



NATIONAL LEGISLATORS' CONFERENCE BHARAT (INDIA)

**राष्ट्रीय विधायक सम्मेलन
भारत**

POLICY PAPER ON GOVERNMENT ASSURANCES IN PARLIAMENT

February 2024

CHINMAY SANJAY BENDRE

Academic Support By



Since 2005

**MIT School of
Government**

Bharat's First School to Create Future Political Leaders

INDEX

| | |
|--|---|
| ▪ Background | 1 |
| ▪ Constitution | 1 |
| ▪ Functions | 1 |
| ▪ Working..... | 1 |
| ▪ Status of Assurances after dissolution | 2 |
| ▪ How many Assurances are pending in the Parliament? | 2 |
| ▪ Pending Assurances (Lok Sabha wise) | 3 |
| ▪ Recommendations..... | 4 |
| ▪ Conclusion..... | 5 |
| ▪ Annexure | 6 |
| ▪ Notes & References | 7 |

Background

During House proceedings or deliberations on legislation, Ministers frequently offer assurances, commitments, or pledges to address matters, take steps, or provide information at a later time. The standardized forms comprising these assurances can be found in Annexure.

To guarantee the implementation of these assurances within a reasonable timeframe, the Lok Sabha has established a Government Assurances Committee. This committee aims to formalize the process and ensure the fulfillment of promises and commitments made by Ministers during parliamentary sessions.

Constitution

Before 1953, there was no formal mechanism in place to follow up on assurances and promises made by Ministers during parliamentary sessions, leaving it to individual Members to monitor such commitments. However, on December 1, 1953, the Speaker nominated the first Committee on Government Assurances, initially comprising six Members. Subsequently, on May 13, 1954, the Honorable Speaker increased the Committee's size to fifteen Members (LS Secretariat, n.d.).

The Speaker appoints the Chairperson from among the Committee's Members. Ministers are not appointed to the Committee, and if a Member is later appointed as a Minister, they cease to be a Committee Member upon assuming ministerial duties. The tenure of Committee Members does not exceed one year from the date of its formation, although they may be reappointed. If the Deputy Speaker is a Committee Member, he is designated as the Committee's Chairperson.

Functions

The primary responsibility of the Committee on Government Assurances includes examining assurances, promises, undertakings, and similar commitments made by Ministers during parliamentary sessions and providing reports on (LS Secretariat, n.d.):

- The extent to which such Assurances, promises, undertakings, etc., have been implemented; and
- Where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

Working

Initially, the Ministry of Parliamentary Affairs reviews the Lok Sabha debates and submits Statements of Assurance to the Lok Sabha Secretariat within a week of the relevant dates. Simultaneously, the Lok Sabha Secretariat independently scrutinizes the debates to identify Ministerial replies/statements constituting assurances. These records are subsequently reconciled, and Ministries/Departments of the Government of India are informed of the identified assurances. The Committee has set a maximum period of three months for assurance implementation, starting from the date of its being given in the House. However, if the Government anticipates genuine difficulties meeting the deadline, the concerned Ministry may request an extension from the Committee, providing a rationale for the additional time needed. Typically, the Committee grants such extensions unless they are deemed unreasonable. In cases where the Government determines that fulfilling a House assurance is not feasible due to valid reasons, it must approach the Committee and present the circumstances for consideration. If the Committee agrees with the Government's assessment, it may recommend removing the assurance from its reports submitted to the House (LS Secretariat, n.d.).

To ensure the fulfillment of assurances, different Ministries provide implementation reports in the designated format to the Ministry of Parliamentary Affairs and concurrently send a copy to the Lok Sabha Secretariat. Subsequently, the Minister of Parliamentary Affairs periodically

presents to the Lok Sabha Statements detailing the actions taken by the Government in fulfilling the assurances.

The Statements laid on the Table undergo scrutiny by the Secretariat. Any assurances that seem incomplete or unsatisfactorily implemented are brought before the Committee for review. If deemed necessary, the Committee can summon officials from the relevant Ministry to provide oral testimony regarding the Government's progress in fulfilling specific assurances.

During the review process, if the Committee believes that conducting an on-site study tour is essential to gain first-hand insights into the reasons for delays in implementing an assurance, it may seek approval from the Speaker to undertake such a tour.

Subsequently, utilizing the evidence gathered and materials provided by the relevant Ministry, along with responses to questionnaires prepared by the Secretariat, the Committee on Government Assurances compiles a report. Following the approval of the Chairperson, the report is distributed to Committee Members and deliberated upon during a dedicated session. Once the Committee adopts the report, the Chairperson presents it to the House.

Status of Assurances after dissolution

The Assurances do not lapse either on the dissolution or the expiry of the term of the Lok Sabha. The Assurances are pursued by the Lok Sabha Secretariat as well as by the Ministry of Parliamentary Affairs until the Assurances are brought to a logical end (LS Secretariat, n.d.).

How many Assurances are pending in the Parliament?

As per the Online Assurances Monitoring System (OAMS), there are currently 632 pending assurances in the Lok Sabha. ¹ The Ministry of Law and Justice tops the list with 41 pending assurances, followed by the Ministry of Defence with 39, the Ministry of Social Justice and Empowerment with 37, and the Ministry of Education with 36.

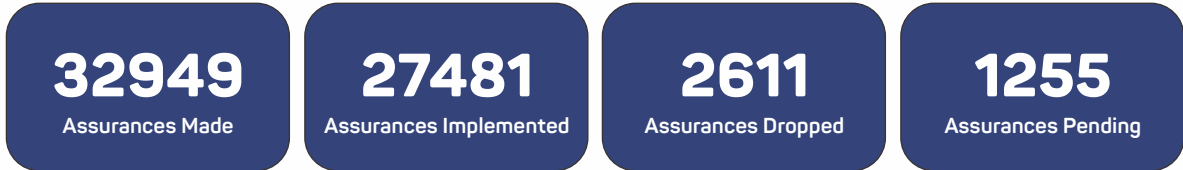
Some of the oldest pending assurances date back to 2009, with the Ministry of Minority Affairs having 3 and the Ministry of Railways having 2 pending assurances from that year.

Furthermore, in addition to the pendency, a total of 1606 Assurances were dropped. The Home Ministry accounted for the highest number, with 136 assurances dropped, followed closely by the Ministry of Railways, which saw 129 assurances dropped (MoPA, n.d.).

In the Rajya Sabha, there are 624 pending assurances according to OAMS. ² The Ministry of Railways leads with 69 pending assurances, followed by the Ministry of Road Transport & Highways with 49, the Ministry of Law and Justice with 44, and the Ministry of Commerce & Industry with 26.

The Ministry of Education holds the oldest pending assurances. 2 assurances dating back to 2005 are pending with the Ministry.

Additionally, apart from the existing pendency, a total of 1042 Assurances were dropped. The Home Ministry led with the highest number of dropped assurances at 115, followed by the Ministry of Railways with 57 assurances dropped (MoPA, n.d.).



A snapshot of the pending assurances

Pending Assurances (Lok Sabha wise)

As of February 29, 2024, there are no pending assurances from the 14th Lok Sabha (2004 - 09). However, the Lok Sabha Committee on Government Assurances shows that the pendency has accumulated from the 15th Lok Sabha onwards. The pending assurances for the 15th (2009 - 14), 16th (2014 - 19), and 17th (2019 - 24) Lok Sabhas are highlighted in the images below.

| Session | Fully Implemented | Partly Implemented | Dropped | Pending | Total |
|---------|-------------------|--------------------|---------|---------|-------|
| 2 | 42 | 0 | 13 | 2 | 57 |
| 3 | 34 | 0 | 8 | 2 | 44 |
| 4 | 68 | 0 | 7 | 1 | 76 |
| 5 | 67 | 0 | 14 | 2 | 83 |
| 6 | 489 | 0 | 33 | 1 | 523 |
| 7 | 369 | 0 | 10 | 3 | 382 |
| 8 | 801 | 0 | 85 | 4 | 890 |
| 9 | 540 | 0 | 39 | 3 | 582 |
| 10 | 810 | 0 | 60 | 3 | 873 |
| 11 | 483 | 0 | 31 | 5 | 519 |
| 12 | 439 | 0 | 24 | 3 | 466 |
| 13 | 551 | 0 | 45 | 7 | 603 |
| 14 | 264 | 0 | 22 | 1 | 287 |
| 15 | 387 | 0 | 40 | 5 | 432 |
| | 5344 | 0 | 431 | 42 | 5817 |

Table 1: 15th Lok Sabha

| Session | Fully Implemented | Partly Implemented | Dropped | Pending | Total |
|---------|-------------------|--------------------|---------|---------|-------|
| 2 | 527 | 0 | 40 | 2 | 569 |
| 3 | 553 | 1 | 38 | 1 | 593 |
| 4 | 554 | 0 | 56 | 4 | 614 |
| 5 | 268 | 0 | 15 | 5 | 288 |
| 6 | 368 | 0 | 27 | 7 | 402 |
| 7 | 208 | 0 | 23 | 3 | 234 |
| 8 | 315 | 0 | 23 | 6 | 344 |
| 9 | 308 | 0 | 20 | 4 | 332 |
| 10 | 316 | 1 | 32 | 9 | 358 |
| 11 | 385 | 0 | 27 | 13 | 425 |
| 12 | 238 | 0 | 32 | 7 | 277 |
| 13 | 143 | 0 | 12 | 9 | 164 |
| 14 | 181 | 0 | 15 | 7 | 203 |
| 15 | 179 | 0 | 19 | 6 | 204 |
| 16 | 223 | 0 | 24 | 14 | 261 |
| 17 | 107 | 0 | 9 | 5 | 121 |
| | 4873 | 2 | 412 | 102 | 5389 |

Table 2: 16th Lok Sabha

| Session | Fully Implemented | Partly Implemented | Dropped | Pending | Total |
|---------|-------------------|--------------------|---------|---------|-------|
| 1 | 438 | 0 | 40 | 27 | 505 |
| 2 | 310 | 0 | 30 | 14 | 354 |
| 3 | 228 | 0 | 16 | 24 | 268 |
| 4 | 77 | 0 | 6 | 5 | 88 |
| 5 | 289 | 0 | 27 | 39 | 355 |
| 6 | 136 | 0 | 16 | 30 | 182 |
| 7 | 141 | 0 | 13 | 28 | 182 |
| 8 | 170 | 0 | 11 | 53 | 234 |
| 9 | 77 | 0 | 7 | 59 | 143 |
| 10 | 55 | 0 | 8 | 41 | 104 |
| 11 | 68 | 0 | 8 | 90 | 166 |
| 12 | 7 | 0 | 0 | 0 | 7 |
| 13 | N.A. | N.A. | N.A. | N.A. | N.A. |
| 14 | 1 | 0 | 0 | 0 | 1 |
| | 1997 | 0 | 182 | 410 | 2589 |

Table 3: 17th Lok Sabha

Recommendations

Understandably, the Government is keen to ensure that the promises made by Ministers in the legislature are honored accordingly. Moreover, recognizing the implicit nature of these commitments as pending matters between the Government and the legislature, concerted endeavors are undertaken by the Government to promptly assurances. Nevertheless, a long pendency of assurances reflects poorly on the government. In this regard, the following suggestions are proposed to ensure the timely fulfillment of government assurances.

- **Reducing pendency:**

1. Every possible measure must be taken to fulfill assurances made in parliament.
2. Assurances lose their significance if their implementation is excessively delayed, hence adhering to the prescribed three-month time limit is crucial.
3. The list of assurances provided in Annexure-1 is not exhaustive; any expression resembling an assurance should be treated accordingly.
4. Swift acceptance of the transfer of assurances belonging to respective ministries, even if made by others, is recommended to prevent pendency.
5. Ministries must exercise caution when formulating implementation statements to ensure comprehensive coverage of the issues involved in the assurance without deviating from the main information sought.
6. Alongside quarterly reviews by the Committee on Government Assurances, an internal Assurance Compliance Committee (ACC) should be established within each Ministry.
7. Ministries should periodically solicit progress updates on issues undergoing investigation by relevant agencies, with reviews conducted quarterly at the departmental secretary level, aiming to prevent any pendency.

Dropping of assurances:

1. Merely citing public interest or sentiments is insufficient grounds for dropping assurances.
2. Ministries should refrain from seeking to drop assurances on flimsy grounds, especially those previously considered and rejected by the Committee.
3. Ministries should strictly adhere to constitutional jurisdictions and avoid later attempts to drop assurances on the pretext of being state subjects

Coordinating with other agencies/ States:

1. A mechanism should be developed to obtain information from defaulting agencies to ensure prompt fulfillment of assurances made in the House, safeguarding the right to information of Members of Parliament raising questions.
2. A mechanism should be developed to obtain information from defaulting State Governments to ensure prompt fulfillment of assurances made in the House, safeguarding the right to information of Members of Parliament raising questions

Digitization:

1. There is an emphasis on establishing a Ministry-wise computerized database of pending assurances to facilitate proper coordination and monitoring.
2. There is a requirement to digitize information regarding implemented assurances, including the date of assurance, the date of assurance closure, and the time taken for complete implementation. This measure will enable both the government and civil society to analyze the responsiveness and quality of responses for implemented assurances.

Conclusion

In the broader framework, it is firmly established that within a parliamentary system, the Council of Ministers is held accountable and responsible to the Legislature. The Executive functions with the approval and consent of the Legislature, and elected representatives have the right to be informed about governmental affairs. This exchange of information from the Executive to the Legislature is a fundamental element of the former's responsibility to the latter. Given that assurances also symbolize a commitment by the government to the citizens through the legislature, it is equally vital for civil society to stay alert, maintain focus on pending assurances, and insist on an explanation from the government regarding its inability to address them promptly.

Annexure

Standard list of forms constituting assurances

- 1) The matter is under consideration.
- 2) I shall look into it.
- 3) Inquiries are being made.
- 4) I shall inform the Hon'ble Member.
- 5) This is primarily the concern of the State Government but I shall look into it.
- 6) I shall write to the State Governments.
- 7) I assure the House all suggestions by Hon'ble Member will be carefully considered.
- 8) I shall study the conditions on the spot during my tour.
- 9) I shall consider the matter.
- 10) I will consider it.
- 11) I will suggest to State Governments.
- 12) We will put the matter in the shape of a resolution.
- 13) I shall see what can be done about it.
- 14) I will look into the matter before I can say anything.
- 15) The suggestion will be taken into consideration.
- 16) The matter will be considered at the _____ conference to be held on _____.
- 17) The matter is still under examination and if anything is required to be done, it will certainly be done.
- 18) The matter will be taken up with the Government of _____.
- 19) I have no information, but I am prepared to investigate the matter.
- 20) Efforts are being made to collect the necessary data.
- 21) The suggestions made will be borne in mind while framing the rules.
- 22) If the Hon'ble Member so desires, I can issue further instructions.
- 23) A copy of the report, when finalized, will be placed in the Parliament Library.
- 24) I shall supply it to the Hon'ble Member.
- 25) I think it can be done.
- 26) If the Hon'ble Members' allegation is true, I shall certainly have the matter gone into.

- 27) We shall have to find that out.
 - 28) I will draw the attention of the _____ Government who I hope will take adequate steps in this direction.
 - 29) It is a suggestion for action that will be considered.
 - 30) All the points raised by various Members will be considered and the result will be communicated to each Member.
 - 31) Information is being collected and will be laid on the Table of the House.
 - 32) I am reviewing the position.
 - 33) Directions by the Speaker, Deputy Speaker, or the Chairperson involving action on the part of the Minister.
 - 34) All specific points on which information is asked for and promised.
-

Notes

1. Retrieved February 29, 2024.
2. Retrieved February 29, 2024.

References

- Lok Sabha Secretariat (LS Secretariat). (n.d.). *Committee on Government Assurances*. Digital Sansad. Retrieved February 29, 2024.
- Ibid.
- Ibid.
- Ibid.
- Ministry of Parliamentary Affairs (MoPA). (n.d.). Online Assurances Monitoring System. Retrieved February 29, 2024, from <https://oams.nic.in/IRUpload/LSRSPending.aspx>
- Ibid.

