives of the Ministry of Culture and the Ministry of Parliamentary Affairs and examined the following 21 pending Assurances (Appendices –I to XXI) pertaining to the Ministry at their sitting held on 19 March, 2015:-

S.No.	SQ/USQ No. dated	Subject
1.	USQ No.4960 dated 26.04.2000	Recommendations of Fifth Pay Commission
2.	SQ No.6 dated 21.07.2003	(Appendix - I) Theft of Antiques (Appendix - II)
3.	SQ No.408 dated 03.05.2007	Illegal Trafficking in Anti-quities (Appendix -III)
4.	USQ No.685 dated 28.07.2010	National Commission for Heritage Sites (Appendix - IV)
5.	USQ No.343 dated 10.11.2010	Relics of Indian Culture in Foreign Countries (Appendix - V)
6.	USQ No.1880 dated 08.03.2011	National Welfare Fund for Artistes (Appendix - VI)
7.	USQ No.392 dated 02.08.2011	Protection of Paintings (Appendix - VII)
8.	USQ No.4439 dated 30.08.2011	Irregularities in National Museum (Appendix - VIII)
9.	USQ No.4263 dated 20.12.2011	Scholarships by CCRT (Appendix - IX)

10.	USQ No.4275 dated 20.12.2011	National School of Drama (Appendix - X)
11.	SQ No.19 dated 13.03.2012	Archaeological Expeditions Abroad (Appendix - XI)
12.	USQ No.105 dated 13.03.2012	Promotion of Folk Arts (Appendix - XII)
13.	USQ No.6229 dated 15.05.2012	National Heritage Commission (Appendix - XIII)
14.	USQ No.7581 dated 22.05.2012	Public Records Act (Appendix -XVI)
15.	SQ No.251 dated 11.12.2012	Cultural Awareness Programmes (Appendix - XV)
16.	USQ No.1182 dated 05.03.2013	Theft of Siva and Parvati idols (Appendix - XVI)
17.	USQ No.2351 dated 12.03.2013	Smugglings of Antique Objects (Appendix - XVII)
18.	USQ No.2514 dated 12.03.2013	Construction of Site Museum at Lalitgiri (Appendix - XVIII)
19.	USQ No.4790 dated 23.04.2013	Restructuring of ASI (Appendix - XIX)
20.	USQ No.6483 dated 07.05.2013	Irregularities in the Functioning of Academies (Appendix - XX)
21.	USQ No.6541 dated 07.05.2013	Amendment in Antiquities and Art Treasures Act, 1972 (Appendix - XXI)

5. The Extracts from Manual of Practice and Procedure in the Government of India, Ministry of Parliamentary Affairs laying guidelines on the definition of an Assurance, the time limit for its fulfillment, dropping/deletion and extension, the procedure for fulfillment etc., besides maintenance of Register of Assurances and periodical reviews to minimize delays in implementation of the Assurances are reproduced at Appendix-XXII.

6. During oral evidence, the Committee invited the attention of the representatives of the Ministry to the long pendency in the fulfillment of the above 21 Assurances and examined about the system of implementation of the Assurances in the Ministry. The Committee also enquired about the degree of compliance with the instructions regarding seeking extension of time/duration in cases where the Ministry/Department is unable to fulfill an Assurance within the prescribed period of 3 months. In his disposition, the Secretary, Ministry of Culture stated during evidence as under:-

"The Assurances are examined and analysed from time to time and requests for extension are forwarded with the permission of the Hon'ble Minister and appreciably there has been a noticeable reduction in the number of Assurances. Most of the Assurances which are left, relate to Amendment in Acts like there is an Amendment which relates to the Archeological Survey of India (ASI). The oldest Assurance relates to the Fifth Pay Commission which recommended for creation of a separate cadre for the Library staff. Apart from this, it suggested for classification and the ways in which classification is to be carried out. Third suggestion related to the amendment in pay scale. In addition to this, It suggested for creation of a cell in the Ministry. The main aim of the cell was that it would act as cadre controlling in case a cadre is created at the Centre. However, while an ad-hoc cell was formed, it has'nt vet been converted into a cadre. For this, consultations are underway. Committees have been formed. In between this, a new Pay Commission has been constituted and the Library Association has given memorandum of suggestions to the Seventh Pay Commission and we have forwarded it. We have put these facts before the Committee and have requested them to drop the Assurance. A Committee at the level of Joint Secretary has been set up and looking after this work. As the new Pay Commission has been constituted, it would only be just that all the points should be put before the Seventh Pay Commission only."

7. On being specifically asked as to whether the Ministry have a regular procedure for sending requests for seeking extension of time where the Ministry is unable to fulfil an Assurance within a specified period of 3 months, the Secretary, Culture, apprised the position in this regard as under:-

"we have seen the old files and came to know that reminders have been received from the Secretariat from time to time. In between, we did not ask for the extension of time. But, now we are seeking extension of time on regular basis."

8. Subsequently, 13 Assurances mentioned at Sl. Nos. 2, 4, 5, 6, 8,9,10,11,13,14,15, 18 and 20 have since been fully implemented on 29.04.2015, 05.08.2015, 09.12.2015, 04.03.2015, 05.08.2015, 29.04.2015, 09.03.2016, 10.08.2016, 05.08.2015, 04.05.2016, 09.12.2015 ,09.03.2016 and 10.08.2016 respectively and the Assurances mentioned at Sl Nos. 12 and 16 have since been dropped on 19.11.2015

Observations/Recommendations

9. The Committee note that out of 21 pending Assurances pertaining to the Ministry of Culture, the Assurances mentioned at Sl. Nos. 1,3,7,17, 19 and 21 are pending for more than 16, 09, 05, 04, 03 and 03 years respectively while the Assurances mentioned at Sl Nos. 2,4,5,6,8,9,10,11,13,14,15,18 and 20 could only be implemented/fulfilled after delays ranging from 3-13 years. The inordinate delays in the fulfillment of the Assurances clearly indicate the insouciant attitude of the Ministry in undertaking proper follow-up action once an Assurance has been made. The Committee are perturbed at the extent and period of pendency and inordinate delay in fulfillment of Assurances because of which the utility and relevance of the Assurances are lost. The Committee also observe that the Ministry have not been complying with the instructions regarding seeking of extension of time for fulfilling an Assurance in case the Ministry/Department are unable to fulfill it within the specified period of 3

months. The Committee recommend that the existing mechanism/system in the Ministry should be overhauled/ streamlined with a view to avoiding delay in fulfillment of Assurances particularly the pending ones and also in regard to seeking extension of time in respect of Assurances which cannot be fulfilled within the specified period. The Committee also desire that the Ministry should adopt a proactive approach and enhance the level of coordination with other Ministries/Departments concerned including the Ministry of Parliamentary Affairs for early/timely implementation of all the pending and future Assurances.

II. Review of Pending Assurances pertaining to the Ministry of Culture.

10. In the succeeding paragraphs, the Committee deal with pending Assurances pertaining to the Ministry.

A. Recommendation of Fifth pay Commission

- 11. In reply to USQ No.4960 dated 26.04.2000 regarding 'Recommendations of Fifth Pay Commission' (Appendix-I), it was inter-alia stated that the recommendations of Fifth Central Pay Commission are under consideration of the Department of Culture which is the nodal agency for processing various recommendations of the Fifth Central Pay Commission in regard to the Library staff in consultation with the Ministry of Finance and other concerned Ministries. Therefore, it may not be possible to indicate timeframe for taking a final decision thereon. It was further stated that the demands submitted by the Government of India Library Association (GILA) are under consideration of the Government.
- 12. In their Status Note furnished in March 2015, the Ministry of Culture apprised the position with regard to fulfillment of the Assurance as under:-

"A High Power Committee was constituted in the year 2003 to examine the recommendations of the 5^{th} Central Pay Commission and to suggest a categorization

formula, staffing pattern etc. The Committee did some preliminary work but could not complete the task. Another Task Force was constituted in the Ministry in 2009 for examining various recommendations of the 5th Central Pay Commission regarding libraries and to devise a proper formula for the categorization of various types of libraries. The Report of the Task Force was submitted to Department of Expenditure, on which that Department made some queries. Meanwhile, a fresh memorandum of suggestions for inclusion in the 7th Central Pay Commission was received from Government of India Librarians Association, New Delhi and Central Government Library Association, Dehradun which also covers pay scales, designations, recruitment rules etc. for the staff of Libraries working in various departments. The proposals have been forwarded to the 7th Central Pay Commission for consideration. The Ministry recommends that in view of the above, the Assurance may be dropped."

13. During oral evidence, the Secretary, Ministry of Culture apprised the Committee of the following position with regard to the fulfillment of the Assurance as under:-

"The Fifth Pay Commission recommended for creation of a Central cadre for Library, for classification and creation of a cell in the Ministry. A decision on this has not been taken as the Sixth Pay Commission has been constituted. These questions have been put before the related association. A Committee has been formed at the level of Joint Secretary and all the points have been laid before the new Seventh Pay Commission. Our request is to consider the decision of the Seventh Pay Commission and treat the Assurance as fulfilled as the mandate on pay related matters has already been released in 2002 leaving out other points."

14. To a pointed query as to what was the mandate regarding the pay related matters, the Secretary, Culture responded during evidence as under:-

"It was regarding anomalies in pay. A counter had again been received which we have given for referencing".

15. When the Committee desired to know about the difficulties faced by the Ministry due to which the recommendations of the Fifth Pay Commission could not be implemented even after a lapse of 15 long years, the Secretary, Culture deposed as under:-

"It involved policy decisions and decisions regarding pay scales. Decisions regarding pay scales have been implemented"

16. When the Committee specifically asked as to why the benefits of the Fifth Pay Commission have still not been paid to the library staff even as the Sixth Pay Commission has already gone and the Seventh Pay Commission has been reconstituted, the Secretary, Culture submitted as under:-

"The matter related to the Pay has been implemented. What was not implemented was the creation of All India Cadre."

17. The Committee then enquired about as to the particular recommendations of the Fifth Pay Commission, the status of their implementation and the authority responsible for their implementation. In reply, the Secretary responded during evidence as under:-

"They have not yet been accepted. It was to create an All India cadre for all the Libraries. It was to be done by the Ministry of Culture, Ministry of Expenditure and related departments."

18. On being asked about the Report prepared by the ad-hoc cell, the Secretary, Culture deposed before the Committee as under:-

"Actually there were two reports. First a Committee was constituted and it gave a report".

19. The Committee desired to know whether the Ministry apprised them about the two Reports. The Secretary responded as under:-

"The Committee has been apprised from time to time but I am not sure whether the original report was given. We were informing the progress of what was happening, but no resolution was there as to whether an All India cadre should be set up or not and also on how the classification should be done"

20. Asked as to whether the Ministry of Finance have also not agreed to the formation of a new cadre, the Secretary submitted as under:-

"No decision has been taken. In other cadres also, it was not accepted"

21. When the Committee enquired as to whether the Ministry had reported it to the Committee, the Secretary, Culture again reiterated the position as under:-

"It has not been rejected. There has not been a resolution as to whether the cadre should be formed and how the categorization of library should be done."

Observations/Recommendations

22. The Committee are distressed to note that the Assurance given in reply to USQ No. 4960 dated 26.04.2000 regarding 'Recommendations of Fifth Pay Commission' is yet to be fulfilled despite a lapse of more than 16 years against the prescribed period of 3 months for the purpose. Such inordinate delay in implementing recommendations of the Fifth Pay Commission in respect of the Library staff working in different institutions under the Government of India is rather surprising. The Committee's examination has revealed that a high power Committee was constituted in the year 2003 to examine the recommendations of the Fifth Pay Commission and to suggest categorization formula, staffing

Pattern etc. It did some preliminary work but could not complete the task. Another Task Force was constituted in the Ministry in 2009. The Report of this Task Force was submitted to the Department of Expenditure on which that Department made some queries. Meanwhile, a fresh memorandum of suggestions for inclusion of the issues in the Seventh Central Pay Commission was received from the Government of India Librarians Association, New Delhi and Central Government Library Association, Dehradun which also covers pay scales, designations, recruitment rules etc. for the staff of Libraries working in various Departments. The matter got delayed when the Ministry forwarded the proposals to the Seventh Pay Commission for consideration. Regrettably some employees have still not been given the benefits of Fifth Pay Commission even when the Sixth Pay Commission has already gone and the Seventh Pay Commission has come into force. The Committee deplore this form of callous attitude and desire that the Ministry should take a holistic view in the matter in the light of the relevant recommendations of the Fifth and the Seventh Pay Commissions at the earliest. The Committee also urge upon the Ministry to enhance the level of co-ordination with other Ministries/Departments concerned and pursue the matter vigorously in a time bound manner so that there is no further delay in fulfilling the Assurance.

B. Illegal Trade of Artifacts

- (i) SQ No.408 dated 03.05.2007 regarding 'Illegal Trafficking in Antiquities' and reply thereto produced at Appendix- III (Sl. No.3)
- (ii) USQ No.2351 dated 12.03.2013 regarding 'Smuggling of Antique Objects' and reply thereto produced at Appendix- XVII (Sl. No.17)
- (iii) USQ No.6541 dated 07.05.2013 regarding 'Amendment in Antiquities and Art Treasures Act, 1972' and reply thereto produced at Appendix- XXI (Sl. No.21)

- 23. In reply to the above Questions, it was inter-alia stated that the Government is considering the Amendment of the Antiquities and Art Treasures Act, 1972 to make the provisions more stringent and for providing higher punishments for violation of the Act. The Government had set up a Committee under the chairmanship of Prof. R.N.Misra on 27.04.2010 which submitted its recommendations for amendments in the Act on 29.07.2011. The recommendations of this Committee was reviewed by the Ministry of Culture and they constituted a Committee under the chairmanship of Justice Mukul Mudgal (Retired) on 02.11.2011. The Committee submitted the draft amendments to the Act on 26.10.2012 which is under consideration.
- 24. In their Status Note furnished in March 2015, the Ministry of Culture apprised the Committee of the following position with regard to the fulfillment of the Assurance as under:-

"Central Government is considering framing a new Act to make it more practical and to make registration simpler. Shri Z.S. Negi, Rtd., Additional Secretary, Legislative Department, Ministry of Law and Justice has been nominated by the Ministry to draft a new Legislation on Antiquities and Art Treasures in replacement of the existing Antiquities and Art Treasures Act, 1972".

25. During oral evidence, the Secretary, Ministry of Culture further elaborated the position as under:-

"The issue of illegal trade of antiquities was considered at length and at the end we have come to the conclusion that to prevent it, we need an Amendment of the Act. We have noticed that since the coming into existence of the Antiquities Act, the price of antiquities has come down. Also, people are now scared to keep antiquities with them. A large number of people have not even registered their antiquities. At present, consensus is emerging that there should be reconsideration on the system of registration of Antiquities and to make antiquities business free of cost in order to

increase its value. Also, as a thing becomes an antiquity once it gets a hundred years, people hesitate to buy them and keep them in private museums because their prices are quite high in domestic markets and as they need to disclose its source. We have hired a Retired L.R for this and he is drafting it. It is to be presented this month. Once it is done, then we'll present it before the Cabinet for the opinion of various Departments and then it'll be presented before the House."

26. When the Committee pointed out that nothing has been done during the last eight years on the subject and urged the Ministry to fix a timeframe for bringing in the amendment in the Act, the Secretary, Culture submitted during evidence as under:-

"Shri D.S. Negi, Retired Legal Officer, Government of India has been drafting the amendment. He has given the First draft. We gave it to him in February. Prior to that, we floated a tender but others asked too much a price. Therefore, we gave it to a retired legal officer.."

27. The Committee specifically pointed out that the matter is long delayed and should have been complete long back and the Ministry should now make concerted efforts in a time bound manner to fulfill the Assurances. In reply, the Secretary, Culture submitted as under:-

"Because it is a judicial process, first they will prepare a draft. Then, we will have to invite public opinion on the subject and upload it on our site. We invite names, hold discussions with other departments also. We give at least one month's time"

28. On being pointed out by the Committee that in July, 2008, the Ministry in their Letter had stated that the Draft is almost complete and going to Cabinet Committee, the Secretary, Culture elaborated the issue as under:-

"It was rejected as it was considered too complicated and the action was started anew."

29. When the Committee wanted to know about the complication that arose, the Secretary elaborated as under:-

"It is not about the complexity. The thinking was that procedures should be made complicated and strictness should be introduced. Now, the opinion is that processes should be made liberal so that the trade improves. When the price will increase, the greed for smuggling would come down because in India Modern Art is sold at a very high prices. Hence, in India, market for antiques is very depressed. Overseas they have a big market."

30. The Committee drew the attention of the representatives to the fact that the basic spirit behind the Assurance was to have a strict provision and strict stand against those who engage in illegal trade of antiquities and the Ministry should ensure this within a time bound manner, the Secretary responded as under:-

""We'll do our work in three months."

Observations/Recommendations

31. The Committee are distressed to note that the repeated Assurances given on the Floor of the House in 2007 and 2013 on an important issue relating to Amendment in Antiquities and Art Treasures Act, 1972 have not been implemented even after almost 8 years of giving the first Assurance and the issue still lingers on without any substantial progress. The Committee were informed that the Government is considering framing a new Act to replace the existing Act and a retired Additional Secretary has been appointed for the purpose. The Committee note that in 2008 the draft was almost complete and was to be presented to the Cabinet Committee. However, no further action was taken on this. According to the Ministry, the previous draft was rejected as it was considered to be very complicated. There was a change in thinking as a

result of which the process was started anew. The Committee have been informed that the drafting is now almost complete and it is to be presented shortly. Once this is done, the draft will be presented before the concerned departments for their opinion and then it'll finally get presented before the House. The sequence of events clearly shows lackadaisical approach and cavalier altitude of the Ministry as a result of which all the three Assurances still remain pending for implementation. Nevertheless, the Committee now expect the Department to accord utmost priority to the matter and pursue the case in a time bound manner so that the pending Assurances are implemented without further delay. The Committee would like to be apprised of the progress made in the matter.

C. Protection of Paintings

- 32. In reply to USQ No. 392 dated 02.08.2011 regarding 'Protection of Paintings (Appendix-VII), it was stated that the information regarding valuable paintings at the Lalit Kala Academy which have been replaced with fakes and the steps taken by the Government towards digitization and cataloging of art works at the Lalit Kala Academy and the National Gallery of Modern Arts (NGMA) as well as warehousing them under proper security and controlled environment along with the time by which these are likely to be completed is being collected and will be laid on the Table of the House.
- 33. In their Status Note furnished in March 2015, the Ministry of Culture explained the position with regard to fulfillment of the Assurance as under:-

"The complaints of thefts, financial and administrative irregularities pertaining to the Lalit Kala Akadami were referred to the CBI and CBI was requested to enquire into the allegations and submit the updates/progress to the Ministry. CBI has been reminded on 12.03.2015 for providing a status report within two weeks.

Lalit Kala Academy has completed the digitization and computerized cataloging of its collection and measures are in progress for warehousing of the artworks. NGMA, has 16480 artifacts in its museum. It has undertaken the digitization and cataloging in

order to protect the artworks and paintings with the installation of Jatan Museum Builder software w.e.f. 26.11.2013."

34. During oral evidence, the representative of the Ministry of Culture further elaborated in this regard as under:-

"There was a question that whether a valuable painting of Lalit Kala Academy has been replaced with a fake one or not. Lalit Kala Academy has acted upon this. This painting of Shri Ram Kumar, a famous painter has been found to be fake but the original painting has not yet been traced. The police closed the case in 2008. The Academy on its level wrote to CBI in 2006 urging them to probe the matter. The CBI responded by saying that they would not be able to take up the case as the matter was belated. After this, one more complaint was received with paper cutting mentioning valuable paintings. The Ministry again wrote a letter to CBI on 07.11.2012 and again reminded on 12.03.2015 but as per our records no response from CBI has been received as on date. In addition to this, Lalit Kala Academy formed an Authentication Committee to see as to how many of our paintings are doubtful. 12 painting have been found to be doubtful. The second Assurance was regarding digitization and cataloging by Lalit Kala Academy and National Gallery of Modern Art. Lalit Kala Academy has completed the digitization and computerized cataloging work. National Gallery of Modern Art (NGMA) has installed Jatan Museum Builder software on 26.11.2013. They'll complete the task by March, 2013"

35. When the Committee pointed out that it could be the work of an insider, the representative of the Ministry replied as under:-

"The matter of Shri Ram Kumar' painting is an allegation. Somebody else alleged that it was Lalit Kala Academy's painting. Our records do not show Shri Ram Kumar's painting. It is not there in our records. After that we approached the Police and CBI that we don't have a record of Ram Kumar's painting. After 1990 the Administration of Lalit Kal Academy got the whole collection of paintings checked. Before that, a lot

of paintings were sent to different exhibitions. Earlier administration did not care much about it. That is why it has not being determined."

36. The Committee pointed out as to how a third party knew that the paintings were stolen whereas the Ministry themselves were unaware of the fact. In reply, the representative of the, Ministry of Culture responded as under:-

"We don't think that our painting got stolen."

37. The Committee then specifically asked as to why the Ministry's report mentioned that action was taken against some officials and they are charge sheeted, The Secretary, Ministry of Culture elaborated as under:-

"It related to National Museum."

38. When the Committee pointed out that it's a serious issue that the Ministry themselves do not know as to which of their things are original, the representative of the Ministry replied as under:-

"Now we have all the information with us. We'll send it within 10 days."

Observations/Recommendations

39. In yet another disquieting instance, the Committee find that the Assurance given in reply to USQ No. 392 dated 02.08.2011 regarding "Protection of Paintings" still remains to be fulfilled even after a lapse of more than 5 years against the prescribed period of 3 months for the purpose. The Committee do not see any plausible reason for this inordinate delay as the task involved is mainly compilation of information regarding authenticity of paintings at the Lalit Kala Academy and co-ordinating with CBI for it. Ostensibly lack of co-ordination between the Ministry and CBI is one of the major reasons behind delay in fulfillment of this Assurance. The Committee urge upon the Ministry to take all requisite steps in a professional manner and scale up the level of

coordination with CBI for ensuring implementation of the said Assurance without further delay.

III. Implementation Reports

51. As per the Statements of the Ministry of Parliamentary Affairs, Implementation Reports in respect of the Assurances given in reply to the following 13 SQs/USQs have since been laid on the Table of the House on the dates as mentioned against each.

Sl. No 2	SQ No.6 dated 21.07.2003 regarding 'Theft of Antiques'	29.04.2015
SI. No 4	USQ No.685 dated 28.07.2010 regarding National Commission for Heritage Sites'	05.08.2015
SI. No 5	USQ No.343 dated 10.11.2010 regarding 'Relics of Indian Culture in Foreign Countries'	09.12.2015
SI. No 6	USQ No.1880 dated 08.03.2011 regarding 'Welfare Fund for Artistes'	04.03.2015
Sl. No 8	USQ No.4439 dated 30.08.2011 regarding Irregularities in National Museum'	05.08.2015
Sl. No 9	USQ No.4263 dated 20.12.2011 regarding 'Scholarships by CCRT'	29.04.2015
Sl. No 10	USQ No.4275 dated 20.12.2011 regarding 'National School of Drama'	09.03.2016
Sl. No 11	SQ No.19 dated 13.03.2012 regarding 'Archaeological Expeditions Abroad'	10.08.2016
Sl. No 13	USQ No.6229 dated 15.05.2012 regarding 'National Heritage Commission'	05.08.2015
Sl. No 14	USQ No.7581 dated 22.05.2012 regarding 'Public Records Act'	04.05.2016
Sl. No 15	SQ No.251 dated 11.12.2012 regarding 'Cultural Awareness Programmes'	09.12.2015
Sl. No 18	USQ No.2514 dated 12.03.2013 regarding 'Construction of Site Museum at Lalitgiri'	09.03.2016
Sl. No 20	USQ No.6483 dated 07.05.2013 regarding 'Irregularities in the Functioning of Academies'	10.08.2016

DR. RAMESH POKHRIYAL "NISHANK"

CHAIRPERSON

COMMITTEE ON GOVERNMENT ASSURANCES

NEW DELHI; 07 April, 2017

17 Chaitra, 1939 (Saka)

Appendix-XXII (Vide para 5 of the Report)

<u>Extracts from Manual of Practice & Procedure in the Government of India, Ministry of Parliamentary Affairs, New Delhi</u>

Definition

- **8.1** During the course of reply given to a question or a discussion, if a Minister gives an undertaking which involves further action on the part of the Government in reporting back to the House, it is called an 'assurance'. Standard list of such expressions which normally constitute assurances and as approved by the Committees on Government Assurances of the Lok Sabha and the Rajya Sabha, is given at Annex 3. As assurances are required to be implemented within a specified time limit, care should be taken by all concerned while drafting replies to the questions to restrict the use of these expressions only to those occasions when it is clearly intended to give an assurance in these terms.
- **8.2** When an assurance is given by a Minister or when the Presiding Officer directs the Government to furnish information to the House, it is extracted by the Ministry of Parliamentary Affairs from the relevant proceedings and communicated to the department concerned normally within 10 working days of the date on which it is given.
- **8.3.1** If the administrative department has any objection to treating such a statement as an assurance or finds that it would not be in the public interest to fulfil it, it may write to the Lok/Rajya Sabha Secretariat direct with a copy to the Ministry of Parliamentary Affairs within a week of the receipt of such communication for getting it deleted from the list of assurances. Such action will require prior approval of the Minister.
- **8.3.2** Departments should make request for dropping of assurances immediately on receipt of statement of assurances from the Ministry of Parliamentary Affairs and only in rare cases where they are fully convinced that the assurances could not be implemented under any circumstances and there is no option left with them but to make a request for dropping. Such requests should have the approval of their Minister and this fact should be indicated in their communication containing the request. If such a

Deletion from the list of assurances Time limit for fulfilling and assurance

Extension of time for fulfilling an assurance

Registers of assurances

Role of Section Officer and Branch Officer request is made towards the end of the stipulated period of three months, then it should invariably be accompanied with a request for extension of time. The department should continue to seek extension of time till a decision of the Committee on Government Assurances is received by them. Copy of the above communications should be simultaneously endorsed to the Ministry of Parliamentary Affairs.

- **8.4.1** An assurance given in either House is required to be fulfilled within a period of three months from the date of the assurance. This time limit has to be strictly observed.
- **8.4.2** If the department finds that it is not possible to fulfil the assurance within the stipulated period of three months or within the period of extension already granted, it may seek further extension of time direct from the respective Committee on Government Assurances under intimation to the Ministry of Parliamentary Affairs as soon as the need for such extension becomes apparent, indicating the reasons for delay and the probable additional time required. Such a communication should be issued with the approval of the Minister.
- **8.5.1** The particulars of every assurance will be entered by the Parliament Unit of the department concerned in a register as at Annex 4 after which the assurance will be passed on to the concerned section.
- **8.5.2** Even ahead of the receipt of communication from the Ministry of Parliamentary Affairs, the section concerned should take prompt action to fulfil such assurances and keep a watch thereon in a register as at Annex 5.
- **8.5.3** The registers referred to in paras 8.5.1 and 8.5.2 will be maintained separately for the Lok Sabha and the Rajya Sabha assurances, entries therein being made session wise.
- **8.6.1** The Section Officer incharge of the concerned section will:
- (a) scrutinise the registers once a week;
- (b) ensure that necessary follow-up action is taken without any delay whatsoever;
- (c) submit the registers to the branch officer every fortnight if the House concerned is in session and

once a month otherwise, drawing his special attention to assurances which are not likely to be implemented within the period of three months; and

- (d) review of pending assurances should be undertaken periodically at the highest level in order to minimise the delay in implementing the assurances.
- **8.6.2** The branch officer will likewise keep his higher officer and Minister informed of the progress made in the implementation of assurances, drawing their special attention to the causes of delay.
- **8.7.1** Every effort should be made to fulfil the assurance within the prescribed period. In case only part of the information is available and collection of the remaining information would involve considerable time, an implementation report containing the available information should be supplied to the Ministry of Parliamentary Affairs in part scrutinize of the assurance, within the prescribed time limit. However, efforts should continue to be made for expeditious collection of the remaining information for complete implementation of the assurance at the earliest.
- **8.7.2** Information to be supplied in partial or complete fulfilment of an assurance should be approved by the Minister concerned and 15 copies thereof (bilingual) in the prescribed proforma as at Annex 6, together with its enclosures, along with one copy each in Hindi and English duly authenticated by the officer forwarding the implementation report, should be sent to the Ministry of Parliamentary Affairs. If, however, the information being furnished is in response to an assurance given in reply to a question etc., asked for by more than one member, an additional copy of the completed proforma (both in Hindi and English) should be furnished in respect of additional member. Α CODV communication should be endorsed to the Parliament Unit for completing column 7 of its register.
- **8.7.3** The implementation reports should be sent to the Ministry of the Parliamentary Affairs and not to the Lok/Rajya Sabha Secretariat. No advance copies of the implementation reports are to be endorsed to the Lok/Rajya Sabha Secretariat either.

Procedure for fulfilment of an assurance Laying of the implementat ion report on the Table of the House

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

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

Reports of the Committees on Government Assurances Effect on assurances on dissolution of the Lok Sabha

- **8.8** The Ministry of Parliamentary Affairs, after a scrutiny of the implementation report, will arrange to lay it on the Table of the House concerned. A copy of the statement, as laid on the Table, will be forwarded by the Ministry of Parliamentary Affairs to the member as well as the department concerned. The Parliament Unit of the department concerned and the concerned section will, on the basis of this statement, make a suitable entry in their registers.
- **8.9** Where there is an obligation to lay any paper (rule/order/notification, etc.) on the Table of the House and for which an assurance has also been given, it will be laid on the Table, in the first instance, in fulfilment of the obligation, independent of the assurance given. After this is done, a report in formal implementation of the assurance indicating the date on which the paper was laid on the Table will be sent to the Ministry of Parliamentary Affairs in the prescribed proforma (Annex 6) in the manner already described in para 8.7.2.
- **8.10** Each House of Parliament has a Committee on Government assurances nominated by the Speaker/Chairman. It scrutinized the implementation reports and the time taken in the scrutinized of Government assurances and focuses attention on the delays and other significant aspects, if any, pertaining to them. Instructions issued by the Ministry of Parliamentary Affairs from time to time are to be followed strictly.
- **8.11** The department will, in consultation with the Ministry of Parliamentary Affairs, scrutinize the reports of these two committees for remedial action wherever called for.
- **8.12** On dissolution of the Lok Sabha, all assurances, promises or undertakings pending implementation are scrutinized by the new Committee on Government assurances for selection of such of them as are of considerable public importance. The Committee then submits a report to the Lok Sabha with a specific recommendation regarding the assurances to be dropped or retained for implementation by the Government.

MINUTES

EIGHTH SITTING

Minutes of the sitting of the Committee on Government Assurances (2014-2015) held on 19 March, 2015 in Committee Room 'C', Parliament House Annexe, New Delhi.

The Committee sat from 1500 hours to 1645 hours on Thursday, 19 March, 2015.

PRESENT

Dr. Ramesh Pokhriyal Nishank - Chairperson

Members

- 2. Shri Rajendra Agrawal
- 3. Shri E. Ahamed
- 4. Prof.Sugata Bose
- 5. Shri Naran Bhai Kachhadia
- 6. Shri Bahadur Singh Koli
- 7. Shri Tasleem Uddin
- 8. Shri Tariq Anwar

Secretariat

Shri R. S. Kambo
 Shri T.S. Rangarajan
 Shri Kulvinder Singh
 Joint Secretary
 Additional Director
 Committee Officer

MINISTRY OF CULTURE

- 1. Shri Ravindra Singh, Secretary (C)
- 2. Shri K.K. Mittal, Additional Secretary
- 3. Shri Pramod Jain, Joint Secretary
- 4. Shri Pankaj Rag, Joint Secretary
- 5. Ms Arvind Manjit Singh, Joint Secretary

ARCHAEOLOGICAL SURVEY OF INDIA

- 1. Dr. Rakesh Tewari, DG
- 2. Shri Shharat Sharma, ADG
- 3. Dr. B.R. Mani, ADG

NATIONAL MUSEUM

1. Shri V.Venu, DG

At the outset the Chairperson welcomed the Members to the sitting them regarding the day's agenda. of the Committee and apprised Thereafter the the Committee took oral evidence of the representatives of the Ministry of Culture regarding 21 pending assurances pertaining to the Ministry from 3rd Session of 13th Lok Sabha to 13th Session of 15th Lok Sabha (As per List Annexed). The Committee reviewed assurances up to S.No. 10 (USQ 4275 dated 20.12.2011 regarding National School of Drama) and also assurances at S. No. 17 (USQ 2351 dated 12.03.2013 regarding Smugglings of Antique Objects) S.No. 21 (USQ 6541 dated 07.05.2013 regarding Amendment in Antiquities and Art Treasures Act, 1972) and S.No. 13 (USQ 6229 dated 15.05.2012 regarding National heritage Commission), S.No. 15 (SQ 251 dated 11.12.2012 regarding Cultural Awareness Programmes) which are identical to S.No. 3 (SQ 408 dated 03.05.2007

regarding Illegal trade of Artefacts) and S. No. 4 (USQ 685 dated 28.7.2010 regarding National Commission for Heritage sites). Some of the assurances critically examined are as follows:-

(i) <u>USQ 4960 dated 26.04.2000 regarding Recommendation of Fifth</u> Pay Commisson(SI No. 1 of the Annexure),

As regard to the above assurance the Committee were apprised that a high Power Committee was constituted in the Year 2003 to examine the recommendations of the 5th Central Pay Commission and to suggest a categorization formula, staffing pattern etc. The Committee did some preliminary work but could not complete the task. Another Task force was constituted in the Ministry in 2009 for examing various recommendations of the 5th Central Pay Commission regarding libraries and to devise a proper formula for the categorization of various types of libraries. The Report of the Task force was submitted to Department of Expenditure, on which that Department made some queries. Meanwhile, a fresh memorandum of suggestions for inclusion in the 7th Central Pay Commission was received from Government of India Librarians Association, New Delhi and Central Government Library Association, Dehradun which also covers pay scales, designations, recruitment rules etc. for the staff of Libraries working in various departments. The proposals have been forwarded to the 7th Central Pay Commission for consideration. The Committee were however not convinced by the explanation and desired that the matter be pursued vigorously and the assurance implemented at the earliest.

(ii) USQ 6 dated 21.07.2003 regarding Theft of Antiquties, (S. No. 2, of the Annexure).

As regard to the above assurance the Committee were informed that First information Reports (FIRs) were lodged with the Police authorities for investigation regarding theft of a Pistol from National Museum, New Delhi & theft/smuggling of antique items. However the Police have closed all these cases as they could not locate the lost items except one stone sculpture of Pudukkottai District of Tamil Nadu. The Committee were further informed that implementation report of the assurance has been sent accordingly. The Committee therefore desired that the Implementation Report be laid on the Table of the House.

(iii) S.Q. 408 dated 03.05.2007 regarding Illegal trade of Artefacts
(S.No. 3 of the Annexure)

USQ 2351 dated 12.03.2013 regarding Smugglings of antique Objects (S.No.17 of the Annexure)

USQ 6541 dated 07.05.2013 regarding Amendment in Antiquities and Art Treasures Act, 1972 (S.No.21 of the Annexure)

As the subject matter of the above three assurance was identical, the Committee accordingly reviewed them together. The Committee were informed that the Central Government is considering framing of new Act to replace the existing Antiquities and Art Treasures Act, 1972 and a retired Additional Secretary has been nominated by the Ministry for the propose. The Committee desired that the process of legislation of new Act be expedited and the pending assurances on the subject be implemented in a time bound manner.

2. The Committee decided to review the remaining assurances later.

The Committee then adjourned.

Annexure

Statement of Pending Assurances of the Ministry of Culture (from 3 rd Session of 13 th Lok Sabha to 13th Session of 15 th Lok Sabha)

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S.No.	SO/USO No. dated	Subject
S.110.	SQ/USQ No. dated	Subject
1.	USQ No.4960 dated 26.04.2000	Recommendation of Fifth Pay Commission
2.	SQ No.6 dated 21.07.2003 (Shri Radha Mohan Singh, M.P)	Theft of Antiques
3.	SQ No.408 dated 03.05.2007 (Shri Dushyant Singh, M.P)	Illegal trade of Artefacts
4.	USQ No.685 dated 28.07.2010	National Commission for Heritage sites
5.	USQ No.343 dated 10.11.2010	Relics of Indian Culture in Foreign Countries
6.	USQ No.1880 dated 08.03.2011	National Welfare Fund for Artistes
7.	USQ No.392 dated 02.08.2011	Protection of Paintings
8.	USQ No.4439 dated 30.08.2011	Irregularities in National Museum
9.	USQ No.4263 dated 20.12.2011	Scholarships by CCRT
10.	USQ No.4275 dated 20.12.2011	National School of Drama
11.	SQ No.19 dated 13.03.2012 (Shri Nripendra Nath Roy, M.P)	Archaeological Expeditions Abroad
12.	USQ No.105 dated 13.03.2012	Promotion of Folk Arts

13.	USQ No.6229 dated 15.05.2012	National Heritage Commission
14.	USQ No.7581 dated 22.05.2012	Public Records Act
15.	SQ No.251 dated 11.12.2012 (Shri Maulana Asrarul Haque Mohammad, M.P)	Cultural Awareness Programmes
16.	USQ No.1182 dated 05.03.2013	Theft of Siva and Parvati idols
17.	USQ No.2351 dated 12.03.2013	Smugglings of Antique Objects
18.	USQ No.2514 dated 12.03.2013	Construction of site Museum at Lalitgiri
19.	USQ No.4790 dated 23.04.2013	Restructuring of ASI
20.	USQ No.6483 dated 07.05.2013	Irregularities in the functioning of academies
21.	USQ No.6541 dated 07.05.2013	Amendment in Antiquities and Art Treasures Act, 1972