



RAJYA SABHA
PRACTICE & PROCEDURE SERIES

14

**COMMITTEE ON
GOVERNMENT ASSURANCES**

COMMITTEE ON GOVERNMENT ASSURANCES

F. No. RS. 17/5/2005-R & L

© RAJYA SABHA SECRETARIAT, NEW DELHI

<http://parliamentofindia.nic.in>

<http://rajyasabha.nic.in>

E-mail: rsrlib@sansad.nic.in



सत्यमेव जयते

**RAJYA SABHA SECRETARIAT
NEW DELHI**

PUBLISHED BY SECRETARY-GENERAL, RAJYA SABHA AND PRINTED
BY MANAGER, GOVERNMENT OF INDIA PRESS,
MINTO ROAD, NEW DELHI-110002.

PREFACE

This booklet is part of the Rajya Sabha Practice and Procedure Series which seeks to describe, in brief, the procedure and functioning of the Committee on Government Assurances of Rajya Sabha. It is based on the Rules of Procedure and Conduct of Business in Rajya Sabha and some of the important Reports submitted by the Committee to the House from time to time. The booklet is intended to serve only as a handy guide for ready reference and the information contained in it is not exhaustive. For full and authentic information original sources may be referred to and relied upon.

New Delhi;
February, 2005.

DR. YOGENDRA NARAIN
Secretary General

COMMITTEE ON GOVERNMENT ASSURANCES

Genesis of the Committee

In a parliamentary democracy the Executive is accountable to Legislature for all its acts of commission and omission. The control which Parliament exercises over the Executive emanates from the principle of Parliamentary supremacy as it represents the will of the people. Parliament as a watchdog of the people's rights, through its various procedures and devices, not only elicits information on matters of public importance but also extracts from the Ministers promises or undertakings for action. The legislature as a body cannot effectively scrutinise the fulfilment of assurances given by the Ministers on the floor of the House. Thus a need was felt for creating a body with a distinct mandate to oversee the fulfilment of assurances given by the executive to Parliament. The Committee on Government Assurances was created for this purpose, which is a wholly Indian invention in the words of Morris Jones, with no parallel in any other country having a Parliamentary system of Government.

During the course of replies to questions or participating in the debates on Bills, Resolutions, Motions, etc., Ministers often use expressions like 'The matter is under consideration', 'I shall look into it', 'I shall

consider it', 'Information is being collected and will be laid on the Table of the House', I shall supply it to the hon'ble Member', etc. It was in 1949 that the Government at the centre for the first time made arrangements to extract such assurances from the proceedings and to report to the House regarding action taken on them from time to time. Since there was no machinery of the House to ascertain whether all the assurances given by the Ministers on the floor of the house had been extracted and fulfilled, it was left to the individual member to watch the progress of implementation of assurances given by Ministers. It was in 1953, the first Committee on Government Assurances was constituted by the speaker in the Lok Sabha for systematic follow-up of Ministerial assurances.

The Committee was constituted for the first time in Rajya Sabha on 1 July 1972, following the recommendation of the Committee on Rules. While recommending the setting up of a Committee, the Rules Committee took note of the then existing arrangement with regard to the assurances given by the Ministers on the floor of Rajya Sabha. The procedure was that the department of Parliamentary Affairs pursued the matter with, and collected the necessary information from the Ministry/department concerned and the same was laid on the Table of the House by the Minister of Parliamentary Affairs in due course. This practice was considered ineffective because it left the entire thing to

the sweet will of the Ministries. Hence the need for the Committee of the Rajya Sabha was felt and the Committee came into existence.

Constitution and functions of the Committee

The Committee on Government Assurances in Rajya Sabha is constituted under rule 212A of the Rules of Procedure and Conduct of Business in Rajya Sabha. The Committee consists of ten members nominated by the Chairman and holds office until a new Committee is nominated. Normally, the Committee is reconstituted every year. The Chairman of the Committee is appointed by the Chairman from amongst the members of the Committee. If the Chairman of the Committee is absent from any meeting, the Committee chooses another member to act as Chairman of the Committee for that meeting. In order to constitute a meeting of the Committee, the quorum is five.

The functions of the Committee are to scrutinise the assurances, promises, undertakings, etc. given by the Ministers, from time to time on the floor of the House and to report (a) the extent to which such assurances, promises, undertakings, etc. have been fully or satisfactorily implemented; and (b) when implemented, whether such implementation has taken place within the minimum time necessary for the purpose or whether there has been an inordinate delay in implementation of the assurances and if so, the reason therefor.

Procedure of the working of the Committee

The Committee determines its own procedure in respect of all matters relating to the consideration of any question of assurances, promises, undertakings, etc. As per the Rules adopted by the Committee for its internal working at its sitting held on 24 July 1972, the concerned officers of the Secretariat go through the daily proceedings of the House to cull assurances from the verbatim proceedings of the House on the basis of standard expressions constituting assurances. This list or statement of assurances is checked by the secretariat with the statements received from the Ministry of Parliamentary Affairs and those assurances which are not included by the Ministry of Parliamentary Affairs are referred to that Ministry for their comments in the first instance and those comments of the Ministry are brought to the notice of the Chairman of the Committee, who may either dispose of the matter himself or if he considers it necessary, place the matter before the Committee for its decision as to whether a particular statement by a Minister is or is not to be treated as an assurance.

The Committee Chairman has been authorised to grant extension of time for implementation of assurances in respect of cases where request of Ministries for such extensions from time to time does not exceed the period of one year. The Committee also undertakes on-the-

spot study in order to ascertain the facts relating to the implementation of an assurance. On specific requests from the Ministries for dropping of particular assurances on giving satisfactory reasons, the Committee also drops such assurances from the list of pending assurances but it is not necessary that all such requests are acceded to.

The Minister of Parliamentary Affairs lays on the Table of the House from time to time statements showing action taken by the Government in implementation of the assurances, etc. given by Ministers in the House. These statements showing the action taken by the Government in implementation of assurances, etc. as laid on the Table of the House, are examined by the Secretariat and such of the assurances as do not appear to have been fully or satisfactorily implemented, or where inordinate delay, considering the nature of the assurance, has occurred in its implementation, are placed before the Committee for its consideration.

Preparation and Presentation of Report

After the examination of the action taken by the Government to implement the assurances, and the extent to which they have been actually implemented and whether such implementation has taken place within the minimum time necessary for the purpose, (the Committee has prescribed a time limit of three months for the implementation of assurances, etc. by the

Government) the Committee forms its own conclusions and makes its own recommendations.

The Report of the Committee is presented to the House by the Committee Chairman or in his absence, by any Member of the Committee so authorised by the Committee. Apart from specific cases of assurances, the report generally contains analysis of cases where the Government has taken a long time in the implementation of assurances, requests for extension of time in implementation of assurances, assurances which do not appear to have been fully or satisfactorily implemented, review of pending assurances, and assurances which have been recommended for dropping. The Report of the Committee, as a convention, is not discussed in the House. So far (upto 200th Session) the Committee has presented 57 Reports.

The Committee has presented several Reports on important subjects which include—

1. 46th Report on Agricultural Labourers and amendments in Minimum Wages Act, 1948;
2. 48th Report on payment of statutory dues to workers of PSUs;
3. 50th Report on Multi Lingual Languages on medium of examination conducted by UPSC and recommendations of Dr. Satish Chandra Committee; and

4. 51st Report on assurances pertaining to reservation for women in Central Government Services.

Some important recommendations of the Committee

Some of the important recommendations made by the Committee in its various reports presented to the House are as under:—

1. In its First Report presented to the House on 13 November 1972, the Committee has stressed the need to take all necessary steps to implement, assurances, etc. within the prescribed period of three months.
2. In its Second Report presented to the House on 18 May 1973, the Committee had observed that assurances, etc. made on the floor of the House would become obsolete and lose all their significance if their Implementation was delayed inordinately and it had, therefore, urged upon the Government to ensure that all assurances, etc. were implemented within the prescribed period.
3. The Committee in its Thirty-first Report presented to the House on 8 May, 1987 dealt with the question of treating certain statements as assurances even though they did not conform to the Standard List of Expressions constituting assurances. The Committee made it clear to the Ministries that the Standard List of Expressions

was not exhaustive but only illustrative and an expression synonymous or analogous to an expression in the list or any other expression having the slightest resemblance of an assurance, would be treated as such. The Committee in the said Report also made it clear that it was within the exclusive jurisdiction of the Committee to decide whether or not a particular reply constituted an assurance and that the Ministries were not competent to question such decisions.

4. In its 52nd report, the Committee made the following recommendations:—

- (a) Ministries should take all care and circumspection while formulating implementation statements so that the entire spectrum of the issues involved in the assurance is covered and the main thrust of information sought for in the question is not sidetracked.
- (b) Ministry of Parliamentary Affairs which has the nodal responsibility should conduct Ministry-wise quarterly reviews and submit to the House quarterly Ministry-wise, status notes on pending assurances.

5. In its 55th Report, the Committee made the following recommendations:—

- (a) The Committee realising the time taken in conducting investigations by investigating agencies observed that the cases under investigation are

required to be finalised and not allowed to remain pending indefinitely. The Committee was of the view that there is an imperative need for overhauling the investigating procedure and setting up of definite time frame for completion of investigation and submission of reports so as to reduce administrative delays. The Committee recommended that the concerned Ministry should also seek regular progress report from the investigating agencies and this should be reviewed at least quarterly at the level of the Secretary of the Department.

- (b) The Committee emphasises the need for setting up of Ministry-wise computerised data base of pending assurances for proper coordination and monitoring of long pending assurances. The Committee also expects that Parliament Section of respective Ministries should keep track of all the assurances given by their Ministers on the floor of the House so that all assurances are accounted for and fulfilled within the shortest time without waiting for communication for the Secretariat or the Ministry of Parliamentary Affairs.

6. In its 56th Report, the Committee made the following recommendations:

The Committee would like to make it absolutely clear that timely and proper implementation of assurances

given in Parliament is an important aspect of the entire concept of the accountability of the Government to Parliament and, therefore, any laxity shown either in not seeking timely extension of time for fulfillment of assurances or causing inordinate delay in fulfillment of the same without any valid reasons or failing in furnishing the requisite information asked for by the Committee would be viewed seriously.

7. In respect of dropping of the assurances, the Committee has observed:—

- (a) Ministries should not approach the Committee in the matter on the plea that investigations will take considerable time or it is not practicable to foresee how long it will take to fulfil an assurance. (26th Report)
- (b) Merely informing the Committee that expeditious action is being taken in furtherance of the assurance is no substitute for, and does in no way wipe out, the imperative need for action in concrete terms to fulfil an assurance. (26th Report)
- (c) The omnibus plea of public interest is by itself not a sufficient ground for not giving information, need to liquidate or drop an assurance. (26th Report)
- (d) As regards requests from Ministries/Departments for dropping assurances on the ground that the Minister did not intend to give any assurance and

that he simply stated the factual position available at the time of replying question, the Committee has observed: "An observation made by a Minister is viewed in a given context by way of giving information and is matched with the intention behind seeking such information. If on scrutiny of a given observation made by a Minister, it is found that information sought for by a member could have been furnished but for its timely non-availability, the intention to make the requisite information available subsequently is evident, such an expression of the intention becomes the concern of the Committee to follow up with the Ministry concerned for its concretisation." (25th and 31st Reports)

- (e) Ministries/Departments should desist from approaching the Committee for dropping of an assurance on flimsy grounds, more so in respect of those which have already been considered and not agreed to by the Committee. Requests for dropping of assurances should be made only in very genuine cases where it is practically not possible to fulfil them. It should be an exception and not a rule. (40th Report)
- (f) Ministries should scrupulously adhere to the jurisdictions defined by the Constitution of India and should not approach the Committee for

dropping the assurance at a later stage on the grounds that the matter relates to state subject. (52nd Report)

- (g) There is need for evolving a mechanism to obtain information from defaulting State Governments so that assurances given on the floor of the House are fulfilled within shortest time to ensure the right to information of Members of Parliament who raise the questions in the House. The Committee also observes that in an increasing number of cases the mechanism to obtain information from State Governments seems to be non-functional, and expresses its serious concern about the implications of this phenomenon on the federal structure (53rd Report.)

Computerisation of Assurances

All the relevant details relating to assurances *e.g.* assurance no., source and date, subject, extent of assurance, reasons for pendency, extension given with date, date of laying of Implementation, Report and date of dropping, etc. are available on a client server based software with web enabled outputs and a search facility and the information can be accessed from the Rajya Sabha Website <http://rajyasabha.nic.in>.