

COMMITTEE ON SUBORDINATE  
LEGISLATION

THIRD REPORT

(SECOND LOK SABHA)

Presented on the 2nd May, 1958.



सत्यमेव जयते

LOK SABHA SECRETARIAT  
NEW DELHI

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## COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION (1957-58)

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1. Sardar Hukam Singh—*Chairman.*
2. Shri Phani Gopal Sen
- \*3. Shri Anand Chandra Joshi
4. Shri Harish Chandra Mathur
- \*\*5. Shri Ajit Singh Sarhadi
6. Shri K. S. Ramaswamy
7. Shri Sinhasan Singh
8. Shri Jitendra Nath Lahiri
9. Shri Bahadur Singh
10. Shri T. N. Viswanatha Reddy
11. Shri Shamrao Vishnu Parulekar
12. Shri Aurobindo Ghosal
13. Shri J. M. Mohamed Imam
14. Dr. A. Krishnaswamy
15. Shri Braj Raj Singh.

### SECRETARIAT

Shri N. N. Mallya—*Deputy Secretary.*

Shri A. L. Rai—*Under Secretary.*

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\*Ceased to be member of the Committee with effect from the afternoon of the 5th April, 1958.

\*\*With effect from 28th February, 1958 vice Shri R. M. Hajarnavis appointed Deputy Minister.

## I

### INTRODUCTION

1. the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to present the report on their behalf, present this their Third Report.

2. Subsequent to the presentation of the Second Report the Committee held two sittings and considered 328 new 'Orders'. The Committee also considered the 'Orders' that were pending final disposal at the time of presentation of the Second Report. At a sitting held on the 28th April, 1958, the Committee considered and passed this Report.

3. Observations of the Committee on matters of special interest, made during the course of their examination of the 'Orders', matters which required to be brought to the notice of the House, as well as the recommendations of the Committee have been included in this Report.

## II

### THE ALL INDIA INSTITUTE OF MEDICAL SCIENCES ACT, 1956—DELAY IN FRAMING OF RULES THEREUNDER

4. The All India Institute of Medical Sciences Act was brought into force with effect from the 15th November, 1956, but no rules, except under sec. 4(f), were framed to regulate the affairs of the All India Institute of Medical Sciences as required under the Act. The Committee enquired of the Ministry of Health on the 17th December, 1957, as to how the affairs of the Institute namely the constitution of Governing Body and other Committees of the Institute under Section 10, fixation of salaries and allowances etc. of the Director and other officers of the Institute under Section 11(5), appointment of Professors etc. under Section 14(i), preparation of the Budget of the Institute under Section 17 and laying of the annual report of the Institute before Parliament under Section 19 of the Act, etc., were being administered in the absence of any rules duly framed although the Institute had been established more than a year ago.

5. The Committee note with regret that no satisfactory reply was received from the Ministry. The Ministry, however, published a set of rules on 15th March, 1958, but their operation was postponed to some other date to be notified by the Government later on. Ministry were again asked on 26th March, 1958, to intimate *inter alia* the probable date when the rules would be brought into force. No reply has been received from the Ministry, but it is noticed that the

said rules have been brought into force with effect from the 1st April, 1958, by a notification published on 5th April, 1958 (see G.S.R. 216 of 1958).

6. The Committee recommend that when an Act requires certain matters to be regulated by rules etc. to be made thereunder such rules should be framed immediately after the commencement of the Act.

### III

#### RULES FOR THE PORT OF COCHIN (S.R.O. 375 of 1957)

7. The rules for the Port of Cochin providing for rates of fees etc. chargeable for the hire of port appliances were made under section 6 of the Indian Ports Act, 1908. The Rules were published on the 2nd February, 1957 but were brought into operation retrospectively with effect from the 30th January, 1957, though there was no specific authorisation in the Parent Act in this behalf.

8. The Ministry of Transport and Communications stated that the rules were expected to be published in the Gazette of 26th January, 1957, *i.e.* before the date on which they came into force. But as the rules were received late by the Press so they were published in the next issue of the Gazette dated the 2nd February, 1957. The Ministry also stated that the Administrative Officer of the Port of Cochin had been advised to allow any claim for the refund of charges or fees collected during the retrospective period *i.e.* between 30th January, 1957 and 2nd February, 1957. Such charges of fees amounted to Rs. 7.50 N.P. only.

9. The Committee note the Ministry's reply.

### IV

#### AMENDMENT IN THE BOMBAY WHEAT (MOVEMENT CONTROL) ORDER, 1956 (S.R.O. 3589 OF 1957)

10. S.R.O. 3589 of 1957 omitted item (i) in the proviso to clause 3 of the Bombay Wheat (Movement Control) Order, 1956.

11. The item omitted by the said S.R.O. related to the usual provision exempting a *bona fide* traveller carrying five seers of wheat or wheat products in the aggregate from the import or export restrictions. It was felt that this might cause hardship to the *bona fide* travellers who might like to carry *atta* etc. for their own use.

12. The Ministry of Food and Agriculture who were requested to intimate the reasons for omission of this item from the Bombay Wheat (Movement Control) Order replied that the Government of Bombay had brought to the notice of the Government of India in

June, 1957, that the concession granted under item (i) of the proviso to clause 3 of the said order was being regularly misused by a large number of persons who made frequent trips by train to the nearby areas outside the limits of Greater Bombay and brought back 5 seers, sometimes more, of indigenous wheat on each occasion as part of their luggage. The indigenous wheat so brought by such persons was being collected by traders at places within the limits of Greater Bombay and sold at exorbitant rates to well-to-do people who were prepared to pay higher prices for indigenous wheat. It was also reported that upto the end of June, 1957, 513 cases of unauthorised imports of wheat were detected by the State Government. There were also news items in the *Bombay Chronicle and National Herald* about this and a reference was also received from Shri N. G. Goray, M.P. The Ministry added that in view of the fact that such illegal imports were on a considerable scale, there was no alternative but to withdraw the concession even though in the process some genuine consumers had to undergo some inconvenience.

13. The Committee note the Ministry's reply.

## V

### AMENDMENTS IN THE MINERAL CONCESSION RULES, 1949 (S.R.O. 416 OF 1952)

14. S.R.O. 416 of 1952, which was issued under Section 5 of the Mines and Minerals (Regulation and Development) Act, 1948, amended rules 13(1) and 26(1) of the Mineral Concession Rules, 1949. The amended rules provided as under:—

“Rule 13(1):

\* \* \*

No prospecting licence shall be granted to any person *unless he produces before the State Government an income-tax clearance certificate* from the Income-tax Officer of the District where he resides and carries on business.”

“Rule 26(1):

\* \* \*

No mining lease shall be granted to a person who applies under rule 61 *unless he produces before the State Government an income-tax clearance certificate* from the Income-tax Officer of the District where he resides and carries on business.”

15. The Committee at their sitting held on the 6th April, 1955, had considered the above rules and commented that the production of an income-tax clearance certificate as a condition precedent to the issue of a prospecting licence or the grant of a mining lease was not one for a subordinate authority to impose nor was such a condition envisaged under the parent Act

16. The Committee note that the necessary provisions in this respect have since been made in the Mines and Minerals (Regulation and Development) Act, 1957 itself, which replaced the earlier Act of 1948 (*vide* Section 5).

## VI

### AMENDMENTS IN THE DELHI (CONTROL OF BUILDING OPERATIONS) REGULATIONS

17. S.R.O. 3063 of 1957 issued by the Delhi Development Provisional Authority made certain amendments in the Delhi (Control of Building Operations) Regulations in their application to the controlled areas within the limits of the Delhi Municipal Committee. Clause 3 of the amended chapter of the above regulations ran as under:—

“(3) Such of the bye-laws as prescribe any limitation within which sanction shall be granted or refused or which prescribe any limitation for the issue of a notice, or within which any order on any application for the grant of completion certificate is to be passed or any other limitation provided therein shall have no effect.”

18. It was felt that the above provision gave wide powers to the Delhi Development Provisional Authority and might result in holding up of sanctions, the grant of completion certificate and the issuing of notices at any time without any limitation. If applications for sanctions or for grant of completion certificate were not disposed of for indefinite periods, it was likely to cause hardship and loss to owners and thereby impede the building and development activity in Delhi.

19. The Ministry of Health, to whom the matter was referred, stated that the Delhi (Control of Building Operations) Act, 1955 under which the existing regulations were framed, had since been replaced by the Delhi Development Act, 1957, and that the above point would be kept in view while framing the regulations under Section 57 of the latter Act.

20. The Committee note the Ministry's assurance.

## VII

### THE TEA (DISTRIBUTION AND EXPORT) CONTROL ORDER, 1957 (S.R.O. 3808 OF 1957)

21. The Tea (Distribution and Export) Control Order, 1957 contains the following provision regarding power of entry and search:—

“18. *Power of entry, etc.*—(1) The licensing authority or

any officer of the Tea Board specially authorised by him in writing in this behalf may enter and search at any time any land, building premises, vehicles, vessels, aircraft or plant or machinery upon or in which the licensing authority has reason to believe that tea is stored, carried, distributed or sold in contravention of the provisions of this Order and may seize any tea or product of tea which appears to be stored, carried, distributed or sold in contravention of the provisions of this Order."

22. It was felt that while authorising entry and search, suitable safeguards like presence of two witnesses should be provided for as is the procedure under the Criminal Procedure Code.

23. The matter was referred to the Ministry of Commerce and Industry who assured that the said Clause 18 would be amended accordingly.

24. The Committee note the Ministry's assurance.

### VIII

#### INSERTION OF "LAYING PROVISION" IN THE INDIAN TARIFF ACT, 1934

25. The Committee had in para 36 of their Third Report (First Lok Sabha) recommended that the Acts containing provisions for making rules etc. should lay down that such rules should be laid on the Table of the House. In paras 78 and 79 of their Sixth Report the Committee had accepted the suggestion of the Ministry of Law about the language of the provision.

26. The Indian Tariff (Amendment) Bill, 1957, did not contain any provision for delegation of rule-making power. Section 3(2) of the principal Act, however, delegated certain rule-making powers to the Central Government but there was no provision for laying the rules made thereunder before Parliament.

27. While the Bill was being considered by the House in November, 1957, a Member of the Committee on Subordinate Legislation tabled an amendment to the above Bill for making appropriate provision in the principal Act for laying the rules before Parliament.

28. On the 14th November, 1957, when the consideration of clauses was taken up the member who had tabled the amendment was not present. The Deputy Speaker, who was in the Chair drew the attention of the Minister to the above amendment and the



Minister of Industry gave the following assurance on the floor of the House:—

“We are fully accepting the principle and content of the amendment, and when we bring the next amending Bill like this, we shall certainly incorporate that amendment.”

29. The Committee note that the Indian Tariff (Second Amendment) Bill, 1957 which was later on introduced in the Lok Sabha on the 3rd December, 1957, and passed on the 14th December, 1957, contains the appropriate provision for laying the rules, made under Indian Tariff Act, 1934, before Parliament.

## IX

### RULES RELATING TO STATUTORY BODIES ON WHICH LOK SABHA IS PARTIALLY REPRESENTED

30. Representatives of Parliament on various statutory bodies are either elected by the respective Houses or nominated by the Speaker/Chairman. The number of such representatives and their term of office etc. are laid down in the respective Acts or the rules made thereunder.

31. It was felt that the provisions relating to the mode of appointment and term of office of the representatives of Parliament on Statutory Bodies should be clear, specific and uniform. Such provisions in respect of the following statutory bodies were inadequate:—

#### (I)

#### *The Delhi Development Provisional Authority constituted under the Delhi (Control of Building Operations) Act, 1955*

32. There was no provision in the Act or the Regulations that Members of Parliament on the Authority would cease to be members of the Authority on their ceasing to be Members of Parliament.

33. The point was referred to the Ministry of Health who stated that a Bill for reconstitution of the Delhi Development Authority was being introduced in Parliament which would supersede the Delhi (Control of Building Operations) Act, 1955.

34. The Committee note that the Delhi Development Act, 1957, which replaced the Delhi (Control of Building Operations) Act, 1955, does not provide for the representation of Parliament on the Delhi Development Authority. Therefore, the question of making adequate provisions regarding the term of representatives of Parliament does not arise.

## (II)

*The Tea Board constituted under the Tea Act, 1953*

35. Rule 5(1) of the Tea Rules, 1954, provided the term of office of members of the Tea Board as three years. There was no provision in the Tea Rules that representatives of Parliament on the Board would cease to be members thereof if within the said period of three years they ceased to be members of the House which they represented.

36. The Committee note that the Ministry of Commerce and Industry to whom the point was referred have made the necessary amendments in the Tea Rules, 1954 (*vide* S.R.O. 153 of 1958).

37. Further the rules did not provide that the representatives of Parliament would be elected by the respective Houses.

38. The Ministry of Commerce and Industry drew the attention of the Committee to an assurance given by then Minister of Commerce and Industry that the arrangement of Parliamentary representation on the Tea Board would be made by the Speaker or the Chairman of the Council of States. In view of the assurance, the Ministry do not consider it necessary to make a specific provision in the rules for election of the representatives of Parliament.

39. The Committee note the Ministry's reply.

## (III)

*Central Advisory Committee of the National Cadet Corps constituted under the National Cadet Corps Act, 1948*

40. Clause (i) of Section 12(1) of the National Cadet Corps Act, 1948, provides the term of office of members elected by Parliament on the Central Advisory Committee as one year. There is no provision either in the above Act or the rules made thereunder that if within the said period of one year, the representatives of Parliament cease to be members of the House by which they are elected they shall cease to be members of Advisory Committee.

41. The Ministry of Defence, after consultation with the Ministry of Law, stated that the expression "Members" or "Member" in the clause in question referred to the membership of the Committee after election by the Houses and that it was not even implied in the Act that the members of the Committee should continue to hold their seats in Parliament in order to be members of the Committee or even that they should be members of the particular House at the time of their election. If once the appointments had been notified the members would continue to be members of the Committee for the period specified in the notification even though they might cease to be members of Parliament before the expiry of the period. This view would also accord with the scheme of the Act providing for election annually as this would mean that

cases of Parliament going without actual representation on the Committee could not be either many or of long duration.

42. The Committee have considered the Ministry's reply and are of the opinion that the intention of the legislature was that representatives of Parliament should be elected from among the Members of Parliament and when they ceased to be Members of the House by which they were elected their seats on the Central Advisory Committee should automatically be vacated.

43. The Committee recommend that the National Cadet Corps Act, 1948, should be suitably amended to provide that the representatives of Parliament would cease to be members of the Central Advisory Committee, if they cease to be members of the House by which they are elected.

#### (IV)

#### *Central Silk Board constituted under the Central Silk Board Act, 1948*

44. There was no provision in the Central Silk Board Rules, 1955 to the effect that the representatives of Parliament on the Board would cease to be members thereof on their ceasing to be members of the House.

45. The Committee note that the Ministry of Commerce and Industry, to whom the point was referred, have amended the Central Silk Board Rules, 1955 accordingly. (*Vide S.R.O. 3722 of 1957*).

#### X

#### PRINTING AND PUBLICATION OF STATUTORY RULES AND ORDERS

46. In India there is no general statute, like the Statutory Instruments Act, 1946 of U.K., requiring the publication of Statutory Rules and Orders. Instead such a requirement is incorporated in each Act which delegates rule-making power to the Government. Such rules are then published in Part II, Sections 3 and 4 of the Gazette of India. The copies of the Gazette are put on sale to the public.

47. On important subjects the Ministries bring out manuals which contain all the relevant Acts and the rules made thereunder, e.g. Income-tax Manual, Election Manual, Central Excise Manual etc., but very often these manuals do not give up-to-date information about the 'order'.

48. Apart from this there is no other official publication which makes readily available the following information regarding statutory rules and orders to the public:

- (i) What amendments are made from time to time in the Schedules to various Acts;

- (ii) Whether a particular rule is still in operation, if so, whether it has been amended subsequently and if so where such amendments could be found;
- (iii) Whether any rules have been framed at all under an Act.

49. It was, therefore, felt that there should be some publication of statutory rules and orders on the lines of the U.K.'s annual publication of Statutory Instruments for the convenience of the public.

50. On a reference being made, the Ministry of Law stated that it was doubtful whether any Government Press under the present pressure of work would agree to undertake such a voluminous work of printing some 7000 pages and publish it within a reasonable time. Moreover the utility of such a publication will not be commensurate with the high cost involved in printing the same. The publication will become obsolete the moment the revised edition of the General Statutory Rules and Orders is brought out.

51. The Ministry have, however, assured to bring out an up-to-date publication of the General S.R.Os. in force as soon as all the volumes of India Code are published.

52. The Committee note the Ministry's assurance.

## XI

### RE-PRINTING OF POSTS AND TELEGRAPHS COMPILATION OF FUNDAMENTAL RULES

53. The Committee on Subordinate Legislation in para 29 of their Fourth Report (First Lok Sabha) had recommended that whenever there were extensive amendments to any rules, the rules should be reprinted. The question of economy should be balanced against the convenience to the persons for whose use rules were made.

54. It was noticed that Posts and Telegraphs compilation of Fundamental and Supplementary Rules was printed in 1946 and so far some 687 correction slips had been issued to it. As the compilation is widely required for reference purposes in Government offices it was felt that the Rules should be reprinted incorporating all the correction slips issued so far.

55. The Ministry of Transport and Communications were requested to state if there were any special reasons for not reprinting the revised edition of these Rules.

56. The Ministry stated that the number of copies required to be printed, judging from the number of copies so far printed, would be in the neighbourhood of 1,25,000. The total cost of this work was about Rs. 3 lakhs. Printing of this work was postponed in view of the fact

that the new rules regarding pay, leave, T.A., compensatory allowance etc., which would replace the Fundamental Rules and Supplementary Rules were being finalised by the Ministry of Finance. The Ministry of Finance could not specify the probable date by which the new rules would be finalised. It would be uneconomical to bring out revised editions of Fundamental Rules and Supplementary Rules, at this juncture in view of the possibility of promulgation of the new rules in the near future and the financial implications involved in bringing out a revised edition.

57. In view of the explanation given by the Ministry and considering the economy measures that are being adopted in the country the committee feel that reprinting of the Fundamental Rules is not necessary at this stage. However, the Committee recommend that revised edition thereof might be printed as soon as the new rules regarding pay, leave, T.A., compensatory allowance etc. are finalised.

## XII

### GIVING OF SHORT TITLES TO RULES

58. The Committee in the course of their examination of 'orders' came across a number of cases where no short title was given, though it could have easily been done.

59. The Committee would like to emphasise that short titles should be given to rules, regulations etc. and amendments thereto.

## XIII

### DELAY IN LAYING 'ORDERS' ON THE TABLE

60. The Committee note with regret that a number of 'Orders' were laid on the Table of the House after considerable delay. [A statement of such 'Orders' is given in Appendix I.]

61. The Committee would like to emphasise that all rules required to be laid before the House should be so laid within a period of 15 days as suggested by the Government after their publication in the Gazette, if the House is in session and if the House is not then in session the 'Orders' should be laid on the Table as soon as possible (but within 15 days) after the commencement of the following session.

## XIV

### ACTION TAKEN OR PROPOSED TO BE TAKEN BY GOVERNMENT ON VARIOUS RECOMMENDATIONS OF THE COMMITTEE ON SUBORDINATE LEGISLATION

62. The Committee have considered the replies sent by the Government in respect of the action taken or proposed to be taken by the Government on various recommendations contained in the *Fourth and Sixth Reports* (First Lok Sabha) and *First Report* (Second Lok Sabha) of the Committee on Subordinate Legislation.

63. Recommendations that have been accepted by the Government are given in Appendix II. The recommendations in respect of which the Government have given their own suggestions and such suggestions have been accepted by the Committee are given in Appendix III.

64. The recommendations which have not been accepted wholly or partly by the Government and are being pursued by the Committee are given in Appendix IV.

NEW DELHI;  
*The 1st May, 1958.*

HUKAM SINGH,  
*Chairman,*  
*Committee on Subordinate Legislation.*

*Summary of recommendations made in the Third Report of the Committee  
on Subordinate Legislation (Second Lok Sabha)*

Serial [No.	Reference to para No. in the Report	Summary of Recommendations
1	6 †	When an Act requires certain matters to be regulated by rules etc. to be made thereunder such rules should be framed immediately after the commencement of the Act.
2	43 *	The National Cadet Corps Act, 1948 should be suitably amended to provide that the representatives of Parliament on the Central Advisory Committee would cease to be members thereof if they cease to be members of the House by which they are elected.
3	57 †	Revised edition of Fundamental Rules might be printed as soon as new rules relating to pay, leave, T.A., compensatory allowance etc., are finalised.
4	59 ✓	Short titles should be given to rules, regulations etc. and amendments thereto.
5	61 ✓	'Orders' should be laid on the Table of the House within 15 days as suggested by the Government after their publication in the Gazette, and if the House is not in session at that time the 'Orders' should be laid on the Table as soon as possible (but within 15 days) after the reassembly of the House.

✓ (continued)

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## **APPENDICES TO THE REPORT**

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## APPENDIX I

(See para 60)

*Statement of 'Orders' in respect of which there has been delay in laying on the Table*

Serial No.	Name of 'Order'	Description of 'Order'	Date of publication in Gazette	Date of laying on the table	* Delay Approximately			Name of the Ministry concerned
					Years	Months	Days	
1	2	3	4	5	6	7		
1	S.R.O. 3722 of 1957	Amendment in the Central Silk Board Rules, 1955.	23-11-57	18-12-57	..	..	24	} Ministry of Commerce and Industry.
2	S.R.O. 3451 of 1957	Amendment in the Fertilizer Control Order, 1957.	2-11-57	18-12-57	..	2	28	
3	S.R.O. 2308 of 1955	Cotton Control Order, 1955.	22-10-55	11-2-58	2	3	18	

1	2	3	4	5	6	7
4	S.R.O. 294 of 1956	Amendments in the Cotton Textiles (Control) Order, 1948.	11-2-56	11-2-58	2	..
5	S.R.O. 2142 of 1956	Do.	24 9-56	11-2-58	1	2 26
6	S.R.O. 2278 of 1956	Do.	6-10-56	11-2-58	1	2 26
7	S.R.O. 2319 of 1956	Do.	11-10-56	11-2-58	1	2 26
8	S.R.O. 3017 of 1956	Do.	15-12-56	11-2-58	1	1 25
9	S.R.O. 1233 of 1957	Do.	20-4-57	11-2-58	..	9 ..
10	S.R.O. 2897 of 1957	Amendments in the Cotton Textiles (Control) Order, 1948.	14-9-57	11-2-58	3	..
11	S.R.O. 2035A of 1956	Amendments in the Cotton Textiles (Production by Handloom) Control Order, 1956.	5-9-56	25-2-58	1	5 18
12	S.R.O. 392 of 1958	Dhories (Fixation of Collective Quota) Rules, 1958.	1-2-58	22-4-58	..	2 12

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Industry.

13	S.R.O. 3481 of 1957	University Grants Commission Returns & Information Rules, 1957.	2-11-57	19-12-57	..	1	8	} Ministry of Education & Scientific Research.
14	S.R.O. 3586 of 1957	The Custom Duties Drawback (Dye-stuffs) Rules, 1957.	6-11-57	21-12-57	..	1	10	
15	S.R.O. 2286 of 1956	Amendment in the Public Debt (Compensation Bonds) Rules, 1954.	13-10-56	21-12-57	1	1	7	} Ministry of Finance.
16	S.R.O. 2287 of 1956	Amendments in the Public Debt (Annuity Certificate) Rules, 1954.	13-10-56	21-12-57	1	1	7	
17	S.R.O. 1156 of 1957	Amendments in the Public Debt (Compensation Bonds) Rules, 1954.	13-4-57	21-12-57	..	7	11	} Ministry of Finance.
18	S.R.O. 3517 of 1957	The Custom Duties Drawback (Hydraulic Brake Fluid) Rules, 1957.	1-11-57	10-2-58	..	2	28	

1	2	3	4	5	6	7
19	S.R.O. 3600 of 1957 .	The Custom Duties Drawback (Radio Receivers) Rules, 1957.	11-11-57	10-2-58	2	28
20	S.R.O. 3680 of 1957 .	The Custom Duties Drawback (Ivory Products) Rules, 1957.	14-11-57	10-2-58	2	25
21	S.R.O. 3749 of 1957 .	The Custom Duties Drawback (Roo-fing Felt ) Rules, 1957.	21-11-57	10-2-58	2	18
22	S.R.O. 3758 of 1957 .	The Custom & Excise Duties Drawback (Art Silk) Rules, 1957.	23-11-57	10-2-58	2	16
23	S.R.O. 3767 of 1957 .	The Custom Duties Drawback (Plywood) Rules, 1957.	26-11-57	10-2-58	2	13
24	S.R.O. 3772 of 1957 .	The Custom Duties Drawback (Tooth Paste) Rules, 1957.	27-11-57	10-2-58	2	12

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25	S.R.O. 3773 of 1957 .	The Custom Duties Drawback (Electric Fans) Rules, 1957.	27-11-57	10-2-58	..	2	12
26	S.R.O. 3882 of 1957 .	The Custom Duties Drawback (Staple Fibre Yarn) Rules, 1957.	28-11-57	10-2-58	..	2	11
27	S.R.O. 3834 of 1957	The Custom Duties Drawback (Plastic Goods) Rules, 1957.	28-11-57	10-2-58	..	2	11
28	S.R.O. 4004 of 1957 .	The Custom Duties Drawback (Paper Products) Rules, 1957.	16-12-57	10-2-58	..	1	23
29	S.R.O. 3801 of 1957 .	Amendments in the Central Excise Rules, 1944.	30-11-57	10-2-58	..	2	9
30	S.R.O. 3574 of 1957	Amendments in the Insurance Rules, 1939.	9-11-57	13-2-58	..	3	..
31	S.R.O. 348 of 1958 .	The Custom Duties Drawback (Pump) Rules, 1958.	29-1-58	13-2-58	..	..	25

Ministry of  
Finance.

I                    2                    3                    4                    5                    6                    7

32	S.R.O. 442 of 1958 .	Amendment in the Custom Duties Drawback (Saccharin) Rules, 1957.	1-2-58	13-2-58	..	..	25
33	S.R.O. 517 of 1958 .	Amendments in the Custom Duties Drawback (Carbon Paper) Rules, 1957.	7-2-58	8-3-58	..	..	25
34	S.R.O. 183 of 1958 .	Union Duties of Excise (Distribution) Rules, 1958.	18-1-58	12-3-58	..	1	..
35	S.R.O. 184 of 1958 .	Additional Duties of Excise (Distribution) Rules, 1958.	18-1-58	12-3-58	..	1	..
36	S.R.O. 185 of 1958 .	Tax on Railway Passenger Fares (Distribution) Rules, 1958.	18-1-58	12-3-58	..	1	..
37	S.R.O. 493 of 1957 .	Amendments in the Medical & Toi-	21-12-57	19-3-58	..	..	8

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							Finance
38	S.R.O. 4100 of 1957	let Preparations (Excise Duties) Rules, 1956.	Do.	28-12-57	19-3-58	1	8
39	S.R.O. 4101 of 1957		Do.	28-12-57	19-3-58	1	8
40	S.R.O. 97 of 1958		Do.	11-1-58	19-3-58	1	8
41	S.R.O. 98 of 1958		Do.	11-1-58	19-3-58	1	8
42	S.R.O. 365 of 1958		Do.	1-2-58	19-3-58	1	8
43	G.S.R. 59 of 1958	Amendment in the Custom Duties Drawback (Pipe & Cigarette Tobacco Rules), 1957.		26-2-58	26-3-58	..	27
44	G.S.R. 60 of 1958	Amendment in the Custom Duties Drawback (Ciga- rette) Rules, 1958.		26-2-58	26-3-58	..	27
45	G.S.R. 26 of 1958	The Customs Dut- ies Drawback (Hydraulic Brakes Fluid) Rules, 1958.		17-2-58	26-3-58	1	8

46	G.S.R. 72 of 1958	The Custom and Excise Duties Drawback (Lino-leum) Rules 1958.	18-2-56	26-3-58	I	7
47	G.S.R. 77 of 1958	The Custom and Excise Duties Refund (Dry Batteries & Cells) Rules, 1958.	27-2-58	26-3-58		26
48	G.S.R. 79 of 1958	The Custom and Central Excise Duties Draw-back (Tin Containers) Rules, 1958.	28-2-58	26-3-58	..	25
49	G.S.R. 111 of 1958	The Custom Duties Drawback (Plas-tic Goods) Rules, 1958.	8-3-58	2-4-58		24
50	G.S.R. 144 of 1958	The Custom Duties Drawback (Silver Jewellery and Silverware) Rules, 1958.	12-3-58	2-4-58	..	21

Ministry of



Sl. No.	G.S.R. / S.R.O. No. and Date	Subject	Date	Page	Department	
51	G.S.R. 145 of 1958	The Custom Duties Drawback (Electric Fans) Rules, 1958.	12-3-58	2-4-58	21	Finance.
52	G.S.R. 146 of 1958	The Custom Duties Drawback (Fluorescent Lamp) Rules, 1958.	12-3-58	2-4-58	21	
53	S.R.O. 470 of 1958	Amendment in the West Bengal Rice (Movement Control) Order, 1958.	8-2-58	11-3-58	1	
54	S.R.O. 500 of 1958	The Rice & Paddy West Bengal Second Price Control Order, 1958.	6-2-58	11-3-58	1	
55	G.S.R. of 1958	Amendment in the Rice (Restrictions on Rail Bookings) Order, 1957.	10-2-58	11-3-58	28	Ministry of Food & Agriculture.
56	G.S.R. 18 of 1958	Amendment in the Rice & Paddy West Bengal Second Price Control Order, 1958.	13-2-58	11-3-58	25	

1	2	3	4	5	6	7
57	S.R.O. 3686 of 1957	The Bombay Wheat Sale Control Order, 1957.	18-11-57	11-3-58	3	6
58	S.R.O. 3753 of 1957	Amendments in the Orissa Rice Prohibition of Export Order, 1957.	22-11-47	11-3-58	3	1
59	S.R.O. 4077 of 1957	Madhya Pradesh Rice Export Control Order, 1957.	20-12-57	11-3-58	2	4
60	S.R.O. 1800 of 1957	Amendments in the Agricultural Produce (Development and Warehousing) Corporation Rules, 1956.	1-6-57	5-4-58	8	20
61	S.R.O. 1801 of 1957	Do.	1-6-57	5-4-58	8	20
62	S.R.O. 4127 of 1957	Do.	28-12-57	5-4-58	1	25
63	S.R.O. 472 of 1958	Do.	8-2-58	5-4-58	1	25
64	G.S.R. 70 of 1958	Amendments in the Displaced Persons	1-3-58	3-4-58	1	1

Ministry of Food and Agriculture.

Ministry of Rehabilitation.

(Compensation & Rehabilitation )  
Rules, 1955.

65 G.S.R. 14 of 1958

Amendments in the Mining Leases (Modification of Terms) Rules, 1956

15-2-58

8-3-58

20

Ministry of Steel,  
Mines & Fuel.

\*The inter-session periods have not been counted for delay in the case of those 'orders' which were published when the House was not in session and were laid on the Table during the session immediately following their publication in the Gazette.

## APPENDIX II

(See Para 63)

*Recommendations that have been accepted by the Government*

S. No. of the Report	Summary of Recommendations	Gist of Government's Reply
1	3	4

### I FOURTH REPORT (First Lok Sabha)

VI	9	Rule 4(e) of the Coir Industry Rules, 1954, should be amended to provide for the representation of the members of Lok Sabha and the Rajya Sabha in the ratio of 2 : 1.	The rule has since been amended accordingly. [S.R.O. 3983 of 1957]
V2	12	Some time-limit should be specified in Rule 6 of the Coir Industry Rules, within which the authority concerned must take a decision on the letter of resignation of a member of the Coir Board or a Committee thereof.	Accepted. A period of 30 days is being specified for the purpose.

[Ministry of C. & I. O.M. No. Parl. 5  
(24)/56, dated 18th January, 1958]

Provisions regarding the procedure and manner of issuing licences as required in the parent Act should be made in the Coir Industry Rules, 1954.

21

Separate draft Coir Industry (Regulation and Licensing) Rules, have been framed and at present the comments received thereon are under examination.

[Ministry of C. & I. O.M. No. Parl. 5  
(24)/56, dated 18th January, 1958]

It will be better if all statutory rules and orders can be published in one section of the Gazette and can be centrally numbered instead of issuing in separate parts and sections of the Gazette.

37-38

In the alternative:—

(1) The Government should ensure that their notifications containing particularly constitutional and statutory rules and orders are published in proper part and section of the Gazette.

(2) An index should be published every month which should cover all the notifications published during that period in any part and section of the Gazette. A consolidated index should be issued every year.

(3) Notifications regarding constitutional and statutory rules and orders in each part and section of the Gazette should be centrally numbered from year to year with a distinctive prefix. The distinctive prefix will

1. "Orders issued under the Constitution are serially numbered as C. O. 1, C. O. 2 etc., and other rules and orders are serially and centrally numbered as S.R.O.s\* from year to year. The existing practice is thus in conformity with Committee's recommendations in clauses (1) and (3) of paragraph 38".

2. As regards the preparation of index, the practice of publishing half yearly indices which was discontinued during the war period has been resumed and the work is in progress in the Ministry of Home Affairs.

[Department of Parliamentary Affairs O.  
M. No. 5 (IV) L. II/57-PA, dated  
14th/16th November, 1957]

help to find out the section or part of the gazette and the central numbering will help to locate the particular notification. Arrangements on the following lines should be started in this connection :—

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Published in      Prefix

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(a) S.R.O.s. of Min-      Part II, Section      S.R.O. (A)  
 istries (excluding      3  
 Defence Ministry)

(b) S.R.Os. of De-      Part II, Section      S.R.O. (B)  
 fence Ministry.      4

(c) S.R.O.s of Chief      Part III, Section      S.R.O. (C)  
 Commissioners un-      3  
 der Central Acts.

(d) S.R.O.s. of Re-      Part III, Section      S.R.O. (D)  
 serve Bank of In-      4  
 dia under Cen-  
 tral Acts.

\*Since February, 1958 Statutory Rules and Orders are serially numbered into three separate groups each with a distinguishing prefix viz. S.R.O. (issued by the Ministry of Defence, published in Part II, Sec. 4 of the Gazette) G.S.R. (General Statutory Rules and Orders issued by all Ministries other than the Ministry of Defence and published in Part II Sec. 3 (i) of the Gazette. S. O. (Statutory Orders issued by all Ministries other than the Ministry of Defence and published in Part II, Sec. 3 (ii) of the Gazette. This new arrangement will remove the confusion caused by the use of the same letters (S.R.O.) as prefix to all rules, regulations etc. published in Section 3 or 4 of Part II of the Gazette.

(e) Rules and Orders Part II, Sections S.R.O. (F) made under the 3 and 4 Constitution.

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(4) A notification should be referred by its central number (with prefix) and year of its publication in the Gazette, the date of issue of the Gazette containing the notification, e.g. S.R.O. (A) 113 of 1955 or S.R.O.(A) 113 of 25th January, 1955.

## SIXTH REPORT

(First Lok Sabha)

80-81

Whenever rules framed by the Government under any Act are laid on the Table of the House a statement of objects and reasons and also a statement containing explanatory notes on the rules should be appended thereto for the information of Members.

When new rules amending the original rules are laid on the Table of the House the relevant extracts from the original rules should also be attached to such rules.

(i) Simple and self-explanatory rules do not require any explanatory notes;

(ii) explanatory notes will be attached to the more complicated and important rules without their forming part of the rules.

[The above reply of the Government has already been seen and accepted by the Committee. See item 6 in Appendix II of their Second Report (Second Lok Sabha)].

(iii) Whenever an explanatory note has been attached to a rule, a statement of objects and reasons is not necessary as the explanatory note would bring out the objects and reasons behind the rule.

Simple and self-explanatory rules neither require a statement of objects and reasons nor explanatory notes.

(iv) In case of amending rule, extracts from the original rules, which it seeks to amend will be laid on the Table.

[Department of Parliamentary Affairs  
O. M. No. 5(6)/L-57-P.A., dated  
1/3rd March, 1958].

## FIRST REPORT

(Second Lok Sabha)

The provision regarding the curtailment of the jurisdiction of the courts as provided for in rule 15 of the Working Journalists Wage Board Rules (S.R.O. 1769 of 1956) should have been made in the Act itself rather than in the rules.

The Ministries have been reminded that the principle of the recommendation has already been accepted by the Government and that they should keep this in view while framing their rules in future.

[D.P.A. O.M. No. SR. 1/CB-57, dated  
the 14th February, 1958].

In rule 143 of the Representation of the People (Conduct of Election and Election Petitions) Rules, 1956

This has since been done.



[See S.R.O. 4163 of 1957].

the time limit within which any owner of premises or vehicles aggrieved by the amount of compensation determined under section 161 of the Representation of the Peoples Act, 1951, can make an application for referring the matter to arbitration should be 14 days from the date the owner is given intimation of the amount determined as compensation.

76 & 86

Specific section of parent Act should invariably be cited in the preamble of all rules, regulations etc. for the purpose of enabling all concerned to know under what precise authority the rules have been made.

Ministries have been reminded to keep this recommendation in view while framing rules in future.

[D.P.A. O.M. No. SR. 1/CB-57, dated 14th February, 1958].

139

All rules should bear the short titles so that they may be referred to conveniently, located easily and understood by the public.

Ministries have been requested to keep in view for their future guidance.

[D.P.A. O.M. No. SR. 1/CB-57 dated the 14th February, 1958]

171(i)

The Coir Industry Rules [Rule 4(3)] should be amended suitably to provide that Representative of the Lok Sabha should cease to be a member of Coir Board on his ceasing to be a member of the Lok Sabha.

Accepted. It has been stipulated in the amendment to Rule 4(3) that if a member ceases to represent the category from which he has been appointed, the Central Government may appoint a person to fill the vacancy.

[Ministry of C. & I. O.M. No. Parl, 5(24)/56, dated 18th January, 1958].

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171(ii)

Representatives of the Lok Sabha on the Coir Board should be elected by the House.

This has since been done.

[See S.R.O. 3983 of 1957]

171(iii)

Parliament should be represented by three members on the Coir Board. Two from Lok Sabha and one from Rajya Sabha.

This has since been done.

[See S.R.O. 3983 of 1957]

## APPENDIX III

(See para 63)

*Recommendations not accepted by the Government but replies in respect of which have been accepted by the Committee*

S. No.	Ref. to para No. of the Report	Summary of Recommendations	Gist of Government's Reply
1	2	3	4

23

### FOURTH REPORT

(First Lok Sabha)

15

A provision should be made in Rule 15(3) of the Coir Industry Rules, to ensure that contract may not be entered into by the Chairman etc. without prior approval of the appropriate authority and that the contractor, if he executed some work in pursuance of a contract which was entered into without such prior approval, may not be penalised for the fault of officers.

It is not necessary to amend the existing rule, it rightly casts an obligation on both the contractor and the officer who execute the contract, to see that prior approval of the Central Government is obtained.

[Ministry of C. & I. O.M. No. Parl. 5 (24) /56, dated 18th January, 1958]

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17

The details of procedure for borrowing and repayment of money by the Coir Board should be laid down in the Coir Industry Rules, 1954.

It is not necessary to lay down any strict procedure in the Rules in this regard because in times of emergency the Board may have to borrow money from different sources and if any strict procedure is laid down it may lead to difficulty.

The rule already provides that the Board will not be competent to borrow any money without the prior approval of the Central Government.

[Ministry of C. & I. O.M. No. Parl. 5  
(24) /56, dated 18th January, 1958]

## APPENDIX IV

(See para 64)

*Recommendations not accepted by Government and pursued by the Committee*

S. No.	Ref. to para No. of the Report	Summary of Recommendations	Gist of Government's Reply	Comments by the Committee.
1	2	3	4	5

### FOURTH REPORT

(First Lok Sabha)

20

Provisions regarding the conditions of service of Secretary of the Coir Board should be included in the Coir Industry Rules, 1954.

The post may have to be filled in by officers drawn from different categories e.g. officers borrowed from Central or State Governments in which case different conditions may have to be prescribed. Therefore it is not necessary to include any specific conditions in the Rules.

[Ministry of C. & I. O.M. No. Parl. 5 (24) /56 dated 18th January, 1958].

It is not clear if anybody is recruited from outside the services. If a person can be recruited from outside the services then there ought to be some rules to regulate the conditions of his service. Unless the intention is always to fill up this post from the services, such a contingency is always possible.

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**APPENDIX V**  
**MINUTES**

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I

EIGHTH SITTING

Parliament House, New Delhi : Wednesday, the 26th February, 1958

The Committee met from 16.00 hours to 16.30 hours.

PRESENT

Sardar Hukam Singh, Deputy Speaker—*Chairman*

MEMBERS

Shri Anand Chandra Joshi  
Shri Harishchandra Mathur  
Shri Bahadur Singh  
Shri Aurobindo Ghosal  
Shri Braj Raj Singh

SECRETARIAT

Shri A. L. Rai—*Under Secretary*

2. The Committee considered and took decisions on memoranda prepared by the Secretariat on the following subjects and orders:—

1. Printing and Publication of Statutory Rules and Orders (Memorandum No. 55)
2. Insertion of "laying provision" in the Indian Tariff Act, 1934 (Memorandum No. 56)
3. Rules for the Port of Cochin (S.R.O. 375 of 1957) (Memorandum No. 57)
4. Citation of the short titles of the Rules in the 'Orders'. (Memorandum No. 58)
5. Reprinting of the Posts and Telegraphs Compilation of Fundamental Rules, Vol.-I incorporating all corrections made since 1946. (Memorandum No. 59)
6. Amendment in the Bombay Wheat (Movement Control) Order, 1956—S.R.O. 3589 of 1957 (Memorandum No. 60)

7. \* \* \* \* \*

*Printing and Publication of Statutory Rules and Orders*

3. The question of bringing out by the Government an annual edition of all Statutory Rules and Orders issued from time to time by the various Ministries of the Government of India was examined by the Secretariat in consultation with the Ministry of Law.

4. In India there is no general Statute, like the Statutory Instruments Act, 1946 of U.K., requiring the publication of Statutory Rules and Orders. Instead such a requirement is incorporated in

each Act which delegates rule-making power to the Government. Such rules are then published in Part II, Section 3 and 4 of the Gazette of India. The copies of the Gazette are put on sale to the public.

5. In the case of important Acts the Ministries bring out manuals which contain all the rules made under those Acts, e.g. Income-Tax Manual, Election Manual, and Central Excise Manual etc.

6. Apart from this there is no other official publication which makes readily available the following information regarding statutory rules and orders to the public:

- (i) What amendments are made from time to time in the Schedules to various Acts;
- (ii) Whether a particular rule is still in operation, if so, whether it has been amended subsequently and if so where such amendments could be found;
- (iii) Whether any rules have been framed at all under an Act.

7. In the U.K., besides the following three publications, an annual edition of Statutory instruments is brought out by the Queen's printers in order to help the public in setting an up-to-date information about the exact orders :

- (a) Guide to Government Orders;
- (b) Numerical Table of S.R.&O. and Statutory Instruments;
- (c) Statutory Instruments Effect.

A Short description of these publications is given in Annexure.

8. It was felt that there should be some publication of statutory rules and orders on the lines of the U.K.'s, annual publication of Statutory Instruments for the convenience of the public.

9. The Ministry of Law stated that it was doubtful whether any Government Press under the present pressure of work would agree to undertake the voluminous work of printing some 7000 pages and publish it within a reasonable time. Moreover the utility of such a publication will not be commensurate with the high cost involved in printing the same. The publications will become obsolete the moment the revised edition of the General Statutory Rules and Orders is brought out.

The Ministry had, however, assured to bring out an up-to-date publication of the General S.R.O.s, in force as soon as all the volumes of India Code were published.

10. The Committee noted the assurance given the Ministry of Law.

#### *Insertion of "laying provision" in the Indian Tariff Act, 1934*

11. The Committee had in para 36 of their Third Report (First Lok Sabha) recommended that the Acts containing provisions for making rules etc., should lay down that such rules should be laid on the Table of the House. In paras 78 and 79 of their sixth Report the Committee had accepted the suggestion of the Ministry of Law about the language of the provision.



12. The Indian Tariff (Amendment) Bill, 1957 was considered in the House in November, 1957. There was no delegation of further rule-making power in the Bill. Section 3(2) of the principal Act, however, delegated certain rule-making powers to the Central Government but there was no provision for laying these rules before Parliament. A member of this Committee, therefore, tabled an amendment to the above Bill for adding the appropriate laying provision in the principal Act.

13. On the 14th November, 1957 when the consideration of clauses was taken up the member who had tabled the amendment was not present. The Deputy Speaker, who was in the Chair, drew the attention of the Minister to the above amendment and Shri Manubhaj Shah, Minister of Industry, gave the following assurance on the floor of the House:—

“We are fully accepting the principle and content of the amendment, and when we bring the next amending Bill like this, we shall certainly incorporate that amendment”.

The Bill was thus passed without the amendment on the 14th November, 1957.

14. The Committee noted that the Indian Tariff (Second Amendment) Bill, 1957 which was later on introduced in the Lok Saba on the 3rd December, and passed on the 14th December, 1957 contained the appropriate provision for laying the rules made under Indian Tariff Act, 1934 before Parliament.

#### *Rules for the Port of Cochin (S.R.O. 375 of 1957)*

15. The Rules for the Port of Cochin providing for rates of fees etc., chargeable for the hire of port appliances were made under section 6 of the Indian Ports Act, 1908. The Rules were published on the 2nd February, 1957 but were brought into operation retrospectively with effect from the 30th January, 1957.

16. As the parent Act did not provide for giving retrospective effect to the rules made thereunder the matter was referred to the Ministry of Transport for clarification.

17. The Ministry stated that the rules were expected to be published in the Gazette of 26th January, 1957 *i.e.*, before the date on which they came into force. But as the rules were received late by the Press the rules were published in the next issue of the Gazette dated the 2nd February, 1957. The Ministry also informed that the Administrative Officer of the Port of Cochin had been advised to allow any claim for the refund of charges or fees collected during the retroactive period *i.e.*, between 30th January, 1957 and 2nd February, 1957. Such charges of fees amounted to Rs. 7.50 Np. only

18. The Committee noted the Ministry's reply.

*Citation of the short titles of the Rules in the 'Orders'*

19. The Committee had in para 44 of their Third Report (presented to the first Lok Sabha) recommended that all rules, regulations etc., should bear short title in order that they might be referred to conveniently, located easily and understood by the public.

20. It was found that S.R.O. 167 of 1950 and S.R.O.s. 3210 and 3446 of 1957 which amended S.R.O. 167 of 1950 issued by the Ministry of Home Affairs did not bear short titles.

21. The Ministry of Home Affairs to whom a reference was made stated as follows:—

“S.R.O. 167 consists only of one rule and a short title as suggested may be inept. Further the very first paragraph serves the purpose of a short title fully.

It may, however, be pointed out that the recommendation of the Committee on Subordinate Legislation referred to by the Lok Sabha Secretariat is being generally followed except in cases like the above. The Ministry of Home Affairs would reconsider the matter when the rule comes to be further amended.”

22. The Committee felt that an appropriate title could have been given to S.R.O. 167 of 1950 or the amendments thereto.

*Reprinting of the Posts and Telegraphs Compilation of Fundamental Rules, Vol. I, incorporating all the corrections made since 1946*

23. The Committee on Subordinate Legislation in para 29 of their Fourth Report (First Lok Sabha) had recommended that whenever there were extensive amendments to any rules, the rules should be reprinted. The question of economy should be balanced against the convenience to the persons for whose use rules were made.

24. It was noticed that Posts and Telegraphs compilation of Fundamental and Supplementary Rules, Vol. I, third edition was printed in 1946 and so far some 687 correction slips have been issued to it. As the compilation is widely required for reference purposes in Government offices it was felt that the Rules should be reprinted incorporating all the correction slips issued so far.

25. The point was referred to the Ministry of Transport and Communications who were requested to state if there were any special reasons for not reprinting revised editions of these Rules incorporating all the corrections issued so far.

26. The Ministry stated as under:—

“The number of copies (both volumes I and II) required to be printed, judging from the number of copies so far printed would be in the neighbourhood of 1,25,000. The total cost of printing would be about Rs. 3 lakhs. Printing of this work was postponed so far in view of the fact that the new pay, leave, T.A., compensatory

allowance etc. codes which would replace the Fundamental Rules and Supplementary Rules were being finalised by them. The probable date by which the code would be issued could not be specified even at this stage.

It would be uneconomical to undertake to bring out revised editions of Fundamental Rules and Supplementary Rules, Volume I & II at this juncture, especially in view of the possibility of promulgation of the new rules in the near future and the financial implications involved in bringing out a revised edition."

27. In view of the explanation given by the Ministry and considering the economy measures that were being adopted in the country the Committee felt that reprinting of the Fundamental Rules might not be insisted upon at this stage. However, the Committee recommended that revised edition of Fundamental Rules should be printed as soon as the new pay, leave, T.A., compensatory, codes were finalised.

*Amendment in the Bombay Wheat (Movement Control)  
Order, 1956 (S.R.O. 3589 of 1957)*

28. S.R.O. 3589 of 1957 omitted item (i) in the proviso to clause 3 of the Bombay Wheat (Movement Control) Order, 1956.

29. The item omitted by the said S.R.O. related to the usual provision exempting a *bona fide* traveller carrying five seers of wheat or wheat products in the aggregate from the import or export restrictions. It was felt that this might cause hardships to the *bona fide* travellers who might like to carry atta etc., for their own use.

30. The Ministry of Food and Agriculture who were requested to intimate the reasons for omission of this item from the Bombay Wheat (Movement Control) Order replied as follows:—

"Greater Bombay is a cordoned off area in so far as supply of wheat to it is concerned. Its requirements of wheat are met by the Government of India from imported stocks [The Bombay Wheat (Movement Control) Order, 1956, was issued in September, 1956.]

The Government of Bombay brought to the notice of the Government of India in June '57 that the concession granted under item (i) of the proviso to clause 3 of the said Order was being regularly misused by a large number of persons who made frequent trips by train to the nearby areas outside the limits of Greater Bombay and bring back 5 seers, sometimes more, of indigenous wheat on each occasion as part of their luggage. The indigenous wheat so brought by such persons was being collected by traders at places within the limits of Greater Bombay and sold at exorbitant rates to well-to-do people who were prepared to pay higher prices—

for indigenous wheat. It was also reported that upto the end of June '57, 513 cases of unauthorised imports of wheat were detected by the State Government. There were also news items in the *Bombay Chronicle* and *National Herald* about this and a reference was also received from Shri N. G. Goray, M.P.

The Government of India in consultation with the Government of Bombay decided to put an end to these illegal imports of indigenous wheat under cover of travellers' concession. Since the Bombay Government reported that such illegal imports were on a considerable scale, there was no alternative but to withdraw the concession even though in the process some genuine consumers had to undergo some inconvenience."

31. The Committee noted the Ministry's reply.

32.	*	*	*	*	*
33.	*	*	*	*	*
34.	*	*	*	*	*
35.	*	*	*	*	*

36. The Committee noted that the amendments made by the Ministry met to a great extent the objection raised in para 35 above, but it was not clear from the control 'orders' as to what procedure was being followed in this respect where the premises were not locked. The Committee, however, were of the view that at least two respectable inhabitants of the locality should be called to attend and witness the search of premises irrespective of the fact whether the premises to be searched were found locked or not.

37.	*	*	*	*	*
38.	*	*	*	*	*

## ANNEXURE

(See para 7)

**Annual Edition.**—This publication is brought out at the end of each year and contains:—

- (a) All statutory Instruments excluding the local instruments such as bye-laws of local bodies and the instruments which ceased to be in operation at the time of compilation.
- (b) A numerical list of all Statutory Instruments of the year which were printed and sold.
- (c) Two Tables of effect A and B which show the effect of Statutory Instruments on the Acts of Parliament and on the earlier statutory instruments. Table B also contains particulars of the Instruments made in that year which were revoked or whose enabling power was repealed in the same year and consequently whose text was omitted from the Annual Volume.
- (d) An index and a classified list of local instruments giving number and date of their publication.

### *Advantage*

This makes it possible to locate readily any statutory instrument which was made during the year to which it relates.

From the two Tables of Effects it can be easily ascertained what are the Acts and earlier Statutory rules and orders effected by the subordinate legislation made in that year.

2. *Guide to Government Orders.*—This publication contains in chronological order the particulars of Acts and sections thereof which delegate legislative power and the date when such power was exercised. It also contains references to the publications where those rules are to be found.

### *Advantages*

It offers to the public the ready means of knowing whether a statutory power to make rules or orders had been exercised or not. It gives information about the date of exercise of such power and the document in which the text could be found.

### *Numerical Table of S.R. and O. and Statutory Instruments*

3. This publication contains an up-to-date list of all statutory Instruments which are in operation at the date of its publication, it also shows when the rules were made and where they could be found.

*Advantage*

It readily gives the information as to what are the rules and regulations in operation at the time of its issue and where they could be found.

4. *Statutory Instrument Effects.*—This publication is brought out annually. It contains cumulative information regarding the fate of statutory instruments which have ceased to be in operation. It also shows particulars of amendments to statutory instruments which are still in operation. The table states which instruments have been revoked, which have been superseded and which became spent on account of the rule-making power being withdrawn.

It also contains the particulars of clauses of the rule which have been amended.

*Advantage*

A reader who is interested in particular provision of an earlier instrument can readily ascertain from this publication whether or not he need consult the text of the amending instrument at all. This saves a lot of time needed for going through the whole of amending instrument.

All these publications seek to achieve the object of making the law in its up-to-date form easily accessible to the public. This is essential in a system of law where a man is presumed to know the law and 'ignorance of law is no excuse'.

## II

### NINTH SITTING

Parliament House, New Delhi: Wednesday, the 26th March, 1958.

The Committee met from 16·00 hours to 16·45 hours.

#### PRESENT

Sardar Hukam Singh, Deputy Speaker—*Chairman*

#### MEMBERS

Shri Anand Chandra Joshi  
Shri Harish Chandra Mathur  
Shri Ajit Singh Sarhadi  
Shri Sinhasan Singh  
Shri Jitendra Nath Lahiri  
Shri Bahadur Singh  
Shri T. N. Viswanatha Reddy  
Shri Aurobindo Ghosal  
Shri Braj Raj Singh

#### SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

2. The Committee considered and took decisions on memoranda prepared by the Secretariat on the following subjects and Orders:—

1. Rules relating to Statutory Bodies on which Lok Sabha is partially represented (Memorandum No. 62).
2. \* \* \* \*
3. Amendments in the Mineral Concession Rules, 1949 (S.R.O. 416 of 1952) (Memorandum No. 64).
4. Amendments in the Delhi (Control of Building Operations) Regulations, 1955 (Memorandum No. 65).
5. Tea (Distribution and Export) Control Order, 1957 (Memorandum No. 66).
6. S.R.O. 2741 of 1957—Absence of Short title (Memorandum No. 67).
7. \* \* \* \*
8. Action taken or proposed to be taken by Government on various recommendations of the Committee on Subordinate Legislation. (Memorandum No. 69).
9. \* \* \* \*

10. The All India Institute of Medical Sciences Act, 1956—  
framing of rules thereunder (Memorandum No. 71).

## RULES RELATING TO STATUTORY BODIES ON WHICH LOK SABHA IS PARTIALLY REPRESENTED

3. Representatives of the Lok Sabha are appointed, either through election by the House or nomination by the Speaker, on various statutory bodies. The number of such representatives and their tenure of office etc. are laid down in the respective Acts or the rules framed thereunder.

4. It was felt that the provisions relating to the mode of appointment and term of office of the representatives of Lok Sabha on the Statutory Bodies should be clear, specific and uniform. Further, in the statutory bodies where Parliament is represented, the proportion of members for the Lok Sabha and the Rājya Sabha should be in the ratio of 2:1 as recommended by the Committee in para 27 and para 32 of their Third and Fourth Reports (First Lok Sabha) respectively.

5. It was considered that such provisions in respect of the following statutory bodies were inadequate:—

### (I)

#### *The Delhi Development Provisional Authority constituted under the Delhi (Control of Building Operations) Act, 1955*

6. There was no provision in the Act or the Regulations that Members of Parliament on the Authority shall cease to be members of the Authority on their ceasing to be Members of Parliament or on dissolution or expiration of the House they represent.

7. The point was referred to the Ministry of Health who stated that a Bill for reconstitution of the Delhi Development Authority was being introduced in Parliament which would supersede the Delhi (Control of Building Operations) Act, 1955.

8. The Committee noted that the Delhi Development Act, 1957 did not provide for the representation of the Lok Sabha on the Delhi Development Authority. Therefore, the question of making adequate provisions in respect of representatives of the Lok Sabha did not arise.

### (II)

#### *The Tea Board constituted under the Tea Act, 1953*

9. Rule 5(1) of the Tea Rules, 1954, provided the term of office of members of the Board as three years. There was no provision in the Tea Rules to the effect that if within the said period of three



years the House was dissolved or its term expired or the members concerned ceased to be members of the House they shall cease to be members of the Board.

10. The Committee noted that the Ministry of Commerce and Industry to whom the point was referred had made the necessary amendments in the Tea Rules, 1954. (*Vide* S.R.O. 153 of 1958).

11. Further the rules did not provide that the representatives of Parliament would be elected by the respective Houses.

12. The Ministry of Commerce and Industry drew the attention of the Committee to an assurance given by the then Minister of Commerce and Industry that the arrangement of Parliamentary representation on the Tea Board would be made by the Speaker or the Chairman of the Council of States. In view of the assurance, the Ministry did not consider it necessary to make a specific provision in the rules for election of the representatives of Parliament.

13. The Committee noted the Ministry's reply.

### (III)

#### *Central Advisory Committee of the National Cadet Corps constituted under the National Cadet Corps Act, 1948*

14. Clause (i) of Section 12(1) of the National Cadet Corps Act, 1948 provides the term of office of members elected by Parliament on the Central Advisory Committee as one year. There is no provision either in the above Act or the rules made thereunder that if within the said period of one year, the representatives of Parliament cease to be members of the House by which they are elected they shall also cease to be members of Advisory Committee.

15. The Ministry of Defence, after consultation with the Ministry of Law, stated that the expression "Members" or "Member" in the clause in question referred to the membership of the Committee after election by the Houses and that it was not even implied in the Act that the members of the Committee should continue to hold their seats in Parliament in order to be members of the Committee or even that they should be members of the particular House at the time of their election. If once the appointments had been notified the members would continue to be members of the Committee for the period specified in the notification even though they might cease to be members of Parliament before the expiry of the period. This view would also accord with the scheme of the Act providing for election annually as this would mean that cases of Parliament going without actual representation on the Committee could not be either many or of long duration.

16. The Committee considered the Ministry's reply and were of the opinion that the intention of the Legislature was that representatives of Parliament should be elected from among the Members of Parliament and when they ceased to be Members of the House by which they were elected their seats on the Central Advisory Committee should automatically be vacated.

17. The Committee recommended that the Act should be suitably amended to provide that the representatives of Parliament should cease to be members of the Central Advisory Committee, if they ceased to be members of the House by which they were elected.

## (IV)

*Central Silk Board constituted under the Central Silk Board Act, 1948*

18. There was no provision in the Central Silk Board Rules, 1955 to the effect that members of the Lok Sabha on the Board shall cease to be members of the Board on their ceasing to be members of the Lok Sabha.

19. The Committee noted that the Ministry of Commerce and Industry to whom the point was referred had amended the Central Silk Board Rules, 1955 accordingly. (Vide S.R.O. 3722 of 1957).

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| 20. * | * | * | * |
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| 22. * | * | * | * |

*Amendments in the Mineral Concession Rules, 1949 (S.R.O. 416 of 1952)*

23. S.R.O. 416 of 1952, which was issued under Section 5 of the Mines and Minerals (Regulation and Development) Act, 1948, amended rules 13(1) and 26(1) of the Mineral Concession Rules, 1949. The amended rules provided as under:—

“Rule 13(1): \* \* \*

No prospecting licence shall be granted to any person unless he produces before the State Government an income-tax clearance certificate from the Income-tax Officer of the District where he resides and carries on business.”

“Rule 26(1): \* \* \*

No mining lease shall be granted to a person who applies under rule 61 unless he produces before the State Government an income-tax clearance certificate from the Income-tax Officer of the District where he resides and carries on business.”

24. The Committee on Subordinate Legislation at their sitting held on the 6th April, 1955, had considered the above rules and had commented that the production of an income-tax clearance certificate as a condition precedent to the issue of a prospecting licence or the grant of a mining lease was not one for a subordinate authority to impose nor was such a condition envisaged under the parent Act.

25. The Committee noted that the necessary provisions in this respect had since been made in the Mines and Minerals (Regulation and Development) Act, 1957 itself, which replaced the earlier Act of 1948 (vide Sec. 5).

*Amendment in the Delhi (Control of Building Operations) Regulations*

26. S.R.O. 3063 of 1957 issued by the Delhi Development Provisional Authority made certain amendments in the Delhi (Control of Building Operations) Regulations in their application to the controlled areas within the limits of the Delhi Municipal Committee. Clause 3 of the amended chapter of the above regulations ran as under:—

“(3) Such of the bye-laws as prescribe any limitation within which sanction shall be granted or refused or which prescribe any limitation for the issue of a notice, or within which any order on any application for the grant of completion certificate is to be passed or any other limitation provided therein shall have no effect.”

27. It was felt that the above provision gave wide powers to the Delhi Development Provisional Authority and might result in holding up of sanctions, the grant of completion certificate and the issuing of notices at any time without any limitation. If applications for sanctions or for grant of completion certification were not disposed of for indefinite periods, it was likely to cause hardship and loss to owners and thereby impede the building and development activity in Delhi.

28. The Ministry of Health, to whom the matter was referred, stated that the Delhi (Control of Building Operations) Act, 1955 under which the existing regulations were framed, had since been replaced by the Delhi Development Act, 1957, and that the above point would be kept in view while framing the regulations under Sec. 57 of the latter Act.

29. It was not stated in the above reply whether the regulations containing the objectionable provisions had ceased to be effective as a result of the replacing of the parent Act. It was noted that under section 60(2) (b) of the Delhi Development Act (Act 61 of 1957) old rules and regulations framed under the Delhi (Control of Building Operations) Act, 1955 continued to be in force.

30. In reply to a further query the Ministry intimated that the intention was to frame fresh regulations under the Delhi Development Act, 1957 and that necessary action to that effect had been initiated. The Ministry admitted that till such time as the fresh regulations were framed under the above-mentioned Act the existing regulations would continue to be operative.

31. The Committee felt that immediate action should be taken to delete the objectionable provision in the existing Regulations or to frame fresh regulations under the new Act.

*Tea (Distribution and Export) Control Order, 1957 (S.R.O. 3808 of 1957)*

32. The Tea (Distribution and Export) Control Order, 1957 contains the following provision regarding power of entry and search:—

“18. *Power of entry, etc.*—(1) The licensing authority or any officer of the Tea Board specially authorised by him in writing in this behalf may enter and search at any time

any land, building premises, vehicles, vessels, aircraft or plant or machinery upon or in which the licensing authority has reason to believe that tea is stored, carried, distributed or sold in contravention of the provisions of this Order and may seize any tea or product of tea which appears to be stored, carried, distributed or sold in contravention of the provisions of this order."

33. It was felt that while authorising entry and search, suitable safeguards like presence of two witnesses should be provided for as is done in the Criminal Procedure Code.

34. The matter was referred to the Ministry of Commerce and Industry who assured that the said Clause 18 would be amended accordingly.

35. The Committee noted the Ministry's assurance.

*S.R.O. 2741 of 1957—Absence of Short Title*

36. The S.R.O. 2741 of 1957 amended a notification, dated 10th March, 1910, relating to Sea Customs. No short title was given to the S.R.O.

37. The Ministry of Finance whose attention was invited in this connection to the recommendation of the Committee on Subordinate Legislation in para 44 of their Third Report (First Lok Sabha) replied that the said recommendation had already been noted and was being implemented wherever possible. The Ministry, however, mentioned that no short title was given in the case of amending notification which referred to a previous notification bearing no short title.

38. The Committee felt that suitable titles could still be given to such amending notifications.

39. \* \* \* \* \*

*Action taken or proposed to be taken by Government on various recommendations of Committee on Subordinate Legislation*

40. The Committee considered the replies sent by the Government in respect of the action taken or proposed to be taken by the Government on various recommendations contained in the *Fourth, Sixth Reports* (First Lok Sabha) and the *First Report* (Second Lok Sabha) of the Committee on Subordinate Legislation.

41. Recommendations that were accepted by the Government are given in Appendix II (*vide page 26 ante*). The recommendations in respect of which the Government had given their own suggestions and such suggestions were accepted by the Committee are given in Appendix III (*vide page 33 ante*).

42. The recommendations not accepted by the Government wholly or partly and the Committee's comments upon the replies are given in Appendix IV (*vide page 35 ante*).

43. \* \* \* \* \*  
 44. \* \* \* \* \*  
 45. \* \* \* \* \*

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47.	*	*	*	*	*
48.	*	*	*	*	*

**The All India Institute of Medical Sciences Act, 1956—Delay in Framing of Rules thereunder.**

49. The Committee at their sitting held on the 13th December, 1957, had noted with regret that although the Government were required to regulate by rules a number of affairs of the All India Institute of Medical Sciences under various sections of the All India Institute of Medical Sciences Act, 1956 which came into force on the 15th November, 1956 no rules except under Sec. 4(f) had been framed by them.

50. The Committee therefore, desired to know as to how this Act, especially with reference to the provisions contained in sections 7(2), 8, 10, 11(3), 11(5), 14(i), 14(1), 17, 18 and 19 was being administered in the absence of any rules.

51. The Ministry of Health, who are responsible for the administration of the said Act were addressed on the 17th December, 1957, to communicate their views on the above observations to the Committee. On the 7th March, 1958, the Ministry wrote to the effect that the rules in regard to the All India Institute of Medical Sciences had been finalised and were being published in the Gazette of India.

52. It was brought to the notice of the Committee that a set of rules as stated by the Ministry was published on 15th March, 1958 (G.S.R. 135 of 1958) but their operation was postponed to some future date to be notified by Government.

53. The Committee considered the matter and decided to report to the House as under:—

“The All India Institute of Medical Sciences Act, came into force on the 15th November, 1956 but no rules except under sec. 4(f) were framed to regulate a number of affairs of the All India Institute of Medical Sciences as required by the Act. The Committee enquired of the Ministry of Health as to how the affairs of the Institute e.g., the constitution of Governing Body and other Committees of the Institute under Sec. 10, fixation of salaries and allowances etc. of the Director and other officers of the Institute under Sec. 11(5), appointment of Professors etc. under Sec. 14(i), preparation of the Budget of the Institute under Sec. 17 and laying of the annual report of the Institute before Parliament under Sec. 19 of the Act, etc. were being administered in the absence of any rules duly framed although the Institute was established more than a year ago. The Committee notes with regret that no satisfactory reply was received from the Ministry. The Ministry have, however, published a set of rules on 15th March, 1958, but their operation has been postponed to some future date to be notified by the Government later on.”

54. The Committee then adjourned *sine die*.

**III**  
**TENTH SITTING**

*Parliament House, New Delhi: Monday, the 28th April, 1958*

The Committee met from 16·00 hours to 16·45 hours.

**PRESENT**

Sardar Hukam Singh, Deputy Speaker—*Chairman*

**MEMBERS**

2. Shri Phani Gopal Sen
3. Shri K. S. Ramaswamy
4. Shri Sinhasan Singh
5. Shri T. N. Viswanatha Reddy

**SECRETARIAT**

Shri N. N. Mallya—*Deputy Secretary.*

Shri A. L. Rai—*Under Secretary.*

2. The Committee decided that the delay in laying of the 'Orders' on the Table shown in Appendix I (*vide* page 15 *ante*) be reported to the House.

3. The Committee considered the draft of the Third Report and adopted the same.

4. The Committee authorised the Chairman to present the Report to the House.

5. \* \* \* \* \*

6. The Committee then adjourned *sine die*.

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\*Omitted portions of the Minutes are not covered by the Third Report.