

# **COMMITTEE ON SUBORDINATE LEGISLATION**

**(TENTH LOK SABHA)**

## **THIRD REPORT**

*(Presented on 11 May, 1992)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*May, 1992/Vaisakha, 1914 (Saka)*

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# LOK SABHA SECRETARIAT

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION (1991-92)**

1. Shri Somnath Chatterjee       —*Chairman*
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3. Shri R. Dhanuskodi Athithan
4. Shri Chetan P.S. Chauhan
5. Shri Chhitubhai Gamit
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11. Shri A. Venkata Reddy
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14. Shri Tara Singh
15. Kumari Frida Topno

**SECRETARIAT**

Shri G.L. Batra—*Additional Secretary*  
Shri S.C. Gupta—*Joint Secretary*  
Shri R.K. Chatterjee—*Deputy Secretary*  
Shri Ram Kumar—*Assistant Director*

## INTRODUCTION

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

2. The Report relates to the implementation of the recommendations of the Committee made in their Sixteenth Report (Seventh Lok Sabha) and Seventeenth Report (Eighth Lok Sabha).

3. The matters covered by this Report were considered by the Committee (1991-92) at their sitting held on 15 January, 1992. The Committee took evidence of the representatives of (i) Ministry of Human Resource Development (Department of Culture); (ii) Ministry of Civil Aviation & Tourism (Department of Civil Aviation) and (iii) Air India, on 24 January, 1992. The Committee wish to express their thanks to the Officers for appearing before the Committee and furnishing the information desired by them.

4. The Committee considered and adopted this Report at their sitting held on 8 May, 1992. The Minutes of the sittings relevant to this Report are appended to it.

5. 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.

NEW DELHI;  
May, 1992

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*Vaisakha, 1914 (Saka)*

SOMNATH CHATTERJEE,

*Chairman,  
Committee On Subordinate Legislation.*

# REPORT

## I

IMPLEMENTATION OF RECOMMENDATION CONTAINED IN PARA 96 OF SIXTEENTH REPORT (SEVENTH LOK SABHA) REGARDING DISPOSAL OF RECORDS (WIRELESS PLANNING AND CO-ORDINATION WING OF THE MINISTRY OF COMMUNICATIONS) RULES, 1973 (GSR 131 of 1973)

1. The Disposal of Records (Wireless Planning and Coordination wing of the Ministry of Communications) Rules, 1973 were framed in exercise of the powers conferred by Section 3 of the Destruction of Records Act, 1917, which read as under:—

“3. (1) The authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction or otherwise, of such documents as are, in the opinion of the authority making the rules, not of sufficient public value to justify their preservation.

(2) The authorities shall be—

- (a) in the case of documents in the possession or custody of a High Court or the Courts of Civil or Criminal jurisdiction subordinate thereto — the High Court;
- (b) in the case of documents in the possession or custody of Revenue Courts and Officers — the Chief Controlling Revenue authority; and
- (c) in the case of documents in the possession or custody of any other public officer, — the Local Government or any officer specially authorised in that behalf by the Local Government.”

2. With a view to find out whether similar rules for disposal of records have been framed by all Ministries/Departments, the concerned administrative Department of Culture were asked to:

- (i) submit a list showing rules framed by all the Ministries/Departments under the Destruction of Records Act, 1917;
- (ii) state how the destruction of records was being regulated in case such rules had not been framed.

3. According to the information received from the Department of Culture (National Archives of India), out of 38 Ministries/Departments who were addressed by them to supply information as to the framing of rules only the Office of Comptroller and Auditor General of India and the Department of Company Affairs (Office of the Registrar of Companies)

had framed rules, under the Destruction of Records Act, 1917; others had not framed any rules under the Act. Instead they were following executive instructions issued by the Department of Personnel and Administrative Reforms on the record management.

4. The Committee, after considering the reply of the Department of Culture (National Archives of India) recommended in para 50 of their Fourteenth Report (Fifth Lok Sabha), presented to the House on 20 December, 1974, as under:—

“The Committee are surprised to note that despite the existence of an Act of Parliament since 1917 to regulate the destruction of records, there is no uniformity in the procedure being followed by the various Ministries/Departments. Only two offices have framed rules under the Destruction of Records Act, 1917; others are following executive instructions issued in this regard by the Department of Personnel and Administrative Reforms. It is not known under what circumstances and when the need arose for issue of executive instructions by the subject Department of Personnel when an Act on the subject already existed. If the Act did not meet the situation fully it should have been suitably amended. The Committee desire the Department of Culture to take up the matter with the Department of Personnel and Administrative Reforms with a view to see that the management of record is done by the Ministries/Departments in accordance with statutory rules and not on the basis of executive instructions.”

5. In their action taken note on the above recommendation of the Committee, the Department of Culture stated as under:—

“As recommended by the Committee on Subordinate Legislation, the question regarding framing of Statutory Rules under the Destruction of Records Act, 1917, was taken up with the Department of Personnel and Administrative Reforms.

Subsequently the scope, applicability and the possible efficacy of the Destruction of Records Act has been examined by an Inter-Ministerial Group convened by the Department of Culture in which representatives of the Ministry of Law and Justice and Department of Personnel and Administrative Reforms were present. The view that emerged was that the existing Destruction of Records Act, 1917 was obsolete, did not definitely include the Central Government within its compass, was merely permissive and not mandatory and was generally inadequate to meet the present requirements of management of records. The Committee has, therefore, recommended that a comprehensive archival law should be framed which should include a clause enabling the various Departments of the Government of India to frame rules under it.



The Department of Culture is already seized of this matter about framing of Archival law. The position in this behalf is explained in the Archival Policy Resolution issued on 11th December, 1972, *vide* this Department Resolution No. F.7-6/71-CAI(2) dated the 11th December, 1971.

Keeping the facts mentioned above in view, it has been decided by the Government of India that subordinate legislation under the Destruction of Records Act, 1917, cannot properly regulate the destruction of records at least in so far as the Departments of the Central Government are concerned and that any rules under it, if framed, would not meet the present day archival needs. It is, therefore, proposed to eventually Substitute the said Act by a comprehensive Archival law in the manner mentioned in the archival Policy Resolution. Until such Comprehensive Law is framed and passed by Parliament, the destruction of records of the Central Government should continue to be regulated by the Archival Policy Resolution of 11th December, 1972 and the executive instructions that have, and may be issued for this purpose."

6. The Committee, after considering the above reply of the Department of Culture, made the following recommendations in paras 65-66 of their First Report (Sixth Lok Sabha) presented to Lok Sabha on 16 July, 1977:—

"65. From the material furnished by the Department of Culture, the Committee observe that the Committee on Archival Legislation had urged on Government to enact a comprehensive archival law in 1960, and Government had accepted this recommendation in their Archival Policy Resolution in December, 1972;

66. The Committee note from the reply of the Department of Culture that the Destruction of Records Act, 1917, was obsolete and inadequate to meet the present requirements of management of records, and that the destruction of records of Government was at present being regulated according to executive instructions without the due backing of law. The Committee are surprised that even though the Committee on Archival Legislation had urged on Government to enact a comprehensive archival law as far back as in 1960 and Government had accepted this recommendation in their Archival Policy Resolution in December, 1972, the necessary legislation had not so far been brought forward. The Committee cannot help regretting the undue delay on the part of Government in this regard. The Committee now urge upon the Department of Culture to enact the contemplated archival Law at an early date."

7. In a communication dated 15 October, 1982, the Department of Culture explained the position in regard to bringing forth the necessary

legislation in respect of the two Bills namely (i) Bill on Records of National Importance, and (ii) Bill on Public Records as follows:—

**“(i) *Bill on Records of National Importance***

The matter is still under consideration in this Department in consultation with the National Archives of India and the Archaeological Survey of India. After holding two meetings on 11.12.81 and 8.4.82, it was decided that the Director, National Archives of India should prepare illustrative points which could be incorporated in the proposed bill after consulting the Ancient Monuments and Archaeological Sites and Remains Act, 1958 etc. The points furnished by the Director, National Archives of India are being considered in further meeting proposed to be convened shortly.

**“(ii) *Bill on Public Records***

In an Inter-Departmental Meeting, the self-contained note prepared for the Cabinet was discussed on 7.4.82 between the office of the Department of Personnel and A.R. and the Director, National Archives of India. The Department of Personnel and A.R. had agreed to furnish the illustrative points for incorporation in the proposed law for the examination of the National Archives of India. The points have been sent by the Department of Personnel and A.R. in July, 1982. However, these points are still under consideration with the Department of Personnel and A.R. and the National Archives of India for the finalisation of these points for incorporating the Bill.

In view of the position explained above, it is difficult for this Department to indicate precisely the time by which these two bills will be ready. However, every effort is being made by this Department to finalise action on these two bills as early as possible.”

8. The Committee took notice of the above reply of the Department of Culture and after careful consideration, again made the following recommendation in para 96 of their Sixteenth Report (Seventh Lok Sabha) presented to Lok Sabha on 3 March, 1983:

“96. As regards the recommendation . . . . . the Committee note that Government are considering to bring forth the necessary legislation in respect of the two matters viz., implementation of Government’s archival policy resolution, 1972 and Destruction of records of Records Act, 1917 which has to be updated as it is obsolete, in order to specifically meet the Committee’s require-

ment regarding enacting a comprehensive archival law. The Committee hope that Government would introduce the two Bills viz., (i) Bill on Records of National Importance; and (ii) Bill on Public Records, in the House at an early date."

9. In their Action—taken reply dated 20 September, 1991, the Department of Culture stated as under:—

**"(i) *Bill on Records of National Importance***

The National Archives of India continued its efforts to obtain comments from the various State Government/Union Territory Administrations on the Illustrative Points on the basis on which the proposed Bill is to be drafted. So far comments from 26 States/Union Territory Administrations have been received and these are being examined. The remaining 5 States/Union Territory Administrations have been requested to expedite their comments. The matter will be processed further on receipt of the comments from these States/Union Territory Administrations.

**(ii) *Bill on Public Records***

With a view to expediting the drafting of the Bill on the basis of the Illustrative Points which have been finalised in consultation with the Department of Administrative Reforms and Public Grievances, the Joint Secretary, Department of Culture alongwith the Director-General of Archives held discussions on 12th August, 1991 with the Joint Secretary and Legal Consultant of the Legislative Department. Accordingly, the draft of Bill on Public Records is being prepared.

In view of the position explained above, it may be seen that the action to finalise both the Bills is under active consideration of this Department. Due to the nature of the issues involved, it is not possible to indicate a final date by which the recommendations of the Committee on Subordinate Legislation would be implemented."

10. As the matter was pending for over 17 years and the Department of Culture have stated in reply that it was not possible to indicate any final date by which the recommendations of the Committee would be implemented, the Committee decided to take oral evidence of the representatives of the Ministry of Human Resource Development (Department of Culture) with a view to expedite the process of finalisation of the proposed legislation. Accordingly, the representatives of the Ministry appeared before the Committee on 24 January, 1992 to tender evidence.

11. During evidence, the Secretary of the Department of Culture stated the progress of the two Bills as under:

*The Bill on Public Records*

"It is receiving some final touches by the Legislative Department of the Ministry of Law, after which it will be placed before the Cabinet and then introduced as a Bill in the Parliament."

*The Bill on Records of National Importance*

"....We are waiting for some of the State Governments/Union Territories to respond. There are five of them who still have to respond. We have been reminding them from time to time, but with little success. Some of the State Government are actually preoccupied with other matters such as Jammu and Kashmir. I have personally written to the Chief Secretaries of respective State Governments to let us have their views and I have given the notice stating that by 15 February, either my colleague, the Director General of Archives or the Joint Secretary will personally visit those States and collect them, in fact, help them in formulating the views. We hope that these developments will help and it would be possible for us to introduce the Bill in the Monsoon Session of Parliament, since it may not be possible during this Budget Session."

12. When asked as to what was the difficulty in introducing the Bills during the Budget Session itself, the representative pleaded that it would be little more prudent, having waited for so long, to wait for some more time and if there was, for some reason, any change or fresh direction given to us, they could go back to the State Government. When questioned if he could give a definite time-limit, the representative stated that it would be possible to introduce the Bills in the Monsoon Session.

13. Explaining the difficulty in framing the appropriate regulations, the representative submitted that the Destruction of Records Act, 1917 empowered certain authorities to destroy the records and did not provide any guidelines for preserving the records. He added that 1917 Act was not very productive and it was rather a limiting Act. It did not provide for preservation or review of any kind excepting disposal of the records by burning. Therefore, it was not considered appropriate to proceed under that law. The Department of Culture had issued guidelines for disposal of records to 38 Ministries/Departments, but only six of them had formulated the rules. The Department of Administrative Reforms also recommended for framing of rules from time to time.

14. To the question as to what subject matters were being provided in the proposed Bills, the representative informed that both the Bills would

lay down guidelines for the destruction of the records as was done in the old Act. There were certain provisions for the manner in which the records should be kept, should be reviewed every five years and certain other records should be reviewed after 25 years and for what periods such records could be preserved in tune with the Archival Policy Resolution.

15. When asked to state after how many years the confidential records would be made public, the representative stated that all the confidential documents were required to be reviewed every five years with a view to down-grading them, that is, bringing them to the next lower category. The idea was that by 20 years, all classified documents would get de-classified and made available to the scholars after they came to the National Archives.

16. In response to a question, the representatives admitted that the fact of non-framing to the regulations had not been brought to the notice of the Committee. But the Committee was apprised in 1974 that the Act itself was not enough and it was proposed to bring legislation before Parliament for making it more effective. He added that the Archival Policy Resolution served all Ministries and Offices as a set of guidelines for preservation, destruction and review of documents in a very comprehensive manner.

17. On being enquired if any State Government had made any suggestion, the representative stated that all of them had more or less agreed with what had been provided in the Act.

18. When the members showed concern over further delay in the process of finalisation of the Bill on the Records of National Importance, the representative assured the Committee that all out efforts would be made to curtail the delays on this score.

19. The Committee are distressed to note that the question of framing the statutory rules and regulations regarding record management has been pending for the last 18 years and it was being governed by the executive instructions issued by the Department of Culture despite the fact that the Committee have commented upon the matter in their three Reports. The Committee are constrained to observe that the Department have failed to take up the matter with the seriousness it deserved *ab initio* and undue delays have taken place at each stage of processing. The Committee hope that the Department would now keep up their assurance to them introduce the long-awaited Bills, viz. the Bill on Public Records, and the Bill on Records of National Importance, during the ensuing Monsoon Session of Parliament.

## H

IMPLEMENTATION OF RECOMMENDATION CONTAINED IN PARA 4 OF SEVENTEENTH REPORT (EIGHTH LOK SABHA) OF COMMITTEE ON SUBORDINATE LEGISLATION REGARDING THE AIR INDIA INTERNATIONAL CORPORATION (AUTHENTICATION OF ORDERS AND INSTRUMENTS) REGULATIONS, 1953.

20. Regulation 3 of the Air-India International Corporation (Authentication of Orders and Instruments) Regulation, 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."*

21. 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.

22. 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 Instruments 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) Regulations 1953 is not considered necessary."*

23. After considering the above reply, the Committee, in para 4 of their Seventeenth Report (Eighth Lok Sabha), presented to Lok Sabha on 9 December, 1987, observed as follows:—

“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 executive 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.”

24. In their action-taken note dated 5 April, 1989, the Ministry of Civil Aviation and Tourism stated as under:—

“Recommendation of the Committee has been examined again. Since the instrument of delegation of powers which has been reviewed in 1987 by the Board of Air-India prescribes the various officers who are authorised to sign/execute on behalf of the Corporation, further specifying the same in the regulations is not considered necessary. Extract from the instrument of delegation of powers is enclosed for the information of the Committee (not printed).

25. In their action-taken note, the Ministry of Civil Aviation have drawn attention to what they had stated earlier. After considering that reply, the Committee desired the Ministry to suitably incorporate the minimum rank of the officers who could be so authorised, in the regulation. As the Instruments of Delegation of Financial Powers and the Instrument of Delegation of Administrative Powers (indicating Financial limits) were not being published in the Gazette, they did not come to the notice of the Committee for judging their fairness or otherwise. With a view to ensure that only the officers of a desired level were so authorised, the Committee desired the position to be indicated in the regulation. The Committee took oral evidence of the representatives of the Ministry of Civil Aviation and the Air India for further elucidation of matters. During evidence, the Secretary of the Ministry of Civil Aviation deposed before the Committee as under:—

“We are open to be guided by whatever the Committee would finally decide to direct. The position so far has been that since the Board of Directors have already issued certain specific internal instructions as to how those powers are to be exercised, a formal amendment of the regulation may not have been necessary. That has been the formal stand of the Ministry so far. But as I submitted earlier, we are certainly open to be guided by whatever way the Committee decide finally.”

26. In a subsequent communication dated 16 March, 1992, the Ministry of Civil Aviation intimated that the said regulation 3 was being amended as under:—

"In the said Regulation, in Regulation 3(1) for the words "any other officers", the words "Chairman & Managing Director, Managing Director, Dy. Managing Director or Secretary" shall be substituted. In the said Regulation, in Regulation 3(2) for the words "the General Manager or such officers", the words "Chairman & Managing Director, Managing Director, Dy. Managing Director or Secretary" shall be substituted in the said Regulation, the proviso to Regulation 3 shall be deleted.

27. The Committee note with satisfaction that in deference to their recommendation, the Air India have since amended regulation 3 of the Air India (Authentication of Orders and Instruments) Regulation *vide* Amendment Regulation of 1992, specifying the officers authorised to authenticate Orders and decisions and execute contracts and assurances of property on behalf of the Corporation.

### III

#### IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARA 30 OF SEVENTEENTH REPORT (EIGHTH LOK SABHA) OF COMMITTEE ON SUBORDINATE LEGISLATION REGARDING THE AIR INDIA INTERNATIONAL (DISPOSAL OF UNCLAIMED GOODS) REGULATIONS, 1955

28. 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 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."

29. The Ministry of Civil Aviation were asked to state as to how it was ensure that the notice issued under regulations 3 to the shipper was actually delivered to him and whether there was any objection in amending



the regulation to the effect that notice might be sent by registered post or if by hand, acknowledgement should be obtained.

30. 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."

31. After considering the reply of the Ministry, the Committee, in para 30 of their Seventeenth Report (Eighth Lok Sabha), presented to Lok Sabha on 9 December, 1987, observed as follows:—

"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."

32. In their action-taken note dated January, 1989, the Ministry of Civil Aviation and Tourism stated as under:—

"Necessary instructions have been issued by Air India *vide* Circular No. FZ/FPP/IRP/920 dated 17th February, 1988. since the regulation, as existing already contains the provision for sending a notice in writing to the shipper, no further amendment of the regulation is considered necessary."

33. As the Committee were not satisfied with the reply, they took evidence of the representatives of Air India on 24 January, 1992. During evidence, the Chairman & Managing Director, AIR INDIA deposed as under:

"It could be very well a part of the regulation although administrative instructions have been given. There should be a notice given either through hand with the receipt taken or through a registered letter. But if it could be incorporated in the regulation, we have no objection whatsoever."

34. In a subsequent communication dated 16 March, 1992, the Ministry of Civil Aviation intimated that the said regulation 3 was being amended to read as under:—

"3. *Failure to take Delivery*: Where after despatch of an arrival notice in writing, the consignee refuses or fails to take delivery of the goods carried to the destination by the Corporation within 30 days from the date of arrival, the Corporation shall cause a notice in writing to be despatched to the shipper/agent either by registered post or by hand delivery and acknowledgement obtained from the shipper/agent, requesting his instructions for the disposal of the goods."

35. The Committee are happy to note that in deference to their recommendation, regulation 3 of the Air India (Disposal of unclaimed goods) Regulations has since been amended to the necessary effect vide Amendment Regulations of 1992.

#### IV

#### IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARA 34 OF SEVENTEENTH REPORT (EIGHTH LOK SABHA) OF COMMITTEE ON SUBORDINATE LEGISLATION REGARDING THE AIR INDIA INTERNATIONAL (DISPOSAL OF UNCLAIMED GODDS) REGULATIONS, 1955

36. 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."*

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

38. In their reply dated 30 December, 1986, the Ministry of Civil Aviation and Tourism 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 are to be destroyed after certification by the Health Officer."*

39. After considering the above reply of the Ministry, the Committee, in para 34 of Seventeenth Report (Eighth Lok Sabha), presented on 9 December, 1987, observed as under:—

*"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."*

40. In their action-taken note date 5 April, 1989, the Ministry of Civil Aviation and Tourism have stated as under:—

*"The recommendations of the Committee have been examined. Since the Airport Health and Customs Authorities are involved in the certification as well as destruction of 'perishable' goods, no single authority, much less an official of Air India can be declared*

as competent authority for the purpose of these regulations. It may be mentioned here that the present arrangements are working satisfactorily and no change in this regulation (regulation 5) is considered necessary."

41. As the Committee were not satisfied with the reply, they took evidence of the representatives of Air India on 24 January, 1992. During evidence, the witness explained that there was no unilateral authority with the carrier to destroy any goods. At the location, the Airport and Customs Authorities got engaged in the whole exercise. Reacting to the recommendation of the Committee to define the competent authority to certify the perishable nature of goods, the representatives of the Ministry of Civil Aviation and Tourism stated:—

"Regarding the perishable goods, the regulation, as it stands, could bear tightening. I am fully aware of the Committee's anxiety that a clear cut responsibility level should be identified within the Corporation.

\* \* \* \*

If I may try to clarify the position, wherever the liability arises as far as the carrier is concerned, I got the impression that the Committee would like that within the Corporation specific levels to be designated as to where the decision should be exercised. Obviously where they do not have an authority, the question of exercising decision would not arise."

42. In a subsequent communication dated 16 March, 1992, the Ministry of Civil Aviation and Tourism intimated that necessary amendment notification was under issue so as to substitute the said regulation 5 to 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 officer in-charge of the station, in consultation with the concerned Airport Authorities, may at any time, after the arrival of such goods at destination, arrange to take such steps as may be deemed 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."

43. The Committee note with satisfaction that as per their recommendation, regulation 5 of the Air India (Disposal of Unclaimed Goods) Regulations has been amended vide Amendment Regulations of 1992, prescribing the 'Officer in-charge of the station' as the competent authority for disposal of perishable goods or livestock.

## V

**IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN  
PARA 79 OF SEVENTEENTH REPORT (EIGHTH LOK SABHA) OF  
COMMITTEE ON SUBORDINATE LEGISLATION REGARDING  
THE AIR INDIA EMPLOYEES' SERVICE REGULATIONS, 1963**

44. Regulation 21 (vii) (a) of the Air India Employees' Service Regulations, 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."

45. The attention of the Ministry of Civil Aviation and Tourism 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.

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

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

47. After considering the above reply of the Government, the Committee, in para 79 of their Seventeenth Report (Eighth Lok Sabha), presented on 9 December, 1987, observed as under:

*"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."*

49. In their action-taken reply dated 5 April, 1991, the Ministry stated as under:

*"After the system of encashment of privilege leave has come into force with effect from November, 1984 fixing a time-limit of three months for applying for grant of earned leave before retirement would not be necessary at all. The employee would like to have the maximum benefit of encashment at the time of retirement."*

In the case of resignation, the privilege leave standing to the credit of the employee would normally lapse, unless the employee concerned had applied for the privilege leave, in writing, well

ahead of the date of resignation and refused in writing by the Competent Authority. In such a case, the leave so refused may be granted on resignation or leave salary in lieu of the leave can be paid. This has been clarified in Circular\* No. HQ/63-2 (A)/9732 dated 30.11.79 issued by AIR INDIA."

49. As the Committee were not satisfied with the reply, they took evidence of the representatives of Air India on 24 January, 1992. During evidence, it was pointed out to the witnesses that so far as the retirement was concerned, the encashment of the privilege leave had come into force with effect from November, 1984 and the provisions for applying for grant of such leave 'well ahead of the date of retirement' did not hold good any more. In the case of resignation, the representative of the Ministry admitted that the lacunae still existed and an advance notice of three months was required. He conceded that it was not a fair or workable condition and there was every justification to have a fresh look at it. When pointed out that if a person wished to avail of 180 days' leave, he would have to apply nine months ahead of it, the representative submitted that there had been a slip at some stage earlier and the amendment with regard to the resignation cases had not been done and assured the Committee for a reconsideration of the matter. In this connection, the representative of Air India expressed the following view-point:

"So long as the person has leave to his credit, even if there was no time for that kind of notice, the person concerned can encash it..... We can incorporate it as a regulation and we can be more liberal in that."

50. In a subsequent communication dated 16 March, 1992, the Ministry of Civil Aviation intimated that sub-regulations (vii) (a) and (vii) (aa) of regulation 21 of the Air India Employees' Service Regulations was being substituted to read as under:

(vii) (a) Subject to the provision of sub regulation (VII) (aa), all leave to the credit of an employee shall lapse on the cessation of employment.

(aa) An employee on retirement under Regulations 46(i) or 46(ii) or on his resignation being accepted under Regulation 49, as the case may be, shall be eligible to encash privilege leave standing to his credit subject to a maximum of 240 days.

51. The Committee note with satisfaction that the Air India have suitably amended the Air India Employees' Service Regulations to provide for encashment of privilege leave on retirement or resignation, as the case may be, on a rather liberalised and rational basis and have omitted the

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\* Reproduced as Appendix II.

vague expression 'well ahead of the date of retirement or resignation' in implementation of the recommendation of the Committee in the matter.

## VI

### IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARA 91 OF SEVENTEENTH REPORT (EIGHTH LOK SABHA) OF COMMITTEE ON SUBORDINATE LEGISLATION REGARDING THE AIR-INDIA EMPLOYEES' PASSAGE REGULATIONS

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

#### "2. Definations:

\* \* \* \* \*

- (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 employees, although such a person may not be directly on the pay roll of the Corporation, but shall not include a temporary employee."

53. 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.'

54. 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 employee. 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."

55. After considering the above reply, the Committee in para 91 of Seventeenth Report (Eighth Lok Sabha), presented on 9 December, 1987, observed as follows:—

"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)."

56. In their action-taken reply dated 5 April, 1991, the Ministry of Civil Aviation and Tourism stated as under:—

“Guidelines already exist as indicated in the earlier reply of the Government in this regard, which is reproduced below:—

“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.”

It is felt that with the above guidelines, the Managing Director cannot arbitrarily exercise his discretionary powers under this regulation.”

57. The Committee note that the requisite guidelines for the exercise of the discretionary powers vested in the Managing Director under regulation 2(ii) of the Air-India Employees’ Passage Regulations already exist so as to serve as a safeguard against any arbitrary exercise of the given discretion. Keeping in view the reply of the Ministry of Civil Aviation, the Committee are not inclined to pursue the matter any further.

NEW DELHI;  
May, 1994

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Vaisakha, 1914 (Saka)

SOMNATH CHATTERJEE,  
Chairman,

*Committee on Subordinate Legislation.*

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## **APPENDICES**

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**APPENDIX I**  
(Vide para 5 of the Introduction of the Report)

**Summary of Recommendations made in the Report of the Committee on  
subordinate Legislation)  
(Tenth Lok Sabha)**

Sl.	No. Reference to para No. in the Report	Summary of Recommendations
1	2	3
		<i>Implementation of recommendation contained in para 96 of Sixteenth Report (Seventh Lok Sabha) regarding Disposal of Records (Wireless Planning and Co-ordination Wing of the Ministry of Communications) Rules, 1973 (GSR 131 of 1973)</i>
1.	19	<p>The Committee are distressed to note that the question of framing the statutory rules and regulations regarding record management has been pending for the last 18 years and it was being governed by the executive instructions issued by the Department of Culture despite the fact that the Committee have commented upon the matter in their three Reports. The Committee are constrained to observe that the Department have failed to take up the matter with the seriousness it deserved <i>ab initio</i> and undue delays have taken place at each stage of processing. The Committee hope that the Department would now keep up their assurance to them and introduce the long-awaited Bills, viz., the Bill on Public Records, and the Bill on Records of National Importance, during the ensuing Monsoon Session of Parliament.</p> <p>Implementation of recommendation contained in para 4 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air India International Corporation (Authentication of Orders and Instruments). Regulations, 1953.</p>
2.	27	<p>The Committee note with satisfaction that in deference to their recommendation, the Air India have</p>

1	2	3
		<p>since amended regulation 3 of the Air India (Authentication of Orders and Instruments) Regulation <i>vide</i> Amendment Regulation of 1992, specifying the officers authorised to authenticate Orders and decisions and execute contracts and assurances of property on behalf of the Corporation.</p> <p><i>Implementation of recommendations contained in para 30 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air India International (Disposal of Unclaimed Goods) Regulation, 1955.</i></p>
3.	35	<p>The Committee are happy to note that in deference to their recommendation, regulation 3 of the Air India (Disposal of unclaimed goods) Regulations has since been amended to the necessary effect <i>vide</i> Amendment Regulation of 1992.</p> <p><i>Implementation of recommendations contained in para 34 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air India International (Disposal of Unclaimed Goods) Regulations, 1955</i></p>
4.	43	<p>The Committee note with satisfaction that as per their recommendation, regulation 5 of the Air India (Disposal of Unclaimed Goods) Regulations has been amended <i>vide</i> Amendment Regulations of 1992, prescribing the 'Officer in charge of the station' as the competent authority for disposal of perishable goods or livestock.</p> <p><i>Implementation of recommendations contained in para 70 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air India Employees' Service Regulations, 1963</i></p>
5.	51	<p>The Committee note with satisfaction that the Air India have suitably amended the Air India Employees' Service Regulations to provide for encashment of privilege leave on retirement or resignation, as the case may be, on a rather liberalised and national basis and have omitted the vague expression 'well ahead of the date of retirement or resignation' in implementation of the recommendation of the Committee in the matter.</p>

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*Implementation of recommendations contained in para 91 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air India Employees' Passage Regulations.*

6.

57

The Committee note that the requisite guidelines for the exercise of the discretionary powers vested in the Managing Director under regulation 2(ii) of the Air India Employees 'Passage Regulations already exist so as to serve as a safeguard against any arbitrary exercise of the given discretion. Keeping in view the reply of the Ministry of Civil Aviation, the Committee are not inclined to pursue the matter any further.

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**APPENDIX II**  
**(Vide para 49 of the Report)**  
**AIR INDIA**  
**Headquarters**

HQ / 63-2(A) / 9732

30th November, 1979

**ALL DEPARTMENTAL HEADS**

*Sub: Encashment of privilege leave on retirement*

The Board has approved the Management's proposal to permit employees retiring on superannuation on or after 1st March, 1979 to encash the unutilised privilege leave upto a maximum of 180 days standing to their credit, subject to Government approval. Approval of the Government to the amendments to the Service Regulations to provide for the above change is still awaited. Till the approval of the Government to the proposed amendment is received and notified in the official gazette, encashment of privilege leave on cessation of service on account of retirement, including retirement on superannuation, and resignation will be regulated in terms of Service Regulation 21(vii) (a), which reads as under:

21(vii)(a) "All leave to the credit of an employee shall ordinarily lapse on the date of cessation of his service, provided that:

"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."

2. It may be seen from the above provisions of S.R. 21(vii)(a) that it is necessary that the following two conditions are fulfilled to permit an employee to avail of or encash the privilege leave on the cessation of service on the grounds mentioned above:

- (i) the employee should have applied for the privilege leave admissible on the date of retirement, and resignation in writing and well ahead of the date of such retirement or resignation;
- (ii) the competent authority should have refused the grant of such leave in writing.

3. It is seen that in a number of cases, even though either or both these conditions are not fulfilled, they are recommended to Headquarters for approval. In order to regulate cases of encashment of privilege leave on

retirement/resignation in accordance with the existing provisions of Service Regulations, it is emphasised that it may be ensured that the above-mentioned conditions are fulfilled to permit the employee to avail of the leave or encash the privilege leave after retirement. As regards the expression "well ahead of the date of retirement or resignation" it is clarified that the application for sanction of leave should be made at least 3 months before the date from which the privilege leave would commence. For instance, in the case of an employee who will be eligible for 180 days leave before retirement or resignation, the leave should have been applied for in writing 9 months before the date of retirement or resignation. Similarly, if the employee is eligible for ninety days privilege leave before the date of retirement or resignation the leave should have been applied for in writing 6 months before the date of such retirement or resignation.

Sd/-  
(L.L. SHARMA)  
*Deputy Managing Director.*

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## MINUTES

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**APPENDIX III**  
(Vide para 4 of the Introduction of the Report)

**(III)**

**MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION (TENTH LOK SABHA) (1991-92)**

The Committee met on Wednesday, 15 January, 1992 from 15.00 to 15.40 hours.

**PRESENT**

**Shri Somnath Chatterjee—Chairman**

**MEMBERS**

2. **Shri E. Ahmed**
3. **Shri R. Dhanuskodi Athithan**
4. **Dr. K.D. Jeswani**
5. **Shri Ram Singh Kashwan**
6. **Shri Guman Mal Lodha**
7. **Shri A. Venkata Reddy**
8. **Shri Mohan Singh**
9. **Shri Shivendra Bahadur Singh**
10. **Shri Tara Singh**

**SECRETARIAT**

**Shri S.C. Gupta—Joint Secretary**

**Shri Ram Kumar—Assistant Director**

2. The Committee considered Memoranda Nos. 1 to 7 as follows.

(i) *Implementation of recommendation contained in para 96 of Sixteenth Report (Seventh Lok Sabha) regarding the Disposal of Records Wireless Planning and Co-ordination Wing of the Ministry of Communications) Rules, 1973 (GSR 131 of 1973)—(Memorandum No.1)*

3. The Committee noted that the matter was pending for more than seventeen years and the Department of Culture had stated in reply that it was not possible to indicate a final date by which the recommendations of the Committee would be implemented. The Committee, therefore,

decided to take oral evidence of the representatives of the Ministry of Human Resource Development (Department of Culture) to expedite the matter.

- (ii) *Implementation of recommendation contained in para 4 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air-India International Corporation (Authentication of Orders and Instruments) Regulations, 1953—(Memorandum No. 2).*
- (iii) *Implementation of recommendations contained in para 30 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air-India International (Disposal of Unclaimed Goods) Regulations, 1955—(Memorandum No. 3).*
- (iv) *Implementation of recommendations contained in para 34 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air-India International (Disposal of Unclaimed goods) Regulations, 1955—(Memorandum No. 4)*
- (v) *Implementation of recommendations contained in para 79 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air-India Employees Service Regulations, 1963 —(Memorandum No. 5)*

4. Not being satisfied with the replies of the Ministry of Civil Aviation in these respects, the Committee decided to take oral evidence of the representatives of the Ministry of Civil Aviation and Air India for further elucidation of the matters.

- (vi) *Implementation of recommendations contained in para 91 of Seventeenth Report (Eighth Lok Sabha) of Committee on Subordinate Legislation regarding the Air-India Employees' Passage Regulations—(Memorandum No. 6)*

**5. The Committee considered the reply of the Government and decided not to pursue the matter further.**

**6.**     \*\*                        \*\*                        \*\*                        \*\*

**7. The Committee fixed a sitting for 14 February, 1992.**

*The Committee then adjourned to meet again on 24 January, 1992.*

\* Omitted portions of the minutes are not covered by this report.



## IV

**MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION (TENTH LOK SABHA) (1991-92)**

The Committee met on 24 January, 1992 at 15.00 hours.

**PRESENT**

**Shri Somnath Chatterjee—Chairman**

**MEMBERS**

2. **Shri E. Ahmed**
3. **Shri R. Dhanuskodi Athithan**
4. **Shri Guman Mal Lodha**
5. **Shri Ram Niwas Mirdha**
6. **Shri A. Venkata Reddy**
7. **Shri Mohan Singh**
8. **Shri Shivendra Bahadur Singh**
9. **Shri Tara Singh**

**WITNESSES**

**Ministry of Human Resource Development (Department of Culture)**

1. **Shri Bhaskar Ghose—Secretary**
2. **Shri R.K. Perti—Director General, National Archives of India**
3. **Shri Ashok Koshy—Joint Secretary**

**Ministry of Civil Aviation & Tourism (Department of Civil Aviation)**

1. **Shri S. Kanungo—Secretary, Department of Civil Aviation**
2. **Shri Ravindra Gupta—Joint Secretary, Department of Civil Aviation**
3. **Shri Y.C. Deveshwar—Chairman & Managing Director Air India**
4. **Shri B.R. Gupta—Deputy Managing Director Air India**

**SECRETARIAT**

1. **Shri S.C. Gupta—Joint Secretary**
2. **Shri Ram Kumar—Assistant Director**

2. The Committee took oral evidence of the representatives of Ministry of Human Resource Development (Department of Culture) with regard to framing of rules in relation to the Disposal of Records (wireless Planning and Coordination Wing of the Ministry of Communications) Rules, 1973 under the Destruction of Records Act, 1917.

3. On being asked about the position of the Bills on Public Records and Bill on Records of National Importance the representative stated as under:—

*The Bill on Public Records*

It was in the final stage awaiting final touches by the Ministry of Law and would then be introduced in parliament.

*The Bill on Records of National Importance*

Response were awaited from some of the State Governments/Union territories with regard to their views on the Bill, till 15 February, 1992 after which date the Director General of Archives or the Joint Secretary would personally visit those States and collect their views on the Bill and it would be possible for them to introduce the Bill in Monsoon Session of Parliament.

4. When asked as to what was the difficulty in introducing the Bills during the Budget Session itself, the representative pleaded that it would be little more prudent, having waited for so long, to wait for some more time and if there was, for some reason, any change or fresh direction given to us, they could go back to the State Governments. When questioned if he could give a defined time-limit, the representatives stated that it would be possible to introduce the Bills in the Monsoon Session.

5. Explaining the difficulty in framing the appropriate regulations, the representative further submitted that the Destruction of Records Act, 1917 empowered certain authorities to destroy the records and did not provide any guidelines for preserving the records. He added that 1917 Act was not very productive and it was rather a limiting Act. It did not provide for preservation or review of any kind excepting disposal of the records by burning. Therefore, it was not considered appropriate to proceed under that law. The Department of Culture had issued guidelines for disposal of records to 38 Ministries/Departments, but only six of them had formulated the rules. The Department of Administrative Reforms also recommended for framing of rules from time to time.

6. To the question as to what subject matters were being provided in the proposed Bills, the representative informed that both the Bills would lay down guidelines for the destruction of the records as was done in the old Act. There were certain provisions for the manner in which the records should be kept, should be reviewed every five years and certain other records should be reviewed after 25 years and for what periods such records could be preserved in tune with the Archival Policy Resolution.

7. When asked to state after how many years the confidential records would be made public, the representative stated that all the confidential documents were required to be reviewed every five years with a view to down-grading them, that is, bringing them to the next lower category. The idea was that by 20 years, all classified documents would get de-classified and made available to the scholars after they came to the National Archives.

8. In response to a question, the representatives admitted that the fact of non-framing of the regulations had not been brought to the notice of the Committee. But the Committee was apprised in 1974 that the Act itself was not enough and it was proposed to bring new legislation before Parliament for making it more effective. He added that the Archival Policy Resolution served all Ministries and Offices as a set of guidelines for preservation, destruction and review of documents in a very comprehensive manner.

9. On being enquired if any State Government had made any suggestion, the representative stated that all of them had more or less agreed with what had been provided in the Act.

10. When the members showed concern over further delay in the process of finalisation of the Bill on the Records of National Importance, the representative assured the Committee that all out efforts would be made to curtail the delays on this score.

11. The Committee then took oral evidence of the representatives of the Ministry of Civil Aviation and Tourism (Deptt. of Civil Aviation) with regard to Air-India International Corporation (Authentication of Orders and Instruments) Regulations, 1953 viz. amending the regulations with a view to specify the minimum rank of the officer who could be so authorised to authenticate orders and take decision in the name of the Corporation as also the minimum rank of the officer who could be authorised to execute contracts and assurance of property on behalf of the Corporation. In reply, the representative stated that they were open to be guided by whatever the Committee decided to direct. He further stated that the said Regulation in Regulation 3(i) of the Air-India International Corporation (Authentication of Orders and Instruments) Regulations, 1953, the words "any other officers" would be amended to read as "Chairman and Managing Director, Managing Director, Dy. Managing Director or Secretary and in Regulation 3(2) the words "General Manager or such officers" would be substituted by "Chairman and Managing Director, Managing Director, Dy. Managing Director or Secretary and proviso to Regulation 3 would be deleted.

12. Further, Regulation 21(vii) (a) of the Air India Employees' Service Regulation, 1963 (as amended upto 28 Feb., 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."

13. The representative were asked to explain the term "well ahead of the date of retirement or resignation". In the case of resignation, the representative of the Ministry admitted that an advance notice of three months was required. When pointed out that if a person wished to avail of 180 days' leave, he would have to apply nine months ahead of it the representative submitted that there had been a slip at some stage earlier and the amendment with regard to the resignation cases had not been done and assured the Committee for a reconsideration of the matter, and to amend the sub-regulation (vii) (a) and (vii) (aa) of regulation 21 of the Air-India Employees' Service Regulations to read as under:—

(vii) (a) Subject to the provision of sub-regulation (vii) (aa), all leave to the credit of an employee shall lapse on the cessation of employment.

(aa) An employee on retirement under Regulations 46(i) or 46 (ii) or on his resignation being accepted under Regulation 49, as the case may be, shall be eligible to encash privilege leave standing to his credit subject to a maximum of 240 days.

The representatives then withdrew.

*The Committee then adjourned.*

## VII

### MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (TENTH LOK SABHA) (1991-92)

The Committee met on Friday, 8 May, 1992 from 15.30 to 16.30 hours.

#### PRESENT

Shri. Somnath Chatterjee — *Chairman*

#### MEMBERS

2. Shri E. Ahmed
3. Shri Chetan P.S. Chauhan
4. Shri Chhitubhai Gamit
5. Shri Ram Singh Kashwan
6. Shri Shravan Kumar Patel
7. Shri A. Venkata Reddy
8. Kumari Frida Topno

#### SECRETARIAT

1. Shri S.C. Gupta — *Additional Secretary*
2. Shri R.K. Chatterjee — *Deputy Secretary*
3. Shri Ram Kumar — *Assistant Director*

2. The Committee considered the draft Report and adopted it.

3. The Committee authorised the Chairman and in his absence, Shri Shravan Kumar Patel, M.P. to present the Reports to the House on 11 May, 1992.

*The Committee then Adjourned*