

**COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2022-2023)**

**(SEVENTEENTH LOK SABHA)**

**TWENTY-NINTH REPORT**

**ACTION TAKEN BY THE GOVERNMENT ON THE  
OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE THIRD  
REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION  
(SEVENTEENTH LOK SABHA)**



**LOK SABHA SECRETARIAT  
NEW DELHI  
23 March, 2023/ 2 Chaitra, 1945 (Saka)**

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(SEVENTEENTH LOK SABHA)**

**(PRESENTED TO LOK SABHA ON 24.03.2023)**



**LOK SABHA SECRETARIAT  
NEW DELHI  
March,2022/ Phalguna,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
8. Shri A.Raja
9. Shri Nama Nageshwara Rao
10. Shri Sanjay Seth
11. Dr. Amar Singh
12. Shri Brijendra Singh
13. Shri Su Thirunavukkarasar
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-ninth Report.
2. This Report relates to the Action Taken on the Observations/Recommendations of the Committee contained in the Third Report (2019-2020) (Seventeenth Lok Sabha) which was presented to Lok Sabha on 16.03.2020.
  3. The Committee considered and adopted this Report at their sitting held on 23.03.2023.
  4. The summary of recommendations contained in the Third Report and Action Taken Reply of the Government thereon have been reproduced in Appendix I and Appendix II of the Report.
  5. The Extracts of the Minutes of the Twelfth sitting of the Committee relevant to this Report are brought out in Appendix III of the Report.
  6. An analysis of the action Taken by Government on the recommendations contained in the Third Report of the Committee (Seventeenth Lok Sabha) is given in Appendix IV of the Report.

**New Delhi;  
23 March, 2023  
02 Chaitra, 1945 (Saka)**

**BALASHOWRY VALLABHANENI  
Chairperson,  
Committee on Subordinate Legislation**

## REPORT

This Report of the Committee on Subordinate Legislation (2022-23) deals with the Action Taken by the Government on the Observations/Recommendations contained in the Third Report (Seventeenth Lok Sabha) of the Committee which was presented to Lok Sabha on 16.3.2020. The Third Report dealt with the infirmities in:-

- (i) the Insurance (Appeal to Securities Appellate Tribunal) Rules,2016 [GSR 179(E) of 2016], and
- (ii) the Merchant Shipping (Recruitment and Placement of Seafarers) Rules,2016 [GSR 169 of 2016].

2. The shortcomings observed in each of the above Rules and the Observations/Recommendations made by the Committee in respect of these shortcomings are contained in paras 1.4 and 1.5 of Part-I, and Paras 2.4, 2.6 and 2.9 of Part-II of the Third Report (Seventeenth Lok Sabha).The Part-I of the Report, after presentation was forwarded to the Ministry of Finance (Department of Financial Services) and Part-II of Report was forwarded to the Ministry of Ports, Shipping and Waterways for implementation of the recommendations contained therein. The Ministry of Finance (Department of Financial Services) vide their OM No. H-12018/1/2015-Ins.II dated 24<sup>th</sup> June,2021 and the Ministry of Ports, Shipping and Waterways vide their OM SR-20020/3/2020-ML(CN:342969) dated 14<sup>th</sup> July, 2022 furnished their action taken replies on the Observations/Recommendations contained in the Report. A statement showing the Observations/Recommendations made by the Committee and action taken by the Ministry of Finance (Department of Financial Services) and the Ministry of Ports, Shipping and Waterways on the same is given as Appendix-I and Appendix-II respectively in Part-II of the Report.

3. Replies to the observations/recommendations contained in the Report have been categorized as follows:

- (i) Observations/Recommendations which have been accepted by the Government  
Sl. Nos. 1.4, 1.5, 2.4, 2.6 and 2.9 Total Five
- (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the Government's reply.  
Sl. No. Nil Total Nil

- |       |  |           |
|-------|--|-----------|
| (iii) | Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee | Total Nil |
|       | Sl. No. Nil  |           |
| (iv)  | Observations/Recommendations in respect of which final replies of the Government are still awaited                 |           |
|       | Sl. No. Nil  | Total Nil |

4. The main Observations/Recommendations made by the Committee in its Third Report (Seventeenth Lok Sabha) and the Action Taken thereon by the Ministry of Finance (Department of Financial Services) and the Ministry of Ports, Shipping and Waterways are briefly given as follows:-

- (i) **Infirmary regarding the Manner in which the defect in the Memorandum of appeal shall be communicated to the appellant and the time period within which the same can be rectified by the appellant under Rule 5(3) of the Insurance (Appeal to Securities Appellate Tribunal) Rules, 2016**

The Committee noted that in case of appeal sent by post and found to be defective, the Rules did not specify the manner in which the Registrar ought to communicate the defect to the appellant and also did not prescribe any minimum time period, that may be given to the appellant to rectify the memorandum of appeal, thereby leaving it totally at the discretionary powers of the Registrar. The Committee, therefore, recommended that, 'specific provisions in this regard may be incorporated in the Rules specifying the manner in which the defect in the Memorandum of Appeal shall be communicated by the Registrar to the appellant in respect of cases where the appeal has been sent by post and some reasonable time limit should also be prescribed in the Rules within which the appellant can rectify the defect in his Memorandum of appeal [Paras 1.4 and 1.5 of 3<sup>rd</sup> Report of the Committee (17 LS)].

The Ministry of Finance (Department of Financial Services) accepted the recommendations made by the Committee and vide in their Action Taken Reply dated 24<sup>th</sup> June, 2021 forwarded a copy of amendment brought in Rules 5(3) of the Insurance (Appeal to Securities Appellate Tribunal) Rules, 2016 notified as the Insurance (Appeal to Securities Appellate Tribunal) Amendment Rules, 2021 dated 15<sup>th</sup> April, 2021[GSR 262(E) of 2021].



(ii) **Infirmity regarding the absence of time limit to be provided within which the license/renewal of license is to be issued under Rule 9(3) and use of vague expression under Rule 19 of the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016.**

The Committee noted that Rule 9(3) of the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 did not provide for any time limit within which the license/renewal of license is to be issued after receipt of the application, which may give arbitrary use of discretionary powers in the context of issuance/renewal of license and also cause harassment and inconvenience to the applicants. The Committee, therefore, had recommended, the Ministry to bring out the necessary amendment in the Rules [Para 2.4 of 3<sup>rd</sup> Report of the Committee (17 LS)].

The Committee noted that under sub-rule (3) of Rule 19 of the above Rules, the word 'within a reasonable time' had been mentioned and no time limit had been prescribed within which the Director General shall pass an Order on an appeal. The usage of the words 'within a reasonable time' appeared to the Committee, as vague and liable to be interpreted differently by different persons. The Committee were of the view that a fixed time limit for disposal of appeal will make the rules objective and also effective. The Ministry agreed to the Committee's observation. The Committee thus recommended the Ministry to notify the necessary amendment in the Rules and prescribe the specific time limit for passing the orders [Para 2.9 of the 3<sup>rd</sup> Report of the Committee (17 LS)].

The Ministry of Ports, Shipping and Waterways in their Action Taken Reply Dated 14<sup>th</sup> July, 2022 informed that on the basis of recommendations contained in para 2.4 and 2.9 of the 3<sup>rd</sup> Report of the Committee (17 LS), a notification amending Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 has been notified as the Merchant Shipping (Recruitment and Placement of Seafarers) Amendment Rules, 2022 dated 26<sup>th</sup> April, 2022 [GSR 319(E) of 2022].

**5. The Committee, thus note that the Ministry of Finance (Department of Financial Services) and the Ministry of Ports, Shipping and Waterways have accepted the shortcomings pointed out by the Committee and rectified the same. The necessary amendments have been carried out by the Ministry of Finance (Department of Financial Services) in the Rules and notified in the Insurance (Appeal to Securities Appellate Tribunal) Amendment Rules, 2021 dated 15<sup>th</sup> April, 2021[GSR 262(E) of 2021], Annexure-I and by the Ministry of Ports, Shipping and Waterways who have notified amendment in the Merchant**

Shipping (Recruitment and Placement of Seafarers) Amendment Rules, 2022 dated 26<sup>th</sup> April, 2022 [GSR 319(E) of 2022], Annexure-II. The Committee express their satisfaction over the acceptance of their recommendations by the concerned Ministries and also for taking corrective measures.

6. The Observations/Recommendations made by the Committee and the Action Taken Replies received from the Ministries concerned have been suitably reproduced in the Part-II of the Report.

New Delhi;  
23 March,2023  
02 Chaitra,1945 (Saka)

**BALASHOWRY VALLABHANENI**  
Chairperson,  
Committee on Subordinate Legislation

**MINISTRY OF FINANCE**  
**(Department of Financial Services)**

**NOTIFICATION**

New Delhi, the 15th April, 2021

**G.S.R. 262(E).**—In exercise of the powers conferred by sub-section (1) and clause (lb) of sub-section (2) of section 114, read with sub-sections (2) and (6) of section 110 of the Insurance Act, 1938 (4 of 1938), the Central Government hereby makes the following rules to amend the Insurance (Appeal to Securities Appellate Tribunal) Rules, 2016, namely:—

1. (1) These rules may be called the Insurance (Appeal to Securities Appellate Tribunal) Amendment Rules, 2021.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Insurance (Appeal to Securities Appellate Tribunal) Rules, 2016, in rule 5, for sub-rule (3), following sub-rule shall be substituted, namely:—  
“(3) If, upon scrutiny, the Registrar finds an appeal to be defective, where—
  - (a) the appellant has presented such appeal in person and the defect is formal in nature, the Registrar may allow the same to be rectified in his presence by the appellant;
  - (b) the defect is other than referred to in clause (a), he shall give intimation to the appellant by registered post or electronic mail, to remove the defects within fifteen days from the date of such intimation given by the Registrar.”.

[F. No. 12018/01/2015-Ins. II]

SAURABH MISHRA, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, *vide* notification number G.S.R. 179(E), dated the 17<sup>th</sup> February, 2016.

**MINISTRY OF PORTS, SHIPPING AND WATERWAYS**

**NOTIFICATION**

New Delhi, the 26th April, 2022

**G.S.R. 319(E).**—In exercise of the powers conferred by sub-section (3) of section 95 and section 457 of the Merchant Shipping Act, 1958 ( 44 of 1958 ), the Central Government hereby makes the following rules to amend the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016, namely: -

**1. Short title and commencement.-**

1) These rules may be called the Merchant Shipping (Recruitment and Placement of Seafarers) Amendment Rules, 2022.

2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 (hereinafter referred to as the said rules), in rule 9, in sub-rule (3), after the word "licence", the words "within fifteen days" shall be inserted.

3. In the said rules, in rule 19, in sub-rule (3), for the words "as far as possible within reasonable time", the words "within a period of sixty days" shall be substituted.

[F. No. SR-20020/3/2020-ML (C. No. 342969)]

VIKRAM SINGH, Jt. Secy.

**Note :** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (1), dated the 16th February, 2016 vide number G.S.R. 169(E), dated the 15th February, 2016.

**PART-II**  
**Appendix-I**  
**(Vide Para 2 of Part-I of the Report)**

**STATEMENT SHOWING THE ACTION TAKEN BY THE MINISTRY OF FINANCE**  
**(DEPARTMENT OF FINANCIAL SERVICES) ON THE**  
**OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE THIRD REPT OF**  
**THE COMMITTEE (17 LOK SABHA).**

***Insurance (Appeal to Securities Appellate Tribunal) Rules, 2016 [GSR 179 (E) of 2016].***

The Committee note that Rule 5(3) of the Insurance (Appeal to Securities Appellate Tribunal) Rules, 2016 inter-alia provides that if an appeal on scrutiny is found to be defective and the defect noticed is formal in nature, the Registrar may allow the appellant to rectify the same in his presence, and if the said defect is not formal in nature the Registrar may allow the appellant such time to rectify the defect as he may deem fit. In cases, if an appeal has been sent by post and found to be defective, the Registrar may communicate the defects to the appellant and allow the appellant such time to rectify the defect as he may deem fit. The Committee further note that Rule 5 (4) provides that if the appellant fails to rectify the defect within the time allowed in sub-rule (3), the Registrar, may, by order decline to register such memorandum of appeal and communicate the order to the appellant within seven days thereof. Also, the Rule does not specify any minimum time period that may be given to the appellant to rectify the memorandum thereby leaving it totally at the discretionary powers of the Registrar. Taking into consideration the admission of the Ministry that no specific time frame has been mentioned to rectify the defects and it is left for the decision of the Registrar, the Committee feel that the use of discretion may lead to arbitrary use of powers which in turn can be misused. The Committee, therefore, recommend that some reasonable time limit should be prescribed in the Rules themselves within which the appellant can rectify the defect in his memorandum of appeal.

**[Para 1.4 of Part-I of the 3<sup>rd</sup> Report, 17<sup>th</sup> Lok Sabha]**

The Committee also note that that where an appeal has been sent by post and found to be defective, the Rules do not specify the manner in which the Registrar shall communicate the defect to the appellant. The Committee observe that non-specifying of the manner of communication is a loophole in the Rules. Such a loophole can lead to denial of right to the appellant and is not in line with the principles of natural justice. The Committee, therefore, recommend that specific provisions in this regard may be incorporated in the Rules specifying the manner in which the defect in the Memorandum of Appeal shall be communicated to the

appellant in respect of cases where the appeal has been sent by post. The Committee desire the Ministry to amend the rule accordingly and apprise the Committee of the action taken in this regard.

**[Para 1.5 of Part-I of the 3<sup>rd</sup> Report, 17<sup>th</sup> Lok Sabha]**

**Reply of the Government**

Action Taken Report of Department of Financial Services on the observations/Recommendations of the Committee is as under :-

**Action Taken Report on the recommendations contained in the Third Report (Seventeenth Lok Sabha) of the Committee on Subordinate Legislation.**

<b>Recommendation Serial No and Brief</b>	<b>Reference</b>	<b>Existing Rule 5(3)</b>	<b>Amended Rule 5(3)</b>
<p><b><u>Recommendation at Para 1.4:</u></b> Some reasonable time limit should be prescribed in the Rules themselves within which the appellant can rectify the defect in his memorandum of appeal.</p>	<p>Insurance (Appeal to Securities Appellate Tribunal) Rules,2016</p>	<p>“If an appeal on scrutiny is found to be defective and the defect noticed is formal in nature, the Registrar may allow the appellant to rectify the same in his presence and if the said defect is not formal in nature, the Registrar may allow the appellant such time to rectify the defect as he may deem fit and where such appeal has been sent by post and found to be defective, the Registrar may</p>	<p>“(3) if, upon scrutiny, the Registrar finds an appeal to be defective, and--- (a) Where the appellant has presented such appeal in person and the defect is formal in nature, the Registrar may allow the same to be rectified in his presence by the appellant; (b) Where the manner of presentation or of the defect is other than that referred to in clause(a), he may either communicate the</p>

<p><b><u>Recommendations at Para 1.5:</u></b>  Specific provision in this regard may be incorporated in the Rules specifying the manner in which the defect in the Memorandum of Appeal shall be communicated to the appellant in respect of cases where the appeal has been sent by post.</p>	<p>Insurance (Appeal to Securities Appellate Tribunal) Rules,2016</p>	<p>communicate the defect as he may deem fit.”</p>	<p>particulars of the defect either by post or by electronic mail, or place such particulars on the website of the Securities Appellate Tribunal, while giving the appellant opportunity to rectify such defect within such time, not exceeding fifteen days, as he may deem fit”.</p>
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The Insurance (Appeal to Securities Appellate Tribunal) Amendment Rules,2021 dated 15 April, 2021 [G.S.R.262(E) of 2021] is Annexed. (Annexure-I)

**[Ministry of Finance, Department of Financial Services,(Insurance-II Division)  
OM F.No.H-12018/1/2015-Ins.II dated 24 June, 2021].**

**Appendix-II**  
**(Vide Para 2 of Part-I of the Report)**

**STATEMENT SHOWING THE ACTION TAKEN BY THE MINISTRY OF PORTS,  
SHIPPING AND WATERWAYS ON THE OBSERVATIONS/RECOMMENDATIONS  
CONTAINED IN THE THIRD REPT OF THE COMMITTEE (17 LOK SABHA).**

***Infirmities in the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 (GSR 169 of 2016).***

The Committee note that Rule 9(3) of the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 does not provide for any time limit within which the license/renewal of license is to be issued after receipt of the application. The absence of any time limit for issuance of license may give rise to arbitrary use of discretionary powers in the context of issuance/renewal of licence and also cause harassment and inconvenience to the applicants. Therefore, specific time limits are needed to be provided in the Rules to prevent such a scenario. The Committee note with satisfaction that on being pointed out, the Ministry of Shipping have agreed to amend the Rules to the desired effect by suggesting that a time limit of 15 days may be prescribed in the Rules for issuance of the License. The Committee recommend the Ministry to bring out the necessary amendment in the Rules at the earliest under intimation to the Committee.

**[Para 2.4 of Part-II of the 3<sup>rd</sup> Report, 17<sup>th</sup> Lok Sabha]**

The Committee note that the prescription of late fee for submission of application after expiration of license has been envisaged as a deterrent and to ensure that renewal 2.9 applications are filed by the Recruitment and Placement Services well within time. The Committee find that the reply of the Ministry is silent on the aspect of the precise statutory authority under the parent Act authorizing the Ministry to impose such kind of penalties. However, looking at the objective of the provision that the same is for the welfare of the seafarers, the Committee may not like to pursue this matter any further. At the same time, the Ministry may ensure that such provisions are able to withstand the judicial scrutiny if any such occasion arises.

**[Para 2.6 of Part-II of the 3<sup>rd</sup> Report, 17<sup>th</sup> Lok Sabha]**

The Committee note from the reply furnished by the Ministry that only two appeals have been received during the last three years. Further, the time taken for disposal of the appeal also appears reasonable. However, despite the reasonableness of the time taken for the disposal of the two appeals in question, there may arise situations where the use of the term 'within reasonable time' is misused. A fixed time limit for disposal of appeal will make the rules objective and also effective. Therefore, laying of time limit is necessary to ensure time bound



disposal of appeals. In this regard, the Committee note with satisfaction that the Ministry, on being pointed out, have agreed to prescribe precise and specified time limit for passing the order. The Committee recommend the Ministry to bring out necessary amendment in the Rules to rectify the ambiguity. **[Para 2.9 of Part-II of the 3<sup>rd</sup> Report, 17<sup>th</sup> Lok Sabha]**

### **Reply of the Government**

On the basis of the Recommendations of the Committee referred to above, a notifications for amending Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 has been notified and copy of the same is annexed **[GSR 319(E) of 2022] (Annexure-II)**.

**[Ministry of Ports, Shipping and Waterways (MG Section)  
O.M.No.SR-20020/3/2020-ML (CN:342969) Dated 14 July, 2022].**

## MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2022-2023)

The Twelfth sitting of the Committee (2022-23) was held on Thursday, the 23<sup>rd</sup> March, 2023 from 1500 to 1530 hours in Chairperson Room No. 209, Extension to Parliament House Annexe, New Delhi.

### PRESENT

Shri Balashowry Vallabhaneni                      Chairperson

### MEMBERS

2. Shri Chandeshwar Prasad
3. Shri N.K. Premachandran
4. Shri Suresh Kumar Pujari
5. Dr. Amar Singh
6. Shri Brijendra Singh
7. Shri Su Thirunavukkarasar
8. Shri Ram Kripal Yadav
9. Shri Arvind Ganpat Sawant

### SECRETARIAT

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

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports:-

- |       |    |    |    |
|-------|----|----|----|
| (i)   | XX | XX | XX |
| (ii)  | XX | XX | XX |
| (iii) | XX | XX | XX |

- (iv) The Twenty-ninth Report on action Taken by the Government on the Observations/ Recommendations contained in the Third Report of the Committee on Subordinate Legislation (Seventeenth Lok Sabha).
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.

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

**APPENDIX-IV**  
**(Vide Para 6 of the Introduction of the Report)**

**ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THE THIRD REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTEENTH LOK SABHA)**

I	Total No. of Observations/Recommendations made	5
II	Recommendations that have been accepted by the Government [vide recommendations at Sl. Nos.1.4, 1.5, 2.4, 2.6 and 2.9] Percentage of total	5 100%
III	Recommendations which the Committee do not want to pursue in view of Government replies Percentage of total	NIL 0%
IV	Recommendations in respect of which replies of Government have not been accepted by the Committee Percentage of total	NIL 0%
V	Recommendations in respect of which final replies of Government are still awaited Percentage of total	NIL 0%