

COMMITTEE ON SUBORDINATE LEGISLATION

FOURTH REPORT (THIRD LOK SABHA)

(Presented on the 4th May, 1965)



LOK SABHA SECRETARIAT
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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION (1964-65)

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SECRETARIAT

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*Cesed to be a member of the Committee on his resignation from Lok Sabha w.e.f. April 2, 1965.

Report

I

INTRODUCTION

I, the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to present the Report on their behalf, present this their Fourth Report.

2. Subsequent to the presentation of their Third Report, the Committee have held three sittings and considered 1339 'Orders'. The Committee considered and adopted this Report at their sitting held on the 29th April, 1965.

3. Observations of the Committee on matters which arose during the course of examination of the 'Orders' and matters which required to be brought to the notice of the House have been included in this Report.

II

THE CERTIFIED AUDITORS' RULES, 1961

(G.S.R. 1302 of 1961)

4. The Certified Auditors' Rules, 1961, were framed under section 226(2) (b) of the Companies Act, 1956. Rule 12(1) thereof delegates to the Disciplinary Committee of the Council of Institute of Chartered Accountants of India the power to investigate all complaints against, and to hold enquiries relating to misconduct of Certified Auditors. Under rule 12(2) the Disciplinary Committee has been given the power to receive complaints in Form E which provides for verification of the complaint. Similarly, under rule 12(11), the Disciplinary Committee has been empowered to examine witnesses, during the course of an enquiry, on oath and receive affidavits.

5. It was felt that the power of the Disciplinary Committee to examine witnesses on oath and receive affidavits etc. was of a substantive character and it ought to have been provided for in the parent Act itself or authorised by it to be provided for by rules made thereunder.

6. The concerned Ministry of Finance (Department of Revenue and Company Law) have forwarded the opinion given by the Ministry of Law on the subject. The view of the Ministry of Law is that

the Certified Auditors' Rules, 1961, made under clause (b) of sub-section (2) of section 226 of the Companies Act, 1956, do not confer on the Disciplinary Committee a power to summon witnesses etc., a power which can only be given by the Act itself (e.g., the Chartered Accountants Act, 1949, the Cost and Works Accountants Act, 1959 and the Advocates Act, 1961). The rules merely say that the Disciplinary Committee may examine the witnesses on oath or record the evidence on affidavits. If a witness refuses to appear, or refuses to take the oath, the Disciplinary Committee is powerless. It can only suggest that the evidence may be on oath. It cannot refuse to take any other evidence otherwise than on oath. Wherever the oath is administered, it can only be by consent. According to the Ministry of Law, the power given to the Committee by the rules to examine witnesses on oath or record evidence on affidavits is only an enabling provision. It has no sanction behind it in the sense that the Committee cannot take any steps against a person refusing to attend or give evidence on oath or on affidavit. The Disciplinary Committee cannot force the witnesses to give evidence only on oath or on affidavit and cannot punish them for their refusal to do so. Therefore, there should be no objection to the Disciplinary Committee being empowered by the rules made under section 226(2) (b) of the Companies Act to examine witnesses on oath or record evidence on affidavits. If, on the other hand, the Ministry have added, this power is not given to the Disciplinary Committee, the rules would appear innocuous and unfruitful. In fact, section 226(2) (b) itself would be meaningless without such a power being given to the Disciplinary Committee, for it is difficult to conceive how the power of cancellation etc. could be effectively exercised otherwise. The Ministry have stated that the Certified Auditors' Rules, 1961, are virtually an adaptation of the Restricted Auditors' Certificates (Part B States) Rules 1951, made by the Central Government under sub-section (2A) of section 144 of the Indian Companies Act, 1913. In those earlier rules, as in the present rules of 1961, the power was conferred on the Disciplinary Committee to examine the witnesses on oath or record evidence on affidavits. The provisions of section 144(2A) of the Indian Companies Act, 1913, would also appear to be analogous to the corresponding provision in clause (b) of sub-section (2) of section 226 of the Companies Act, 1956. There is, therefore, no objection to the provision made in the present Rules enabling the Disciplinary Committee to examine the witnesses on oath and receive affidavits etc.

7. The Ministry of Finance have further stated that during the 13 years of operation of the Restricted Auditors' Certificates (Part B States) Rules, 1951, in their present form [they were first framed by

the Central Government under the provisions of section 144(2A) of the Indian Companies Act, 1913 and were replaced in 1956 by the rules of the same name framed under the provisions of section 226(2) (b) of the Companies Act, 1956, replaced by the Certified Auditors' Rules, 1961] the Disciplinary Committee considered only one case of misconduct of a person to whom an auditor's certificate under these rules was granted. Further, since no fresh certificates are granted under these rules, the number of such persons is dwindling with the passing of years. (On the 1st July, 1964, there were only 91 persons holding the Certified Auditors' Certificates). It is, therefore, unlikely that these rules would be invoked to any great extent in practice. In these circumstances also, it was not considered necessary to amend the Companies Act, 1956 in this regard.

8. The Committee feel that it is wrong in principle to confer by rules on the Disciplinary Committee the power of examining witnesses on oath and receiving affidavits without the express authority of the parent Act. The Committee recommend that the relevant section of the Companies Act 1956 should be amended accordingly, following the pattern of the Chartered Accountants Act, 1949, the Advocates Act, 1961, etc.

III

AMENDMENTS TO THE MECHANICAL ENGINEERING AND TRANSPORTATION (POWER) DEPARTMENT OF THE SUPERIOR REVENUE ESTABLISHMENT OF INDIAN RAILWAYS RECRUITMENT RULES, 1963.

(G.S.R. 1770 of 1963)

9. The amendments to the Mechanical Engineering and Transportation (Power) Department of the Superior Revenue Establishment of Indian Railways Recruitment Rules, 1963, (G.S.R. 1770 of 1963) were made under the proviso to Article 309 of the Constitution. The following two points relating to these rules were referred to the concerned Ministry of Railways:

- (1) that the statutory authority under which the amendments were issued was not cited in the preamble to the notification as published in the Gazette;
- (2) that vesting of power in the Union Public Service Commission to deduct such marks from the marks assigned to a candidate in each subject as it might consider necessary in order to ensure that no credit was allowed for

merely superficial knowledge appeared to be excessive. (New paragraph 8 of Appendix II to the aforesaid rules). In the absence of any specific objective standard laid down in the rules, it was not clear how the Union Public Service Commission would assess the superficiality of a candidate's knowledge unless the Commission as such re-examined all the answer-books and applied a given test.

10. As regards the first point, the Committee note that the Ministry of Railways have issued the necessary corrigendum (G.S.R. 155 of 1964) citing the relevant statutory authority under which the amendments were issued.

11. On the second point, the Ministry of Railways have forwarded the views expressed by the Union Public Service Commission to the effect that the intention of the framers of the Constitution was obviously to leave the details relating to the mechanics of the actual conduct of examinations to the judgment of the Commission who have, through long experience, evolved their existing procedure in this regard, which *inter alia* involves giving of suitable instructions to their paper-setters and examiners and ensuring that those instructions are scrupulously followed. The Commission have admitted that the examiner, who is most carefully selected and is undoubtedly an expert in his own field, is in the best position to assess the superficiality or otherwise of a candidate's knowledge as displayed in answers to the questions set, with due regard to the standard prescribed but have contended that the responsibility of the Commission to ensure that the examination papers have been valued according to the general principles laid down by them, however, remains. The Commission have added that the purpose in including the relevant provision in its present form, which has been in vogue all these years in the rules for the various examinations of the Commission, has been to discourage mere cramming and to give a broad indication by way of caution to the prospective candidates that for obtaining credit in the subjects of the examination they must endeavour to achieve an intelligent and thorough grasp of the subject. According to the Commission, it is in the public interest that the provision in question in the concerned Rules should be retained in its present form. The power inherent in this provision, which is used with the utmost caution, is not excessive, and is commensurate with the Commission's constitutional responsibility of selecting the best human material through their examinations for the purpose of making appointments to the Services of the Union.

12. The Committee are not convinced of the justification advanced by the U.P.S.C. for assuming the power to deduct marks for 'superficial knowledge' which, in the nature of things, would be difficult to exercise for the purposes it seeks to achieve. The Committee feel that the U.P.S.C. should not have the power to deduct marks arbitrarily after the answer papers of a candidate have been assessed by the examiner, who is expected naturally to take all factors into account while assessing the answer papers. The Committee are, therefore, of the opinion that paragraph 8 of Appendix II of the aforesaid rule should be omitted.

IV

INTERPRETATION CLAUSE IN THE RULES

13. Rule 5 of the Service Rules for Flying Crew, for Employees in Aircraft Engineering Department etc. provided:

"The Corporation reserve to themselves the right of interpreting finally the meaning of these Rules in case of dispute."

14. The Committee, in paragraph 29 of their Second Report (Third Lok Sabha), had recommended that this rule should either be deleted or amended in such a way that it did not give an impression that the jurisdiction of the courts was being ousted.

15. The Government, in view of the aforesaid recommendation of the Committee, proposed to amend the rule as follows:

"In case of dispute regarding the interpretation of any of the Service Rules, the interpretation of the Corporation shall prevail subject to findings of a Court of Law, if any."

16. Subsequently, however, the Government stated that the proposed amendment, as given in the preceding paragraph, or deletion of the said rule 5, might encourage litigation between the Corporation and its employees and urged that rule 5 should be retained in its original form.

17. The Committee have considered this matter together with the opinion of the Ministry of Law in connection with rule 5 of the Defence Services (Remittance into and Payment from Provident Fund) Rules, 1963 (S.R.O. 191 of 1963) and rule 14 of the Income-tax Appellate Tribunal Members (Recruitment and Conditions of Service) Rules, 1962 (G.S.R. 1265 of 1963), which contain an interpretation clause similar to the one in rule 5 referred to in paragraph 13 above.

According to the Ministry of Law, such a clause does not oust the jurisdiction of Courts to interpret the rules and, as a general rule, the Courts are not bound by the interpretation given by the administrative authority of a statute or rules made thereunder but in the case of service rules relating to conditions of service a different consideration arises after the rules themselves provide that the power of interpreting the rules shall be in a specified authority such as the Central Government. A provision like this exists in many other service rules such as rule 8 of the Indian Administrative Service (Regulation and Seniority) Rules, 1954, rule 19 of the Civil Service Conduct Rules, 1955, rule 40 of the G.P.F. (C.S.) Rules, 1960 etc. The Ministry of Law have pointed out the following observations made by the Calcutta High Court in *Basanta Kumar vs. Chief Electrical Engineer and others* (A.I.R. 1958, Cal. 657), while construing rule 2002 of the Railway Establishment Code which provided that the power of interpreting the rules contained in it would be in the President:

"If it falls to a Court to give its independent opinion as to the proper construction of the rule, it will not be bound by the President's interpretation, but there is another point of view from which it may be proper, even for Courts to give effect to the President's interpretation in a question between a Government servant and the State. The rules contained in Railway Establishment Code are the conditions of service which the Railway servants accept when they take up employment under the Railways and which govern and control their rights. If those rules contain an interpretation clause and such clause provides that the rules shall be taken to mean what the President may interpret their meaning to be, it would seem to follow that it is one of the conditions of service of Railway servants that they shall accept the President's interpretation of the rules and that what they are really governed by are not the rules, as such, but the rules as interpreted by the President. If so, the Courts may, in a question between a Railway servant and the employer Railway, properly give effect to the President's interpretation of the rules as a matter of agreement between the parties."

The Ministry have also pointed out that in *Srinivasan Vs. Union of India* (A.I.R. 1958 S.C. 419) the Supreme Court, in interpreting the Central Services (Temporary Service) Rules, 1949, took into consideration a memorandum explanatory of the rules published by the Government contemporaneously with the publication of the rules.

18. The Committee are of the view that although it is true that the interpretation of the rules given by the Executive is not binding on the Courts, yet the rules should not be worded in a manner which may give an impression on the mind of the persons concerned that the jurisdiction of courts of law is being ousted. The Committee desire that if it is considered necessary to retain an interpretation clause in the rules, the clause should be worded on the lines of regulation 24 of the Kandla Port Employees (Allotment of Residence) Regulations, 1964, which reads as under:

✓ "24. *Interpretation of regulations.*—If any question arises as to the interpretation of these regulations, the same shall be decided by the Board."

V

ABSENCE OF PROVISION FOR APPEAL IN CANTONMENT BYE-LAWS

Bye-laws for the regulation or prohibition of stabling or herding of pigs and for the rendering necessary of licences for the use of premises therefor in the Ajmer Cantonment (S.R. 113 of 1963) and in the Ramgarh Cantonment (S.R.O. 89 of 1963).

19. Bye-laws for the regulation or prohibition of stabling or herding of pigs and for the rendering necessary of licences for the use of premises therefor in the Ajmer Cantonment (S.R.O. 113 of 1963) and in the Ramgarh Cantonment (S.R.O. 89 of 1963) were made under clauses (11) & (37) of section 282 and section 283 of the Cantonments Act, 1924. Bye-law 9 of each of these bye-laws empowered the Cantonment Executive Officer to suspend or cancel any licence for infringement of the bye-laws. Bye-laws of Ramgarh Cantonment, however, provided for giving of an opportunity to the licensee to be heard before his licence was cancelled or suspended.

20. It was felt that there ought to be a right of appeal to the Cantonment Board by the aggrieved person against the decision of the Executive Officer.

21. The Committee note that the concerned Ministry of Defence, to whom the matter was referred, have inserted a new provision in each of the aforesaid bye-laws providing for an appeal by a person aggrieved by a decision of the Cantonment Executive Officer under bye-law 9 to the Cantonment Board which will dispose of the appeal expeditiously after giving the appellant an opportunity of being heard. (vide S.R.O. 222 of 1964 and S.R.O. 152 of 1964 respectively).

VI

BYE-LAWS FOR THE REGULATION OF SUPPLY AND USE OF WATER INCLUDING THE COLLECTION AND RECOVERY OF CHARGES THEREFOR IN BELGAUM CANTONMENT

(S.R.O. 220 of 1962)

22. The above mentioned bye-laws were framed under clauses (32), (33) and (34) of section 282 and section 283 of the Cantonments Act, 1924.

23. *Bye-law 9*: This bye-law provided that an application under bye-law 8 for supply of water should be accompanied by a connecting fee of Rs. 50 for domestic, non-domestic or commercial purposes. It was felt that clauses (32), (33) and (34) of section 282 and section 283 of the Cantonments Act, 1924, under which the bye-laws were framed, did not authorise levy of such a fee.

24. The Committee note that, on being pointed out, the concerned Ministry of Defence have substituted the word "deposit" for the words "connecting fee" in the bye-law (*vide* S.R.O. 411 of 1964).

25. *Bye-laws 10 and 11*: These bye-laws, read with bye-law 8, provided that where the work regarding water connection or alteration in water connection was carried out by the Cantonment Board, the applicant had to pay the estimated cost of expenditure inclusive of road cutting and reinstatement charges, and, in addition, had to pay 24½ per cent of actual cost of work to cover supervision charges. It was felt that charging of 24½ per cent of actual cost of work to cover supervision charges was excessive, considering the prevailing rate of such charges in other Cantonments like the Saugar Cantonment where the supervisory charges were 6 per cent.

26. Although the Ministry of Defence, on being pointed out, reduced such supervision charges from 24½ per cent to 20 per cent (*vide* S.R.O. 411 of 1964), the Committee feel that the supervision charges still appear to be excessive.

27. *Bye-law 17*: This bye-law provided for levy of Rs. 5 for giving completion certificate that the work had been done satisfactorily. In the absence of any specific authority in the parent Act, it was felt that the Cantonment Board was not competent to levy such a fee.

28. The Committee note that, on being brought to the notice of the Ministry of Defence, the provision regarding payment of levy in the bye-law has been deleted (*vide* S.R.O. 411 of 1964).

29. *Bye-law 26*: It was provided in this bye-law *inter alia* that normally not more than two taps would be given to any house unless, in the discretion of the Executive Officer, special circumstances existed. It was felt that in order that the discretion of the Executive Officer was not used arbitrarily, some specific grounds or conditions e.g. grounds of area, situation of the House or pressure of water etc. ought to be laid down in the bye-laws.

30. The Committee note that, on being pointed out to the Ministry of Defence, the words "on grounds of area, locality, pressure of water, situation etc." have been added at the end of the bye-law. (*vide* S.R.O. 411 of 1964).

31. *Bye-law 27*: This bye-law empowered the Cantonment Board to stop, reduce or restrict the supply of water in their discretion and provided that the Board would not be liable to pay any damages for any such act or omission. It was noticed that this omnibus provision was not in conformity with the provisions of sections 222(2) and 223 of the Cantonments Act, 1924, which empowered the Board to withdraw or curtail the supply of water when it appeared necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by the inhabitants of the Cantonment or when it was due to accident, drought or other unavoidable cause.

32. On being pointed out to the Ministry of Defence, the bye-law has been amended as under:—

"27. The Cantonment Board shall be at liberty to withdraw and curtail the supply of water when it appears necessary to do so for the purpose of maintaining sufficient supply of water for the domestic use by inhabitants of the Cantonment or due to any accident drought or other unavoidable cause". (S.R.O. 411 of 1964).

33. The Committee, however, suggest that the words "shall be at liberty to withdraw and curtail" should be substituted by the words "shall be at liberty to withdraw or curtail".

34. *Bye-law 29*: This bye-law provided that the meter rent would be paid along with the water charges on or before the date mentioned in bye-law 30. It was noticed that the reference to bye-law 30 therein was wrong. The reference should have been to bye-law 28.

35. The Committee note that when the mistake was brought to the notice of the Ministry, the necessary correction has been made in the bye-law (*vide* S.R.O. 411 of 1964).

36. *Bye-law 32*: This bye-law provided that where a water-meter was found to give incorrect reading and was out of repair for any period exceeding one week (the consumption recorded during the corresponding week or weeks during the year immediately preceding, or where such record was not available such date as the Executive Officer considered most suitable, should be deemed to be the basis for working out the charge and the quantity so arrived at should be deemed to be the actual consumption and the decision of the Executive Officer in the matter would be final.

37. It was felt that in those cases where the meter was found to give incorrect reading and was out of order for repair for a period exceeding one week, the meter rent should not be charged for the corresponding period because the consumer was not utilising the service for which the rent was being charged.

38. The Committee note that, when the matter was brought to the notice of the Ministry of Defence, the existing bye-law has been substituted as under:—

✓ "32. Where a meter is out of order for any period exceeding one week, no rent shall be charged for the meter for the period it is out of order. In such a case, consumption recorded during the corresponding week or weeks during the year immediately preceding or where such record is not available, such data as the Executive Officer considers most suitable, shall be deemed to be the basis for working out the charge, and the quantity so arrived at shall be deemed to be the actual consumption and the decision of the Executive Officer in the matter shall be final." (vide S.R.O. 411 of 1964).

VII

DEFECT IN THE PUBLICATION OF RULES

(a)

Amendments to the bye-laws for the regulation of the collection & recovery of trade and profession tax and its refund in Dehra Dun Cantonment (S.R.O. 192 of 1959).

39. S.R.O. 192 published in the Gazette of India, dated the 18th July, 1959, made certain amendments in the bye-laws for the regulation of the collection & recovery of Trade and Profession Tax and

its refund in Dehra Dun Cantonment. Clause 2 thereof provided:

"In the said bye-laws to the proviso to bye-law No. 6, the following words shall be added, namely:—

'except in case of trades, professions and callings, mentioned against items Nos. 38, 39, 40, 41, 50, 51, 68, 69, 70, 71, 76, 88 and 89 of the Schedule'".

40. It was noticed that the Schedule mentioned in the amendment was neither appended to, nor defined anywhere in, the bye-laws, without which the amendment was incomprehensible.

41. The Committee find that, after a protracted correspondence of more than five years with the Ministry of Defence, the earlier bye-laws have been superseded by fresh bye-laws on the subject under S.R.O. 47 of 1965, where the mention of the Schedule has been omitted.

The Committee, however, note with regret the inordinate delay of more than five years in rectifying a simple and patent mistake.

(b)

Amendment in the Indian Wireless Telegraphy (Possession) Rules, 1963 (G.S. Rs. 17 & 18 of 1964).

42. Under section 10 of the Indian Wireless Telegraphy Act, 1933, two amendments were made to the Indian Wireless Telegraphy (Possession) Rules, 1933, and published with G. S. Rs. 17 & 18, dated the 4th January, 1964. It was noticed that while the amendment issued under G.S.R. 17 substituted clause (b) of second proviso to rule 12, the amendment issued under G.S.R. 18 substituted the whole of the second proviso to rule 12, thereby making the amendment issued under G.S.R. 17 infructuous.

43. The Committee note that the Department of Posts and Telegraphs (P & T Board), to whom the matter was referred, have cancelled G. S. Rs. 17 and 18 and issued a fresh notification substituting the whole of rule 12 (*vide* G.S.R. 687 of 1964).

(c)

Amendments to the Rules for the Port of Vishakhapatnam (G.S.R. 744 of 1964).

44. The amendments to the port Rules for the Port of Vishakhapatnam as contained in G.S.R. 744 of 1964 were made under section 35(1) of the Indian Ports Act, 1908.

In this connection it was pointed out to the concerned Ministry of Transport (Transport Wing) that referencing by numbers to the rules in which the amendments were made did not appear to be accurate in view of the several series of numberings adopted for different sets of rules included under the title "Vizagapatam Port Rules and Scale of Rates".

45. The Ministry have stated that the references to rules given in the Ministry's notification No. G.S.R. 744 of 1964 are to the rules and their serial numbers as they appear in the original notification No. 222-P&L/33(vi), dated 30th September, 1933. As the notification No. G.S.R. 744 of 1964 is intended to amend the above-mentioned notification, reference in the former to Rule 6 of the latter is correct. The title "Vizagapatam Port Rules" in the book "Vizagapatam Port Rules and Scale of Rates" is merely a heading to a compilation of various rules published under different notifications. In the notifications issued by this Ministry amending the Schedule of Charges etc., the reference is invariably made to the parent notification and not to book which, as already stated, is only a collection of various rules and the Schedules issued from time to time. The Ministry have, however, added that the question of re-issuing the booklet in a proper and cogent form is under the consideration of the Port authorities.

46. The Committee note the Ministry's reply and desire that the booklet entitled "Vizagapatam Port Rules & Scale of Rates" should be reissued in proper and cogent form at an early date.

(d)

Publication of Rules in the wrong part of the Gazette of India

47. The Newsprint Control Order, 1962, dated the 17th January, 1962, and the subsequent amendments thereto, were published in Part I, Section I, of the Gazette of India instead of in Part II, Section 3, of the Gazette of India, which is the appropriate part for publication of such 'Orders'.

48. The Committee had desired that the Newsprint Control Order, 1962, as amended up-to-date, should be republished, in the proper Part of the Gazette for information of the public.

49. The Committee note that the aforesaid Order, as amended up-to-date, has been republished by the Ministry of International Trade (now Ministry of Commerce) in the relevant part of the Gazette of India, dated the 28th March, 1964, as S.O. 1044 of 1964.

VIII

RETROSPECTIVE EFFECT OF RULES

(a)

The Salt Service Recruitment (Amendment) Rules, 1964 (G.S.R. 1250 of 1964).

50. The above mentioned G.S.R., which inserted a new rule 18, provides that any person recruited to the post of Assistant Civil Engineer, Class II, on or after the 28th August, 1964, shall, if so required, be liable to serve in any Defence Service or post connected with the defence of India, for a period of not less than four years etc. Though this amendment was published in the Gazette of India on the 5th September, 1964, it was given retrospective effect from the 28th August, 1964. As the provisions of the rule adversely affected the terms and conditions of service of the persons appointed if any, between the 28th August, and the 4th September, 1964, retrospective effect could not be given unless specifically authorised by the statute.

51. The concerned Ministry of Industry & Supply, to whom the matter was referred, have stated that no appointment was made to the post in question during the period between 28th August, 1964 and 4th September, 1964 and as such no officer was adversely affected by giving effect to this provision from a date earlier than the publication of the notification. The Ministry have also informed that the intention underlying the present reference has been noted by them for future guidance.

The Committee note the Ministry's reply.

(b)

Amendments to the Rules for the Port of Vishakhapatnam (G.S.R. 744 of 1964).

52. The amendments to the Port Rules for the Port of Vishakhapatnam as contained in G.S.R. 744 of 1964 were made under section 35(1) of the Indian Ports Act, 1908.

In this connection, it was pointed out to the concerned Ministry of Transport (Transport Wing) that since the amendments sought to enhance the rate of fees/charges for the use of the Port equipment

and for rendering of services by the Port Authority, the retrospective effect given to the amendments would affect the interested parties adversely in the absence of any prior notice given to them.

53. The Ministry have stated that the Port authorities had brought to the notice of the commercial and other interests the intention to revise the charges in question on the basis of the expenditure incurred by them in providing the services. The interested parties had already agreed to pay the increased charges with effect from the 1st October, 1962. The proposal of the Port Trust could not, however, be sanctioned earlier because of certain difficulties in getting the original papers from the Railway authorities who were administering the Port of Vishakhapatnam till 1956. There had been no protest from the user interests to the increase in the charges as they had willingly paid the same with effect from 1st October, 1962. Thus the notification is, the Ministry have added, intended to regularise the transaction which has already taken place with the consent of the parties concerned.

The Committee note the Ministry's reply.

IX

THE DRUGS AND COSMETIC (SEVENTH AND EIGHTH AMENDMENTS) RULES, 1964 (G.S.Rs. 1183 & 1185 of 1964)

54. The Drugs and Cosmetics (Seventh and Eighth Amendments) Rules, 1964 (G.S.Rs. 1183 & 1185 of 1964) were made under sections 12 and 33 of the Drugs and Cosmetics Act, 1940.

55. *New Rule 138*: This rule, pertaining to application for licence to manufacture cosmetics, prescribes a licence fee of rupees two hundred and rupees forty for grant of licence to a manufacturer and a small scale manufacturer (employing not more than five persons) of cosmetics, respectively. Sub-rule (4) thereof provides that a fee of rupees fifty and a fee of rupees ten shall be paid for a duplicate copy of a licence granted to a manufacturer and a small scale manufacturer, respectively.

56. It was felt that levy of fee of rupees fifty and rupees ten for issue of a duplicate copy of a licence was excessive and that there should be more or less uniform fees for issue of duplicate copies of licences. One of the cardinal principles for determining the quan-

tum of fees is that it should be commensurate with the service rendered and not with the capacity to pay and that it is unreasonable to differentiate between the large and small scale manufacturers in charging different fees for issue of a duplicate copy, when the amount of labour involved in issue of a duplicate copy is perhaps, more or less, the same.

57. The concerned Ministry of Health, to whom the matter was referred, have stated that the fees for a duplicate copy of licence under the Drugs and Cosmetics Rules have been fixed at a uniform pattern of one-fourth of the fees required for the original licence. The fees for the duplicate copy of licences, the Ministry have added, have been laid down after the draft Rules for cosmetics were published for comments from the public and the manufacturers of cosmetics did not send any comments for reduction in the fees for duplicate copies. The Ministry, therefore, do not consider it necessary to make any change in the existing rates of fees in question.

The Committee note the reply given by the Ministry.

58. *Rules 143 (2), 67-H (2) and 85-I (2)*:—These rules provide that a licensee whose licence has been suspended or cancelled may appeal to the State Government within three months of the order and that the decision of the State Government shall be final.

59. It was noticed that under rules 29, 85 and 93, which also relate to suspension and cancellation of licences for import, sale and examination of drugs, the appeal lay to the District Judge of the area and not to the State Government. It was not clear why this salutary provision of appeal to a court of law was dispensed with.

60. The Ministry of Health, on a reference made to them, have stated that at the Drugs Conferences, which are periodically held under the auspices of the Health Ministry, representatives of the Chemists and Druggists Association had pointed out that the procedure laid down for appeal to the District Judge by an aggrieved party whose licence has been cancelled or suspended is time-consuming and costly. While framing the rules for the control of cosmetics and homoeopathic drugs, the request made by the Associations of Chemists at the Drugs Conference was borne in mind and Rules 143 (2), 67-H (2) and 85-I (2) were also made on the lines of rule 66 as amended to provide that an appeal in such a case would

lie to the State Government. When these rules for control of cosmetics and homoeopathic medicines were published in draft form for comments from the public, no suggestions were received for bringing the rules in line with rules 85, 93 etc. of the Drugs Rules. The Ministry, therefore, feel that the provisions of these rules require no change.

The Committee note the Ministry's reply.

X

FORMULA FOR LAYING OF STATUTORY RULES BEFORE BOTH HOUSES OF PARLIAMENT.

(a)

Implementation of Recommendation of the Committee

61. The Committee noticed that in the case of certain Bills the Government had altered the usual formula for laying of statutory rules before both Houses of Parliament on the plea of avoiding relaying of rules under rule 234(2) of the Rules of Procedure and Conduct of Business in Lok Sabha for administrative convenience, with the result that the right of modification of the rules by the Houses did not extend to two sessions irrespective of the fact whether the 30 days' period was completed in one session or in two successive sessions.

The Committee had, therefore, in paragraph 14 of their Second Report, urged the Government to follow the usual formula as contained in paragraph 45 of the Seventh Report of the Committee 'on Subordinate Legislation (Second Lok Sabha) and had suggested that if the Government considered it necessary to amend the usual formula in order to avoid relaying of rules for reasons of administrative convenience, it should clearly be provided therein that the right of the Houses to modify the rules would extend to the session immediately following the session in which the period of 30 days was completed. In spite of this the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Bill 1963, as passed by Rajya Sabha, contained the formula, as altered by the Government.

62. The Committee note that the Ministry of Law, after the matter was again taken up with them, have assured that the usual

formula for laying of rules before the Houses of Parliament as contained in paragraph 45 of the Seventh Report of the Committee on Subordinate Legislation (Second Lok Sabha) will be followed in future in all cases.

(b)

Industrial Disputes (Amendment) Bill, 1964, as passed by Rajya Sabha.

63. Clause 20 of the Industrial Disputes (Amendment) Bill, 1964, as passed by Rajya Sabha and laid before Lok Sabha, contained a formula for laying of the rules made by the Central Government under the principal Act before the two Houses of Parliament but it was not in conformity with the formula recommended by the Committee on Subordinate Legislation (Second Lok Sabha) in their Seventh Report, paragraph 45. The Committee note that an amendment to the said clause 20 was sponsored during the Ninth Session of Lok Sabha by two members of the Committee to bring it in line with the latter but the Bill was not taken up for consideration during that Session.

64. The Committee are satisfied to note that the Government themselves moved *inter alia* similar amendments during the Tenth Session of Lok Sabha when the Bill was taken up for clause-by-clause consideration and that the amendments were adopted by the House on the 17th November, 1964 (*vide* L.S. Deb., dated 17-11-1964, c. 238). Accordingly, the Bill as amended was returned to Rajya Sabha where it was passed on the 30th November, 1964.

XI

DELAY IN LAYING OF 'ORDERS' ON THE TABLE OF THE HOUSE

4/3

65. The Committee have noted with regret that a number of 'Orders' were laid on the Table of the House after considerable delay ranging from two months to eight months. Appendix I contains a list of 'Orders' which were laid on the Table of the House after a period of 15 days of their publication in the Gazette.

66. The Committee would like to emphasise that all rules or 'Orders' required to be laid before the House should be so laid within

a period of 15 days after their publication in the Gazette if the House is in Session, and, if the House is not in Session, the 'Orders' should be laid on the Table of the House as soon as possible (but in any case within 15 days) after the commencement of the following session.

XII

ACTION TAKEN OR PROPOSED TO BE TAKEN BY GOVERNMENT ON VARIOUS RECOMMENDATIONS OF, AND ASSURANCES GIVEN TO, THE COMMITTEE

67. The Committee have noted the progress of action taken or proposed to be taken by the Government on various recommendations of, or assurances given to, the Committee as indicated in Appendix II.

S. V. KRISHNAMOORTHY RAO,

Chairman,

Committee on Subordinate Legislation.

NEW DELHI;

The 29th April, 1965.

Vaisakha 9, 1887 (Saka).

**SUMMARY OF RECOMMENDATIONS MADE BY THE
COMMITTEE ON SUBORDINATE LEGISLATION
(THIRD LOK SABHA)**

(Fourth Report)

| Serial No. | Reference to Paragaph No. of the Report | Summary of Recommendations |
|---------------|--|--|
| 1 | 2 | 3 |
| 1 | 8 | It is wrong in principle to confer by rules on the Disciplinary Committee the power of examining witnesses on oath and receiving affidavits without the express authority of the parent Act. The relevant Section of the Companies Act, 1956, should be amended accordingly, following the pattern of the Chartered Accountants Act, 1949, the Advocates Act, 1961 etc. in order to delegate properly the aforesaid powers to the Disciplinary Committee of the Council of Institute of Chartered Accountants of India in connection with the holding of enquiries against the Certified Auditors as provided for in the Certified Auditors' Rules, 1961. |
| 2 | 12 | The justification advanced by the Union Public Service Commission for assuming the power to deduct marks for 'superficial knowledge' which, in the nature of things, would be difficult to exercise for the purpose it seeks to achieve thereby, is not convincing. The Union Public Service Commission should not have the power to deduct marks arbitrarily after the answer papers of a candidate have been assessed by the examiner, who is expected naturally to take all factors into account while assessing the answer papers. Paragraph 8 of Appendix II of the Mechanical Engineering and Transportation (Power) Department of the Superior Revenue Establishment of Indian Railways Recruitment Rules, 1963, should be omitted. |

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- 3 18 (Although it is true that the interpretation of the rules given by the Executive is not binding on the Courts yet the rules should not be worded in a manner which may give an impression in the mind of the persons concerned that the jurisdiction of Courts of law was being ousted. If it is considered necessary to retain an interpretation clause in the rules, the clause should be worded on the lines of regulation 24 of the Kandla Port Employees (Allotment of Residence) Regulations, 1964, which reads :

"24. *Interpretation of regulations* —If any question arises as to the interpretation of these regulations, the same shall be decided by the Board".

- 4 26 Although the supervision charges referred to in Bye-laws 10 and 11 of the Bye-laws for the Regulation of Supply and Use of Water including the Collection and Recovery of Charges therefor in Belgaum Cantonment have been reduced from 24½ % to 20%, these charges still appear to be excessive.

- 5 33 The words "shall be at liberty to withdraw *and* curtail" occurring in Bye-law 27 of the Bye-laws for the Regulation of Supply and Use of Water including the Collection and Recovery of Charges therefor in Belgaum Cantonment as amended by S.R.O. 411 of 1964, should be substituted by the words "shall be at liberty to withdraw *or* curtail".

- 6 46 The booklet entitled "Vizagapatam Port Rules & Scale of Rates" should be reissued in a proper and cogent form by the concerned Port authorities at an early date.

- 7 66 (All 'Orders' required to be laid before the House should be so laid within a period of 15 days after their publication in the Gazette if the House is in, and, if the House is not in Session, the 'Orders' should be laid on the Table of the House as soon as possible (but in any case within 15 days) after the commencement of the following session.

APPENDIX I

(See para 65 of the Report)

Statement of 'Orders' in respect of which there has been delay of more than 15 days in laying them on the Table of the House

| Serial No. | No. of 'Order' | Description of 'Order' | Date of publication in the Gazette | Date of laying on the Table | Approximate delay |
|------------|---------------------|--|------------------------------------|-----------------------------|---------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | G.S.R. 1906 of 1963 | ✓ Indian Merchant Shipping (Load Line) 1st Amendment Rules, 1963. | 14-12-63 | 24-2-64 | More than 2 months. |
| 2 | G.S.R. 1942 of 1963 | Employees' Provident Funds (22nd Amendment) Scheme, 1963. | 21-12-63 | 24-2-64 | Do. |
| 3 | G.S.R. 209 of 1964 | Displaced Persons (Compensation and Rehabilitation) First Amendment Rules, 1964. | 8-2-64 | 27-2-64 | More than 15 days. |

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|----|---------------------|--|---------|---------|---------------------|
| 4 | S. O. 511 of 1964 | Income Tax (Second Amendment) Rules, 1964. | 6-2-64 | 27-2-64 | More than 15 days. |
| 5 | G.S.R. 208 of 1964 | Industrial Employment (Standing Orders) Central Amendment Rules, 1964. | 8-2-64 | 2-3-64 | Do. |
| 6 | G.S.R. 181 of 1964 | Defence of India (Second Amendment) Rules, 1964. | 3-2-64 | 9-3-64 | Do. |
| 7 | S.O. 428 of 1964 | International Copy-right (1st Amendment) Order, 1964. | 31-1-64 | 11-3-64 | More than 1 month. |
| 8 | G.S.R. 1736 of 1963 | All India Services (Death-cum-retirement Benefits) Third Amendment Rules, 1963. | 9-11-63 | 11-3-64 | More than 4 months. |
| 9 | G.S.R. 139 of 1964 | Indian Administrative Services (Pay) Amendment Rules, 1964. | 1-2-64 | 11-3-64 | More than 1 month. |
| 10 | G.S.R. 223 of 1964 | All India Services (Discipline and Appeal) Amendment Rules, 1964. | 15-2-64 | 11-3-64 | More than 15 days. |
| 11 | G.S.R. 255 of 1964 | Amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960. | 22-2-64 | 12-3-64 | More than 15 days. |
| 12 | S.O. 659 of 1964 | Dadra and Nagar Haveli and Goa, Daman and Diu, (Taxation Concessions) Order, 1964. | 22-2-64 | 12-3-64 | Do. |

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|----|--------------------|--|---------|---------|--------------------|
| 13 | S. O. 660 of 1964 | Pondicherry (Taxation Concessions) Order, 1964. | 22-2-64 | 12-3-64 | Do. |
| 14 | G.S.R. 19 of 1964 | Colliery Control (Amendment) Order, 1963. | 4-1-64 | 13-3-64 | More than 1 month. |
| 15 | G.S.R. 206 of 1964 | Employees Provident Funds (5th Amendment) Scheme, 1964 | 8-2-64 | 16-3-64 | Do. |
| 16 | G.S.R. 207 of 1964 | Employees Provident Funds (6th Amendment) Scheme, 1964. | 8-2-64 | 16-3-64 | Do. |
| 17 | G.S.R. 157 of 1964 | Merchant Shipping (Distress Messages and Navigational Warnings) Rules, 1964. | 1-2-64 | 17-3-64 | Do. |
| 18 | G.S.R. 242 of 1964 | Defence of India (Third Amendment) Rules, 1964. | 14-2-64 | 18-3-64 | Do. |
| 19 | G.S.R. 277 of 1964 | Amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960. | 29-2-64 | 19-3-64 | More than 15 days. |
| 20 | G.S.R. 278 of 1964 | Do. | 29-2-64 | 19-3-64 | Do. |
| 21 | G.S.R. 279 of 1964 | Do.] | 29-2-64 | 19-3-64 | Do. |
| 22 | G.S.R. 280 of 1964 | Do. | 29-2-64 | 19-3-64 | Do. |
| 23 | G.S.R. 281 of 1964 | Do. | 29-2-64 | 19-3-64 | Do. |
| 24 | G.S.R. 282 of 1964 | Corrigenda to the Rules published with G.S.R. 50 of 1964. | 29-2-64 | 19-3-64 | Do. |

| 1 | 2 | 3 | 4 | 5 | 6 |
|----|--------------------|---|---------|---------|----------------------|
| 25 | G.S.R. 381 of 1964 | Defence of India (Fourth Amendment) Rules, 1964. | 2-3-64 | 26-3-64 | More than 15 days. |
| 26 | G.S.R. 298 of 1964 | Major Port Trusts (Procedure at Board Meetings) Rules, 1964. | 29-2-64 | 31-3-64 | More than one month. |
| 27 | G.S.R. 299 of 1964 | Major Port Trusts (Payments of Fees and Allowances to Trustees) Rules, 1964. | 29-2-64 | 31-3-64 | More than one month. |
| 28 | G.S.R. 294 of 1964 | Central Warehousing Corporation (Amendment) Rules, 1964. | 28-2-64 | 31-3-64 | Do. |
| 29 | G.S.R. 477 of 1964 | Defence of India (6th Amendment) Rules, 1964. | 17-3-64 | 6-4-64 | More than 15 days. |
| 30 | G.S.R. 444 of 1964 | Minerals Conservation and Development (First Amendment) Rules, 1964. | 14-3-64 | 10-4-64 | Do. |
| 31 | S.O. 3396 of 1963 | Textiles (Production by Knitting, Embroidery, Lace making and Printing Machines) Control Order, 1963. | 3-12-63 | 10-4-64 | More than 4 months. |
| 32 | S.O. 811 of 1964 | Woollen Textiles (Production and Distribution Control) (Amendment) Order, 1964. | 7-3-64 | 10-4-64 | More than 1 month. |

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|----|---------------------|--|---------|---------|----------------------|
| 33 | S.R.O. 74 of 1964 | Navy (Pension) Regulations, 1964 | 7-3-64 | 13-4-64 | More than one month. |
| 34 | S.O. 734 of 1964 ✓ | International Copyright (Second Amendment) Order, 1964. | 2-3-64 | 15-4-64 | Do. |
| 35 | S.O. 820 of 1964 ✓ | International Copyright (Third Amendment) Order, 1964 | 4-3-64 | 15-4-64 | Do. |
| 36 | S.O. 1114 of 1964 | Emergency Risks (Factories) Insurance (Amendment) Scheme, 1964. | 30-3-64 | 22-4-64 | More than 15 days. |
| 37 | S.O. 1115 of 1964 | Emergency Risks (Goods) Insurance (Amendment) Scheme, 1964. | 30-3-64 | 22-4-64 | Do. |
| 38 | G.S.R. 898 of 1964 | Amendment to the All India Services (Death-cum-Retirement Benefits) Rules, 1958. | 1-6-63 | 22-4-64 | More than 8 months. |
| 39 | S.O. 457 of 1964 | Cotton Textiles (Control) Amendment Order, 1964 | 8-2-64 | 24-4-64 | More than 2 months. |
| 40 | G.S.R. 125 of 1964 | Khadi and Village Industries Commission (Amendment) Rules, 1964. | 17-1-64 | 24-4-64 | Do. |
| 41 | G.S.R. 1093 of 1964 | Khadi and Village Industries Commission (Second Amendment) Rules, 1964. | 17-3-64 | 24-4-64 | More than 1 month. |
| 42 | S.O. 2092 of 1963 | Drugs (First Amendment) Rules 1963 | 27-7-63 | 24-4-64 | More than 8 months. |
| 43 | G.S.R. 441 of 1964 | Metalliferous Mines (Amendment) Regulations, 1964. | 14-3-64 | 25-4-64 | More than 1 month. |

| 1 | 2 | 3 3-4 | 4 | 5 | 6 |
|----|--------------------|---|---------|---------|---------------------|
| 44 | G.S.R. 442 of 1964 | Coal Mines (Amendment) Regulations, 1964. | 14-3-64 | 25-4-64 | More than 1 month. |
| 45 | G.S.R. 262 of 1964 | Employees' Provident Funds (Eighth Amendment) Scheme, 1964. | 22-2-64 | 27-4-64 | More than 2 months. |
| 46 | S.O. 869 of 1964 | Inter-State Transport Commission (Amendment) Rules, 1964. | 14-3-64 | 28-4-64 | More than 1 month. |
| 47 | S.O. 1138 of 1964 | Fertiliser (Control) First Amendment Order, 1964 | 4-4-64 | 28-4-64 | More than 15 days. |
| 48 | S.O. 1139 of 1964 | Fertiliser (Movement Control) First Amendment Order, 1964. | 4-4-64 | 28-4-64 | Do. |
| 49 | G.S.R. 526 of 1964 | All India Services (Death-cum-Retirement Benefits) Amendment Rules, 1964. | 4-4-64 | 30-4-64 | Do. |
| 50 | G.S.R. 585 of 1964 | Coir Industry (Registration and Licensing) Third Amendment Rules, 1964. | 11-4-64 | 1-5-64 | Do. |
| 51 | S.O. 1219 of 1964 | Bombay Labour Welfare Board (Re-constitution Amendment) Order, 1964. | 11-4-64 | 1-5-64 | Do. |
| 52 | G.S.R. 243 of 1964 | Sugarcane (Control) Amendment Order, 1964. | 14-3-64 | 5-5-64 | More than 2 months. |

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|----|---------------------|---|---------|---------|---------------------|
| 53 | G.S.R. 625 of 1964 | Amendment to the Agricultural Re- finance Corporation General Regula- tions, 1963. | 18-4-64 | 6-5-64 | More than 15 days. |
| 54 | G.S.R. 261 of 1964 | Employees' Provident Fund Organisa- tion (Staff Contributory Provident Fund) Amendment Regulations, 1964. | 22-2-64 | 6-5-64 | More than 2 months. |
| 55 | G.S.R. 39 of 1964 | Ministers' (Allowances, Medical Treat- ment and other privileges) Amend- ment Rules, 1964. | 2-1-64 | 7-9-64 | More than 6 months. |
| 56 | G.S.R. 43 of 1964 | All India Services (Provident Fund) Amendment Rules, 1964. | 11-1-64 | 7-9-64 | Do. |
| 57 | G.S.R. 44 of 1964 | Indian Civil Service Provident Funds (Amendment) Rules, 1964. | 11-1-64 | 7-9-64 | Do. |
| 58 | G.S.R. 45 of 1964 | Indian Civil Service (Non-European Members) Provident Fund Amend- ment Rules, 1964. | 11-1-64 | 7-9-64 | Do. |
| 59 | G.S.R. 46 of 1964 | Secretary of States Service (General Provident Fund) Amendment Rules, 1964. | 11-1-64 | 7-9-64 | Do. |
| 60 | G.S.R. 1266 of 1964 | Central Warehousing Corporation (Second Amendment) Rules, 1964. | 5-9-64 | 23-9-64 | More than 15 days. |
| 61 | S.O. 2987 of 1964 | Petroleum Companies Amalgamation Order, 1964. | 31-8-64 | 24-9-64 | Do. |

62 G.S.R. 1268 of 1964 Trusters (Declaration of holdings of Shares and debentures) Rules, 1964. 1-9-64 24-9-64 More than 15 days.

63 G.S.R. 1182 of 1964 . Prevention of Food Adulteration (Amendment) Rules, 1964. 22-8-64 24-9-64 Do.

64 G.S.R. 1222 of 1964 . Prevention of Food Adulteration (Second Amendment) Rules, 1964. 29-8-64 24-9-64 Do.

65 S.O. 2167 of 1964 . Salt Cess Rules, 1964 . 20-6-64 25-9-64 Do.

66 G.S.R. 1181 of 1964 . Apprenticeship (Third Amendment) Rules, 1964. 27-8-64 28-9-64 Do.

67 G.S.R. 679 of 1964 ✓ Union Public Service Commission (Exemption from Consultation) Amendment Regulations, 1964. 24-4-64 29-9-64 More than 5 months.

68 S.O. 1401 of 1964 . Dock Workers (Advisory Committee) Amendment Rules, 1964. 25-4-64 3-10-64 Do.

69 S.R.O. 74 of 1964 . Navy (Pension) Regulations, 1964 . 7-3-64 17-11-64 More than 8 months.

70 G.S.R. 1345 of 1964 . Ministers' Residences (Amendment) Rules, 1964. 19-9-64 17-11-64 More than one month.

71 G.S.R. 589 of 1964 . Merchant Shipping (Form of Passenger Ships' Survey Certificates) Rules, 1964. 11-4-64 17-11-64 More than 7 months

72 G.S.R. 1324 of 1964 . Arms (Seventh Amendment) Rules, 1964. 19-9-64 17-11-64 More than one month.

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|----|---------------------|---|-----------|----------|---------------------|
| 73 | G.S.R. 1117 of 1964 | Post Office Savings Certificates (First Amendment) Rules, 1964. | 8-8-64 | 17-11-64 | More than 2 months. |
| 74 | G.S.R. 1322 of 1964 | Amendments to Schedule III of the I.A.S. (Pay) Rules, 1964. | 19-9-64 | 18-11-64 | 2 months. |
| 75 | G.S.R. 1341 of 1964 | Displaced Persons (Compensation and Rehabilitation) Second Amendment Rules, 1964. | 19-9-64 | 18-11-64 | Do. |
| 76 | G.S.R. 1594 of 1964 | Oil and Natural Gas Commission (Fifth Amendment) Rules, 1964. | 7-11-64 | 24-11-64 | More than 15 days. |
| 77 | G.S.R. 1611 of 1964 | Amendment to Schedule III to the I.P.S. (Pay) Rules, 1964. | 14-11-64 | 3-12-64 | Do. |
| 78 | G.S.R. 1356 of 1964 | Amendments to the Central Sales Tax (Registration and Turnover) Rules, 1957. | 26-9-64 | 3-12-64 | More than 2 months. |
| 79 | G.S.R. 1619 of 1964 | Do. | [14-11-64 | 3-12-64 | More than 15 days.] |
| 80 | G.S.R. 1616 of 1964 | Central Excise (Eleventh Amendment) Rules, 1964. | [14-11-64 | 3-12-64 | Do. |
| 81 | G.S.R. 1499 of 1964 | Rubber (Third Amendment) Rules, 1964. | 17-10-64 | 4-12-64 | Do. |
| 82 | G.S.R. 1655 of 1964 | Indian Aircraft (Third Amendment) Rules, 1964. | 21-11-64 | 8-12-64 | Do. |

| 1 | 2 | 3 | 4 | 5 | 6 |
|----|---------------------|--|-----------|----------|---------------------|
| 83 | G.S.R. 1288 of 1964 | Employees' Provident Funds (Fifteenth Amendment) Scheme, 1964. | 12-9-64 | 8-12-64 | More than 2 months. |
| 84 | G.S.R. 1399 of 1964 | Employees' Provident Funds (Sixteenth Amendment) Scheme, 1964. | [26-9-64 | 8-12-64 | Do. |
| 85 | G.S.R. 1415 of 1964 | Employee's Provident Funds (Seventeenth Amendment) Scheme, 1964. | [3-10-64 | [8-12-64 | Do. |
| 86 | G.S.R. 1500 of 1964 | Employees' Provident Funds (Eighteenth Amendment) Scheme, 1964. | [17-10-64 | [8-12-64 | More than 1 month. |
| 87 | G.S.R. 1660 of 1964 | Amendments to Schedule III to the I.A.S. (Pay) Rules, 1954. | 28-11-64 | 14-12-64 | More than 15 days. |
| 88 | G.S.R. 1679 of 1964 | Displaced Persons (Compensation and Rehabilitation) Third Amendment Rules, 1964. | 28-11-64 | 16-12-64 | Do. |
| 89 | S.O. 3317 of 1964 | Export (Quality Control and Inspection) Rules, 1964. | 14-9-64 | 18-12-64 | More than 3 months. |
| 90 | S.O. 4037 of 1964 | Salt Cess (Amendment) Rules, 1964 | 28-11-64 | 18-12-64 | More than 15 days. |
| 91 | G.S.R. 1614 of 1964 | Public Debt (Second Amendment) Rules, 1964. | 7-11-64 | 21-12-64 | More than 1 month. |
| 92 | S.O. 4080 of 1964 | Khadi and Village Industries Commission (Third Amendment) Rules, 1964 | 28-11-64 | 22-12-64 | More than 15 days. |

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|----|---------------------|---|---------|----------|--------------------|
| 93 | G.S.R. 1716 of 1964 | •. Amendments to Schedule III to the I.A.S. (Pay) Rules, 1954. | 5-12-64 | 23-12-64 | More than 15 days. |
| 94 | G.S.R. 1718 of 1964 | . I.A.S. (Cadre) Amendment Rules, 1964 | 5-12-64 | 23-12-64 | Do. |
| 95 | G.S.R. 1719 of 1964 | . I.P.S. (Cadre) Amendment Rules, 1964 | 5-12-64 | 23-12-64 | Do. |
| 96 | G.S.R. 1702 of 1964 | . Medicinal and Toilet Preparations (Excise Duties) Amendment Rules, 1964 | 5-12-64 | 24-12-64 | Do. |

N. B.—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 67 of the Report)

*Statement showing the progress of action taken or proposed to be taken on the recommendations made by, and assurances given by Ministries to, the Committee on Subordinate Legislation
(Third Lok Sabha)*

| S. No. | Ref. to para No. of Report | Summary of recommendations/ assurances | Gist of Government's reply |
|--------|----------------------------|--|--|
| 1 | 2 | 3 | 4 |
| 1 | First Report 8 | The Committee noted the assurance given by the Ministry of Health that an amendment would be made in the Delhi Development Act, 1957 to confer necessary powers of a Civil Court on arbitrators appointed under section 39 of that Act. | This has since been done [See sec. 19 of the Delhi Development (Amendment) Act, 1963 inserting sub-section (2A) in section 39 of the principal Act.] |
| 2 | Second Report 33 | The provisions contained in the old rule 31 of the Indian Aircraft Rules, 1937, regarding refund of fee in cases where the application for certificate of registration of an aircraft is not granted, should be restored. | This has since been done. (See G.S.R. 1373 of 1963 dated the 17th August, 1963). |
| 3 | 36 | Rule 5(2) of the Central Apprenticeship Council Rules, 1962 should be amended to provide that the office of a member of the Council would fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of information of resignation, whichever is earlier. | This has since been done. (See G.S.R. 1465 dated the 31st August, 1963). |

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4 Second
Report
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The Committee noted the assurance given by the Ministry of Labour and Employment that rule 8(6) of the Dock Workers (Advisory Committee) Rules, 1962 (S.O. 1809 of 1962) would be amended to provide that a decision of the Dock Workers Advisory Committee taken in accordance with the procedure laid down therein will be communicated to the members of the Committee and reported at their next meeting.

The assurance has since been implemented. (See S.O. 2010 of 1963 dated the 20th July, 1963).

5 Third
Report
7

A provision should be made in rule 12 of the Port of Bombay Passenger Boats Rules, 1962 (G.S.R. 1628 of 1962) that reasons for refusal to grant a licence thereunder should be put on record.

The matter has been taken up with the Bombay Port Trust by the Ministry of Transport. (Vide D.P.A. O.Ms. No. SR. III/III/CB/64 dated the 4th & 5th August, 1964).

6 Third
Report
11

A provision for allowing appeal to some higher authority against the orders passed, especially under rules 14 and 15, should be made in the Port of Bombay Passenger Boats Rules, 1962.

The matter has been taken up with the Bombay Port Trust by the Ministry of Transport (Vide D.P.A. O. Ms. No. SR-III/III/CB/64 dated the 4th & 5th August 1964).

7 12

The Committee noted the assurance given by the Ministry of Transport and Communications that a provision would be made in rule 30 of the Port of Bombay Passenger Boats Rules, 1962, to lay down the contingencies such as refusal by a licensee to ply his boat, with small number of passengers, or unless he was

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paid in advance a larger sum than scheduled etc. in order to bring the rule in conformity with sec. 6(1)(k) of the Indian Ports Act, 1908, under which the rules were made.

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| 8 | 18 | It should be made clear in the Dock Workers (Safety, Health and Welfare) Scheme, 1961 (S.O. 1540 of 1961) itself that a medical practitioner shall be liable for punishment only on wilful suppression of information which is required under clause 5(2) of the said scheme. | This has since been done (See S.O. 3308 of 1964 dated the 12th September, 1964.) |
| 9 | 22 | A right of appeal against the orders of the licensing authority made under condition (12) of Form A appended to the Central Manufactured Drugs Rules, 1962 (G.S.R. 1259 of 1962) should be provided for in that Form also. | This has since been done (See G.S.R. 1569 of 1964 dated the 31st October, 1964.) |
| 10 | 26 | The Committee noted the assurance given by the Department of Supply that a suitable amendment to rule 7(i) of the Indian Inspection Service (Class I recruitment by Competitive Examination) Rules, 1963 (G.S.R. 142 of 1963) regarding the discretion of the U.P.S.C. in calling from among the candi- | Necessary Amendment to the rules has since been made (See G.S.R. 558 of 1964 dated the 4th April, 1964). |

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dates, obtaining minimum qualifying marks in the written examination, for interview for a personality test will be made at the time when the rules are republished before the next Engineering Service examination is conducted by the U.P.S.C.



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