

COMMITTEE ON SUBORDINATE LEGISLATION

(EIGHTH LOK SABHA)

TWENTY-FIFTH REPORT

[Action taken by Government on the Recommendations/
Observations of the Committee]

(Presented on 11 August, 1989)



LOK SABHA SECRETARIAT
NEW DELHI

August, 1989/Sravana, 1911 (Saka)

Price : Rs. 14.00

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION

(1989-90)

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15. Shri Natavarsinh Solanki

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary*
2. Shri G. S. Bhasin—*Deputy Secretary*
3. Shri Swarn Singh—*Officer on Special Duty*

*Resigned from Lok Sabha w.e.f. 24-7-89.

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 Twenty-fifth Report to the House.

2. Under Direction 108(1) by the Speaker, the Ministries are required to intimate the Committee the action taken or proposed to be taken by them on the recommendations made by the Committee in their Reports and the same is reported by the Committee to the House through their Reports. This Report relates to the implementation of the recommendations of the Committee made in their Fourteenth to Fifteenth, Eighteenth, Nineteenth, Twenty-first, Twenty-second, Twenty-sixth to Twenty-seventh Reports (Seventh Lok Sabha) and First, Fourth to Sixth, Eleventh, Twelfth, Fourteenth, Fifteenth and Eighteenth to Twentieth Reports (Eighth Lok Sabha).

3. The Committee considered and adopted this Report at their sitting held on 7 July, 1989.

ZAINUL BASHER

Chairman,

Committee on Subordinate Legislation.

NEW DELHI;

August, 1989.

REPORT

The Committee note with satisfaction that the Ministries have generally accepted and taken appropriate action on their recommendations as would be seen from the statement appended to this Report.

2. However, during scrutiny of the implementation of their recommendations, the Committee have found that in a large number of cases action had not been taken within the prescribed time-limit. The Committee desire that as far as possible implementation reports should be furnished within three months of the presentation of the original Report.

APPENDIX

Statement showing the Action taken by Government on the recommendations made by, and assurance given, to the Committee on Subordinate Legislation

Sl. No.	Reference to paragraphs Nos. of Report	Summary of Recommendations/Observations	Gist of Government's reply
(1)	(2)	(3)	(4)

**(1) FOURTEENTH REPORT
(SEVENTH LOK SABHA)**

32 to 36

4-11-1982

32. The Committee are distressed to observe that the Ministry of Railways (Railway Board) had failed to take seriously the recommendations of the Committee contained in paragraphs 16-19 of their Fourteenth Report (Fifth Lok Sabha), presented on 20 December, 1974. The Committee had desired that, till a separate set of Rules incorporating therein the Regulations framed under rule 32 was issued, or in the alternative the Railway Protection Force Act was amended to have an express authority from Parliament to make the Regulations, the Ministry of Railways should take immediate steps to publish the Regulations in the Gazette and lay them before Parliament. Instead of implementing that recommendation, the

The Ministry of Railways (Railway Board) have notified the revised Railway Protection Force Rules, 1987 vide G.S.R. 951-E dated 3-12-1987 as recommended by the Committee.

[Vide Ministry O.M. No. 88/Sec (Spf)/
6/2 dated 4-7-1988]

Ministry decided to convert the Railway Protection Force Regulations into Rules and the alternative recommendations of the Committee for publication of the Regulations in the Gazette and laying them before Parliament, has been lost sight of.

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33. The Committee note with concern that the Ministry of Railways (Railway Board) have taken a period of 4 years to decide their course of action, *i.e.* to convert the Railway Protection Force Regulations, which were unauthorisedly framed into the Rules. The most distressing part is that even after deciding in January, 1978 to convert these Regulations into Rules, the Ministry are yet to complete this work. The Committee cannot help expressing their deep concern over the casual manner in which the Ministry of Railways (Railway Board) have proceeded in implementing their recommendations which affect thousands of employees of a Force.

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34. While the Committee agree with the contention of the Ministry that the conversion of about 3000 Regulations into Rules is a major effort but they feel that a period of 8 years for this job is equally too long. The Committee note that after deciding in 1978 to convert these Regulations into Rules, the Ministry took a period of more than 3 years to decide to appoint suitable officers for this work. They first decided to appoint an Officer on Special Duty but due to financial

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constraints it could not be done and thereafter they entrusted this job to a number of officers in addition to their normal work. The Committee observe that the Ministry have not shown the urgency, the matter deserved and the matter which should have been dealt at sufficient higher level in the Ministry has not been attended to at that level.

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35. The Committee further note that the Ministry have conceded during evidence that the work of conversion of Regulations into Rules would be completed by November, 1982. The Committee stress that all efforts should be made by the Ministry to notify the newly framed Railway Protection Force Rules in the Gazette of India within a period of 6 months, *i.e.* by the end of May, 1983.

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36. The Committee also expect the Ministry of Railways (Railway Board) to be prompt in sending replies to the communications sent on behalf of a Parliamentary Committee. In case any matter/recommendation referred by the Committee is likely to take more time, the Committee should be contemporaneously informed about the progress of the case by the Ministry *suo moto* without waiting for a reminder from the Committee in this regard.

(6) FIFTEENTH REPORT
(SEVENTH LOK SABHA)

36

25-2-1983

36. The Committee note with satisfaction that on being pointed out by them, the Ministry of Health and Family Welfare (Department of Health) have amended the Safdarjang Hospital, Medical Record Technicians (Training) Recruitment Rules, 1978, vide G.S.R. 495 of 1981, in order to lay down the exact period of deputation while making recruitment by way of deputation. The Committee further note that the Ministry of Shipping and Transport (Transport Wing) have also issued similar amendment in the case of Shipping Development Fund Committee (Joint Secretary Recruitment Rules, 1978, vide G.S.R. 587 of 1981. The Committee desire the Ministry of Finance (Department of Revenue) to issue the requisite amendment in the case of the Directorate of Inspection (Research, Statistics and Publication) Class III and Class IV posts (Recruitment) Amendment Rules, 1979.

The Ministry of Finance (Department of Revenue) have amended the Directorate of Inspection (Research, Statistics and Publication) Group 'C' and Group 'D' posts (Recruitment) Rules, 1975 by indicating therein the exact period of deputation vide G.S.R. 1060 dated 13-12-1986.

[Ministry's O.M. No. A-12018/2/85-Ad. VII (Pt. I) dated 7-6-1988].

(7) EIGHTEENTH REPORT
(SEVENTH LOK SABHA)

85

9-5-1983

85. The Committee note that it is now more than two years ago since the Committee had made recommendations in paragraphs 35 to 39 of their Fourth Report (Seventh Lok Sabha) presented to the House on 10 December, 1980. The Committee further note that while the Ministry vide their O.M. dated 19 May, 1981 had intimated that they had noted the recommendations/views of the Committee contained in these paragraphs, the Ministry had not stated anything about Action has been taken by Government with the enactment of the Genl. Insurance Business (Nationalisation) Amendment Act, 1985 (Act No. 3, 1985) which contains provisions for valid Rules already made and giving retrospective effect. The Act also empowers the Central Government to amend any Scheme retrospectively.

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the specific recommendation made by them in paragraph 36 thereof. It was only when the matter was taken up with the Secretary of the Ministry that the Ministry *inter alia* stated that the Employees of the General Insurance Industry had challenged the powers of the Central Government to amend the Schemes in various High Courts and the Supreme Court. It was further stated that, after the judgement of the Court was available, if necessary, a comprehensive amendment would be made to the Act viz. the General Insurance Business (Nationalisation) Act, 1972. The Committee, however, observe that the appeal of the Employees lying in the Supreme Court has nothing to do with the recommendation of the Committee. The Committee, therefore desire that the Ministry of Finance should ensure introduction of an amendment Bill in Parliament for incorporating a provision in the said Act for validating the Rules already made and given retrospective effect. In the Committee's view such an amendment to the act will not be affected by the fact that the Amendment Order issued in 1980 is *sub judice*.

[Ministry of Finance (Department of Economic Affairs—Insurance Division) D.O. No. 102/(2)/Ins. IV/87 dated the 29th June, 1987.]

(8) NINETEENTH REPORT
(SEVENTH LOK SABHA)

53. The Committee note with concern that even after four years, their recommendation

In compliance with the recommendations made by the Committee, a Bill

remains to be implemented. The Committee fail to understand as to how the payments of TA/DA to the witnesses/assessors have been made since 11-5-1978 without the authority of law.

No. 102 of 1988 has been introduced in the Lok Sabha to amend the Commissions of Inquiry Act, 1952 and passed by Lok Sabha on 24-11-1988.

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54. The Committee, therefore, desire the Ministry to expedite the amendment of the Commissions of Inquiry Act, 1952 at an early date so that the payments being made by them in this regard should have the sanction of law.

(D.O. No. 3/1/88-Judl. dated 22-11-1988 from Ministry of Home Affairs).

(10) NINETEENTH REPORT (SEVENTH LOK SABHA)

106 and 107

10-5-1983

106. The Committee note that the Ministry of Home Affairs have reprinted the English version of the General Provident Fund Rules amended upto 30-11-1978 and the Hindi version thereof as amended upto 31-3-1980. The Committee further note that the Ministry propose to bring out a diglot edition of the Rules. The Committee desire that the proposed edition should be brought out without any further delay.

(i) The Ministry of Home Affairs have circulated the observations of the Committee to all Ministries/Departments for compliance *vide* O.M. No. H. 11013/22/83-Parl. dated 4 July, 1983.

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107. The Committee regret to note that the Ministry of Home Affairs have failed to bring the recommendations of the Committee, contained in paragraphs 59 and 60 of their report, to the notice of all Ministries/Departments for compliance. The Committee desire that these recommendations should immediately be circulated to all Ministries/Departments for their information and necessary action.

(ii) The Ministry of Personnel, Public Grievances and pensions have got printed the diglot edition of General Provident Fund (Central Services) Rules, 1960 (corrected upto 29-2-1988) *Vide* D.O. No. 20 (9)-P & PW/88-E dated 21 February, 1989.

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(12) TWENTY-FIRST REPORT
(SEVENTH LOK SABHA)

24 and 31

9-12-1983

24. The opinion tendered by the Department of Legal Affairs of the Ministry that instead of safeguarding the interest of the person affected the specification of minimum time might work as a serious handicap to him in some cases, is not clear and understandable to the Committee, as the intention of the Committee is to provide for a minimum time limit to the person (accused) to submit his statement of defence. It is always open to the Ministry to grant extension of time for this purpose. The Committee, therefore, desire that the Ministry should provide for a minimum time limit, say about 30 days in rule 8F of the Rules *ibid* for filing a written statement of defence by the accused and that there should also be a provision in the rule for extension of time at the request of the accused if the circumstances of the case so warranted.

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31. From the explanation of the Ministry it appears to the Committee that the Ministry have defended the rule making power of the Government under section 46 of the Wealth-tax Act from which rule 8L has been derived. The Committee, however feel that vesting the power of the court in the Board/Inquiry Officer being a substantive power, it should

The Ministry of Finance have amended sub-rule (2) of Rule 8F of the wealth Tax Rules, 1957 and the amendment notified in the Gazette under S.O. 958 (E) dated 26 August, 1985.

The Ministry of Finance have carried out the amendment to Section 34 AD through the Finance Bill, 1988.

flow from the enabling Act, viz. the Wealth-tax Act and therefore desire the Ministry to amend the said Act to the desired effect at an early date.

(14) TWENTY-FIRST REPORT
(SEVENTH LOK SABHA)

91

9-12-1983

91. The Committee do not agree with the Reply of the Ministry of Communications (P&T Board) that it is difficult for them to indicate the number of posts in the schedule to the Posts and Telegraphs Supervisors (Technical) Recruitment Rules, 1978 as the number of posts is subject to frequent variation. The Committee observe that the number of posts is an integral basis for determining the recruitment to any category of posts. The Committee further observe that in the absence of any indication of the number of posts, it is difficult to take care of reservations for candidates belonging to the special categories of persons. The Committee therefore feel that it is necessary to indicate the number of posts in the Schedule itself. However, in order to overcome the difficulty, if any, in indicating the exact number of posts in the Schedule, the Committee suggest that an asterisk mark could be given on the number of posts with a foot-note that these figures are subject to changes made from time to time.

The Ministry of Communications have since implemented the recommendations of the Committee by amending the Posts and Telegraphs Supervisors (Technical) Recruitment Rules, 1978 and published in the Gazette of India vide G.S.R. No. 927 dated 25 October, 1986.

[Ministry of Communications O.M. No. 55-3/83-NCG dated 1-6-1987].

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(15) TWENTY-SECOND REPORT
(SEVENTH LOK SABHA)

18 and 24

13-12-1983

18. The Committee do not agree with the contention of the Ministry of Finance (Department of Expenditure) that incorporation of the details of terms and conditions pertaining to the Departmental Confirmatory Examination for the Junior Accountants will burden the Recruitment Rules in question. The Committee desire that the Ministry should incorporate the same in the Recruitment Rules for Group C employees of the Central Civil Accounts Service to make them self-contained. However, in case the Ministry feel that the rules will become bulky, the Committee would like the details to be appended as an annexure to the Rules.

The Ministry of Finance (Department of Expenditure) have since implemented the recommendations of the Committee by amending the CCAS (Group 'C') Recruitment Rules, 1978, the amended rule was published in the Gazette of India *vide* G.S.R. No. 386 dated 31 May, 1986.

[Ministry of Finance (Department of Expenditure) O.M. No. 11020/1/87 Recruitment Rules/MF CCA(A) 1639 dated 9-10-87].

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24. The Committee do not agree with the views of the Ministry of Finance (Department of Expenditure) that since the instructions regarding extension or curtailment of the period of probation which are of general application in the Government of India including the departmentalised Accounts offices are contained in para 4 of Chapter III (Section IV—Probation) of the handbook of Personnel Officers, it is not necessary to have a specific provision in the Central Civil Account Service (Group C) Recruitment Rules in this regard. The Committee desire

that the Ministry should amend Rule 7(3) of the Recruitment Rules *ibid* so as to provide therein recording of reasons writing by the concerned authority before granting an extension or curtailing the period of probation or trial, as the case may be.

(17) TWENTY-SECOND REPORT
(SEVENTH LOK SABHA)

36 and 37

13-12-1983

The Shipping Development fund Committee has since been abolished by Government with the enactment of Shipping Development Fund Committee (Abolition) Act, 1986 (No. 66 of 1986) and as such Shipping Development Fund Committee (Staff Car Driver and Group 'D' Posts) Recruitment Rules, 1978 were no longer in force w.e.f. 3 April, 1987.

[Ministry of Surface Transport O.M. No. SW/MSD-4/84 dated 8 May, 1987].

37. In this connection, the Committee while drawing attention of the Ministry to their earlier recommendation on the subject, made in paragraph 12 of their Sixteenth Report (Seventh Lok Sabha) presented to the House on 3 March, 1983 desire them to omit the words 'or posts' occurring in Rule 6 of the Shipping Development Fund Committee (Staff Car Driver and Group 'D' Posts) Recruitment Rules, 1978 in compliance with the said recommendation.

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**(19) TWENTY-SECOND REPORT
(SEVENTH LOK SABHA)**

71 and 72

13-12-1983

The Committee do not agree with the contention of the Law Member of the Shipping Development Fund Committee who is also Solicitor in the Government of India that the existing provision of Rule 8 of the Shipping Development Fund (Loans and other Financial Assistance) Rules, 1981 may be permitted to continue.

The Shipping Development Fund Committee has since been abolished by Government with the enactment of Shipping Development Fund Committee (Abolition) Act, 1986 (No. 66 of 1986) and as such Shipping Development Fund (Loans and other Financial Assistance) Rules, 1981 were no longer in force w.e.f. 3 April, 1987.

[Ministry of Surface Transport O.M. No SW/M-D-4/84-MD dated 7 May, 1987].

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72. The Committee are of the view that the Ministry of Shipping and Transport (Transport Wing) should specify the terms and conditions for grant of loan or other financial assistance in the rule itself so as to make it self-contained and for the information of all concerned.

**(21) TWENTY-SIXTH REPORT
(SEVENTH LOK SABHA)**

25, 28 and 29

3-8-1984

(i) Rule 10 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 has since been amended to the desired effect vide G.S.R. 316-E of 1986.

25. The Committee note that the provisions in sub-section (3) of section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 lay down that the security shall be reasonable and the rules shall provide for the norms with reference to which such security is to be determined, on the basis of the number of workmen employed, the wages payable, the facilities afforded and other

relevant factors. It flows therefrom that rules are to take care of various factors enumerated in the enabling Act. In this connection, the Committee need hardly stress that while framing the rules, Government should visualise all possible situations to make such rules to serve the desired purpose rather than rendering them mere skeletal. The Committee feel that with the experience gained over the years it should be possible for the Government to make precise and specific provisions in the rules to carry out the purposes of the Act. In case, it becomes unavoidable to vest any discretionary powers in the Licensing Officer, suitable guidelines should necessarily be issued to obviate any arbitrary use of the given powers. The Committee therefore, recommend that the Ministry of Labour should take early steps to amend Rule 10 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 so as to meet the requirements of section 8 (3) of the enabling Act.

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28. The Committee note from the reply of the Ministry of Labour that the expression 'whose decision shall be final' used in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 is intended to accord the status of finality to the decisions of the Deputy Chief Labour Commissioner (Central)

(ii) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 have accordingly been amended to the necessary effect *vide* G.S.R. 316-E of 1986; and

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in certain matters with a view to avoiding scope for prolonged litigation through appeals etc. The aggrieved party may, however, resort to the procedure of writs to mitigate their grievances.

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29. The Committee feel that there has obviously been an attempt on the part of the rule making authority to bar the jurisdiction of the courts of law in some respects though not intended by the enabling Act. In this connection, the Committee will like to refer to a known presumption of the delegated legislation that Parliament did not intend to oust the jurisdiction of the courts of law. The Committee stress that no subordinate legislation should directly or indirectly oust the jurisdiction of the courts of law in any manner. In paragraph 18 of their Fourth Report (Third Lok Sabha), presented to the House on 4 May, 1965, the Committee have gone even a little further to say that 'the rules should not be worded in a manner which may give an impression on the mind of the persons concerned that the jurisdiction of courts of law is being ousted'. The Committee, therefore, recommend that the

(iii) The Contract Labour (Regulation and Abolition) Rules, 1971 have accordingly been amended to the necessary effect *vide* G. S. R. 871-E of 1985.

Ministry may amend the respective provisions in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 as also the parallel provisions existing in the Contract Labour (Regulation and Abolition) Rules, 1971 on the pattern of interpretation clause of the Kandla Port Employees (Allotment of Residence) Regulations, 1964, which reads as follows:—

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

(24) TWENTY-SEVENTH

REPORT

(SEVENTH LOK SABHA)

32

24-8-1984

32. The Committee are not convinced with the arguments advanced by the Directorate General of Posts and Telegraphs that training period cannot be specified in the Recruitment Rules as it is decided after determining the administrative needs from time to time. The Committee are of the view that the selected candidates for whom the training is intended should know in advance the exact period for which they have to undergo the training. The Committee do not also agree with the views of the Directorate General of Posts and Telegraphs that the form of bond could be regulated through the executive instructions. In this connection, the Committee have time and again emphasised that execu-

The Ministry of Communications (Department of Telecommunications) have amended the Posts and Telegraphs Department (Wiremen) Recruitment Rules, 1982 *vide* G.S.R. 47 dated 17-1-1987.

(Ministry's O.M. No. 11-17/84-NCG dated 23-5-1988).

(1) (2) (3) (4)

tive instructions are not published in the Gazette of India and hence these escape the security of the Committee. The Committee, therefore, recommend that the Ministry of Communications (D.G.P. & T.) should amend the Posts and Telegraphs Department (Wiremen) Recruitment Rules, 1962, at an early date by providing therein the precise period of training and also append the form of bond which is required to be executed by direct recruits for serving the Posts and Telegraphs Department for a period of not less than 5 years.

(25) FIRST REPORT
(EIGHTH LOK SABHA)

37

14-8-1985

37. The Committee have given a careful thought to the reply of the Department of Personnel and Administrative Reforms. They are not convinced of the reasons given by the Department for not framing statutory rules. In place of executive instructions to regulate Leave Travel Concession applicable to Group 'A' Officers of the Central Civil Services. Time and again, the Committee have emphasised that executive instructions are no substitute for statutory rules. Flexibility has been urged as the main consideration for not placing the executive instructions on a statutory footing. The Committee do not see any force in this argument, for, as they

The Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training) have since published the Central Services (Leave Travel Concession) Rules, 1988 in Gazette of India *vide* S.O. No. 1525 dated 21 May, 1988.

[Deptt. of Personnel and Training
O.M. No. 31011/10/85 (Ests-A)
dated July 8, 1988].

observe even now every modification of the executive instructions has got to be circulated to all concerned. The only additional work involved will be notification of the modifications in the gazette. The Committee, therefore, reiterate their earlier recommendation and desire that executive instructions should be placed on a statutory footing without any further loss of time.

(26) **FOURTH REPORT
(EIGHTH LOK SABHA)**

16, 17 and 19

13-12-1985

The Ministry of Labour have stated that all the concerned officers of the Ministry have been issued instructions to strictly comply with the recommendations made by the Committee. The progress of Subordinate Legislation in the Ministry of Labour is being watched and monitored through monthly/quarterly progress reports and reviewed by the Secretary in the weekly meetings with the Senior Officers and monthly O.M. meetings.

[Vide Ministry O.M. No. S-12011/5/
81-DI (A/Coord.) dated 1-11-1988.]

16. While the Committee appreciate the pious intention of the Ministry, they, however, feel that this should not hamper or cause undue delay in processing the legislation. In this connection, the Committee would like to reiterate their earlier recommendations made in paragraph 68 of their Twenty-fourth Report (Seventh Lok Sabha), presented on 21 December, 1982 that where a large number of objections/suggestions are received, the time gap between the publication of the draft rules and their final notification should not be more than six months. Where the objections/suggestions are few, efforts should be made to reduce this period to the barest minimum without impairing the fruitfulness of such legislation.

17. The Committee regret to observe that the time limit for receiving objections and suggestions on the Amendment Rules published in the Gazette had no sanctity whatsoever with the Ministry of Labour and the matter

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was left dormant without any serious efforts to finalise them expeditiously. The Committee desire that in all such cases, apart from publication of the draft rules in the Gazette, the Ministry should also invariably send the draft rules to the concerned authorities, bodies etc. including the Unions, Workers' Organisations etc. by Registered Post and their comments called for by a target date. The Committee also recommend that in case the draft rules affect a large number of industrial workers or public at large, the Ministry concerned should insert advertisements in leading national and regional newspapers, inviting suggestions/comments thereon by a fixed date.

19. The Committee feel that no efforts had been made for a comprehensive examination of the Act and the Rules at the initial stage when amendments to the Act and Rules were considered. Even the legal implications of the amendments had been ignored or left to be identified later. The legal issues involved and legal interpretation of the amendments were thought of by the Department of Labour at a much belated stage. This whole exercise should have been made

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(29) **FOURTH REPORT**
(EIGHTH LOK SABHA)

65

18-12-1985

before the draft rules were published. The Committee have gathered an unmistakable impression that piecemeal thinking resulted in delay in final publication of the rules and this delay could have been avoided had the whole matter been considered in comprehensive manner at the initial stage.

65. As regards supply of Hindi translation of Rules by the Official Language Wing of the Ministry of Law, the Committee feel that there is a scope for further improvement in this regard. It has often been brought to the notice of the Committee that paucity of staff in the Commission had been the main factor for delay in furnishing Hindi translation of Rules etc. to the concerned Ministries. The Committee would like that the position in this regard is examined by the authorities concerned and staff commensurate with the work load is made available to the Official Language wing so that complaints of delays are avoided in future. The Committee would also like to impress upon the Ministries/Departments that after the Rules/Regulations/Bye-laws etc. are sent for Hindi translation, the matter should be pursued with the Official Language Wing vigorously.

(30) **FIFTH REPORT**
(EIGHTH LOK SABHA)

51. The Committee observe from the aforesaid reply from the Ministry of Finance (Deptt. of Economic Affairs) that a retrospective amendment to the various Execution

The observations made by the Committee have been noted very carefully for necessary action. The staff Inspection Unit of the Finance Ministry is likely to visit shortly to assess the present work load of certain sections of the Official Language Wing including Translation Section.

[Vide Ministry of Law and Justice
(Legislative Department) O.M. No.
H. 11013/1/88-O.L. dated 19-7-1988].

The Department of Economic Affairs have issued a notification No. GSR 921 dated 26-11-1988 by which certain notifications relating to exe-

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and Authentication Rules so as to delete the words 'Junior Accounts Officer' from such rules might lead to complications as some claims under the concerned projects might have already been signed by the Junior Accounts Officers and reimbursed by the World Bank. The Committee would, therefore, like to urge upon the Ministry to notify the requisite amendments to omit the words 'Junior Accounts Officer' from the various Authentication and Execution Rules forthwith, so as to take effect from the dates of such notifications in the Gazette in order that the infirmity, which has crept into the statutory rules is not allowed to prolong indefinitely. The Committee also desire that this case should act as an eye opener and proper lesson should be drawn by the Ministry concerned to ensure thorough and prudent scrutiny at the stage of framing such rules, especially where the matters involved financial and international implications.

cution and Authentication rules in respect of Loan Agreements of International Bank for reconstruction and Development (IBRD) and Development Credit Agreement of International Development Association (IDA) have been cancelled and thus withdrew powers assigned to the junior Accounts Officers. However, Accounts Officers and Senior Accounts Officers are authorised to sign or execute and authenticate documents under statutory rules published *vide* S.O. 428(E) dated 13-6-1983 by the Ministry of Home Affairs.

(O.M. No. F. 1/23/83-FB-II dated 20-1-1989).

(31) SIXTH REPORT
(EIGHTH LOK SABHA)
47 to 49
16-4-1986

47. The Committee after considering the whole matter in detail and hearing the views of the representatives of the concerned Ministries, note that the specific date and time limit fixed for filing the claims under the Acquisition and Transfer of Undertakings Rules,

(1) The Ministry of Food and Civil Supplies (Department of Civil Supplies) have noted the observations made by the Committee regarding inclusion of a suitable provision regarding publication of Notice in-

is notified only in the Gazette of India. The Committee feel that people at large did not have enough opportunity of receiving or going through the Gazette of India and as such there was always a possibility of missing the claims by a genuine party or delay in filing such claims within the stipulated date, due to lack of such intimation. This could also result in further litigation at a later stage.

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48. The Committee further note that while in the case of Ganesh Flour Mills Company, notice for inviting claims was in fact got published in the leading national and regional daily newspapers, in the case of Transformer and Switchgear Limited, the Department of Public Enterprises have conceded that this practice is being followed in all such cases of Nationalisation. The Committee are, therefore, of the opinion that in all such cases the Government should have no difficulty in placing the practice already in vogue on a statutory footing.

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49. The Committee observe that while no useful purpose will now be served by amending the existing Rules but at the same time they would like to impress upon the con-

vining claims etc. in the leading National and Regional Newspapers, in the relevant Rules themselves, for future compliance.

(Vide O.M. No. 18/11/84-EOP dated 11-6-1986 and 26-7-1988).

(ii) The Ministry of Industry (Department of Public Enterprises) have noted the recommendations of the Committee for publishing the specific date and time limit fixed for filing the claims under the Acquisition and Transfer of Undertakings Rules in the Department for future compliance and the same had also been brought to the notice of all concerned in the Department.

(Vide Department of Public Enterprises O.M. No. 10226/88-PE. I dated 4-10-88).

(iii) The Ministry of Surface Transport (Shipping Wing) have noted the observations of the Committee regarding Hooghly Docking and en-

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cerned Ministries to always include a suitable provision regarding publication of notice inviting claims etc. in the leading national and regional newspapers, in the relevant rules themselves, in future, so that all persons affected by such transfer of companies could know the specific dates by which claims, etc. could be filed.

gineering Company Ltd. rules, 1985 for their compliance in future.

[*Vide* Ministry of Surface Transport (Shipping Wing) O.M. No. SY-11018/1-88-HDPE dated 30-11-1988].

(34) (SIXTH REPORT)
(EIGHTH LOK SABHA)

69

16-4-1986

69. The Committee note that the Ministry of Urban Development took a little more time in making the Gazette copies available to the public. The Ministry have conceded that this delay could have been reduced and pleaded that it was due to the time taken in printing, binding etc. The Committee would like to point out that the delay in making the Gazette copies of draft rules available to public, adds to the delay in further processing of the Rules etc. and their publication in the final form. They desire the Ministry of Urban Development to take

The Directorate of Printing have requested all Ministries/Departments to indicate the precise date by which the particular notification is required to be printed. Instructions have also been issued by the Directorate of Printing on 23-4-86 to Managers of the Government of India Presses to ensure that printed copies of the notifications/Rules Acts etc. are supplied within the prescribed time schedule as also to make the Gazette copies available to the public

some suitable remedial steps in this direction for reducing such delays in future.

through the sale counters including Kitab Mahal on the same day soon after the receipt of the printed copies from the Presses.

(35) SIXTH REPORT
(EIGHTH LOK SABHA)

94 to 97

16-4-1986

94. The Committee are not happy over the manner in which the matter regarding processing and finalisation of the Cantonment Fund Servants (Amendment) Rules, 1985 has been dealt with in the Ministry of Defence even when no objections/suggestions on the draft rules had been received from the affected persons. In this connection the Committee would like to reiterate their earlier recommendations contained in paragraph 68 of their Twenty-fourth Report presented on 21 December, 1983 wherein they have *inter alia* desired that in cases where no objections/suggestions were forthcoming on the draft rules, the rules should be notified within a period of 3 months. The Com-

The Ministry of Defence have brought the recommendations of the Committee to the notice of all concerned for their information and strict compliance in future so as to avoid any kind of delay in publication of Notifications in the Gazette of India *vide* Director General, Defence Estate Office Order No. 5/86/No. 25/133/CSL/C/1&C/69 dated 4 July, 1986.

[M/o Defence O.M. No. 1755/D(Q&C) dated 27 May, 1988].

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mittee desire the Ministries to follow the above direction of the Committee in future in letter and spirit.

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95. The Committee observe that the main reason for delay in publication of the said rules was non-availability of the date on which the draft rules were made public by the Controller of Publications. The Committee are dismayed to note that the Controller of Publications did not furnish the requisite information to the Ministry of Defence inspite of repeated reminders and sending an official personally for the purpose. The Committee are unable to understand the difficulty on the part of the Controller of Publications to furnish this simple information. The Committee also feel that the Ministry of Defence also can not completely absolve themselves of the responsibility for the delay in connecting the requisite information from the Controller of Publications.

[Ministry of Urban Development O.M. No. 11013/6/86-Pt. dated 14-7-1988]

96. The Committee further note from the Communication dated 30th January, 1986 that the Ministry of Defence have taken the following remedial measures in order to avoid recurrence of such cases in future;

- (i) The progress in the final publication of statutory rules after their preliminary publication will be monitored by a Senior Officer of the level of Deputy Director General.
- (ii) An official will be detailed to ascertain the date of publication of the Gazette, immediately after the Notification has been sent to the Press for Publication.
- (iii) Once the fact of publication has been ascertained a written communication will be sent to the Controller of Publications for furnishing the date on which the Gazette was made available to the public.

- (iv) If there is no response from the Controller of Publications within 15 days, an official will be sent to get the information personally in writing.

97. The Committee would like to watch with interest the results of above steps proposed to be taken by the Ministry.

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(39) SIXTH REPORT
(EIGHTH LOK SABHA)
100, 107 and 108
16-4-1986

100. The Committee note that the Ministry of Transport (Department of Civil Aviation) have agreed to amend the preamble to the Aircraft (First Amendment) Rules, 1985 by providing therein the specific period of 3 months, for inviting objections/suggestions, from all persons likely to be affected thereby. However, they feel that no useful purpose would be served by amending the aforesaid preamble at this belated stage, when the draft amending Rules had already become part of the original Rules. The Committee at the same time caution the Ministry to be careful in such matters in future and always mention in the preamble to such Rules the specific period given to the public for sending their objections and suggestions on the draft Rules.

The Ministry of Civil Aviation have evolved the procedural guidelines on matters regarding Subordinate Legislation *vide* their O.M. No. AV. 11012/3/83-A dated 8-7-1986 and brought it to the notice of all concerned for their information and compliance in future, as recommended by the Committee.

[Min. O.M. No. AV. 11012/3/83-A dated 4-7-1988].

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107. The Committee are not convinced with the reply of the Ministry that the reason for delay in the final notification of the Aircraft (First Amendment) Rules, 1985, was due to the time involved in collecting the material from the various Directorates of the Director General of Civil Aviation. They are of the view that the Ministry had not paid any serious attention to the collection of the requisite information from their various

Directorates. The matter had also not been pursued with the urgency it deserved or any initiative taken to collect the information concurrently. In this connection, the Committee would like to recommend that such delays could be eliminated by having inter-departmental meetings of senior officers of the respective Directorates rather than resorting to routine correspondence in a communication manner.

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108. The Committee would also like to reiterate their earlier recommendation made in para 68 of their Twenty-fourth Report (Seventh Lok Sabha), presented on 21 December, 1983, wherein they have, *inter alia*, observed that in cases where no objections/suggestions were received on the draft Rules, the final Rules should be notified within a period of three months exclusive of the time given to the public for raising objections/suggestions thereon and desire the Ministry of Transport (Department of Civil Aviation) to bring the above recommendations to the notice of all concerned in their Ministry for strict compliance in future.

(42) ELEVENTH REPORT
(EIGHTH LOK SABHA)
11 and 12
2-12-1986

11. The Committee note from the reply of the Ministry of External Affairs that Shri G.S. Bhatia, the Officer concerned has since filed a petition in the matter which is pending before the Central Administrative Tribunal. Since the matter is pending for adjudication

The Ministry of External Affairs have since implemented the recommendations of the Committee and have omitted sub-rules* (9) and (10) of Rule 12 of Indian Foreign Service Branch (B) (Recruitment, Cadre

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by the Tribunal, the Committee do not wish to comment further on the case. The Committee also generally do not go into individual cases especially when they relate to service matters like promotions etc.

Seniority and Promotion) Rules, 1964 *vide* their Notifications GSR No. 411 published in the Gazette of India dated 31 May, 1987.

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12. The Committee strongly feel that amendments to rules which are likely to have the effect of denying or curtailing the existing opportunities available to the employees, should not be brought forward save for compelling reasons judging from this angle, the Committee do not see any valid reasons for inhibition on the part of the Ministry of External Affairs in implementing their recommendation regarding repealing of the amendment inserting sub-rule (6) in rule 12 of the Indian Foreign Service Branch 'B' (Recruitment, Cadre, Seniority and Promotion) Rules, 1964 and desire that their recommendations in this regard made in their First Report (Eighth Lok Sabha) implemented without prolonging the matter any further.

[Ministry of External Affairs O.M. No. Q/CAD/792/6/85 dated 1 February, 1988].

(44) TWELFTH REPORT
(EIGHTH LOK SABHA)

15 and 19
3-12-1986

15. The statement reveals a very sorry state of affairs and the casual manner in which the matter has been dealt with at all stages. The Committee are very unhappy over the long time taken by the Ministry right from

The Ministry of Industry (Department of Industrial Development) have since implemented the recommendations of the Committee by amending the Trade and Merchandise Marks

the initial stage of considering the amendments suggested by the Controller General of Patents, Designs and Trade marks and inexplicable delays at various stages, even after publication of the rules in the draft form upto their publication in the final form. This case should act as an eye opener and proper lessons should be drawn at the ministerial level to streamline their machinery and also the procedure adopted in dealing with such matters in order to eliminate completely the delays that occur in publication of the rules in the final form. In this connection the Committee would like to draw attention of the Ministry to their recommendation made in para 88 of their Twenty-fourth Report (Seventh Lok Sabha), presented to the House on 21 December, 1983 wherein the Committee had observed that where a large number of objections/suggestions are received, the gap between the publication of the draft rules and their final notification should not exceed 6 months and where the objections/suggestions received are few, efforts should be made to reduce this period to the barest minimum without impairing the fruitfulness of such legislation. Where no suggestions

(Amendment) Rules, 1985 and published in the Gazette of India, Part II Section 3, sub-section (ii) vide S.O. No. 1689 dated 4 July, 1987.

[Ministry of Industry (Department of Industrial Development) O.M. No. 26/4/82-Vol. III PP&C dated 26 August, 1987].

Due to further amendments sub-rule (6) to Rule 12 came to renumbered as sub-rules (9) and (10) to Rule 12.

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objections are forthcoming on the draft rules, the final rules should be notified within a period of 3 months. The Committee hope that the Ministry will realise the tremendous difficulties and suffering to which the public in general and affected interests in particular are put to by long delays in finalisation and promulgation of amendments to various rules and that the aforesaid recommendation of this Committee will be followed in letter and spirit by the Ministry in future.

19. The Committee note with satisfaction that on being pointed out by them, the Ministry of Industry (Department of Industrial Development) have agreed to specify the status of witnesses in the Note below the Sixth Schedule appended to the Trade and Merchandise Marks (Amendment) Rules, 1985, regarding rates of subsistence allowance and travelling allowance for witnesses appearing in the proceedings, before the Registrar in order to avoid any ambiguity in the matter of fixing the rates of allowances to them.

28. The Committee while not objecting to the policy of Government in the matter, desire the Ministry of Defence to re-examine the Navy (Pension) Regulations in detail and lay

The Ministry of Defence have since implemented the recommendations of the Committee and the general guidelines have been laid down for

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TWELFTH REPORT
(EIGHTH LOK SABHA)

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3-12-1986

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down suitable guidelines, where necessary, for the competent authority to exercise discretion to hold whether a particular offence is serious or not and in withholding pension of Naval personnel on account of their conviction for committing various offences in order to avoid arbitrary decisions.

the guidance of the Competent Authorities to consider cases under Pensions Regulations.

[Ministry of Defence O.M. No. 12(17)/86/D/Pensioners dated 31 August, 1988].

(47) FOURTEENTH REPORT
(EIGHTH LOK SABHA)
12, 16, 19, 22, 25, 28 and 31
27-4-1987

12. The Committee note that on being pointed out by them, the Ministry of Food and Civil Supplies (Department of Food) have agreed to issue detailed guidelines governing the scale of furniture for the residence of the Chairman as also the ceiling on the hire charges recoverable from him in this respect. However, the Committee do not accept the contention of the Ministry for not incorporating such guidelines in the rules. The Committee have time and again stressed that administrative instructions/guidelines are no substitute to subordinate legislation. The Committee, therefore, desire the Ministry to take necessary action to amend the rules in this behalf so as to make them self-contained for the information of all concerned.

The Ministry of Food and Civil Supplies (Department of Food) have since amended the Food Corporation Rules, 1965, in compliance with the recommendations made by the Committee in paragraphs as stated *vide* G.S.R. 924-E published in the Gazette of India—dated 20 November, 1987.

(O.M. No. 1/1/86-FC-I (Vol. II) from Ministry of Food & Civil Supplies (Department of Food)).

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16. The Committee note from the reply of the Ministry of Food and Civil Supplies (Department of Food) that there already operated a system of maintaining log books on the lines of those maintained for Govern-

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ment vehicles. The Committee, however, feel that the Ministry should issue suitable guidelines in the matter to obviate any misuse of the facility.

19. The Committee note that on being pointed out by them, the Ministry of Food and Civil Supplies (Department of Food) have agreed to issue detailed guidelines governing the scale of furnishings and recovery of hire-charges for such furnishings from the Managing Director. The Committee recommend that the matter should be examined in all its aspects and necessary guidelines issued expeditiously.

22. The Committee note from the reply of the Ministry of Food and Civil Supplies (Department of Food) that the rule providing for maximum limit of Rs. 20/- to cover the incidental expenses during air journey has since been rendered obsolete. The Committee, therefore, desire the Ministry to undertake a reappraisal of the rules and take necessary action to delete such of the provisions in the rules as have become obsolete.

25. The Committee note from the reply of the Ministry of Food and Civil Supplies (Depart-

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ment of Food) that the rule providing for purchase of return air journey ticket has since become obsolete in the changed circumstances. The Committee, therefore, desire the Ministry to omit the said rule having become obsolete.

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28. The Committee are of the view that the rates of road kilometres as prescribed in rule 7 of the Food Corporation Rules, 1965 needs to be up-dated in accordance with the general policy guidelines issued by the Government/Bureau of Public Enterprises and suitably incorporated in the rules at an early date for the information of all concerned.

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31. As the term 'highest category of officers in the whole-time employment of the Corporation' is relating to the appointees of the level of Commercial Managers in the Food Corporation, the Committee feel that it would be in the fitness of things if the fact is brought out in the Food Corporation Rules more explicitly. The Committee hope that with the experience gained so far, it would be possible for the Corporation to evolve suitable yardsticks governing air travel allowance payable to the Members of an Advisory Committee.

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(54) FIFTEENTH REPORT
(EIGHTH LOK SABHA)

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7-5-1987

53. The Committee note that on being pointed out by them; the Ministry of Transport (Department of Surface Transport) have agreed to amend Sub-Regulation (1) of Regulation 10 of the Cochin Port Trust Employees (Allotment of Residence) Regulations, 1965, for (i) providing 5 days period for accepting the offer of allotment and (ii) reducing the debarment period from the existing 5 years to 1 year. The Committee would like the Ministry to take early action for amendment of the Regulations and its notification in the Gazette for the information of all concerned.

In pursuance of the recommendation of the Committee, the Ministry of Surface Transport have amended Regulation 10(1) of the Cochin Port Employees (Allotment of Residence) Regulation *vide* G.S.R 360-E dated 1-4-1987.

(O.M. No. PR-19024/1/86-PEI dated 9-12-1988).

(55) EIGHTEENTH REPORT
(EIGHTH LOK SABHA)

4, 12, 20 and 28
15-3-1988

4. The Committee note from the reply of the Ministry of Transport (Department of Surface Transport) that the Dock Workers (Regulation of Employment) Rules, 1962 are applicable to all the major ports with Dock Labour Boards in India *viz.* Kandla, Visakhapatnam, Bombay, Calcutta, Cochin, Mormugao and Madras. The Committee desire that the names of the above ports be included in the Rules so as to make them self-contained and more informative.

The Ministry of Transport (Department of Surface Transport) have since amended the Dock Workers (Regulation of Employment) Rules, 1962, in compliance with the recommendations made by the Committee *vide* S.O. 984(E) dated 26 October, 1988.

(O.M. No. LB-13022/5/88-US(L) dated 1 November, 1988 from the Ministry of Transport (Department of Surface Transport)).

- (56) 12. The Committee feel that even though no practical difficulty is being faced by the Ministry due to the formulation of Rule 3(3) of the above mentioned Rules yet in order to place the existing practice on statutory footing, the Ministry should suitably amend the Rules. The Committee desire that while amending the Rules precise method of appointment of persons on the Board should be laid down.
- (57) 20. The Committee note the explanation given by the Ministry that the practice of affording reasonable opportunity for defence to the Member concerned and of the reasons to be recorded in writing, are already being followed by them in all cases covered by rule 4(5). The Committee, however, desire that a suitable provision in this regard should appropriately be included in the rules so as to make them self-contained and more informative.
- (58) 28. The Committee note that Section 8(2) (c) of the Dock Workers (Regulations of Employment) Act, 1948, empowers the Government to frame rules regarding the quorum for the meetings of the Board and Advisory Committee and conduct of business thereat. Under the rules framed, this power has been delegated to the Board, which the Committee feel was tantamount of sub-delegation of legislative powers. The Committee, therefore, desire that proper rules

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might be framed by the Central Government itself in accordance with the provisions of the said Act.

(59) NINETEENTH REPORT
(EIGHTH LOK SABHA)
32 and 33
4-5-1988

32. The Committee note with satisfaction that at their instance the Ministry of Industry (Department of Company Affairs) have agreed to amend the Monopolies and Restrictive Trade Practices (Recognition of Consumers' Association) Rules, 1987 so as to allow a period of 30 days to the applicant for furnishing the additional information asked for under rule 3(4) of rules *ibid*.

Rule 3 of the Monopolies and Restrictive Trade Practices (Recognition of Consumers, Association) Rules, 1987 has accordingly been amended *vide* S.O. 28 dated 2 January, 1988.

(O.M. No. 38/5/86-CL.V, dated 16 May, 1988 from the Ministry of Industry (Department of Company Affairs).

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33. The Committee further note that the Ministry of Industry have also agreed to prescribe a time-limit of 90 days from the date of receipt of the application or from the date of receipt of such additional information as may have been called for, whichever is later, for the final disposal of an application for recognition of consumers' association with a view to obviating delays on this score.

The Committee desire that necessary amendments to the rules may be issued at an early date.

(62) TWENTIETH REPORT
(EIGHTH LOK SABHA)

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7-12-1988

1.7 The Committee feel that the orders of allocation issued under Section 82 (2) of the Punjab Reorganisation Act, 1966 and the proposed amendments/corrigenda to the orders were in the nature of executive orders and did not come in the category of Subordinate Legislation within the meaning of Section 97 of the above said Act. As such appending of an explanatory memorandum to the corrigendum/amendment to the effect that no one will be adversely affected as a result of retrospective effect being given to the proposed amendment/corrigendum was not necessary. However, the Committee desire that the Ministry should ensure that no one was adversely affected by giving retrospective effect to the executive orders proposed to be issued.

The Department of Personnel and Training have noted the observations of the Committee. The Department have also assured that while issuing the final orders in the matter the recommendations of the Committee would be kept in view.
(O.M. No. 22/28/68-SR (S) Dated 17-1-1989).

MINUTES

LXXXII

MINUTES OF THE EIGHTY-SECOND SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH YEAR OF THE PARSIAN LOK SABH) (1989-90)

The Committee met on Friday, 7 July, 1989 from 14.00 to 15.00
hours.

PRESENT

Shri Zainul Basher—Chairman

MEMBERS

2. Shri K. J. Abbasi
3. Shri Parasram Bhardwaj
4. Shri Satyendra Chandra Guria
5. Shri Syed Masudal Hossain
6. Shri Mullappally Ramachandran
7. Shri Kalicharan Sakargaym

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary*
2. Shri G. S. Bhasin—*Deputy Secretary*
3. Shri Swarn Singh—*Officer on Special Duty*

2. At the outset, the Chairman in his inaugural address, welcomed the Members of the Committee and explained to them broadly the scope and functions of the Committee (Annexure).

3. The Committee then considered Memorandum No. 162 and decided that the scrutiny of rules pertaining to the following organisations, left unfinished by the preceding Committee, might be completed in the first instance:—

1. International Airports Authority

2. Industrial Finance Corporation of India
3. Oil and Natural Gas Commission
4. Delhi Development Authority; and
5. Delhi Road Transport Authority

4. The Committee then considered and adopted their draft Twenty-fifth Report.

5. The Committee decided to undertake a study visit to Bombay, Goa, Trivandrum, Madras and Calcutta during the third week of August, 1989.

The Committee then adjourned.

ANNEXURE

ADDRESS BY THE CHAIRMAN TO THE MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION (1989-90)

7 July, 1989

Hon'ble Members,

I cordially welcome you to this first sitting of the newly constituted Committee on Subordinate Legislation (1989-90). While some of the members are new to the Committee, most of them were there in the previous Committee also. I welcome all new and old members on this occasion.

As you are aware, the Committee on Subordinate Legislation is nominated by the Speaker every year under rule 317 of the Rules of Procedure and Conduct of Business in Lok Sabha. The main function of the Committee is to see that the rule-making power of the executive, conferred by the Constitution or delegated by Parliament, is being exercised within such delegation. As a safeguard against assumption of arbitrary powers by the executive through the instrument of subordinate legislation, this Committee has consistently maintained that all rules, regulations, etc. framed in exercise of the authority conferred by Parliament, should necessarily be laid before both the Houses of Parliament, who should have the power to annul or modify them.

With this end in view the Committee selects from time to time Rules/Regulations framed by the executive under various enactments. After detailed scrutiny and examination of the various Rules/Regulations, the Committee presents reports thereon to Lok Sabha. During the Eighth Lok Sabha so far, the Committee has presented in all 24 Reports to the House, out of which 5 reports were finalised and presented by the Committee during 1988-89. These five reports covered important subjects like Central Warehousing Corporation Rules, Life Insurance Corporation Rules, Railway Protection Force Rules and Post Office Savings General Bank Rules. Before finalising reports on Railway Protection Force Rules and Savings Bank Account Rules, the Committee (1988-89) had called the representatives of the concerned Ministries and recorded their oral evidence on the subject.

It is proposed that the scrutiny of Rules relating to ONGC, International Airports Authority and Industrial Finance Corporation, on which the comments of the concerned Ministries have been received, may be completed in the first instance. For this purpose detailed Memoranda will be prepared by the Secretariat and placed before the Committee for consideration at their subsequent sittings. Since the term of the Committee is likely to be short, we should attempt to complete examination of these subjects and present reports thereon at the earliest. Time permitting, we might take up other subjects in due course. However, I would welcome members' suggestions in this regard.

The Lok Sabha Secretariat renders all possible secretarial assistance to the Committee. The Secretariat undertakes the initial scrutiny of statutory 'Orders' whether laid on the Table of the House or not, soon after their notification in the official Gazette; culls out important points and sends them for eliciting comments of the administrative Ministries concerned and thereafter prepares self-contained Memoranda for consideration of the Committee. This does not, however, preclude the members from examining the 'Orders' *suo motu* and making suggestions on their own. For this purpose, copies of all statutory 'Orders' that are laid on the Table of the House are circulated to the members of the Committee from time to time in convenient batches requesting them to send their suggestions in writing to the Secretariat. I hope members will study those statutory 'Orders' and bring to the notice of the Chairman or the Lok Sabha Secretariat any cases where they feel the executive has gone beyond the powers delegated to it by the parent Act or the rules framed by it tend to violate the canons of natural justice.

It is the tradition of this Committee that all its decisions are arrived at unanimously like other Parliamentary Committees. I hope that this tradition will be maintained by us too.

Before I conclude, I would like to emphasize that in the discharge of our duties in the Committee, our primary objective is to implement the will of Parliament as expressed through its statutes and our efforts in this direction should help the executive to keep themselves within the bounds prescribed by Parliament.

Thank you.