

COMMITTEE ON SUBORDINATE LEGISLATION

(EIGHTH LOK SABHA)

SEVENTEENTH REPORT

(Presented on 9 December 1987)



**LOK SABHA SECRETARIAT
NEW DELHI**

November, 1987/Agrahayana, 1909 (Saka)

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**Corrigenda to the Seventeenth Report of
Committee on Subordinate Legislation
(Eighth Lok Sabha) presented on 9 December, 1987**

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(1987-88)

1. Shri Shyam Lal Yadav—*Chairman*
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3. Shri G. S. Basavaraju
4. Shri Parasram Bhardwaj
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14. Shri Syed Shahabuddin
15. Shri Natavarsinh Solanki

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri O. P. Chopra—*Senior Legislative Committee Officer.*

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 Seventeenth Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on 19 and 28 May, 14 and 15 July, and 12 October, 1987.

3. The Report was considered and adopted by the Committee at their sitting held on 26 November, 1987. The Minutes of the sitting relevant to the Report are appended thereto.

4. For facility of reference and convenience, recommendations observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix I to the Report.

SHYAM LAL YADAV.
Chairman,

NEW DELHI;
November 26, 1987. ..Committee on Subordinate Legislation.
Agrahayana 5, 1909 (Saka)

REPORT

I

AIR-INDIA INTERNATIONAL CORPORATION (AUTHENTICATION OF ORDERS AND INSTRUMENTS) REGULATIONS, 1953

Regulations of the Air-India International Corporation (Authentication of Orders and Instruments) Regulations, 1953, read as under:—

- "3. Authentication of orders, decisions, instruments of the Corporation: (1) All Orders and other decisions made and taken in the name of the Corporation shall be authenticated by the signature of the Chairman or any other officer authorised by the Chairman in this behalf and the validity of an order or decision which is so authenticated shall not be called in question on the ground that it is not an order or decision made or taken by the Corporation.*
- (2) All instruments and all contracts made in the discharge of functions by the Corporation shall be expressed to be made by the Corporation, and all such contracts and all assurances of property made in the discharge of such functions shall be executed on behalf of the Corporation by the Chairman or the General Manager or such officers of the Corporation as may be authorised in this behalf by the Chairman and shall bear the seal of the Corporation:*

Provided that nothing in this clause shall be deemed to apply to contracts made by the Corporation in regard to matters of trifling importance or routine nature subject to the total expenditure involved not exceeding Rs. 1 lakh."

2. The Ministry of Civil Aviation were asked to state whether they had any objection to amending the Regulations with a view to specify the minimum rank of the Officer who can be so authorised to authenticate Orders and decisions taken in the name of the Corporation as also the minimum rank of the Officer who can be authorised to execute contracts and assurances of property on behalf of the Corporation.

3. In their reply dated 30 December, 1986, the Ministry stated as under:—

“Specific powers of attorney have been given to various categories of Officers of Air India for authentication of orders, execution of contracts etc. through the Instrument of Delegation of Financial Powers and Instrument of Delegation of Administrative Powers (indicating Financial limits) both approved by the Board of Directors of Air India. Therefore, indicating the minimum rank of the Officers, in the Air India (Authentication of Orders and Instruments) Regulation 1953 is not considered necessary.”

4. The Committee desire that the various categories of Officers who may be authorised by the Chairman to authenticate the Orders and decisions taken and also to execute contracts and assurances of property on behalf of the Corporation may be specified in the regulation itself to make it self-contained. The Committee further desire that the minimum rank of the officer(s) who can be so authorised may also be specified.

II

AIR INDIA EMPLOYEES' PROVIDENT FUND REGULATIONS, 1954

5. Regulation 20(3) of Air India Employees' Provident Fund Regulations, 1954 read as under:—

“20. Payments:

* * * *

(3) Any sum forfeited to the Fund under sub-regulation (2) shall not vest in the Corporation but shall be credited to the 'Lapse Account' of the Fund and utilised for such objects as may be decided by the Board of Trustees including payment of interest to the members of the Fund at the rate higher than that fixed under the rule.”

6. The Ministry of Civil Aviation were asked to state whether there were any guidelines issued for the utilisation of such funds credited to 'Lapse Account' by the Board and whether Government would consider to specify the purposes for which this fund could be utilised and include the same in the regulation itself.

7. The Ministry in their reply dated 30 December, 1986 stated as under:—

“As it exists today, one of the uses to which the amount in Lapsed Account could be utilised is indicated in Regulation 20(3) itself. Since the amount in the lapsed account is very small compared to the total contributions, no other specific purpose need be incorporated in the Regulations.”

8. The Committee are not satisfied with the reasons advanced by the Ministry of Civil Aviation for not specifying in the regulation the purposes for which the funds in the ‘Lapsed Accounts’ can be utilised. The Committee are of the view that the term ‘utilised for such objects as may be decided by the Board of Trustees’ needs to be defined precisely. The Committee desire that the Ministry should clearly state the purposes for which the funds in Lapsed Account can be utilised and incorporate the same in the Regulation itself for information and guidance of all concerned.

III

AIR CORPORATION RULES, 1954

(A)

9. Rule 8 of the Air Corporation Rules, 1954 (as amended upto December, 1984) read as under:

“8. *Physical verification of Stores:* A physical verification of Stores and tools and plant shall be made by an Officer who is not the custodian thereof (in such a way that every item of stores, tools and plant shall be verified at least once in two years). The results of such verification together with the orders of the Corporation for any shortages or excesses of stores and tools and plant shall be communicated to the Comptroller and Auditor General of India. The Corporation may, however, arrange for verification of selected items of stores, tools and plant by using the latest techniques.”

10. The Ministry of Civil Aviation were asked to state whether they had any objection in specifying the minimum rank of the Officer who could be made responsible for physical verification of Stores.

11. The Ministry, in their reply dated 26 August, 1987, stated as under:—

“According to the existing provision in Rule 8, physical verification of stores, tools and plants shall be made by an Officer

who is not the custodian thereof. This rule does not provide for the minimum status or rank of an Officer who will carry out physical verification of stores. There may be no objection to the minimum rank of the officer who should be made responsible for physical verification of stores being incorporated in the Rules. It may be desirable if such minimum rank is decided in consultation with Indian Airlines and Air India."

12. The Committee note that the Ministry of Civil Aviation have no objection in specifying the minimum rank of the officer, who should be made responsible for physical verification of stores, and incorporating this provision in the Rules. The Committee recommend that the Ministry should, after consulting Indian Airlines and Air India, specify the minimum rank of the officer who will be charged with the duty of verification of stores and incorporate the same in the relevant rules at an early date.

(B)

13. Rule 10 (2) of the Air Corporations Rules, 1954 read as under:—

"10. Impropriety or irregularity in accounts:

* * * *

(2) The Corporation shall forthwith remedy any defect or irregularity that may be pointed out by the auditors and shall report to the Central Government the action taken by it thereon within ninety days of the receipt of the report of the auditors:

Provided that, if there is any difference of opinion between the Corporation and the auditors or if the Corporation does not remedy any defect or irregularity within a reasonable period or render a satisfactory explanation in regard to the defect or irregularity, the Central Government may, and on reference specifically made therefore by the auditors, shall, in consultation with the Comptroller and Auditor General, pass such orders thereon as it thinks fit and the Corporation shall thereafter take action in accordance therewith within such time as may be specified by the Central Government."

14. The Ministry of Civil Aviation were asked to state whether they had any objection if the expression 'reasonable period' was el-

erated by specifying the period more precisely as such expressions were likely to be interpreted differently by different persons. The Ministry, in their reply dated 26 August, 1987, stated as under:—

“In the present provision of the Air Corporations Rule 10(2) it has been mentioned that the Corporation shall forthwith remedy any defect or irregularity that may be pointed out by the Auditors and shall report to the Central Government the action taken by it thereon within 90 days on receipt of the report of the auditors provided that if there is any difference of opinion between the Corporation and the Auditors or if the Corporation does not remedy any defect or irregularity within a reasonable period or render a satisfactory explanation in regard to the defect or irregularity, the Central Government may, and, on reference specifically made therefor by the Auditors, shall in consultation with the Comptroller and Auditor General pass such orders thereon, as it thinks fit, and the Corporation shall thereafter take action in accordance therewith within such time as may be specified by the Central Government.

In this connection it may be mentioned that the defect(s) or irregularity(ies) pointed out by the Auditors is to be investigated, assessed and evaluated and its implications are to be processed with a view to avoiding future recurrence of such defects and irregularities. Since such an action takes time, it may not be possible to lay down a standard time limit in Rule 10(2) for this purpose. In some cases, it may be possible to assess the implication and implementation of the suggestion of the Auditors within the prescribed time limit but in majority of the cases, such limitations will not be realistic. In the circumstances this Ministry feels that no time limit for this purpose may be insisted upon and the existing provision in the Rules of “reasonable period” may be allowed to continue.”

15. The Committee feel that it should be the endeavour of the Corporation to remove the defects and irregularities pointed by Audit at the earliest and cases of difference of opinion between the Corporation and the Auditors should not be allowed to drag on indefinitely. It is precisely for this reason that the Committee consider it desirable that term ‘reasonable period’ should be specifically spelt out in the rule itself. Just as a period of 90 days has

been specified for reporting to the Government, the action taken by the Corporation on a defect or irregularity pointed out by Audit, a maximum period of say 120 days can be prescribed for reporting action in case where there is difference of opinion. The Committee therefore, desire that the Ministry should precisely define the term 'reasonable period and incorporate the same in the rule itself to make it self-contained.

(C)

16. Rule 18 (5) (a) of Air Corporations Rules, 1954 read as under:—

"18. BONDS:

* * * *

(5)(a) The bonds shall be issued over the joint signature of the Chairman or authorised officer and a member of the Corporation which may be printed, engraved or lithographed or impressed by such other mechanical process as the Corporation may direct."

17. The Ministry of Civil Aviation were asked to state whether they had any objection in specifying the minimum rank of the Officer so authorised to get the bonds signed.

18. The Ministry in their reply dated 26 August, 1987, stated as under:—

"According to the existing provision in Rule 18(5)(a) the bonds shall be issued over the joint signatures of the Chairman or authorised Officer and a member of the Corporation, which may be printed, engraved or lithographed or impressed by such other mechanical process as the Corporation may direct. The suggestion that minimum rank of the officer who may be so authorised be prescribed, has been examined. In the first instance, it is pointed out that Rule 18 has very limited application. This apart, it has already been provided in the Rule that the Bonds shall be issued and signed by the officer and a member of the Corporation. It is suggested that if the Rule is amended to incorporate a provision to the effect that the Bonds shall be issued and signed by the Officers as authorised by the Board of Directors, it will suffice; as the Bonds will be signed only by the authorised officers and the Board will not authorise officers of very low rank for this purpose. In case it is decided to incorporate the rank of an officer in the Rule, it is possible that in his absence it may not be possible to get the bonds signed."

19. The Committee do not agree with the views expressed by the Ministry in regard to the signatures on the bonds issued by the Corporation. The Committee are of the opinion that the Ministry should specify the minimum rank of the Officer(s) so authorised to sign the bonds and incorporate the same in the rule itself.

(D)

20. Rule 43(2) of Air Corporations Rules, 1954 read as under:—

"43. Interference with the Property and employees of the Corporation.

* * * *

- (2) Any person who contravenes any of the provisions of this rule shall be punishable in respect of every such contravention with imprisonment which may extend to three months or with fine which may extend to rupees one thousand or with both."

21. The Ministry of Civil Aviation, to whom the matter was referred, were asked to state whether the punishment was inflicted by the Court of Law or the Act empowered the Corporation to inflict the punishment of imprisonment or fine. They were also asked to state as to whether it was within the competence of the Corporation to pass sentence of imprisonment in such cases.

22. The Ministry, in their reply dated 26 August, 1987, stated as under:—

"Rule 43(2) deals with contravention of any of the provisions pertaining to interference with the property and employees of the Corporation and the punishment to be met for every such contravention. The Rule provides that any person who directly or indirectly interferes with or cause interference with the operation of any transport service or with any property of the Corporation or interfere with or obstructs any employee of the Corporation in the performance of his duty or tampers with the aircraft or its equipment or conducts himself in a disorderly manner in an aircraft or commits any act likely to imperil the safety of an aircraft or its passengers or crew shall be punishable in respect of such contravention with imprisonment which may extend to three months or with fine which may extend to Rs. 1,000 or with both. This Ministry or the Departments

thereunder have no jurisdiction/machinery for inflicting punishment on the person charged with interference/intervention in the Rule. The punishment can be inflicted only by the Court of Law. The Corporations viz., Air India and Indian Airlines have no powers in this regard."

23. The Committee consider the reply of the Ministry as satisfactory and as such do not desire to pursue the matter further.

(E)

General

24. While examining the Air Corporations Rules, 1954 framed under the Air Corporations Act, 1953, the Ministry of Civil Aviation were asked to state whether any review had been undertaken of the working of the Rules made under the Act in the light of the experience gained by them so far and if so, what were the results derived therefrom?

25. The Ministry in their reply dated 26 August, 1987 stated as under:—

"No specific review of all the Rules has been made in the recent past. However proposals for amendments to the Rules have been examined from time to time and Rules amended where considered necessary. Indian Airlines is already in the process of review of the rules with a view to carry out modifications. After the review is completed, Government will consider the proposal for amendments of the Rules."

26. The Committee are satisfied with the position explained by the Ministry and do not wish to pursue it further.

IV

AIR INDIA INTERNATIONAL (DISPOSAL OF UNCLAIMED GOODS) REGULATIONS, 1955

(A)

27. Regulations 3 and 4 of the Air India International (Disposal of Unclaimed Goods) Regulations, 1955 read as under:—

"3. *Failure to take Delivery:* Where after despatch of an arrival notice in writing, the consignee refuses or fails to

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take delivery of the goods carried to the destination by the Corporation within thirty days from the date of arrival, the Corporation shall cause a notice in writing to be despatched to the shipper of the goods requesting his instructions for the disposal of the goods.

4. *Custody and Disposal:* Pending receipt of the instructions of the shipper for the disposal of the goods, the Corporation shall hold such goods for a period not exceeding ninety days, from the date of their arrival at the destination. If the instructions for the disposal of the goods are not received within the said period of ninety days, the Corporation may, in its discretion, abandon such goods or sell them in as many lots as may be necessary or convenient at any public sale, provided that the Corporation shall cause a written notice of its intention to do so to be despatched to the Shipper at least seven clear days before the date fixed for such abandonment or sale."

28. The Ministry of Civil Aviation were asked to state as to how it was ensured that the notice issued under Regulations 3 and 4 to the Shipper was actually delivered to him and whether there was any objection in amending the Regulations to the effect that notice might be sent by Registered post or if by hand, acknowledgement should be obtained.

29. In their reply dated 30 December, 1986 the Ministry stated as under:—

"Instructions will be issued by Air India through an administrative order that the notice be sent either by Registered post or by hand and acknowledgement obtained. Amendment of the Regulations, for this purpose, is not considered necessary."

30. The Committee note that on being pointed out by them, the Ministry have agreed to issue an administrative Order stipulating that the notice be sent to the shipper either by Registered post or by hand and acknowledgement obtained. The Committee desire that the requisite administrative order may be issued at an early date and the same may also be suitably incorporated in the regulation itself.

31. Regulation 5 of the Air India International (Disposal of Unclaimed Goods) Regulations, 1955 read as under:—

"5. Disposal of perishable goods or livestock.—Notwithstanding anything contained in the foregoing regulations, where the unclaimed goods are of perishable nature or are livestock the Corporation may at any time, after the arrival of such goods at destination, take such steps as it may, in its discretion deem necessary or appropriate including, but, not limited to destruction, abandonment or sale of all or any part of such goods without any notice and without any liability whatsoever to the shipper, owner or consignee thereof."

32. The Ministry of Civil Aviation were asked whether they had any objection to specify in the regulation the 'competent authority' who can declare any goods as 'perishable'.

33. In their reply dated 30 December, 1986, the Ministry stated as under:—

"At present, the Airport Health Officer certifies the 'perishable' nature of the goods. Officials of the Customs Department are also consulted, wherever such perishable goods are to be destroyed after certification by the Health Officer."

34. The Committee recommend that the competent authority which can certify the perishable nature of goods may be clearly defined and included in the regulation itself so that there is no scope for any ambiguity.

V

AIR-INDIA INTERNATIONAL CORPORATION (GRANT OF REFUND AND CONCESSIONAL TRANSPORTATION REGULATIONS, 1956)

35. Regulation 4 of the Air-India International Corporation (Grant of Refund and Concessional Transportation) Regulations, 1956 read as under:—

"4. Issue of Concessional Passes.—The Chairman, the General Manager or any other Officer of the Corporation duly empowered in that behalf by the Chairman, may grant transportation free of charges or at reduced, rebated or concessional rates to any person, baggage or goods on the

Corporation's air transport services, whether within or outside India or partly within and partly outside India, if in his opinion such grant is likely to promote goodwill or be otherwise beneficial to its business or interests.

Provided that where such grant purports to be under the rules, regulations or resolutions of the I.A.T.A. for the time being in force, it shall always be in accordance with such rules, regulations or resolutions, as the case may be, which having been duly submitted to the Government or other authority duly appointed in that behalf by the Government, have not been specifically disapproved by the Government or such other authority."

36. The Committee desired to know under which provision of the Act, passes could be issued free of cost or at concessional rates under the Regulation and whether the Ministry had any objection in specifying the minimum rank of the Officer to be empowered to issue concessional passes and also whether any guidelines had been issued to prevent arbitrary exercise of discretion. The Ministry were also asked to state the types of cases and categories of persons to whom concessions are to be granted (i) free of cost, (ii) at reduced, rebated or concessional rates, and whether it was not necessary to lay down precisely the types of cases and categories of persons in the Regulation.

37. The Ministry, in their reply dated 30 December, 1986 stated as under:—

"The Air Corporation Act, 1953 [Section 45(2) (c) and (e) read with Section 7(k)], provide for framing of this regulation also for the issue of free passess|concessional passages to further the interests of the Corporation. The regulations as a whole are being reviewed with a view to make them upto date."

38. The Ministry, in their reply dated 22 January, 1987, further stated as under:—

"Passages are granted by Air India to the following categories of persons:

- (i) Outside parties for services rendered under the terms of the transportation services contract;
- (ii) Employees of other airlines in accordance with the interline agreement;

- (iii) Agents, important commercial and business contacts;
- (iv) Public relation passes to commercial contacts including Press.

Whether the transportation is free, or of rebated/reduced rates is decided by Air-India at the level of the Commercial Director keeping in view the commercial interests of the Corporation which operates in a fiercely competitive market.

Therefore, there seems to be no necessity for indicating the categories of persons to whom free/concession passage could be given by Air India in the Regulation itself. Such a stipulation in the Regulations is likely to affect the commercial autonomy of the Corporation, which, according to the stipulations contained in Section 9 of the Air Corporation Act, 1953 has to function as far as may be, on business principles."

39. The Committee are happy to note that the regulations as a whole are being reviewed with a view to update them. The Committee desire that the Ministry should take early action in the matter in order to make the regulations specific and self-contained.

In regard to categories of persons to whom concessions in passages are granted, the Committee are satisfied with the explanation given by the Ministry that any indication to this effect in the regulations is likely to affect commercial autonomy of the Corporation. The Committee, therefore, do not want to pursue the matter further.

VI

AIR INDIA INTERNATIONAL (CONDITIONS OF CARRIAGE OF PASSENGERS AND GOODS) REGULATIONS, 1959

(A)

40. Regulation 8 of the Air India International Corporation (Conditions of Carriage of Passengers and Goods) Regulations, 1959 read as under:—

"8. When officially validated, the ticket is good for carriage on the date and for the specified scheduled service. In case of purchase of open date ticket i.e. where both date and time of scheduled service are not specified, the ticket is valid and may be utilised by the passenger (subject to reservation of accommodation being arranged) for any flight from the Airport at the place of departure to the

Airport at the place of destination within three months from the date of issue, and if not so utilised the passenger shall not be entitled to refund of the fare paid."

41. The Ministry of Civil Aviation were asked to state whether there was any objection in stipulating that a refund for unused open ticket could be claimed even after three months if some valid reasons were given by the passenger.

42. In their reply dated the 30 December, 1986, the Ministry have stated as under:—

"Full-fare open dated tickets are valid for one year from the date of issuance and refund on such documents is possible.

Regulation 8 will be amended suitably by Air-India to conform with IATA Regulations."

43. The Committee note from the reply of the Ministry that full-fare open dated tickets are valid for one year from the date of issuance and the refund on such documents is possible even after 3 months. The Ministry have agreed to suitably amend Regulation 8 to bring it in conformity with IATA Regulations. The Committee desire that early action should be taken in this direction.

(B)

44. Regulation 11 of the Air India International Corporation (Conditions of Carriage of Passengers and Goods) Regulations, 1959 read as under:—

"11. The passenger must arrive at the Airport (or elsewhere if so required by the Carrier) by the time fixed by the Carrier or noted on the face of the ticket as the time at which he must report at the Carrier's Aerodrome Office; and if no such time is fixed or noted sufficiently in advance of the scheduled time of departure, to permit the completion of Governmental and other formalities and the checking of baggage or personal property. Failure to attend in accordance with this condition will entail loss of reservation of seat in the said Aircraft and will not entitle the passenger to claim refund of the fare paid for this ticket."

45. The Ministry of Civil Aviation were asked to state whether the Ministry could show some consideration to a passenger who

failed to report at the Airport for reasons beyond his control. The Ministry were also asked to state whether in such cases refund of the money could be made after imposing some penalty charge.

46. The Ministry, in their reply dated 30 December, 1986, stated as under:—

“Refund is available even if the passenger holding a confirmed ticket for international travel does not report. The regulation will be suitably amended.”

47. The Committee have been informed that a refund is available even if the passenger holding a confirmed ticket for international travel does not report. The Committee are glad that the Ministry have agreed to suitably amend Regulation 11 to bring it in line with extant accepted practice. The Committee would like the Ministry to initiate early action in the matter.

VII

AIR INDIA EMPLOYEES' SERVICE REGULATIONS

(A)

48. Regulation 1 of the Air India Employees' Service Regulations, of 1963 read as under:—

“1. *Short Title*: These regulations may be called the “Air-India Employees' Service Regulations”, and define the conditions of service of the employees of the Corporation. They are based on a recognition of the fact that the Air Transport Industry is a public utility service which must operate round the clock on all days of the week.”

49. The Ministry of Civil Aviation were asked to state the reasons for omission of the year of publication in the Air India Employees' Service Regulations, which were notified in the Official Gazette on 19 October, 1963, as this was a departure from the normal practice of indicating the year in the short title to the regulations for facility of reference.

50. In their reply dated 30 December, 1986, the Ministry stated as under:—

“In the absence of the old records it has not been possible to ascertain the reasons why the date of notification in the Gazette was not indicated in the short title. However, in the first page of the printed booklet of Air India

Employees' Passage Regulations, the date of notification has been clearly indicated. An amendment, indicating the date of commencement, as suggested by the Committee will be carried out."

51. The Committee note that on being pointed out by them, the Ministry have agreed to amend the regulation with a view to indicate the date of commencement of these regulations in the short title to these Regulations. The Committee desire that the Ministry should initiate early action in the matter.

(B)

52. Regulation 2(i) of Air India Employees' Service Regulations of 1963 (as amended upto 28 February, 1982) read as under:—

"2. *Commencement and Scope:*

(i) These regulations shall come into force on and from the date of notification and shall apply to all employees of the Corporation on Indian scales of pay; Provided that in respect of part-time or substitute employees, the Managing Director may, by general or special order, exclude or limit the application of any of these regulations."

53. The Committee desired to know whether the reasons for excluding or limiting the application of the regulations in relation to part-time or substitute employees were recorded in writing before the issue of a general or special order by the Managing Director.

54. In their reply dated 30 December, 1986, the Ministry stated as under:—

"The Air India employees Service Regulations are applicable, in entirety, only to full time employees of the Corporation. While appointing part-time and substitute employees, except for certain specific provisions, these regulations are also made applicable to them. It is confirmed that between two part-time employees for same type of job, the conditions do not normally differ."

55. The Committee are not happy with the evasive reply given by the Ministry of Civil Aviation in regard to application of the regulations to the part-time and substitute employees. The Committee desire that the powers vested in the Managing Director for restricting the application of the regulations to certain categories of employees by

issue of general or special order may be exercised only after the reasons for doing so are recorded by him in writing in each case. The regulations may accordingly be amended under intimation to the Committee.

(C)

56. Regulation 4 of the Air India Employees' Service Regulations of 1963 (as amended upto 28 February, 1982) read as under:—

"4. Modification etc. of Regulations

Subject to the provisions of Section 45 of the Act, the Corporation reserves to itself the right to modify, cancel or amend any or all of these regulations or orders issued thereunder and to give effect thereto from any date which the Corporation may deem fit."

57. The Ministry of Civil Aviation were asked to state whether the Air Corporation Act, 1953 conferred powers upon the Corporation to amend the regulations with retrospective effect also.

58. The Ministry, in their reply dated 30 December, 1986 stated as under:—

"Under Section 45 of the Air Corporation Act, the only restriction is that the regulation/amendment is to be notified in the Official Gazette. Normally all amendments are given effect from the date of the notification."

59. The Committee are satisfied with the explanation of the Ministry that all the amendments to the regulations are given effect from the date of notification in the Official Gazette. The Committee have, therefore, decided not to pursue the matter further.

(D)

60. Regulation 8 of Air India Employees' Service Regulations of 1963 (as amended upto 28 February, 1982) read as under:—

"8. Probation :

- (i) Every person appointed in or promoted to a permanent vacancy shall, before the confirmation in the post, be required to undergo probation for six months or twelve months as may be prescribed; provided that the stipulated period of probation may be reduced by the Managing Director at his discretion or, for reasons to be communicated in writing, extended by the competent authority.
- (ii) For the purposes of confirmation, increment and privilege

leave, the period of probation shall be deemed to have commenced from the first day of the calendar month in cases where the employee joins duty on or before the 15th of that month and from the first day of the following calendar month in cases where the employee joins duty on or after the 16th of that month."

61. The Ministry of Civil Aviation were asked to state whether any guidelines had been laid down to obviate any arbitrary exercise of powers given to the Managing Director for reducing the period of probation and whether reasons were recorded in writing for grant of such reduction. They were also asked to state the rationale behind giving discretionary powers to the Managing Director for reducing period of probation in any particular case.

62. The Ministry in their reply dated 30 December, 1986 stated as under:—

"Air India is being asked to review this regulation and amend it suitably."

63. The Committee are happy to note that on being pointed out by them, the Ministry have agreed to review and amend the provisions of the regulation with a view to ensure that the discretionary powers vested in the Managing Director are not exercised in an arbitrary manner. The Committee would like the Ministry to take early action in the matter.

(E)

64. Regulation 11 (iii) of Air India Employees' Service Regulations, 1963 (as amended upto 28 February, 1982) read as under:—

"11. Search, hours of work, rest interval, etc:

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**

(iii) All employees shall be at work at the time and place fixed and notified to them. An employee, who after recording his attendance, absents himself from the proper place or places of work during working hours without permission or without sufficient reason, shall be liable to be treated as absent and a proportionate deduction effected from his pay or wages, in accordance with the payment of Wages Act where applicable."

65. The Ministry of Civil Aviation were asked to clarify whether the worker had to be given any show-cause notice before treating him 'absent' and also whether he had any right of appeal subsequently.

66. The Ministry, in their reply dated 30 December, 1986, stated as under:—

"No. The practice followed is to ask for the explanation of the employee concerned before taking a decision regarding the treatment of his absence."

67. The Committee are not satisfied with the reply of the Ministry and desire that the practice envisaged in sub-regulation (iii) in regard to treatment of period of absence of an employee from work should be suitably incorporated in the Establishment Orders, if not already done.

(F)

68. Regulation 11(iv) of Air India Employees' Service Regulations of 1963 (as amended upto 28 February, 1982) reads as under:—

"11. Search, hours of work rest interval etc.

** ** ** ** **

(iv) The weekly hours of work for all categories of employees shall not exceed 48 hours. Any employee may, however, be required by competent authority to work overtime, in which case payment for such overtime to those categories who are entitled to it shall be in accordance with such provisions as may be laid down by the Corporation from time to time."

69. The Ministry of Civil Aviation were asked to state whether the Corporation had laid down the norms for the payment of overtime allowance to all categories of employees and whether there was any resentment over the scales of overtime allowance from the side of employees.

70. The Ministry, in their reply dated 30 December, 1986 stated as under:—

"The rates which are revised from time to time are prescribed in the Establishment orders of the Corporation. For working on holidays there is a provision for payment of compensation in cash. No monetary ceiling is prescribed."

71. The Committee, after considering the reply furnished by the Ministry, are of the view that the Ministry should prescribe monetary ceiling in respect of payment of overtime to employees for working beyond prescribed weekly hours after ascertaining the practice followed in this regard by Indian Airlines, Railways and other public undertakings.

(G)

72. Regulation 12(ii) of Air India Employees' Service Regulations of 1963 (as amended upto 28 February, 1982) read as under:—

"12. Holidays:

** ** ** ** ** **

(ii) The number of additional holidays allowed to employees in a calendar year shall not exceed 15, including holidays for Republic Day, Independence Day and Mahatma Gandhi's birthday. A list of such holidays will be published before the commencement of each calendar year. An employee who is required to work on such holiday shall be paid compensation where admissible in accordance with such provisions as may be laid down by the Corporation from time to time."

73. The Ministry of Civil Aviation were asked to state whether the provisions governing the payment of compensation for work on holidays were laid down in the rules or regulations, and whether there was a provision for payment of compensation in cash.

74. The Ministry, in their reply dated 30 December, 1986, stated as under:—

"The rates which are revised from time to time are prescribed in the Establishment Orders of the Corporation. For working on holidays, there is a provision for payment of compensation in cash. No monetary ceiling is prescribed."

75. The Committee, after considering the reply furnished by the Ministry, are of the view that the Ministry should prescribe monetary ceiling in respect of payment of compensation to employees working on holidays after ascertaining the practice followed in this regard in Indian Airlines, Railways and other public undertakings.

(H)

76. Regulation 21(vii) (a) of Air India Employees' Service Regulations of 1963 (as amended upto 28 February, 1982) read as under:—

"21. General conditions regarding leave :

** ** ** ** **

(vii) All leave to the credit of an employee shall ordinarily lapse on the date of cessation of his services provided that:

(a) The privilege leave admissible and applied for in writing well ahead of the date of retirement or resignation, and refused in writing by the competent authority may be granted from the date of such retirement or resignation, or the leave salary in lieu of privilege leave to the extent referred to above may be paid to the employee."

77. The attention of the Ministry was drawn to the term "well ahead of the date of retirement or resignation" which appeared to be vague. They were asked to state whether any precise time-limit had been fixed in this behalf to enable the employees to apply for the requisite leave, within such time limit.

78. The Ministry, in their reply dated 30 December, 1986, stated as under:—

"Time limit of 3 months has been laid down in this behalf."

79. The Committee have been informed that it has been laid down by the Ministry that an employee should apply for privilege leave three months before the date of retirement or resignation to get full benefits in case the leave is refused. The Committee desire that this stipulation should be incorporated in the Regulation itself for the information of all concerned.

(I)

80. Regulation 24(ii) of Air India Employees' Service Regulations of 1963 (as amended upto 28 February, 1982) read as under:—

"24. Sick Leave:

** ** ** ** **

(ii) Sick leave may be accumulated upto 45 days with full pay and may be availed of on half pay for double the

period i.e. 90 days. However, in special cases of serious and prolonged illness, accumulation may be allowed by the Managing Director upto 90 days with full pay and may be availed of on half pay for double the period i.e. upto 180 days."

8.1 The Ministry of Civil Aviation were asked to state whether any criteria for judging serious and prolonged illness had been laid down and whether Central Government rules could not be adopted in this regard.

82. The Ministry, in their reply dated 30 December, 1986, stated as under:—

"An amendment of this regulation which would entitle an employee to accumulate sick leave upto 120 days with full pay is already under process."

83. The Committee are happy to note that on being pointed out by them, the Ministry are considering an amendment to the regulation which would entitle an employee to accumulate sick leave upto 120 days with full pay. The Committee, however, desire that the Ministry should also clearly define the term 'in special cases of serious and prolonged illness' so that it may not be interpreted differently by different persons.

(J)

84. Regulation 31 of Air India Employees' Service Regulations of 1963 (as amended upto 28 February, 1982) read as under:—

"31. Compensation :

In the event of death or disablement caused to an employee by an accident while on duty or in the event of loss or damage to the personal belongings caused while the employee is travelling on duty, the Corporation may pay compensation to him or, as the case may be, to his legal representative or representatives at such rates and on such conditions as it may lay down from time to time, unless such accident, loss or damage is attributable to his own negligence, default or breach of instructions."

85. The Ministry of Civil Aviation were asked to state whether any rates and conditions had been prescribed in this regard and whether there was any provision for arbitration for amount of compensation payable, in case of dispute.

86. The Ministry, in their reply dated 30 December, 1986, stated as under:—

"The rates are indicated in the Air India Establishment Orders, which have been revised after taking the approval of the Board and in accordance with the agreements with the Unions."

87. The Committee desire that the quantum of compensation payable to the employees in the event of death or disablement caused to an employee by an accident while on duty or for the loss or damage to the personal belongings while on duty may be prescribed after ascertaining the principles followed in this regard by other public undertakings such as Indian Airlines and Railways etc. The Committee would like to be apprised of the action taken in the matter at an early date.

VIII

AIR-INDIA EMPLOYEES' PASSAGE REGULATIONS

(A)

88. Regulation 2(ii) of Air-India Employees' Passage Regulations (amended upto April, 1980) read as under:—

"2. Definitions :

** ** ** **

(ii) '*Part-time employee*' means a person employed for a part of the working time and includes a person who renders any regular service to the Corporation and whom the Managing Director may, in his discretion, declare to be a part-time employee, although such a person may not be directly on the pay roll of the Corporation, but shall not include a temporary employee."

89. The Ministry of Civil Aviation were asked to state whether there were any guidelines to check arbitrary exercise of the discretionary powers vested in the Managing Director to declare an employee as 'part-time employee'.

90. In their reply dated 30 December, 1986, the Ministry stated as under:—

"Only such employees who are neither permanent nor temporary employees of the Corporation, but render fixed hours of service on appointed days are deemed to be part-time employees. Their designation as part-time employee is based on specific recommendations of the

departmental head|appropriate authority. For the present only specialised|paramedical staff are designated as part-time employees."

91. The Committee desire that the term "part-time employees" occurring in the regulation may be clearly defined in the regulation itself. The Committee also desire that the Ministry should frame suitable guidelines for the exercise of the discretionary powers vested in the Managing Director under regulation 2(ii).

(B)

92. Regulation 2(iii) of Air India Employees Passage Regulations (amended upto April, 1980) read as under:—

"2. Definitions:

** ** ** ** **

(iii) 'Family' means the employee, his|her spouse children and parents wholly dependent on the employee and such other relatives of the employee whom the Managing Director may in each individual case, include on compassionate grounds."

93. The Ministry of Civil Aviation were asked to state whether they had any objection to substitute the usual definition of family in place of the existing one in the Regulation in view of the fact that inclusion of 'such other relatives' in the family of employee whom Managing Director may include in each individual case on compassionate ground, was an extraordinary provision in subordinate legislation.

94. The Ministry, in their reply dated 30 December, 1986, stated as under:—

"The discretionary power is vested only in the Chief Executive. Further the inclusion of relative is not automatic and is subject to production of a sworn affidavit clearly stating that the person to be included is dependent for food, shelter and clothing on the employees. The facility of free|concessional passage given to such a person is from the employee passage entitlement. For these reasons it is not considered necessary to change the present definition."

95. The Committee are not satisfied with the reply furnished by the Ministry. They are of the view that inspite of the clarification given by the Ministry that inclusion of 'such other relatives' in the family of employee is not automatic but subject to production of a sworn affidavit, it is desirable that the categories of relatives who can be included in the 'family' under the discretionary powers of the Chief Executive should be clearly specified in the regulation itself. Such a classification in the regulations would be more in consonance with the accepted language used in subordinate legislation.

....

(C)

96. Regulation 7 of Air India Employees' Passage Regulations (amended upto April, 1980) read as under:—

"7. Class of Travel:

All employees and their families travelling in the Corporation's Aircraft under these Regulations shall ordinarily travel in the lowest class, but the Managing Director may, by general or special order and on such terms as he may deem appropriate, permit any employee or class of employees and their families to travel in any higher class."

97. The Ministry of Civil Aviation was asked to state whether any guidelines had been issued by them for the exercise of the discretionary powers of the Managing Director to permit any employee/class of employees|their families to travel in higher class.

98. The Ministry in their reply dated 30 December, 1986, stated as under:—

"Categories of staff eligible for I Class travel have since been specified."

99. The Committee desire that the Ministry should specify the categories of staff eligible to travel in higher classes, under the discretionary powers of the Managing Director, in the regulation itself if not already done.

.. ..

(D)

General

100. While examining the Regulations framed under the Air Corporation Act, 1953, the Ministry of Civil Aviation were asked to

state whether the regulations so far issued by the Air India covered all the items enumerated in the enabling Act and whether there were still certain fields which remained uncovered and how such matters were being regulated in the recent past. The Ministry, in their reply dated 30 December, 1986, stated as under:—

“While regulations for the administration of the affairs of the Corporation, for carrying out its functions, and regulations on the matters specifically included in Section 45(2) of Air Corporation Act, 1953 have been framed, regulations on other matters can and will be framed as and when the need arises.”

101. The Committee consider the reply of the Ministry as satisfactory and as such do not like to pursue the matter further.

NEW DELHI

November 26, 1987

Agrahayana 5, 1909 (Saka)

SHYAM LAL YADAV,

Chairman,

*Committee on Subordinate
Legislation.*

APPENDIX

APPENDIX I

(Vide paragraph 4 of the Report)

*Consolidated statement of recommendations/observations made by
the Committee*

S. No.	Para	Recommendations/observations
1	2	3
1	4	The Committee desire that the various categories of Officers who may be authorised by the Chairman to authenticate the Orders and decisions taken and also to execute contracts and assurances of property on behalf of the Corporation may be specified in the regulation itself to make it self-contained. The Committee further desire that the minimum rank of the officer(s) who can be so authorised may also be specified.
2	8	The Committee are not satisfied with the reasons advanced by the Ministry of Civil Aviation for not specifying in the regulation the purposes for which the funds in the 'Lapsed Accounts' can be utilised. The Committee are of the view that the term 'utilised for such objects as may be decided by the Board of Trustees' needs to be defined precisely. The Committee desire that the Ministry should clearly state the purposes for which the funds in Lapsed Account can be utilised and incorporate the same in the Regulation itself for information and guidance of all concerned.
3	12	The Committee note that the Ministry of Civil Aviation have no objection in specifying the minimum rank of the officer, who should be made responsible for physical verification of stores, and incorporating this provision in the

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Rules. The Committee recommend that the Ministry should, after consulting Indian Airlines and Air India, specify the minimum rank of the officer who will be charged with the duty of verification of stores and incorporate the same in the relevant rules at an early date.

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The Committee feel that it should be the endeavour of the Corporation to remove the defects and irregularities pointed by Audit at the earliest and cases of difference of opinion between the Corporation and the Auditors should not be allowed to drag on indefinitely. It is precisely for this reason that the Committee consider it desirable that the term 'reasonable period' should be specifically spelt out in the rule itself. Just as a period of 90 days has been specified for reporting to the Government, the action taken by the Corporation on a defect or irregularity pointed out by Audit, a maximum period of say 120 days can be prescribed for reporting action in cases where there is difference of opinion. The Committee, therefore, desire that the Ministry should precisely define the term 'reasonable period' and incorporate the same in the rule itself to make it self-contained.

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The Committee do not agree with the views expressed by the Ministry in regard to the signatures on the bonds issued by the Corporation. The Committee are of the opinion that the Ministry should specify the minimum rank of the Officer(s) so authorised to sign the bonds and incorporate the same in the rule itself.

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The Committee consider the reply of the Ministry as satisfactory and as such do not desire to pursue the matter further.

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7 26 The Committee are satisfied with the position explained by the Ministry and do not wish to pursue it further.

8 30 The Committee note that on being pointed by them, the Ministry have agreed to issue an administrative Order stipulating that the notice be sent to the shipper either by Registered post or by hand and acknowledgement obtained. The Committee desire that the requisite administrative order may be issued at an early date and the same may also be suitably incorporated in the regulation itself.

9 34 The Committee recommend that the competent authority which can certify the perishable nature of goods may be clearly defined and included in the regulation itself so that there is no scope for any ambiguity.

10 39 The Committee are happy to note that the regulations as a whole are being reviewed with a view to update them. The Committee desire that the Ministry should take early action in the matter in order to make the regulations specific and self-contained.

In regard to categories of persons to whom concessions in passages are granted, the Committee are satisfied with the explanation given by the Ministry that any indication to this effect in the regulations is likely to affect commercial autonomy of the Corporation. The Committee, therefore, do not want to pursue the matter further.

11 43 The Committee note from the reply of the Ministry that full-fare open dated tickets are valid for one year from the date of issuance and the refund on such documents is possible even after 3 months. The Ministry have agreed to suitably amend Regulation 8 to bring it in

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conformity with IATA Regulations. The Committee desire that early action should be taken in this direction.

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The Committee have been informed that a refund is available even if the passenger holding a confirmed ticket for international travel does not report. The Committee are glad that the Ministry have agreed to suitably amend Regulation 11 to bring it in line with extent accepted practice. The Committee would like the Ministry to initiate early action in the matter.

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The Committee note that on being pointed out by them, the Ministry have agreed to amend the regulation with a view to indicate the date of commencement of these regulations in the short title to these Regulations. The Committee desire that the Ministry should initiate early action in the matter.

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The Committee are not happy with the evasive reply given by the Ministry of Civil Aviation in regard to application of the regulations to the part-time and substitute employees. The Committee desire that the powers vested in the Managing Director for restricting the application of the regulations to certain categories of employees by issue of general or special order may be exercised only after the reasons for doing so are recorded by him in writing in each case. The regulations may accordingly be amended under intimation to the Committee.

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The Committee are satisfied with the explanation of the Ministry that all the amendments to the regulations are given effect from the date of notification in the Official Gazette. The Committee have, therefore, decided not to pursue the matter further.

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The Committee are happy to note that on being pointed out by them, the Ministry have

agreed to review and amend the provisions of the regulation with a view to ensure that the discretionary powers vested in the Managing Director are not exercised in an arbitrary manner. The Committee would like the Ministry to take early action in the matter.

17 67 The Committee are not satisfied with the reply of the Ministry and desire that the practice envisaged in sub-regulation (iii) in regard to treatment of period of absence of an employee from work should be suitably incorporated in the Establishment Orders, if not already done.

18 71 The Committee, after considering the reply furnished by the Ministry are of the view that the Ministry should prescribe monetary ceiling in respect of payment of overtime to employees for working beyond prescribed weekly hours after ascertaining the practice followed in this regard by Indian Airlines, Railways and other public undertakings.

19 75 The Committee, after considering the reply furnished by the Ministry, are of the view that the Ministry should prescribe monetary ceiling in respect of payment of compensation to employees working on holidays after ascertaining the practice followed in this regard in Indian Airlines, Railways and other public undertakings.

20 79 The Committee have been informed that it has been laid down by the Ministry that an employee should apply for privilege leave three months before the date of retirement or resignation to get full benefits in case the leave is refused. The Committee desire that this stipulation should be incorporated in the Regulation itself for the information of all concerned.

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The Committee are happy to note that on being pointed out by them, the Ministry are considering an amendment to the regulation which would entitle an employee to accumulate sick leave upto 120 days with full pay. The Committee, however, desire that the Ministry should also clearly define the term 'in special cases of serious and prolonged illness' so that it may not be interpreted differently by different persons.

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The Committee desire that the quantum of compensation payable to the employees in the event of death or disablement caused to an employee by an accident while on duty or for the loss or damage to the personal belongings while on duty may be prescribed after ascertaining the principles followed in this regard by other public undertakings such as Indian Airlines and Railways etc. The Committee would like to be apprised of the action taken in the matter at an early date.

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91

The Committee desire that the term "part-time employees" occurring in the regulation may be clearly defined in the regulation itself. The Committee also desire that the Ministry should frame suitable guidelines for the exercise of the discretionary powers vested in the Managing Director under regulation 2(ii).

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The Committee are not satisfied with the reply furnished by the Ministry. They are of the view that inspite of the clarification given by the Ministry that inclusion of 'such other relatives' in the family of employee is not automatic but subject to production of a sworn affidavit, it is desirable that the categories of relatives who can be included in the 'family' under the discretionary powers of the Chief Executive should be clearly specified in the regulation itself.

1	2	3
		Such a classification in the regulations would be more in consonance with the accepted language used in subordinate legislation.
25	99	The Committee desire that the Ministry should specify the categories of staff eligible to travel in higher classes, under the discretionary powers of the Managing Director, in the regulation itself if not already done.
26	101	The Committee consider the reply of the Ministry as satisfactory and as such do not like to pursue the matter further.

MINUTES

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MINUTES OF THE FIFTIETH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1986-87)

The Committee met on Tuesday, 19 May, 1987 from 15.00 to 15.45 hours.

PRESENT

Shri Vakkom Purushothaman—*Chairman*

MEMBERS

2. Shri Anil Basu
3. Shri Abdul Rashid Kabuli
4. Shri Dharam Pal Singh Malik
5. Shri Shantaram Naik
6. Shri Mohanbhai Patel
7. Shri Mullappally Ramachandran
8. Shri K. S. Rao

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

2. The Committee considered Memoranda Nos. 74 to 78 as under:

- (i) *Air India International Corporation (Authentication of Orders and Instruments) Regulations, 1953—(Memorandum No. 74)*

3. The Committee considered the reply furnished by the Ministry of Civil Aviation and decided to recommend to the Ministry to specify the various categories of Officers who might be authorised by the Chairman to authenticate the orders and decisions taken and also for execution of contracts and assurances of property on behalf of the Corporation in order to make the regulation self-contained.

(A)

(ii) *Air India International (Disposal of Unclaimed Goods) Regulations, 1955* (Memorandum No. 75)

4. The Committee noted that on being pointed out by them the Ministry had agreed to issue administrative order that notice might be sent to the Shipper either by Registered Post or by hand and acknowledgement obtained. The Committee desired that the Ministry should include such an administrative order as and when issued, in the Regulation itself.

(B)

5. The Committee were of the view that the competent authority to certify the perishable nature of goods should be defined suitably and included in the regulation itself.

(iii) *Air India Employees' Passage Regulations (Amended upto April, 1980)* (Memorandum No. 76)

(A)

6. The Committee noted that the Ministry had since clarified the term "part-time employees" in the Corporation. The Committee desired that the Ministry should frame suitable guidelines in this regard for proper adoption of the said regulation.

(B)

7. The Committee were not satisfied with the reply furnished by the Ministry. They were of the view that inspite of the clarification of the Ministry that inclusion of 'such other relatives' in the family of employee was not automatic but subject to production of sworn affidavit, it was likely that the Chief Executive by virtue of his vested power may arrive at a decision not in conformity with the definition of a "family". The Committee, therefore, desired the Ministry to define the vested power of the Chief Executive in the regulation itself to avoid any confusion in defining the term "family".

(c)

8. The Committee considered the reply furnished by the Ministry and recommended the Ministry to specify the categories of staff eligible to travel in higher classes under the discretionary powers of the Managing Director in the regulation itself if not already done.

(iv) *Air India International Corporation (Grant of Refund and Concessional Transportation) Regulations, 1956* (Memorandum No. 77)

9. The Committee noted that the Ministry had agreed to review the regulations as a whole with a view to make them upto date.

The Committee desired that the Ministry should take early action in the matter in order to make the regulations specific and self-contained. The Committee accepted the reply of the Ministry regarding the types of cases and categories of persons to whom concessions are to be granted (1) free of cost (2) at reduced, rebated or concessional rates and decided not to pursue the matter further.

(v) *Air India International (Conditions of Carriage of Passengers and Goods) Regulations, 1959 (Memorandum No. 78)* ,

(A)

10. The Committee noted that the Ministry had not ruled out the possibility of refund of amount on an open dated ticket after 3 months, and had agreed to amend the regulation in question. The Committee desired the Ministry to initiate early action in the matter to the desired effect.

(B)

11. The Committee were satisfied to note that the Ministry had agreed to amend the regulation suitably. The Committee, however, desired that the Ministry should take early action to bring the amended version in order and include the same in the regulation itself.

The Committee then adjourned.

MINUTES OF THE FIFTY-FIRST SITTING OF THE COMMITTEE
ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA)
(1986-87)

The Committee met on Thursday, 28 May, 1987 from 15.00 to 15.40 hours.

PRESENT

Shri Vakkom Purushothaman—*Chairman*

MEMBERS

2. Shri Dharam Pal Singh Malik
3. Shri Shantaram Naik
4. Shri Mohanbhai Patel
5. Shri Mullappally Ramachandran
6. Shri K. S. Rao
7. Shri Bholanath Sen

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri R. S. Mani—*Senior Legislative Committee Officer.*
2. The Committee considered Memoranda Nos. 79 to 82 as under:—
- (i) *Air India Employees' Provident Fund Regulations, 1954, (Memorandum No. 79).*

3. After perusing the reply furnished by the Ministry, the Committee observed that the term 'utilised for such objects as may be decided by the Board of Trustees' appearing in Regulation 20(3) was vague and required to be defined precisely. The Committee decided that the Ministry should clearly state the purposes for which the funds in the Lapsed Account could be utilised and incorporate the same in the Regulation itself for the information of all concerned.

(ii) *Air India Employees' Service Regulations, 1963 (as amended upto 28 February, 1982) (Memorandum No. 80)*

4. On being pointed out, the Ministry had agreed to bring an amendment indicating the date of commencement in the short title of the Regulations. The Committee, however, desired the Ministry to take early action in the matter in order to make the regulations self-contained.

(iii) *Air India Employees' Service Regulations, 1963 (as amended upto 28 February, 1982) (Memorandum No. 81).*

5. The Committee were not satisfied with the reply furnished by the Ministry and decided to recommend to the Ministry that before the issue of general or special order restricting the application of regulations in respect of part-time or substitute employees under powers vested in the Managing Director, the reasons for doing so be recorded by him in writing in each case.

(iv) *Air India Employees' Service Regulations, 1963 (as amended upto 28 February, 1982). (Memorandum No. 82)*

6. The Committee accepted the reply of the Ministry of Civil Aviation in view of the position explained by them that normally all amendments had been given effect from the date of notification in the official Gazette. Hence the Committee decided not to pursue the matter further.

The Committee then adjourned.

LIII

MINUTES OF THE FIFTY-THIRD SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1987-88)

The Committee met on Tuesday, 14 July, 1987 from 11.00 to 11.45 hours.

PRESENT

Shri Shyam Lal Yadav—*Chairman*

MEMBERS

2. Shri K. J. Abbassi
3. Shri G. S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Satyendra Chandra Guria
6. Shri A Jayamohan
7. Shri R. S. Khirhar
8. Shri P. Kolandaivelu
9. Shri Prakash V. Patil
10. Shri Mullappally Ramachandran
11. Shri M. Raghuma Reddy
12. Shri Kalicharan Sakargayen
13. Shri Syed Shahabuddin
14. Shri Natvarsinh Solanki

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri S. P. Gland—*Senior Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 83 to 86 as under:—

- (i) *Air India Employees' Service Regulations (as amended upto 28 February, 1982) (Regulation 8) (Memorandum No. 83)*

3. On being pointed out, the Ministry had agreed to review and amend suitably the regulation in question. The Committee, however,

desired the Ministry to finalise action in the matter as early as possible to the desired effect.

(ii) *Air India Employees' Service Regulations (as amended upto 28 February, 1982) [Regulation 11 (iii)]—(Memorandum No. 84).*

4. The Committee considered the reply furnished by the Ministry and decided that practice followed in this regard should be incorporated in the Establishment Orders if not already done.

(iii) *Air India Employees' Service Regulations (as amended upto 28 February, 1982) [Regulation 11 (iv)]—(Memorandum No. 85).*

5. After perusing the reply furnished by the Ministry, the Committee directed that details of amount paid to employees (category-wise) as overtime for working beyond prescribed weekly hours of work during the last three years might be obtained from the Ministry. The Committee also desired to know as to how many times the rates of overtime allowance were revised during the above period and whether any monetary ceiling could be prescribed. The practice followed in this regard by Indian Airlines, Railways and other Public Undertakings might also be ascertained.

(iv) *Air India Employees' Service Regulations (as amended upto 28 February, 1982) [Regulation 12 (i)]—(Memorandum No. 86).*

6. After considering the reply furnished by the Ministry, the Committee directed that the Ministry might be asked to furnish the details of the amount paid to employees as compensation for working on holidays during the last three years. The Committee also desired to know as to whether any monetary ceiling could be prescribed. The practice followed by Indian Airlines, Railways and other Public Undertakings in this regard might also be ascertained.

The Committee then adjourned to meet again on 15 July, 1987.

LIV

MINUTES OF THE FIFTY-FOURTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1987-88)

The Committee met on Wednesday, 15 July, 1987 from 11.00 to 11.30 hours.

PRESENT

Shri Shyam Lal Yadav—*Chairman*

MEMBERS

2. Shri K. J. Abbasi
3. Shri G. S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Satyendra Chandra Guria
6. Shri P. Kolandaivelu
7. Shri Prakash V. Patil
8. Shri Mullappally Ramachandran
9. Shri M. Raghuma Reddy
10. Shri Kalicharan Sakargayen
11. Shri Syed Shahabuddin

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri S. P. Gaiind—*Senior Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 87 to 90 as under:

- (i) *Air India Employees' Service Regulations (As amended upto 28 February, 1982) [Regulation 21 (vii) (a)]—(Memorandum No. 87)*

3. On being pointed out, the Ministry had stated that three months time limit had been laid down to enable the employees to apply

for the requisite leave to their credit. The Committee decided to recommend to the Ministry to bring it in the Regulation itself in order to make the Regulation self-contained.

(ii) *Air India Employees' Service Regulations (As amended upto 28 February, 1982) [Regulation 24(ii)]—(Memorandum No. 88)*

4. On being pointed out, the Ministry had stated that an amendment of the Regulation which would entitle an employee to accumulate sick leave upto 120 days with full pay was already under process. The Committee, however, desired the Ministry to define clearly the term 'in special cases of serious and prolonged illness' while bringing an amendment to the Regulation aforesaid.

(iii) *Air India Employees' Service Regulations (As amended upto 28 February, 1982) [Regulation 31]—(Memorandum No. 89)*

5. After considering the reply furnished by the Ministry, the Committee decided that information regarding the actual compensation paid to the employees in the event of death or disablement, loss or damage to personal belongings while on duty during each of the last three years and how it compared with the emoluments of the employees might be obtained from the Ministry. The principles followed in this regard by other public undertakings like Indian Airlines and Railways might also be ascertained.

(iv) *Regulations framed under the Air Corporation Act, 1953 (Memorandum No. 90)*

6. In view of the position explained by the Ministry of Civil Aviation, the Committee decided not to pursue the matter further.

The Committee then adjourned.

LVII

MINUTES OF THE FIFTY-SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1987-88)

The Committee sat on Monday, 12 October, 1987 from 11.00 to 11.30 hours.

PRESENT

Shri Shyam Lal Yadav—*Chairman*

MEMBERS

2. Shri K. J. Abbasi
3. Shri G. S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Satyendra Chandra Guria
6. Shri A. Jayamohan
7. Shri R. S. Khirhar
8. Shri P. Kolandaivelu
9. Shri M. Raghuma Reddy
10. Shri Kalicharan Sakargayen
11. Shri Natavarsinh Solanki

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 101 to 105 as under:—

- (i) *Air Corporation Rules, 1954 (as corrected upto December, 1984)*
(Rule No. 8)—(Memorandum No. 101)

3. After considering the reply furnished by the Ministry, the Committee noted that the Ministry had no objection to specifying the minimum rank of the Officer who should be made responsible

for physical verification of stores and incorporate it in the rules. The Committee decided to recommend to the Ministry that they should, after consulting Indian Airlines and Air India specify the rank of the Officer who would be charged with the duty of verification of stores and incorporate the same in the rules itself as early as possible in order to make the rules self-contained.

(ii) *Air Corporation Rules, 1954 (as corrected upto December, 1984)*—(Memorandum No. 102)

4. After considering the reply furnished by the Ministry in regard to the unresolved difference of opinion between the Corporation and the Auditors, the Committee were of the view that there was no reason to believe that the defects or irregularities pointed out by the Auditors would not be based on proper investigations and evaluation. What was needed was speedy action on the part of the Corporation to remedy them. The expression 'reasonable period' could be interpreted differently by different persons. The Committee, therefore, desired the Ministry to precisely define the term 'reasonable period' and incorporate the same in the rule itself in order to make the rule self-contained.

(iii) *Air Corporation Rules, 1954 [Rule 18(5) (a)] (as corrected upto December, 1984)*—(Memorandum No. 103).

5. The Committee were not satisfied with the reply furnished by the Ministry in regard to the signatures on the bonds issued by the Corporation. The Committee were of the view that the Ministry should specify the minimum rank of the Officer(s) so authorised to sign the bonds and incorporate the same in the rule itself.

(iv) *Air Corporation Rules, 1954 [Rule 43(2)] (as corrected upto December, 1984)*—(Memorandum No. 104).

6. The Committee were satisfied with the reply furnished by the Ministry and decided not to pursue the matter further.

(v) *Rules framed under the Air Corporation Act, 1953 (General) (As corrected upto December, 1984)*—(Memorandum No. 105).

7. In view of the position explained by the Ministry, the Committee decided not to pursue the matter further.

8. The Committee then decided that Rules framed under the Essential Commodities Act, 1955 and the Prevention of Food Adulteration Act, 1954 might be taken up for examination. The

Committee also decided that rules etc. framed under the Terrorist and Disruptive Activities (Prevention) Act, 1987 as also rules framed under Acts which concerned larger section of population like farmers etc. might be examined.

9. The Committee decided that the tour programme from 3rd to 9th November, 1987 already circulated may be postponed and the tour might be undertaken during the next inter-session period in view of the fact that the Ninth Session of Eighth Lok Sabha was expected to commence in the first week of November, 1987.

The Committee then adjourned.

LX

MINUTES OF THE SIXTIETH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1987-88)

The Committee sat on Thursday, 26 November, 1987 from 16.00 to 16.30 hours.

PRESENT

Shri Shyam Lal Yadav—*Chairman*

MEMBERS

2. Shri K. J. Abbasi
3. Shri G. S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Satyendra Chandra Guria
6. Shri Kalicharan Sakargayan

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri O. P. Chopra—*Senior Legislative Committee Officer.*

2. The Committee considered the draft *** and Seventeenth Reports and adopted them.

* * * *

4. The Committee further authorised the Chairman and, in his absence, Shri M. Raghuma Reddy, M.P. to present the Seventeenth Report to the House on 9 December, 1987. The Chairman directed that the draft Seventeenth Report as adopted by the Committee be circulated to the members.

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The Committee then adjourned.

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