

**COMMITTEE
ON
SUBORDINATE LEGISLATION**

(SIXTH LOK SABHA)

THIRD REPORT

(Presented on the 14th December, 1977)



**LOK SABHA SECRETARIAT
NEW DELHI**

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CORRIGENDA TO THE THIRD REPORT OF COMMITTEE
ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA)
(PRESENTED ON THE 14TH DECEMBER, 1977)

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LEGISLATION

(1977-78)

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SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

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 Third Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on the 4th August, 3rd and 29th September, 27th October, and 8th November, 1977.

3. The Committee took evidence of the representatives of the Ministry of Finance (Department of Economic Affairs) and the Reserve Bank of India on the provisions contained in rule 6 of the Reserve Bank of India (Note Refund) Rules, 1975 at their sitting held on the 3rd September, 1977. The Committee also took evidence of the representatives of the Ministries of Shipping and Transport (Transport Wing), Law, Justice and Company Affairs (Department of Company Affairs) and Commerce at their sitting held on the 3rd September, 1977 and those of the Ministries of Industry (Department of Heavy Industry), Civil Supplies and Cooperation, and Agriculture and Irrigation (Department of Agriculture) on the 29th September, 1977 in regard to delay in laying of certain 'Orders' on the Table of the House.

4. The Committee considered and adopted this Report at their sitting held on the 9th December, 1977.

The Minutes of the sittings which form part of the Report are appended to it.

5. A statement showing the summary of recommendations| observations of the Committee is appended to the Report (Appendix I).

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

II

6. The Committee on Subordinate Legislation have repeatedly emphasised that all 'Orders' required to be laid on the Table of Lok

Sabha should be laid within a period of 15 days after their publication in the Gazette, if the House is in Session; and within 15 days of the commencement of the next Session, if the House is not then in Session. In cases where 'Orders' are laid on the Table of the House after the prescribed time-limit of 15 days, they should be accompanied by a statement explaining the reasons for delay in laying them on the Table of Lok Sabha.

7. The total number of 'Orders' laid on the Table during Twelfth to Eighteenth Sessions, Fifth Lok Sabha (11-11-74 to 5-11-76) was 1142 out of these, 93 'Orders' (*vide* Appendix II) were laid on the Table of Lok Sabha after the prescribed time-limit of 15 days. A broad break-up of cases of delay is given below:

(1) Delay over 15 days	31 'Orders'
(2) Delay over 1 month	22 'Orders'
(3) Delay over 2 months	13 'Orders'
(4) Delay over 3 months	5 'Orders'
(5) Delay over 4 months	8 'Orders'
(6) Delay over 6 months	6 'Orders'
(7) Delay over 1 year	3 'Orders'
(8) Delay over 2 years	1 'Order'
(9) Delay over 3 years	2 'Orders'
(10) Delay over 4 years	2 'Orders'
<hr/>	
Total	93 'Orders'
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8. In 37 out of 93 cases of delay, statements showing reasons for delay were also laid on the Table of the House along with the 'Orders'. In 56 cases (*vide* Appendix III), in which statements showing reasons for delay had not been laid, the Ministries/Departments concerned were asked to state the reasons for not complying with the recommendation of the Committee for not laying such statements alongwith the 'Orders' on the Table, and to state the reasons for not laying the 'Orders' within the prescribed time-limit. Replies have been received from the Ministries/Departments concerned in 50 cases out of 56. A gist of the replies received from the Ministries/Departments is given in column 6 of Appendix III. No

replies have been received in six cases (*vide* S. No. 44 to 49 of Appendix III).

9. As in the past, the delay in laying was mainly due to the following reasons:

- | | |
|--|-------------|
| (i) Non-receipt of G.S.R. Nos./printed copies from the Press | 38 'Orders' |
| (ii) Inadvertence/oversight | 18 'Orders' |
| (iii) Administrative reasons | 25 'Orders' |
| (iv) Non-availability of Hindi version | 2 'Orders' |

10. As regards the delay in getting G.S.R. Nos./printed copies of the 'Orders' from the Government of India Press, the Committee in para 35 of their Ninth Report (Fifth Lok Sabha) presented on 19-11-73 had drawn the attention of the Ministries/Departments to the new procedure introduced by the Controller of Printing and Stationery for supply of G.S.R. numbers etc. *vide* his O.M. No. H. 11013/1/72-P dated 9-2-72 addressed to all Ministries/Departments. The new procedure *inter alia* provides that the Ministries/Departments should not wait for supply of spare copies of the notification by the Press for laying them on the Table of the House. They should obtain the G.S.R. or S.O. number of notification by making a request in writing in duplicate one day after the date of publication of the notification in the case of extraordinary issues and on Mondays, in the case of notifications published in the weekly Gazette. In para 158 of their Fourteenth Report (Fifth Lok Sabha), the Committee had desired all Ministries/Departments to strictly follow this new procedure in order to avoid delay in getting the G.S.R. Nos./printed copies of Gazette notifications from Government of India Press.

11. The matter has also come up before the House from time to time, and the members expressed concern over delays in laying of 'Orders' on the Table of the House on 11-3-74, Shri H. M. Patel drew the attention of the House under Rule 377 of the Rules of Procedure and Conduct of Business in Lok Sabha to the observations of the Committee on Subordinate Legislation made in Ninth Report (Fifth Lok Sabha).

12. On the 9th April, 1974, the Cabinet Secretary addressed a D.O. to Secretaries of all Ministries/Departments saying that the Speaker of the Lok Sabha had taken strong objection to the lapses, and that he had been desired by the Prime Minister to request them to ensure

that the procedure laid down in the D.O. to facilitate timely compliance with the statutory requirements relating to Subordinate Legislation was strictly adhered to. In the said D.O., the Secretaries of Ministries/Departments were asked to send confirmation to the Cabinet Secretary by the 20th April, 1974 that appropriate instructions in this regard had been issued and necessary arrangements made. A copy of the D.O. is at Appendix IV.

13. At their sitting held on the 4th August, 1977, the Committee considered the matter and decided to hear oral evidence of the representatives of the Ministries/Departments concerned in cases where there was a delay of over six months.

14. At their sittings held on the 3rd and 29th September, 1977, the Committee examined the representatives of the Ministries of Shipping and Transport (Transport Wing), Law, Justice and Company Affairs (Department of Company Affairs), Commerce, Industry (Department of Heavy Industry), Civil Supplies and Cooperation, and Agriculture and Irrigation (Department of Agriculture) in regard to delay in laying the following 'Orders' on the Table of the House:—

(i) *The Motor Vehicles (Third Party Insurance) Amendment Rules, 1975 (S.O. 2213 of 1975).*

15. The Motor Vehicles (Third Party Insurance) Amendment Rules, 1975 (S.O. 2213 of 1975) were published in the Gazette on 12-7-1975 but were laid on the Table of Lok Sabha on 22-1-1976. There was a delay of over 6 months in its laying. The Ministry in their statement showing reasons for delay laid on the Table had stated as under:

"Notification No. 41-TAG(1)/74 dated 26-6-75 (S.O. 2213) was published in the Gazette of India on 12-7-75 at pages 2513—2544. A copy of the relevant printed Gazette notification was received in the Ministry of Shipping and Transport only on 21-8-75. Since the monsoon session of Parliament was expected to last only for a short duration, the notification was not laid before Parliament during that session. The delay is nevertheless regretted."

16. Explaining the reasons for delay in laying the Rules in question, the representative of the Ministry of Shipping and Transport (Transport Wing) stated in evidence that the rules were published on 12-7-75, but a printed copy of the relevant notification was received by them only on 21-8-75. The next session of Lok Sabha started on 5-1-76. They sent the rules to Lok Sabha Secretariat on 15-1-76.

These were laid on the Table of Lok Sabha on 22-1-76. Although there was a gap of over six months after the receipt of the printed notification from the Press, there was no session of Lok Sabha in between.

In reply to another question, the representative of the Ministry conceded that had they sent the rules to the Lok Sabha Secretariat on 5-1-76 instead of 15-1-76, they could have somewhat reduced the delay in laying.

17. The Committee drew the attention of the representative of the Ministry to the new procedure for intimation of G.S.R./S.O. numbers etc., as outlined in the Memorandum dated 9-2-1972 addressed by the Chief Controller of Printing and Stationery to all the Ministries/Departments of Government of India, with a view to obviating delays in laying. The representative of the Ministry conceded that there had been a default on the part of the Ministry in that it had not followed the procedure laid down in the above Memorandum. He however, assured the Committee that in future they will certainly follow this procedure to obviate delays on this account.

(ii) *The Monopolies and Restrictive Trade Practices Commission (Recruitment of Members of Staff) Rules, 1974 (G.S.R. 173 of 1974)*

18. The Monopolies and Restrictive Trade Practices Commission (Recruitment of Members of Staff) Rules, 1974 (G.S.R. 173 of 1974) were published in the Gazette on 16-2-74 but were laid on the Table of Lok Sabha on 29-1-76. There was a delay of over 1 year and 11 months in its laying.

19. The Department of Company Affairs in their statement showing reasons for delay laid on the Table had stated as under:—

“The Monopolies and Restrictive Trade Practices Commission (Recruitment of Members of Staff) Rules, 1974 were framed by the Central Government in exercise of the powers conferred by section 67 read with section 8 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969). The said Rules were published in the Gazette of India on 16-2-74. Unfortunately through oversight, copies of the Rules were not laid on the Table of the House. The mistake was detected when the Rules were recently amended and action has now been taken to lay the Rules on the Table of the House. Steps have been taken to ensure that such lapses do not recur in future.”

20. During evidence, the representative of the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) tendered an unconditional apology for the delay in laying the rules, for which there was no "real excuse". The particular file had become bulky and this aspect of the matter was lost sight of. The mistake came to their notice when the control register which was opened in October, 1975, was examined.

21. When the attention of the representative of the Ministry was drawn to the Cabinet Secretary's D.O. dated 9-4-74 addressed to all Secretaries of Government wherein they had been asked to confirm by 20-4-74 that necessary administrative arrangements for avoidance of delays in laying, etc. had been made, he stated that necessary instructions have been issued to all concerned in the Ministry in this regard.

22. In reply to another question he stated that in order that such errors did not recur in future they had opened a control register which *inter alia* mentioned the name of the rule, the date of its publication, whether it was required to be laid, and if so, when. He also added that all subsequent sets of rules under the Act had been laid in time.

(iii) *The Coffee (Amendment) Rules, 1975 (G.S.R. 456 of 1975).*

23. The Coffee (Amendment) Rules, 1975 (G.S.R. 456 of 1975) were published in the Gazette on 12-4-1975 but were laid on the Table of Lok Sabha on 3-2-1976. There was a delay of over 9 months in its laying.

24. The Ministry in their statement showing reasons for delay laid on the Table had stated as under:—

"Ministry of Commerce Notification No. 9(20)69-plant (B) dated the 29th March, 1975 was published in the official Gazette of India on 12th April, 1975 as G.S.R. 456. The intimation from Government of India Press in regard to G.S.R. No. and date of its publication was, however, received in this Ministry only on 1st May, 1975. Copies of the notification were earlier sent to the Lok Sabha Secretariat on 6th May, 1975 for laying on the Table of the Lok Sabha but since it could not be included by them in the list of business of the House in that session ending 9th May, 1975, these are laid on the Table of the House now."

25. Explaining the reasons or delay in laying the said rules, the representative of the Ministry of Commerce stated in evidence that the information about the publication of the rules in Gazette was received by them on 1-5-75. On 6-5-75, they had sent the

authenticated copies for laying but these were sent back by the Lok Sabha Secretariat. These could not be laid in the Fourteenth Session which commenced on 21st July, 1975 as they were orally informed that the session, being an emergency session, the Lok Sabha Secretariat would not entertain requests for laying of papers on the Table. The Fifteenth session of Lok Sabha commenced on 5-1-76, and they re-submitted the rules for laying on 6-1-76. These were again returned by Lok Sabha Secretariat as the statement showing reasons for delay was not sent along with the rules. The reasons for delay were then drafted, and after approval by the Minister, sent to the Lok Sabha Secretariat along with the rules. The rules were finally laid on 3-2-76. Asked whether it was appropriate on the part of the Ministry in not having sent the rules for being laid in the July session (Fourteenth Session) on the basis of mere verbal information, the representative of the Ministry tendered an unqualified apology, and stated that they should have made a written request for laying.

26. The Committee then drew the attention of the representative of the Ministry to the Memorandum dated 9-2-72 addressed by the Controller of Printing and Stationery to all the Ministries/Departments of Government of India, and enquired whether they had followed the procedure for obtaining G.S.R./S.O. numbers laid down therein. The representative of the Ministry stated that on 29-3-75 they had written to the Government of India Press that since the notification was to be laid before Parliament within 15 days of its publication, the G.S.R. number and date of publication of the notification should be intimated to the Ministry immediately. On the 8th April, 1975, a reminder was sent to the Press asking them to immediately intimate the G.S.R. number and date of publication of notification. On the 25th April, 1975, another reminder was sent to the Press. The requisite information was received in the Ministry on 1-5-75.

27. The matter was taken up with the Ministry of Works and Housing, who were asked to state whether the three afore-mentioned letters of the Ministry of Commerce were received by the Manager, Government of India Press and, if so, the reasons for not intimating the G.S.R. number and the date of publication of the rules in question to the Ministry of Commerce immediately after the publication of the rules.

28. In their reply, the Ministry of Works and Housing have *inter alia* stated as follows:—

“...in accordance with the instructions contained in para 6 of the Directorate of Printing Memo No. O-17034/1/72-P

dated 30th April, 1973...., in cases where the notification etc., published in the Gazette are to be laid down on the Table of the Houses of Parliament, for which the Ministries/Departments require G.S.R./S.O. numbers, for obtaining the G.S.R./S.O. number and date, a request should be made to the Press concerned in writing in duplicate and sent through a special messenger. Such requests in the case extra-ordinary issued should be made one day after the date on which the notification is required to be published and on Monday in the case of notification published in the weekly Gazette. The Press will immediately indicate the G.S.R./S.O. numbers on both the copies of the request and deliver one copy to the messenger of the Ministry/Department concerned.

... it is seen that the Ministry of Commerce had not followed the procedure laid down by the Directorate of Printing. The request of the Ministry of Commerce in their letter dated the 29th March, 1975 may have escaped the notice of the Manager of the Press because of the time-lag as the notification was published on 12th April, 1975. The Manager of the Press has intimated that he had not received the two reminders dated the 8th and 25th April, 1975. He, however, intimated the G.S.R. number and date on 26th April, 1975 through post and that is why it might have reached the Department on 1st May, 1975 in an ordinary way."

(iv) *The Tractors (Distribution and Sale) Control (Amendment) Orders.*

29. The following 'Orders' were published in the Gazette of India and laid on the Table of Lok Sabha on the dates shown against them:—

Name of Order	Published	laid on	Approximate delay
(1)	(2)	(3)	(4)
1. The Tractors (Distribution and Sale) Control (Amendment) Order, 1971 (S. O. 5001 of 1971)	6-11-71	3-2-76	Over 4 years and 2 month
2. The Tractors Distribution and Sale) Control (and Amendment) Order, 1971 (S. O. 5184 of 1971)	19-11-71	3-2-76	—do—

(1)	(2)	(3)	(4)
3. The Tractors (Distribution and Sale) Control (3rd Amendment) Order, 1971 (S.O. 5508 of 1971)	18-12-71	3-2-76	Over 3 years and 10 months
4. The Tractors (Distribution and Sale) Control (Amendment) Order, 1972 (S.O. 132-E of 1972)	10-2-72	3-2-76	Over 3 years and 10 months
5. The Tractors (Distribution and Sale) Control (Amendment) Order, 1974 (S.O. 511-E of 1974)	29-8-74	3-2-76	Over one year and 2 months
6. The Tractors (Distribution and Sale) Control (Amendment) Order, 1975 (S.O. 154-E of 1975)	26-3-75	3-2-76	Over 10 months

30. The Ministry of Industry (Department of Industrial Development) in their statement showing reasons for delay laid on the Table regretted that the Department had overlooked to place the above Orders on the Table of House in time. They further stated that necessary steps had been taken to obviate such inadvertent delays to compliance of statutory requirements.

31. During evidence, the representative of the Ministry of Industry (Department of Heavy Industry) apologised for the delay in laying of the above orders and said that the mistake has since been rectified, and the subsequent 'Orders' had been placed on the Table within the stipulated time.

In reply to a question, the representative of the Ministry stated that a Parliament Section had been set up in 1973-74 when the Ministry (and later the Department of Heavy Industry) came into being.

32. When the attention of the representative of the Ministry was drawn to the D.O. letter dated 9-4-74 addressed by the Cabinet Secretary to all Secretaries to the Union Government wherein they had been asked to confirm by 20-4-74 that necessary administrative arrangements for avoidance of delays in laying etc. had been made, he stated that the directions contained in the D.O. from the Cabinet Secretary had been complied with. A register was being maintained in the Ministry to ensure timely laying of Orders.

33. In reply to another question whether any Rule framed after 26-3-75 was still to be laid on the Table, the representative of the Ministry said all amendments issued after March, 1975 had been laid on the Table in time.

34. In reply to a further question whether the delay was brought to the notice of the Minister concerned, the representative of the Ministry replied in the affirmative. He further stated that a mention had also been made when he laid the Orders on the Table of the House.

(v) *The Vegetable Oil Products Control (Amendment) Order, 1975.* (G.S.R. 309-E of 1975); and

(vi) *The Vegetable Oil Products (Standard of Quality) Order, 1975.* (G.S.R. 310-E of 1975).

35. The Vegetable Oil Products Control (Amendment) Order, 1975 (G.S.R. 309-E of 1975) and the Vegetable Oil Products (Standard of Quality) Order, 1975 (G.S.R. 310-E of 1975) were published in the Gazette on 30th May 1975 but were laid on the Table of Lok Sabha on 5th February 1976. There was a delay of over 6 months in their laying.

36. The Ministry of Agriculture and Irrigation (Department of Food) in their statement showing reasons for delay laid on the Table had stated as under:—

“When these Notifications were issued, the Parliament was not in session. After their issue, references were received seeking clarification as to whether the definition of Vegetable Oil Products covered only edible varieties of hydrogenated vegetable oils or both edible and non-edible varieties. It was proposed to review the definition and amend it further, if necessary, to remove any ambiguity. After careful consideration, it was finally decided that no further amendment to the definition of the Vegetable Oil Products was necessary. By this time the short July, 1975 session of Parliament had come to a close. It is, however, regretted that due to the above reasons and administrative difficulties, these Notifications could not be placed on the Table of the Lok Sabha earlier and are, therefore, being laid during the current session.”

37. During evidence, the representative of the Ministry of Civil Supplies and Cooperation admitted it was a lapse on their part that the two notifications had not been laid within the specified period.

Explaining the reasons for the lapse he said that the Notifications were issued in May when Parliament was not in session. The next Session of Lok Sabha commenced on 21st July and ended on 7th August but in the meantime a query from a firm was under examination whether the definition of Vegetable Oil Products as given in the Order covered edible oils only or non-edible oils also and it was felt that as the query was under examination, the Notification might have to be amended and it would be better to lay the amended Notification on the Table. By the time the decision was taken that the Notification did not require any amendment, both the Houses of Parliament had adjourned.

Another reason for the delay was that one of the two Notifications had been issued under the Vanaspati and Vegetable Products Control Order and the other under the Essential Commodities Act, 1965. A point arose whether the notification issued under the Vanaspati and Vegetable Products Control Order was also required to be laid on the Table. The advice of the Ministry of Law was that Orders issued under the Essential Commodities Act alone were required to be laid on the Table.

When asked as to the reasons for waiting for one full month even in the next session of Lok Sabha which commenced on 5-1-76, the representative of the Ministry said that they were waiting for the opinion of the Law Ministry but when the end of the session was approaching they decided not to wait any further and placed them on the Table. The Law Department's advice was received subsequent to the laying of the Notifications.

38. The Committee pointed out that an Order became operative as soon as it was published in the Gazette and asked whether it was proper for the Ministry not to lay it on the Table just because a representation from an interested party was under consideration. The representative of the Ministry stated that he had given the reasons not to justify the delay but only as an explanation for the delay. He assured the Committee that such lapses would not occur in future.

39. The Committee then desired to be furnished with information on the following points:

- (i) Maintenance of Register in the Ministry for ensuring timely laying of Rules on the Table;
- (ii) Action taken by the Ministry on the Department of Parliamentary Affairs O.M. No. F. 32(50)/73-R&C dated

18-12-1973 bringing to the notice of all Ministries/Departments the recommendations of the Committee on Subordinate Legislation regarding laying of 'Orders' on the Table of Lok Sabha.

- (iii) Action taken by the Ministry on the Circular D.O. letter sent on 9-4-1974 by the Cabinet Secretary to all Secretaries of Government regarding timely laying of Rules on the Table; and
- (iv) Orders issued by the Ministry till date which, though required to be laid on the Table under the statute have not so far been laid.

40. In their reply, the Ministry of Civil Supplies and Cooperation have stated as follows:

- “(i) Registers in the Ministry are being maintained for ensuring timely laying of Rules on the Table.
- (ii) In accordance with the instructions contained in the Deptt. of Parliamentary Affairs O.M. No. F. 32(50)/73-R&C dated 18-12-1973, Recommendation No. 2 is being carried out in respect of maintaining the Register and collection of periodical information from the respective Sections regarding laying of papers.
- (iii) On receipt of D.O. letter dated 9-4-1974 from the Cabinet Secretary regarding timely Laying of Rules on the Table, it was circulated in the Ministry. The instructions contained therein are being carried out. The Registers are being maintained and the monthly information is being collected from the Sections. Quarterly Reports are also being sent to the Ministry of Law (Legislative Deptt.) in respect of delay in laying of the papers.
- (iv) A statement showing details in respect of orders issued by the Ministry till date which are yet to be laid on the Table is enclosed*. They will be laid on the Tables of both the Houses of Parliament in the ensuing Session.”
- vii) *The Seeds (Amendment) Rules, 1974 (G.S.R. 211-E of 1975).*
- (viii) *The Delhi, Meerut and Bulandshahr (Milk and Milk Products) Control Order, 1975 (S.O. 200-E of 1976).*

41. The Seeds (Amendment) Rules, 1974 (G.S.R. 211-E of 1975) were published in the Gazette on 29-4-1975 but were laid on the

Table of Lok Sabha on 5-2-76. There was a delay of over 6 months in its laying.

The Ministry of Agriculture & Irrigation (Department of Agriculture) in their statement showing reasons for delay laid on the Table had stated as under:—

“....A copy of this notification was sent to the Department of Parliamentary Affairs on 1st May, 1975. That Department had in their O.M. dated the 20th May, 1975, pointed out that sub-rule (2) of the new Rule 23(A) appeared to be incomplete. This was examined and the Department of Parliamentary Affairs was informed in the Department of Agriculture letter dated the 6th June, 1975, that the rule as it stood appeared to be complete in itself. The Department of Parliamentary Affairs, however, still felt in their O.M. dated the 24th June, 1975 that the wording of sub-rule (2) needed to be changed to bring out clearly as to who shall launch proceedings against the suppliers for contravention of the provisions of the Act or these Rules. This was again examined and it was decided to change wording to bring out clearly that the Seed Inspector would launch proceedings against the supplier for contravention of the provisions of the Act or these Rules. Necessary action has been taken to get a corrigendum issued and the draft notification in this respect has been sent to the Government of India Press for publication on 30th January, 1976.....In the meantime, however, copies of the Notification No. GSR. 211-E dated the 20th April, 1975 were sent to Lok Sabha Secretariat on the 24th September, 1975, but they had returned these copies on 29th September, 1975, saying that it may be sent to them after issue of the notification regarding the commencement of the next session of Lok Sabha. In view of the reasons given above it was not possible to place the notification on the Table of the Sabha in its Budget Session which ended on 9th May, 1975, and also in the subsequent session held in July-August, 1975.”

42. The Delhi, Meerut and Bulandshahr (Milk and Milk Products) Control Order, 1975 (S.O. 200-E of 1976) was published in the Gazette of India on 6.5.75 but was laid on the Table of Lok Sabha on 20-8-76. There was a delay of one year and over one month. The statement explaining the reasons or delay in laying the said Order was not laid on the Table along with the Order as required by the recommendation of the Committee made in para 143 of their 2919 LS—2

First Report (Second Lok Sabha) and para 34 of their Ninth Report (Fifth Lok Sabha).

43. On the matter being referred to the Department of Agriculture for stating the reasons for delay, they stated as under:

".....the Delhi, Meerut and Bulandshahr (Milk and Milk Products) Control Order, 1955 was issued on the 6th May, 1975. In accordance with the rules, copies of such orders are to be placed on the Table of the Sabha within 14 days of the issue of the order. This could not, however, be done in the instant case as the Lok Sabha adjourned on the 9th May, 1975. The Sabha office was, however, contacted to enquire as to the next date of meeting of the Sabha when copies of the order could be placed on its Table. It was informed that the next session of the Sabha would be held around middle of July 1975. The lapse that occurred in not laying the copies of the order on the Table of the Sabha is very deeply regretted."

4.4 Explaining the reasons for the delay in laying the Seeds (Amendment) Rules, 1974, the representative of the Ministry of Agriculture & Irrigation (Department of Agriculture) stated in evidence that these rules were published on 25-4-77. On 1-5-75 copies of the Notification duly authenticated were sent to the Department of Parliamentary Affairs. The Department of Parliamentary Affairs pointed out that sub-rule (2) of Rule 23A was incomplete. After consultation with that Department and the Ministry of Law, it was decided to issue a corrigendum. In the meantime the copies of the original Notification had been sent to the Lok Sabha Secretariat on 24-9-77 for being laid on the Table but that Secretariat returned the copies as Lok Sabha was not in session at that time. So the Notification was sent on 30-1-76 for being laid on the Table. When the Committee pointed out that the rules in question were sent to Lok Sabha Secretariat for laying on 30-1-1976 while the session had commenced on 5-1-76, the representative of the Ministry said that a few days' time was taken in getting the copies re-authenticated by the Minister.

45. In reply to a question, she said that they were maintaining a register in the Ministry to ensure timely laying of Rules in the Lok Sabha.

In reply to another question the witness agreed that the original Notification should have been sent to the Lok Sabha Secretariat for being laid on the Table without waiting for the amendment pro-

posed to be issued. She also said that they would see that such lapses did not occur in future.

46. In regard to the Delhi, Meerut and Bulandshahr (Milk and Milk Products) Control Order, 1975, the representative of the Ministry of Agriculture & Irrigation (Department of Agriculture) admitted that 'there has been some bungling'. She stated that the notification was issued on 6th May and the Lok Sabha adjourned on 9th May. It was not possible to lay the notification in the 3 days available, as copies had got to be authenticated. The copies were sent for laying on the 29th May, 1975. On 26-6-76 they came to know through the Department of Parliamentary Affairs that the Notification had not been laid on the Table and that the copies sent on 29-5-75 had been returned to the Ministry on 30-5-76. The communication returning the copies was not traceable in the Ministry. It appeared to have been lost somewhere in transit.

47. The representative of the Ministry regretted the lapse in not laying alongwith the Notification a statement giving reasons for the delay in laying.

48. The Committee then desired to have information on the following points:

- (i) Functioning of a Parliament Section and maintenance of a Register in the Department of Agriculture for ensuring timely laying of Rules on the Table.
- (ii) Action taken by the Department on the Department of Parliamentary Affairs O.M. No. F. 32(50)/73-R&C dated 18-12-1977 bringing to the notice of all Ministries/Departments the recommendations of the Committee on Subordinate Legislation regarding laying a Orders on the Table of Lok Sabha.
- (iii) Action taken by the Ministry on the Circular D. O. letter sent on 9-4-74 by the Cabinet Secretary to all Secretaries of Government regarding timely laying of rules on the Table; and
- (iv) Orders issued by the Department till date which, though required to be laid on the Table under the statute, have not so far been laid.

49. In their reply the Ministry of Agriculture and Irrigation (Department of Agriculture) have stated as under:—

“..... a regular Parliament Section functions in the Department of Agriculture. The Parliament Section is duly

maintaining a register and keeping a regular watch in respect of the cases in which rules and regulations required to be framed under the statute have not been published within six months on the basis of the information initially furnished by the concerned Sections of this Department. A quarterly statement in this respect is furnished to the Ministry of Law, Justice & Company Affairs. The register is also scrutinised by the Senior Officers.

A copy of the O.M. No. F. 32(50)/73-R&C dated the 18-12-73 has been circulated to all concerned for guidance/necessary action.

Instructions contained in Cabinet Secy.'s D.O. dated the 9th April, 1973 were brought to the notice of all concerned *vide* this Department's note. No. 8-35/74-G.C. dated the 26th April, 1974 with suitable instructions. On receipt of another D.O. No. 6/1/11-77-CF dated the 2nd September, 1977 on the subject from the Cabinet Secretary, the above mentioned note has once again been circulated along with the copy of the Cabinet Secretary's D.O. dated 2nd September, 1977 to all Officers as well as Administration Sections of this Department *vide* this Department's note No. 22-13/77-Parl. dated the 4th October, 1977.....

Information about orders issued till 11th October, 1977 but not so far laid on the Table of both the Houses of Parliament, is being collected from the various Divisions/Sections and will be furnished shortly."

50. The Committee on Subordinate Legislation have time and again deprecated delays in laying of 'Orders' on the Table of the House. They regret to observe that cases of inordinate delays in laying still continue to occur in large numbers. Out of 1142 'Orders' laid on the Table during the Twelfth Session to Eighteenth Session of Fifth Lok Sabha, 93 'Orders' were laid after the prescribed time-limit. In three cases, there was a delay of over one year, in one case of over two years, in two cases of over three years and in another two cases of over four years. The Committee need hardly re-stress that such inordinate delays in laying are contrary to the spirit of the relevant provisions in Acts which require that the 'Orders' should be laid before Parliament as soon as possible, after they are made. The Committee will also like the Ministries/Departments exercising rule-making power to bear in mind that generally the rules become operative as soon as they are

published, but Parliament's statutory right of modification|annulment, in terms of statutes, becomes exercisable only after the rules are laid before Parliament. Inordinate delays such as above result in depriving Parliament of their statutory right of modification|annulment for unduly long periods.

51. An analysis of reasons for delay, as revealed by the statements laid before Parliament and the explanations subsequently furnished to the Committee, indicates that, as in the past, (i) inadvertence|oversight|administrative reasons (45 cases), and (ii) non-receipt of G.S.R. numbers|printed copies from the Press (38 cases) account for bulk of the cases of delay. To obviate delays on account of inadvertence|oversight; the Committee in para 32 of their Ninth Report (Fifth Lok Sabha), presented to the House on the 19th November, 1973, had desired the Ministries/Departments to take specific steps on the lines indicated by the Ministry of Labour viz., (a) maintenance of a register for entering notifications issued under various Acts, and (b) submission of periodical returns by the Sections issuing notifications to the Parliament Section. On the 18th December, 1973, the Department of Parliamentary Affairs brought the above recommendation of the Committee to the notice of all Ministries|Departments. Subsequently, on the 9th April, 1974, the Cabinet Secretary addressed a D.O. letter to all Secretaries of the Government saying that he had been desired by the Prime Minister to request that the procedure laid down in the D.O. to facilitate timely compliance with the statutory requirements relating to subordinate legislation should be strictly adhered to. The Secretaries of Ministries|Departments were asked to send confirmation to the Cabinet Secretary by the 20th April, 1974 that necessary arrangements in this regard had been made. It is unthinkable that after so emphatic a direction by the Committee, instructions by the Department of Parliamentary Affairs and the desire of the Prime Minister as communicated in the Cabinet Secretary's D.O. of the 9th April, 1974, delays on account of inadvertence|oversight should have occurred in such a large number of cases. The Committee will like the Ministries|Departments to make a review whether the procedural safeguards against delays in laying, as outlined in the Cabinet Secretary's D.O. dated the 9th April, 1974, have been introduced by them, and are being strictly complied with. The Committee will also like them to make a review whether there are still any 'Orders' with them which have inadvertently been omitted to be laid on the Table, and, if so, to lay them without any further delay. Henceforth, the Committee will take a serious view of such omissions.

52. As regards the other main reason for delay, viz., non-receipt of G.S.R. numbers/printed copies of the Gazette from the Press, the Committee note that the Chief Controller of Printing and Stationery vide his Memorandum No. H-11013/1/72-P dated the 9th February, 1972 addressed to all Ministries/Departments of Government of India referred to a new procedure for supply of printed copies of Gazettes or details of G.S.R./S.O. numbers allotted to notifications by the Press, so as to obviate delays in laying on this account. In para 43 of their Fifth Report (Fifth Lok Sabha) and in para 35 of their Ninth Report (Fifth Lok Sabha) the Committee had desired the Ministries/Departments to strictly comply with this procedure. The fact that in as many as 38 cases, the delay should have occurred on this account indicates that the above procedure is not being strictly followed. The Committee will like the Ministries/Departments to ensure that henceforth no delay in laying occurs on account of their failure to follow the above procedure.

53. In two cases where the Committee took evidence, a reason given for delay was that the amendment of the 'Orders' was under consideration. The Committee do not consider it a valid plea for delay in laying. The Committee will like to emphasise that once an 'Order' has been published, it should be laid on the Table within the prescribed time-limit. Amendments to the 'Orders', if any, may be laid subsequently, when issued.

54. The Committee also observe that out of 93 cases in which the delay had occurred in as many as 56 cases, statements showing reasons for delay had not been laid on the Table. The Committee feel strongly about non-observance of their recommendation in this regard. The Committee once again urge that in case, due to any unavoidable reason, it has not been 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 along with the 'Order'.

III

THE RESERVE BANK OF INDIA (NOTE REFUND) RULE, 1975

55. Rule 6 of the Reserve Bank of India (Note Refund) Rules, 1975, framed under the Reserve Bank of India Act, 1934 (2 of 1934), reads as under:—

“6. *Lost or wholly destroyed notes and half notes.*—No claim in respect of a note which is stated to have been lost or wholly destroyed, or a half note, shall be entertained, if the denomination of the note is either one hundred rupees or less.”

56. The Committee on Subordinate Legislation (1975-76), at their sitting held on the 30th January, 1976, examined the above rules which were published in the Gazette on 23-8-75 and laid on the Table of Lok Sabha on the 16th January, 1976, and desired to know the considerations on which rule 6, *ibid*, had been made. The matter was referred to the Ministry of Finance (Department of Banking) for furnishing their comments on the above point. In their reply, they stated as under:—

“...the Reserve Bank of India who were requested to furnish their comments in the matter have since commented as under:

“There are two categories of bank notes, *viz.* registered notes and unregistered notes. Registered notes are notes of denominations exceeding Rs. 100/- in respect of which the Bank maintains registers showing a complete record of the notes, serial numberwise, from their initial issue to the public to the stage of their withdrawal from circulation and final destruction. The maintenance of a complete record is practicable in the case of notes of denominations exceeding Rs. 100/- because such higher denominations notes form hardly one per cent of the total notes in circulation. In the case of notes of denomination of Rs. 100/- and less (called unregistered notes) in view of the large number of notes in circulation which is of the order of 7000 million pieces no such record is maintained and for reasons of economy it will not also be feasible and worthwhile to maintain such detailed records.

Claims in respect of lost, wholly destroyed or half notes are entertained, if the denomination of note is in excess of Rs. 100/-, as it is possible to guard against double payments in respect of claims on these notes by a reference to the registers. In the case of unregistered notes of the denomination of Rs. 100/- or less, in the absence of such detailed record it will not be possible for the Bank to verify when the notes in question are stated to have been lost or wholly destroyed, or value for a half note is claimed, that the value has not already been paid by the Bank on the same note. It is for these considerations that provision has been made in Rule 6 that no claim in respect of a note stated to have been lost or wholly destroyed or a half note shall be entertained if the denomination of the note is Rs. 100/- or less."

57. At their sitting held on the 4th August, 1977, the Committee considered the matter, and decided to hear the oral evidence of the representatives of the Ministry of Finance (Department of Economic Affairs) on the provisions of Rule 6 of the Reserve Bank of India (Note Refund) Rules, 1975.

58. At their sitting held on the 3rd September, 1977 the Committee heard the oral evidence of the representatives of the Ministry of Finance (Department of Economic Affairs) and the Reserve Bank of India on the provisions of the Rule in question.

59. During evidence, the representative of the Ministry of Finance explained that the notes of the denomination of Rs. 1000/- and above are registered notes and the Reserve Bank maintains a record not only of their dates of issue but also of the dates of the cancellation. The notes of denomination of Rs. 100/- and below are unregistered notes. In case of such notes the Reserve Bank keeps a record of the date of issue only and no record is kept of the date of cancellation. He further stated that before 1956, even hundred rupee notes were registered notes but due to massive increase in the number of such notes in circulation, the Reserve Bank came to the conclusion that it was simply not worthwhile to maintain a record of their cancellation. Consequently, 100-rupee notes were de-registered in 1956.

In reply to a question, the representative of the Ministry stated that as against 62 million pieces of 100 rupee notes in circulation in

1956, there were 357 million pieces of 100-rupee notes in circulation on 1-1-1977. The number of pieces of 50-rupee notes in circulation on that date was 117.7 million.

60. When asked as to the difficulties in maintaining register in respect of hundred-rupee notes, the representative of the Ministry stated that every day, on an average, 6 lakh pieces of 100-rupee notes are cancelled all over India. The Reserve Bank of India's view was that it was not worthwhile to maintain a record of so large a number of notes.

Regarding cost involved in the matter, the representative of the Reserve Bank stated that for an average claim worth about Rs. 1 lakh received by them, their establishment cost was about Rs. 10 lakhs.

Asked whether the Reserve Bank had been receiving claims from the public for refund of lost or half 100-rupee notes, the representative of the Bank stated that he would have to look into the records.

61. Regarding the position in other countries, the representative of the Reserve Bank stated that in the U.K. and Australia only very high value notes were registered. They have stopped registration of even five-pound notes. In the U.S.A. and U.S.S.R., there was no registration at all.

62. The Committee then desired to know whether, having regard to the great value of hundred and fifty rupee notes to the great mass of people of this country, some way could not be found out whereby claims for lost or half notes of these denominations could be entertained by the Reserve Bank even without registration. For instance, in respect of half notes, the Bank could have a statement from the claimant and in case of lost notes, the Bank could have an affidavit from the claimant and, after notifying it, make payment to him. The representative of the Ministry promised to give serious consideration to the suggestions. But, he added, that according to their as also the Reserve Bank's view they must re-introduce the process of registration, before they could entertain claims for such notes.

63. The Committee note that the main consideration why the Reserve Bank of India does not entertain claims in respect of lost, wholly destroyed or half notes of the denominations of one hundred rupees and less is that, unlike notes of the denominations exceeding rupees one hundred, these are unregistered notes, and maintenance of a complete record is not practicable in their case. But having regard to the great value of hundred rupee and fifty rupee notes to

the great mass of the people of this country, the Committee will like the Ministry of Finance to examine whether some way could not be found out whereby claims for lost or half notes of these denominations could be entertained by the Reserve Bank even without registration. For instance, in respect of half notes, the Reserve Bank could have a statement from the claimant and in respect of lost notes, the Bank could have an affidavit from the claimant, and, after notifying it, make payment to him. The Committee will like to be apprised of the outcome of the Ministry's examination at an early date.

IV

IMPLEMENTATION OF RECOMMENDATIONS

- (i) *Implementation of recommendations made in paras 49-50 of Tenth Report of Committee on Subordinate Legislation (Fifth Lok Sabha) regarding representation of Lok Sabha on the Samsad (Court of Visva-Bharati) constituted under sections 18 and 19 of the Visva-Bharati Act, 1951 (Para 162 of First Report—Second Lok Sabha).*

64. Clause 11(12) of the Statutes of the Visva-Bharati governing the termination of membership of the Samsad (Court of Visva-Bharati) read, as follows:—

“No member elected, nominated or appointed to the Samsad (Court) in his capacity as a member of a particular body or as the holder of a particular post shall hold office for a period longer than three months after he ceases to hold that post, unless in the meantime he again becomes a member of that body or is re-appointed to the post.”

65. There was no specific provision in the First Statutes of the University (Visva-Bharati) that a representative of Lok Sabha on the Samsad (Court) should cease to be member thereof, if he ceased to be a member of the Lok Sabha.

66. The effect of the above clause appeared to be that members of the Lok Sabha on the Samsad will continue to represent the Lok Sabha even after dissolution of the Lok Sabha which elected them if they are again elected to the Lok Sabha within three months, without their being re-elected by the new Lok Sabha to serve on the Samsad.

67. The matter was taken up by the Committee on Subordinate Legislation (Second Lok Sabha) with the Ministry of Education, who had then replied as under:—

“The Ministry of Law who have been consulted in the matter have confirmed that interpretation. That Ministry have also observed tht if it was intended that members of old Lok Sabha on the Samsad (Court) should not continue to be members of the Samsad after the dissolution of the Lok

Sabha and that the new Lok Sabha should elect its own representatives on the Samsad, it would be necessary to amend the Statutes suitably."

68. The other point that was referred to the Ministry was that on the Samsad, which consisted of 45 members, Parliament was represented by two members, one from Lok Sabha and one from Rajya Sabha. The representation of the two Houses was not in the ratio of 2:1 as *recommended by the Committee earlier.

69. In this connection, the Ministry had replied as under:—

"...an amendment of clause (5) of Statute 10 of the First Statutes of Visva-Bharati would be necessary in order to give effect to the recommendations of the Committee on Subordinate Legislation. Till such amendment is made the present provision on the Statutes will remain in force."

70. After considering the Ministry's reply to the above points, the Committee on Subordinate Legislation had recommended in para 162 of their First Report (Second Lok Sabha), presented to the House on 12-9-57, as follows:

"The Committee recommend that First Statutes of the University (Visva-Bharati) should be suitably amended to provide (i) that a representative of the Lok Sabha should cease to be a member of the Samsad on his ceasing to be a member of the Lok Sabha and (ii) that Parliament should be represented by three members on the Samsad, two from Lok Sabha and one from Rajya Sabha."

71. No reply having been received on the above recommendations, the Ministry of Education and Social Welfare (Department of Education) were asked on 28-9-72 to indicate the action taken thereon. While forwarding a copy of the **Visva-Bharati (Amendment) Act, 1971 (57 of 1971), the Ministry had stated in their reply dated 9-11-1972, as follows:—

"According to the composition provided in Section 19 of the Visva-Bharati Act, as amended, the Court (Samsad) shall

*See paras 26-27 (Third Report—First Lok Sabha), paras 9 and 32 (Fourth Report—First Lok Sabha).

**Section 19(1) (f) as amended reads:

"(f) three representations of Parliament, of which two to be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof."

inter alia consist of 3 representatives of Parliament of which two will be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof. As the relevant clause specifically provides that there shall be 3 representatives of Parliament, persons concerned will cease to be members of the Court (Samsad) of the University as soon as they cease to be the Members of the Parliament. It is, therefore, felt that provision for the purpose as recommended by the Committee on Subordinate Legislation in para 162 of their first report (Second Lok Sabha), already exists in the Act of the Visva-Bharati and no further action is necessary for implementing the said recommendations of the Committee on Subordinate Legislation."

72. After considering the above reply of the Ministry, the Committee on Subordinate Legislation had observed in paras 49-50 of their Tenth Report (Fifth Lok Sabha) as under:—

"The Committee regret to note that the Ministry of Education have taken 14 years to amend the Visva-Bharati Act, 1951, in implementation of second part of their recommendation made in para 162 of First Report (Second Lok Sabha) that Parliament should be represented on the Samsad of the Visva-Bharati by three Members, two from Lok Sabha and one from Rajya Sabha.

As regards the first part of the recommendation that the statutes of the University should be amended to provide that a representative of Lok Sabha should cease to be a member of the Samsad on his ceasing to be a Member of Lok Sabha, the Committee are surprised to note that the Ministry have still not amended the Statutes in spite of the opinion given by the Law Ministry to them as far back as in 1957 regarding the necessity of amending the Statutes suitably. The Committee are not convinced by the reply of the Ministry that as Section 19(1)(f) of the Visva-Bharati Act specifically provides that there shall be three representatives of Parliament, persons concerned shall cease to be members of the Samsad as soon as they cease to be members of Parliament. They desire the Ministry to make specific provision in this regard by carrying out a suitable amendment to the Statutes, without any further delay."

73. The Ministry of Education and Social Welfare in their reply dated 11-6-1974 stated as follows:—

“.....so far as the observations of the Committee on Subordinate Legislation in paragraph 49 of its report are concerned, it seems that there is some misunderstanding. The recommendations made by the Committee on Subordinate Legislation in 1957 and communicated to this Ministry *vide* Lok Sabha Secretariat O.M. No. 106|CII|57 dated 29-4-1957 were duly implemented by this Ministry in the following years. The provision for two representatives of Lok Sabha and one representative of Rajya Sabha on the Court of the Visva-Bharati was made in Statute 10(5) of the Visva-Bharati in April, 1958, which read as under:—

‘The number of representatives of Parliament under clause (xii) of Sub-section (1) of Section 19 shall be three of whom two shall be elected from the Lok Sabha (House of the People) and one from the Rajya Sabha (Council of States)’.

A provision was also made in Statute 10(11) of the Visva-Bharati in April 1960 to implement the other suggestion of the Committee on Subordinate Legislation that any person who is a member of any authority or body of the University in his capacity as a member of a particular body (for instance a member of Parliament) shall hold office so long only as he continues to be a member of that particular authority or body. The provision was as follows:—

‘Notwithstanding anything contained in these Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular body or as the holder of a particular appointment shall hold office so long only as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.’

Unfortunately, however, a report of implementation of the recommendations was not sent by this Ministry to the Lok Sabha Secretariat at that time and it was only in September, 1972 when the Lok Sabha Secretariat made a reference to the recommendations of the Committee in their O.M. No. 42|30|CII|72 dated September 28, 1972 that this Ministry explained the position as it stood at that

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time. Since there was no reference in the Lok Sabha Secretariat Memo. dated September 28, 1972 to the alleged delay of 14 years in implementing the recommendation of the Committee on Subordinate Legislation, there was no occasion for this Ministry to remove the mis-apprehension. It is now requested that the Committee on Subordinate Legislation may kindly be informed of the correct position namely, that the recommendations made by them in 1957 were duly implemented in 1958 and 1960 respectively and that the alleged delay of 14 years referred to in paragraph 49 of their report is based on a mis-apprehension.

In the year 1971, serious situation developed in the Visva-Bharati on account of which a Presidential Ordinance had to be issued superseding all the authorities of the University and replacing them by smaller nominated bodies. The size of the Court of the University was, under the Amendment Act, reduced from about 100 to 30, of whom the majority were to be nominated by the Visitor. In view of the reduction of the size of the Court, Statute 10 of the University, as it stood at that time, became infructuous and was, therefore, deleted. Clause (11) of this Statute, which made a provision that any person who has become a member of the Court by virtue of holding any office or being a member of any particular authority will cease to be a member of the Court as soon as he ceases to be a member of that particular authority or to hold that particular office, was also deleted along with that statute. However, the provision for 3 representatives of Parliament, 2 from Lok Sabha and 1 from Rajya Sabha was incorporated in Section 19(1) (f) of the Act itself. The language of Section 19(1)(f) of the Act implies that a Member of Parliament can continue as a member of the Court of the Visva-Bharati so long as he is an M.P. Even otherwise the Lok/Rajya Sabha Secretariat inform us as soon as the term of an M.P. expires and we initiate action to get another M.P. nominated in his place, on the Court of Visva-Bharati.

The Ordinance which was later on replaced by an Act of Parliament, was only an interim measure and the intention is to introduce comprehensive legislation for the Visva-Bharati as soon as possible. A Committee is already working on the drafting of legislation. At the time of introducing the comprehensive legislation, the suggestion

of the Committee on Subordinate Legislation for restoration of clause (11) of Statute 10 of the Statutes of the University will be duly taken into account.

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74. The Committee note from the reply of the Ministry of Education, Social Welfare and Culture that both of their recommendations made in para 162 of their First Report (Second Lok Sabha) had actually been implemented by the Ministry in 1958 and 1960, but there was a failure on the part of the Ministry in that they had not informed the Committee about the action taken by them on these recommendations, with the result that the Committee remained unaware of the fate of their recommendations till June, 1974 when, on the matter being again taken up by the Committee, the Ministry clarified the position. The Committee hope that the Ministry will take care to obviate such omissions in future, and send action-taken notes to the Committee immediately on implementation.

75. The Committee note the assurance of the Ministry that they propose to introduce comprehensive legislation for the Visva-Bharati, and at the time of its introduction, they will take into account the suggestion of the Committee for restoration of clause (11) of Statute 10 of the Statutes of the Visva-Bharati University which provided that a person who is a member of any authority or body of the University in his capacity as a member of a particular body (for instance, a Member of Parliament) shall hold office so long only as he continues to be a member of that particular authority or body. The Committee desire the Ministry to expedite the proposed legislation.

- (ii) *Implementation of recommendation made in paras 37-38 of First Report of Committee on Subordinate Legislation (Fifth Lok Sabha regarding the Central Reserve Police Force (Fourth Amendment) Rules, 1968 (G.S.R. 373 of 1968).*

76. Rule 36-C of the Central Reserve Police Force Rules, 1955, as inserted by G.S.R. 373 of 1968, provides that notwithstanding the provisions of Chapter XV of the Code of Criminal Procedure, 1898, the Commandant or the Assistant Commandant may try an offence in any place whatever with due regard to the convenience of parties.

77 Rules 36G and 36I, *ibid*, empower the Central Government to determine the court before which proceedings in respect of an accused should be instituted or continued in cases where there is a difference of opinion between a Magistrate and a Commandant or Assistant Commandant in this regard. Under the former Rules, the Central Government can direct the Magistrate to deliver the accused to the Commandant or Assistant Commandant and the Magistrate shall accordingly deliver the accused to such Commandant or Assistant Commandant.

78. It was noticed that in Rule 36C, the words "Notwithstanding the provisions of Chapter XV of the Code of Criminal Procedure, 1898" were pre-fixed, which lent to it the character of an over-riding provision. Also, the powers conferred on the Central Government under Rules 36G and 36I could be so exercised as to over-ride the provisions of the Code of Criminal Procedure.

79. The matter was taken up with the Ministry of Home Affairs and it was suggested to them that the provisions contained in the above Rules should either form part of the parent Act or have an express authorisation therein. It was pointed out in this regard that for similar matters, there were express provisions in the Border Security Force Act (*vide* Sections 79 and 81).

80. After considering the reply of the Ministry of Home Affairs, who did not accept the suggestions made above, the Committee on Subordinate Legislation had observed in paras 37-38 of their First Report (Fifth Lok Sabha), presented to the House on the 10th August, 1971, as under:—

"The Committee observe that the pre-fixation of the words 'Notwithstanding the provisions of Chapter XV of the Code of Criminal Procedure, 1898' in Rule 36C seeks to make the provisions of this Rule of an over-riding nature. Similarly, the powers conferred on the Central Government under Rule 36G and 36I may be so exercised as to over-ride the provisions of the Code of Criminal procedure, should a conflict between the provisions of the said Code and Rules in question arise. The Committee, therefore, find it difficult to appreciate the Ministry's contention that there is nothing substantial in the provisions of Rule 36C, 36G and 36I.

The Committee do not question the necessity or desirability of the provisions of Rules 36C, 36G, and 36I; nor do they want any modification therein. The question is only

limited to the point whether because of their over-riding nature, these provisions should more appropriately form part of the Act or of the Rules. The Committee feel that while the provisions of an Act may over-ride the provisions of an earlier Act, the Executive, in exercise of their rule-making power, cannot over-ride the same unless the latter statute expressly authorises them to do so. The Committee are, therefore, of the view that the aforesaid provisions should form part of the Act, or in the alternative, there should be a specific authorisation therefor in the Act. The fact that similar provisions form part of four other Acts—Border Security Force Act, Army, Navy and Air Force Acts—reinforces this view."

81. In their action taken reply, the Ministry had stated on 11th May, 1972, as under:—

".....it has been decided to omit Rules (a), 36(b), 36(f), 36(g), 36(h), 36(i) and 36(j) from the Central Reserve Police Force Rules, in obedience to the observations made by the Committee on Subordinate Legislation. Action is being taken in consultation with the Ministry of Law & Justice to issue formal notification deleting these rules. When the notification has been issued, copies thereof will be sent to the Deptt. of Parliamentary Affairs."

82. In reply to a further communication, the Ministry had informed about their proposal to amend the Central Reserve Police Force Act and stated as follows:

"As regards the amendment of the CRPF (Fourth Amendment) Rules, 1968, I am to say that as some provisions of the Central Reserve Police Force Act need to be amended keeping in view the present constitution, character of duties and requirements of the Force, this Ministry have taken up a proposal of amending the Central Reserve Police Force Act. A draft amendment Bill has already been prepared and is under examination. The observations made by the Committee on Subordinate Legislation have been taken note of while preparing the proposed amendment Bill. It is intended to make a specific authorisation in the amendment Bill for overriding certain provisions of Cr. P.C."

83. In reply to a D.O. reminder, in which the Ministry were asked to state the latest position about the re-drafting of the pre-

passed amendment Bill, and when it is likely to be introduced in the Lok Sabha, the Ministry had informed in August, 1973 as under:

"The draft Bill is still under finalisation in consultation with DG/CRPF. A number of meetings have already been held to discuss the draft Bill. At this stage, it is difficult to indicate the precise time by which it will be introduced in Lok Sabha. However, all possible efforts are being made to finalise the Bill and introduce the same in Lok Sabha as early as feasible."

84. In their recent communication dated the 14th January, 1977, the Ministry have stated as follows:—

".....a comprehensive review of the CRPF Act, 1949, is under consideration of this Ministry and will take time. The CRPF Rules, 1955, will also be reviewed/revised *mutatis mutandis*. A further communication will follow after the matter is finalised. This is for the information of Committee on Subordinate Legislation of Lok Sabha."

85. The Committee feel concerned to note that the Ministry of Home Affairs have not been able to complete the review of the Central Reserve Police Force Act even six years after the Committee had made their recommendation that provisions of rules 36-C, 36-G and 36-I of the Central Reserve Police Force Rules, 1955, which are of an overriding nature, should either form part of the Act or there should be a specific authorisation therefor in the Act. The Committee desire the Ministry to expedite the matter, as the implementation of their recommendation has already been inordinately delayed.

(iii) Implementation of recommendation made in para 30 of Eleventh Report of Committee on Subordinate Legislation (Fifth Lok Sabha) re: the Asian Institute of Educational Planning and Administration (Class I and II Posts) Recruitment Rules, 1969 (G.S.R. 835 of 1969).

86. Rule 6 of the Asian Institute of Educational Planning and Administration (Class I and II Posts) Recruitment Rules, 1969 reads as under:

"Power to relax.—Where the Central Government is of opinion that it is necessary or expedient so to do it may, by order, for reasons to be recorded in writing, relax any of the

provisions of these rules in respect of any class or category of persons:

Provided that any such order relating to the post of Private Secretary to the Director shall be issued only in consultation with the Union Public Service Commission."

87. Normally the relaxation clause in recruitment rules relating to gazetted posts reads as follows:—

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

88. On a comparison of above two rules, it was seen that whereas in the normal relaxation rule, there is a provision for consultation with the Union Public Service Commission in respect of each gazetted post covered by the rules, the rule in question did not provide for consultation with the Union Public Service Commission except for the post of Private Secretary to the Director.

89. The Ministry of Education and Social Welfare with whom the matter was taken up, had, *inter alia*, stated as follows:—

"....it was.....decided, in consultation with the erstwhile Ministry of Home Affairs that the posts in question may be excluded from the purview of the U.P.S.C.

It was also decided that the exclusion should be treated as covered under item 15 of the Schedule to the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

Since the posts of Co-ordinator of Studies, Economist, Statistician and Documentalist are exempt from the purview of the U.P.S.C., the power to relax any of the provisions of the Recruitment Rules in respect of these posts has not been made subject to the prior consultation with U.P.S.C....."

90. Item 15 of the Schedule to the Union Public Service Commission (Exemption from Consultation) Regulations, 1958, covers the posts of consultants in the Planning Commission only. Thus the posts in the Asian Institute of Educational Planning and Administration did not seem to be covered by this provision.

91. The matter was referred to the erstwhile Department of Personnel (Cabinet Secretariat) and Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) for comments. In reply, the Ministry of Law, Justice & Company Affairs (Department of Legal Affairs) had stated as follows:—

“Item No. (15) of the Schedule ‘Posts of consultants in the Planning Commission’. It is found from O.M. dated 31-7-1972 from the Ministry of Education and Social Welfare that the Asian Institute of Educational Planning and Administration functions as a Subordinate Office of Department of Education. Hence it is clear that the Institute is not the Planning Commission nor a part of it and consequently the posts in the Institute cannot be treated as posts of consultants in the Planning Commission which has a distinct and separate entity. It does not appear to be possible to broaden the scope and meaning of entry (15) so as to include any other body or Subordinate Office of a Ministry or Department in the Planning Commission. Mere existence of the word ‘Planning’ in the name of the Institute does not make it a part of Planning Commission.”

92. The Department of Personnel, in their reply, had stated as follows:—

“.....under the proviso to clause (3) of article 320 of the Constitution, the President can make regulations specifying the matters in which either generally, or in any particular class of cases or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted. Although Government thus have powers in the matter of excluding posts from the Commission’s purview, a convention has been established whereby the Commission are consulted before any post is excluded from their purview.

The Asian Institute of Educational Planning and Administration was set up as a temporary organisation which was not expected to last long. In view of this, and the fact that expenditure on the agreement between the Government of India and UNESCO provided for consultation with UNESCO in making appointments to the posts, the Union Public Service Commission were requested to agree to the exclusion of the posts from their purview. The Commission agreed to the proposal and the posts were accordingly excluded from their purview.

In view of the Constitutional provisions referred to in paragraph..... above, the fact that the Asian Institute of Educational Planning functions, for technical reasons, as a Subordinate Office of the Ministry of Education, did not prevent exclusion of certain posts therein from the Commission's purview. In this connection, it may, however, be added that the Union Public Service Commission had suggested in 1969 that the posts in the Institute already.....excluded from the Commission's purview may be brought back within the Commission's purview as and when the existing incumbents vacated them."

93. The Committee, after considering the above comments of both the Departments, had observed in para 30 of their Eleventh Report (Fifth Lok Sabha), as under:—

"The Committee note the opinion of the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) that item No. 15 of the Schedule to the Union Public Service Commission (Exemption from Consultation) Regulations, 1968, does not include the posts in the Asian Institute of Educational Planning and Administration. The Committee are of the view that the Ministry of Education had definitely erred in treating the posts of Coordinator of Studies, Economist, Statistician and Documentalist as exempt from the purview of Union Public Service Commission. They desire the Department of Personnel to issue necessary instructions to all Ministries|Departments to ensure that Union Public Service Commission is invariably consulted while relaxing any of the rules relating to Gazetted posts unless a post is specifically covered by Union Public Service Commission (Exemption from Consultations) Regulations, 1958."

94. While regretting their mistake, the Ministry of Education and Social Welfare (Department of Education) have clarified the position as under:—

"...the recommendations contained in paragraph 30 of the Report have been examined in the Ministry of Education and Social Welfare in consultation with the Department of Personnel and the Ministry of Law (Department of Legal Affairs). The factual position in respect of the points mentioned in this paragraph is explained below:—

- (1) The Ministry of Home Affairs vide their Office Memorandum No. 181/69-Ests. (B) dated 19th November,

1963 decided in consultation with the Union Public Service Commission that the posts of Director, Deputy Director and Assistant Director in the Regional Centre for the Training of Educational Planners, Administrators and Supervisors in Asia should be excluded from the purview of the U.P.S.C., for purposes of sub-clauses (a) & (b) of clause (3) of Article 320 of the Constitution. It was further decided that the exclusion should be treated as covered under item (15) of the Schedule to the U.P.S.C. (Exemption from Consultation) Regulations, 1958.

- (2) Subsequently, the posts of Deputy Director and Assistant Director in the Regional Centre for the Training of Educational Planners, Administrators and Supervisors in Asia were re-designated as 'Coordinator of Studies' and 'Economist' respectively, and also the name of the said Centre was changed to that of Asian Institute of Educational Planning and Administration.
- (3) The Ministry of Home Affairs, *vide* their Office Memorandum No. F. 18/11/65-Est.(B) dated 15-12-1965, further decided in consultation with the U.P.S.C., that the posts of Statistician and Documentalist at the Asian Institute of Educational Planning and Administration should be excluded from the purview of the U.P.S.C., for purposes of sub-clauses (a) & (b) of clause (3) of Article 320 of the Constitution. It was also decided that the exclusion should be treated as covered by item (17) of the Schedule to the U.P.S.C. (Exemption from Consultation) Regulations, 1958.
- (4) The Asian Institute of Educational Planning and Administration (Class I & II Posts) Recruitment Rules, 1969 (G.S.R. 835 of 1969) were published in the Gazette of India dated 22nd March, 1969.
- (5) Till 23rd April, 1964, item (15) of the Schedule to the U.P.S.C. (Exemption from Consultation) Regulation, 1958 read as follows:—

'Any Service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.'

These Regulations were amended from time to time by the Ministry of Home Affairs and item (15) of the Schedule

to these Regulations was re-numbered as item (16) on 24th April, 1964, as item (17) on 14th April, 1965, and as item (18) on 27th May, 1970.

- (6) In para 1(ii) of this Ministry's Office Memorandum No. F. 29-45/72-UU, dated 31st July, 1974 to the Lok Sabha Secretariat, a reference was made to item (15) of the Schedule to the U.P.S.C. (Exemption from Consultation) Regulations, 1958. It should have been actually referred to as item (18) of the said Schedule. The mistake is regretted. The fact, however, remains that prior approval of U.P.S.C. was duly obtained by this Ministry to the exclusion of the posts in question from the Commission's purview in accordance with the provisions of the U.P.S.C. (Exemption from Consultation) Regulations, 1958, as amended from time to time.

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95. In their action taken note, the Department of Personnel and Administrative Reforms have stated as follows:—

"....a similar recommendation was made in para 83 of the Fifth Report of the Committee on Subordinate Legislation (Fifth Lok Sabha) and in compliance thereof this Department has already issued instructions to all the Ministries|Departments of the Government of India to review all the Recruitment Rules for Class I and II posts under them to ensure that the relaxation clause in the notification promulgating the Recruitment Rules contains a provision for consultation with the U.P.S.C. wherever necessary. In this connection, a copy of this Department O.M. No. 2/67/73-Estt. (D) dated the 14th May, 1973 is enclosed* for ready reference. Since all gazetted posts are included in either Class I or Class II, it may not be necessary to issue fresh instructions in this regard."

96. The Committee note that in their earlier reply, the Ministry of Education, Social Welfare and Culture had indicated that the relevant posts in the Asian Institute of Educational Planning and Administration were covered by item (15) of the Schedule to the Union Public Service Commission (Exemption from Consultation) Regulations, 1958, whereas the same were, in fact, covered by item (18) of the said Schedule. As a result of this error on the part of the Ministry of Education, Social Welfare and Culture, a lot of un-

*Not printed.

necessary correspondence had ensued between the Committee and three Ministries|Departments of Government (including the Departments of Legal Affairs and Personnel and Administrative Reforms). Had the Ministry taken care to state the correct position in the first instance, not only the unnecessary correspondence would have been avoided but there would also have been no occasion for the Committee to record adverse comments in the matter. The Committee trust that the Ministry of Education, Social Welfare and Culture will in future avoid such errors and take care to furnish correct information to the Committee.

NEW DELHI;

The 9th December, 1977.

SOMNATH CHATTERJEE,

*Chairman,
Committee on Subordinate Legislation.*

APPENDIX I

(Vide para 5 of the Report)

Summary of main Recommendations/Observations made by the Committee

S. No.	Para No.	Summary
(1)	(2)	(3)
1(i)	50	<p>The Committee on Subordinate Legislation have time and again deprecated delays in laying of 'Orders' on the Table of the House. They regret to observe that cases of inordinate delays in laying still continue to occur in large numbers. Out of 1142 'Orders' laid on the Table during the Twelfth Session to Eighteenth Session of Fifth Lok Sabha, 93 'Orders' were laid after the prescribed time-limit. In three cases, there was a delay of over one year, in one case of over two years, in two cases of over three years and in another two cases of over four years. The Committee need hardly re-stress that such inordinate delays in laying are contrary to the spirit of the relevant provisions in Acts which require that the 'Orders' should be laid before Parliament as soon as possible, after they are made. The Committee will also like the Ministries/Departments exercising rule-making power to bear in mind that generally the rules become operative as soon as they are published, but Parliament's statutory right of modification/annulment, in terms of statutes, becomes exercisable only after the rules are laid before Parliament. Inordinate delays such as above result in depriving Parliament of their statutory right of modification/annulment for unduly long periods.</p>
1(ii)	51	<p>An analysis of reasons for delay, as revealed by the statements laid before Parliament and the</p>

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explanations subsequently furnished to the Committee, indicates that, as in the past, (i) inadvertence/oversight/administrative reasons (45 cases), and (ii) non-receipt of G.S.R. numbers/printed copies from the Press (38 cases) account for bulk of the cases of delay. To obviate delays on account of inadvertence/oversight, the Committee in para 32 of their Ninth Report (Fifth Lok Sabha), presented to the House on the 19th November, 1973, had desired the Ministries/Departments to take specific steps on the lines indicated by the Ministry of Labour viz., (a) maintenance of a register for entering notifications issued under various Acts, and (b) submission of periodical returns by the Sections issuing notifications to the Parliament Section. On the 18th December, 1973, the Department of Parliamentary Affairs brought the above recommendation of the Committee to the notice of all Ministries/Departments. Subsequently, on the 9th April, 1974, the Cabinet Secretary addressed a D.O. letter to all Secretaries of the Government saying that *he had been desired by the Prime Minister* to request that the procedure laid down in the D.O. to facilitate timely compliance with the statutory requirements relating to subordinate legislation should be strictly adhered to. The Secretaries of Ministries/Departments were asked to send confirmation to the Cabinet Secretary by the 20th April, 1974 that necessary arrangements in this regard had been made. It is unthinkable that after so emphatic a direction by the Committee, instructions by the Department of Parliamentary Affairs and the desire of the Prime Minister as communicated in the Cabinet Secretary's D.O. of the 9th April, 1974 delays on account of inadvertence/oversight should have occurred in such a large number of cases. The Committee will like the Ministries/Departments to make a review whether the procedural safe-

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guards against delays in laying, as outlined in the Cabinet Secretary's D.O. dated the 9th April, 1974, have been introduced by them, and are being strictly complied with. The Committee will also like them to make a review whether there are still any 'Orders' with them which have inadvertently been omitted to be laid on the Table, and, if so, to lay them without any further delay. Henceforth, the Committee will take a serious view of such omissions.

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As regards the other main reason for delay, viz., non-receipt of G.S.R. numbers/printed copies of the Gazette from the press, the Committee note that the Chief Controller of Printing and Stationery vide his Memorandum No. H-11013/1/72-P dated the 9th February, 1972 addressed to all Ministries/Departments of Government of India, referred to a new procedure for supply of printed copies of Gazettes or details of G.S.R. S.O. numbers allotted to notifications by the Press, so as to obviate delays in laying on this account. In para 43 of their Fifth Report (Fifth Lok Sabha) and in para 35 of their Ninth Report (Fifth Lok Sabha), the Committee had desired the Ministries/Departments to strictly comply with this procedure. The fact that in as many as 38 cases, the delay should have occurred on this account indicates that the above procedure is not being strictly followed. The Committee will like the Ministries/Departments to ensure that henceforth no delay in laying occurs on account of their failure to follow the above procedure.

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In two cases where the Committee took evidence, a reason given for delay was that the amendment of the 'Orders' was under consideration. The Committee do not consider it a valid plea for delay in laying. The Committee will like to emphasise that once an 'Order' has been published, it should be laid on the Table within

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the prescribed time-limit. Amendments to the 'Orders', if any, may be laid subsequently, when issued.

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The Committee also observe that out of 93 cases in which the delay had occurred in as many as 56 cases, statements showing reasons for delay had not been laid on the Table. The Committee feel strongly about non-observance of their recommendation in this regard. The Committee once again urge that in case, due to any unavoidable reason, it has not been 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 along with the 'Order'.

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The Committee note that the main consideration why the Reserve Bank of India does not entertain claims in respect of lost, wholly destroyed or half notes of the denominations of one hundred rupees and less is that, unlike notes of the denominations exceeding rupees one hundred, these are unregistered notes, and maintenance of a complete record is not practicable in their case. But having regard to the great value of hundred rupee and fifty rupee notes to the great mass of the people of this country, the Committee will like the Ministry of Finance to examine whether some way could not be found out whereby claims for lost or half notes of these denominations could be entertained by the Reserve Bank even without registration. For instance, in respect of half notes, the Reserve Bank could have a statement from the claimant and in respect of lost notes, the Bank could have an affidavit from the claimant, and, after notifying it, make payment to him. The Committee will like to be apprised of the outcome of the Ministry's examination at an early date.

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The Committee note from the reply of the Ministry of Education, Social Welfare and Cul-

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ture that both of their recommendations made in para 162 of their First Report (Second Lok Sabha) had actually been implemented by the Ministry in 1958 and 1960, but there was a failure on the part of the Ministry in that they had not informed the Committee about the action taken by them on these recommendations, with the result that the Committee remained unaware of the fate of their recommendations till June, 1974 when, on the matter being again taken up by the Committee, the Ministry clarified the position. The Committee hope that the Ministry will take care to obviate such omissions in future, and send action-taken notes to the Committee immediately on implementation.

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The Committee note the assurance of the Ministry that they propose to introduce comprehensive legislation for the Visva-Bharati, and at the time of its introduction, they will take into account the suggestion of the Committee for restoration of clause (11) of Statute 10 of the Statutes of the Visva-Bharati University which provided that a person who is a member of any authority or body of the University in his capacity as a member of a particular body (for instance, a member of Parliament) shall hold office so long only as he continues to be a member of that particular authority or body. The Committee desire the Ministry to expedite the proposed legislation.

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The Committee feel concerned to note that the Ministry of Home Affairs have not been able to complete the review of the Central Reserve Police Force Act even six years after the Committee had made their recommendation that provisions of rules 36-C, 36-G and 36-I of the Central Reserve Police Force Rules, 1955, which are of an overriding nature, should either form part of the Act or there should be a specific authorisation therefor in the Act. The Committee de-

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sire the Ministry to expedite the matter, as the implementation of their recommendation has already been inordinately delayed.

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The Committee note that in their earlier reply, the Ministry of Education, Social Welfare and Culture had indicated that the relevant posts in the Asian Institute of Educational Planning and Administration were covered by item (15) of the Schedule to the Union Public Service Commission (Exemption from Consultation) Regulations, 1958, whereas the same were, in fact, covered by item (18) of the said Schedule. As a result of this error on the part of the Ministry of Education, Social Welfare and Culture, a lot of unnecessary correspondence had ensued between the Committee and three Ministries/Departments of Government (including the Departments of Legal Affairs and Personnel and Administrative Reforms). Had the Ministry taken care to state the correct position in the first instance, not only the unnecessary correspondence would have been avoided but there would also have been no occasion for the Committee to record adverse comments in the matter. The Committee trust that the Ministry of Education, Social Welfare and Culture will in future avoid such errors and take care to furnish correct information to the Committee.

APPENDIX II

44

(See para 7 of the Report)

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

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
TWELFTH SESSION (FIFTH LOK SABHA) (FROM 11-11-74 to 20-12-74)					
1	G.S.R. 890 of 1974	The Indian Administrative Service (Fixation of Cadre Strength) Eleventh Amendment Regulations, 1974 (Cabinet Secretariat—Department of Personnel and Administrative Reforms)	24-8-74	20-11-74	Over 2 months.
2	G.S.R. 373 (E) of 1974	The Indian Administrative service (Fixation of Cadre strength) 13th Amendment Regulation 1974 (Cabinet Secretariat—Department of Personnel and Administrative Reforms)	24-8-74	20-11-74	Over 2 months
3	G.S.R. 1029 of 1974	The University Grants Commission (Terms and Conditions of Service of Employees) Amendment Rules, 1974 (Ministry of Education and Social Welfare—Department of Education).	21-9-74	2-12-74	*Over 15 days.
4	G.S.R. 1030 of 1974	The University Grants Commission (Fines of certain Universities for Grant) Rules, 1974 (Ministry of Education and Social Welfare—Department of Education).	21-9-74	2-12-74	*Over 15 days.

5	G.S.R. 447 (E) of 1974	The University Grants Commission (Disqualification, Retirement and Conditions of Service of Members) Rules, 1974 (Ministry of Education and Social Welfare—Department of Education).	4-11-74	9-12-74	*Over 15 days.
%6	G.S.R. 1197 of 1974	The Coal Mines (Fourth Amendment) Regulations, 1974 (Ministry of Labour).	9-11-74	12-12-74	*Over one month.
7	G.S.R. 1251 of 1974	The Delhi Urban Art Commission (Terms and Conditions of Service) Amendment Rules, 1974 (Ministry of Works and Housing).	23-11-74	13-12-74	Over 15 days.
8	S.O. 3044 of 1974	The Fruit Products (Amendment) Order, 1974 (Ministry of Agriculture and Irrigation—Department of Food).	16-11-74	16-12-74	One month.
9	S.O. 2269 of 1974	The Central Wafk Council (Amendment) Rules, 1974 (Ministry of Law, Justice and Company Affairs—Legislative Department).	7-9-74	18-12-74	*Over One month.
10	G.S.R. 666 (E) of 1974	The Indian Telegraph (Tenth Amendment) Rules, 1974 (Ministry of Communications—P & T Board)	25-11-74	18-12-74	Over 15 days.
11	G.S.R. 400 (E) of 1974	The Indian Iron and Steel Company, Board of Management Allowances of the Members) Rules, 1974 (M. of Steel and Mines—Deptt. of Steel)	24-9-74	19-12-74	*Over one month.
12	G.S.R. 1165 of 1974	The Central Silk Board (Amendment) Rules, 1974 (M. of O. Industrial Development).	2-11-74	20-12-74	*Over one month.

* 12th Session commenced on 11-11-74. Inter-session period has not been counted.

%A Statement showing reasons for delay was also laid on the Table.

1	2	3	4	5	6
13	G.S.R. 1975 of 1974	The Indian Museum (Amendment) Rules, 1974 (Ministry of Education and Social Welfare—Department of Culture).	30-11-74	20-12-74	Over 15 days
THIRTEENTH SESSION—FIFTH LOK SABHA (From 17th February to 9th May, 1975)					
*14	G.S.R. 1184 of 1975	The Employees Provident Funds (Eighth Amendment) Scheme, 1974 (Ministry of Labour)	2-11-74	20-2-75	Over 3 months
*15	G.S.R. 1344 of 1974	The Cinematograph (Censorship) Amendment Rules, 1974 (Ministry of Information and Broadcasting)	14-12-74	7-3-75	** Over 15 days
16	G.S.R. 6 of 1975	The Rubber Board (Service) Amendment Rules, 1974 (Ministry of Commerce)	18-1-75	7-3-75	% over 15 days
17	G.S.R. 148 of 1975	The Cardamom (Amendment) Rules, 1975 (Ministry of Commerce)	1-2-75	7-3-75	% over 15 days
*18	G.S.R. 1128 of 1974	The University Grants Commission (Powers and Duties of Vice-Chairman) Rules, 1974 (Ministry of Education and Social Welfare—Department of Education)	19-10-74	10-3-75	@ 4 months
19	G.S.R. 196 of 1975	The Indian Telegraph (Amendment) Rules, 1975 (Ministry of Communications)	8-2-75	12-3-75	** Over 15 days
20	No. F. 2(50)/73-LSG of 1975	The Delhi Municipal Corporation (Election of Councillors) (Amendment) Rules, 1975 (Ministry of Home Affairs)	11-2-75 (Delhi)	19-5-75	† Over 15 days

21	G.S.R. No 260 of 1975	The Aircraft (First Amendment) Rules, 1975 (Ministry of Tourism and Civil Aviation)	22-2-75	14-3-75	Over 15 days
22	G.S.R. 139(E) of 1975	The Furnace Oil (Fixation of Ceiling Prices and Distribution) Amendment Order, 1975 (Ministry of Petroleum and Chemicals)	1-3-75	18-3-75	Over 15 days†
23	G.S.R. 284 of 1975	The National Savings Certificates (Fourth Issue) (Amendment) Rules, 1975 (Ministry of Finance—Department of Economic Affairs)	1-3-75	18-3-75	Over 15 days‡
24	G.S.R. 296 of 1975	The Trustees (Declaration of Holdings of Shares and Debentures) Amendment Rules, 1974 (Ministry of Law, Justice and Company Affairs—Department of Company Affairs)	22-2-75	18-3-75	Over 15 days
†25	G.S.R. 43(E) of 1975	The Companies (Acceptance of Deposits) Rules, 1975 (Ministry of Law, Justice and Company Affairs—Department of Company Affairs)	3-2-75	21-3-75 †	Over one month
†26	G.S.R. 52(E) of 1975	The Application of Section 159 to Foreign Companies Rules, 1975 (Ministry of Law, Justice and Company Affairs—Department of Company Affairs)	20-2-75	21-3-75	One month

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

** 19th Session commenced on 17-2-75. Session period of 12th Session (from 14-12-74 onwards) and inter-session period from 21-12-74 to 16-2-75 has not been counted.

% 13th Session commenced on 17-2-75. Inter-session period has not been counted.

@ 12th Session commenced on 11-11-74. Inter-session period from 19-10-74 to 10-11-74 not counted.

† A statement showing reasons for delay was also laid on the Table on 15-4-75.

‡ 13th Session commenced on 17-2-75. Inter-session period from 3-2-75 to 16-2-75 has not been counted.

1	2	3	4	5	6
27	G.S.R. 53(E) of 1975	The Companies (Declaration of Beneficial Interest in Shares) Rules, 1975 (Ministry of Law, Justice and Company Affairs—Department of Company Affairs)	20-2-75	21-3-75	One month.
28	G.S.R. 137 (E) of 1975	The Companies (Appointment of Sole Agents) Rules, 1975 (Ministry of Law, Justice and Company Affairs—Department of Company Affairs)	1-3-75	21-3-75	Over 15 days.
29	G.S.R. 245 of 1975	The Cardamom (Second Amendment) Rules, 1975 (Ministry of Commerce).	22-2-75	21-3-75	One month.
30	G.S.R. 116 of 1975	The Drugs and Cosmetics (Amendment) Rules, 1975 (Ministry of Health and Family Planning—Deptt. of Health).	25-1-75	26-3-75	Over one month.
31	G.S.R. 417 of 1975	The Foreign Exchange Regulation (Publication of Names) Rules, 1975 (Ministry of Finance—Deptt. of Economic Affairs).	29-3-75	25-4-75	Over 15 days.
32	G.S.R. 154 (E) of 1975	The Tea (Amendment) Rules, 1975 (Ministry of Commerce).	20-3-75	25-4-75	Over one month.
33	G.S.R. 176 (E) of 1975	The Inter-zonal Wheat and Wheat Products (Movement Control) Second Amendment Order, 1975 (Ministry of Agriculture and Irrigation—Deptt. of Food).	31-3-75	7-5-75	One month.
34	G.S.R. 184 (E) of 1975	The Coal Mines (Conservation and Development) Rules, 1975 (Ministry of Energy—Deptt. of Coal).	1-4-75	7-5-75	One month.
35	G.S.R. 358 of 1975	The Drugs and Cosmetics (Second Amendment) Rules, 1975 (Ministry of Health and Family Planning—Deptt. of Health).	15-3-75	8-5-75	Over one month.

36	G.S.R. 457 of 1975.	The Tea Waste (Control) Amendment Order, 1975 (Ministry of Commerce—Deptt. of Export Promotion).	12-4-75	9-5-75	Over 15 days.
14TH SESSION—FIFTH LOK SABHA					
(FROM 21-7-75 TO 7-8-75)					
37	S.O. 147 (E) of 1975	The Richardson and Cruddas Limited (Acquisition and Transfer of Undertaking) Rules, 1974 (Ministry of Industry and Civil Supplies—Deptt. of Heavy Industry).	20-3-75	21-7-75	4 months.
38	S.O. 1041 of 1975	The Sailing Vessels (Inspection) Amendment Rules, 1975 (Ministry of Transport and Shipping—Transport Wing).	5-4-75	23-7-75	Over 3 months.
39	G.S.R. 475 of 1975.	The Coal Mines Labour Welfare Fund (First Amendment) Rules, 1975 (Ministry of Labour).	12-4-75	29-7-75	Over 3 months.
40	G.S.R. 871 of 1975.	The Employees' Provident Funds (Third Amendment) Scheme, 1975 (Ministry of Labour).	12-7-75	6-8-75	††Over 15 days.
41	Notifn. No. SECE. 3 (11)/73-TPT/4181 of 1975	The Delhi Motor Vehicles (First Amendment) Rules, 1975 (Ministry of Transport and Shipping).	21-3-75	7-8-75	Over 4 months.

*A statement showing reasons for delay was laid on the Table on 15-4-75.

@13th Session commenced on 17-2-75. Inter-session period from 25-1-75 to 16-2-75 has not been counted.

*†The break period of 13th Session has not been counted.

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

††14th Session commenced on 21-7-75. Inter-session period from 12-7-75 to 20-7-75 has not been counted.

1	2	3	4	5	6
42	Notifn. No. SECE. 3 (45)/74-TPT/4969 of 1975	The Delhi Motor Vehicles (Second Amendment) Rules, 1975 (Ministry of Transport and Shipping).	29-3-75 (Delhi)	7-8-75	Over 4 months.
15TH SESSION—FIFTH LOK SABHA (FROM 5-1-76 TO 6-2-76)					
43	S.O. 2213 of 1975	The Motor Vehicles (Third Party Insurance) Amendment Rules, 1975.	12-7-75	22-1-76	***6 months.
44	S.O. 2551 of 1975	The Paper (Control of Production) Amendment Order, 1975 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	9-8-75	28-1-76	***Over 15 days.
45	S.O. 438 (E) of 1975	The Paper (Conservation and Regulation of Use) Amendment Order, 1975 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	29-8-75	28-1-76	***Over 15 days.
46	S.O. 437(E) of 1975	The Paper (Control of Production) Second Amendment Order, 1975 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	8-9-75	28-1-76	***Over 15 days.
47	S.O. 488 (E) of 1975	The Paper (Control of Production) Third Amendment Order, 1975 (Ministry of Industry and Civil Supplies—Department of Industrial Development).	8-9-75	28-1-76	***Over 15 days.
48	S.O. 650 (E) of 1975	The Paper (Conservation and Regulation of Use) Second Amendment Order, 1975 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	12-11-75	28-1-76	***Over 15 days.

*49	G.S.R. 173 of 1974	The Monopolies and Restrictive Trade Practices Commission (Recruitment of Members of Staff) Rules, 1974 (Ministry of Law, Justice and Company Affairs—Deptt. of Company Affairs).	16-2-74	29-1-76 @Over one year and 11 months
50	G.S.R. 2595 of 1975	The Monopolies and Restrictive Trade Practices Commission (Recruitment of Member of Staff) Amendment Rules, 1975 (Ministry of Law, Justice and Company Affairs—Deptt. of Company Affairs).	1-11-75	29-1-76 ***Over 15 days.
51	S.O. 450 (E) of 1975	The International Airports Authority (Amendment) Rules, 1975 (Ministry of Tourism and Civil Aviation).	27-8-75	30-1-76 ***Over 15 days.
52	G.S.R. 1 (E) of 1976	The Tobacco Board Rules, 1976 (Ministry of Commerce).	1-1-76	30-1-76 ***Over 15 days.
53	G.S.R. 2402 of 1975	The Rubber (Amendment) Rules, 1975 (Ministry of Commerce).	20-9-75	30-1-76 ***Over 15 days.
54	G.S.R. 586 (E) of 1975	The Motor Vehicles (National Permits) Rules, 1975 (Ministry of Shipping and Transport).	17-12-75	2-2-76 ***Over 15 days.
55	S.O. 5091 of 1971	The Tractors (Distribution and Sale) Control (Amendment) Order, 1971 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	6-11-71	3-2-76 %Over 4 years and 2 months.

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

**The Fourteenth Session commenced on 21-7-75. The Inter-session period has not been counted.

***15th Session commenced on 5-1-76. Inter-session period has not been counted.

@16th Session commenced on 19-2-74. Inter-session period from 16-2-74 to 18-2-74 has not been counted.
%3rd Session commenced on 15-11-71. Inter-session period from 6-11-71 to 14-11-71 has not been counted.

1	2	3	4	5	6
*56	S.O. 5184 of 1971 . . .	The Tractors (Distribution and Sale) Control (Second Amendment) Order, 1971 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	19-11-71	3-2-76	Over 4 years and 2 months.
*57	S.O. 5508 of 1971 . . .	The Tractors (Distribution and Sale) Control (Third Amendment) Order, 1971 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	18-12-71	3-2-76	@Over 3 years and 10 months.
*58	S.O. 132 (E) of 1972 . . .	The Tractors (Distribution and Sale) Control (Amendment) Order, 1972 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	10-2-72	3-2-76	%Over 3 years and 10 months.
*59	S.O. 511 (E) of 1974 . . .	The Tractors (Distribution and Sale) Control (Amendment) Order, 1974 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	29-8-74	3-2-76	**Over one year and 2 months.
*60	S.O. 154 (E) of 1975 . . .	The Tractors (Distribution and Sale) Control (Amendment) Order, 1975 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).	26-3-75	3-2-76	Over 10 months.
*61	G.S.R. 456 of 1975 . . .	The Coffee (Amendment) Rules, 1975 (Ministry of Commerce).	12-4-75	3-2-76	Over 9 months.
*62	G.S.R. 309 of 1975 . . .	The Vegetable Oil Products Control (Amendment) Order, 1975 (Ministry of Agriculture and Irrigation—Deptt. of Food).	30-5-75	5-2-76	%Over 6 months.
*63	G.S.R. 310 (E) of 1975 . . .	The Vegetable Oil Products (Standard of Quality) Order, 1975 (Ministry of Agriculture and Irrigation—Deptt. of Food).	30-5-75	5-2-76	%Over 6 months.

*64 G.S.R. 211 (E) of 1975 . . . The Seeds (Amendment) Rules, 1974 (Ministry of Agriculture and Irrigation—Department of Agriculture). 5-3-76 59-4-75 5-3-76 *LL* Over 6 months.

SIXTEENTH SESSION—FIFTH LOK SABHA

(FROM 8-3-76 TO 27-3-76)

65 G.S.R. 27 (E) of 1976 . . . The Customs (Publication of Names) Rules, 1975 (Ministry of Finance—Deptt. of Revenue and Insurance). 8-3-76 19-1-76 8-3-76 Over one month.

*66 G.S.R. 62 of 1976 . . . The Indian Telegraph (Seventh Amendment) Rules, 1975 (Ministry of Communications). 11-3-76 10-1-76 11-3-76 Two months.

*67 G.S.R. 63 of 1976 . . . The Indian Telegraph (Sixth Amendment) Rules, 1975 (Ministry of Communications). 11-3-76 10-1-76 11-3-76 Two months.

68 G.S.R. 69 of 1976 . . . The Aircraft (Amendment) Rules, 1976 (Ministry of Tourism and Civil Aviation). 26-3-76 10-1-76 26-3-76 Over 3 months.

69 G.S.R. 360 of 1976 . . . The Payment of Wages (Miscellaneous) Amendment Rules, 1976 (Ministry of Labour). 1-4-76 6-3-76 1-4-76 ***** Over 13 days.

55

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

@4th Session commenced on 13-3-72. Session period of 3rd Session from 18-12-71 to 22-12-71 and inter-session period from 23-12-71 to 19-3-72 has not been counted.

%4th Session commenced on 13-3-72. Inter-session period from 10-2-72 to 12-3-72 has not been counted.

**12th Session commenced on 11-11-74. Session period of 11th session from 29-8-74 to 9-9-74 and inter-session period from 10-9-74 to 10-11-74 has not been counted.

£14th Session commenced on 21-7-75. Inter-session period from 30-5-75 to 20-7-75 has not been counted.

*LL*14th Session commenced on 21-7-75. Session period of 13th session from 29-4-75 to 9-5-75 and inter-session period from 10-5-75 to 20-7-75 has not been counted.

*****16th Session commenced on 8-3-76. Inter-session period has not been counted.

*70 Notifica. No. 61/75-Finance
(General)

The Delhi Sales Tax (First Amendment) Rules, 1976 (Ministry of Finance—Department of Revenue and Banking).

2-2-76 26-4-76 **Over one month.
(Delhi)

71 G.S.R. 436 of 1976.

The Payment of Wages (Mines) (Second Amendment) Rules, 1976 (Ministry of Labour).

20-3-76 29-4-76 Over one month.

72 G.S.R. 465 of 1976.

The Coal Mines Family Pension (Amendment) Scheme, 1976 (Ministry of Labour).

27-3-76 29-4-76 Over one month.

73 S.O. 1088 of 1976.

The Nationalised Banks (Management and Miscellaneous Provisions) (Amendment) Scheme, 1976 (Ministry of Finance—Deptt. of Revenue and Banking).

20-3-76 30-4-76 Over one month.

74 S.O. 1090 of 1976.

The Subsidiary Banks (Appointment of Employee Directors) (Amdt.) Rules, 1976 (Ministry of Finance—Deptt. of Revenue and Banking).

30-3-76 30-4-76 Over one month.

*75 S.O. 592 (E) of 1976

The Copper (Prohibition of Use in the manufacture of Electrical Cables and Wires) Amendment Order, 1975 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).

6-10-75 12-5-76 @Over 4 months.

*76 S.O. 593 (E) of 1975

The Electrical Cables and Wires Control (Amendment) Order, 1975 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).

6-10-75 12-5-76 @Over 4 months

77 G.S.R. 509 of 1976.

The Textiles Committee (Cess) Amendment Rules, 1976 (Ministry of Commerce).

10-4-76 14-5-76 Over one month.

78 S.O. 318 (E) of 1976

The Tractors (Distribution and Sale) Control (Second Amendment) Order, 1976 (Ministry of Industry and Civil Supplies—Deptt. of Industrial Development).

27-4-76 19-5-76 Over 15 days.

*79	G.S.R. 149 (E) 1976	The Compensation Tribunal Order, 1974 (Ministry of Home Affairs).	29-3-74	23-5-76	Over 2 years and one month.
*80	S.O. 4407 of 1975	The Haj Committee (Amendment) Rules, 1974 (Ministry of External Affairs).	11-10-75	27-5-76	@ Over 4 months.
*81	G.S.R. 247 (E) of 1976	The Passports (Amendment) Rules, 1976 (Ministry of External Affairs).	22-3-76	27-5-76	Over 2 months.
*82	S.O. 1191 of 1976	The Railway (Warehousing and Wharfage) Amendment Rules, 1976 (Ministry of Railways).	27-3-76	27-5-76	Two months.
*83	S.O. 1400 of 1976	The Railways (Warehousing and Wharfage) (Second Amendment) Rules, 1976 (Ministry of Railways—Railway Board).	17-4-76	27-5-76	Over one month.
SEVENTEENTH SESSION—FIFTH LOK SABHA					
(FROM 10-8-76 to 2-9-76)					
*84	G.S.R. 296 (E) of 1976	The Textiles Committee (Appeal to the Tribunal) Rules, 1976 (Ministry of Commerce).	19-4-76	27-8-76	Over 4 months.
*85	S.O. 200 (E) of 1976	The Delhi, Merrut and Bulandshahr (Milk and Milk Product) Control Order, 1975 (Ministry of Agriculture and Irrigation—Deptt. of Agriculture).	6-5-75	30-8-76	@ One year and over one month.
*86	G.S.R. 634 of 1976	The Supreme Court Judges (Amendment) Rules, 1976 (Ministry of Law, Justice and Company Affairs—Deptt. of Justice).	8-3-76	31-8-76	Over 3 months.

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

** 15th Session commenced on 8-3-76. The Session period of 15th Session i.e. from 8-2-76 to 6-2-76 and inter-session period from 7-2-76 to 7-3-76 has not been counted.

@ 15th Session commenced on 5-1-76. Inter-session period has not been counted.

@ 14th Session commenced on 21-7-75. Session period of 14th Session from 6-5-75 to 9-5-75 and inter-session period from 10-5-75 to 20-7-75 has not been counted.

EIGHTEENTH SESSION—FIFTH LOK SABHA

(FROM 25-10-76 to 5-11-76)

87	S.O. 542 (E) of 1976	The Balmer Lawrie and Company Limited and Industrial Containers Limited Amalgamation Order, 1976 (Ministry of Law, Justice and Company Affairs—Department of Company Affairs).	12-8-76	25-10-76	Over 2 months.
88	S.O. 543 (E) of 1976	The Balmer Lawrie and Company Limited and Steel Containers Limited Amalgamation Order 1976 (Ministry of Law, Justice and Company Affairs—Deptt. of Company Affairs).	12-8-76	25-10-76	Over 2 months.
89	G.S.R. 1122 of 1976	The Coir Industry (First Amendment) Rules, 1976 (Ministry of Industry and Civil Supplies —Deptt. of Industrial Development).	31-7-76	29-10-76	Over 2 1/2 months.
90	G.S.R. 1192 of 1976	The Coffee (Amendment) Rules, 1976 (Ministry of Commerce).	14-8-76	29-10-76	Over 2 1/2 months.
*91	G.S.R. 973 of 1976.	The Aircraft (Second Amendment) Rules, 1976 (Ministry of Tourism and Civil Aviation).	3-7-76	2-11-76	Over 2 1/2 months.
*92	G.S.R. 1201 of 1976	The Aircraft (Third Amendment) Rules, 1976 (Ministry of Tourism and Civil Aviation).	14-8-76	2-11-76	Over 2 1/2 months.
*93	G.S.R. 1202 of 1976	The Aircraft (Fourth Amendment) Rules, 1976 (Ministry of Tourism and Civil Aviation).	14-8-76	2-11-76	Over 2 1/2 months.

Dr. B. B. K.

*A statement showing reasons for delay was also laid on the Table.
@ 17th Session commenced on 10-8-76. Inter-session period from 31-7-76 to 9-8-76 has not been counted.
^ 17th Session commenced on 10-8-76. Inter-session period from 3-7-76 to 9-8-76 has not been counted.

APPENDIX III

(See para 8 of the Report)

'Orders' in respect of which statements showing reasons for delay were not laid during the Twelfth to Sixteenth Session of Fifth Lok Sabha.

S. No.	No. of Order	Description of 'Order'	Date of publication in the Gazette	Date of laying on the Table	Reasons for delay in laying
(1)	(2)	(3)	(4)	(5)	(6)
1.	G.S.R. 890 of 1974	The Indian Administrative Service (Fixation of Cadre Strength) Eleventh Amendment Regulations, 1974 (Cabinet Secretariat—Deptt. of Personnel and Administrative Reforms).	24-8-74	20-11-74	This Department's notifications No. 10/18/73-AIS(II)-A dt. the 26-7-74 and No. 10/19/74-AIS(II) A dt. 26-8-74, were published in the Gazette of India on 24-8-74 and the 26-8-74, respectively. As the Scheduled date of adjournment of the 11th Session of the Fifth Lok Sabha was the 27-8-74 and as there was very little time left for completing the formalities, such as obtaining the GSR Numbers from the Press, getting the notifications authenticated by the Minister etc. before the scheduled date adjournment of that session, action could not be taken to lay the relevant notifications on the Table of the Lok Sabha.
2.	G.S.R. 373(E) of 1974	The Indian Administrative Service (Fixation of Cadre strength) 12th Amendment Regulations, 1974 (Cabinet Secretariat—Department of Personnel and Administrative Reforms).	24-8-74	20-11-74	

(1)	(2)	(3)	(4)	(5)	(6)
					in the said session. In the meantime, the session of the Lok Sabha was extended, in four different spells, upto 9-9-74. As the extension of the session upto a date exceeding fifteen days the beyond dates of publication of the notifications, in the Gazette of India could not be visualised, they could not be laid before the House during the period of the extended session.
3. G.S.R. 1029 of 1974		The University Grants Commission (Terms and conditions of Service of Employees) Amendment Rules, 1974 (Ministry of Education and Social Welfare—Deptt. of Education.	21-9-74	2-12-74	The delay in laying the above mentioned Rules on the Table of the Sabha was due to the late receipt of the Gazettes in which the notifications were published.
4. G.S.R. 1030 of 1974		The University Grants Commission (Fitness of certain Universities for Grant) Rules, 1974 (Ministry of Education and Social Welfare—Deptt. of Education.	21-9-74	2-12-74	
5. G.S.R. 447 (E) of 1974		The University Grants Commission (Disqualification, Retirement and conditions of Service of Members) Rules, 1974 (Ministry of Education and Social Welfare—Deptt. of Education).	4-11-74	9-12-74	
6. G.S.R. 1251 of 1974		The Delhi Urban Art Commission (Terms and Conditions of Service) Amendment Rules, 1974 (Ministry of Works and Housing).	23-11-74	13-12-74	The rules were published in the Gazette on the 23rd November, 1974. This Ministry had tried at frequent intervals, after sending the notification to the Press, to get from the Press information regarding the date on which the rules would be published in the Gazette and the

G.S.R. No. However, despite repeated attempts the, G.S.R. No. could not be obtained before the 3rd December, 1974. Thereafter, action was taken quickly and by the evening of the 7th December, 1974 all the formalities to send the requisite number of copies of the rules to the Lok Sabha Secretariat were completed. The next day (the 8th December, 1974) being a Sunday, the papers could be sent to the Lok Sabha Secretariat only on the 9th December, 1974 i.e. the 16th day after the publication of the rules in the Gazette, causing delay by one day in laying the rules on the Table of the House. This delay was caused due to unavoidable circumstances and it is regretted.

7. S.O. 3044 of 1974 . . . The Fruit Products (Amendment) Order, 1974 (Ministry of Agriculture and Irrigation—Deptt. of Food).

16-11-74 16-12-74

The reason for delay in forwarding the requisite number of copies to the Lok Sabha Sectt. for laying on the Table of the House was due to late receipt in this Ministry of the requisite number of spare copies from the Government of India Pres.

8. S.O. 2269 of 1974 . . . The Central Walf Council (Amendment) Rules, 1974 (Ministry of Law, Justice and Company Affairs—Legislative Department).

7-9-74 18-12-74

The Central Walf Council (Amendment) Rules, 1974, were sent for publication in the Gazette of India on 30-8-74. The Press was requested to supply 250 copies of the notification by 6-9-74. Though the above rules were published in the Gazette of India on 7-9-74, the Press did not supply the copies of the notification to this Ministry immediately thereafter. After repeated reminders, 250 copies of the notification were received by this Ministry on 22-11-74. Thereafter the notification was got authenticated

(1)	(2)	(3)	(4)	(5)	(6)
					by the Minister of State for Agriculture & Waifs. After this authentication, the Minister was to go on tour abroad and could not be present to lay the same on the tables of the two Houses of Parliament. Hence action was taken to get the copies of the notification authenticated by the Deputy Minister of Home & Waifs and only thereafter it was possible to send these Rules for laying on the table of Lok Sabha.
9.	G.S.R. 665 (E) of 1974	The Indian Telegraph (Tenth Amendment) Rules, 1974 (Ministry of Communications—P. & T. Board).	25-11-74	18-12-74	As regards delay in laying the above rule ^a on the Table of the House, it is stated that the intimation about the G.S.R. No. and date of its publication in the Gazette of India was not furnished immediately by the Government of India Press.
10.	G.S.R. 400 (E) of 1974	The Indian Iron and Steel Company, Board of Management (Allowances of the Members) Rules, 1974 (M/o Steel and Mines—Deptt. of Steel).	24-9-74	19-12-74	Parliament was not in session when the Rules were published in the Gazette of India on 24-9-74. The winter session of Parliament commenced on 11-11-74 and efforts were made to lay the rules before Parliament at the earliest but unfortunately this could not be done before the 19th and 20th December, 1974 due to some administrative delays.
11.	G.S.R. 1165 of 1974	The Central Silk Board (Amendment) Rules, 1974 (M/o Industrial Development).	2-11-74	20-12-74	It is regretted that there was delay in laying the Central Silk Board (Amendment) Rules (G.S.R. 1165 of 1974). The late receipt of information from the press regarding G.S.R. Number and date of

its publication in the Gazette of India resulted in delay in laying of the Rules on the Table of the Lok Sabha.

The Indian Museum (Amendment) Rules, 1974, were forwarded to the Government of India Press, New Delhi, for publication in the Gazette of India on 22-11-74 particularly emphasising that the G.S.R. Number and date of the publication of the notification the sort to this Department immediately as this Department is required to place copies of the notification on the Tables of both the Houses of Parliament. The Government of India Press was reminded on 5-12-74 and again on 12-12-74 both officially and demit-officially. The Government of India Press's letter No. L-17020/13/plg./74/2050 dt. 7-12-74, intimating the G.S.R. Number and date of the publication of the notification was unfortunately received in this Department only on 16-12-74. Necessary steps were taken to get the copies of the Hindi and English versions of the Rules authenticated by the Deputy Minister of Education, Social Welfare and Department of Culture. The requisite number of copies (including the authenticated copies) were forwarded to the secretaries of both the Lok Sabha and Rajya Sabha for being placed on the Tables of both the Houses on the 18th December, 1974, so that the copies may be laid down on the Tables at the earliest opportunity.

The Gazette notification was sent to the Manager, Govt. of India Press under O. M. No. 43-1/71-T. I dt. 24-1-75 with

12. G.S.R. 1975 of 1974

The Indian Museum (Amendment) Rules, 1974 (M/o Education and Social Welfare—Dept. of Culture).

30-11-74 20-12-74

13. G.S.R. 196 of 1975

The Indian Telegraph (Amendment) Rules, 1975 (Ministry of Communications)

8-2-75 12-3-75

(6)]

(5)

(4)

(3)

(2)

(1)

the request that the G.S.R. number and date of the Gazette in which the notification was printed, may be intimated to this office immediately as the same was required to be placed on the table in Parliament as soon as it was published.

The intimation No. L-17080/19/Pg.174/5839 dt. 19-2-75 was received on Saturday 22-2-75 stating that the notification had been published in the issue of 8-2-75 with G.S.R. No. 196. The notification itself could not be obtained even by purchase till 10-3-75. Hence, copies were sent for authentication by Dy. Minister on 4-3-75 and released by Dy. Minister's Secretariat on 5-3-75. The required number of stencilled copies was sent to the Lok Sabha Secretariat on 7-3-75 and were placed on the Table of the Lok Sabha on 12-3-75.

It is deeply regretted that due to inadvertence the copies of the Notification could not be laid on the Table of the House within the prescribed time-limit.

The said rules were sent to the Government of India Press, Ring Road, by Registered Post on 17th February, 1975 for publication of the notification in the official Gazette, and they were requested to intimate the G.S.R. No. of the Notification and date of the Gazette in which it was published, as soon as these details were available.

14. No. F. 2 (30)/78-LSG of 1973 . The Delhi Municipal Corporation Election of Councillors (Amendment) Rules, 1975 (Ministry of Home Affairs).

11-2-75
(Delhi)

13-3-75

15. G.S.R. 260 of 1973 . The Aircraft (First Amendment) Rules, 1973 (Ministry of Tourism and Civil Aviation).

22-2-75

14-3-75

The notification was published in the Gazette dated the 22nd February, 1975, but the Government of India Press letter dt. 27-2-75 in which they intimated the requisite details was received in this Ministry only on 1-3-75, and

Thereafter, after completing all the formalities, it was possible to send the requisite papers to the Lok Sabha Secretariat on 10-3-75.

Normally, the papers should have been sent to the Lok Sabha Secretariat to enable them to lay them on the Table of the House before 9-3-75 (within 15 days from 22-2-75) but in view of delay in receiving the requisite details from the Government of India Press as detailed above, the prescribed time limit could not be adhered to.

16. G.S.R. 139 (E) of 1975	The Furnace Oil (Fixation of Ceiling Prices and Distribution) Amendment Order, 1975 (Ministry of Petroleum and Chemicals).	1-3-75	18-3-75	As the 10th March, 1975 originally proposed for laying the orders in the two Houses, did not suit the convenience of Minister (P & C), the order had to be placed in both the Houses on the next dates allotted to this Ministry viz. 17-3-75 in Rajya Sabha and 18-3-75 in the Lok Sabha.
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17. G.S.R. 284 of 1975.	The National Savings Certificates (Fourth Issue) (Amendment) Rules, 1975 (Ministry of Finance—Deptt. of Economic Affairs).	1-3-75	18-3-75	The Notification relating to the National Savings Certificate (IV-Issue) (Amendment) Rules, 1975 (C.S.R. 284) of 1975 was published in the Gazette of India dt. 1-3-75 and copies thereof duly authenticated were sent to the Lok Sabha Sectt. on 14-3-75 <i>vide</i> this Ministry's O.M. No. F. 2(a)-NS/75 dated 14-3-75 for laying them on the Table of the House immediately. The delay was mainly due
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(1)	(2)	(3)	(4)	(5)	(6)
18. G.S.R. 296 of 1975	The Trustees (Declarations of Holdings of Shares and Debentures) Amendment Rules, 1974 (M/o Law, Justice & Company Affairs, Deptt. of Company Affairs.	22-2-75	18-3-75		to delay in the receipt of official intimation about the publication in Gazette from the Ring Road Press.
					The Trustees (Declarations of Holdings of Shares and Debentures) Amendment Rules, 1974 were sent to the Government of India Press, Ring Road, Mayapuri, New Delhi on 1-2-75 for publication in Part II, Section 3, sub-section (i) of the Gazette of India dt. 8-2-75. However, the said Rules were published in the Gazette of India dt. 22-2-75 (Vide G.S.R. No. 296 of 1975). Although this Department was quite aware of the fact that copies of the above Rules were required to be laid on the Table of both Houses of Parliament as soon as possible so as to avoid delay but we could not do so because of the fact that printed copies of the Gazette in which the above Rules were published were not made available to the Department. This Department also made its efforts to ascertain from the press whether the above Rules were published in the Gazette of India and if so, the date of their publication in the Gazette, but there was no response from the Press. It is only on 14-3-75 that the Department could ascertain from the Press that the Rules in question had been published in the Gazette of India dt. 22-2-75. The Department was also informed by the Press that printed copies would be

sent in due course. Immediately thereafter, the Department took steps for authentication of the cyclostyled copies of the Rules by the Deputy Ministers (Law, Justice and Company Affairs) and sent the requisite number of copies along with authenticated copies for being laid on the Table of both Houses of Parliament (*vide* this Department's Office Memorandum of even number dated the 15th March, 1975).

In the case of Drugs and Cosmetics (Amendment) Rules, 1975, the G.S.R. No. 116 of 25-1-75 was made available to this Ministry on 13-2-75. However, due to wrong interpretation of the Rule 38 of the Drugs and Cosmetics Act 1940 an effort was made to place this Notification on the Table of the Sabha within a period of 30 sittings of the Sabha instead of within 15 days after the publication of the Rules in the Gazette, as required under paragraph 143 of the First Report of the Committee on Subordinate Legislation (Second Lok Sabha). It was for this reason that inadvertently the statement showing reasons for delay was also not placed on the Table of the Sabha.

The Foreign Exchange Regulations (publication of names) Rules, 1975 were published in the Gazette on 29-3-75. This Department was able to find out the G.S.R. number only on the 9th April, 1975. Immediately thereafter steps were taken to cut the Stencils for sufficient number of copies for laying the two Houses of Parliament. All this work along with the authentication of copies by the

19. **The Drugs and Cosmetics (Amendment) Rules, 1975 (Ministry of Health and Family Planning—Deptt. of Health)**

26-3-75

25-1-75

19. G.S.R. 116 of 1975 .

20. **The Foreign Exchange Regulation (Publication of Names) Rules, 1975 (Ministry of Finance—Deptt. of Economic Affairs).**

25-4-75

29-3-75

20. G.S.R. 417 of 1975 .

(1)	(2)	(3)	(4)	(5)	(6)
21. G.S.R. 176 (E) of 1975 .	The Inter-zonal Wheat and Wheat products (Movement Control) second Amendment Order, 1975 (Ministry of Agriculture and Irrigation—Deptt. of Food.)	31-3-75	7-5-75	<p>Minister could be completed only on 17-4-75 and the requisite number of copies of the notifications were sent to Lok Sabha & Rajya Sabha under this Ministry's O.M. of even number dt. 18-4-75. Inadvertently no explanation for the delay in forwarding the Rules to the two Houses was sent along with the forwarding office memorandum.</p> <p>The aforesaid Order was to be promulgated immediately. The English version of the Order was available but the Hindi version of the Order was not available and it was not possible to get the Hindi version immediately for publication in the Gazette of India extraordinary. Thus with the approval of the appropriate authority the English version was published in the Gazette of India Extraordinary on 31-3-75 under G.S.R. 176(E). The Hindi version of the Order could be obtained and sent to the Government of India Press earliest on 28-4-75, for publication in the weekly Gazette dt. 3rd May, 1975, (though it was eventually published on 10th May, 1975). Since both English and Hindi versions together were to be sent for being laid on the Table of the Sabha, the two versions of the aforesaid Order could be sent to the Lok Sabha and Rajya Sabha only on 5-5-75, vide this Department Office Memorandum No. 2(5)/75-D&R(1) dt. 5th May, 1975.</p>	
22. G.S.R. 184 (E) of 1975 .	The Coal Mines (Conservation and Development) Rules, 1975 (M/o Energy—Deptt. of Coal).	1-4-75	7-5-75	<p>Copies of the Gazette Extraordinary containing the Coal Mines (Conservation & Development) Rules, 1975 were re-</p>	

ceived in this Department from the Press on 16-4-75. The earliest date there-
after on which the Deputy Minister
could lay the paper on the Table of
Lok Sabha was 7-5-75.

In the case of the Drugs and Cosmetics
(Second Amendment) Rules, 1975, the
G.S.R. No. 358 published in the Gazette
of India on 15-3-75, was made available
to this Ministry on 16-4-75 and copies
were sent to the Lok Sabha on 26-4-75
but actually placed on the Table of
the Sabha on 8-5-75. In this case there
was delay in collecting the G.S.R. number
from the Government—Press.

The Richardson & Cruddas Ltd. (Acquisi-
tion and Transfer of Undertaking)
Rules framed in pursuance of section
31 of the Richardson and Cruddas Ltd.
(Acquisition and Transfer of Undertaking)
Act, 1972, was notified in the Gazette
of India (Extraordinary) on 20-3-75.
But copies of the Notified Rules reached
the Deptt. of Heavy Industry only in
the 2nd week of April, 1975. Immediately
after receipt of copies of the Notifica-
tion, it was noticed that a glaring printing
mistake crept in the description of the
short title and commencement of the
Rules.

A corrigendum was, therefore, sent to the
Govt. of India Press immediately, recti-
fying the figure "1947" to read as "1974",
so that before the Rules are placed before
Parliament the title of the Rules is cor-
rectly shown.

23. G.S.R. 358 of 1975 . . . The Drugs and Cosmetics (Second Amend-
ment) Rules, 1975 (M/o Health and
Family Planning—Deptt. of Health).

8-5-75

15-3-75

24. S.O. 147 (E) of 1975 . . . The Richardson and Cruddas Limited (Ac-
quisition and Transfer of Undertaking)
Rules, 1974 (M/o Industry and Civil Sup-
plies—Deptt. of Heavy Industry).

21-7-75

20-3-75

(6)

(5)

(4)

(3)

(2)

(1)

The Corrigendum [S.O. 186(E), dt. 23-4-75] was notified in the Gazette of India (Extraordinary) on 25-4-75 and copies of the same reached the Deptt. in May, 1975, when there was no time left for placing the papers in the last Budget Session of Parliament.

This Ministry was under the impression that it was a recommendation from the Committee on Subordinate Legislation that when any statutory order was amended, instead of laying only the amendment Order on the table of the House, the amended Order (as amended by the amendment Order) should be laid on the table of the House. It was under this misconception that steps were taken to consolidate the Order as amended by the various amendment Orders and get it translated into Hindi and Place the amended order on the table of the House. However, it was clarified by the Lok Sabha Sectt. that only the Amendment Order and not the amended order should be laid on the Table of the House. Upon the advice, steps were taken to lay on the Table of the House all the concerned amendment orders.

In view of the position explained above the delay in the laying of the Order on the Table of the House may kindly be considered.

The Paper (Control of Production) Amendment Order, 1975 (M/o Industry and Civil Supplies—Deptt. of Industrial Development).

The Paper (Conservation & Regulation of Use) Amendment Order, 1975 (M/o Industry and Civil Supplies—Deptt. of Industrial Development).

The Paper (Control and Production) Second Amendment Order, 1975. (M/o Industry & Civil Supplies—Deptt. of Industrial Development).

The Paper (Control of Production) Third Amendment Order, 1975. (M/o Industry & Civil Supplies—Deptt. of Industrial Development).

The Paper (Conservation & Regulation of Use) Second Amendment Order, 1975. (M/o Industry & Civil Supplies—Deptt. of Industrial Development).

25. S.O. 2551 of 1975

26. S.O. 458(E) of 1975

27. S.O. 487(E) of 1975

28. S.O. 488(E) of 1975

29. S.O. 650(E) of 1975

9-8-75

28-1-76

29-8-75

28-1-76

8-9-75

28-1-76

8-9-75

28-1-76

12-11-75

28-1-76

30. G.S.R. 2595 of 1975 . . . The Monopolies and Restrictive Trade Practices Commission (Recruitment of Members of Staff) Amendment Rules, 1975 (M/o Law, Justice and Company Affairs) Deptt. of Company Affairs. . . 1-11-75 . . . 29-1-76 This delay occurred during the course of the action which had been initiated in the Department for the purpose of laying these rules before the House.
31. S.O. 450 (E) of 1975 . . . The International Airports Authority (Amendment) Rules, 1975 (M/o Tourism and Civil Aviation). . . 27-8-75 . . . 30-1-76 According to sub-section 3 of section 36 of the International Airports Authority Act, 1971 the rules made by the Government under section 36 have to be laid on the tables of both the Houses of Parliament while in session for a total period of 30 days and no time limit as such has been prescribed for laying the papers within this period. In this case the amendment was notified on 27-8-75 and the next session of Parliament was from 5-1-76. The rules have been laid on the Tables of the Houses of Parliament in the very next session after the rules were notified as stipulated in the Act.
32. G.S.R. 1 (E) of 1976 . . . The Tobacco Board Rules, 1975 (Ministry of Commerce). . . 1-1-76 . . . 30-1-76 The instructions of the Committee on Subordinate Legislation (Second Lok Sabha) regarding the time limit for laying the papers on the Table of the Lok Sabha have been noted, and will be followed in future cases. It is regretted that there was some delay through inadvertence in forwarding the authenticated copies of Rules to the Lok Sabha and also an omission in not forwarding the Statement indicating the reasons for delay alongwith authenticated copies.
33. G.S.R. 2402 of 1975 . . . The Rubber (Amendment) Rules, 1975 (M/o Commerce). . . 20-9-75 . . . 30-1-76 It is regretted that some delay occurred through inadvertence in forwarding the

authenticated copies of the Rules to the Lok Sabha Secretariat and also not forwarding the Statement indicating the reasons for delay alongwith the authenticated copies.

34. G.S.R. 586 (E) of 1975 . . . The Motor Vehicles (National Permits) Rules, 1975 (M/o Shipping and Transport). . . 17-12-75 . . . 2-2-76 . . . Printed copies of the relevant Gazette Notification containing the above captioned rules were received in this Ministry only on 16-1-76, and the matter regarding laying of the copies of the Rules on the Table of both Houses of Parliament was processed immediately thereafter.

35. G.S.R. 27 (E) of 1976 . . . The Customs (Publication of Names) Rules, 1975 (M/o Finance—Deptt. of Revenue and Insurance). . . 19-1-76 . . . 8-3-76 . . . The rules could not be laid on the Table of the House before the closure of the Session as it took some time to complete all the formalities viz. preparation of Hindi version etc. It is regretted that the Statement showing the reasons for delay in laying copy of Rules on Table of the House could not be tendered through an over-eight, when these Rules were laid on the Table of the House on 8-3-76. This is, however, regretted.

36. G.S.R. 360 of 1976 . . . The Payment of Wages (Mines) Amendment Rules, 1976 (M/o Labour). . . 6-3-76 . . . 1-4-76 . . . Unfortunately, the requirements about laying the notification on the Table of the House within 15 days (i.e. by the 21st March, 1976) and also about adding the Statement explaining the delay were lost sight of inadvertently. The notification in question was published in the Gazette of India on 6-3-76 and its intimation was

received from the Press on 12-3-76. The authentication was got done by DLM on 23-3-76. The copies of notification were sent to the Lok Sabha Secretariat for laying on the Table of the House on 25-3-76 and these were laid on the 1st April, 1976 resulting in a total delay of 11 days. The delay is very much regretted.

Notification dt. 2-3-76 was published in the Gazette of India on 20-3-76 and it should have been laid down on the Table of the Lok Sabha within 15 days from the date of publication, i.e. by the 4th April, 1976. However, intimation from the Press regarding publication of the Notification was not received. (It came as late as on 4-5-76). The Ministry initiated enquires in the matter and the Gazette copy came to their notice on 22-4-76. Action was taken thereafter to send copies to the Lok Sabha Secretariat and the Notification was placed on the Table of the Lok Sabha on 29-4-76.

Unfortunately, the requirements about laying down the notification on the Table within 15 days (i.e. the 12th April, 1976) and also about adding a statement explaining the delay, were lost sight of inadvertently. This is very much regretted.

Although the Nationalised Banks (Management and Miscellaneous Provisions) (Amendment) Scheme, 1976 and the Subsidiary Banks (Appointment of Employee Directors) (Amendment) Rules, 1976 were published in the Ga.

37. G.S.R. 426 of 1976. . . . The Payment of Wages (Mines) (Second Amendment) Rules, 1976 (M/o Labour).

20-3-76

29-4-76

38. G.S.R. 465 of 1976. . . . The Coal Mines Family Pension (Amendment) Scheme, 1976 (Ministry of Labour)

27-3-76

29-4-76

39. S.O. 1088 of 1976 The Nationalised Banks (Management and Miscellaneous Provisions) (Amendment) Scheme, 1976 (M/o Finance—Deptt. of Revenue and Banking)

20-3-76

30-4-76

1	2	3	4	5
40.	S.O. 1090 of 1976	The Subsidary Banks (Appointment of Employee Directors) (Amtd.) Rules, 1976 (M/o Finance—Deptt. of Revenue and Banking.)	30-3-76	30-4-76 } zette on 20-3-76, copies of the same were made available to this Department by the Press on 19-4-76. On receipt of the copies from the Press, those were duly authenticated by Minister for Revenue & Banking on 26-4-76 and were despatched to the Lok Sabha Secretariat on 28-4-76 for laying on the Table of the Lok Sabha. The same were laid on the Table of the Lok Sabha on 30-4-76.
41.	G.S.R. 509 of 1976.	The Textiles Committee (Cess) Amendment Rules, 1976 (M/o Commerce)	10-4-76	14-5-76 } The delay has occurred mainly due to the late receipt of publication particulars from the Government of India Press which is regretted.
42.	S.O. 318(E) of 1976	The Tractors (Distribution and Sale) Control (Second Amendment) Order, 1976 (M/o Industry and Civil Supplies—Deptt. of Industrial Development).	27-4-76	19-5-76 } This delay was also due to the fact that the copies of the above notification were not received by this Department from the Government of India Press in time.
43.	G.S.R. 247 (E) of 1976	The Passports (Amendment) Rules, 1976 (M/o External Affairs).	21-3-76	27-5-76 } The matter of delay which occurred in placing on the Table of the House, copies of notification regarding Passports (Amendment) Rules, 1976 [G.S.R. 247 (E) of 23-3-76] has been looked into. When the copies of the Gazette of India Extraordinary, dt. 20-3-76, containing G.S.R. 247 (E) were received in the Ministry, we noticed a serious error. The Government of India Press was, therefore, immediately requested to issue a correction to the Notification. The correction was issued in the Gazette of India, Extraordinary, on 22-4-76.

As soon as copies of erratum were received in the Ministry action was initiated for placing both the Notifications on the Table of the Houses of Parliament, but inadvertently the reason for delay was not explained in our letter of even number dt. 20-5-76, forwarding the copies to the Secretariats of the Parliament. We deeply regret this omission.

44-	G.S.R. 69 of 1975	The Rubber Board (Service) Amendment Rules, 1974 (Ministry of Commerce).	18-1-75	7-3-75	No reply.
45.	G.S.R. 148 of 1975	The Cardamom (Amendment) Rules, 1975 (Ministry of Commerce)	1-2-75	7-3-75	No reply.
46.	G.S.R. 245 of 1975	The Cardamom (Second Amendment) Rules, 1975 (Ministry of Commerce).	22-2-75	21-3-75	Do.
47.	G.S.R. 154 (E) of 1975	The Tea (Amendment) Rules, 1975 (Ministry of Commerce).	20-3-75	25-4-75	Do.
48.	G.S.R. 457 of 1975	The Tea Waste (Control) Amendment Order, 1975 (Ministry of Commerce—Department of Export Promotion.)	17-4-75	9-5-76	Do.
49.	G.S.R. 69 of 1976	The Aircraft (Amendment) Rules, 1976 (Ministry of Tourism and Civil Aviation).	10-1-76	26-3-76	Do.
50.	G.S.R. 296 (E) of 1976	The Textiles Committee (Appeal to the Tribunal) Rules, 1976—(Ministry of Commerce).	19-4-76	27-8-76	The delay has occurred mainly due to the late receipt of publication particulars from the Govt. of India Press.
51.	S.O. 200 (E) of 1976	The Delhi, Meerut and Bulandshahr (Milk and Milk Products) Control Order, 1975 (Ministry of Agriculture and Irrigation Deptt. of Agriculture).	6-5-75	30-8-76	The Delhi, Meerut and Bulandshahr (Milk and Milk Products) Control Order, 1975 was issued on the 6th May, 1975. In accordance with the rules, copies of such orders are to be placed on the Table of the Lok Sabha within 14 days of the issue of the order. This could not,

however, be done in the instant case as the Lok Sabha adjourned on the 9th May, 1975. The Sabha office was, however, contracted to enquire as to the next date of meeting of the Sabha when copies of the order could be placed on its Table. It was informed that the next session of the Sabha would be held around middle of July, 1975. The lapse that occurred in not laying the copy of the order on the Table of the Sabha is very deeply regretted.

32. G.S.R. 634 of 1976.

The Supreme Court Judges (Amdt.) Rules, 1976—(Min. of Law, Justice & Company Affairs—Deptt. of Justice).

31-8-76

8-5-76

The notification containing the Supreme Court Judges Rules, 1976 were published in the ordinary gazette of India dated 8th May, 1976, this Department came to know of the date of publication of the notification only when the Gazette dated the 8th May, 1976 was received from the Govt. of India Press on the 31st May, 1976. The Budget Session had, however, ended on the 27th May, 1976. The Monsoon Session of Parliament started on the 10th August, 1976 and the required number of copies of the Amendment Rules, together with the authenticated copies of the same, were sent to the Secretariats of both Houses of Parliament on the 25th August, 1976 for laying them on the Tables of the respective Houses. However, while forwarding the Amendment Rules, a statement showing reasons for delay was not sent through oversight.

The delay in placing the Original order published on 12-8-76 on the Table of the House, was caused by the unavoidable necessity for publishing corrigenda to the orders and under the *bona fide* impression that they can be placed on the Table of the House, only after the publication of the corrigenda. For the same reason, a statement showing reasons for delayed laying of the original orders on the Table of the House was also not attached while placing copies of two notifications and corrigenda thereto before the House.

The relevant papers and the file from which the Notification was issued to Press for publication were sent to the Ministry of Law in July, 1976 for their advice on an allied proposal. Meanwhile the Notification was published in the Gazette on 31-7-76. The intimation regarding the GSR No. of this Notification was received by the Department some time in the middle of August. As the main file which was under reference to Law Ministry was received on 1-9-76, the papers could be linked up only at this stage. The Department thereafter took steps to get the necessary copies made (including Hindi version) for laying the papers on the Table of the House. Unfortunately, by this time the Parliament Session had ended.

This Ministry had sent notification referred to above to the Manager, Govt. of India Press on 26th/27th July, 1976, for publication in the Gazette of India.

53	S.O. 542 (E) of 1976	The Balmer Lawrie and Company Limited and Industrial containers Limited Amalgamation Order, 1976—(Min. of Law, Justice & C.A.—Deptt. of Company Affairs).	12-8-76	25-10-76	
55.	S. C. 543(E) of 1976	The Balmer Lawrie and Company Limited and Steel containers Limited Amalgamation Order, 1976. (Min. of Law, Justice & C.A.—Deptt. of Company Affairs).	12-8-76	25-10-76	
55.	G.S.R. 1122 of 1976.	The Coir Industry (1st Amdt.) Rules, 1976. (Min. of Industry & Civil Supplies—Deptt. of Industrial Development).	31-7-76	29-10-76	
56.	G.S.R. 1192 of 1976	The Coffee (Admt.) Rules, 1976. (Ministry of Commerce).	14-8-76	29-10-76	

The Press was simultaneously requested to intimate this Ministry the G.S.R. number and date of publication of notification immediately to enable this Ministry to place the copies of the Notification on the Table of both the Houses of Parliament. The Manager, Govt. of India Press was subsequently reminded in the matter in this Ministry's letters of even number dated 16th and 20th August, 1976 but their intimation about this was received in this Ministry on 26th August, 1976 only. Thereafter, copies of both Hindi and English version of notification were prepared and get authenticated by the Deputy Minister of Commerce and the same was sent to Lok Sabha Secretariat on 3rd September, 1976 for laying on the Table of Lok Sabha. The copies of notification were, however, returned by them to this Ministry with their O.M. No. 20/1/76-XVII/T dated the 6th September, 1976, with the advice that the same may be sent to them for laying on the Table of the House during its next session. The copies of notification were accordingly sent to Lok Sabha Secretariat with this Ministry's O.M. of even number dated the 26th October, 1976.

APPENDIX IV

(See para 12 of the Report)

Copy of D.O. No. 6/1/274-CF dated the 9 April, 1974, addressed by the Cabinet Secretary to the Secretaries of Ministries/Departments of Government of India.

My dear

Pursuant to a suggestion made by the Chairman of the Committee on Subordinate Legislation the Department of Cabinet Affairs had requested all Secretaries to Government *vide* its O.M. No. 6/1/13/71/CF dated the 25th August 1971, to ensure that rules and regulations required to be made under a statute are made and published as soon as possible but in any case not later than six months from the date on which a statute comes into force. Later, when some instances came to notice in which the rules though published had not been laid in Parliament, I wrote *vide* D.O. letter of even number dated 7 December, 1973, to request you to see that such delays do not occur.

2. An extract from the 9th Report of the Committee on Subordinate Legislation which has been received since is enclosed. It will be observed therefrom that the delays complained of by the Committee earlier still continue to occur. The Speaker of the Lok Sabha has taken strong objection to these lapses.

3. I am desired by the Prime Minister to request you to ensure that the under-noted procedure which has been laid down to facilitate timely compliance with the statutory requirements relating to Subordinate Legislation is strictly adhered to:—

(a) Rules and regulations required to be made under a Statute should be framed as soon as possible but in no case later than 6 months from the date from which the statute comes into force. If there is a delay beyond 6 months, Parliament should be informed. The Rules should be laid in Parliament within 15 days of their publication.

(b) All Branch Officers should be required by the controlling ministry/department to scrutinise the enactments with which they are concerned and note down the Sections which require the framing of rules and laying of an Order before Parliament. A register containing particulars of such Sections with provision for recording the

date(s) of framing rules, issue of notifications relating thereto and lying of copies in Parliament, should be maintained and reviewed by the Branch Officers every fortnight.

- (c) The responsibility for making a monthly review of the register referred to in (b) should be entrusted to the officer-in-charge of the Parliament Section, who should bring to the notice of his secretary cases in which it has not been possible to keep to the prescribed time limit and the reasons therefor. The Secretary, in turn, should bring the matter to the notice of his Minister.
- (d) The Officer-in-charge of the Parliament Section should submit to the Legislative Department instead of the Department of Cabinet Affairs a quarterly report containing the following particulars of cases in which rules and regulations require to be made under a Statute have not been published within six months from the date on which the Statute came into force or not laid in Parliament within 15 days of their publication:
 - (i) Names of the Statutes;
 - (ii) Dates on which passed;
 - (iii) Reasons for delay (a) in the finalisation of the rules and their publication, (b) in laying the rules in Parliament after publication; and
 - (iv) Date by which (a) finalisation|publication, (b) laying of rules in Parliament is expected.

4. Confirmation that appropriate instructions in this regard have been issued and necessary administrative arrangements made may kindly be sent to me by 20 April, 1974.

With kind regards.

Yours sincerely,
Sd/-
(B. D. PANDE)

To

All Secretaries (by name).

Copy forwarded for information to Secretary to the Prime Minister.

Sd/-
(K. RAMIAH)
Under Secretary to the Cabinet.

M I N U T E S

APPENDIX V

(Vide para 4 of the Report)

MINUTES OF THE SECOND SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA) (1977-78)

The Committee met on Thursday, the 4th August, 1977 from 16.00 to 17.15 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman.*

MEMBERS

2. Shri Bhagirath Bhanwar
3. Chaudhary Hari Ram Makkasar Godara
4. Shri Ram Sewak Hazari
5. Shri K. T. Kosalram
6. Shri P. Rajagopal Naidu
7. Shri N. Sreekantan Nair
8. Shri Trepan Singh Negi.

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 1—9 on the following subjects:—

S. No.	Memo No.	Subject		
(1)	(2)	(3)		
(i)	1	*	*	*
(ii)	2	*	*	*

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

(1)	(2)	(3)
(iii)	3	* * *
(iv)	4	The Reserve Bank of India (Note Refund) Rules, 1975.
(v)	5	* * *
(vi)	6	* * *
(vii)	7	* * *
(viii)	8	Delay in laying 'Orders' on the Table of Lok Sabha during the Twelfth to Eighteenth Sessions of Fifth Lok Sabha.
(ix)	9	* * *

* * * *

* * * *

(iv) The Reserve Bank of India (Note Refund) Rules, 1975—
(Memorandum No. 4).

9. The Committee considered the above Memorandum at some length and decided to hear the oral evidence the representatives of the Ministry of Finance (Department of Economic Affairs) on the provisions of Rule 6 of the Reserve Bank of India (Note Refund) Rules, 1975.

* * * *

(viii) Delay in laying 'Orders' on the Table of Lok Sabha during the Twelfth to Eighteenth Sessions of Fifth Lok Sabha—(Memorandum No. 8).

14. The Committee considered the above Memorandum and noted that out of 1142 'Orders' laid on the Table during the

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

Twelfth to Eighteenth Sessions of Fifth Lok Sabha, as many as 93 'Orders' had been laid after the prescribed time-limit of 15 days, the delay ranged from 15 days to over 4 years.

15. The Committee further noted that the number of cases in which statements showing reasons for delay had not been laid was 56.

16. The Committee decided at the first instance to hear oral evidence of the representatives of the Ministries/Departments concerned in all cases where there was a delay of over six months.

* * * * *

The Committee then adjourned.

MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION
(SIXTH LOK SABHA)
(1977-78)

The Committee met on Saturday, the 3rd September, 1977 from 11.00 to 12.30 hrs.

PRESENT

Shri Somnath Chatterjee—*Chairman*.

MEMBERS

2. Shri Bhagirath Bhanwar.
3. Shri Somjibhai Damor
4. Shri Durga Chand
5. Shri Santoshrao Gode
6. Chaudhary Hari Ram Makkasar Godara
7. Shri Ram Sewak Hazari
8. Shri K. T. Kosalram
9. Shri N. Sreekantan Nair
10. Shri Trepan Singh Negi
11. Kumari Maniben Vallabhbhai Patel
12. Shri Sachindralal Singha.

WITNESSES

- I. Representatives of the Ministry of Finance (Department of Economic Affairs).
 1. Dr. Manmohan Singh, *Secretary*.
 2. Shri K. N. Row, *Joint Secretary*.
 3. Shri K. C. Banerjee, *Chief Accountant, Reserve Bank of India*.
 4. Shri S. R. Das Gupta, *Deputy Chief Accountant, Reserve Bank of India, Central Office, Bombay*.
- II. Representatives of the Ministry of Shipping & Transport (Transport wing)
 1. Shri B. B. Mahajan, *Joint Secretary*.
 2. Shri N. A. A. Narayanan, *Deputy Secretary*.

III. *Representative of the Ministry of Law, Justice & Company Affairs (Department of Company Affairs)*

1. Shri M. K. Kukreja, *Joint Secretary*.

IV. *Representatives of Ministry of Commerce.*

1. Shri P. K. Kaul, *Additional Secretary*.

2. Shri T. V. Antony, *Joint Secretary*.

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*.

2. The Committee first heard the oral evidence of the representatives of the Ministry of Finance (Department of Economic Affairs) and the Reserve Bank of India on the provisions contained in rule 6 of the Reserve Bank of India (Note Refund) Rules, 1975, which provides that no claim in respect of a note which is stated to have been lost or wholly destroyed, or a half note, shall be entertained, if the denomination of the note is either one hundred rupees or less.

3. During evidence, the representative of the Ministry of Finance explained that the notes of the denomination of Rs. 1000/- and above are registered notes and the Reserve Bank maintains a record not only of their dates of issue but also of the dates of the cancellation. The notes of denomination of Rs. 100/- and below are unregistered notes. In case of such notes, the Reserve Bank keeps a record of the date of issue only and no record is kept of the date of cancellation. He further stated that before 1956, even hundred rupee notes were registered notes but due to massive increase in the number of such notes in circulation, the Reserve Bank came to the conclusion that it was simply not worthwhile to maintain a record of their cancellation. Consequently, 100-rupee notes were de-registered in 1956.

4. In reply to a question, the representative of the Ministry stated that as against 62 million pieces of 100-rupee notes in circulation in 1956, there were 357 million pieces of 100-rupee notes in circulation on 1st January, 1977. The number of pieces of 50-rupee notes in circulation on that date was 117.7 million.

5. When asked as to the difficulties in maintaining a register in respect of hundred-rupee notes, the representatives of the Ministry stated that every day, on an average, 6 lakh pieces of 100-rupee notes are cancelled all over India. The Reserve Bank of India's view was that it was not worthwhile to maintain a record of so large a number of notes.

6. Regarding cost involved in the matter, the representative of the Reserve Bank stated that for an average claim worth about Rs. 1 lakh received by them, their establishment cost was about Rs. 10 lakhs.

7. Asked whether the Reserve Bank had been receiving claims from the public for refund of lost or half 100-rupee notes, the representative of the Bank stated that he would have to look into the records.

8. Regarding the position in other countries, the representative of the Reserve Bank stated that in the U.K. and Australia only very value notes were registered. They have stopped registration of even five-pound notes. In the U.S.A. and U.S.S.R., there was no registration at all.

9. The Committee then desired to know whether, having regard to the great value of hundred and fifty-rupee notes to the great mass of people of this country, some way could not be found out whereby claims for lost or half notes of these denominations could be entertained by the Reserve Bank even without registration. For instance, in respect of half notes, the Bank could have a statement from the claimant and in case of lost notes, the Bank could have an affidavit from the claimant and, after notifying it, make payment to him. The representative of the Ministry promised to give serious consideration to the suggestions. But, he added, that according to their as also the Reserve Bank's view they must re-introduce the process of registration, before they could entertain claims for such notes.

(The witnesses then withdrew).

II

10. The Committee then heard the representatives of the Ministry of Shipping and Transport (Transport Wing) regarding delay in laying the Motor Vehicles (Third Party Insurance) Amendment Rules, 1975 (S.O. 2213 of 1975).

11. Explaining the reasons for delay in laying the Rules in question, the representative of the Ministry of Shipping and Transport (Transport Wing) stated that the rules in question were published on 12-7-75, but a printed copy of the relevant notification was received by them only on 21-8-75. The next session of Lok Sabha started on 5-1-76. They sent the rules to Lok Sabha Secretariat on 15-1-76. These were laid on the Table of Lok Sabha on 22-1-76. Although there was a gap of over six months after the receipt of the printed notification from the Press, there was no session of Lok Sabha in between.

12. The Committee drew the attention of the representative of the Ministry to the new procedure for intimation of G.S.R., S.O. numbers etc., as outlined in the Memorandum dated 9-2-1972 addressed by the Chief Controller of Printing and Stationery to all the Ministries/Departments of Government of India, with a view to obviating delays in laying. The representative of the Ministry conceded that there has been a default on the part of the Ministry in that it had not followed the procedure laid down in the above Memorandum. He, however, assured the Committee that in future they will certainly follow this procedure to obviate delays on this account.

13. In reply to another question the representative of the Ministry conceded that had they sent the rules to the Lok Sabha Secretariat on 5-1-76 instead of 15-1-76, they could have somewhat reduced the delay in laying.

(The witnesses then withdrew).

III

14. The Committee heard the representative of the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) regarding delay in laying the Monopolies and Restrictive Trade Practices Commission (Recruitment of Members of Staff) Rules, 1974 (G.S.R. 173 of 1974).

15. The representative of the Ministry tendered an unconditional apology for the delay in laying the rules, for which there was no "real excuse". The particular file had become bulky and this aspect of the matter was lost sight of. The mistake came to their notice when the control register which was opened in October, 1975 was examined.

16. When the attention of the representative of the Ministry was drawn to the Cabinet Secretary's D.O. dated 9-4-74 addressed to all Secretaries of Government wherein they had been asked to confirm by 20-4-74 that necessary administrative arrangements for avoidance of delays in laying, etc. had been made, he stated that necessary instructions have been issued to all concerned in the Ministry in this regard.

17. In reply of another question he stated that in order that such errors did not recur in future they had opened a control register which *inter alia* mentioned the name of the rule, the date of its publication, whether it was required to be laid, and if so, when. He also added that all subsequent sets of rules under the Act had been laid in time.

(The witnesses then withdrew).

IV

18. The Committee then heard the representatives of the Ministry of Commerce regarding in laying the Coffee (Amendment) Rules, 1975 (G.S.R. 456 of 1975).

19. Explaining the reasons for delay in laying the rules, the representative of the Ministry stated that the information about the publication of the rules in Gazette was received by them on 1-5-75. On 6-5-75, they had sent the authenticated copies for laying but these were sent back by the Lok Sabha Secretariat. These could not be laid in the Fourteenth Session which commenced on 21st July, 1975 as they were orally informed that the session being an emergency session, the Lok Sabha Secretariat would not entertain requests for laying of papers on the Table. The Fifteenth Session of Lok Sabha commenced on 5-1-76, and they re-submitted the rules for laying on 6-1-76. These were again returned by Lok Sabha Secretariat as the statement showing reasons for delay was not sent along with the rules. The reasons for delay were then drafted, and after approval by the Minister, sent to the Lok Sabha Secretariat along with the rules. The rules were finally laid on 3-2-76.

20. Asked whether it was appropriate on the part of the Ministry in not having sent the rules for being laid in the July session (Fourteenth Session) on the basis of mere verbal information, the representative of the Ministry tendered an unqualified apology, and stated that they should have made a written request for laying.

21. The Committee then drew the attention of the representative of the Ministry to the Memorandum dated 9-2-72 addressed by the Controller of Printing and Stationery to all the Ministries/Department of Government of India, and enquired whether they had followed the procedure for obtaining G.S.R./S.O. numbers laid down therein. The representative of the Ministry stated that on 29-3-75 they had written to the Government of India Press that since the notification was to be laid before Parliament within 15 days of its publication, the G.S.R. number and date of publication of the notification should be intimated to the Ministry immediately. On the 8th April, 1975, a reminder was sent to the Press asking them to immediately intimate the G.S.R. number and date of publication of the notification. On the 25th April, 1975, another reminder was sent to the Press. The requisite information was received in the Ministry on 1-5-75.

22. The Committee desired the Ministry to furnish the copies of the communications sent by them to the Government of India Press

for obtaining copies of the Gazette and the replies of the Government Press received by them.

(The witnesses then withdrew).

23—27. * * * * *

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

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (SIXTH LOK SABHA)

(1977-78)

The Committee met on Thursday, the 29th September, 1977 from
10.30 hours to 13.00 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*.

MEMBERS

2. Shri Bhagirath Bhanwar.
3. Shri Somjibhai Damor.
4. Shri Durga Chand.
5. Shri Santoshrao Gode.
6. Chaudhary Hari Ram Makkasar Godara.
7. Shri Tarun Gogoi.
8. Shri K. T. Kosalram.
9. Shri P. Rajagopal Naidu.
10. Shri N. Sreekantan Nair.
11. Shri Trepan Singh Negi.
12. Kumari Maniben Vallabhbhai Patel.
13. Shri Saeed Murtaza.
14. Shri Sachindralal Singha.

* * * *

Representatives of the Ministry of Civil Supplies and Cooperation.

Shri R. D. Thappar—*Secretary*.

Shri T. Balakrishnan—*Joint Secretary*.

*Representatives of the Ministry of Agriculture and Irrigation (De-
partment of Agriculture).*

Smt. Anna R. Malhotra—*Additional Secretary*.

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*.

2. * * * *

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

3. The Committee heard oral evidence of the representatives of the Ministry of Industry (Department of Heavy Industry) in regard to the delay in laying of the following 'Orders' on the Table of Lok Sabha.

- (i) The Tractors (Distribution & Sale) Control (Amendment) Order, 1971 (S.O. 5091 of 1971).
- (ii) The Tractors (Distribution & Sale) Control (Second Amendment) Order, 1971 (S.O. 5184 of 1971).
- (iii) The Tractors (Distribution & Sale) Control (Third Amendment) Order, 1971 (S.O. 5508 of 1971).
- (iv) The Tractors (Distribution & Sale) Control (Amendment) Order, 1972 (S.O. 132-E of 1972).
- (v) The Tractors (Distribution & Sale) Control (Amendment) Order, 1974 (S.O. 511-E of 1974).
- (vi) The Tractors (Distribution & Sale) Control (Amendment) Order, 1975 (S.O. 154-E of 1975).

4. The representative of the Ministry apologised for the delay in laying of the above Orders and said that the mistake has since been rectified, and the subsequent Orders had been placed on the Table within the stipulated time.

5. In reply to a question, the representative of the Ministry stated that a Parliament Section had been set up in 1973-74 when the Ministry (and later the Department of Heavy Industry) came into being.

6. When the attention of the representative of the Ministry was drawn to the D.O. letter dt. 9-4-74 addressed by the Cabinet Secretary to all Secretaries to the Union Government wherein they had been asked to confirm by 20-4-74 that necessary administrative arrangements for avoidance of delays in laying etc. had been made, he stated that the directions contained in the D.O. from the Cabinet Secretary had been complied with. A register was being maintained in the Ministry to ensure timely laying of Orders.

7. In reply to another question whether any Rule framed after 26-3-75 was still to be laid on the Table, the representative of the Ministry said all amendments issued after March, 1975 had been laid on the Table in time.

8. In reply to a further question whether the delay was brought to the notice of the Minister concerned, the representative of the

Ministry replied in the affirmative. He further stated that a mention had also been made when he laid the Orders on the Table of the House.

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II

9. The Committee next heard oral evidence of the representatives of the Ministry of Civil Supplies and Cooperation regarding delay in laying the Vegetable Oil Products Control (Amendment) Order, 1975 (G.S.R. 309-E of 1975) and the Vegetable Oil Products (Standard of Quality) Order, 1975 (G.S.R. 310-E of 1975) on the Table of Lok Sabha.

10. The representative of the Ministry admitted it was a lapse on their part that the two notifications had not been laid within the specified period.

11. Explaining the reasons for the lapse, he said that the Notifications were issued in May when Parliament was not in session. The next Session of Lok Sabha commenced on 21st July and ended on 7th August but in the meantime a query from the firm was under examination whether the definition of Vegetable Oil Products as given in the Order covered edible oils only or non-edible oils also and it was felt that as the query was under examination, the Notification might have to be amended and it would be better to lay the amended Notification on the Table. By the time the decision was taken that the Notification did not require any amendment, both the Houses of Parliament had adjourned.

12. Another reason for the delay was that one of the two Notifications had been issued under the Vanaspati and Vegetable Products Control Order and the other under the Essential Commodities Act, 1955. A point arose whether the notification issued under the Vanaspati and Vegetable Products Control Order was also required to be laid on the Table. The advice of the Ministry of Law was that Orders issued under the Essential Commodities Act alone were required to be laid on the Table.

13. When asked as to the reasons for waiting for one full month even in the next session of Lok Sabha which commenced on 5-1-76, the representative of the Ministry said that they were waiting for the opinion of the Law Ministry but when the end of the session was approaching they decided not to wait any further and placed them on the Table. The Law Department's advice was received subsequent to the laying of the Notifications.

14. The Committee pointed out that an Order became operative as soon as it was published in the Gazette and asked whether it was proper for the Ministry not to lay it on the Table just because a representation from an interested party was under consideration. The representative of the Ministry stated that he had given the reasons not to justify the delay but only as an explanation for the delay. He assured the Committee that such lapses would not occur in future.

15. The representative of the Ministry promised to send a note to the Committee giving information on the following points arising out of the evidence.

- (i) Maintenance of a Register in the Ministry for ensuring timely laying of Rules on the Table;
- (ii) Action taken by the Ministry on the Department of Parliamentary Affairs O.M. No. F.32(50)/73-R&C dated 18th December, 1973 bringing to the notice of all Ministries/Departments the recommendations of the Committee on Subordinate Legislation regarding laying of 'Orders' on the Table of Lok Sabha.
- (iii) Action taken by the Ministry on the Circular D.O. letter sent on 9th April, 1974 by the Cabinet Secretary to all Secretaries of Government regarding timely laying of Rules on the Table; and
- (iv) Orders issued by the Ministry till date which, though required to be laid on the Table under the statute have not so far been laid.

♦ III

16. The Committee next heard oral evidence of the representatives of the Ministry of Agriculture & Irrigation (Department of Agriculture) regarding delay in laying the Seeds (Amendment) Rules, 1974 (G.S.R. 211-E of 1975) and the Delhi, Meerut and Bulandshahr (Milk & Milk Products) Control Order, 1975, (S.O. 200-E of 1976) on the Table.

17. Explaining the reasons for the delay in laying the Seeds (Amendment) Rules, 1974 the representative of the Ministry explained that these rules were published on 25th April, 1975. On 1st May, 1975 copies of the Notification duly authenticated were sent to the Department of Parliamentary Affairs. The Department of Parliamentary Affairs pointed out that sub-rule (2) of Rule 23A was incomplete. After consultation with that Department and

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the Ministry of Law, it was decided to issue a corrigendum. In the meantime the copies of the original Notification had been sent to the Lok Sabha Secretariat on 24-9-1977 for being laid on the Table but that Secretariat returned the copies, as Lok Sabha was not in session at that time. So the Notification was sent on 30th January, 1976 for being laid on the Table.

18. When the Committee pointed out that rules in question were sent to Lok Sabha Secretariat for laying on 30th January, 1976 while the session had commenced, on 5th January, 1976, the representative of the Ministry said that a few days' time was taken in getting the copies re-authenticated by the Minister.

19. In reply to a question, she said that they were maintaining a register in the Ministry to ensure timely laying of Rules in the Lok Sabha.

20. In reply to another question the witness agreed that the original Notification should have been sent to the Lok Sabha Secretariat for being laid on the Table without waiting for the amendment proposed to be issued. She also said that they would see that such lapses did not occur in future.

21. In regard to the Delhi, Meerut & Bulandshahr (Milk and Milk Products) Control Order, 1975, the representative of the Ministry admitted that 'there has been some bungling'. She stated that the notification was issued on 6th May and the Lok Sabha adjourned on 9th May. It was not possible to lay the Notification in the 3 days available, as copies had got to be authenticated. The copies were sent for laying on the 29th May, 1975. On 26th June, 1976 they came to know through the Department of Parliamentary Affairs that the Notification had not been laid on the Table and that the copies sent on 29th May, 1975 had been returned to the Ministry on 30th May, 1976. The communication returning the copies was not traceable in the Ministry. It appeared to have been lost somewhere in transit.

22. The representative of the Ministry regretted the lapse in not laying alongwith the Notification a statement giving reasons for the delay in laying.

23. The representative of the Ministry agreed to send a note giving information on the following points arising out of the evidence.

- (i) Functioning of a Parliament Section and maintenance of a Register in the Department of Agriculture for ensuring timely laying of Rules on the Table.

- (ii) Action taken by the Department on the Department of Parliamentary Affairs O.M. No. F.32(50)/73-R&C dated 18th December, 1973 bringing to the notice of all Ministries/Departments the recommendations of the Committee on Subordinate Legislation regarding laying of 'Orders' on the Table of Lok Sabha.
- (iii) Action taken by the Ministry on the Circular D.O. letter sent on 9th April, 1974 by the Cabinet Secretary to all Secretaries of Government regarding timely laying of rules on the Table; and
- (iv) Orders issued by the Department till date which, though required to be laid on the Table under the statute, have not so far been laid.

(The witnesses then withdrew)

24—39. *

The Committee then adjourned.

**MINUTES OF THE FIFTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION
(SIXTH LOK SABHA)
(1977-78)**

The Committee met on Thursday, the 27th October, 1977 from 15.00 hours to 15.45 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*.

MEMBERS

2. Shri Bhagirath Bhanwar
3. Shri Somjibhai Damor
4. Shri Durga Chand
5. Shri Santoshrao Gode
6. Chaudhary Hari Ram Makkasar Godara
7. Shri Tarun Gogoi
8. Shri Ram Sewak Hazari
9. Shri K. T. Kosalram
10. Shri P. Rajagopal Naidu
11. Shri N. Sreekantan Nair
12. Kumari Maniben Vallabhbhai Patel
13. Shri Saeed Murtaza
14. Shri Sachindralal Singha.

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*.

2. The Committee considered Memoranda Nos. 25—34 on the following subjects:—

S. No.	Memo. No.	Subject		
(1)	(2)	(3)		
1.	25	*	*	*
2.	26	*	*	*
3.	27	*	*	*

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

(1)	(2)	(3)
4.	28	Implementation of recommendation made in para 30 of Eleventh Report of Committee on Subordinate Legislation (Fifth Lok Sabha) re. the Asian Institute of Educational Planning and Administration (Class I and II Posts) Recruitment Rules, 1969 (G. S. R. 835 of 1969).
5.	29	* * *
6.	30	* * *
7.	31	* * *
8.	32	* * *
9.	33	* * *
10.	34	* * *

3—5. * * * *

(iv) Implementation of recommendation made in para 30 of Eleventh Report of Committee on Subordinate Legislation (Fifth Lok Sabha) re. the Asian Institute of Educational Planning and Administration (Class I and II Posts) Recruitment Rules, 1969 (G.S.R. 835 of 1969) (Memorandum No. 28).

6. The Committee considered the above Memorandum and noted that in their original reply the Ministry of Education had indicated that the relevant posts in the Asian Institute of Educational Planning and Administration were covered by item (15) of the Schedule to the U.P.S.C. (Exemption from Consultation) Regulations, 1958, whereas these Regulations were covered by item (18) of the said schedule.

The Committee felt that had the Ministry been careful in giving the correct reply when the matter was referred to them, there would have been no occasion for the Committee to record adverse comments

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in the matter. The Committee decided to ask the Ministry to be more careful while submitting their replies to the points raised by the Committee.

7. The Committee also noted that in pursuance of the recommendation of the Committee made in para 83 of their Fifth Report (Fifth Lok Sabha), the Department of Personnel and Administrative Reforms had already issued instructions to all Ministries/Departments to review all the Recruitment Rules for Class I and II posts under them to ensure that the relaxation clause in the notification promulgating the Recruitment Rules contains a provision for consultation with the U.P.S.C. wherever necessary.

8—15

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The Committee then adjourned.

**MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION
(SIXTH LOK SABHA)
(1977-78)**

The Committee met on Tuesday, the 8th November, 1977 from 11.00 to 12.00 hours.

PRESENT

Shri Somnath Chatterjee—Chairman.

MEMBERS

2. Shri Bhagirath Bhanwar
3. Shri Somjibhai Damor
4. Shri Durga Chand
5. Shri Santoshrao Gode
6. Chaudhary Hari Ram Makkasar Godara
7. Shri Trepan Singh Negi
8. Kumari Maniben Vallabhbhai Patel

SECRETARIAT

Shri Y. Sahai—Chief Legislative Committee Officer.

2-3. * *

4. The Committee then considered Memoranda Nos. 35 to 42 on the following subjects:—

S. No.	Memo No.	Subject
1.	35	*
2.	36	*

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

S. No.	Memo No.	Subject
3.	37	* * *
4.	38	* * *
5.	39	Implementation of recommendation made in paras 37-38 of First Report of Committee on Subordinate Legislation (Fifth Lok Sabha) regarding the Central Reserve Police Force (Fourth Amendment) Rules, 1968 (G.S.R. 373 of 1968).
6.	40	Implementation of recommendations made in paras 49-50 of Tenth Report of Committee on Subordinate Legislation (Fifth Lok Sabha) regarding representation of Lok Sabha on the Samsad (Court of Visva Bharati) constituted under Sections 18 and 29 of the Visva-Bharati Act, 1951 (Para 162 of First Report—Second Lok Sabha).
7.	41	* * *
8.	42	* * *
5—15	*	* * *

- (v) Implementation of recommendation made in paras 37-38 of First Report of the Committee on Subordinate Legislation (Fifth Lok Sabha) re: the Central Reserve Police Force (Fourth Amendment) Rules, 1968 (G.S.R. 373 of 1968) (Memorandum No. 39).

16. The Committee considered the above Memorandum and felt concerned to note that the Ministry of Home Affairs had not completed the review of the Central Reserve Police Force Act even 5 Years after the Committee had made their recommendations that provisions of over-riding nature should either form part of the Act or there should be a specific authorisation therefor in the Act. The Committee asked the Ministry to expedite the matter.

- (vi) Implementation of recommendations made in paras 49-50 of Tenth Report of the Committee on Subordinate Legislation (Fifth Lok Sabha) regarding representation of Lok Sabha on the Samsad (Court of Visva Bharati) constituted under sections 18 & 19 of the Viswa Bharati Act, 1951 (Para 162 of First Report, Second Lok Sabha).

17. The Committee considered the above Memorandum and noted from the reply of the Ministry of Education and Social Welfare that both the recommendations made by them in para 162 of their First Report (Second Lok Sabha) had actually been implemented in 1958 and 1960 and there was no inordinate delay involved therein. There was a failure on the part of the Ministry in not informing the Committee about the action taken by them on their recommendation.

18. The Committee asked the Ministry to be careful about such matters in future and desired that they should send action taken note immediately on implementation.

19. The Committee noted the assurance of the Ministry that they proposed to introduce comprehensive legislation for the Viswa Bharati and at the time of its introduction, they will take into account the suggestion of the Committee for restoration of clause (11) of Statute 10 of the Statutes which provided that a person who is a member of any authority or body of the University in his capacity as a member of a particular body (for instance, a Member of Parliament) shall hold office so long only as he continues to be a member of that particular authority or body. The Committee desired the Ministry to expedite the proposed comprehensive legislation and forward a copy of the proposed amendment for the information of the Committee.

20—26. * * * * *

The Committee then adjourned to meet again on the 29th November, 1977.

MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION
(SIXTH LOK SABHA)
(1977-78)

The Committee met on Friday, the 9th December, 1977 from
16.00 to 17.00 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*.

MEMBERS

2. Shri Durga Chand
3. Shri N. Sreekantan Nair
4. Shri Trepan Singh Negi
5. Kumari Maniben Vallabhbhai Patel.

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SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*.

2. The Committee considered their draft Third and Fourth Reports and adopted them.

3. The Committee authorised the Chairman and in his absence, Kumari Maniben Vallabhbhai Patel to present the Third Report to the House on their behalf on the 14th December, 1977.

4. * * * * *

5. The Committee decided to meet again on the 20th December, 1977.

6 * * * * *

The Committee then adjourned.

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