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**COMMITTEE ON
GOVERNMENT ASSURANCES
(2020-2021)**

(SEVENTEENTH LOK SABHA)

FORTY-FOURTH REPORT

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

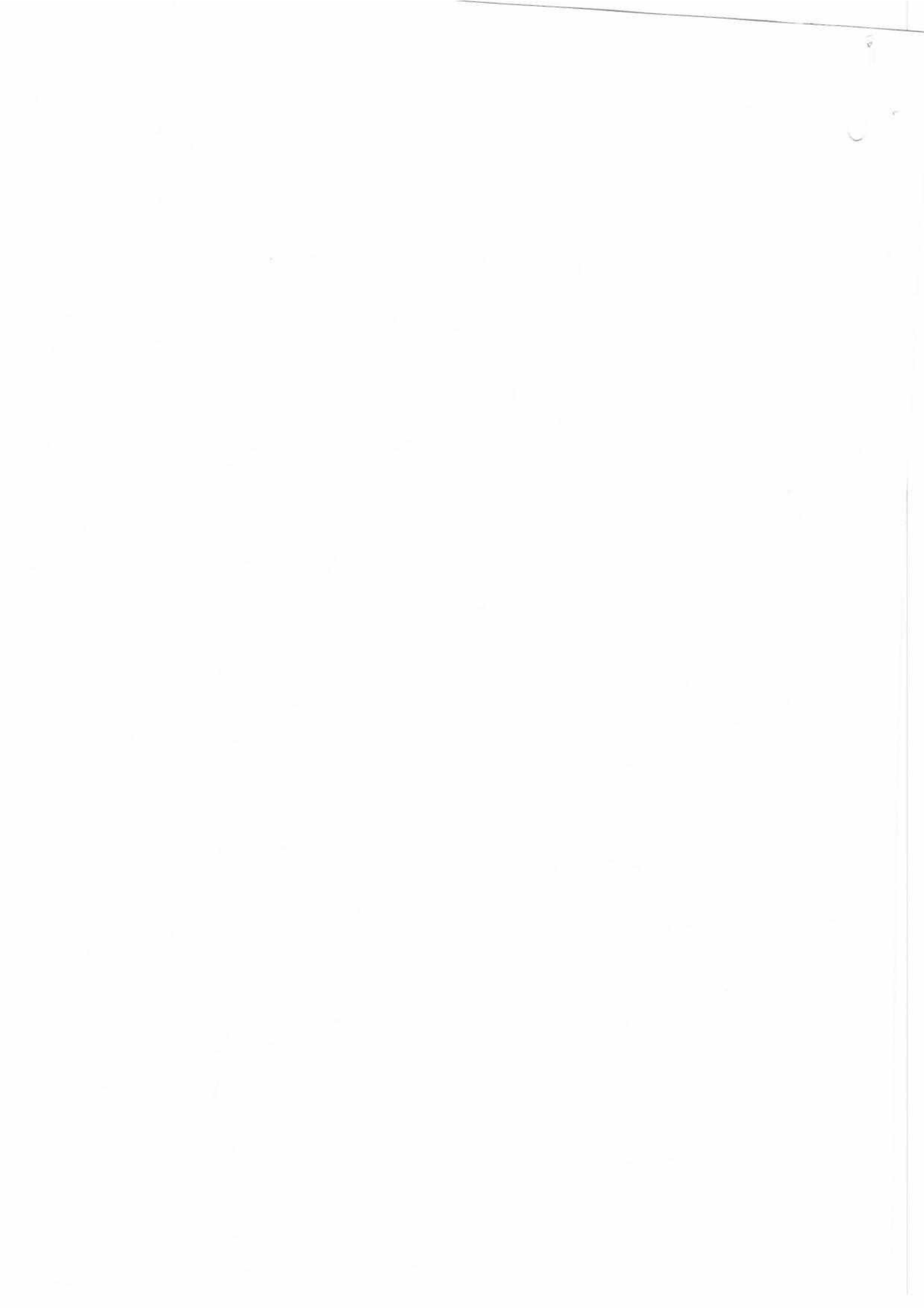
Presented to Lok Sabha on *23/03/2021*



**LOK SABHA SECRETARIAT
NEW DELHI**

March, 2021 /

Chaitra 1943 (Saka)



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**COMPOSITION OF THE
COMMITTEE ON GOVERNMENT ASSURANCES*
(2020 - 2021)**

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 M.K. Raghavan
12. Shri Chandra Sekhar Sahu
13. Dr. Bharatiben Dhirubhai Shyal
14. Shri Indra Hang Subba
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, 2020 *vide* Para No. 1773 of Lok Sabha Bulletin Part-II dated 16 October, 2020

INTRODUCTION

I, the Chairperson of the Committee on Government Assurances (2020-2021), having been authorized by the Committee to submit the Report on their behalf, present this Forty-Fourth Report (17th Lok Sabha) of the Committee on Government Assurances.

2. The Committee on Government Assurances (2020-2021) at their sitting held on 22nd December, 2020 took oral evidence of the representatives of the Ministry of Law and Justice (Department of Legal Affairs) regarding pending Assurances.

3. At their sitting held on 19th February, 2021, the Committee on Government Assurances (2020-2021) considered and adopted this Report.

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

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

NEW DELHI;
18 March, 2021
27 Phalgun, 1942 (Saka)

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

(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 and 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 is unable to implement an Assurance, that Ministry/Department is 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 (2009-2010) took a policy decision to call the representatives of 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 it.

4. In pursuance of the *ibid* decision, the Committee on Government Assurances (2020-2021) called the representatives of the Ministry of Law and Justice (Department of Legal Affairs) and the Ministry of Parliamentary Affairs to render clarifications with regard to delay in implementation of the pending Assurances pertaining to the Ministry of Law and

Justice (Department of Legal Affairs) at their sitting held on 22nd December, 2020. The Committee examined in detail the following 26 Assurances:

Sl.No.	SQ/USQ No. dated	Subject
1	USQ No. 1321 dated 03.03.2011	Regulatory Body for Legal Services (Appendix-I)
2	USQ No. 704 dated 04.08.2011	Reducing Government Litigation (Appendix-II)
3	USQ No. 733 dated 04.08.2011	National Litigation Policy (Appendix-III)
4	SQ No. 474 dated 11.08.2014	National Judicial Data Grid (Appendix-IV)
5	USQ No. 3110 dated 11.12.2014	Draft National Litigation Policy (Appendix-V)
6	USQ No. 1838 dated 05.03.2015	Ten-Point Litigation Policy (Appendix-VI)
7	USQ No. 6818 dated 07.05.2015	Pending Court Cases (Appendix-VII)
8	USQ No. 3725 dated 25.08.2011	Law Commission Report on Advocate Act (Appendix-VIII)
⑨ 9	USQ No. 6690 dated 17.05.2012	Settlement of Cases out of Court (Appendix-IX)
⑩ 10	USQ No. 6900 dated 17.05.2012	Reservation to SC/ST/OBC/Minority (Appendix-X)
11	USQ No. 3427 dated 13.12.2012	Litigation Management (Appendix-XI)
12	USQ No. 1448 dated 14.08.2013	Mediation Centres (Appendix-XII)
⑪ 13	USQ No. 2185 dated 18.12.2013	Decisions by Constitution Benches (Appendix-XIII)
14	USQ No. 18 dated 07.07.2014	Harassment of Executives of Foreign Firms (Appendix-XIV)

⑬ Implementation Report laid
on 11.02.2021.

15	USQ No. 4632 dated 11.08.2014	Remission of Life Convicts (Appendix-XV)
16	USQ No. 145 dated 24.11.2014	Pending Inter-Ministerial Cases (Appendix-XVI)
17	USQ No. 221 dated 24.11.2014	Reservation to SC/ST Prosecutors (Appendix-XVII)
18	SQ No. 175 dated 04.12.2014	Fees of Lawyers (Appendix-XVIII)
19	USQ No. 3834 dated 19.03.2015	Mergers of National Tribunals (Appendix-XIX)
20	USQ No. 6106 dated 30.04.2015	Permission to International Law Firms (Appendix-XX)
21	USQ No. 6828 dated 07.05.2015	Reservation for Women in Bar Councils (Appendix-XXI)
22	USQ No. 518 dated 23.07.2015	Public Prosecutors (Appendix-XXII)
23	USQ No. 2787 dated 06.08.2015	Law University and Legal Research Centre (Appendix-XXIII)
24	USQ No. 2790 dated 06.08.2015	Court Cases by and against Government Departments (Appendix-XXIV)
25	USQ No. 2918 dated 06.08.2015	Pre-Trial Hearing (Appendix-XXV)
26	USQ No. 4019 dated 13.08.2015	Women Lawyers (Appendix-XXVI)

5. The Extracts from the Manual of Parliamentary Procedures 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-XXVII.

④ Implementation Report laid on
11.02.2021.

6. During oral evidence, the Committee emphasized that the Ministries/Departments are required to implement an Assurance within a period of three months and if the Ministries/ Departments are unable to fulfil the Assurance within that time period, then it is imperative for them to seek extension of time. Observing that the Ministry of Law and Justice had a total of 151 pending Assurances and noticing that there were inordinate delays in fulfilment of these Assurances, the Committee enquired about the monitoring and periodical review of the pending Assurances in the Ministry to minimize delays in their implementation and the mechanism available for implementation of Parliamentary Assurances. In reply, the Secretary, Ministry of Law and Justice (Department of Legal Affairs) accordingly briefed the Committee as under:

"At the outset, I would like to say that we regret that 151 Assurances are pending in the Legal Affairs Department. Out of these, 24 pertained to the 15th Lok Sabha, 102 pertained to the 16th Lok Sabha and 25 pertained to the 17th Lok Sabha, as has been pointed out by the hon. Chairperson. Sir, in this regard, after joining, as per the system which was prevalent in the Department of Legal Affairs, the Assurance which could not be fulfilled within the stipulated period of three months despite seeking information from the concerned departments, the request is forwarded to the hon. Minister for extension of time and the factual position is duly brought on record."

7. When asked about the prevalent system in the Ministry for scrutiny of the Assurances, a representative of the Ministry deposed as under:

"Actually, two years back, we were not able to conduct meetings frequently and recently also, some of the staff have changed. Now, in every 15 days, we are conducting meetings. There are some Assurances which are pending for more than 10 years. We are not able to fulfil those Assurances. We are not getting positive response from the Bar Council of India on issues like National Litigation Policy."

8. The Committee then desired to know about the review meetings conducted by the Department of Legal Affairs. The representative of the Ministry stated as under:

"For the last six months, under the guidance of our Sir, we are conducting meetings frequently and we are issuing reminders to each and every body frequently."

9. The Secretary, Department of Legal Affairs added as under:

"I would like to mention that in the month of September, a notice came from the Ministry of Parliamentary Affairs, which focused on 'within these guidelines, review meetings have to be regularly taken'. After which a regular meeting was held and survey was done about how many pending Assurances we have. After this, a regular process has been started on fortnightly and monthly basis, in which we collected all the pending Assurances, and every case was examined to see if there was anything missing, time lag did not arise or the file could not be placed for any reason. These information are being collected for the last three months. The meeting takes place at the Additional Secretary level on fortnightly basis. I too have now started a Secretary level meeting on a monthly basis. There is a complete focus on this."

10. On being pointed out that no such review meetings were being conducted before September 2020, the Secretary, Department of Legal Affairs, submitted during evidence as under:

"Sir, no such meetings were outrightly held before September (2020). However, whenever Assurances were made, the details of the same were broadly collected that time. But there was no identified procedure for each and every Assurance like the one which has been started since September (2020)."

Observations/Recommendations

11. The Committee are concerned that out of the 26 pending Assurances pertaining to the Ministry of Law and Justice (Department of Legal Affairs) taken up by them, the four Assurances mentioned at Sl. Nos. 1 to 3 and 8 have been pending for more than 09 years while another three Assurances mentioned

at Sl.Nos. 09 to 11 have been pending for more than 08 years. Likewise, the remaining 19 Assurances mentioned at Sl.Nos. 4 to 7, and 12 to 26 have been pending for more than 05 to 07 years. The inordinate delays in fulfillment of these Parliamentary Assurances indicate that the Ministry has not been continuously paying proper attention to the Parliamentary obligations. Moreover, the existing mechanism put in place by the Ministry and regular review meetings conducted by the Ministry on fortnightly and monthly basis are far from effective in facilitating timely implementation of Assurances. Needless to mention, the utility and relevance of an Assurance are lost if there is inordinate delay in the implementation of the same. The Secretary, Department of Legal Affairs conceded during evidence that the Ministry/Department started conducting regular review meetings since September 2020 when it received a notice in this regard from the Ministry of Parliamentary Affairs. Prior to this, the Ministry/Department, apparently, had not been complying with the detailed instructions and procedures prescribed by the Ministry of Parliamentary Affairs for review of the progress of implementation of Assurances at different levels in the Ministry's hierarchy. This is a big lapse and hence deplorable. The large number of 151 pending Assurances of the Ministry as of the Second Session of the 17th Lok Sabha is obviously the result of such a prolonged cavalier attitude of the officials of the Ministry. This also clearly shows the shortcomings of the Ministry's system for reviewing and monitoring the fulfilment of the pending Assurances. The Committee would, therefore, strongly recommend that necessary corrective steps should be taken to overhaul the Ministry's mechanism for reviewing/monitoring the pending Assurances and ensure their

implementation on time. Further, the Committee's examination has also revealed that negligent attitude of Bar Council of India is responsible for inordinate delay in implementation of many Assurances. For this, the Ministry needs to tighten its grip on such institutions to make them more responsive and expedite implementation of the relevant pending Assurances. The Committee also observe that lack of coordination between the Ministry of Law and Justice and other Ministries/Departments is responsible for the delay in implementation of certain pending Assurances. The Committee, therefore, urge the Ministry to enhance the level of coordination with other Ministries/ Departments concerned including the Ministry of Parliamentary Affairs and all other stakeholders to bring more mobility and better results in the implementation of Assurances. The Committee would also like the Ministry to furnish the Minutes of the review meetings held in the Ministry from time to time to monitor the implementation of Assurances as it will help the Committee in assessing the progress of the Ministry of Law and Justice (Department of Legal Affairs) in this direction.

II. Missing Files Pertaining to Parliamentary Assurances

12. In respect of four Assurances taken up for the oral evidence, the Ministry stated in their Status Note furnished in December 2020 as under:

"Certain files pertaining to Parliament Questions were misplaced and not traceable. Despite extensive efforts, the present file could not be traced and therefore, new file has been reconstructed. The reconstructed file is under submission for approval of Hon'ble MLJ seeking extension for fulfilment of Assurance."

13. Further, the Ministry informed that the files of another two Assurances got mixed up with other files but have since been traced.

14. During evidence, the Committee pointed out that the Ministry has not informed as to how the files have been reconstructed. The Committee accordingly sought explanation from the representatives of the Ministry in this regard. In reply, the Secretary, Department of Legal Affairs submitted as under:

"Sir, I completely agree with you. As soon as it was brought to my notice, because many files are such which did not come under my tenure but were of before my tenure, I immediately marked the file to our Additional Secretary concerned and sought explanation from the officers concerned. I said this, 'Since it is an Assurance file, you should immediately arrange to get the documents from wherever you can because it is very important to move this file side by side and take action for seeking the explanations. Sir, I also understand that this is a really crucial and serious issue. There should not be any such misplacement of files. I also agree with this Committee's observations and I have put it on record on most of the files. Out of these 26 files, there are four or five such files. This has have also been brought to the notice of the Minister and there are my remarks on these files that explanation should be called."

15. Taking up the Assurance listed at Sl.No. 1, the Committee observed that the Assurance dealt with in the missing file has been pending for more than 09 years and expressed the concern that what follow up action had been taken by the Ministry all these years is not known and the Ministry has not stated anything about what is proposed to be done in regard to the Assurance. To this, a representative of the Ministry stated as under:

"Sir, I also don't know what exactly happened with this file."

16. He added as under:

"We are enquiring it."

17. On being enquired as to how much time the Ministry would need to implement the Assurances whose files are being reconstructed, the Secretary, Department of Legal Affairs responded as under:

"Sir, we need time till 31st March."

18. He also stated as under:

"Sir, in next three-four months, we will try to do it."

Observations/Recommendations

19. **The Committee are dismayed that maintenance and upkeeping of files pertaining to Parliamentary Assurances in the Ministry of Law and Justice (Department of Legal Affairs) is extremely shoddy as evident from the fact that files of six out of 26 Assurances taken up for the oral evidence got misplaced and four of them could not be traced despite extensive efforts. This is yet another revelation of the prolonged and complete neglect of Parliamentary Assurances by the Ministry / Department leading to huge accumulation of pending Assurances. The Committee feel that the issue of misplacement of files pertaining to Parliamentary Assurances is a very serious lapse and should not be taken lightly. These cases require thorough/ proper scrutiny for identifying the systemic loopholes responsible for the lapses and plugging the loopholes so as not to repeat the grave mistakes which caused the instant cases of misplacement/loss of files. Further, the Department of Legal Affairs needs to learn suitable lessons from the incident and take utmost care and caution to ensure proper arrangement, maintenance and preservation of office records and**

files including those pertaining to Parliamentary matters. The Committee, therefore, recommend that the Department of Legal Affairs should properly examine the cases of loss of files pertaining to Parliamentary Assurances and the system of maintenance and preservation of records and files in the Department be streamlined. The Committee would like to be apprised of the precise steps taken in this regard at the earliest.

III. Review of the Pending Assurances of the Ministry of Law and Justice (Department of Legal Affairs).

20. In the succeeding paragraphs, the Committee deal with some of the important pending Assurances pertaining to the Ministry of Law and Justice (Department of Legal Affairs) which have been critically examined/reviewed by them at their sitting held on 22.12.2020.

A. National Litigation Policy

- (i). USQ No. 704 dated 04.08.2011 regarding 'Reducing Government Litigation' (Sl.No. 2)
- (ii). USQ No. 733 dated 04.08.2011 regarding 'National Litigation Policy' (Sl.No. 3)
- (iii). SQ No. 474 dated 11.08.2014 regarding 'National Judicial Data Grid' (Sl.No. 4)
- (iv). USQ No. 3110 dated 11.12.2014 regarding 'Draft National Litigation Policy' (Sl.No. 5)
- (v). USQ No. 1838 dated 05.03.2015 regarding 'Ten-Point Litigation Policy' (Sl.No. 6)
- (vi). USQ No. 6818 dated 07.05.2015 regarding 'Pending Court Cases' (Sl.No. 7)

21. In reply to USQ No. 704 dated 04.08.2011 regarding 'Reducing Government Litigation', it was *inter-alia* stated that the Government proposed to evolve a National Litigation Policy which was based on the recognition that the Government and its various agencies were the pre-dominant litigants in courts in the country. In reply to USQ No. 733 dated 04.08.2011 regarding 'National Litigation Policy', it was *inter-alia* stated that the Government proposed to evolve a National Litigation Policy with a view to conduct litigation by the Central Government in a responsive manner. The purpose underlying the proposed policy was to reduce Government litigation in courts. The Central Government had also

urged the State Governments/Union Territories to evolve similar policies. In reply to SQ No. 474 dated 11.08.2014 regarding 'National Judicial Data Grid', USQ No. 3110 dated 11.12.2014 regarding 'Draft National Litigation Policy' and USQ No. 1838 dated 05.03.2015 regarding 'Ten-Point Litigation Policy', it was *inter-alia* stated that the draft National Litigation Policy prepared in the year 2010 was under review / consideration of the Government. Further, in reply to USQ No. 6818 dated 07.05.2015 regarding 'Pending Court Cases, it was *inter-alia* stated that the policy was at drafting stage and the details as well as the time by which the same would be implemented depended upon the Administrative approval which was under process.

22. In its Status Note furnished in December 2020, the Ministry of Law and Justice (Department of Legal Affairs) apprised the position regarding implementation of the Assurances as under:

"A National Litigation Policy was formulated by the Department of Legal Affairs in the year 2010, but it could not be placed before the Cabinet. However, the said Policy was reviewed and the revised Policy was placed before the Committee of Secretaries (CoS) and the CoS recommended that there may be no need for bringing any such Policy and the objective enshrined therein can be achieved through issuance of comprehensive guidelines for reducing litigations. A final decision on the recommendations of CoS is yet to be taken. Therefore, fulfilment of Assurances will take some more time."

23. Giving an update on the implementation of the Assurances during oral evidence, the Secretary, Ministry of Law and Justice (Department of Legal Affairs) deposed as under:-

"The National Litigation Policy was formulated in 2010. However, it was not placed for the approval of the Cabinet. Afterwards, this Policy was again formulated in 2014 and in 2017, a recommendation of the Committee of Secretaries came that

instead of bringing the National Litigation Policy, we should go ahead with issuing guidelines. This is under consideration since 2017. This has been again placed before the Minister of Law and Justice for his approval. I would like say that although the formulation of the National Litigation Policy is under consideration, enough steps have been taken by the Law Department so as to enable it to see/identify in how many cases Government has acted as petitioner or respondent with a view to expediting disposal of those cases. Adequate steps have been taken in this regard."

Observations / Recommendations

24. The Committee are perturbed to note that 06 important Assurances on the subject "National Litigation Policy" are still pending implementation despite the fact that the first such Assurance was given more than 09 years ago. It was explained to the Committee that the National Litigation Policy was formulated in the year 2010 but could not be placed for the approval of the Cabinet. After a lapse of more than 04 years, this Policy was reformulated in 2014 and in 2017, the Committee of Secretaries opined that instead of bringing the National Litigation Policy, the Ministry should go ahead with issuing guidelines for reducing litigations. The Ministry is yet to take a decision on this recommendation of the Committee of Secretaries. Notwithstanding the explanation of the Ministry in the matter, the fact remains that the appropriate follow up action on the 06 Assurances pertaining to an important subject has been inordinately delayed and these still remain pending for implementation. This is regrettable to say the least. While deploring the lack of concern and failure of the Ministry to take pro-active action in the matter, the Committee

recommend the Ministry of Law and Justice (Department of Legal Affairs) to step up its efforts and pursue the matter vigorously at the highest level for early implementation of the Assurances. The Committee would like to be apprised of the initiatives taken and progress made in the matter.

B. Public Prosecutors

25. In reply to USQ No. 518 dated 23.07.2015 regarding 'Public Prosecutors', an Assurance was given that the information sought on the following points was being collected and would be laid on the Table of the House:

- (a) The criteria laid down for the appointment of Public Prosecutors;
- (b) Whether it is a fact that the Government loses most of the cases in the courts;
- (c) If so, the reasons therefor along with action taken thereon;
- (d) Whether the Government has any mechanism to monitor the performance of these public prosecutors and ensure their accountability; and
- (e) If so, the details thereof and if not, the reasons therefor along with the steps taken / being taken by the Government in this regard?"

26. In their Status Note furnished in December, 2020, the Ministry of Law and Justice (Department of Legal Affairs) apprised the Committee of the following position in this regard:-

"Information was sought from Ministry of Home Affairs, DOP&T, Ministry of Finance (Department of Revenue), and Ministry of Railways. Inputs from the concerned Departments have been received except Ministry of Railways. A DO letter dated 08.12.2020 from Addl. Secretary to Chairman Railway Board has been issued seeking inputs."

27. During oral evidence, the Secretary, Ministry of Law and Justice (Department of Legal Affairs) elucidated on the issue as under:-

Sir, information from the Ministry of Railways is awaited. The rest of the information has been received. By 31st March 2021, we hope that we would be able to fulfil it”.

Observations / Recommendations

28. The Committee are constrained to note that the Assurance given in reply to USQ No. 518 dated 23.07.2015 regarding 'Public Prosecutors' is pending for implementation even after a lapse of more than five years even though it pertains to collection of some basic information. This once again exposes the perfunctory manner of the Ministry's/Department's response to Parliamentary Assurances which are solemn obligations. This type of lack of seriousness and lackadaisical approach in dealing with the Parliamentary Assurances by a Ministry which is a repository of rules and laws and is supposed to be a role model in complying with them is regrettable. The explanation of the Ministry that the requisite information has not been given by the Ministry of Railways is untenable as nothing prevented the Department of Legal Affairs to pursue the matter with the Ministry of Railways through appropriate channels and at the highest level to get the requisite information. The Committee are of the view that no Assurance should remain pending for want of data/input from the other Ministries/Departments exceeding the three months period. In case of delay in furnishing the requisite information for more than three months, the matter should be taken up at the highest level, with the defaulting Ministries / Departments and necessary information/ data obtained. While deploring the negligent approach of the officials of the Ministry of Law and Justice (Departments of Legal Affairs), the Committee direct the Ministry that it should vigorously pursue the matter with the Ministry of Railways to expedite the

matter and get the requisite information furnished without any further delay. The Committee would like to be apprised of the initiatives taken and the progress made in the matter.

NEW DELHI;
18 March, 2021
27 Phalguna, 1942 (Saka)

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

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.1321
TO BE ANSWERED ON THURSDAY, THE 3RD MARCH, 2011

REGULATORY BODY FOR LEGAL SERVICES

**1321. SHRI P.KUMAR:
SHRI SIVASAMI C:**

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

- (a) whether the Government proposes to set up an independent Regulatory Body for monitoring the legal services so as to provide quality legal services and adequate grievance redressal mechanism to common man; and
- (b) if so, the details thereof?

ANSWER
MINISTER OF LAW AND JUSTICE
(DR. M. VEERAPPA MOILY)

(a) & (b): Yes Madam, a proposal is under consideration and comments of stake holders have been sought.



GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
(DEPARTMENT OF LEGAL AFFAIRS)

LOK SABHA
UNSTARRED QUESTION NO.704
TO BE ANSWERED ON THURSDAY, THE 4TH AUGUST, 2011

Reducing Government Litigation

704. SHRI RAVNEET SINGH

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

- (a) whether the Government is aware that non-implementation of court orders and judgement promptly are the main reasons behind second round of litigation;
- (b) if so, the steps taken by the Government to address the issue; and
- (c) the steps taken by the Government to cut down on Government litigation as the departments themselves are the major litigants?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) (b) and (c) : The Government proposes to evolve a National Litigation Policy which is based on the recognition that the Government and its various agencies are the pre-dominant litigants in courts in the country. The Policy envisages that the Central Government shall conduct litigation in a responsive manner to reduce Government litigation in courts. The Policy also lays down the principle to be followed by the Central Government while filing appeals in the courts, with special emphasis on challenge to orders of tribunals, service matters and revenue matters.



GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
(DEPARTMENT OF LEGAL AFFAIRS)

LOK SABHA
UNSTARRED QUESTION NO.733
TO BE ANSWERED ON THURSDAY, THE 4TH AUGUST, 2011

National Litigation Policy

733.

SHRI S. PAKKIRAPPA
SHRI AHIR VIKRAMBHAI ARJANBHAI MAADAM

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

- (a) whether Government has recently unveiled a National Litigation Policy to make Government departments more responsible in filing and pursuing cases;
- (b) if so, the salient features of the policy;
- (c) whether the policy would curb the huge backlog of pending cases in various courts; and
- (d) if so, the manner in which the policy is likely to be implemented?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) (b) (c) and (d) : Yes Madam. The Government proposes to evolve a National Litigation Policy with a view to conduct litigation by the Central Government in a responsive manner. The purpose underlying the proposed policy is to reduce Government litigation in courts. The Central Government has also urged the State Governments/Union Territories to evolve similar policies. The salient features of the National Litigation Policy are as under:

- i) The Policy is based on the recognition that Government and its various agencies are the pre-dominant litigants in Courts and Tribunals in the country. Its aim is to transform the Government into an efficient and responsible litigant.
- ii) Government must cease to be a compulsive litigant. The philosophy that matters should be left to the courts for ultimate decision has to be discarded.

- iii) The policy is also based on the recognition that it is the responsibility of the Government to protect the rights of citizens and to respect their fundamental rights.
- iv) All stake holders viz. Ministry of Law & Justice, Heads of various Departments, Law Officers, Government Counsel, and individual officers connected with the concerned litigation will have to play their part in ensuring the success of this policy.
- v) The Nodal Officers, proposed to be appointed under this policy, have a crucial and important role to play in the overall and specific implementation of this Policy. Every Ministry must appoint proper Nodal Officers who have legal background and expertise. Nodal Officers must also be subjected to training so that they are in a position to understand what is expected of them under the National Litigation Policy.
- vi) Accountability is the touch-stone of this Policy, which will be at the level of officers in charge of litigation and those responsible for defending cases, including Attorney General for India, Solicitor General of India, Additional Solicitor Generals and Assistant Solicitor Generals, all other lawyers concerned and Nodal Officers.
- vii) There will be Empowered Committees at the national level and regional levels to monitor the implementation of this Policy and accountability.
- viii) Screening Committees for constitution of Panels of Government Counsels will be introduced at every level i.e., Supreme Court, High Court, District Courts/Lower Courts/Sub-ordinate Courts, Tribunals etc., to assess the skills and capabilities of people who are desirous of being on Government Panels before their inclusion on the Panel. Emphasis will be on identifying areas of core competence, domain expertise and areas of specialization.
- ix) Continuing legal education for Government advocates including training programs, seminars, workshops and refresher courses with particular emphasis on identifying and improving areas of specialization.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA

STARRED QUESTION NO 474

TO BE ANSWERED ON 11.08.2014

NATIONAL JUDICIAL DATA GRID

*474. SHRI DHANANJAY MAHADIK
Dr. HEENA VIJAYKUMAR GAVIT

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

- (a) whether the Government and Department under its control are one of the biggest litigants and a large number of pending cases concern them;
- (b) if so, the reaction of the Government thereto along with the details thereof and the reasons therefor, State/UT-wise
- (c) whether his Ministry has urged upon various Ministries/Departments and bodies under its ambit to review cases pending in various courts and if so, the outcome thereof;
- (d) whether the Government proposes to create a National Judicial Data Grid under e-courts project and if so, the details thereof; and
- (e) the time by which it is likely to become functional?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION
TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

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

Statement referred to in reply to parts (a) to (e) of the Starred Question No.474 for answer in the Lok Sabha on 11.08.2014

(a) to (c) Yes Madam. The Government and Department under its control are considered to be biggest litigant solely because of the size of the Government and large number of orders which are passed by various functionaries of the Government. However, no concrete data as to the number of cases by or against the Government is readily available. With a view to reduce Government litigation, a draft National Litigation Policy was formulated in 2010 and was circulated to States/Union Territories. As per the draft Litigation policy, all pending cases of the Government are to be reviewed. The draft Litigation Policy formulated in 2010 is under review.

(d) &(e) Yes Madam. National Judicial Data Grid (NJDG) launched on 7th August 2013 by the Chief Justice of India is a repository of data related to cases in Courts. The National Judicial Data Grid has the following objectives:

- I. The judiciary will be able to use ICT enabled tools to improve court and case management and performance management.
- II. Court data available through the NJDG will enable Government to plan policy measures to reduce pendency of cases.
- III. Case status information, including copies of orders and judgments are made available online to stakeholders, particularly lawyers and litigants, obviating the need for frequent visits to court premises.

On NJDG website, data pertaining to pending & disposed cases in district and subordinate courts is being updated on a daily basis. Currently, litigants can access case status information in respect of over 3 crore pending and decided cases in more than 11,000 courts.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA

UNSTARRED QUESTION NO 3110
TO BE ANSWERED ON 11.12.2014

DRAFT NATIONAL LITIGATION POLICY

3110.

SHRI P. KUMAR
SHRI B. VINOD KUMAR

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

- (a) whether the Government has reviewed the draft National Litigation Policy formulated in 2010;
- (b) if so, the details thereof along with the salient features of the said policy; and
- (c) the time by which the new Policy is likely to be implemented?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI. D.V.SADANANDA GOWDA)

(a) to(c) / The draft of National Litigation Policy prepared in the year 2010 is under active review. /



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

LOK SABHA
UNSTARRED QUESTION NO. 1838
TO BE ANSWERED ON 05/03/2015

Ten- Point Litigation Policy

1838. SHRI ASHOK SHANKARRAO CHAVAN :
KUMAR HARIBANSH SINGH:
SHRI JOSH K. MANI:
SHRI GAJANAN KIRTIKAR :
SHRI CHIRAG PASWAN :
SHRI SUDHEER GUPTA :

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

- (a) whether the Government has drawn Ten-Point litigation policy to bring down the pendency;
- (b) if so, the details thereof along with the response of the States thereto;
- (c) whether the Government proposes to introduce arbitration and mediation clauses in work contracts of concerned parties/employees and if so, the details thereof ; and
- (d) the time by which this exercise is likely to be started and the number of pending cases likely to be reduced?

ANSWER

**MINISTER OF LAW & JUSTICE
(SHRI D V SADANANDA GOWDA)**

(a) & (b) The National Litigation Policy was formulated in the year 2010 to streamline the conduct of Government litigation before various courts. The policy was a restatement of the various provisions contained in the procedural laws i.e., the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973 etc. The policy has not been approved by the Government yet. However, with a view to bring down pendency and reduce Government litigation, the National Litigation Policy 2015 is under consideration of the Government.

(c) & (d) In the Government work contracts, invariably there is an arbitration clause. Mediation and conciliation are inherent in the arbitration clause. All such efforts are aimed at minimizing litigation and thus bring down number of pending cases.



GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA

UNSTARRED QUESTION NO 6818
TO BE ANSWERED ON 07.05.2015

Pending Court Cases

6818. DR. SHASHI THAROOR.:

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

- (a) the total number of pending court cases in which the Government is a litigant either directly or through its various departments;
- (b) whether the draft National Litigation Policy proposes to address this issue and bring about judicial reforms for reducing the role of the Government as the biggest litigant;
- (c) if so, the details thereof and the time by which the policy is likely to be implemented;
- (d) whether the Government is also developing a web portal for accessing data regarding court cases pertaining to the Government; and
- (e) if so, the details thereof and the time by which it is likely to be launched?

ANSWER

MINISTRY OF LAW AND JUSTICE

(SHRI.D.V.SADANANDA GOWDA)

- (a) No such data relating to pending court cases in which the Government is a litigant either directly or through its various Departments is available.
- (b) Yes, the policy aims to reduce litigation on behalf of the Government.

(c) The policy is at drafting stage and the details as well as the time by which the same will be implemented depends upon the Administrative approval which is under process.

(d) & (E): Yes, Madam, a web based application for digital monitoring of court cases is being developed.

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

LOK SABHA

UNSTARRED QUESTION NO. 3725
TO BE ANSWERED ON 25.08.2011

Law Commission Report on Advocate Act

3725. SHRI MANISH TEWARI:

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

- (a) whether the Government agreed with the recommendation of the 184th Law Commission Report on the 'problem method' being sought to be introduced in the examination system to an extent of about 75 per cent in each paper, apart from 25 per cent for theory, given its obvious advantages of promoting more analytical thinking;
- (b) if so, the details thereof;
- (c) the steps taken by the Government to implement the recommendations of the 184th Law Commission Report on 'The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956.
- (d) the number of permissions granted by the Bar Council of India (BCI) to start law college across the country which had to be withdrawn during the last three years; and
- (e) the steps being taken to ensure that permission are granted by the BCI to only those law colleges that have sufficient wherewithal and resources in terms of teachers, support staff and infrastructure to provide quality legal education to its prospective students?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

- (a),(b) & (c) The recommendations made in the 184th Report of the Law Commission on 'The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956 are being examined in consultation with the Department of Higher Education and the Bar Council of India.

(d) The Bar Council of India has informed that after due inspection and opportunity given for improvement, the colleges were directed by them to discontinue admission of students. The number of law colleges which were having approval of affiliation from the Bar Council of India but subsequently their request for extension of approval of affiliation were refused by them during last three years are-

2008-09	8
2009-10	1
2010-11	21

(e) The Bar Council of India has informed that every effort is being made to ensure that each college follows the Bar Council of India Rules, 2008 which deal with minimum standards of legal education to be adopted by all institutions in the country.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA

UNSTARRED QUESTION NO. 6690
TO BE ANSWERED ON THURSDAY THE 17TH MAY, 2012

SETTLEMENT OF CASES OUT OF COURT

6690. SHRI S. PAKKIRAPPA:

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

- (a) whether it is a fact that lack of settlement culture in the country is the main reason for the rise in pending cases and that people do not prefer out-of-court resolution of disputes;
- (b) if so, the details thereof;
- (c) whether the Government is considering for setting up of commercial courts in the country for early disposal of cases;
- (d) if so, the details thereof; and
- (e) the time by which a final decision in this regard is likely to be taken?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)**

(a)& (b) Government does not have authentic data to establish the fact that lack of settlement culture in the country is the main reason for the rise in pending cases and that people do not prefer out-of-court resolution of disputes, or otherwise.

(c),(d)&(e) The information is being collected and will be laid on the Table of the House.

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

LOK SABHA

UNSTARRED QUESTION NO.6900

TO BE ANSWERED ON THURSDAY, THE 17TH MAY, 2012

RESERVATION TO SC/ST/OBC/MINORITY

+ 6900

SHRI HUKUMDEV NARAYAN YADAV:

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

- (a) whether any survey has been made by the Government to ascertain the reservation provided to the SC, ST, OBC, religious minorities and women in the Panel of Advocates constituted by the Boards of PSUs, Banks, Finance Department and Law Department;
- (b) if so, the details thereof; and
- (c) the measures being taken to ensure that justice and civil rights are equally available to all?

ANSWER
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
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO 3427
TO BE ANSWERED ON 13.12.2012

Litigation Management

3427. SHRI NEERAJ SHEKHAR:
SHRI YASHVIR SINGH:
SHRI TARACHAND BHAGORA:

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

- (a) whether the Union Government litigation agencies are unable to present the position of the Union Government in crucial cases in the Supreme Court;
- (b) if so, the details thereof;
- (c) whether in crucial cases, important pages are invariably found missing, full case files are not given to law officers and briefs are given just a minute before the court hearings;
- (d) if so, the details thereof;
- (e) the reasons for the same;
- (f) whether Government look into the matter and streamline the litigation management agencies of the Government;
- (g) if so, the details thereof; and
- (h) if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE
(DR. ASHWANI KUMAR)

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

Statement referred to in reply to parts (a) to (h) of the unstarred
Question no. 3427 for answer in the Lok Sabha on 13.12.2012.

1. By and large the Government's point of view is well represented before the Supreme Court with some exceptions. Certain gaps in the management of Government litigation have been noticed which are being addressed.
2. This Ministry has already taken several steps to streamline the litigation management agencies of the Government. Some of such steps are as under:-
 - (i) A new procedure for empanelment of advocates as panel counsel has been adopted in the year 2011 which envisages empanelment of counsel on the recommendations of Committees of Supreme Court/various High Courts. The said Committees after interview/interaction with the advocates make their recommendations to the Government.
 - (ii) The said Committees have also been mandated to review the performance of existing panel counsel and make their recommendations accordingly.
 - (iii) So far the Committees have held their meetings in Chennai, Bangalore, Kerala, Bombay, Jaipur, Allahabad, Lucknow, Calcutta and recently in Supreme Court and Delhi High Court.
 - (iv) The above procedure has proved to be objective, transparent, efficient and effective.
 - (v) Steps are being initiated to streamline the litigation system of the UOI in the Supreme Court and in other courts. Development of IT platform to ensure greater functional efficiency in the litigation management are under consideration of the Government.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA

UNSTARRED QUESTION NO.1448
TO BE ANSWERED ON WEDNESDAY THE 14TH AUGUST, 2013

MEDIATION CENTRES

1448: DR. AJAY KUMAR:

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

- (a) whether the Government has formulated/proposes to formulate any policy to promote Mediation Centres at gram sabha level;
- (b) if so, the details thereof and if not, the reasons therefor; and
- (c) the steps taken/proposed to be taken by the Government to provide an efficient mechanism for quick redressal of disputes?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND
INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

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



GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO 2185
TO BE ANSWERED ON 18.12.2013

Decisions by Constitution Benches

2185. SHRI R. THAMARAISELVAN:

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

- (a) whether there has been a decline in the number of cases decided by the Constitution Benches;
- (b) if so, the details thereof during each of the last three years and the current year along with the reasons therefor;
- (c) the Government's reaction thereto;
- (d) whether there are many pressing constitutional bench matters of national significance waiting to be heard; and
- (e) if so, the details thereof along with the corrective measures taken/proposed to be taken by the Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND
INFORMATION TECHNOLOGY

(Shri Kapil Sibal)

(a) to (e): The information is being collected and will be laid on the Table of the House.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.18
TO BE ANSWERED ON 7.7.2014

Harassment of Executives of Foreign Firms

18. SHRI MOHITE PATIL VIJAYSINH SHANKAR RAO:
SHRI DHANANJAY MAHADIK:
SHRI SATAV RAJEEV

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

- (a) Whether some of the top executives of foreign firms have reportedly been dragged to courts over frivolous complaints on investment decisions of Multinational Companies;
- (b) If so, the details thereof including the number of such cases reported during the last three years and the current year;
- (c) Whether this has adversely affected the foreign investment in the country and if so, the details thereof;
- (d) Whether the Government has explored or proposes to explore a legal framework or forum to deal with such complaints; and
- (e) If so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND
INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (e) The information is being collected and will be laid on the Table of the House.



GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO. 4632
TO BE ANSWERED ON 11.08.2014

Remission of Life Convicts;

4632 SHRI Y. V. SUBBA REDDY

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

- (a) whether the State Governments have power to grant remission to the life convicts and if so, the details thereof;
- (b) whether such powers have been exercised earlier by any States and if so, the details thereof ;
- (c) whether the State Governments have been restrained recently from exercising power of remission for releasing life convicts; and
- (d) if so, the details thereof along with the response of the State Governments thereto ?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

(a) Yes, Article 161 of the Constitution of India provides that the Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence.

(b) to (d) The information is being collected and will be laid on the Table of the House.



Appendix - XVI

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO 145
TO BE ANSWERED ON 24.11.2014

Pending Inter-Ministerial cases

145. ADV. NARENDRA KESHAV SAWAIKAR,

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

- (a) whether any mechanism has been set up to resolve the Inter-Ministerial disputes;
- (b) If so, the details thereof and the steps taken by the Government to resolve such cases; and
- (c) the number of Pending Inter-Ministerial cases in the High Courts and the Supreme Court during the last three years ?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI. D.V.SADANANDA GOWDA)

- (a) to(b) Law Secretary vide D.O. letter dated 7th August 2014 has issued necessary instructions and requested all the Secretaries to the Government of India to desist from inter-ministerial/departmental litigations in any Court of Law and also to all Public Sector Undertakings/Boards/Authorities under their administrative control. It has been endeavour of the Government to see that disputes between various Ministries/Departments/PSUs/Boards/Authorities under the control of the Government do not go to the court. It is also instructed that in case it is not possible to resolve the dispute amicably by Mutual Consultation or through the good offices of Empowered Agencies of the Government or through Arbitration, the same should be referred first to the Cabinet Secretariat, and then, if necessary, to PMO.

- (c) The information is being collected and will be laid on the Table of the House.



GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO: 221

ANSWERED ON: 24.11.2014

RESERVATION TO SC ST PROSECUTORS

KAPIL MORESHWAR PATIL

(a) whether there is any provision of reservation for SC/ST in appointment as public prosecutors in Supreme Court and various High Courts;

(b) if so, the details thereof alongwith the number of Public Prosecutors appointed during the last three years; and

(c) if not, the reasons thereof?

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

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI. D.V.SADANANDA GOWDA)

(a) to (c) The information is being collected and will be laid on the Table of the House.

Government of India
Ministry of Law & Justice
Department of Legal Affairs

LOK SABHA

STARRED QUESTION NO. 175

TO BE ANSWERED ON 04.12.2014

FEEES OF LAWYERS

* 175 ADV. NARENDRA KESHAV SAWAIKAR

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

- a) the norms laid down to regulate the payment of legal fees to lawyers representing Union and the State Governments in the courts including the current rate of legal fee prescribed therefor;
- b) the total amount of legal fee paid to the lawyers representing the Union Government during the last three years and the current year, court/case-wise;
- c) whether the Government proposes to revise the aforesaid norms and make it mandatory for all Union Government Departments and States to set-up a dedicated legal cell to represent their cases in the courts and if so, the details thereof; and
- d) if not, the other steps proposed to be taken by the Government to rationalize the quantum of fees paid to the lawyers?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

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

Statement referred to in reply to parts (a) to (d) of the Starred Question No. 175 for answer in the Lok Sabha on 04.12.2014.

- (a) The Central Government by various Notifications and Office Memorandums has prescribed rates of fees for different categories of Central Government Counsels depending on the nature of work and the type of Court/Tribunal; i.e. Supreme Court, High Court, Subordinate Court, Administrative Tribunal, Arbitral Tribunal, etc. With regard to payment of fees to lawyers engaged for State Government, it is stated that State Governments make their own arrangement for defending cases out of their own funds .
- (b) The following table shows the total amount of legal fee paid to the lawyers representing the Union Government by this Ministry during the last three years and the current year (upto 31.10.2014):

Year	Amount (Figures in lakh of Rs.)
2011-12	18,92.64
2012-13	21,21.20
2013-14	26,49.18
2014-15	16,01.10

In cases where services of Central Government Counsels is availed by other Departments/Ministries case-wise fees is paid to them by the concerned Departments/Ministries who engage them as per the fee prescribed by this Department. However, details are not available with this Ministry. With regard to legal fee paid to the lawyers engaged by the State Government, court/case-wise, no such data is available with this Ministry.

- (c)&(d) At present, this Ministry is considering revision of fee payable to the Central Government Counsels/lawyers for all Union Government/Departments. The proposal is yet to be finalized in consultation with other Ministries. However, there is no proposal to set up a dedicated legal cell to represent the cases of the Central Government in the Courts. With regard to State Government no such details are available with this Ministry.

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

LOK SABHA
UNSTARRED QUESTION NO. 3834
TO BE ANSWERED ON 19th March, 2015

Mergers of National Tribunals

3834. SHRI B. Vinod Kumar:

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

- (a) whether the government proposes to merge/converge various national tribunals under different Ministries;
- (b) If so, the details and status thereof along with the reasons therefor;
- (c) Whether any directions have been issued to the Ministries/Departments in this regard; and
- (d) If so, the details thereof?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI D V SADANANDA GOWDA)

(a) Yes Madam.

(b) to (d) it is submitted that a large number of tribunals are functioning under the administrative charge of various Ministries/ Departments of India. Keeping in view the possibility that some of the tribunals can be converged/merged to avoid overlapping/identical functions being discharged by them, the Government is exploring the possibility of merging these tribunals. Accordingly, the Ministries/Departments which are administratively concerned with these tribunals have been requested to furnish information on the functioning of these tribunals and possibility to merge the functions of the tribunals with some other tribunals.

Appendin - XX

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS**

LOK SABHA

**UNSTARRED QUESTION NO. 6106
TO BE ANSWERED ON 30.04.2015**

Permission to International Law Firms

6106. SHRI ALOK SANJAR:
SHRI MULLAPPALLY RAMACHANDRAN:

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

- (a) whether the Government proposes to allow international law firms to practice in India;
- (b) if so, the details thereof;
- (c) whether the Government has received any proposals/requests from international law firms to practice in India; and
- (d) if so, the details thereof along with the reaction of the Government thereto?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

(a) and (b) : The matter is under consideration in consultation with Bar Council of India, a statutory body under the Advocates Act, 1961.

(c) : No, Madam.

(d) : Does not arise.



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

LOK SABHA

UNSTARRED QUESTION NO. 6828
TO BE ANSWERED ON 07.05.2015

Reservation for Women in Bar Councils

6828. SHRI MAHEISH GIRRI:
SHRI M.K. RAGHAVAN:

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

- (a) whether the Government proposes to provide reservation for women in Bar Council of India and Bar Councils of States;
- (b) if so, the details thereof; and
- (c) if not, the other steps taken/being taken by the Government to increase the participation of women lawyers in the judiciary and legal profession in the country?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

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

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO 518
TO BE ANSWERED ON 23.07.2015

Public Prosecutors

†518. SHRI SUMEDHANAND SARSWATI

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

- (a) the criteria laid down for the appointment of public prosecutors;
- (b) whether it is a fact that the Government losses most of the cases in the courts;
- (c) if so, the reasons therefor along with action taken thereon ;
- (d) whether the Government has any mechanism to monitor the performance of these public prosecutors and ensure their accountability; and
- (e) if so, the details thereof and if not, the reasons therefor along with the steps taken/ being taken by the Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI. D.V.SADANANDA GOWDA)

(a) to (e) The information is being collected and will be laid on the Table of the House.

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

LOK SABHA

UNSTARRED QUESTION NO. 2787

TO BE ANSWERED ON 06.08.2015

Law University and Legal Research Centre

2787: SHRI S.R. VIJAYAKUMAR
SHRI K. PARASURAMAN,

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

- (a) the number of Law Universities/ Colleges functioning in the country, State-wise;
- (b) whether the Government has received any recommendation from any Commission/Committee for establishment of Legal Research Centre and improvement of standards of law colleges/legal education in the country;
- (c) if so, the details thereof along with the action taken thereon by the Government;
- (d) whether the Government has any proposal to set up more Law Universities/ Colleges and Legal Research Centers in the country; and
- (e) if so, the details thereof along with the locations identified for the purpose ?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

(a) to (e) : The information is being collected and will be laid on the Table of the House.



GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA

UNSTARRED QUESTION NO 2790
TO BE ANSWERED ON 06.08.2015

Court Cases by and against Government Departments

† 2790 SHRI OM BIRLA :

Will the Minister of LAW AND JUSTICE be pleased to state

- (a) the details of the mechanism available with the Government to ensure that the cases are not filed in the courts by one Ministry /Department against another Ministry/Department;
- (b) the details of the inter-ministerial cases filed in various courts during each of the last three years including the cases still pending in courts;
- (c) the details of the initiatives undertaken through Alternative Dispute Resolution (ADR) for disposal of such cases during the said period;
- (d) the number of cases in which Government/Departments have taken action under section 80 of Civil Procedure Code during the notice period; and
- (e) whether the Government propose to prepare a database with regard to such pending court cases and if so, the details thereof?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI D.V.SADANANDA GOWDA)**

(a) to (e) The information is being collected and will be laid on the Table of the House.



GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA

UNSTARRED QUESTION NO 2918
TO BE ANSWERED ON 06.08.2015

Pre-Trial Hearing

2918 SHRI E.T. MOHAMMED BASHEER:
DR. MANOJ RAJORIA:
SHRI B. VINOD KUMAR:

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

- (a) whether the Government proposes to introduce the system of pre-trial hearings in the country as followed in some other countries like United States and United Kingdom;
- (b) if so, the details and the objectives thereof;
- (c) whether the existing laws allow the said system in the country;
- (d) if so, the details thereof and if not, the steps proposed to be taken by the Government for amendment of relevant laws for the purpose; and
- (e) the other steps taken/being taken by the Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V.SADANANDA GOWDA)

(a) to (e) The information is being collected and will be laid on the Table of the House.

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

Appendix ~~XXVI~~

LOK SABHA

UNSTARRED QUESTION NO. 4019
TO BE ANSWERED ON 13.08.2015

Women Lawyers

4019. SHRI M.K. RAGHAVAN:

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

- (a) the total number of women lawyers registered with the various Bar Councils in the country, State-wise;
- (b) whether there is any proposal to provide reservation for women in the various Bar Councils in the country; and
- (c) if so, the details and the present status thereof?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

(a) to (c): The information is being collected and will be laid on the Table of the House.



Chapter 8

Assurances

8.1 During the course of reply given to a question or a discussion, if a Minister gives an undertaking³ 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)

Culling 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 'OAMS' 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 'OAMS' 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 'OAMS'. Requests received through offline mode shall not be entertained by either Rajya Sabha/Lok Sabha Secretariat or Ministry of Parliamentary Affairs.

Extension of time for fulfilling 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 alongwith details of action taken/progress made in the matter. All such request should be submitted at 'OAMS' for decision by CGA thereon with the approval of the concerned Minister.

Registers 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 at Annex-6 , together with its enclosures. After online submission of the Report for fulfillment of the assurance partial or complete as 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/notification, etc.) on the Table of the House and for which an assurance has also been given, it will be laid on the Table, in the first instance, in 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 (Annex-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
RSR 211-A
LSR 323, 324

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

**COMMITTEE ON GOVERNMENT ASSURANCES
(2020-2021)
(SEVENTEENTH LOK SABHA)
SECOND SITTING
(22.12.2020)**

The Committee sat from 1100 hours to 1215 hours in Committee Room 'D',
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 Pawan Kumar - Joint Secretary
2. Shri Lovekesh Kumar Sharma - Director
3. Shri S.L. Singh - Deputy Secretary

WITNESSES**Ministry of Law and Justice (Department of Legal Affairs)**

1. Shri Anoop Kumar Mendiratta - Law Secretary
2. Shri S.R. Mishra - Additional Secretary
3. Shri R.K. Srivastava - Additional Legal Advisor

Ministry of Parliamentary Affairs

1. Shri P.K. Haldar - Under Secretary

At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them that the sitting has been convened to (i) consider Memorandum No. 27 regarding request of the Ministry of Coal on the need for seeking extension of time once Implementation Reports have been furnished/uploaded; (ii) consider and adopt 04 draft Reports; and (iii) take oral evidence of the representatives of the Ministry of Law and Justice (Department of Legal Affairs) regarding pending Assurances.

2. XXXXX XXXXX XXXXX XXXXX

3. Thereafter, the representatives of the Ministry of Law and Justice (Department of Legal Affairs) and the Ministry of Parliamentary Affairs were ushered in. Welcoming the witnesses to the sitting of the Committee, the Chairperson impressed upon them not to disclose the deliberations of the Committee to any outsider. The Committee then took oral evidence of the representatives of the Ministry of Law and Justice (Department of Legal Affairs) regarding pending Assurances. The Committee were perturbed to note the long pendency of the Assurances of the Ministry. The Chairperson asked the Secretary, Department of Legal Affairs to give an overview of the pending Assurances of the Department and also enquired about the internal mechanism and system of monitoring and reviewing the implementation of pending Assurances in the Department.

4. The Secretary, Ministry of Law and Justice (Department of Legal Affairs) accordingly briefed the Committee on the above issues. The Chairperson asked the representatives of the Ministry to furnish the Minutes of their review meetings for monitoring of pending Assurances.

5. The Chairperson and Members thereafter raised various queries and sought certain clarifications on the 26 pending Assurances (Annexure) taken up for the day. The witnesses responded to these queries and also provided clarifications. As some queries required detailed reply and inputs from various quarters, the Chairperson asked the witnesses to furnish written replies on the same in due course.

6. The evidence was completed.

7. The Chairperson thanked the witnesses for deposing before the Committee and furnishing the available information on the queries raised and clarifications sought by them.

8. The witnesses, then, withdrew.

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

The Committee then adjourned.

COMMITTEE ON GOVERNMENT ASSURANCES (2020-2021), LOK SABHA

**Statement of pending Assurances pertaining to the Ministry of Law and Justice
(Department of Legal Affairs) discussed during oral evidence held on 22.12.2020**

S.No.	SQ/USQ No. dated	Subject
1.	USQ No. 1321 dated 03.03.2011	Regulatory Body for Legal Services
2.	USQ No. 704 dated 04.08.2011	Reducing Government Litigation
3.	USQ No. 733 dated 04.08.2011	National Litigation Policy
4.	SQ No. 474 dated 11.08.2014	National Judicial Data Grid
5.	USQ No. 3110 dated 11.12.2014	Draft National Litigation Policy
6.	USQ No. 1838 dated 05.03.2015	Ten-Point Litigation Policy
7.	USQ No. 6818 dated 07.05.2015	Pending Court Cases
8.	USQ No. 3725 dated 25.08.2011	Law Commission Report on Advocate Act
① 9.	USQ No. 6690 dated 17.05.2012	Settlement of Cases out of Court
① 10.	USQ No. 6900 dated 17.05.2012	Reservation to SC/ST/OBC/Minority
11.	USQ No. 3427 dated 13.12.2012	Litigation Management
12.	USQ No. 1448 dated 14.08.2013	Mediation Centres
① 13.	USQ No. 2185 dated 18.12.2013	Decisions by Constitution Benches
14.	USQ No. 18 dated 07.07.2014	Harassment of Executives of Foreign Firms
① 15.	USQ No. 4632 dated 11.08.2014	Remission of Life Convicts
16.	USQ No. 145 dated 24.11.2014	Pending Inter-Ministerial Cases
17.	USQ No. 221 dated 24.11.2014	Reservation to SC/ST Prosecutors
① 18.	SQ No. 175 dated 04.12.2014	Fees of Lawyers
19.	USQ No. 3834 dated 19.03.2015	Mergers of National Tribunals

① Implementation Reports laid on 11.02.2021.

20.	USQ No. 6106 dated 30.04.2015	Permission to International Law Firms
21.	USQ No. 6828 dated 07.05.2015	Reservation for Women in Bar Councils
22.	USQ No. 518 dated 23.07.2015	Public Prosecutors
23.	USQ No. 2787 dated 06.08.2015	Law University and Legal Research Centre
24.	USQ No. 2790 dated 06.08.2015	Court Cases by and against Government Departments
25.	USQ No. 2918 dated 06.08.2015	Pre-Trial Hearing
26.	USQ No. 4019 dated 13.08.2015	Women Lawyers

② Implementation Reports laid on 11.02.2021.

MINUTES

COMMITTEE ON GOVERNMENT ASSURANCES
(2020-2021)
(SEVENTEENTH LOK SABHA)
FIFTH SITTING
(19.02.2021)

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

PRESENT

Shri Rajendra Agrawal - **Chairperson**

MEMBERS

2. Shri Ramesh Chander Kaushik
3. Shri Kaushalendra Kumar
4. Shri Pashupati Kumar Paras
5. Shri M.K. Raghavan
6. Shri Chandra Sekhar Sahu

SECRETARIAT

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

WITNESS**Ministry of Women and Child Development**

1. Shri Ram Mohan Mishra - Secretary
2. Shri Ashish Srivastava - Additional Secretary
3. Ms. Pallavi Agarwal - Joint Secretary
4. Ms. Aastha Saxena Khatwani - Joint Secretary
5. Ms. Aditi Das Rout - Joint Secretary

Ministry of Parliamentary Affairs

1. Shri P.K. Haldar - Under Secretary

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2. Thereafter, the Committee considered and adopted the following two draft Reports and authorized the Chairperson to present the same at a later date after carrying out verbal and consequential changes:

- (i) Draft Forty-third Report (17th Lok Sabha) regarding 'Review of Pending Assurances pertaining to the Ministry of Civil Aviation'; and
- (ii) Draft Forty-fourth Report (17th Lok Sabha) regarding 'Review of Pending Assurances pertaining to the Ministry of Law and Justice (Department of Legal Affairs)'.

3.	XXXX	XXXX	XXXX
4.	XXXX	XXXX	XXXX
5.	XXXX	XXXX	XXXX
6.	XXXX	XXXX	XXXX
7.	XXXX	XXXX	XXXX
8.	XXXX	XXXX	XXXX

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

The Committee then adjourned.

