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MONITORING ASSURANCES

BACKGROUND

In the parliamentary system of governance, the Council of Ministers is responsible and accountable to the Legislature. The Executive acts with the approval and concurrence of the Legislature and the representatives of the people have the right to know about the various activities of the Government. The Government is duty bound to disclose such information except that the disclosure of which may not be in public interest. This flow of information from the Executive to the Legislature is an essential feature of the responsibility of the former to the latter.

The central objective of various practices and procedures adopted by the Legislature such as Questions, Calling Attention Motions, Short Duration Discussions, Debates, etc. is to obtain maximum information from the Government, on their acts of commission or omission, which enable the Legislature to judge its performance.

During the course of answers to Questions or during debates, various assurances - in the form of promises, undertakings or other such forms of expressions - are given by Ministers on the floor of the House. Such assurances are given due to non-availability of information, at that point of time, to meet the queries or points raised by the Members. There is a formalised list (**Annex IX-A**) of expressions or forms which are treated as constituting assurances given by Ministers. This list has been approved by the Committees on Government Assurances of the Lok Sabha and the Rajya Sabha. Apart from these listed standard expressions, other remarks or expressions may be treated as assurances on the basis of the context in which such remarks or expressions were made. It is to be noted that:

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- (a) the assurance though given (in response to a Question or demand from an individual Member or Members) is in essence an assurance given to the House as a whole; and conversely
- (b) the assurance though given by an individual Minister ultimately devolves as a responsibility upon the Government as a whole.

Naturally, the Government would be anxious that the assurances given on the floor of the House by Ministers are duly fulfilled. Also, given the implied characteristics of assurances in so far as they ultimately constitute a pending matter between the Government and the House concerned, full efforts are made by the Government to fulfill the assurances expeditiously.

PROCEDURE

The Ministry of Parliamentary Affairs is the coordinating agency within the Government for its interaction with the Legislature. One of the specific functions assigned to the Ministry under the Government of India (Allocation of Business) Rules, 1961 (**Annex IX B**) is the implementation of assurances given by Ministers in Parliament. In fact, this has been one of the functions assigned to the Ministry (then Department) since its very inception in 1949.

The functions performed by the Ministry of Parliamentary Affairs in this regard essentially comprise the following three broad lines of action:

- (i) culling out of assurances from the debates;
- (ii) monitoring the state of fulfilment thereof; and
- (iii) laying of implementation reports before the Houses.

The Implementation Branch of the Ministry looks after the work relating to assurances. It comprises two sections, one dealing with Lok Sabha assurances and the other with Rajya Sabha assurances.

The procedure followed by the Implementation Branch is briefly as under:

- (a) On receipt of the debates of each day's proceedings,

the concerned section goes through them to identify the assurances. The extracts are submitted for approval and these are normally approved at the level of the Under Secretary. In cases where the assurances relate to MPs, Ministers *per se* or to the Ministry of Parliamentary Affairs itself, are approved at the level of the Secretary. Details of various levels at which matters relating to assurances are decided upon are provided in **Annex IX-B**.

- (b) After approval, the extracts are sent to the concerned Ministries. The forwarding communication contains detailed instructions (**Annex IX-C**) to the Ministries on the various procedures and points to be noted while fulfilling the assurance. A list of such culled out assurances in respect of each day's debate is also forwarded to the respective Secretariats of Parliament with the request that these may be checked and the Ministry of Parliamentary Affairs may be informed whether all the assurances have been culled out. On receipt of their response, if any, additions/deletions, as may be required, are made.
- (c) The entire process of culling out of the assurances and forwarding them to the concerned Ministries is to be completed within ten days of the date on which the assurance was given in the House.
- (d) Each assurance is dealt with in a separate file.
- (e) Periodic review of the stage of implementation is done and Ministries are reminded for expediting the fulfilment.
- (f) On receipt of the Implementation Reports from the Ministries, sets are prepared for laying these on the Table of the respective Houses by the Minister(s) of Parliamentary Affairs. The laying is done periodically, usually twice in a session.
- (g) After the Implementation Reports have been laid, the Members concerned are informed accordingly with a copy of the respective Implementation Report. The concerned Ministries are also informed about the laying of the Implementation Report.
- (h) The Ministries/Departments often seek extension of

time beyond the stipulated period of three months for fulfilling the assurances. The Ministries approach the Committee on Government Assurances by directly writing to the Lok Sabha/Rajya Sabha Secretariats for the purpose and endorse a copy to the Ministry of Parliamentary Affairs.

- (i) Sometimes Ministries/Departments also request dropping of the assurances giving cogent reasons for doing so. They write directly to the respective Secretariats and endorse a copy to the Ministry of Parliamentary Affairs.
- (j) In cases where after the committee decides that a particular matter constitutes an assurance even after a Ministry represents that it is otherwise, the Chairman of the committee may refer the matter to the Speaker/Chairman for guidance. The Reports of the two House Committees on Government Assurances are also received in the Implementation Branch and they are scrutinised with special reference to any recommendations or observations made therein which are of a general nature or which are specifically addressed to the Ministry of Parliamentary Affairs and due action is initiated thereon.

Committees on Government Assurances

The Committee on Government Assurances is an innovation of the Indian Parliament. Parliament made this innovation with a view to institutionalising the procedure to ensure the fulfillment of assurances given by Ministers in the Houses. Each House of Parliament has a Committee on Government Assurances. The Lok Sabha committee was first nominated by the Speaker on 1 December, 1953 and is reconstituted every year. The Rajya Sabha committee was first constituted on 1 July, 1972. The functions assigned to these committees under the Rules of Procedure and Conduct of Business of the respective Houses are to:

“...scrutinize the assurances, promises, undertakings, etc., given by Ministers, from time to time, on the floor of the House and to report on

- a. the extent to which such assurances, promises, undertakings, etc. have been implemented; and
- b. where implemented whether such implementation has taken place within the minimum time necessary for the purpose.”

In the matter of assurances, the decisions taken by the Committee on Government Assurances of the respective Houses are treated as final. Wherever necessary, the Chairman of the committee may refer the matter to the Speaker/Chairman, as the case may be, for guidance.

DECISIONS

- (i) In cases where an assurance was not culled out either by the Ministry of Parliamentary Affairs or by the concerned Secretariat and the Ministry concerned subsequently sends an Implementation Report, the same is laid on the Table of the concerned House.
(F.No.II/P&AR(4)USQ 6632 LS/85)
- (ii) In reply to a Question the Minister replied that he would send an answer to the Member. The Minister accordingly sent a reply to the Member. Subsequently, the Ministry supplied an Implementation Report enclosing therewith a copy of the letter sent by the Minister to the Member. The Implementation Report enclosing the said letter was laid on the Table of the House.
(F.No.II/YAS(3) SQ 856-LS/85)
- (iii) A question arose as to whether the dissolution of a Lok Sabha would have any effect on the assurances pending. The Ministry of Law was consulted and the Minister of Parliamentary Affairs wrote to the Committee on Government Assurances. The committee considered the matter and decided to keep alive the assurances pending at the time of dissolution of the Lok Sabha. The committee took the view that where the new Government does not agree with the policies of the previous Government, it can approach the committee for dropping such assurances.
(F.No.6(5)/91-Imp-I)

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- (iv) Statements made by Ministers during Zero Hour and matters raised under Rule 377 in Lok Sabha and Special Mentions in Rajya Sabha are not marked as assurances by Implementation Branch. Such matters are already being dealt with by the Legislative Branch of the Ministry of Parliamentary Affairs which separately takes up the matters with the Ministries concerned (in those cases the Ministries do not submit any Implementation Report to be laid before the concerned House). (approved by Secretary, M.P.A on 24.5.2000)
- (v) Ministry sent an Implementation Report after the assurance was dropped by the Committee on Government Assurances. The Implementation Report was not laid on the Table of the House and was returned to the Ministry. (RS USQ 1850 dt.11.5.88 H&FW)
- (vi) A question was raised by the Ministry of Railways whether it would be appropriate to furnish copies of Implementation Reports or even information collected in connection therewith to the Member of Parliament before the Implementation Report was laid on the Table of the House. The Ministry of Parliamentary Affairs advised that till such time as the Implementation Report is laid before the House they are to be treated as confidential and the Members are to be supplied the information by this Ministry only after it is laid on the Table of the House. (F.No.2(7)/77-Imp-I)
- (vii) In reply to a Rajya Sabha Question addressed to the Ministry of Defence, it was stated that a Committee Report (The La Fontaine Committee Report on Air Accidents) was a classified document and necessary action to implement its recommendations has been taken. Many recommendations have already been implemented and action to finalise decisions on the remaining recommendations was in hand. This reply was marked as an assurance. However, subsequently the Ministry of Defence represented that this might not be treated as an assurance. They mentioned that the Minister of Defence had minuted that "There is no question of making the Report Public. Furthermore, I cannot see how the reply is being read as an assurance.

Ministry of Parliamentary Affairs may be advised accordingly". The matter for dropping the assurance was taken up with the Committee on Government Assurances and the committee agreed to drop the assurance. (USQ No. 221 Dated 24.07.1985)

CHECK LIST

A check list of steps to be taken at various stages is at **Annex IX -D.**