

COMMITTEE ON SUBORDINATE LEGISLATION

(SEVENTH LOK SABHA)

TWENTY-SEVENTH REPORT

(Presented on 24 August, 1984)



**LOK SABHA SECRETARIAT
NEW DELHI**

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**CORRIGENDA TO THE TWENTY-SEVENTH REPORT
OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(SEVENTH LOK SABHA) PRESENTED ON 24 AUGUST,
1984**

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2	9	16	consultation	consultation
3	10	1	cove	cover
3	11	1	stated a	stated as
3	11	5	lega	legal
5	20	1	expression	expressing
5	20	6	resbwe	resolve
5	Chapter III		<u>Transfer lines 1-4 to appear after lines 1-2 of para 21</u>	
6	-	7	sponsored	sponsored
6	-	7	goverments	government
7	27	6	Institute of Legal	Institute of Legal Metrology.
13	44	1	raferred	referred
17	57	1	responsibility	responsibility
22	under Col. 3 against S.No. 2 Col. 3	7	requestes	requisites
24		3	Minister of	Ministry of

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**COMPOSITION OF THE COMMITTEE ON
SUBORDINATE LEGISLATION
(1984-85)**

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3. Shri Xavier Arakal
4. Shri Ashfaq Husain
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1. Shri N. N. Mehra—*Joint Secretary*
2. Shri S. D. Kaura—*Chief Legislative Committee Officer*
3. Shri R. S. Mani—*Senior Legislative Committee Officer*

REPORT

I

INTRODUCTION

1, 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-seventh Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on 7 September, 1983 and 20 February, 25 June, 11 July and 3 August, 1984.

3. At their sitting held on 28 May, 1984, the Committee took evidence of the representatives of the Ministry of Irrigation regarding the Central Water Engineering (Group 'A') Service (Amendment) Rules, 1980. The Committee wish to express their thanks to the Officers of the Ministry 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 21 August, 1984.

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

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

II

THE CENTRAL WATER ENGINEERING (GROUP 'A') SERVICE (AMENDMENT) RULES, 1980 (G.S.R.

324 OF 1980)

7. On a scrutiny of the Central Water Engineering (Group A) Service (Amendment) Rules, 1980, it was noticed that the life of the provisions contained in provisos to Rules 26(1), 27(1) and 30(1) of the original Rules, *i.e.* the Central Water Engineering (Group A) Service Rules, 1965, were to expire on 31 December, 1977. However, the life of these provisions was extended upto 31 December, 1980 through the Amendment Rules *ibid.*

8. The matter was referred to the Ministry of Irrigation on 4 September, 1980, for stating:—

- (i) the reasons for not extending the life of original rules before date of their expiry;
- (ii) how the matters were governed during the period from 1 January, 1978 till 22 March, 1980, and
- (iii) whether it was possible to revive the rules already expired.

9. The Ministry of Irrigation, in their reply dated 26 September, 1980, stated as under:—

“.....before the expiry of the provisos to Rules 26. (1), 27 (1) and 30 (1) of the Central Water Engineering (Group A) Service Rules, the Union Public Service Commission had been approached to obtain their approval to the continued operation of the same beyond 31.12.77. The Service Commission, however, advised that the promotion and deputation quotas as fixed under the said provisos may be made a permanent feature of the Rules instead of being continued on year to year basis. This advice was accepted and after obtaining clearance of the Department of Personnel and Administrative Reforms, the proposals in this behalf were sent to the Union Public Service Commission.

No notification regarding continued operation of the said provisos beyond 31.12.77 could be issued in the meantime as the whole matter remained under consideration in consultation with the Union Public Service Commission. The approval of the Union Public Service Commission was received only on 17.7.79. However, these provisions also could not be notified as they were in the meantime linked with proposals for overall revision of the Central Water Engineering (Group A) Service Rules, which were under consideration then and are yet to be finalised in consultation with the Deptt. of Personnel and Administrative Reforms and the Union Public Service Commission. However, notifications were prepared in November, 1979 for the continued operation of the said provisos till 31.12.1980, and these were finally notified in March, 1980, with the approval of Ministry of Law. Thus the position as existing on 31.12.77, continued to remain operative. The continuance of this position has in no way resulted in adversely affecting the service rights of any individual Central/State Officer.”

10. Since the aforesaid reply of the Ministry did not specifically cover the following two points, the Ministry were requested on 23 December, 1980 to furnish their comments thereon:—

- (i) How the matters were governed during the period from 1st January 1978 till 22nd March, 1980; and
- (ii) Whether it was possible to revive the rules already expired.

11. In their reply dated 18 February, 1981, the Ministry stated as under:—

“(1) The rules notified on the 11th October, 1977 continued to be operated on year to year basis in consultation with the Union Public Service Commission. All that was done was to give legal sanction to this practice. This could have been done by extending the notification for the year 1979 and 1980, instead of substituting the date 1980 in the 1977 notification. We are consulting the Ministry of Law to advise if this could be done even now.

(2) Action to amend the Central Water Engineering Service Rules to bring these revised Rules on a permanent footing had already been initiated since 1978 and is now at a final stage, pending Union Public Service Commission's concurrence, Government of India in the Ministry of Irrigation having proposed this in consultation with the Department of Personnel and Administrative Reforms.”

12. In their further communication dated 5 August, 1983, the Ministry intimated that the amendment was finalised in consultation with the Ministry of Law, Justice and Company Affairs and it had since been notified *vide* G.S.R. 825 dated 5 September, 1981. The Central Water Engineering (Group A) Service Rules, 1965 had been repealed and the Central Water Engineering (Group A) Service Rules, 1982 notified *vide* G.S.R. 369 dated 10 April, 1982.

13. At their sitting held on 7 September, 1983, the Committee considered the above reply of the Ministry of Irrigation and decided to hear oral evidence of the representatives of the Ministry in the matter. The representatives of the Ministry appeared before the Committee for evidence on 28 May, 1984.

14. During the course of the evidence, on enquiry about (i) the date on which the reference was made to the Union Public Service Commission for their approval to continue operation of the provision of the Rules beyond 31.12.1977, (ii) the date when Union Public Service Commission had advised

the Ministry to make the provision as permanent feature of the Rules, and (iii) the efforts made by the Ministry during the intervening period to get the approval of Union Public Service Commission, the representative of the Ministry stated that reference to the Union Public Service Commission was made on 9 March, 1977 and the reply was received on 9 June, 1977 suggesting that the Ministry should consider in terms of making the provision on a permanent basis. The matter was referred to the Department of Personnel and Administrative Reforms on 4 January, 1978 and their approval was received on 13 February, 1978.

15. When asked to state under whose orders the amendment was left unnotified after getting the approval of the Union Public Service Commission the representative of the Ministry stated that after receipt of the approval of the Department of Personnel and Administrative Reforms they again made a reference to the Union Public Service Commission on 29 June, 1978 and the final approval of the U.P.S.C. was received on 17 July, 1979. He admitted that it was the proper time then for going ahead with the notification but certain fundamental changes had been envisaged in the meantime in the entire Engineering Services. There was a proposal for creation of the Indian Service of Engineers. At the same time, certain anomalies in the existing Rules were also brought to the notice of the Ministry. Scrutiny and consideration of those matters had delayed the issue of the notification.

16. In reply to a question whether the Ministry of Law and the Department of Personnel and Administrative Reforms had ever raised any objection to the continuation of the Rules beyond December, 1977 without any legal sanction, the representative stated that they had to go to the Union Public Service Commission because no notification was issued and at time the matter was referred to the Ministry of Law but they did not raise any objection in that regard.

17. Clarifying the position further, the representative of the Ministry stated that the earlier notification was upto 31 December, 1977, but it was extended upto 31 December, 1980 under the advice of the Union Public Service Commission and in consultation with the Department of Personnel and Administrative Reforms. In 1981, they had issued a new set of Rules after consulting the Ministry of Law. In view of the opinion of the Ministry of Law that the Rules which had lapsed could not be revived legally, a fresh notification was issued for extending the Rules upto 31 December, 1981.

18. When asked about the legal consequences of administering the expired Rules for a period of 2 years, the representative stated that technically and legally all the recruitments would be made null and void.

19. The Committee are not happy over the manner in which the whole matter has been dealt with in the Ministry of Irrigation. The Committee regret to note that when the reply of the Union Public Service Commission had been received by them on 9 June, 1977, the Ministry had taken about 7 months to refer the matter to the Department of Personnel and Administrative Reforms for their clearance and again they took a period of more than 4 months to make reference to the U.P.S.C. back to seek their approval. The Committee further note that the final approval of the U.P.S.C. was received by the Ministry of Irrigation on 17 July, 1979 and instead of going ahead with the notification of Rules in the Gazette at that stage, the Ministry got itself entangled in certain fundamental changes in the entire Engineering Service and the cumulative effect of that was lapse of the Rules on 31 December, 1977. To cover up that lapse, the Ministry had to supersede the amendment Rules of 1980 through G.S.R. 825 notified in September, 1981 and these Rules too were later on repealed in 1982. In other words the Ministry of Irrigation have taken a period of 5 years from 1977 to 1982 to correct the position.

20. The Committee cannot refrain from expressing their displeasure over this delay on the part of the Ministry of Irrigation. The Committee, therefore, recommend that in cases where a number of Ministries/Departments are required to be consulted for clarification and clearance of Rules/Regulations, the Ministry concerned should as far as possible arrange inter-Ministerial, Departmental meetings of Senior Officers for the purpose and resolve the issues across the table rather than resorting to routine procedure and protracted correspondence.

III

"6. Qualifications for persons to be eligible for admission in the Institute.—No person shall be admitted to the Institute unless he satisfies the requirements of any one of the following clauses, namely:—

THE INDIAN INSTITUTE OF LEGAL METROLOGY RULES, 1980 (G.S.R. 194-E OF 1980)

21. Rule 6 (a) of the Indian Institute of Legal Metrology Rules, 1980 read as under:—

- (a) that he is employed by the Central or any State Government in any Department dealing with Legal Metrology and either holds:—
 - (i) a degree in Science (with Physics as one of the subjects), technology or engineering, or
 - (ii) a diploma in engineering, and has been sponsored for training at the Institute by the Government by which he is so employed ;

Provided that a person so employed holding a degree in Arts may also be sponsored by the Government by which he is so employed, if such person having been employed by the Government before the commencement of these rules, has acquired experience in legal metrology for a period of not less than two years:

Provided further that where any other person employed by the State Government, is sponsored by that governments, the Central Government may relax the educational qualifications if the person so sponsored is considered by the Central Government to be otherwise suitable for undergoing the course of training."

22. It was felt that some guidelines might be issued to check arbitrary use of the powers given under the second proviso to rule 6 (a) *ibid* regarding relaxation of educational qualifications to candidates for admission to the Institute.

23. On a reference dated 21 August, 1980 made in the matter, the Ministry of Civil Supplies, in their reply dated 4 October, 1980 stated as under—

"The second proviso to rules 6 (a) (ii) empowers the Central Government to relax educational qualifications in respect of persons employed and sponsored by State Governments. As of now, a large number of persons employed in the States for enforcement of the weights and measures laws (laws relating to legal metrology) do not possess the qualifications prescribed under rule 6 (a) (ii). In case training facilities are not extended to those persons, enforcement of the law will suffer. It is, therefore, felt desirable that the training facilities in the Institute should be open to the persons in the job. The desirability of suitable educational qualification for the persons employed in the legal metrology departments of the States and Union Territories has been indicated from time to time. However, it may not be possible immediately to recruit persons having desirable qualifications in all courses everywhere in the country. Training is all the more necessary for such recruits. Hence with a view to accommodating them in the training course of the institute, a certain measure of flexibility ought to be provided in the rules."

24. When it was further pointed out that the Government should record the reasons in writing for granting relaxation in the educational qualifications under the second proviso to rule 6 (a), the Ministry in their reply dated 25 February, 1981 stated that the advice of the Committee of the Lok Sabha had been noted for guidance.

25. At their sitting held on 20 February, 1984, the Committee considered the observation of the Ministry in the matter and directed that a statistical analysis of the relaxations granted during the last five years, indicating reasons therefor in each case might be called for from the Ministry for their perusal.

26. In their reply dated 26 March, 1984, the Ministry of Food and Civil Supplies (Department of Civil Supplies) have furnished the following data:

Year	No. of cases	Reasons for relaxation of educational qualifications
1979	Nil	—
1980	19	Field experience as Inspector of Weights
1981	18	-do-
1982	20	-do-
1983	1	-do-

27. The Committee, after considering the matter in depth, recommend the Ministry of Food and Civil Supplies (Department of Civil Supplies) to amend the second proviso to rule 6 (a) (ii) of the Indian Institute of Legal Rules, 1980, in order to provide field experience as one of the essential requisites for granting relaxation in the educational qualifications for admission to the Indian Institute of Legal. The Committee further direct the Ministry to lay down suitable guidelines in this respect in the above Rules.

IV

THE POSTS AND TELEGRAPHS DEPARTMENT (WIREMEN) RECRUITMENT RULES, 1982, (G.S.R. 185 OF 1982)

28. Rule 7 of the Posts and Telegraphs Department (Wiremen) Recruitment Rules, 1982, read as under:—

“Training and Bond.—(i) The selected candidates (both direct recruits and departmental) shall before appointment undergo training for such period as may be specified by the Director General, Posts and Telegraphs.

(ii) The direct recruits shall, before proceeding for training, execute a bond in such form as may be specified by the Director General, Posts and Telegraphs, for serving the department for a period not less than 5 years.”

29. It was felt that the period of training as also the form of bond should be incorporated in the said Rules in order to make them self-contained and for the information of all concerned.

30. Accordingly, a reference was made to the Ministry of Communications (D.G. P&T) on 27 March, 1982 for eliciting their comments. In their reply dated 10 June, 1982, the Director General of Posts and Telegraphs stated as under:—

“(a) As regards period of training to be incorporated in the Recruitment Rules, it is stated that training period is not a statutory one but it is decided after determining the administrative needs from time to time and, therefore, it has not been specified in the Recruitment Rules, itself. It is always notified while calling particular documents on selection.

(b) In regard to appending of form of bond, alongwith the Recruitment Rules, to be executed by direct Recruitments before proceeding on training, it may be stated that execution of bond is a post recruitment process and which is in the nature of an agreement between the candidate and the employer. It is felt it has no direct relevance to the statutory Recruitment Rules. However a copy of the bond will be included in the Recruitment Rules.”

31. In their further communication, dated 5 November, 1982, the Director General of Posts and Telegraphs stated as under:—

“.....the case with a draft amendment to the Rules of Recruitment of wiremen for inclusion of the said form of bond with the Recruitment Rules was submitted to the Department of Personnel and A.R. for their approval. The department of Personnel & A.R. had felt that the form of the Bond could be regulated by executive instructions. They are further of the view to re-consider whether it would be more appropriate to modify the existing rule 7 (ii) by *omitting the words in such form as may be specified by the Director General, Posts and Telegraphs*. The Ministry of Law and Justice are also of the same view.

“ In view of the above circumstances, the Committee may kindly be requested to review their observations and to treat the form of the Bond as part and parcel of the executive instructions as at present and may not be necessary to figure in the statutory rules of recruitment.”

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 executive instructions are not published in the Gazette of India and hence these escape the scrutiny 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, 1982 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.

V

IMPLEMENTATION OF RECOMMENDATION CONTAINED
IN PARAGRAPH 27 OF THE TWENTY-SECOND REPORT
OF COMMITTEE ON SUBORDINATE LEGISLATION

(SEVENTH LOK SABHA) RE: THE MERCHANT SHIPPING
(CARRIAGE OF DANGEROUS GOODS) RULES, 1971
(G.S.R. 1316 OF 1978).

33. Sub-rule: (1) (a)(iv) and (3)(c) (i) of Rule 6 of the Merchant Shipping (Carriage of Dangerous Goods) Rules, 1978 contained an expression 'ordinary risk/risks'. Likewise, sub-rule (1)(b) (iii) of Rule 6 of rules *ibid*, embodied the term 'reasonably possible'. Further, sub-rules (1) (b) and (1) (c) of Rule 7 of these rules contained an expression 'reasonable diligence.' Sub-rule (2) (f) of Rule 8 of Rules *ibid*, carried another expression 'precautions proper in circumstances'.

34. The aforesaid expressions appeared to be vague as these could be interpreted differently by different persons. After considering the comments of the Ministry of Shipping and Transport, the Committee in paragraph 27 of their Twenty-second Report (Seventh Lok Sabha) presented to the House on 13 December, 1983, made the following recommendations/observations:

"The Committee note that the Ministry of Shipping and Transport (Shipping Wing) are of the view that since the use of expressions like 'ordinary risk', 'reasonably possible', 'reasonable diligence, and 'precaution proper in the circumstances' is quite common in marine parlance, these expressions do not require any further elaboration. The Committee, however, do not agree with the views of the Ministry and they desire that the Ministry should review all such expressions to make them precise and free from ambiguity. The Committee further desire the Ministry to issue necessary clarifications and lay down guidelines wherever necessary to obviate any scope for discrimination."

35. In their Action-taken note dated 5 March, 1984, the Ministry of Shipping and Transport (Shipping Wing) have stated as under:—

".....these recommendations have been examined in consultation with D.G. (S), Bombay. D.G. (S) have stated that by virtue of rule 2 (b) and rule 6.1 (g) of the Merchant Shipping (Carriage of Dangerous Goods) Rules, 1978 the IMO Dangerous Goods Code has been made applicable. In this code the criteria to determine 'ordinary risk', 'reasonably possible' 'reasonable diligence' and 'precautions proper in the circumstances' have already been laid down. Further para 10 of the general introduction to the IMO dangerous Goods Code read with Annexure I of the Code also lay down the guidelines. These include the requirements prescribed for the air pressure test, deop test, stacking/static load test, humidity/temperature test, water spray test, puncture and cooerage tests etc. Persons engaged in the maritime Transport of dangerous goods are fully conversant with the requirements of the IMO Dangerous Goods Code and therefore sufficient guidelines already exist to avoid any ambiguity. It may also be clarified that the Mercantile Marine Departments who supervise the stowage of cargo in ships, have already been instructed to ensure that the provisions of the IMO Dangerous Goods Code are strictly complied with.

In view of the above position there appears to be no need for issuing any separate clarifications or guidelines in relation to the rules 6, 7 & 8 of the M.S. (Carriage of Dangerous Goods) Rules, 1978."

36. The Committee note that the expressions 'ordinary risk', 'reasonably possible', 'reasonable diligence, and 'precautions proper in the circumstances' appearing in rules 6, 7 and 8 of the Merchant Shipping (Carriage of Dangerous Goods) Rules, 1978 have been laid down in the IMO Dangerous Goods Code as applicable by virtue of rule 2 (b) and rule 6.1 (g) of the Rules *ibid*. The Committee further note that paragraph 10 of the general introduction to the said code read with its Annexure I, lays down sufficient guidelines to avoid any ambiguity. In view of the above, the Committee do not wish to pursue the matter further.

VI

IMPLEMENTATION OF RECOMMENDATION CONTAINED IN PARAGRAPH 58 OF THE TWENTY-SECOND REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) REGARDING THE FOREIGN TRAVEL TAX RULES, 1979 (G.S.R. 355-E OF 1979)

37. Rule 16 of the Foreign Travel Tax Rules, 1979 provides as under:—

"16. Recovery of sums due to Government.—

Where any tax demanded from any persons of any penalty payable by any person under Chapter V of the Act is not paid, the officer of customs mentioned in section 3 (d) of the Customs Act may prepare a certificate signed by him specifying the amount due and sent it to the Collector of the District in which the said person owns property or resides or carries on business and the said Collector, on receipt of such certificate, shall proceed to recover from the said person the amount specified thereunder as if it were an arrear of land revenue."

38. It was felt that recovery sums due to Government as an arrear of land revenue being a major provision, the authority therefor should emanate from the parent Act.

39. After considering the comments of the Ministry, the Committee in paragraph 58 of their Twenty-second Report (Seventh Lok Sabha), presented to the House on 13 December, 1983, observed/recommended as under ;

"The Committee do not agree with the views of the Ministry of Finance (Department of Revenue) that in case action taken under the provisions of rule 7 and rules 11 and 12 of the Foreign Travel Tax Rules, 1979 proved ineffective, then only the certificate action as contemplated under rule 16 of the said rules is to be taken as a last resort for recovery of tax. The Committee are of the view that since recovery of sums due to Government as an arrear of land revenue is a major provision the authority therefor should flow from the parent Act and not from the rules."

40. In their Action Taken Note dated 6 February, 1984, the Ministry of Finance (Department of Revenue) stated as under :—

".....the recommendation of the Committee in para 58 of their Report, has been examined in consultation with the Ministry of Law. Parent Act in relation to Foreign Travel Tax is the Finance Act 1979(21 of 1979). It would appear from the scheme of the Act that Parliament itself has envisaged that collection of tax and levy of penalties should be left to be regulated by the rules made by the Central Government. Since the parent Act itself has empowered the Central Government to make rules (in the manner they have been made) providing for collection of taxes and penalties, it does not appear necessary to make a provision in the Act itself for recovery of sums due to the Government as arrears of land revenue and there seems to be no need to amend the parent Act as recommended by the Committee.

A copy of the Ministry of Law (Department of Legal Affairs) U.O.No. 20325/84-Advice (B), dated 21st Jan. 1984 is also enclosed* herewith for information."

41. After considering the whole matter, the Committee are inclined to agree with the opinion of the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) that since the parent Act, i.e. the Finance Act, 1979, itself has empowered the Central Government to make rules providing for the collection of taxes and penalties, it is not necessary to make a provision in the Act itself for recovery of sums due to the Government as arrears of land revenue. In view of the above, the Committee do not wish to insist upon the Ministry of Finance (Department of Revenue) for the amendment of the Finance Act, 1979.

VII

THE ALL INDIA RADIO, BOMBAY (HINDI OFFICER) RECRUITMENT RULES, 1980 (G.S.R. 1016 OF 1980)

42. Entry relating to 'Composition of the Departmental Promotion Committee' under Column 13 of the Schedule appended to the All India Radio, Bombay (Hindi Officer) Recruitment Rules, 1980 provided that one of the members of the Committee would be an officer of the appropriate status.

43. The expression 'appropriate status' appeared to be vague. It was felt that in order to make the rules specific, the status of the member should be indicated in the rules.

44. The matter was referred to the Ministry of Information and Broadcasting on 9 March, 1981. In reply, the Ministry forwarded a copy of the revised Recruitment Rules, 1983* in supersession of the Recruitment Rules of 1980. The corresponding entry relating to 'Composition of the Departmental Promotion Committee' under Column 12 of the Schedule to the revised Recruitment Rules read as under :—

"Group 'B' Departmental Promotion Committee

- (i) Deputy Director General (A), Ministry of Information and Broadcasting—Chairman.
- (ii) Director (Administration & Finance) Ministry of Information and Broadcasting—Member.
- (iii) Deputy Director General (Commercial)—Member.
- (iv) Deputy Secretary of Department of Official Languages—Member
....."

45. The Committee note that on being pointed out by them, the Ministry of Information and Broadcasting, have notified the revised Rules *vide* G.S.R. 389 dated 14 April, 1984 in supersession of the 1980 Rules. The corresponding entry relating to the composition of the Departmental Promotion Committee under Column 12 of the Schedule to the revised Rules indicates the specific status of all the Members of the Departmental Promotion Committee.

*Notified *vide* G.S.R. 389 in the Gazette of India, Part II, Section 3 (i) dated 14 April, 1984.

The Committee, however, note that the Ministry have taken a period of 3 years in notifying the revised Rules. The Committee cannot refrain from expressing their displeasure over this tendency of taking unusually long period in correcting and notifying such a minor amendment by the Ministries/Departments. The Committee, therefore, recommend that in all such cases the concerned Ministries/Departments should finalise their action to amend the rules within a period of three to six months.

VIII

THE MINISTRY OF AGRICULTURE, FOREST RESEARCH INSTITUTE AND COLLEGES DEHRA DUN, SENIOR ANALYST (WORK STUDY) AND RESEARCH ASSISTANT (WORK STUDY) RECRUITMENT RULES, 1981 (G.S.R. 124 OF 1982)

46. The Ministry of Agriculture, Forest Research Institute and Colleges, Dehra Dun, Senior Analyst (Work Study) and Research Assistant (Work Study) Recruitment Rules, 1981 did not contain the usual 'Saving' provision regarding the Scheduled Casts/Scheduled Tribes.

47. This lacuna was pointed out to the Ministry of Agriculture (Department of Agriculture and Cooperation) on 22 March, 1982.

48. The Ministry, after consulting the Department of Personnel & A.R. and the U.P.S.C., had, in their reply dated 3 August, 1983, stated that the following provision has been notified in the Rules *vide* G.S.R. 238 of 1983 :

"7. *Saving.* Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard".

49. The Committee note that, on being pointed out by them, the Ministry of Agriculture (Department of Agriculture and Cooperation) have amended the Ministry of Agriculture, Forest Research Institute and Colleges, Dehra Dun, Senior Analyst (Work Study) and Research Assistant (Work Study) Recruitment Rules, 1981 to the desired effect by inserting therein the 'Saving' provision regarding the Scheduled Castes/Scheduled Tribes.

IX

**THE MINISTRY OF EXTERNAL AFFAIRS STAFF CAR DRIVER
RECRUITMENT (AMENDMENT) RULES, 1982 (G.S R. 403
OF 1982)**

50. Entry under Column 7 of the Schedule appended to the Ministry of External Affairs Staff Car Drivers Recruitment Rules, 1972, as amended, read as under :—

“By transfer on the result of a test in driving designed to adjudge suitability for the post with reference to the standards of competence considered essential in Drivers of Staff Cars, from amongst regular Despatch Riders (Group ‘C’) and Group ‘D’ employees of the Ministry of External Affairs possessing the qualifications specified in column 9, or by deputation or transfer of persons holding the post of staff car-drivers in other Ministries or Departments. (Period of deputation ordinarily not exceeding two years).”

51. It was felt that the standards of competence considered essential for Drivers of Staff Cars might be laid down in the Rules themselves so as to make them self-contained.

52. The Ministry of External Affairs, to whom the matter was referred on 19 July, 1982, have amended the requisite entry under Column 7 as under *vide* G.S.R. 982 of 1982 :—

“By transfer from amongst regular Despatch Riders (Group ‘C’) and regular Group ‘D’ employees of the Ministry of External Affairs possessing a valid driving licence and on the basis of a test in driving to adjudge their suitability ; or by deputation or transfer of persons holding the post of staff car drivers in other Ministries or Departments. (Period of deputation ordinarily not exceeding two years).”

53. The Committee note that, on being pointed out by them, the Ministry of External Affairs have amended the entry under column 7 of the Schedule appended to the Ministry of External Affairs Staff Car Drivers Recruitment Rules, 1982 to the desired effect.

THE EMPLOYEES' PROVIDENT FUNDS (THIRD AMENDMENT) SCHEME, 1982 (G.S R. 437 OF 1983)

54. During the course of examination of the Employees' Provident Funds (Third Amendment) Scheme, 1982, it was observed that the Employees' Provident Funds Scheme, 1952 was last printed in 1973 and a number of amendments had been made in the Scheme since then. In this connection, the Committee on Subordinate Legislation, in paragraph 29 of their Fourth Report (First Lok Sabha) presented on 14 May, 1956, observed as under :—

"The Committee recommend that whenever there are extensive amendments to any rules, the rules should be re-printed. The question of economy should be balanced against the convenience to the Persons for whose use rules are made."

55. The matter was referred to the Ministry of Labour and Rehabilitation (Department of Labour) on 17 December, 1982, inviting their attention to the above observation of the Committee and for stating whether they had any objection to getting the above Scheme reprinted by incorporating therein all the amendments notified in the Gazette of India till then.

56. The Ministry of Labour and Rehabilitation, in their reply dated 25 May, 1984, stated as under :—

"The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 provides for framing of three Schemes, namely, the Employees' provident Fund Scheme, the Family Pension Scheme and the E.D.L.I. Scheme. The Government have accordingly framed the employees' Provident Fund Scheme, 1952, the Employees' Family Pension Scheme, 1971 and the Employees' Deposit Linked Insurance Scheme, 1976. In the past, the Ministry of Law used to get the Act and schemes printed together. The last such publication containing the Employees Provident Fund Act, the Employees Provident Fund Scheme and the Family Pension Scheme was printed by the Ministry of Law in 1973.

The practice now is to print the Act and the Scheme separately. The responsibility for printing of the Scheme is that of the administrative Ministry/Department. The Department has not, however, got the three schemes printed after 1973. In fact, the

printing of the scheme was not considered necessary, as private publishers have been bringing out copies of the Act and Schemes, with up-to-date amendments, almost every year. However, on the advice of the Ministry of Law, action is now being taken to consolidate the rules/notifications issued under the various Acts and to have them printed. The three schemes framed under the E.P.F. Act will also, therefore, be got printed, together with the notifications issued under the Act."

57. The Committee note that responsibility for getting the various Schemes framed under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, is that of the Ministry of Labour and Rehabilitation (Department of Labour) and they have not got these Schemes printed after 1973. Taking into consideration the utility and importance of up-to-date editions of these Schemes for the beneficiaries as also the law practitioners, the Committee recommend the Ministry of Labour and Rehabilitation (Department of Labour) to take immediate steps to consolidate the rules/notifications issued so far under the above three Schemes, viz., the Employees' Provident Fund Scheme, 1952, the Employees' Family Pension Scheme, 1971 and the Employees Deposit Linked Insurance Scheme, 1976 and arrange to get them reprinted at an early date by incorporating therein all the amendments notified till date.

XI

ACTION TAKEN BY GOVERNMENT ON VARIOUS RECOMMENDATIONS OF, AND ASSURANCES GIVEN TO THE COMMITTEE ON SUBORDINATE LEGISLATION

58. The Committee note the action taken by Government on their earlier recommendations as indicated in Appendix III.

NEW DELHI;

August 21, 1984.

Shravana 30, 1906 (Saka)

R.S. SPARROW

*Chairman,
Committee on Subordinate
Legislation*

APPENDICES

APPENDIX I

(Vide Paragraph 6 of the Report)

Summary of Recommendations/Observations made by the Committee

S.No.	Paragraph No.	Summary
(1)	(2)	(3)
1(i)	19	<p>The Committee are not happy over the manner in which the whole matter has been dealt with in the Ministry of Irrigation. The Committee regret to note that when the reply of the Union Public Service Commission had been received by them on 9 June, 1977, the Ministry had taken about 7 months to refer the matter to the Department of Personnel and Administrative Reforms for their clearance and again they took a period of more than 4 months to make reference to the U.P.S.C. back to seek their approval. The Committee further note that the final approval of the U.P.S.C. was received by the Ministry of Irrigation in 17 July, 1979 and instead of going ahead with the notification of Rules in the Gazette at that stage, the Ministry got itself entangled in certain fundamental changes in the entire Engineering Service and the cumulative effect of that was the lapse of the Rules on 31 December, 1977. To cover up that lapse, the Ministry had to supersede the amendment Rules of 1980 though G.S.R. 825 notified in September, 1981 and these Rules too were later on repealed in 1982. In other words the Ministry of Irrigation have taken a period of 5 years from 1977 to 1982 to correct the position.</p>

1	2	3
1(ii)	20	<p>The Committee cannot refrain from expressing their displeasure over this delay on the part of the Ministry of Irrigation. The Committee, therefore, recommend that in cases where a number of Ministries/Departments are required to be consulted for clarification and clearance of Rules/Regulations, the Ministry concerned should as far as possible arrange inter-Ministerial/Departmental meetings of Senior Officers for the purpose and resolve the issues across the table rather than resorting to routine procedure and protracted correspondence.</p>
2	27	<p>The Committee, after considering the matter in depth, recommend the Ministry of Food and Civil Supplies (Department of Civil Supplies) to amend the second proviso to rule 6 (a) (ii) of the Indian Institute of Legal Metrology Rules, 1980, in order to provide field experience as one of the essential requisites for granting relaxation in the educational qualification for admission to the Indian Institute of Legal Metrology. The committee further direct the Ministry to lay down suitable guidelines in this respect in the above Rules.</p>
3	32	<p>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 form of bond could be regulated through the executive instructions.</p>

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In this connection, the Committee have time and again emphasised that executive instructions are not published in the Gazette of India and hence these escape the scrutiny 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, 1982 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.

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The Committee note that the expressions 'ordinary risk', reasonably, possible', 'reasonable, diligence' and 'precautions proper in the circumstances' appearing in rules 6, 7 and 8 of the Merchant Shipping (Carriage of Dangerous Goods) Rules, 1978 have been laid down in the IMO Dangerous Goods Code as applicable by virtue of rule 2 (b) and rule 6.1 (g) of the Rules *ibid*. The Committee further note that paragraph 10 of the general introduction to the said code read with its Annexure I, lays down sufficient guidelines to avoid any ambiguity. In view of the above, the Committee do not wish to pursue the matter further.

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After considering the whole matter, the Committee are inclined to agree with the opinion of the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) that since the parent Act, i.e. the Finance Act, 1979, itself has empowered the Central Government to make rules providing for the collection of taxes and penalties, it is not necessary to make a provision in the Act itself for recovery of sums

1	2	3
		due to the Government as arrears of land revenue. In view of the above, the Committee do not wish to insist upon the Minister of Finance (Department of Revenue) for the amendment of the Finance Act, 1979.
7	45	The Committee note that on being pointed out by them, the Ministry of Information and Broadcasting have notified the revised Rules <i>vide</i> G.S.R. 489 dated 14 April, 1984 in supersession of the 1980 Rules. The corresponding entry relating to the composition of the Departmental Promotion Committee under Column 12 of the Schedule to the revised Rules indicates the specific status of all the Members of the Departmental Promotion Committee. The Committee, however note that the Ministry have taken a period of 3 years in notifying the revised Rules. The Committee cannot refrain from expressing their displeasure over this tendency of taking unusually long period in correcting and notifying such minor amendment by the Ministries/Departments. The Committee therefore, recommend that in all such cases the concerned Ministries/Departments should finalise their action to amend the rules within a Period of three to six months.
7	49	The Committee note that, on being pointed out by them, the Ministry of Agriculture (Department of Agriculture and Cooperation) have amended the Ministry of Agriculture, Forest Research Institute and Colleges, Dehra Dun, Senior Analyst (Work Study) and Research Assistant (Work Study) Recruitment Rules, 1981, to the desired effect by inserting therein the Saving provision regarding the Scheduled Castes/Scheduled Tribes.
8	49	The Committee note that, on being pointed out by them, the Ministry of External Affairs have amended the entry under column 7 of the Schedule

1	2	3
		appended to the Ministry of External Affairs Staff Car Drivers Recruitment Rules, 1982 to the desired effect.
9	57	<p>The Committee note that the responsibility for getting the various Schemes framed under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, is that of the Ministry of Labour and Rehabilitation (Department of Labour) and they have not got these Schemes printed after 1973. Taking into consideration the utility and importance of up-to-date editions of these Schemes for the beneficiaries as also the law practitioners, the committee recommend the Ministry of Labour and Rehabilitation (Department of Labour) to take immediate steps to consolidate the rules/notifications issued so far under the above three Schemes, viz. the Employees' Provident Fund Scheme, 1952, the Employees' Family Pension Scheme, 1971 and the Employees' Deposit Linked Insurance Scheme, 1976 and arrange to get them reprinted at an early date by incorporating therein all the amendments notified till date.</p>
10	58	<p>The Committee note the action taken by Government on their earlier recommendations, as indicated in Appendix III.</p>

APPENDIX II

(Vide paragraph 40 of the Report)

*Notes in the Ministry of Law Department of Legal Affairs
Advice (B) Section*

The Committee on Subordinate Legislation (Seventh Lok Sabha) has recommended that recovery of sums due to Government as an arrear of land revenue is a major provision, the authority therefor should flow from the parent Act and not from the rules.

2. The parent Act in relation to the Foreign Travel Tax is the Finance Act, 1979, Section 35(2) provides, *inter alia*, that in accordance with the rules made, the Foreign Travel Tax shall be collected by the officers of Customs etc. and paid to the credit of the Central Government. Section 38(1) of the Act provides for a penalty in the event of any passenger embarking or attempting to embark on an international journey without paying the Foreign Travel Tax. Section 40 of the Act deals with the power to make rules. Sub-section (2)(a) of Section 40 provides, *inter alia*, that such rules may provide for collection of the Foreign Travel Tax, the authorities by whom adjudication of penalties or other functions shall be discharged, the manner in which such tax, penalties or other sums due shall be payable, and the manner in which such, penalties or sums shall be collected and paid to the credit of the Central Government.

3. It would appear from the scheme of the Act mentioned above that Parliament itself has envisaged that the collection of the tax and the levy of penalty should be left to be regulated by the rules made by the Central Government. These matters are also specifically enumerated in the rule-making power contained in section 40. Section 41 provides that the rules and notifications made under the provisions of Chapter V of the Finance Act shall be laid on the Table of the Parliament. This provision gives scope for Parliament to scrutinise such rules and notifications and if any modifications are desired, the Houses are free to make modifications and the rules or notifications would be effective only as modified by the Houses.

4. Since the parent Act itself has empowered the Central Government to make rules providing for the collection of taxes and penalties, it does

not appear to be necessary to provide in the parent Act itself that the sums due to the Government should be recovered through certificate proceedings.

5. Rules 7 and 11 to 15 of the Foreign Travel Tax Rules, 1979 can be said to embody the principle of natural justice. As regards payment of tax, there should be determination of the amount of tax and such determination will be made only after a show cause notice is served upon the carrier concerned. Similarly, in the matter of levy of penalties, provision has been made for adjudication, issue of show cause notice, appeal and revision. It is only after all these procedures are gone through that the amount of penalty payable, if any, is determined. These provisions have been made in keeping with the recent trend in the judicial decisions which lay emphasis on the need to comply with the principles of natural justice in taking such decisions.

6. Since the parent Act itself has empowered the Central Government to make rules in the manner they have been made in the present case, there appears to be no need to amend the parent Act as recommended by the Committee.

Sd/-

(P. K. KARTHA)

Joint Secretary & Legal Adviser

20.1.84

Ministry of Finance (Department of Revenue)

Ministry of Law (Deptt. of Legal Affairs) U. O. Dy.

No. 20325/84-A (B) dated 21.1.84

APPENDIX III

(Vide paragraph 58 of the Report)

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

S. No.	Reference to para Nos. of Report and date of its presentation	Summary of recommendations/assurances	Gist of Government's reply
1	2	3	4
1.	Fourteenth report (Seventh Lok Sabha) 13 4-11-1982	The Committee recommend that, in cases where the Rules/Regulations/bye-laws are published in the draft form for inviting comments/suggestions from the public, these should be finalised and notified in final form within a period of 3 months after the receipt of Comments/suggestions thereon. The Committee would also like the Department of Parliamentary Affairs to bring this recommendation to the notice of all the Ministries/Departments for compliance.	The Department of Parliamentary Affairs have brought the recommendation of the Committee to the notice of all Ministries/Departments for their guidance and compliance <i>vide</i> their O. M. No. F. 32(10)/82-R&C dated 1 February, 1983.

2. Fourteenth Report
(Seventh Lok Sabha)

92
4-11-1982

After considering the matter from all aspects, the Committee are inclined to accept the suggestion of the Ministry of Finance (Department of Economic Affairs) that the short titles to the Commemorative Coins pertaining to the IX Asian Games and UNICEF—IYC programmes may indicate the denominations of all the coins and the occasion in respect of which these coins are being issued without indicating the detailed metallic composition of all the coins. However, the Committee are of the view that reference to denomination and metallic composition must be given in other coinage Rules so that the various notifications are clearly and conveniently distinguishable.

The Ministry of Finance (Department of Economic Affairs) have notified the Commemorative Coins Rules pertaining to the IX Asian Games, UNICEF—IYC, Programmes National Integration and new design 20 paise, 10 P. coins containing the metallic composition as recommended by the Committee *vide* S.O. 724(E) dated 7.10.1982, S.O. No. 2487 dated 11.6.1983, S.O. No. 853(E) dated 20.12.1982 and S. O. No. 218(E) dated 25.3.1983 Ministry of Finance (Department of Economic Affairs) O. M. No. 1/1/82-Coins 3.5.1984.

3. Fifteenth Report
(Seventh Lok
Sabha 25-26
25-2-1983)

The Committee are not convinced with the arguments advanced by the Ministry of Commerce for not mentioning the details of the standard specifications recognised by the Central Government in the Export of Cumin seeds (Quality Control and Inspection) Rules, 1979. The Committee feel that the difficulty pointed out by the Ministry that in case the standard specifications are to be mentioned in the Rules, the Ministry have to undergo a cumbersome procedure of amending two notifications separately, one published for standard specifications under the Agricultural Produce (Grading and Marking) Act, 1937 and the other under Section 6 of the Export (Quality Control and Inspection) Act, 1963, could be resolved by reproducing the notification regarding specifications in the form of an Annexure to the Export of Cumin seeds (Quality Control and Inspection) Rules, 1979 and also indicating therein the specific number and date of its publication in the Gazette. The Committee, therefore, desire the Ministry to amend the Rules accordingly at an early date.

The Ministry of Commerce have amended the Export of Cumin seeds (Quality Control and Inspection) Rules, 1979 as recommended by the Committee *vide* Notification No. 6(22)/74-EI & EP dated 2 May, 1984.

Committee note that in actual practice an advisory panel comprising five members—of whom four are non-officials and one is official of the Cooperative Department—has been constituted and that the appeals have to be disposed of within a period of 5 days. The Committee, therefore, recommend that the Ministry of Commerce should take immediate steps to amend the Export of Cumin seeds (Quality Control and Inspection) Rules, 1979 suitably by indicating therein the number of non-officials on the advisory panel as also the period within which appeals have to be disposed of. The Committee further desire that the words 'who may' appearing in Rule 8 *ibid* should be substituted with the words "who shall" in order to make the position more clear.

4. Seventeenth Report
(Seventh Lok Sabha)
37
22-3-1983

The Committee have time and again emphasised that the time lag between the publication of the Draft Rules and their final notification in the Gazette should not exceed one year rather efforts should be made to further reduce this period. The Committee note that although the Static and Mobile Pressure Vessels (Unfired) Rules, 1981 are

The Ministry of Industry
(Department of Industrial
Development) have noted
the contents of the recom-
mendation and have assu-
red to adhere to the time
limits stipulated therein

of highly technical nature and framed for the first time in the country, yet at the same time they feel that the Ministry have taken too long a period to finalise these Rules and notify them in the Gazette. The Committee desire the Ministry of Industry (Department of Industrial Development) to be careful in such matters in future and try to adhere to the time limit of one year for finalising and publishing the final rules.

dealing with similar cases in future.

5. Seventeenth Report
(Seventh Lok Sabha)

40

22-3-1982

The Committee feel satisfied with the reply of the Ministry of Industry (Department of Industrial Development) and recommend that the Ministry should watch the working of the Rules for some time more and specify in the Rule 65 of the Static and Mobile Pressure Vessels (Unfired) Rules, 1981, the conditions under which exemption can be granted by the Chief Controller of Explosives for storage and transportation of any compressed gas in any vessel in the light of the experience gained.

In this connection, the Ministry have stated that the Department of Explosives has not so far received any case of relaxation of any or all the provisions of Static and Mobile Pressure Vessels (Unfired) Rules, 1981. They have further stated that practical operation of these rules would need to be observed for some more time before specifying the conditions

under which exemptions could be granted and it would be premature at this stage to specify any such condition for granting exemption under the provisions of the said rules.

The Ministry have, however, carefully noted the recommendations of the Committee.

[M/o Industry (Department of Industrial Development)
O. M. No. 2 (4)/76-DPR/
FGG dated 16th April, 1984.]

6. Seventeenth Report (Seventh Lok Sabha) 53-54 22-3-1983
The Committee note with concern that even after a lapse of four years, the Ministry of Education and Culture (Department of Education) have not been able to bring forward a Comprehensive University Grants Commission (Amendment) Bill incorporating therein also a provision to empower the Central Government to give retrospective effect to 'Orders'

The Ministry have since introduced the 'University Grants Commission (Amendment) Bill, 1984' in the Rajya Sabha on 22-3-1984 incorporating *inter alia*, provision to empower the

framed thereunder as recommended by the Committee in paragraph 61 of their Sixteenth report and paragraph 51 of their Seventeenth Report (Sixth Lok Sabha), presented to Lok Sabha on 28 February and 22 March, 1979, respectively.

The Committee deplore the delay on the part of the Ministry and desire them that in case the proposed Comprehensive University Grants Commission (Amendment) Bill is not going to be introduced during the current Session of Lok Sabha (*viz.* Budget Session, 1983), they should introduce a Bill exclusively dealing with the amendment of the University Grants Commission Act for the purpose of implementing the recommendation of the Committee which has been accepted by the Government as far back as on 15 November, 1978.

Central Government to give retrospective effect to the 'Orders' framed under the Principal Act.

[Ministry of Education and Culture (Department of Education) O. M. No. F. 18-6-83 DESK (U) dated 27/30 April, 1984].

7. Seventeenth Report
(Seventh Lok Sabha)
72-73
22-3-1983

The Committee have come across a number of cases where the Ministries/Departments have taken unusually long time in implementing their recommendations. It will be seen from the cases mentioned at S. Nos. 4,8,11,15,18,19,20,26,28 and 34 of the Statement at Appendix III of the

The Ministry of Shipping and Transport have noted the recommendations of the Committee and brought to the notice of all their officers and Sections for

Report that the period of delay which occurred ranges between 2 and 8 years in implementing the recommendations made by the Committee in various Reports during the Fifth and Sixth Lok Sabha.

The Committee cannot help expressing their concern over the delay on the part of the concerned Ministries/Departments in the matter of implementation of their recommendations. The Committee would like the Ministries/Departments to be more careful in future and should strictly adhere to the timelimit fixed by the Committee for implementation of their recommendations and in sending timely intimation to them as and when the recommendations made by the Committee are implemented.

compliance *vide* their O.
M. No. CDN-CPA-6/83
dated 25 June, 1984.

8. Eighteenth Report
(Seventh Lok Sabha)
96
9-5-1983

The Committee note that although a period of more than 2 years has elapsed since a copy of the Fourth Report (Seventh Lok Sabha) was forwarded to the Ministry of Shipping and Transport for implementation of their recommendation contained in paragraph 48 thereof, the Ministry have not been able to finalise the requisite amend-

The Ministry of Shipping and Transport (Roads Wing) have since amended the following Rules *vide* Notifications No. RW/A-22 (24)/76-B and RW/A-22 (24)/6-A both dated

ment so far. The Committee observe that it was on the Ministry stating that the reasons for curtailing or extending the period of probation by the concerned authority were being recorded in writing that the Committee had recommended placing the same on a statutory footing by amending the rules. The Committee further observe that except for their first reply in the matter dated 14 April, 1981 other replies received from them were only after the issue of reminders at each stage which is not a happy state of affair. The Committee, however, now desire the Ministry to finalise the amendment without any further delay and to notify the same in accordance with their recommendation.

20-7-1983, to the desired effect :

- (i) Central Engineering Pool, Group 'A' of the Ministry of Shipping and Transport (Roads Wing) Rules, 1976, and
(ii) Central Engineering Service (Roads) Group 'A' of the Ministry of Shipping and Transport (Roads Wing) Rules, 1976.
[O. M. No. RW/A-22 (24)]
76 dated 3rd May, 1984]

9. Eighteenth Report
(Seventh Lok Sabha)

131

9.5.1983

Observing that the work relating to framing of a compact set of rules is a time-consuming job and the fact that the Department of Petroleum are making sincere efforts in completing the job as early possible which is evident from their various communications received from time to time intimating the progress made at each stage in the matter, the committee agree to give further extension of

Ministry of Energy
(Department of Petroleum)
vide their O. M. No. 7-12-81-Fin II dated 13 July, 1984 have stated as under :—

"...the work relating to framing of compact set of

time for completing the work by the end of August 1983, as requested by the Department. The Committee, however, hope and trust that there would be no occasion for seeking further extension of time.

Rules for the employees of Oil Industry Development Board has since been completed and the following four sets of Rules, covering the provisions of Fundamental Rules and Supplementary Rules have already been notified in the Gazette of India as shown below :

37

S. No.	Particulars	G.S.R. No. and date of Gazette Notification.
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1. OIDB Employees' 919 (E)
(Death-cum-Retirement Gratuity) dated 26-12-1983
Rules, 1983

2. OIDB Emplo- 227(E)

Members' (Leave) Rules, 1984	dated 12.4.1984
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3. OI DB Empolyees' 473 (E)
(Travelling Allow-
ance) Rules, 1984 dated
26.6.1984

4. OI DB Emplo- yees' (General Conditions of Service) Rules, 1984 "	509 (E) dated 12.7.1984
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10. Eighteenth Report
(Seventh Lok Sabha)
311
9.5.1983
- The Committee note that the Ministry of Education and Culture (Department of Education) have since introduced a comprehensive Bill (since passed by Rajya Sabha on 7.10.1982 and now pending in Lok Sabha) to amend Acts of the seven Central Universities to provide *inter alia* therein a provision for laying before Parliament the Statutes, Ordinances or Regulations framed by those Universities. The Ministry have not, however, amended the University Grants Commission Act, 1956 so far but now propose to include the said Act, in the

The Ministry have since introduced in the Rajya Sabha the University Grants Commission (Amendment) Bill, 1984 on 22 March, 1984, incorporating therein *inter alia* the provisions for laying of rules and regulations framed under the principal Act.

comprehensive Delegated Legislation Provisions (Amendment) Bill proposed to be introduced by the Ministry of Law, soon for the purpose. The Committee would therefore, urge the Ministry to ensure that as proposed by them the inclusion of the UGC Act therein is not lost sight of.

11. **Eighteenth Report**
(Seventh Lok Sabha)
322-323
9.5.1983

The Committee note that the two Acts on Narcotics laws (i) the Dangerous Drugs Act, 1930 and (ii) the Opium Act, 1857 have since been included in the Comprehensive Bill on the provisions of the Delegated Legislation since introduced by the Ministry of Law for incorporating laying provisions in about 50 Acts. The Committee also note that the Ministry of Finance who administer the aforesaid Acts, are alive to the Committee's recommendation made by them in paragraph 11 of their Fourteenth Report (Fifth Lok Sabha) for incorporating a provision for laying of rules before Parliament in other Acts with which they are concerned but do not contain such a provision.

The Committee would, however, observe and stress that the Opium Act, 1878 which also ought to have been included in the aforesaid comprehen-

[Ministry of Education and Culture (Department of Education) O. M. No. F. 18-5/83-Desk (U) dated 18 April, 1984]

The Ministry of Finance (Department of Revenue) have, *vide* their O. M. No. 664/2/84-OPIUM dated 16 May, 1984, stated as under: "The Ministry of Law, Justice and Company Affairs have informed that the Opium Act, 1878 has been included in the next Comprehensive Bill to be introduced in the Parliament."

sive Bill should now be included in the next Delegated Legislation Bill being proposed to be introduced by the Ministry of Law soon.

12. Eighteenth Report
(Seventh Lok Sabha)

331

9.5.1983

In the case of the Marriage Laws (Amendment) Bill, 1981, the Committee find that the Ministry of Law, Justice and Company Affairs in their O. M. dated 13 April, 1981 have regretted the omission* and have promised to comply with their recommendation by moving an official amendment to the desired effect at the time of consideration of the Bill. The Committee hope that this will be done.

*for not incorporating the laying provision in the Amendment Bill.

Ministry of Law Justice and Company Affairs vide their O.M. No. 4.11.83-L.1 dated 3 April, 1984 have stated that the Marriage Law (Amendment) Bill, 1981 Covers two Acts, namely :—

(i) The Special Marriage Act, 1954 (43 of 1954), and

(ii) The Hindu Marriage Act, 1955 (25 of 1955).

As regards Special Marriage Act, the required provision has since been inserted by the Delegated Legislation Provisions

(Amendment) Act, 1983
(20 of 1983).

Regarding Hindu Marriage Act, the rule-making power is with the State Governments and necessary provision for laying the rules before the State Legislatures is already there.

13. Nineteenth Report
(Seventh Lok
Sabha)

74
10.5.1' 83

The Committee note with concern the casual manner in which the Ministry of Shipping and Transport (Roads Wing) have treated the communications sent to them by a Parliamentary Committee. The Report of the Committee was sent to the Ministry on 3.3.1978. After sending an interim reply on 4.8.1980, they remained silent for another two years. The reply of the Ministry came only when the matter was taken up with the Secretary on 6.9.1982 and that too was an interim one. The matter is still at interim reply stage. The Committee, therefore, desire the Ministry

The Ministry of Shipping and Transport (Roads Wing) have since amended rules 20 and 27 of the Central Engineering Service (Roads) and Rule 15 of the Central Engineering Pool, Group 'A' of the Ministry of Shipping and Transport (Roads Wing) and the

to finalise the matter and amend the Central Engineering Service (Roads) Group 'A' of the Ministry of Shipping and Transport (Roads Wing) Rules, 1976 and the Central Engineering Pool Group 'A' of the Ministry of Shipping and Transport (Roads Wing) Rules, 1976 suitably without any further delay, as already recommended by them and publish the same in the Gazette of India at an early date.

requisite amendments have since been notified in the Gazette of India date 10.12.1983 *vide* G. S. R. Nos. 950 and 951. (letter No. RW/A-22(51)/76 dated 14.2.1984).

14. Nineteenth Report
(Seventh Lok
Sabha)

126

10.5.1983

The Committee feel distressed at the inordinate delay of four years by the Ministry of External Affairs in conveying their acceptance of the recommendation of the Committee to amend the Rules for limited Departmental Competitive Examination for inclusion in the Select List for the Integrated Grades II and III of the General Cadre of the Indian Foreign Service Branch 'B', Rules, 1974. This delay could have been avoided if the Ministry had initiated action to procure a copy of the Central Engineering Service Rules soon after receiving the Committee's Report which was presented to the House on 21.12.1978. The Committee desire the Ministry of External Affairs to issue the amending notification without any further delay.

The Ministry of External Affairs have since amended the provisions contained in the Rules (Part II below Appendix) of the limited Departmental Competitive examination for inclusion in the Select list for the Integrated Grade II & III of the General Cadre of the Indian Foreign Service, Branch 'B' to the desired effect and the requisite amendment has since

been notified in the
Gazette of India dated
25.6.1984

(D.O. letter No. Q./
CAD/792/5/79 dated
3.3.1984)

15. Twenty-first Re-
port (Seventh Lok
Sabha)

8

9-12-1983

The Committee note that although according to the Ministry the intention of the provision of regulation 31 of the Central Warehousing Corporation (staff) (Amendment) Regulations, 1980 in not to oust the jurisdiction of the courts, it does not, however, clearly reflect so. The Committee find it difficult to accept the position stated by the Ministry of Agriculture (Department of Food). The Committee also do not approve the wording of the existing provision of regulation 45 of the Central Warehousing Corporation (staff) Regulations, 1966. The Committee, therefore, desire that the Ministry of Agriculture (Department of Food) to amend regulation 45 of the Regulations *ibid* so as to bring it in line with that of Regulation 24 of the Kandla Port Employees

The Ministry have since amended the Central Warehousing Corporation (Staff) Regulations, 1966 to the desired effect *vide* Notification No. CWC/XV-I/Esit dated 2 April, 1984.

(Ministry of Food and Civil Supplies (Department of Food) O.M. No. 13-1/84-SG dated 6 April, 1984.)

(Allotment of Residence) Regulations, 1964 which reads as under:—

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

16. Twenty-first Report (Seventh Lok Sabha)

16-17

9-12-1983

The Committee do not agree with the contention of the Ministry of Finance (Department of Revenue) that the scope and effect of the amendment inserted as sub-clause (d) of clause (vi) (a) of sub-rule (3) of Rule 56A of the Central Excise Rules, 1944 is limited and relevant only for a transient period and that the specifying of the words ‘conditions and limitations’ in the Rule itself would have been of little purpose.

The Committee are of the view that had the intention of the Ministry behind this amendment been so, the Ministry would not have resorted to the issue of executive instructions for the guidance of the Collectors of Central Excise in this regard. Since the executive instructions, which are no substitute to

The Ministry of Finance (Department of Revenue) vide their O.M. No. 224/1/84-CX-6 dated 19 May, 1984 have, *inter alia*, stated as under :

“.....This Department reiterates its stand taken vide this Office's letter of even number dated 24th October, 1980, wherein it has been stated that the scope and effect of the amendment is limited in

the statutory rules, and which do not come to the notice of the Committee, the Committee desire that the Ministry should better specify the 'conditions and limitations' in the rule itself instead of these being prescribed by the Collectors through issue of suitable trade notices on the basis of executive instructions issued in this regard.

17. Twenty-first Re-
port (Seventh Lok
Sabha) 35-37

The Committee note that in most of the services the decision of the Screening Committee is considered as final.

9-12-1983

The Committee further note that in the present case the screening Committee is presided over by the Chairman/Member of the Union Public Service Commission to ensure strict impartiality in the screening procedure.

While agreeing with the above reply of the Ministry, the Committee, however, desire that the Screening Committee constituted for the purpose should also include an expert from outside the organisation.

nature and relevant only for a transient period. As such it is to be stated that the said provision inserted *vide* Central Excise (Seventh Amendment) Rules, 1980 is being deleted."

As per the provisions of Rule 4(2) of the DTD&P (Air) Ministry of Defence (Group 'B') Junior Scientific Officer Recruitment Rules, 1954, the Screening Committee constituted thereunder, was to determine the suitability for appointment to the post of Junior Scientific Officer in DTD&P (Air) Organisation in respect of Junior Scientific Officers

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of Defence Science Service serving in Defence Research and Development Organisation and Directorate General of Inspection Organisation who may opt for DTD&P (Air) Organisation within three months from the date of promulgation of DTD&P (Air) Organisation, Ministry of Defence (Group 'B') Junior Scientific Officer Recruitment Rules, 1980, as a one-time measure. Since no Officer exercised option within the prescribed time-limit, the Committee was not required to meet. The composition of the Committee is, thus, only a matter of record.

Ministry of Defence
(Department of Defence
production) O.M. No.
2545/DTD&P (Air)/
Admn/1456/Dir (A) dated
30 March, 1984.

18. Twenty-first Re-
port (Seventh Lok
Sabha)

40-41

9-12-1983

The Committee accept the plea of the Ministry of Defence (Department of Defence Production) for not laying down the principles of seniority in rule 4(2) of the Directorate of Technical Development and Production (Air) Organisation, Ministry of Defence (Group 'B') Junior Scientific Officer Recruitment Rules, 1980 due to the fact that only one person has opted for absorption in the Directorate of Technical Development and production (Air) Organisation.

There was no case of an Officer whose absorption in DTD&P (Air) Organisation was to be done against future vacancies. Therefore, the question of laying down the principles of seniority governing such cases did not arise.

The Committee, however, desire that in case there are number of persons opting for/absorption in the said organisation, the Ministry should then lay down the principles of seniority in the Rules
ibid.

Ministry of Defence
(Defence Production)
O.M.No. 2545/DTD&P
(Air)/ Admn/1456/Dir
(A) date 30 March, 1984.

19. Twenty-first Report (Seventh Lok Sabha)

66

9-12-1983

The Committee agree with the view point of the Legislative Department of the Ministry of Law, Justice and Company Affairs that the republication of the Defence Accounts (Group 'C' and 'D' Posis) Recruitment (Amendment) Rules, 1980 at this stage in sub-section (i) of section 3 of part II of the Gazette will result in many other avoidable consequences like giving retrospective operation and would prejudice the action taken on the basis of these Rules. The Committee, therefore, do not desire to pursue the matter further but caution the Ministry of Finance to be careful in future in these matters.

The observations of the Committee have been noted for compliance in future.

[Ministry of Defence (Finance/Coord. sec.) O. M. No. 694/C/X/84 dated 27 February, 1984]

20. Twenty-second Report (Seventh Lok Sabha)

67

13.12.1983

The Committee note that no guidelines as such have been laid down specifying the exceptional circumstances in which the age limit for candidates other than belonging to the Scheduled Castes, Scheduled Tribes and other special categories can be relaxed up to 3 years. The Committee further note that on the advice of the U. P. S. C., the Department of Science and Technology are considering revision of the Survey of India Group A Recruitment Rules and while revising the rules, the Department proposes to lay down the necessary guidelines therein. The

The Department of Science & Technology have stated as under :—

".....this Department has already discussed the cadre review proposals with the Ministry of Finance and Department of Personnel and Administrative Reforms and concrete pro-

Committee hope that in view of the advice given by the U. P. S. C. and the fact that the rules are stated to have become out dated, the Department would take early steps to revise the rules and while revising the rules, the question of laying down the guidelines for specifying exceptional circumstances for relaxing the age limit up to 3 years by the Commission would not be lost sight of.

posals have already been framed. The Department is also considering the question of revising the Recruitment Rules in consultation with the Ministry of Home Affairs (DP&AR), Ministry of Defence and Ministry of Finance. The revised Recruitment Rules and cadre review proposals have to be got approved from the Union Public Service Commission and Ministry of Law. While framing the Recruitment Rules the provision relating to relaxation of age limit by 3 years for special categories will either be dropped or if it is decided to keep it then as suggested by the

Committee on Subordinate Legislation, necessary guidelines specifying the special circumstances in which the age limit can be relaxed will be laid down."

[O.M.No. 1(47)-SM
P. I dated 30th April, 1984].

21. Twenty-second Report (Seventh Lok Sabha)

76 & 95
13-12-1983

The Committee do not agree with the contention of the Ministry of Commerce that the existing provision in the rule which provides for flexibility may be allowed to continue. After considering the reply of the Ministry, the Committee have come to the conclusion that the Ministry should amend Rule 3(2)(c) of the Coffee Rules, 1955 so as to make it self-contained by indicating therein the other interests to be represented on the Board, viz. Agricultural scientist, experts in the field of Marketing and Promotion, Cooperative Agencies and the outstanding personality in the Coffee Industry.

Rules 3(2)(c) and 45(2)(ii) of the Coffee Rules, 1955, have since been amended vide S.O. 436-E dated 8 June, 1984.

[Ministry of Commerce
Plant-B Section O.M.
No. 8(7)/84-Plant B.
dated 11 July, 1984]

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Commerce have agreed to amend rule 45(2)(ii) of the Coffee Rules, 1955 to provide for an opportunity to the licensee of being heard before cancellation of his licence and for recording the reasons therefor in writing. The Committee, however, desire the Ministry to amend the rules expeditiously.

22. Twenty-third Report (Seventh Lok Sabha)

104

19-12-1983

The Committee reluctantly accept the suggestion of the Directorate of Posts and Telegraphs to mention in the foot-note of the proposed amendment to the Indian Telegraph Rules, 1951 only such of the gazette references as have been issued after the publication of the P&T Manual, volume I, Part II, (Legislative Enactments) containing the Indian Telegraph Rules, Reprint 1980, which is open for sale to the general public, as a special case.

The Ministry of Communications (Posts & Telegraphs Board) have accordingly notified the proposed amendment to the Indian Telegraph Rules, 1951 *vide* G. S. R. 190 dated 18 February, 1984.

23. Twenty-fifth Report (Seventh Lok Sabha)

63

7-5-1984

The Committee note that the Posts and Telegraphs Department have since extended the period for making deposits by the applicants upto 30 September, 1983 instead of 30 June, 1983. However, the Committee still feel that the rules should make

The Directorate of Posts and Telegraphs have further extended the period beyond 30.9.1983, twice *i. e.* (i) up to 31.12.1983

specific provisions for affording opportunity of being heard to those applicants who had not been able to make payments even within the extended period of time for reasons beyond their control. As no useful purpose is likely to be served by insertion of the desired provisions at this stage, the Committee do not insist for an amendment of the rules for the present. The Committee will, however, like the Department to take note of their views whenever such situations arise in future.

and (ii) up to 31.3.1984 for making final payment of security deposit by applicants for telex connection.

The Directorate have taken due note of the views expressed by the Committee for compliance in future.

(DG P & T U.O. No. 27-13/84-T. 1 dated 1.6.1984)

52

24. Twenty-Fifth Report (Seventh Lok Sabha)

66

7-5-1984

The Committee note with satisfaction that, on being pointed out, the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) have agreed to amend the Preamble to the Union Public Service Commission (Members) Amendment Regulations, 1983 so as to make it clear that these regulations were further to amend the UPSC (Members) Regulations, 1969. The Committee desire the Ministry to take the necessary action in the matter expeditiously.

Preamble to the Union Public Service Commission (Members) Amendment Regulations, 1983 (G. S. R. 388 of 1983) has since been amended to the desired effect *vide* Notification published under G. S. R. 1 of 7.1.1984.

MINUTES

APPENDIX IV

(Vide paragraph 5 of the Report)

LXXXI

Minutes of the Eighty-First Sitting of the Committee on Sub-ordinate Legislation (Seventh Lok Sabha) 1983-84

The Committee met on Wednesday, 7 September, 1983 from 11.00 to 13.00 hours.

PRESENT

Shri R. S. Sparrow—Chairman

MEMBERS

2. **Shri Mohammad Asrar Ahmad**
3. **Shri Xavier Arakal**
4. **Shri A. E. T. Barrow**
5. **Shri Ashfaq Husain**
6. **Shri Dalbir Singh (Madhya Pradesh)**
7. **Shri Amal Datta**
8. **Shri B. Devarajan**
9. **Shri B. R. Nahata**
10. **Shri Chandrabhan Athare Patil**
11. **Shri T. Damodar Reddy**
12. **Shri Satish Prasad Singh**
13. **Shri Vijay Kumar Yadav**

SECRETARIAT

1. **Shri S. D. Kaura—Chief Legislative Committee Officer**
2. **Shri R. C. Anand—Senior Legislative Committee Officer**

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

(8) The Central Water Engineering (Group A) Service (Amendment) Rules, 1980 (G. S. R. 324 of 1980—(Memorandum No. 216)

10. The Committee were not satisfied with the reply of the Ministry of Irrigation dated 18 February, 1981 regarding the manner in which the matters were governed during the period from 1 January 1978 till 22 March 1980. The Committee, therefore, decided to hear oral evidence of the representatives of that Ministry.

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

XCVI

MINUTES OF THE NINETY-SIXTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) 1983-84

The Committee met on Monday, 20 February, 1984 from 15.00 to 16.25 hours.

PRESENT

Shri R. S. Sparrow—*Chairman*

MEMBERS

2. Shri A. E. T. Barrow
3. Shri Ashfaq Husain
4. Shri Dalbir Singh (Madhya Pradesh)
5. Shri B. Devarajan
6. Shri Brajamohan Mohanty
7. Shri M. S. K. Sathiyendran
8. Shri Vijay Kumar Yadav

SECRETARIAT

Shri R. S. Mani—*Senior Legislative Committee Officer*

2. The Committee considered the following Memorandum :

The Indian Institute of Legal Metrology Rules, 1980 (G. S. R. 194-E of 1980) (Memorandum No. 242)

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

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Qualifications for persons to be eligible for admission in the Institute.

5. While noting that the Department had agreed to record reasons in writing for granting relaxation in the educational qualifications, the Committee desired that a statistical analysis of the relaxations granted during the last 5 years, indicating the reasons therefor in each case, might be furnished to them for their perusal.

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

MINUTES OF THE HUNDREDTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA)

(1983-84)

The Committee met on Monday 28 May, 1984 from 15.00 to 16.00 hours.

PRESENT

Shri R. S. Sparrow—Chairman

MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri Xavier Arakal
4. Shri A. E. T. Barrow
5. Shri Ashfaq Husain
6. Shri Amal Datta
7. Shri B. Devarajan
8. Shri Brajamohan Mohanty
9. Shri C. D. Patel
10. Shri Chandrabhan Athare Patil
11. Shri T. Damodar Reddy
12. Shri M. S. K. Sathiyendran
13. Shri Vijay Kumar Yadav

[illegible]

II. REPRESENTATIVES OF THE MINISTRY OF IRRIGATION

1. Shri D. W. Telang—*Additional Secretary*
2. Shri A. P. Singh—*Joint Secretary*

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

SECRETARIAT

1. Shri N. N. Mehra—*Joint Secretary*
2. Shri S. D. Kaura—*Chief Legislative Committee Officer*
3. Shri R. S. Mani—*Senior Legislative Committee Officer*

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11. The Committee then heard evidence of the representatives of the Ministry of Irrigation regarding the Central Water Engineering (Group 'A') Service (Amendment) Rules, 1980.

12. When enquired about (i) the date on which the reference was made to the U. P. S. C. for their approval to continue operation of the provision of the Rules beyond 31.12.1977 (ii) the date when U. P. S. C. had advised the Ministry to make the provision as a permanent feature of the Rules, and (iii) efforts made by the Ministry during the intervening period to get the approval of U. P. S. C., the representative of the Ministry stated that reference to the U. P. S. C. was made on 9.3.1977 and the reply was received on 9.6.1977 suggesting that the Ministry should consider in terms of making the provision on a permanent basis. The matter was referred to the Department of Personnel and Administrative Reforms on 4. 1. 1978 and their approval was received on 13.2.1978.

13. When enquired to state under whose orders the amendment was left unnotified after getting the approval of the U. P. S. C., the representative replied that after receipt of the approval of the Department of Personnel and Administrative Reforms they again made a reference to the U. P. S. C. on 29.6.1978 and the final approval of the U. P. S. C. was received on 17.7.1979. He admitted that it was the proper time for going ahead with the notification but certain fundamental changes in the entire Engineering Service were envisaged at that time. There was a proposal for creation of Indian Service of Engineers. At the same time certain anomalies in the existing Rules were also brought to the notice of the Ministry. Those matters had delayed the issue of the notification.

14. In reply to a question whether the Ministry of Law and the Department of Personnel and Administrative Reforms had ever raised any

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

objection to the continuation of the Rules beyond December, 1977 without any legal sanction, the representative stated that they had to go to the U. P. S. C. because no notification was issued and at times the matter was referred to the Law Ministry but they did not raise any objection.

15. Clarifying the position further, the representative of the Ministry stated that the earlier notification was upto 31.12.1977. but it was extended upto 31.12.1980 under the advice of the U. P. S. C. and in consultation with the Department of Personnel and Administrative Reforms. In 1981 they had issued a new set of Rules after consulting Ministry of Law. In view of the opinion of the Law Ministry that the Rules which had lapsed could not be revived legally, a fresh notification was issued for extending the Rules upto 31.12.1981.

16. When asked about the legal consequences of administering the expired Rules for a period of 2 years the representative stated that technically and legally all the recruitments would be made null and void. To a query whether any responsibility for that lapse had been fixed, the representative replied in the negative. He further stated that nobody had challenged those Rules in the court and every body was happy. The representatives were then requested to furnish any other information in the matter which they would like to place before the Committee.

The witnesses then withdrew.

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The Committee then adjourned.

CII

MINUTES OF THE ONE HUNDRED AND SECOND SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1984-85)

The Committee met on Monday, 25th June, 1984 from 11.00 to 12.30 hours.

PRESENT

Shri R. S. Sparrow—*Chairman*

MEMBERS

2. **Shri Mohammad Asrar Ahmed**
3. **Shri Xavier Arakal**
4. **Shri Ashfaq Husain**
5. **Shri A. E. T. Barrow**
6. **Shri Amal Datta**
7. **Shri Braja Mohan Mohanty**
8. **Shri A. T. Patil**
9. **Shri Nagina Rai**
10. **Shri Prabhunarain Tandon**

SECRETARIAT

1. **Shri N. N. Mehra —*Joint Secretary***
2. **Shri R. S. Mani—*Senior Legislative Committee Officer***

2. The Committee considered Memoranda Nos. 262 to 267 as under :—

*(i) The Indian Institute of Legal Metrology Rules, 1980
(G. S. R. 194-E of 1980) (Memorandum No. 262)*

The Committee considered the above Memorandum and suggested that the Ministry of Food and Civil Supplies (Department of Civil Supplies) should amend the second proviso to Rule 6 (a) (ii) of the Indian Institute of Legal Metrology Rules, 1980, so as to provide field experience as one of the requisites for giving relaxation in educational qualifications etc. for admission to the Institute. The Committee also desired the Ministry to lay down in the Rule suitable guidelines in this regard.

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(iii) The Ministry of External Affairs Staff Car Drivers Recruitment (Amendment) Rules 1982 (G. S. R. 403 of 1982) (Memorandum No. 264)

The Committee considered the above Memorandum and noted with satisfaction that on being pointed out, the Ministry of External Affairs had amended the entry under Column 7 of the Schedule appended to the Ministry of External Affairs Staff Car Drivers Recruitment Rules, 1982 vide G. S. R. 982 of 1982.

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*(v) The Posts and Telegraphs Depart. (Wiremen) Recruitment Rules, 1982
(G. S. R. 185 of 1982) (Memorandum No 266)*

The Committee considered the above Memorandum and desired that the Ministry of Communications (DGP&T) should better prescribe the minimum period of training and the form of Bond under Rule 7 (i) of the Posts and Telegraphs Department (Wiremen) Recruitment Rules, 1982 and notify the same at an early date.

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The Committee then adjourned

CIV

MINUTES OF THE HUNDRED AND FOURTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1984-85)

The Committee met on Wednesday, 11 July, 1984 from 15.00 to 16.00 hours.

PRESENT

Shri R. S. Sparrow—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahmed
3. Shri Xavier Arakel
4. Shri Ashfaq Husain
5. Shri A. E. T. Barrow
6. Shri Amal Datta
7. Shri Braja Mohan Mohanty
8. Shri A. T. Patil
9. Shri Nagina Rai
10. Shri S. B. Sidnal
11. Shri Prabhunarain Tandon
12. Shri Vijay Kumar Yadav

SECRETARIAT

1. Shri N. N. Mehra—*Joint Secretary*
2. Shri R. S. Mani—*Senior Legislative Committee Officer*

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

4. Thereafter, the Committee took up for consideration Memoranda Nos. 268 to 270 as follows.

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- (ii) *Implementation of recommendation contained in paragraph 27 of the Twenty-Second Report of Committee on Subordinate Legislation (Seventh Lok Sabha) regarding the Merchant Shipping (Carriage of Dangerous Goods) Rules 1978 (G. S. R. 1316 of 1978) (Memorandum No. 269)*

The Committee noted that the criteria to determine the expressions like 'ordinary risk', 'reasonably possible', 'reasonable diligence', 'precautions' proper in the circumstances appearing in the rule had been laid down in the IMO Dangerous Goods Code as applicables by virtue of rule 2 (b) and rule 6.1 (g) of the Merchant Shipping (Carriage of Dangerous Goods) Rules, 1978. The Committee further noted that paragraph 10 of the general introduction to the said code with its Annexure I, laid down sufficient guidelines to avoid any ambiguity. In view of the Position, as stated by the Ministry of Shipping and Transport in their reply, the Committee decided not to press for an amendment to the rules or issue of further guidelines in that regard.

- (iii) *Implementation of recommendation contained in paragraph 58 of the Twenty-Second Report of Committee on Subordinate Legislation (Seventh Lok Sabha) regarding the Foreign Travel Tax Rules, 1979 (G. S. R. 355-E of 1979) (Memorandum No. 270)*

The Committee agreed with the opinion of the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) and decided not to insist on an amendment to the parent Statute by the Ministry of Shipping and Transport.

5. The Committee postponed consideration of Memoranda Nos. 271 to 274 to a future sitting.

The Committee then adjourned.

**MINUTES OF THE ONE HUNDRED AND FIFTH SITTING
OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(SEVENTH LOK SABHA) (1984-85)**

The Committee met on Friday, 3 August, 1984 from 15.00 to 15.30 hours.

PRESENT

Shri R. S. Sparrow—Chairman

MEMBERS

2. Shri Ashfaq Husain
3. Shri A. E. T. Barrow
4. Shri Braja Mohan Mohanty
5. Shri A. T. Patil
6. Shri S. B. Sidnal

SECRETARIAT

1. Shri S. D. Kaura—*Chief Legislative Committee Officer*
2. Shri R. S. Mani—*Senior Legislative Committee Officer*

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Thereafter the Committee considered Memoranda Nos. 271 to 274 as under :—

- (i) *The All India Radio, Bombay (Hindi Officer) Recruitment Rules, 1980 (G. S. R 1016 of 1980) (Memorandum No. 271)*

4. The Committee considered the above memorandum and noted with satisfaction that, on being pointed out, the Ministry of Information and Broadcasting had since amended the relevant entry by notifying the Recruitment Rules for the post of Hindi Officer in the All India Radio, Bombay

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

in supersession of the Recruitment Rules of 1980 for the said post. In the amended Rules, the corresponding entry relating to 'Composition of Departmental Promotion Committee' under Column 12 of the Schedule thereto had been shown as under:—

Group 'B' Departmental Promotion Committee.

1. Deputy Director General (A), Ministry of Information and Broadcasting—Chairman.
2. Director (Administration & Finance) Ministry of Information and Broadcasting—Member.
3. Deputy Director General (Commercial)—Member.
4. Deputy Secretary of Department of Official Languages—Member..."

5. The Committee did not, however, approve the delay on the part of the Ministry in taking about three years in amending the entry to the desired effect and directed that in all such cases the concerned Ministries should finalise their action to amend the rules within a period of three to six months.

(ii) *The Ministry of Agriculture, Forest Research Institute and Colleges, Dehra Dun, Senior Analyst (Work Study) and Research Assistant (Work Study) Recruitment Rules, 1981 (G. S. R. 124 of 1982) (Memorandum No. 272)*

6. The Committee considered the above memorandum and noted with satisfaction that, on being pointed out, the Ministry of Agriculture (Department of Agriculture and Cooperation) had inserted the requisite 'Saving' clause regarding concessions to the Scheduled Castes, Scheduled Tribes and other special categories of persons, in the Ministry of Agriculture, Forest Research Institute and Colleges, Dehra Dun, Senior Analyst (Work Study) and Research Assistant (Work Study) Recruitment Rules, 1981 vide G. S. R. 238 of 1983.

(iii) *The Employees' Provident Funds (Third Amendment) Scheme, 1982 (G. S. R. 437 of 1983) (Memorandum No. 273)*

7. The Committee considered the above memorandum and noted that on their advice the Ministry of Labour and Rehabilitation (Department of Labour) had not only agreed to reprint the Employees Provident Funds

Scheme, 1952 with all the amendments made therein so far, but they had also decided to reprint all the three Schemes, namely, the Employees' Provident Fund Scheme, the Employees' Family Pension Scheme and the Employees Deposit Linked Insurance Scheme framed under the Employees, Provident Funds and Miscellaneous Provisions Act, 1952 along with all the changes/amendments made therein from time to time. In that connection, the Committee, however, stressed that the reprinted versions of all the above schemes must be made up-to-date containing all the notifications issued so far for regulating various matters contained therein.

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9. The Committee then adjourned to meet again at 15.30 hours on 21 August, 1964 for consideration and adoption of their draft Twenty-seventh Report.

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

CVI

MINUTES OF THE HUNDRED AND SIXTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1984-85)

The Committee met on Tuesday, 21 August, 1984 from 15-30 to 16.00 hours.

PRESENT

Shri R. S. Sparrow—Chairman

MEMBERS

2. **Shri Mohammad Asrar Ahmad**
3. **Shri Xavier Arakal**
4. **Shri Ashfaq Husain**
5. **Shri A. E. T. Barrow**
6. **Shri Amal Datta**
7. **Shri B. Devarajan**
8. **Shri Braja Mohan Mohanty**
9. **Shri A. T. Patil**
10. **Shri Nagina Rai**
11. **Shri S. B. Sidnal**
12. **Shri Vijay Kumar Yadav**

SECRETARIAT

1. **Shri N. N. Mehra—Joint Secretary**
2. **Shri S. D. Kaura—Chief Legislative Committee Officer**
3. **Shri R. S. Mani—Senior Legislative Committee Officer**

2. The Committee considered their draft Twenty-seventh Report and adopted it.

3. The Committee authorised the Chairman and, in his absence, Shri Xavier Arakati, M. P. to present the Twenty-seventh Report to the House on their behalf on 24 August, 1984.

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5. The Committee then considered their future programme of work and decided to hold their sitting at 11.30 hours on Monday, 10 September, 1984.

The Committee then adjourned.

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