

COMMITTEE ON SUBORDINATE LEGISLATION**(2022-2023)****(SEVENTEENTH LOK SABHA)****TWENTY FOURTH REPORT**

STATUS OF FRAMING OF SUBORDINATE LEGISLATION VIZ. RULES/REGULATIONS ETC. UNDER VARIOUS ACTS BEING ADMINISTERED BY THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA AND DELAY IN LAYING OF RULES.



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2022/ Agrahayana, 1944 (Saka)

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(PRESENTED TO LOK SABHA ON 22.12.2022)

**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2022/ Agrahayana, 1944 (Saka)

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MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(2022-2023)

Shri Balashowry Vallabhaneni Chairperson

Members

2. Shri. Manickam Tagore B.
3. Shri Pinaki Mishra
4. Dr. Pritam Gopinath Rao Munde
5. Shri Chandeshwar Prasad
6. Shari N.K.Premachandran
7. Shri Suresh Kumar Pujari
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14. Shri Ram Kripal Yadav
15. Shri Arvind Ganpat Sawant

SECRETARIAT

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri Muraleedharan.P - Director
3. Smt. Jagriti Tewatia - Additional Director
4. Shri S Lal Engzau Ngaihte - Under Secretary

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Twenty-Fourth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 29 July, 2021 during which oral evidence of the representatives of Ministry of Environment, Forest and Climate Change was taken.

3. The Committee considered and adopted this Report at their sitting held on 20 December, 2022.

4. For facility of reference and convenience, observations/recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in Appendix-I of the Report.

5. Minutes of the Seventeenth sitting of the Committee (2020-21) held on 29.07.2021 and Extracts from Minutes of the Fourth sitting of the Committee (2022-23) held on 20.12.2022 relevant to this Report are included in Appendix-II of the Report.

New Delhi;
20 December, 2022
29 Agrahayana, 1944 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

REPORT

STATUS OF FRAMING OF SUBORDINATE LEGISLATION VIZ. RULES/REGULATIONS ETC. UNDER VARIOUS ACTS BEING ADMINISTERED BY THE MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE GOVERNMENT OF INDIA AND DELAY IN LAYING OF RULES.

A. INTRODUCTORY

In a modern welfare state, governmental activity has pervaded almost every field of human endeavour, thus, necessitating enactment of multifarious laws to regulate this ever-widening activity. However, the Legislature does not have enough time to deliberate upon, discuss and approve every detail of legislation. Moreover, it is difficult for the legislature to foresee all future contingencies and the flexibility, the executive authorities may require to deal with the situations. In the nature of things, what the Legislature does, and can do, is to lay down the policy and the objective of any legislation in hand, leaving it to the Executive to frame, in conformity with those principles, formal and procedural details of the legislative measure in the form of orders/rules known as subordinate legislation.

Meaning of the term "subordinate legislation"

2. The term "subordinate legislation" refers to notifications, orders, schemes, rules and bye-laws referred to in Sections 20 and 21 of the General Clauses Act. In the Indian context, the term subordinate legislation refers to rules, regulations, orders, schemes, bye-laws, statutes, ordinances, notifications or any instrument framed under an Act of Parliament or the Constitution. Such subordinate legislations have to be published in the Gazette of India and laid on the Table of both Houses of Parliament, as it affords an opportunity to Members of Parliament, if they so desire, to move amendments or modifications to such "Order", including a Motion for their annulment.

Committee on Subordinate Legislation and its Role

3. As subordinate legislation has become an important constituent element of legislation, the role of legislature has also become equally important to monitor and examine that the subordinate legislation is in accordance with the spirit of the Act or Constitution and also to keep a proper check on the executive exceeding its powers provided under the Acts of Parliament or the Constitution. Legislation is an inherent and inseparable right of Parliament and it has to ensure that this power is neither usurped nor transgressed under the guise of subordinate legislation. The Committee on Subordinate Legislation, Lok Sabha is one such instrument and it is constituted to scrutinize and report to the House whether the powers to make rules, regulations, bye-laws, schemes or other statutory instruments conferred by the Constitution or delegated by Parliament have been properly exercised within such conferment or delegation as the case may be.

4. It is important that legislature must retain in its own hands the essential legislative functions which consist in declaring the legislative policy and laying down the standard which is to be enacted into rule of law, and what can be delegated is the task of subordinate legislation, which by its own nature ancillary to the Statute, which delegates the power to make it.

Important Recommendations of the Committee with regard to framing of subordinate legislation

5. A Statute can be fully enforced only when all the subordinate legislation stipulated under the Act is framed in time. The Committee, while carrying out its work, has found that the Ministries have taken considerable time in framing of the rules/regulations and therefore the Acts remain unimplemented or partially implemented. The Committee has, therefore, made very important recommendations/observations regarding the delay in framing of rules/regulations by the Ministries. The Committee in its 5th Report presented on 5th May, 1959 has recommended as follows;

"34. The Committee consider that ordinarily rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed six months. If no rules are framed within a reasonable period after the commencement of the Act the Committee will take up the matter with the Ministry concerned and report to the House the cases where it is felt that undue delay has occurred in framing the rules."

6. The Committee has further recommended in para 108 of its 18th Report (Fifth Lok Sabha), that in case a Ministry is not able to adhere to this time limit viz. of 6 months, it should seek extension of time for completing the rule-making process. The recommendation of the Committee reads as follows:

"The Committee restate their earlier recommendation that, ordinarily Rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed 6 months. In case, however, a Ministry/Department finds that for any unavoidable reason it is not possible for them to adhere to the prescribed time-limit in an exceptional Case, they should at the expiration of 6 months from the commencement of the relevant Acts, explain the reasons to the Committee and seek a specific extension of time from them".

7. The Committee, however, found that most of the Ministries do not adhere to the time limit of six months prescribed by it for framing of rules/regulations. The Committee noted that delay in framing of rules has become a recurring phenomenon and the matters which are sought to be governed by statutory rules, are often in actual practice governed by executive directions of guidelines etc. in absence of properly framed statutory rules. Thus to ensure timely framing of rules under the Acts passed by the Parliament, the Committee, in its 24th Report (10th Lok Sabha) presented on 6th March, 1996 recommended as under:-

- "1. The framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill so that the draft rules become ready by the time the Bill is introduced in the House.
2. Whenever a Bill is introduced in parliament and in particular those Bills which propose setting up a Commission or Tribunal, there should be a 'Note' in the Memorandum of Delegated legislation appended to the Bill to the effect that the draft rules have also been prepared under that Bill.
3. To overcome undue delays on account of protracted inter-ministerial correspondence or where consultation with the Ministry of Law or other Ministries/Departments is involved the concerned Ministry should convene meetings of all the concerned agencies so that the matters could be sorted out at the earliest without entering into protracted correspondence.
4. In this context the Committee gave some thought to the idea of each Ministry/Department of the Government having the services of a Law officer exclusively for itself for framing/vetting the rules.

The Law officer can be from the Ministry of Law who could be taken on deputation by the concerned Ministry. The Committee has already consulted few Ministries which have reacted positively to this proposal. The Committee feel that such an arrangement would certainly obviate the need for each Ministry/Department to approach the Ministry of Law every time there is a need to formulate/vet rules, and avoid the consequent delay.

The Committee, therefore, desired that all the Ministries/ Departments of Government of India should ensure strict compliance of the aforesaid recommendations of the Committee with a view to ensure timely framing of rules under the Acts passed by the Parliament."

8. The Committee repeatedly reiterated its recommendation for framing of rules under the Act within six months in its 18th Report (5th Lok Sabha), 8th Report (6th Lok Sabha), 4th and 13th Reports (8th Lok Sabha), 1st and 13th Report (14th Lok Sabha), 27th and 31st Reports (15th Lok Sabha). The Committee had also recommended in para 21 of their 4th Report of 8th Lok Sabha (presented to the House on 18.12.1985) for drawing suitable guidelines for the Ministries to streamline their procedure with regard to subordinate legislation. In pursuance of this recommendation, the Ministry of Parliamentary Affairs drew up detailed guidelines on the subject which were forwarded to all Ministries/Departments on 18.09.1986. These guidelines have also been enumerated in chapter 11 pertaining to Subordinate Legislation of the Manual of Parliamentary Procedure in the Government of India.

9. Further, regarding seeking extension of time for framing of Rules from the Committee, the Ministry of Parliamentary Affairs, has specifically mentioned in Para 11.3.2 of Manual of Parliamentary Procedures in the Government of India as under:-

"In case the departments are not able to frame the rules within the prescribed period of six months, they should seek extension of time from the Committee on

Subordinate Legislation stating reasons for such extension; such extension being not more than for a period of three months at a time. The request should be made after obtaining the approval of the Minister."

10. However, despite existence of such detailed guidelines, the recommendations of the Committee are being followed in breach by various Ministries. In many of the cases, the Ministries apologize for their delays and note the Committee's recommendations/observations for future compliance and rectify the lacunae in the Rules on having been pointed out by the Committee.

11. Accordingly vide this Secretariat O.M. dated 14th May, 2020, the Ministry of Environment, Forests and Climate Change was asked to furnish the Status of Rules/Regulations framed under various Act being administered by them. On perusal of the Statement furnished by the Ministry vide their communication dated 12th February, 2021 pertaining to Status of framing of Subordinate Legislation under various Acts, similar breach of oft repeated recommendations of the Committee was observed. The Committee, thus, took cognizance of this fact and held a briefing meeting with the representatives of the Ministry of Environment, Forests and Climate Changes on 29th July, 2021 on status of subordinate legislation viz. Rules/ Regulations etc. framed under various Acts being administered by the Ministry.

B. Aims, Objectives and Functions of the Ministry of Environment, Forests and Climate Change.

12. Furnishing in brief the aims, objectives and Functions of the Ministry, the Ministry in their background note dated 27.07.2021 submitted as under:-

"The Ministry of Environment, Forest & Climate Change (MoEFCC) is the Nodal Agency in the Central Government for planning, promotion, co-ordination and overseeing the implementation of India's environmental and forestry policies and programmes. The objectives of the Ministry are conservation and survey of flora, fauna, forests and wildlife; prevention and control of pollution; afforestation and regeneration of degraded areas; address the challenges of climate change and protection of the environment guided by the principle of sustainable development and enhancement of human well-being.

The Ministry has a number of Divisions dealing with the major issues of Environment, Climate Change, Forestry, Wildlife and Establishment matters."

C. FRAMING OF RULES/REGULATIONS

13. During the briefing by the representatives of the Ministry of Environment, Forest and Climate Change before the Committee held on 29.7.2021, the Committee focused mainly on the following points:

- i. the various Acts/Amendment Acts being administered by the Ministry;
- ii. the details of the delegated power of legislation of the Central Government under various Acts/Amendment Act being administered by the Ministry;

- iii. the status of framing of Rules/Regulations under various Acts (as amended from time to time) being administered by the Ministry or Article 309 of the Constitution of India;
- iv. the status of pending Rules/Regulations required to be framed and the reasons for delay in framing of same;
- v. the details of extension sought by the Ministry from Committees on Subordinate Legislation of Lok Sabha for framing of Rules/Regulations under the various Acts/Amendment Act;
- vi. the status of laying of all Rules/Regulations framed under the various Acts/Amendment Acts;
- vii. instances, if any, of delay in laying of Rules/Regulations framed under the Act by the Ministry on the Table of Lok Sabha.

14. The Ministry in their background note dated 27.07.2021 submitted to the Committee that the following Acts are administered by the Ministry :-

- (a) The Air (Prevention and Control of Pollution) Act, 1981;
- (b) The Water (Prevention and Control of Pollution) Act, 1974;
- (c) The Environment (Protection) Act, 1986;
- (d) The Forest (Conservation) Act, 1980;
- (e) The Indian Forest Act, 1927;
- (f) The Compensatory Afforestation Fund Act, 2016;
- (g) The Wild Life (Protection) Act, 1972;
- (h) The Biological Diversity Act, 2002;
- (i) The National Green Tribunal Act, 2010; and
- (j) The Public Liability Insurance Act, 1991.

D. STATUS OF FRAMING OF RULES/REGULATIONS UNDER THE COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS ACT, 2021:

15. The Ministry vide their Background Note dated 27.07.2021 had again furnished the updated status of Rules/Regulations framed under various Acts. The Ministry in their background Note had submitted that the following Rules/Regulations were required to be framed by the Central/State Governments under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act,2021:-

- (i) Commission for Air Quality Management in National Capital Region and Adjoining Areas (Salary, allowances and other terms of conditions of service of Chairperson, Full-time members, Member Secretary, officers and other staff of the Commission and other provisions).

- (ii) The Commission for Air Quality Management in National Capital Region and Adjoining Areas, (Conduct of Business) and conditions and Limitations in delegation of powers of the Commission) Regulation.
- (iii) The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Manner of taking samples and form of notice) Rules.
- (iv) The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Imposition, collection and utilization of environmental compensation for stubble burning) Rule.
- (v) Commission for Air Quality Management in National Capital Region and Adjoining Areas (Form of annual Statement of Accounts) Rules.

16. The Ministry was thus asked about the expected time by which all the Rules under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 will be framed and laid on the Table of both Houses. In response the Ministry vide their O.M. dated 9 September, 2021 submitted as under:-

“The Rules and Regulations relating to the Commission are under active consideration and at the approval stage. Most likely, the rules framed under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (29 of 2021) would be laid in the Parliament in Winter Session”.

17. It was further noted that the following Rules, under the Act have been framed and laid on the table of the House as per details given below.

SI.No.	G.S.R.No.	Title of the Rule	Date of Laying
1	593(E) of 2021	The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Appointment, Salary, Allowances and other Terms and Conditions of Service of Chairperson, Full-time Members and member-Secretary)ules,2021	13.12.2021
2	742(E) of 2021	The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Manner of Taking Samples and Form of Notice) Rules,2021	13.12.2021
3	F.No.R-11011/1/2021-Estt.Dated 17.09.2021	The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Conduct of Business and Conditions and Limitations in Delegation of Powers of Commission) Regulations,2021	08.08.2022
4	336(E) of 2022	The Commission for Air Quality	08.08.2022

		Management in National Capital Region and Adjoining Areas (Form of Annual Statement of Accounts) Rules, 2021	
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18. However, it was observed that the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Imposition, Collection and Utilization of Environmental Compensation for Stubble Burning) Rule, 2021 are yet to be framed under the Act.

19. To the query regarding the details of extension sought from the Committee in case of Rules which were delayed and Rules which are yet to be framed, the Ministry in their background note dated 27 July, 2021 submitted their response as - 'Not applicable'.

Observations/Recommendations

20. The Committee note that Section 25 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 gives power to the Central Government to frame Rules and Section 25(3) to lay the same in both Houses. Further Section 26(1) of the Act gives Power to the Commission with the previous approval of the Central Government, by notification to make regulations subject to the Provisions of the Act and the rules made there under to carry out the provisions of this Act and as per sub-Clause (3) of Section 26, every regulation made under this Act shall be laid after it is made before each House of Parliament, while it is in session for a total period of 30 days.

21. The Committee also note that the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 was enforced on 13 April, 2021 by promulgating an Ordinance which was replaced by an Act assented to by the President on 12 August, 2021. Thus, all the Rules and Regulations were required to be framed within 6 months of the Act coming into force i.e. by 11 February, 2022 and if for unavoidable reasons it is not possible for the Ministry to frame rules within the prescribed time limit of 6 months, they should after the expiration of 6 months explain the reasons to the Committee and seek extension of time from them.

22. The Committee, thus, note with satisfaction that, the Central Government has framed the following Rules under the Act within the stipulated time frame of 6 months:-

- i. The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Appointment, Salary, Allowances and other Terms and Conditions of Service of Chairperson, Full-time Members and member-Secretary) Rules, 2021, (GSR 593(E) of 2021) dated 27 August, 2021.
- ii. The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Manner of Taking Samples and Form of Notice) Rules, 2021 (GSR 742 (E) of 2021) dated 14 October, 2021.

iii. **The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Conduct of Business and Conditions and Limitations in Delegation of Powers of Commission) Regulations, 2021(F.No.R-11011/1/2021-Estt.Dated 17.09.2021).**

23. **The Committee, are however, concerned to note that the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Form of Annual Statement of Accounts) Rules, 2021 has been notified vide GSR 336(E) dated 4 May, 2022 i.e. after a delay of 2 months 22 days and the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Imposition, Collection and Utilization of Environmental Compensation for Stubble Burning) Rules, 2021 are yet to be framed and the Ministry has also not sought any extension of time from the Committee w.r.t. delay in framing of both the Rules. The matter of more concern is not only that the Ministry has sought no extension of time from the Committee, but it is more appalling to note that the Ministry in their written reply has submitted - 'not applicable', in response to the specific query raised by the Secretariat whereby the Ministry was asked to submit the details of the extensions sought in respect of rules that were or have not been framed within the time limit of 6 Months period.**

24. **This compels the Committee to conclude that either the Ministry is not aware of the laid down procedure, as prescribed in Para 11.3.2 of the Manual of Parliamentary Procedure in the Government of India, related to framing of Subordinate Legislation or is having a very casual approach towards the same. It is also felt so, because the Ministry, while furnishing the Statement twice regarding the status of rules framed under various Acts has also ignored to furnish the status pertaining to framing of Regulations by the Commission, as required to be framed under Section 26 of the Act. The Committee are, therefore, of the view that furnishing of incomplete information to a Parliamentary Committee tantamount to the lackadaisical approach of the Ministry in framing and also keeping record of the Subordinate legislation.**

25. **To further supplement to this, it is also noted by the Committee with concern that, the Ministry in their background Note dated 27 July, 2021 has furnished list of only 10 Acts, that are being administered by them and did not mention about the latest Act viz. The Commission for the Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 which was enforced on 13 April, 2021 and is also being administered by the Ministry. Conversely, while furnishing the status of pending Rules/Regulations required to be framed, the Ministry vide their communication dated 27 July, 2021 has furnished the list of 5 Rules, which are yet to be framed under this Act.**

26. **The Committee thus, take serious note of this casual approach of the Ministry towards framing of Subordinate Legislation and is also of the strong view that, when the Ministry was asked by a Parliamentary Committee to furnish the status of rules framed and laid on the table of both Houses under various Acts being administered by them, the Ministry's sincere efforts should have been**

to compile and furnish the correct updated information to the Committee. The Committee would, therefore, direct the Ministry to evolve a foolproof system for the same and if required, give training to the Officers/Staff so that the laid down procedure pertaining to framing of the Subordinate Legislation, as elaborated in the Manual on Parliamentary Procedure, is followed in letter and spirit. The Ministry should also evolve a system to upload details of the Acts being administered or implemented by the Ministry and status of Rules/Regulations/Ordinances/Statutes etc. on the Webpage of the Ministry and ensure that the same are also being regularly updated. The Committee would like to be apprised of the action take in this regard.

27. The Committee are also of the view that a statute can be fully enforced only when all the subordinate legislation stipulated under the Ordinance/Act are framed in time. The Committee, however, note with concern that the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Imposition, Collection and Utilization of Environmental Compensation for Stubble Burning) Rule, 2021 are yet to be framed even after more than one year of enactment of the Act and the Regulations as required to be framed by the Commission as per Section 26 of the Act, also appears to be pending, because the Ministry did not furnish any information about the same. The Committee would, thus like to point out that in cases of delay in framing of Rules/Regulations by the Ministry and further not seeking extension from the Committee, is in utter disregard of the recommendations of the Committee made in their earlier reports. The Committee are also of the view that the slow pace of framing rules negates the very purpose of the important provision of the legislation passed by the Parliament. The Committee would like to point out that since the said Act is a very important law dealing with National Clean Air Programme, the framing of Rules/Regulations in this regard should have been initiated simultaneously with the drafting of the proposed Ordinance/Act so that the draft rules/regulations become ready by the time the Ordinance/Act was promulgated and passed. Had the Ministry initiated action in this manner, there would not have been such inordinate delay in enforcement of the law. The Committee, therefore, recommend the Ministry to complete its task in a time bound manner and notify the rules/regulations under intimation to the Committee.

E. STATUS OF LAYING OF RULES/REGULATIONS FRAMED UNDER THE ACT:

Statutory requirement for Laying –

28. One of the important safeguards against assumption of arbitrary powers by the Executive is that rules framed by the Executive in exercise of delegated powers should not only be required to be laid before the legislature but that the legislature should also have the statutory right of annulling or modifying them. The Committee have approved the following provision for incorporation in Bills providing for rule-making power:-

"Every Rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of session immediately following the session or the successive session aforesaid, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Time limit for laying of Rules/Regulations

29. The Committee in one of its recommendations made in Para 38 of 6th Report (3rd Lok Sabha) has recommended as under:-

"38. The Committee would like to reiterate that all the Ministries should ensure that all 'Orders' required to be laid before the House are so laid within a period of 15 days after their publication in the Gazette if the House is in session, and if the House is not in session, the 'Orders' should be laid on the Table of the House as soon as possible (but within 15 days) after the commencement of the following session.

The Committee would like the Ministries concerned to furnish them with the reasons explaining the delay caused in laying each such 'Order' on the Table of the House."

30. As per the Manual of Parliamentary Procedures, after publication, the rules, etc. will be laid on the Table of the House as soon as possible and, in any case, within a period of 15 days (30 days in case of notifications relating to a State under the President's rule), reckoned from:

- (a) the date of their publication in the official gazette if the House is in Session; or
- (b) the date of commencement of the next Session, if the House is not in Session.

31. To the query regarding the instances, if any, of delay in laying of Rules/Regulations framed under various Acts by the Ministry on the Table of Lok Sabha, the Ministry of Environment, Forest and Climate Changes in their written reply submitted vide O.M. dated 19 July, 2021 stated that, the Rules/Regulations framed under the National Green Tribunal Act, 2010 were not laid on the Parliament due to certain reasons which have been explained in the Annexure-I. The Ministry however, assured that the work of laying of these Rules is being processed on priority basis. Thereafter, the Ministry vide their background note dated 27 July, 2021 further stated that the Ministry has been regularly laying the Rules/Regulations on the Table of the House of the Parliament.

32. During the briefing Meeting held on 29.07.2021, the witness also apologised for delay in laying of National Green Tribunal Rules and submitted before the Committee as under:-

“First of all, regarding the NGT rules being laid, let me apologise. This is Ministry’s fault. When the letter came, I would be frank, my people told me that for some reasons these are not to be laid. I told them that these are to be laid. Whichever subordinate legislation is elected by the Ministry, whether it is rule or notification, everything should go to the Parliament and is to be laid. So, on behalf of the Ministry I apologise. This will be laid. There may be a possibility that there are other notifications or rules which are not being laid. By the next Session of Parliament, all of them will be laid. That is my assurance to the hon. Committee.”

33. The Ministry further added vide OM dated 27 July, 2021 that, the following Rules have not been laid in either House of Parliament:-

- i. G.S.R. 1362(E) dated 02/11/2017
- ii. G.S.R 589 (E) dated 26/06/2018
- iii. S.O. 1027 (E) dated 22/02/2019
- iv. G.S.R. 1473 (E) dated 01/12/2017

The Ministry also submitted that they are in the process of laying these Rules before both the Houses of the Parliament on priority basis.

34. The Ministry vide their subsequent reply dated 9 September, 2021 while updating the status submitted that following Rules were laid in the Lok Sabha on 06.08.2021 and in Rajya Sabha on 09.08.2021 respectively framed under the National Green Tribunal Act, 2010 :

- i. The National Green Tribunal (Recruitment,Salaries and other terms and conditions of service of Officers and other Employees (Amendment) Rules,2017, G.S.R.1362(E) dated 2.11.2017 laid on Lok Sabha with a delay of 1372 and in Rajya Sabha with a delay of 1375 days.
- ii. The National Green Tribunal (Practice and Procedure) Amendment Rules,2017, G.S.R.1473(E) Dated 1.12.2017 lay in Lok Sabha with a delay of 1343 days and in Rajya Sabha with a delay of 1346 days.
- iii. The National Green Tribunal (Recruitment, Salaries and other Terms and Conditions of Service of Senior Accountant) Rules,2018, G.S.R.589(E) Dated 26.6.2018 laid in Lok sabha with a delay of 1136 days and in Rajya Sabha with a delay of 1139 days.
- iv. The national Green Tribunal (Recruitment,Salaries and other Terms and Conditions of Service of Officers and Other Employees) Rules,2019, G.S.R.1027(E) Dated 22.2.2019 laid in Lok Sabha with a delay of 895 days and in Rajya Sabha with a delay of 898 days.

35. Regarding the measures proposed to be taken by the Ministry to avoid delays in laying of Rules/Regulations in future, the Ministry vide their O.M. Dated 9 September, 2021 submitted as under:

“The Ministry will be more observant so as to avoid any possible delay in laying of Rules/Regulations before both the Houses of the Parliament. Further, the officers/Officials have been strictly instructed to be careful in future and no such delay be repeated in any case”

36. The Ministry in their written reply dated 29 June, 2022 further submitted a statement giving status of rules framed and laid in the House. However, it is observed that the Ministry has not mentioned the date of laying in case of many rules (Appendix-III).

Observations/Recommendations

37. The Committee observe from the Statement furnished by the Ministry vide O.M. dated 29 June, 2022, under the column pertaining to date of laying of rules in both Houses, the Ministry has either left it blank or has mentioned the status as - ‘yet to be laid in Lok Sabha’ or ‘To be laid by the Central Government in upcoming monsoon Session’ or ‘will be laid in next session’ even for rules notified as early as in the Years 2016, 2018, 2020 and also in 2021 too. The matter of more concern is to note that the Ministry in their background note dated 27 July, 2021 i.e. which was furnished almost one year back, didn’t mention anywhere that large number of rules are yet to be laid. Rather the Ministry had submitted to the Committee that, the Ministry has been regularly laying the Rules/Regulations on the Table of the House of the Parliament and only 4 rules i.e. GSR 1362(E) dt. 02.11.2017, GSR 589(E) dt.26.06.2018, SO 1027 (E) dt.22.02.2019 and GSR 1473 (E) dt.01.12.2017, framed under the National Green Tribunal Act, 2010 have not been laid on the Table. The Ministry also stated that these four rules were not laid as the same got over looked due to intermittent transfer of Charge of the Section’s Staff/Officers and also assured the Committee that, responsibility for the same is being fixed. The Committee, take serious note of the wrong and misleading information being furnished by the Ministry to the Committee which came to the notice of the Committee only when the matter was seized by the Committee. The Committee, thus, strongly deprecate such casual approach of the Ministry and recommend the Ministry to look into the matter and fix responsibility for furnishing wrong and misleading information to a Parliamentary Committee. The Committee would like to be apprised of the action taken in this regard and steps taken by the Ministry to avoid repetition of similar instances.

38. The Committee, further note that the Ministry vide their subsequent OM dated 9 September, 2021 informed that all the four rules, framed under the NGT Act, 2010 have been laid in Lok Sabha on 6.8.2021 and in Rajya Sabha on 9.8.2021 respectively as indicated below:-

- i The National Green Tribunal (Recruitment,Salaries and other terms and conditions of service of Officers and other Employees (Amendment) Rules,2017 [G.S.R.1362(E) dated 2.11.2017] laid on Lok Sabha with a delay of 1372 and in Rajya Sabha with a delay of 1375 days .

- ii The National Green Tribunal (Recruitment, Salaries and other Terms and Conditions of Service of Senior Accountant) Rules,2018 [G.S.R.589(E) Dated 26.6.2018] laid in Lok sabha with a delay of 1136 days and in Rajya Sabha with a delay of 1139 days.
- iii The national Green Tribunal (Recruitment,Salaries and other Terms and Conditions of Service of Officers and Other Employees) Rules,2019 [G.S.R.1027(E) Dated 22.2.2019] laid in Lok Sabha with a delay of 895 days and in Rajya Sabha with a delay of 898 days.
- iv The National Green Tribunal (Practice and Procedure) Amendment Rules, 2017 [G.S.R.1473(E) Dated 1.12.2017] laid in Lok Sabha with a delay of 1343 days and in Rajya Sabha with a delay of 1346 days.

39. The Committee are, however, constrained to note that the rules framed under relevant sections of National Green Tribunal Act, 2010 were laid in both Houses of Parliament after delay of almost three and half years as can be seen from above. The Committee have emphasized time and again that rules/regulations should invariably be laid within a period of 15 days (30 days in case of notifications relating to a State under the President's rule) after its notification. The delay by the Ministry of Environment, Forest and Climate Change in laying of the rules, after lapse of such long period reflects complete disregard by the Ministry, of the provisions of the Parent Act viz. the National Green Tribunal Act, 2010 whose Section 35 (3) also stipulates in unambiguous terms that, every Rule shall be laid on the Table of the House as soon as it is made before each House of Parliament while it is in Session for a period of 30 days. However, in complete disregard to this important statutory provision, the Ministry has reflected a very casual approach.

40. It further speaks volume about the casual way of functioning of the Ministry in complying with the fulfillment of the Statutory requirements and also furnishing of correct and complete information to a Parliamentary Committee. The Committee, are of the view that this may be because of non existence of an assigned Section, in the Ministry, to keep proper records of subordinate legislation and also monitoring of the same by the Senior Officers. The Committee, thus, take serious note of this lack of monitoring at senior level in the Ministry, especially of timely framing and laying of Orders in the House, as this has defeated the very purpose of incorporating of laying provision in various Acts of Parliament.

41. The Committee, thus, while deprecating the state of affairs prevailing in the Ministry of Environment, Forests and Climate Changes recommend that urgent action may be taken to prepare a list of all the notifications that have been notified but not yet been laid on the Table of both houses, and cause the same to be laid on the Table of Lok Sabha alongwith requisite statement of reasons for

delay in laying at the first available opportunity. The Committee would also like the Ministry to evolve a fool proof mechanism of laying of Orders in Parliament, so that such lapses do not recur, as the same also was assured by the Secretary, Ministry of Environment, Forests and Climate Changes before the Committee that, the Ministry will be more observant so as to avoid any possible delay and the officers/officials will also be strictly instructed to be careful and no such delay be repeated. The Committee, would like the Ministry to apprise the latest status in this regard and also intimate about the necessary steps taken by the Ministry to avoid such delays.

42. The Committee further note that there is a procedural requirement as reported in Para 38 of 6th Report, (3rd Lok Sabha) of the Committee, that, when there is delay in laying a notification on the Table of the House, an explanatory note giving reasons for such delay should be appended to the Order. The Committee, recommend that the Ministry should ensure to adhere to the time schedule of laying of Notifications as prescribed by the Committee in its oft repeated recommendations and in case the delay in laying of Notification is unavoidable, the Ministry should attach a delay statement from their Minister citing cogent reasons for the delay. The delay statement gives the Ministry an opportunity to clarify the reason for the delay in laying of Notifications but also a reason to introspect and improve their functioning.

F. COMPOSITION OF NATIONAL GREEN TRIBUNAL Section 4 of NGT Act,2010

43. Section 4 of the National Green Tribunal Act,2010 specifies about the Composition of Tribunal as follows:-

“ 4. . Composition of Tribunal.—(1) The Tribunal shall consist of—

(a) a full time Chairperson;

(b) not less than ten but subject to maximum of twenty full time Judicial Members as the Central Government may, from time to time, notify;

(c) not less than ten but subject to maximum of twenty full time Expert Members, as the Central Government may, from time to time, notify.

(2) xx xx xx xx xx xx

(3) xx xx xx xx xx xx.

(4) The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedure of the Tribunal including—

(a) xx xx xx xx xx xx

(b) xx xx xx xx xx xx

(c) the minimum number of Members who shall hear the applications and appeals in respect of any class or classes of applications and appeals:

Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;

(d) xx xx xx xx xx xx”.

44. It is noted that Proviso to clause (c) of Section 4(4) of the NGT Act, 2010, as reproduced above the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal.

45. Accordingly, in exercise of Powers conferred by sub-section (4) of Section 4 read with Section 35 of the Act, the Ministry of Environment, Forest and Climate Changes notified the National Green Tribunal (Practices and Procedure) Rules, 2011 vide GSR 296 (E) dated 4 April, 2011.

Rule 5 of the said rules reads as under:-

“5. Minimum number of members who shall hear application or appeal:-

- (1) The Tribunal shall hear an application or appeal, as the case may be, consisting of at least by **a Judicial and an Expert Member**.
- (2) Where the Chairperson considers it necessary that a particular case or cases be heard and decided by the Tribunal consisting **of more than two members he may by order in writing** direct that such case or cases, be heard by such members of the Tribunal as may be specified in that order”.

46. It is further noted that the Ministry of Environment, Forest and Climate Changes vide GSR 1473(E) dated 1st December, 2017 notified the amendment in sub-rule (1) of Rule 3, of the NGT (Practice and Procedure) Rules, 2011 and added the proviso to the Rule as reproduced under:

“3. Distribution of business amongst the different ordinary place or places of Sittings of Tribunal.- (1) The Chairperson may constitute a bench of two or more members consisting of at least one Judicial Member and one Expert Member.

[Provided that in exceptional circumstances the Chairperson may constitute a single Member Bench].

47. The proviso to Rule 3 as given above is in contradiction to the Proviso made under Clause (c) of Sub-section 4 of Section 4 of the NGT Act, 2010 which clearly states that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal and also Rule 5(2) of the NGT (Practice and Procedure) Rules, 2011 which also states that, Where the Chairperson considers it necessary that a particular case or cases be heard and decided by the Tribunal consisting **of more than two members he may by order in writing** direct that such case or cases, be heard by such members of the Tribunal as may be specified in that order.

Observations/Recommendations

48. The Committee are, therefore, concerned to note that the above amendment notified by the Government under sub-Rule 1 of Rule 3 of the NGT (Practice and Procedure) Rule, 2011 is not only in contravention of the Provision made in the Act under sub-Clause (c) of sub-section (4) of Section 4 of the NGT Act, 2010, but it also contradicts the Rule framed by the Government itself i.e. Rule 5(2) of the Principal Rules notified by the Ministry of Environment, Forest and Climate Change vide GSR 296 (E) dated 4.11.2011. The Committee is of the strong opinion that a delegated legislation must be in conformity with the Provisions of the law enacted by the legislature and the subordinate authority who is delegated to frame rules cannot override the laid down provisions and dilute the intent of the law passed by the legislature because a rule cannot rise above the source of power. Thus, the Committee is of the view that the Chairperson of the National Green Tribunal cannot constitute a single Member Bench as proposed by the amendment dated 1st December, 2017 and each bench should be constituted with atleast two member- one Judicial and one expert as per the proviso to Section 4 (4) (c) of the NGT Act, 2010.

49. The Committee further disagree to the clarification given by the Ministry in its written submission that the proposal for amending the NGT Rules were framed to enable day to day functioning of the NGT's Zonal Benches with a single Member (Judicial/Expert) for matters other than involving hearing or appeal. The Committee are of the view that since no provision of the NGT Act stipulates for framing of a single Member Bench for any purpose, the delegated authority cannot make a rule which is not authorised to it by the Parent statute. The Committee would, therefore, like to impress upon the Ministry to avoid framing of such rules which can dilute or enlarge the meaning of a statutory provision, as the essential legislative function cannot be delegated to the executive and has to be exercised by the legislative itself, so as to avoid litigation and the Courts to declare it to be *ultra vires*. The Committee expect the Ministry to follow this principle in letter and spirit for framing all Subordinate Legislations.

50. The Committee further note that on the issue, the Hon'ble Supreme Court while hearing the Writ Petition 1235 of 2017 has also observed that the Chairperson of the National Green Tribunal shall not constitute a single Member Bench, but a Divisional Bench Consisting of one Judicial and expert Member. This Writ Petition was disposed of vide Order dated 05.01.2021. The Committee would thus in the light of its Observations made in preceding paras and also the judgement given by Hon'ble Supreme Court, like the Ministry to withdraw the amendment made vide GSR 1473(E) dated 1st December, 2017 by issuing a Notification in the Gazette of India and lay the same in the House. The Committee would also like to be apprised of the conclusive action taken in this regard within 3 months of presentation of the Report to the House.

G. VACANCIES IN NATIONAL GREEN TRIBUNAL (NGT)

51. As per section 4 of the National Green Tribunal Act, 2010, the Tribunal shall consist of a full time Chairperson, not less than ten but subject to Section 4 that the Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedure of the Tribunal including— (a)

the rules as to the persons who shall be entitled to appear before the Tribunal; (b) the rules as to the procedure for hearing applications and appeals and other matters [including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3)], pertaining to the applications and appeals; (c) the minimum number of Members who shall hear the applications and appeals in respect of any class or classes of applications and appeals: Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;. The Government may from time to time notify.

52. To a query pertaining to the number of existing Vacancies in the Tribunal, the Ministry of Environment, Forest and Climate Change, however, vide its written reply dated 9 September,2021 submitted as under:-

“At present there are four (04) vacant post of Judicial Members and six (06) vacant posts of Expert Members in the National Green Tribunal. The reason for the number of vacancies is superannuation of the Judicial and the Expert Members from the NGT. The advertisement for filling up of three (03) vacant posts of Expert Members was published on 24.11.2020 and the selection process is under way. A Search-Cum-Selection-Committee was constituted on 02.08.2021 for selection of Expert Member in the NGT. The process for filling up four (04) vacant posts of Judicial Members is to be initiated.”

Observation/Recommendation

53. The Committee while taking note of the large number of vacancies existing in the Tribunal are of the view that for effective and fool proof implementation of any legislation, the Authority who is authorised to implement the provisions of that legislation should be fully equipped and staffed to be strong enough, to deliver the results in a time bound manner. The Committee, would therefore, like to recommend to fill up all the vacancies, existing in National Green Tribunal at the earliest and also to evolve a mechanism to initiate process of filling up of vacancies against Superannuation in advance so as to avoid time gap and the vacancy remain unfilled for indefinite period. The Committee may be apprised of the final status within 3 months after presentation of the Report to the House.

New Delhi;

20 December, 2022

29 Agrahayana, 1944 (Saka)

BALASHOWRY VALLABHANENI

Chairperson,

Committee on Subordinate Legislation

APPENDIX-I

**(VIDE PARA 5 OF THE INTRODUCTION OF THE REPORT)
SUMMARY OF RECOMMENDATIONS MADE IN THE TWENTY-FOURTH
REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION**

(SEVENTEENTH LOK SABHA)

Sl. No.	Reference to Para No. in the Report	Summary of the Recommendations
1	20	<p data-bbox="511 709 1425 827"><u>Status of framing of Rules/Regulations under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021</u></p> <p data-bbox="511 932 1425 1470">The Committee note that Section 25 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 gives power to the Central Government to frame Rules and Section 25(3) to lay the same in both Houses. Further Section 26(1) of the Act gives Power to the Commission with the previous approval of the Central Government, by notification to make regulations subject to the Provisions of the Act and the rules made there under to carry out the provisions of this Act and as per sub-Clause (3) of Section 26, every regulation made under this Act shall be laid after it is made before each House of Parliament, while it is in session for a total period of 30 days.</p>
2	21	<p data-bbox="511 1507 1425 1869">The Committee also note that the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 was enforced on 13 April, 2021 by promulgating an Ordinance which was replaced by an Act assented to by the President w.e.f 12 August, 2021. Thus, all the Rules and Regulations were required to be framed within 6 months of the Act coming into force i.e. by 11 February, 2022 and if for unavoidable reasons it is not possible for the Ministry to frame rules within the</p>

		prescribed time limit of 6 months, they should after the expiration of 6 months explain the reasons to the Committee and seek extension of time from them.
3	22	<p>The Committee, thus, note with satisfaction that, the Central Government has framed the following Rules under the Act within the stipulated time frame of 6 months:-</p> <ol style="list-style-type: none"> i. The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Appointment, Salary, Allowances and other Terms and Conditions of Service of Chairperson, Full-time Members and member-Secretary) Rules, 2021, (GSR 593(E) of 2021) dated 27 August, 2021. ii. The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Manner of Taking Samples and Form of Notice) Rules, 2021 (GSR 742 (E) of 2021) dated 14 October, 2021. iii. The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Conduct of Business and Conditions and Limitations in Delegation of Powers of Commission) Regulations, 2021(F.No.R-11011/1/2021-Estt.Dated 17.09.2021).
4	23	<p>The Committee, are however, concerned to note that the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Form of Annual Statement of Accounts) Rules, 2021 has been notified vide GSR 336(E) dated 4 May, 2022 i.e. after a delay of 2 months 22 days and the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Imposition, Collection and Utilization of Environmental Compensation for Stubble Burning) Rules, 2021 are yet to be framed and the Ministry has also not sought any extension of time from the Committee w.r.t. delay in framing of both the Rules. The matter of more concern is not only that the Ministry has sought no extension of time from the Committee, but it is more appalling to note that the Ministry in their written reply has submitted - 'not applicable', in response to the specific query raised by the Secretariat whereby the Ministry was</p>

		asked to submit the details of the extensions sought in respect of rules that were or have not been framed within the time limit of 6 Months period.
5	24	This compels the Committee to conclude that either the Ministry is not aware of the laid down procedure, as prescribed in Para 11.3.2 of the Manual of Parliamentary Procedure in the Government of India, related to framing of Subordinate Legislation or is having a very casual approach towards the same. It is also felt so, because the Ministry, while furnishing the Statement twice regarding the status of rules framed under various Acts has also ignored to furnish the status pertaining to framing of Regulations by the Commission, as required to be framed under Section 26 of the Act. The Committee are, therefore, of the view that furnishing of incomplete information to a Parliamentary Committee tantamount to the lackadaisical approach of the Ministry in framing and also keeping record of the Subordinate legislation.
6	25	To further supplement to this, it is also noted by the Committee with concern that, the Ministry in their background Note dated 27 July, 2021 has furnished list of only 10 Acts, that are being administered by them and did not mention about the latest Act viz. The Commission for the Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 which was enforced on 13 April, 2021 and is also being administered by the Ministry. Conversely, while furnishing the status of pending Rules/Regulations required to be framed, the Ministry vide their communication dated 27 July, 2021 has furnished the list of 5 Rules, which are yet to be framed under this Act.
7	26	The Committee thus, take serious note of this casual approach of the Ministry towards framing of Subordinate Legislation and is also of the strong view that, when the Ministry was asked by a Parliamentary Committee to furnish

		<p>the status of rules framed and laid on the table of both Houses under various Acts being administered by them, the Ministry's sincere efforts should have been to compile and furnish the correct updated information to the Committee. The Committee would, therefore, direct the Ministry to evolve a foolproof system for the same and if required, give training to the Officers/Staff so that the laid down procedure pertaining to framing of the Subordinate Legislation, as elaborated in the Manual on Parliamentary Procedure, is followed in letter and spirit. The Ministry should also evolve a system to upload details of the Acts being administered or implemented by the Ministry and status of Rules/Regulations/Ordinances/Statutes etc. on the Webpage of the Ministry and ensure that the same are also being regularly updated. The Committee would like to be apprised of the action take in this regard.</p>
8	27	<p>The Committee are also of the view that a statute can be fully enforced only when all the subordinate legislation stipulated under the Ordinance/Act are framed in time. The Committee, however, note with concern that the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Imposition, Collection and Utilization of Environmental Compensation for Stubble Burning) Rule, 2021 are yet to be framed even after more than one year of enactment of the Act and the Regulations as required to be framed by the Commission as per Section 26 of the Act, also appears to be pending, because the Ministry did not furnish any information about the same. The Committee would, thus like to point out that in cases of delay in framing of Rules/Regulations by the Ministry and further not seeking extension from the Committee, is in utter disregard of the recommendations of the Committee made in their earlier reports. The Committee are also of the view that the slow pace of framing rules negates the very purpose of the important provision of the legislation passed by the Parliament. The Committee would like to point out that since the said Act is a very important law dealing with National Clean Air Programme, the framing of Rules/Regulations in this regard should have been initiated</p>

		<p>simultaneously with the drafting of the proposed Ordinance/Act so that the draft rules/regulations become ready by the time the Ordinance/Act was promulgated and passed. Had the Ministry initiated action in this manner, there would not have been such inordinate delay in enforcement of the law. The Committee, therefore, recommend the Ministry to complete its task in a time bound manner and notify the rules/regulations under intimation to the Comm</p>
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Status of laying of Rules/Regulations framed under the Act:-

9 37 The Committee observe from the Statement furnished by the Ministry vide O.M. dated 29 June, 2022, under the column pertaining to date of laying of rules in both Houses, the Ministry has either left it blank or has mentioned the status as - 'yet to be laid in Lok Sabha' or 'To be laid by the Central Government in upcoming monsoon Session' or 'will be laid in next session' even for rules notified as early as in the Years 2016, 2018, 2020 and also in 2021 too. The matter of more concern is to note that the Ministry in their background note dated 27 July, 2021 i.e. which was furnished almost one year back, didn't mention anywhere that large number of rules are yet to be laid. Rather the Ministry had submitted to the Committee that, the Ministry has been regularly laying the Rules/Regulations on the Table of the House of the Parliament and only 4 rules i.e. GSR 1362(E) dt. 02.11.2017, GSR 589(E) dt.26.06.2018, SO 1027 (E) dt.22.02.2019 and GSR 1473 (E) dt.01.12.2017, framed under the National Green Tribunal Act, 2010 have not been laid on the Table. The Ministry also stated that these four rules were not laid as the same got over looked due to intermittent transfer of Charge of the Section's Staff/Officers and also assured the Committee that, responsibility for the same is being fixed. The Committee, take serious note of the wrong and misleading information being furnished by the Ministry to the Committee which came to the notice of the Committee only when the matter was seized by the Committee. The Committee, thus, strongly deprecate such casual approach of the Ministry

and recommend the Ministry to look into the matter and fix responsibility for furnishing wrong and misleading information to a Parliamentary Committee. The Committee would like to be apprised of the action taken in this regard and steps taken by the Ministry to avoid repetition of similar instances.

- 10 38 The Committee, further note that the Ministry vide their subsequent OM dated 9 September, 2021 informed that all the four rules, framed under the NGT Act, 2010 have been laid in Lok Sabha on 6.8.2021 and in Rajya Sabha on 9.8.2021 respectively as indicated below:-
- i The National Green Tribunal (Recruitment, Salary and other terms and conditions of service of Officers and Employees (Amendment) Rules, 2017 [G.S.R.1362(E) 2.11.2017] laid in Lok Sabha with a delay of 1372 days and in Rajya Sabha with a delay of 1375 days .
 - ii The National Green Tribunal (Recruitment, Salary and other Terms and Conditions of Service of Officers and Accountant) Rules, 2018 [G.S.R.589(E) Dated 26.6.2018] laid in Lok Sabha with a delay of 1136 days and in Rajya Sabha with a delay of 1139 days.
 - iii The national Green Tribunal (Recruitment, Salary and other Terms and Conditions of Service of Officers and Other Employees) Rules, 2019 [G.S.R.1027(E) 22.2.2019] laid in Lok Sabha with a delay of 895 days and in Rajya Sabha with a delay of 898 days.
 - iv The National Green Tribunal (Practice and Procedure) Amendment Rules, 2017 [G.S.R.1473(E) Dated 1.1.2017] laid in Lok Sabha with a delay of 1343 days and in Rajya Sabha with a delay of 1346 days.
- 11 39 The Committee are, however, constrained to note that the rules framed under relevant sections of National Green Tribunal Act, 2010 were laid in both Houses of Parliament after delay of almost three and half years as can be seen from above. The Committee have emphasized time and again that rules/regulations should invariably be laid within a period of 15 days (30 days in case of notifications relating to a State under the President's rule) after its notification.

The delay by the Ministry of Environment, Forest and Climate Change in laying of the rules, after lapse of such long period reflects complete disregard by the Ministry, of the provisions of the Parent Act viz. the National Green Tribunal Act, 2010 whose Section 35 (3) also stipulates in unambiguous terms that, every Rule shall be laid on the Table of the House as soon as it is made before each House of Parliament while it is in Session for a period of 30 days. However, in complete disregard to this important statutory provision, the Ministry has reflected a very casual approach.

12 40 It further speaks volume about the casual way of functioning of the Ministry in complying with the fulfillment of the Statutory requirements and also furnishing of correct and complete information to a Parliamentary Committee. The Committee, are of the view that this may be because of non existence of an assigned Section, in the Ministry, to keep proper records of subordinate legislation and also monitoring of the same by the Senior Officers. The Committee, thus, take serious note of this lack of monitoring at senior level in the Ministry, especially of timely framing and laying of Orders in the House, as this has defeated the very purpose of incorporating of laying provision in various Acts of Parliament.

13 41 The Committee, thus, while deprecating the state of affairs prevailing in the Ministry of Environment, Forests and Climate Changes recommend that urgent action may be taken to prepare a list of all the notifications that have been notified but not yet been laid on the Table of both houses, and cause the same to be laid on the Table of Lok Sabha alongwith requisite statement of reasons for delay in laying at the first available opportunity. The Committee would also like the Ministry to evolve a fool proof mechanism of laying of Orders in Parliament, so that such lapses do not recur, as the same also was assured by the Secretary, Ministry of Environment, Forests and Climate Changes before the Committee that, the Ministry will be more observant so as to avoid any possible delay and the officers/officials will also be strictly instructed to be careful and no such delay be repeated. The Committee, would like the Ministry to apprise

the latest status in this regard and also intimate about the necessary steps taken by the Ministry to avoid such delays.

14 42

The Committee further note that there is a procedural requirement as reported in Para 38 of 6th Report, (3rd Lok Sabha) of the Committee, that, when there is delay in laying a notification on the Table of the House, an explanatory note giving reasons for such delay should be appended to the Order. The Committee, recommend that the Ministry should ensure to adhere to the time schedule of laying of Notifications as prescribed by the Committee in its oft repeated recommendations and in case the delay in laying of Notification is unavoidable, the Ministry should attach a delay statement from their Minister citing cogent reasons for the delay. The delay statement gives the Ministry an opportunity to clarify the reason for the delay in laying of Notifications but also a reason to introspect and improve their functioning.

Composition of National Green Tribunal, Section 4 of National Green Tribunal Act, 2010

15 48

The Committee are, therefore, concerned to note that the above amendment notified by the Government under sub-Rule 1 of Rule 3 of the NGT (Practice and Procedure) Rule, 2011 is not only in contravention of the Provision made in the Act under sub-Clause (c) of sub-section (4) of Section 4 of the NGT Act,2010, but it also contradicts the Rule framed by the Government itself i.e. Rule 5(2) of the Principal Rules notified by the Ministry of Environment, Forest and Climate Change vide GSR 296 (E) dated 4.11.2011. The Committee is of the strong opinion that a delegated legislation must be in conformity with the Provisions of the law enacted by the legislature and the subordinate authority who is delegated to frame rules cannot override the laid down provisions and dilute the intent of the law passed by the legislature because a rule cannot rise above the source of power. Thus, the Committee is of the view that the Chairperson of the National Green Tribunal cannot constitute a single

Member Bench as proposed by the amendment dated 1st December,2017 and each bench should be constituted with atleast two member- one Judicial and one expert as per the proviso to Section 4 (4) (c) of the NGT Act, 2010.

16 49 The Committee further disagree to the clarification given by the Ministry in its written submission that the proposal for amending the NGT Rules were framed to enable day to day functioning of the NGT's Zonal Benches with a single Member (Judicial/Expert) for matters other than involving hearing or appeal. The Committee are of the view that since no provision of the NGT Act stipulates for framing of a single Member Bench for any purpose, the delegated authority cannot make a rule which is not authorised to it by the Parent statute. The Committee would, therefore, like to impress upon the Ministry to avoid framing of such rules which can dilute or enlarge the meaning of a statutory provision, as the essential legislative function cannot be delegated to the executive and has to be exercised by the legislative itself, so as to avoid litigation and the Courts to declare it to be *ultra vires*. The Committee expect the Ministry to follow this principle in letter and spirit for framing all Subordinate Legislations.

17 50 The Committee further note that on the issue, the Hon'ble Supreme Court while hearing the Writ Petition 1235 of 2017 has also observed that the Chairperson of the National Green Tribunal shall not constitute a single Member Bench, but a Divisional Bench Consisting of one Judicial and expert Member. This Writ Petition was disposed of *vide* Order dated 05.01.2021. The Committee would thus in the light of its Observations made in preceding paras and also the judgement given by Hon'ble Supreme Court, like the Ministry to withdraw the amendment made vide GSR 1473(E) dated 1st December, 2017 by issuing a Notification in the Gazette of India and lay the same in the House. The Committee would also like to be apprised of the conclusive action taken in this regard within 3 months of presentation of the Report to the House.

Vacancies in National Green Tribunal (NGT)

The Committee while taking serious note of the large number of vacancies existing in the Tribunal are of the view that for effective and fool proof implementation of any legislation, the Authority who is authorised to implement the provisions of that legislation should be fully equipped and staffed to be strong enough, to deliver the results in a time bound manner. The Committee, would therefore, like to recommend to fill up all the vacancies, existing in National Green Tribunal at the earliest and also to evolve a mechanism to initiate process of filling up of vacancies against Superannuation in advance so as to avoid time gap and the vacancy remain unfilled for indefinite period. The Committee may be apprised of the final status within 3 months after presentation of the Report to the House.

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. Thereafter, the Joint Secretary handling the charge of the Committee from the Secretariat made a brief power point presentation on the agenda before the Committee apprising them about the main issues with regard to Memorandum Nos.11 and 12 and the status of framing Rules/Regulations etc. under various Acts (as amended from time to time) being administered by the Ministry of Environment, Forests and Climate Changes. The Committee then considered the following Memoranda:-

(i) **XX XX XX XX XX XX XX**

(ii) **XX XX XX XX XX XX XX**

3. After deliberations, the Committee approved the Memoranda Nos. 11 and 12 and decided that draft Reports to be prepared and submitted before the Committee.

4. Thereafter, the representatives of the Ministry of Environment, Forests and Climate Changes were called in to brief the Committee on the status of framing Rules and Regulations etc. under various Acts (as amended from time to time) being administered by the Ministry. The Chairperson welcomed the representatives of the Ministry to the sitting of the Committee and drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

5. After customary introduction, the representatives of the Ministry made a brief power point presentation before the Committee apprising about the objectives and Organizational structure of the Ministry, various provisions of the Constitution of India pertaining to the Ministry, various Acts being administered by the Ministry and status of Subordinate Legislation which have been framed under these Acts, powers delegated to the Central and State Governments for making of subordinate legislation, status of Rules/Regulations yet to be framed, Rules not yet been laid on the Table of both Houses etc. The Committee was also apprised of the major initiatives taken by the Ministry in-connection with Environment, Forests and on the basis of the international commitments of the Government of India, steps taken to implement the Paris Agreement under UNFCCC, status of vacant positions in the National Green Tribunal and the steps taken to fill the said vacancies. The Committee was apprised of the major initiatives taken by the Ministry for improvement of Environment and Air Quality index in urban areas by implementing the programmes in time bound manner at National level, the action plan for identification of cities and target proposed to be achieved in this regard.

6. The Members sought clarifications regarding the impact of amendment of the Green Tribunal Act, 2010 and the Rules/Regulations framed in furtherance of the said amendment, status of laying of Rules in Parliament, vacant posts of judicial members

and experts and others in the National Green Tribunal, working of the Principal Benche of Green Tribunal and other Benches at Chennai, Pune, Bhopal and Kolkata, their functioning, status of Coastal Zone management and its Zonal mapping and Rules framed in this regard, achievement of Sustainable Development Goals, 2020-2030 as enunciated by the UNFCCC and the rules/regulations made in this regard, role of the Government regarding cutting down of teak and reserved trees especially in the State of Kerela, number of cities identified for implementation of National Clean Air Programme (NCAP), criteria for inclusion of States and Cities in the programme, the mechanism for co-ordination between National Environment Policy and other laws, increasing level of pollution in the country, measures taken to contain Industrial air pollution, water pollution etc, functioning of State Pollution Control Boards, and the reasons for resorting to issuing of Office memoranda and circulars which makes major changes to regulatory procedures etc.

7. The representatives of the Ministry furnished clarifications to the queries raised by the Committee. On some of the points, on which the information was not readily available with the representatives of the Ministry, the Chairperson asked them to furnish written replies within 15 days to the Lok Sabha Secretariat.

8. The Chairperson then thanked the representatives of the Ministry of Environment, Forests and Climate Changes for presenting inputs on the subject before the Committee.

9. The witnesses then withdrew.

10. The Verbatim record of the proceedings of the sitting has been kept separately.

11. The Committee, thereafter, decided to undertake on the spot Study Visit to Leh, Jammu and Srinagar during the month of September/October, 2021 in connection with examination of Rules, Regulations, Bye-Laws, Orders etc. framed under various Central Laws as being implemented by the various Central Government Departments, Bank, Organizations, CPSU etc.

The Committee then adjourned.

XX: Not relevant to the report

APPENDIX II

(Vide Para 4 of the Introduction of the Report)

EXTRACTS FROM MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2022-2023)

—

The Fourth sitting of the Committee (2022-23) was held on Tuesday, the 20th December, 2022 from 1500 to 1530 hours in Committee Room No. 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri Chandeshwar Prasad
3. Shri Suresh Kumar Pujari
4. Shri Nama Nageswara Rao
5. Shri Sanjay Seth
6. Dr. Amar Singh
7. Shri Brijendra Singh
8. Shri Arvind Ganpat Sawant

SECRETARIAT

1. Shri V.K. Mohan - Joint Secretary
2. Shri Muraleedharan.P - Director
3. Smt. Jagriti Tawatia - Additional Director

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Chairperson then particularly welcomed newly nominated Member, Shri Arvind Ganpat Sawant. The Committee, thereafter, considered the following draft Reports:-

- (i) The Twenty-fourth Report on the status of framing of Subordinate Legislation etc. under various Acts being administered by the Ministry of Environment, Forests and Climate Change Government of India and delay in laying of Rules ; and

(ii) XX XX XX XX

3. After deliberations, the Committee adopted the above draft Reports without any modification. The Committee also authorized the Chairperson to present the same to the House.

The Committee then adjourned.

XX Omitted portion of the Minutes are not relevant to this Report

Appendix-III

Ministry of Environment, Forest and Climate Change, Communication Dated 29 June,2022

Status of Rules/Regulations (Subordinate Legislations) under various Acts being administered by the CP Division:

S. No	Title of the Act	Act No/Date of enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made	Number and Date of Gazette Notification in which the rules/ regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of the Act under which rules and regulations have not been framed till date	In case of non-framing of rules and regulations (col 8) details of extension of time sought from the committee on subordinate legislation, Lok Sabha	If extension not sought in respect of col 8, reason there for in brief
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	The Water (Prevention and Control) Act, 1974	23rd March, 1974	Section 63 (The Water (Prevention and Control of Pollution) Rules, 1975)	Section 63	G.S.R. 58(E); 27 th February, 1975				
			Section 63 (The Water (Prevention and Control of Pollution) Procedure for Transaction of	Section 63	G.S.R. 3(E); 10 th January, 1975				

			Business) Rules, 1975)						
2.	The Air (Prevention and Control) Act, 1981	29th March, 1981	Section 53 (The Air (Prevention and Control of Pollution) Rules, 1982)	Section 53	G.S.R. 712(E); 18 th November, 1982				
			Section 54 (The Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983)	Section 54	G.S.R. 6(E); 21 st December, 1983				
3.	The Environment (Protection) Act, 1986	23rd May, 1986	Section 6 and 25 (The Environmental (Protection) Rules, 1986)	Section 6 and 25	S.O. 844(E); 19 th November, 1986				
			Section 6, 8 and 25 (The Manufacture, Use, Import, Export And Storage of Hazardous Micro-Organisms/G enetically	Section 6, 8 and 25	G.S.R. 1037(E); 5 st December, 1989				

			Engineered Organisms or Cells Rules, 1989)						
			Section 6, 8 and 25 (The Manufacture, Storage And Import of Hazardous, Chemical Rules, 1989)	Section 6, 8 and 25	S.O. 966(E); 27 st November, 1989				
			Section 6, 8 and 25 (The Chemical Accidents (Emergency Planning, Preparedness and Response) rules, 1996)	Section 6, 8 and 25	G.S.R. 347(E); 1 st August, 1996				
			Section 3(2)(ii) and Section 6(1) and Section 6(2)(b) and Section 25 read with Rule 5 (The Noise Pollution	Section 3(2)(ii) and Section 6(1) and Section 6(2)(b) and Section 25 read with Rule 5	S.O. 123(E); 14 th February, 2000				

			(Regulation And Control) Rules, 2000)						
			Section 6, 8 and 25 { The Batteries (Management and Handling) Rules, 2001}	Section 6, 8 and 25	S.O. 432(E); 16 th May, 2001				
			Section 6, 8 and 25 { The Ozone Depleting Substance (Regulation And Control) Rules, 2000}	Section 6, 8 and 25	S.O. 670(E); 19 th July, 2000				
			Section 6, 8 and 25 { The bio-medical waste management rules, 2016 }	Section 6, 8 and 25	G.S.R. 343(E); 28 th March, 2016				
			Section 6, 8 and 25 { The E-Waste (Management) Rules, 2016 }	Section 6, 8 and 25	G.S.R. 338(E); 23 rd March, 2016				

			Section 6, 8 and 25 { The Plastic Waste Management Rules, 2016 }	Section 6, 8 and 25	G.S.R. 320(E); 18 th March, 2016				
			Section 6, 8 and 25 {The Hazardous And Other Waste (Management And Transboundary Movement) Rules, 2016)	Section 6, 8 and 25	G.S.R. 395(E); 4 th April, 2016				
			Section 3, 6 and 25 { The Solid Waste Management Rules, 2016)	Section 3, 6 and 25	S.O. 1357(E); 8 th April, 2016				
			Section 3 and 6 {The Regulation of Lead Contents in Household and Decorative Paints Rules, 2016}	Section 3 and 6	G.S.R. 1030(E); 1 st November, 2016				
			Section 25 read with	Section 25 read with	G.S.R.				

			Section 3 and 23 { The Wetlands (Conservation and Management) Rules, 2017	Section 3 and 23	1203(E); 26 th September, 2017				
			Section 6 and 25 (The Environmental (Protection) Rules, 1986) The notification on Environmental Standards fot Bulk Drug and Formulation (Pharmaceutical)	Section 6 and 25	G.S.R. 541(E), 06th August, 2021				
			Section 6 and 25 (The Environmental (Protection) Rules, 1986) The notification on Environment	Section 6 and 25	G.S.R. 656(E), 10th September, 2021				

			al Standards for Tannery Industry						
			Section 6 and 25 (The Environment al (Protection) Rules, 1986) The notification on Environment al Standards for Tannery Industry	Section 6 and 25	G.S.R. 657(E), 10th Septem ber, 2021				
			Section 6 and 25 The Notification on Regulation on Appropriate Use of Reverse Osmosis Based Water Purification System	Section 6 and 25	G.S.R. 724(E), 08th October, 2021				
			Section 6 and 25 (The Environment	Section 6 and 25	G.S.R. 143(E), 22nd Februar				

			al (Protection) Rules, 1986) The notification on Environment al Standards for Brick Kiln		y, 2022				
			sections 3 and 6 The notification on Lead Stabilizer in Polyvinyl Chloride (PVC) Pipes and Fittings	sections 3 and 6	G.S.R. 334(E), 04th May, 2022				
4.	The Commission for Air Quality Managemen t in National Capital Region and Adjoining Areas Act, 2021	13 th August, 2021	Section 25(2)(c) read with Section 8 (CAQM (Appointment , Salary, Allowances and other Terms and Conditions of Service of Chairperson, Full-time	Section 25(2)(c) read with Section 8	G.S.R. 593(E); 27 th August, 2021				

			Members and Member-Secretary) Rules, 2021)						
			Section 25(2)(c) read with Section 8 (CAQM (Appointment , Salary, Allowances and other Terms and Conditions of Service of Chairperson, Full-time Members and Member-Secretary) Amendment Rules, 2021)	Section 25(2)(c) read with Section 8	G.S.R. 759(E); 25 th October, 2021				
			Section 25(2)(g) read with Section 12(4)(c) {CAQM (Manner of Taking Samples and Form of Notice)	Section 25(2)(g) read with Section 12(4)(c)	G.S.R. 742(E); 13 th October, 2021				

			Rules, 2021}					
			Section 25(2)(i) {CAQM (Form of Annual Statement of Accounts) Rules, 2022)	Section 25(2)(i)	G.S.R. 336(E); 4 th May, 2022	To be laid by the Central Government in upcoming monsoon session.		
			Section 26(2) read with 10(4)(2) {CAQM (Conduct of Business and Conditions and Limitations in Delegation of Powers of Commission) Regulations, 2021}	Section 26(2) read with 10(4)(2)	R-11011/1/2021 -Estt. 17 th September, 2021			
			Section 26(2)(d) {CAQM (Form and Manner of Furnishing Annual	Section 26(2)(d)	G-25055/1/2021 -F&A 12 th May, 2022	To be laid by CAQM in upcoming monsoon session.		

			Report) Regulations, 2022}						
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STATUS OF FRAMING OF RULES/REGULATIONS ETC. UNDER VARIOUS ACTS

Name of the Ministry/Department -Forest (Conservation) Division

Sl. No.	Title of the Act	Act No./Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations Lok Sabha/Rajya Sabha	Sections of the Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the committee on subordinate Legislation, Lok Sabha	If extension not sought in respect of col.8, reasons there for in brief
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Forest (Conservation) Act, 1980	Act No. - 69 of 1980 Date of enactment: 25.10.1980	-	Section 4 (1) and (2)	i. Forest (Conservation) Rules, 2003-10.01.2003 ii. Forest (Conservation) Rules, 2004-03.02.2004. iii. Forest (Conservation) Amendment Rules, 2014-14.03.2014 iv. Forest (Conservation) Second Amendment Rules, 2014-10.10.2014	Forest (Conservation) Amendment Rules, 2014 were laid on the table of Parliament on 18.07.2014. Forest (Conservation) Second Amendment Rules, 2014 were laid on the table in Lok Sabha and Rajya Sabha on 9.12.2014 and 18.12.2014,	Nil	NA	NA

					v. Forest (Conservation) Second Amendment Rules, 2017- 06.03.2017.	respectively.			
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STATUS OF FRAMING OF RULES/REGULATIONS ETC. UNDER VARIOUS ACTS

Name of the Ministry/Department (ESZ) Division

Sl.No.	Title of Act	Act No/Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	in case of non framing of rules and regulations(col 8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col 8, reasons there for in brief
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Environment (Protection) Amendment Rules, 2012	Environment (Protection) Act, 1986	Not applicable	rule 5, in sub-rule (3), in	S.O No. 513 (E) dated 28.06.2012	Yet to be laid in Lok Sabha/ Rajya	Not applicable	Not applicable	Not applicable
2.	Environment (Protection) Amendment Rules, 2020				S.O No. 1127 (E) dated 18.03.2020				
3.	Environment (Protection) Second Amendment Rules, 2020				S.O No. 3235 (E) dated 22.09.2020				

4.	Environment (Protection) Third Amendment Rules, 2020			clause(d)	S.O No. 4367 (E) dated 03.12.2020	Sabha			
5.	Environment (Protection) Amendment Rules, 2021				S.O No. 2346 (E) dated 16.06.2021				

STATUS OF FRAMING OF RULES/REGULATIONS ETC. UNDER VARIOUS ACTS

Name of the Ministry/Department - HSM Division, Ministry of Environment, Forest and Climate Change

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha (LS)/ Rajya Sabha (RS)	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations(col. 8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Solid Waste Management Rules, 2016; S.O.1357(E) dated 8th April, 2016	09.08.2016-LS 8.8.2016 RS	NA	NA	NA

2.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Solid Waste Management Amendment 2019; G.S.R.298(E)	Will be laid in the next session	NA	NA	NA
3.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Solid Waste Management Amendment 2020; S.O.1152(E) dated 19th March, 2020	Will be laid in the next session	NA	NA	NA
4.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Plastic Waste Management Rules, 2016; G.S.R 320(E) dated 18th March, 2016	09.08.2016- Lok Sabha 8.8.2016 RS.	NA	NA	NA
5.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Plastic Waste Management Amendment 2018; G.S.R 285(E) dated 27th March, 2018	Will be laid in the next session	NA	NA	NA
6.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Plastic Waste Management (Amendment) Rules, 2021; G.S.R. 571(E), dated 12th August, 2021	Will be laid in the next session	NA	NA	NA

7.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Bio-Medical Waste Management Rules, 2016; G.S.R.343(E), dated 28th March 2016	09.08.2016-LS 8.8.2016 RS.	NA	NA	NA
8.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Bio-Medical Waste Management (Amendment) Rules, 2018; G.S.R 234(E), dated 16th March, 2018	Will be laid in the next session	NA	NA	NA
9.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Bio-Medical Waste Management (Amendment) Rules, 2019; G.S.R.129(E), dated 19th February, 2019	Will be laid in the next session.	NA	NA	NA
10.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Bio-Medical Waste Management (Second Amendment) Rules, 2019; G.S.R.360(E), dated 10th May, 2019	Will be laid in the next session	NA	NA	NA
11.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Construction and Demolition Waste Management Rules, 2016;	09.08.2016-LS	NA	NA	NA

					G.S.R. 317(E), dated 29th March, 2016	8.8.2016 RS.			
12.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016; G.S.R.395(E), dated 4th April, 2016	10.05.2016- LS 5.12.2016 RS.	NA	NA	NA
13.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Hazardous and other wastes (Management and Transboundary Movement) Amendment Rules, 2016; G.S.R.670(E), dated 6th July, 2016	07.12.2016- LS 5.12.2016 RS.	NA	NA	NA
14.	Environment (Protection) Act,	29 of 1986/ dated 23rd	Section -6 & 25	Section -6 & 25	Hazardous and other wastes	03.08.2018- LS	NA	NA	NA

	1986	May, 1986.			(Management and Transboundary Movement) Amendment Rules, 2017; G.S.R.177(E), dated 28th February, 2017	6.8.2018 RS.			
15.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Hazardous and other wastes (Management and Transboundary Movement) Amendment Rules, 2018; G.S.R.544(E), dated 11th June, 2018	03.08.2018-LS 6.8.2018 RS.	NA	NA	NA
16.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Hazardous and other wastes (Management and Transboundary Movement) Amendment Rules, 2018; G.S.R. 178(E), dated 1st March, 2019	12.07.2019-LS 15.07.2019-RS	NA	NA	NA
17.	Environment (Protection) Act,	29 of 1986/ dated 23rd	Section -6 & 25	Section -6 & 25	Hazardous and other wastes	06.08.2021-LS	NA	NA	NA

	1986	May, 1986.			(Management and Transboundary Movement) Amendment Rules, 2020; G.S.R. 641(E), dated 9th October, 2020	Laid in table in RS, date not available.			
18.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Hazardous and other wastes (Management and Transboundary Movement) Amendment Rules, 2021; G.S.R. 47(E) dated 27th January, 2021	06.08.2021-LS Laid in table in RS, date not available.	NA	NA	NA
19.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	E-Waste Management Rules, 2016; G.S.R.338(E), dated 23rd March, 2016	10.05.2016-LS Laid in table in RS, date not available.	NA	NA	NA
20.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	E-Waste Management Amendment Rules, 2018; G.S.R.261(E), dated 22nd March, 2018	03.08.2018-LS 6.8.2018 RS	NA	NA	NA
21.	Environment (Protection) Act,	29 of 1986/ dated 23rd	Section -6 &	Section -6 &	Batteries (Management and	Laid in Lok Sabha and	NA	NA	NA

	1986	May, 1986.	25	25	Handling) Rules, 2001; S.O. 432(E), dated 16th May, 2001	Rajya Sabha, date not available			
22.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Batteries (Management and Handling) Amendment Rules, 2010; S.O.1002(E), dated 4th May, 2010	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
23.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Manufacture Storage and Import of Hazardous Chemicals (MSIHC) Rules, 1989; S.O.966(E), dated 27th November, 1989	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
24.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	MSIHC (amendment)Rules, 1990; G.S.R. 681(E), dated 9th June, 1990	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
25.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	MSIHC (amendment)Rules, 1990; S.O.115(E), dated 5th February, 1990	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
26.	Environment (Protection) Act,	29 of 1986/ dated 23rd	Section -6 &	Section -6 &	MSIHC (amendment)Rules,	Laid in Lok Sabha and	NA	NA	NA

	1986	May, 1986.	25	25	1994; S.O.2882, dated 3rd October, 1994	Rajya Sabha, date not available			
27.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	MSIHC (amendment) Rules, 2000; S.O.57(E), dated 19th January, 2001	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
28.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Chemical Accidents (Emergency Planning Preparedness and Response) Rules, 1996; G.S.R.347(E), dated 1st August, 1996	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
29.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Reconstitution of CCG under CAEPPR Rules, 1996; G.S.R. 905(E), dated 27th November, 2015	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
30.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Regulation of Polychlorinated Biphenyls Order, 2016; S.O.1327(E), dated 6th April, 2016	10.05.2016-LS Laid in RS, date not available	NA	NA	NA
31.	Environment	29 of 1986/	Section -6 &	Section -6 &	Regulation of Lead	07.12.2016-	NA	NA	NA

	(Protection) Act, 1986	dated 23rd May, 1986.	25	25	content in household and decorative paints rules, 2016; G.S.R. 1030(E), dated 1st November, 2016	LS 5.12.2016 RS.			
32.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Regulation of Persistent Organic Pollutants Rules, 2018; G.S.R. 207 (E), dated 5th March, 2018	20.07.2018-LS 02.04.2018-RS	NA	NA	NA
33.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	Fly-ash notification 1999; S.O.763 (E), dated 14th September, 1999	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
34.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	(i) Amendment notification; S.O. 979 (E), dated 27th August, 2003	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
35.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	(ii) Amendment notification; S.O. 2804 (E), 03rd November, 2009	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA

36.	Environment (Protection) Act, 1986	29 of 1986/ dated 23rd May, 1986.	Section -6 & 25	Section -6 & 25	(iii) Amendment notification; S.O. 254 (E), dated 25th January, 2016	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
PLI									
37.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	The Public Liability Insurance Rules, 1991; S.O.330(E), dated 15th May, 1991	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
38.	The Public Liability Insurance (PLI) (Amendment) Act, 1992	Act No. 11 of 1992 31 st March, 1992	Section -23	Section -23	NA	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
39.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	The Public Liability Insurance Amendment Rules, 1991;	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
40.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	(ii)The Public Liability Insurance Amendment Rules, 1992; S.O.87(E); dated 06th February, 1992	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
41.	The Public Liability Insurance (PLI) Act,	Act No. 6 of 1991 dated 22nd January,	Section -23	Section -23	(iii)The Public Liability Insurance Amendment Rules,	Laid in Lok Sabha and Rajya Sabha,	NA	NA	NA

	1991	1991.			1993; G.S.R. 391(E), dated 23rd April, 1993	date not available			
42.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	Environment Relief Fund Scheme, 2008 under Public Liability Insurance Act, 1991; G.S.R.768(E), dated 04th November, 2008	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
43.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	Environment Relief Fund Scheme, 2008 - Extension of term of Fund Manager; G.S.R 497 (E), dated 10th July, 2014	02.12.2014 and 16.12.2014 - LS Laid in table in RS, date not available.	NA	NA	NA
44.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	Environment Relief Fund Scheme, 2008 - Extension of term of Fund Manager; S.O. 287 (E), dated 30th January, 2015	Laid in Lok Sabha and Rajya Sabha, date not available	NA	NA	NA
45.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	Environment Relief Fund Scheme, 2008 - Extension of term of Fund Manager; S.O. 1878 (E), dated	11.08.2015-LS Laid in table in RS, date	NA	NA	NA

					13th July, 2015	not available.			
46.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	Environment Relief Fund Scheme, 2008 - extension of term of Fund Manager; S.O. 256 (E), dated 27th January, 2016	08.03.2016-LS Laid in table in RS, date not available.	NA	NA	NA
47.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	Environment Relief Fund Scheme, 2008 Amendment under Public Liability Insurance Act, 1991 (amended 2016); G.S.R. 605 (E), dated 16th June, 2016	02.08.2016-LS Laid in table in RS, date not available.	NA	NA	NA
48.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	Environment Relief Fund Scheme, 2008 - Re-Appointment of Fund Manager; S.O. 606 (E) 16th June, 2016	12.07.2019-LS 15.07.2019 - RS	NA	NA	NA
49.	The Public Liability Insurance (PLI) Act, 1991	Act No. 6 of 1991 dated 22nd January, 1991.	Section -23	Section -23	Environment Relief Fund Scheme, 2008 - Re-Appointment of Fund Manager;	The Rule will be laid on table of RS and LS.	NA	NA	NA

					G.S.R. 34(E), dated 15 th January, 2020				
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Annexure
Status of Non Laying of Rules and Regulations in the Parliament,
O.M.F.No.17(12)/2021- PL/NGT dated 19th July,2021

ANNEXURE

Ministry of Environment, Forest and Climate Change

S No	Name of the Act	Year	Sections of the Acts under which Subordinate legislation required to be framed	Section of the Parent Act under which Rule Made	Number and Date of notification of Rules/Regulations	Reason for not laying of the Rules and Regulations in the Parliament.	Remarks, if any
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	The National Green Tribunal Act, 2010	Act No. 19 of 2010	Section 35	Rules Framed	G.S.R. 1362 (E) dt. 02/11/2017 - The National Green Tribunal (Recruitment, Salaries and other Terms and Conditions of Service of Officers and other Employees) Amendment Rules, 2017, was notified on 2 nd November, 2017, wherein the 'Schedule' to the Rules was substituted. G.S.R. 589 (E) dt. 26/06/2018	Division has been regularly laying the rules/regulations in the Parliament but these four rules are overlooked due to intermittent transfer of charge of the Section's staff/officers. Responsibility for the same is being fixed, for appropriate action. There will be no delays in future and the work of laying is being	

			<p>The National Green Tribunal (Recruitment, Salaries and other Terms and Conditions of Service of Senior Accountant) Rules, 2018.</p> <p>S.O. 1027(E) dt. 22/02/2019</p> <p>The National Green Tribunal (Recruitment, Salaries and other Terms and Conditions of Service of Officers and other Employees) was notified on 22nd February 2019 wherein, amendment to the 'Schedule' to the Rules was made.</p>	<p>processed on absolute priority basis.</p>	
			<p>G.S.R. 1473 (E) dt. 01/12/2017- The National Green</p>		<p>The National Green Tribunal (Practice and Procedure) Amendment</p>

				<p>Tribunal (Practice and Procedure) Amendment Rules, 2017 was being notified on 1st December 2017 wherein it was provided that in exceptional circumstances the Chairperson may constitute a single Member Bench.</p>	<p>Rules, 2017 was notified on 1st December, 2017. It is to be noted that the aforesaid Rule was challenged before the Hon'ble Supreme Court of India in W.P. Civil No. 1235 of 2017 titled as NGT BAR ASSOCIATION (Western Zone) vs Union of India & Anr. The Hon'ble Supreme Court of India while hearing the said matter vide order dated 31.1.2018, held that, "In the meantime, the Chairperson of the National Green Tribunal shall not constitute a Single Member Bench, but a Division Bench consisting of one judicial Member and an expert</p>
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						<i>Member"</i> The Writ Petition was finally disposed on 05.01.2021.
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