

**COMMITTEE ON**  
**GOVERNMENT ASSURANCES**  
**(2019-2020)**

**(SEVENTEENTH LOK SABHA)**

**THIRD REPORT**

**REVIEW OF PENDING ASSURANCES  
PERTAINING TO THE MINISTRY OF  
LAW AND JUSTICE  
(LEGISLATIVE DEPARTMENT)**

Presented to Lok Sabha on *20/09/2020*



**LOK SABHA SECRETARIAT  
NEW DELHI**

**September, 2020/Bhadrapada, 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 |

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\* 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

(iii)

## 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 Third Report (17<sup>th</sup> Lok Sabha) of the Committee on Government Assurances.

2. The Committee at their sitting held on 11 November, 2019 took oral evidence of the representatives of the Ministry of Law and Justice (Legislative Department) regarding pending Assurances given during the period from the 7<sup>th</sup> Session of the 14<sup>th</sup> Lok Sabha to the 10<sup>th</sup> Session of the 15<sup>th</sup> Lok Sabha.

3. At their sitting held on 25.08.2020, the Committee (2019-2020) considered and adopted their Third Report.

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

5. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in bold letters in the Report.

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

NEW DELHI;  
25 August, 2020

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03 Bhadrapada, 1942 (Saka)

(iv)



# REPORT

## I. Introductory

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

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

3. The Committee on Government Assurances (2014-2015) decided to follow the well established and time tested procedure of calling the representatives of the Ministries/Departments of the Government of India, in a phased manner and review the pending Assurances. The Committee took a step further and decided to call the representatives of the Ministry of Parliamentary Affairs also as all the Assurances are implemented through them.

4. In pursuance of the ibid decision, the Committee on Government Assurances (2019-2020) called the representatives of the Ministry of Law and Justice (Legislative Department) and the Ministry of Parliamentary Affairs to render clarifications with regard to delay in implementation of pending Assurances. As many as 158 Assurances were pending against the Ministry of Law and Justice at the time of constitution of the Committee i.e. 09 October, 2019 with the oldest Assurances dating back to 03 March 2006. Out of these, the Committee examined in detail the following seven Assurances at their sitting held on 11 November 2019:

S.No.	USQ No. dated	Subject
1.	SQ No. 191 dated 03.03.2006	Pending Court Cases (Appendix-I)



2.	General Discussion dated 21.08.2010	Discussion on Personal Laws (Amendment) Bill, 2010  (Appendix-II)
3.	USQ No. 3239 dated 28.07.2009	Amendment of Law on Custodial Deaths  (Appendix-III)
4.	USQ No. 4293 dated 29.08.2011	Fatal Accidents Act, 1855  (Appendix-IV)
5.	USQ No. 3531 dated 15.12.2011	Khap Panchayats  (Appendix-V)
6.	USQ No. 1558 dated 22.03.2012	Amendment in Hindu Succession Act  (Appendix-VI)
7.	USQ No. 2630 dated 29.03.2012	Registration of Marriages  (Appendix-VII)

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

6. During oral evidence the Committee drew the attention of the representatives of the Ministry to their long pending list of 158 Assurances and showed concern over the matter. Pointing out the long pendency in the fulfilment of these Assurances, the Committee also enquired about the system of monitoring and reviewing the implementation of pending Assurances in the Ministry. The Secretary, Legislative Department replied as under:-

*"Immediately after receiving these Assurances from the Ministry of Parliamentary Affairs, we write letters to the concerned administrative Ministries. We might have given answer*

*saying that the information is being collected from the concerned administrative Ministry. On receipt of the notice from the Ministry of Parliamentary Affairs, we write letters to the concerned administrative Ministries and gather information."*

7. The Committee enquired as to whether internal review meetings were held in this regard in the Department. The Secretary, Legislative Department submitted during evidence as under:-

*"In the concerned Section, we have some meeting to find out how many total assurances are there."*

8. Asked about the frequency of such meetings, he replied that they took those meetings once in two months.

9. On the Committee's suggestion that the Department should meet every month and be particular about it, the Secretary, Legislative Department assured that they will definitely implement it and take a meeting every month.

10. In view of the explanations submitted by the representatives of the Ministry during the course of oral evidence, the Committee acceded to the request of the Ministry to drop the Assurance mentioned at Sl. No. 6 in the above list.

#### Observations/Recommendations

11. The Committee are concerned that as many as 158 Assurances were pending against the Ministry of Law and Justice at the time of the constitution of the Committee i.e. as on 09 October 2019 with many of them pending for more than 10 years. The pendency period of the seven Assurances examined in detail by the Committee ranges from eight to 14 years. The inordinate delay in fulfilment of the Assurances clearly indicates lackadaisical attitude of the Ministry/Department in undertaking proper follow up action once an Assurance has been made. The Committee's review of the pending Assurances also reveals that the existing mechanism put in place by the Ministry/Department for fulfilling the Assurances especially those involving other Ministries/Departments, agencies, State Governments, etc. is far from effective. The Committee are perturbed at the extent of pendency and inordinate delay in fulfilment



of the Assurances by the Ministry/Department because of which not only the utility and relevance of the Assurances are lost but also the sanctity of the Assurances given on the floor of the House. The Committee, therefore, recommend that the existing mechanism/system in the Ministry/Department should be overhauled and streamlined with a view to avoid inordinate delay in fulfilment of Assurances. As assured by the Secretary, Legislative Department during oral evidence, the Committee hope and believe that the Ministry/Department will now conduct regular meetings at the highest level to monitor and review implementation of their pending Assurances at least once a month instead of once in two months. The Committee also desire that the Ministry/Department should effect a paradigm shift in their efforts to fulfill their Assurances by adopting a pro-active approach and by enhancing the level of coordination with all other stakeholders like Ministries/Departments, agencies, State Governments concerned including the Ministry of Parliamentary Affairs so that the Assurances are taken more seriously and implemented expeditiously.

## II. Review of the Pending Assurances of the Ministry of Law and Justice (Legislative Department).

12. In the succeeding paragraphs, the Committee deal with some of the pending Assurances pertaining to the Ministry of Law and Justice (Legislative Department) and critically examined by them.

### A. Pending Court Cases

13. In reply to SQ No. 191 dated 03.03.2006 regarding Pending Court Cases (Appendix-I), it was *inter-alia* stated that the Law Commission in its 192<sup>nd</sup> Report on 'Prevention of vexatious litigation' has made some suggestions regarding enactment of legislation to prevent filing of frivolous and vexatious litigations in courts. The recommendations are under examination in consultation with the concerned authorities.

14. In their Status Note furnished in November 2019, the Legislative Department apprised the Committee about the latest position with regard to implementation of the Assurance as under:-

*"As per the records maintained in the Department, this Assurance was not pending against this Department. But, it was pending against the Department of Justice and no communication regarding the transfer of the same was also received in this Department. However, this Department came to know about the pendency of this Assurance only after the receipt of the communication from the Committee on Assurances Branch regarding the meeting. As and when the information regarding the Assurance was received, requisite information was sought from the Department of Justice and it was found that the information supplied from this Department to answer parts (d) and (e) of the Question to the Department of Justice was treated as Assurance. In this regard, it may be mentioned that the reply relates to a Law Commission Report titled 'Prevention of Vexatious Litigation'. As the subject matter of the Report relate to a concurrent field subject, this Department sought for the comments from all the State Governments/Union Territories on the Report. So far, we have received comments from 26 State Governments including Jammu and Kashmir and all the Union territories. Replies are awaited from the State Governments of Andhra Pradesh and Telangana and West Bengal. Presently, the matter is being examined in this Department. As soon as the examination is over, a draft Bill may be prepared and*



*approval of the competent authority will be solicited for taking further necessary action in the matter."*

15. During oral evidence, the Secretary, Legislative Department explained the reasons for the delay in implementing the Assurance as under:-

*"The first question, Question No. 191 talks about the 192nd Law Commission Report. This contains five questions. It is a Starred Question addressed to the Department of Justice. First three questions are related to the Department of Justice, as to how many cases are pending in various High Courts and Supreme Court. The Justice Department might have answered this question. Coming to the fourth and fifth question; the question is whether any Law Commission recommended for curbing the prevention of frivolous and vexatious litigation or not; if so, the details. This belongs to the Legislative Department. We have answered to the Justice Department that this Report is under examination. The Justice Department might have given answer to the Committee saying that this is under examination. The Justice Department has transferred this question to the Legislative Department. Of late, we did not find that transfer of question. Yesterday, when we received the notice of the meeting, we found that this was transferred to the Legislative Department*

*Apart from this, as usual, on receiving the Law Commission Report we sought the comments from various State Governments on the issue of prevention of frivolous and vexatious litigation."*

16. On being pointed out by the Committee that it was a problem of non-communication within their Ministry/Department, the Secretary, Legislative Department submitted during evidence as under:-

*"Even without receiving this transfer letter, we started seeking comments from various State Governments. So far, we have received comments from 26 State Governments. We have kept everything ready. We have to take a final decision now. After taking the approval, we will take action in this regard. We will take some decision, as expeditiously as possible, on this issue. Some State Governments have already made some laws. For example, Tamil Nadu, Madhya Pradesh and Maharashtra have made certain laws on prevention of vexatious*



*litigation. Since we have received comments from almost 26 States, we will now take a decision in this regard."*

17. Asked about the exact time for taking the decision, he replied as under:-

*"I cannot give the exact time. Definitely I will take minimum time only."*

#### Observations/Recommendations

18. The Committee find much to their consternation that an important Assurance concerning enactment of a legislation to prevent filing of frivolous and vexatious litigations in courts still remains pending for implementation even after 14 years. This Assurance was given by the Department of Justice in reply to SQ No. 191 dated 03.03.2006 regarding 'Pending Court Cases' but the Department responsible for its implementation i.e. Legislative Department were reportedly not aware of it until the Committee Secretariat informed them about the oral evidence in November 2019. This lapse was the culmination of the failure of all the Ministries/Departments concerned i.e. Department of Justice, Legislative Department of the Ministry of Law and Justice and the Ministry of Parliamentary Affairs to follow up/review what they assured in the House and needs to be avoided. The Committee have been informed that comments from 26 State Governments (including Jammu and Kashmir) and all the Union Territories have already been received in the matter and the Department intend to take a final decision expeditiously in this regard. The Committee feel that this is long overdue. It is also not justifiable for the Department to wait for the comments from the States/UTs for such a long time as the country has suffered enough from the ever flooding number of pending court cases which is mainly triggered by filing of frivolous and vexatious court cases. States like Tamil Nadu, Madhya Pradesh and Maharashtra have already made certain laws on prevention of vexatious litigation. The Committee, therefore, urge upon the Department to make earnest efforts, enhance the scale of coordination with all concerned and bring the matter to its logical conclusion without further delay so as to implement the Assurance.



**B. Amendment of Law on Custodial Deaths**

19. In reply to USQ No. 3239 dated 28.07.2009 regarding 'Amendment of Law on Custodial Deaths' (Appendix-III), it was *inter-alia* stated that since the subject matter (i.e. Law Commission's recommendation in their 113<sup>th</sup> Report to amend the Evidence Act to allow the trial court to presume the policeman guilty of causing injuries to the accused under his/her custody) falls under the Concurrent List of the Seventh Schedule of the Constitution of India, the recommendation of the Law Commission has been referred to the State Governments and Union Territory Administrations for their views/comments. Since the matter involves amendment of Law involving wide ranging consultations with all the Stake holders, no time line can be indicated for completion of the action.

20. In their Status Note furnished in November 2019, the Legislative Department apprised the Committee of the latest position with regard to fulfilment of the Assurance as under:

*"It may be mentioned that the Hon'ble Members vide parts (a) and (b) of the Question had sought information regarding the recommendations made by the Law Commission in their 113th Report. In the said Report, Law Commission had recommended for insertion of a new Section 114B in the Indian Evidence Act, 1872. Since the matter relates to a concurrent field subject, comments have been invited from all the State Governments/Union territory Administrations on the said Report. Subsequently, Law Commission submitted another Report (185th) on the review of the Indian Evidence Act, 1872. In the said Report, the Commission had recommended to review the entire Act and also amendment of all sections including insertion of section 114B as recommended in the earlier Report (113th Report). In view of the later recommendation of the Law Commission in its 185th Report for review of the Indian Evidence Act, 1872 in its entirety, it was decided by the Department with the approval of the then Hon'ble MLJ to merge the 113th Report with the 185th Report and thereafter, this Department had solicited fresh comments from all the State Governments/Union territories. So far, comments from 25 State Governments and all Union Territory Administrations have been received."*

21. During oral evidence, the Secretary, Legislative Department elaborated in this regard as under:

*"This is related to 'Amendment to Custodial Law and Custodial Deaths'. The Law Commission of India has submitted two reports – One is 113th Report and second one is 185th Report. In 113th Report, the Law Commission has suggested to amend Section 114 (b) of the Indian Evidence Act, empowering court to draw a presumption in case if any death happened in the police custody. They want to draw a presumption in the Evidence Act. This is only one suggestion made in 113th Law Commission Report. The 185th Report also submitted by the Law Commission making comprehensive amendment in the entire Evidence Act. Since the two reports related to the same subjects, we merged these two reports and sought the comments from the various State Governments. We have received the comments and then will take up an issue. Since the recommendation is for the comprehensive amendments to Evidence Act, we need to take a policy decision on this - how many provisions of the Evidence Act need to be amended and what would be the effect in other laws? This requires some time. We have already received the comments from the States."*

#### **Observations/Recommendations**

22. The Committee note that the Law Commission had recommended in their 113<sup>th</sup> Report to amend the Evidence Act to allow the trial court to presume the policeman guilty of causing injuries to the accused under his/her custody. In reply to USQ No. 3239 dated 28.07.2009 regarding 'Amendment of Law on Custodial Deaths,' it was stated by the Department that since the subject matter falls under the Concurrent List of the Seventh Schedule of the Constitution of India, the recommendation of the Law Commission had been referred to the State Governments and Union Territory Administrations for their views/comments before taking a decision thereon. Subsequently, the Law Commission submitted its 185<sup>th</sup> Report on the review of the Indian Evidence Act, 1872 recommending for review of the entire Act and also for amendment of all sections including insertion of Section 114B as recommended in their earlier Report i.e. 113<sup>th</sup> Report. Later, the Department merged the 113<sup>th</sup> Report with the 185<sup>th</sup> Report and solicited fresh comments from all the State Governments/Union Territory Administrations. The Committee have been informed that comments have already been received from 25 State Governments and all the Union Territory Administrations but the Department would need some more time to take a policy decision on this issue. As such, the Assurance still remains pending for implementation even after a lapse of more than



10 years. The Committee's scrutiny of the sequence of events has revealed that while the Assurance was given in July 2009, the 113<sup>th</sup> and 185<sup>th</sup> Reports of the Law Commission were submitted in July 1985 and March 2003, respectively. Thus, the Department could have taken more concerted steps and made coordinated efforts from March 2003 onwards or at least from the time of giving the Assurance in July 2009 so as to take a decision in the matter. Moreover, precious time has been lost in waiting for the comments from the States/UTs for inordinately long period. This speaks volumes of the Department's inaction, improper planning and lack of coordination resulting in kneejerk response to this crucial issue and marginalization of the Assurance. Needless to mention, custodial deaths/tortures are blots on humanity which impinge upon the country's track record in honouring universal human rights and portray the country's image in poor light in various international forums. Every country would like to improve its image in this regard. The Committee, therefore, would like the Department to double up their efforts and take a judicious decision in the matter in the country's interest and fulfill the Assurance expeditiously.

**C. Fatal Accidents**

23. In USQ No. 4293 dated 29.08.2011 regarding 'Fatal Accidents Act, 1855' (Appendix-IV), the following issues/queries were raised:

*"(a) whether the Government is contemplating to review the Fatal Accidents Act, 1855;*

*(b) if so, the details thereof;*

*(c) whether the Government has received any recommendations/suggestions for changes in the legislation of Fatal Accidents Act, 1855; and*

*(d) if so, the details thereof and the response of the Government thereto?"*

24. In their reply (Appendix-IV), the Ministry/Department stated that the information was being collected and would be laid on the Table of the House.

25. The Legislative Department apprised the Committee of the latest position with regard to implementation of the Assurance in their Status Note furnished in November 2019 as under:

*"The Law Commission in its Report titled 'Fatal Accidents Act, 1855' had recommended for repeal of the Fatal Accidents Act, 1855 and enactment of a new law, namely the Wrongful Death Act. As the subject matter of the Report relates to a concurrent field subject, this Department sought for the comments from all the State Governments/ Union Territories on the Report. Till date, we have received comments from 26 State Governments including Jammu and Kashmir and all the Union Territories. Replies are awaited from the State Governments of Andhra Pradesh and Telangana. Reminders have also been issued to those State Governments to expedite their comments. Presently, the matter is being examined in this Department. As soon as the examination is over, a draft Bill may be prepared and approval of the competent authority will be solicited for taking further necessary action in the matter."*

26. The Secretary, Legislative Department elucidated in this regard during evidence as under:

*"This is also related to the 111th Report of the Law Commission. This talks about the review of the Fatal Accidents Act, 1855. The Law Commission in their Report have suggested to review the Fatal Accidents Act and repeal that enactment and bring in a new legislation. In their recommendation, they wanted to define as to who are the dependents and as to who are the relatives of the deceased to take the compensation. Since it is a List-III matter, we have sought the comments from the State Governments. We are ready and we will take action. It is delayed as there are a number of legislations, at present, in existence. Like there are Indian Railways Act, Workmen's Compensation Act, Employer's Liabilities Act, Motor Vehicles Act, Employees' State Insurance Act. In view of these, every act defines as to who are the dependents and who are the relatives."*

27. When the Committee pointed out that the big task of making the new law was pending with the Department, the Secretary, Legislative Department submitted during evidence as under:

*"We have to examine all these provisions. We have received the comments from the State Governments. We will take up the matter."*



### Observations/Recommendations

28. The Committee are dismayed that the Assurance given in reply USQ No. 4293 dated 29.08.2011 regarding 'Fatal Accidents Act, 1855' could not be fulfilled even after more than eight years. The Committee have been informed that the Assurance relates to the Law Commission's recommendation for repeal of the Fatal Accidents Act, 1855 and enactment of a new law, namely the Wrongful Death Act inter-alia defining as to who are the dependents and relatives of the deceased to take the compensation. As the subject matter pertains to a concurrent field subject, the Department sought comments from all the State Governments/Union Territory Administrations. Subsequently, the comments have already been received from 26 State Governments and all the Union Territory Administrations and the matter is being examined in the Department for preparing a draft Bill and taking further necessary action. The Committee perceive that the entire spectrum of the Assurance is about taking a decision on reviewing, repealing and replacement of law which was enacted about 165 years ago and must have been outdated in the present circumstances. This inordinate delay cannot be justified and the Department need to act with alacrity in a more determined way to replace the same. It would have been more appropriate for the Department to give a specific deadline and devise an effective method for obtaining the requisite comments/information from the States/UTs. Moreover, it is a common knowledge that many dependents and relatives of the deceased have been facing hardships in getting compensation due to various loopholes, shortcomings, lapses, etc. in the current system complicated by a number of legislations having different definitions of 'dependents' and 'relatives'. The Committee impress upon Department to urgently examine all these aspects as well as all the provisions and comments from the State Governments and Union Territory Administrations with a view to taking an appropriate decision and follow up action to implement the Assurance for the common good of all.

#### D. Khaph Panchayats

29. In reply to USQ No. 3531 dated 15.12.2011 regarding 'Khaph Panchayats' (Appendix V), it was stated that the Law Commission of India has informed that they have prepared a draft consultation paper on 'Unlawful interference of Caste Panchayats, etc. with marriages in the name of honour; A suggested legislative framework' along with the proposed bill titled 'The Prohibition



of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011'. The said consultation paper is in the process of being placed in public domain to elicit views and suggestions. The Government shall consider the Report and the proposed Bill of the Law Commission in the matter when submitted.

30. In their Status Note furnished in November 2019, the Legislative Department stated the position with regard to implementation of the Assurance as under:-

*"It may be mentioned that the Law Commission in its Report titled 'Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of honour and tradition): A suggested legal frame work' had recommended for a standalone legislation to deal with the cases of honour killing. The said Report was assigned to the Ministry of Home Affairs. However, on the basis of a request from that Ministry, the said Report was transferred to the Legislative Department for its examination. Accordingly, this Department had sought the comments/views of various State Governments/Union Territory Administrations on the said Report and after examining the said comments and the Report in detail, this Department had conveyed its opinion to the Ministry of Home Affairs on 31st August, 2018, with the approval of the Hon'ble MLJ for taking necessary action in the matter. However, a reply from the Ministry of Home Affairs is still awaited."*

31. During oral evidence, the Secretary, Legislative Department further explained in this regard as under:-

*"This is regarding honour killing and Khap Panchayat. In 2011, when there was a discussion in the Parliament, the then hon. Home Minister had assured the House that the entire issue relating to the honour killings will be referred to the Law Commission and get it examined by the Law Commission. After some time, the hon. Law Minister while giving a reply in the Parliament said that this matter is under the examination of the Law Commission of India. This matter was referred on behalf of the Ministry of Home Affairs. When the Law Commission submitted their report, we had sent it to the Ministry of Home Affairs. The Ministry of Home Affairs again submitted the matter to the Legislative Department because this proposal involves marriages and marriages are dealt by the Legislative Department. Then, we sought the comments from the State Governments. Actually, the Law Commission*



wanted to have a standalone legislation on honour killing. After receiving the comments from the State Governments, we suggested the Ministry of Home Affairs that there is no need of any standalone legislation. Only certain provisions in the IPC – 141, 143, 503 and 506 of IPC – are sufficient. Like that, after taking the approval of the hon. MLJ, we submitted to the hon. Home Minister. Now, the entire file is pending with the Ministry of Home Affairs. It is not pending with the Legislative Department."

### Observations/Recommendations

32. The Committee note that the Assurance given in reply to USQ No. 3531 dated 15.12.2011 regarding 'Khap Panchayats' still remains pending for implementation despite a lapse of more than eight years. The Assurance involves preparation, introduction and implementation of the Law Commission's proposed bill titled "The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011 but the same is languishing owing to apparent lack of coordination between the Legislative Department and the Ministry of Home Affairs. The Committee find that the Legislative Department examined the matter on the request of the Ministry of Home Affairs and in the process, they sought comments/views of various State Governments/Union Territory Administrations. After examining these comments in detail, the Legislative Department conveyed their opinion to the Ministry of Home Affairs on 31.08.2018 for taking necessary action in the matter but their reply was still awaited with the crux of the problem being whether to have a standalone legislative on honour killing or not. The pace of the efforts made by the Department is rather slow. The Committee note that Khap Panchayats and their extra-constitutional activities like intimidating, pressuring and even taking extreme actions against same gotra, inter-caste, inter-community and inter religious marriages are social evils and menaces which cannot be tolerated in the modern social set up and societal norms. The Committee desire the Department to scale up the level of coordination with the Ministry of Home Affairs and take it up at the highest level so that further progress is achieved, an appropriate decision in the matter is taken and the Assurance is fulfilled without further undue delay.



**E. Registration of Marriages**

33. In USQ No. 2630 dated 29.03.2012 regarding 'Registration of Marriages' (Appendix-VII), the issues/queries raised include the following:

*"(c) whether the various minority groups have demanded changing the law on registration of marriages;*

*(d) if so, the details thereof;*

*(e) the justification given by such groups for changing the existing law and the reaction of the Union Government in this regard;"*

34. In reply (Appendix-VII), it was stated that the information was being collected from the State Governments which may have received objections, demands etc. from the minority groups and the same would be laid on the Table of the House.

35. The Legislative Department in their Status Note furnished in November 2019 apprised the Committee of the position with regard to implementation of the Assurance as under:

*"As the Hon'ble Court had directed the State Governments to make the marriage compulsory registerable in their respective States, the information with regard to parts (c) to (e) had to be collected from various State Governments/Union territory Administrations. So far comments have been received from 26 State Governments and all Union Territory Administrations. Reminders have been issued to the State Governments that are yet to respond."*

36. The Secretary, Legislative Department elaborated in this regard during evidence as under:

*"This is relating to the registration of marriage. This question consists of four or five questions. First one is whether the registration of marriage is compulsory or not. That is the question. The hon. Supreme Court in Seema versus Ashwani Kumar has directed all the State Governments to make registration of marriage compulsory. Accordingly, every State*

Government has taken a decision. They are amending their legislation as well their rules. They have made the registration of marriage compulsory. But the next question is whether any minority have any objection to the changes made in that law or not. If so, what are the details and what are the reactions of the Union Government? In fact, we have not received any objection from any party. However, since this matter relates to the State Governments also. We sought the comments from the State Governments. We have received the comments from the State Governments. We will immediately submit this Report to this hon. Committee."

37. When enquired by the Committee as to how long the Department would wait for the reactions from the minority groups, the Secretary, Legislative Department submitted during evidence as under:

*"We sent it to the State Governments for their comments whether they have received any objection from the minority communities or not."*

38. He further stated as under:

*"We have received the comments from 26 State Governments. We furnished the reply immediately."*

#### Observations/Recommendations

39. The Committee are distressed that the Legislative Department could not implement the Assurance given in reply to USQ No. 2630 dated 29.03.2012 regarding 'Registration of Marriages' even though the Assurance involves compilation of certain basic information pertaining to demands and justification given by various minority groups for changing law on registration of marriages. With registration of marriages becoming compulsory as per the judgement of the Supreme Court in February 2006, it is incumbent upon the Department to be attentive to the concerns of the minority groups in the matter, if any, and take appropriate remedial measures wherever deemed necessary. However, the Committee have been informed that the Department had not received any objection from any party but sought comments from the State Governments as the matter relates to them also. The Department is stated to have received the comments from 26 State Governments and all Union Territory



Administrations and are in the process of furnishing this information. This is already long overdue and the Department ought to have enforced a strict deadline to the State Governments for furnishing their comments. The Committee urge upon the Department to take necessary follow up action immediately so that the requisite Implementation Report could be laid in the House expeditiously.

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

NEW DELHI;  
25 August, 2020

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03 Bhadrapada, 1942 (Saka)



GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
(DEPARTMENT OF JUSTICE)

LOK SABHA

STARRED QUESTION NO. 191

TO BE ANSWERED ON FRIDAY, THE 3<sup>RD</sup> MARCH, 2006

Pending Court Cases

\*191. SHRI TATHAGATA SATPATHY:  
SHRI CHANDRA BHUSHAN SINGH:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether a large number of civil, criminal and other cases are pending in Supreme Court and various High Courts;
- (b) if so, the details thereof State-wise and duration of pendency-wise;
- (c) the steps being taken by the Government to fill up the vacant posts of judges and for speedy disposal of long pending cases in courts;
- (d) whether the Law Commission has suggested enactment of legislation to prevent filing of frivolous and vexatious litigations in courts and to ensure speedy disposal of other pending cases; and
- (e) if so, the details thereof alongwith the reaction of the Government thereto?

ANSWER

MINISTER OF LAW AND JUSTICE  
(SHRI H. R. BHARDWAJ)

(a)to(e) A statement is enclosed



STATEMENT IN REPLY TO LOK SABHA STARRED QUESTION No 191 FOR  
3.3.2006

(a) & (b) Two Statements showing the desired information are enclosed as Annexe-1 & Annexe-2.

(c) The judge strength of the High Courts is reviewed every three years. The next review of judge strength is due in 2006 for which action has already been initiated. The Government has been requesting the Chief Justices of the High Courts, Chief Ministers and the Governors of the States, from time to time, to initiate proposals for filling up of the present and anticipated vacancies during the next six months. The Central Government has also been periodically requesting the State Governments to fill up the vacancies in the subordinate judiciary.

In order to reduce pendency of cases Government has initiated a number of measures which include, timely filling the vacancies of judges, increasing the judge strength, grouping of cases, involving common question of law, constitution of specialized benches, organizing Lok Adalats at regular intervals encouraging alternative modes of dispute resolution like negotiation, mediation and arbitration, and setting up of special tribunals like Central Administrative Tribunals, State Administrative Tribunals, Income Tax Appellate Tribunals, Family Courts and Labour courts. The Government has extended the term of existing 1562 Fast Track Courts for another five years i.e. upto 31.3.2010 for clearing huge pendency of cases at District level.

(d) & (e) The Law commission in its 192<sup>nd</sup> Report on 'Prevention of vexatious litigation' has made some suggestions regarding enactment of legislation to prevent filing of frivolous and vexatious litigations in courts. These recommendations are under examination in consultation with the concerned authorities.



STATEMENT IN REPLY TO LOK SABHA STARRED QUESTION  
No 191 FOR 3.3.2006

Detail of civil & criminal cases pending in Supreme Court and High Courts

Sl. No	Name of the Court	As on	Civil cases	Criminal cases	Total
	Supreme Court	23.11.05	28276	5359	33635
Sl. No	Name of the High Court	As on	Civil cases	Criminal cases	Total
1	Allahabad	30.6.05	551630	187151	738781
2	A.P.	30.6.05	137666	17479	155145
3	Bombay	30.6.05	296888	49054	345942
4	Calcutta	31.12.04	212448	40270	252718
5	Delhi	30.6.05	64302	12913	77215
6	Gujarat	31.12.04	113505	25962	139467
7	Gauhati	30.6.05	51531	7061	58592
8	H.P.	30.6.05	18160	5918	24078
9	Jammu & Kashmir	30.6.05	41022	2729	43751
10	Karnataka	30.6.05	75948	11176	87124
11	Kerala	30.6.05	116088	22824	138912
12	Madras	30.6.05	272494	16871	289365
13	M.P.	30.6.05	141475	60427	201902
14	Orissa	30.6.05	176708	16854	193562
15	Patna	30.6.05	69012	24784	93796
16	Punjab & Haryana	30.6.05	195321	43293	238614
17	Rajasthan	30.6.05	154314	44930	199244
18	Sikkim	30.6.05	70	8	78
19	Uttaranchal	30.6.05	30446	6548	36994
20	Chattisgarh	30.6.05	45752	22855	68607
21	Jharkhand	30.6.05	23199	17432	40631
	Total		2787979	636539	3424518

Annexe - 2

STATEMENT IN REPLY TO LOK SABHA STARRED QUESTION  
No 191 FOR 3.3.2006

Detail of pending cases court-wise and duration of pendency-wise

Sl. No	Year ending on 31 <sup>st</sup> Dec	Supreme Court Pendency	High Courts Pendency
1.	2000	22,145	28,86,839
2.	2001	22,722	30,56,614
3.	2002	24,335	31,87,527
4.	2003	26,750	32,39,295
5.	2004	30,151	33,79,033
6.	2005	33,635	34,24,518



General Discussion on Personal Laws  
(Amendment) Bill, 2010

Appendix - II

21.08.2010

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THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY):  
Madam Speaker, I am highly grateful to all the hon. Members, cutting across party lines, for having given full support to this Bill.

I do not say that in the regime of equality for women this is exhaustive. This is only a sample out of some of the measures which we have started.

In fact, I agree with the hon. Members including Dr. Girija Vyas, the Chairman of the National Commission for Women. She said that a number of measures – as many as 52 proposals – have been made by the National Commission for Women, to create gender equality. We are really looking into this matter. I think, not a single week passes – in the Legislative Department – without looking into many aspects of women, which includes gender equality and also putting down the atrocities on women. So, we are at it.

In fact, this is the core theme of the UPA Government. The idea is to have complete equality for women in all spheres and make it a practical reality especially by removing discriminatory legislation and conferring equal rights to women. I do agree that a comprehensive approach will have to be made; sometimes it may be difficult to bring all the legislations together because of the technical and logistic reasons, but I can definitely say that in the years to come, we will ensure that all spheres of activities will be definitely dealt by the Law Department and various other administrative Departments of the Government. In fact, there is a growing demand for making laws free from gender bias, which includes changing the social and economic content of law. Mere law is not enough; we need to inject the new regime of human psyche, a new regime of mindset of the people.

But I must tell you many histories where great social reformers fought for freedom of women with all difficulties. But I find that our society had evolved itself into a mature society where they are prepared to absorb laws relating to equality. When that is the fertile ground for making a law, I think, in this tenure of

the Parliament itself, I would ensure that we would take advantage of that and bring a comprehensive law on women equality.

All the hon. Members vociferously supported this Bill. I must say that even in the legal mission which we have brought about, we are going to have a classification of the cases and also the prioritization of the cases in relation to women and children so that those cases are taken up first, right from the munsif court to the Supreme Court. We are getting into that area so that they will not wait for justice.

Justice delivery system will be very much tuned up so that they will not wait in queue to get justice in the courts of law. I do not want to say much on this. But the discrimination does exist; we need to bring in greater changes definitely.

Many issues are raised here; even Dr. Raghuvansh Prasad Singh raised an issue; we would like to address that, but I do not have the facts before me. I do not think, that is also very much relevant to speak on those things now.

Many hon. Members have suggested solutions; there are some of legislations, which are gender-neutral; we need to bring them. The day will not be far off, when under the august Chairmanship of the hon. Madam Speaker, Women's Reservation Bill will be a reality in this House. That is a major step and a major reform which we can bring here. I am hopeful; whatever may be the reason, let the Bill be passed. If any amendment is required at subsequent stage, we will definitely go in for that. But, at the same time, this House should not reflect the male chauvinistic attitude to the country and to the world. That is the perception we need to correct.

With this, I thank all the hon. Members, particularly hon. Madam Speaker for having given time for passing this great historic Bill, though simple.

MADAM SPEAKER: The question is:





21.08.2010

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“That the Bill further to amend the Guardians and Wards Act, 1890 and the Hindu Adoptions and Maintenance Act, 1956, be taken into consideration.”

*The motion was adopted.*

MADAM SPEAKER: The House shall now take up clause by clause consideration of the Bill.

The question is:

“That clauses 2 to 4 stand part of the Bill.”

*The motion was adopted.*

*Clauses 2 to 4 were added to the Bill.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

SHRI VEERAPPA MOILY: I beg to move:

“That the Bill be passed.”

MADAM SPEAKER: The question is:

“That the Bill be passed.”

*The motion was adopted.*

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\*Appendix - 111

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO.3239**

**TO BE ANSWERED ON THE 28<sup>TH</sup> JULY, 2009/SRAVANA 6 , 1931 (SAKA)**

**AMENDMENT OF LAW ON CUSTODIAL DEATHS**

**3239. SHRI ANANDRAO ADSUL:  
SHRI ADHALRAO PATIL SHIVAJI:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

**(a) whether the Law Commission has recommended in their 113th report to amend the Evidence Act to allow the trial court to presume the policeman guilty of causing injuries to the accused under his custody;**

**(b) if so, the reaction of the Government thereto;**

**(c) whether the Government proposes to amend the laws which deals with custodial deaths; and**

**(d) if so, the details thereof?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI MULLAPPALLY RAMACHANDRAN)**

**(a): Yes, Madam.**

**(b): Since the subject matter falls under the Concurrent List of the Seventh Schedule of the Constitution of India, the recommendation of the Law Commission has been referred to the State Governments and Union Territory Administrations for their views/comments. Since the matter involves amendment of Law involving wide ranging consultations with all the Stake holders, no time line can be indicated for completion of the action.**

**(c) & (d): Section 176 of Cr.P.C. has been amended in 2005, which provides that in case of death or disappearance of a person or rape of woman while in the custody of the police, there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within twenty-four hours of death. There is no proposal for further amendment of the said provision.**

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GOVERNMENT OF INDIA  
MINISTRY OF ROAD TRANSPORT & HIGHWAYS  
LOK SABHA  
UNSTARRED QUESTION NO. 4293  
TO BE ANSWERED ON 29<sup>th</sup> AUGUST, 2011

FATAL ACCIDENTS ACT, 1855

4293. ADV. GANESHRAO DUDHGAONKAR:  
SHRI BALIRAM JADHAV:

Will the Minister of ROAD TRANSPORT AND HIGHWAYS  
सड़क परिवहन और राजमार्ग मंत्री

be pleased to state:

- (a) whether the Government is contemplating to review the Fatal Accidents Act, 1855;
- (b) if so, the details thereof;
- (c) whether the Government has received any recommendations/suggestions for changes in the legislation of Fatal Accidents Act, 1855; and
- (d) if so, the details thereof and the response of the Government thereto?

ANSWER

THE MINISTER OF STATE IN THE  
MINISTRY OF ROAD TRANSPORT & HIGHWAYS

(DR. TUSHAR A. CHAUDHARY)

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

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Appendix - V

GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
DEPARTMENT OF LEGAL AFFAIRS  
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LOK SABHA

UNSTARRED QUESTION NO. 3531  
TO BE ANSWERED ON 15.12.2011

Khap Panchayats

3531. SHRIMATI ASHWAMEDH DEVI:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Law Commission has drafted the Prevention of Interference with Matrimonial Alliances Bill to make it unlawful to Khap Panchayats for intimidating, pressuring and even taking extreme action against "sagotra" (samegotra), inter-caste, inter-community and inter-religions marriages;
- (b) if so, the details of provisions of the bill and Government's reaction thereon;
- (c) whether Government has consulted various stakeholders regarding the draft bill;
- (d) if so, the details thereof; and
- (e) the time by which the Bill is likely to be implemented by the Government?

ANSWER

MINISTER OF LAW AND JUSTICE  
(SHRI SALMAN KHURSHID)

(a) to (e) Yes, Madam. The Law Commission of India has informed that they have prepared a draft consultation paper on "Unlawful interference of Caste Panchayats etc. with marriages in the name of honour; A suggested legislative framework" along with the proposed bill titled "The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011".

The said consultation paper is in the process of being placed in public domain to elicit views and suggestions. The Government shall consider the Report and the proposed Bill of the Law Commission in the matter when submitted.

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Appendix - VI

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT

LOK SABHA

UNSTARRED QUESTION NO.1558

TO BE ANSWERED ON THURSDAY, THE 22<sup>ND</sup> MARCH, 2012.

AMENDMENT IN HINDU SUCCESSION ACT

+ 1558. SHRI VIRENDER KASHYAP:

SHRI ANURAG SINGH THAKUR:

Will the Minister of Law and Justice be pleased to state:

- (a) whether the plight of women has shown any improvement after granting them the right to ancestral property *vide* the amendment made in the Hindu Succession Act, 1956 in 2005;
- (b) if so, the reason therefor; and
- (c) the concrete steps taken by the Government in this regard?

A N S W E R

MINISTER OF LAW AND JUSTICE  
(SHRI SALMAN KHURSHID)

(a) to (c):

The information is being collected and will be laid on the Table of the House.





GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT

LOK SABHA

UNSTARRED QUESTION NO.2630

TO BE ANSWERED ON THURSDAY, THE 29<sup>th</sup> MARCH, 2012.

REGISTRATION OF MARRIAGES

2630. SHRI D.B.CHANDRE GOWDA:

SHRI KODIKKUNNIL SURESH:

SHRI S.R. JEYADURAI:

SHRIMATI KAMLA DEVI PATLE:

Will the Minister of Law and Justice be pleased to state:

- (a) whether the registration of marriage is compulsory for all citizens across the country;
- (b) if so, the details thereof;
- (c) whether the various minority groups have demanded changing the law on registration of marriages;
- (d) if so, the details thereof;
- (e) the justification given by such groups for changing the existing law and the reaction of the Union Government in this regard;
- (f) whether a number of minority groups are issued marriage registration certificate under the Hindu Law; and
- (g) if so, the details thereof?

A N S W E R

MINISTER OF LAW AND JUSTICE  
(SHRI SALMAN KHURSHID)

(a) to (b): The Hon'ble Supreme Court of India *vide* its judgment dated 14.2.2006 in Seema Vs. Ashwani Kumar (AIR 2006 SC 1158) has *inter alia* directed the State Governments that marriages of all persons who are citizens of India belonging to various religious denominations should be made compulsorily registerable in their respective States where such marriages are solemnized. The States of Andhra Pradesh, Arunachal Pradesh,

Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Odisha, Rajasthan, Sikkim, Tamil Nadu and Tripura have already taken necessary legislative measures providing for compulsory registration of marriages. Other States are in the process of implementing the directions of the Hon'ble Supreme Court..

(c) to (e): The information is being collected from the State Governments who may have received objections, demands etc. from the Minority groups and the same will be laid on the Table of the House.

(f) to (g): Section 8 of the Hindu Marriage Act, 1955 provides for registration of Hindu Marriages. By virtue of the provisions of section 2 thereof, the said section 8 is applicable to all persons who are Hindus, Buddhists, Jains, Sikhs and also to those who are not Muslims, Christians, Parsis or Jews.



Extracts from Manual of Parliamentary Procedures in the Government of India, Ministry of Parliamentary Affairs, New Delhi

Chapter 8

**Assurances**

8.1 During the course of reply given to a question or a discussion, if a Minister gives an undertaking which involves further action on the part of the Government in reporting back to the House, it is called an 'assurance'. Standard list of such expressions which normally constitute assurances as approved by the Committee on Government Assurances (CGA) of the respective House, is given at Annex-3. As assurances are required to be implemented within a specified time limit, care should be taken by all concerned while drafting replies to the questions to restrict the use of these expressions only to those occasions when it is clearly intended to give an assurance on the floor of the House.

Definition

8.2 An assurance given in either House is required to be fulfilled within a period of three months from the date of the assurance. This limit has to be strictly followed.

Time limit for fulfilling an assurance

8.3 To ensure early fulfillment of assurances, entire process beginning from culling out of assurances from the proceedings of the House to the submission of Implementation Report including extension of time, dropping and transfer of assurances have been automated through a Software Application named "Online Assurances Monitoring System" (OAMS). Requests for extension of time, dropping or transfer of assurances and submission of Implementation Report through any other offline mode shall not be entertained under any circumstances.

Online Assurances Monitoring System (OAMS)

Calling out of  
assurances

8.4 When an assurance is given by a Minister or when the Presiding Officer directs the Government to furnish information to the House, it is extracted by the Ministry of Parliamentary Affairs, from the relevant proceedings and communicated to the Department concerned online through 'COAMS' normally within 20 working days of the date on which it is given on the floor of the House.

Deletion from the  
list of assurances

8.5 If the administrative Ministry/Department has any objection to treating such a statement as an assurance or finds that it would not be in the public interest to fulfill it, it may upload its request at 'COAMS' within a week of treating such statement as assurance for getting it deleted from the list of assurances. Such action will require prior approval of the Minister concerned and this fact should be clearly indicated in their communication containing the request. If such a request is made towards the end of stipulated period of three months, then it should invariably be accompanied with a request of extension of time. The department should continue to seek extension of time till the decision of the Committee on Government Assurances is conveyed through 'COAMS'. Requests received through offline mode shall not be entertained by either Rajya Sabha Lok Sabha Secretariat or Ministry of Parliamentary Affairs.

Extension of time  
to fulfill an  
assurance

8.6 If the Department finds that it is not possible to fulfill the assurance within the stipulated period of three months or within the period of extension already granted, it may seek further extension of time as soon as the need for such extension becomes apparent, indicating the reasons for delay and the probable additional time required along with details of action taken/progress made in the matter. All such request should be submitted at 'COAMS' for decision by CGA thereon with the approval of the concerned Minister.

Register of  
assurances

8.7.1 The particulars of every assurance will be entered by the Parliament Unit of the Ministry/Department concerned in a register as at Annex 4 after which the assurance will be passed on to the concerned section



8.7.2 Even ahead of the receipt of communication from the Ministry of Parliamentary Affairs through 'OAMS' the section concerned should take prompt action to fulfill such assurances and keep a watch thereon in a register as at Annex 5.

8.7.3 The registers referred to in paras 8.7.1 and 8.7.2 will be maintained separately for the Lok Sabha and the Rajya Sabha assurances, entries therein being made session wise.

The Section Officer in charge of the concerned section will:

Role of Section Officer and Branch Officer

(a) scrutinize the registers once a week;

(b) ensure that necessary follow-up action is taken without any delay whatsoever;

(c) submit the registers to the branch officer every fortnight if the House concerned is in session and once a month otherwise, drawing his special attention to assurances which are not likely to be implemented within the period of three months; and

(d) review of pending assurances should be undertaken periodically at the highest level in order to minimize the delay in implementing the assurances.

8.8 The branch officer will likewise keep his higher officer and Minister informed of the progress made in the implementation of assurances, drawing their special attention to the causes of delay.

8.9.1 Every effort should be made to fulfill the assurance within the prescribed period. In case only part of the information is available and collection of the remaining information would involve considerable time, an Implementation Report (IR) containing the available information should be uploaded at 'OAMS' in part fulfillment of the assurance, within the prescribed time limit. However, efforts should continue to be made for expeditious collection of the remaining information for complete implementation of the assurance at the earliest.

Procedure for fulfillment of an assurance

8.9.2 Information to be furnished in partial or complete fulfillment of an assurance should be approved by the Minister concerned before it is uploaded at 'OAMS' in both English and Hindi versions in the prescribed pro forma as Annexure-5, together with its enclosures. After online submission of the Report for fulfilment of the assurance partial or complete in the case may be, four hard copies each in Hindi and English version with one copy of each version duly authenticated by the officer concerned should be sent to the Ministry of Parliamentary Affairs for laying until e-laying is adopted by the concerned House.

8.9.3 The Implementation Report should be submitted at 'OAMS' only. Implementation Report sent by any other mode or sent to Rajya Sabha Lok Sabha Secretariat directly, will not be considered for laying.

Laying of the Implementation Report on the Table of the House

8.10 The Ministry of Parliamentary Affairs, after scrutiny of the Implementation Report, will arrange to lay it on the Table of the House concerned. A copy of the Implementation Report, as laid on the Table, will be forwarded by Ministry of Parliamentary Affairs to the member(s) concerned. Details of laying of Implementation Report submitted by the Ministry Department concerned would be made available by the Ministry of Parliamentary Affairs at 'OAMS'. The Parliament Unit of the Ministry Department concerned and the concerned section will, on the basis of information available at 'OAMS', update their records.

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

8.11 Where there is an obligation to lay any paper (rule-order/ modification, etc.) on the Table of the House and for which an assurance has also been given, it will be laid on the Table, in the first instance, in fulfillment of the obligation, independent of the assurance given. After this, a formal report regarding implementation of the assurance indicating the date on which the paper was laid on the Table will be submitted at 'OAMS' in the prescribed pro-forma (Annexure-6) in the manner already described in para 8.9.2



8.12 Each House of Parliament has a Committee on Government Assurances nominated by the Chairman/ Speaker. It scrutinizes the Implementation Reports and the time taken in the fulfillment of Government Assurances and focuses attention on the delays and other significant aspects, if any, pertaining to them. Instructions issued by Ministry of Parliamentary Affairs from time to time as available on 'OAMS' are to be followed strictly.

Committees  
on Government  
Assurances  
BSR 214-A  
FSR 523-524

8.13 The Ministries/Departments will, in consultation with the Ministry of Parliamentary Affairs, scrutinize the reports of these two Committees for remedial action wherever called for.

Reports of the  
Committees on  
Government  
Assurances

8.14 On dissolution of the Lok Sabha, the pending assurances do not lapse. All assurances, promises or undertakings pending implementation are scrutinized by the new Committee on Government Assurances for selection of such of them as are of considerable public importance. The Committee then submits a report to the Lok Sabha with specific recommendations regarding the assurances to be dropped or retained for implementation by the Government.

Effect on assurances  
on dissolution of  
the Lok Sabha





## MINUTES

Annexure - I

COMMITTEE ON GOVERNMENT ASSURANCES  
(2019-2020)  
(SEVENTEENTH LOK SABHA)  
SECOND SITTING  
(11.11.2019)

The Committee sat from 1500 hours to 1630 hours in Committee Room "C", Parliament House  
Annexe, New Delhi.

### PRESENT

Shri Rajendra Agrawal - Chairperson

### MEMBERS

2. Shri Ramesh Chander Kaushik
3. Shri Kaushalendra Kumar
4. Shri Santosh Pandey
5. Shri Pashupati Kumar Paras

### SECRETARIAT

1. Shri P.C.Tripathy - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri S.L. Singh - Deputy Secretary

### WITNESSES

#### Ministry of Law and Justice (Legislative Department)

1. Dr. G. Narayana Raju - Secretary
2. Shri K. Biswal - Additional Secretary
3. Dr. Reeta Vasistha - Additional Secretary
4. Shri R.S. Jayakrishnan - Deputy Legislative Counsel
5. Shri Navneet Patial - Superintendent (Legal)

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XXXX XXXX XXXX XXXX XXXX

#### Ministry of Parliamentary Affairs

1. Shri J.P.P. Kajur - Assistant Section Officer



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5. Thereafter, the representatives of the Ministry of Law and Justice were ushered in. Welcoming them, the Chairperson pointed out that among all the Ministries/Departments, the Ministry of Law and Justice were having the largest number of Assurances pending against them and they had been called that day in connection with the delay in implementation of seven of those pending Assurances. The Chairperson, then drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding the confidentiality of the proceedings till the presentation of the relevant Report of the Committee to the House. Thereafter, the Committee took oral evidence of the representatives of Ministry of Law and Justice on pending Assurances. The Committee desired to know, at the outset, about the existing mechanism for review and implementation of the Parliamentary Assurances. The Secretary, Legislative Department informed the Committee that immediately after receiving the Assurances, they write letters to the administrative Ministries concerned and gather information. He further apprised that the Department take meetings once in two months to find out the number of total pending Assurances. The Committee observed that the Ministry should meet every month to take stock of the pending Assurances. The Committee also stressed that the Assurances are solemn promises given on the Floor of the House and these should be taken very seriously. The representatives assured the Committee that they will implement the Assurances expeditiously and take a meeting every month. Thereafter, the Committee reviewed all the 07 Assurances of the Legislative Department as mentioned below:-

**I. SQ No. 191 dated 03.03.2006 regarding 'Pending Court Cases' (Sl. No.1)**

The Committee were informed that the Question had five parts. The first three parts related to the Department of Justice and the last two parts pertained to the Legislative Department. The Question was originally replied by the Department of Justice after collecting replies from the Legislative Department with regard to the last two parts of the Question. Subsequently, replies to those two parts were treated as Assurances. However, the Secretary, Legislative Department claimed that no communication in that regard was sent to their Department by the Department of Justice. The Secretary, Legislative Department further stressed that as per records maintained in their Department, no Assurance was pending against their Department and no correspondence regarding transfer of the same was received by them. He further apprised the Committee that they came to know about the pendency of the Assurance only after the receipt of communication from the Lok Sabha Secretariat regarding the day's meeting. The Committee were informed that the Assurance related to a Law Commission Report titled 'Prevention of Vexatious Litigation' and as the subject matter of the Report related to a concurrent field subject, the Legislative Department sought the comments from all the State Governments/Union Territories. The Committee expressed concern over the lack of coordination among various Departments of the Ministry. The Secretary, Legislative Department informed the Committee that even without receiving the letter for transfer of the Assurance from the Department of Justice, they started seeking comments from various States/UTs. He further informed that comments from 26 States had been received and they were required to take a final decision. The Committee desired to know the exact timeline for fulfillment of the Assurance. The Secretary, Legislative Department expressed his inability to give an exact timeline. However, he assured the Committee to take the minimum time possible.

**II. Discussion dated 21.08.2010 on 'Personal Laws (Amendment) Bill' (Sl. No.2)**

The Committee were informed that the Assurance related to Discussion on the Personal Laws (Amendment) Bill, proposing to amend two Acts, the Guardians and Wards Act and the Hindu Adoptions and Maintenance Act, which was taken up for consideration and passing. The Secretary,



Legislative Department informed the Committee that during the course of discussion, the Hon'ble Minister stated that he would ensure that a comprehensive law on women equality is brought. The Secretary, Legislative Department stressed that the reply given by the Hon'ble Minister should not have been treated as an Assurance as it was just a commitment of the Government for bringing in more legislations ensuring equality of women and requested the Committee to drop the Assurance. The Committee were in agreement with the Ministry that the subject matter of the discussion was extremely wide and vague. The Committee were also apprised by the representatives that through that Bill, they had provided equality to women in case of adoption and maintenance. They had empowered women to take adoption along with male members also which showed that equality provisions had been provided to women. The Committee deemed the efforts of the Ministry as positive and directed the Ministry to furnish a Report stating therein the work done by the Ministry and the things needed to be done in that regard.

**III. USQ No. 3239 dated 28.07.2009 regarding 'Amendment of Law on Custodial Deaths' (Sl. No.3)**

The Committee were informed that the Law Commission of India had submitted two Reports the 113th Report and the 185th Report. In the 113th Report, the Law Commission had suggested to amend Section 114(b) of the Indian Evidence Act. Since the matter related to a concurrent field subject, comments were invited from all the States/Union Territories on the said Report. Subsequently, the Law Commission submitted its 185th Report recommending comprehensive amendment in the entire Evidence Act. Since both the Reports related to the same subject, the Department merged these Reports and solicited fresh comments from all the States/UTs. The Secretary, Legislative Department also informed the Committee that they had received the comments from the States. Since the recommendation was for the comprehensive amendments to the Evidence Act, they needed to take a policy decision which required some time.

**IV. USQ No.4293 dated 29.08.2011 regarding 'Fatal Accidents Act, 1855' (Sl.No.4)**

The Secretary, Legislative Department informed the Committee that the Assurance related to the 111th Report of the Law Commission which pertained to the review of the Fatal Accidents Act, 1855. The Law Commission had recommended for repeal of the Fatal Accidents Act, 1855 and enactment of a new legislation. Since the subject matter of the Report related to a List III matter, the Department sought the comments from all the State Governments/Union Territories. The Secretary, Legislative Department further informed the Committee that the matter was getting delayed as there were a number of legislations on the subject and all those provisions needed to be examined before taking any decision in the matter. The Committee impressed upon the Ministry that they were having a big task of framing a legislation at hand. The Secretary, Legislative Department informed the Committee that they had received the comments from the State Governments and assured that they would take up the matter.

**V. USQ No.3531 dated 15.12.2011 regarding 'Khap Panchayats' (Sl.No.5)**

The Secretary, Legislative Department informed the Committee that in 2011 during a discussion in Parliament, the then Home Minister assured the House that the entire issue relating to Honour Killings would be referred to the Law Commission. Subsequently, the matter was referred to the Law Commission for examination on behalf of the Ministry of Home Affairs. The Law Commission recommended for a standalone legislation to deal with the cases of honour killings and the Report was sent to the Ministry of Home Affairs. However, the Ministry of Home Affairs again submitted the matter to the Legislative Department as the subject matter pertained to them. Subsequently, the Legislative Department sought comments from Various State Governments/Union Territories. After examining the comments, the Department conveyed to the Ministry of Home Affairs that there was no need for any standalone legislation and that amendments to certain provisions in the IPC were sufficient. The Committee were further informed that the entire file was pending with the Ministry of Home Affairs. The Committee desired to know the timeline for fulfillment of the Assurance. The



Secretary, Legislative Department expressed his inability to give any timeframe since the matter was pending with the Ministry of Home Affairs.

**VI. USQ No.1558 dated 22.03.2012 regarding 'Amendment in Hindu Succession Act' (Sl. No.6)**

The Secretary, Legislative Department stated that the Hon'ble Members had asked as to whether the amendments brought into the Hindu Succession Act, 1956 in 2005 had made any improvement in the plight of women in the country. He informed the Committee that the Hindu Succession (Amendment) Act, 2005 removed the gender discrimination by giving equal rights to daughters in sharing joint family property also as the sons had. The Amendment also omitted the provision which disentitled a female heir to ask for partition in respect of a dwelling house wholly occupied by a joint family until the male heirs chose to divide their respective shares therein. The Secretary, Legislative Department further informed the Committee that information in that regard had been sought from the Ministry of Women and Child Development (WCD) as well as the National Commission for Women (NCW). In response, the NCW stated that they did not have any information in that regard. Further, the Secretary, Legislative Department informed that despite various reminders at various levels, no reply had been received from the Ministry of WCD. However, he stressed that the legislation was progressive and revolutionary step in improving the plight of women in the country. He informed the Committee that after writing another letter to the Ministry of WCD, they were planning to close the issue thinking that the said legislation would have definitely improved the plight of Indian Women. Considering all the facets of the Assurance, the Committee decided to accede to the request of the Ministry to drop the Assurance.

**VII. USQ No. 2630 dated 29.03.2012 regarding 'Registration of Marriages' (Sl. No.7)**

The Committee were informed that as per the directions of the Hon'ble Supreme Court, all the States/UTs had made the registration of marriage compulsory. In regard to the information sought in the question as to whether the minority groups had any objection to the changes made in the law and the reaction of the Government thereto, the Secretary, Legislative Department apprised the Committee that the Department had not received any objection from any party/group. However, since the matter related to the State Governments/UTs, the Department had sought comments from them. He informed that they received the comments from 26 States and they would furnish the reply immediately.

The witnesses thereafter withdrew.

6. A verbatim record of the proceedings has been kept.

*The Committee then adjourned.*

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MINUTES  
COMMITTEE ON GOVERNMENT ASSURANCES  
(2019-2020)  
(SEVENTEENTH LOK SABHA)  
FIFTEENTH SITTING  
(25.08.2020)

The Committee sat from 1100 hours to 1215 hours in Committee Room 'C' Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Rajendra Agrawal - Chairperson**

**Members**

2. Shri Nihal Chand Chauhan
3. Shri Ramesh Chander Kaushik
4. Shri Kaushalendra Kumar
5. Shri Santosh Pandey
6. Shri Pashupati Kumar Paras

**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 seven (07) draft Reports without any amendments:-

- (i) Draft Third Report (17<sup>th</sup> Lok Sabha) regarding 'Review of Pending Assurances pertaining to the Ministry of Law and Justice (Legislative Department)';

- (ii) Draft Fourth Report (17<sup>th</sup> Lok Sabha) regarding 'Review of Pending Assurances pertaining to the Ministry of Culture';
- (iii) Draft Fifth Report (17<sup>th</sup> Lok Sabha) regarding 'Requests for Dropping of Assurances (Acceded to)';
- (iv) Draft Sixth Report (17<sup>th</sup> Lok Sabha) regarding 'Requests for Dropping of Assurances (Not Acceded to)';
- (v) Draft Seventh Report (17<sup>th</sup> Lok Sabha) regarding 'Review of Pending Assurances pertaining to the Ministry of Road Transport and Highways';
- (vi) Draft Eighth Report (17<sup>th</sup> Lok Sabha) regarding 'Requests for Dropping of Assurances (Acceded to)'; and
- (vii) Draft Ninth Report (17<sup>th</sup> Lok Sabha) regarding 'Requests for Dropping of Assurances (Not Acceded to)';

2. The Committee also authorized the Chairperson to present the Reports.

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*The Committee then adjourned.*