

COMMITTEE ON ASSURANCES

(FIRST REPORT)



PARLIAMENT SECRETARIAT

NEW DELHI

May, 1954

CONTENTS

	PAGES
Members of the Committee on Assurances	(i)
I. Introduction	1
II. Function of the Department of Parliamentary Affairs.	1—2
III. Forms of Assurances	2—3
IV. Delays in implementation	3—4
V. Some typical cases.	4—6
VI. Summary of Recommendations	6—7
VII. APPENDICES—	
APPENDIX A Forms of Assurances	8—9
Appendix B Forms in Appendix 'A' proposed to be omitted by the Minister of Parliamentary Affairs	10
Appendix C Standard List of Forms constituting Assurances	11—12
Appendix D Number of Assurances given during the first three Sessions and number implemented up to the 1st March, 1954	13
Appendix E Assurances outstanding on the 1st March, 1954 period-wise and Ministry-wise	14

MEMBERS OF THE COMMITTEE ON ASSURANCES

1. Shrimati Sucheta Kripalani—*Chairman*.
2. Shri Anirudha Sinha.
3. Shri Dev Kanta Boroaah.
4. Shri Tekur Subrahmanyam.
5. Shri Jaswantraj Mehta.
6. Dr. Lanka Sundaram.

SECRETARIAT

Shri M. N. Kaul—*Secretary*.

Shri S. L. Shakhder—*Joint Secretary*.

I

INTRODUCTION

I, the Chairman of the Committee on Assurances, having been authorised by the Committee to present the report on their behalf, present this their first report.

2. The Committee were nominated by the Speaker on the 1st December, 1953, under the provisions contained in Rule 274 of the Rules of Procedure and Conduct of Business in the House.

3. The functions of the Committee are to scrutinise the assurances, promises and undertakings etc., given by Ministers, from time to time, on the floor of the House and to report on—

(a) the extent to which such assurances have been implemented; and

(b) where implemented, whether such implementations have taken place with the minimum time necessary for the purpose.

4. The Committee held three sittings. At their first sitting held on the 14th December, 1953, the Committee considered the procedure to be adopted for scrutinising the assurances and their implementation. The Committee also examined the forms of various assurances given on the floor of the House and decided that they should be codified in one place.

5. At their second sitting held on the 5th March, 1954, the Committee examined the various assurances given during the first three Sessions of the House and the extent to which they had been implemented. The Committee also took up with the Ministries concerned some of the specific assurances in which the Committee felt that action reported to the House had not been adequate.

6. At their sitting on the 9th April, 1954, the Committee reviewed the work and agreed to make a report to the House on the work done by them so far.

II

FUNCTION OF THE DEPARTMENT OF PARLIAMENTARY AFFAIRS

7. The Committee have been informed that since the Budget Session 1949, the Government have made arrangements to extract

assurances, promises and undertakings given on the floor of the House from the debates and to report action taken on them from time to time, to the House. The procedure is that the Department of Parliamentary Affairs goes through the debates every day, culls out the assurances, promises, undertakings, etc., and sends them on to the Ministry or Department concerned. The Ministry or Department then furnishes a fortnightly report to the Department of Parliamentary Affairs, stating the action taken by them on the various assurances. The Department of Parliamentary Affairs consolidates the replies from the various Ministries and Departments in the form of a single statement which is laid on the Table of the House periodically by the Minister of Parliamentary Affairs. The Committee propose to apply a test check to see that the assurances are properly extracted and sent to the Ministries for implementation.

III

FORMS OF ASSURANCES

8. The Committee have considered the various forms in which assurances, undertakings, promises, etc., are given on the floor of the House. A list which, though not exhaustive, has been treated as a guide for extracting assurances, was placed before the Committee. This list which is at Appendix 'A' was prepared by the Department of Parliamentary Affairs and has been acted upon till now without any difficulty. Subsequently, the Committee were asked to add three more forms and to delete from the existing list 15 forms, *vide* Appendix 'B'. No. specific reasons were given for individual deletions, but it was generally stated that those forms were not considered to be assurances by Government.

9. The Committee have carefully considered the matter and are of the view that but for two items, *viz.*, (i) "I shall bear that in mind" and (ii) "We will try to do what we can to lighten the position of the Bihar Jute Growers", all the rest constitute assurances in the real sense of the term, that is to say, matters in respect of which the House would like to be apprised of the position. It should be noted in this connection that an assurance for information to be communicated at a later date is given only when a Minister is not in a position to give the information on the spur of the moment, for if he had the information, he would have naturally and quite logically stated the position then and there unless he preferred not to disclose publicly in which case he would have stated that clearly. Therefore, whenever a Minister postpones a final and complete answer it is in the fitness of things that complete information is placed before the House at the earliest opportunity.

10. It may be argued that a Minister sometimes uses conditional sentences, such as "if the Hon. Member wishes to know", etc., etc., and therefore it is not obligatory on him to place the information before

the House of his own accord. The Committee have considered the matter carefully and feel that this argument is not sound. The conditional 'if' etc., is used as a courtesy and the silence of the Member in the House should be construed to mean that the House desires to have the information. It should be noted in this connection that when a Member has asked a question or made a suggestion and the Speaker has allowed it, it ceases to be a matter between the Member and the Minister. The question has been publicly asked and the Minister is bound to make his reply known to the House. Indeed if the argument that the Member should specifically write for information is taken literally, there will be a stream of correspondence between Members, Parliament Secretariat, Ministers and so on in respect of matters in which the whole House is interested and it is obvious that such unnecessary correspondence and delay should be avoided.

11. There is also one other aspect of the matter and that is that since the point has been mentioned in the House and has appeared in the press, it is ultimately in the interest of Government to give the information as quickly as they can. The Committee have therefore considered that the list at Appendix 'C' which includes additions and deletions agreed to by the Committee should be treated as a standard list of forms which constitute assurances.

12. It may be stated that if a Minister does not want to commit himself to give information later, he should preferably say so plainly or ask for notice so that the House is not in doubt as to the intentions of the Minister, and if the Member or the House wishes to pursue the matter, they may adopt such course as is open to them.

IV

DELAYS IN IMPLEMENTATION

13. The Committee have also examined the assurances given during the first three Sessions of the House of the People. The Committee note that 1,391 assurances were given from May 1952 to May, 1953, that is the end of the third Session of the House. It is noticed that upto 1st March, 1954, 924 assurances had been implemented and reported to the House and 467 assurances still remained to be implemented. At Appendix 'D' is a statement showing the assurances outstanding Session-wise against the various Ministries. At Appendix 'E' in another statement showing the assurances outstanding period-wise and Ministry-wise. It will be noticed that there are 89 assurances which have been outstanding for the last two years, 128 outstanding for the last 1½ years and 250 outstanding for the last one year. The Committee wish to emphasise that the value of the assurances is lost

if they are not implemented quickly and the position communicated to the House. Of the assurances which have been implemented, 74 have taken over one year, 109 have taken over nine months and 121 have taken over six months. This state of affairs does not speak of the efficiency and speed in the various Ministries:

14. It is inconceivable that so much time should be taken to give information to the House in regard to the various matters which have been raised and in regard to which the Ministers promised to reply later. The Committee desire that in respect of the assurances outstanding for one year and more specified in Appendix 'E' full reasons should be given by Ministries as to why it has not been possible to implement them so far.

15. The Committee would like that in future, the assurance are implemented within a maximum period of two months and where it is not possible to comply with this requirement, a report giving reasons for the delay should be made to the Committee in order to enable them to judge how far it was beyond the power of the Ministry to implement the assurances within the stipulated period and what were the reasons responsible for the delay or inadequate implementation of the assurance.]

V

SOME TYPICAL CASES

16. The Committee have also examined the following specific cases and have to make observations as indicated below:

(i) On the 26th November, 1952, Government were asked through Starred Question No. 720 whether it was a fact that certain displaced persons who had been allotted about 1,000 acres of land in Punjab had not in fact been given any land, even though their claims had been placed in the 'A' class. In reply Government stated that the information would be supplied in due course. On the 18th December, 1952 this item was included in the list of assurances implemented by Government who said that "it has been found possible to give land to some allottees".

The Committee felt that this was an incomplete and unsatisfactory answer and on enquiry the Ministry of Rehabilitation who was addressed in the matter stated that the 'information was not readily available and was being called for from the State Government'. Thus from the 26th November, 1952 till date complete information has not been forthcoming from the Ministry.

(ii) The second assurance considered by the Committee was one given by the Minister of Home Affairs on the 15th July, 1952 during

the discussion on the Criminal Law Amendment Bill. The House was assured that retired people would not be taken while making appointments of special judges. In pursuance of this assurance all that the Ministry did was to lay on the table on the 18th December, 1952 a copy of the instructions they had issued on the subject to all the State Governments.

The Committee, however, were not satisfied with this and desired to know how many persons had been appointed as special judges in the States after the instructions were issued and how many among them were retired persons. The matter was therefore, taken up with the Ministry on the 9th March, 1954 and in their reply on the 25th March, 1954 the Ministry only stated that appointments of special judges were made by the State Governments and as such they did not have the required information.

In this case the Committee feel that the responsibility of the Government has not ended by merely laying down instructions to the State Governments but that they should follow them up by asking the State Governments to furnish particulars of appointments subsequently made to see whether the instructions were being properly observed.

(iii) A third assurance considered by the Committee related to Unstarred Question No. 286 on the 25th February, 1953. The question asked for the number of Indians in Burma, both labourers and non-labourers and those who had secured Burmese citizenship. In reply Government promised to lay the information on the Table but on the 11th May, 1953, the External Affairs Ministry only regretted their inability to furnish the required information in the absence of census and statistics.

The Committee thought that in a matter involving Indians abroad the Government should have at least told the House what were the difficulties experienced in this connection. The Ministry were, therefore, addressed on the 9th March, 1954 to state whether they had since obtained the required information and if not what were the difficulties in the way. In their reply dated the 23rd March, 1954 the Ministry stated that the information can become available only after the Government of Burma had published their census reports and that apart from this the Indian Embassy in Burma were not experiencing any difficulties in this regard.

(iv) Another specific instance considered by the Committee was a representation made to the Committee by the All India Motor Union Congress. They represented that the Government had not so far fulfilled the assurances they had given in the debate on the Road

Transport Corporation Bill in 1950 regarding payment of compensation to motor transport operators thrown out of business as a result of grant of monopoly permits in favour of State Transport undertakings.

On the matter being taken up with the Ministry of Transport, the Committee have been given to understand that the Ministry have prepared a draft Bill to amend the Motor Vehicles Act, 1939 and that steps will be taken to introduce the Bill during the current session of the House, if possible. Thus assurances given in 1950 are pending implementation even after four years.

VI

SUMMARY OF RECOMMENDATIONS

17. The following is the summary of recommendations made in this report:—

- (i) A list of standard forms of assurances, promises or undertakings (*vide* Appendix 'C') should be adopted in connection with the extracting of assurances for implementation. (para 11).
- (ii) In regard to assurances relating to the first three Sessions of the House which have been outstanding for one year and more, the Ministries concerned should state the reasons which were responsible for such delays. (para 14).
- (iii) A maximum period of two months should be fixed for the implementation of an assurance. Where, however, it is not possible for a Ministry to comply with this requirement it should report to the Committee giving the reasons for the delay, so that the Committee could judge now far it was beyond the power of the Ministry to implement the assurance either within the specified period or in an adequate manner. (para 15).
- (iv) It is not adequate to give answers to assurances in a general manner. The action taken by the Government should be specific and complete in all respects. [para. 16(i)].
- (v) The responsibility of the Government does not end by merely laying down instructions; but they should follow

up by asking the authorities to furnish particulars in order to satisfy that instructions are being properly observed.

[para 16(ii)].

- (vi) Whenever it is not possible to implement a suggestion the reasons therefor or the difficulties experienced in that connection should be stated.

[para 16(iii)].

SUCHETA KRIPALANI,

Chairman.

NEW DELHI;

The 23rd April, 1954.

APPENDIX 'A'

Forms of Assurances.

(as approved by the Committee on the 14th December, 1953).

(vide paras 4 & 8)

1. The matter is under consideration.
2. I shall look into it.
3. Enquiries are being made.
4. I shall inform the Hon'ble Member.
5. This is primarily the concern of State Government but I shall look into it.
6. I shall write to the State Governments.
7. I assure the House all suggestions by Hon'ble Member will be carefully considered.
8. I shall study the conditions on the spot during my tour.
9. I shall consider the matter.
10. I will consider it.
11. I will suggest to the State Governments.
12. We will put the matter in the shape of a resolution.
13. I shall bear that in mind.
14. I shall see what can be done about it.
15. I will look into the matter before I can say anything.
16. The suggestion will be taken into consideration.
17. The matter will be considered at the.....conference to be held on.....
18. The matter is still under examination and if anything requires to be done it will certainly be done.
19. The matter will be taken up with the Government of.....
20. I have no information; but, I am prepared to look into the matter.
21. Efforts are being made to collect the necessary data.
22. The suggestions made will be borne in mind while framing the rules.

23. If the hon. Member so desires I can issue further instructions.
 24. Copy of the report, when finalised, will be placed in the Library of the House.
 25. I shall supply it to the Hon. Member.
 26. I think it can be done.
 27. If the Hon. Member's allegation is true, I shall certainly have the matter gone into.
 28. We shall have to find that out.
 29. I will draw the attention of the.... .Government who I hope will take adequate steps in this direction.
 30. We will try to do what we can to lighten the position of the Bihar Jute Growers.
 31. It is a suggestion for action which will be considered.
 32. (Discussion on Railway Budget). All the points raised by various Members will be considered and the result will be communicated to each Member.
-

30/4/54

APPENDIX 'C'

Standard List of Forms constituting Assurances.

(as approved by the Committee on the 9th April, 1954).

(vide para 11)

1. The matter is under consideration.
2. I shall look into it.
3. Enquiries are being made.
4. I shall inform the Hon'ble Member.
5. This is primarily the concern of State Government but I shall look into it.
6. I shall write to the State Governments.
7. I assure the House all suggestions by Hon'ble Member will be carefully considered.
8. I shall study the conditions on the spot during my tour.
9. I shall consider the matter.
10. I will consider it.
11. I will suggest to the State Governments.
12. We will put the matter in the shape of a resolution.
13. I shall see what can be done about it.
14. I will look into the matter before I can say anything.
15. The suggestion will be taken into consideration.
16. The matter will be considered at the.....conference to be held on.....
17. The matter is still under examination and if anything requires to be done it will certainly be done.
18. The matter will be taken up with the Government of.....
19. I have no information; but, I am prepared to look into the matter.
20. Efforts are being made to collect the necessary data.
21. The suggestions made will be borne in mind while framing the rules.
22. If the hon. Member so desires I can issue further instructions.

23. Copy of the report, when finalised, will be placed in the Library of the House.
24. I shall supply it to the Hon. Member.
25. I think it can be done.
26. If the Hon. Member's allegation is true, I shall certainly have the matter gone into.
27. We shall have to find that out.
28. I will draw the attention of the.....Government who I hope will take adequate steps in this direction.
29. It is a suggestion for action which will be considered.
30. (Discussion on Railway Budget). All the points raised by various Members will be considered and the result will be communicated to each Member.
31. Information is being collected and will be laid on the Table of the House.
32. I am reviewing the position.
33. Directions by the Speaker, Deputy Speaker or the Chairman involving action on the part of Ministers.
34. All specific points on which information is asked for and promised.
-

APPENDIX 'D'

Number of Assurances given during the first three Sessions and number implemented up to the 1st March, 1954

(*vide* para 13)

Session	Total No. of assurance given during the Session	Total No. of Assurances fulfilled till date	Balance
1st Session, 1952	406	317	89
2nd Session, 1952	394	266	128
3rd Session, 1953	591	341	250
TOTAL	1,391	924	467

APPENDIX 'E'

Assurances outstanding on the 1st March, 1954 period-wise and Ministry-wise

(vide paras 13 and 14)

Name of Ministry	First Session	II Session	III Session	Total
1. Commerce and Industry	12 (about 2 years old)	17 (about 1 1/2 years old)	31 (about 1 year old)	60
2. Communications	2	16	14	32
3. Defence	1	..	1	2
4. Education . . . . .	..	9	12	21
5. External Affairs	2	3	6	11
6. Finance	8	7	17	32
7. Food & Agriculture	12	4	23	39
8. Health	1	2	4	7
9. Home Affairs	16	16	22	54
10. Information and Boardcasting	1	3	3	7
11. Irrigation & Power	6	9	13	28
12. Labour	4	9	13	26
13. Law	1	..	1	2
14. Natural Resources and Scientific Research . . . . .	..	..	3	3
15. Production . . . . .	..	7	10	17
16. Railways	15	20	36	71
17. Rehabilitation	1	4	15	20
18. States . . . . .	..	2	7	9
19. Transport	2	..	3	5
20. Works, Housing and Supply	1	..	5	6
21. Planning Commission	4	..	11	15
TOTAL	89	128	250	467

PRINTED AT THE PARLIAMENTARY WING OF THE GOVERNMENT OF INDIA PRESS
NEW DELHI AND PUBLISHED BY THE LOK SABHA SECRETARIAT UNDER RULE
382 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN
LOK SABHA (FIFTH EDITION)
