

COMMITTEE

12

ON

**GOVERNMENT ASSURANCES
(2019-2020)**

(SEVENTEENTH LOK SABHA)

TWELFTH REPORT

**REQUESTS FOR DROPPING OF
ASSURANCES
(NOT ACCEDED TO)**

Presented to Lok Sabha on...23/09/2020



**LOK SABHA SECRETARIAT
NEW DELHI**

September, 2020/Asvina, 1942 (Saka)

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**COMPOSITION OF THE COMMITTEE
ON GOVERNMENT ASSURANCES*
(2019 - 2020)**

SHRI RAJENDRA AGRAWAL

- Chairperson

MEMBERS

2. Shri Sudip Bandyopadhyay
3. Shri Nihal Chand Chauhan
4. Shri Gaurav Gogoi
5. Shri Nalin Kumar Kateel
6. Shri Ramesh Chander Kaushik
7. Shri Kaushalendra Kumar
8. Shri Ashok Mahadeorao Nete
9. Shri Santosh Pandey
10. Shri Pashupati Kumar Paras
11. Shri Parbatbhai Savabhai Patel
12. Shri M.K. Raghavan
13. Shri Chandra Sekhar Sahu
14. Dr. Bharatiben Dhirubhai Shyal
15. Smt. Supriya Sule

SECRETARIAT

- | | | | |
|----|----------------------------|---|------------------|
| 1. | Shri Pawan Kumar | - | Joint Secretary |
| 2. | Shri Lovekesh Kumar Sharma | - | Director |
| 3. | Shri S. L. Singh | - | Deputy Secretary |

* The Committee has been constituted w.e.f. 09 October, 2019 *vide* Para No. 609 of Lok Sabha Bulletin Part-II dated 09 October, 2019

INTRODUCTION

I, the Chairperson of the Committee on Government Assurances (2019-2020), having been authorized by the Committee to submit the Report on their behalf, present this Twelfth Report (17th Lok Sabha) of the Committee on Government Assurances.

2. The Committee (2019-2020) at their sitting held on 24 January, 2020 *inter-alia* considered Memorandum Nos. 77 to 101 containing requests received from various Ministries/Departments for dropping of 53 pending Assurances and decided to pursue 40 Assurances.

3. At their sitting held on 22 September, 2020, the Committee (2019-2020) considered and adopted their Twelfth Report.

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

NEW DELHI;
22 September, 2020

31 Bhadrapada, 1942 (Saka)

**RAJENDRA AGRAWAL,
CHAIRPERSON,
COMMITTEE ON GOVERNMENT ASSURANCES**

REPORT

While replying to Questions in the House or during discussions on Bills, Resolutions, Motions, etc., Ministers sometimes give Assurances, undertakings or promises either to consider a matter, take action or furnish information to the House at some later date. An Assurance is required to be implemented by the Ministry concerned within a period of three months. In case, the Ministry finds it difficult to implement the Assurances on one ground or the other, it is required to request the Committee on Government Assurances to drop the Assurance and such requests are considered by the Committee on merits and decisions taken to drop an Assurance or otherwise.

2. The Committee on Government Assurances (2019-2020) considered Twenty-Five Memoranda (Appendix-I) containing requests received from various Ministries/Departments for dropping of 53 pending Assurances at their sitting held on 24 January, 2020.

3. After having considered the requests of the Ministries/Departments, the Committee were not convinced with the reasons furnished for dropping of the following forty Assurances:-

Sl. No.	SQ/USQ No. & Date	Ministry	Subject
1.	(i) USQ No. 1482 dated 04.03.2011 (ii) SQ No. 85 dated 05.08.2011 (iii) SQ No. 66 dated 25.11.2011 (iv) General Discussion dated 14.12.2011 (v) USQ No. 2937 dated 30.03.2012	Finance (Department of Revenue)	(i) Amnesty Scheme for Black Money (ii) Black Money (iii) Black Money (iv) Money Deposited Illegally in Foreign Bank & Action Taken (v) Revelation of Black Money by CBI

	(vi) General Discussion dated 08.05.2012 (vii) USQ No. 5898 dated 11.05.2012 (viii) USQ No. 881 dated 01.03.2013 (ix) USQ No. 1913 dated 08.03.2013 (x) USQ No. 4306 dated 22.03.2013 (xi) USQ No. 436 dated 06.12.2013 (xii) USQ No. 4443 dated 19.12.2014 (xiii) USQ No. 866 dated 27.02.2015 (xiv) USQ No. 2852 dated 13.03.2015 (xv) SQ No. 187 dated 11.12.2015 (xvi) SQ No. 89 dated 22.07.2016 (xvii) USQ No. 559 dated 18.11.2016 (xviii) SQ No. 94 dated 21.07.2017		(vi) General Discussion on the Finance Bill, 2012 (vii) Estimation of Black Money (viii) Information regarding Black Money (ix) Panel for Black Money (x) Illegal Financial Outflow (xi) Indian Entities' Unaccounted Wealth (xii) Black Economy (xiii) Black Money (xiv) Outflow of Illicit Money (xv) Black Money (xvi) Black Money (xvii) Action on Black Money (xviii) Black Money Stashed Abroad (Appendix-II)
2.	USQ No. 3979 dated 13.08.2015	Textiles	Land Scam (Appendix-III)
3.	USQ No 3684 dated 13.02.2014	Information and Broadcasting	Prasar Bharati Act (Appendix-IV)

4.	(i) USQ No 6978 dated 18.05.2012 (ii) USQ No 4945 dated 25.04.2013	Power	(i) Power Generation (ii) Irregularities Under RGGVY (Appendix-V)
5.	(i) USQ No 2410 dated 28.03.2012 (ii) USQ No 6496 dated 16.05.2012 (iii) USQ No 3201 dated 12.12.2012 (iv) USQ No 4154 dated 19.12.2012 (v) USQ No 1714 dated 09.12.2015	Personnel, Public Grievances and Pensions (Department of Personnel and Training)	(i) Right to Privacy Bill (ii) Right to Privacy Bill (iii) Separate Legislation on Privacy (iv) Panel on Privacy of Individuals (v) Exemption from Right to Privacy Bill (Appendix-VI)
6.	USQ No 2659 dated 03.01.2018	Railways	Semi High Speed Corridors (Appendix-VII)
7.	SQ No 561 dated 06.05.2015	Earth Sciences (Department of Earth Science)	Cooperation in Earth Science (Appendix-VIII)
8.	USQ No 3278 dated 06.12.2016	Home Affairs	Enemy Property (Appendix-IX)
9.	USQ No 4159 dated 11.08.2017	Defence (Department of Defence Production)	Dhanush Tank (Appendix-X)
10.	SQ No 277 dated 10.02.2014	Defence (Department of Defence Production)	Intermediate Jet Trainer (Appendix-XI)
11.	(i) SQ No 476 dated 13.12.2010 (ii) SQ No 116 dated 08.08.2011	Defence (Department of Defence Production)	(i) Defence Deals (ii) Cases Against Defence Companies (Appendix-XII)
12.	USQ No 4466 dated 12.08.2016	Finance (Department of Financial Services)	Regulation of Pension Funds (Appendix-XIII)
13.	USQ No 917 dated 07.02.2017	Environment, Forest and Climate Change	Anti-poaching Laws (Appendix-XIV)

14.	USQ No 3208 dated 14.03.2018	Defence (Department of Defence)	Fighter Planes (Appendix-XV)
15.	USQ No 4860 dated 31.03.2017	Defence (Department of Defence)	LCA Tejas (Appendix-XVI)
16.	USQ No 1531 dated 04.03.2015	Electronics and Information Technology	Cyber Crimes (Appendix-XVII)
17.	USQ No 972 dated 29.04.2016	Health and Family Welfare (Department of Health and Family Welfare)	Health Insurance for CGHS Pensioners (Appendix-XVIII)

4. The details of the Assurances arising out of the replies and the reason(s) advanced by the Ministries/Departments for dropping of the above mentioned 40 Assurances are given in Appendices -II to XVIII.

5. The Minutes of the sitting of the Committee dated 24 January, 2020, whereunder the requests for dropping of the Assurances were considered, are given in Appendix-XIX.

6. The Committee desire that the Government should take note of the Observations of the Committee, as contained in Annexure-II to Appendix-XIX and take appropriate action, for the implementation of the Assurances expeditiously.

NEW DELHI;
22 September, 2020

31 Bhadrapada, 1942 (Saka)

**RAJENDRA AGRAWAL,
CHAIRPERSON,
COMMITTEE ON GOVERNMENT ASSURANCES**

COMMITTEE ON GOVERNMENT ASSURANCES (2019-2020)

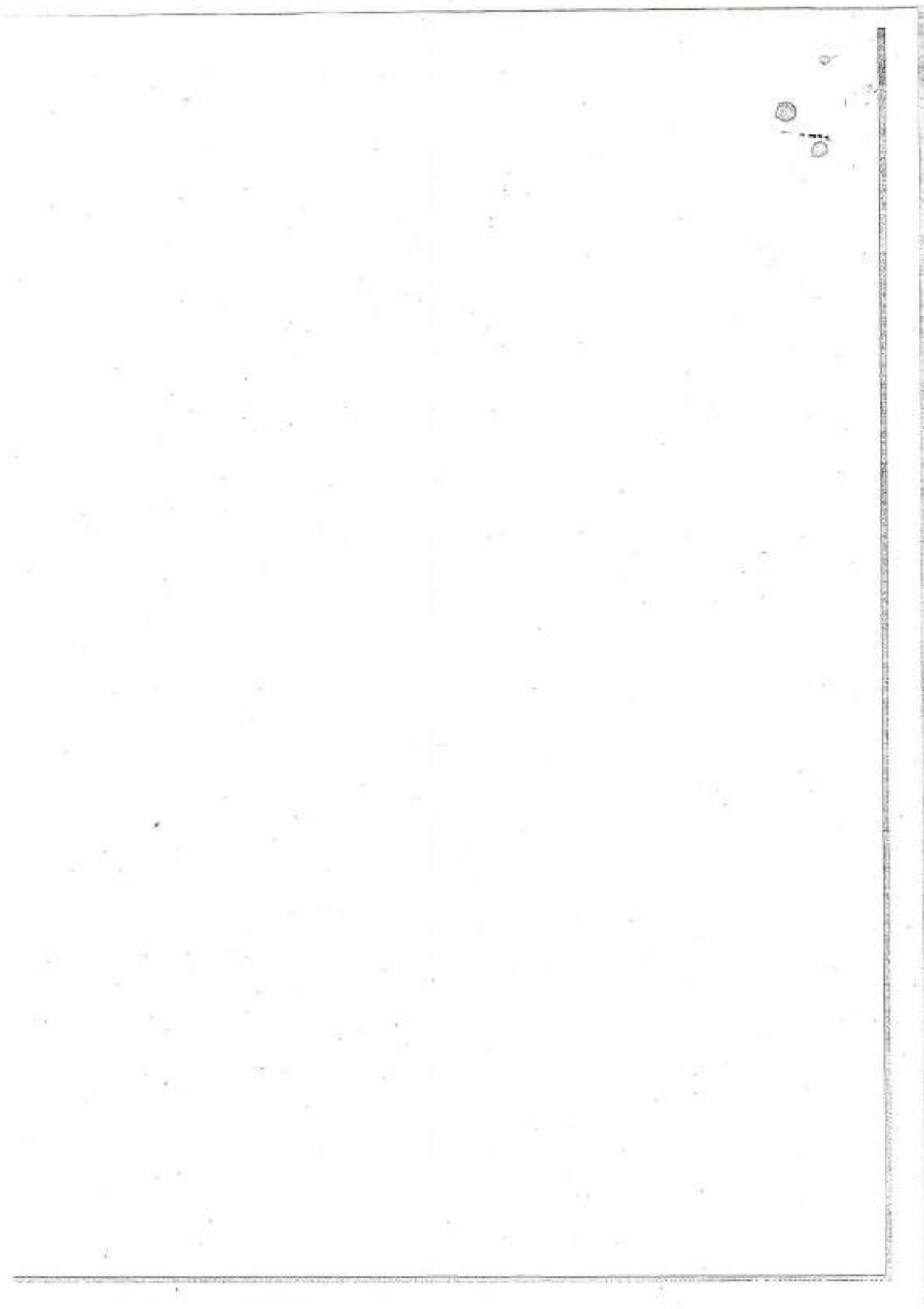
Statement showing summary of requests received from various Ministries/Departments regarding dropping of Assurances

SI No.	Memo No.	Question/Discussion References	Ministry/Deptt.	Department	Brief Subject
1	77	(i) USQ No. 1482 dated 04.03.2011 (ii) SQ No. 85 dated 05.08.2011 (iii) SQ No. 66 dated 25.11.2011 (iv) General Discussion dated 14.12.2011 (v) USQ No. 2937 dated 30.03.2012 (vi) General Discussion dated 08.05.2012 (vii) USQ No. 5898 dated 11.05.2012 (viii) USQ No. 881 dated 01.03.2013 (ix) USQ No. 1913 dated 08.03.2013 (x) USQ No. 4306 dated 22.03.2013 (xi) USQ No. 436 dated 06.12.2013	Finance	Department of Revenue	(i) Amnesty Scheme for Black Money (ii) Black Money (iii) Black Money (iv) Money Deposited Illegally in Foreign Bank & Action Taken (v) Revelation of Black Money by CBI (vi) General Discussion on the Finance Bill, 2012 (vii) Estimation of Black Money (viii) Information regarding Black Money (ix) Panel for Black Money (x) Illegal Financial Outflow (xi) Indian Entities' Unaccounted Wealth

		(xii) USQ No. 4443 dated 19.12.2014 (xiii) USQ No. 866 dated 27.02.2015 (xiv) USQ No. 2852 dated 13.03.2015 (xv) SQ No. 187 dated 11.12.2015 (xvi) SQ No. 89 dated 22.07.2016 (xvii) USQ No. 559 dated 18.11.2016 (xviii) SQ No. 94 dated 21.07.2017			(xii) Black Economy (xiii) Black Money (xiv) Outflow of Illicit Money (xv) Black Money (xvi) Black Money (xvii) Action on Black Money (xviii) Black Money Stashed Abroad
2	78	USQ No. 3979 dated 13.08.2015	Textiles		Land Scam
3	79	(i) SQ No. 219 dated 17.07.2009 (ii) USQ No. 1331 dated 18.07.2014 (iii) USQ No. 684 dated 26.02.2016	Women and Child Development		(i) Exploitation of Women (ii) Indecent Representation of Women (iii) Indecent Representations of Women in Advertisement
4	80	USQ No 3684 dated 13.02.2014	Information and Broadcasting		Prasar Bharati Act
5	81	(i) USQ No 6978 dated 18.05.2012 (ii) USQ No 4945 dated 25.04.2013	Power		(i) Power Generation (ii) Irregularities Under RGGVY
6	82	(i) USQ No 2410 dated 28.03.2012	Personnel, Public Grievances and	Department of Personnel and Training	(i) Right to Privacy Bill

		(ii) USQ No 6496 dated 16.05.2012 (iii) USQ No 3201 dated 12.12.2012 (iv) USQ No 4154 dated 19.12.2012 (v) USQ No 1714 dated 09.12.2015	Pensions		(ii) Right to Privacy Bill (iii) Separate Legislation on Privacy (iv) Panel on Privacy of Individuals (v) Exemption from Right to Privacy Bill
7	83	USQ No 2659 dated 03.01.2018	Railways		Semi High Speed Corridors
8	84	SQ No 561 dated 06.05.2015	Earth Sciences	Department of Earth Science	Cooperation in Earth Science
9	85	USQ No 3278 dated 06.12.2016	Home Affairs		Enemy Property
10	86	USQ No 1321 dated 07.12.2015	Human Resource Development	Department of Higher Education	Demand of English Teachers in South East Asia
11	87	USQ No 2423 dated 08.12.2014	Railways		Setting Up of MEMU Coach Factory
12	88	(i) USQ No 2656 dated 09.12.2014 (ii) USQ No 2117 dated 10.03.2015 (iii) USQ No 1309 dated 28.07.2015	Agriculture and Farmers Welfare	Department of Agriculture Research and Education	(i) Setting Up of Agricultural University (ii) Setting Up of Agricultural Universities (iii) Setting Up of Agricultural Universities
13	89	USQ No 4159 dated 11.08.2017	Defence	Department of Defence Production	Dhanush Tank
14	90	SQ No 277 dated 10.02.2014	Defence	Department of Defence Production	Intermediate Jet Trainer
15	91	(i) SQ No 476 dated 13.12.2010 (ii) SQ No 116 dated 08.08.2011	Defence	Department of Defence Production	(i) Defence Deals (ii) Cases Against Defence Companies

16	92	USQ No 4466 dated 12.08.2016	Finance	Department of Financial Services	Regulation of Pension Funds
17	93	USQ No 2928 dated 03.08.2018	Finance	Department of Financial Services	Reversion To OPS
18	94	USQ No 4172 dated 11.08.2017	Health and Family Welfare	Department of Health and Family Welfare	Drug Addiction
19	95	USQ No 917 dated 07.02.2017	Environment, Forest and Climate Change		Anti-poaching Laws
20	96	SQ No 384 dated 21.04.2015 (Supplementary by Shri A. Arunmozhithevan, M.P.)	Home Affairs		Acid Attack on Women and Girls
21	97	USQ No 3208 dated 14.03.2018	Defence	Department of Defence	Fighter Planes
22	98	(i) USQ No 3662 dated 19.04.2010 (ii) USQ No 2559 dated 17.08.2011	Electronics and Information Technology		(i) National Electronic Mission (ii) National Electronic Mission
23	99	USQ No 4860 dated 31.03.2017	Defence	Department of Defence	LCA Tejas
24	100	USQ No 1531 dated 04.03.2015	Electronics and Information Technology		Cyber Crimes
25	101	USQ No 972 dated 29.04.2016	Health and Family Welfare	Department of Health and Family Welfare	Health Insurance for CGHS Pensioners



Appendix - II

**LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES**

MEMORANDUM No. 77

Subject: Request for dropping of Assurances given in replies to:-

- (i) Unstarred Question No. 1482 dated 04.03.2011 regarding "Amnesty Scheme for Black Money." (Annexure-I).
- (ii) Starred Question No. 85 dated 05.08.2011 regarding "Black Money." (Annexure-II).
- (iii) Starred Question No. 66 dated 25.11.2011 regarding "Black Money." (Annexure-III).
- (iv) General Discussion (Adjournment Motion) dated 14.12.2011 regarding "Money Deposited Illegally in Foreign Bank & Action Taken." (Annexure-IV).
- (v) Unstarred Question No. 2937 dated 30.03.2012 regarding "Revelation of Black Money by CBI." (Annexure-V).
- (vi) General Discussion dated 08.05.2012 regarding "General Discussion on Finance Bill, 2012." (Annexure-VI).
- (vii) Unstarred Question No. 5898 dated 11.05.2012 regarding "Estimation of Black Money." (Annexure-VII).
- (viii) Unstarred Question No. 881 dated 01.03.2013 regarding "Information Regarding Black Money." (Annexure-VIII).
- (ix) Unstarred Question No. 1913 dated 08.03.2013 regarding "Panel for Black Money." (Annexure-IX).
- (x) Unstarred Question No. 4306 dated 22.03.2013 regarding "Illegal Financial Outflow." (Annexure-X).
- (xi) Unstarred Question No. 436 dated 06.12.2013 regarding "Indian Entities' Unaccounted Wealth." (Annexure-XI).
- (xii) Unstarred Question No. 4443 dated 19.12.2014 regarding "Black Economy." (Annexure-XII).
- (xiii) Unstarred Question No. 866 dated 27.02.2015 regarding "Black Money." (Annexure-XIII).
- (xvi) Unstarred Question No. 2852 dated 13.03.2015 regarding "Outflow of Illicit Money." (Annexure-XIV).

- (xv) Starred Question No. 187 dated 11.12.2015 regarding "Black Money." (Annexure-XV).
- (xvi) Starred Question No. 89 dated 22.07.2016 regarding "Black Money." (Annexure-XVI).
- (xvii) Unstarred Question No. 559 dated 18.11.2016 regarding "Action on Black Money." (Annexure-XVII).
- (xviii) Starred Question No. 94 dated 21.07.2017 regarding "Black Money Stashed Abroad." (Annexure-XVIII).

The above mentioned Questions were asked by various M.Ps. to the Minister of Finance. The contents of the Questions along with the replies of the Minister are as given in Annexures I to XVIII.

2. The replies to the Questions were treated as Assurances and required to be implemented by the Ministry of Finance (Department of Revenue) within three months of the date of the reply but the Assurances are yet to be implemented.

3. In respect of the Assurance mentioned at Sl. No. (iv) above, the Ministry of Finance (Department of Revenue) vide O.M. F. No. 294/70/2012-IT (Inv. I) dated 21 November, 2012 had requested to drop the Assurance on the following grounds:

"That the proceedings under the Income Tax Act, 1961, are quasi-judicial Proceedings subject to the due process of law and further appeals to the courts i.e. Income Tax Appellate Tribunal (ITAT), High Courts, Supreme Court, etc. Therefore, no time-frame can be prescribed for completion of these proceedings and final results thereof."

4. The above request was considered by the Committee at their sitting held on 17 December 2013 and the Committee decided not to drop the Assurance. The Committee accordingly presented their Thirty-Seventh Report (15th Lok Sabha) on 11 February 2014 wherein the Committee inter-alia noted that the matter relating to black money is of extreme national importance and therefore, cannot be dropped merely on the plea that no time frame can be predicted. The Committee also emphasized that they expect the Government to play a pro-active role in co-ordination with all concerned in collating the requisite information on black money stashed outside.

5. The Ministry of Finance (Department of Revenue) vide their O.M. F. No. 294/01/2013-IT(Inv.I) (Part) dated 11 May, 2018 have now stated as under:

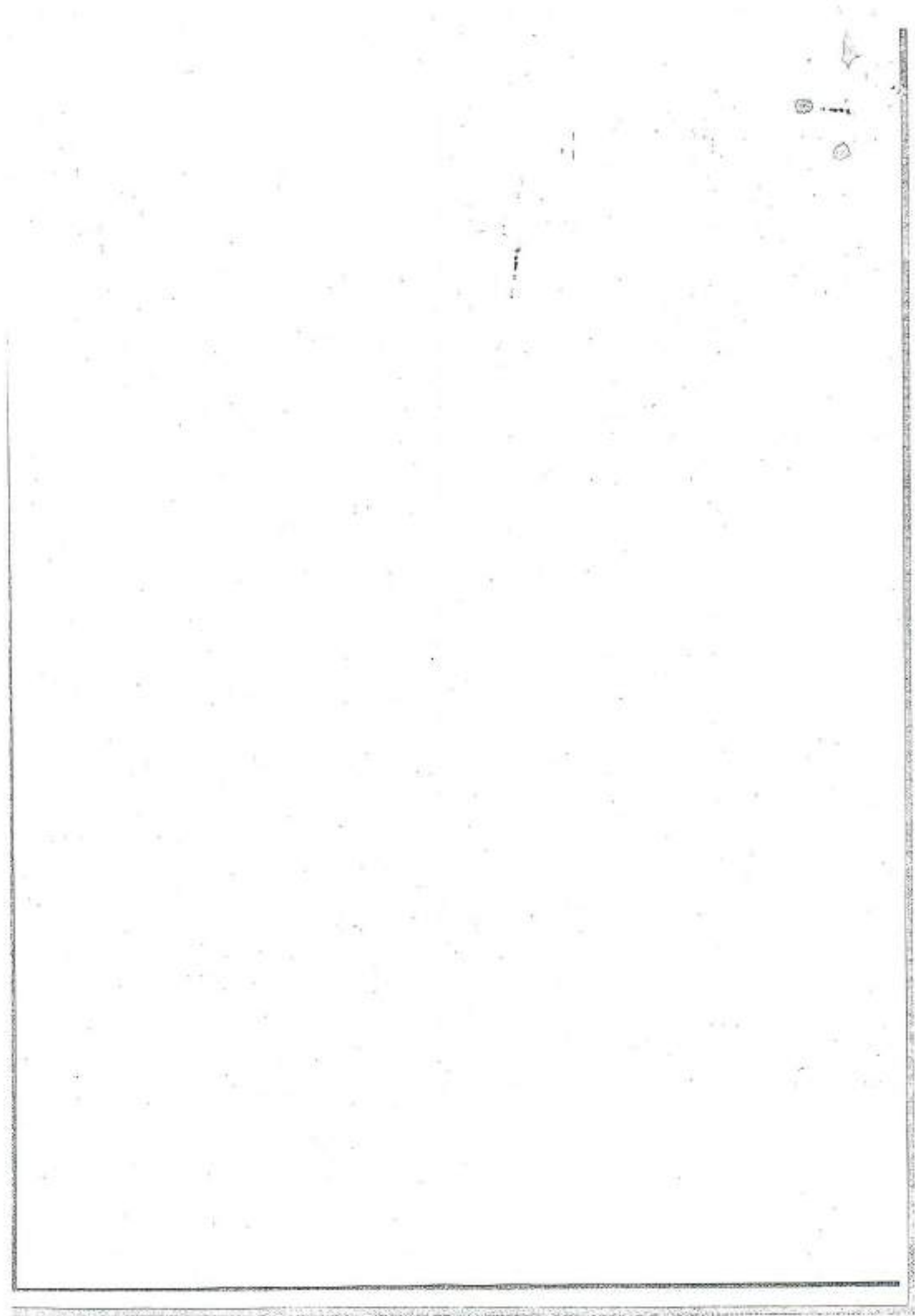
"The final study reports on unaccounted income and wealth both inside and outside India received from National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER), and National Institute of Financial Management (NIFM) have been examined and the reports and Government's response to it have been forwarded to the Lok Sabha Secretariat for placing them before the Standing Committee on Finance. The Lok Sabha Secretariat has informed that the same has been placed before the Standing Committee on Finance. The Committee is now seized of the matter and has decided to select the subject "Status of unaccounted income/wealth both inside and outside the country - a critical analysis" for detailed examination and report during their current term."

6. In view of the above, the Ministry, with the approval of the Minister of State for Finance, have requested to drop all the above mentioned 18 Assurances.

The Committee may consider/re-consider.

NEW DELHI:

DATED: 21/01/2020



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

Annexure -I

LOK SABHA UNSTARRED QUESTION No. 1482

TO BE ANSWERED ON FRIDAY, THE 4th MARCH, 2011
(Phaiguna, 13, 1932 Saka)

AMNESTY SCHEME FOR BLACK MONEY

1482. DR P. VENUGOPAL:
SHRIMATI INGRID MCLEOD;
SHRIMATI BOTCHA JHANSHI LAKSHMI;
PROF. (DR.) RANJAN PRASAD YADAV;
SHRI P. KUMAR;
SHRI SIVASAMI C.;
SHRI P.C. GADDIGOUDAR;
DR ARVIND KUMAR SHARMA;
SHRI P. LINGAM;
SHRI RAKESH SINGH;
SHRI PRABODH PANDA;
SHRI S.S. RAMASUBBU;
SHRI GURUDAS DASGUPTA;
MPs

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has any estimation of the amounts of black money reported to be in circulation in the country and stashed in foreign banks;
- (b) if so, the details thereof;
- (c) whether the Government proposes to bring forward any amnesty scheme to bring back black money and to set up any committee in this regard;
- (d) if so, the details thereof and the time by which the said scheme is likely to be introduced;
- (e) the other measures taken by the Government to bring back black money alongwith creation of legal framework to curb black money generation;
- (f) whether similar scheme introduced in the past have proved to be successful in bringing back the black money; and
- (g) if so, the details thereof alongwith the details of such schemes introduced earlier?

ANSWER

Minister of State in the Ministry of Finance

(Shri S.S.PALANIMANICKAM)

- (a) No, Sir. The Government has not made any estimation of unaccounted money inside and outside the country, in the recent times. However, the Government has decided to get a fresh study conducted on unaccounted income/wealth both inside and outside the country bringing out the nature of activities engendering money laundering and its ramifications on national security. The proposal was approved by the Government in January, 2011. The study is likely to be completed within a time frame of eighteen months.
- (b) Does not arise in view of reply to part (a) above.
- (c) At present, there is no proposal before the Government to bring an amnesty scheme for disclosure of undisclosed income.
- (d) Does not arise in view of reply to (c) above.
- (e) The Income Tax Department takes several deterrent and punitive steps to unearth unaccounted money and curb tax evasion. These include scrutiny of returns, surveys, search and seizure action, imposition of penalty and launching of prosecution in appropriate cases. Information Technology has also been used in a big way in collection, collation and dissemination of taxpayer information. Tax Information Network (TIN) has been set up as a depository of important tax related information which can be accessed by the Department. The basic components of TIN are information relating to Tax Deduction at Source (TDS), payment of taxes and high value transactions reported in Annual Information Returns (AIR). The Department has set up an Integrated Taxpayer Data Management System (ITDMS) to electronically collate information collected from various sources i.e. Tax Deduction at Source, Electronic Filing of Return, Annual Information Returns, Central Information Branches (CIB) etc, to create 360 degrees profile of High net-worth assesses. Information received from Financial Intelligence Unit under the Department of Revenue regarding suspicious transactions from various banks, insurance companies etc, are also investigated by the Income Tax Department. Further, the Department has implemented Computer Assisted Selection of Scrutiny (CASS) wherein returns are selected for scrutiny on the basis of comparison of the information gathered from various sources with the information available and declarations made by the assesses in the return of income.

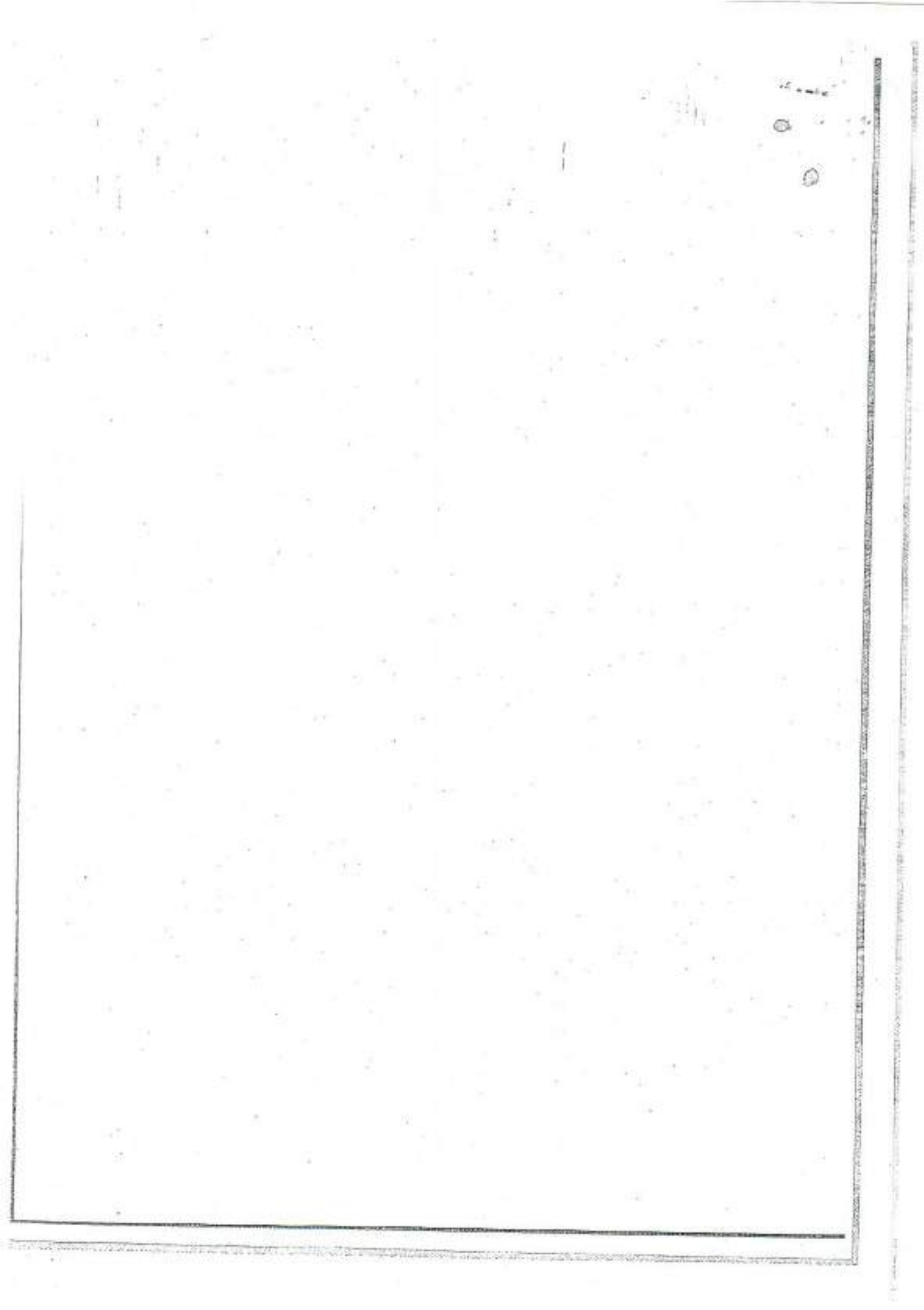
As regards unearthing of unaccounted money and wealth outside the country, Investigation Directorates pursue information regarding any deposit outside the country on top priority. The Department is having two specialized wings under the administrative control of the Director General of Income Tax (International Taxation). The International Tax Division investigates and assesses the cases of foreign companies, Non-residents and other such entities. The Transfer Pricing Division examines

Contd.....3/-

the international transactions between associated enterprises to determine the arm's length price in accordance with the provisions of Chapter X of the Income Tax Act, 1961. Appropriate action under the provisions of Income Tax Laws is taken in cases where tax evasion is detected.

India has initiated the process of putting in place a legislative framework by amending its existing Double Taxation Avoidance Agreements (DTAAs) to widen the scope of Article concerning Exchange of Information. The amendment to tax treaty with Switzerland has also been signed. It will enter into force when Switzerland completes its internal process. Upon entry into force, it will allow India to obtain banking information from Switzerland in specific cases for a period starting from 1st April 2011 or thereafter. India has also completed negotiations of Eleven new Tax Information Exchange Agreements. Government has also proposed certain new provisions in the proposed Direct Taxes Code Bill for unearthing black money.

- (f) to (g) Nine voluntary disclosure schemes have been floated by the Government between the period from 1951 to 1997. Significant disclosures were made in these voluntary disclosure schemes.



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA STARRED QUESTION No. 85

TO BE ANSWERED ON FRIDAY, THE 5TH AUGUST 2011
(Sravana, 14, 1933 Saka)

BLACK MONEY

*85: SHRI RAJIV RANJAN SINGH ALIAS LALAN SINGH:
DR. SHAFIUR RAHMANBARQ:

Will the Minister of FINANCE be pleased to state:

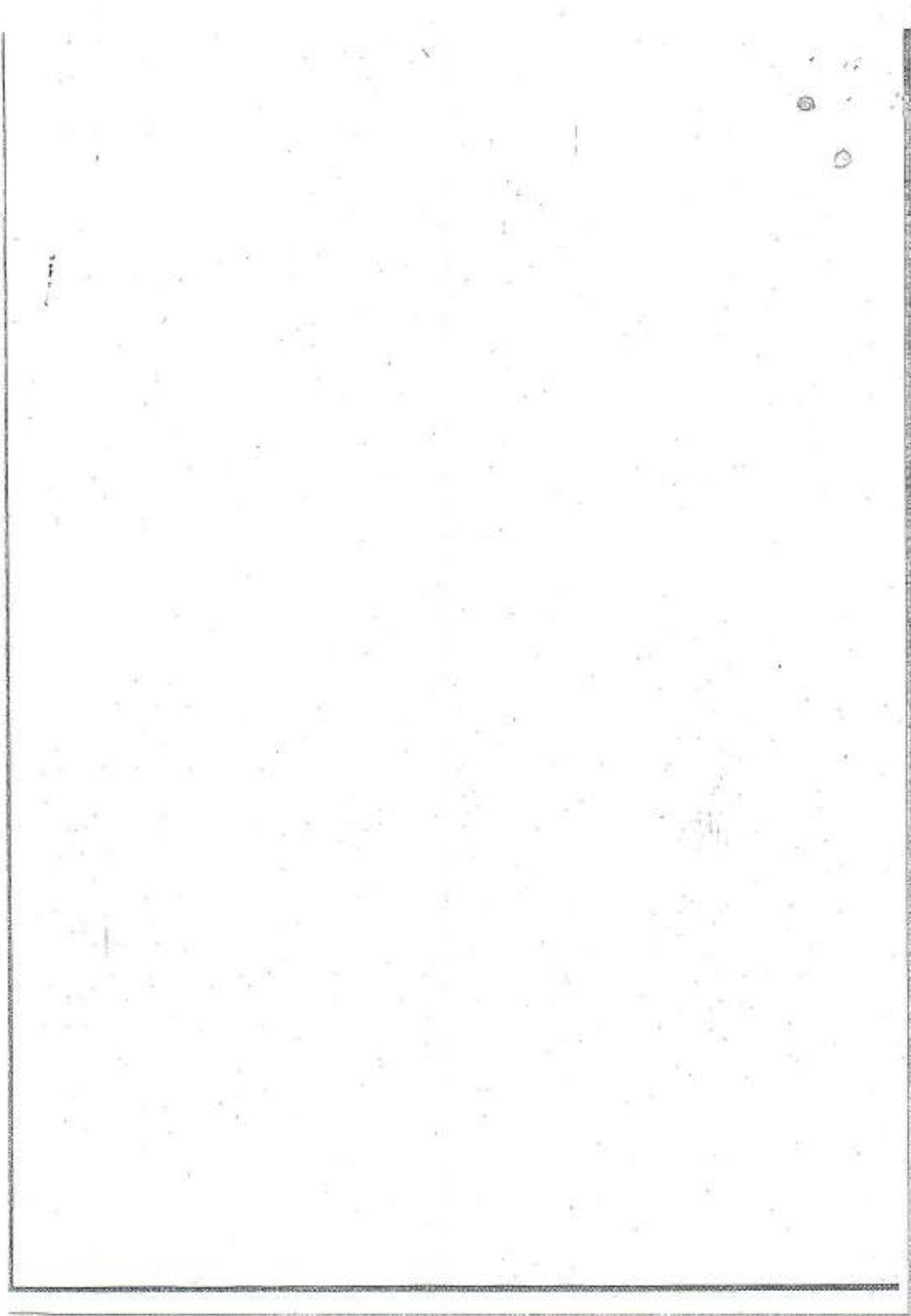
- (a) whether the Government has estimated or proposes to make an estimation of the amount of black money reported to be in circulation in the country and stashed in foreign countries;
- (b) if so, the details thereof;
- (c) whether some of the countries including Switzerland have agreed to share the information with the Indian Government regarding the amount of money and names of persons, corporates and other legal entities who have stashed such money in their banks;
- (d) if so, the details thereof;
- (e) whether the Government proposes to amend the existing Double Taxation Avoidance Agreement (DTAA) with various countries including Switzerland;
- (f) if so, the details thereof; and
- (g) the measures taken / proposed to be taken by the Government to bring back black money alongwith the success achieved thereof?

ANSWER

To be answered by the Minister of Finance

(Shri PRANAB MUKHERJEE)

(a) to (g): A statement is laid on the Table of the House.



**STATEMENT REFERRED TO IN REPLY TO
LOK SABHA STARRED QUESTION NO.85 FOR REPLY ON 05.08.2011**

(a) & (b): Yes, Sir. The Government has commissioned a study to estimate the quantum of unaccounted income / wealth inside and outside the country and its ramifications on national security on the basis of the recommendations of the Standing Committee on Finance. The study will be conducted separately by three national-level institutes namely, National Institute of Public Finance and Policy (NIPFP), National Institute of Financial Management (NIFM) and the National Council for Applied Economic Research (NCAER). Memorandums of Understanding (MoUs) have been signed with the Institutes on 21.03.2011. The study is expected to be completed in a period of 18 months.

(c) & (d): Many countries / jurisdictions are willing to share banking information in specific cases with India under the Double Taxation Avoidance Agreement (DTAA) / Tax Information Exchange Agreement (TIEA) for tax purposes. However, no fishing or roving enquiry is permissible.

(e) & (f): So far Government has concluded negotiations of 16 new TIEAs, 18 new DTAAAs and 21 existing DTAAAs, in last two years, with various countries/jurisdictions. All these DTAAAs and TIEAs have provision for effective exchange of information in accordance with the international standards. The Amending Protocol between India and Switzerland, which seeks to amend the existing DTAA between the two countries, was signed on 30th August 2010 at New Delhi and is ready to enter into force from the Indian side. The amending Protocol will, however, enter into force only after Switzerland completes its internal processes. Upon entry into force, the amended Protocol will allow India to obtain banking information, as well as information without domestic interest, from Switzerland, in specific cases for a period starting from 1st April 2011.

(g): To get back the black money to the country, a five pronged strategy has been formulated by the Government which is summarized as under:

- a. Joining the global crusade against 'black money';
- b. Creating an appropriate legislative framework;
- c. Setting up institutions for dealing with illicit funds;
- d. Developing systems for implementation; and

- e. Imparting skills to the manpower for effective action.

Information regarding details of asset and payments received by Indian citizen in several countries has started flowing in which is now under different stages of processing and investigation. In large number of specific cases information has been obtained under DTAA's. In the cases of money kept by Indian residents in a Liechtenstein bank, tax, interest and penalty equal to nearly the amount kept abroad has been levied and some of it already recovered. Prosecution for tax evasion has also been initiated in these cases.

Directorate of Transfer Pricing has detected mispricing of Rs. 34,145 crore in last two financial years as against mispricing of Rs. 14,655 crore in earlier five years. Directorate of International Taxation has collected taxes of Rs. 33,784 crore from cross border transactions in last two financial years. Investigation wing of CBDT has detected concealed income of Rs. 18,750 crore in last two financial years.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

Annexure -III

LOK SABHA
STARRED QUESTION NO. *66

TO BE ANSWERED ON FRIDAY, THE 25th NOVEMBER, 2011
AGRAHAYANA, 4, 1933 (Saka)

BLACK MONEY

†*66. SHRI SHAILENDRA KUMAR:
SHRI P.C. GADDIGOUDAR:

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has conducted a study to estimate the quantum of unaccounted income/wealth inside and outside the country and its ramifications on national security;
- (b) if so, the progress made in this regard so far;
- (c) whether some countries including France and Switzerland have initiated measures for sharing tax related information with India and provided the details of account holders who are reported to have stashed black money in their countries;
- (d) if so, the details thereof;
- (e) the reaction of the Government for making their names public alongwith the action taken/proposed to be taken against them;
- (f) the progress made in regard to signing or reviewing/renegotiating the Double Taxation Avoidance Agreements (DTAAs) and Tax Information Exchange Agreements (TIEAs) with other countries to get information about black money stashed there; and
- (g) the other measures taken/proposed to be taken to bring back black money stashed in foreign countries alongwith the success achieved therefrom?

ANSWER
FINANCE MINISTER
(SHRI PRANAB MUKHERJEE)

(a) to (g): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. *66
FOR REPLY ON 25.11.2011

(a) The Government has commissioned a study to estimate the quantum of unaccounted income/wealth inside and outside the country and its ramifications on national security on the basis of the recommendations of the Standing Committee on Finance. The study will be conducted separately by three government institutes, namely the National Institute of Public Finance and Policy (NIPFP), the National Institute of Financial Management (NIFM) and the National Council for Applied Economic Research (NCAER).

(b) The Institutes have been given time up to September, 2012 to submit their reports.

(c) to (e) Yes Sir. Many countries / jurisdictions are willing to share banking information in specific cases with India under the Double Taxation Avoidance Agreement (DTAA)/ Tax Information Exchange Agreement (TIEA) for tax purposes. India has received tax related information from various countries. However, disclosure of such information is governed by the confidentiality provisions of the DTAA/ TIEA under which the information has been received and can be used only for tax purposes.

(f) The Government of India has DTAA's with 81 countries, out of which 75 DTAA's do not have specific paragraph for exchange of banking information. All these 75 DTAA's have been taken up for renegotiation and so far renegotiations have been completed in 22 cases. India has also entered into TIEA's with 5 jurisdictions. All these agreements contain articles concerning exchange of information for tax purposes which allow for exchange of tax-related information.

(g) The Government of India has framed a comprehensive five-pronged strategy in order to bring back the country's money illegally stashed abroad. The strategy comprises of:

- (i) Joining the global crusade against 'black money';
- (ii) Creating an appropriate legislative framework;
- (iii) Setting up institutions for dealing with Illicit Funds;
- (iv) Developing systems for implementation; and
- (v) Imparting skills to the manpower for effective action.

As a result of these efforts, tax-related information has started to flow in large numbers from outside and necessary action is taken to verify such information and bring to tax any untaxed amount. During the last two years, the Directorate of Transfer Pricing has detected mispricing of Rs.66,085 crore and the Directorate of International Taxation has collected taxes of Rs.33,784 crore from cross-border transactions.

General Discussion dated 14/12/2011
Money Deposited Illegally in Foreign Bank
and Action Taken

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Annexure-IV

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Madam,

Speaker, I would have liked to start my observations... (Interruptions)

श्री जालू प्रसाद (सारण): दादा, हिन्दी में बोलिये। ... (अवधान)

श्री प्रणब मुखर्जी : सबैक्ट बहुत गंभीर है, इसलिए मुझे अंग्रेजी में बोलने दीजिए।

Normally, when I start my observations I always appreciate the mover or the leader of the discussion but this is a particular Motion on which I cannot do it, even technically, because it is an Adjournment Motion and at the end of it I will have to oppose it. But surely I would like to appreciate senior Leader Shri Advani ji's *Jan Chetna Yatra*. As a Finance Minister, like any other Finance Minister, I would like to watch the outcome of his *yatra* if it can influence the tax-evaders, the tax-dodgers and black-money generators to reduce their activities and help the exchequer to get the money due to it. As I understand, '*Jan Chetna*' means to create awareness amongst the people, to create some sort of social awareness and if it is achieved, surely I would like to congratulate him for taking that trouble at this age to have such an arduous journey from one end to the other end.

Having said that, I would like to start with how black money is generated? What is the quantum of black money? What steps we have taken in this regard? What steps you could not take? I am not going to enter into the debate to win some brownie points here and there. It is because the issue is serious. Like many other serious issues, I would like this House to debate, discuss and decide that how effective steps can be taken to get rid of this menace.

Whatever be the quantum, I am not indulging in any fancy figure. I do not have the liberty to indulge in that fancy figure. It is because of the Office, I am occupying. I have figures as per reports of the Swiss Banking Association. After my two years' sincere efforts, I could not locate where this Association is. What they do? When I asked through our Ambassador to Switzerland, they have expressed their inability to identify any such organisation. But this Organisation had a very prominent place in Indian media for several days together.

So, I am starting with their assessment. Their assessment is 1500 billion to 1900 billion US dollars. According to BJP's Task Force, Report which was circulated during the General Elections of April, 2009, it is varying from 500 billion US dollars to 1400 billion US dollars. If my figure is incorrect, somebody from that side could correct me.

According to the Global Financial Integrity from 1948, one year after Independence to 2008, 213 billion US dollars have been lost by India since Independence till 2008. The current value of those 213 billion US dollars would be 462 billion US dollars.

But none of these agencies – of course, not non-existing agencies - have clearly defined the assumption. Therefore, when this Debate started, the first task I did, I wanted to have an authentic and authoritative assessment, if possible to make by three important institutions. They are National Institute of Public Finance and Policy; National Institute of Financial Management and National Council of Applied Economic Research.

I have mandated them to make an assessments independently. I will provide them the necessary funds to come out with a dependable assessment of the size and quantum of black money.

Now, what type of strategies are we following? I have discussed this issue on the floor of the House earlier in other forums also. I am talking of the five pronged strategy. We may have emotions and we may indulge in very high sounding phrases but it does not help me when I am to act with other sovereign countries.

There are laws, international practices and norms. I shall have to follow them. Therefore, for the information I would like to have, the instrument, which is available to us, is Double Taxation Avoidance Agreement. We can collect bank information through this Double Taxation Avoidance Agreement. We have 82 Double Taxation Avoidance Agreements. For quite some time, these Double Taxation Avoidance Agreements were being signed to facilitate those entities which are having cross-country operations to avoid double taxation in both the countries. Therefore, primarily it is a trade facilitator.

Here I would like to most respectfully submit to Advaniji that this did not become concern of the world with the UN Convention. The UN Convention dealt substantially on money related to drug trafficking, narcotics and crimes which are

funding terror activities. Even the Convention 2003 is substantially dealing with it. Of course, tax evasion and avoidance is one part. But in many countries, tax evasion and tax avoidance, unless there is a fraud, are not crime. But the issue came to the international forum and was debated in the international fora after the London Summit of G-20 in October 2008. Thereafter, it was followed by Pittsburgh Summit. Then, it was followed by Seoul and it was also followed in the last Summit at Cannes where our Prime Minister very strongly pleaded for an automatic exchange of information. I would like to quote from his observations there: He said:

"G-20 countries should take the lead in agreeing to automatic exchange of tax related information with each other, irrespective of artificial distinctions such as present or past, tax evasion or tax fraud in the spirit of our London Summit that the era of bank secrecy is over."

There is no lack of initiative from 2010 to November, 2011. Before the Summit, the G-20 Finance Ministers met. It is my recorded speech. In every meeting including on 12th February at Paris, I said that we shall have to ensure that we get this information automatically.

What observations were made by the international commentators on the Prime Minister's speech, I am quoting. It is from GFI. Advaniji has quoted very profusely from GFI. The GFI noted in a recent press release:

"While the final declaration mentioned automatic exchange of tax information as a potentially useful tool in tackling non-cooperative jurisdiction, it stopped short of calling for its implementation, instead stating that they would consider it on a voluntary basis or as appropriate."

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OECD also is recognising this. In an interview published in today's *Economic Times* in reply to a question as to why we are not getting the information, the OECD spokesperson said:

"I must say that you "Indians" are being very impatient. If you look at other countries, the process to get the Agreement signed, its ratification and implementation itself has taken a lot of time. India started the process 18 months ago and signed 22 agreements already. This is more than the numbers of agreements the United States have. Your Tax Administration is building capacity to make use of these agreements. India has done a good job on this score also highlighting the G-20 issue. It takes time and so you must have some patience."

They have recognized that India is one of the three fast moving countries in this direction. It is true that we started two years ago. Why? It is for the same reason as you mentioned one that during your tenure, during our tenure, all the banks, not merely Swiss Bank, located at tax havens – tax havens are not located in developing poor countries like India, but all of them are located in industrialized developed countries – doggedly refused to share banking information in the avoidance of Double Taxation Agreement. Therefore, you could not do anything; we could not do anything. But when the G-20 countries including USA had put pressure, then they started negotiating. I have given the figures. The total number of Double Taxation Agreement we started with were 75. We have completed Double Taxation Avoidance amendment incorporating clause 26 of OECD in our Agreements where sharing of the bank information has been agreed upon. Today including the new Double Taxation Agreement, where we have inserted this clause, along with the main Agreement, Tax Exchange Information Agreement with the sovereign jurisdiction, we have completed 60 which includes renegotiations of 24 DTAA out of 75. The remaining are in the process of negotiation. So, I do hope that it would be possible for us to complete this exercise early.

Even with Switzerland we have completed the agreement. A lot of misinformation have been spread that we will sign the agreement in 2012. I do not know from where this date has come. When the Agreement was signed with Switzerland – I am not to get this information from anybody else because I am the signatory to this Agreement along with the Swiss Federal Ministers – in August 2010, they said that they will give us prospective information and not retrospective information. Please believe me, no country of the world, not even the USA, not even France, not even UK got information from Switzerland, through the legal Treaty, retrospectively. Nobody did get it. Everybody got prospectively. What happened in the case of Switzerland? They said that it will be done on 1st of April, 2011. I said: "Why can't you do it earlier?" They said: "Look, Mr. Minister, unlike your country, we have a very elaborate provision of ratification of International Treaty and Agreement. I am not quite sure whether I will be able to complete it in one year. Both the Houses of Parliament of Switzerland will have to pass it. After that, it will go to all the Cantons. They will have to ratify it. The specific period of four to six weeks is to be given to each Canton and ultimately, it was ratified not even on the 1st of April, 2011. It was ratified in October, 2011 but it will be effective from 1st of April. We will get the information. Whatever information we will get, we will definitely like to act on it."

On our efforts, I would just like to quote from an article of Ann Hollingshead.

"The more important and more effective course of action is to stem the outflow in the first place and in the recent months, India has significantly expanded its efforts in this area to this end. India recently joined the Financial Task Force and the Task Force on Financial Integrity and Economic Development Partnership Panel."

She has also stated:

"India is one of the three countries which has been recognized as doing quite strong and well in operating against the black money."

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Surely, self-criticism is good but not self-condemnation. I have no problem if you criticize. The entire exercise started from Pittsburgh Summit and still the process is yet to be completed. It is to be completed in the sense that the automatic exchange information and past information are not yet available.

Shri Advani has raised a number of points. I would like to respond to those points. First of all, he has referred to the act of dirty money. He has discussed about dirty money. I heard Shri Advani with great attention when he spoke on dirty money relating to drug trafficking, etc. We are fully aware of it. To take appropriate action, this Parliament has received the legislation. Narcotics and Psychotropic Substances Bill has been introduced in the last monsoon Session of Lok Sabha. It is currently under the consideration of the Standing Committee and when the Standing Committee will send its Report, surely we will work on that Report.

I have already mentioned about the Swiss Bank. French accounts are there. But your interpretation is not correct. Not once, but twice I had meetings with the French Finance Minister. I said: "Some of our countrymen are saying this information you did not get from legal sources. You had some other sources. I do not want to know what sources you have. But can I disclose this information?" He said: "No, Mr. Minister. You are getting information from me through the legal channel of the Double Taxation Avoidance Agreement. From where I got the information is not your business. With a sovereign country, I am sharing the information with certain conditions." Shri Thakur rightly quoted that for tax purposes, all tax avoidance cases barring, all tax evasion cases and all concealment cases in this country till today are not penal offences, nor are they criminal offences. Neither your Government did anything nor my Government did anything. You considered it proper that the Income Tax Department is not to administer the IPC. Our job is to prevent tax evasion and tax avoidance and if we get the taxes we are satisfied. If you feel strongly that it should have been done,

what prevented you from doing it for six years? It is because we know what job is to be done by whom.

Regarding insisting on getting information, let us think of a situation like this. Suppose I publish the 36,000 pieces of information, and names from different countries, to satisfy the inquisitorial interest of the Members of Parliament. Tomorrow, the same countries will tell: "Mr. Minister, you have violated the international agreement. Sorry, we will not share any information with you." Then, what should we do? We will dry up the sources. I will publicise the names. Please do not forget that these people are not naives. When they operate black money, they know what to do. Once their names are disclosed, immediately they will withdraw the money from their respective banks. You will not be able to trace it. ... *(Interruptions)* This suggestion has come from the former Home Minister and former Deputy-Prime Minister of the country! ... *(Interruptions)* Please listen. ... *(Interruptions)* When you collect information, there should be an element of surprise. When the Income Tax Department gets information that somebody is holding black money, somebody is holding unaccounted money, should I publicise it? Or should I go and search and seize the money? How is the intelligence collected? An element of surprise is there. How is the information collected normally? An element of surprise is there.

I can show you under what conditions these are being given. When there is a case of money laundering or when there is a case of criminal activity, when these persons are prosecuted, definitely their names can be disclosed. So many speculations have been made. Former Deputy Prime Minister, Shri Advani referred to a judgement. It is about Shri Jethmalani's case. The judgement is not yet complete. It was an interim judgement. The Department has challenged that judgement. It has been sent to the larger bench. The judicial process is yet to be completed and we are discussing it in the Parliament! I would have ignored it if it was mentioned by anybody else. But when it comes from the former Deputy

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Prime Minister or the Home Minister of the country, I am really a little disturbed over it. The process has not yet been completed.

There is another issue which has been raised is about the actions which we have taken. Yes, we have unearthed Rs. 66,000 crore. Now, we have established a Criminal Wing in the Income Tax Department. What did you achieve? What was your performance when the Transfer Pricing Act was passed during your time? How much money have you received by preventing transfer pricing? I am not blaming anybody because we did not have that expertise. Those who are the tax evaders and who are the tax avoiders are equally clever persons and they know what to do and how to operate. Therefore, this is a constant battle between the tax evaders and those who are implementing the tax laws.

Madam, my respectful submission is that the issue of black money is very serious. We shall have to find out how to prevent it and how to bring it back. Some Hon. Member has suggested that "declare it as a national asset". Yes, I declare it as a national asset and this Parliament declares it as a national asset - money located in Swiss Bank is a national asset. How would you get it? Should I send forces? We can get it only through the tax agreement and through the international agreement. So, that aspect is to be kept in mind.

You have referred to the Swiss Restoration Act which has been passed in 2011. You want to know what action we have taken. What is the content of that Act? The content of that Act is not merely of tax evaders or tax avoiders and those who are politically associated. You have referred to the former President of Philippines. I am not going to take the name of the country where somebody taught us that India is the first among the countries whose citizens have black money in foreign banks. I have got a published list, but for obvious reasons I cannot mention the name of the countries. Nowhere India is there in the first ten countries. But we can easily say that India is on the topmost list. Yes, there are people; there is black money; there is unaccounted money. So, those unaccounted money ought to be brought in. Please analyse the existing Act. Somebody has

demand that you will have to confiscate. We are making the provisions of the Prevention of Money Laundering Act more stringent. I have given a notice to this House to introduce the Bill and in this Session itself, the Bill will be introduced. But mere introduction of the Bill does not help me if this is not passed and it cannot be passed, if half of the Session goes without discussing anything. We are talking of the sovereignty of the Parliament. Yes, we are sovereign. We are talking of the image of the politicians. I can issue instruction to my Income-Tax Department saying that you put a clause saying that while filing the returns, they will have to make a statement whether they hold any unaccounted money or not. Nobody will say "I hold unaccounted money." Nobody will say "I am a black money holder in foreign bank." But, despite that, we can try to squeeze as much information as possible. But the image of the sovereign Parliament will be restored if even in one Session we, from the day of beginning to the day of adjournment function without disruption. This is my view. If we can transact the legislative business, even if we can have this type of a discussion, it will be good.

Normally, the Government does not accept Adjournment Motion. Shri Advani is correct that it is some sort of a censure. But why did I accept it? I accepted it because I felt that at least the House could discuss something. Even if it is not a Government business, even if it is for the condemnation of the Government, I thought let me accept it because some normalcy would come back. What are we doing in the past two weeks? How you disrupted it? The very demand was that it must be an Adjournment Motion both on price rise and black money. Black money is being generated from 1948 till 2008. What is the urgency in it? What suddenness is associated with it? Even, however pernicious it may be, if it does not have any gross failure of the Government in immediate immediacy, how could you link it with the Adjournment Motion? The House could not function. It was disrupted. I thought at least let me concede and agree to it. I am grateful to Shrimati Sushma Swaraj that we agreed on the text. Shri Advani also

agreed to it. Therefore, there is no harm in it. But the short point which I am trying to drive at is that we can do much more if we can simply bring back normalcy.

You have demanded a White Paper. I have already, in response to a question on the floor of the House, stated that I would bring a White Paper. I will give all the information, whatever information you want because there is no conflict of interest here. I do not believe that you are protecting the black money holders. You may accuse me. I know that I do not protect any black money holder. My Party does not protect any black money holder. Therefore, I do not find any conflict of interest between your objective and our objective. If there is no conflict of interest, why can we not work together? You wanted a discussion. The discussion could have been under Rule 193. Two precious days would not have been wasted. What additionality can you have except dividing the House on the motion whether the House would be adjourned or not on this issue? I am, perhaps, a most illiterate man out of the 545 Members of the Lok Sabha! Probably, I do not understand what great benefit we are getting by dividing the House on the Motion whether the House should be adjourned or not on the issue of the black money generation, how to tackle the black money and how to bring back black money. Yes, we shall have to take concrete action. I have given the action plan. You find out and say: "Mr. Minister, there is the deficiency. You do this." I am seriously asking you this. Do you want the Income-Tax Act to be a Penal Act? Is there any dearth of the stringent laws? In 1976, this House itself passed two Acts – either in December 1975 or 1976. One was the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, COFEPOSA. Another Act was the SAFMA - Smugglers and Foreign Exchange Manipulators (Forfeiture of Properties) Act. What is the status of those two Acts? COFEPOSA is still in operation. I was then young man. As the Minister of State in the Ministry of Finance, I piloted these two Bills. After 25 years, I went to North Block in 2009 January. I enquired: "Are these Bills still in the Statute Book?" The reply was: "Yes, they are still in the Statute Book but they are not in operation." There is no

dearth of laws. Many a time, I get the suggestion on amnesty schemes. I got these types of suggestions earlier also. In 1992, when I was the Finance Minister, while entering into extended funding facility arrangement, borrowing arrangement with the IMF, I was told: "Why don't you allow some sort of amnesty to get back the foreign exchange from abroad?"

In 1992, we were forced to do some sort of things like that and received a stringent comment from the Judiciary. Therefore, depending on the economic situation, prevailing at that time, we ought to take certain measures. From hindsight we should not criticize those. To tackle one problem; to be overwhelmed with that problem, we in our anxiety may create many other problems, which will ultimately be harmful to us.

I thank Advani ji, through you, Madam, for his efforts to create awareness amongst the people of this country; don't indulge in generating black money; don't evade taxes; don't avoid taxes fill the Exchequer properly tap the taxes. I wish he achieve in his vision. Thank you very much. ... (Interruptions)

श्री लालू प्रसाद : प्रणव जी, आप इतना बता दीजिए कि उसने राजनेताओं के नाम हैं या नहीं?

... (व्यवधान)

अध्यक्ष महोदय : अब आलवाणी जी बोल रहे हैं। ... (व्यवधान)

श्री मुलायम सिंह यादव (मैनपुरी) : अध्यक्ष महोदय...

अध्यक्ष महोदय : एक मिनट उन्हें बोलने दीजिए।

... (व्यवधान)

अध्यक्ष महोदय : मंत्री जी, बोल रहे हैं। उन्होंने कम्पलीट नहीं किया है, वे बैठे नहीं हैं।

... (व्यवधान)

श्री मुलायम सिंह यादव (मैनपुरी) : अध्यक्ष महोदय, काला धन वापस आयेगा या नहीं ... (व्यवधान) मंत्री जी के जवाब से हम संतुष्ट नहीं हैं, इसलिए समाजवादी पार्टी सदन का बहिष्कार करती है।

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*Shri Mulayam Singh Yadav and some other
hon. members then left the House*

... (व्यवधान)

SHRI PRANAB MUKHERJEE: Please understand. When we get the name.....

(Interruptions)

अध्यक्ष महोदय : कृपया आप सब शांत हो जाइये और सुनिये।

... (व्यवधान)

SHRI PRANAB MUKHERJEE: Only one point I would like to suggest and that is when we get the names, we shall have to work out on them. Suppose I get hundred names, some of them may be the genuine account holders; some of them may be having export businesses; some of them may be investors in that country. A circulation was made that MPs names are there. No MPs name did I find in the documents which I have seen. But I cannot go on saying that this name is there; and this name is not there. That is not the purpose. Therefore, I shall have to ascertain; though many of them may be the genuine account holder with the permission of the Reserve Bank for their business; for their investment purposes. India is emerging as one of the largest investors in Europe. Three consecutive years, Indian investors were second in the U.K. Therefore, we shall have to keep in mind these aspects. There is a demand that we publish the names; give names; and names will get highlighted. But what will happen? It will have its impact on the industry, on the investment, and on the reputation of the people. We shall have to think of these things.

श्री लाल कृष्ण आडवाणी (गांधीनगर): अध्यक्ष महोदया, मैंने अपने भाषण में काले धन के संदर्भ में मुख्य रूप से तीन बातें कही थीं। एक यह कि सरकार का क्या अंदाजा है? कितना काला धन विदेशी बैंकों में है, क्योंकि आप भी कहते हैं कि आपको ग्लोबल फाइनेंशियल इंटीग्रिटी ज्यादा रिलायबल लगती है। आप कभी-कभी हमारे टास्क फोर्स को भी कोट करते थे। मैं समझता हूँ कि रिजर्व बैंक का या गवर्नमेंट की फाइनेंस मिनिस्ट्री का ज्यादा अच्छा एस्टीमेट होगा हम लोगों से या इवैन ग्लोबल फाइनेंशियल इंटीग्रिटी से क्योंकि भारत के साथ सीमा संबंध तो भारत सरकार का ही हो सकता है, अन्य किसी का नहीं हो सकता है। आपने जो जवाब देना था, दिया। उसमें से मुझे उत्तर नहीं मिला। मैं चाहूंगा कि जिस समय आप अपना व्हाइट पेपर दें, उसमें भी इस बात का उल्लेख करें कि हमारा अंदाजा क्या है। आपने खासकर तीन संस्थाओं के बारे में कहा है। जिन तीन संस्थाओं से आपको जो इनपुट्स मिलेंगे, जो जानकारी मिलती है, वह व्हाइट पेपर में आ सकती है, apart from the other steps that the Government has taken in order to find out about the black money and get it back. The second question is this, मैं मानकर चलूँ, आपका बीच में एक जवाब आया कि इतने हजार करोड़ रुपये फायदा हुआ है ... (व्यवधान) या अनर्थ किए हैं। ... (व्यवधान) What does it mean? आपने अनर्थ किया है, उसका मतलब है कि इनकम टैक्स के प्रोब में आपने अनर्थ किया है ... (व्यवधान) या we have been able to get this much money from outside back into the country. मुझे जो बात लगती थी कि it was not merely America or UK or Germany which have actually got back their money from Switzerland or such tax havens, but very many small countries also indicate how much money they have got back from Switzerland or from some other tax havens. मैं जानना चाहता था कि इस सारे प्रोसेस में, आपका कहना यह है कि कोई वर्ष 2003 में, जब उन्होंने कंवेन्शन अगेन्स्ट करप्शन पास किया, तब से स्थिति में बहुत परिवर्तन नहीं आया। तब से परिवर्तन आया केवल टेररिज्म के संबंध में या ब्रगडम के सन्दर्भ में, लेकिन मैं मानता हूँ कि जिन लोगों ने विदेशों में बैंकों में पैसा रखा है, वे केवल टैक्स इवोडर्स नहीं हैं। अगर किसी ने भ्रष्टाचार से पैसा कमाया है, तो उसने भी उसके कारण विदेश में पैसा रखा है और इसीलिए मुझे आश्चर्य नहीं हुआ जब मैंने यह देखा कि लिब्रलाइजेशन के बाद, वर्ष 1991 के बाद जितना परसेंटेज इलीसिट फ्लो फ्रॉम इंडिया टू फॉरेन बैंक्स हुआ है, that money is much more than before. मैंने स्वयं अपने भाषण में कहा कि अंतियर में यह मानता था कि जितना ब्लैक मनी जेनरेट हुआ है, वह प्रमुख रूप से टैक्सेशन के हमारे हाई लेवलस के कारण होता है, लेकिन लिब्रलाइजेशन के बाद, जब से आज के हमारे प्रधानमंत्री जी वित्त मंत्री बने थे,

उसके बाद की स्थिति में यह स्थिति आई कि सभी ने, इवैन ग्लोबल फाइनेंशियल इंटीग्रिटी ने लिखा कि उसके बाद का परसेंटेज विदेशों में ब्लैक मनी जाने का बहुत हाई है। यह चिंता पैदा करता है कि ऐसा क्यों होता है, अब तो टैक्स लो हो गया है। It is perhaps the lowest among the lowest in the world. दूसरा सवाल मेरा इस संदर्भ में था और तीसरा सवाल उत्ती से जुड़ा हुआ है कि टैक्स इवेलन के आधार पर या किसी भी आधार पर किसी ने अगर बिना परमीशन के, आपने जो बात कही है, वह मैं हमेशा कहता हूँ कि अगर किसी का लेजिटिमेट फॉरेन एकाउण्ट है that cannot be regarded as a crime, as an offence. I have always said that those who have legitimately have foreign bank accounts with the permission of the Government of India or the Finance Ministry, I have nothing to say about that. But there would be some who had totally unaccounted money and without any permission, on those cases I would like to know as to whether any case has been penalised for that and whether anybody has been identified and punished for that.

आपकी रिप्लाय में इन तीनों सवालों का उत्तर नहीं मिला, इसके कारण मैं असंतुष्ट हूँ। बाकी तो मैं इस बात से सहमत हूँ। (व्यवधान)

SHRI PRANAB MUKHERJEE: Madam Speaker, if he yields for a minute, I would like to share some information. He mentioned about Rs. 66,000 crore. That is the prevention of the profit going outside. It is not that we have got Rs. 66,000 crore as the tax. Through the application of transfer pricing mechanism, our officers prevented the transfer of the profit of this amount outside. This is one.

Second, through international tax operation in the last two years, the tax which we have collected is Rs. 33,784 crore. In addition to that, Investigating Wing of the CBDT domestically have unearthed Rs. 18,750 crore concealed income and in the current year Rs. 3,887 crore concealed income up to now. What will be the tax will be available to them.

Now, from the foreign sources information which we have given, the scrutiny and other things take some time, but in 98 cases the Department has detected undisclosed amount of Rs. 533 crore and we have already realised Rs. 166

crore in taxes; the balance are still in the process. This is about the tax realisation and this information I wanted to share with you.

श्री लाल कृष्ण आडवाणी : मेरी जानकारी में, जैसा मैंने कहा कि केवल बड़े देशों ने धन प्राप्त किया है, उन्होंने तो बड़े अमाउंट्स प्राप्त किए हैं इस टैक्स हेवन से, लेकिन पेरू जैसे देश ने 77 मिलियन यूएस डालर्स, मोरक्को कोस में भी है, फिलिपींस का मैंने उल्लेख किया 683 मिलियन यूएस डालर्स, नाइजीरिया कोस में 458 मिलियन यूएस डालर्स, मैक्सिको कोस में 74 मिलियन यूएस डालर्स, ऐसा करके छोटे-छोटे देशों ने भी इतने प्राप्त किए हैं।

I do not think that India can be disregarded in this matter. India is in a position today that after this Convention Against Corruption, at least cases where it is a case of not just tax evasion which is not an offence in that country, but there is a case of corruption. जैसे मैं समझ नहीं पाया कि इस हसन अली का क्या प्रभाव है कि हम उसके बारे में कुछ नहीं कर पा रहे। उन्होंने इतना साफ अमाउंट वहां पर रखा। What is really the source of his strength? मैं चाहूंगा कि हसन अली के बारे में विस्तार से जवाब दें।

संसदीय कार्य मंत्री तथा जल संसाधन मंत्री (श्री पवन कुमार बंसल): यह हसन अली वाला मामला कोर्ट में है, क्या आप कोर्ट को डायरेक्ट करेंगे?

श्री लालकृष्ण आडवाणी : मैं कोर्ट को डायरेक्ट नहीं करूंगा। जितनी मुझे जानकारी है, वह मैं दे सकता हूँ। वह सही है या गलत, आप उत्तर दे सकते हैं। It is a case which has been discussed in the media, on the Television, at length and therefore, it is a very mysterious case which I am not able to understand, particularly, when it was questioned: "कहते हैं कि सारा पैसा इब्राहिम का है, जितना पैसा उसने वहां रखवाया?" आपने एक बात स्पष्ट की कि 2012 कहां से आ गया, यह मैं नहीं जानता हूँ, लेकिन आपका कहना यह है कि यह तारीख उन्होंने इस्तिस्न किया कि यह प्रोस्पेक्टिव होगा।

SHRI PRANAB MUKHERJEE: It was 1st April 2011. That is in relation to the date of 1-4-2011 because the agreement was signed in August 2010. They said it would take some time for us to ratify this agreement. I am talking of India-Swiss Agreement. Therefore, the date which was mentioned there is 1-4-2011.

SHRI L.K. ADVANI : Maybe, but this will only indicate that those who had without permission opened unauthorized accounts in Swiss banks earlier, we will not be able to do anything about them. I do not know how the other countries have managed it ... (*Interruptions*)

MADAM SPEAKER: Let us have order in the House, please.

SHRI L.K. ADVANI : But it is something that, on the face of it, it would seem to me that we have voluntarily given up our right to enquire about black money abroad.

SHRI PRANAB MUKHERJEE: That was on 3rd November. We are insisting – and I am confident that we will succeed – that you have to give us these information. If you just take your seat, I will complete in two minutes.

One information that I want to have from them is about the past. When I find that this information is available, if we get it about the past, we will give you. You give us the past information; that is one. Second information we are insisting on is that you have to cooperate with us to get and realise the money from the assets located in our country. We can realise the money – once it is established – from the assets located in our country. There is no problem. But the assets located in those countries where the tax-evader has deposited his money, to recover from those assets, we require their cooperation. We are insisting on it. What the Prime Minister impressed on the G 20 countries in the Summit is that, at least, if these 20 countries and if we voluntarily agree to make these commitments, then all others will follow, and that accounts for 85 per cent of the world economy. Therefore, in no way we are lagging behind. We are working. But, at the same time, as I will quote the official spokesperson of OECD, we shall have to be a little patient. So far as Switzerland is concerned, as I mentioned, for all countries the

same provisions they have for providing information from "prospective" and from "retrospective" date.

SHRI L.K. ADVANI : You referred also to the LTG Bank and spoke to me about why I should quote from the order. It was an order; it was not a final judgement. But I know that between the two judges, there is a difference and the matter is being referred to a third judge. But this order has not been stayed from which I said. Had it been stayed, I would not have quoted it. It is an order. ... (Interruptions) You mentioned it in a manner as if I have done something wrong by quoting it.... (Interruptions).

MR. CHAIRMAN: Address the Chair, please.

... (Interruptions)

SHRI L.K. ADVANI : I knew that it had not been stayed; therefore I quoted it. So far as the order is concerned, the final operative part was quoted by your colleague, Manish also, and I accept it; I knew about it. ... (Interruptions)

श्री लालू प्रसाद : मैडम, प्रणव बाबू को मैं धन्यवाद देता हूँ कि जो लोग सड़कों पर फालतू बार्तें करते थे, आदरणीय सदस्यों के खिलाफ काले धन के मामलों की मांग करते थे, आबने संसद में क्लीयर कर दिया कि किसी भी एनपी का वहाँ पैसा नहीं है। मैं प्रणव बाबू को धन्यवाद देता हूँ।

MADAM SPEAKER: The question is:

"That the House do now adjourn."

The motion was negatived.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA

UNSTARRED QUESTION NO. †2937

TO BE ANSWERED ON FRIDAY, THE 30TH MARCH, 2012

CHAITRA 10, 1934 (SAKA)

REVELATION OF BLACK MONEY BY CBI

†2937: SHRI BALIRAM JADHAV:
SHRI VIRENDER KASHYAP:
SHRI CHAUDHARY LAL SINGH:
SHRI TARACHAND BHAGORA:

Will the Minister of FINANCE
be pleased to state:

- (a) whether the Central Bureau of Investigation (CBI) has recently revealed that an estimated amount of 500 billion US dollar of illegal money belonging to Indians is deposited in tax havens abroad;
- (b) if so, the details and basis of such revelation thereof;
- (c) the reaction of the Government thereto;
- (d) whether as per the Global Financial Integrity Washington, black money worth 25 lakh crores was stashed abroad by Indians between 1948 to 2008; and
- (e) if so, the details thereof alongwith the progress made by the Government in seeking information in this regard from the banks in Washington?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI S.S. PALANIMANICKAM)

(a),(b)&(c):

The CBI, being an investigative agency, organized the First Interpol Global Programme on Anti Corruption and Assets Recovery, whose focus was on tracing the proceeds of crime. The purpose of the speech of Director, CBI, was to highlight the difficulty in recovery of the proceeds of crime stashed abroad. The CBI Director has clarified that as regards the amount of illegal

Contd... 2/-

money, the estimate of around 500 billion dollars of illegal money was in context of reporting of the matter in the Supreme Court on 4th July, 2011 where the Supreme Court, inter alia, had observed "There are reports and analysis generated by Government of India itself which place the amount of such unaccounted monies at astronomical levels".

The CBI Director has further clarified that the Reuters in its report on the Hon'ble Supreme Court proceedings then stated that a Govt. Panel in 2009 found illicit funds to the range between 500 billion dollars to 1.4 trillion dollars and he had taken the base figure in his speech as it was meant to be illustrative of the problem. However, in this regard, it is submitted that there is no authentic estimate of quantum of Indian money stashed in foreign banks.

The Government has commissioned a study to estimate the quantum of unaccounted income / wealth inside and outside the country and its ramifications on national security on the basis of the recommendations of the Standing Committee on Finance. The study is being conducted separately by three Government Institutes namely, National Institute of Public Finance and Policy (NIPFP), National Institute of Financial Management (NIFM) and the National Council for Applied Economic Research (NCAER). The study is expected to be completed in a period of 18 months i.e., by September, 2012.

(d) & (e):

Global Financial Integrity, Washington has published a report under the title "The Drivers and Dynamics of Illicit Financial Flows from India: 1948-2008". This study estimated that a total of USD 213.2 billion was shifted out of India over 61 years between 1948 and 2008. Government has not sought any information in this regard from the banks in Washington.

Annexure-II

Discussion on the Finance Bill, 2012
dated: 08/05/2012

08.05.2012

HT

From 1950 to 1968, the general perception was that Indian Parliament can make any amendment to the Constitution. In Golaknath case, the verdict came that Parliament cannot alter Fundamental Rights, and a series of legal enactments, social legislations, were declared null and void by the Supreme Court, including the Banks Nationalisation Act, Privy Purses (Abolition) Act. Then, Lok Sabha was dissolved in 1970. The then Prime Minister, Shrimati Indira Gandhi, went to the electorate saying 'I want to bring social legislations. I want to transform the society. I want the power to amend the Constitution.' She said, "I do not have two-thirds majority, give me two-thirds majority." The Indian electorate gave her two-thirds majority, and there came the Twenty-fourth Amendment to the Constitution where the 'constituent power' was vested in Parliament. If you read the text of the Constitution from 1950, before the Twenty-fourth Amendment made to Article 368, you will not find the word 'constituent power'. 'Constituent power' of Parliament was first invented and put in the text of the Article 368 of the Constitution through that Twenty-fourth Amendment.

Not only in India but everywhere, in all developed societies, Legislature's intention is what matters because we are representing more than 70-crore people of this country. Each constituency has 1.5 million or 1.6 million voters. Therefore, their intention is what matters. Yes, as far as the Supreme Court and the Judiciary is concerned, the Constitution has given them the power to interpret the law. However, the law is to be framed by us. If we find that there is a conflict between the 'intent' of the Legislature and the 'interpretation' of the Constitution, most respectfully I submit that by interpretation of the law, our right of amending it or asserting our right is not taken away. That is the power of the Constitution which is vested in us.

Advani Ji has raised the issues of black money and White Paper. I am bringing the White Paper before the Parliament Session adjourns - not on 22nd, but I will try to bring it much earlier. The drafting is in the final stages. I will try to give all the relevant and possible information. He has raised two specific points,

one of which is about the names which we have received. There is one problem. I have shared it with the others. They have stated that I could disclose the names when we prosecute the people. As Shri Yashwant Sinha Ji was correctly pointing out, those names against whom prosecution has been launched by the Income Tax can be divulged. There is no problem in it. However, what we get is raw information. In that raw information, only the names are there. Therefore, the Department has to scrutinize to see whether they have the legal permission, whether they have the authorization from the Reserve Bank and whether they have any other business where they are entitled to have it. We have to first establish that the amount which they are depositing is illegal. For asserting the legality or the illegality, it will have to be scrutinized. After that, where it is found that there is no legal sanction, the prosecution will have to start. When the prosecution starts, then the names can be disclosed. So, when the prosecution will start, we will give you whatever names we have got.

I do not know why it happens at the time of talking about money or finance, but my voice starts cracking at the time of replying to the discussion on the Budget or the Finance Bill!

In respect of estimates of black money, three institutions are studying it independently and they will give their reports at the end of an 18-month period, and that period is coming to a close around July or August. We have not yet received their reports. I will share that information with you, as soon as I get the reports from those three independent Study Groups. But the White Paper containing other relevant information will be made available to the hon. Members and I will lay it on the Table of the House.

Thank you, Mr. Chairman, Sir, for giving me this opportunity. ... (Interruptions)

MR. CHAIRMAN: The question is...

... (Interruptions)

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

Annexure - VII

LOK SABHA
UNSTARRED QUESTION No. 5898
TO BE ANSWERED ON FRIDAY, THE 11TH MAY, 2012
(VAISAKHA, 21, 1934 SAKA)

ESTIMATION OF BLACK MONEY

5898. SHRI NARENDRA SINGH TOMAR:
SHRI PRATAPRAO GANPATRAO JADHAO:
SHRIMATI RAMA DEVI:
SHRI SURESH KUMAR SHETKAR:

Will the Minister of FINANCE be pleased to state:

- (a) whether there is constant rise in the generation of black money in the country;
- (b) if so, the details thereof indicating the sectors and areas identified from the generation and transaction point of view of black money;
- (c) whether the Government has an estimate or proposes an estimate of quantum of black money existing in the country;
- (d) if so, the details thereof;
- (e) the amount of black money seized by the Government during last three years alongwith its utilisation in the welfare schemes;
- (f) the involvement/connivance of officials/agencies noticed in generation of black money and the action taken/to be taken against them; and
- (g) the concrete measures taken/ proposed to be taken to check constant rise in black money alongwith keeping a strict vigil and strongly enforce/implement the measures being undertaken to trap tax evaders?

ANSWER

TO BE ANSWERED BY THE MINISTER OF STATE IN THE MINISTRY OF
FINANCE

(Shri S.S.PALANIMANICKAM)

- (a) There is no credible information to suggest that there has been a constant rise in the generation of black money. The increase in direct tax collection of over 6 times in the

-2-

last ten years, i.e. FY 2001-02 to FY 2010-11, and growth of nearly 2 times in the Direct Tax to GDP ratio in the same period indicates better tax administration and improved tax compliance.

- (b) Does not arise in view of reply to part (a) above.
- (c) The Government does not have an estimate of quantum of black money existing in the country. However, on the basis of the recommendations of the Standing Committee on Finance, the Government has commissioned a study by three national-level institutes, namely (i) National Institute of Public Finance and Policy (NIPFP), (ii) National Institute of Financial Management (NIFM), and (iii) National Council for Applied Economic Research (NCAER) to estimate the quantum of unaccounted income / wealth inside and outside the country and its ramifications on national security.
- (d) The study is expected to be completed by September, 2012.
- (e) Since April 2009, the Income Tax department has seized undisclosed assets worth Rs.2,644.08 crore domestically. However, unaccounted income detected in the period was over Rs 45,000 crore through invasive actions. The assets seized are adjusted against the tax demand raised consequent to finalization of the assessment proceedings.
- (f) Whenever credible information about connivance/involvement of officers/agencies in generation of black money is noticed, it is communicated to the relevant authority to take appropriate action in accordance with the law.
- (g) Drive against tax evasion is a continuous and ongoing process. The Income Tax Department takes several punitive and deterrent steps to unearth unaccounted money and curb tax evasion. These include scrutiny of tax returns; surveys, search and seizure actions; imposition of penalty; and launching of prosecution in appropriate cases. Information technology is used in a systematic way for collection and collation of information to take anti-evasion action against tax evaders.
The Government has also framed a comprehensive five-pronged strategy in order to bring back the country's money illegally stashed abroad. The strategy comprises of:
 - (i) Joining the global crusade against 'black money';
 - (ii) Creating an appropriate legislative framework;
 - (iii) Setting up institutions for dealing with Illicit Funds;
 - (iv) Developing systems for implementation; and
 - (v) Imparting skills to the manpower for effective action.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
LOK SABHA

Annexure -VIII

UNSTARRED QUESTION NO.881
TO BE ANSWERED ON FRIDAY, THE 1ST MARCH, 2013
PHALGUNA 10, 1934 (SAKA)

INFORMATION REGARDING BLACK MONEY

881. SHRI INDER SINGH NAMDHARI:
SHRI SHIVKUMAR UDASI:
SHRI HANSRAJ G. AHIR:
SHRI L. RAJA GOPAL:
SHRIMATI RAMA DEVI:
SHRI MAHABALI SINGH:
SHRI RAM SINGH KASWAN:
SHRI NEERAJ SHEKHAR:
SHRI BHISMA SHANKER ALIAS KUSHAL TIWARI:
SHRI VIRENDRA KUMAR:
SHRI K.P. DHANAPALAN:
SHRI PRATAPRAO GANPATRAO JADHAO:
SHRI P.C. GADDIGOUDAR:
SHRI S.S. RAMASUBBU:

Will the Minister of FINANCE
be pleased to state :

- (a) whether the Government has identified tax haven countries with regard to Black Money and if so, the details thereof;
- (b) the details of reports/assessments of the Black Money in the country made by various International and national agencies during the last three years and the current year;
- (c) the details of efforts made to bring back black money stashed in various banks abroad along with extent of success achieved thereon during the same period;
- (d) whether the Government has signed any Memorandum of Understanding (MoU) / entered into agreement with any country in this regard during the last three years and the current year; and
- (e) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI S.S. PALANIMANICKAM)

- (a): No, Sir. The Government has not identified any country as tax haven with regard to Black Money.

(b): The Government has commissioned a study, inter alia, on estimation of unaccounted income and wealth both inside and outside the country. The study is being conducted by three institutes – National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM) separately. The study reports are still in the process of finalisation by the respective institutes.

(c): The Government has taken various steps in this direction under a multi-pronged strategy which includes creating an appropriate legislative framework; setting up institutions to deal with illicit funds; developing systems for implementation; imparting skills to the manpower for effective action; and joining the Global crusade against black money. Various legislative measures have also been taken by the Finance Act, 2012 in this regard which include reporting of assets (including bank accounts) held outside the country; reopening of assessments upto 16 years for taxing undisclosed assets (including bank accounts) kept outside the country; strengthening of penal provisions in respect of search cases; expansion of the ambit of tax collection at source (TCS) to cover certain more vulnerable items / sectors. India has been renegotiating its Double Taxation Avoidance Agreements (DTAAs) with other countries to bring the Article on Exchange of Information to International standards, and has also been expanding its treaty network by signing new DTAAs with many other countries and by entering into Tax Information Exchange Agreements (TIEAs) with many tax jurisdictions in its effort to facilitate the exchange of information and to bring in tax transparency. It has also become a member of the Multilateral Convention on Mutual Administrative Assistance in Tax Matters in 2012. These steps have equipped the Government better in tackling the menace of black money.

(d) & (e): Yes Sir, India had entered into Double Taxation Avoidance Agreements (DTAAs) with 78 countries till 2009. Thereafter, new DTAAs have been signed with 9 more countries, viz., Colombia, Estonia, Ethiopia, Georgia, Mexico, Mozambique, Lithuania, Taiwan and Uruguay. Out of these, the DTAAs with 3 countries viz., Colombia, Ethiopia and Uruguay will enter into force after completion of internal procedures in these countries.

Since 2009, the Government has also approached 46 priority countries / jurisdictions for negotiation of Tax Information Exchange Agreements (TIEAs). At present, TIEAs with 9 jurisdictions viz. Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Isle of Man, Jersey, Guernsey, Liberia and Macau have entered into force. In addition, Four more TIEAs have been signed with Argentina, Bahrain, Gibraltar and Monaco which will enter into force after completion of internal procedures of these countries.

All these revised and new DTAAs, and TIEAs contain provisions for Exchange of Information under which Tax Authorities can seek Ownership and Banking information, information held in fiduciary capacity as well as information which has no domestic interest for supplying country.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA

UNSTARRED QUESTION NO. 1913
TO BE ANSWERED ON FRIDAY, THE 08TH MARCH, 2013
PHALGUNA 17, 1934 (SAKA)

PANEL FOR BLACK MONEY

1913. SHRI ABDUL RAHMAN:
SHRI ANURAG SINGH THAKUR:
SHRI ASADUDDIN OWAIISI:

Will the Minister of FINANCE be pleased to state:

- (a) whether the black money exceeds 10 per cent of the GDP of the country;
- (b) if so, the steps being taken by the Government to recover this money;
- (c) whether this black money is reportedly generated through tax evasion using transfer pricing;
- (d) if so, the steps taken by the Government to address the issue;
- (e) whether the Government has disclosed the reports on black money by National Council for Applied Economic Research (NCAER), National Institute of Financial Management (NIFM) and National Institute of Public Finance and Policy (NIPFP); and
- (f) if so, the details thereof and if not, the reasons therefor along with the time by which the said reports are likely to be disclosed?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF FINANCE

(Shri S.S.PALANIMANICKAM)

(a) There is no official estimate in this regard. However, the Government has commissioned a study, inter alia, on estimation of unaccounted income and wealth both inside and outside the country. The study is being conducted by three institutes - National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM) separately. The study reports are yet to be submitted by these institutes.

(b) Does not arise in view of reply to part (a) above. However, drive against tax evasion is an ongoing process and appropriate action under Direct Taxes laws including levy of penalty and launching of prosecution are taken on detection of cases of tax evasion. The Government has taken various steps under a multi-pronged strategy which includes creating

Contd. 2/

an appropriate legislative framework; setting up institutions to deal with illicit funds; developing systems for implementation; imparting skills to the manpower for effective action; and joining the Global crusade against black money. Legislative measures taken through the Finance Act, 2012 in this regard include introduction of provisions requiring reporting of assets (including bank accounts) held outside the country; reopening of assessments up-to 16 years for taxing undisclosed assets (including bank accounts) kept outside the country; strengthening of penal provisions in respect of search cases; expansion of the ambit of tax collection at source (TCS) to cover certain more vulnerable items / sectors. India has been renegotiating its Double Taxation Avoidance Agreements (DTAAs) with other countries to bring the Article on Exchange of Information to International standards, and has also been expanding its treaty network by signing new DTAAs with many other countries and by entering into Tax Information Exchange Agreements (TIEAs) with many tax jurisdictions in its effort to facilitate the exchange of information and to bring in tax transparency. It has also become a member of the Multilateral Convention on Mutual Administrative Assistance in Tax Matters in 2012. Various steps have also been taken to improve intelligence gathering mechanism of the Department. These steps have equipped the Government better in tackling the menace of tax evasion.

(c) Does not arise in view of reply to part (a) above. However, black money is generated through various means including tax evasion using transfer pricing.

(d) Does not arise in view of reply to part (c) above. However, Government has taken various measures to address the issue of tax evasion as illustrated in reply to part (b) above.

(e) As stated in reply to part (a) above, the final reports in respect of the study being conducted by these institutes are yet to be received in the Ministry.

(f) The study reports are still in the process of finalisation by the respective institutes. These are likely to be received in the Ministry by the end of April, 2013. After submission of the study reports by the three institutes, the study reports would be examined by the Government for necessary action.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

Annexure - I

LOK SABHA
UNSTARRED QUESTION NO. 4306
TO BE ANSWERED ON FRIDAY, THE 22TH MARCH, 2013
Chaitra 1, 1935 (SAKA)

ILLEGAL FINANCIAL OUTFLOW

†4306. SHRI ANAND PRAKASH PARANJPE :
SHRI EKNATH M. GAIKWAD:
SHRI N.S.V. CHITTHAN:
SHRI B.B. PATIL:

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has taken note of the study released by the Global Financial Integrity (GFI) wherein our country has been ranked quite high on the list of countries with illegal financial outflow;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) the details of such outflows from the country during the last three years and the current year, destination-wise;
- (d) whether the Government has identified the reasons for such a large outflow of illegal funds from the country;
- (e) if so, the details thereof; and
- (f) the steps taken/proposed to be taken by the Government to prevent this outflow?

ANSWER
FINANCE MINISTER
(SHRI P. CHIDAMBARAM)

(a) The Global Financial Integrity (GFI), a U.S. based non-profit organization, has released a report on 17th December, 2012 titled '*Illicit Financial Flows from developing countries: 2001-2010*'. The illicit financial flows from developing countries including India, as mentioned in the GFI report, are only estimates based on various assumptions and presumptions. The Government has not made a formal analysis of the said report regarding its correctness.

(b) Does not arise in view of reply to part (a) above.

(c) There is no official estimate of the Government in this regard.

(d) The Government has commissioned a study, inter alia, on estimation of unaccounted income and wealth both inside and outside the country. The study is being conducted by three institutes - National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM) separately. The study reports are yet to be submitted by these institutes.

Contd. 21

(e) Does not arise in view of reply to part (d) above.

(f) Does not arise in view of reply to parts (d) and (e) above. However, drive against tax evasion is an ongoing process and appropriate action under Direct Taxes laws including levy of penalty and launching of prosecution are taken on detection of cases of tax evasion. The Government has taken various steps under a multi-pronged strategy which includes creating an appropriate legislative framework; setting up institutions to deal with illicit funds; developing systems for implementation; imparting skills to the manpower for effective action; and joining the Global crusade against black money. Legislative measures taken through the Finance Act, 2012 in this regard include introduction of provisions requiring reporting of assets (including bank accounts) held outside the country; reopening of assessments up to 16 years for taxing undisclosed assets (including bank accounts) kept outside the country; strengthening of penal provisions in respect of search cases; expansion of the ambit of tax collection at source (TCS) to cover certain more vulnerable items / sectors. India has been renegotiating its Double Taxation Avoidance Agreements (DTAAs) with other countries to bring the Article on Exchange of Information to International standards, and has also been expanding its treaty network by signing new DTAAs with many other countries and by entering into Tax Information Exchange Agreements (TIEAs) with many tax jurisdictions in its effort to facilitate the exchange of information and to bring in tax transparency. It has also become a member of the Multilateral Convention on Mutual Administrative Assistance in Tax Matters in 2012. Various steps have also been taken to improve intelligence gathering mechanism of the Department. The above steps have equipped the Government better in tackling the menace of tax evasion.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA
UNSTARRED QUESTION NO. 436
TO BE ANSWERED ON FRIDAY, THE 6TH DECEMBER, 2013
AGRAHAYANA 15, 1935 (SAKA)

INDIAN ENTITIES' UNACCOUNTED WEALTH

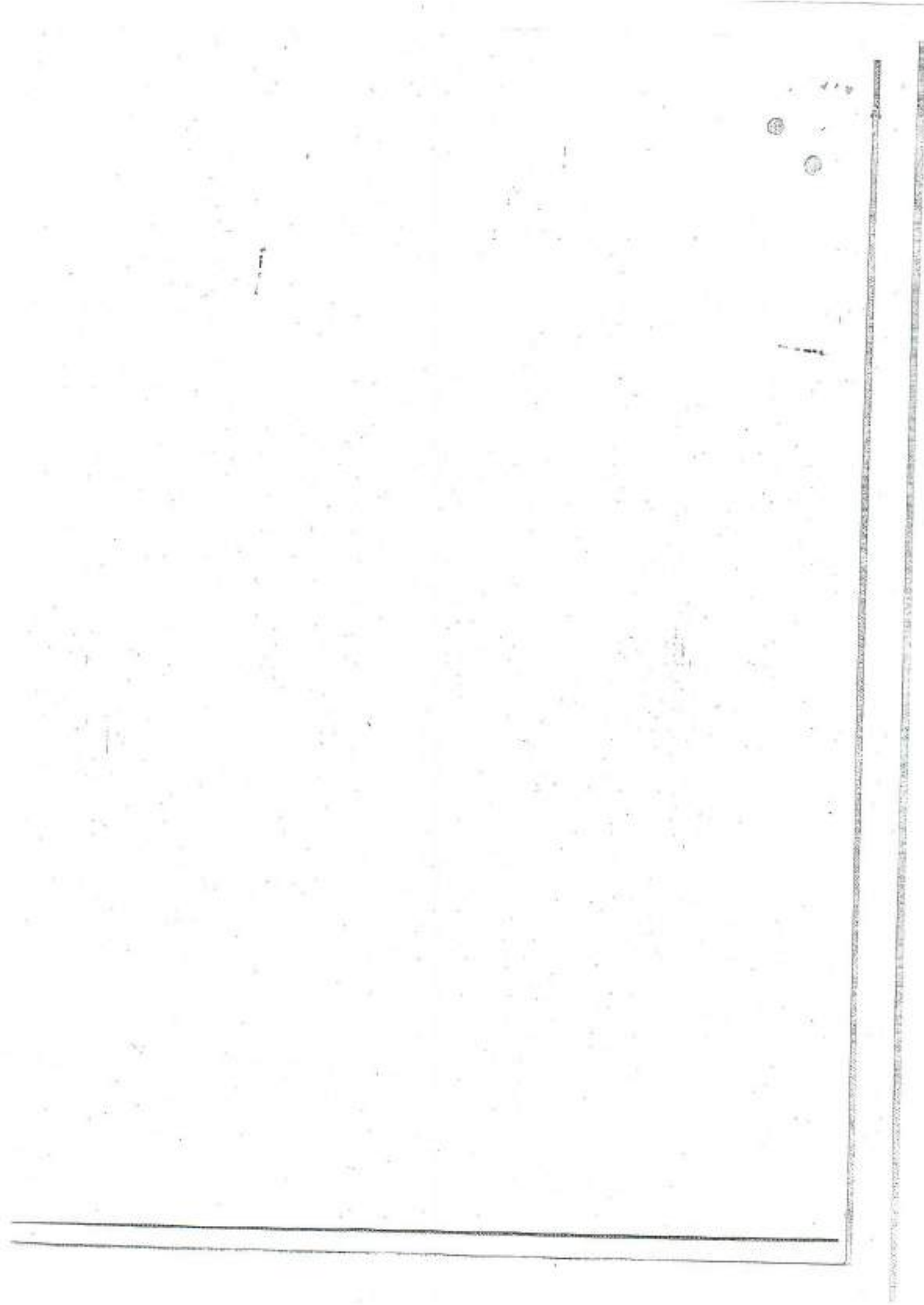
436. SHRI PRABODH PANDA:

Will the Minister of FINANCE be pleased to state:

- (a) whether National Council for Applied Economic Research (NCAER), National Institute of Financial Management (NIFM) and National Institute of Public Finance and Policy (NIPFP) commissioned to undertake a study on estimation of unaccounted income and wealth both inside and outside the country submitted their study reports to the Government;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) whether the Government has disclosed the said reports by NCAER, NIFM and NIPFP;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor along with the time by which the said reports are likely to be disclosed?

ANSWER
MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI J. D. SEELAM)

- (a) The Government had commissioned a study, inter alia, on estimation of unaccounted income and wealth inside and outside the country. The study is being conducted by National Council of Applied Economic Research (NCAER), National Institute of Financial Management (NIFM) and National Institute of Public Finance and Policy (NIPFP). Final study reports of these Institutes are yet to be received.
- (b) Given the complexities inherent in the subject, timeline for submission of final report was extended on the request of the Institutes.
- (c) Does not arise in view of reply to parts (a) and (b) above.
- (d) Does not arise in view of reply to parts (a), (b) and (c) above.
- (e) Final reports are likely to be received only by the end of December 2013.



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA

UNSTARRED QUESTION NO.4443
TO BE ANSWERED ON FRIDAY, THE 19th DECEMBER, 2014
AGRAHAYANA 28, 1936 (SAKA)

BLACK ECONOMY

4443. SHRI M.B. RAJESH:

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has any agency to study the issue of black economy in the country and if so, the details thereof;
- (b) whether the Government has received report of the study and if so, the details thereof and response thereon; and
- (c) the action taken/proposed to be taken on the basis of the report?

ANSWER

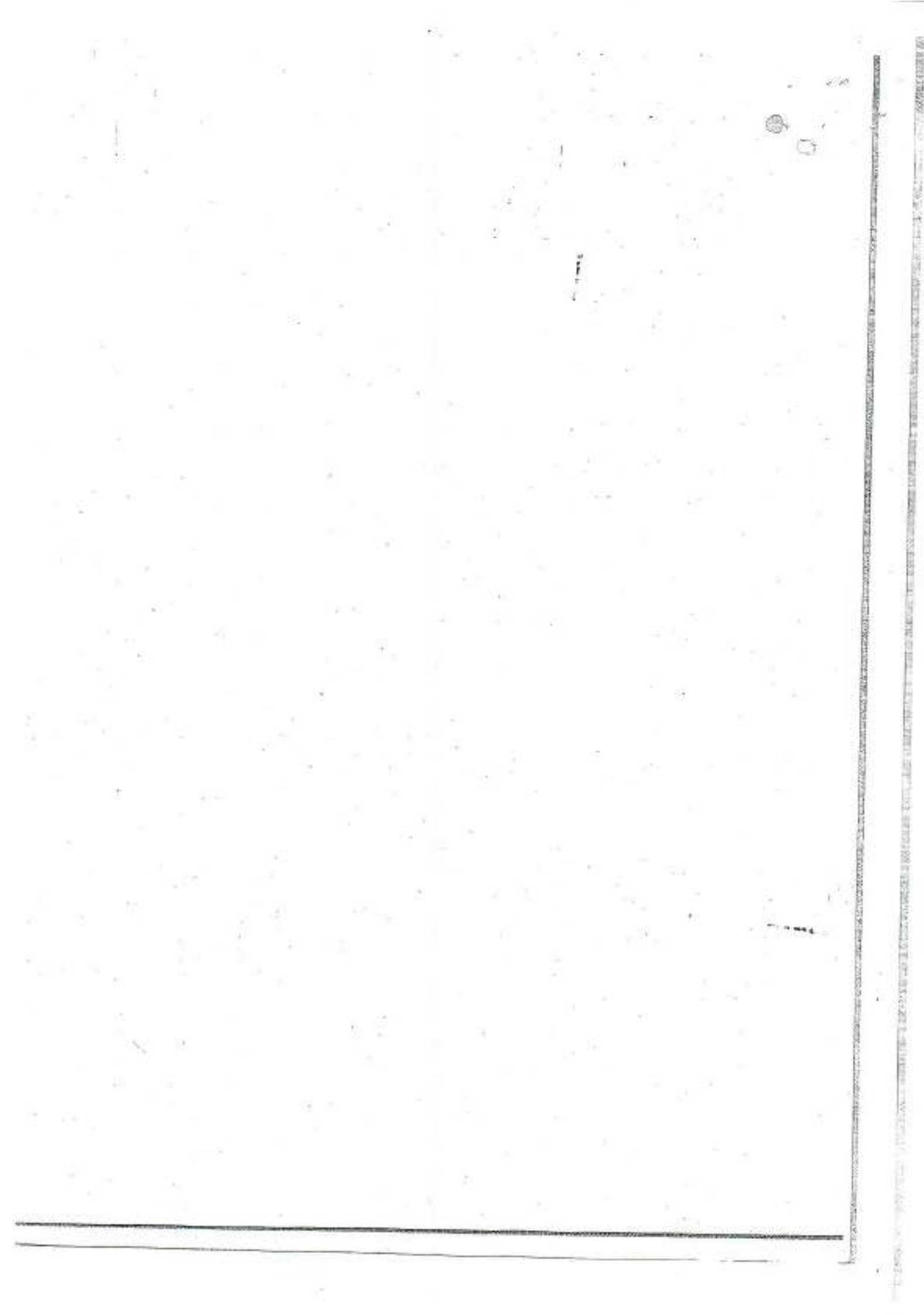
MINISTER OF STATE FOR FINANCE

(SHRI JAYANT SINHA)

(a) The Government has commissioned a study, *inter alia*, on estimation of unaccounted income and wealth inside and outside the country, through National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM). While assigning the study to NIPFP, NCAER and NIFM in March 2011, the frame-work was specified in the form of specific terms of reference.

(b) Study reports of the three Institutes have been received and the same are under examination of the Government.

(c) The study reports along with the Government's response would be taken to the Standing Committee on Finance at whose instance the study was commissioned.



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA

UNSTARRED QUESTION NO.866

TO BE ANSWERED ON FRIDAY, THE 27th FEBRUARY, 2015

PHALGUNA 8, 1936 (SAKA)

BLACK MONEY

866. SHRI BHARTRUHARI MAHTAB:
SHRI KALIKESH N. SINGH DEO:
SHRI Y.V. SUBBA REDDY:
SHRI D.K. SURESH:
SHRI NANA PATOLE:
PROF. K.V. THOMAS:
SHRI SANJAY DHOTRE:
SHRI S.P. MUDDAHANUME GOWDA:
SHRI M. RAJA MOHAN REDDY:
SHRI E.T. MOHAMMED BASHEER:
SHRI N.K. PREMACHANDRAN:
SHRI C.R. CHAUDHARY:
ADV. CHINTAMAN NAVASHA WANGA:

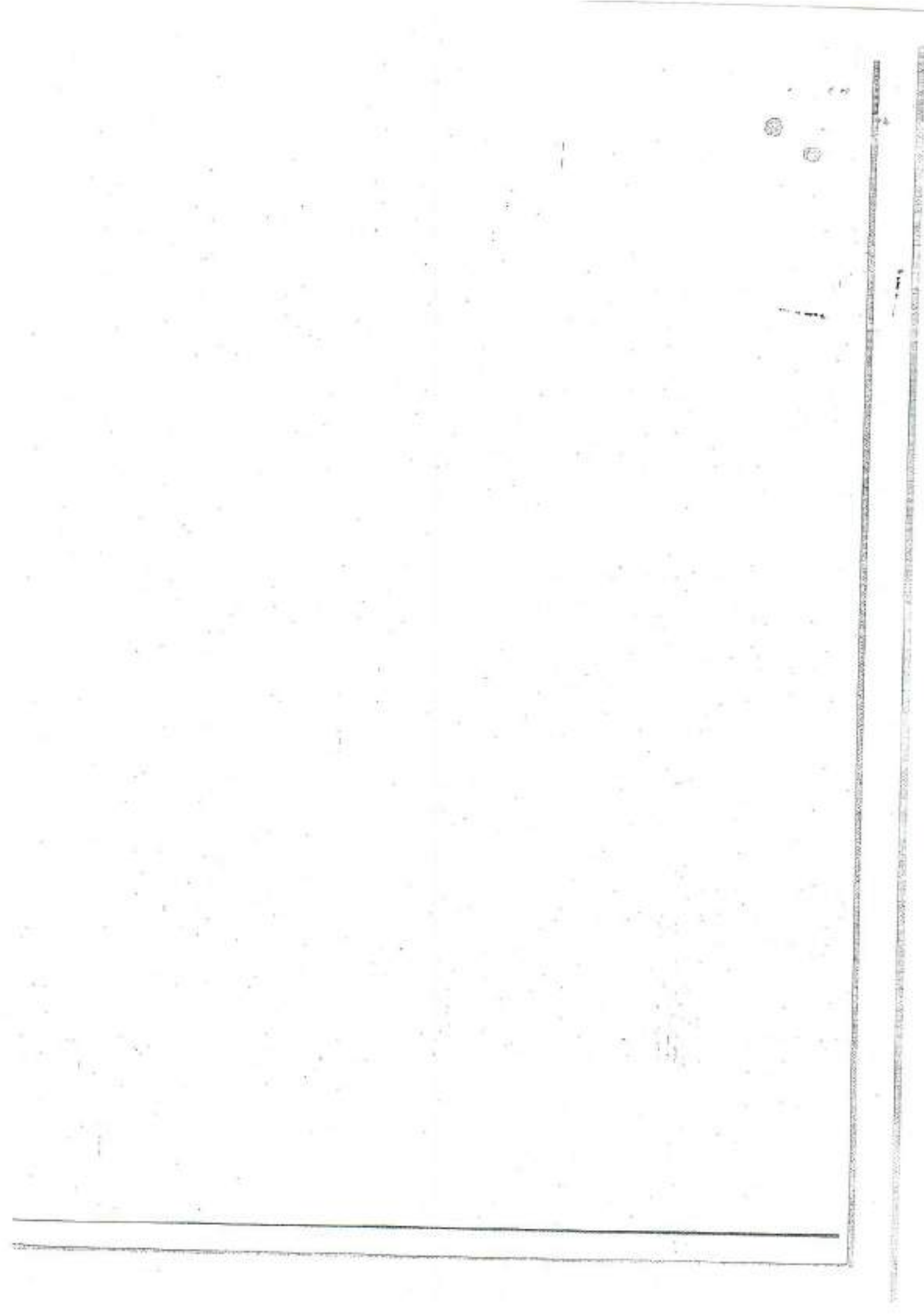
Will the Minister of FINANCE be pleased to state:

(a) *the estimated amount of black money within and outside the country along with the details of the amount recovered from within and abroad as on date;*

(b) *whether Special Investigation Team (SIT) to unearth black money stashed abroad has submitted its report, if so, the details of the recommendations made thereof specifying the number of people interrogated by SIT, names of the black money account holders in various foreign banks along with the likely action taken/proposed to be taken by the Government;*

(c) *whether Government has devised/proposes to devise any multipronged strategy to check the menace of black money within and outside the country including roping in the banks and launching voluntary disclosure scheme, renegotiation of Double Taxation Avoidance Agreement (DTAAs) with various countries to facilitate the exchange of information and bring transparency; and*

(d) *if so, the details thereof and the success achieved/likely to be achieved along with hurdles faced/likely to be faced in their endeavour?*



ANSWER
MINISTER OF STATE FOR FINANCE
(SHRI JAYANT SINHA)

(a) There is no official estimation of amount of black money within and outside the country. The Government has commissioned a study, *inter alia*, on estimation of unaccounted income and wealth inside and outside the country, through National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM). Reports received from these Institutes are under examination of the Government.

The cases involving black money (unreported income/asset) are subjected to appropriate enquiry/investigation, *inter alia*, through searches, surveys or other modes as prescribed in the Income-tax Act, 1961 (the Act). Based upon findings of the enquiry/ investigation, tax, etc. payable by the subject persons are determined and recoveries are made through the process prescribed in the Act. Penalties are levied and prosecutions are launched in appropriate cases. Recoveries of taxes, penalties, etc. made from such cases form part of the overall direct tax collection in the country.

(b) As per the Government's Notification dated 29th May 2014, the SIT is responsible to the Hon'ble Supreme Court and it is charged with the duty to keep the Hon'ble Supreme Court informed of all major developments by filing of periodic status reports and following of any special orders that Supreme Court may issue from time to time. The SIT has submitted its first report in August 2014 and second report in November 2014 to the Hon'ble Supreme Court. Directions issued by the SIT are carried out and feedback submitted to the SIT from time to time.

(c) and (d) The Government has taken every possible measure to effectively deal with the menace of black money. Measures taken by the Government in this regard include (i) Constitution of a Special Investigation Team (SIT), in May 2014, with two former judges of the Hon'ble Supreme Court as Chairman and Vice-Chairman, *inter alia*, to deal with issues relating to black money stashed abroad; (ii) Joining the global efforts to combat cross-border global tax evasion and tax fraud and to promote international tax compliance, including supporting the implementation of a uniform global standard on Automatic Exchange of Information on a fully reciprocal basis facilitating exchange of information regarding persons hiding their money in offshore financial centres and tax havens through multilayered entities with non-transparent ownership; (iii) Taking appropriate legislative measures which include amendment to section 285BA of the Income-tax Act, 1961 (the Act) vide Finance (No. 2) Act, 2014 facilitating the Automatic Exchange of Information; amendment to section 139 of the Act and relevant rules requiring reporting of assets (including bank accounts) located outside the country in Income-tax return (ITR) and filing of ITR by every person

resident in India who has any asset located outside India or signing authority in any account located outside India; introduction of section 94A of the Act providing for counter measures against a non-cooperative jurisdiction once such a jurisdiction is notified, etc.; (iv) Renegotiation of Double Taxation Avoidance Agreements (DTAAs) with other countries to bring the Article on Exchange of Information to International Standards and expanding India's treaty network by signing new DTAAs and by entering into Tax Information Exchange Agreements (TIEAs) with many tax jurisdictions to facilitate the exchange of information and to bring transparency; (v) Joining the Multilateral Convention on Mutual Administrative Assistance in Tax Matters; (vi) Proactively engaging with foreign governments for exchange of information under the provisions of DTAAs/TIEAs/Multilateral Convention; (vii) Exploring non-governmental sources to obtain information regarding undisclosed foreign assets; (viii) Effectively utilizing the information received from treaty partners to combat tax evasion and avoidance; (ix) While focusing upon non-intrusive measures, due emphasis on intrusive enforcement measures in high impact cases with a view to prosecute the offenders at the earliest possible, for credible deterrence against tax evasion; (x) Strengthening and streamlining the information collection and enforcement mechanism, inter alia, through extensive use of information technology, capacity building, etc.

While there are impediments in obtaining information relating to undisclosed assets stashed abroad, pursuant to steps taken by the Government as mentioned above, the flow of information has improved leading to better enforcement action.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA
UNSTARRED QUESTION NO.2852
TO BE ANSWERED ON FRIDAY, THE 13th March, 2015
PHALGUNA 22, 1936 (SAKA)
OUTFLOW OF ILLICIT MONEY

2852. SHRI BALJAYANT JAY PANDA:
SHRI S.P. MUDDAHANUME GOWDA:
SHRI LALLU SINGH:

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government is aware that the cumulative illicit money moving out of the country from 2003 to 2012 has risen to USD 439.59 billion;
- (b) if so, the details thereof and the number of such cases identified by the Government;
- (c) whether the Government proposes to establish regulatory mechanisms to determine the attributes of these outbound overseas investment to prevent money laundering, corporate frauds etc., if so, the details thereof and if not reasons therefor;
- (d) whether Financial Action Task Force (FATF) has submitted report on money laundering, if so, the details thereof; and
- (e) the action taken by the Government thereon?

ANSWER
MINISTER OF STATE FOR FINANCE
(SHRI JAYANT SINHA)

(a) The amount of USD 439.59 billion appears to be based upon a report on 'Illicit Financial Flows from Developing Countries: 2003-2012' released in December 2014 by Global Financial Integrity, a Washington DC based non-profit research and advisory organization. Varying estimations of the amount of illicit money moving out of the country have been reported by different persons/institutions. Such estimations are based upon different sets of facts, data, methods, assumptions, etc. leading to varying inferences. However, there is no official estimation of the amount of black money stashed abroad/illicit money moving out of the country.

The Government has commissioned a study, inter alia, on estimation of unaccounted income and wealth inside and outside the country, to be conducted by National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM). Reports received from these Institutes are under examination of the Government.

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(b) Case specific details in respect of illicit money moving out of the country are not given in the above-mentioned report. However, appropriate action against evasion of taxes/duties, including through cross-border transactions, is an on-going process. Such actions include investigation, levy of taxes/duties, imposition of penalties/fines and prosecution of accused persons under relevant laws.

(c) The Government has put in place appropriate regulatory mechanism to check illicit movement of money out of the country. Such mechanism includes regulatory framework for making foreign remittances, taking appropriate action in cases involving misuse of the medium of trade for moving money out of the country illegally including through overvaluation in imports, undervaluation in exports, remitting foreign exchange on forged import documents, payments/remittances for non-genuine purchases of goods/services/technical know-how, etc.

The Government has taken effective measures to deal with the menace of black money within and outside the country. Such measures include (i) Constitution of a Special Investigation Team (SIT), in May 2014, Chaired and Vice-Chaired by two former judges of the Hon'ble Supreme Court, inter alia, to deal with issues relating to black money stashed abroad; (ii) Joining the global efforts to combat cross-border tax evasion and tax fraud and to promote international tax compliance, including supporting the implementation of a uniform global standard on Automatic Exchange of Information on a fully reciprocal basis facilitating exchange of information regarding persons hiding their money in offshore financial centres and tax havens through multilayered entities with non-transparent ownership; (iii) Proactively engaging with foreign governments for exchange of information under available instruments; (iv) Exploring non-governmental sources to obtain information regarding undisclosed foreign assets; (v) While focusing upon non-intrusive measures, due emphasis on enforcement measures in high impact cases with a view to prosecute the offenders at the earliest possible for credible deterrence against tax evasion; (vi) Strengthening and streamlining the information collection and enforcement mechanism, inter alia, through extensive use of information technology, capacity building, etc.

Further, the Government has announced in the Budget speech 2015 features of a comprehensive new law to be enacted specifically to deal with black money stashed abroad.

(d) and (e) The Mutual Evaluation Report of India, prepared and published by Financial Action Task Force (FATF), had made certain recommendations in respect of Prevention of Money Laundering Act, 2002 (PMLA) to make the Act more compliant with the International Anti-Money Laundering standards. PMLA was amended in 2012, inter alia, to strengthen the regulatory and law enforcement system, improving compliance by regulatory entities and enabling them to handle evolving issues in a better manner. FATF recognized that India had made significant progress in addressing the issues identified in the Mutual Evaluation Report and decided to remove it from the regular follow-up process.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

Annexure - XIV

LOK SABHA
STARRED QUESTION No. *187
TO BE ANSWERED ON FRIDAY, THE 11TH DECEMBER, 2015
BLACK MONEY
AGRAHAYANA 20, 1937 (SAKA)

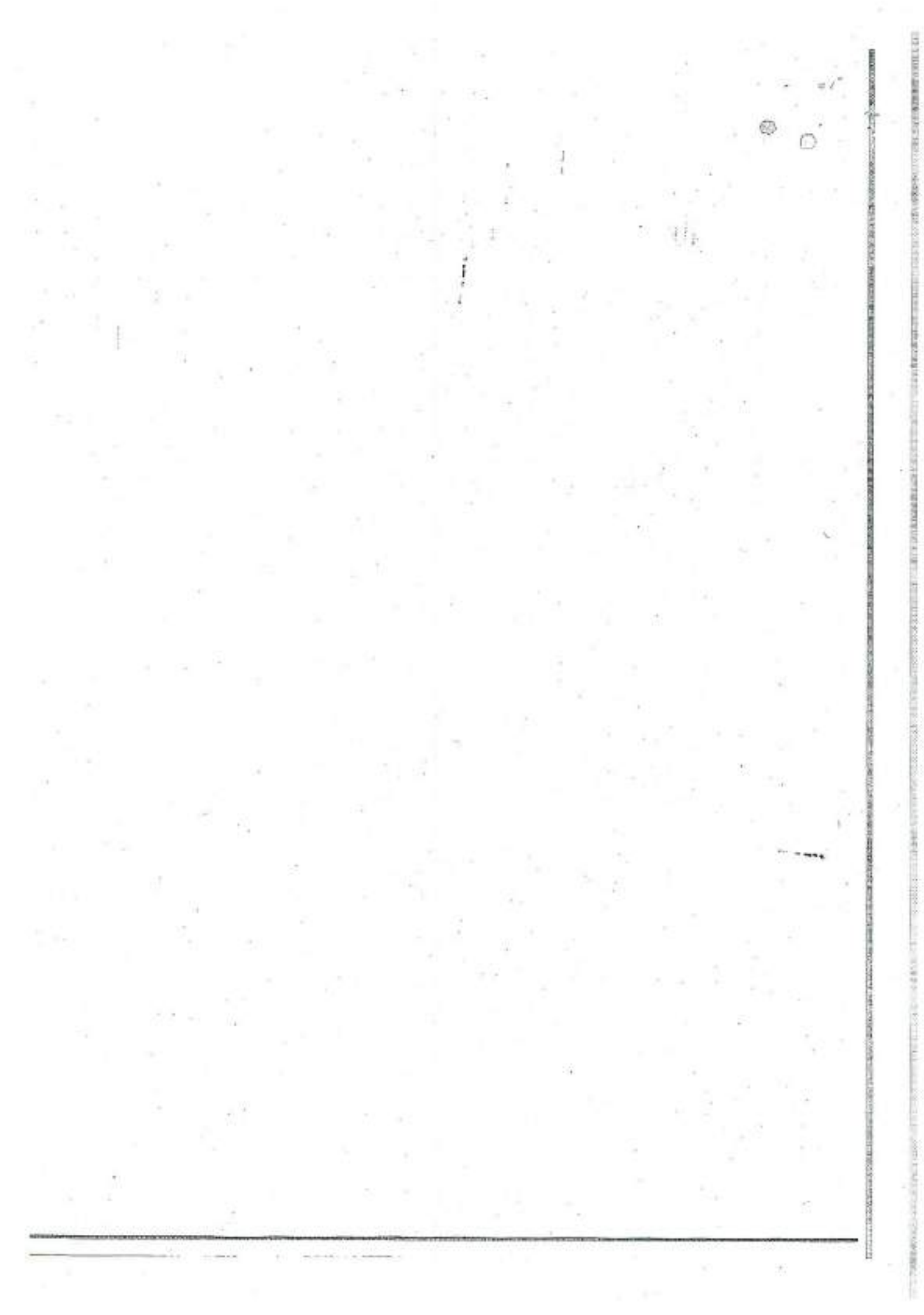
*187. SHRI P.V. MIDHUN REDDY:
SHRI LAXMI NARAYAN YADAV:

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has made an assessment of black money stashed abroad and its circulation within the country, if so, the details thereof and if not, the reasons therefor along with the reaction of the Government thereto;
- (b) whether the Government has reviewed the existing machinery in tracing/recovering black money, particularly stashed abroad during the last three years and the current year and if so, the details thereof;
- (c) the quantum of black money recovered so far; and
- (d) the corrective steps taken by the Government in this regard?

ANSWER
FINANCE MINISTER
(SHRI ARUN JAITLEY)

(a) to (d): A statement is laid on the table of the House.



STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 187,
RAISED BY SHRI P.V. MIDHUN REDDY AND SHRI LAXMI NARAYAN YADAV, HON'BLE
MEMBERS OF PARLIAMENT, FOR REPLY ON 11th DECEMBER, 2015

There is no official estimation regarding the amount of black money within the country and stashed abroad. However, the Government had commissioned a study, *inter alia*, on estimation of unaccounted income and wealth inside and outside the country, through National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM). Reports received from these Institutes are under examination of the Government.

Periodic review of the Government's machinery, handling investigations and other follow-up actions in the cases involving black money, is an on-going process. In recent times, the Government has taken several steps, both by way of policy-level initiatives as well as through more effective enforcement action on the ground, to tackle the issue of black money, particularly black money stashed away abroad, more effectively. These steps include putting in place robust legislative and administrative frameworks, systems and processes with due focus on capacity building and integration of information and its mining through increasing use of information technology. Major initiatives taken by the Government in this regard include – (i) Constitution of the Special Investigation Team (SIT) on Black Money under Chairmanship and Vice-Chairmanship of two former Judges of Hon'ble Supreme Court, (ii) Enactment of a comprehensive new law titled 'The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015' to specifically and more effectively deal with the issue of black money stashed away abroad which has come into force w.e.f. 01.07.2015, (iii) Introduction of the Benami Transactions (Prohibition) Amendment Bill, 2015 to amend the Benami Transactions (Prohibition) Act, 1988 with a view to, *inter alia*, enable confiscation of Benami property and provide for prosecution, (iv) Proactively engaging with foreign governments for enhanced exchange of information under Double Taxation Avoidance Agreements (DTAAs)/Tax Information Exchange Agreements (TIEAs)/Multilateral Conventions, (v) According high priority to the cases involving black money stashed away abroad for investigation and other follow-up actions, (vi) While focusing upon non-intrusive measures, due emphasis on enforcement measures in high impact cases with a view to prosecute the offenders at the earliest possible for credible deterrence against tax evasion/black money, (vii) Proactively furthering global efforts to combat tax evasion/black money, *inter alia*, by joining the Multilateral Competent Authority Agreement in respect of Automatic Exchange of Information and having information sharing arrangement with USA under its Foreign Account Tax Compliance Act (FATCA).

Appropriate action against evasion of taxes/black money is an on-going process. Such action under direct tax laws includes searches, surveys, enquiries, assessment of income, levy of taxes, penalties, etc. and filing of prosecution complaints in criminal courts, wherever applicable. Such taxes, penalties, etc. form part of the total tax liability of each assessee and is recovered in accordance with law. Such liability is also recovered from assets seized during the searches conducted by the Income Tax Department. There are also provisions for recovery of the same from the assets kept abroad in accordance with legal instruments with the foreign jurisdictions concerned. As per scheme of the Income-tax Act, 1961, only the demand/liability raised in relation to the total income assessed is recoverable and not the undisclosed income/black money *per-se*. However, the newly enacted Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015, has included the offence of wilful attempt to evade tax etc. in relation to undisclosed foreign income and assets a Scheduled Offence under the Prevention of Money-laundering Act, 2002 (PMLA). This enables attachment and confiscation of the proceeds of crime of wilful attempt to evade such tax, etc., eventually leading to recovery of such undisclosed foreign income and assets/black money stashed abroad. Further, where property/proceeds of crime is taken or held outside the country, PMLA has been amended through the Finance Act, 2015 enabling attachment and confiscation of property equivalent in value held within the country.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA
STARRED QUESTION No.†*89
TO BE ANSWERED ON FRIDAY, THE 22ND JULY, 2016
ASHADHA 31, 1938 (SAKA)

BLACK MONEY

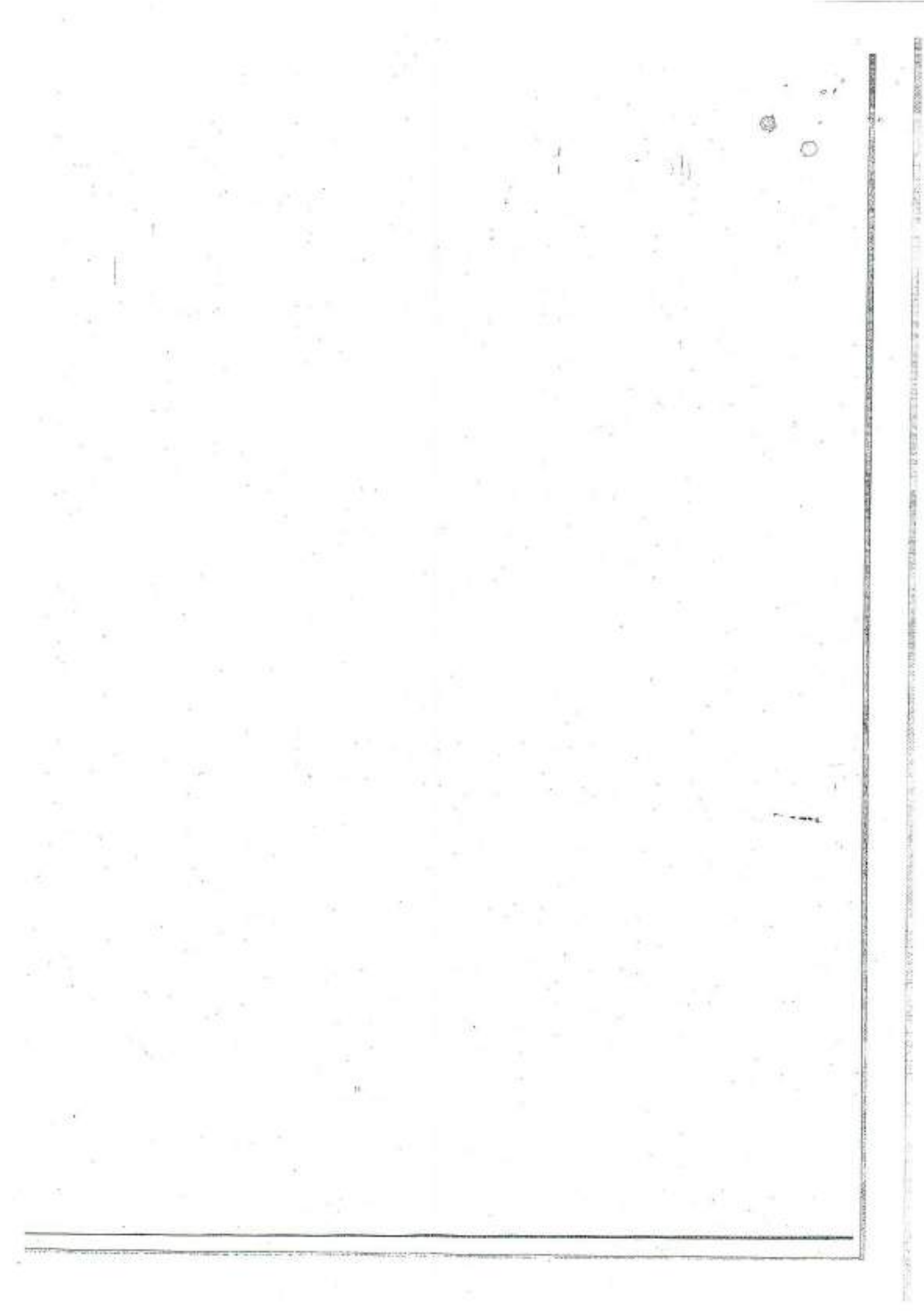
†*89. SHRI BRIJBHUSHAN SHARAN SINGH:
SHRI MB. BADARUDDOZA KHAN:

Will the Minister of FINANCE be pleased to state:

- (a) *whether the Government has made an assessment of black money stashed abroad and if so, the details thereof;*
- (b) *the steps taken by the Government so far to unearth the black money and the outcome thereof;*
- (c) *whether the Government has introduced a new scheme in the budget 2016-17 to tackle the menace of black money in the country; and*
- (d) *if so, the details and outcome thereof?*

ANSWER
FINANCE MINISTER
(SHRI ARUN JAITLEY)

(a) to (d): A statement is laid on the table of the House.



STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 1489, RAISED BY SHRI BRIJBHUSHAN SHARAN SINGH AND SHRI MD. BADARUDDOZA KHAN, HON'BLE MEMBERS OF PARLIAMENT, FOR REPLY ON 22ND JULY, 2016

There is no official estimation of the amount of black money stashed away abroad. Various non-governmental organizations and economists in the past have indicated certain estimations of illicit financial flows out of the country. Such estimations appear to be based upon different sets of facts, assumptions, presumptions, etc. leading to widely varying inferences, which lacked unanimity and reliability.

The Government had commissioned a study, *inter alia*, on estimation of unaccounted income and wealth inside and outside the country, through National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM). Reports received from these Institutes are under examination of the Government and the same is expected to be completed within next few weeks.

The Government has taken several steps to effectively tackle the issue of black money, particularly black money stashed away abroad. Such measures include policy-level initiatives; more effective enforcement action on the ground; putting in place robust legislative and administrative frameworks, systems and processes with due focus on capacity building and integration of information and its mining through appropriate use of information technology. Recent major initiatives in this regard include – (i) Constitution of the Special Investigation Team (SIT) on Black Money under Chairmanship and Vice-Chairmanship of two former Judges of Hon'ble Supreme Court, (ii) Recognizing various limitations under the existing legislation [Income-tax Act, 1961, etc.], enactment of a comprehensive new law – 'The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015' to specifically and more effectively tackle the issue of black money stashed away abroad, (iii) Constitution of Multi-Agency Group (MAG) consisting of officers of Central Board of Direct Taxes (CBDT), Reserve Bank of India (RBI), Enforcement Directorate (ED) and Financial Intelligence Unit (FIU) for coordinated investigation into recent revelations in Panama paper leaks, (iv) Proactively engaging with foreign governments with a view to facilitate and enhance the exchange of information under Tax Treaties, (v) Renegotiation of existing tax treaties with other countries to bring the Article on Exchange of Information to International Standards and expanding India's treaty network by signing new Tax Treaties, (vi) Proactively furthering global efforts for Automatic Exchange of Information (AEOI) and Common Reporting Standards (CRS), *inter alia*, by joining the Multilateral Competent Authority Agreement and having information sharing arrangement with USA under its Foreign Account Tax Compliance Act (FATCA), (vii) Enabling attachment and confiscation of property equivalent in value held within the country where the property/proceeds of crime is taken or held outside the country by amending the Prevention of Money-laundering Act, 2002 through the Finance Act, 2015, (viii) Introduction of the Benami Transactions (Prohibition) Amendment Bill, 2015 to amend the Benami Transactions (Prohibition) Act, 1988 with a view to, *inter alia*, enable confiscation of

Contd... 2/

Benami property and provide for prosecution, (ix) Initiation of the information technology based 'Project Insight' by the Income Tax Department for strengthening the non-intrusive information driven approach for improving tax compliance and effective utilization of available information, (x) Other legislative measures including amendments in the Income-tax Act, (xi) According high priority to the cases involving black money stashed away abroad for investigation and other follow-up actions including prosecutions in appropriate cases, (xii) While focusing upon non-intrusive measures, due emphasis on enforcement measures in high impact cases with a view to detect undisclosed income and prosecute the offenders at the earliest for credible deterrence against tax evasion/black money.

As part of enforcement measures, the Income Tax Department conducted searches in 990 groups of assesseees during last 2 years (F.Ys. 2014-15 and 2015-16), seizing undisclosed assets worth Rs.1,474 Crore. These assesseees admitted undisclosed income of Rs.21,354 Crore. During the same period, 9,457 surveys conducted resulted in detection of undisclosed income of Rs.22,475 Crore. Further, there has been significant rise in criminal prosecutions filed by the Income Tax Department in last 2 years and number of cases where prosecution complaints were filed and offences were compounded during F.Ys. 2014-15 and 2015-16 is 3,140 as against 1,690 during F.Ys. 2012-13 and 2013-14.

These measures have equipped the Government better in curbing the menace of black money. Further, sustained and prompt action taken by the Income Tax Department in various cases involving black money has resulted into assessment of substantial amounts of undisclosed income, levy of concealment penalty and filing of criminal prosecution complaints for various offences in appropriate cases.

'The Income Declaration Scheme, 2016' (the scheme) has been introduced vide the Finance Act 2016, with effect from 1st June 2016. The scheme provides for an opportunity to all the persons who have not paid full taxes in the past to come forward and declare the undisclosed income and pay tax, surcharge and penalty, totaling to forty-five per cent of such undisclosed income declared. The scheme is open for declarations up-to 30th September 2016.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA

UNSTARRED QUESTION NO.†559
TO BE ANSWERED ON FRIDAY, THE 18TH NOVEMBER, 2016
KARTIKA 27, 1938 (SAKA)

ACTION ON BLACK MONEY

†559. SHRI SATISH CHANDRADUBEY:
SHRI UDAYPRATAP SINGH:
SHRI KAUSHALENDRA KUMAR:
SHRI SHARAD TRIPATHI:
SHRI RAKESH SINGH

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has made any assessment about the black money in the country and abroad and if so, the details thereof;
- (b) whether the Government has achieved success in bringing back black money deposited in foreign banks during the last two years and if so, the details thereof;
- (c) whether there is any system in place to monitor the inflow of black money in the country and if so, the details thereof; and
- (d) whether the Government has any plan to identify the persons who have stashed black money in India and abroad, if so, the details thereof along with the number of individual and companies identified under the plan and the steps taken/progress made by the Government so far?

ANSWER
MINISTER OF STATE FOR FINANCE
(SHRI SANTOSH KUMAR GANGWAR)

(a): There is no official estimation of the amount of black money within the country and stashed abroad. The Government had commissioned a study on the above through National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM), reports from which have been received. These reports are under consideration of the Government.

(b) to (d): Appropriate action against tax evasion including in respect of unaccounted income stashed in foreign countries, is an on-going process. Such action under direct tax laws includes searches, surveys, enquiries, assessment of income, levy of taxes, penalties, etc. and filing of prosecution complaints in criminal courts, wherever applicable.

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-2-

Recognizing various limitations under the existing legislation [Income-tax Act, 1961, etc.], the Government enacted 'The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015' - to specifically and effectively tackle the issue of black money stashed away abroad. This has, inter alia, provided for more stringent provisions of penalties and prosecutions in respect of black money stashed away abroad. Further, under this law, for the first time the offence of wilful attempt to evade tax, etc. in relation to undisclosed foreign income/assets has been made a Scheduled Offence for the purposes of the Prevention of Money-laundering Act, 2002 (PMLA). This enables attachment and confiscation of the proceeds of crime of wilful attempt to evade such tax, etc., eventually leading to recovery of such undisclosed foreign income and assets/black money stashed away abroad. The new law came into force w.e.f. 01.07.2015.

However, before the cases involving black money stashed away abroad were subjected to more stringent provisions of the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015, a one-time three months' compliance window closing on 30th September 2015 was provided under the new law wherein 648 declarations involving undisclosed foreign assets worth Rs.4164 crore were made. The amount collected by way of tax and penalty in such cases is about Rs.2476 crore.

The Government has taken several steps to effectively tackle the issue of black money, particularly black money stashed away abroad. Such measures include policy-level initiatives, more effective enforcement action on the ground, putting in place robust legislative and administrative frameworks, systems and processes with due focus on capacity building and integration of information and its mining through increasing use of information technology. Recent major initiatives in this regard include - (i) Constitution of the Special Investigation Team (SIT) on Black Money under Chairmanship and Vice-Chairmanship of two former Judges of Hon'ble Supreme Court, (ii) Enactment of a comprehensive law - 'The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015' which has come into force w.e.f. 01.07.2015 to specifically and more effectively deal with the issue of black money stashed away abroad, (iii) Constitution of Multi-Agency Group (MAG) consisting of officers of Central Board of Direct Taxes (CBDT), Reserve Bank of India (RBI), Enforcement Directorate (ED) and Financial Intelligence Unit (FIU) for investigation of recent revelations in Panama paper leaks, (iv) Proactively engaging with foreign governments with a view to facilitate and enhance the exchange of information under Double Taxation Avoidance Agreements (DTAAs)/Tax Information Exchange Agreements (TIEAs)/Multilateral Conventions, (v) According high priority to the cases involving black money stashed away abroad for investigation and other follow-up actions including prosecutions in appropriate cases, (vi) While focussing upon non-intrusive measures, due emphasis on enforcement measures in high impact cases with a view to prosecute the offenders at the earliest for credible deterrence against tax evasion/black money, (vii) Proactively furthering global efforts to combat tax evasion/black money, *inter alia*, by joining the Multilateral Competent Authority Agreement in respect of Automatic Exchange of Information (AEOI) and having information sharing arrangement with USA under its Foreign Account Tax Compliance Act (FATCA), (viii) Renegotiation of DTAAs with other countries to bring the Article on Exchange of Information to International Standards and expanding India's treaty network by signing new DTAAs and TIEAs with many

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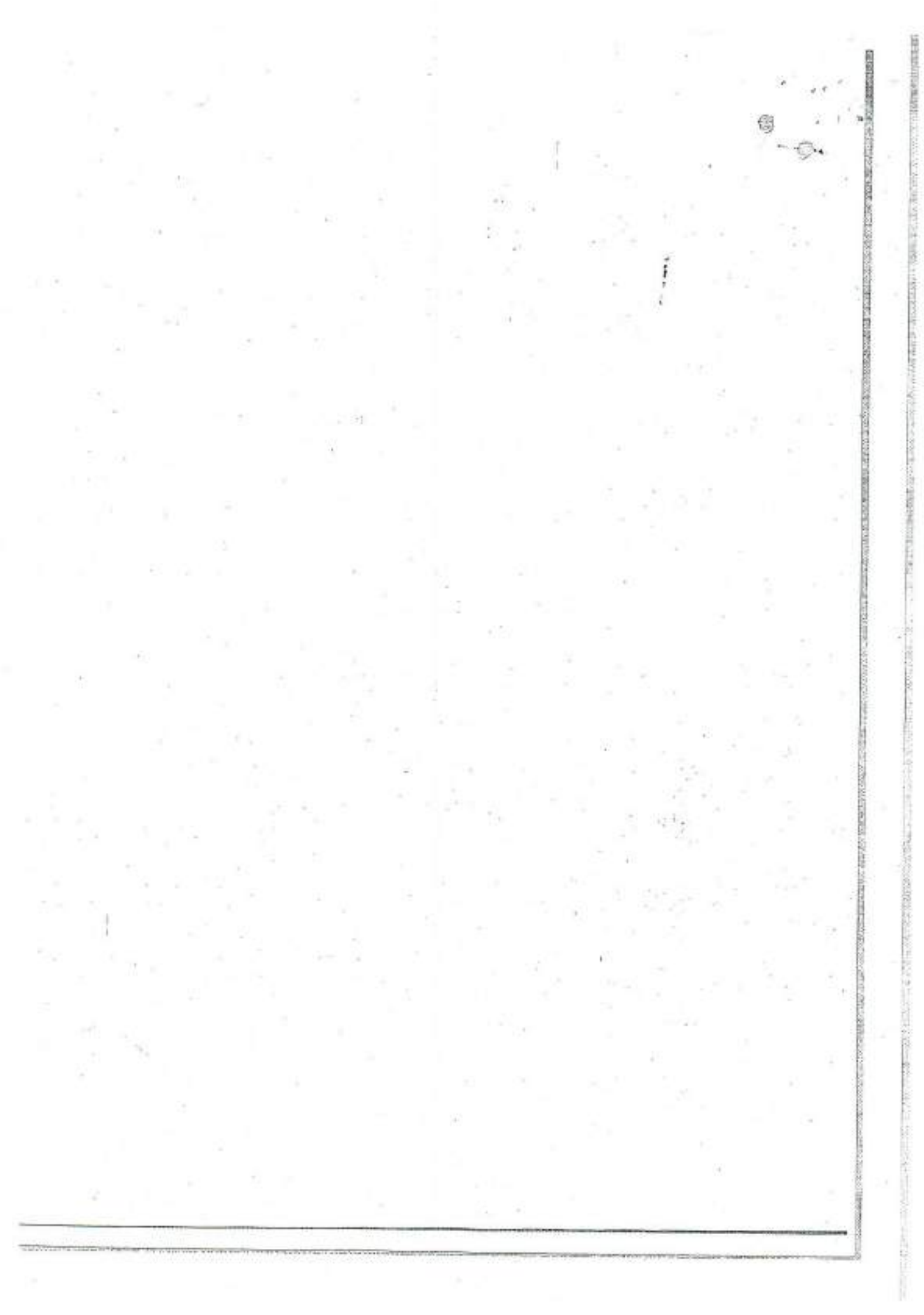
jurisdictions to facilitate the exchange of information and to bring transparency, (ix) Enabling attachment and confiscation of property equivalent in value held within the country where the property/proceeds of crime is taken or held outside the country by amending the Prevention of Money-laundering Act, 2002 through the Finance Act, 2015, (x) Enactment of the Benami Transactions (Prohibition) Amendment Act, 2016 to amend the Benami Transactions (Prohibition) Act, 1988 with a view to, inter alia, enable confiscation of Benami property and provide for prosecution, (xi) Initiation of the information technology based 'Project Insight' by the Income Tax Department for strengthening the non-intrusive information driven approach for improving tax compliance and effective utilization of available information.

These measures have equipped the Government better in curbing the menace of black money stashed away abroad. Further, sustained and prompt action taken by the Income Tax Department in various cases involving black money has resulted into assessment of substantial amounts of undisclosed income, levy of concealment penalty and filing of criminal prosecution complaints for various offences in appropriate cases.

As part of enforcement measures, during the period from 01.04.2014 to 31.10.2016, the Income Tax Department (ITD) conducted searches in 1242 groups of assesses, seizing undisclosed assets worth Rs.2,029 Crore. These assesses admitted undisclosed income of Rs.28,567 Crore. During the same period, 13,690 surveys conducted resulted in detection of undisclosed income of Rs.30,001 Crore. Similarly, during the period from 01.04.2014 to 30.09.2016, the Income Tax Department has filed 1514 prosecution complaints while offences were compounded in 2244 cases and 75 persons have been convicted by the Courts.

Further, under the Income Declaration Scheme, 2016, the Government has received 64,275* declarations disclosing undisclosed income of Rs.65,250 crore*.

*Provisional figures



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA
STARRED QUESTION NO. *94
TO BE ANSWERED ON FRIDAY, THE 21ST JULY, 2017
ASHADHA 30, 1939 (SAKA)

BLACK MONEY STASHED ABROAD

*94. PROF. PREM SINGH CHANDUMAJRA:
SHRI RADHESHYAM BISWAS:

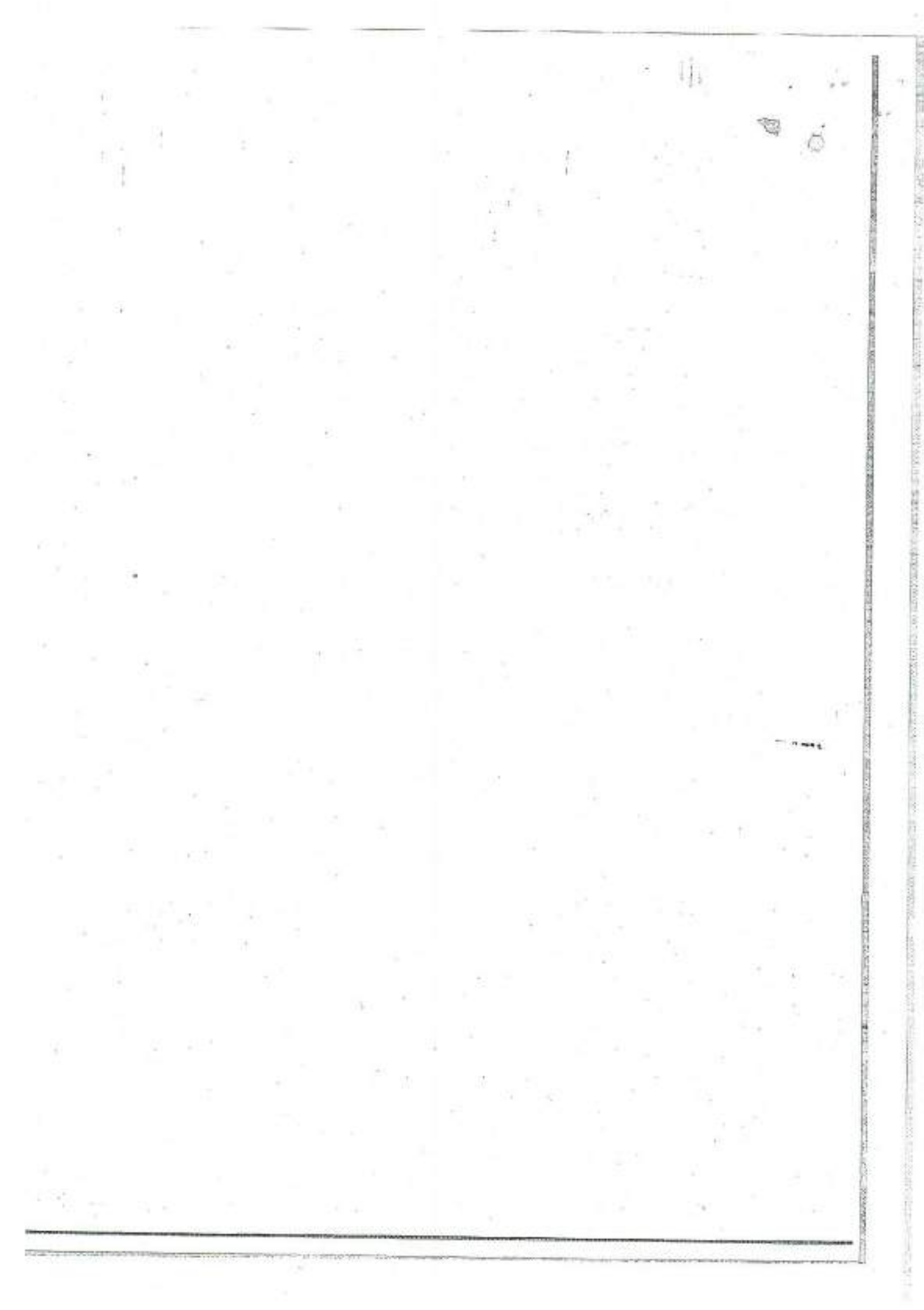
Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has made any assessment of the black money stashed by Indians in foreign countries/banks;
- (b) if so, the details thereof along with the amount of black money stashed by Indians and the steps/measures taken by the Government during the last three years to bring back the same from foreign countries/banks;
- (c) whether the Government has made agreements or negotiations with various countries/banks including Singapore for sharing information on black money stashed abroad by Indians and for its recovery;
- (d) if so, the details thereof along with the black money stashed in Switzerland, Singapore and Hong Kong and the names of depositors; and
- (e) whether the Government has constituted a Special Investigation Team (SIT) on black money, if so, the details of progress made/report presented by the SIT and the action taken by the Government on the SIT report?

ANSWER
FINANCE MINISTER

(SHRI ARUN JAITLEY)

(a) to (e): A statement is laid on the Table of the House.



STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 94, RAISED BY PROF. PREM SINGH CHANDUMAJRA AND SHRI RADHESHYAM BISWAS, HON'BLE MEMBERS OF PARLIAMENT, FOR REPLY ON 21ST JULY, 2017

There is no official estimation of quantum of black money stashed by Indians in foreign countries/banks. However, on the basis of recommendations of the Standing Committee on Finance, the Government had commissioned a study, inter alia, on estimation of unaccounted income and wealth inside and outside the country, to be conducted by National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM). The Reports of these Institutes and the government's response on the findings in the Reports would be placed before the Standing Committee on Finance shortly.

The Government has taken several measures to effectively tackle the issue of black money, particularly black money stashed away abroad. Such measures include policy-level initiatives, effective enforcement actions on the ground, putting in place robust legislative and administrative frameworks, systems and processes with due focus on capacity building and data integration and mining through increasing use of information technology. Major steps taken during the last three years in this regard include the following:

- (i) The SIT on black money was constituted by the Government under the chairmanship and vice chairmanship of two former Judges of Hon'ble Supreme Court through Notification dated 29th May 2014. The SIT has so far submitted 5 reports to the Hon'ble Supreme Court. The major recommendations of the SIT, *inter-alia*, include quoting of PAN compulsorily for purchases over Rs. 1 Lakh, putting an upper limit to cash transactions/holdings, suggestions to curb Trade based money laundering, prevention of misuse of Participatory Notes and suggestions on several case specific issues. While acting upon case-specific suggestions, recommendations of the SIT on policy related issues have been duly examined and various follow up actions taken.
- (ii) India has proactively joined the global efforts to implement a uniform global standard on Automatic Exchange of Information on a fully reciprocal basis facilitating exchange of information regarding persons hiding their money including in offshore financial centres and tax havens through multilayered entities with non-transparent ownership.
- (iii) Double Taxation Avoidance Agreements (DTAAs) with other countries have been renegotiated to bring the Article on Exchange of Information to International Standards and India's Treaty Network has been enlarged by signing new DTAAs and TIEAs. As on January 2017, India had tax treaties with 139 countries/foreign jurisdictions, including Singapore, for exchange of information for curbing of black money.
- (iv) India and Singapore also amended the DTAA for avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income, by signing a Third Protocol in December 2016. The Third Protocol provides for source based taxation of capital gains arising on transfer of shares in a company to enable curbing revenue loss and prevention of double non-taxation.

- (v) The Government has proactively engaged with foreign governments for exchange of information under available instruments. As part of investigations in undisclosed foreign asset cases of Indians during last 3 years, there has been about three fold increase in number of requests made by the Indian competent authorities under tax treaties to their counter parts abroad.
- (vi) A comprehensive law – 'The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015' was enacted which has come into force w.e.f. 01.07.2015 to specifically and more effectively deal with the issue of black money stashed away abroad.
- (vii) Willful attempt to evade tax etc. under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 was made a scheduled offence under PMLA, 2002
- (viii) Attachment and confiscation of property equivalent in value held within the country where the property/proceeds of crime is taken or held outside the country has been enabled by amending the Prevention of Money-laundering Act, 2002 through the Finance Act, 2015.
- (ix) Enforcement actions have been intensified in high impact cases, *inter alia*, with a view to prosecute the offenders at the earliest possible. Substantial increase in criminal prosecutions in undisclosed foreign assets cases has strengthened credible deterrence against tax evasion.
- (x) The information collection and enforcement mechanism has been strengthened and streamlined, *inter alia*, through extensive use of information technology & capacity building.

Further, information on 628 Indian persons holding bank accounts in HSBC bank in Switzerland was received from the Government of France under Double Taxation Avoidance Convention (DTAC) between India and France. As a result of systematic investigations in these cases, undisclosed income of about Rs.8437 crore was brought to tax till May, 2017 (which included protective assessments in some cases). Besides, concealment penalty of Rs.1287 crore was levied in 162 cases and 199 criminal prosecution complaints were filed in 84 cases.

Investigations into information pertaining to about 700 Indian persons allegedly linked to offshore entities based in no tax or low tax jurisdictions put into public domain by the International Consortium of Investigative Journalists (ICIJ) have led to detection of more than Rs.11,010 crore of credits in undisclosed foreign accounts. 72 prosecution complaints in 31 such cases have been filed before criminal courts.

The Government constituted a Multi-Agency Group (MAG) in April 2016, for facilitating co-ordinated and speedy investigation in the cases of Indian persons allegedly having undisclosed foreign assets and whose names were reportedly included in Panama Papers leaks. As part of investigations, 264 references have been sent to foreign jurisdictions concerned under the tax treaties. While taking forward investigations expeditiously, criminal prosecution complaints have been filed in 3 such cases.

The information received under the tax treaties can be used for tax purposes and its disclosure is governed by the confidentiality provisions of such tax treaties. Further, disclosure of information regarding specific taxpayers is prohibited except as provided under section 138 of the Income-tax Act, 1961.

Appendix - III

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM No. 78

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 3979 dated 13.08.2015 regarding "Land Scam"

On 13 August, 2015, Shri Rajesh Ranjan, Smt. Ranjeet Ranjan and Dr. Kirit Somaiya, MPs, addressed an Unstarred Question No. 3979 to the Minister of Textiles. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Textiles within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Textiles vide OM F. No. 1/25/2015-NTC dated 05 September, 2016 had requested to drop the Assurance on the following grounds:-

"Reply is not a promise but is a factual piece of information."

4. The above request for dropping the Assurance was considered by the Committee at their sitting held on 30 June, 2017 and it was decided not to drop the Assurance as the Committee did not agree with the views of the Ministry as it is for the Committee to decide as to what constitutes an Assurance. The Committee accordingly presented their Seventy-Second (16th Lok Sabha) on 04 January, 2018 and stressed upon the Ministry to coordinate with Central Bureau of Investigation (CBI) and pursue the case vigorously for expeditions completion of CBI investigation and implementation of the Assurance.

4. However, the Ministry of Textiles vide OM No. 1/25/2015-NTC dated 17 July, 2018 have again stated as under:-

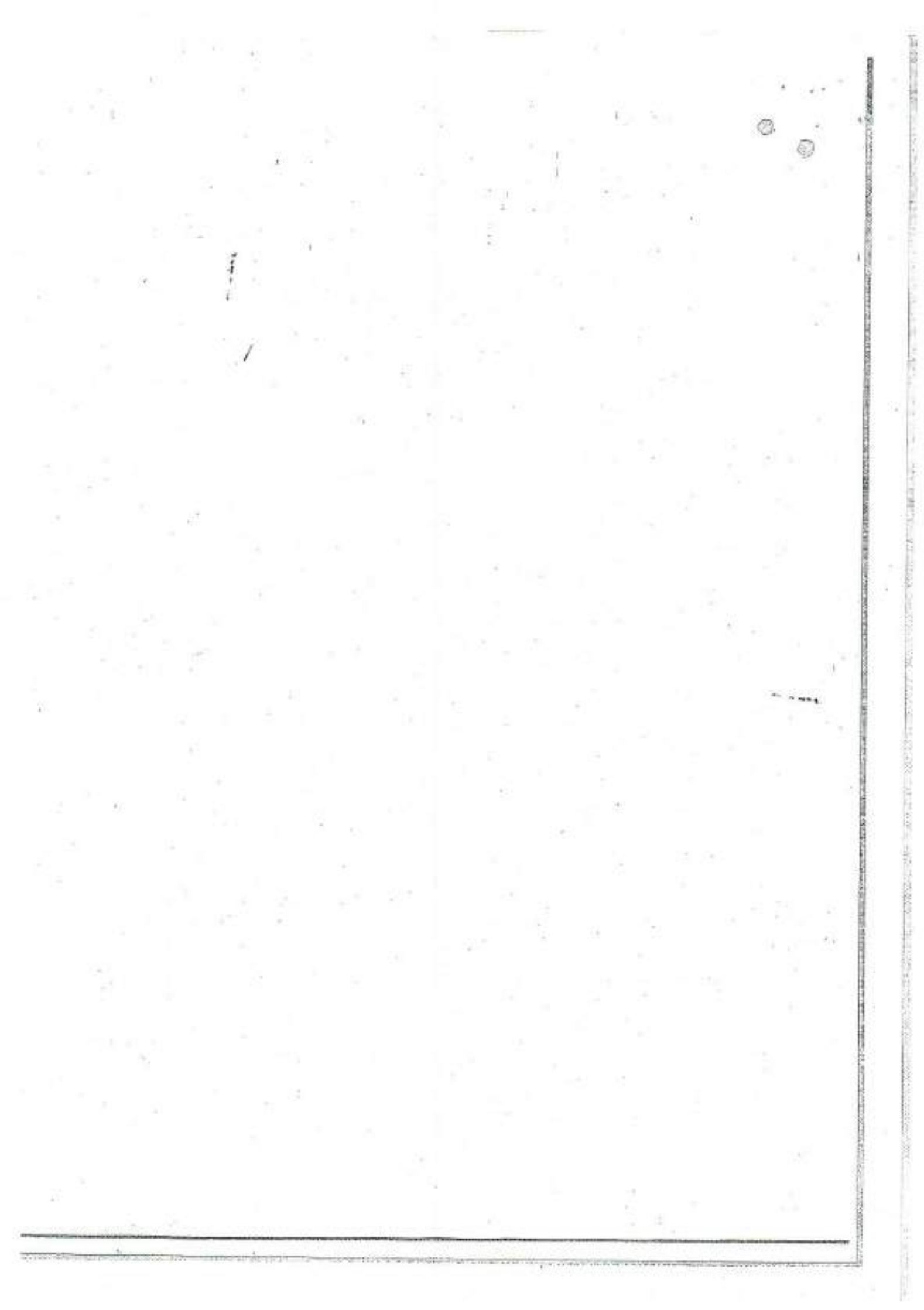
"Reply is not a promise but is a factual piece of information."

5. In view of the above, the Ministry, with the approval of the Minister of State for Textiles, have again requested to drop the Assurance.

The Committee may reconsider.

DATED:- 21/01/2020

NEW DELHI



Annexure

LOK SABHA
UNSTARRED QUESTION NO. 3979
TO BE ANSWERED ON 13.08.2015

LAND SCAM

3979. SHRI RAJESH RANJAN:
SHRIMATI RANJEET RANJAN:
DR. KIRIT SOMAIYA:

Will the Minister of TEXTILES वस्त्र मंत्री
be pleased to state:

- (a) whether F.I.R. has been lodged in the case of land scam worth Rs. 1700 crore in National Textile Corporation Limited;
- (b) if so, the details thereof along with the quantum of loss of exchequer due to this scam;
- (c) whether any enquiry has been conducted in this regard; and
- (d) if so, the details thereof and the action taken against the persons found guilty in the said land scam?

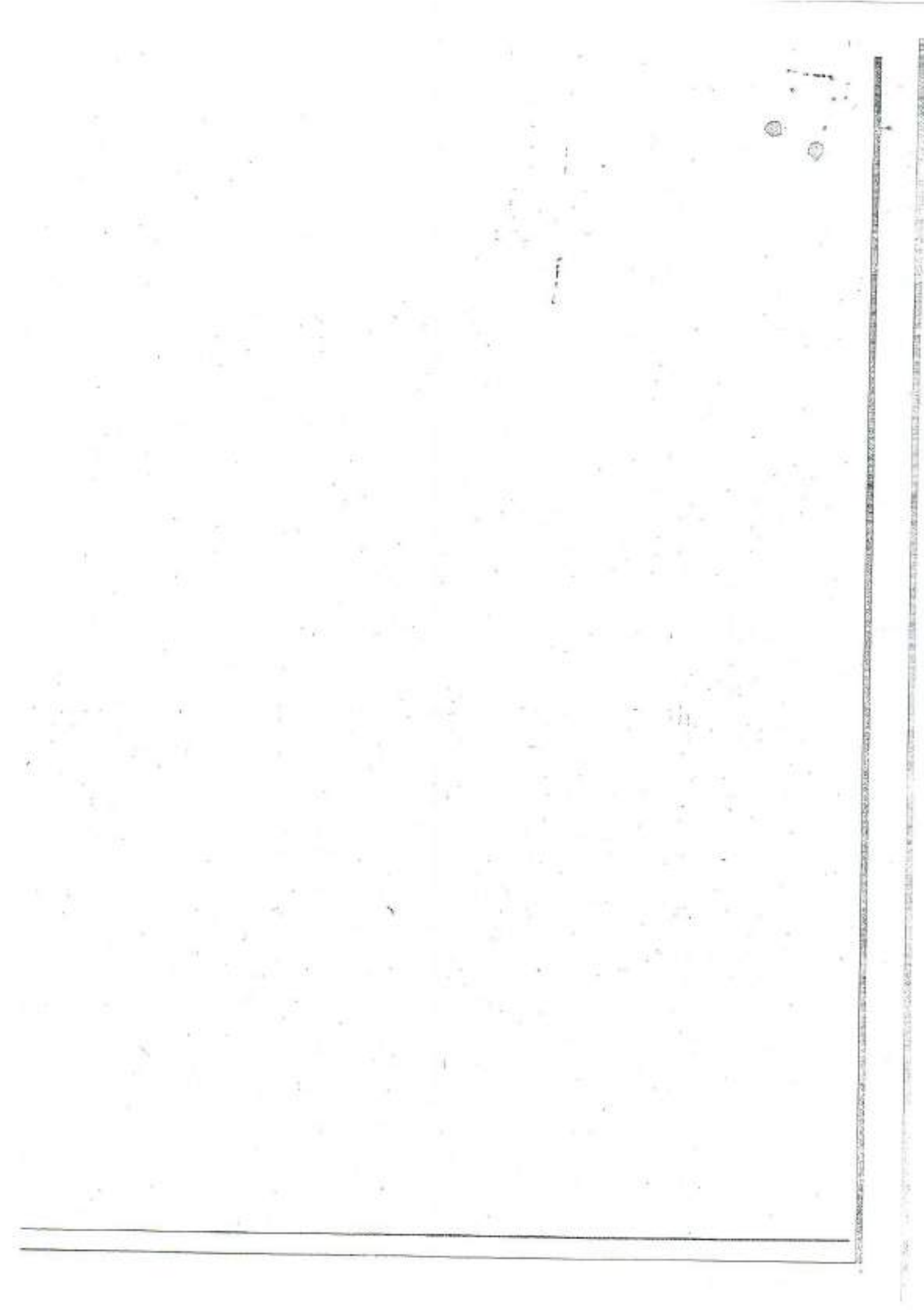
उत्तर

ANSWER

वस्त्र राज्य मंत्री (स्वतंत्र प्रभार) (श्री संतोष कुमार गंगवार)
MINISTER OF STATE (INDEPENDENT CHARGE)
IN THE MINISTRY OF TEXTILES
(SHRI SANTOSH KUMAR GANGWAR)

(a): Central Bureau of Investigation (CBI) has registered a case against few individuals in the matter of transfer of part of the land of Shree Madhusudan Mills to M/s Hall & Anderson in terms of settlement arrived by National Textile Corporation Limited.

(b) to (d): The matter is under investigation of CBI.



Appendix-IV

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM No. 80

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 3684 dated 13.02.2014 regarding "Prasar Bharati Act."

On 13 February, 2014, Shri Kuldeep Bisnoi, M.P., addressed an Unstarred Question No. 3684 to the Minister of Information and Broadcasting. The text of the Question alongwith the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Information and Broadcasting within three months from the date of the reply but the Assurance is yet to be implemented.
3. The Ministry of Information and Broadcasting vide O.M. F.No. H-11016/15/2014-BA(P) dated 10 June, 2015 and had stated as under:-

"That earlier a draft Cabinet Note for establishment of PBRB, was circulated for Inter-Ministerial consultation. The comments of various departments had been obtained and examined in consultation with Prasar Bharati (PB). However, PB has sent a new proposal for drafting a fresh Cabinet Note for establishment of Prasar Bharati Recruitment and Services Board (PBRB). Since the modifications suggested by PB at this stage, require fresh approvals of Prime Minister's Office (PMO), Department of Expenditure (DOE) and Department of Personnel & Training (DOP&T); PB has been requested on 29.05.2015 to forward a firmed up proposal with the approval of the Prasar Bharati Board. Reply of PB is awaited. Since, the processing of the new proposal of PB for establishment of PBRB, involves Inter-Ministerial consultation and requires approval of the Cabinet, which is a time-consuming activity, therefore no time limit can be given in this regard. Moreover, at present the proposal for constitution of PBRB is not pending with the Ministry."

4. Further, the Ministry of Information and Broadcasting vide O.M. F.No. H-11016/15/2014-BA (P) dated 03 November 2017 have stated as under:

"During examination of the proposal, it was proposed in the Ministry that provision of establishment of PBRB should be deleted from the Prasar Bharati Act, 1990. The file concerned for comprehensive amendment of PB Act, 1990 including the aforementioned proposal for deletion of provision of PBRB from the Act, has been submitted. HMIB has sought a short point-wise note on the amendments proposed, which is being prepared. Since amendment of Act is a time-consuming activity, therefore no time limit can be given in this regard."

5. In view of the above, the Ministry, with the approval of Minister of State for Information and Broadcasting, have requested to drop the above Assurance.

The Committee may consider.

DATED :- 21/01/2020

NEW DELHI:

GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING
LOK SABHA

UNSTARRED QUESTION NO: 3684

ANSWERED ON: 13.02.2014

PRASAR BHARATI ACT

KULDEEP BISHNOI

Will the Minister of

INFORMATION AND
BROADCASTING

be pleased to state:-

- (a) whether the Prasar Bharati Act provides for accountability of Prasar Bharati to the Parliament instead of the Government;
- (b) if so, the details thereof;
- (c) whether the provisions of the Act are implemented in letter and spirit;
- (d) if so, the details thereof; and
- (e) if not, the steps proposed to be taken thereon?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF
INFORMATION AND BROADCASTING (SHRI MANISH TEWARI)

(a) & (b): The Prasar Bharati Act, 1990 has provided for accountability of Prasar Bharati to the Parliament under Section-13. This section mandates a Parliamentary Committee to oversee the functioning of Prasar Bharati.

In respect of the matter related to laying of Annual Report, the Prasar Bharati Act, 1990, under Section-31 envisages that the Central Government shall cause the report to be laid before each House of Parliament. Further, the Prasar Bharati Act, 1990, under Section-20(2) envisages that the Annual Financial Statement shall be prepared by the Corporation and forwarded to the Central Government for its approval. Further, under Section-21 of the Act, it is envisaged that the accounts of the Corporation as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded by the Corporation to the Central Government for causing it to be laid before each House of the Parliament.

(c) & (d) : Yes Sir. It is the endeavour of the Government to implement the provisions of the Prasar Bharati Act, 1990 in letter and spirit. The Government has taken several steps for implementing the provisions of the Act, which inter-alia include the following:

- i. The Parliamentary Standing Committee on Information Technology scrutinizes the demand for grants in respect of Prasar Bharati and also reviews the other aspects of functioning of Prasar Bharati.
- ii. The composition and functioning of the Prasar Bharati Board is ensured as per the Sections 3, 4, 5, 6, 7 and 8 of the Act.
- iii. The status of the employees of the Prasar Bharati has been settled in accordance with Section 11 of the Act.
- iv. It is ensured that the Prasar Bharati exercises its powers and functions in accordance with Section 12 of the Act.
- v. The Annual Report and the Annual

Audited Accounts of Prasar Bharati are caused to be laid before both the Houses of Parliament. vi. In pursuance of Section 34 of the Act, Rules and Regulations framed under the Act are caused to be laid in the Parliament. vii. Annual Financial Statement of Prasar Bharati is approved by the Central Government in accordance with Section 20(2) of the Act.

(e) Some of the provisions of the Prasar Bharati Act, 1990 have not yet been fully implemented for which the Government has taken the following actions:

i A proposal for constitution of Prasar Bharati Recruitment Board under Section 10 of the Act is under final stages of consideration. ii The Cabinet in its meeting dated 14.9.2012 has approved for transfer of property and assets on book value to Prasar Bharati as per provisions of Section 16 (a) of the Prasar Bharati Act, 1990. Prasar Bharati has been asked to inventorise the assets so as to enable the Government to finalise the terms and conditions of transfer of property and assets on book value to them.

Appendix - E

**LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES**

MEMORANDUM No. 81

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 6978 dated 18.05.2012 regarding "Power Generation" and Unstarred Question No. 4945 dated 25.04.2013, regarding "Irregularities under RGGVY."

On 18 May, 2012 Shri Ravinder Kumar Pandey, M.P., addressed an Unstarred Question No. 6978 to the Minister of Power, Further, on 25th April 2013, Shri Ram Kishun, Shri P.L. Punia, Shri Syed Shahnawaz Hussain, Shri B.N. Prasad Mahato and Shrimati Rajkumari Ratna Singh, MPs., addressed an Unstarred Question No. 4945 to the Minister of Power. The texts of the Questions alongwith the reply of the Minister are as given in the Annexures- I and II.

2. The replies to the Questions were treated as Assurances by the Committee and required to be implemented by the Ministry of Power within three months from the date of the reply but the Assurances are yet to be implemented.

3. The Ministry of Power vide D.O. No. 40/55/2012-RE dated 06 February, 2013 had requested to drop the Assurance given in reply to Unstarred Question No. 6978 dated 18 May, 2012 regarding "Power Generation" on the following grounds:-

"That the Part (d) & (e) of the Assurance be dropped because implementation of three projects of Rajiv Gandhi Grameen Vidutikaran Yojana in Jharkhand are being investigated by CBI and it is not possible to anticipate the likely date of completion of enquiry of CBI."

4. The Committee considered the above request of the Ministry at their sitting held on 06 February, 2014 and decided not to drop the assurance and accordingly, presented their 40th Report (15th Lok Sabha) on 17 February, 2014 inter-alia recommending that the matter should be pursued vigorously and the Committee be apprised of the progress made by CBI in the matter from time to time.

5. However, the Ministry of Power vide OM No. 40/03/2012-RE dated 12th May, 2015 had again requested to drop the Assurance along with the Assurance given in reply to Unstarred Question No. 4945 dated 25th April 2013 regarding "Irregularities under RGGVY" on the following grounds:-

"That the matter has been taken up with CBI who in turn, vide their ID No. 25/3/15-PD/899 dated 23.04.2015 has furnished the present status of the following two assurances w.r.t CBI investigation in the State of Jharkhand and Jammu and Kashmir which is as under:-

Sl No.	Q. No. & Date	Subject	Promise Made	Status of CBI investigation
I.	LS USQ No. 6978 dated 18.05.2012	Power Generation	Implementation of three projects of Rajiv Gandhi Grammen Vidyutikaran Yojana regarding award of work by JSEB are being investigated by CBI	The closure report of the CBI enquiry filed in the court on 24.10.2014 and the same is under consideration.
II.	LS USQ No. 4945 dated 25.04.2013	Irregularities under Rajiv Gandhi Grammen Vidyutikaran Yojana	Complaints regarding alleged irregularities in award of work in the State of Jharkhand and Jammu & Kashmir were received. The matter is under investigation by CBI.	The status of CBI enquiry in r/o the State of Jharkhand has been mentioned in Point (i) above. Further, the investigation proceedings in r/o irregularities under implementation of RE works in District Leh and Kargil was completed and the closure report was accepted by the Court and the other, investigation in r/o district Udhampur, are under trial.

It is evident that the said CBI Cases have almost attained their logical conclusion/finality in the State of Jharkhand and Jammu and Kashmir except one case which is under trial and it is not possible at this stage to anticipate the likely date of completion of the said enquiry. In view of above, it is requested that the Committee on Government Assurance, Lok Sabha may kindly drop these two Assurances."

6. The Committee considered the above request of the Ministry at their sitting held on 18 April, 2016 and decided not to drop the Assurances and accordingly, presented their 40th Report (16th Lok Sabha) on 11 August, 2016 Inter-alia recommending that an Assurance cannot be dropped merely on the ground that the matter is being investigated by the CBI and its not possible to anticipate the likely date of completion of the said investigation. In this case, the Ministry are required to furnish the details of the CBI investigation into the Irregularities in the award of 3 projects of Rajiv Gandhi Gramin Vidyutikaran Yojana (RGGVY) by Jharkhand State Electricity Board and the Irregularities

in the implementation of RGGVY work in Jammu and Kashmir. The Committee, therefore, desired that the Ministry must enhance the level of coordination with the CBI for a proper and expeditious investigation into the aforesaid cases and the details thereof be apprised to the Committee so as to fulfil the Assurances.

7. However, the Ministry of Power vide OM No. 40/55/2012-RE dated 21 November, 2017 have stated as under:-

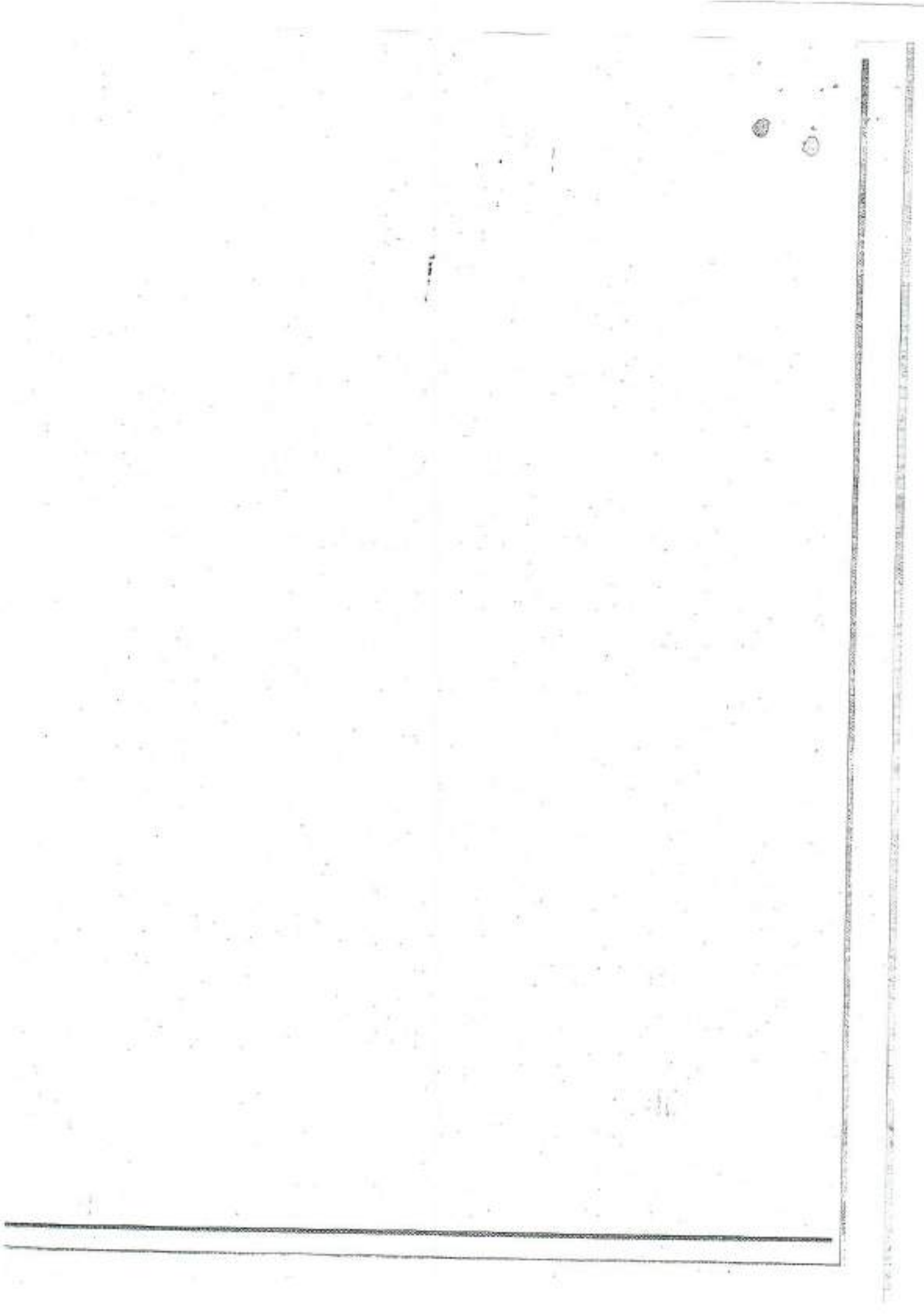
"That the matter has been taken up with Rural Electrification Corporation, the nodal agency for Implementation of Deen Dayal Upadhyaya Gram Vidyutikaran Yojana erstwhile Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) who in turn, vide their letter dated 06.11.2017 has forwarded the latest status received from Jharkhand Bijli Vitran Nigam Ltd, (JBVNL), Ranchi. JBVNL vide their letter dated 28.10.2017 have informed that CBI had initiated an enquiry in the matter related to RGGVY 10th Plan in District Latehar, Palamu and Garhwa but outcome of the enquiry or closure report is not intimated to JBVNL, JBVNL is yet to receive the final report from CBI. Attention is also invited to Rajya Sabha Secretariat (Committee on Government Assurances) O.M. No. RS-1/227/258/2012-COM.III dated 21.04.2016 whereby the request of the Ministry of Power for dropping the similar Assurances was placed before the Committee on Government Assurance, Rajya Sabha. The Committee in its meeting held on 14.03.2016 considered the request of this Ministry and was pleased to accede to the request of the Ministry and the Assurances were accordingly dropped."

8. In view of the above, the Ministry with the approval of the Minister of State (I/C) of Power have again requested to drop the Assurance.

The Committee may reconsider.

DATED :- 21/01/2020

NEW DELHI:



GOVERNMENT OF INDIA

MINISTRY OF POWER

LOK SABHA

UNSTARRED QUESTION NO: 6978

ANSWERED ON: 18.05.2012

POWER GENERATION

RAVINDRA KUMAR PANDEY

Annexure - I

(a) whether the Union Government has sent any proposal to the State Government of Jharkhand to increase the power production in view of electricity crisis in the country particularly in the State of Jharkhand;

(b) if so, the details thereof;

(c) the amount provided under Rajiv Gandhi Grameen Vidyutikaran Yojana by the Union Government during the last three years and current financial year to the State Government of Jharkhand along with the details of its utilization and progress of work;

(d) whether the Government propose to conduct any investigation regarding the amount issued to the State Government of Jharkhand along with the proper utilization and progress of work; and

(e) if so, the details thereof and if not, the reasons therefor?

Will the Minister of POWER be pleased to state:-

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI K.C. VENUGOPAL)

(a) & (b): No, Madam.

(c): Cumulatively, an amount of Rs. 2992 crore including loan by Rural Electrification Corporation (REC) has been released under Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) for the State of Jharkhand as on 30.04.2012. The Year-wise release of funds during the last three years and current year, is as under:

Rs. in crore

Year	2009-10	2010-11	2011-12	2012-13	(as on 30.04.2012 released prior to 2009-10)	Total (includes funds released)
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Funds (including loan by REC) released	750.48	161.89	116.54	12.38	2,992.00
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The physical progress of projects sanctioned under RGGVY in Jharkhand is as under:

Revised coverage as on 30.04.2012	Cumulative achievement
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Un-electrified villages (UEV)	Partially electrified villages (PEV)	Below Poverty Line Connections (BPL)	UE	PEV	BPL
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19,281	7,223	18,30,722	17,917	5,511	12,75,252
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(d) & (e): Implementation of three projects of RGGVY regarding award of work by JSEB are being investigated by CBI.

GOVERNMENT OF INDIA
MINISTRY OF POWER

Annexure - II

LOK SABHA

UNSTARRED QUESTION NO: 4945

ANSWERED ON: 25.04.2013

IRREGULARITIES UNDER RGGVY

RAMKISHUN

- (a) whether complaints regarding irregularities under the Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) have been received from various States particularly in Bihar, State-wise;
- (b) if so, the details thereof along with the details of enquiry conducted through any Committee to ascertain as to whether the funds allocated to the various States including Uttar Pradesh and Bihar have been properly utilized, State-wise;
- (c) the action taken/being taken against the responsible persons for delay in completion of the projects under the Scheme along with the corrective measures being taken by the Government in this regard;
- (d) the details of funds allocated for Barabanki and Pratapgarh areas of Uttar Pradesh and utilized during the last three years under the Scheme along with the status of completion of projects in the said areas and the number of villages in which electricity has been provided;
- (e) whether the Government proposes to make amendments in RGGVY; and
- (f) if so, the details thereof?

Will the Minister of POWER be pleased to state:-

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF POWER (SHRI JYOTIRADITYA M. SCINDIA)

(a) to (c) : Complaints regarding alleged irregularities in the States of Jharkhand and Jammu & Kashmir were received. The matter is under investigation by CBI.

No such enquiry has been conducted by any Committee to ascertain as to whether the funds allocated to the various States including Uttar Pradesh and Bihar have been properly utilized.

In addition, other complaints of various nature that are received in the Ministry of Power from different quarters are promptly sent to the concerned implementing agencies for taking appropriate action / corrective measures.

(d) : In the last three years i.e. 2010-11 to 2012-13, no fund has been released to Barabanki and Pratapgarh in Uttar Pradesh. Under RGGVY, projects of district Barabanki and Pratapgarh of Uttar Pradesh were sanctioned in the 10th Plan with the project cost of Rs.7636.60 lakh and Rs. 4950.40 lakh respectively. The electrification works in these districts have been completed.

(e) & (f) : The Ministry of Power has proposed for continuation of the RGGVY Scheme to the remaining villages/habitations having population 50 and above against the existing provision of population 100 and above in the 12th Plan subject to availability of funds.

Appendix - IV

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM No. 82

Subject:

Request for dropping of Assurances given in replies to:-

- (i) Unstarred Question No. 2410 dated 28 March, 2012 regarding "Right to Privacy Bill." (Annexure-I).
- (ii) Unstarred Question No. 6496 dated 16 May, 2012 regarding "Right to Privacy Bill." (Annexure-II).
- (iii) Unstarred Question No. 3201 dated 12 December, 2012 regarding "Separate Legislation on Privacy." (Annexure-III).
- (iv) Unstarred Question No. 4154 dated 19 December, 2012 regarding "Panel on Privacy of Individuals." (Annexure-IV).
- (v) Unstarred Question No. 1714 dated 09 December, 2015 regarding "Exemption from Right to Privacy Bill." (Annexure-V).

The above mentioned Questions were asked by various M.Ps. to the Minister of Personnel, Public Grievances & Pensions. The contents of the questions along with the replies of the Ministers are as given in Annexures -I, II, III, IV and V.

2. The replies to the Questions were treated as Assurances by the Committee and required to be implemented by the Ministry within three months of the date of the reply but the Assurances are yet to be implemented.

3. The Ministry of Personnel, Public Grievance & Pension (Department of Personnel Training) vide O.M. No. 2/45/2013-IR dated 21 November, 2014 had requested to drop the Assurances mentioned at Sl No. (i)-(iv) above on the following grounds:-

- (i) That Right to Privacy Bill was drafted and placed before the Committee of Secretaries on 27th May, 2011 where Ld. Attorney General of India was also present.

The CoS made few observations and decided that DOPT would re-draft the Bill per the observations of the Committee and place it for their reconsideration. The Bill was redrafted by DOPT as per the observations of the Committee. In the meanwhile, the Report of the Expert Group constituted by the Planning Commission under the chairmanship of Justice A.P. Shah, former Chief Justice of Delhi High Court was received on 22.10.2012.

(ii) A note for the Committee of Secretaries was drafted taking into consideration the recommendations of the Expert Group and was placed before the CoS meeting on 17.01.2013. As desired by the CoS, the Home Secretary, Secretary, Department of Telecommunication and Secretary, Department of Electronics and IT have been asked to provide inputs and drafting suggestions regarding the draft bill.

(iii) A meeting was taken by Secretary (P) on 30.04.2013 with the representatives of Ministries/Departments concerned and it has been decided that the bill would be redrafted as per the decision taken in the said meeting and after taking into consideration the recommendations of the Expert Group of Privacy (Justice Shah's report).

(iv) Accordingly, a draft bill had been prepared by DOPT and sent to the D/o Legal Affairs and Legislative Department on 6th June, 2013. Changes suggested in the draft bill by the Legislative Department as well as the concerns of Intelligence agencies had been included in the draft Right to Privacy Bill, 2014. The draft bill along with CoS note had been sent to the Cabinet Secretariat for consideration of Committee of Secretaries. The meeting of Cos was postponed twice. CoS note was later returned by the Cabinet Secretariat with few observations.

(v) A meeting was taken by MoS (PP) on Right to Privacy Bill on 20.08.2014. It was decided to have further detailed discussion with Intelligence agencies and Ministry of Home Affairs.

4. The above request for dropping the Assurances was considered by the Committee at their sitting held on 12 August, 2015 and it was decided not to drop the Assurances as despite various initiatives taken by the Ministry, the Right to Privacy Bill could not be given a concrete shape till date. The Committee accordingly presented their 24th Report (16th Lok Sabha) on 21 December, 2015 inter-alia emphasizing that the matter needs to be taken to its logical conclusion and needful be done.

5. However, the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) vide OM F. No. 17/2/2018-IR(Pt.) dated 14 March 2018 have stated as under:-

(a) " A Committee of Secretaries (CoS) had been formed to look into the issue of protection and privacy of data. The CoS recommended an umbrella legislation to safeguard Right to Privacy. Initially this department was of the view that Department of Legal Affairs or MeITY may be nodal department for this legislation. However, on

the insistence of Cabinet Secretariat, DoPT was made nodal agency for drafting Right to Privacy Bill. Accordingly, Right to Privacy Bill was drafted and was under consideration by this department. A major part of the draft of Right to Privacy Bill was related to data protection/data privacy and structure to regulate the same. Inter-ministerial consultations were going on. However, due to the concerns of the Intelligence agencies which were apprehensive and wanted a blanket exemption, the Right to Privacy Bill could not achieve any breakthrough.

(b) With the linking of Aadhaar with Government Schemes/bank accounts etc; concerns about data privacy & protection were raised. Hon'ble Supreme Court in its judgment dated August 24th, 2018 gave its ruling on "Right to Privacy". It was decided that MeITY would work on a framework for data protection law. Accordingly, MeITY has gone ahead with the draft legislation. The Data Protection Act will cover a substantial policy of provisions that were included in draft 'Right to Privacy Bill.'

Since MEITY is formulating a "Data Protection Law", it has been decided in the department to wait for Data Protection Law to come into force and thereafter make a assessment whether a separate Right to Privacy Bill is required to be taken forward to address other privacy related concerns if they are not suitably addressed in Data Protection Law.

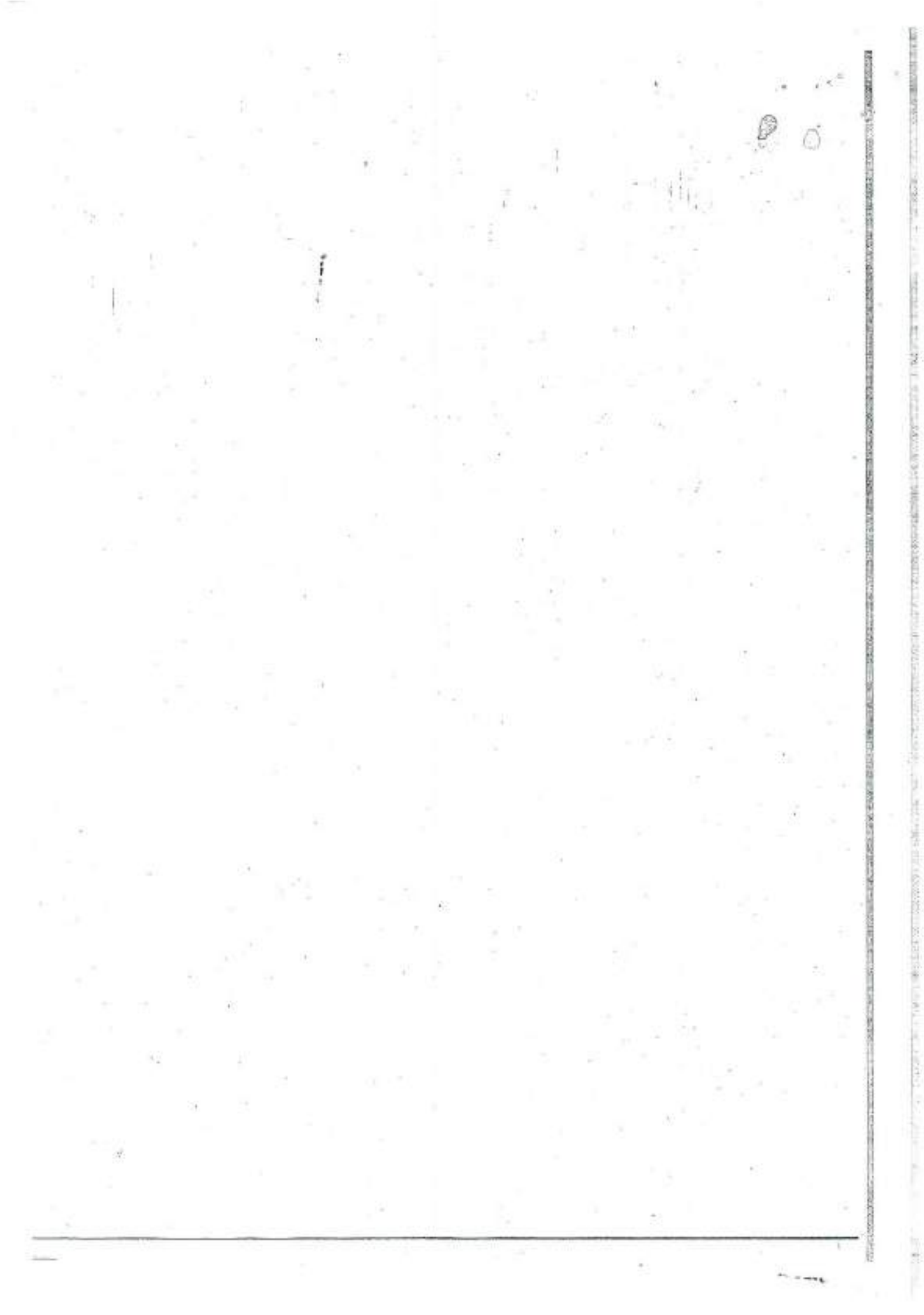
The Government/MEITY is going ahead with the Data Protection Law which will address major issues related to privacy."

6. In view of the above, the Ministry with the approval of Minister of State for Personnel, Public Grievances and Pensions, have requested to drop the above Assurances.

The Committee may re-consider.

NEW DELHI:

DATED: 21/01/2020



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 2410
(TO BE ANSWERED ON 28.03.2012)

RIGHT TO PRIVACY BILL

2410. SHRI J.M. AARON RASHID:
SHRI RAGHUVIR SINGH MEENA:
SHRI AVTAR SINGH BHADANA:

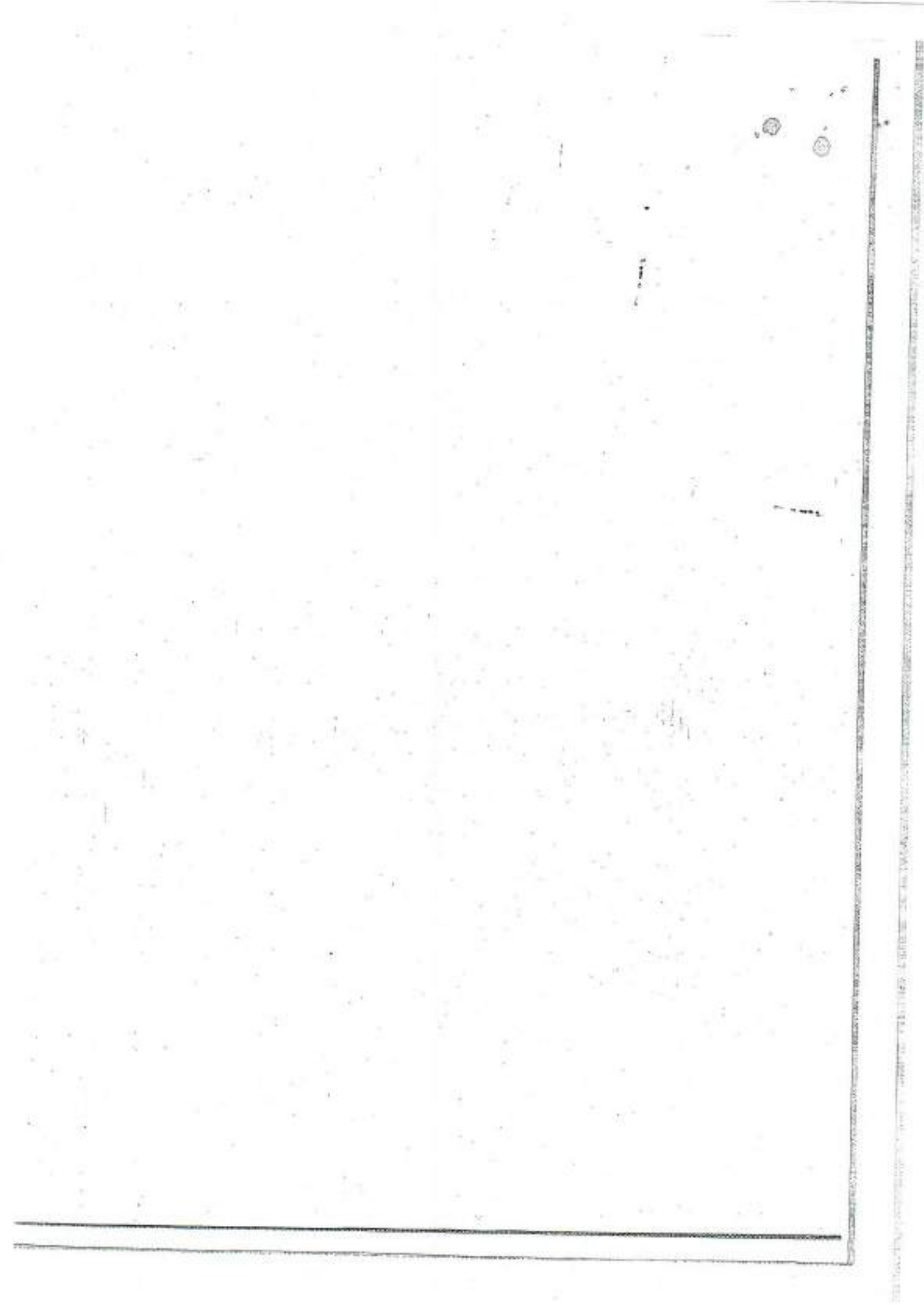
Will the PRIME MINISTER be pleased to state:

- (a) whether the proposed Right to Privacy Bill will not give protection to individuals and politicians against phone-tapping and interception of telephonic conversation;
- (b) if so, the reasons and the details thereof;
- (c) whether some Ministries have reservations and are against illegal phone-tapping of individuals; and
- (d) if so, the details thereof?

ANSWER

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (SHRI V. NARAYANASAMY)

(a) to (d): The Government is drafting a legislation that will provide protection to individuals in case their privacy is breached through unlawful means. The details of the legislation are yet to be finalized.



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 6496
(TO BE ANSWERED ON 16.05.2012)

RIGHT TO PRIVACY BILL

6496. SHRI A.T. NANA PATIL:

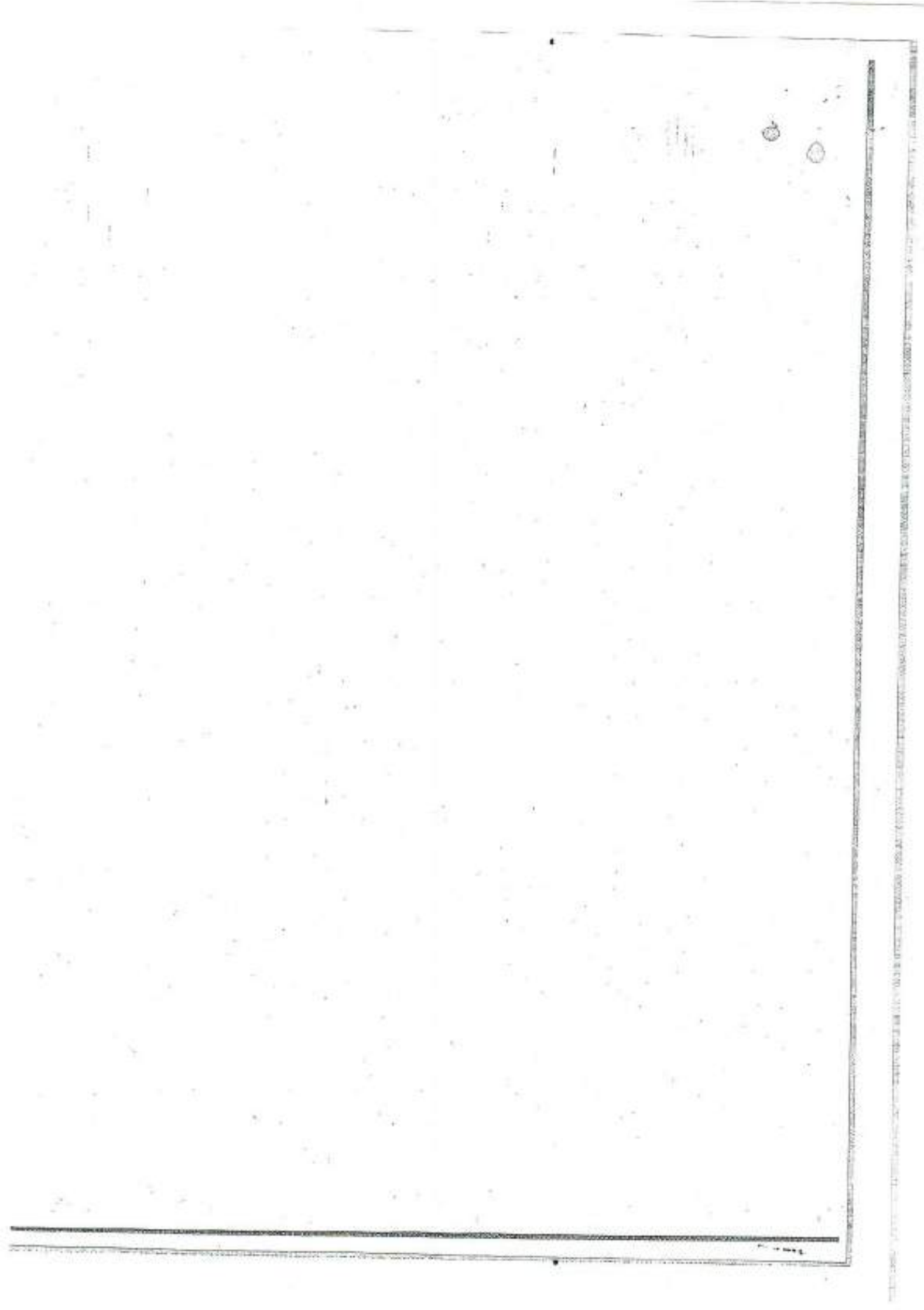
Will the PRIME MINISTER be pleased to state:

- (a) whether any Right to Privacy Bill is being drafted by the Government;
- (b) if so, the details thereof and the main features of the Bill; and
- (c) the time by which the said legislation will be enacted?

ANSWER

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (SHRI V. NARAYANASAMY)

(a) to (c): The Central Government is drafting a legislation that will provide protection to individuals in case their privacy is breached through unlawful means. The drafting of the legislation is at preliminary stage and details of the legislation are yet to be finalized.



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 3201
(TO BE ANSWERED ON 12.12.2012)

SEPARATE LEGISLATION ON PRIVACY

3201. SHRIMATI SHRUTI CHOUDHRY:

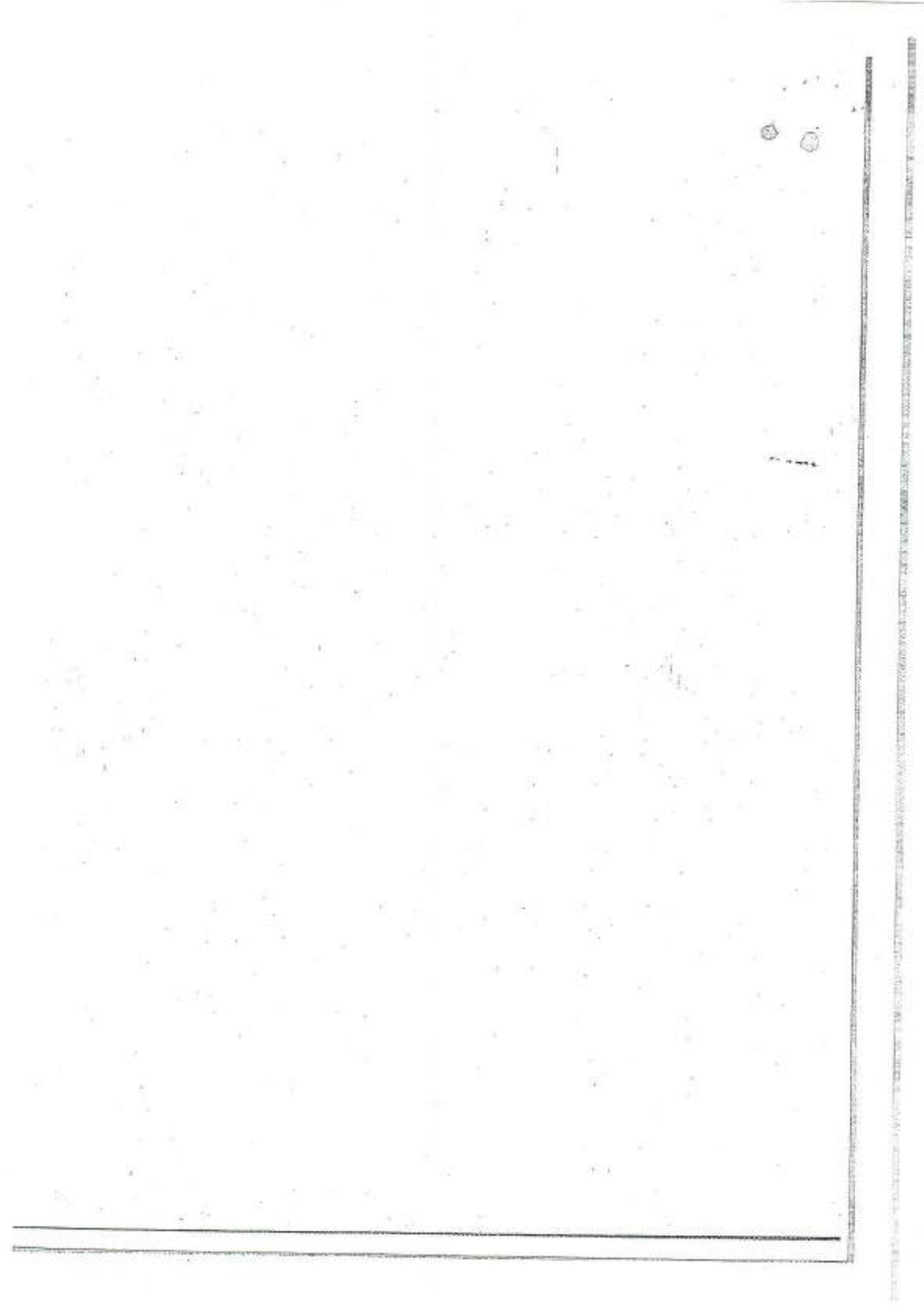
Will the PRIME MINISTER be pleased to state:

- (a) whether the Government is considering to enact separate legislation on privacy; and
- (b) if so, the details thereof and the present status of the proposed legislation?

ANSWER

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (SHRI V. NARAYANASAMY)

(a) & (b): The Central Government is drafting a legislation that will provide protection to individuals in case their privacy is breached through unlawful means. The drafting of the legislation is at preliminary stage and details of the legislation are yet to be finalized.



GOVERNMENT OF INDIA
MINISTRY OF PLANNING

LOK SABHA
UNSTARRED QUESTION NO.4154
TO BE ANSWERED ON 19-12-2012

PANEL ON PRIVACY OF INDIVIDUALS

4154. SHRI ASADUDDIN OWAISI:

Will the PRIME MINISTER be pleased to state:

- (a) whether Planning Commission has set up any panel on Privacy issues of Individuals;
- (b) if so, the details thereof;
- (c) whether the panel has submitted its recommendations to the Government;
- (d) if so, the details thereof; and
- (e) the action taken by the Government thereto?

ANSWER

MINISTER OF STATE FOR PARLIAMENTARY AFFAIRS & PLANNING

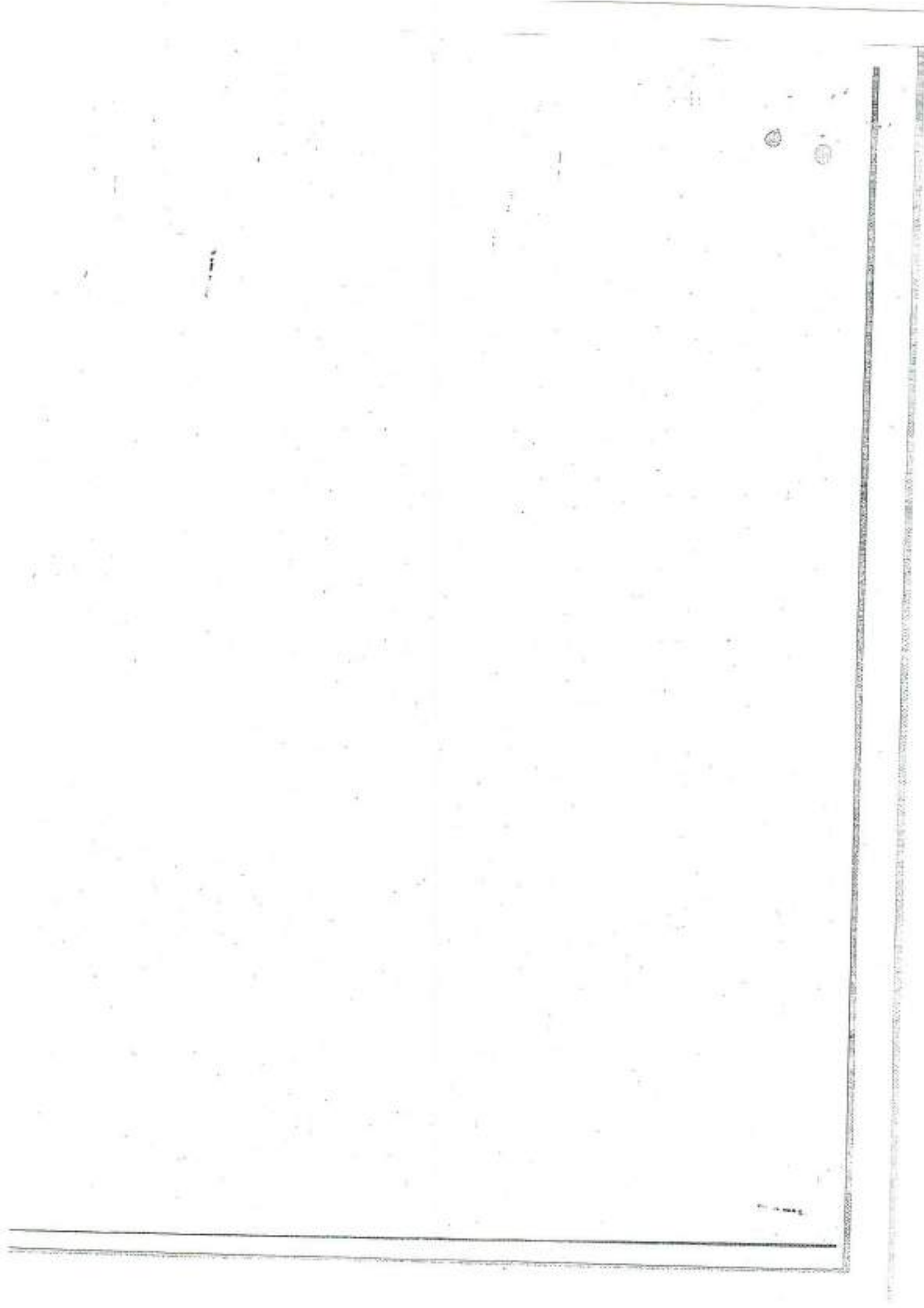
(SHRI RAJEEV SHUKLA)

(a) & (b): Yes Madam. Planning Commission has set up an Expert Group on Privacy Issues, under the Chairmanship of Justice A P Shah, Former Chief Justice of Delhi High Court inter alia to:

- (i) Study Privacy laws and related bill, promulgated by various countries
- (ii) Make an in-depth analysis of various programs and their impact on Privacy.
- (iii) Make specific suggestions for consideration for incorporation in the proposed draft Bill on Privacy.

(c) to (e): The Expert Group has submitted its report on 16th October 2012. The report covers international privacy principles, national privacy principles, rationale and emerging issues along with an analysis of relevant legislations/Bills from a privacy perspective. On the basis of deliberations and in depth analysis, the group has identified a set of recommendations. Copy of the report has been placed on the Planning Commission website and has also been forwarded to Department of Personnel & Training (DOPT) for appropriate consideration while finalising the proposed Right to Privacy Bill.

DOPT has forwarded a note for the meeting of the Committee of Secretaries to the Cabinet Secretariat. The note includes consideration of recommendations of the Expert Group.



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)
LOK SABHA
UNSTARRED QUESTION NO. 1714
(TO BE ANSWERED ON 09.12.2015)

EXEMPTION FROM RIGHT TO PRIVACY BILL

1714. SHRI R.P. MARUTHARAJA:

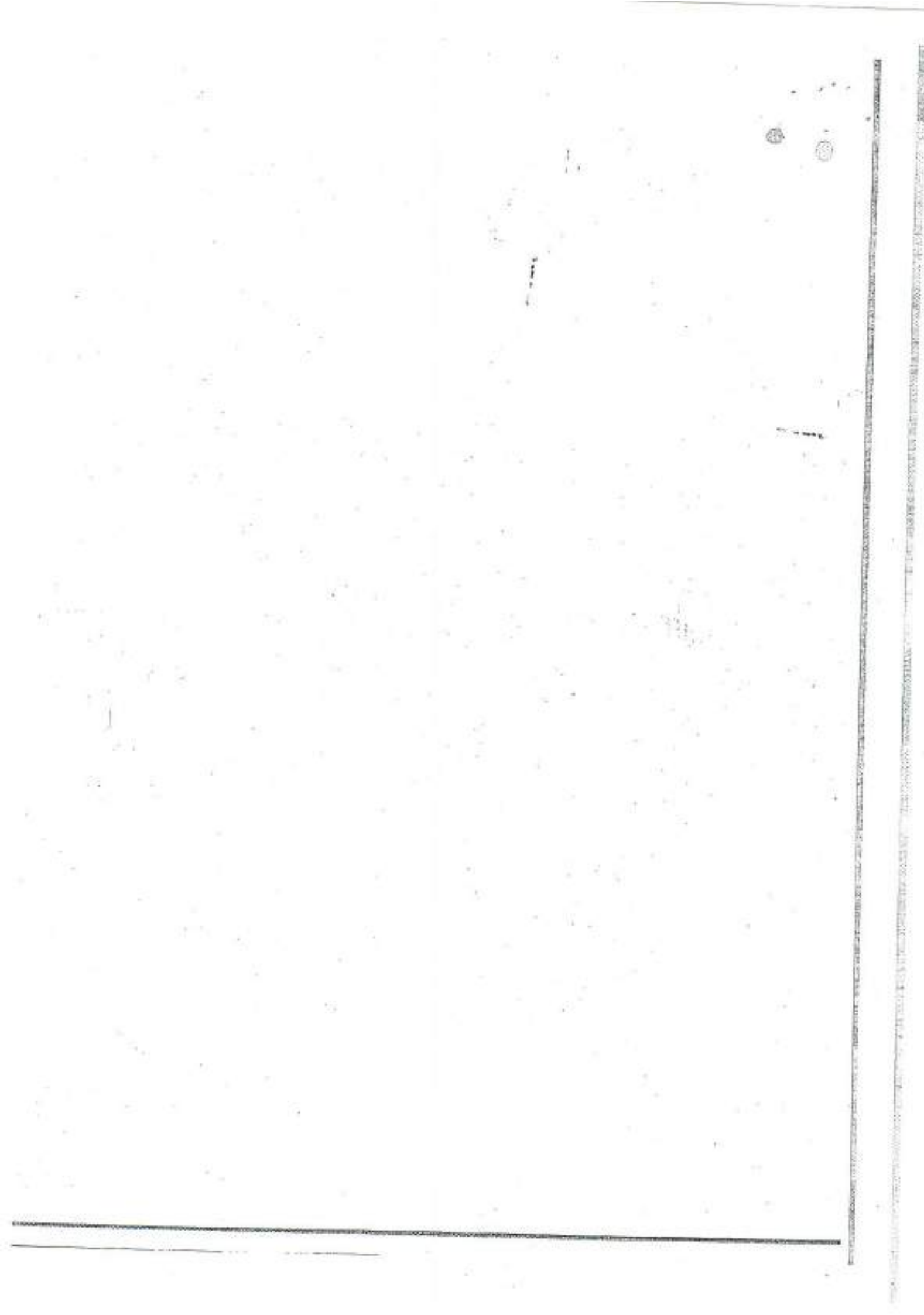
Will the PRIME MINISTER be pleased to state:

- (a) whether the Government has turned down the demand of intelligence agencies for a blanket exemption from the purview of the Right to Privacy Bill; and
- (b) whether the Government has also decided to hack the provision extending the proposed law to all residents of India, unlike the 2011 draft bill that catered to only Indian citizens, and if so, the details thereof?

ANSWER

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (DR. JITENDRA SINGH)

(a) & (b): The drafting of the Right to Privacy bill is at preliminary stage and details of the bill are yet to be finalized.



Appendix - VII

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM No. 83

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 2659 dated 03.01.2018, regarding "Semi High Speed Corridors".

On 03 January, 2018, Dr. Gokaraju Ganga Raju, M.P., addressed an Unstarred Question No. 2659 to the Minister of Railways. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Railways within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Railways vide O.M. No. 2017/Mobility/15/15 dated 14 December, 2018 have stated as under:-

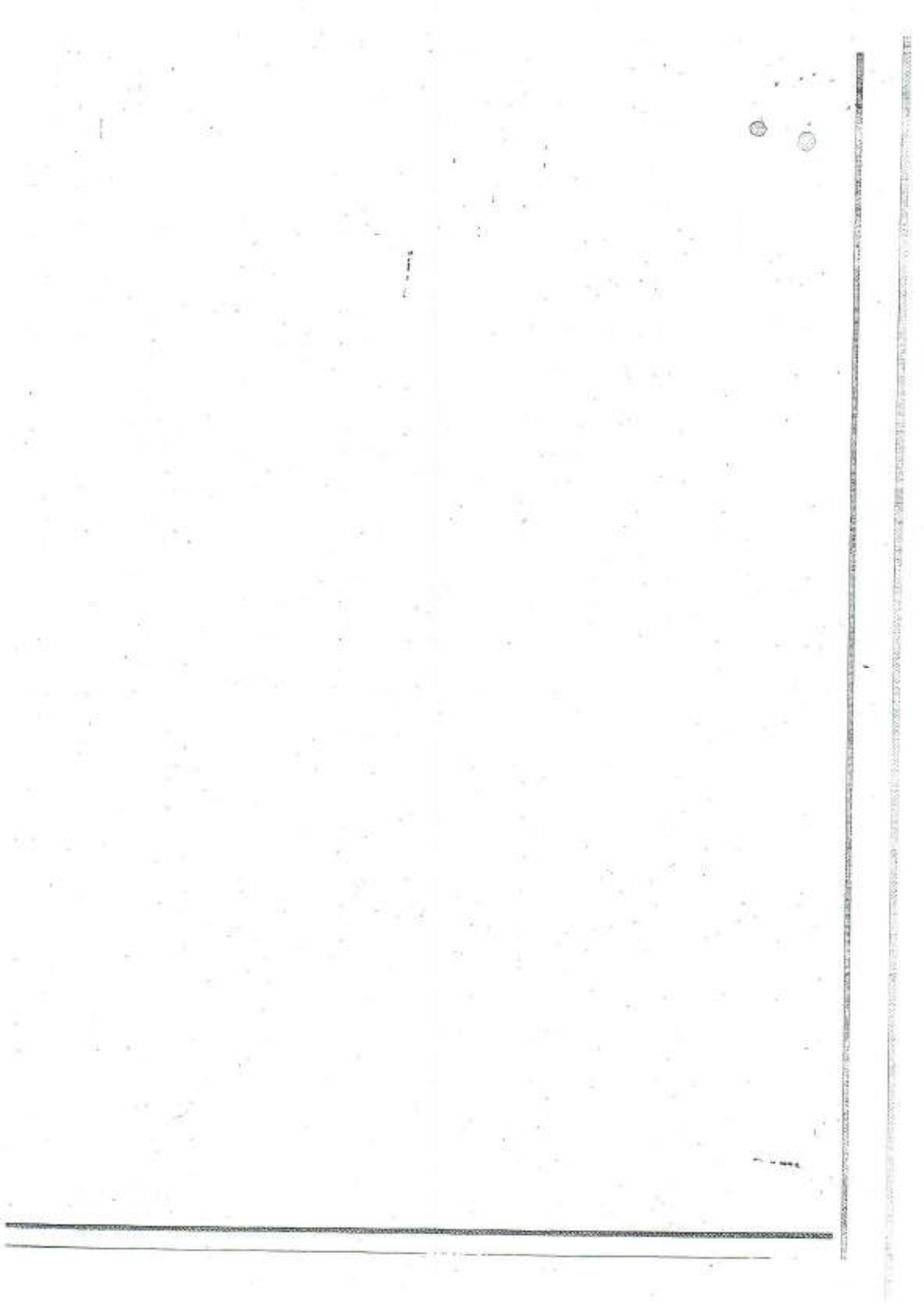
"Determination of terms and conditions of the Agreement, terms of reference, scope of the study and the cost of study are a part of the process and procedure adopted for signing an Agreement between parties to the Agreement. As such the underlined part as pointed out by the Lok Sabha Secretariat may not form an Assurance"

4. In view of the above, the Ministry, with the approval of the Minister of State in the Ministry of Railways, have requested to drop the Assurance.

The Committee may consider.

DATED:- 21/01/2020

NEW DELHI



GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS

LOK SABHA
UNSTARRED QUESTION NO. 2889
TO BE ANSWERED ON 03.01.2018

SEMI HIGH SPEED CORRIDORS

2889. DR. GOKARAJU GANGA RAJU:

Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that German Railways will assist Indian Railways to make country's existing rail corridors semi-high speed and if so, the details thereof;

(b) whether it is also a fact that a joint declaration of intent was signed between Ministry of Railways and Germany regarding carrying out of feasibility study on existing 643 km Chennai-Kozhikode corridor of Indian Railways by German Railways for increasing the speed of passenger trains to 200 kmph on 50:50 percent cost sharing basis;

(c) if so, the details thereof; and

(d) whether German Railways is likely to undertake more such projects for Indian Railways and if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF RAILWAYS

(SHRI RAJEN GOHAIN)

(a) & (b): Yes, Madam. A Joint Declaration of Intent was signed on 10th October, 2017 at New Delhi between the Ministry of Railways of the Republic of India and the Federal Ministry of Transport and Digital

infrastructure of the Federal Republic of Germany for carrying out a feasibility study on the existing Chennai-Kazipet corridor of Indian Railways for upgrading the current passenger services to Semi High Speed (SHS) upto 200 kmph.

(c) The study shall be started after signing a separate Agreement between both the parties determining the final terms and conditions of the implementation of the feasibility study. The cost of the feasibility study shall be shared 50:50 percent by both the parties.

- The terms and conditions of the Agreement, terms of reference & scope of the study and the cost of study are under discussion with the German side.

(d) No such project (Semi High Speed) on any other corridor of Indian Railways network other than Chennai-Kazipet corridor is being undertaken by German Railways.

Appendix-VIII

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM No. 84

Subject: Request for dropping of Assurance given in reply to Starred Question No. 561 dated 06.05.2015 regarding "Cooperation in Earth Science"

On 6 May, 2015, Shri Rahul Shewale and Shri Kalikesh N. Singh Deo, MPs, addressed a Starred Question No. 561 to the Minister of Earth Sciences. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Earth Sciences within three months from the date of the reply but the Assurance is yet to be implemented.
3. The Ministry of Earth Sciences vide OM MoES/43-Parl/72/2015 dated 14 December, 2018 have stated as under:

"Required technical manpower for the Development of Wind Profiler is currently not available with Indian Institute of Tropical Meteorology (IITM), Pune.

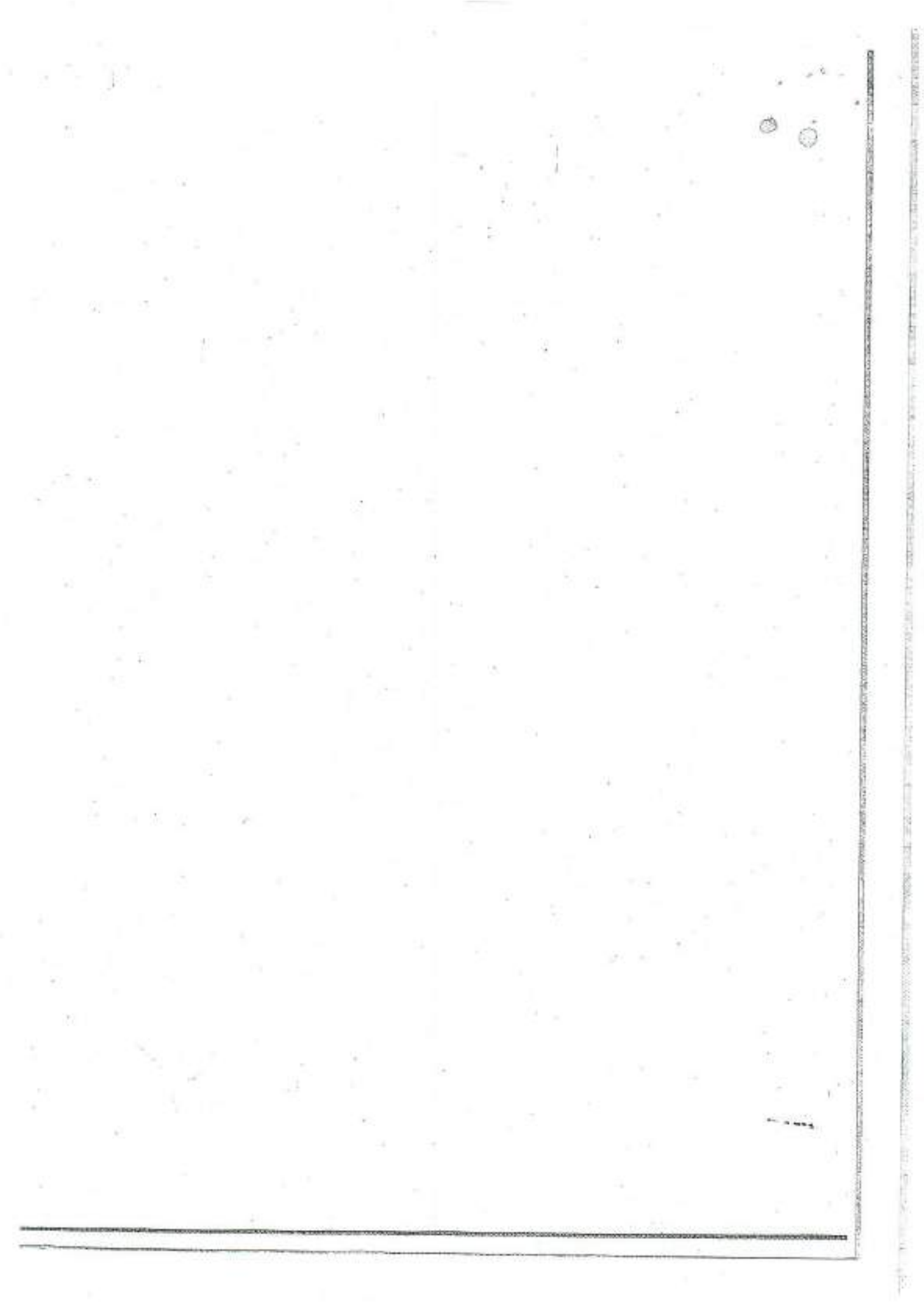
National Centre for Atmospheric Research (NCAR), USA also expressed that they do not have personnel needed to carry out the proposed collaborative work for the development of the wind profiler till 2020."

4. In view of the above, the Ministry, with the approval of the Minister for Earth Sciences, have requested to drop the Assurance.

The Committee may consider.

DATED:- 21/01/2020

NEW DELHI



GOVERNMENT OF INDIA
MINISTRY OF EARTH SCIENCES
LOK SABHA

Annexure

STARRED QUESTION No. *561
TO BE ANSWERED ON WEDNESDAY, MAY 06, 2013

COOPERATION IN EARTH SCIENCE

*561. SHRI RAHUL SHEWALE;
SHRI KALIKESH N. SINGH DEO:

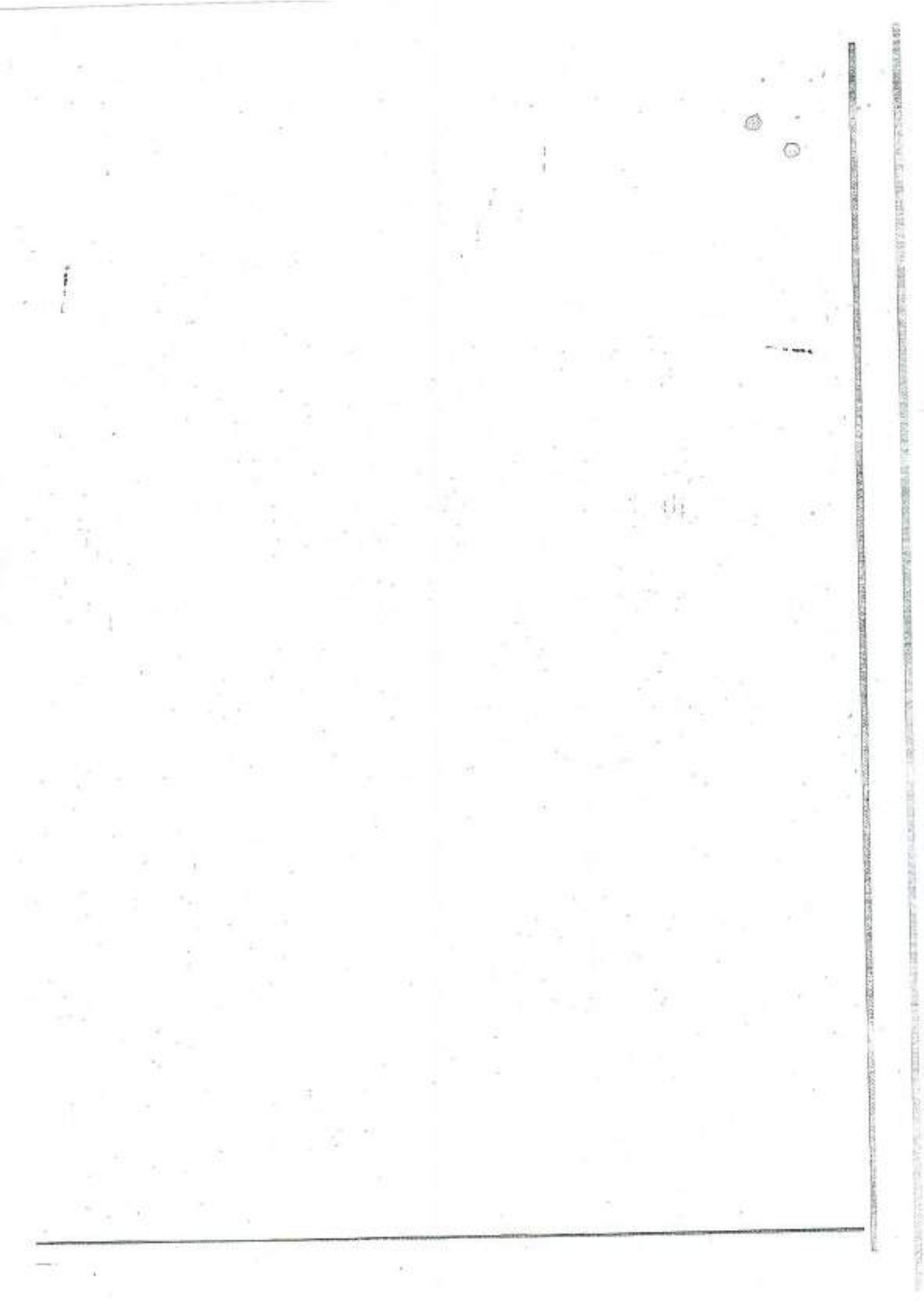
Will the Minister of EARTH SCIENCES be pleased to state:

- (a) whether the Earth System Science Organisation and the University Corporation for Atmospheric Research (UCAR), USA have signed any Memorandum of Understanding (MoU) for cooperation in Earth System Sciences and if so, the salient features of the said MoU;
- (b) whether any work under the said MoU has been initiated and if so, the details in this regard; and
- (c) the extent to which the country would benefit from the said MoU?

ANSWER

MINISTER FOR MINISTRY OF SCIENCE AND TECHNOLOGY AND
MINISTRY OF EARTH SCIENCES
(DR. HARSH VARDHAN)

(a) to (c): A Statement is laid on the Table of the House.

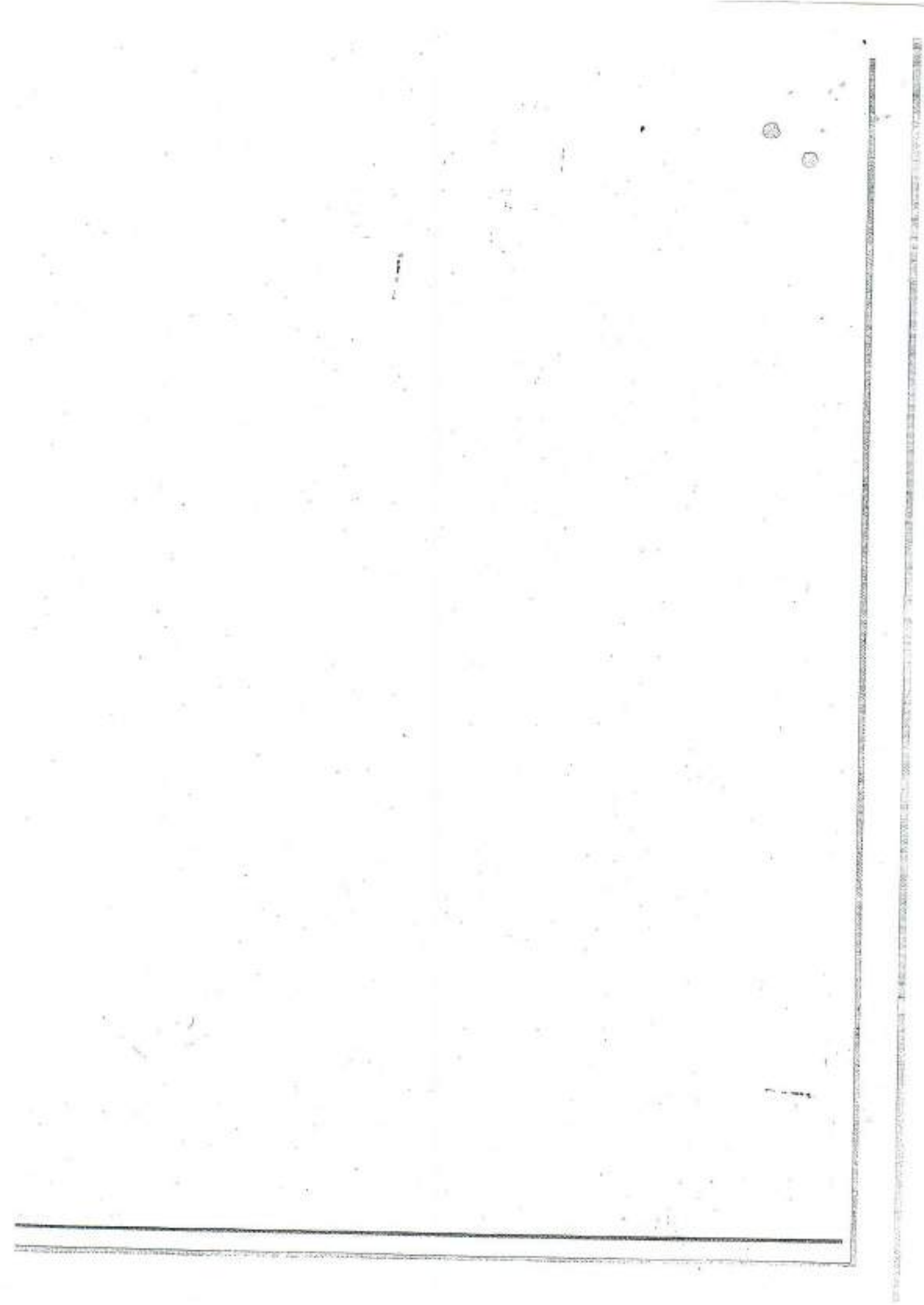


STATEMENT LAID ON THE TABLE OF THE LOK SABHA IN REPLY (a) to (c) TO
STARRED QUESTION NO. 661 REGARDING "COOPERATION IN EARTH SCIENCE" TO
BE ANSWERED ON WEDNESDAY, MAY 06, 2015

(a) Yes Madam. Specific activities in scientific areas of mutual interest will be undertaken under the Memorandum of Understanding (MoU) signed on 24th September 2014 between Earth System Science Organisation - Ministry of Earth Sciences (MoES) and the University Corporation for Atmospheric Research (UCAR), USA for cooperation and coordination of various activities and programs in Earth System Sciences. Some of the cooperation avenues identified in the MoU are development of Wind Profiler System, Radar meteorology, Airborne platforms for cyclone studies, Nowcasting of severe weather events, capacity building through scientific lectures and distance learning etc. The Research and Development (R&D) work carried out jointly under this MoU will help in addressing above mentioned scientific issues of common concern and building capacity in the country.

(b) Some preliminary work under the said MoU has been initiated. The proposal related to development of Wind Profiler System is currently under consideration between Indian Institute of Tropical Meteorology (ESSO-IITM), Pune, an autonomous organisation under MoES and National Center for Atmospheric Research (NCAR), USA.

(c) UCAR, USA is a consortium of more than 100 member colleges, universities and research laboratories focused on carrying out research in the Earth System Sciences. Considering that there exist various research groups in Indian Universities and research institutions working on various aspects of Earth System Sciences, this MoU will help in bringing together a larger section of the academic and research community from both the countries which in turn will enhance the scope of R&D in Earth System Science by linking researchers having different skills and expertise. Moreover the scientific collaboration in the field of Earth System Science between the two countries will enable exchange and up-gradation of scientific knowledge, technical knowhow in addressing scientific challenges for societal benefit.



Appendix - IX

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM No. 85

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 3278 dated 06.12.2016, regarding "Enemy Property"

On 6 December, 2016, Shri T.G. Venkatesh Babu, M.P., addressed an Unstarred Question No. 3278 to the Minister of Home Affairs. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Home Affairs within three months from the date of reply but the Assurance is yet to be implemented.
3. The Ministry of Home Affairs vide O.M. F. No. 37/80/2016-FFR(EP) dated 20 December, 2018 have stated as under:

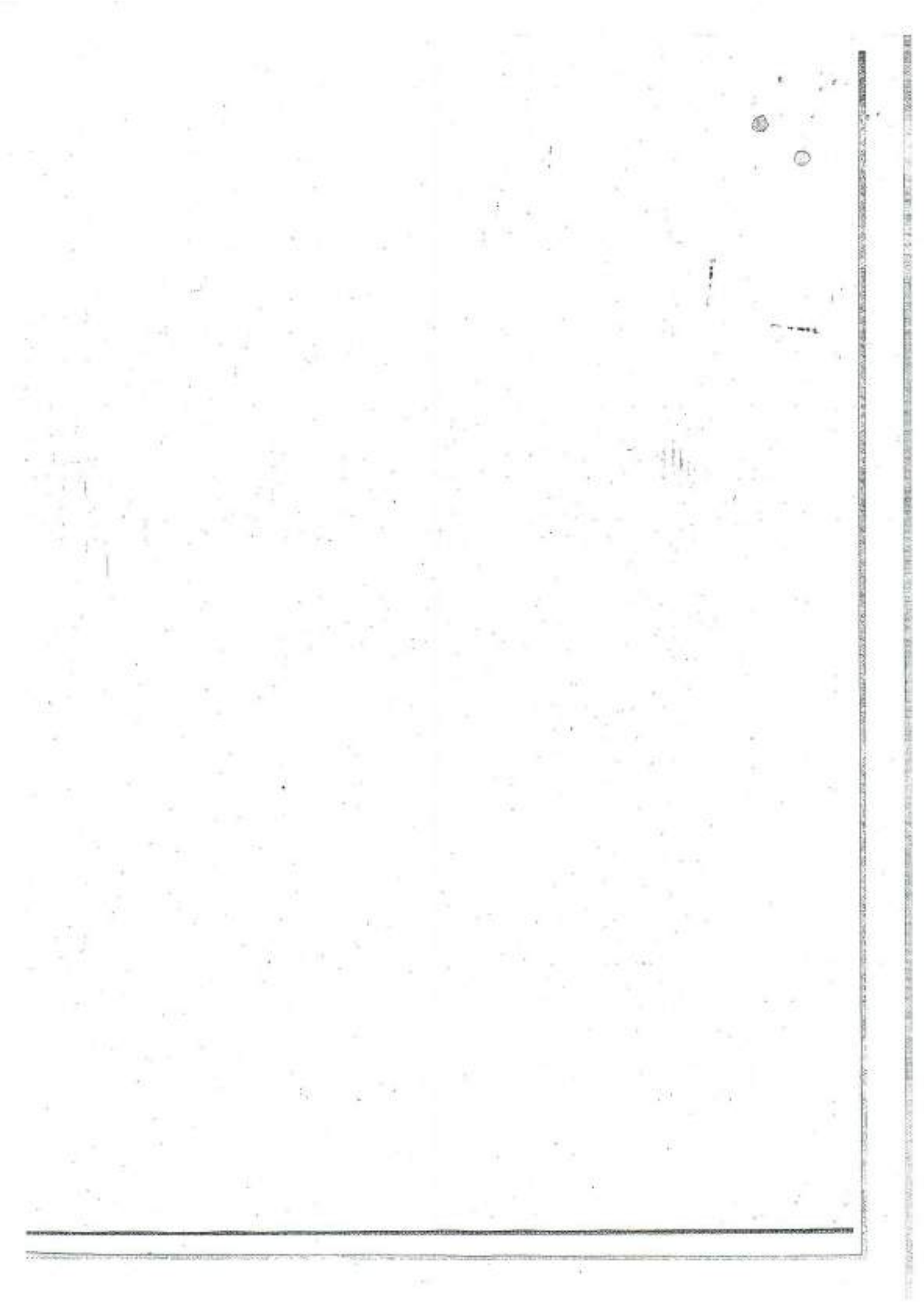
"The matter pertains to survey of enemy properties. To accomplish this, the Ministry has decided to utilize the services of district authorities to complete the survey. The Ministry has written D.O. letters in October, 2017 to all the district authorities concerned to conduct and complete survey of the enemy properties under their jurisdiction and submit detailed survey report to this Ministry at the earliest. Further, D.O. letters from Home Secretary were issued to all concerned Chief Secretaries on 07.11.2017 and follow up action through subsequent reminders at different levels through letters dated 30.11.2017, 23.01.2018, 08.05.2018, 10.07.2018 and 17.08.2018. To expedite it further the meetings/video conferences were held with the States/UTs during August-December, 2018. It may kindly be intimated that the Ministry has started receiving the Survey Reports and a large number of them are at the submission stage at various level. To review the matter regularly all the concerned States/UTs have also appointed Nodal Officer for enemy properties. Since survey is an ongoing process, its 100% completion will take longer time. Keeping in view the aforesaid steps taken by the Ministry, the spirit of Question/Assurance has been largely fulfilled."

4. In view of the above, the Ministry, with the approval of the Minister of State for Home Affairs, have requested to drop the Assurance.

The Committee may consider.

DATED:- 21/01/2020

NEW DELHI



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO. 3278

TO BE ANSWERED ON THE 06TH DECEMBER, 2016/ AGRAHAYANA 15, 1938 (SAKA)

ENEMY PROPERTY

3278. SHRI VENKATESH BABU T.G:

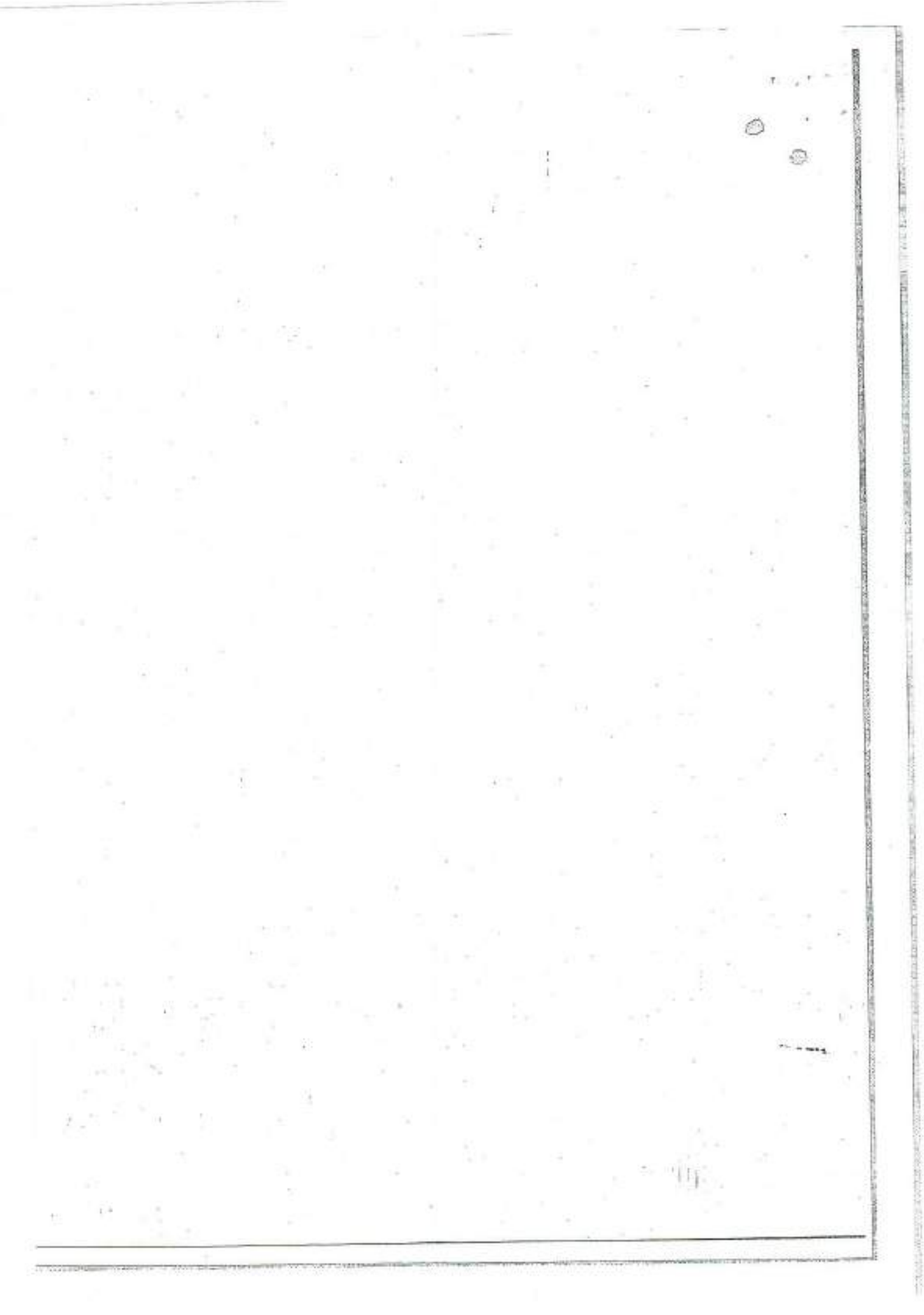
Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the total number of properties located, identified and under encroachment owned by Pakistani, Chinese and other nationals in the country, State-wise;
- (b) whether the Government has taken any steps to evict all those encroachers of enemy properties; and
- (c) if so, the details thereof and the legal action taken against the encroachers and the outcome thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

- (a) The enemy property State/UT-wise vested in the Custodian of Enemy Property for India is as per Annexure-I.
- (b) & (c) Appropriate action on encroachment is stipulated under the Enemy Property Act, 1968 and the Rules framed there under. A survey of the enemy properties in this regard is currently underway.

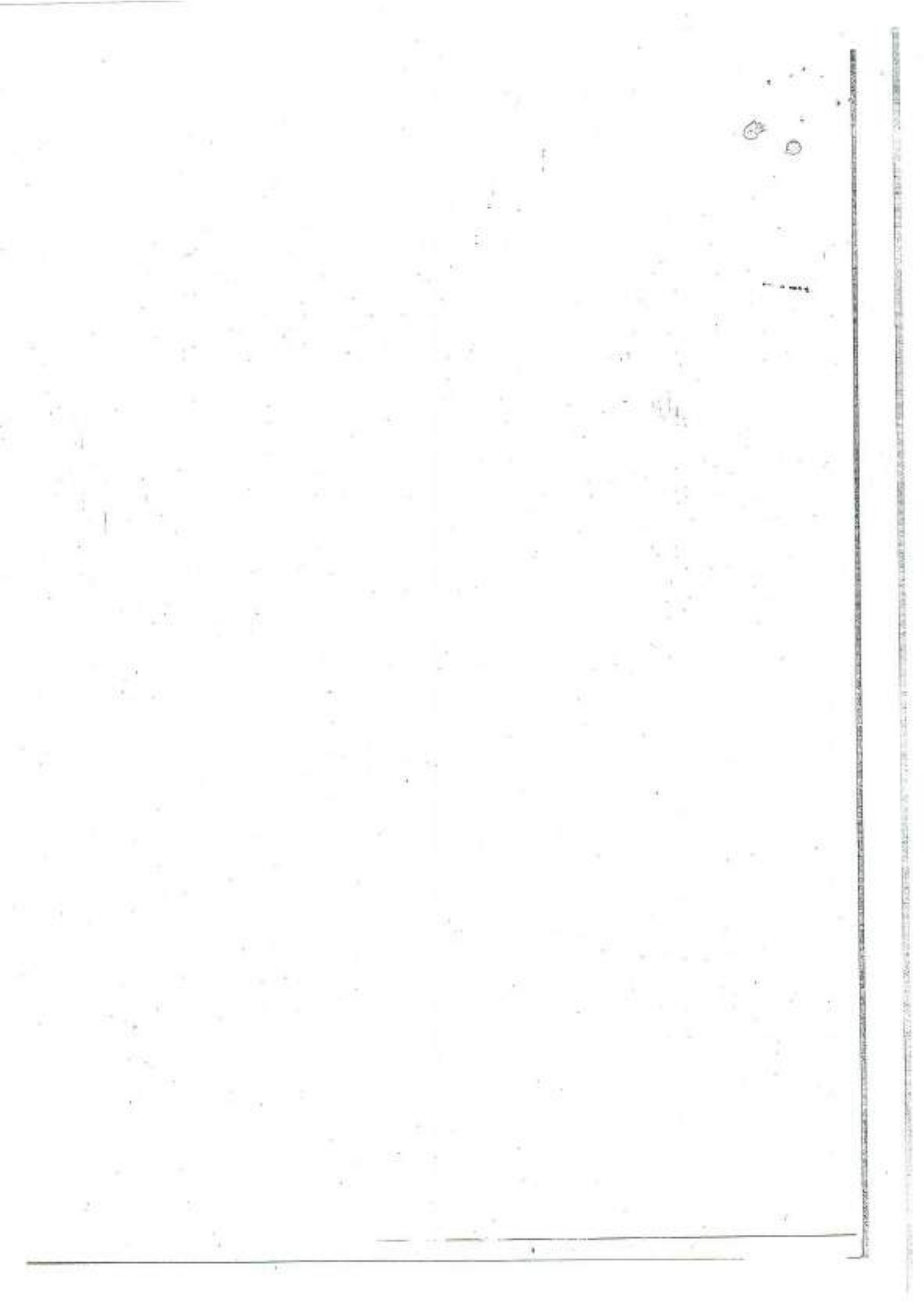


Annexure- I

The total number of State/UT-wise enemy properties of Pakistani and Chinese nationals vested in the Custodian of Enemy Property for India is as under:

S. No.	State/UT	No. of properties
1.	Assam	70
2.	Andaman	1
3.	Bihar	79
4.	Chhattisgarh	78
5.	Delhi	489
6.	Diu	4
7.	Goa	283
8.	Gujarat	148
9.	Haryana	9
10.	Karnataka	24
11.	Kerala	60
12.	Madhya Pradesh	89
13.	Maharashtra	48
14.	Meghalaya	19
15.	Rajasthan	23
16.	Tamilnadu	36
17.	Telangana	159
18.	Uttar Pradesh	4064
19.	Uttaranchal	50
20.	West Bengal	2794
Total		9429

The enemy properties are vested in the Custodian on as-is-where-is basis, and hence, the question of encroachment since their vesting does not arise.



Appendix - I

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM NO. 89

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 4159 dated 11.08.2017 regarding "Dhanush Tank".

On 11 August 2017, Shri Rakesh Singh and Shri A. Anwhar Raajhaa, M.Ps., addressed an Unstarred Question No. 4159 to the Minister of Defence. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Defence within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Defence vide O.M. No. DDP-P0002/4/2017-D(Prod-II) dated 4th May, 2018 have stated as under:-

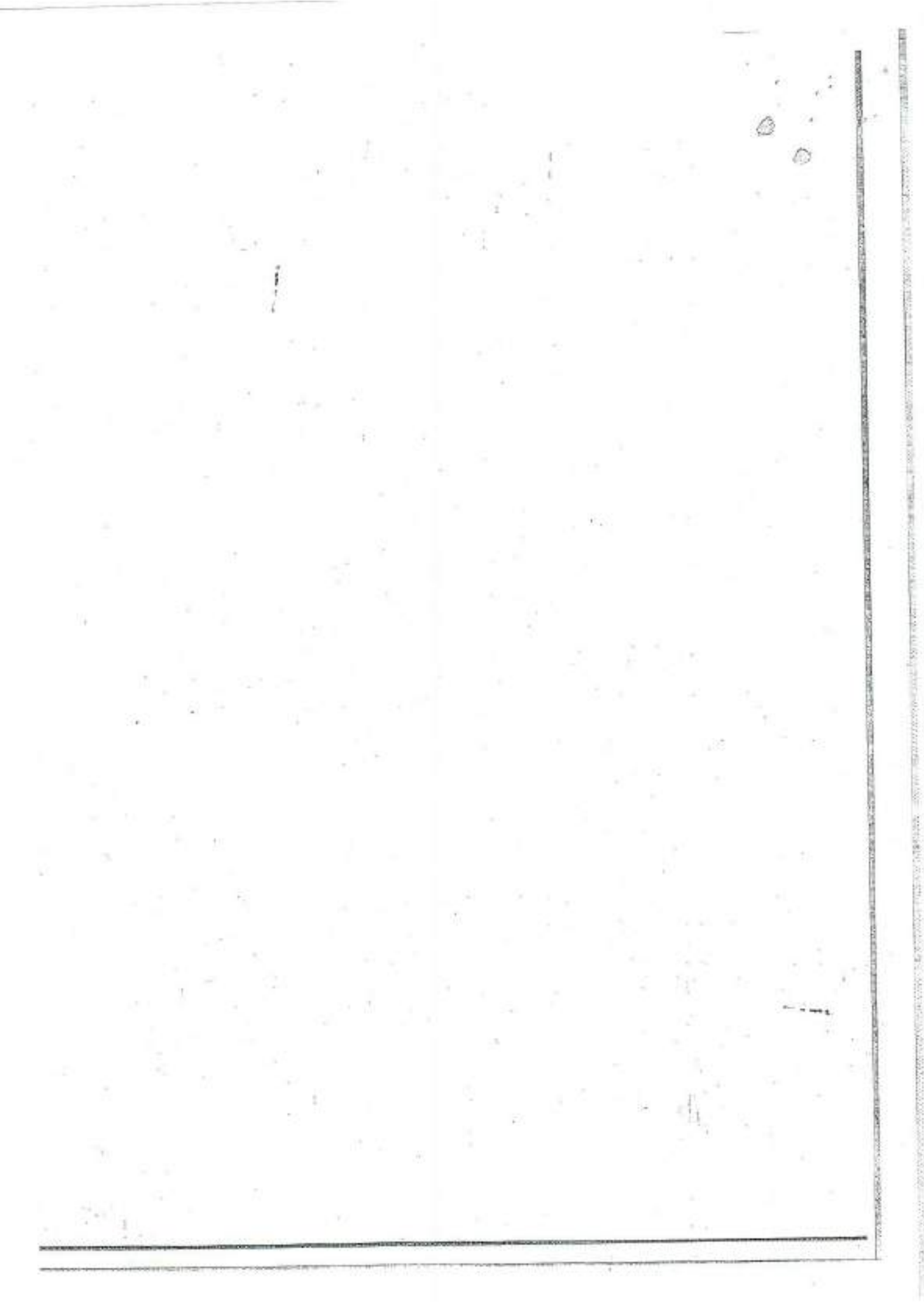
"CBI has registered an FIR and is investigating the matter. The present position of the case was sought from Vigilance Division of Ministry of Defence. It is learnt therefrom that CBI, New Delhi has intimated that the case is 'under investigation'. The instant Assurance is not pending due to any action to be taken by the Ministry of Defence at this stage and since CBI is not under the administrative control of this Ministry, Ministry of Defence cannot commit regarding the timelines for completion of the investigation of the case."

4. In view of the above, the Ministry, with the approval of the Minister of State for Defence have requested to drop the Assurance.

The Committee may consider.

NEW DELHI:

DATED: 21/01/2020



GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE PRODUCTION
LOK SABHA

UNSTARRED QUESTION NO.4159
TO BE ANSWERED ON THE 11TH AUGUST, 2017
DHANUSH TANK

4159. SHRI RAKESH SINGH:
SHRI A. ANWHAR RAAJHAA:

Will the Minister of DEFENCE रक्षा मंत्री
be pleased to state:

- (a) whether sub-standard spare parts have been purchased for Dhanush Tank in gun carriage factory, Jabalpur and if so, the details thereof;
- (b) whether irregularities have been noticed in the purchase of spare parts for Dhanush Tank;
- (c) if so, the details thereof along with the enquiry ordered to probe in the matter; and
- (d) the action taken against the guilty persons / officers?

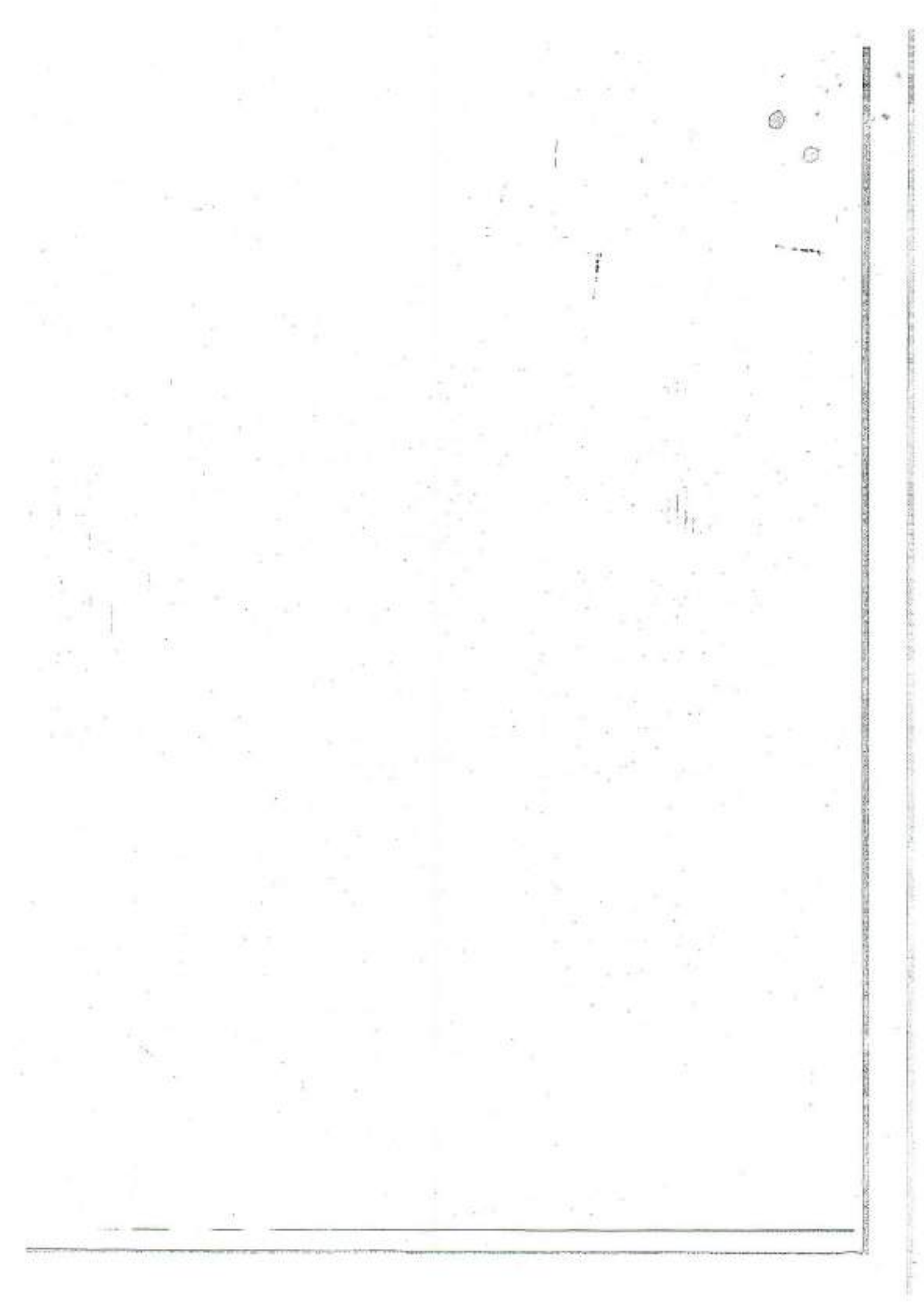
MINISTER OF STATE
IN THE MINISTRY OF DEFENCE
रक्षा राज्य मंत्री

A N S W E R

(DR. SUBHASH BHAMRE)

(डा. सुभाष भामरे)

(a) to (d): An anonymous complaint was lodged in one case of procurement of 06 Wire Race Roller Bearing purchased from M/s Sidh Sales Syndicate, Delhi by Gun Carriage Factory, Jabalpur for being fitted in the 155 mm Gun Dhanush. These bearings were supposed to be manufactured by M/s. CRB, Germany but prima facie investigations have revealed that the bearings supplied by M/s Sidh Sales Syndicate, Delhi were manufactured by a Chinese firm, M/s. Sino United Industries (Luyang) Ltd., Henan, China and not by M/s. CRB, Germany. No evidence of any complicity pertaining to Gun Carriage Factory (GCF) officials in the aforesaid alleged forgery was found during enquiry by Chief Vigilance Officer, Ordnance Factory Board [CVO / OFB]. Also there is no adverse observation regarding quality of bearings. For more detailed enquiry, OFB has further referred the case to Central Bureau of Investigation (CBI) Economic Wing as per recommendation of CVO / OFB. CBI has registered an FIR and is investigating the matter.



**LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM NO. 90**

Subject: Request for dropping of Assurance given in reply to Starred Question No. 277 dated 10.02.2014 regarding "Intermediate Jet Trainer".

On 10 February 2014, Shri Uday Singh and Shri Kuldeep Bishnoi, M.Ps., addressed a Starred Question No. 277 to the Minister of Defence. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Defence within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Defence vide O.M. No. 54014/1/2014-D(HAL-II) dated 13 February 2018 have stated as under:-

"Intermediate Jet Trainer (IJT) aircraft development has successfully completed all the crucial developmental tests except the spin trial and armament testing towards the achievement of operational clearance.

In the 25th Meeting of the Steering Committee on IJT taken by Secretary(DP) on 29th July 2016, it was decided that since the time frame for realizing the IJT is uncertain, the proposal of Chief of Air Staff for two stage training may be concurred with. HAL may continue on its own with the R&D for the Program.

In the light of above decision, HAL is going ahead with the R&D Program by seeking external consultancy from M/s. Bihrie Applied Research Inc. (BAR), USA for resolution of spin issue and the results will be known once their recommendations are available and implemented.

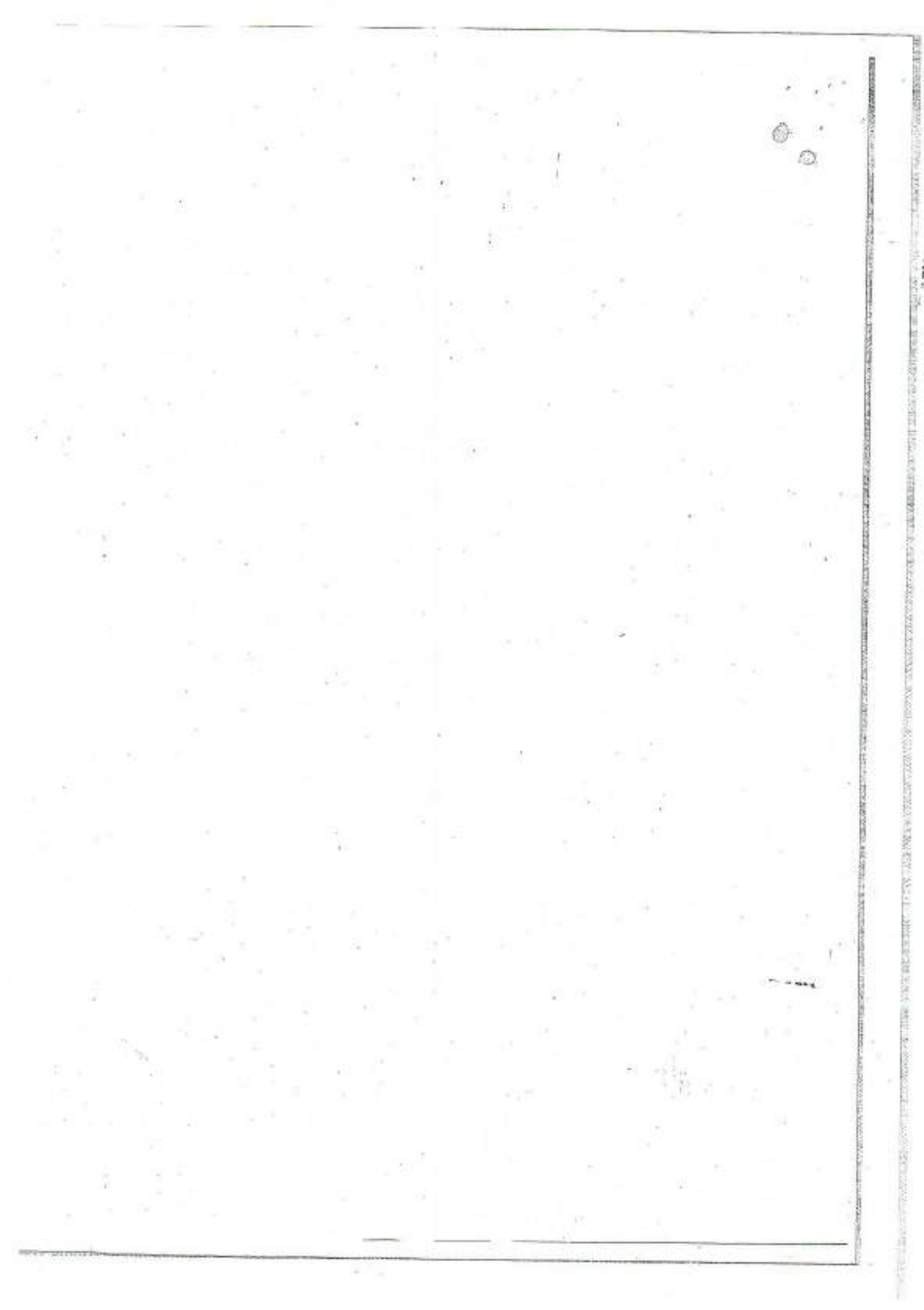
Owing to the uncertainty involved in the program, it is not feasible to fulfill the Assurance in near future. As such, the reply given to the aforesaid question may not be treated as an Assurance."

4. In view of the above, the Ministry, with the approval of the Minister of State for Defence have requested to drop the Assurance.

The Committee may consider.

NEW DELHI:

DATED: 21/01/2020



LOK SABHA

STARRED QUESTION NO. 277

TO BE ANSWERED ON THE 10TH FEBRUARY, 2014

Intermediate Jet Trainer

* 277. SHRI UDAY SINGH:
SHRI KULDEEP BISHNOI:

Will the Minister of DEFENCE रक्षा मंत्री
be pleased to state:

- (a) whether there has been a substantial delay by the Hindustan Aeronautics Limited (HAL) in handing over Intermediate Jet Trainer (IJT) Sitara to Indian Air Force (IAF);
- (b) if so, the details thereof along with the reasons for missing several deadlines by HAL since 2007;
- (c) whether any new target date has been fixed for handing over IJT Sitara by HAL to IAF; and
- (d) if so, the time by which IJT Sitara is likely to have the initial operational clearance and is handed over to IAF for intermediate training of pilots?

MINISTER OF DEFENCE
रक्षा मंत्री

A N S W E R

(SHRI A.K. ANTONY)
(श्री ए. के. अन्टनी)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (d) OF LOK SABHA
STARRED QUESTION NO. 277 FOR ANSWER ON 10.02.2014

(a) & (b): The project was sanctioned in 1999 and the first and second prototypes flew in March 2003 and in March, 2004 respectively.

The prototypes were initially flight tested with the LARZAC engines from SNECMA. To meet the technical parameters, a higher powered engine, AL-551 from Russia, was selected based on a global tender. Due to developmental issues in Russia, flight-worthy engines were supplied to HAL in January, 2009 against the contractual schedule of January, 2007. Flights with these Engines commenced in May, 2009 after resolution of Engine-Aircraft Interface issues with the Russians.

The Progress of project was affected due to loss of prototype during flight testing which necessitated major changes like total redesign of flight control system and associated increased number of design iteration for recovery and resolution.

(c) & (d): Presently, the development of IJT is in the advanced stages of certification with more than 800 test flights completed so far. The activities are progressing well with completion of Sea-level trials, Night flying trials, High altitude trials as well as weapon and drop tank trials. The activities left for obtaining Final Operational Clearance (FOC) are the refinement of stall characteristics and thereafter spin testing.

All efforts are being made for achieving FOC by December 2014.
Production of the aircraft will commence immediately thereafter.

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
 MEMORANDUM No. 91

Subject: Request for dropping of Assurances given in replies to:-

- (i) ISQ No. 476 dated 13.12.2010 regarding 'Defence Deals'.
- (ii) SQ No. 116 dated 08.08.2011 regarding 'Cases against Defence Companies'.

The above mentioned Questions were asked by Shri Hukumdeo Narayan Yadav, M.P. to the Minister of Defence. The contents of the Questions along with the replies of the Ministers are as given in Annexures I and II.

2. The replies to the Questions were treated as Assurances by the Committee and required to be implemented by the Ministry of Defence (Department of Defence Production) within three months from the date of the reply but the Assurances are yet to be implemented.

3. The Ministry of Defence vide O.M. No. 2(6)/2011/D(Prod-II) & 2(10)/2011/D(Prod-II) both dated 18 June, 2012 had requested to drop the Assurances on the following grounds:-

"That as per recommendation of CBI investigation OFB vide its order dated 5 March, 2012 debarred six firms including M/s T.S. Kisan & Co. Pvt. Ltd, New Delhi and M/s R.K. Machine Tools Pvt. Ltd., Ludhiana from further business dealing for a period of ten years. Consequent to OFB's order, the Ministry of Defence vide its letter dated 11 April, 2012 extended the order of debarment to all the wings of the Ministry of Defence. Thus Ministry has fulfilled only one part of the Assurance.

The second aspect of the assurance which involves the CBI case against Shri Sudipto Ghosh former DGOF & Chairman/OFB. Charge Sheet against Shri Sudipto Ghosh, ex. DGOF & Chairman, OFB has been filed by CBI in the CBI Special Court at Kolkata and the matter is *sub-judice*. Disciplinary proceedings have also been initiated against Shri Sudipto Ghosh, ex. DGOF & Chairman, OFB (Retd.) with the issue of charge memos dated 6 January, 2011 and 23 March, 2012 to him under Rule 9 of CCS (Pension) Rules. The charge memo dated 6 January, 2011 has been challenged by Shri Sudipto Ghosh in Central Administrative Tribunal, Kolkata, who have reserved their orders. The final decision in this case is likely to take considerable time."

4. The above request for dropping the Assurances was considered by the Committee at their Sitting held on 14 January 2013 and it was decided not to drop the Assurances. The Committee accordingly presented their Twenty-Seventh Report (15th Lok Sabha) on 13 March 2013 and expressed that they would like the CBI to pursue the matter for early decision in the matter.

3. However, the Ministry of Defence (Department of Defence Production) vide their OM Nos. DDP-P0002/6/2017-D(Prod-II) and No. 2(10)/2011/D(Prod-II) both dated 15.02.2018 have now stated as under:-

"As regards the disciplinary case against Shri Sudipto Ghosh, Vigilance Wing, Department of Defence Production has informed that after consideration of Inquiry Report in the disciplinary case against him by Disciplinary Authority, it was submitted to UPSC for suitable cut in pension against him. UPSC in its advice has disagreed with the views of the Disciplinary Authority for imposition of suitable cut-in-pension against him and advised that Ministry may first obtain copies of the relevant documents, exhibits or any other evidence and then proceed to inquiry on their basis in the proceedings instituted against the charged officer. It has been decided by the Competent Disciplinary Authority i.e. Hon'ble Raksha Mantri to wait for the final outcome of the CBI cases in the Court against Shri Sudipto Ghosh before proceeding further in this case.

CBI had intimated that 3 Charge Sheets No. RC 0102009A0030, RC 0102009A0018 and RC 0102009A0020 against Shri Sudipto Ghosh, ex-DGOF & Chairman, OFB and others, are pending trial before the Ld. Judge 3rd Spl. Judge (CBI), 3rd Special Court, Bankshall Street, Kolkata.

It is further submitted that since CBI is not under the administrative control of this Ministry, Ministry of Defence cannot commit regarding the timelines for completion of judicial proceedings in CBI Special Court. Since the case is under trial in CBI Special Court and the subject Assurance is not pending due to any action to be taken by the Ministry of Defence at this stage, the Committee on Government Assurances is requested to close / drop the subject Assurance."

6. In view of the above, the Ministry, with the approval of Hon'ble Raksha Rajya Mantri have once again requested to drop the Assurance.

The Committee may re-consider.

DATED:- 21/01/2020
NEW DELHI

GOVERNMENT OF INDIA

MINISTRY OF DEFENCE

LOK SABHA

STARRED QUESTION NO: 476

ANSWERED ON 13.12.2010

DEFENCE DEALS

HUKAMDEO NARAYAN YADAV

Annexure-2

- (a) the number of cases of alleged irregularities/corruption in defence deals reported during the last three years and the current year;
- (b) the details of officials and companies involved therein;
- (c) the details of inquiries conducted into each of the cases and the outcome thereof;
- (d) the action taken/being taken against them; and
- (e) the measures being taken by the Government to check recurrence of such cases?

Will the Minister of DEFENCE be pleased to state:-

ANSWER

MINISTER OF THE STATE IN THE MINISTRY OF DEFENCE (SHRI A.K. ANTONY)

(a) & (b): The Central Bureau of Investigation (CBI) had registered an FIR against Shri Sudipto Ghosh, former Director General of Ordnance Factories (DGOF) and some others in May, 2009. The said FIR mentions, inter alia, the names of the following firms/vendors:

1. M/s Israeli Military Industries, Israel.
2. M/s Singapore Technology, Singapore.
3. M/s HYTEngg.
4. M/s T.S. Kissan and Co. Pvt. Ltd., New Delhi.
5. M/s R.K. Machine Tools Pvt. Ltd., Ludhiana.
6. M/s BBT, Poland.
7. M/s Media Architects Pvt. Ltd., Singapore.

(c) So far, the CBI has charge sheeted, among others, Shri Sudipto Ghosh, former DGOF and two firms, namely, M/s T.S. Kissan and Co. Pvt. Ltd., New Delhi and M/s R.K. Machine Tools Pvt. Ltd., Ludhiana. In respect of other companies, the CBI report indicates that there is a prime facie or circumstantial evidence of payment of illegal gratification to Shri Sudipto Ghosh. The matter is under further investigation by CBI.

(d) Departmental proceedings are being contemplated against Shri Sudipto Ghosh, former DGOF, under Rule 9 of CCS (Pension) Rules, 1972 and show cause notices are being issued to the companies recommended for blacklisting by the CBI.

(e) The Defence Procurement Procedure contains stringent provisions aimed at ensuring the highest degree of probity, public accountability and transparency. The Procedure provides for the mechanism of Pre-Contract Integrity Pact in procurement cases of the estimated value exceeding Rs. 100 crore as well as provisions prohibiting engagement of agents or use of undue influence.

GOVERNMENT OF INDIA

MINISTRY OF DEFENCE

LOK SABHA

Annexure-II

STARRED QUESTION NO: 118

ANSWERED ON: 08.08.2011

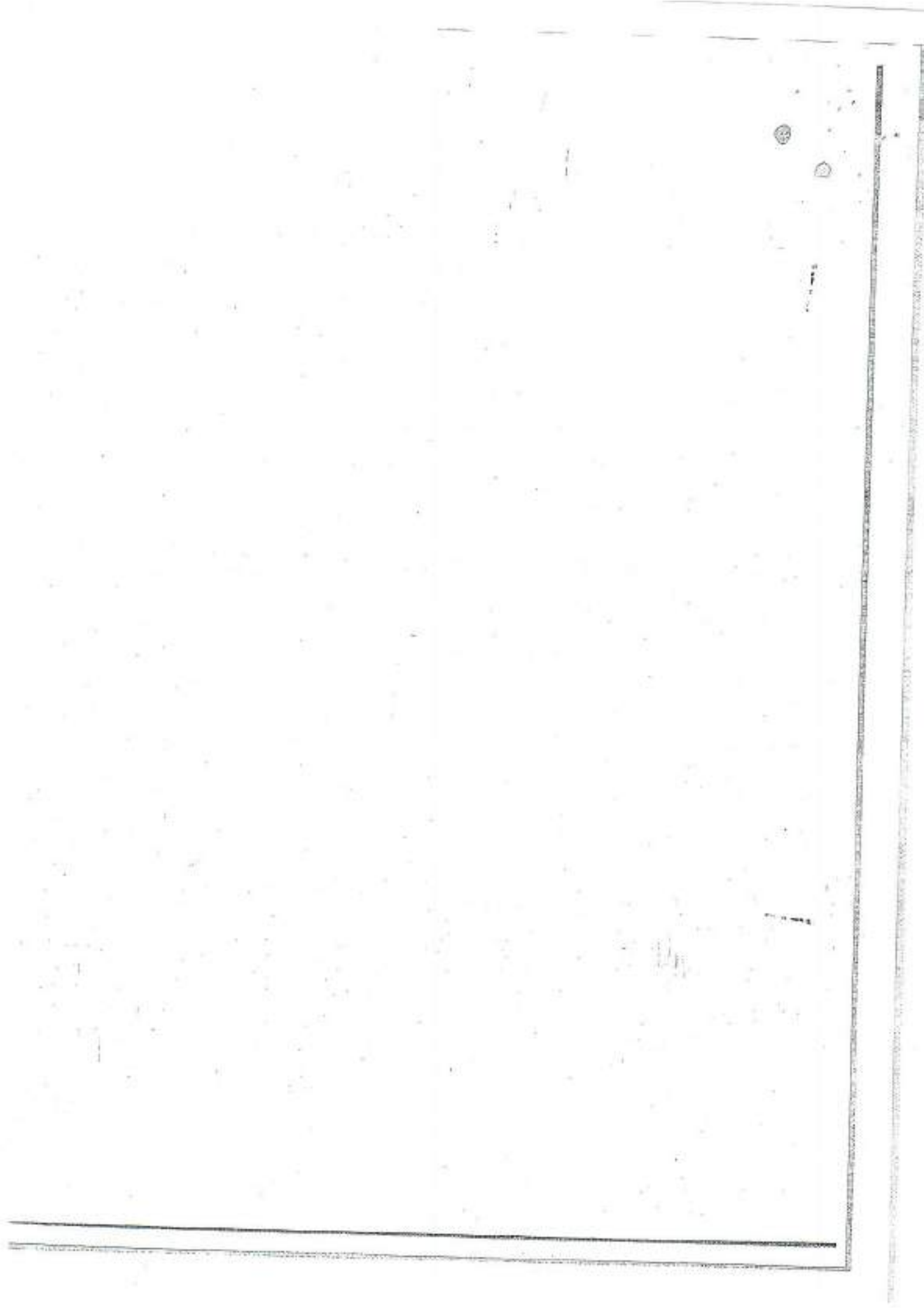
CASES AGAINST DEFENCE COMPANIES

HUKAMDEO NARAYAN YADAV

- (a) the details of the alleged irregularities committed by certain defence companies/firms against which action was initiated by the Government during the last three years;
- (b) the dates on which show cause notices were issued to the firms and the dates on which replies were submitted by them;
- (c) the details of the officials allegedly involved in the cases;
- (d) the details of penal action taken against the foreign/Indian firms and the officials found guilty;
- (e) the reasons for such alleged irregularities/corruption cases despite several measures in place to check them; and
- (f) the details of other such cases pending for action?

Will the Minister of DEFENCE be pleased to state:-

ANSWER



MINISTER OF DEFENCE (SHRI A.K. ANTONY)

(a) to (f): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (f) OF LOK SABHA STARRED QUESTION NO. 116 FOR ANSWER ON 8.8.2011

As per CBI report following firms:

- M/s R.K. Machine Tools Ltd. Ludhiana.
- M/s T.S. Kisan & Pvt. Ltd., New Delhi.
- M/s Israel Military Industries Ltd. (IMI).
- M/s Rheinmetall Air Defence (RAD), Zurich.
- M/s Corporation Defence, Russia (CDR).
- M/s Singapore Technologies Kinetics Ltd., (STK) have been involved in payment of illegal gratification to the former Director General of Ordnance Factories and Chairman/OFS in respect of certain supply orders placed on them by different Ordnance Factories either for placement of high value orders or additional orders or for release of advance payment in respect of contract for supply of Bi Modular Charge System (BMCS) plant.

The dates of issue of show cause notices to the firms and the dates of receipt of their replies are given as under:

Sl.No. Name of the firm Date of issue of show cause notice Date of receipt of firm's reply

1. M/s R.K. Machine Tools Ltd. Gun & Shell Factory: 22nd January 2011
23rd December 2010

Ordnance Factory Kanpur: 27th January 2011
21st December 2010

Heavy Vehicle Factory: 27th January 2011
22nd December 2010

Ordnance Factory Chanda: 2nd February 2011
21st December 2010

2. M/s T.S. Kisan & Co. Ltd. Ordnance Factory Chanda: 2nd February 2011
21st December 2010

Heavy Vehicle Factory: 27th January 2011
22nd December 2010

3. M/s IMI, Israel Ordnance Factory Board (NC): 7th April 2010 (interim
reply)
22nd December 2010 4th March 2011

4. M/s Rheinmetall Air Ordnance Factory Board CT & 28th February 2011
Defence, Zurich Export - 04 February 2011

5. M/s Corporation -do- 9th March 2011
Defence Russia

6. M/s Singapore Technologies -do- 20th April 2011
Kinetics Ltd.

As per CBI report, no other official of Ordnance Factory Board, except Shri Sudipto Ghosh ex DGOF & Chairman/OFB, has been found to be involved in the case.

CBI had registered a case against Shri Sudipto Ghosh former DGOF and some others in May 2009. Ministry of Defence decided to put on hold all contracts with the companies figuring in the FIR vide its order dated 28th May 2009. The above order was contested by some of the companies before the Delhi High Court. Delhi High Court set aside the order in its judgement dated 11th February 2010 and directed that penal action against the companies can be taken only after following the principles of natural justice. In June 2010,

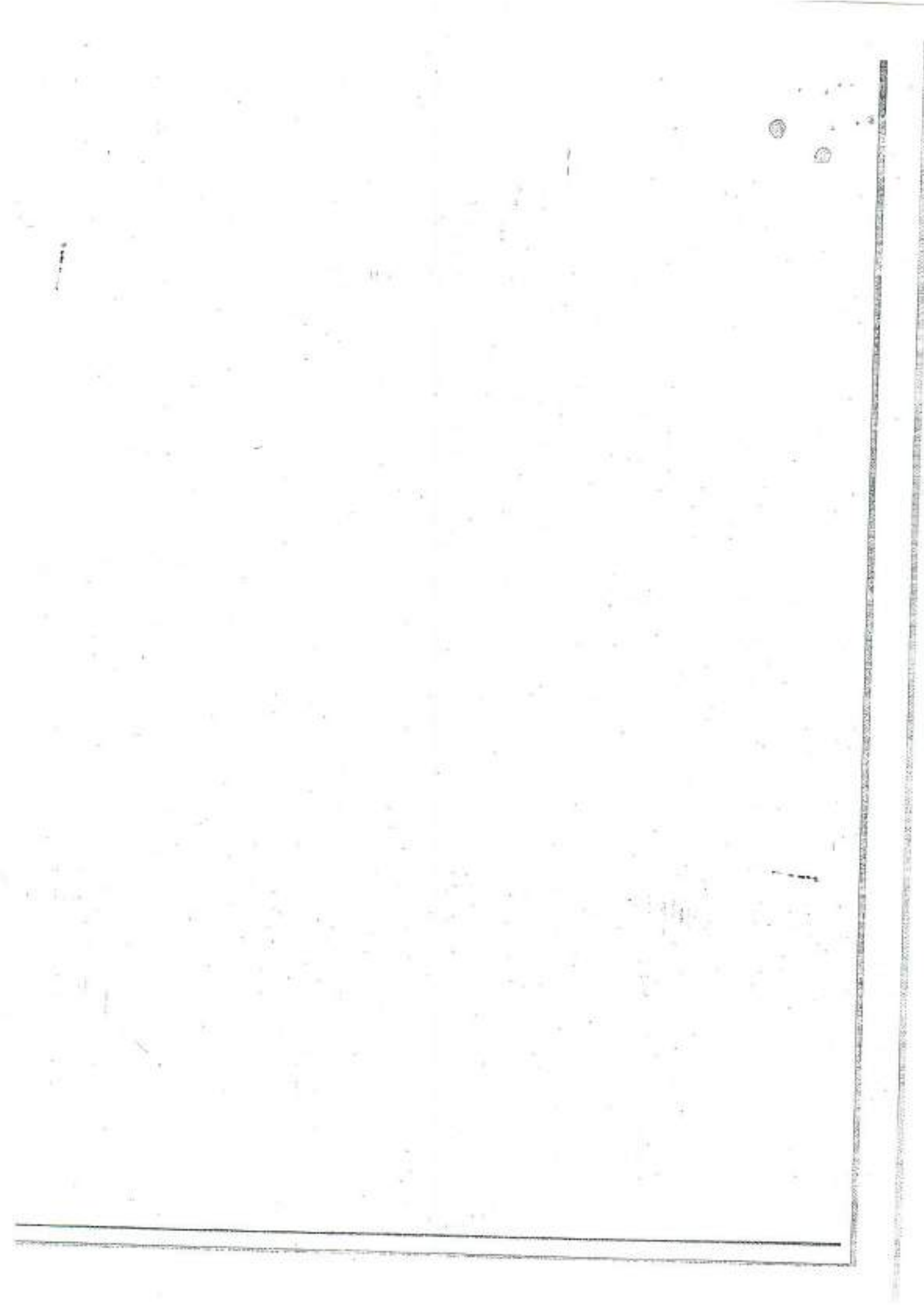
CBI recommended blacklisting of the above mentioned six firms. Accordingly, show cause notices were issued to these firms. Replies were submitted by the companies denying the allegations and seeking personal hearing and specific evidence based on which penal action was proposed against them.

The Ministry, in April 2011, has directed OFB that in accordance with the principle of natural justice, before taking any decision on Show Cause Notice it should give personal hearing to the firms. Action is being taken accordingly by OFB.

In June 2010, CBI has charge sheeted, among others, Shri Sudipto Ghosh, former DGOF and two firms, namely M/s T.S. Kisan and Co. Pvt. Ltd., New Delhi and M/s. R.K. Machine Tools Pvt. Ltd., Ludhiana. In respect of remaining four companies, the CBI has reported that there is a prima facie or circumstantial evidence of payment of illegal gratification to Shri Sudipto Ghosh. The matter is under further investigation by CBI.

OFB has also issued charge sheet to Shri Sudipto Ghosh, the former DGOF & Chairman/OFB under Rule 9 of CCS (Pension) Rules 1972.

The present corruption case, despite several measures in place to check them, is a case of individual aberration as no other official of Ordnance Factory Board, has been alleged to be involved in the case.



Appendix-XIII

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM No. 92

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 4466 dated 12.08.2016 regarding "Regulation of Pension Funds"

On 12 August, 2016, Dr. Kirit Premjibhai Solanki, M.P., addressed an Unstarred Question No. 4466 to the Minister of Finance. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Finance (Department of Financial Services) within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Finance (Department of Financial Services) vide OM F. No. H-11016/17/2016 PR dated 14 August, 2017 have stated as under:

"The matter of Assurance relates to bringing the pension funds floated by insurance companies and mutual funds under the regulatory ambit of PFRDA. The subject matter may involve amendment in not only of PFRDA Act 2013 but also various other Statutes like Income Tax Act 1961, Provident Fund Act 1925, Insurance Act 1938 and SEBI Act 1992. It would therefore, also require consultation with multiple stakeholders including the concerned regulators. Due to the complexity of the issue, it may take a long time for fulfilment of the Assurance. Also the process for making amendments in various statutes is not under the control of the executive."

4. In view of the above, the Ministry, with the approval of the Minister of State (Revenue and Financial Services), have requested to drop the Assurance.

The Committee may consider.

Dated:- 21/01/2020

New Delhi

1

2

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF FINANCIAL SERVICES

LOK SABHA
UN STARRED QUESTION NO. 4466
TO BE ANSWERED ON AUGUST 12, 2016/SHRAVANA 21, 1938 (SAKA)

REGULATION OF PENSION FUNDS

4466. DR. KIRIT P. SOLANKI:

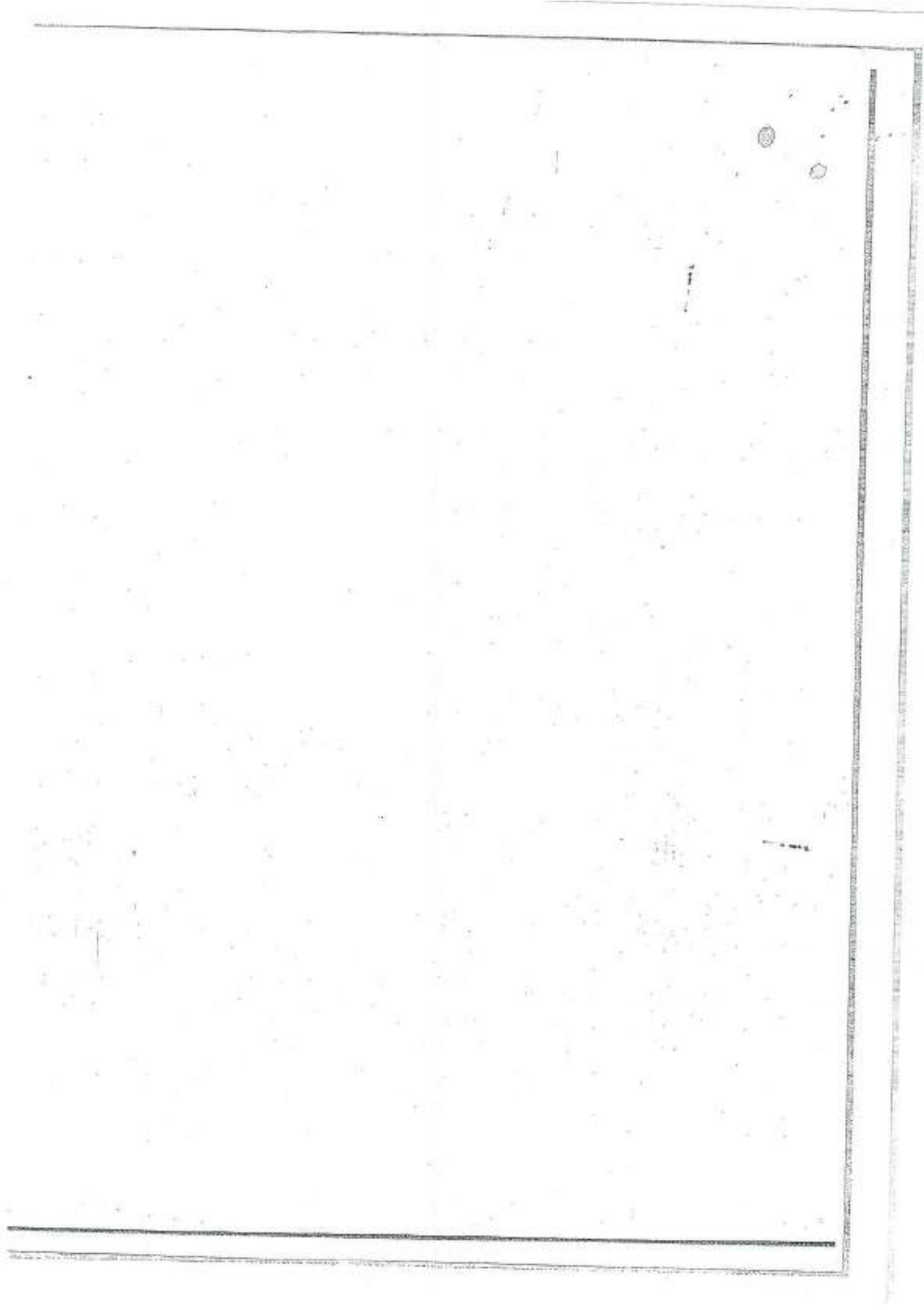
Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has received any proposal from the Pension Fund Regulatory and Development Authority (PFRDA) for allowing it to regulate the pension funds floated by insurance companies and mutual funds which are currently under SEBI and IRDA; and
- (b) if so, the details thereof and the steps taken by the Government in this regard?

ANSWER

The Minister of State in the Ministry of Finance
(Shri Santosh Kumar Gangwar)

(a) & (b): Certain schemes floated by mutual funds and insurance companies before PFRDA was set up came under the jurisdiction of the respective regulators viz. Securities and Exchange Board of India (SEBI) and Insurance Regulatory and Development Authority (IRDA). PFRDA has requested that such schemes may be brought under the regulatory ambit of PFRDA. No decision has been taken in this regard.



LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM No. 95

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 917 dated 07.02.2017 regarding "Anti-poaching Laws"

On 07 February, 2017, Dr. (Smt.) Ratna De (Nag), and Shri Hari Om Pandey M.Ps., addressed an Unstarred Question No. 917 to the Minister of Environment, Forest and Climate Change. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Environment, Forest and Climate Change within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Environment, Forest and Climate Change vide OM F. No.17-16/2017-WL dated 17, October 2017 have stated as under:

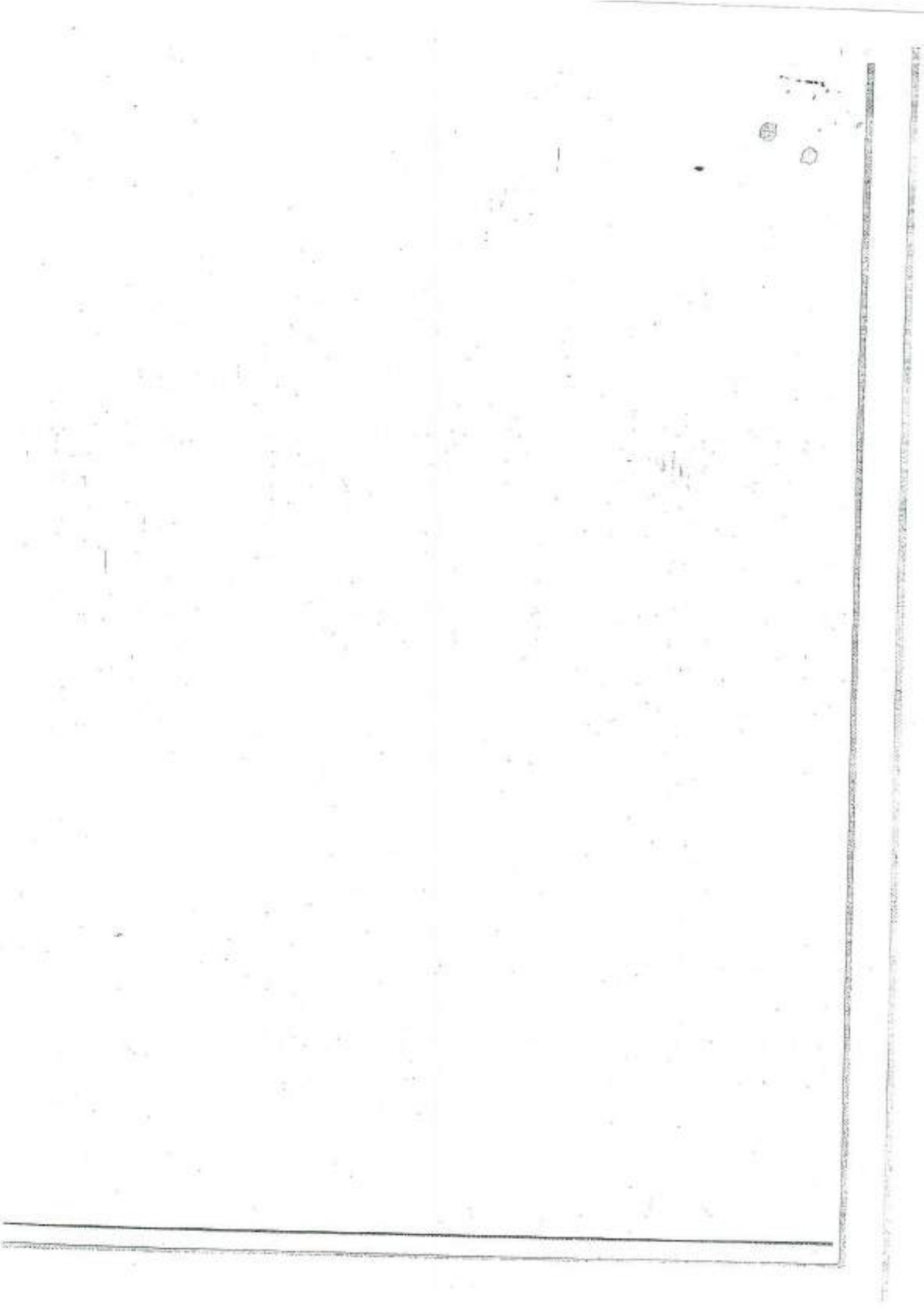
"The review of the Wild Life (Protection) Act, 1972 per se is a long drawn process that also includes stakeholder consultation, vetting of the draft by the Ministry of Law and Justice, approval of the Cabinet Committee, Introduction in the Parliament, discussions in the Parliament. Considering the lengthy time span required for the completion of the process of review of the Act through amendment, the Ministry of Environment, Forest and Climate Change, with approval of competent authority requests the Committee on Government Assurance, Lok Sabha for excluding the above cited Parliament Assurance from the list of pending Assurances."

4. In view of the above, the Ministry, with the approval of the Minister of State for Environment, Forest and Climate Change, have requested to drop the Assurance.

The Committee may consider.

Dated:- 21/01/2020

New Delhi



Annexure

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 917
TO BE ANSWERED ON 07.02.2017

Anti-poaching Laws

917. DR. RATNA DE (NAG):
SHRI HARI OM PANDEY:

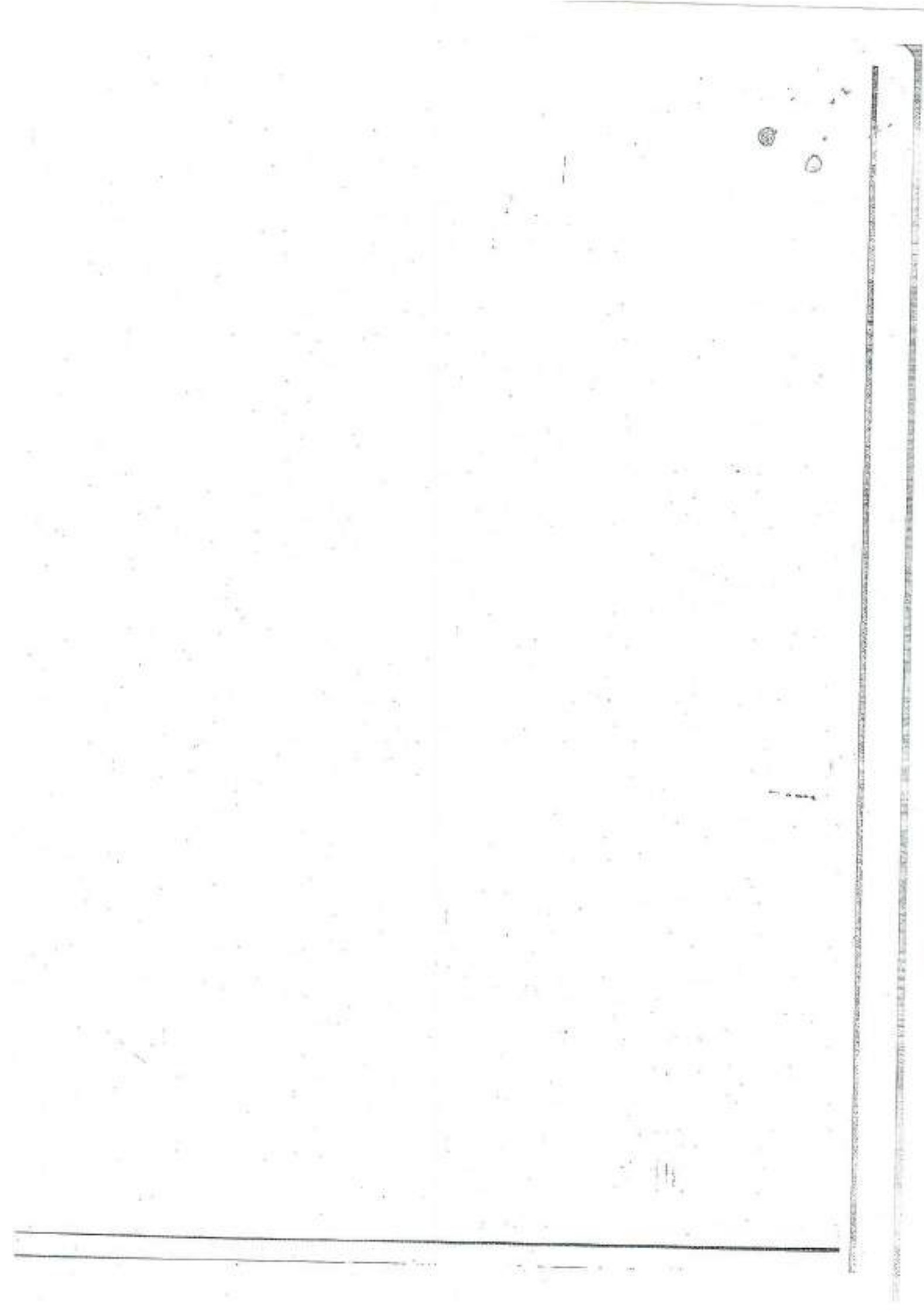
Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether the Government has any proposal to amend the Anti-poaching laws to ensure the better conservation of wild life in the country;
- (b) if so, the details thereof;
- (c) whether this effort will help to ensure greater wild life conservation and effective check on poaching incidents in the country; and
- (d) if so, the details thereof?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ANIL MADHAV DAVE)

- (a), (b), (c) and (d) The Wild Life (Protection) Act, 1972 provides for stringent punishment for hunting of wild animals. However, as the scope of protection of wild flora and fauna has changed over the years since the Act has been enacted, a review of the Wild Life (Protection) Act, 1972 is being considered for more effective protection and conservation of wildlife. ✓



Appendix - XLK

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM NO. 97

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 3208 dated 14.03.2018 regarding "Fighter Planes".

On 14 March 2018, Adv. Sharadkumar Maruti Bansode, M.P., addressed an Unstarred Question No. 3208 to the Minister of Defence. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Defence within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Defence vide O.M. No. 7(14)/US D(Air-I)/2018 dated 18th July 2018 have stated as under:-

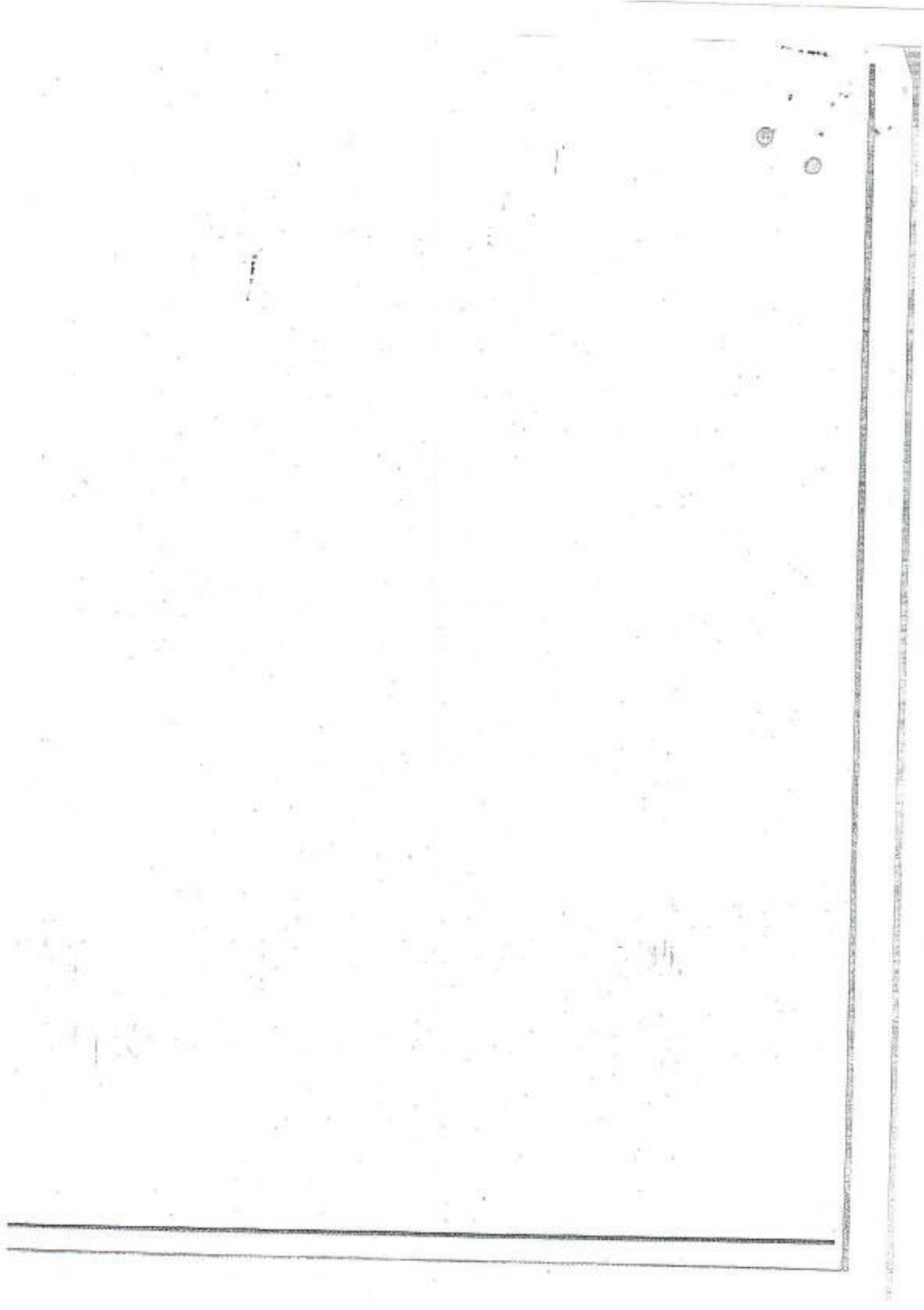
"...answer given to the LSUSQ No. 3208 was indicative of the status of the induction of balance of 272 Su-30 MKI aircraft from HAL and the factual position that 'to meet the requirement of fighter aircraft of IAF, induction of the balance of 272 Su-30 MKI aircraft from HAL is under progress' may not be treated as an Assurance as it was only a factual position of the contract implementation and therefore, does not constitute an Assurance."

4. In view of the above, the Ministry, with the approval of Hon'ble Raksha Rajya Mantri have requested the Committee to drop the Assurance.

The Committee may consider.

NEW DELHI:

DATED: 21/01/2020



GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE
LOK SABHA

UNSTARRED QUESTION NO.3208
TO BE ANSWERED ON THE 14TH MARCH, 2018

FIGHTER PLANES

3208. ADV. SHARADKUMAR MARUTI BANSODE:

Will the Minister of DEFENCE रक्षा मंत्री
be pleased to state:

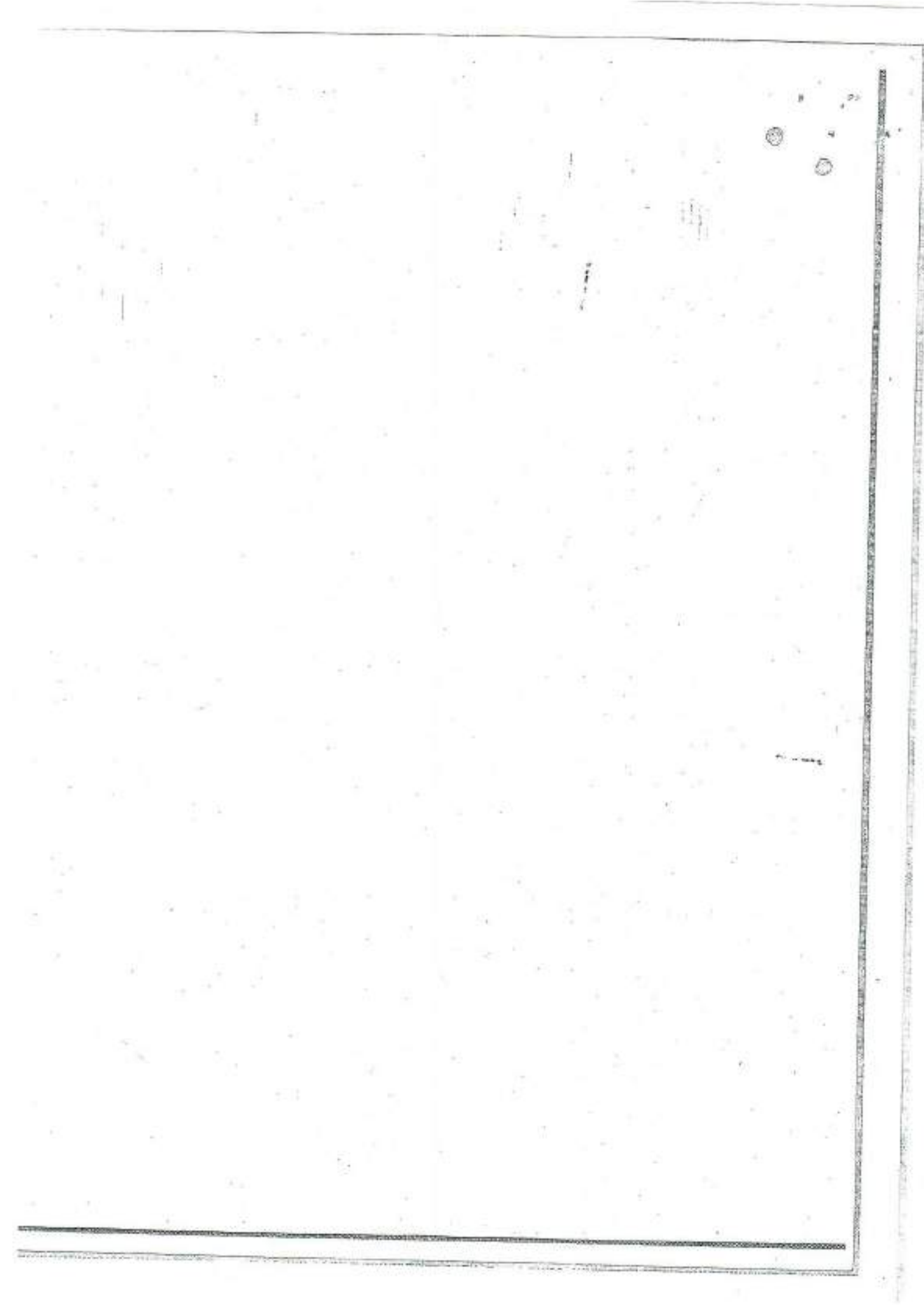
- (a) whether the Government has entered into contract for purchase of Fighter Planes at accelerated rates; and
(b) if so, the details thereof and the reasons therefor?

A N S W E R
MINISTER OF STATE (DR. SUBHASH BHAMRE)
IN THE MINISTRY OF DEFENCE

रक्षा राज्य मंत्री

(डा. सुभाष भामरे)

(a) & (b): To meet the requirement of fighter aircraft of IAF, induction of the balance of 272 Su-30 MKI aircraft from HAL is under process. Induction of 40 LCA into the IAF has commenced. On 15th March, 2017, Government sanctioned the enhancement of production rate of LCA from existing eight aircraft per year to sixteen aircraft per year. Also, the Request for Proposal (RFP) for procurement of 83 LCA Mk1A has been issued in December, 2017. Induction of 36 Rafale aircraft will commence by September, 2019.



LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES
MEMORANDUM NO. 99

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 4860 dated 31.03.2017 regarding "LCA Tejas".

On 31 March 2017, Shri Rajendra Agarwal, M.P., addressed an Unstarred Question No. 4860 to the Minister of Defence. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Defence within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Defence vide O.M. No. 12(23)/2017/D(N-I) dated 11th July 2018 have stated as under:-

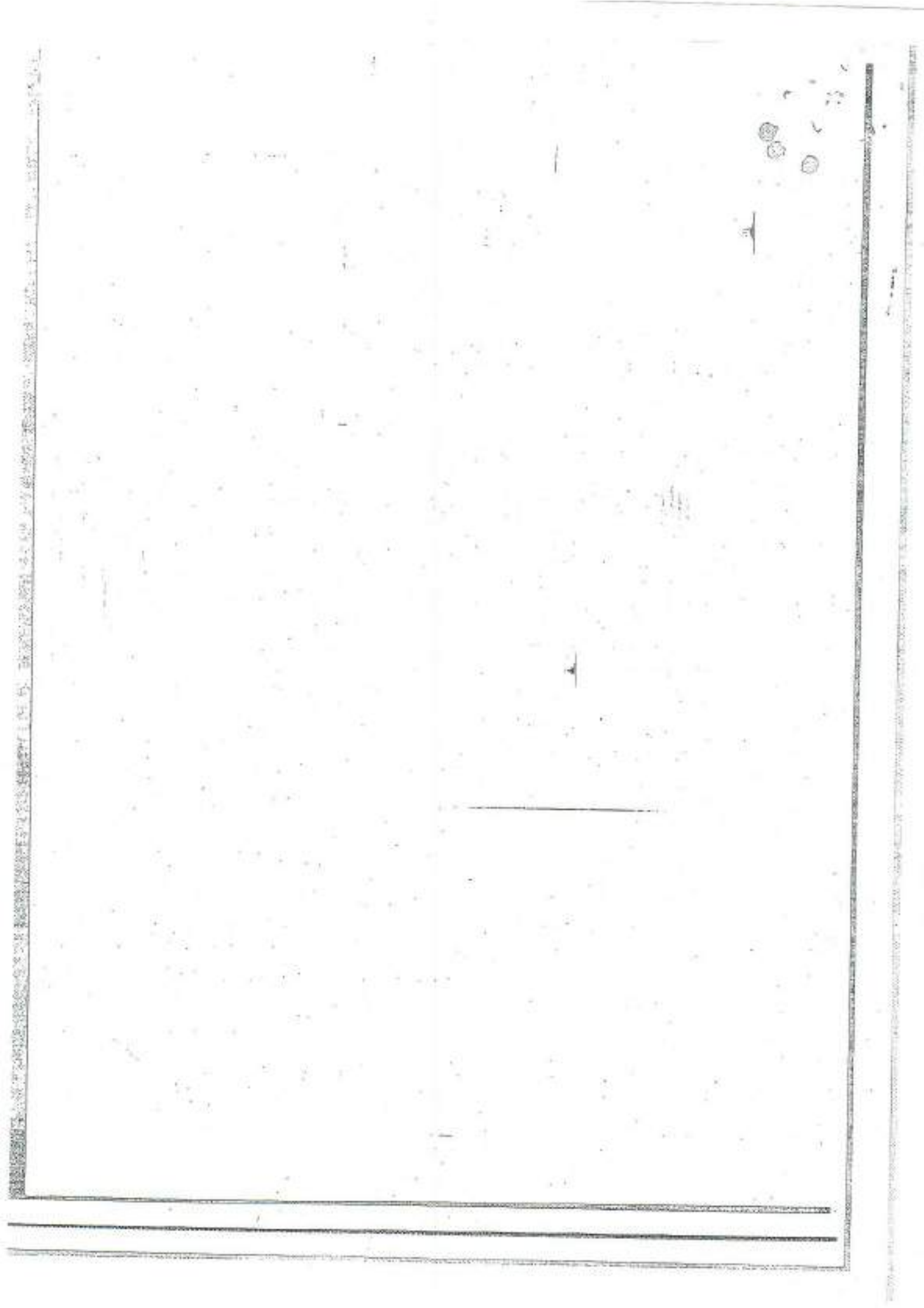
"The LCA Navy MK2 is at the design stage. Its development is being supported and part funded by the Indian Navy, as an intermediate step to develop a fully capable multirole deck based fighter in the future that would meet the Indian Navy's requirements. It has long gestation period.

4. In view of the above, the Ministry, with the approval of Raksha Mantri have requested to drop the Assurance.

The Committee may consider,

NEW DELHI:

DATED: 21/01/2020



GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE
LOK SABHA

UNSTARRED QUESTION NO.4860
TO BE ANSWERED ON THE 31ST MARCH, 2017

LCA TEJAS

4860. SHRI RAJENDRA AGRAWAL:

Will the Minister of DEFENCE रक्षा मंत्री
be pleased to state:

- (a) whether the Indian Navy has rejected the indigenously developed LCA Tejas;
- (b) if so, the reasons therefor; and
- (c) whether the Navy intends to purchase an alternative fighter from abroad and if so, the details thereof?

A N S W E R

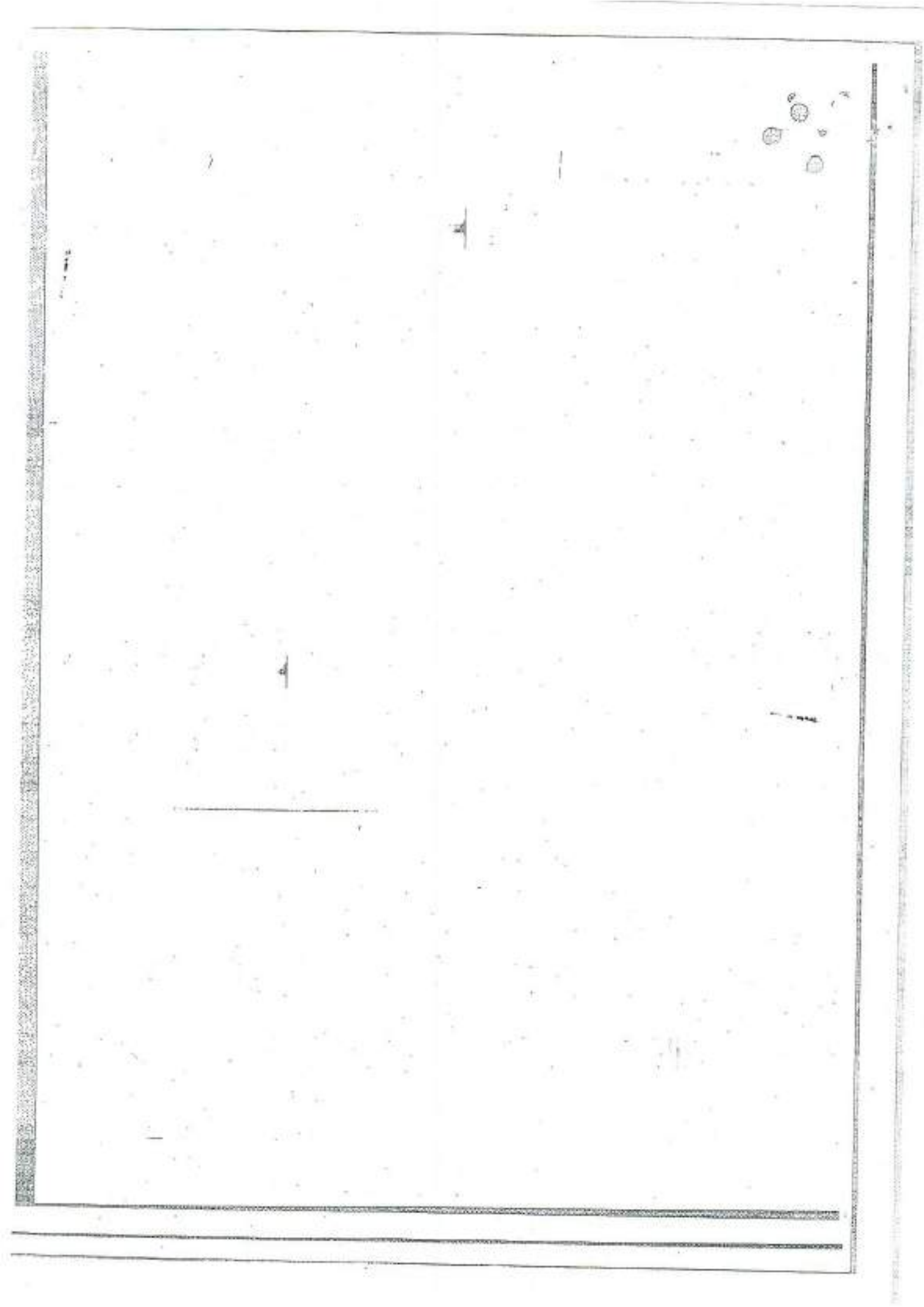
MINISTER OF STATE
IN THE MINISTRY OF DEFENCE

रक्षा राज्य मंत्री

(DR. SUBHASH BHAMRE)

(डा. सुभाष भामरे)

(a) to (c): The development of the Light Combat Aircraft (Navy) is under progress. Meanwhile Indian Navy has hosted a global Request for Information (RFI) for Multi-Role Carrier Borne Fighter (MRCBF) Aircraft on 25 January 2017. //



LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES

MEMORANDUM No. 100

Appendix XVII

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 1531 dated 04.03.2015 regarding "Cyber Crimes"

On 04 March, 2015, Shri Jyotiraditya M. Scindia and various other M.Ps., addressed an Unstarred Question No. 1531 to the Minister of Communications and Information Technology. The text of the Question along with the reply of the Minister is as given in the Annexure.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Electronics and Information Technology within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Electronics and Information Technology vide OM No. 2(34)/2015-Parl. dated 22 July, 2016 have stated as under:

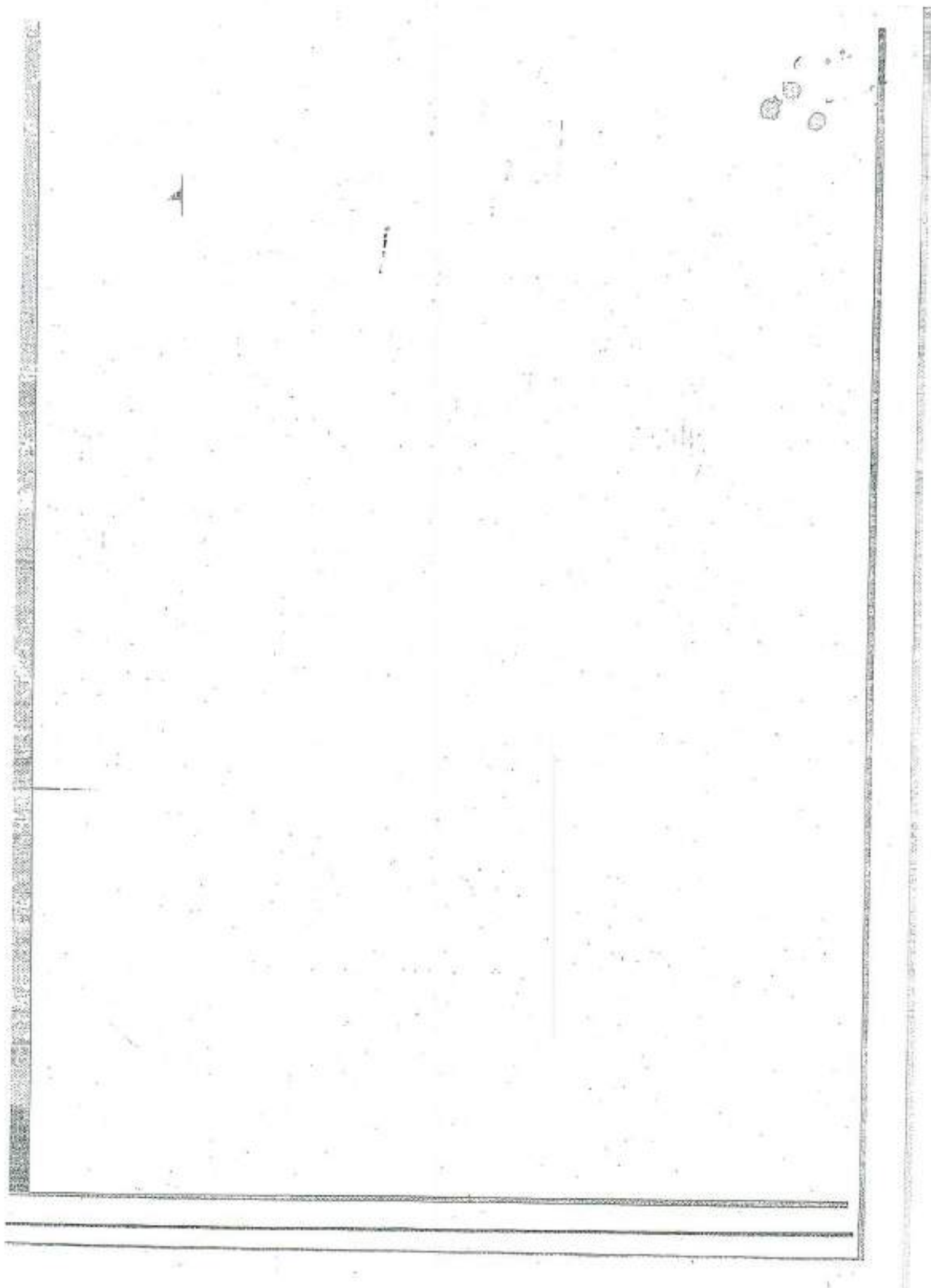
"While replying a similar Question (No. 1488) of Rajya Sabha on 11.12.2015 regarding Supreme Court Judgment on Sections 66A and 69 of IT Act, an identical reply, was given. The Rajya Sabha Sectt. vide OM No. RS.1/237/2015-Com-III dated 3.3.2016 Informed that the Committee on Government Assurances, have decided that the reply to the question under reference (Q.No. 1488 dated 11.12.2015) not to treat the reply to the question as an Assurance. Since replies of both the questions: (i) given to part (c) & (d) of the question No. 1531 dated 04.03.2015; and (ii) reply to Question No. 1488 dated 11.12.2015 are the same and the Committee on Government Assurances, Rajya Sabha has already decided "not to treat the reply to the question as an Assurance" for Q. No. 1488, it is requested that the reply to Q. No. 1531 dated 04.03.2015 may also be refer to the Committee on Government Assurances, Lok Sabha for consideration of "not to treat the reply as an Assurance".

4. In view of the above, the Ministry, with the approval of the Minister of Electronics and Information Technology have requested to drop the Assurance.

The Committee may consider.

Dated:- 21/01/2020

New Delhi



GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(DEPARTMENT OF ELECTRONICS & INFORMATION TECHNOLOGY)

LOK SABHA

UNSTARRED QUESTION NO. 1531
TO BE ANSWERED ON: 04.03.2015

CYBER CRIMES

1531

SHRI JYOTIRADITYA M. SCINDIA:
SHRI NALIN KUMAR KATEEL:
SHRI MALLIKARJUN KHARGE:
SHRIMATI JAYSHREEBEN PATEL:
SHRIMATI POONAM MAHAJAN:
SHRI GAURAV GOGOI:
SHRI SANJAY KAKA PATIL:
SHRI VENKATESH BABU T.G.:
ADV. NARENDRA KESHAV SAWAIKAR:
SHRI RAMSINH RATHWA:
SHRI J.C. DIVAKAR REDDY:

Will the Minister of Communications & Information Technology be pleased to state:

- the estimated loss suffered by the country due to cyber crimes during the last three years and the number of arrests made along with the action taken against the culprits;
- whether the existing legal frame work is sufficient to tackle cyber crimes and if so, the details thereof;
- whether the Government has set up an expert group to recommend measures to address cyber crimes;
- if so, the details thereof, and
- the time by which a proper cyber policy will be put in place in country?

ANSWER

MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a): Law and order is a state subject. National Crime Records Bureau (NCRB) only maintains selected data relating to crimes and frauds. The data related to status of action taken against the culprits is not maintained by NCRB. According to the cyber crime data maintained by NCRB, a total no. of 1184, 1522 and 2098 persons were arrested for the cases under Information Technology Act, 2000 in the year 2011, 2012 and 2013 respectively. In addition, 446, 549 and 1203 persons were arrested under Cyber Crime related Sections of Indian Penal Code (IPC) in the year 2011, 2012 and 2013 respectively.

As per Reserve Bank of India (RBI) an amount of Rs. 38 Crore, Rs. 68 Crore and Rs. 78 Crore was involved in the cyber frauds related to Credit Cards, ATM/Debit Cards and Internet Banking during the year 2011-12, 2012-13 and 2013-14 respectively.

In addition, Central Bureau of Investigation (CBI) has also registered 46 cases (14 PEs & 32 RCs) relating to Cyber Crime in various parts of the country during last 3 years i.e, 2012, 2013, 2014 and 2015 (till date). In these cases 34 persons have been arrested. An amount of Rs. 90 Crore, Rs. 158 Crore and Rs. 6 Crore was involved in these cases registered during the year 2012, 2013 and 2014 respectively.

(b): The Information Technology Act, 2000 together with Indian Penal Code 1860 provides comprehensive legal framework to deal with prevailing Cyber Crimes. It provides punishment in the form of imprisonment ranging from two years to life imprisonment and fine / penalty depending on the type of Cyber Crime.

(c) and (d): An expert Committee on cyber laws and international cyber laws has been constituted by the Government on 13.01.2015. The expert Committee will study and examine the existing domestic cyber laws and international cyber laws.

(e): A National Cyber Security Policy was put in place on 02 July 2013 for public use and implementation by all relevant stakeholders. Its stated mission is "to protect information and information infrastructure in cyber space, build capabilities to prevent and respond to cyber threats, reduce vulnerabilities and minimize damage from cyber incidents through a combination of institutional structures, people, processes, technology and cooperation". It seeks to do so by creating a secure cyber ecosystem and an assurance framework, encouraging open standards, strengthening the regulatory framework, vulnerability management, promotion of research and development in cyber security and enhancing our technical skill sets and human resources. Action on the components of the Policy are to be taken by Government, Public and Private sector. Most of the actions have been initiated.

Appendix - XVIII

LOK SABHA SECRETARIAT
COMMITTEE ON GOVERNMENT ASSURANCES

MEMORANDUM No. 101

Subject: Request for dropping of Assurance given in reply to Unstarred Question No. 972 dated 29.04.2016 regarding "Health Insurance for CGHS Pensioners."

On 29 April, 2016, Shri P. C. Mohan, M.P., addressed an Unstarred Question No. 972 to the Minister of Finance. The text of the Question along with the reply of the Minister is as given in the Annexure. The Assurance was later on transferred to the Ministry of Health and Family Welfare.

2. The reply to the Question was treated as an Assurance by the Committee and required to be implemented by the Ministry of Health and Family Welfare within three months from the date of the reply but the Assurance is yet to be implemented.

3. The Ministry of Health and Family Welfare *vide* OM File No. H.11016/20/2016-CGHS (P) dated 20 December, 2018 have stated as under:

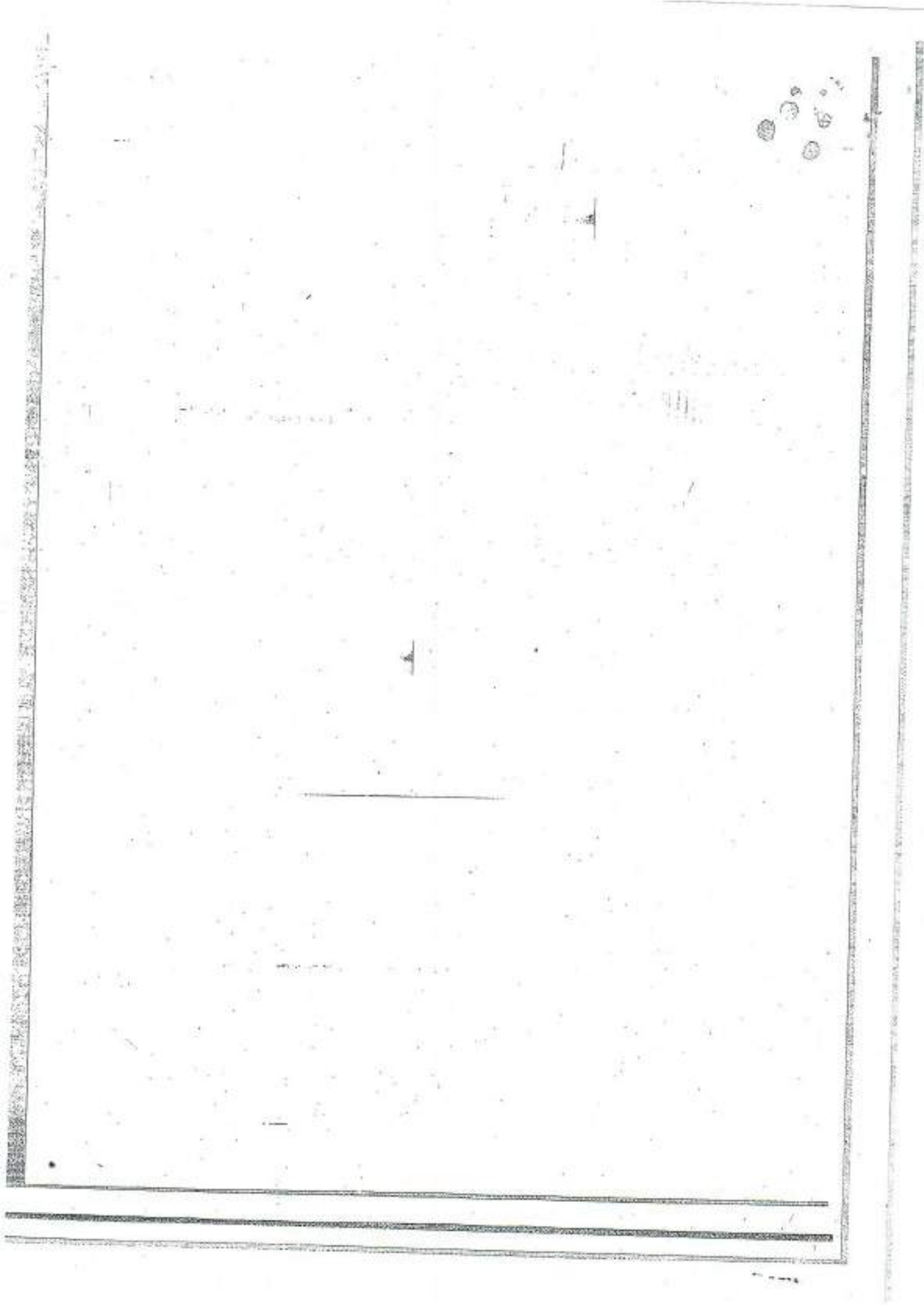
"Final EFC memo regarding finalization of the Central Government Employees & Pensioners Health Insurance Scheme (CGEPHIS) has been sent for appraisal of the Expenditure Finance Committee. It is pertinent to mention here that it has also been decided that the subject matter of Central Government Employees & Pensioners Health Insurance Scheme (CGEPHIS) may be put up on Ministries' website of CGHS for inviting the comments of stakeholder on the proposal. As such, it will take time to fulfill the above Assurance."

4. In view of the above, the Ministry, with the approval of the Minister of State for Health and Family Welfare have requested to drop the Assurance.

The Committee may consider.

Dated:- 21/01/2020

New Delhi



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF FINANCIAL SERVICES

LOK SABHA

UNSTARRED QUESTION NO. 972

TO BE ANSWERED ON 29th April, 2016/Vaisakha 9, 1938 (Saka)
Health Insurance for CGHS Pensioners

972. SHRI P.C. MOHAN:

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has any proposal to launch a new scheme of health insurance to Central Government Employees and pensioners;
- (b) if so, the details thereof and the benefits likely to be available to the pensioners; and
- (c) the time by which the new scheme is likely to be launched in this regard?

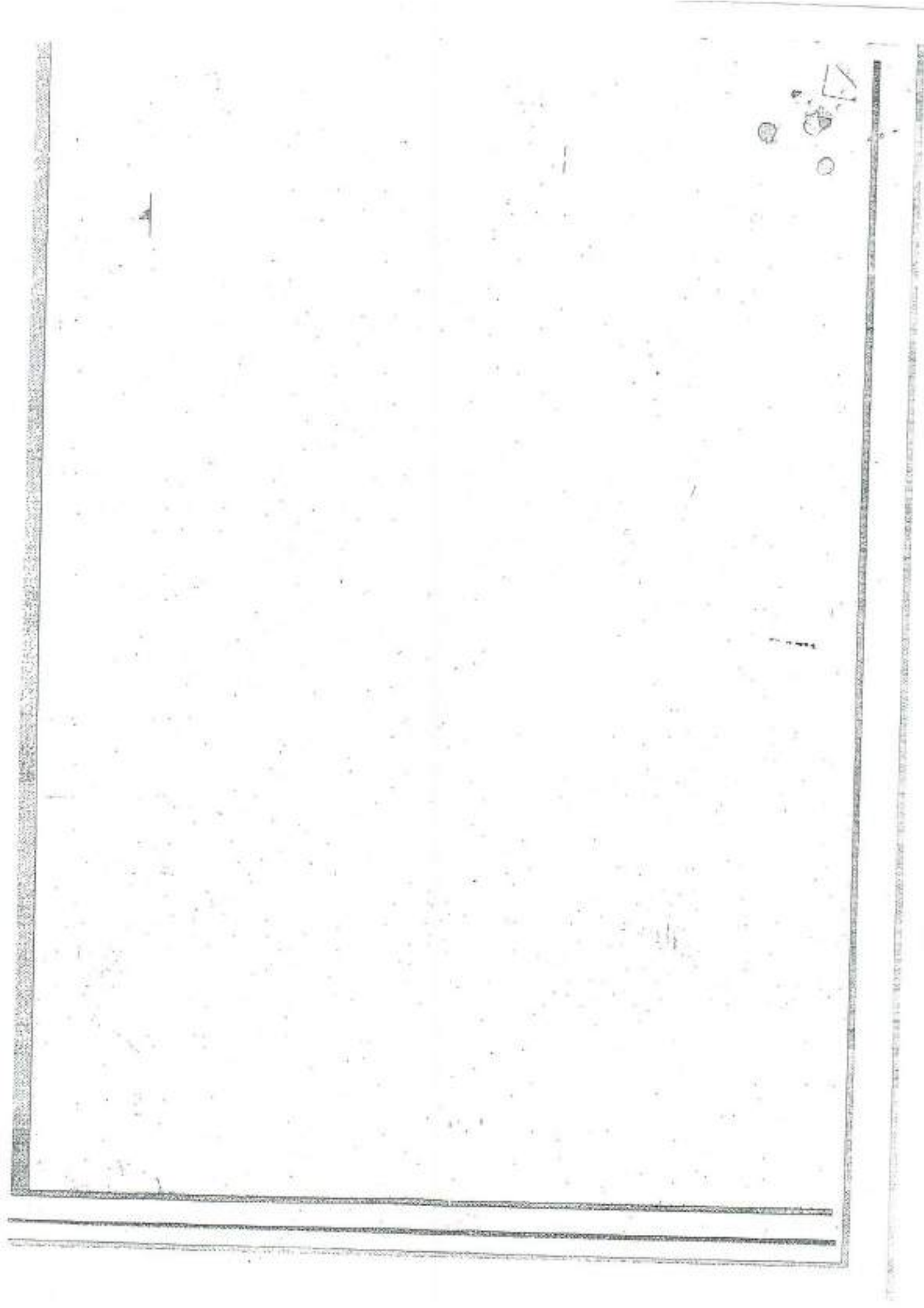
ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI JAYANT SINHA)

(a) to (c): Ministry of Health and Family Welfare has informed that an insurance scheme for the Central Government Employees and Pensioners is under their consideration.

The salient features of Central Government Employees and Pensioners Health Insurance Scheme (CGEPHIS) and the main features proposed are as under:

- i. Optional for serving and retired Central govt. Employees including future retirees.
- ii. Compulsory for new recruits.
- iii. Covers all the members of family as per CGHS norms.
- iv. Sum insured Rs. 5 lakh per year on a family floater basis.
- v. All pre-existing diseases covered from the day one.
- vi. Pre and post hospitalization benefits available.
- vii. Maternity benefit upto two living children.
- viii. Payment of fixed medical allowance (FMA) for meeting OPD needs.
- ix. Cashless treatment facility.
- x. Govt. to subsidize the payment of premium
- xi. Scheme to be implemented on pan India basis.



MINUTES

COMMITTEE ON GOVERNMENT ASSURANCES
(2019-2020)
(SEVENTEENTH LOK SABHA)
FIFTH SITTING
(24.01.2020)

The Committee sat from 1100 hours to 1210 hours in Committee Room "B", Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - **Chairperson**

MEMBERS

2. Shri Nihal Chand Chauhan
3. Shri Kaushalendra Kumar
4. Shri Pashupati Kumar Paras
5. Shri Chandra Sekhar Sahu

SECRETARIAT

1. Shri Pawan Kumar - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri S.L. Singh - Deputy Secretary

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At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them that the sitting has been convened to consider 25 Memoranda containing requests received from various Ministries/Departments for dropping of 53 pending Assurances and for taking oral evidence of the representatives of the Ministry of Human Resource Development (Department of School Education and Literacy) regarding review of pending Assurances. The Committee then took up the said 25 Memoranda (Memorandum Nos. 77 to 101) for consideration for dropping or otherwise of the relevant Assurances. After considering a few Memoranda, the

Committee authorized the Hon'ble Chairperson to decide the remaining Memoranda. The Chairperson subsequently decided to drop 13 Assurances as per details given in Annexure-I* and to pursue the remaining 40 Assurances as per details given in Annexure-II for implementation by the Ministry/Department concerned.

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The Committee then adjourned.

* Not enclosed

COMMITTEE ON GOVERNMENT ASSURANCES (2019-2020)

Annexure-II

Statement Showing Assurances not dropped by the Committee on Government Assurance (2019-2020) at their sitting held on 24.01.2020

S.No.	Mem o No.	SQ/USQ and date	No.	Ministry/ Department	Subject	Remarks
1	77	(i) USQ No. 1482 dated 04.03.2011		Finance Department of Revenue	(i) Amnesty Scheme for Black Money	The Ministry has requested for dropping of the Assurances on the ground that the final study reports on unaccounted income and wealth both inside and outside India received from the National Institute of Public Finance and Policy (NIPFP), National Council of Applied Economic Research (NCAER) and National Institute of Financial Management (NIFM) and the Government response to it are under detailed examination of the Standing Committee on Finance of Parliament. The Committee are of the view that an Assurance cannot be dropped merely on the ground that the Parliamentary Standing Committee on Finance has selected the subject for detailed examination. Moreover, the Standing Committee on Finance (2019-2020) has not selected the subject for detailed examination. The Committee feel that the matter relating to black money is of extreme national importance/concern and as such it should be brought to its logical conclusion. Moreover, once an Assurance is given, it is incumbent upon the Ministry to fulfill it with proper planning and co-ordination with all the Ministries/Departments/Agencies
		(ii) SQ No. 85 dated 05.08.2011			(ii) Black Money	
		(iii) SQ No. 66 dated 25.11.2011			(iii) Black Money	
		(iv) General Discussion dated 14.12.2011			(iv) Money Deposited Illegally in Foreign Bank & Action Taken	
		(v) USQ No. 2937 dated 30.03.2012			(v)Revelation of Black Money by CBI	
		(vi) General Discussion dated 08.05.2012			(vi) General Discussion on the Finance Bill, 2012	

(vii) USQ No. 5898 dated 11.05.2012	(vii) Estimation of Black Money	Involved within a definite timeframe. Far from being convinced to drop the Assurance, the Committee urge upon the Ministry to take appropriate steps in right earnest with better co-ordination with all concerned so that there is no further delay in fulfilling the Assurances.
(viii) USQ No. 881 dated 01.03.2013	(viii) Information regarding Black Money	
(ix) USQ No. 1913 dated 08.03.2013	(ix) Panel for Black Money	
(x) USQ No. 4306 dated 22.03.2013	(x) Illegal Financial Outflow	
(xi) USQ No. 436 dated 06.12.2013	(xi) Indian Entities' Unaccounted Wealth	
(xii) USQ No. 4443 dated 19.12.2014	(xii) Black Economy	
(xiii) USQ No. 866 dated 27.02.2015	(xiii) Black Money	
(xiv) USQ No. 2852 dated 13.03.2015	(xiv) Outflow of Illicit Money	
(xv) SQ No. 187	(xv) Black Money	

		<p>dated 11.12.2015</p> <p>(xvi) SQ No. 89 dated 22.07.2016</p> <p>(xvii) USQ No. 559 dated 18.11.2016</p> <p>(xviii) SQ No. 94 dated 21.07.2017</p>		<p>(xvi) Black Money</p> <p>(xvii) Action on Black Money</p> <p>(xviii) Black Money Stashed Abroad</p>	
2.	78	<p>USQ No. 3979 dated 13.08.2015</p>	Textiles	Land Scam	<p>The Ministry has contended that the reply given is not a promise but is a factual piece of information and hence has requested for dropping of the Assurance. The Committee feel that the contention of the Ministry is untenable since the Ministry is required to provide the details of the land scam, quantum of loss of exchequer due to this scam, the details of enquiry conducted in this regard and the action taken against the persons found guilty as was sought in the USQ No. 3979. The Committee desire that the Ministry should enhance the level of co-ordination with CBI for speedy investigation into the case so that there is no</p>

					further delay in fulfilling the Assurance. The Committee would like to be apprised of the initiatives taken and progress made in the matter.
3	80	USQ No. 3684 dated 13.02.2014	Information and Broadcasting	Prasar Bharati Act	The Ministry has requested for dropping of the Assurance citing that since the amendment of Prasar Bharati Act is time consuming activity, no time limit can be given for fulfilling the Assurance. Considering that the amendment to Prasar Bharati Act is imperative for deletion of provision of Prasar Bharati Recruitment Board from the Act, the Committee feel that the Assurance should be brought to its logical end and hence they direct the Ministry to pursue the matter in a time bound manner so that things do not get stuck up and ensure early implementation of the Assurance.
4	81	(i) USQ No 6978 dated 18.05.2012 (ii) USQ No 4945 dated 25.04.2013	Power	(i) Power Generation (ii) Irregularities Under RGGVY	In yet another instance, CBI had initiated an enquiry in the matter but the Ministry has requested for dropping of the Assurances citing that Jharkhand Bijli Vitran Nigam Limited (JBVNL) is yet to receive the final report from the Central Bureau of Investigation (CBI). The Committee feel that an Assurance cannot be dropped merely on the ground that the matter is being investigated by CBI which will take time. The Committee desire that the Ministry should co-ordinate with CBI for expeditious investigation into the case. The Committee would also like to be apprised of the initiatives taken and the progress made in the matter.

5.	82	(i) USQ No 2410 dated 28.03.2012	Personnel, Public Grievances and Pensions (Department of Personnel and Training)	(ii) Right to Privacy Bill	The Ministry has requested for dropping of the Assurances stating that since the Ministry of Electronics and Information Technology (MEITY) is formulating a "Data Protection Law", it has decided to wait for the law to come into force and thereafter make an assessment whether a separate Right to Privacy Bill is required to be taken forward to address other privacy related concerns if they are not suitably addressed in Data Protection Law. The Committee are of the view that the reasons given by the Ministry do not bring the Assurances to the logical conclusion and the same cannot be dropped merely on this ground. Moreover, Data Protection Law being prepared by MEITY is more on a different perspective. The Committee feel that once an Assurance is given, it is incumbent upon the Ministry to fulfill it. The Committee, therefore, urge upon the Ministry to pursue the matter vigorously and implement the Assurances at the earliest.
		(ii) USQ No 6496 dated 16.05.2012		(ii) Right to Privacy Bill	
		(iii) USQ No 3201 dated 12.12.2012		(iii) Separate Legislation on Privacy	
		(iv) USQ No 4154 dated 19.12.2012		(iv) Panel on Privacy of Individuals	
		(v) USQ No 1714 dated 09.12.2015		(vi) Exemption from Right to Privacy Bill	
6.	83	USQ No 2659 dated 03.01.2018	Railways	Semi High Speed Corridors	The Committee observe that providing information that the discussions are underway with the German side for deciding the terms and conditions of the Agreement as a reply to Lok Sabha Question is very much an Assurance. The Committee understand that such matters may take time but the Ministry need to take some concrete action to finalize a clear timeline for carrying out a feasibility study. The Committee urge upon the Ministry to take urgent action in the matter with alacrity and specific

					timeline and pursue the matter with the German side for implementing the Assurance at the earliest.
7	84	SQ No 561 dated 06.05.2015	Earth Sciences (Department of Earth Science)	Cooperation in Earth Science	The Ministry has requested the Committee to drop the Assurance on the ground that the National Centre for Atmospheric Research (NCAR), USA expressed that they do not have personnel needed to carry out the proposed collaborative work for the development of the Wind Profiler till 2020. The Committee feel that the matter of development of Wind Profiler System is of utmost importance and a matter of national significance as the data synthesized from wind direction and speed is very useful for meteorological forecasting and timely reporting for flight planning. The Committee desire that the Ministry should pursue the matter earnestly with the NCAR, USA so as to initiate work on the development of wind profiler and fulfil the Assurance at the earliest.
8	85	USQ No 3278 dated 06.12.2016	Home Affairs	Enemy Property	The Ministry has requested the Committee to drop the Assurance citing that survey of enemy properties is an ongoing process and its 100% completion will take a long time. The Committee are of the view that the matter is of national concern and as such should be brought to its logical conclusion. Moreover, the Committee feel that an Assurance cannot be dropped merely for the simple reason that its implementation would take more time. The Committee, therefore, desire that the Ministry must actively pursue the matter and expedite the

					fulfilment of the Assurance. The Committee would also like to be apprised of the initiatives taken and the progress made in the matter.
9	89	USQ No 4159 dated 11.08.2017	Defence (Department of Defence Production)	Dhanush Tank	The Ministry has contended that the Assurance is not pending due to any action to be taken by the Ministry of Defence and since CBI is not under the administrative control of the Ministry, it cannot commit regarding the timelines for completion of the investigation of the case. Citing these reasons, the Ministry has requested for dropping of the Assurance. The Committee reject this contention of the Ministry as the matter involving irregularities in the purchase of spare parts for Dhanush Tank is of national concern and as such should be brought to its logical conclusion. The Committee, therefore, desire that the Ministry must enhance the level of co-ordination with CBI for expeditious investigation into the case and the details thereof apprised to the Committee and fulfil the Assurance at the earliest.
10	90	SQ No 277 dated 10.02.2014	Defence (Department of Defence Production)	Intermediate Jet Trainer	The Ministry has requested the Committee to drop the Assurance by stating that owing to the uncertainty involved in the Intermediate Jet Trainer development programme, it is not feasible to fulfil the Assurance in near future. The Committee feel that this is untenable as there should be a prescribed time frame for dealing with matters pertaining to country's defence and security. The Committee find that the project was sanctioned in 1999 but is yet to be completed even after 20

					<p>years. Thus, the project has already been inordinately delayed and the crucial spin issue of the aircraft still remains unresolved leading to the uncertainties in the programme. The Committee observe that both the Ministry and the Hindustan Aeronautics Limited (HAL) have not been serious enough in their approach and have failed to pursue the matter in the right earnest to fix the problem well in time when the country badly needs a reliable intermediate jet trainer to hone the skills of its fighter pilots, minimize aircraft crashes during training and save the lives of trainee pilots as well as to accelerate the country's march towards self reliance in the Defence sector. The Committee, therefore, emphasize upon the Ministry to pursue the matter aggressively, infuse more ideas and energy in the project and bring more mobility in its functioning and expedite the completion of the project.</p>
11	91	<p>(i) SQ No 476 dated 13.12.2010</p> <p>(ii) SQ No 116 dated 08.08.2011</p>	<p>Defence (Department of Defence Production)</p>	<p>(i) Defence Deals</p> <p>(ii) Cases Against Defence Companies</p>	<p>The Ministry has requested the Committee to drop the Assurances on the ground that the matter is under trial in CBI Special Court and the Assurance is not pending due to any action to be taken by the Ministry of Defence. The Committee, while observing that the Ministry of Defence is a very sensitive and crucial Ministry and the matter pertains to the country's security and protection, feel that the cases of irregularities in defence deals should be pursued earnestly and brought to their logical conclusion. The Committee, therefore, desire that the</p>

					Ministry must pursue the matter vigorously and bring more mobility in its functioning for expediting the process and bringing the Assurances to the logical end.
12.	92	USQ No 4466 dated 12.08.2016	Finance (Department of Financial Services)	Regulation of Pension Funds	The Committee cannot accept the Ministry's contention that the Assurance should be dropped as the subject matter may involve amendment in not only of Pension Fund Regulatory and Development Authority (PFRDA) Act, 2013 but also various other statues which would require consultation with multiple stakeholders and may take long to come to a final conclusion. The Committee feel that an Assurance cannot be dropped merely for the simple reason that its implementation would take more time. While emphasizing that the matter should be brought to its logical conclusion, the Committee desire that the Ministry should scale up the level of co-ordination with various stakeholders/agencies involved and fulfil the Assurance within a definite timeframe.
13.	95	USQ No 917 dated 07.02.2017	Environment, Forest and Climate Change	Anti-poaching Laws	The Ministry has requested for dropping of the Assurance on the ground that considerable time is required to amend the Wild Life (Protection) Act, 1972. The contention of the Ministry is untenable since an Assurance cannot be dropped merely on the ground that its implementation may take more time. Considering the pressing need for protection of valuable wild life including flora and fauna, the Committee feel that the Assurance should be brought to its logical end and, hence, they direct the

					Ministry to pursue the matter in a time bound manner. The Committee would also like to be apprised of the initiatives taken and progress made in the matter.
14.	97	USQ No 3208 dated 14.03.2018	Defence (Department of Defence)	Fighter Planes	The Ministry has contended that no Assurance was given on the issue as the reply given to the Question, according to it, was only a factual position. The Committee cannot accept this contention of the Ministry as the reply of the Ministry stating that the induction of the balance of 272 Su-30 MKI aircraft from Hindustan Aeronautics Limited (HAL) is under process does indeed constitute an Assurance. Further, the Committee feel that there should be a prescribed time limit for dealing with defence related matters. The Committee desire that the Ministry must vigorously pursue the matter and apprise them of the initiatives taken and progress made in the matter.
15.	99	USQ No 4860 dated 31.03.2017	Defence (Department of Defence)	LCA Tejas	The Committee feel that an Assurance cannot be dropped merely on the ground that its implementation would take a considerable length of time. The Committee find that LCA (Navy) is India's first indigenous effort to build a carrier borne naval fighter aircraft, a vital ingredient in the navy's expansion plans. The Committee understand that such matters may take time but at the same time, all out efforts need to be taken to achieve the intended objectives. Moreover, the Committee feel that for dealing with defence matters, there should be a prescribed time frame and a system for ensuring accountability so that country's

					overall interest is protected. The Committee desire that the Ministry must pursue the matter earnestly and fulfil the Assurance at the earliest.
16.	100	USQ No 1531 dated 04.03.2015	Electronics and Information Technology	Cyber Crimes	The Committee are of the view that the matter of addressing cyber crime is of utmost importance in view of the alarming increase in the rate of cyber crimes and internal security issues in the country. The Committee are dismayed at the Ministry's lackadaisical attitude in the matter when it ought to have implemented the Assurance with alacrity and determination in the larger interest of the country. Moreover, an Assurance cannot be dropped merely on the ground that the Rajya Sabha Committee has not treated a similar reply as an Assurance. The Committee urge upon the Ministry to pursue the matter vigorously and fulfill the Assurance at the earliest. The Committee would also like to be apprised of the initiatives taken and progress made in this regard.
17.	101	USQ No 972 dated 29.04.2016	Health and Family Welfare (Department of Health and Family Welfare)	Health Insurance for CGHS Pensioners	The Ministry has requested for dropping of the Assurance on the ground that considerable time is required to launch the Insurance Scheme for the Central Government Employees and Pensioners. The Committee feel that the contention of the Ministry is untenable since an Assurance cannot be dropped merely on the ground that its implementation may take more time. Considering the pressing need for providing complete and comprehensive medical care facilities to Central Government

					employees, pensioners and their dependents for ensuring their general well being, the Committee feel that the Assurance should be brought to its logical end and hence they direct the Ministry to pursue the matter vigorously and apprise them of the initiatives taken and progress made in the matter.
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MINUTES
COMMITTEE ON GOVERNMENT ASSURANCES
(2019-2020)
(SEVENTEENTH LOK SABHA)
SIXTEENTH SITTING
(22.09.2020)

The Committee sat from 1400 hours to 1430 hours in Committee Room '1', A Block, EPHA, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

Members

2. Shri Nihal Chand Chauhan
3. Shri Gaurav Gogoi
4. Shri Ramesh Chander Kaushik
5. Shri Kaushalendra Kumar
6. Shri Parbatbhai Savabhai Patel
7. Shri M.K. Raghavan
8. Dr. Bharatiben Dhirubhai
9. Smt. Supriya Sule

Secretariat

1. Shri Pawan Kumar - Joint Secretary
2. Shri Lovekesh Kumar Sharma - Director
3. Shri S.L. Singh - Deputy Secretary

At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them regarding the day's agenda. Thereafter, the Committee considered and adopted the following three (03) draft Reports without any amendments:-

- (i) Draft Tenth Report (17th Lok Sabha) regarding 'Review of Pending Assurances pertaining to the Ministry of Railways';
- (ii) Draft Eleventh Report (17th Lok Sabha) regarding 'Requests for Dropping of Assurances (Acceded to)'; and
- (iii) Draft Twelfth Report (17th Lok Sabha) regarding 'Requests for Dropping of Assurances (Not Acceded to)';

2. The Committee also authorized the Chairperson to present the Reports during the ongoing Session.

The Committee then adjourned.