

COMMITTEE ON SUBORDINATE LEGISLATION

(FIFTH LOK SABHA)

NINTH REPORT

(Presented on the 19th November, 1973)



**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA SECRETARIAT

Corrigenda to the Ninth Report of Committee on Subordinate Legislation (Fifth Lok Sabha).

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CONTENTS

	PARA NO.	PAGE NO.
COMPOSITION OF THE COMMITTEE		
Report :		(v)
I. Introduction	1—4	1
II. Non-compliance with the Statutory Requirement of laying 'Orders' before Parliament.	5—18	2
III. Delay in laying 'Orders' on the Table.	19—35	5
IV. The Registration of Electors (Third Amendment) Rules, 1969 (S.O. 4540 of 1969).	36—49	9
V. Bills or Acts delegating legislative powers to subordinate authorities—the State Bank Laws (Amendment) Bill, 1973 (as passed by Rajya Sabha).	44—50	11
VI. The Indian Administrative Service (Appointment by Promotion) Amendment Regulations, 1970 (G.S.R. 652 of 1970) and Indian Police Service (Appointment by Promotion) Amendment Regulations, 1970 (G.S.R. 653 of 1970).	51—55	14
VII. The Drugs (Prices Control) Second Amendment Order, 1970 (S.O. 2602A of 1970).	56—61	16
VIII. Relaxation provision in Recruitment Rules relating to Gazetted Posts.	62—66	18
IX. The General Provident Fund (Central Services) Second Amendment Rules, 1970 (S.O. 1409 of 1970).	67—70	20
X. The Petroleum (Second Amendment) Rules, 1970 (G.S.R. 619 of 1970).	71—75	22
XI. Giving of retrospective effect to the Central Engineering Service (Roads) Class I Recruitment (Amendment) Rules, 1966.	76—81	23
XII. The Central Secretariat Stenographers Service (Second Amendment) Rules, 1970 (G.S.R. 1085 of 1970).	82—84	25
XIII. The Life-Boatmen's (Qualifications and Certificates) Amendment Rules, 1970 (G.S.R. 611 of 1970).	85—93	27
XIV. The Badarpur Thermal Power Project, Central Water and Power Commission (Power Wing) Class III and Class IV (Security) Posts Recruitment Rules, 1970 (G.S.R. 671 of 1970).	94—95	30

	PARA NOS.	PAGE No.
XV. Implementation of recommendations—		
(i) Giving of retrospective effect to Rules framed under the proviso to Article 309 of the Constitution (Para 51 of Seventh Report—Fourth Lok Sabha).	96—103	30
(ii) New Application form for telephone connections under Rule 414 of the Indian Telegraph Rules, 1951 (Para 17 of First Report—Fifth Lok Sabha).	104—105	34
(iii) The Engineering Supervision (Recruitment and Training) Amendment Rules, 1969 (G.S.R. 36 of 1970) (Para 14. of Third Report—Fifth Lok Sabha).	107—111	35
(iv) The Post Office Savings Banks (Amendment) Rules, 1969 (G.S.R. 956 of 1969) (Para 9 of Fourth Report—Fifth Lok Sabha).	112—123	38
XVI. Action taken by Government on old recommendations of and assurances given to, the Committee on Subordinate Legislation during First to Fourth Lok Sabha.	123	42
XVII. Action taken by Government on the recommendations made by, and assurances given to, the Committee on Subordinate Legislation during Fifth Lok Sabha.	124	42

APPENDICES

I. Summary of main Recommendations/Observations made by the Committee.	45
II. List of 'Orders' which have not so far been laid on the Table though required to be so laid on for the statutes.	58
III. Statement of 'Orders' in respect of which there has been delay in laying them on the Table (third to Eighth Sessions-Fifth Lok Sabha).	65
IV. Statement showing Ministry-wise break-up of 'Orders' in respect of which there has been delay of more than 15 days in laying them on the Table.	97
V. Statement of cases in which period of 30 days was reduced.	99
VI. Exemption orders issued by the Ministry of petroleum and Chemicals and Mines and Metals (Department of Petroleum and Chemicals).	101
VII. List of Recruitment Rules relating to gazetted posts the relation clause in which did not conform normal practice.	104
VIII. Extracts from D.G.P.T. file No 42/20/69-NCG	

IX.	Statement showing action taken on old recommendations of, and assurances given to, the Committee on Subordinate Legislation during first to fourth Lok Sabha. .	110
X.	Statement showing action taken by Government on the recommendations made by, and assurances given to, the Committee on Subordinate Legislation during fifth Lok Sabha.	116
XI.	Minutes of the Thirty-first, Thirty-fourth and . Thirty-seventh to Forty-second sittings of the Committee. .	125

**COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (1973-74)**

Shri Vikram Mahajan—Chairman

- 2. Shri T. Balakrishnaiah**
- 3. Shri M. C. Daga**
- 4. Shri T. H. Gavit**
- 5. Shri Samar Guha**
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- 14. Shri K. Narayana Rao**
- 15. Shri Tulmohan Ram**

SECRETARIAT

Shri P. K. Patnaik—Joint Secretary.

Shri H. G. Paranjpe—Deputy Secretary.

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 Ninth Report.

2. The Committee have held five sittings—on the 3rd, 4th, 26th, 27th October and 14th November, 1973. At their sittings held on the 4th and 27th October, 1973, the Committee took evidence of the representatives of the following Ministries/Departments on the subjects mentioned against them:—

<i>S. No.</i>	<i>Ministry/Department</i>	<i>Subject</i>
(1)	(i) Finance (Deptt. of Economic Affairs); and (ii) P & T Board.	Implementation of recommendation made in para 9 of First Report-Fifth Lok Sabha regarding the Post Office Savings Banks (Amendment) Rules, 1969.
(2)	Petroleum and Chemicals.	The Drugs (Prices Control) Second Amendment Order, 1970
(3)	(i) Labour & Rehabilitation Deptt. of Lab. & Emp.); (ii) Works & Housing; and (iii) Industrial Development.	Delay in laying 'Orders'.
(4)	(i) Labour & Rehabilitation (Deptt. of Lab. and Emp.); (ii) Commerce; and (iii) Cabinet Secretariat (Deptt. of Personnel & Administrative Reforms).	Non-compliance with the statutory requirement of laying 'Orders on the Table.

3. The Committee considered and adopted this Report at their sitting held on the 14th November, 1973. The Minutes of the sittings which form part of the Report are appended to it.

4. A Statement showing the summary of recommendations/observations of the Committee is also appended to the Report (Appendix I).

NON-COMPLIANCE WITH THE STATUTORY REQUIREMENT OF LAYING 'ORDERS' BEFORE PARLIAMENT

5. Delegation of powers to Executive to frame rules, regulations, bye-laws, etc., is an accepted principle of parliamentary procedure. Parliament, however, keeps the right to see that the powers delegated by them to the subordinate authority, to make rules, regulations, bye-laws, etc., have been exercised in accordance with the terms of the statute delegating such powers and also that it is in conformity with the general principles of delegation. This is secured through the laying of rules before Parliament as provided in the Statutes. The provision to lay the rules, etc., as soon as they are made before Parliament is made in the Acts with the sole purpose of giving the Parliament an opportunity to have an effective control over the Executive so that it does not transgress the limits laid down in the statutes.

6. On a check up of the 'Orders' published in the Gazette during the years 1971-1972 and February, 1973, it was noticed that 47 of them had not been laid before Parliament even though they were required to be so laid under the provisions of the Acts under which they were made. A list of these 'Orders' is given at Appendix II.

7. It will be seen from this List that 19 'Orders' made by the Ministry of Labour and Rehabilitation (Department of Labour and Employment), one by the Ministry of Commerce, four by the Department of Personnel and Administrative Reforms, 13 by the Ministry of Home Affairs, one by the Ministry of Shipping and Transport (Transport Wing), one by the Ministry of Petroleum and Chemicals and 8 by the Ministry of Agriculture (Department of Food) were not laid on the Table of Lok Sabha up to the Eighth Session, which ended on the 5th September, 1973.

8. At their sitting held on the 27th August, 1973, the Committee took note of these cases and desired that comments of the Ministries/Departments concerned might be obtained.

9. In their replies, the Ministries of Labour and Rehabilitation (Department of Labour and Employment), Commerce, Home Affairs, Shipping and Transport and Department of Personnel and Administrative Reforms have regretted the lapse on their part and assured that the 'Orders' with which they are concerned would be laid on the Table in the ensuing Session. As regards the Ministries

of Petroleum and Chemicals and Agriculture (Department of Food) no final replies have been received from them so far.

10. At their sitting held on the 27th October, 1973, the Committee examined the representatives of the Ministries of Labour and Rehabilitation (Department of Labour and Employment), Commerce and Department of Personnel and Administrative Reforms. During the course of evidence, the representative of the Ministry of Labour and Rehabilitation regretted that 11 'Orders' made in 1971 and 8 'Orders' made in 1972 had not been laid on the Table of the House as required under the statutes. Explaining the reasons for not complying with the statutory requirement, he stated that it was due to oversight in the Ministry. As to the steps taken in the Ministry to avoid such lapses in future, the representative of the Ministry said that each Branch Officer had been asked to look into all the enactments with which the Ministry was concerned and note the sections which require the laying of an 'Order' before Parliament. A register will be maintained for the purpose of entering notifications issued under the various Acts so that their copies were sent simultaneously for being laid before Parliament. Parliament section of the Ministry had also been asked to get periodical returns from the various sections regarding the papers to be laid on the Table.

11. During his evidence, the representative of the Ministry of Commerce explained that it seemed to be a case of omission. The Notification in question was published on 17.2.1973, but it was found that there was a material printing error in the published version. A corrigendum was, therefore, sent to the Government of India Press for publication in the Gazette. The Ministry were in correspondence with the Press to find out whether the corrigendum had been published. He further said that the Ministry were under the impression that after the corrigendum was published, they could place both the Notification and corrigendum together on the Table. While owning the omission on the part of the Ministry that they did not lay on the Table the Notification as already published, pointing out the printing error which was under rectification, he stated that adequate methods had been devised in the Ministry to avoid such lapses in future.

12. The representative of the Department of Personnel and Administrative Reforms stated during his evidence that it was by oversight that they failed to lay the four Notifications (one issued in 1971 and three in 1972) on the Table. He further said that they had taken steps to see that such lapses did not occur in future. They were now following the revised procedure for getting the G.S.R. numbers of

Notifications and copies of the Notifications published in extraordinary Gazette. They had also opened a register to keep track of the Notifications. Another step taken was that they were now issuing letter, in this regard to Lok Sabha and Rajya Sabha Secretariats from individual files instead of bunching them together, as done hithertofore.

13. The Committee are unhappy that Government have failed in their duty to Parliament by not complying with the statutory requirement of laying 47 'Orders' on the Table. They are surprised that these 'Orders' which were issued during the years 1971 to February, 1973 by various Ministries/Departments had not been laid till the Eighth Session, which ended on the 5th September, 1973. In their opinion, there has been a serious error on the part of Government in that they have failed to appreciate the importance of the statutory requirement. Had the Committee not pointed out this error, the Members of Parliament would have been deprived of their statutory right of making modification to these 'Orders'. The Committee would like to emphasise that due importance should be attached to Government's duty towards Parliament when Parliament ordains Government to lay statutory rules as soon as possible after their being framed on the Table of both the Houses.

14. The Committee note that on being pointed out, the Ministries of Labour and Rehabilitation, Commerce, Home Affairs, Shipping and Transport and Department of Personnel have initiated action to lay the 'Orders' issued by them on the Table in the ensuing session.

15. There having been an omission to comply with the requirements of relevant Acts, the Committee feel that Government should make a specific mention of non-compliance of the statutory provision occurred so far in these cases in the statements showing reasons for delay to be laid along with the 'Orders', referring therein to the error having been pointed out by the Committee.

16. The Committee note that no final replies in the matter have been received so far from the Ministries of Agriculture (Department of Food) and Petroleum and Chemicals, in the absence of which they could not comment upon the 'Orders' issued by these two Ministries, which have also not been laid on the Table. The Committee take a serious note of the lapse on the part of the above Ministries. They deplore this carelessness on the part of these two Ministries and desire them to be more prompt in future in sending replies to the communications of the Committee.

17. The Committee further desire that in cases of errors creeping in the notifications at the printing stage, the Ministries/Departments concerned should not wait for the corrigendum being published in the Gazette. They should on the other hand carry out corrections in the relevant notifications and lay them on the Table.

18. To avoid such omissions in future, the Committee recommend that each Ministry/Department should take specific steps in this direction on the lines indicated by the representative of the Ministry of Labour and Rehabilitation (Department of Labour and Employment) during the course of his evidence.

III

DELAY IN LAYING 'ORDERS' ON THE TABLE

19. In their successive Reports, the Committee on Subordinate Legislation have regretted delays in laying of 'Orders' on the Table of the House. In paras 47-48 of their Third Report (First Lok Sabha), the Committee recommended that all 'Orders' required to be laid on the Table of the House should be laid within a period of 7 days after their publication in the Gazette, if the House was in Session; and within a period of 7 days of the commencement of following session, if the House was not then in session. At the request of Government, the Committee extended the time-limit for laying of 'Orders' from seven days to 15 days (vide paras 71-72 of Second Report—Second Lok Sabha).

20. In paragraph 143 of their First Report (Second Lok Sabha), the Committee recommended that whenever rules were laid on the Table of the House after the prescribed time-limit, they should be accompanied by a statement explaining the reasons for delay.

21. In para 40 of their Fifth Report (Fifth Lok Sabha), the Committee on Subordinate Legislation observed that out of 348 'Orders' laid on the Table during the First and Second Sessions of Fifth Lok Sabha, 87 'Orders' were laid after the prescribed time-limit.

22. Subsequent to the presentation of the above Report, it was noticed that out of 838 'Orders' laid on the Table during the Third to Eighth Sessions, as many as 258 'Orders' (vide Appendix III) had been laid after the prescribed time-limit of 15 days. The number of cases in which Government had laid statements showing reasons for delay was 85. The number of cases in which no such statements had been laid was 173.

23. The delay in the above cases range from 15 days to more than 3 years. A Statement showing Ministry-wise break-up of 'Orders' in

respect of which there has been delay of more than 15 days in laying them on the Table has been given at Appendix IV.

24. At their sitting held on the 27th October, 1973, the Committee on Subordinate Legislation examined the representatives of the Ministries of Labour and Rehabilitation (Department of Labour and Employment), Works and Housing and Industrial Development in regard to the following 'Orders' in respect of which there was a delay of over six months:

(A)

- (1) The Employees' Provident Funds (Second Amendment) Scheme, 1971 (G.S.R. 731 of 1971).
- (2) The Employees' Provident Funds (Fourth Amendment) Scheme, 1972 (G.S.R. 506 of 1972).
- (3) The Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1972 (G.S.R. 1649 of 1972).
- (4) The Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1973 (G.S.R. 200 of 1973).

25. Besides there being a delay of over six months in these cases, the statements showing reasons for delay in laying were also not laid in respect of (1) and (2) above. During evidence, the representative of the Ministry of Labour and Rehabilitation (Department of Labour and Employment) regretted that the notifications were laid after the prescribed time-limit. Explaining the reasons for not complying with the recommendation of the Committee, he stated that one of the reasons was oversight in the Ministry. In some cases the notifications from the Government of India Press were "either not received or were received in wrong Sections of the Ministry, with the result that the Section responsible for laying them before Parliament did not get any copy".

26. As regards the steps taken in the Ministry to avoid such lapses in future, the representative stated that a register would be maintained for the purpose of entering notifications issued under the various Acts so that their copies were sent simultaneously for being laid before Parliament. Parliament Section of the Ministry had also been asked to get periodical returns from the various Sections regarding the papers to be laid on the Table.

(B)

**THE DELHI DEVELOPMENT AUTHORITY (ISSUE AND
MANAGEMENT OF BONDS) REGULATIONS, 1970
(G.S.R. 1135 OF 1972)**

27. The above Regulations were published in the Gazette on 20.5.1972, but were laid on 22.12.1972, resulting in a delay of more

than six months. Statement showing reasons for delay in laying it was also not laid on the Table. During evidence, the representative of the Ministry of Works and Housing expressed his regrets for the inadvertent delay involved in the above case and stated that there was really no adequate reason for the Ministry for not having laid the Regulations in question within 15 days of their publication in the Gazette as required by the recommendation of the Committee on Subordinate Legislation. He assured that instructions in this regard would be followed to avoid such cases of delay in future. As regards the statement showing reasons for delay, he stated that it had been prepared but before it could be sent, the Regulations had already been laid.

(C)

THE CENTRAL SILK BOARD (AMENDMENT) RULES, 1972
(G.S.R. 1250 OF 1973)

28. The above Rules were published in the Gazette on 7.10.1972 and laid on 16.5.1973, after a delay of more than six months. Statement showing reasons for delay in this case was also not laid on the Table as required by the recommendation of the Committee on Subordinate Legislation. During evidence, the representative of the Ministry of Industrial Development admitted that there had been a failure on the part of the Ministry in unduly delaying the placing of the Notification on the Table of the House. He explained that when the Notification was issued, the subject was under the then Ministry of Foreign Trade (now Commerce). It was transferred to the Ministry of Industrial Development in February, 1973. Therefore, the delay from October, 1972 to Feb-March, 1973 was in the Ministry of Commerce and thereafter in the Ministry of Industrial Development.

29. The representative of the Ministry of Commerce explained that the Notification was issued on 7.10.1972 and the Lok Sabha Session was to begin on the 13th November, 1972. An immediate note was sent on 1.11.1972 to Librarian in the Ministry to intimate G.S.R. number of the Gazette notification. A reply was sent on 9.11.1972 that the Gazette notification in question had not been received in the Library till then. The copy of Gazette Notification was received only on 1st March, and Hindi Translation made available on the 5th March, 1973 after which the papers on the subject were transferred to the Ministry of Industrial Development. He conceded the delay in the Ministry for which there was no ostensible justification and the officers concerned had expressed regrets for the lapse.

30. While explaining the reasons which led to the delay in the Ministry of Industrial Development, the representative stated that on

transfer of the subject to his Ministry, it took some time to make internal reorganisation which caused the delay. He admitted the lapse of the Ministry in not sending a statement showing reasons for delay. To avoid such delays in future, he added, instructions had been issued that any order having a bearing on subordinate legislation should be processed in 10 days time and sent for being laid on the Table within the prescribed time-limit of 15 days.

31. The Committee on Subordinate Legislation have time and again deprecated the delays in laying of 'Orders' on the Table of the House. The Committee regret to note that subsequent to the presentation of their Fifth Report (Fifth Lok Sabha), in which they had adversely commented upon the delay during First and Second Sessions there has been no perceptible improvement in this regard. Out of 828 'Orders' laid on the Table during the Third to Eighth Sessions, 258 'Orders' were laid after the prescribed time-limit. The delay in these cases ranged from 15 days to over 3 years. The Committee take a serious view of such delays. It is hardly necessary for them to point out that inordinate delays in laying are against the spirit of the relevant provisions in the Acts which require that the 'Orders' should be laid before Parliament as soon as possible, after they are made.

32. The Committee note that their recommendations/observations made in this regard after examining the representatives of the Ministries of Home Affairs, Education and Social Welfare and Works and Housing in paras 40 to 43 of Fifth Report (Fifth Lok Sabha) were brought to the notice of all Ministries/Departments for strict Compliance in future, vide Department of Parliamentary Affairs O.M. No. P. 32 (9)/72-R&C, dated 24-3-73. The Committee further note that in the above O.M., the Department of Parliamentary Affairs had also invited the attention of the Ministries/Departments to D.O. No. F. SRII (45-46) 59-CB dt. 13-7-59, from the then Minister of Parliamentary Affairs addressed to all Ministers of the Central Government, wherein he had asked them to 'issue strict instructions to your Ministry to ensure that the recommendation of the Committee which had already been accepted by the Government is complied with'. The Committee are surprised that even though the matter had been taken up at the highest level by the Department of Parliamentary Affairs, as far back as in 1959, the delays have continued to occur all these years. The Committee feel that the Ministries/Departments have not cared to attach importance to timely laying of 'Orders' on the Table and have failed to evolve a procedure by which such delays could be easily avoided. The Committee, therefore, recommend that each Ministry/Department should take specific steps in this direction, on the lines indicated by the representative

of the Ministry of Labour and Rehabilitation (Department of Labour and Employment) during the course of his evidence.

33. The Committee also note that out of 258 cases in which the delay had occurred, statements showing reasons for delay had been laid only in 85 cases. On a perusal of these statements, the Committee feel that with a little more care on the part of the Ministries / Departments, the delay could have been avoided in most cases.

34. The Committee are not happy with the explanation given by the representative of the Ministry of Works and Housing during his evidence that the statement showing reasons for delay had been prepared, but before it could be sent, the Regulations had already been laid. The Committee cannot help deplore the lapse on the part of the Ministry in this case in not sending the statement alongwith the Regulations for laying it on the Table. As regards other 84 cases, they feel strongly about non-observance of their recommendations. They again urge that in case, due to any unavoidable reasons, it is not possible for a Ministry/Department to lay on 'Order' on the Table within the prescribed time-limit, they should make it a point to lay a statement showing reasons for delay alongwith the 'Orders'. The Committee would henceforth take a serious note of this omission.

35. One of the main reasons for delay given by the Ministries/Departments was that copies of the relevant Gazette/intimation regarding G.S.R. numbers, etc., were not received in time from the Government of India Press. The Committee note that to obviate such delays, the Controller of Printing and Stationery has since introduced a new procedure for supply of G.S.R. numbers, etc., vide his O.M. No. H-11013/1/72/P, dated 9-2-1972, addressed to all Ministries/Departments for strict observance. The Committee fail to understand the difficulties of the Ministries/Departments in adhering to the procedure laid down in the said O.M. The Committee desire that the Ministries/Departments should strictly follow that procedure in future so that the 'Orders' are laid on the Table promptly.

IV

THE REGISTRATION OF ELECTORS (THIRD AMENDMENT) RULES, 1969 (S.O. 4540 OF 1969)

36. Rule 12 of the Registration of Electors Rules, 1960, as it stood prior to its amendment by S.O. 4540 of 1969, provided that every claim for the inclusion of a name in the electoral roll for a constituency and every objection to an entry therein shall be lodged within a period 30 days from the date of publication of roll in draft. The said S.O. amended the original Rule 12 to provide that every claim for the inclusion of a name in the electoral roll and every objection to an

entry therein shall be lodged within a period of 30 days from the date of publication of the roll in draft or *such shorter period as may be fixed by the election Commission in this behalf.*

37. At their sitting held on the 21st September, 1970, the Sub-Committee of the Committee on Subordinate Legislation (1970) desired to know the reasons for the above amendment.

38. The Ministry of Law, to whom the matter was referred, stated in their reply that the amendment had been issued on the basis of the recommendation of the Election Commission who had urged as follows:—

“.....at the Conference of the Chief Electoral officers held in New Delhi on the 5th November, 1969, the problem relating to the revision of electoral rolls within a short duration was discussed in detail. Some of the Chief Electoral Officers expressed the view that generally a large number of claims and objections are lodged towards the end of the period of 30 days allowed for the purpose and this entails considerable delay in disposing of those claims and objections thereby prolonging the duration of the programme for revision of the rolls. The Commission is anxious that in case of any emergency, where it becomes necessary to get the electoral rolls finally published with least possible delay, the period allowed for lodging claims and objections should be reduced according to circumstances and necessity.”

39. In the meanwhile, a Joint Committee on Amendments to Election Law was appointed, which presented their Report on 13.3.1972. The Ministry of Law and Justice (Legislative Departments for strict observance. The Committee fail to understand the revised in the light of the Report of the Joint Committee. In their reply, they stated as follows:—

“The Joint Committee on Amendments to Election Law has not made any specific recommendation for amending rule-12 of the Registration of Electors Rules, 1960.

It may however be observed that the general question of making any amendments in the Registration of Electors Rules, 1960, as well as in the Conduct of Elections Rules, 1961, would depend on the provisions of the legislation to amend the Representation of the People Acts, 1950 and 1961, in the light of the recommendations of the Joint Committee on Amendments to Election Law, as finally passed by Parliament. The relevant Bill is still under the consideration of the Government.”

40. The Ministry were further asked to furnish information on the following points:—

- (i) Particulars of cases in which the provisions contained in rule 12(1), as amended by S.O. 4540 of 1969 were made applicable for fixing shorter period for lodging claims and objections; and
- (ii) Extent to which the period of 30 days was reduced by Election Commission in the above cases.

41. It may be seen from the Statement (Appendix V) forwarded by the Ministry of Law and Justice and Company Affairs (Legislative Department) that in one case (Orissa), the period was reduced to just *one day* and in two cases (West Bengal), it was reduced to 7 days. In another case Jammu and Kashmir, period was reduced to 8 days. In other 8 cases, it had been reduced to 14/15 days.

42. The Committee are not satisfied with the drastic reduction in the period of 30 days allowed for lodging claims and objections. The Committee strongly feel that while the Election Commission should have the power to reduce the normal period of 30 days for filing claims and objections in case of actual emergency, the reduced period should not be so short as to deprive the electors of a fair opportunity of filing claims and objections (as was done in the case of Orissa in 1971 by reducing the period to one day only).

43. The Committee, therefore, desire the Ministry of Law, Justice and Company Affairs (Legislative Department) to take early steps to amend the Rules in question for fixing a reasonable minimum period which should be available to the electors for filing claims and objections.

V

BILLS OR ACTS DELEGATING LEGISLATIVE POWERS TO SUBORDINATE AUTHORITIES—THE STATE BANK LAWS (AMENDMENT) BILL, 1973 (AS PASSED BY RAJYA SABHA)

44. The State Bank Laws (Amendment) Bill, 1973, as passed by Rajya Sabha on 30.7.1973, was laid on the Table of Lok Sabha on 7.8.1973. The Bill which sought further to amend the State Bank of India Act, 1955 and the State Bank of India (Subsidiary Banks) Act, 1959, was examined, under direction 103(2) of the Directions

by the Speaker and the following points arising therefrom were referred to the Ministries of Finance (Department of Banking) and Law, Justice and Company Affairs (Legislative Department) for such action as they might deem fit:—

- (i) Section 49 of the principal Act, i.e. the State Bank of India Act, 1955, empowered the Central Government, in consultation with the Reserve Bank, to make rules, by notification in the official Gazette, to carry out the purposes of the Act. The principal Act or the Bill as laid on the Table of Lok Sabha did not contain any provision for laying of rules so framed before Parliament as recommended by the Committee on Subordinate Legislation in *paras 36-37 of their Third Report (First Lok Sabha) that all future Bills which might seek to amend earlier Acts empowering the Central Government to make rules, regulations, etc. should include a suitable provision regarding laying them on the Table;
- (ii) Section 50, *ibid.*, empowered the Central Board of Directors of the State Bank to make regulations after consultation with the Reserve Bank and with the previous sanction of the Central Government for the purpose of giving effect to the provisions of the Act. Sub-section (2A) of Section 50, *ibid.*, now being inserted, *vide* Clause 19(ii) of the Bill also sought to give retrospective effect to the regulations. The principal Act or the Bill did not contain any provision either for publication of regulations in the official Gazette or for laying them before Parliament as recommended by the Committee; and
- (iii) Similarly, these provisions did not exist in respect of regulations made under Section 63 of the State Bank of India (Subsidiary Banks) Act, 1959, which was being amended, *vide* Clause 35 of the Bill.

45. While noting the above points, the Ministry of Finance, have stated in their reply as follows:—

“Since these points are of general importance, the position with regard to the State Bank of India Act, 1955 and the State Bank of India (Subsidiary Banks) Act, 1959, as also

*The above recommendations were accepted by Government: *Vide* paras 78-79 of Sixth Report (First Lok Sabha) and paras 28-29 of Third Report (Second Lok Sabha). The revised laying formula was approved by Committee on Subordinate Legislation, *Vide* paras 33-34 of Second Report (fifth Lok Sabha).

the other Acts administered by this Department, is being reviewed in the light of the comments communicated.... In view of the different provisions contained in these Acts, a comprehensive view will have to be taken as to the provisions which should be included in these Acts. Appropriate action to initiate a comprehensive legislation will be taken in due course in consultation with the Ministry of Law, Justice and Company Affairs.

This issues after consultation with the Ministry of Law, Justice and Company Affairs."

46. The Committee note the assurance given by the Ministry of Finance (Department of Banking) that appropriate action to initiate a comprehensive legislation for incorporating the provision regarding laying of Rules and Regulations before Parliament in the State Bank of India Act, 1955 and the State Bank of India (Subsidiary Banks) Act, 1959, as also the other Acts administered by them will be taken in due course in consultation with the Ministry of law, Justice and Company Affairs.

47. The Committee desire the Ministry to complete necessary action in this regard within the next six months.

48. The Committee note that the earlier recommendations made in this behalf in paras 36-37 of their Third Report (First Lok Sabha) were accepted by Government, vide paras 78-79 of their Sixth Report (First Lok Sabha). Again in 1957, while the Indian Tariff (Amendment) Bill, 1957, was being considered by the House, a member of the Committee on Subordinate Legislation had tabled an amendment to the above Bill for making appropriate provision in the principal Act of 1934, for laying the rules before Parliament. The then 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 above provision was accordingly incorporated in that Act.

49. The Committee are surprised to note that even after 18 years of presentation of the Third Report (First Lok Sabha) (Report was presented on 3. 5. 1955), such omissions are still being made. The Committee have earlier in this report referred to the importance of the provision regarding laying of Rules, Regulations, bye-laws, etc. before Parliament. The Committee, therefore, reiterate their earlier recommendation made in paras 36-37 of Third Report (First Lok Sabha), wherein they had emphasised that in all future Bills which might seek to delegate power to make rules, regulations, etc.,

which might seek to amend earlier Acts giving power to make rules, regulations, etc., suitable provisions regarding laying them on the Table should be included therein.

50. The Committee desire the Ministry of Law, Justice and Company Affairs (Legislative Department) to issue general instructions in this behalf to all Ministries/Departments so that inclusion of the laying provision, as approved by the Committee in paras 33-34 of their Second Report (Fifth Lok Sabha), in original Bills as well as amending Bills does not escape their attention in future.

VI

THE INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) AMENDMENT REGULATIONS, 1970 (G.S.R. 652 OF 1970) AND INDIAN POLICE SERVICE APPOINTMENT BY PROMOTION) AMENDMENT REGULATIONS, 1970 (G.S.R. 653 OF 1970)

51. Regulations 5(2) of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, and Indian Police Service (Appointment by Promotion) Regulations, 1955, prior to their amendment by the above amending Regulations read as under:-

"The selection for inclusion in such list shall be based on merit and suitability in all respects *with due regard to seniority.*"

52. The new Regulations 5(4), being inserted by the above amendments, read as follows:

"The selection for inclusion in such list shall be based on merit and suitability in all respects."

53. The Cabinet Secretariat (Department of Personnel), to whom the matter was referred for stating the considerations that lead to the omission of words "*with due regard to seniority*" in the new Regulations 5(4), stated on 16-3-1972, as under:

"Even at the time of the drafting of the Indian Administrative Service (Appointment by Promotion) Regulations and the discussion of the Draft Regulations in the Chief Secretaries' Conference held in 1954, the view adopted by the Ministry of Home Affairs (which was accepted by all the participants in the Conference) was that for selection, merit must be the primary consideration, seniority being brought into the picture only when merit was equal."

The matter was reviewed in 1968 and it was noted that gradually the original emphasis on merit was being diluted and that selections were being made on the basis of seniority, by simply weeding out unsuitable officers. Accordingly, the State Governments were addressed in October, 1968.

In this letter, it was mentioned *inter alia* that in order to make the process of selection more purposeful and positive, the Government of India were of the view that the emphasis on merit and suitability should be made more positive, seniority being a factor to be taken into consideration only when merit between two officers was found comparable. It was, therefore, proposed that the relevant sub-regulations should be amended, so as to read as under:—

"The selection for inclusion in such list shall be based on merit and suitability in all respects. Seniority will be taken into account only where merit between two or more officers is found comparable."

On being consulted about the proposed amendment, the Union Public Service Commission expressed the view that if the procedure followed in the Central Services in making selection of officers on the basis of classification was not intended to be followed, the proposed amendment would not achieve the purpose that emphasis on merit should be more prominently high-lighted in making a selection for the two All India Services. They suggested that if the intension of Government was that a still greater element of selection should be imported into the considerations of the cases of the members of the State Services for promotion to the corresponding All India Services, the only effective way would be to grade the eligible officers on the lines laid down in the cases of members of the Central Services. The Commission further expressed the view that the second sentence of the proposed amendment, in lieu of the then existing phrase "with due regard to seniority", could by itself achieve no purpose and suggested that that sentence might be omitted. The advice of the Commission was taken to mean that all references to the criterion of seniority should be omitted and this was accordingly done.

On a further examination of the matter, in consultation with the Ministry of Law, it has been found that the deletion of the reference to the criterion of seniority was not appropriate and that the concept should be suitably reintre-

duced. There should be no objection to seniority being the deciding factor in a case in which merit is equal or balanced. This administrative principle has been accepted by courts of law also.

Now that the phrase has actually been omitted from the relevant regulation, the question is of its reintroduction either as it was before the deletion or in a suitable form reflecting the intention in a clearer way. This matter is under examination in consultation with the Ministry of Law."

54. The Cabinet Secretariat (Department of Personnel) were further requested to state whether any final decision had been taken in this matter. They have, on 7th March 1973, stated as under:

"The question of re-introducing the reference to the criteria of seniority for purposes of selection in a suitable form was being examined, in consultation with the Ministry of Law and Justice. After consultation with the Union Public Service Commission, drafts of the amendments are now being got vetted by the Legislative Department and on receipt of the vetted drafts, we will be addressing the State Governments for their comments on the amendments proposed to be made in the Promotion Regulations, such consultation being necessary under sub-section (1) of Section 3 of the All India Services Act, 1951, (61 of 1951). It will take some more time before a final decision is taken on the proposal to amend the Promotion Regulations."

55. The Committee are glad to note that the above Regulations have since been amended suitably (vide G.S.R. Nos. 477-E and 478-E of 1973, dated 24th October, 1973).

VII

THE DRUGS (PRICES CONTROL) SECOND AMENDMENT ORDER, 1970 (S.O. 2802A OF 1970)

56. Paragraph 25 of the Drugs (Prices Control) Order, 1970 as inserted by the above Amendment Order reads as follows:—

"25. Power to exempt.—(1) The Central Government may, having regard to the factors mentioned in sub-paragraph (2) and subject to such conditions, if any, as it may specify, by order in the Official Gazette, exempt any drug manufacturing unit or a class of such units from the operation of all or any of the provisions of this order and may, as often as may be revoke or modify such order.

(2) While granting the exemption under sub-paragraph (1), the Central Government shall have regard to all or any of the following factors relating to the drugs manufacturing unit or a class of such units, namely:—

- (i) number of workers employed;
- (ii) amount of capital invested;
- (iii) range and type of product manufactured; and
- (iv) annual turn-over."

57. The Ministry of Petroleum and Chemicals were requested to state whether any procedure or other safeguard have been evolved to ensure that the Central Government's power to exempt any individual drug manufacturing unit as contradistinguished from a class of units did not result in favoured or discriminatory treatment.

58. In their reply, the Ministry of Petroleum and Chemicals have stated as under:—

"Para 25 was inserted in the Drugs (Prices Control) Order, 1970 with a view to exempt the small units from the provisions of the Drugs (Price Control) Order, 1970. According to this para, Government have issued three orders dated the 30th July, 1970, 11th September, 1970 and 1st April, 1971, (See Appendix VI). It will be seen therefrom that Government have exempted only the small scale units from the operation of the provisions of the Drugs (Prices Control) Order, 1970.

It is felt that it should be open to Government to exempt any drug manufacturing unit or a class of such units having regard to (i) to (iv) of sub-para 2 of para 25, which are treated as safeguards. Further-more, the exemptions granted by virtue of the three notifications issued pertain to small scale units only. In the circumstances, this Ministry are of the view that safeguards against misuse of power by Government are adequate."

59. The Committee heard the views of the representatives of the Ministry of Petroleum and Chemicals at their sitting held on the 4th October, 1973. While explaining the reasons for making provision for giving exemption to "any drug manufacturing unit" the representative of the Ministry said that Government's powers in this regard were sufficiently circumscribed by criteria laid down in sub-para 2. No individual drug manufacturing company had in fact

been exempted. In all the three cases of exemption it was only the class of companies that were exempted. There were a number of complaints about pricing, raw material and dominance of foreign companies etc. So Government wanted to keep some control with them so as to deal with the situation as it arises. However, he hoped that Government will not have to exempt any individual drug manufacturing unit.

60. The Committee note with satisfaction that no individual drug manufacturing unit has in fact been exempted from the application of the Drugs (Prices Control) Order, 1970. In all the three cases, in which exemptions have been made so far, it is only a class of drug manufacturing units, which has been exempted. The Committee, however, feel that under the Order as worded, the possibility of discrimination between drug manufacturing units similarly placed cannot be ruled out.

61. To obviate such a possibility, the Committee would like the Ministry of Petroleum and Chemicals to omit the words "any drug manufacturing unit or" from para 25(1) of the above Order.

VIII

RELAXATION PROVISION IN RECRUITMENT RULES RELATING TO GAZETTED POSTS

62. The relaxation provision in the following Recruitment Rules did not conform to the normal provisions in recruitment Rules relating to Gazetted Posts which provides that where the Central Government is of opinion it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons:—

1. Central Cattle Breeding Farm Gazetted Class II (Veterinary Officer) Recruitment Rules, 1970 (G.S.R. 252 of 1970).
2. Assistant Director (Publicity) Central Water and Power Commission (Water Wing) Recruitment Rules, 1970 (G.S.R. 2052 of 1970).
3. Central Bureau of Investigation (Class I and Class II posts in the Technical Division) Recruitment Rules, 1970 (G.S.R. 1872 of 1970).
4. Directorate General Ordnance Factories (Deputy Assistant Director General Medical) Recruitment Rules, 1970 (S.R.O. 366 of 1970).

5. Deputy Director (Purchase) Badarpur Thermal Power Project, Central Water and Power Commission (Power Wing) Recruitment Rules, 1970 (G.S.R. 1960 of 1970).

6. National Buildings Organisation (Class I and Class II posts) Recruitment Rules, 1968 (G.S.R. 1204 of 1968).

7. All India Institute of Hygiene and Public Health Calcutta (Professor of Biochemistry and Nutrition—Class I posts) Recruitment Rules, 1970 (G.S.R. 1281 of 1970).

8. Central Bureau of Investigation (Technical Adviser—Accounts and Income tax) Recruitment Rules, 1970 (G.S.R. 1854 of 1970).

9. Directorate of National Sample Survey (Accounts-cum-Administrative Officer) Recruitment Rules, 1970 (G.S.R. 1914 of 1970).

10. Indo-Norwegian Project (Class I and Class II posts) Recruitment Rules, 1970 (G.S.R. 1067 of 1971).

63. The Committee note with satisfaction that on being pointed out the Ministries/Departments concerned have since amended the Rules in question to rectify the mistake (Vide col. 5 of Appendix VII).

64. The Committee feel that provision for consultation with the Union Public Service Commission is an important check against the possible abuse of power vested in the Central Government by relaxation rules. Similarly, the use of words "with respect to any class or category of persons" in the relaxation clause is also necessary to obviate the possibility of discrimination among persons similarly placed by making the benefits of relaxation available to all persons coming in the same category or class.

65. The Committee note that in pursuance of their earlier recommendation made in para 83 of Fifth Report (Fifth Lok Sabha), the Department of Personnel have already issued instructions on 14-5-1973 to all Ministries/Departments to review the recruitment rules for Class I and II posts to ensure that the relaxation clause carries a provision for consultation with the Union Public Service Commission, wherever necessary.

66. The Committee desire the Department of Personnel to issue general instructions on the same lines to all Ministries/Departments in so far as the use of words "with respect to any class or category of persons" in the relaxation clause is concerned, so that the possibility of discrimination among persons similarly placed is obviated.

IX

**THE GENERAL PROVIDENT FUND (CENTRAL SERVICES)
SECOND AMENDMENT RULES, 1970 (S. O. 1409 of 1970).**

67. Sub-rule 3 of Rule 16 of the General Provident Fund (Central Services) Rules, 1960 substituted by the above S. O. provides as under:—

“(3) A subscriber who has been permitted under clause (d), Clause (e) or Clause (f) of sub-rule (1) of rule 15 to withdraw money from the amount standing to his credit in the Fund, shall not part with the possession of the house so built or acquired or house-site so purchased, by way of sale, mortgage (other than mortgage to the President) or gift, without the previous permission of the President. He shall also not part with the possession of such house or house-site by way of exchange or lease for a term exceeding three years, without the previous permission of the sanctioning authority. The subscriber shall submit a declaration not later than the 31st day of December, of every year to the effect that the house or, as the case may be, the house-site continues to be in his possession and shall, if so required, produce before the sanctioning authority on or before the date specified by that authority in that behalf, the original sale deed and other documents on which his title to the property is based.

If at any time before retirement, he parts with the possession of the house or house-site without obtaining the previous permission of the President or sanctioning authority, as the case may be, the sum withdrawn by him shall forthwith be repaid in one lump sum together with interest thereon at the rate determined under rule 11, by the subscriber to the Fund and in default of such repayment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments, as may be determined by the President.”

68. The Ministry of Finance were requested to state the considerations for placing a restriction on the subscriber to sell/mortgage/gift the house built by him with the money withdrawn from the Provident Fund till the date of retirement. They were also requested to state whether they had any objection to provide for the service of a show-cause notice to the subscriber before an order for recovery of the relevant amount together with interest thereon, was issued by the sanctioning authority under the Rule, *ibid*.

69. In their reply, the Ministry of Finance have *inter alia* stated as under :—

“When the General Provident Fund (Civil Services) Rules which preceded the G. P. F. (Central Services) Rules, 1960 were in force, withdrawals for the purpose of house building were regulated by means of orders contained in Office Memoranda the provisions of which had not been formally incorporated in those rules. Under those orders a subscriber who made withdrawals from his Provident Fund account for building a house had to furnish a declaration every year that the house continued to be in his possession and that he had not parted with it by way of sale|mortgage|exchange etc. without the previous approval of the sanctioning authority. The above condition under which a subscriber was required to furnish a declaration regarding the continued possession by him of the house built from withdrawal was reviewed in 1959 and it was decided to do away with it. This decision was taken on the basis of a greater trust in the integrity and honesty of the Government employees and with a view to simplify the existing provisions relating to the Provident Fund Rules. As a result, when G.P.F. (Central Services) Rules, 1960 were issued codifying and simplifying the existing rules and instructions, rule 16 did not include any such condition. Later on in 1965 the Comptroller and Auditor General pointed out that although a deliberate decision had been taken to dispense with the unnecessary conditions which existed prior to promulgation of the 1960 Rules with a view to simplifying the Rules, the removal of the condition regarding declaration to be submitted by a subscriber that he continued to be the sole owner of the property built by withdrawal from the G. P. F. had the effect of allowing a loophole to the subscribers to fritter away their provident funds monies in an indirect way and that there might be cases where the subscriber while still in service sells/ mortgages or otherwise disposes of the house built/purchases with money withdrawn from the provident fund and spends the money so realised on the purposes not covered by the Rules. Since such a situation was considered to be against the basic principles and purposes of the Provident Fund, there restriction referred to above was introduced by insertion of sub-rule (3) of rule 16 in substitution of an earlier sub-rule (3) which was renumbered as sub-rule (4). Later on, the sub-rule was amended in April, 1970 to provide that the permission under the rule to sell/mortgage and gift could be given only by the Pre-

sident as it was found that it was not practicable to lay down guidelines for the exercise of this power by the authorities sanctioning the withdrawals.

The above provision has since been reviewed and the conclusion reached is that the reasons for which the above restriction was imposed still hold good. This Ministry have, however, no objection to the rule being amended so as to provide for the house being leased for any period in excess of three years as provided in the existing rule, or its being mortgaged in favour of a Housing Board, L. I. C. or other Government bodies which advance loans for making addition etc. without obtaining permission and also to provide for the service of a show-cause notice to the subscriber before an order of recovery of the amount is issued by the sanctioning authority. The rule as it now stands after its amendment by this Ministry's Notification No. 2 (2)-E. V. (B)/71 dated 26. 7. 1972 does not provide for recovery of interest."

70. The Committee note with satisfaction that the Ministry of Finance (Department of Expenditure) have no objection to the rule being amended so as to provide therein for the house being leased for any period in excess of three years as provided in the existing rule, or its being mortgaged in favour of Housing Board, L. I. C. or other Government bodies which advance loans for making addition etc. without obtaining permission and also to provide for the service of a show-cause notice to the subscriber before an order of recovery of the amount is issued by the sanctioning authority. The Committee desire the Ministry to take early steps to amend the rules accordingly.

X

THE PETROLEUM (SECOND AMENDMENT) RULES, 1970 (G. S. R. 519 of 1970).

(A)

71. Sub-rule (3) of Rule 115 of the petroleum Rules, 1937, as substituted by the Petroleum (Second Amendment) Rules, 1970 reads as under:

"(3) Where the licensing authority is the Chief Inspector or the Senior Inspector or an Inspector of Explosives, an applicant for a new licence may apply to the District Authority for a certificate to the effect that there is no objection to the applicant receiving a licence for the site proposed and the District Authority shall, if he sees no objection, grant such certificate to the applicant who may

forward it to the Chief Inspector or the Senior Inspector or an Inspector of Explosives as the case may be with his application in Form D. The no objection certificate so granted shall be liable to be cancelled or withdrawn by the District Authority or the State Government, if the District Authority or the State Government is satisfied that the licensee has ceased to have any right to use the site for storing petroleum or that the licensee is unable to meet satisfactorily from the petroleum storage site the normal day-to-day requirements of the area."

72. There was no indication in the rule that before a 'no objection certificate' is cancelled or withdrawn, the aggrieved party would be given a reasonable opportunity of being heard.

73. The Committee note with satisfaction that on being pointed out, the Ministry of Industrial Development have amended rule 115(3), *ibid*, to the effect that the aggrieved party will be given an opportunity of being heard, before a 'no objection certificate' is cancelled or withdrawn (vide G.S.R. 176-E of 1973, dated 14th March, 1973).

(B)

74. Rule 121(4) of the Petroleum Rules, 1937 provided that "a copy of the order containing the reasons for the suspension or cancellation of a licence shall be given to the holder of the licence on payment of fee of two rupees".

There is no express authorisation in the Petroleum Act, 1934, under which the rules have been made, for levying of such a fee.

75. The Committee note with satisfaction that on being pointed out, the Ministry of Industrial Development have since omitted the words "on payment of fee of two rupees" from the above rule (vide G.S.R. 170-E of 1973, dated 14th March, 1973).

XI

GIVING OF RETROSPECTIVE EFFECT TO THE CENTRAL ENGINEERING SERVICE (ROADS) CLASS I RECRUITMENT (AMENDMENT) RULES, 1966.

76. In para 10 of their Second Report (Fourth Lok Sabha), the Committee on Subordinate Legislation had recommended as follows:—

"The Ministries/Departments should take appropriate steps to ensure the publication of rules before they come into force. However, if, in any particular case, the rules have to be given retrospective effect in view of any unavoidable circumstances, a clarification should be given, either by way of an explanation in the rules or in the form of a foot-

note to the relevant rules to the effect that no one will be adversely affected as a result of retrospective effect being given to such rules."

77. At their sitting held on the 28th April, 1970, the Committee on Subordinate Legislation considered the letter dated the 26th April, 1970 received from late Shri N. C. Chatterjee, ex-M.P. regarding giving of retrospective effect to rules in respect of conditions of service of some executive engineers in the Ministry of Shipping and Transport and thus not implementing the above recommendations of the Committee. The Committee desired that matter be taken up with the Ministry.

78. In their reply, dated 18th December, 1970, the Ministry of Shipping and Transport (Road Wing) stated as under:—

"Between 1962 and 1966 this Ministry had been obliged to recruit through interview by the Union Public Service Commission a considerable number of officers in the grades of Chief Engineers, Superintending Engineers, Executive Engineers and Assistant Executive Engineers on account of the emergent work in connection with IDA projects. The Central Engineering Service (Roads) Class I Rules then prevalent did not specifically provide for such recruitment by interview except perhaps to some extent in certain circumstances in case of Executive Engineers. An amendment of the Rules had been made in August, 1966, providing for recruitment through interview by the Union Public Service Commission. Government had appointed a Committee under the Chairmanship of Shri Kolet, consisting of a representative of the Ministry of Home Affairs and Deputy Secretary (Internal Finance) besides himself, which had given its report sometime ago. After studying this Report this Ministry formulated certain proposals indicating alternative courses of action in order of this Ministry's preference. Thereafter the Ministry of Home Affairs has raised various questions from time to time for the advice of the Ministry of Law, which also had been sought and provided to it. The question of giving retrospective effect to the amendment of 1966 in accordance with the recommendations of Shri Kolet has also been included in the proposals made to the Ministry of Home Affairs. The matter is under examination and a decision has yet to be taken after considering all points of view.

It will be seen from the above that no retrospective amendment of the Central Engineering Service (Roads) Class I

Recruitment Rules, 1966, has been made, and therefore, the question of not implementing the recommendations of the Committee on Subordinate Legislation contained in para 10 of their Second Report (Fourth Lok Sabha) does not arise."

79. After pursuing the matter further, the Ministry have stated on the 14th March, 1973, as follows:

"The *inter-se* seniority case of the Class I Technical Gazetted Officers has been discussed at the meetings held at the level of the Chairman of the Union Public Service Commission. On receipt of the final advice of the Commission after these meetings, the matter was examined further in consultation with the Department of Personnel, who have also indicated their final views in the matter. We have however, so far not been able to arrive at a decision on the question of retrospective effect to the amendment dated 2nd August, 1966 to the Central Engineering Service (Roads) Class I Recruitment Rules. We expect to arrive at a decision shortly when a further communication will follow."

80. Finally on further pursuing, the Ministry of Shipping and Transport (Roads Wing) have informed on 28th March, 1973, as follows:—

"We have since taken a decision in the matter, and we do not propose to give retrospective effect to the amendment issued on 2nd August 1966 to the Central Engineering Service (Roads) Class I Recruitment Rules, 1959."

81. The Committee are glad to note that the Ministry of Shipping and Transport (Roads Wing) have agreed not to give retrospective effect to the above rules.

XII

THE CENTRAL SECRETARIAT STENOGRAPHERS SERVICE (SECOND AMENDMENT) RULES, 1970 (G.S.R. 1085 of 1970)

82. New Clause (iii) of sub-rule (5) of Rule 19 of the Central Secretariat Stenographers Service Rules, 1969, as inserted by the aforesaid G.S.R. reads as under:—

"Notwithstanding any thing contained in clause (i) and (ii) above, the seniority of persons falling in the category specified in clause (c) of the first proviso to sub-para-

graph (1) of paragraph 2 of the Fifth Schedule shall be such as may be determined by the Central Government in the Ministry of Home Affairs in consultation with the Commission."

83. The Cabinet Secretariat (Department of Personnel and Administrative Reforms to whom the matter was referred for stating reasons for not laying down the principles for determining seniority of persons falling under clause (iii), *ibid*, in the rules itself, have stated as follows:—

"There are above 25 isolated posts of Hindi Stenographers in the various Ministries/Departments. On a recommendation from the Hindi Salahkar Samiti that the Hindi Stenographers should be included in the cadre of English Stenographers (Grade II), the question was examined in consultation with the Union Public Service Commission and it has been decided to induct the Hindi Stenographers recruited before 23rd March, 1968 in Grade II of the Central Secretariat Stenographers Service subject to their qualifying in an examination to be held by the Union Public Service Commission. The Central Secretariat Stenographers Service Rules, 1969, were amended accordingly vide Ministry of Home Affairs' No. 16/3/70-C.S. II, dated the 17th July, 1970. It has been decided in consultation with the Union Public Service Commission that the seniority of the Hindi Stenographers should be fixed in the following manner:

I. Hindi Stenographers who had passed the test held by the Union Public Service Commission in Hindi Stenography in 1963.

Out of the total of about 21 Hindi Stenographers whose induction is under consideration, 10 had qualified in the Hindi Stenography test held by the Union Public Service Commission in August, 1963, the results of which were announced in November, 1963, itself. The results of 1963 Examination for English Stenographers held in May, 1963, were announced in 1964 only. The 10 qualified Hindi Stenographers of the 1963 examination would, subject to their qualifying examination to be held by the Union Public Service Commission, be placed en-block senior to the qualified English Stenographers of the 1963 Examination. The seniority of these Hindi Stenographers *inter se* would be fixed with reference to their dates of continuous appointment in their respective cadres.

II. *Other Hindi Stenographers*.—The seniority of the remaining Hindi Stenographers will be fixed with reference to the year of the examination in which they would now qualify in both stenography test and the written paper in Hindi. Their relative seniority *vis-a-vis* the English Stenographers would be fixed with reference to the dates of declaration of the results of the two examinations. The seniority of Hindi Stenographers *inter se* would again be fixed with reference to the relative dates of their continuous appointments in their respective cadres on which they are borne.

The induction of the Hindi Stenographers in Grade II of the Central Secretariat Stenographers' Service is not a recurring feature and therefore it has been provided that the seniority of such officers in Grade II would be such as may be determined by the Central Government in consultation with the Union Public Service Commission. It is not considered necessary to spell out the principles, which are only of a transitory nature, in the Central Secretariat Stenographers Service Rules, 1969, itself. It may be stated in this connection that it is not unusual to make such a provision in the Rules. In fact, in rule 19 of the Central Secretariat Stenographers' Service Rules, 1969, under the heading 'III—Grade III', in clause (iii), it has been provided that the seniority of officers appointed to Grade III under proviso to sub-rule (1) of rule 14 shall be such as may be determined by the Central Government in the Department of Personnel."

84. The Committee are of the opinion that principles of determining seniority, being an essential ingredient, should normally be laid down in the Recruitment Rules. The Committee are, however, satisfied with the explanation given by the Department of Personnel and Administrative Reforms for the exception made under the above amendment rules as it applies only to certain isolated posts of Hindi Stenographers which are required to be inducted in Grade II of the Central Secretariat Stenographers Service.

XIII

THE LIFE-BOATMAN'S (QUALIFICATIONS AND CERTIFICATES) AMENDMENT RULES, 1970 (G.S.R. 611 OF 1970)

(A)

85. In the preamble to the above rules, it was stated that draft rules were published in the Gazette, dated the 19th July, 1969 and

objections/suggestions were invited from the persons likely to be affected thereby by the 1st August, 1969.

86. Considering the fact that some time must elapse before copies of the Gazette were available distant ports, the period actually allowed to the persons concerned for making suggestions/raising objections worked out to even less than 12 days. In this connection, attention of the Ministry was invited to the following recommendation of the Committee on Subordinate Legislation contained in para 31 of their Sixth Report (First Lok Sabha):

"The Committee feel that when the Acts give a right to the public to send their comments on certain draft rules, it is only reasonable that sufficient time should be given to them to study the draft rules and send their comments before they are finalised. The Committee are of the opinion that a period of not less than 30 clear days, exclusive of the time taken in publishing the draft rules in the Gazette and the despatching the Gazette copies to various parts of the country, should be given to the public to send their comments on such draft rules."

87. The Ministry of Shipping and Transport (Transport Wing), to whom the matter was referred have stated as follows:—

"It was not the intention of this Ministry to give only 12 days time to the persons likely to be affected to make their objections/suggestions. The draft rules were actually finalised and issued to the Press for publication in the Gazette of India in June, 1969, itself. Unfortunately, the publication was delayed and the draft rules were actually published on 19-7-1969 in the Gazette of India. This resulted in the reduction of the period available to the persons for sending their objections/suggestions. In order to avoid such incidents in future, it is proposed to indicate in the draft rules that the rules would be taken into consideration, 30 days after the date of their publication in the Gazette of India."

88. In another case viz., the Motor Vehicles Third Party Insurance) Amendment Rules, 1971 (S.O. 599 of 1972), the Committee not being satisfied with the explanation of the representatives of the Ministry of Shipping and Transport (Transport Wing) and Works

and Housing, recommended in para 17 of their Fifth Report (Fifth Lok Sabha) as follows:—

“The Committee also desire that whenever Ministries/ Departments want their notification containing rules, regulations, etc. to be published by a particular date, they should send them to the Press alongwith a covering letter indicating therein the date by which they want them to be published. In case the Government Press do not find it possible to publish them by that date, they should inform the concerned Ministry/Department accordingly.”

89. The Committee reiterate their above recommendation and desire the Ministries/Department to strictly follow it in future so that the period of 30 days allowed to the persons concerned for making suggestions/raising objections is in no case reduced due to delay in the publication of the draft rules by the Press.

90. The Committee further desire that while inviting suggestions/objections from the persons concerned on draft rules, the Ministries/Departments should instead of specifying a particular date, indicate in the preamble to the draft rules that they would be taken into consideration 30 days after their publication in the Gazette. The Committee feel that this would avoid reduction of the period available to the public due to delay in publication of the draft rules in the Gazette.

(B)

91. Under rule 6 of the Life-boatmen's (Qualifications and Certificates) Rules, 1963, as amended by the amendment under examination an examination fee of Rs. 5/- was levied without any specific provision in the parent Act.

92. The Ministry of Shipping and Transport (Transport Wing), to whom the matter was referred have stated as follows:—

“This Ministry after consulting the Ministry of Law in the matter have decided to amend rule 6 of the Life-boatmen's (Qualifications and Certificates) Rules, 1963, by deleting, the words ‘an examination fee of Rupees five only and’ in rule 6, so as to avoid any possible legal complications.”

93. The Committee are glad to note that the Ministry of Shipping and Transport (Transport Wing) have decided to omit the provision for an examination fee of Rs. 5/- from rule 6, *ibid*. They desire the Ministry to amend the rules at an early date.

XIV

THE BADARPUR THERMAL POWER PROJECT, CENTRAL WATER AND POWER COMMISSION (POWER WING) CLASS III AND CLASS IV (SECURITY) POSTS RECRUITMENT RULES, 1970 (G.S.R. 671 OF 1970).

94. Normally clause 4 of the recruitment rules, i.e. method of recruitment, age-limit, qualifications, etc. has the following proviso:

“Provided that the upper age-limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time.”

The Badarpur Thermal Power Project, Central Water and Power Commission (Power Wing) Class III and Class IV (Security) Posts Recruitment Rules, 1970, did not have the proviso on the above lines.

95. The Committee note with satisfaction that on being pointed out the Ministry of Irrigation and Power have since amended the above rules and the usual provision for relaxation of upper age limit in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and other special categories of persons has been made therein (vide G.S.R. 1668 of 1972, dated 2-9-1972).

XV

IMPLEMENTATION OF RECOMMENDATIONS

(1) *Giving of retrospective effect to Rules framed under the proviso to Article 309 of the Constitution (Para 51 of Seventh Report—Fourth Lok Sabha)*

96. The Committee on Subordinate Legislation had made the following recommendation in para 10 of their Second Report (Fourth Lok Sabha:—

“The Committee are not satisfied with the explanation of the Ministries concerned and are of the view that normally all rules should be published before the date of their enforcement or they should be enforced from the date of their publication. The Ministries/Departments should take appropriate steps to ensure the publication of rules before they come into force. However, if, in any particular case, the rules have to be given retrospective effect in

view of any unavoidable circumstances, a clarification should be given either by way of an explanation in the rules or in the form of a foot-note to the relevant rules to the effect that no one will be adversely affected as a result of retrospective effect being given to such rules."

The above recommendation was reiterated by the Committee in para 32 of their Fourth Report (Fourth Lok Sabha) and para 22 of Fifth Report (Fourth Lok Sabha). The recommendation was implemented vide D.P.A. circular dated 13-5-1969.

97. In para 51 of their Seventh Report (Fourth Lok Sabha), the Committee had desired the Ministry of Home Affairs to examine in consultation with the Ministry of Law, whether retrospective effect to certain 'Orders' listed in para 48 of the Report, had been given under due legal authority. Out of the 11 'Orders' mentioned in para 48, eight had been issued under the proviso to Article 309.

98. The Department of Parliamentary Affairs in their Office Memorandum dated the 28th January, 1971, *inter alia*, stated as under:

".....On the question of making retrospective amendment to Rules, the Ministry of Law have since given the following advice:

"The position in law regarding the framing of rules under the proviso to Article 309 of the Constitution with retrospective effect altering the conditions of service of a Government servant to his disadvantage is that no Government servant has any fundamental or other right to be governed by the same conditions of service offered to him at the time of his appointment, save as otherwise provided in the Constitution itself (e.g. Article 314) or any law enacted thereunder. It is clear that the *scope of the proviso to Article 309 is co-extensive with that of the main provision in the Article*, so that the President or the Governor of a State acting under the proviso is competent to make rules containing the same regulating provisions as Parliament or a State Legislature might have made by Legislation, and that the rules so made can be given retrospective effect. Further, the legal position of a Government servant is more one of status than of contract. Once appointed to his post or office, a Government servant acquires a status and his rights and obligations are no longer determined by consent of

parties, but by a statute or statutory rules which may be framed and altered unilaterally by the Government. It follows that the rules can be made under the Proviso to Article 309 of the Constitution with retrospective effect altering the conditions of service of Government servants to their detriment or disadvantage, and so long as they do not infringe other constitutional requirements, no legal objection can be taken to the Rules on the ground that they prejudicially affect the existing rights.'

Keeping in view the legal position stated above, viz., there is no legal objection to the framing of Rules with retrospective effect, even if the Rules affect existing rights, the Department of Personnel have observed that it does not seem necessary to indicate in the explanatory memorandum that the interests of no one are prejudicially affected by reason of retrospective operation of the Rules. (Of course, in cases where retrospective application of the Rules infringes constitutional requirements other than those under the proviso to Article 309 of the Constitution, Government would not give retrospective effect to the Rules, as such Rules would be liable to be impeached on constitutional grounds).

As for publication of the explanatory memorandum alongwith the rules, in the Gazette, it is for consideration whether publication of any such memorandum may not create legal difficulties and whether the requirement would not be met if, instead of publishing the explanatory memorandum with the Rules which have retrospective effect, an explanatory memorandum is furnished to the Committee. The Committee can come to its own conclusions whether in the circumstances of the particular case of retrospective effect was justified. In any case, the Committee on Subordinate Legislation would have an opportunity to go into the merits of each case and seek further clarification, if need be, in justification of the action taken by the administrative authorities."

89. The Department of Parliamentary Affairs was requested to state the nature of legal difficulties mentioned in their above Memorandum, which were likely to arise as a result of the publication of the explanatory memorandum in the Gazette alongwith the Rules.

100. In their reply, the Department of Parliamentary Affairs have forwarded the following explanation of the Department of Personnel:—

"In O.M. No. F.32-1/60R&C dated the 28th January, 1971 the advice of the Ministry of Law that there is no legal objection to framing of rules with retrospective effect even if such rules affected the existing rights of various Government employees, provided that such retrospective amendments do not infringe other constitutional rights of the individuals concerned, has already been brought to the notice of the Lok Sabha Secretariat. Therefore, an explanatory memorandum published alongwith the statutory rule to the effect that the interests of no one are prejudicially affected by the retrospective operation of the rule, might give the impression that Government do not have a legal right to make rules with retrospective effect, if they affect adversely, even to a little extent, the interests of any particular individuals. While the concern of the Committee on Subordinate Legislation, that Government should not amend retrospectively, if it affected adversely the interests of anyone, is certainly appreciated, it would perhaps not be correct to give an impression that Government do not have a right to do so."

While one of the legal difficulties that might crop up is the one indicated in the preceding paragraph, there are also other difficulties which are to be borne in mind. For example, while Government may be quite satisfied that the interests of no one would be adversely affected by the retrospective amendment of a rule, any explanatory memorandum to this effect would perhaps not be desirable, because there might be individuals who might either justifiably or otherwise take the view that the amendment in question adversely affects their interests. There might also be cases where the Government might be quite satisfied that in the larger public interest an amendment with retrospective effect is very necessary. Since it might affect some Government servants adversely, it would not be possible to give a memorandum. The alternative would be that either an essential amendment if needed in the public interest is not made on the memorandum is not given. Either of the two courses would hardly be desirable."

101. The Committee note that so far Government had accepted and also acted according to the recommendations regarding avoidance of retrospective effect to Rules, Regulations, etc., and to give explanatory notes in cases where retrospective effect to Rules was unavoidable (vide para 10 of Second Report-Fourth Lok Sabha, para 32 of Fourth Report-Fourth Lok Sabha and para 22 of Fifth Report-Fourth Lok Sabha).

102. The Committee had recommended avoidance of giving retrospective effect to the rules and giving explanatory note that no one would be affected adversely, not because of legal necessity but because of propriety and check on abuse of power. The Committee feel that once the propriety of not issuing the Rules retrospectively is accepted, it does seem necessary to indicate in the explanatory note that the interests of no one are prejudicially affected by retrospective effect. There should also be no objection to publication of the explanatory note in the Gazette as it would go to prove that there is no mala fide.

103. The Committee, therefore, reiterate their earlier recommendation made in para 10 of their Second Report (Fourth Lok Sabha).

(ii) *New application form for telephone connections under Rule 414 of the Indian Telegraph Rules, 1951 (Para 17 of First Report-Fifth Lok Sabha).*

104. In para 17 of their First Report (Fifth Lok Sabha), the Committee on Subordinate Legislation, had recommended as follows:

"The Committee note that while rule 414 of the Indian Telegraph Rules, 1951, authorises the Telegraph Authority to introduce a new application form, it does not confer on that authority any power to levy a charge therefor. The Committee are of the opinion that for charging the amount of Rs. 10/- per application form, there should have been an express provision in the Rules, backed by an express authorisation in the parent law. The P&T Board have not indicated any provision in the Act from which the power to make the above charge flows. The Committee feel that if the Department of P. & T., want to continue the above charge, the proper course for them is not only to amend the Rules to the necessary effect but also to ensure that an express authorisation for its levy is available in the parent law."

105. While accepting the above recommendation, the Minister of Communications (Shri H. N. Bahuguna), in his letter addressed to

the Chairman of the Committee on Subordinate Legislation has stated as under:—

“The Committee on Subordinate Legislation had in their first report presented on 10th August, 1971, while adversely commenting upon our levying of fee of Rs. 10/- for the new prescribed form of application for a new telephone connection, had advised that the Indian Telegraph Act as well as the supporting Subordinate Legislation might be suitably amended to cover the lacuna pointed out by the Committee. In accordance with the guidance given by the Committee, the Ministry of Law had prepared for us a draft Bill to amend the Indian Telegraph Act for this purpose. I, however, find that the Indian Telegraph Act requires some other important amendments also which are being processed in the various Sections of this Ministry. It will not perhaps be desirable to introduce piecemeal legislation in this respect and as such I have given instructions that all the required amendments of the Indian Telegraph Act may be consolidated and finalised as early as possible. The desired amendment relating to assuming of a specific power for levy of a fee for application for a new telephone connection will be made part of the general amendment indicated above which is proposed to be brought up before the Parliament some time in 1974.”

106. The Committee note the assurance given by the Minister of Communications that the Indian Telegraph Act will be amended to implement the recommendation and the amending Bill will be brought up before Parliament some time in 1974 along with some other important amendments to the Act. The Committee, however, desire the Ministry to discontinue the levy of Rs. 10.00 per application form till such time an express authorisation for the same is made in the principal Act.

(iii) *The engineering supervisors (recruitment and training) amendment Rules, 1969 (G.S.R. 36 of 1970) (Para 14 of Third Report-Fifth Lok Sabha).*

107. In para 14 of their Third Report (Fifth Lok Sabha), the Committee on Subordinate Legislation, *inter alia*, observed as follows:—

“The Committee note that the authorities had appointed to the post of Engineering Supervisors a person who did not have the prescribed educational qualifications and,

later on to regularise the irregularity, introduced the relaxation rule with retrospective effect. They are strongly of the view that the relaxation rule should not be used as an instrument of favouring individuals. They need hardly point out that under the Rule, as worded, the relaxation to be made by Government is to relate to classes or categories of persons as contradistinguished from individuals. The Committee feel the need for safeguards to ensure that the powers of relaxation vested in Government are not abused."

108. In their reply, the Indian Posts and Telegraphs Department have stated as follows:—

"The Committee have observed that the newly inserted rule 'Power to relax' has been used as an instrument for favouring individuals and have mainly referred to two points in Paras 9—14, viz. (i) irregular appointment of a candidate who did not have the prescribed educational qualifications and (ii) under the rule about 'Power to relax' the relaxation to be made by the Government is to relate to classes or categories of persons as contradistinguished from individuals.

In so far as item No. (i) is concerned it may be stated that the candidate was a Science Graduate but he did not have the prescribed subjects in the degree examination. This aspect appears to have been lost sight of by the staff under the Postmaster General concerned and on the basis of percentage of marks the candidate who incidentally belonged to Scheduled Castes communities, had been selected. As would be seen from the concluding portion of Posts and Telegraphs Department office note dated 9-10-1969 (Appendix VIII) that it had been enquired from the Ministry of Law as to whether there would be any legal implications in not appointing the said candidate after imparting him theoretical training for ten months during which he was paid the usual stipend admissible to him. The Ministry of Law in their advice dated 13-10-69 (Appendix VIII) had of their own accord advised the Department that the appointment of the candidate should be regularised as the case of the P&T Department was weak and it would be difficult to sustain the position in the court of law. It will thus be seen that on the specific advice of the Ministry of Law the irregular selection had to be regularised.

As regards resort to 'Power to relax' rule in an individual case attention of the Committee is invited to portion sidelined and marked 'A' in Posts and Telegraphs Department office note dated 9-10-69 wherein this particular point was raised. When the Ministry of Law in their advice dated 13-10-1969 did not attend to this point, the case was referred back to the Additional Legal Adviser to the Government of India for favour of his advice and elucidation of the point under doubt. His advice was categorical when he pointed out as under:—

"The class or persons in whose favour relaxation is being issued is those persons who have wrongly been selected even though they did not have the qualifications and who have undergone the training in theory and passed the examinations. This will be a distinct class by itself. The fact that in this instant case it is only one person should not make any difference'.

It will be seen from the extract reproduced above that the conclusion arrived at by the Committee on Subordinate Legislation is at quite variance to the legal advice tendered by the Additional Legal Adviser to the Government of India.

The Posts and Telegraphs Department could not ignore the legal advice of the Ministry of Law on these points and action of the department to regularise the selection of the candidate was in accordance with their advice. The facts given above and extracts of notes appended herewith would indicate that no favouritism has been shown to an individual, as apprehended by the Committee. It is requested that these facts may also be placed before the Committee for favour of their reconsideration.

As regards need for safeguards to ensure that powers of relaxation vested in the Government are not abused, it may be stated that all such cases are invariably considered in consultation with the Cabinet Secretariat (Department of Personnel) and the Ministry of Law and as such it is felt that the said power cannot be abused by any individual howsoever highly placed he may be."

109. After considering the matter in all its aspects, the Committee feel that in so far as regularisation of the appointment of the candidate in question is concerned, the matter may be treated as closed.

110. As regards power of the Central Government to relax rules, the Committee would like to emphasise that, if considered necessary, the rules should be relaxed prospectively and not with retrospective effect and the relaxation should invariably be in respect of a class or category of persons and not an individual.

111. The Committee desire that the Department of Personnel should issue general instructions in this regard to all Ministries/Departments to avoid recurrence of such cases in future.

(iv) *The Post Office Savings Bank (Amendment) Rules, 1969 (G.S.R. 956 of 1969) (Para 9 of Fourth Report—Fifth Lok Sabha)*

112. Rule 18(2) of the Post Office Savings Bank Rules, 1965, which was inserted by the aforesaid G.S.R., reads as follows:—

“(2) The Post Office Savings Bank shall not be liable if any fraud takes place whether by a departmental employee or by an outsider due to the failure of the depositor to ensure that the amount sought to be withdrawn is entered in the application for withdrawal before the same is presented at or sent duly signed by him to the Post Office for withdrawal.”

113. The Sub-Committee of the Committee on Subordinate Legislation (1970), which examined the aforesaid G.S.R. at their sitting held on the 19th September, 1970, desired to know the genesis of Rule 18(2).

114. In their reply, the Ministry of Finance, *inter alia*, stated as follows:—

“... a case arose where the depositor went to the court alleging less payment than that was entered in the warrant of payment on the application form for withdrawal. Actually, the depositor had left the space for the amount to be withdrawn unfilled on the withdrawal form and the amount was filled in by the post office. The Court believed the evidence of the depositor for having sought to withdraw only the amount which had been actually paid to her and not the amount shown on the withdrawal form.

When this question was referred to the Ministry of Law, they advised that to safeguard the Deptt.'s interests, the rules should be amended to provide specifically that the depositor must ensure that the amount sought to be withdrawn is entered in the application form for withdrawal and that the Department will not be liable if any fraud takes

place whether by a Departmental employee or by an outsider due to the failure of the depositor to comply with this requirement of filling in the amount to be withdrawn in the application form for withdrawal before the same is submitted duly signed by him to the Post Office for withdrawal.

It is in these circumstances that notification No. G.S.R. 956 of 1969 was issued."

115. The Committee on Subordinate Legislation, after considering the matter in detail, observed in para 9 of their Fourth Report (Fifth Lok Sabha) as under:-

"The Committee are not convinced by the reasons given by the Ministry of Finance for the introduction of sub-rule (2) of Rule 18 of the Post Office Savings Banks Rules, 1965. In their opinion, Government owes a duty to safeguard the interests of illiterate depositors who deposit their hard-earned savings with Government in good faith. The Committee desire that the sub-rule in question should be omitted, and the postal employees instructed not to accept a form which is not complete in all respects."

116. The Ministry of Finance (Department of Economic Affairs) have stated in their reply as follows:-

".....the recommendation of the Committee on Subordinate Legislation for omitting sub-Rule (2) of Rule 18 of the Post Office Savings Banks Rules, 1965, inserted by the issue of G. S. R. 956 of 1969, has been carefully considered in consultation with the DGPT. It has been mentioned that the Government owes a duty to safeguard the interests of illiterate depositors who deposit their hard-earned savings with Government in good faith and that, therefore, the postal employees should be instructed not to accept any withdrawal from which is not complete in all respects in which case there would be no need for the above mentioned rule. There are departmental instructions issued by the DGP&T to post offices whereby the officials in the post office savings bank are expected to check up the applications for withdrawal to see that they are properly filled in and signed and they are not to accept incompletely filled in withdrawal forms. The problem really arises in the cases of such depositors, particularly the illiterate depositors, who sign a blank withdrawal form or thumb

impress the same and entrust it to a messenger. As long as the messenger carries out the wishes of the depositor, there is no problem. Instances are not wanting where the messengers have filled up in the withdrawal forms specifying amounts other than those mentioned to them by the depositors. In such cases though the post office gets a completely filled-in form and are not in a position to refuse payment when the matter goes to a court of law it becomes difficult for the post office to disown liability as generally the court goes by the statement of the depositor and also the fact that the application for withdrawal was not filled-in by the depositor himself before signature (or filled-in before affixing thumb impression in presence of witnesses, in case of illiterate depositors) makes it difficult for the post office to deny the claim. This problem is likely to continue as long as the facility of withdrawals through messengers continues. It is to ensure that liability in such cases does not devolve upon the post office that it was considered necessary to frame a rule which would enjoin upon the depositors to fill up the application form completely indicating the amount proposed to be withdrawn in the application before he parts with the same. If the existing sub-rule (2) of Rule 18 of the Post Office Savings Banks Rules, 1965 is retained this will preclude the possibility of any fraudulently inclined messenger from filling in the form an amount higher than what was intended to be withdrawn by the depositor and this will act as a safeguard for both the depositor and the Government. Th's Ministry, therefore, feels that the existing sub-rule (2) of Rule 18 of the Post Office Savings Banks Rules need not be omitted as suggested by the Committee on Subordinate Legislation. The undersigned is accordingly directed to request that the position as indicated above may kindly be suitably explained to the Committee on Subordinate Legislation."

117. At their sitting held on the 4th October, 1973, the Committee heard oral evidence of the representatives of the Ministry of Finance (Department of Economic Affairs) and Posts and Telegraphs Board. During his evidence, the representative of the Ministry of Finance stated that there were standing instructions to the Post Offices not to accept application forms for withdrawal which were not complete in all respects. The Rules had been framed with the intention of safeguarding the interests of the depositors against either misfeasance on the part of the messenger or any other type of fraud. He

further stated that they had also to protect the interests of the Post Offices.

118. The representative of the P&T Board explained that in a large number of cases, illiterate depositors were being defrauded by the agents or messengers who were sent to the Post Offices to receive payment. If a blank application form was presented to the Post Offices, there were chances of fraud being committed both by an employee of the Department and by the messenger. He said that there had been 4 or 5 fraud cases where the fraud could not be proved because the applicants said they did not fill in the form but only gave their signatures on both sides of the application form. Where a fraud was proved to have been committed by a departmental employee, the post offices always paid the money to the depositor.

119. In reply to a suggestion that the instructions to the Post Offices not to accept a form which is not complete should be incorporated in the Rules, the representative of the P&T Board said that there were practical difficulties. In that case the employees could cheat people by getting the entries made by somebody else and it would be difficult to prove later on that the entries had not been made by the depositor.

120. The representative of the Ministry of Finance stated that the depositor should also be as responsible about his money and its withdrawal as the Department. The Rules ensure that so far as the depositor was concerned, he would be careful. So far as the Department was concerned, Government servants were governed by the Conduct Rules. He, however, admitted that there was a certain element of ambiguity in the Rule and to remove that ambiguity, they were prepared to delete the phrase "whether by a departmental employee or an outsider" from Rule 18(2), *ibid.*

121. On 15th October, 1973, the Ministry of Finance (Department of Economic Affairs) have forwarded the following draft amendment, deleting the words 'whether by a departmental employee or by an outsider' from rule 18 (2), *ibid.*:— ..

"The Post Office Savings Bank shall not be liable if any fraud takes place due to failure of the depositor to ensure that the amount sought to be withdrawn is entered in the application for withdrawn before the same is presented at or sent duly signed by him to the Post Office for withdrawal."

.122. The Committee approve the above draft amendment and desire the Ministry of Finance (Department of Economic Affairs) to take early steps to amend the Rules accordingly.

XVI

ACTION TAKEN BY GOVERNMENT ON OLD RECOMMENDATIONS OF, AND ASSURANCES GIVEN TO THE COMMITTEE ON SUBORDINATE LEGISLATION DURING FIRST TO FOURTH LOK SABHA.

123. The Committee note with satisfaction the action taken by government on their old recommendations made during First to Fourth Lok Sabha, as indicated in Appendix IX.

XVII

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY, AND ASSURANCES GIVEN TO, THE COMMITTEE ON SUBORDINATE LEGISLATION DURING FIFTH LOK SABHA.

124. The Committee note with satisfaction the action taken by Government on their recommendations made in First to Fifth Reports (Fifth Lok Sabha), as indicated in Appendix X.

VIKRAM MAHAJAN,
Chairman,

Committee on Subordinate Legislation.
Legislation.

NEW DELHI;
The 14th November, 1973.

APPENDICES

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2156 LS—4.

APPENDIX-I

(vide para 4 of the Report)

Summary of main Recommendations|Observations made by the Committee

S. No.	Para No.	Summary
(1)	(2)	(3)
1	13	The Committee are unhappy that Government have failed in their duty to Parliament by not complying with the statutory requirement of laying 47 'Orders' on the Table. They are surprised that these 'Orders', which were issued during the years, 1971 to February, 1973 by various Ministries/Departments had not been laid till the Eighth Session, which ended on the 5th September, 1973. In their opinion, there has been a serious error on the part of Government in that they have failed to appreciate the importance of the statutory requirement. Had the Committee not pointed out this error, the Members of Parliament would have been deprived of their statutory right of making modifications to these 'Orders'. The Committee would like to emphasise that the importance should be attached to Government's duty towards Parliament when Parliament ordains Government to lay statutory rules as soon as possible after their being framed on the Table of both the Houses.
	14	The Committee note that on being pointed out, the Ministries of Labour and Rehabilitation, Commerce, Home Affairs, Shipping and Transport and Department of Personnel have initiated action to lay the 'Orders' issued by them on the Table in the ensuing session.
	15	There having been an omission to comply with the requirements of relevant Acts, the Commit-

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(3)

tee feel that Government should make a specific mention of non-compliance of the statutory provision occurred so far in these cases in the statement showing reasons for delay to be laid along with the 'Orders', referring therein to the error having been pointed out by the Committee.

16

The Committee note that no final replies in the matter have been received so far from the Ministries of Agriculture (Department of Food) and Petroleum and Chemicals, in the absence of which they could not comment upon the 'Orders' issued by these two Ministries which have also not been laid on the Table. The Committee take a serious note of the lapse on the part of the above Ministries. They deplore this carelessness on the part of these two Ministries and desire them to be more prompt in future in sending replies to the communications of the Committee.

17

The Committee further desire that in cases of errors creeping in the notifications at the printing stage, the Ministries/Departments concerned should not wait for the corrigendum being published in the Gazette. They should on the other hand carry out corrections in the relevant notifications and lay them on the Table.

18

To avoid such omissions in future, the Committee recommend that each Ministry/Department should take specific steps in this direction on the lines indicated by the representative of the Ministry of Labour and Rehabilitation (Department of Labour and Employment) during the course of his evidence.

31

The Committee on Subordinate Legislation have time and again deprecated the delay in laying of 'Orders' on the Table of the House. The Committee regret to note that subsequent to the presentation of their Fifth Report (Fifth Lok Sabha), in which they had adversely com-

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(3)

mented upon the delay during First and Second Sessions, there had been no perceptible improvement in this regard. Out of 282 'Orders' laid on the Table during the Third to Eighth Sessions, 258 'Orders' were laid after the prescribed time-limit. The delay in these cases ranged from 15 days to over 3 years. The Committee take a serious view of such delays. It is hardly necessary for them to point out that inordinate delays in laying are against the spirit of the relevant provisions in the Acts which require that the 'Orders' should be laid before Parliament as soon as possible, after they are made.

32

The Committee note that their recommendations/observations made in this regard after examining the representatives of the Ministries of Home Affairs, Education and Social Welfare and Works and Housing in paras 40 to 43 of Fifth Report (Fifth Lok Sabha) were brought to the notice of all Ministries/Departments for strict compliance in future, vide Department of Parliamentary Affairs O.M. No. F. 32(9) 73-R&C, dated 24-3-73. The Committee further note that in the above O.M., the Department of Parliamentary Affairs had also invited the attention of the Ministries/Departments to D.O. No. F.S. RII(45-46) 59-CB dt. 13-7-59, from the then Minister of Parliamentary Affairs addressed to all Ministers of the Central Government, wherein he had asked them to 'issue strict instructions to your Ministry to ensure that the recommendation of the Committee which had already been accepted by the Government is complied with'. The Committee are surprised that even though the matter had been taken up at the highest level by the Department of Parliamentary Affairs, as far back as in 1959, the delays have continued to occur all these years. The Committee feel that the Ministries/Departments have not cared to attach importance to timely laying of 'Orders'

(1)	(2)	(3)
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on the Table and have failed to evolve a procedure by which such delays could be easily avoided. The Committee, therefore, recommend that each Ministry/Department should take specific steps in this direction, on the lines indicated by the representative of the Ministry of Labour and Rehabilitation (Department of Labour and Employment) during the course of his evidence.

33 The Committee also note that out of 258 cases in which the delay had occurred, statements showing reasons for delay had been laid only in 85 cases. On a perusal of these statements, the Committee feel that with a little more care on the part of the Ministries/Departments, the delay could have been avoided in most cases.

34 The Committee are not happy with the explanation given by the representative of the Ministry of Works and Housing during his evidence that the statement showing reasons for delay had been prepared, but before it could be sent, the Regulations had already been laid. The Committee cannot help deplore the lapse on the part of the Ministry in this case in not sending the statement alongwith the Regulations for laying it on the Table. As regards other 84 cases, they feel strongly about non-observance of their recommendation. They again urge that in case, due to any unavoidable reasons, it is not possible for a Ministry/Department to lay an 'Order' on the Table within the prescribed time-limit, they should make it a point to lay a statement showing reasons for delay alongwith the 'Orders'. The Committee would henceforth take a serious note of this omission.

35 One of the main reasons for delay given by the Ministries/Departments was that copies of the relevant Gazette/intimation regarding G.S.R. numbers, etc. were not received in time from the Government of India Press. The Committee note

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that to obviate such delays, the Controller of Printing and Stationery has since introduced a new procedure for supply of G.S.R. numbers, etc., vide his O.M. No. H-11013/1/72-P, dated 9-2-1972, addressed to all Ministries/Departments for strict observance. The Committee fail to understand the difficulties of the Ministries/Departments in adhering to the procedure laid down in the said O.M. The Committee desire that the Ministries/Departments should strictly follow that procedure in future so that the 'Orders' are laid on the Table promptly.

3	42	<p>The Committee are not satisfied with the drastic reduction in the period of 30 days allowed for lodging claims and objections. In one case (Orissa), the period was reduced to just one day and in two cases (West Bengal), it was reduced to 7 days. In another case (Jammu and Kashmir), period was reduced to 8 days. The Committee strongly feel that while the Election Commission should have the power to reduce the normal period of 30 days for filing claims and objections in case of actual emergency, the reduced period should not be so short as to deprive the electors of a fair opportunity of filing claims and objections.</p>
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43	<p>The Committee, therefore, desire the Ministry of Law, Justice and Company Affairs (Legislative Department) to take early steps to amend the Registration of Electors Rules, 1960, for fixing a reasonable minimum period which should be available to the electors for filing claims and objections.</p>
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4	46	<p>The Committee note the assurance given by the Ministry of Finance (Department of Banking) that appropriate action to initiate a comprehensive legislation for incorporating the provisions regarding laying of Rules and Regula-</p>
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tions before Parliament in the State Bank of India Act, 1955 and the State Bank of India (Subsidiary Banks) Act, 1959, as also the other Acts administered by them will be taken in due course in consultation with the Ministry of Law, Justice and Company Affairs.

47 The Committee desire the Ministry to complete necessary action in this regard within the next six months.

48 The Committee note that the earlier recommendations made in this behalf in paras 36-37 of their Third Report (First Lok Sabha) were accepted by Government, vide paras 78-79 of their Sixth Report (First Lok Sabha). Again in 1957, while the Indian Tariff (Amendment) Bill, 1957, was being considered by the House, a member of the Committee on Subordinate Legislation had tabled an amendment to the above Bill for making appropriate provision in the principal Act of 1934, for laying the rules before Parliament. The then 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 above provision was accordingly incorporated in that Act.

49 The Committee are surprised to note that even after 18 years of presentation of the Third Report (First Lok Sabha) (Report was presented on 3-5-1955), such omissions are still being made. The Committee have earlier in this report referred to the importance of the provision regarding laying of Rules, Regulations, bye-laws, etc, before

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Parliament. The Committee, therefore, reiterate their earlier recommendation made in paras 36-37 of Third Report (First Lok Sabha), wherein they had emphasised that in all future Bills which might seek to delegate power to make rules, regulations, etc. or which might seek to amend earlier Acts giving power to make rules, regulations, etc., suitable provision regarding laying them on the Table should be included therein.

50 The Committee desire the Ministry of Law, Justice and Company Affairs (Legislative Department) to issue general instructions in this behalf to all Ministries/Departments so that inclusion of the laying provision, as approved by the Committee in paras 33-34 of their Second Report (Fifth Lok Sabha), in original Bills as well as amending Bills does not escape their attention in future.

3 55 The Committee are glad to note that the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 and the Indian Police Service (Appointment by Promotion) Regulations, 1955, have since been amended suitably to the effect that where the merits of two or more officers are found to be equal, seniority shall be taken into account for the purpose of including their names in the Select List (*vide* G.S.R. Nos. 477-E and 478-E of 73, dt. 24-10-73).

6 60 The Committee note with satisfaction that no individual drug manufacturing unit has in fact been exempted from the application of the Drugs (Prices Control) Order, 1970. In all the three cases, in which exemptions have been made so far, it is only a class of drug manufacturing units, which has been exempted. The Committee, however, feel that under the Orders as worded, the

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possibility of discrimination between drug manufacturing units similarly placed cannot be ruled out.

61 To obviate such a possibility, the Committee would like the Ministry of Petroleum and Chemicals to omit the words "any drug manufacturing unit or" from para 25(1) of the above Order.

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63

The Committee note with satisfaction that on being pointed out the Ministries/Departments concerned have since amended the Rules in question by incorporating the words "and in consultation with U.P.S.C." and "with respect to any class or category of persons" in the relaxation clause, which were missing therefrom. *vide* col. 5 of Appendix VII).

64

The Committee feel that provision for consultation with the Union Public Service Commission is an important check against the possible abuse of power vested in the Central Government by relaxation rules. Similarly, the use of words "with respect to any class or category of persons" in the relaxation clause is also necessary to obviate the possibility of discrimination among persons similarly placed by making the benefit of relaxation available to all persons coming in the same category or class.

65

The Committee note that in pursuance of their earlier recommendation made in para 83 of Fifth Report (Fifth Lok Sabha), the Department of Personnel have already issued instructions on 14-5-1973 to all Ministries|Departments to review the recruitment rules for Class I and II posts to ensure that the relaxation clause carries a provision for consultation with the Union Public Service Commission, wherever necessary.

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The Committee desire the Department of personnel to issue general instructions on the same

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lines to all Ministries/Departments in so far as the use of words "with respect to any class or category of persons" in the relaxation clause is concerned, so that the possibility of discrimination among persons similarly placed is obviated.

8	70	<p>The Committee note with satisfaction that the Ministry of Finance (Department of Expenditure) have no objection to amending rule 16(3) of the General Provident Fund (Central Services) Rules, 1960, so as to provide therein for the house being leased for any period in excess of three years as provided in the existing rule, or its being mortgaged in favour of a Housing Board, L.I.C. or other Government bodies which advance loans for making addition etc. without obtaining permission and also to provide for the service of a show cause notice to the subscriber before an order of recovery of the amount is issued by the sanctioning authority. The Committee desire the Ministry to take early steps to amend the Rules accordingly.</p>
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9	73	<p>The Committee note with satisfaction that on being pointed out, the Ministry of Industrial Development have amended rule 115(3) of the Petroleum Rules, 1937, to the effect that the party aggrieved by the cancellation or withdrawal of the 'no objection certificate' by the District authority or the State Government will be given an opportunity of being heard, before such a certificate is cancelled for withdrawn. (<i>vide</i> G.S.R. 170-E of 1973, dt. 14-3-1973).</p>
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75	<p>The Committee note with satisfaction that on being pointed out, the Ministry of Industrial Development have since omitted the words "on payment of fee of two rupees" from rule 121(4) of the Petroleum Rules, 1937 (<i>vide</i> G.S.R. 170-E of 1973, dt. 14-3-1973).</p>
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10	81	The Committee are glad to note that the Ministry of Shipping and Transport (Roads Wing) have agreed not to give retrospective effect to the Central Engineering Service (Roads) Class I Recruitment (Amendment) Rules, 1966.
11	84	The Committee are of the opinion that principles of determining seniority, being an essential ingredient, should normally be laid down in the Recruitment Rules. The Committee, are, however, satisfied with the explanation given by the Department of Personnel and Administrative Reforms for the exception made under clause (iii) of sub-rule (5) of rule 19 as inserted by the Central Secretariat Stenographers Service (Second Amendment) Rules, 1970, as it applies only to certain isolated posts of Hindi Stenographers which are required to be inducted in Grade II of the Central Secretariat Stenographers Service.
12	89	The Committee reiterate their earlier recommendation that 'whenever Ministries|Departments want their notifications containing rules, regulations, etc., to be published by a particular date, they should send them to the Press along-with a covering letter indicating therein the date by which they want them to be published. In case the Government Press do not find it possible to publish them by that date, they should inform the concerned Ministry|Department accordingly'. The Committee desire the Ministries|Departments to strictly follow it in future so that the period of 30 days allowed to the persons concerned for making suggestions|raising objections is in no case reduced due to delay in the publication of the draft rules by the Press.
	90	The Committee further desire that while inviting suggestions/objections from the persons concerned on draft rules, the Ministries Departments should instead of specifying a particular date, indicate in the preamble to the draft rules

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that they would be taken into consideration 30 days after their publication in the Gazette. The Committee feel that this would avoid reduction of the period available to the public due to delay in publication of the draft rules in the Gazette.

93 The Committee are glad to note that the Ministry of Shipping and Transport (Transport Wing) have decided to omit the provision for an examination fee of Rs. 5/- from rule 6 of the Life-boatmen's (Qualifications and Certificates) Rules, 1963. They desire the Ministry to amend the rules at an early date.

13 95 The Committee note with satisfaction that on being pointed out the Ministry of Irrigation and Power have since amended the Badarpur Thermal Power Project, Central Water and Power Commission (Power Wing) Class III and Class IV (Security) Posts Recruitment Rules, 1970 and the usual provision for relaxation of upper age limit in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and other special categories of persons has been made therein (*vide* G.S.R. 1068 of 1972, dt. 2-9-1972).

14 101 The Committee note that so far Government had accepted and also acted according to the recommendations regarding avoidance of retrospective effect to Rules, Regulations, etc., and to give explanatory notes in cases where retrospective effect to Rules was unavoidable (*vide* para 10 of Second Report—Fourth Lok Sabha, para 32 of Fourth Report—Fourth Lok Sabha and para 22 of Fifth Report—Fourth Lok Sabha).

102 The Committee had recommended avoidance of giving retrospective effect to the rules and giving explanatory note that no one would be affected adversely, not because of legal necessity

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but because of propriety and check on abuse of power. The Committee feel that once the propriety of not issuing the Rules retrospectively is accepted, it does seem necessary to indicate in the explanatory note that the interests of no one are prejudicially affected by retrospective effect. There should also be no objection to publication of the explanatory note in the Gazette as it would go to prove that there is no *mala fide*.

103		The Committee, therefore, reiterate their earlier recommendation made in para 10 of their Second Report (Fourth Lok Sabha).
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15	106	The Committee note the assurance given by the Minister of Communications that the Indian Telegraph Act will be amended to implement the recommendation and the amending Bill will be brought up before Parliament some time in 1974 along with some other important amendments to the Act. The Committee, however, desire the Ministry to discontinue the levy of Rs. 10.00 per application form till such time an express authorisation for the same is made in the principal Act.
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16	109	After considering the matter in all its aspects, the Committee feel that in so far as regularisation of the appointment of a person to the post of Engineering Supervisor in the P & T Department is concerned, the matter may be treated as closed.
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	110	As regards power of the Central Government to relax rules, the Committee would like to emphasise that, if considered necessary, the rules should be relaxed prospectively and not with retrospective effect and the relaxation should invariably be in respect of a class or category of persons and not an individual.
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	111	The Committee desire that the Department of Personnel should issue general instructions in this regard to all Ministries/Departments to avoid recurrence of such cases in future.
17	122	The Committee approve the draft amendment, deleting the words "whether by a departmental employee or by an outsider" from rule 18(2) of the Post Office Savings Banks Rules, 1965 and desire the Ministry of Finance (Department of Economic Affairs) to take early steps to amend the Rules accordingly.
18	123	The Committee note with satisfaction the action taken by Government on their old recommendations made during First to Fourth Lok Sabha, as indicated in Appendix IX.
19	124	The Committee note with satisfaction the action taken by Government on their recommendations made in First to Fifth Reports (Fifth Lok Sabha), as indicated in Appendix X.

APPENDIX II

*List of 'Orders' which have not so far been laid on the Table though required to be so laid under the Statutes
(vide para 6 of the Report)*

Serial No.	Name of the 'Order'	No. and date of publication	Date by which it should have been laid	Statute under which required to be laid
(1)	(2)	(3)	(4)	(5)
1. MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)				
'Orders' issued in 1971				
1	Apprenticeship (Amendment) Rules, 1970	G.S.R. 61 <hr/> 9-1-71	8-6-71	Section 37(3) of the Apprentices Act, 1961.
2	Coal Mines Bonus (Amendment) Scheme, 1971	G.S.R. 467 <hr/> 3-4-71	8-6-71	Section 7(A) of Coal Mines Provident Fund and Bonus Scheme Act, 1948.
3	Andhra Pradesh Coal Mines Bonus (Amendment) Scheme, 1971	G.S.R. 468 <hr/> 3-4-71	8-6-71	Do.
4	Rajasthan Coal Mines Bonus (Amendment) Scheme, 1971	G.S.R. 469 <hr/> 3-4-71	8-6-71	Do.

5	Assam Coal Mines Bonus (Amendment) Scheme, 1971.	G.S.R. 470 <u>3-4-71</u>	8-6-71	Do.
6	Coal Mines Provident Fund (1st Amendment) Scheme, 1971.	G.S.R. 1006 <u>10-7-71</u>	26-7-71	Do.
7	Coal Mines Provident Fund (2nd Amendment) Scheme, 1971.	G.S.R. 1814 <u>4-12-71</u>	19-12-71	Do.
8	Andhra Pradesh Coal Mines Provident Fund (2nd Amendment) Scheme, 1971.	G.S.R. 1815 <u>4-12-71</u>	19-12-71	Do.
9	Rajasthan Coal Mines Provident Fund (1st Amendment) Scheme, 1971.	G.S.R. 1816 <u>4-12-71</u>	19-12-71	Do.
10	Neyveli Coal Mines Provident Fund (1st Amendment) Scheme, 1971.	G.S.R. 1817 <u>4-12-71</u>	19-12-71	Do.
11	Coal Mines Provident Fund (3rd Amendment) Scheme, 1971.	G.S.R. 1989 <u>25-12-71</u>	29-3-72	Do.
'Orders' Issued in 1972				
12	The Coal Mines Provident Fund (4th Amendment) Scheme, 1971.	G.S.R. 52 <u>1-1-72</u>	29-3-72	Do.
13	The Andhra Pradesh Coal Mines Provident Fund (3rd Amendment) Scheme, 1971.	G.S.R. 53 <u>1-1-72</u>	29-3-72	Do.

(1)	(2)	(3)	(4)	(5)
14	The Rajasthan Coal Mines Provident Fund (2nd Amendment) Scheme, 1971.	G.S.R. 54 1-1-72	29-3-72	Section 7(a) of Coal Mines Provident Fund and Bonus Scheme Act, 1948.
15	The Neyveli Coal Mines Provident Fund (2nd Amendment) Scheme, 1971.	G.S.R. 55 1-1-72	29-3-72	Do,
16	Personal Injuries (Compensation and Insurance) 2nd Amendment Scheme, 1972.	S.O. 581 (E) 1-1-72 [8-9-72]	28-11-72	Sec. 24 of the Personal Injuries (Compensation and Insurance) Act, 1963.
17	Personal Injuries (Compensation and Insurance) 2nd Amendment Rules, 1972	S.O. 582 (E) 8-9-72	28-11-72	Do.
18	Personal Injuries (Compensation and Insurance) 3rd Amendment Scheme, 1972.	S.O. 709 (E) 15-11-72	6-3-73	Do.
19	Personal Injuries (Compensation and Insurance) 3rd Amendment Rules, 1972.	S.O. 710 (E) 15-11-72	6-3-73	Do.
2. CABINET SECRETARIAT (DEPTT. OF PERSONNEL AND ADMINISTRATIVE REFORMS)				
'Orders' Issued in 1971				
20	Indian Police Service (Pay) 8th Amendment Rules, 1971.	G.S.R. 2015 25-12-71	29-3-72	Section 3(a) of the All India Services Act, 1951.
'Orders' Issued in 1972.				
21	A.I.S. (Death-cum-Retirement Benefit) Amendment Rules, 1972.	G.S.R. 390 1-4-72	16-4-72	Do.]
22	A.I.S. (Death-cum-Retirement Benefit) 2nd Amendment Rules, 1972.	G.S.R. 858 22-7-72	16-8-72	Do.

33	L. A. J. Pay with minimum: Rs. 15, 1972.	G.S.R. 1044 2-9-72	28-11-73	Do.
3. MINISTRY OF COMMERCE				
'Order' Issued in 1973				
24	Cotton Control (Amendment) order 1973.	S.O. 428 24-2-73	11-3-73	Section 3(6) of the Essential Commodities Act, 1955.
4. MINISTRY OF HOME AFFAIRS				
'Orders' Issued in 1973				
25	I.P.S. (Fixation of Cadre strength) 4th Amendment Regulations, 1972.	G.S.R. 599 20-5-72	15-8-72	Section 3 (2) of the All India Services Act, 1951.
26	I.P.S. (Pay) 4th Amendment Rules, 1972.	G.S.R. 600 20-5-72	15-8-72	Do.
27	I.P.S. (Pay) 5th Amendment Rules, 1972.	G.S.R. 662 10-6-72	15-8-72	Do.
28	I.P.S. (Fixation of Cadre Strength) 5th Amendment Regulations, 1972.	G.S.R. 663 10-6-72	15-8-72	Do.
29	I.P.S. (Fixation of Cadre Strength) 6th Amendment Regulations, 1972.	G.S.R. 741 17-6-72	15-8-72	Do.
30	I.P.S. (Pay) 6th Amendment Rules, 1972.	G.S.R. 742 17-6-72	15-8-72	Do.

(1)	(2)	(3)	(4)	(5)
32	L.P.S. (Pay) 8th Amendment Rules, 1972.	G.S.R. 844 12-7-72	15-8-72	Section 3(2) of the All India Services Act, 1951.
33	L.P.S. (Fixation of Cadre Strength) 7th Amendment Regulations, 1972.	G.S.R. 845 28-7-72	15-8-72	Do.
	‘Order’ Issued in 1973			
34	L.P.S. (Fixation of Cadre Strength) 8th Amendment Regulations, 1973.	G.S.R. 48 20-1-73	6-3-73	Do.
35	L.P.S. (Fixation of Cadre Strength) 5th Amendment Regulations, 1973.	G.S.R. 66 27-1-73	6-3-73	Do.
36	L.P.S. (Fixation of Cadre Strength) 7th Amendment Regulations, 1973.	G.S.R. 144 17-2-73	6-3-73	Do.
37	L.P.S. (Fixation of Cadre Strength) and Amendment Regulations, 1973.	G.S.R. 359 17-3-73	11-4-73	Do.
38	Delhi Sikh Gurdwara Management Committee (Registration of Electors) Rules, 1973.	G.S.R. 35(E) 22-1-73	6-3-73	Section 39 of the Delhi Sikh Gurdwara Act, 1971.

5. MINISTRY OF SHIPPING & TRANSPORT
(TRANSPORT WING)

‘Order’ Issued in 1973

39	Indian Merchant Shipping (Medical Examination) Amendment Rules, 1972.	G.S.R. 702 30-6-72	16-8-72	Section 458(3) of the Merchant Shipping Act, 1958.
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6. MINISTRY OF PETROLEUM AND CHEMICALS

	39	Drugs (Prices Control) Amendment Order, 1971.	'Order' Issued in 1971		Section 3(6) of the Essential Commodities Act, 1955.
			S.O. 226(A)	8-6-71	
			11-1-71		

7. MINISTRY OF AGRICULTURE (DEPARTMENT OF FOOD)

'Orders' Issued in 1971

40	Sugar (Packing and Marking) Amendment Order, 1971.	G.S.R. 654	8-6-71	Do.
		27-4-71		
41	Sugar (Packing and Marking) 2nd Amendment Order, 1971.	G.S.R. 1418	30-11-71	Do.
		21-9-71		

'Orders' Issued in 1972

42	Sugar (Restrictions on Movement) 2nd Amendment Order, 1972.	G.S.R. 93(E)	28-3-72	Do.
		2-3-72		
43	Sugar (Restrictions on Movement) 3rd Amendment Order, 1972.	G.S.R. 244(E)	26-4-72	Do.
		14-4-72		
44	Sugar (Restrictions on Movement) 4th Amendment Order, 1972.	G.S.R. 289(E)	19-8-72	Do.
		27-5-72		
45	Sugar (Restrictions on Movement) 5th Amendment Order, 1972.	G.S.R. 312	15-8-72	Do.
		15-6-72		

(1)	(2)	(3)	(4)	(5)
46	Sugar (Packing and Marking) Amendment Order, 1973	G.S.R. 386(E) <u>23-8-73</u>	28-11-73	Section 3(6) of the Essential Commodities Act, 1955.
47	Sugar Export Promotion Rules, 1973.	G.S.R. 174(E) <u>31-3-73</u>	5-4-73	'Order' Issued in 1973 Sugar Export Promotion Act, 1958.

AP PENDIX III

(vide para 22 of the Report)

*Statement of 'Orders' in respect of which there has been delay in laying them on the Table
(Third to Eighth Sessions—Fifth Lok Sabha)*

S. 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)

Third Session

1	S.O. 1457 of 1971	The Cotton Textiles (Control) Amendment Order, 1971 (Ministry of Foreign Trade).	3-4-1971	[16-11-71	*Over 5 months.
2	G.S.R. 971 of 1971	The Indian Telegraph (Third Amendment) Rules, 1971. (Ministry of Communications)	26-6-1971	17-11-71	Over 4 months.
3	G.S.R. 1024 of 1971	The Indian Telegraph (Eighth Amendment) Rules, 1971 (Ministry of Communications).	10-7-1971	17-11-71	Over 4 months.
4	G.S.R. 1049 of 1971	The Indian Telegraph (Ninth Amendment) Rules, 1971. (Ministry of Communications).	16-7-1971	17-11-71	Over 4 months.

* Second Session commenced on 24-5-1971. Inter-session period from 3-4-71 to 23-5-71 not counted.

(1)	(2)	(3)	(4)	(5)	(6)
5	G.S.R. 1092 of 1971	The Indian Forest Service (Initial Recruitment) Second Amendment Regulations, 1971. (Department of Personnel).	22-7-1971	17-11-77	Over 3 months.
6	G.S.R. 1047 of 1971	The Customs & Central Excise Duties Export Drawback (General) Thirty-eighth Amendment Rules, 1971 (Ministry of Finance—Deptt. of R. & I.).	17-7-1971	19-11-71	Over 4 months.
7	S.O. 2659 of 1971	The Air Corporations (Amendment) Rules, 1971 (Ministry of Tourism and Civil Aviation).	14-7-1971	26-11-71	Over 4 months.
8	Notification No. F. 4(79)/69—70—TPT.	The Delhi Motor Vehicles (Third Amendment) Rules, 1970 (Ministry of Shipping and Transport).	15-12-1970	6-12-71	Over 11 months.
9	Notifn. No. F. 3(15) 71—TPT.	The Delhi Motor Vehicles (Third Amendment) Rules, 1971 (Ministry of Shipping and Transport).	20-8-1971	6-12-71	**Over 15 days.
10	G.S.R. 1759 of 1971	The Roller Mills Wheat Products (Ex-Mill) Price Control (Second Amendment) Order, 1971 (Ministry of Agriculture—Deptt. of Food).	15-11-1971	6-12-71	Over 15 days.
11	S.O. 5087 of 1971	The Border Security Force (Second Amendment) Rules, 1971 (Ministry of Home Affairs).	6-11-1971	9-12-71	**Over 15 days.
12	S.O. 5092 of 1971	The Air Corporations (Sealed Amendment) Rules, 1971 (Ministry of Tourism and Civil Aviation).	8-11-1971	10-12-71	**Over 15 days.
13	G.S.R. 1757 of 1971	The Central Excise (Sixteenth Amendment) Rules, 1971 (Ministry of Finance—Deptt. of R. & I.).	20-11-71	10-12-71	Over 15 days.

14	G.S.R. 1679 of 1971	The Indian Telegraphs (Sixteenth Amendment) Rules, 1971 (Miny. of Communications—DGP&T).	6-11-71	15-12-71	Over 15 days
15	G.S.R. 1783 of 1971	The Passports (Third Amendment) Rules, 1971 (Miny. of External Affairs).	24-11-71	16-12-71	Over 15 days.
16	G.S.R. 1063 of 1971	The Central Apprenticeship Council (Amendment) Rules, 1971 (Miny. of Labour & Rehabilitation—Deptt. of Labour & Employment).	24-7-71	16-12-71	Over 4 months.
17	G.S.R. 1780 of 1971	The Central Excise (Seventeenth Amendment) Rules, 1971 (Miny. of Finance Department of R. & I.).	27-11-71	17-12-71	Over 15 days.
@ 18	G.S.R. 172 of 1971	The Aircraft (Amendment) Rules, 1971 (Ministry of Tourism and Civil Aviation).	6-2-71	17-12-71	† About 9 months.
†† 19	G.S.R. 411 of 1971	The Aircraft (Fourth Amendment) Rules, 1971 (Ministry of Tourism and Civil Aviation).	27-3-71	17-12-71	Over 8 months.
†† 20	G.S.R. 412 of 1971	The Aircraft (Third Amendment) Rules, 1971 (Ministry of Tourism and Civil Aviation).	27-3-71	17-12-71	Over 8 months.
†† 21	G.S.R. 714 of 1971	The Aircraft (Fifth Amendment) Rules, 1971 (Ministry of Tourism and Civil Aviation).	15-5-71	17-12-71	‡ Over 6 months.

* Statement showing reasons for delay also laid on the Table on 6-12-1971.

** Inter-session period from 13-8-1971 to 14-11-1971 has not been counted.

@ Statement showing reasons for delay also laid on the Table on 17-12-71.

† First Session—19-3-1971 to 2-4-1971. The period of delay has been counted w.e.f. 19-3-1971.

†† Statement showing reasons for delay also laid on the Table on 17-12-71.

‡ Second Session—24-5-71 to 12-8-71. The inter-session period has not been counted.

(1)	(2)	(3)	(4)	(5)	(6)
22	G.S.R. 1654 of 1971	The U.P.S.C. (Exemption from Consultation) Amendment Regulations, 1971 (Department of Personnel).	6-11-71	20-12-71	•Over one month.
23	G.S.R. 731 of 1971	The Employees' Provident Funds (Second Amendment) Scheme, 1971 (Ministry of Labour and Rehabilitation) (Department of Labour and Employment).	22-3-71	20-12-71	Over 6 months.
24	G.S.R. 1252 of 1971	The Employees' Family Pension (Third Amendment) Scheme, 1971 (Ministry of Labour and Rehabilitation)—Department of Labour and Employment.	1-9-71	20-12-71	•Over one month.
25	G.S.R. 1488 of 1971	The Employees' Provident Funds (Third Amendment) Scheme, 1971 (Ministry of Labour and Rehabilitation)—Department of Labour and Employment.	9-10-71	20-12-71	•Over one month.
26	S.O. 3166 of 1971	The Textiles (Production by Knitting Embroidery, Lace-making and Printing Machines) Control Amendment Order, 1971 (Ministry of Foreign Trade).	28-8-71	21-12-71	•Over one month.
27	G.S.R. 1700 of 1971	The Cost Accounting Records (Tractors) Rules, 1971 (Department of Company Affairs).	23-11-71	22-12-71	One month.
28	G.S.R. 1426 of 1971	The Apprenticeship Rules, 1971 (Miny. of Labour and Rehabilitation) (Department of Labour and Employment).	2-10-71	22-12-71	Over one month
Fourth Session					
129	G.S.R. 1653 of 1971	The Indian Administrative Service (Appointment by Promotion) Second Amendment Regulations, 1971 (Cabinet Secretariat) (Department of Personnel).	6-11-71	15-3-72	Over 3 months.
130	G.S.R. 1656 of 1971	The Indian Police Service (Appointment by Promotion) Third Amendment Regulations, 1971 (Cabinet Secretariat (Department of Personnel)).	6-11-71	15-3-72	Over 3 months.

†31	G.S.R. 1690 of 1971	The Indian Forest Service (Recruitment) Fifth Amendment Rules, 1971 [Cabinet Secretariat (Department of Personnel)].	13-11-71	15-3-72	Over 3 months.
†32	GSR. 1691 of 1971	The Indian Forest Service (Released Emergency Commissioned and Short Service Commissioned Officers) (Appointment by Competitive Examination) Amendment Regulations, 1971 [Cabinet Secretariat (Dept. of Personnel)].	13-11-71	15-3-72	Over 3 months.
†33	G.S.R. 1772 of 1971	The Indian Forest Service (Pay) (Fourth Amendment) Rules, 1971 (Cabinet Secretariat—Department of Personnel).	27-11-71	15-3-72	Over 3 months.
†34	G.S.R. 1794 of 1971	The Indian Administrative Service (Probationers' Final Examination) Amendment Regulations, 1971 [Cabinet Secretariat (Department of Personnel)].	4-12-71	15-3-72	Over 3 months.
35	G.S.R. 1279 of 1971	The Mineral Concession (First Amendment) Rules, 1971 [Miny. of Steel and Mines (Department of Mines)].	11-9-71	16-3-72	@ 4 months.
36	G.S.R. 1579 of 1971	The Mineral Concession (Third Amendment) Rules, 1971 [Miny. of Steel and Mines (Department of Mines)].	23-10-71	16-3-72	£4 months.
37	G.S.R. 1580 of 1971	The Mineral Concession (Second Amendment) Rules, 1971 [Miny. of Steel and Mines (Department of Mines)].	23-10-71	16-3-72	£4 months.

*Third Session—15-11-71 to 23-12-71. The inter-session period has not been counted.

**Statement showing reasons for delay also laid on the Table on 22-12-71.

†Statement showing reasons for delay also laid on the Table.

@Third Session commenced on 15-11-71. Inter-session period from 11-9-71 to 14-11-71 not counted.

£Third Session commenced on 15-11-71. Inter-session period from 23-10-71 to 14-11-71 not counted.

(1)	(2)	(3)	(4)	(5)	(6)
38.	G.S.R. 1531 of 1971	The Mineral Concession (Fifth Amendment) Rules, 1971 [Min. of Steel and Mines (Dept. of Mines)].	23-10-71	16-3-72	*4 months.
39.	G.S.R. 1532 of 1971	The Mineral Concession (Fourth Amendment) Rules, 1971 [Min. of Steel & Mines (Dept. of Mines).]	23-10-71	16-3-72	*4 months.
40.	Notification No. P. 3(54) 71-TPT of 1971.	The Diesel Motor Vehicles (Fifth Amendment) Rules, 1971 (Ministry of Shipping and Transport).	30-11-71	20-3-72	Over 3 months
41.	G.S.R. 1600 of 1971	The Fifteenth Amendment of 1971 to the Indian Administrative Service (Pay) Rules, 1954 [Cabinet Secretariat (Department of Personnel)].	13-11-71	22-3-72	Over 4 months.
42.	G.S.R. 1689 of 1971	The Indian Administrative Service (Fixation of Cadre Strength) Fifteenth Amendment Regulations, 1971 [Cabinet Secretariat (Department of Personnel)].	13-11-71	22-3-72	Over 4 months.
43.	G.S.R. 1792 of 1971	The Sixth Amendment of 1971 to the Indian Police Service (Pay) Rules, 1954 [Cabinet Secretariat (Dept. of Personnel)].	4-12-71	22-3-72	Over 3 months.
44.	G.S.R. 1793 of 1971	The Indian Police Service (Fixation of Cadre Strength) Fifth Amendment Regulations, 1971 [Cabinet Sectt. (Department of Personnel)].	4-12-71	22-3-72	Over 3 months.
45.	G.S.R. 1801 of 1971	The Indian Telegraph (Seventh Amendment) Rules, 1971 (Department of Communications).	9-10-71	5-4-72	*Over 4 months.

46.	G.S.R. 45E of 1972	The Indian Forest Service (Fixation of Cadre Strength) Amendment Regulations, 1972 (Cabinet Secretariat—Department of Personnel).	20-1-72	5-4-72	@ Over 15 days.
47.	G.S.R. 46E of 1972	The Indian Forest Service (Pay) Amendment Rules, 1972 (Cabinet Secretariat—Department of Personnel).	20-1-72	5-4-72	@ Over 15 days.
48.	G.S.R. 1313 of 1971	The Border Security Force Leave Rules, 1971 (Ministry of Home Affairs).	11-9-71	5-4-72	**Over 4 months.
49.	G.S.R. 195(E) of 1972	The Kerosene (Fixation of Ceiling Prices) Amendment Order, 1972. (Ministry of Petroleum & Chemicals).	17-3-72	5-4-72	Over 15 days.
50.	S.O. 195(E) of 1972	The Iron and Steel (Control) Amendment Order, 1972 (Miny. of Steel and Mines).	16-3-72	6-4-72	Over 15 days.
51.	G.S.R. 66(E) of 1972	The Indian Emigration (Amendment) Rules, 1972 (Ministry of External Affairs).	1-2-72	6-4-72	Over 15 days.
52.	Notfn. No. F. 4/98/66-Fin(G) of 1972	Delhi Sales Tax (Second Amendment) Rules, 1972 (Ministry of Finance).	23-2-72	7-4-72	† Over 15 days.
**53.	G.S.R. 1470 of 1971	Indian Wireless Telegraphy (Commercial Radio Operators Certificates of Proficiency and Licence to operate wireless Telegraphy) Amendment Rules, 1971 (Dept. of Communications).	9-10-71	12-4-72	†† About 5 months.

*Third Session commenced on 15-11-71. Inter-session period from 9-10-71 to 14-11-71 not counted.

‡Statement showing reasons for delay also laid on the Table.

**Third Session commenced on 15-11-71. Inter-session period from 11-9-71 to 14-11-71 has not been counted.

@Fourth Session commenced on 13-3-72. Inter-session period from 20-1-71 to 12-3-72 has not been counted.

†Fourth Session commenced on 13-3-72. Inter-session period from 23-2-72 to 12-3-72 not counted.

††Third Session commenced on 15-11-71. Inter-session period from 9-10-71 to 14-11-71 not counted.

(1)	(2)	(3)	(4)	(5)	(6)
54.	G.S.R. 297 of 1972	The Citizens (Registration at Indian Consulates) Amendment Rules, 1972 (Ministry of Home Affairs).	11-3-72	12-4-72	One month.
55.	G.S.R. 296 of 1972	The Citizenship (Amendment) Rules, 1972	11-3-72	12-4-72	One month.
56.	S.R.O. 2(E) of 1972	The Naval and Aircraft Prize Rules, 1972 (Ministry of Defence).	12-1-72	14-4-72	*Over one month.
57.	S.R.O. 192 (E) of 1972	The Nationalised Banks (Management and Miscellaneous Provisions) (Amendment) Scheme, 1972 (Ministry of Finance—Dept. of Banking).	15-3-72	14-4-72	One month.
58.	Notification No. F. 3(58)/71-TPT of 1972.	Delhi Motor Vehicles (Second Amendment) Rules, 1972 (Miny. of Communications).	3-1-72	17-4-72	*Over one month.
59.	G.S.R. 1727 of 1971	The Indian Telegraph (Fifteenth Amendment) Rules, 1972 (Ministry of Communications).	13-11-71	19-4-72	**Over 5 months.
60.	G.S.R. 1788B of 1971	The Indian Police Service (Fixation of Cadre Strength) Sixth Amendment Regulations, 1971 (Cabinet Sect.—Department of Personnel).	1-12-71	19-4-72	Over 4 months.
61.	G.S.R. 1788C of 1971	The Indian Police Service (Pay) Ninth Amendment Rules, 1971 (Cabinet Secretariat—Dept. of Personnel).	1-12-71	19-4-72	Over 4 months.
62.	G.S.R. 324 of 1972	The Aircraft (Second Amendment) Rules, 1972 (Ministry of Tourism and Civil Aviation).	18-3-72	21-4-72	Over 1 month.

63.	Notification No. F.4(44)/70-72 /TPT of 1972	The Delhi Motor Vehicles (First Amendment) Rules, 1972 (Ministry of Communications).	17-3-72	24-4-72	Over 1 month.
64.	G.S.R. 1650 of 1971	The Insecticides Rules, 1971 (Ministry of Agriculture).	30-10-71	24-4-72	†Over 5 months.
65.	G.S.R. 359 of 1972	The Coal Mines (Amendment) Regulations, 1972 (Ministry of Labour and Rehabilitation).	25-3-72	27-4-72	Over 1 month.
66.	S.O. 5571 of 1971	The Emergency Risks (Goods) Insurance (Amendment) Scheme, 1971. (Ministry of Finance—Department of Revenue and Insurance).	23-12-71	28-4-72	@Over 1 month.
67.	S. O. 208 of 1972	The Emergency Risks (Goods) Insurance (Amendment) Scheme, 1972. (Ministry of Finance—Department of Revenue and Insurance).	18-3-72	28-4-72	Over 1 month.
68.	S.O. 5572 of 1971	The Emergency Risks (Undertakings) Insurance (Amendment) Scheme, 1971 (Ministry of Finance—Deptt. of Revenue and Insurance).	23-12-71	28-4-72	††Over one month.
69.	S.O. 209 1972.	The Emergency Risks (Undertakings) Insurance (Amendment) Scheme, 1972 (Ministry of Finance—Department of Revenue and Insurance).	18-3-72	28-4-72	Over 1 month.

*Fourth Session commenced on 13-3-72. Inter-session period not counted.

**Third Session commenced on 15-11-71. Inter-session period from 13-11-71 to 14-11-71 not counted.

‡Statement showing reasons for delay also laid on the Table.

†Third Session commenced on 15-11-71. Inter-session period from 30-10-71 to 14-11-71 not counted.

††Fourth Session commenced on 13-3-72. Inter-session period from 23-12-71 to 12-3-71 not counted.

@Fourth Session commenced on 13-3-72 Inter-session period from 23-12-71 to 12-3-72 not counted.

(1)	(2)	(3)	(4)	(5)	(6)
70.	G.S.R. 243 (E) of 1972.	The Post Office Savings Banks (Fourth Amendment) Rules, 1972 (Ministry of Finance—Department of Revenue and Insurance).	10-4-72	28-4-72	Over 15 days.
71.	Notification No. F. 4(33)/67 -Fin (G) of 1972.	Deduction Sales Tax (Third Amendment) Rules, 1972 (Ministry of Finance—Department of Revenue & Insurance).	22-3-72	28-4-72	Over 1 month.
72.	G.S.R. 417 of 1972.	The Central Excise (Sixth Amendment) Rules, 1972 (Ministry of Finance—Department of Revenue & Insurance).	1-4-72	5-5-72	Over 1 month.
73.	G.S.R. 286 of 1972.	The Medical Termination of Pregnancy Rules, 1972 (Ministry of Health and Family Planning).	11-3-72	9-5-72	About 2 months.
74.	G.S.R. 181 of 1971.	The Railway Protection Force (Amendment) Rules, 1971 (Ministry of Railways).	27-10-71	9-5-72	Over 5 months.
75.	G.S.R. 480 of 1972.	The Central Excise (Seventh Amendment) Rules, 1972 (Ministry of Finance—Department of Revenue and Insurance).	22-4-72	12-5-72	Over 15 days.
76.	G.S.R. 239 (E) of 1972.	The Companies (Fees on Applications) Amendment Rules, 1972 (Department of Company Affairs).	24-4-72	12-5-72	Over 15 days.
77.	G.S.R. 261 (E) of 1972.	The Companies (Appeals to the Central Government) Amendment Rules, 1972 (Department of Company Affairs).	24-4-72	12-5-72	Over 15 days.

78	S.O. 283(B) of 1972.	The Copper (Prohibition of Use in the manufacture of Electrical Cables and Wires) Amendment Order, 1972 (Ministry of Industrial Development)	12-4-1972	17-5-72	Over one month.
79	S.O. 284 (B) of 1972.	The Electrical Cables and Wires (Central) Amendment Order, 1972 (Ministry of Industrial Development).	12-4-72	17-5-72	Over one month.
80	G.S.R. 431 of 1972.	The Indian Police (Fixation of Cadre Strength) Second Amendment Regulations 1972 ¹ (Cabinet Sectt.—Department of Personnel).	23-4-72	17-5-72	Over 15 days.
81	G.S.R. 452 of 1972.	The Second Amendment of 1972 to the Indian Police Service (Pay) Rules, 1954 (Cabinet Secretariat—Department of Personnel).	22-4-72	17-5-72	Over 15 days.
82	G.S.R. 319 of 1972	The Mineral Concession (First Amendment) Rules, 1972 (Ministry of Steel and Mines).	18-3-72	18-5-72	2 months.
83	G.S.R. 399 of 1972	The Mineral Concession (Second Amendment) Rules, 1972 (Ministry of Steel and Mines).	1-4-72	18-5-72	Over 1 month.
84	S.O. 5596 of 1971	The Personal Injuries (Emergency Provisions) Scheme, 1971 (Ministry of Labour and Rehabilitation — Department of Labour & Employment).	30-12-71	25-5-72	*Over 2 months.
85	S.O. 5597 of 1971	The Personal Injuries (Emergency) Regulations, 1971 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	30-12-71	25-5-72	*Over 2 months.

*Fourth Session commenced on the 13-3-72. Inter-session period from 23-12-71 to 12-3-72 not counted.

**Statement showing reasons for delay also laid on the Table.

@ Third Session commenced on 15-11-71. Inter-session period from 27-10-71 to 14-11-71 not counted.

(1)	(2)	(3)	(4)	(5)	(6)
**86	Notification No. F. 4(Bo) 71- Fin. (G) of 1972.	Duties Sales Tax (Fourth Amendment) Rules, 1972 (Ministry of Finance).	13-4-72	26-5-72	Over 1 month.
87	G.S.R. 215 (E) of 1972.	The Fertiliser (Control) First Amendment Order, 1972 (Ministry of Agriculture — Department of Agriculture).	30-3-72	29-5-72	About 2 months.
88	G.S.R. 240(E) of 1972	The Fertiliser (Control) Second Amend- ment Order, 1972 (Ministry of Agri- culture—Department of Agriculture).	6-4-72	29-5-72	Over 1 month.
89	S.O. 342 (E) of 1972	The Dairi, Meeter and Balanceable Milk and Milk Products Control Order, 1972 (Ministry of Agriculture —Department of Agriculture).	6-5-72	29-5-72	Over 15 days.
90	G.S.R. 553 of 1972	The Prevention of Food Adulteration (Amendment) Rules, 1972 (Ministry of Health and Family Planning).	6-5-72	31-5-72	Over 15 days.
91	G.S.R. 92 of 1972	The Merchants Shipping (Removal of (Difficulties) Order, 1971 (Ministry of Shipping and Transport).	8-1-72	1-6-72	*Over 2 months.
92	G.S.R. 457 of 1972	The Coffee (Third Amendment) Rules, 1972 (Ministry of Foreign Trade).	22-4-72	1-6-72	Over 1 month.
**93	S.O. 5789 of 1971	The Trade and Merchandise Marks (Am- endment) Rules, 1971 (Ministry of Industrial Development — Department of Internal Trade).	27-11-71	1-6-72	Over 6 months.

*Statement showing reasons for delay also laid on the Table.

**The Fourth Session commenced on 13-3-72. Inter-session period from 8-1-72 to 12-3-72 not counted.

Fifth Session

94	G.S.R. 263(E) of 1972	Supreme Court Judges (Travelling Allowance) (Amendment) Rules, 1972 (Ministry of Law and Justice).	28-4-72	1-8-72	Over 3 months.
95	G.S.R. 411 of 1972	The Indian Telegraph (First Amendment) Rules—1972 (Department of Communications—P & T Board).	1-4-72	2-8-72	4 months.
96	G.S.R. 280 (E) of 1972	The Indian Telegraph (Third Amendment) Rules, 1972 (Department of Communications—P & T Board).	16-5-72	2-8-72	Over 2 months.
97	Notification No. 11935-HII (a)-71/20169 of 1971.	Punjab Motor Vehicles (Chandigarh Amendment) Rules, 1971 (Department of Communications).	1-1-72	16-8-72	**Over 5 months.
98	G.S.R. 795 of 1972	The Industrial Disputes (Central) (Amendment) Rules, 1972 (Ministry of Labour and Rehabilitation—Department of Labour & Employment).	1-7-72	17-8-72	@Over 15 days.
99	G.S.R. 317(E) of 1972.	Passport (Second Amendment) Rules, 1972 (Ministry of External Affairs).	21-6-72	17-8-72	@Over 15 days.
100	S.O. 436 (E) of 1972	The Income-tax (Second Amendment) Rules, 1972 (Ministry of Finance).	21-6-72	18-8-72	@Over 15 days.
101	S.O. 437(E) of 1972	The Wealth-tax (Second Amendment) Rules, 1972 (Ministry of Finance).	21-6-72	18-8-72	@Over 15 days.

*Fourth Session commenced on 13-3-72. Inter-session period from 8-1-72 to 12-3-72 not counted.

**Statement showing reasons for delay also laid on the Table.

@Fifth Session commenced on 31-7-72 Inter-session period not counted.

(1)	(2)	(3)	(4)	(5)	(6)
103	G.S.R. 748 of 1972	The Monopolies and Restrictive Trade Practices (Second Amendment) Rules, 1972 (Department of Company Affairs).	17-6-72	18-8-72	**Over 15 days
103	G.S.R. 329 of 1972	The Indian Telegraph (Sixth Amendment) Rules, 1972 (Department of Communications).	4-7-72	23-8-72	**Over 15 days.
104	G.S.R. 811 of 1972	The Indian Telegraph (Second Amendment) Rules, 1972 (Department of Communications).	4-7-72	23-8-72 ¹	**Over 15 days.
105	S.O. 377 (E) of 1972	The Personnel Injuries (Compensation Insurance) Rules, 1972 (Ministry of Labour and Rehabilitation — Deptt. of Labour and Employment).	25-5-72	23-8-72	Over 2 months.
106	S.O. 378 (E) of 1972. ¹	The Personnel Injuries (Compensation Insurance) Scheme, 1972 (Ministry of Labour and Rehabilitation — Deptt. of Labour & Employment).	25-5-72	23-8-72	Over 2 months.
107	S.O. 500 (E) of 1972	The Personnel Injuries (Compensation Insurance) (Amendment) Scheme, 1972 (Ministry of Labour and Rehabilitation — Department of Labour & Employment).	22-7-72	23-8-72	**Over 15 days.
108	S. O. 501 (E) of 1972.	The Personnel Injuries (Compensation Insurance) (Amendment) Rules, 1972 (Ministry of Labour & Rehabilitation — Department of Labour & Employment).	22-7-72	23-8-72	**Over 15 days.
109	S.R.O. 196 of 1972	The Naval Ceremonial, Conditions of Service and Miscellaneous (Third Amendment) Regulations, 1972 (Ministry of Defence—Navy Branch).	15-7-72	13-8-72	**Over 15 days.

110	G.S.R. 321(E) of 1972	The Monopolies and Restrictive Trade Practices (Third Amendment) Rules, 1972 (Department of Company Affairs).	22-7-72	25-8-72	**Over 15 days.
*111	S. O. 5593 of 1971	The Fruit Products (Amendment) Order 1971 (English version) (Ministry of Agriculture—Department of Food)	30-12-71	28-8-72	@Over 5 months.
*112	S. O. 5593 of 1971	The Fruit Products (Amendment) [Order, 1971 (Hindi version) (Ministry of Agriculture—Department of Food).	17-6-72	28-8-72	**Over 15 days.
*113	S. O. 621 of 1972.	The Fruit Products (Second Amendment) Order, 1971 (Ministry of Agriculture—Department of Food).	19-2-72	28-8-72	@Over 5 months.
114	S. O. 485(E) of 1972.	The Marine Products Export Development Authority Rules, 1972 (Ministry of Foreign Trade).	24-4-71	29-8-72	**One month.
115	G.S.R. 398 of 1972	The Indian Telegraph (Amendment) Rules, 1972 (Department of Communications).	1-4-72	[30-8-72	About 5 months.
116	G. S. R. 960 of 1972	Insurance (Amendment) Rules, 1972 (Ministry of Finance—Department of Revenue and Insurance).	12-8-72	30-8-72	Over 15 days.
*117	G. S. R. 1961 of 1971	The Employees' Family Pension (Fourth Amendment) Scheme, 1971 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	24-12-71	1-9-72	@Over 5 months.
*118	G. S. R. 1990 of 1971.	The Employees' Provident Funds (Fourth Amendment) Scheme, 1971 (Ministry of Labour & Rehabilitation—Department of Labour and Employment).	[25-12-71	1-9-72	@Over 5 months.

*Statement showing reasons for delay also laid on the Table.

**Fifth Session commenced on 31-7-72. Inter-session period not counted.

@ Fourth Session commenced on 13-3-72. Inter-session period not counted.

(1)	(2)	(3)	(4)	(5)	(6)
*119	G. S. R. 131 of 1972.	The Employees' Provident Funds (First Amendment) Scheme, 1972 (Miny. of Labour & Rehabilitation—Dept. of Labour and Employment).	5-3-72	1-9-72	@ Over 5 months.
*120	G. S. R. 263 of 1972.	The Employees' Provident Funds (Second Amendment) Scheme, 1972. (Ministry of Labour & Rehabilitation—Department of Labour & Employment).	4-3-72	1-9-72	@ Over 5 months.
*121	G. S. R. 320 of 1972.	The Employees' Provident Funds (Third Amendment) Scheme, 1972. (Ministry of Labour and Rehabilitation—Department of Labour & Employment).	18-3-72	1-9-72	Over 5 months.
*122	G. S. R. 574 of 1972.	The Employees' Provident Funds (Fifth Amendment) Scheme, 1972 (Ministry of Labour & Rehabilitation—Department of Labour and Employment).	20-5-72	1-9-72	Over 3 months.
123	S. O. 2043 of 1972	Dock Workers (Regulation of Employment) Amendment Rules, 1972. (Ministry of Labour & Rehabilitation—Department of Labour & Employment).	5-8-72	3-9-72	Over 15 days.
Sixth Session					
124	G. S. R. 545 of 1972.	Indian Telegraph (Eighth Amendment) Rules, 1972 (Ministry of Communications).	29-7-72	15-11-72	Over 3 months.
125	G. S. R. 947 of 1972.	The Metalliferous Mines (Amendment) Regulations, 1972 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	12-8-72	16-11-72	Over 3 months.

126	G. S. R. 948 of 1972	The Coal Mines (Third Amendment) Regulations, 1972 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	12-8-72	16-11-72	Over 3 months.
127	G. S. R. 506 of 1972	The Employees' Provident Funds (Fourth Amendment) Scheme, 1972 (Ministry of Labour and Rehabilitation—Department of Labour & Employment).	29-4-72	23-11-72	Over 6 months.
128	G.S.R. 978 of 1972	The Employees' Family Pension (First Amendment) Scheme, 1972 (Ministry of Labour & Rehabilitation—Department of Labour & Employment).	19-8-72	23-11-72	Over 3 months.
129	G. S. R. 1008 of 1972	The Monopolies and Restrictive Trade Practices (Classification of Goods) Amendment Rules, 1972. (Department of Company Affairs.)	19-8-72	24-11-72	Over 3 months.
*130	No. F. 3(12)/72-Tpt. of 1972.	Delhi Motor Vehicles (Third Amdt.) Rules, 1972 (Department of Communications).	3-7-72	27-11-72	**Over 3 months.
*131	No. 712-HIL(2)/9122 of 1972	The Punjab Motor Vehicles (Chandigarh First Amendment) Rules, 1972 (Department of Communications).	1-5-72	27-11-72	Over 6 months.
*132	G.S.R. 751 of 1970	The Merchant Shipping (Registration of Indian Ships) Amendment Rules, 1969 (Ministry of Shipping and Transport).	9-5-70	27-11-72	† 2 years and 4 months.
*133	G.S.R. 897 of 1970	The Merchant Shipping (Tonnage Measurement of Ships) Amendment Rules, 1970 (Ministry of Shipping and Transport).	6-6-70	27-11-72	% 2 years and 4 months.

*Statement showing reasons for delay also laid on the Table.

**Fifth Session commenced on 31-7-72. Inter-session period not counted.

@Fourth Session commenced on 13-3-72. Inter-session period not counted.

†Inter-session period from 9-5-70 to 27-7-70 has not been counted.

%Inter-session period from 6-6-70 to 27-7-70 has not been counted.

(1)	(2)	(3)	(4)	(5)	(6)
134	G. S. R. 1370 of 1972.	Foreign Travel Tax (Amendment) Regulations, 1972 (Ministry of Finance—Department of R & I).	4-11-72	1-12-72	*Over 15 days.
135	G. S. R. 1296 of 1972.	The Aircraft (Fourth Amendment) Rules 1972 (Ministry of Tourism and Civil Aviation).	7-10-72	1-12-72	*Over 15 days.
136	S. O. 3641 of 1972	The Cotton Textiles (Control) Amendment Order, 1972 (Ministry of Foreign Trade).	4-11-72	1-12-72	*Over 15 days.
137	G. S. R. 434(E) of 1972	Prevention of Food Adulteration (Second Amendment) Rules, 1972 (Ministry of Health and Family Planning).	10-10-72	4-12-72	*Over 15 days.
138	S. O. 3537 of 1972	The Fruit Products (Amendment) Order, 1972 (Ministry of Agriculture—Department of Food).	4-11-72	4-12-72	*Over 15 days.
139	S. O. 715(E) of 1972	The Nationalised Banks (Management and Miscellaneous Provisions) (Fourth Amendment) Scheme, 1972 (Ministry of Finance—Department of Revenue and Insurance).	18-11-72	8-12-72	Over 15 days.
**140	G. S. R. 783 of 1972	The Aircraft (Third Amendment) Rules, 1972 (Ministry of Tourism and Civil Aviation).	24-6-72	8-12-72	@Over 4 months.
141	G. S. R. 1232 of 1972	The Aircraft (Fifth Amendment) Rules, 1972 (Ministry of Tourism and Civil Aviation).	30-9-72	8-12-72	*Over 15 days.
142	G. S. R. 1233 of 1972	The Aircraft (Sixth Amendment) Rules, 1972 (Ministry of Tourism and Civil Aviation).	30-9-72	8-12-72	*Over 15 days.

143	S. O. 3853 of 1972	The Export of Vacuum Flasks (Inspection) Amendment Rules, 1972 (Ministry of Foreign Trade).	18-11-72	8-12-72	Over 15 days.
144	G. S. R. 417(E) of 1972	The Fertilizer (Control) Third Amendment Order, 1972 (Ministry of Agriculture) (Department of Agriculture).	27-9-72	11-12-72	*Over 15 days.
145	G. S. R. 1390 of 1972	The Indian Telegraph (Ninth Amendment) Rules, 1972 (Department of Communications—P & T Board).	4-11-72	13-12-72	*One month
146	G. S. R. 1480 of 1972	The Indian Telegraph (Tenth Amendment) Rules, 1972 (Ministry of Communications—P & T Board)	25-11-72	13-12-72	Over 15 days.
147	S. O. 706(E) of 1972.	The Gift-tax (Second Amendment) Rules, 1972 (Ministry of Finance).	15-11-72	15-12-72	One month
148	S. O. 707(E) of 1972.	The Wealth-tax (Third Amendment) Rules, 1972 (Ministry of Finance)	15-11-72	15-12-72	One month
149	S. O. 708(E) of 1972	The Income-tax (Fourth Amendment) Rules, 1972 (Ministry of Finance).	15-11-72	15-12-72	One month
**150	G. S. R. 2404 of 1969	The Union Public Service Commission (Members) Regulations, 1969 (Cabinet) Secretariat—Department of Personnel).	11-10-69	20-12-72	†Over 3 years.
**151	G. S. R. 977 of 1972.	The Union Public Service Commission (Members) Amendment Regulations, 1972 (Cabinet Secretariat—Department of Personnel).	19-8-72	20-12-72	4 months.

*Sixth Session commenced on 13-11-72. Inter-session period has not been counted.

**Statement showing reasons for delay also laid on the Table.

@Fifth Session commenced on 31-7-72. Inter-session period from 24-6-72 to 30-7-72 not counted.

†Inter-session period from 11-10-69 to 16-11-69 has not been counted.

(1)	(2)	(3)	(4)	(5)	(6)
152	G. S. R. 1295 of 1972	Delhi Development Authority (Issue and Management of Bonds) Regulations, 1970 (Ministry of Works and Housing).	20-5-72	22-12-72	Over 7 months.
*153	Notfn. No. F. 4 (45)/71-Fin. (G) of 1972.	Delhi Sales Tax (Fifth Amendment) Rules, 1972 (Ministry of Finance).	8-6-72	22-12-72	**Over 4 months.
*154	Notfn. No. F. 4(60)/71-Fin(G) of 1972.	Delhi Sales Tax (Sixth Amendment) Rules, 1972 (Ministry of Finance).	3-8-72	22-12-72	Over 4 months.
*155	Notfn. No. F. 4 (24)/72-Fin(G) of 1972.	Delhi Sales Tax (Seventh Amendment) Rules, 1972 (Ministry of Finance).	6-10-72	22-12-72	@Over 1 month.
156	G. S. R. 1494 of 1972.	The Central Excise (Fourteenth Amendment) Rules, 1972 (Ministry of Finance—Dept. of R & I).	2-12-72	22-12-72	Over 15 days.
157	G. S. R. 1495 of 1972.	The Central Excise (Fifteenth Amendment) Rules, 1972 (Ministry of Finance—Dept. of R & I).	2-12-72	22-12-72	Over 15 days.
158	G. S. R. 929 of 1972.	The Coffee (Fourth Amendment) Rules, 1972 (Ministry of Foreign Trade).	5-8-72	22-12-72	Over 4 months.
159	G. S. R. 1077 of 1972.	The Coffee (Fifth Amendment) Rules, 1972 (Ministry of Foreign Trade).	2-9-72	22-12-72	@Over 1 month.
Seventh Session					
160	G.S.R. 432(b) of 1972	The Solvent Extracted Oil, De-oiled Meal and Edible Flour (Control) Amendment Order, 1972 (Ministry of Agriculture—Department of Food).	9-10-72	20-2-73	†Over 3 months.

161	G.S.R. 478 (E) of 1972	The Indian Forest Service (Fixation of Cadre Strength) Second Amendment Regulations, 1972 (Cabinet Secretariat—Department of Personnel).	4-12-72	21-2-72	Over 2 months.
162	G.S.R. 1493 of 1972	The Customs and Central Excise Duties Drawbacks (Third Amendment) Rules, 1972 (Ministry of Finance—Department of Revenue & Insurance).	2-12-72	23-2-73	Over 2 months.
*163	G.S.R. 1208 of 1972	The Architects (Expert Committee) Rules, 1972 (Education and Social Welfare).	30-9-72	26-2-73	@ Over 3 months.
164	G.S.R. 1477 of 1972	The Indian Museum (Amendment) Rules, 1972. (Ministry of Education and Social Welfare).	25-11-72	26-2-73	3 months.
165	S.O. 2139 of 1972	The Drugs and Cosmetics Amendment Rules 1972. (Ministry of Health and Family Planning).	12-8-72	5-3-73	Over 6 months.
166	S.O. 2338 of 1972	The Drugs and Cosmetics (Second Amendment) Rules, 1972 (Ministry of Health and Family Planning—Department of Health).	26-8-72	5-3-73	@ Over 3 months.
167	S.R.O. 314 of 1972	The Naval Ceremonial, Conditions of Service and Miscellaneous (Fifth Amendment) Regulations, 1972 (Ministry of Defence).	2-12-72	8-3-73	Over 3 months.
*168	G.S.R. 1394 of 1972	The Apprenticeship (Amendment) Rules, 1972 (Ministry of Labour & Rehabilitation—Department of Labour and Employment).	4-11-72	8-3-73	** Over 3 months.

*Statement showing reasons for delay also laid on the Table.

@Sixth Session commenced on 13-11-1972. Inter-session period has not been counted.

**Fifth Session commenced on 31-7-72. Inter-session period has not been counted.

†Sixth Session commenced on 13-11-72. Inter-session period has not been counted.

(1)	(2)	(3)	(4)	(5)	(6)
*169	G.S.R. 1087 of 1972	The Coal Mines Provident Fund (Second Amendment) Scheme, 1972. (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	9-9-72	8-3-73	@ Over 3 months
*170	G.S.R. 1088 of 1972	The Andhra Pradesh Coal Mines Provident Fund (Second Amendment) Scheme, 1972 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	9-9-72	8-3-73	@ Over 3 months
*171	G.S.R. 1089 of 1972	The Rajasthan Coal Mines Provident Fund (Second Amendment) Scheme, 1972 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	9-9-72	8-3-73	@ Over 3 months.
*172	G.S.R. 1090 of 1972	The Neyveli Coal Mines Provident Fund (Second Amendment) Scheme, 1972 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	9-9-72	8-3-73	@ Over 3 months.
*173	G.S.R. 1531 of 1972	The Coal Mines Provident Fund (Third Amendment) Scheme, 1972 (Ministry of Labour & Rehabilitation—Department of Labour and Employment).	2-12-72	8-3-73	Over 3 months.
174	F. 4(27)/72. Fin (C) of 1972	The Delhi Sales Tax (Eighth Amendment) Rules, 1972 (Ministry of Finance).	16-10-72	9-3-73	@ Over 3 months.
*175	G.S.R. 1131 of 1972	The Produce Cess (Amendment) Rules, 1972 (Ministry of Agriculture—Dept. of Agriculture).	16-9-72	12-3-73	@ 4 months.
176	G.S.R. 67 (E) of 1973	The Council of Architecture Rules, 1973. (Ministry of Education and Social Welfare).	21-2-73	12-3-73	Over 15 days.

177	G.S.R. 69(B) of 1973	Indian Forest Service (Appointment by Competitive Examination) Amendment Regulations, 1973. (Cabinet Secretariat—Department of Personnel).	23-2-73	14-3-73	Over 15 days.
178	G.S.R. 82 of 1973	The Iron Ore Mines Labour Welfare Cess (Amendment) Rules, 1973 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	27-1-73	15-3-73	**Over 15 days.
179	G.S.R. 1187 of 1972	The Coal Mines Provident Fund (Amendment) Scheme, 1972 (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	30-9-72	15-3-72	@Over 4 months.
180	G.S.R. 1348 of 1972	The Employees' Provident Funds (Ninth Amendment) Scheme, 1972. (Ministry of Labour and Rehabilitation—Department of Labour and Rehabilitation).	21-10-72	15-3-73	@Over 4 months.
181	G.S.R. 60 of 1973	The Aircraft (Amendment) Rules, 1973. (Ministry of Tourism and Civil Aviation).	20-1-73	16-3-73	**Over 15 days.
182	G.S.R. 501(B) of 1972	The Coal Mines Bonus (Amendment) Scheme, 1972. (Labour and Rehabilitation—Department of Labour and Employment).	30-12-72	22-3-73	†Over 2 months.
183	G.S.R. 502(B) of 1972	The Andhra Pradesh Coal Mines Bonus (Amendment) Scheme, 1972. (Labour and Rehabilitation—Department of Labour and Employment).	30-12-72	22-3-73	†Over. 2 months.

*Statement showing reasons for delay also laid on the Table.

†Seventh Session commenced on 19-2-73. Inter-session period has not been counted.

@Sixth Session commenced on 13-11-72. Inter-session period has not been counted.

†The Seventh Session commenced on 20-3-73; Inter-session period from 30-12-72 to 19-2-73 has not been counted.

1	2	3	4	5	6
184	G.S.R. 903(E) of 1973	The Assam Coal Mines Bonus (Amendment) Scheme, 1972. (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	30-12-72	22-3-73	*Over 2 months.
185	G.S.R. 904(E) of 1973	The Rajasthan Coal Mines Bonus (Amendment) Scheme, 1972. (Ministry of Labour and Rehabilitation—Department of Labour and Employment).	30-12-72	22-3-73	*Over 2 months.
186	G.S.R. 161 of 1973	The Petroleum and Natural Gas (Amendment) Rules, 1973. (Ministry of Petroleum & Chemicals—Deptt. of Petroleum).	17-2-73	27-3-73	*Over one month.
187	G.S.R. 205 of 1973	The Arms (Amendment) Rules, 1973 (Ministry of Home Affairs).	3-3-73	28-3-73	Over 15 days.
188	G.S.R. 136 of 1973	The Merchant Shipping (Examination of Engineers and Engine Drivers of Fishing Vessels) Rules, 1973. (Ministry of Shipping and Transport).	10-2-73	2-4-73	*Over one month.
189	Notn. No. F. 3(80)/72-Tpt. of 1973	Delhi Motor Vehicles (Sixth Amendment) Rules, 1972. (Ministry of Shipping and Transport).	2-1-73	2-4-73	*Over one month.
**190	G.S.R. 874 of 1973	The Mining Leases (Modification of Terms) Amendment Rules, 1972. (Ministry of Steel and Mines).	29-7-72	12-4-73	@Over 8 months.
191	G.S.R. 261 of 1973	The Central Excise (Third Amendment) Rules, 1973 (Ministry of Finance—Department of Revenue and Insurance).	17-3-73	17-4-73	One month.
192	G.S.R. 58 of 1973	The Mineral Concession (Amendment) Rules, 1973 (Ministry of Steel and Mines).	20-1-73	19-4-73	*2 months.

193	G.S.R. 176(B) of 1973.	The Fertilizer (Control) First Amendment Order, 1973 (Ministry of Agriculture).	24-3-73	23-4-73	Over 15 days.
194	G.S.R. 187(B) of 1972.	The Inter-zonal Wheat and Wheat Products (Movement Control) Order, 1973. (Ministry of Agriculture—Department of Food).	31-3-73	23-4-73	Over 15 days.
195	G.S.R. 192(B) of 1973	The Indian Forest Service (Fixation of Cadre Strength) Amendment Regulations, 1973. (Cabinet Secretariat—Department of Personnel).	2-4-73	25-4-73	Over 15 days.
196	S.O. 179(B) of 1973	The Income-tax (Certificate Proceedings) Amendment Rules, 1973. (Ministry of Finance—Department of Revenue and Insurance).	29-3-73	27-4-73	Over 15 days.
197	S.O. 187(B) of 1973	The Wealth-tax (Second Amendment) Rules, 1973. (Ministry of Finance—Department of Revenue & Insurance)	31-3-73	27-4-73	Over 15 days.
198	G.S.R. 194(B) of 1973	The Tourist Baggage (Amendment) Rules, 1973 (Ministry of Finance—Department of Revenue and Insurance).	3-4-73	27-4-73	Over 15 days.
199	S.O. 301 (B) of 1972	The Patents Rules, 1972 (Ministry of Industrial Development).	20-4-72	2-5-72	Over one year.
200	G.S.R. 217 of 1973	The Coal Mines Provident Fund (Amendment) Scheme, 1973 (Ministry of Labour and Rehabilitation—Department of Labour & Employment).	3-3-73	3-5-73	Two months.

*Seventh Session commenced on 20-1-73. Inter-session period has not been counted.

**A statement showing reasons for delay also laid on the Table.

@Fifth Session commenced on 31-7-72. Inter-session period has not been counted.

1	2	3	4	5	6
201	G.S.R. 218 of 1973.	The Rajasthan Coal Mines Provident Fund (Amendment) Scheme, 1973. (Ministry of Labour and Rehabilitation—Department of Labour & Employment).	3-3-73	3-5-73	2 months
202	G.S.R. 219 of 1973.	The Andhra Pradesh Coal Mines Provident Fund (Amendment) Scheme, 1973. (Ministry of Labour and Rehabilitation—Department of Labour & Employment).	3-5-73	3-5-73	2 months.
203	G.S.R. 220 of 1973.	The Neyveli Coal Mines Provident Fund (Amendment) Scheme, 1973 (Ministry of Labour and Rehabilitation—Deptt. of Labour & Employment.)	3-3-73	3-5-73	2 months.
204	F.3(28)/72/Tpt of 1973.	Delhi Motor Vehicles (Second Amendment) Rules, 1973 (Ministry of Shipping and Transport).	1-1-73	7-5-73	*Over 2 months.
**205	F.1(1)/72-L&B of 1972.	Delhi Lands (Restriction on Transfe.) Rules, 1973 (Ministry of Works and Housing).	10-11-72	7-5-73	@ Over 5 months.
206	G.S.R. 29(B) of 1973.	The Wild life (Stock Declaration) Central Rules, 1973 (Ministry of Agriculture—Department of Agriculture).	25-1-73	7-5-73	* Over 2 months.
207	G.S.R. 41(B) of 1973.	The Wild Life (Stock Declaration) Central Rules, 1973. (Ministry of Agriculture—Department of Agriculture).	1-2-73	7-5-73	*Over 2 months.
208	G.S.R. 43(B) of 1973.	The Wild Life (Stock Declaration) Central Rules, 1973 (Ministry of Agriculture—Deptt. of Agriculture).	1-2-73	7-5-73	*Over 2 months.

209	G.S.R. 45(E) of 1973	The Wild Life (Stock Declaration) Central Rules, 1973 (Ministry of Agriculture—Deptt. of Agriculture).	1-2-73	7-5-73	*Over 2 months.
210	G.S.R. 64(E) of 1973	The Wild Life (Stock Declaration) Rules, 1973 (Ministry of Agriculture—Deptt. of Agriculture).	12-3-73	7-5-73	Over one month.
211	G.S.R. 191(E) of 1973	The Wild Life (Stock Declaration) Rules, 1973 (Ministry of Agriculture—Deptt. of Agriculture).	2-4-73	7-5-73	Over one month.
212	G.S.R. 398 of 1973	The Petroleum and Natural Gas (Second Amendment) Rules, 1973. (Ministry of Petroleum and Chemicals).	14-4-73	8-5-73	Over 15 days.
213	G.S.R. 200 (E) of 1973.	The Union Public Service Commission (Members) Second Amendment Rules, 1973 (Cabinet Secretariat—Deptt. of Personnel).	12-4-73	9-5-73	Over 15 days.
214	G.S.R. 369 of 1973	The Coffee (Amendment) Rules, 1973 (Ministry of Commerce).	7-4-73	9-5-73	One month.
**215	S.O. 214(E) of 1973	The Iron and Steel (Control) Amendment Order, 1973 (Ministry of Steel and Mines).	12-4-73	10-5-73	Over 15 days.
216	G.S.R. 345 of 1973	The Mineral Concession (Second Amendment) Rules, 1973. (Ministry of Steel and Mines).	31-3-73	10-5-73	Over 1 month.
*217	G.S.R. 231 of 1973	The Aircraft (Second Amendment) Rules, 1973 (Ministry of Tourism and Civil Aviation).	3-3-73	11-5-73	Over 2 months.

*Seventh Session commenced on 20-2-73. Inter-session period has not been counted.

**Statement showing reasons for delay also laid on the Table.

@ Sixth Session commenced on 13-11-7. 2 Inter-session period has not been counted.

1	2	3	4	5	6
••218	G.S.R. 270 of 1973	The Aircraft (Third Amendment) Rules, 1973 (Ministry of Tourism and Civil Aviation).	17-3-73	11-5-73	Over 15 days.
••219	S.O. 1123 of 1973	The Export of Minerals and Ores—Group I (Inspection) Amendment Rules, 1973 (Ministry of Commerce).	21-4-73	11-5-73	Over 15 days.
••220	S.O. 1124 of 1973	The Export of Minerals and Ores—Group II (Inspection) Amendment Rules, 1973. (Ministry of Commerce).	21-4-73	11-5-73	Over 15 days.
••221	S.O. 1128 of 1973	The Export of Curry Powder (Inspection) Rules, 1973. (Ministry of Commerce).	21-4-73	11-5-73	Over 15 days.
••222	G.S.R. 949 of 1973	The Seamen's Provident Fund (Amendment) Scheme, 1972 (Ministry of Shipping and Transport).	12-8-72	14-5-73	Over 9 months.
223	G.S.R. 275 of 1973	The Examination of Masters and Mates (Amendment) Rules, 1973 (Ministry of Shipping and Transport).	17-3-73	14-5-73	Over one month.
224	G.S.R. 169(E) of 1973	The Sugar (Price Determination for 1972-73 Production) Second Amendment Order, 1973 (Ministry of Agriculture—Deptt. of Agriculture).	13-3-73	15-5-73	Over one month.
225	S.O. 176(E) of 1973	The Meat Food Products Order, 1973 (Ministry of Agriculture—Deptt. of Food).	28-3-73	15-5-73	Over one month.
••226	G.S.R. 298 of 1973	The Employees' Family Pension (Amendment) Scheme, 1973 (Ministry of Labour and Rehabilitation—Deptt. of Labour and Employment).	24-3-73	15-5-73	Over one month.

227	No. F. 23/3/72-Judl. of 1972	The Administrator-General's (Union Territory of Delhi) Rules, 1972 (Ministry of Law and Justice).	18-9-72	16-5-73	**Over 6 months.
228	G.S.R. 368 of 1973	Tea (Amendment) Rules, 1973 (Ministry of Commerce—Deptt. of Foreign Trade).	7-4-73	16-5-73	Over one month
229	G.S.R. 1250 of 1973	Central Silk Board (Amendment) Rules, 1972 (Ministry of Commerce).	7-10-72	16-5-73	@ Over 6 months.
230	G.S.R. 444 of 1973	The Drugs and Cosmetics (Amendment) Rules, 1973 (Ministry of Health and Family Planning)	28-4-73	23-7-73	Over 2 months
*231	G.S.R. 305 of 1973	The Merchant Shipping (Continuous Discharge Certificates) Amendment Rules, 1973 (Ministry of Shipping and Transport)	24-3-73	30-7-73	Over 4 months
*232	S.O. 111 of 1973	The Navy (Pension) Amendment Regulations, 1972 (Ministry of Defence)	21-4-73	2-8-73	Over 3 months
233	S.O. 249 (E) of 1973	The Fertilizer (Movement Control) Order, 1973 (Ministry of Agriculture)	25-4-73	6-8-73	Over 3 months
234	G.S.R. 225(E) of 1973	The Wild Life (Stock Declaration) Rules, 1973 (Applicable to West Bengal) (Ministry of Agriculture)	1-5-73	6-8-73	Over 3 months
235	G.S.R. 226(E) of 1973	The Wild Life (Transactions and Taxidermy) Rules, 1973 Applicable to West Bengal (Ministry of Agriculture).	1-5-73	6-8-73	Over 3 months
236	G.S.R. 193(E) of 1973	The Inter-Zonal Wheat and Wheat Products (Movement Control) Amendment Order, 1973 (Ministry of Agriculture).	2-4-73	13-8-73	Over 4 months.

*Statement showing reasons for delay also laid on the Table.

**Sixth Session commenced on 13-11-72. Inter-session period has not been counted.

@ Sixth Session commenced on 13-11-72. Inter-session period from 7-10-72 to 12-11-72 has not been counted.

(1)	(2)	(3)	(4)	(5)	(6)
237	G.S.R. 492(E) of 1973	The Colliery Coal Mines (Statement of Accounts) Rules, 1973 (Ministry of Steel and Mines—Deptt. of Mines)	19-12-72	16-8-73	Over 5 months
238	G.S.R. 186(E) of 1973	The Employees' Family Pension (Second Amendment) Scheme, 1973 (Ministry of Labour and Rehabilitation)	31-3-73	16-8-73	Over 4 months
239	G.S.R. 425 of 1973	The Coal Mines Family Pension (Amendment) Scheme, 1973 (Ministry of Labour and Rehabilitation)	21-4-73	16-8-73	Over 3 months
240	G.S.R. 718 of 1973	The Aircraft (Fourth Amendment) Rules, 1973. (Ministry of Tourism and Civil Aviation)	7-7-73	17-8-73	Over 15 days.
241	S.O. 5356 of 1973	The Staple Fibre Distribution Order, 1973 (Ministry of Foreign Trade)	30-12-72	17-8-73	••About 6 months.
242	S.R.O. 13(E) of 1973	The Naval Ceremonial, Conditions of Service and Miscellaneous (Fourth Amendment) Regulations, 1973. (Ministry of Defence)	3-8-73	23-8-73	Over 15 days.
243	G.S.R. 380 of 1973	The Iron Ore Mines Labour Welfare Cess (Second Amendment) Rules, 1973 (Ministry of Labour and Rehabilitation)	7-4-73	23-8-73	Over 4 months.
244	G.S.R. 374(E) of 1973	The Central Excise (Seventh Amendment) Rules, 1973 (Ministry of Finance—Deptt. of Revenue and Insurance)	1-8-73	24-8-73	Over 15 days.
245	G.S.R. 792 of 1973	The Life-Boatsmen's (Qualifications and Certificates) Amendment Rules, 1973 (Ministry of Shipping and Transport)	21-7-73	27-8-73	†Over 1 month.

246	G.S.R. 372(E) of 1973	The Wild Life (Stock Declaration) Rules, 1973 applicable to Andhra Pradesh (Ministry of Agriculture — Department of Agriculture).	1-8-73	27-8-73	Over 15 days.
247	G.S.R. 373(E) of 1973	The Wild Life (Transactions and Taxidermy) Rules, 1973 applicable to Andhra Pradesh (Ministry of Agriculture—Deptt. of Agriculture).	1-8-73	27-8-73	Over 15 days.
248	S.O. 1431 of 1973	The Motor Vehicles (Diplomatic and Consular Officers Vehicles) Registration (Amendment) Rules, 1973 (Ministry of Shipping and Transport).	19-5-73	27-8-73	*Over 1 month.
249	G.S.R. 383(E) of 1973	The Indian Administrative Service (Fixation of Cadre Strength) Eighth Amendment Regulations, 1973. (Cabinet Sectt. Department of Personnel)	7-8-73	29-8-73	Over 15 days.
250	G.S.R. 384(E) of 1973	The Indian Administrative Service (Pay) Tenth Amendment Rule 1973 (Cabinet Sectt.-Deptt. of Personnel).	7-8-73	29-8-73	Over 15 days.
*251	G.S.R. 1649 of 1972	The Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1972. (Ministry of Labour and Rehabilitation Department of Labour & Employment).	20-12-72	30-8-73	**Over 6 months.
*252	G.S.R. 200 of 1973.	The Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1973. (Ministry of Labour and Rehabilitation Deptt. of Labour and Employment).	24-2-73	30-8-73	Over 6 months.
253	G.S.R. 598 of 1973	The Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1973.	2-6-73	30-8-73	†Over one month.

*A statement showing reasons for delay also laid on the Table.

**Seventh Session commenced on 19-2-73. Inter-session period from 30-12-72 to 18-2-73 has not been counted.

†Eighth Session commenced on 23-7-73. Inter-session period has not been counted.

(1)	(2)	(3)	(4)	(5)	(6)
254.	G.S.R. 843 of 1973	The Employees' Provident Fund (Third Amendment) Scheme, 1973. (Ministry of Labour and Rehabilitation—Department of Labour & Employment).	4-8-73	30-8-73	Over 15 days.
255.	S.O. 1184 of 1973	The Textile Machinery (Production and Distribution) Control (Amendment) Order, 1973 (Ministry of Commerce).	28-4-73	31-8-73	Over 4 months.
256.	G.S.R. 392(E) of 1973	The Sugar (Price Determination for 1972-73 Production) Fifth Amendment Order, 1973 (Ministry of Agriculture)	13-8-73	3-9-73	Over 15 days.
257.	G.S.R. 198(E) of 1973	The Wild Life (Transactions and Taxidermy) Rules, 1973 (Ministry of Agriculture)	9-4-73	5-9-73	Over 4 months.
258.	S.O. 1185 of 1973	The Textiles (Production by Knitting Embroidery, Lace making and Printing Machines) Control (Amendment) Order, 1973 (Ministry of Commerce)	28-4-73	5-9-73	Over 4 months.

*A statement showing reasons for delay also laid on the Table.

APPENDIX IV

(Vide para 23 of the Report)

Statement showing Ministry-wise Break up of orders in respect of which there has been delay of more than 15 days in laying them on the table.

S.No.	Name of Ministry/Department	Delay							Total
		Upto one month	1—3 months	3—6 months	6—9 months	9—12 months	one year and above		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
1.	Ministry of Agriculture								
	(i) Deptt. of Food	5	1	2	2	..	..	10
	(ii) Deptt. of Agriculture	6	11	4	..	..	..	21
2.	Cabinet Secretariat (Department of Personnel and Administrative Reforms).	9	2	14	..	..	*1	26
3.	Communications	5	3	11	1	..	..	20
4.	Commerce	7	5	5	..	..	..	17
5.	Defence	2	1	2	..	..	..	5
6.	Education	1	1	1	..	..	..	3
7.	External Affairs	3	..	..	..	..	..	3
8.	Finance								
	(i) Deptt. of R&I	19	9	4	..	..	..	32
	(ii) Deptt. of Banking	1	..	..	..	..	..	1

*Delay was of more than 3 years. See S. No. 150 of Appendix III.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9.	Health	.	.	.	.	.	..	6
10.	Home Affairs	.	.	.	.	..	..	5
11.	Industrial Development	.	.	.	.	..	..	4
12.	Labour and Rehabilitation (Deptt. of Labour and Employment)	8	18	16	8	..	..	50
13.	Law, Justice and Company Affairs							
	(i) Deptt. of Company Affairs	.	.	.	.	..	..	6
	(ii) Deptt. of Justice	.	.	.	.	..	..	2
14.	Petroleum and Chemicals	.	.	.	.	..	..	3
15.	Steel and Mines							
	(i) Deptt. of Mines	.	.	.	.	..	..	12
	(ii) Deptt. of Steel	.	.	.	.	..	..	1
16.	Railways.	.	.	.	.	..	..	1
17.	Shipping and Transport	.	.	.	.	..	..	14
18.	Tourism and Civil Aviation.	.	.	.	.	..	..	14
19.	Works and Housing	.	.	.	.	..	..	2
	TOTAL	.	.	.	.	.	.	258

*Delay was of more than 2 years. See S. Nos. 132-33 of Appendix III. Commented upon in para 40 of Fifth Report (Fifth Lok Sabha).

APPENDIX V

(vide para 41 of the Report)

STATEMENT OF CASES IN WHICH PERIOD OF 30 DAYS WAS REDUCED

<p>Particulars of cases in which the provisions contained in rule 12(1) of Registration of Electors Rules, 1960, as amended by S.O. 4540 of 1969, have so far been made applicable for fixing shorter period for the lodging claims and objections.</p>	<p>Extent to which the period of 30 days was reduced by the Election Commission in these cases for lodging claims and objections.</p>
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(1) Revisions of electoral rolls in 1969 with 1-1-1970 as the qualifying date in respect of all 27 States/Union Territories :

- | | |
|--------------------------------------|----------------------------|
| (a) 25 State/Union Territories . . . | Period reduced to 15 days. |
| (b) Maharashtra State . . . | Period reduced to 22 days. |
| (c) West Bengal | |
| 236 Assembly constituencies . . . | Period reduced to 16 days. |
| 44 Assembly constituencies . . . | Period reduced to 25 days. |

(2) *Maharashtra*

- | | |
|--|----------------------------|
| (a) Revision of Rolls in 1973 for bye-election from 20-Ramtek Parliamentary Constituency | Period reduced to 15 days. |
| (b) Revision of rolls in 1973 for bye-election from 1-Sawantwadi Assembly Constituency | Period reduced to 15 days. |
| (c) Revision of rolls in 1973 for bye-election from 210-Sangola Assembly Constituency | Period reduced to 15 days. |

(3) *Orissa*

Special revision of electoral rolls in 1971 for bye-election from 73-Mohana Assembly Constituency	Period reduced to one day
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(4) *West Bengal*

- | | |
|---|----------------------------|
| (a) Special revision of electoral rolls 'in 1970 in for bye-election from 246-Barabani Assembly Constituency. | Period reduced to 7 days. |
| (b) Intensive revision of electoral rolls in 1970 for bye-election from 24-Phansidewa A.C. | Period reduced to 7 days. |
| (c) Summary revision of electoral rolls in 1971 for entire State. | Period reduced to 29 days. |

(5) *Jammu & Kashmir*

Special revision in 1970 for bye-election from Period reduced to 8 days.
Srinagar Parliamentary Constituency.

(6) *Kerala*

(a) Revision of rolls in 1972 for bye-election from Period reduced to 15 days.
5-Manjeri P.C.

(b) Revision of rolls in 1972 for bye-election from Period reduced to 15 days.
64-Parur Assembly Constituency.

(c) Revision of rolls in 1972 for bye-election from Period reduced to 15 days.
4-Nileswar Assembly Constituency.

(d) Revision of rolls in 1973 for bye-election from Period reduced to 14 days.
31-Kondotty Assembly Constituency.

APPENDIX VI

(vide para 58 of the Report)

Exemption Orders issued by the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum and Chemicals)

I

ORDER

New Delhi, the 30th July, 1970.

S.O. 2602.—In pursuance of Paragraph 25 of the Drugs (Prices Control) Order, 1970, the Central Government hereby exempts drugs manufacturing units, with an annual turn over not exceeding Rs. 5 lakhs as recorded in the last accounting period, from the operation of paragraph 9 of the said Order so far as it relates to submission of detailed calculations regarding retain price in Form No. 3.

[No. 17(18)/70-CH. III].

II

(DEPARTMENT OF PETROLEUM AND CHEMICALS)

ORDER

New Delhi the 11th Sept., 1970.

S.O. 3005.—In pursuance of paragraph 25 of the Drugs (Prices Control) Order, 1970, the Central Government hereby exempts small scale drugs manufacturing units, with an annual turn over exceeding Rs. 5 lakhs as recorded in the last accounting period, from the operation of paragraph 9 of the said Order so far as it relates to the submission of detailed calculations regarding retail price in Form No. 3, except in respect of the following formulations, namely:—

- (i) formulations in respect of which the mark-up adopted exceeds 150; and
- (ii) formulations, the retail prices of which calculated and fixed under the said Order are more than their prices prevailing on the 15th May, 1970.

Explanation.—For the purposes of this order, a small scale drugs manufacturing unit means a unit with the capital investment in plant and machinery only, of not more than Rs. 7.50 lakhs, irrespective of the number of persons employed therein.

[No. F. 17(18)/70-CH. III].

III

ORDER

.. New Delhi, the 1st April, 1971.

S.O.....In pursuance of paragraph 25 of the Drugs (Prices Control) Order, 1970, the Central Government hereby exempts—

- (1) small scale drugs manufacturing units from the operation of paragraph 10 of the said Order in so far as it relates to new packs subject to the following conditions, namely:—
 - (a) that the prices to be fixed for new packs, larger than the existing packs, will be proportionately lower than the prices of the existing packs;
 - (b) that the prices to be fixed for new packs, smaller than the existing packs, will be fixed *pro rata* on the basis of the prices of the existing packs;
 - (c) that a report that new packs have been introduced shall be made to the Central Government within a week of the marketing thereof together with the details of how the prices have been fixed;
- (2) Small scale drugs manufacturing units, with an annual turn-over not exceeding Rs. 5 lakhs as recorded in the last accounting period, from the operation of paragraph 10 of the said Order in so far as it relates to new formulations and sub-paragraph (1) of paragraph 13 of the said Order subject to the condition that a report shall be made to the Central Government within a week of the introduction of the new formulation revision of retail price of an existing formulation together with the details showing how the price has been fixed or revised as the case may be.

Explanation:—

- (1) For the purposes of this Order, a small scale drugs manufacturing unit means a unit with a capital investment in plant and machinery only, of not more than Rs. 7.50

lakhs, irrespective of the number of persons employed therein.

- (2) For the purposes of this Order, small scale unit which is established after the date of issue of this Order and markets its products for the first time, shall during the first accounting year of its existence, be deemed to be unit with an annual turn-over not exceeding Rs. 5 lakhs.

[No. 17(14)/71-CH. III].

_____ :

APPENDIX VII

(vide para 63 of the Report)

List of Recruitment Rules relating to gazetted posts, the relaxation clause in which did not conform to normal practice

Serial No.	No. and name of 'Order'	Ministry concerned	Date of publication	Date of issue of necessary amendment	Departure from normal practice
1	Central Cattle Breeding Farm Gazetted Class II (Veterinary Officer) Recruitment Rules, 1970 (G.S.R. 252 of 1970).	Agriculture	21-2-70	20-9-71	The words "and in consultation with U.P.S.C." were missing.
2	Assistant Director (Publicity) Central Water and Power Commission (Water Wing) Recruitment Rules, 1970 (G.S.R. 2052 of 1970).	Irrigation and Power	26-12-70	19-4-71	Do.
3	Central Bureau of Investigation (Class I and Class II Posts in the Technical Division) Recruitment Rules, 1970 (G.S.R. 1872 of 1970).	Cabinet Sectt. (Department of Personnel)	7-11-70	23-2-71	Do.
4	Directorate General, Ordnance Factories (Deputy Assistant Director General Medical) Recruitment Rules, 1970 (S.R.O. 366 of 1970).	Defence	29-8-70	30-4-71	The words "with respect to any Clause or category of persons" were missing.
5	Deputy Director (Purchase), Badarpur Thermal Power Project, Central Water and Power Commission (Power Wing) Recruitment Rules, 1970 (G.S.R. 1960 of 1970).	Irrigation and Power	28-11-70	11-2-71	The words "and in consultation with the U.P.S.C." were missing.

6	National Buildings Organisation (Class I and Class II Posts) Recruitment Rules, 1968 (G.S.R. 1204 of 1968).	Works and Housing	29-6-68	20-8-68	Do.
7	All India Institute of Hygiene and Public Health Calcutta (Professor of Biochemistry and Nutrition-Class I Posts) Recruitment Rules, 1976 (G.S.R. 1281 of 1970).	Health and Family Planning.	5-9-70	24-10-71	Do.
8	Central Bureau of Investigation (Technical Adviser—Accounts and Income tax) Recruitment Rules, 1970 (G.S.R. 1854 of 1970).	Cabinet Sectt. (Department of Personnel).	31-10-70	1-12-70	Do.
9	Directorate of National Sample Survey (Accounts-cum-Administrative Officer) Recruitment Rules 1970 (G.S.R. 1914 of 1970).	Do.	21-11-70	29-7-72	The words "with respect to any class or category of persons" were missing
10	Iado-Norwegian Project (Class I and Class II Posts) Recruitment Rules. 1970 (G.S.R. 1087 of 1971).	Ministry of Agriculture (Deptt. of Agriculture)	24-7-71	*Being issued (vide O.M. No. 12018/8/70-E.E.I. dt. 22/23/10-73)	The words "and in consultation with U.P.S.C." were missing.

* Issued vide Notfn. No. 12018/8 70--E.E.I., dt. 17-1-74.

APPENDIX VIII

(vide para 108 of the Report)

EXTRACTS FROM D.G.P.T., FILE No. 42|20|69-NCG

1.

2. After completing the theoretical training he was to be deputed for 2 month's practical training before actual appointment as an Engineering Supervisor. Since the fact that he did not possess the minimum educational qualification prescribed in statutory rules, he has not been deputed for practical training and the case has been referred to this office for regularisation of his selection and subsequent appointment in relaxation of the rules. It will be seen that there is no provision in rules for relaxation of minimum educational qualification in favour of candidates and there is no other general enabling clause under which the requisite relaxation may be extended. On the advice of the Ministry of Home Affairs we are now inserting the following new rule about "Power to relax"...

"8-A. Power to relax.—

'B'

Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons or posts."

'A'

The draft notification has since been approved by the Ministry of Home Affairs and vetted by the Ministry of Law and may issue shortly. In notes at p. 8/N ante it has been proposed to extend relaxation in the present case under the powers to be delegated under the new proposed rules, as reproduced above. Ministry of Law is requested kindly to see and advise whether the individual case under consideration on this file can be regularised as proposed above and if not would there be any legal implications in not appointing him after imparting him theoretical training for ten months

during which he was paid the usual stipend. He is yet to be imparted practical training for two months.

DMN

9/10/69

Sd/- R. N. KOLEY

9-10-69

ADG(STN)

Note above. D.T.E. may like to see with ref. to orders of Sr. Member (T.O.) at 9/N. If approved, it will be sent to Min. of Law in file.

Sd/- T. V. BALASUBRAMANIAN

9-10-1969

D.T.E.

Sd/- B. S. BENEGAL.

Ministry of Law

13-10-1969

D.G. P. & T., New Delhi U.O. No. 42/20/69-NCG, dated 13-10-1969.

MINISTRY OF LAW

(DEPARTMENT OF LEGAL AFFAIRS)

Advice (A) Section

There is no bar to relaxing at present the rules regarding the basic educational qualifications. According to the rules, as at present, Government has no power to relax. Here, we have got a peculiar case. The candidate has stated his qualifications without in any way trying to mislead the Department. In spite of this, the Department selected him and made him undergo the theoretical training. Though one can say that he has been paid stipend during the period of training, it cannot be denied that the candidate has lost nearly a year with the hope of getting into the P. & T. Engineering Service. If the matter is taken to the Court, the sympathy of the Court will be entirely on the side of the candidate and if there is a way-out, the Court is likely to help him. The Department may also come in for adverse remarks.

2. I understand that the power to relax is being taken and the rules are going to be amended. We would suggest that the amended rules be given retrospective operation. Afterwards, the relaxation may be issued. Having regard to the facts and circumstances of the case, we feel that this would be the proper case for relaxation.

3. If, on the other hand, we take the stand that because of this inherent defect under the rules he should be sent back, we may not

be able to sustain the same in a Court of Law, since our case would be weak, because knowing full well all the facts, we have selected him and allowed him to take the theoretical training.

4. We would, therefore, suggest that the relaxation should be granted immediately after the amendment is gazetted.

Sd/- K. P. SROJINI,

Assistant Legal Adviser.

13-10-1969.

P. & T. Directorate

Ministry of Law (Department of Legal Affairs) U.O. No. 17041/69-Adv(A) dated 14-10-1969.

Kindly refer to Law Ministry's advice at page 12/N.

In this connection attention is invited to the point raised in 'A' at page 11/N wherein a doubt has arisen if with the insertion of the enabling clause of power to relax as reproduced at 'B' of page 11/N (which is the usual clause since prescribed by the Ministry of Home Affairs for insertion in all the recruitment rules) will enable the Department to appoint an individual in relaxation of the recruitment rules. According to the wording of the clause, the rules can only be relaxed "in respect of any class or category of persons."

If approved, this may again be referred to the Ministry of Law for their views on this point. (Telephone conversation of Shri S. S. Shetty, Addl. Legal Adviser, and Shri B. S. Benegal, Director, Telegraph Establishment).

Sd.- R. N. KOLEY

14-10-1969.

ADG (STN)

Sd/- T. V. BALASUBRAMANIAM

14-10-69.

D(TE)

Sd/- B. S. BENEGAL

14-10-69.

Ministry of Law

D. G., P. & T. U.O. No. 42|20|69-NCC dated 15-10-69.

NOTES IN THE MINISTRY OF LAW**(DEPARTMENT OF LEGAL AFFAIRS)****Advice (A) Section**

The relaxation in this case should be issued only after Rule 6-A as framed has been gazetted. The only point for consideration is whether such a relaxation can be issued in favour of an individual when it speaks of any class or category of persons or posts. The class of persons in whose favour the relaxation is being issued is those persons who have wrongly been selected even though they did not have the qualifications and who have undergone the training in theory and passed the examinations. This will be a distinct class by itself. The fact that in this instant case it is only one person should not make any difference. In the circumstances, the order issued may make it clear that it is because of the hardships that will be caused that this relaxation is being granted. I think that if such a course of action is taken, it will not be open to any objection.

Ed|- S. S. SHETTY,

Additional Legal Adviser.

27-10-1969.

D.G., P. & T.

Ministry of Law (Department of Legal Affairs) U.O. No. 17100/69-
Adv(A) dated 27-10-69.

APPENDIX IX

Statements showing action taken on old Recommendations of, and Assurances given to, the Committee on subordinate Legislation during First to Fourth Lok Sabha

(vide para 123 of the Report)

Serial No.	Reference to Para No. of Report	Summary of recommendations/ assurances	Interim reply, if received	Govt of Government's reply
(1)	(2)	(3)	(4)	(5)
1.	First Report (2LS) 15	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, dt. 14-2-1958). Brought to the notice of the Committee vide S. No. 6 of Appendix II to Third Report (2LS).	The Act has since been amended by the Working Journalists (Amendment) Act, 1962 (65 of 1962) and the provisions of Rule 15 referred to have been incorporated therein by inserting section 19A. [Ministry of Labour and Rehabilitation (Deptt. of Lab. & Emp.) O.M. No. S-14012/2/72-LR. IV dt. 13-10-72].
2.	Second Report (2LS) 33-34	The Committee note the assurance given by the Ministry of Transport and Communication that the rates of fees for issue of duplicate copies of a certificate or licence under the Indian Wireless Telegraphy (Commercial Radio Operators Certificates of Proficiency and Licence to Operate Wireless Telegraphy) Rules, 1954, will be included in the body of the said Rules whenever they are printed again.	No interim reply received.	Rule 11, Sub-rule (2), of the Indian Wireless Telegraphy (Commercial Radio Operators Certificates of Proficiency and Licence to Operate Wireless Telegraphy) Rules, 1954 has been amended, indicating the rate of fees for issue of duplicate copies of certificates or licences in the body of the rule, vide the Indian Wireless Telegraphy (Commercial Radio Operators

3 Second Report
(2LS) 54

Either, the old rule 8(3) of the Indian Central Coconut Committee Pro-
vident Fund Rules which enabled
an employee of the Committee to
become a subscriber to the Fund
upon confirmation with retrospec-
tive effect from the date of com-
mencement of his probation, and
to get the Coconut Committee's
share of contribution from that
date, should be restored or the
new rule 8(3) which provided that
an employee could get Com-
mittee's contribution from the
date he completes three years of
his service should be made appli-
cable only to new entrants.

The Rule is being amended to pro-
vide that Committee's share of
contribution could be available to
the subscriber to his Provident
Fund with retrospective effect
from the date of his appointment
provided he completes three years
of service under the Committee.
[DPA. O.M. No. SR11 (49-54)/CB/
57, dt. 20-3-1959] Brought to the
notice of the Committee *vide* S. No.
3 of Appendix II to Seventh Report
(2LS).

The erstwhile Indian Central Coconut
Committee was abolished with effect
from 1st April, 1966.

[I.C.A.R. O.M. No. 5-77/72-C.C.I
dt. 27-10-72]

certificates of Proficiency and
Licence to Operate Wireless Tele-
graphy) Amendment Rules, 1972
(*vide* G.S.R. 1553 of 1972) (Minis-
try of Communications (W.P.C.
Wing) O.M. No. R-110121/1/72-
LR dt. 1-2-73).

4 Third Report
(2LS) 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.

No interim reply received.

The recommendation was circulated
to all Ministries/Departments of
Government of India *Vide* D.P.A.
O.M. No. SR111 (6)/CB/58 dt.
27-5-58 for necessary action and
also guidance in future. (D.P.A.
O.M. No. P-32-10/72-R&C dt.
15-2-73).

5 Fourth Report
(2LS) 58
6 Fifth Report
(2LS) 46

The Committee would like to em-
phasise that all rules required to
be laid before the House should
be so laid within period of 15 days

No interim reply received.

The recommendation in para 46 of
the Fifth Report was demi-
officially brought to the notice of
all the Ministers at the Centre by

(1)	(2)	(3)	(4)	(5)
		<p>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.</p>		<p>the then Minister of Parliamentary Affairs <i>Vide</i> D.O. letter No.SR11 (45-46)/59-CB dt. 13-7-59. The action taken also covers the earlier recommendation contained in para 58 of the Fourth Report. (D.P.A. O.M. No. F32-10/72-R&C dt. 15-2-73).</p>
7	Sixth Report (2LS) 19	<p>The Committee suggest that adequate precautions should be taken in future to avoid recurrence of such irregularities as involve violation of statutory provisions regarding publication of Rules.</p> <p>The Committee recommend that while drafting rules, unusually long sentences should, as far as possible, be avoided.</p>	<p>No interim reply received.</p>	<p>The Observations of the Committee have been noted. [Ministry of Railways (Rly. Board O.M. No. TCI/2011/72/56/P, dt.) 30-11-72.]</p> <p>The extracts of the recommendation were forwarded to the Ministry of Law for their information <i>Vide</i> D.P.A. O.M.S RV1 (20-21)CB/59 dt. 7-3-60. [D.P.A. O.M. No. F. 32/10/72-R&C dt. 15-2-73].</p> <p>The TBS Class I Recruitment Rules, 1960 have since been revised, and as such the seniority clause 6 referred to therein has also been amended. It may be added that seniority cases of Class I officers in the Department are decided not only in consultation with the Department of Personnel and the UPSC but are also approved by the Minister of Administrative Ministry.</p>
8	Sixth Report (2LS) 21		<p>No interim reply received.</p>	
9	Tenth Report (2LS) 15	<p>There may be some exceptional cases where power of fixing seniority of Officers appointed through competitive examination at the discretion of the Government is needed, as laid down in clause 6 of Appendix IV to the Telegraph Engineering Service (Class I) Rules, 1960, but the Committee apprehend that the wide discretion might be misused or exercised too frequently. The Committee hope that</p>	<p>No interim reply received.</p>	

whenever it is found advisable or necessary to disturb seniority of an officer it would not be done simply by the Head of the Department but only with the approval of the Minister concerned.

10 Third Report (3LS) 12

The Committee note the assurance given by the Ministry of Transport and Communications that a provision will 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 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

Brought to the notice of the Committee *vide* item No. 7 of Appendix II to Fourth Report (3LS):

This has since been done *vide* GSR 1959 of 1969

Ministry of Shipping & Transport (Transport Wing) O.M.No. 8-PGA (118) 72 dt 23-8-1972)

Ministry of Communications (P. & T. Board) Memo. No. 5/2/72-STA.1 dt. 11-1-1973.

11 Fourth Report (3LS)

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 Auditor's Rules, 1961.

No interim reply received.

Provisions relating to the power of the Disciplinary Committee of the Council of the Institute of Chartered Accountants of India to examine witnesses on oath and receive affidavits have been deleted *vide* GSR 1480 of 1965.

[D.P.A.O.M.No. SRIV(4-8)III/CB/65 dt. 1-9-1965.]

(1)	(2)	(3)	(4)	(5)
12 Fourth Report (3LS) . 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 Belgium Cantonment as amended by S.R.O. 411 of 1964, should be substituted by the words "shall be at liberty to withdraw or curtail".	No interim reply received.	This has since been done <i>vide</i> SRO 306 of 1966.	(Ministry of Defence O.M./No. 10/59/72/2228-CD (Q & C) dt. 23-10-72)
13 Fourth Report (3LS) . 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 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.	No interim reply received.	This has since been brought to the notice of all the Ministries/Departments of Government of India by DPA with the request to ensure that statutory orders be laid in time with a view to avoiding any adverse comments from the Committee in future.	(DPA O.M. No. SRIV (65- 66) III/ CB/65 dt. 27-5-65).
14 Fifth Report (3LS) . 6	The formula, contained in the Bills brought before the House under Article 357(1) (a) of the Constitution, for laying of the President's Acts before the Houses of Parliament, should conform to the formula as contained in paragraph 45 of the 7th Report of Committee on Subordinate Legislation. (Second Lok Sabha).	No interim reply received.	The recommendation has been agreed to in principle that the period should be increased to 30 days. In all Acts passed by Parliament subsequently under Article 357(1) similar provisions have been made.	(Ministry of Home Affairs O. M. No. 12/13/72-Poll(K) dt. 7-9-72).

15 Second Report (4LS) .
12

In the case of a State under the President's rule in pursuance of a Proclamation issued under Article 356 of the Constitution, the Rules, Orders, Notifications, etc., relating to that State required to be laid before Parliament during the President's Rule may be permitted to be so laid within a period of 30 days instead of the usual period of 15 days laid down for the Government of India rules, etc.

This has since been brought to the notice of all Ministries/Departments of Government of India *vide* DPA, O.M. No. SRII (11-12)/IV/68- CB dt. 10-2-1969.

APPENDIX X

(vide para 124 of the Report)

Statement showing action taken by Government on the recommendations made by, and assurances given to, the Committee on Subordinate Legislation during Fifth Lok Sabha

S.No.	Reference to para No. of Report	Summary of recommendations/assurances.	Gist of the Government's reply
(1)	(2)	(3)	(4)
1	First Report (SLS) 11-12	<p>The Committee are glad to note that the Ministry of Railways (Railway Board) have decided to impose the penalty of 'withholding of privilege of Passes or Privilege Ticket Orders or both' on the gazetted officers also, which would eliminate the differentiation between the Gazetted and non-gazetted railway staff in this regard.</p> <p>As regards the penalty of fine, the Committee see no justification for a differentiation between the gazetted staff and non-gazetted staff or between the staff governed by the Payment of Wages Act and the staff not governed by that Act. They feel that such distinctions in the matter of penalty of fine should not be allowed, and the rules amended to this end.</p>	The Rules have since been amended suitably (see S.O. 99-E of 1973 dt. 16-2-1973).
2	First Report (SLS) 25	<p>One of the basic requirements of natural justice is that before the penal provisions of a law are invoked against a person he should be given a reasonable opportunity of being heard. In their reply, the Ministry of Finance have conceded this, but have averred that even though there is no provision in Rules 32, 40, 40A, 52A, 226 etc. of the Central Excise Rules, 1944 for affording such an opportunity, the purpose is served by departmental instructions.</p> <p>The Committee are not satisfied with the explanation. They would like to point out that departmental instructions can hardly be a proper substitute for a built-in legal safe-</p>	This has since been done (see G.S.R. 304 of 1973 dt. 11-3-1972).

(1)	(2)	(3)	(4)
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guard. The Committee, therefore, desire that the Central Excise Rules should be suitably amended to provide for giving an opportunity of being heard to assessee before any penalty under the Rules is imposed on them.

3 Second Report
(5L.S.)
44

The Committee note that both the Ministry of Defence and the Ministry of Communications have regretted their mistake in not having numbered the amendments, according to the instructions issued by the Ministry of Law, pursuant to the recommendation of the Committee. In their view, in both the cases, the mistake was due to a lack of proper co-ordination between the various branches of the Ministries concerned. They would, therefore, urge the Ministries concerned to streamline the existing procedure regarding numbering of amendments issued by the various branches of the Ministries so that such mistakes do not recur.

(i) The procedure has since been streamlined and the Register is also maintained to check the serial number allotted to such amendments issued in future vide P&T Dep'tt. O.M. No. 1-138/71-BRL, dt. 27/29-4-72).

(ii) All authorities concerned with the issue of S.R.Os. and amendments thereto have been fully apprised of the requirements in regard to numbering of amendments serially and inclusion of numbers in short titles, for strict compliance in future (Vide Ministry of Defence O.M. No.3(1)/72/ D (Parl), dt. 12-2-73).

4 Third Report
(5L.S.)
7-8

The Committee note that a reply similar to that contained in para 6 had been received from the Ministry of Agriculture (Dep'tt. of Food) in the case of the Northern Rice Zone (Movement Control) Order, 1968. The Committee were not satisfied with that reply and observed in para 21 of their First Report (Fifth Lok Sabha) that the fact that any of the State Governments/Union Territories had vested the power to carry out searches/seizures only in responsible officers did not take away the need for a built-in safeguard repeatedly recommended by the Committee. The Committee, therefore, again urge that the minimum rank of the persons to be authorised to carry out searches/seizures should be indicated in the Order itself.

This has since been done (see, G.S.R. 445-E of 1972) dt. 18-10-72).

The Committee also observe that, as under the Northern Rice Zone (Movement Control) Order, 1968, not only the Head Constable and the persons authorised by the State

(1)

(2)

(3)

(4)

Government have been empowered to carry out searches/seizures but they have been further empowered to authorise 'any person' to exercise these powers. The Committee reiterate their earlier view contained in para 22 of their First Report (Fifth Lok Sabha) that the provision for such further authorisation is as much against the spirit of the recommendation of the Committee as non-indication of the minimum ranks of the person initially authorised to exercise these powers. The Committee, therefore, desire that not only the minimum rank of the Officers to be authorised by the State Government to conduct searches/seizures should be specifically given in the Rules but the provision for further authorisation omitted therefrom.

5 Third Report
(SLS)
18

In view of the explanation of the Ministry of Finance contained in para 17, the Committee do not want to pursue the suggestion that interest on loans under paragraph 11(2) of the Public Provident Fund Scheme should be credited to the subscriber's account on the analogy of the provisions contained in Rule 11 of the General Provident Fund (Central Services) Rules, 1960. They note with satisfaction the decision of the Ministry of Finance to reduce the rate of interest chargeable on loans under paragraph 11(2) of the Public Provident Fund Scheme from two per cent. to one per cent. They desire that necessary amendment to the Scheme to this effect should be made at an early date.

This has since been done
(see G.S.R. 368-E of 1972,
dt. 18-2-1972).

6 Third Report
(SLS)
29

The Committee note that the Ministry of Works and Housing have amended clause 5 of Appendix II to the Rules regulating direct recruitment to (i) the Central Engineering Service, Class I, (ii) the Central Engineering Service, Class II, (iii) the Central Electrical Engineering Service, Class I, and (iv) the Central Electrical Engineering Service, Class II, to provide that all candidates who obtained the minimum qualifying marks in the written examination

This has since been done
(see G.S.Rs. 157-160
of 1973 dt. 17-12-1973).

(1)

(2)

(3)

(4)

fixed by the Commission, shall be summoned for an interview in the personality test. They however, feel that the expression 'at their discretion' used in the revised clauses is redundant in that such discretion is implied in the words 'as may be fixed by the Commission'. The Committee, therefore, desire that this expression should be omitted from the revised clauses.

7. Third Report
(5LS)
40

In para 13 of their 12th Report (Second Lok Sabha), the Committee had exhorted that amendments to the same Rules should be published in the Gazette bearing the Order Nos. in the same sequence as assigned to the amendments. Unfortunately the Indian Posts and Telegraphs Department and the Cabinet Secretariat (Department of Personnel) had failed to comply with this exhortation in the cases under report. The Committee note that both the Departments have now promised to strictly comply with the above exhortation in future. They trust that necessary steps will be taken by the Departments to ensure this.

Noted for compliance
[Vide (i) Deptt. of Personnel O.M. No. 12/10/72-CS-II, dt. 28-6-72 and (ii) P & T Deptt. Memo. No. 41-4/67-NCG, dt. 25-8-72].

8. Fourth Report
(5LS)
13

The Committee see no justification for a differentiation between Gazetted and non-Gazetted Government servants in the matter of grant of study leave. They desire that Clause 50(5) (ii) of the Central Civil Services (Leave) Rules, 1972 providing for such differentiation should be omitted from the Rules.

This has since been done
(see S.O. 3724 of 1972, dt. 4-11-1972).

9. Fourth Report
(5LS)
18

The Committee note with satisfaction that in their reply, the Ministry of Steel and Heavy Engineering (Department of Steel) have agreed to lay down a time-limit within which the follow-up proceedings would be initiated. They have also agreed to provide in Clause 11A that reasons will be recorded in writing by the Controller, before he issues an order under the Clause. The Committee desire that early effect should be given to the suggestions contained

This has been done
(see S.O. 214-E of 1973, dt. 12-4-73).

(1)	(2)	(3)	(4)
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in paragraphs 16 and 17 of the Report, and the Clause in question amended accordingly.

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| 10. Fourth Report
(SLS)
39 | The Committee note that even though the various posts referred to in the Ministry of Irrigation and Power Class I and Class II (Gazetted) Technical Posts Recruitment Rules, 1972 were intended to be filled by interview, Rule 7 thereof indicated that these were to be filled on the basis of an examination. In the opinion of the Committee, this was a regrettable case of carelessness. The Committee would like to emphasise the need for utmost care in drafting of subordinate legislation. They desire that the Rule in question should be amended to the necessary effect at an early date. | This has since been done (see G. S. R. 1204 of 1972, dt. 30-9-72). |
| 11. Fourth Report
(SLS)
44 | The Committee desire the Ministry of Railways (Railway Board) to take necessary action to delete Rule 32 of the Railway Servants (Discipline and Appeal) Rules, 1968, which empowers the General Managers to frame subsidiary rules in respect of non-Gazetted Railway Servants. | Rule 32 has since been omitted (see S.O. 3918 of 1972, dt. 25-11-72). |
| 12. Fourth Report
(SLS)
71 | The Committee are not happy over the way the Central Board of Revenue had acted in this case. In their opinion, in extending by executive instructions the tax-holiday concession to the profits derived by Indian companies from ships, which according to the Government's own admission, was not legally permissible, the Central Board of Revenue had gravely erred. If Government wanted to give this concession to encourage Indian shipping, the proper course for them was to seek an amendment of the Income-tax law. | Noted for future guidance [Vide Ministry of Finance (Deptt. of Revenue and Insurance) No. 142 (18)/O.M. 71-TPL, dt. 27-2-73]. |
- This unfortunately was not done till 16 years had elapsed, when both the Act and the Rules were amended retrospectively. Even then the concessions given only during a part of the period (from 1-4-62) were regularised; and the con-

(1)	(2)	(2)	(4)
		<p>cessions given during the preceding period still lack statutory support. The Committee take a serious note of grant of concessions by the executive without due legal authority, and trust that Government will take care to scrupulously avoid the recurrence of such cases.</p>	
<p>13. Fifth Report (SLS) 49</p>	<p>In para 28 of their First Report (Fourth Lok Sabha), the Committee on Subordinate Legislation had observed that adequate opportunities should be given to the public to go through the draft rules and offer their comments. To ensure this, the Committee had stressed that particulars about (i) the date of the Gazette in which the draft Rules were published; (ii) the date on which the Gazette copies containing the draft Rules were made available to the public; and (iii) the last date fixed for receipt of public comments thereon, should be specifically mentioned in the preamble to the final Rules. The Committee, however, regret to note that the above recommendation of the Committee has not been complied with in a large number of cases. The Committee like to re-impress upon the Ministries/Departments of the Government the need for strict compliance with their afore-mentioned recommendation.</p>	<p>The Department of Parliamentary Affairs have circulated the recommendation of the Committee to all Ministries/Departments of Government of India with the request to bring it to the notice of their attached and Sub-ordinate offices for their information and strict compliance [vide D.P.A. O.M. No. F. 32/ (11) 73-R&C, dt. 9-3-73].</p>	
<p>14 Fifth Report (SLS) 52</p>	<p>The Committee note that the Ministry of Home Affairs have decided to delete the words 'may be relaxed in suitable cases' appearing in column 6 against S. No. 3 of the Schedule to the Central Translation Bureau, Ministry of Home Affairs (Class III and Class IV Posts) Recruitment Rules, 1972. They desire the Ministry take early action to amend the Rules to the necessary effect. They also desire that, while making specific provisions for relaxation of such essential conditions as the age-limit, the Ministries/Departments should spell out precisely the types of cases in which the conditions are proposed to be relaxed.</p>	<p>(i) The words 'may be relaxed in suitable cases' have since been omitted (see G.S.R. 287 of 1973, dt. 24-3-1973). (ii) The Department of Parliamentary Affairs have circulated the recommendation of the Committee to all Ministries/Departments of Government of India for their information and guidance [vide D.P.A. O.M. No. F. 32 (12)/73-R&C, dt. 6-3-1973].</p>	
<p>15 Fifth Report (SLS) 79</p>	<p>While the Committee appreciate the need for giving retrospective effect to Rule 10 (iii) of the Indian Eco-</p>	<p>Noted by the Department of Personnel for future guidance. Also pro-</p>	

(1)	(2)	(3)	(4)
		<p>conomic Service Rules, 1961 and to Rule 10 (iii) of the Indian Statistical Service Rules, 1961, they cannot help observing that in filling up posts for periods exceeding six months/one year, without consulting the U.P.S.C., the controlling authority, Ministry of Home Affairs (<i>viz.</i>, Department of Personnel) had acted without due legal authorisation and thereby gravely erred. They also feel that the time taken to amend the Rules was inordinately long, even allowing for consultations with the U.P.S.C. and the Ministry of Law.</p>	<p>mised that efforts would be made to avoid delay in other similar cases in future [<i>vide</i> D.P.A. O.M. No. F32(15) 73 R&C, dt. 28-5-1973].</p>
<p>16 Fifth Report (SLS) 83</p>	<p>The Committee note with satisfaction that the Ministry of Defence are issuing necessary corrigendum to Rule 6 of the Armed Forces Medical College, Poona (Animal Supervisor).</p>	<p>(i) Rule 6 has since been amended by the Ministry of Defence (<i>see</i> S.R.O. 29 of of 1973, dt. 10-2-1973).</p>	
	<p>Recruitment Rules, 1971 providing for consultation with the U.P.S.C. before the Rules are relaxed. They desire the Department of Personnel to issue general instructions to all Ministries/Departments that in all cases where recruitment is made through the U.P.S.C. the relaxation provision in the Recruitment Rules should invariably provide for consultation with the U.P.S.C.</p>	<p>(ii) The Department of Personnel have circulated the recommendation to all Ministries/Departments [<i>vide</i> their O.M. No. 267/73-Estt. (D) dt. 14-5-1973]</p>	
<p>17 Fifth Report (SLS) 86</p>	<p>The Committee note with satisfaction that the Ministry of Home Affairs have agreed to include the usual provisions relating to concessions for candidates belonging to the Scheduled Castes and Scheduled Tribes etc., in the Hindi Translator Grade I (Ministry of Home Affairs) Department of Administrative Reforms Recruitment Rules, 1971 and desire that the Ministry should take early steps to amend the Rules accordingly.</p>	<p>This has since been done [<i>vide</i> Department of personnel Administrative Reforms notification No. A-12018/1-71-AR (Admn), dt. 10-5-1973].</p>	

MINUTES

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APPENDIX XI

(Vide para 3 of the Report)

XXXI

MINUTES OF THE THIRTY-FIRST SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FIFTH LOK SABHA) (1972-73)

The Committee met on Monday, the 21st May, 1973 from 15.00 to 16.30 hours.

PRESENT

Shri Vikram Mahajan—*Chairman*.

MEMBERS

2. Shri M. C. Daga
3. Shri Dharnidhar Das
4. Shri T. H. Gavit
5. Shri Dinesh Joarder
6. Shri S. A. Kader
7. Shri P. Narasimha Reddy

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2. The Committee considered Memoranda Nos. 87 to 97 on the following subjects and 'Orders';

Sl. No.	Memo No.	Subject
(1)	(2)	(3)
(i) to (x)	87—96	* * * * *
(xi)	97	Delay in laying 'Orders' on the Table.
3 to 17.		* * * * *

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

(xi) *Delay in laying 'Orders' on the Table (Memorandum No. 97).*

18. The Committee considered the above Memorandum and noted that out of 501 'Orders' laid on the Table during the Third, Fourth, Fifth and Sixth Sessions of Fifth Lok Sabha, as many as *159 'Orders' had been laid after the prescribed time limit of 15 days. The delay ranged from 15 days to over 3 years.

19. The Committee further noted that the number of cases in which statements showing reasons for delay had not been laid was 110.

20. The Committee decided to hear oral evidence of the representatives of the Ministries|Departments concerned in all cases where there was a delay of over six months and the explanation for delay was either not given or was not satisfactory.

21—22

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The Committee then adjourned to meet again on Tuesday, the 22nd May, 1973.

XXXIV

MINUTES OF THE THIRTY-FOURTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FIFTH LOK SABHA) (1973-74).

The Committee met on Saturday, the 30th June, 1973 from 15.00 to 16.45 hours.

PRESENT

Shri Vikram Mahajan—*Chairman.*

MEMBERS

2. Shri M. C. Daga
3. Shri T. H. Gavit
4. Shri Samar Guha
5. Shri K. Lakappa
6. Shri S. N. Misra
7. Shri D. K. Panda
8. Shri Tulmohan Ram.

SECRETARIAT

Shri H. G. Paranjpe—Deputy Secretary.

2

3. The Committee then considered Memoranda Nos. 129 to 135 on the following subjects and 'Orders':—

Sl. No.	Memo No.	Subject
(i)—(ii)	129—130	*
(iii)	131	Implementation of recommendations contained in para 9 of Fourth Report of Committee on Subordinate Legislation (Fifth Lok Sabha)—The Post Office Savings Banks (Amendment) Rules, 1969 (G.S.R. 956 of 1969).
(iv)—(v)	132—133	*
(vi)	134	The Drugs (Prices Control) Second Amendment Order, 1970 (S.O. 2602A of 1970).
(vii)	135	*

4—7

(iii) Implementation of recommendations contained in para 9 of Fourth Report of Committee on Subordinate Legislation (Fifth Lok Sabha) re: the Post Office Savings Banks (Amendment) Rules, 1969 (G.S.R. 956 of 1969)—(Memorandum No. 131)

8. The Committee considered the above Memorandum for some time and decided to hear the representatives of the Ministry of Finance (Department of Economic Affairs) in the matter.

9—10

(vi) The Drugs (Prices Control) Second Amendment Order, 1970 (S.O. 2602-A of 1970)—(Memorandum No. 134)

11. The Committee considered the above Memorandum for some time and decided to hear oral evidence of the Drugs Controller and the representatives of the Ministry of Petroleum and Chemicals on the following points arising therefrom:—

- (i) criteria on which exemption is to be granted to any drug manufacturing unit or a class of such units under paragraph 25(1) of the Order;

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

- (ii) while granting exemption, whether government should have regard to all or any of the factors mentioned in paragraph 25(2); and
- (iii) exemption should be granted by a speaking order so that all concerned may know the reasons for grant of exemption.

12

The Committee then adjourned to meet again on Monday, the 2nd July, 1973.

XXXVII

MINUTES OF THE THIRTY-SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FIFTH LOK SABHA) (1973-74)

The Committee met on Monday, the 27th August, 1973 from 15.00 to 15.30 hours.

PRESENT

Shri Vikram Mahajan—*Chairman*.

MEMBERS

- 2. Shri T. H. Gavitt
- 3. Shri Y. S. Mahajan
- 4. Shri S. N. Misra
- 5. Shri Mohan Swarup.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2—3

4. The Committee considered Memorandum No. 149 regarding retrospective effect to the Rules framed under the proviso to Article 309 of the Constitution and decided to reiterate their earlier recommendation made in para 10 of their Second Report (Fourth Lok Sabha).

5—6

7. The Committee noted that large number of 'Orders' published in the Gazette during the years 1971, 1972 and 1973 (upto February) which were required to be placed before Parliament under the provisions of the Acts under which they were framed had not been laid so far. They decided that the comments of the Ministries|Departments concerned might be obtained and placed before the Committee at their next sitting.

The Committee then adjourned.

XXXVIII

MINUTES OF THE THIRTY-EIGHTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FIFTH LOK SABHA) (1973-74)

The Committee met on Wednesday, the 3rd October, 1973 from 15.00 to 16.30 hours.

PRESENT

Shri Vikram Mahajan—*Chairman.*

MEMBERS

2. Shri T. Balakrishnaiah
3. Shri M. C. Daga
4. Shri T. H. Gavit
5. Shri S. A. Kader
6. Shri K. Lakkappa
7. Shri Murasoli Maran
8. Shri S. N. Misra
9. Shri Mohan Swarup
10. Shri Tulmohan Ram.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. The Committee considered Memoranda Nos. 136 to 138 and 142 to 145 on the following subjects:

Sl. No.	Memo No.	Subject
(1)	(2)	(3)
1	136	General Provident Fund (Central Services) Second Amendment Rules, 1970 (S.O. 1409 of 1970).
2	137	• • •

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

(1)	(2)	(3)
3	138	• • •
4	143	The Petroleum (Second Amendment) Rules, 1970 (G.S.R. 619 of 1970).
5	143	The Indian Administrative Service (Appointment by Promotion Amendment Regulations, 1970 (G.S.R. 652 of 1970) and India Police Service (Appointment by Promotion) Amendment Regulations, 1970 (G.S.R. 653 of 1970).
6	144	Giving of retrospective effect to the Central Engineering Service (Roads) Class I Recruitment (Amendment) Rules, 1966.
7	145	• • •

(4) General Provident Fund (Central Services) Second Amendment Rules, 1970 (S.O. 1409 of 1970)—(Memorandum No. 136).

3. The Committee considered above Memorandum and noted the reply of the Ministry of Finance regarding conditions for withdrawal from the G.P.F. for the purpose of house building. They desired the Ministry to amend rules so as to provide for the house being leased for any period in excess of three years as provided in the existing rules, or its being mortgaged in favour of a Housing Board, L.I.C. or other Government bodies which give loans for making additions etc. without obtaining permission and also to provide for the service of a show cause notice to the subscriber before an order of recovery of the amount is issued by the sanctioning authority.

(iv) The Petroleum (Second Amendment) Rules, 1970 (G.S.R. 619 of 1970)—(Memorandum No. 142).

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6. The Committee considered above Memorandum and noted that Ministry of Industrial Development had amended Rule 115(3) to provide opportunity of being heard in cases where District Authority refuses to grant a no objection certificate to the applicant or where the District Authority or the State Government, as the case might be, cancels or withdraws such certificates under Rule 115(3) of the Petroleum Rules, 1937.

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7. • • • • •

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

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

4. Shri T. H. Gavit
5. Shri S. A. Kader
6. Dr. Karni Singh
7. Shri K. Lakkappa
8. Shri Murasoli Maran
9. Shri S. N. Misra
10. Shri Mohan Swarup.

REPRESENTATIVES OF THE MINISTRY OF FINANCE (DEPARTMENT OF ECONOMIC AFFAIRS)

1. Shri M. Narasimhan—*Additional Secretary.*
2. Shri B. Maithreyan—*Joint Secretary.*
3. Shri R. G. Khedaker—*Ag. National Savings Commissioner.*

REPRESENTATIVE OF P&T BOARD

Shri G. S. Bhatia—*Member, P&T Board.*

REPRESENTATIVES OF THE MINISTRY OF PETROLEUM AND CHEMICALS

1. Shri S. M. H. Burney—*Additional Secretary.*
2. Shri Vinod Kumar—*Joint Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. The Committee examined the representatives of the Ministry of Finance (Department of Economic Affairs) and P&T Board regarding implementation of recommendations contained in para 9 of Fourth Report of the Committee on Subordinate Legislation (Fifth Lok Sabha) regarding delegation of sub-rule (2) of Rule 18 of the Post Office Savings Banks Rules, 1965. Under this sub-rule, the Post Office Savings Banks are not liable if any fraud takes place whether by a departmental employee or by an outsider due to the failure of the depositor to ensure that the amount sought to be withdrawn is entered in the application for withdrawal before the same is presented at the Post Office.

3. During his evidence the representative of the Ministry of Finance stated that there were standing instructions to the Post Offices not to accept application forms for withdrawal which were not complete in all respects. The Rules had been framed with the intention of safe-guarding the interests of the depositors against either misfeasance on the part of the messengers or any other type of fraud. He further stated that they had also to protect the interests of the Post Offices.

4. The representative of the P&T Board explained that in a large number of cases, illiterate depositors were being defrauded by the agents or messengers who were sent to the Post Offices to receive payment. If a blank application form was presented to the Post Office, there were chances of fraud being committed both by an employee of the Department and by the messenger. He said that there had been 4 or 5 fraud cases where the fraud could not be proved because the applicants said they did not fill in the form but only gave their signatures on both sides of the application form. Where a fraud was proved to have been committed by a department employee, the post offices always paid the money to the depositor.

5. The representative of the Ministry of Finance, admitted that there was a certain element of ambiguity in the Rule and to remove that ambiguity, they were prepared to delete the phrase "whether by a departmental employee or an outsider" from the Rule.

6. In reply to a member's suggestion that the instructions to the Post Offices not to accept a form which is not complete should be incorporated in the Rules, the representative of the P&T Board said that there were practical difficulties. In that case the employees could cheat people by getting the entries made by somebody else and it would be difficult to prove later on that the entries had not been made by the depositor.

7. To another suggestion that to avoid cases of fraud an identification card attested by the Post Master should be given to the depositor which should be produced before the counter clerk subsequently, or the Post Master should verify from the depositor the amount he is withdrawing, he stated that it would not prevent fraud if the clerk or the sub-postmaster was fraudulantly inclined. There were more than 1 lakh Post Offices and there were extra Departmental Branch Post Masters who were getting only Rs. 50 to Rs. 60 p.m. There were many Post Offices where there was only one man.

8. The representatives of the Ministry of Finance stated that the depositor should also be as responsible about his money and its withdrawal as the Department. The Rules ensure that so far as the depositor was concerned, he would be careful. So far as the Department was concerned, Government servants were governed by the Conduct Rules.

9. As to the steps taken to create confidence in depositors that their money in the Post Office Savings Banks was safe, the representative of the Ministry of Finance stated that they had given a lot of

attention to improve the service. The first problem was that of part-time employees of the Postal Department who were either shopkeepers or primary school teachers.

10. In extra departmental Post Offices if the balance in Savings Banks was over Rs. 500, one per cent. on the excess over that amount was given to the Post Master. They had also introduced time deposit and long term saving deposit schemes. One per cent. commission on these deposits was given to the Postmasters in villages. Awards were given to Block Pramukhs or Panchayat Pramukhs for securing the largest collection in the area. A number of publicity vans had been acquired to reach rural people and educate them. Training schemes for Branch Postmasters had also been started so that they gave better service to the depositors.

11. As for the incentives to the depositors, he said that they had decided to give an additional $1\frac{1}{4}$ per cent to people who maintained at least a hundred rupees in their account throughout the year. They were also going to introduce a new withdrawal form which would dispense with the necessity of any writing by the Post Office. The Committee desired the Ministry of Finance to forward to them a copy of the draft proposed amendment to the Rules.

(The witnesses then withdrew)

12. The Committee then heard evidence of the representatives of the Ministry of Petroleum and Chemicals regarding para 25 of the Drugs (Prices Control) Order which empowers the Central Government to exempt any drug manufacturing unit or a class of such units from the operation of all or any of the provisions of that Order.

13. The representative of the Ministry explained that so far they had issued three Orders giving exemption to certain categories of drug manufacturers. Under S.O. 2602 issued on 30th July, 1970, exemption had been given to drug manufacturing units with an annual turnover not exceeding Rs. 5 lakhs from the operation of para 9 of the Order which required drug manufacturing units to submit alongwith price list, details as to how the prices had been worked out. It was felt that small units should not be put to the trouble of furnishing detailed calculations regarding the price. Under second Order S.O. 3005 issued on 11th September, 1970, small scale units whose turnover may exceed Rs. 5 lakhs were also exempted from the operation of para 9 of the Order with two exceptions. One was in respect of formulations where the make up adopted was more than 150 per cent. and the other in respect of formulations, the retail prices of which were more than the retail prices prevailing on 15th May, 1970 when the Order was passed. Under the third exemp-

tion issued on 1st April, 1971, small scale units were exempted under certain conditions from the operation of para 10 of the Order which requires prior approval of the Central Government before making a new formulation or a new pack of an existing formulation. The conditions for exemption under the above Order are (i) Prices to be fixed for new packs larger than the existing ones will be proportionately lower than the prices of the existing packs; (ii) prices for new packs smaller than the existing packs will be fixed *pro rata* and (iii) Report that the new packs have been introduced will be given within a week to the Central Government. Under this Order small manufacturing units with an annual turnover not exceeding Rs. 5 lakhs have also been exempted from para 10 in respect of new formulations and from para 13(i) which required prior approval of the Central Government for increase in the retail prices of a formulation. This exemption will however be subject to the condition that a report shall be made to the Government within a week of the introduction of the new formulation or revision of retail price.

14. As regards the safeguards against discrimination resulting from the Central Government's power to grant exemptions, he said that they had been laid down in sub-para 2 of the Para 25.

15. In reply to a question the representative of the Ministry stated that the three exemptions Orders had been issued after taking into consideration only two criteria viz. the amount of capital invested and the annual turnover. Regarding the percentage of exemption granted, he stated that survey had been made in Gujarat. At that time the consideration was Rs. 3 lakhs turnover and it was found that 80 per cent. of the units came in that category. He further said that out of 2300 manufacturing units, about 100 or so were in the organised large scale sector and the rest were small scale. All small scale units had been granted exemption.

16. Explaining the reasons for taking into consideration only two criteria for granting exemption, the representative of the Ministry stated that the criteria left out were 'number of workers employed' and range and type of products manufactured'. The idea of exemption was not to put the burden of submitting detailed calculations of price structure on small scale units who did not have much of staff. It did not mean that their prices were not controlled. These units fixed their prices in consideration of prices fixed by large drug manufacturing units which were fixed by Government. So these prices would not be beyond the prices of large scale units.

17. In reply to a question whether any Memoranda were received before granting exemption, the representative of the Ministry

said that they would check up if any Memoranda were received but the Government felt that the small scale drug manufacturers should be exempted from giving detailed calculations in respect of a large number of 'items'.

18. When a member remarked that the criteria given in the order for granting exemption were vague and general, he said that instead of giving any definite number of workers or the amount of capital invested, the Government thought that they could exempt some of the drug manufacturing units having regard to the four factors given in the Order. It was possible that after some time, the industry may grow so much that there may remain no small scale units. Then the Government would be able to utilise the same provisions by varying the number of workers or the capital invested. In reply to a question, he said that the associations of drug industry like the OPII sent various suggestions from time to time. The exemption, he said, was granted at the level of the Minister.

19. With regard to the possibility of monopolistic tendency among small scale drug manufacturers, the representative of the Ministry stated that large scale sector produced 80 per cent of the drugs and the remaining 20 per cent was produced by small scale units. Government controlled the prices of large scale units and the small scale units fixed their prices keeping in view the prices of large scale industry. There was thus no possibility of monopoly in small scale units.

20. When the Committee enquired the reasons for making provision for giving exemption to "any drug manufacturing unit" the representative of the Ministry said that Government's powers in this regard were sufficiently circumscribed by criteria laid down in sub-para 2. No individual drug manufacturing company had in fact been exempted. In all the three cases of exemptions it was only the class of companies that were exempted. There were a number of complaints about pricing, raw material and dominance of foreign companies etc. So Government wanted to keep some control with them so as to deal with the situation as it arises. However, he hoped that Government will not have to exempt any individual drug manufacturing unit.

21. The Committee desired the Ministry of Petroleum and Chemicals to supply information on the following points:

- (i) copies of Memoranda, if any, received from manufacturing units before granting exemption under the three orders issued so far.

- (ii) copies of various suggestions made by Associations of drug manufacturing units like the OPII since the promulgation of the Drugs Prices Control Order.

The witnesses then withdrew.

Reservation fee for upper class accomodation in the Railways

22. The Committee considered the question of the charge of Re. 1 per berth or seat for reservation in upper class in the Railways and desired that information might be obtained from the Ministry of Railways regarding the authority under which the fee was charged and the number and date of the Gazette in which the relevant Rules had been published.

The Committee then adjourned to meet again on the 26th and 27th October, 1973

XL

**MINUTES OF THE FORTIETH SITTING OF THE COMMITTEE
ON SUBORDINATE LEGISLATION (FIFTH LOK SABHA)
(1973-74)**

The Committee met on Friday, the 26th October, 1973 from 15.00 to 16.15 hours.

PRESENT

Shri Vikram Mahajan—Chairman

MEMBERS

2. Shri M. C. Daga
3. Shri T. H. Gavit
4. Shri K. Lakkappa
5. Shri Murasoli Maran
6. Shri Mohan Swarup
7. Shri Tulmohan Ram

SECRETARIAT

Shri H. G. Paranjpe—Deputy Secretary.

2. The Committee considered Memoranda Nos. 139—141, 146—148 and 150—154 on the following subjects:—

Sl. No.	Memo. No.	Subject
(1)	(2)	(3)
1	139	The Life-boatman's (Qualifications and Certificates) Amendment Rules, 1970 (G.S.R. 611 of 1970).
2	140	The Badarpur Thermal Power Project, Central Water and Power Commission (Power Wing) Class III and Class IV (Security) Posts Recruitment Rules, 1970 (G.S.R. 671 of 1970).
3	141	Central Secretariat Stenographers Service (Second Amendment) Rules, 1970 (G.S.R. 1085 of 1970).
4	146	Relaxation provision in recruitment rules relating to gazetted posts.
5	147	Action taken by Government on old recommendations of, and assurances given to, the Committee on Subordinate Legislation during the First to Fourth Lok Sabha.
6	148	Action taken or proposed to be taken by Government on various recommendations of, and assurances given to, the Committee on Subordinate Legislation during the Fifth Lok Sabha.
7	150	Implementation of recommendation contained in para 17 of First Report of Committee on Subordinate Legislation (Fifth Lok Sabha) re: new application form for telephone connections under Rule 414 of the Indian Telegraph Rules, 1951.
8	151	The State Bank Laws (Amendment) Bill, 1973 (as passed by Rajya Sabha)—Insertion of provisions for laying of Rules and Regulations before Parliament.
9	152	Implementation of outstanding recommendation contained in para 14 of Third Report of Committee on Subordinate Legislation (Fifth Lok Sabha)—the Engineering Supervisors (Recruitment and Training) Amendment Rules, 1969 (G.S.R. 36 of 1970).
10	153	• • • • •
11	154	The Registration of Electors (Third Amendment) Rules, 1969 (S.O. 4540 of 1969).

(i) *The Life-boatman's (Qualification and Certificates) Amendment Rules, 1970 (G.S.R. 611 of 1970) (Memorandum No. 139)*

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3. The Committee considered the above Memorandum and reiterated their earlier recommendation made in para 17 of their Fifth Report (5th Lok Sabha) that whenever the Ministries/Departments want their Notifications to be published by a particular date, they

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

should send them to the Press alongwith a covering letter indicating therein the date by which they want them to be published.

4. The Committee further desired that while inviting suggestions|objections from the people on draft Rules, the Ministries|Departments should, instead of specifying a particular date, indicate in the preamble to the draft rules that they would be taken into consideration 30 days after their publication in the Gazette. This would avoid reduction of the period available to the public due to delay in publication of the draft Rules in the Gazette.

II

5. The Committee noted that the Ministry of Shipping and Transport (Transport Wing) had decided to amend Rule 6 of the Lifeboatmen's (Qualifications and Certificates) Rules, 1963, deleting the provision for an examination fee of Rs. 5. The Committee desired the Ministry to amend the Rules at an early date.

(ii) *The Badarpur Thermal Power Project, Central Water and Power Commission (Power Wing) Class III and Class IV (Security) Posts Recruitment Rules, 1970 (G.S.R. 671 of 1970) (Memorandum No. 140).*

6. The Committee considered the above Memorandum and noted that, on their attention being drawn, the Ministry of Irrigation and Power had amended the Badarpur Thermal Power Project, Central Water and Power Commission (Power Wing) Class III and Class IV (Security) Posts Recruitment Rules, 1970 so as to provide for usual provision for relaxation of upper age limit in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and other special categories of persons.

(iii) *Central Secretariat Stenographers Service (Second Amendment) Rules, 1970 (G.S.R. 1085 of 1970) (Memorandum No. 141).*

7. The Committee considered the above Memorandum and were of the opinion that the principles of determining seniority, being an essential ingredient, should normally be laid down in the Recruitment Rules. The Committee were, however, satisfied with the explanation given by the Department of Personnel for the exception made under the above amendment Rules as it applied only to certain isolated posts of Hindi Stenographers which were required to be inducted in Grade II of the Central Secretariat Stenographers Service.

(iv) *Relaxation provision in recruitment rules relating to Gazetted Posts (Memorandum No. 146)*

8. The Committee considered the above Memorandum and noted that the Ministries|Departments concerned had issued necessary amendments to certain Recruitment Rules* (Annexure—1) issued by them so as to bring them in conformity with the standard relaxation clause contained in Recruitment Rules relating to Gazetted posts.

9. The Committee were of the opinion that the provision for consultation with the Union Public Service Commission was an important check against possible abuse of the power vested in the Central Government by the relaxation rules. Similarly the use of words "with respect to any class or category of persons" in the relaxation clause was necessary to obviate the possibility of discrimination among persons similarly placed by making the benefits of relaxation available to all persons coming in the same category. The Committee, therefore, reiterated their earlier recommendation made in para 83 of their Fifth Report (5th Lok Sabha) regarding provision for consultation with Union Public Service Commission in the relaxation clause in all cases where recruitment is made through Union Public Service Commission. The Committee also desired the Department of Personnel to issue general instructions to all Ministries|Departments in the matter of use of the words "with respect to any class or category of persons" in the relaxation clause.

(v) *Action by Government on old recommendations of, and assurances given to the Committee on Subordinate Legislation (Memorandum No. 147).*

10. The Committee noted with satisfaction the action taken by Government on their fifteen old recommendations, as indicated in **Appendix IX, made during the First to Fourth Lok Sabha.

(vi) *Action taken or proposed to be taken by Government on various recommendation of, and assurances given to, the Committee on Subordinate Legislation during the Fifth Lok Sabha. (Memorandum No. 148).*

11. The Committee noted with satisfaction the action taken by Government on their recommendations, as indicated in †Appendix X, made during the Fifth Lok Sabha.

*See Appendix VII to the Report.

**See Appendix IX to the Report.

†See Appendix X to the Report

(vii) Implementation of recommendation contained in para 17 of First Report of Committee on Subordinate Legislation (Fifth Lok Sabha) re: new application form for telephone connections under Rule 414 of the Indian Telegraph Rules, 1951. (Memorandum No. 150).

12. The Committee considered the above Memorandum and noted the reply of the Minister of Communications that the amendment to the Indian Telegraphs Act in implementation of the above recommendation was proposed to be brought up before Parliament some time in 1974, alongwith some other important amendments to the Act. The Committee, however, desired the Ministry of Communications to discontinue the levy of Rs. 10 per application form till such time as an express authorisation for the same was made in the parent Act.

(viii) The State Bank Laws (Amendment) Bill, 1973 (as passed by Rajya Sabha)—Insertion of provision for laying of Rules and Regulations before Parliament (Memorandum No. 151).

13. The Committee considered the above Memorandum and noted the reply of the Ministry of Finance that appropriate action to initiate a comprehensive legislation in the matter will be taken in due course in consultation with the Ministry of Law, Justice and Company Affairs. The Committee desired the Ministry of Finance to complete necessary action in this regard within the next six months.

(ix) Implementation of outstanding recommendations contained in para 14 of Third Report of Committee on Subordinate Legislation (Fifth Lok Sabha) re: the Engineering Supervisors (Recruitment and Training) Amendment Rules, 1969 (G.S.R. 36 of 1970) (Memorandum No. 152).

14. The Committee considered the above Memorandum and decided that in so far as regularisation of the appointment of the particular candidate was concerned, the matter might be treated as closed.

15. With regard to the Central Government's power to relax rules, the Committee were of the view that, if considered necessary, the rules should be relaxed prospectively and not with retrospective effect and the relaxation should be in respect of a class or category of persons and not in favour of individuals. The Committee were not satisfied by the argument of the Additional Legal Adviser to the Government that the class of persons in whose favour the relaxation was being issued was those persons who had been wrongly selected even though they did not have the qualifications and who had under-

gone the training in theory and passed the examinations. The Committee were of the view that relaxation considered and extended in the instant case was not in favour of a class of persons as propounded by the Additional Legal Adviser but in favour of an individual case.

16. * * *

(xi) *The Registrar of Election (Third Amendment) Rules, 1969 (S.O. 4540 of 1969). (Memorandum No. 154).*

17. The Committee considered the above Memorandum and noted the particulars of cases in which the period of 30 days was reduced by the Election Commission for lodging claims and objections. The Committee were of the opinion that while Election Commission should have the power to reduce the normal period of 30 days for filing claims and objections in case of emergency, the reduced period should not be so short as to deprive the electors of a fair opportunity of filing claims and objections (as was done in the case of Orissa by reducing the period to one day). The Committee desired the Ministry of Law, Justice and Company Affairs (Legislative Department) to fix a certain minimum period which should be available to the electors for filing claims and objection. The Committee further desired that the minimum period fixed should be uniform for all the States.

The Committee then adjourned to meet again on Saturday, the 27th October, 1973

XLI

MINUTES OF THE FORTY-FIRST SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FIFTH LOK SABHA) (1973-74)

The Committee met on Saturday, the 27th October, 1973 from 14.00 hours to 16.30 hours.

PRESENT

Shri Vikram Mahajan—Chairman

MEMBERS

2. Shri T. Balakrishnaiah
3. Shri M. C. Daga
4. Shri T. H. Gavit

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

5. Shri S. N. Misra
6. Shri Mohan Swarup
7. Shri K. Narayana Rao

**I. REPRESENTATIVES OF THE MINISTRY OF LABOUR AND REHABILITATION
(DEPARTMENT OF LABOUR & EMPLOYMENT)**

1. Shri P. M. Nayak—*Secretary*
2. Shri D. S. Nim—*Joint Secretary*
3. Shri B. N. Raman—*Director General, Employment and Training*

II. REPRESENTATIVES OF THE MINISTRY OF WORKS AND HOUSING

1. Shri A. N. Kidwai—*Secretary*
2. Shri Jagmohan—*Vice-Chairman, D.D.A.*
3. Shri Manjit Singh—*Finance Member, D.D.A.*

III. REPRESENTATIVE OF THE MINISTRY OF COMMERCE

Shri Tirumalai—*Additional Secretary*

**IV. REPRESENTATIVES OF THE CABINET SECRETARIAT (DEPARTMENT OF
PERSONNEL & ADMINISTRATIVE REFORMS)**

1. Shri B. P. Bagchi—*Secretary*
2. Shri P. S. Mahadevan—*Joint Secretary*
3. Shri S. P. Mukerji—*Joint Secretary*

V. REPRESENTATIVES OF THE MINISTRY OF INDUSTRIAL DEVELOPMENT

1. Shri A. N. Banerji—*Special Secretary*
2. Shri Abid Hussain—*Joint Secretary*
3. Shri S. K. Rao—*Deputy Secretary*
4. Shri P. N. Kapur—*Joint Secretary.*

Ministry of Commerce

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*

2. The Committee first examined the representatives of the Ministry of Labour and Rehabilitation (Department of Labour and Employment) regarding (i) the delay of more than six months in lying certain* Orders on the Table of Lok Sabha during the Third to

*See para 25 of the Report.

Eighth Sessions of Fifth Lok Sabha and (ii) failure to lay certain other orders (Appendix II)* issued in 1971 and 1972 which were required by the parent Act to be laid before Parliament as soon as possible after they were published in the Gazette.

3. The representative of the Ministry regretted that 19 Notifications had not been laid on the Table of the House as required under the statutes and five Notifications had been laid after the prescribed time-limit. Explaining the reasons for not complying with the statutory requirement, he stated that one of the reasons was oversight in the Ministry. In some cases the Notifications from the Government of India Press were 'either not received or were received in wrong sections of the Ministry, with the result that the Section responsible for placing them before Parliament did not get any copy.

4. As to the steps taken in the Ministry to avoid such lapses in future, the representative of the Ministry said that each Branch officer had been asked to look into all the enactments with which the Ministry was concerned and note the sections which require the laying of an 'Order' before Parliament. A register will be maintained for the purpose of entering notifications issued under the various Acts so that their copies were sent simultaneously for being laid before Parliament. Parliament Section of the Ministry had also been asked to get periodical returns from the various Sections regarding the papers to be laid on the Table.

5. In reply to a question whether any responsibility for the lapse had been fixed, the representative of the Ministry said that it was not the responsibility of only the Section Officer concerned but of all officers above him upto the level of Secretary whose duty it was to comply with the Statutory requirements. He further said that copies of all the Notifications together with a note explaining reasons for delay would be placed before Parliament during the next session.

6. It was brought to the notice of the representatives of the Ministry that though they had been called upon to explain the delay where it was of more than six months, there were actually 45 cases of delay ranging from 15 days to over six months, during the Third to Eighth Sessions (Fifth Lok Sabha). Similar cases of delay had been commented upon by the Committee in paras 29-43 of their Fifth Report (Fifth Lok Sabha).

The witnesses then withdrew

7. The Committee then examined the representatives of the Ministry of Works & Housing regarding the delay of more than 6

*See Appendix II to the Report (S. Nos. 1 to 10).

months in laying on the Table the Delhi Development Authority (Issue and Management of Bonds) Regulations, 1970 (G. S. R. 1135 of 1972), which were published in the Gazette on 20.5.72 but were laid on the Table on 22-12-72. Statement showing reasons for delay in laying was also not laid on the Table.

8. At the outset, the representative of the Ministry of Works and Housing expressed his regrets for the inadvertent delay involved in the case and said that there was really no adequate reason for the Ministry not having laid the Regulations within 15 days of their publication as required by the recommendation of the Committee. He further said that instructions in this regard would be followed in future to avoid such cases of delay.

9. It was pointed out by the Committee that there was a gap of two years between the date on which the Regulations came into force and the date of their publication in the Gazette. The representative of the Ministry explained that Section 58 of the D.D. Act, 1957 provided for laying of Regulations on the Table of the House but there was no provision in the Act requiring their publication before being laid on the Table. The Lok Sabha Secretariat, however, advised that the Regulations should first be published in the Gazette after which they should be sent for being laid on the Table. As such, the Regulations were published on 20.5.72.

10. He further said that a statement showing reasons for delay in laying the Regulations had been prepared but before it could be sent, the Regulations had already been laid on the Table.

(The witness then withdraw)

11. The Committee next examined the representative of the Ministry of Commerce regarding non-compliance with the statutory requirement of laying on the Table the Cotton Control (Amendment) Order, 1973 issued on 17.2.73, under the Essential Commodities Act, 1955. All Orders issued under this Act are required to be placed before Parliament, as soon as possible after their publication in the Gazette.

12. The representative of the Ministry explained that it seemed to be a case of omission. The Notification was published on 17.2.1973, but it was found that there was a material printing error in the published version. A corrigendum was, therefore, sent to the Press for publication in the Gazette. The Ministry were in correspondence with the Press to find out whether the corrigendum had been published. He further said that the Ministry were under the impression that after the corrigendum was published, they could place both the

Notification and the corrigendum together on the Table. It was an omission on the part of the Ministry that they did not, lay on the Table the Notification as already published, pointing out the printing error which was under rectification.

The Committee drew the attention of the representative of the Ministry to the Circular O. M. No. H-11013/1/72-P dated the 9th February, 1972 issued by the Controller of Printing and Stationery which lays down a new procedure for obtaining details of G.S.R./S.O. numbers from the press so as to obviate the delay in laying Notifications on the Table of the Houses of Parliament.

14. The representative of the Ministry said that they had devised methods in the Ministry so that there are no such lapses in future.

(The witness then withdraws)

15. The Committee thereafter examined the representatives of the Cabinet Secretariat (Department of Personnel and Administrative Reforms) regarding non-compliance with the statutory requirement of laying on the Table certain Orders (*Appendix II) issued under the All India Services Act, 1951 during the years 1971 and 1972.

16. The representative of the Department of Personnel and Administrative Reforms stated that it was just by over sight that they failed to lay the four Notifications on the Table. He further said that they had taken steps to see that such lapses did not occur in future. They were now following the revised procedure for getting the G.S.R. Numbers of Notifications and copies of the Notifications published in Extraordinary Gazette. They had also opened a register to keep track of the Notifications. Another step taken was that they were now issuing letters in this regard to Lok Sabha and Rajya Sabha Secretariates from individual sides instead of bunching them together, as done hitherto. The Under Secretary concerned was responsible for getting the copies authenticated by the Minister and sending them for being laid on the Table.

17. The Committee drew the attention of the representatives of the Department to the many cases of delay in laying orders which occurred during the 3rd to 8th Session. The representative of the Department stated that they hoped to place them on the Table of the House in future within the prescribed time limit.

(The witnesses then withdrew.)

18. The Committee last examined the representatives of the Ministries of Industrial Development and Commerce in regard to

*See Appendix II to the Report (S. Nos. 20 to 23).

the delay of more than six months in laying the Central Silk Board (Amendment) Rules, 1972 on the Table of Lok Sabha. These Rules were published in the Gazette on the 7th October, 1972 but were laid on the Table on 16-5-1973.

19. The representative of the Ministry of Industrial Development admitted that there had been a failure on the part of the Ministry in unduly delaying the placing of the Notification on the Table of the House. He explained that when the Notification was issued, the subject was under the then Ministry of Foreign Trade (now Commerce). It was transferred to the Ministry of Industrial Development in February, 1973 so the delay from October, 1972 to February-March, 1973 was in the Ministry of Commerce and thereafter in the Ministry of Industrial Development.

20. The representative of the Ministry of Commerce explained that the Notification was issued on 7-10-72 and the Lok Sabha Session was to begin on the 13th November, 1972. An immediate note was sent on 1-11-1972 to the Librarian in the Ministry to intimate the G.S.R. number of the Gazette Notification. A reply was sent on 9-11-72 that the Gazette Notification in question had not been received in the Library till then. The copy of the Gazette Notification was received only on 1st March and Hindi Translation made available on 5th March, 1973 after which the papers on the subject were transferred to the Ministry of Industrial Development. He conceded the delay in the Ministry for which there was no ostensible justification and the officers concerned had expressed regrets for the lapse.

21. The representative of the Ministry of Industrial Development explained that on transfer of the subject to their Ministry, it took some time to make internal reorganisation which caused the delay. He admitted the lapse of the Ministry in not sending a statement showing reasons for delay. To avoid such delays in future instructions had been issued that any order having a bearing on Subordinate Legislation should be processed in 10 days time and sent for being laid on the Table within the prescribed time-limit of 15 days.

22. With regard to the suggestion that the Ministry should have obtained the G.S.R. No. direct from the Press and not from Library, the representative of the Ministry stated that he would look into the matter.

The Committee then adjourned to meet again on 14th November, 1972 to consider their Draft Report.

XLII

**MINUTES OF THE FORTY-SECOND SITTING OF THE
COMMITTEE ON SUBORDINATE LEGISLATION,
FIFTH LOK SABHA (1973-74)**

The Committee met on Wednesday, the 14th November, 1973 from 15.30 to 16.15 hours.

PRESENT

Shri S. N. Misra—In the Chair

MEMBERS

2. Shri T. H. Gavit
3. Shri Samar Guha
4. Shri S. A. Kader
5. Shri K. Lakkappa
6. Shri Mohan Swarup
7. Shri K. Narayana Rao

SECRETARIAT

Shri H. G. Paranjpe—Deputy Secretary

2. In the absence of the Chairman, Shri S. N. Misra was chosen to act as Chairman for the sitting in terms of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee considered their draft Ninth Report and adopted it.

4. The Committee authorised the Chairman and in his absence, Shri S. N. Misra to present the Report to the House on their behalf on the 19th November, 1973.

5. • • •

The Committee then adjourned to meet again on the 6th December, 1973

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