

# COMMITTEE ON SUBORDINATE LEGISLATION

(TENTH LOK SABHA)

## TWENTY FOURTH REPORT

(DELAY IN FRAMING OF RULES & REGULATIONS/DELAY IN  
PRINTING OF GAZETTE NOTIFICATIONS)

[Presented on 6 March, 1996]



LOK SABHA SECRETARIAT  
NEW DELHI

LOK SABHA SECRETARIAT

CORRIGENDA

TO

THE TWENTY-FOURTH REPORT OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION [TENTH LOK SABHA]

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION  
(1996)**

- Shri Amal Datta** — *Chairman*
2. **Shri Prithviraj D. Chavan**
  3. **Shrimati Bhavna Chikhalia**
  4. **Shri V. Dhananjaya Kumar**
  5. **Shri Dharampal Singh Malik**
  6. **Shri Simon Marandi**
  7. **Shri M.V.V.S. Murthy**
  8. **Shri D. Pandian**
  9. **Shri Rajendra Kumar Sharma**
  10. **Shri K.G. Shivappa**
  11. **Shri Pratap Singh**
  12. **Prof. K.V. Thomas**
  13. **Shri Umrao Singh**
  14. **Shri Swarup 'Upadhayay**
  15. **Shri Ram Sharan Yadav**

**SECRETARIAT**

1. **Smt. Roli Srivastava** — *Joint Secretary*
2. **Shri P.D.T. Achary** — *Director*
3. **Shri Ram Autar Ram** — *Deputy Secretary*
4. **Shri B.D. Swan** — *Assistant Director*

## INTRODUCTION

1. I, the Chairman, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Twenty-fourth Report on "Delay in framing of rules/Delay in Printing of Gazette Notifications".

2. The matters covered by this Report were considered by the Committee at their sittings held on 8 August, 1995, 15 February, 1996.

3. The Committee took oral evidence of the representatives of the Department of Urban Development and the Ministry of Law, Justice and Company Affairs (Leg. Deptt.) regarding delay in printing of the Gazette Notification. The Committee wish to express their thanks to the representatives of the Department of Urban Development for furnishing the desired information.

4. The Committee considered and adopted this Report at their sitting held on 28 February, 1996. The Minutes of the sittings relevant to this Report are appended to it.

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

NEW DELHI;  
February, 1996

AMAL DATTA,  
*Chairman,  
Committee on Subordinate  
Legislation.*

## REPORT

### I

#### DELAY IN FRAMING OF RULES

It has come to the notice of the Committee that time and again there have been inordinate delays in the framing of rules under the relevant statutes of the Parliament. In this connection, the problem of delay in the framing of rules by various Ministries/Departments of Government of India was addressed to by the Committee in 1959 when the Committee on Subordinate Legislation, in para 34 of the Fifth Report (Second Lok Sabha), recommended as under:—

“Ordinarily, rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed 6 months.”

1.2 The problem was again discussed by the Committee thoroughly in para 108 of their Eighteenth Report (Fifth Lok Sabha) where the Committee reiterated their aforesaid recommendation and further recommended that:—

“In case, a Ministry/Department finds that for any unavoidable reasons, it is not possible for them to adhere to the prescribed time limit (of 6 months to frame the rules) in an exceptional case, they should at the expiration of the 6 months from the commencement of the relevant Act, explain the reasons to the Committee and seek a specific extension of time from them.”

1.3 In spite of the aforesaid oft-repeated recommendations of the Committee, instances of delay in the framing of rules have continued to occur. The Committee have seriously noted that the aforesaid recommendation of the Committee have not been complied with by the Ministries/Departments of Government of India for one reason or the other. For instance, the Committee noted that during the Tenth Lok Sabha itself, several Ministries have failed to comply with the aforesaid recommendations of the Committee and there have been inordinate delays in framing of the rules in a number of cases dealt with Reports of the Committee as follows:—

- (i) Non-exercise of rule-making power under the National Commission for Minorities Act, 1992.

[14R (10 LS)—Para 2.10]

- (ii) Non-exercise of rule-making power under the National Commission for Women Act, 1990.

[14R (10 LS)—Paras 6.13—6.16]

(iii) The Income-Tax (3rd Amendment) rules, 1992.

[17R (10LS) — Paras 2.8—2.10]

(iv) Non-exercise of regulation-making power under the National Housing Bank Act, 1987.

[17R (10 LS) — Paras 4.9—4.10]

(v) Non-exercise of rule-making power under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[17R (10 LS) — Paras 5.13—5.15]

(vi) Non-framing of rules under the National Commission for Backward Classes Act, 1993.

[18R (10 LS) — Paras 2.10—2.11]

1.4 The main reasons for the delay in the framing of rules that have come to the notice of the Committee are as follows. Firstly, in almost all the cases the process of framing the rules was initiated by the concerned Ministries much after the passing of the Act by the Parliament. Thereafter a long time was taken by the Ministries for consultation with the other concerned Ministries/Departments or the State Governments. Generally such consultations involved protracted correspondence resulting in long delays. It was also seen that in cases, where the Act had required the setting up of a Commission or Tribunal, the reason advanced by the Ministries was that the terms and conditions of service of Chairman and other Members could not be finalised or that the recruitment rules for the staff could not be framed etc. Second reason that had come to the notice of the Committee for the delay was the long time taken by the Law Ministry in vetting the rules/regulations so framed by the Ministries.

1.5 At their sitting held on 6 April, 1995, the Committee had recommended that:—

“Whenever a Bill is introduced in Parliament, and in particular those Bills which propose setting up of a Commission or Tribunal, there should be a ‘Note’ in the Memorandum of Delegated Legislation appended to the Bill to the effect that the draft rules under that Bill have been prepared.”

1.6 The aforesaid recommendations of the Committee had already been incorporated in paras 4.10 and 5.15 of their Seventeenth Report (Tenth Lok Sabha) and para 1.17 of their Eighteenth Report (Tenth Lok Sabha).

1.7 The Committee note with concern that the delay in the framing of rules has become a recurring phenomenon and that cases of delay in framing of rules by the Ministries/Departments of Government of India have continued to occur in utter disregard to the recommendations of the Committee made in their aforesaid reports. The Committee cannot help observing that the Ministries have failed to recognise the importance of Legislation passed by the Parliament as the delay in exercise of rule-making

power under the provision for framing Subordinate Legislation under the statutes quite often defeats the very purpose of such Legislations as it cannot be implemented as contemplated. The Committee note with concern that the matter relating to framing of rules under the Act is normally dealt with by the Ministries in a very casual manner and no serious attention is paid for expeditious rule making. The Committee observe that in most of the cases the rules could have been notified much earlier had the concerned Ministries moved in the matter with the seriousness it deserved. Due to this lackadissical approach of the Ministries, the matters which are sought to be governed by statutory rules, are often in actual practice governed by executive directions or guidelines etc. in the absence of the properly framed statutory rules.

1.8 With a view to ensure timely framing of rules under the Acts passed by the Parliament, the Committee recommend as under:

1. The framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill so that the draft rules become ready by the time the Bill is introduced in the House.
2. Whenever a Bill is introduced in Parliament and in particular those Bills which propose setting up a Commission or Tribunal, there should be a 'Note' in the Memorandum of Delegated Legislation appended to the Bill to the effect that the draft rules have also been prepared under that Bill.
3. To overcome undue delays on account of protracted inter-ministerial correspondence or where consultation with the Ministry of Law or other Ministries/Departments is involved, the concerned Ministry should convene meetings of all the concerned agencies so that the matters could be sorted out at the earliest without entering into protracted correspondence.
4. In this context the Committee gave some thought to the idea of each Ministry/Department of the Government having the services of a Law officer exclusively for itself for framing/vetting the rules. The Law officer can be from the Ministry of Law who could be taken on deputation by the concerned Ministry. The Committee has already consulted few Ministries which have reacted positively to this proposal. The Committee feel that such an arrangement would certainly obviate the need for each Ministry/Department to approach the Ministry of Law everytime there is a need to formulate/vet rules, and avoid the consequent delay.

1.9 The Committee, therefore, desire that all the Ministries/Departments of Government of India should ensure strict compliance of the aforesaid recommendations of the Committee with a view to ensure timely framing of rules under the Acts passed by the Parliament.



## II

### DELAY IN PRINTING OF THE GAZETTE NOTIFICATION

The Committee on Subordinate Legislation had observed that there are generally inordinate delays in the printing of gazette notifications by the Press resulting in a delay in the availability of gazette to the public. The Committee had further felt that the date of publication as mentioned on the gazette notification is different from the date of actual printing of the notification. The gazette notification contain statutory 'orders' issued by the Government in exercise of its rule making power Conferred by the Constitution and other Parliamentary statutes and these orders affect the people one way or the other. Since, the statutory orders become effective only after their notification in the official gazette, it becomes even more important that such notifications are printed in time as in majority of cases, they come into force from the date of their publication in the official gazette. The very purpose of the provision regarding the date of commencement of the statutory orders thus gets defeated if there is a long gap between the date of actual issue of the notification and the date of its printing. As a consequence, the affected public becomes victim of such delays. Furthermore, it has been observed that even in the cases of statutory orders of utmost importance involving financial implications such as Fees etc. which are sent to the Press for being printed on the same date in the Gazette of India- Extraordinary, such delays in printing occur.

2.2 In order to ascertain the difficulties faced by the Directorate of Printing in bringing out the gazette publications in time and steps taken by them to curb such delays in printing, the Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment (Department of Urban Development) and Ministry of Law, Justice and Company Affairs (Legislative Department).

2.3 During his evidence, Shri C. Ramachandran, Secretary, Department of Urban Development admitted that delays occur in the printing of the gazette notifications and making the same available to the public. He stated that as per his experience the delay in the publishing of the normal gazette is not as serious as compared to the delay in the case of extraordinary gazettes which should not normally be the case.

2.4 He further added that in case of ordinary gazettes which are published weekly, there is a time-limit within which normally the departments furnish the material and the date of its publication is also indicated by the concerned departments. However, delay sometimes occurs in case of normal gazettes also, it is because some of the departments bring their notifications at the last moment for printing requiring the same to be

published in the immediate following gazette. The Secretary stated that this error could be rectified with some streamlining of procedures. Departments could be instructed to give the material well in advance of the date of publication and the material received after the prescribed time-limit could be included in the following week's normal gazette.

2.5 In the case of Extraordinary gazettes, the representatives of the Ministry indicated the following difficulties being faced by them and also suggested certain corrective measures:

- (i) Sometimes owing to the obsolete nature of the machinery available in the press, power failure and inadequacies in the equipment etc. the printing of Extraordinary gazette is delayed. The representative stated that the Department have taken up modernisation schemes and by installation of power generating sets, appropriate scheduling of work and proper control to minimise the labour problem etc. the position could be improved. He further stated that these steps could be completed by December, 1995.
- (ii) Materials which are not of urgent nature are also being certified by the Department as urgent and sent for publishing in the Extraordinary gazettes, with the result that the materials which actually deserve urgency are being delayed. The representatives stated that the work load on the extraordinary gazettes should be cut down to the minimum to avoid delay.
- (iii) Sometimes number of notifications recieved in the press is quite large and bulky and is brought at a very short notice. Some of these are also not appropriately authenticated. This is another reason why the Press is not able to adhere to the time-limit. To avoid this problem the concerned departments could be asked to send the relevant material even for extraordinary gazette in advance after indicating the date of publication and notification.

Since all the departments have their own computers, if the material is only of two or three pages, the concerned departments themselves could be asked to publish the notification.

2.6 The representative of the Department of Urban Development stated that with a little more careful planning, rescheduling and modernisation of the system, the delays in printing of gazette notification could be minimised.

2.7 The representative informed the Committee that Rs. 1 crore and Rs. 3 crores have been sanctioned for modernisation schemes at the Faridabad Press and Mayapuri Press respectively which would be completed by

December, 1995. With such modernisation, the delay in publication would be curbed to the minimum or could even be eliminated as a whole.

2.8 The Committee note that the delay in printing of gazette notifications is caused due to (i) receipt of bulky material for printing from the Ministries at the last moment (ii) non-availability of both Hindi and English versions simultaneously (iii) lack of proper attestation (iv) illegible manuscripts received for printing (v) the continuation of old technology for composing and printing, and (vi) large number of cases where material which should not be published in the Extraordinary Gazette are being certified as such for printing.

2.9 The Committee, recommend that the Government of India Press and administrative Ministries should ensure that the printed gazettes are made available to the authorised sales counters like Kitab Mahal, New Delhi etc. for sale to the people on the date printed in the gazettes because in a number of cases the Rules come into force from the date of publication in the official gazette.

2.10 In order to achieve this end, the Committee desire that the Ministry of Urban Affairs and Employment and the Directorate of Printing should work out the modalities in consultation with the concerned Ministries to ensure that the Press makes the gazette available to the public on the appointed date which must be adhered to namely:

- (i) The Government of India Press should accept only those notifications for printing which are correct and complete in all respects viz., neatly typed with both Hindi and English versions bearing proper attestation etc.
- (ii) Normal gazette is brought out weekly on a fixed date. It is generally a routine, non-priority matter. The press should inform the Ministries that the notifications etc. to be printed in the normal gazette should be furnished for printing upto a particular day of the week so that the Press can print it and make it available on the scheduled day. On receipt of the material, if the Press, for any reason is not in a position to print it, for example the material is bulky, it must discuss and pursue with the Ministry concerned to review the scheduled day for publication. But once the material/notification has been accepted for printing, the Press must print it in time and make it available on the scheduled day.

2.11 The Committee further desire that the Extraordinary Gazette which is a time bound publication and is used to publish urgent material must be printed and made available on the appointed date. As in the case of normal gazette the Press should interact with the indenting Departments so that the material is furnished in time and in correct and complete form. The Ministry of Urban Affairs and Employment should also make the indenting Departments aware of and reiterate the guidelines under which the subject matter is to be treated as fit for extraordinary notification.

**2.12** The Committee further recommend that the Press should liaise with Ministries who have the modern equipment to present the material to the Press in such a format that it can be printed without any alteration. For this purpose the Committee recommend as follows:—

- (i) Each of the Ministries/Departments should have their own computers to prepare floppy discs which are compatible and acceptable to the Press;
- (ii) The material to be printed in the gazette of India notifications should get recorded in a floppy disc by concerned Ministry/Department and such floppy disc can be handed over to the Press for expeditious printing. For this purpose the Press should also acquire and instal Computers so that the material handed over to them in the floppies can be retrieved and then printed;
- (iii) The Ministry of Urban Affairs and Employment should also organise computer net-working between various Ministries of the Central Government and the Government of India Press at Delhi and Faridabad where the gazettes are being printed so that the material/ notification composed in the computers of the Ministries are immediately transferred to the Computer in the Press which could then be formatted in the Press and Printed, so that in the Press only page making is done.

**2.13** The Committee further desire that the commitment given by the Secretary, Ministry of Urban Affairs and Employment during the evidence for completion of the modernisation programme of the Government of India Press by December, 1995, will be adhered to and with the introduction of latest technology of printing, delays would be minimised.

**2.14** The Secretary, Ministry of Urban Affairs and Employment had also put forth the alternative that the Departments/Ministries can have their own gazettes printed and published provided there was no legal hurdle and in view of the fact that the number of such gazettes printed is not many; that each Ministry is now going in for modernisation and acquiring/ proposing to acquire sophisticated computer printers, this will be possible; in such a situation the indenting Department has to bear the cost of printing. The main hurdle is said to be the allotment of notification numbers.

**2.15** The Committee feel that with the help of Computer based communication system this difficulty could also be easily surmounted. The Committee desire that this suggestion should be examined from all aspects including the distribution of the printed material and the Committee be informed about the decision.

**2.16** The Committee were also informed by the Secretary that monthly meetings are held to review the performance of the Press but no annual or monthly report about such performance is made. The Committee recom-

mend that at least an annual report should be made so that glaring delays come to notice and steps are taken to remove the cause of delay.

NEW DELHI;  
February, 1996.

AMAL DATTA,  
*Chairman,*  
*Committee on Subordinate Legislation.*

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## APPENDICES

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## APPENDIX I

(Vide para 4 of the introduction of the Report)

### *Summary of Recommendations made in the report of the committee on Subordinate Legislation*

(TENTH LOK SABHA)

Sl. No.	Reference to para No. in the Report	Summary of Recommendations
1	2	3
1.	1.7	The Committee note with concern that the delay in the framing of rules has become a recurring phenomenon and that cases of delay in framing of rules by the Ministries/ Departments of Government of India have continued to occur in utter disregard to the recommendations of the Committee made in their aforesaid reports. The Committee cannot help observing that the Ministries have failed to recognise the importance of Legislation passed by the Parliament as the delay in exercise of rule-making power under the provision for framing Subordinate Legislation under the statutes quite often defeats the very purpose of such Legislations as it cannot be implemented as contemplated. The Committee note with concern that the matter relating to framing of rules under the Act is normally dealt with by the Ministries in a very casual manner and no serious attention is paid for expeditious rule making. The Committee observe that in most of the cases the rules could have been notified much earlier had the concerned Ministries moved in the matter with the seriousness it deserved. Due to this lackadissical approach of the Ministries, the matters which are sought to be governed by statutory rules, are often in actual practice governed by executive directions or guidelines etc. in the absence of the properly framed statutory rules.
2.	1.8	With a view to ensure timely framing of rules under the Acts passed by the Parliament, the Committee recommend as under:

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1. The framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill so that the draft rules become ready by the time the Bill is introduced in the House.

2. Whenever a Bill is introduced in Parliament and in particular those Bills which propose setting up a Commission or tribunal, there should be a 'Note' in the Memorandum of Delegated Legislation appended to the Bill to the effect that the draft rules have also been prepared under that Bill.

3. To overcome undue delays on account of protracted inter-ministerial correspondence or where consultation with the Ministry of Law or other Ministries/Departments is involved, the concerned Ministry should convene meetings of all the concerned agencies so that the matters could be sorted out at the earliest without entering into protracted correspondence.

4. In this context the Committee gave some thought to the idea of each Ministry/Department of the Government having the services of a Law officer exclusively for itself for framing/vetting the rules. The Law officer can be from the Ministry of Law who could be taken on deputation by the concerned Ministry. The Committee has already consulted few Ministries which have reacted positively to this proposal. The Committee feel that such an arrangement would certainly obviate the need for each Ministry/Department to approach the Ministry of Law everytime there is a need to formulate/vet rules, and avoid the consequent delay.

3. 1.9 The Committee, therefore, desire that all the Ministries/Departments of Government of India should ensure strict compliance of the aforesaid recommendations of the Committee with a view to ensure timely framing of rules under the Acts passed by the Parliament.

4. 2.8 The Committee note that the delay in printing of gazette notifications is caused due to (i) receipt of bulky material for printing from the Ministries at the last moment; (ii) non-availability of both Hindi and English versions

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1	2	3
		simultaneously; (iii) lack of proper attestation; (iv) illegible manuscripts received for printing; (v) the continuation of old technology for composing and printing and (vi) large number of cases where material which should not be published in the Extraordinary Gazette are being certified as such for printing.
5.	2.9	The Committee, recommend that the Government of India Press and administrative Ministries should ensure that the printed gazettes are made available to the authorised sales counters like Kitab Mahal, New Delhi etc. for sale to the people on the date printed in the gazettes because in a number of cases the Rules come into force from the date of publication in the official gazette.
6.	2.10	<p>In order to achieve this end, the Committee desire that the Ministry of Urban Affairs and Employment and the Directorate of Printing should work out the modalities in consultation with the concerned Ministries to ensure that the Press makes the gazette available to the public on the appointed date which must be adhered to namely:</p> <p>(i) The Government of India Press should accept only those notifications for printing which are correct and complete in all respects viz., neatly typed with both Hindi and English versions bearing proper attestation etc.</p> <p>(ii) Normal gazette is brought out weekly on a fixed date. It is generally a routine, non-priority matter. The press should inform the Ministries that the notifications etc. to be printed in the normal gazette should be furnished for printing upto a particular day of the week so that the Press can print it and make it available on the scheduled day. On receipt of the material, if the Press, for any reason is not in a position to print it, for example the material is bulky, it must discuss and pursue with the Ministry concerned to review the scheduled day for publication. But once the material/notification has been accepted for printing, the Press must print it in time and make it available on the scheduled day.</p>
7.	2.11	The Committee further desire that the Extraordinary Gazette which is a time bound publication and is used to publish urgent material must be printed and made available on the appointed date. As in the case of normal gazette the Press should interact with the indenting Departments so that the material is furnished in time and

1	2	3
		in correct and complete form. The Ministry of Urban Affairs and Employment should also make the indenting Departments aware of and reiterate the guidelines under which the subject matter is to be treated as fit for extraordinary notification.
8.	2.12	<p>The Committee further recommend that the Press should liaise with Ministries who have the modern equipment to present the material to the Press in such a format that it can be printed without any alteration. For this purpose the Committee recommend as follows:—</p> <p>(i) Each of the Ministries/Departments should have their own computers to prepare floppy discs which are compatible and acceptable to the Press;</p> <p>(ii) The material to be printed in the gazette of India notifications should get recorded in a floppy disc by the concerned Ministry/Department and such floppy disc can be handed over to the Press for expeditious printing. For this purpose the Press should also acquire and instal Computers so that the material handed over to them in the floppies can be retrived and then printed;</p> <p>(iii) The Ministry of Urban Affairs and Employment should also organise computer networking between various Ministries of the Central Government and the Government of India Press at Delhi and Faridabad where the gazettes are being printed so that the material/notification composed in the computers of the Ministries are immediately transferred to the Computer in the Press which could than be formatted in the Press and printed, so that in the Press only page making is done.</p>
9.	2.13	<p>The Committee further desire that the commitment given by the Secretary Ministry of Urban Affairs and Employment during the evidence for completion of the modernisation programme of the Government of India Press by December, 1995 will be adhered to and with the introduction of latest technology of printing, delays would be minimised.</p>
10.	2.15	<p>The Committee feel that with the help of Computer based communication system, this difficulty could also be</p>

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1	2	3
11.	2.16	<p>easily surmounted. The Committee desire that this suggestion should be examined from all aspects including the distribution of the printed material and the Committee be informed about the decision.</p> <p>The Committee were also informed by the Secretary that monthly meetings are held to review the performance of the Press but no annual or monthly report about such performance is made. The Committee recommend that at least an annual report should be made so that glaring delays come to notice and steps are taken to remove the cause of delay.</p>

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## MINUTES

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## APPENDIX II

### MINUTES OF THE SIXTIETH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (TENTH LOK SABHA) (1995-96)

The Committee met on Tuesday, 8 August, 1995 from 15.00 hours to 16.30 hours.

#### PRESENT

Shri Amal Datta — *Chairman*

#### MEMBERS

2. Shri Prithviraj D. Chavan
3. Smt. Bhavna Chikhalia
4. Shri V. Dhananjaya Kumar
5. Shri Rajendra Kumar Sharma
6. Shri K.G. Shiyappa
7. Shri Umrao Singh
8. Shri Swarup Upadhyay

#### SECRETARIAT

1. Shri S.N. Mishra — *Additional Secretary*
  2. Smt. Roli Srivastava — *Joint Secretary*
  3. Shri P.D.T. Achary — *Director*
  4. Shri Ram Autar Ram — *Deputy Secretary*
  5. Shri B.D. Swan — *Assistant Director*
- I. Representatives of the Ministry of Law, Justice and Company Affairs  
(Legislative Department)
1. Shri K.L. Mohanpuria, *Legislative Secretary*
  2. Shri T.K. Viswanathan, *Joint Secretary*
- II. Representatives of the Urban Affairs and Employment  
(Department of Urban Development)
1. Shri C. Ramachandran, *Secretary*
  2. Shri N.P. Singh, *Additional Secretary*
  3. Shri B.S. Minhas, *Joint Secretary (WA)*
  4. Shri O.P. Aggarwal, *Director (PSP)*
  5. Shri H.A. Yadav, *Director of Printing*

## 6. Shri S.N. Chakraborty, *Controller of Publication*

2. The Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment (Department of Urban Development) and Ministry of Law, Justice and Company Affairs (Legislative Department) regarding delay in the printing of the gazette notification by the Press resulting in a delay in the availability of the gazette notifications to the public. At the outset, the Chairman welcomed the members and asked the representatives to state the difficulties being faced by them in bringing out the gazette publications in time and the steps that were taken by them to curb such delays in printing.

3. During his evidence, Secretary, Department of Urban Development admitted the delays in printing of gazette notifications and making them available to the public. He stated that as per his experience the delay in publishing of the normal gazette is not as serious as compared to the delay in the case of extraordinary gazettes which should not normally be the case.

4. In the case of normal gazettes which are published weekly, there is a time-limit within which normally the department furnishes the material and the date of its publication is also indicated by the concerned departments. So, the delay which is caused in case of normal gazettes, sometimes, is because some of the departments bring their notifications at the last moment for printing in the immediate following gazette. The representative stated that this error could be rectified with a little more streamlining of procedures. The Department could be instructed to give the material well in advance of the date of publication and the material received after the prescribed time-limit could be included in the following week's normal gazette.

5. In the case of Extraordinary gazettes, the representative stated the following difficulties which are being faced by them and also suggested certain corrective measures:

(i) Sometimes owing to the obsolete nature of the machinery, available in the press, power failure and inadequacies in the equipment etc. the printing of Extraordinary gazette is delayed. The representatives stated that the Department have taken up modernisation schemes for them and by installation of power generating sets, appropriate scheduling of work and proper control to minimise the labour problem etc. the position could be improved. He further stated that this work could be over by December.

(ii) Materials which are not of urgent nature are also being certified by

the Department as urgent and sent for publishing in the Extraordinary gazettes, with the result, the materials which actually deserve urgency are being delayed. The representatives stated that the work load on the extraordinary gazettes should be cut down to the minimum to avoid delay.

- (iii) Sometimes number of notifications received in the press is quite large, bulky and are brought at a very short notice and are also not appropriately authenticated. Hence the Press people are not able to adhere to the time-limit. To avoid this discrepancy the concerned departments may be asked to send the relevant material even for extraordinary gazettes in advance after indicating the date of publication and notification.

Since all the departments have their own computers, if the material is only of two or three pages, the concerned departments themselves may be asked to publish the notification.

6. The representative of the Department of Urban Development stated that with a little more careful planning, rescheduling and modernisation of the system, the delays in printing of gazette notification could be curtailed to the minimum.

7. The Chairman suggested that since all the Government Departments have computers, composing of the material could be done in the concerned departments and sent to the the printing departments for printing. Alternatively the departments possessing printing facility could publish the material themselves thereby minimising pressure on the Publication Department.

8. At the end the representative stated that Rs.1 crore and Rs. 3 crores have been sanctioned for modernisation schemes at the Faridabad and Mayapuri press respectively which would be over by December, 1995, and with the modernisation the delay in publication would be curbed to the minimum or could even be eliminated as a whole.

*The witnesses then withdrew.*

*The Committee then adjourned.*

## MINUTES OF THE SIXTY NINTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION

The Committee met on Thursday, 15 February, 1996 from 14.30 to 17.15 hrs.

### PRESENT

Shri Amal Datta — *Chairman*

### MEMBERS

2. Shri Prithviraj D. Chavan
3. Shri D. Pandian
4. Shri Rajendra Kumar Sharma
5. Shri K.G. Shivappa
6. Shri Umrao Singh
7. Shri Ram Sharan Yadav

### SECRETARIAT

1. Smt. Roli Srivastava — *Joint Secretary*
2. Shri P.D.T. Achary — *Director*
3. Shri Ram Autar Ram — *Deputy Secretary*
4. Shri B.D. Swan — *Assistant Director*

### REPRESENTATIVES OF THE MINISTRY OF WELFARE

1. Shri K.B. Saxena, Secretary
2. Shri D.K. Manavalan, Additional Secretary
3. Dr. R.K. Srivastava, Director (SCD)
4. Shri Ajit Kumar, Director (BCC)
5. Smt. Radha Mani, Under Secretary (BCC)
6. Shri M. Rajendran, Assistant Director (PCR)
7. Shri B.S. Krishanan, Member Secretary (NCBC)
8. Smt. Manjula Krishanan, Director, Min. of Welfare.

### REPRESENTATIVES OF THE MINISTRY OF FINANCE (DEPARTMENT OF ECONOMIC AFFAIRS)

1. Dr. Y.V. Reddy, Secretary (Banking) & Chairman, National Housing Bank.
2. Shri M. Damodran, Joint Secretary



3. Shri K.K. Bhargava, Officer on Special Duty (Banking)
4. Km. Mona Sharma, Joint Director
5. Shri S.K. Thakur, Under Secretary (TRU)
6. Shri K.K. Mudgil, Executive Director, NHB
7. Shri P.K. Mathur, Dy. Legal Adviser
8. Shri P.K. Handa, General Manager, NHB
9. Shri V.G. Damle, General Manager, RBI

#### REPRESENTATIVES OF THE MINISTRY OF FINANCE (INSURANCE DIVISION)

1. Shri T.K. Banerjee, Secretary (Insurance)
2. Shri C.S. Rao, Joint Secretary
3. Shri P.K. Tewari, Dy. Secretary

2. The Committee took oral evidence of the representatives of the Ministry of Welfare regarding delay in implementation of recommendations contained in paras 5.13 to 5.15 of the 17th report and paras 2.10 and 2.11 of the 18th Report of the Committee on subordinate Legislation, which were presented to the House on 4 May, 1995.

3. Regarding recommendations of the Committee contained in the 17th Report regarding non-exercise of rules making power under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the Chairman, Committee on Subordinate Legislation, pointed out that the only part of the recommendation which has not been accepted by the Ministry was that whenever a bill is introduced in the House, a note should be appended to the Memorandum of Delegated Legislation appended to the Bill to the effect that the draft rules have also been prepared under that Bill. Stating the Background of the recommendation, the Chairman pointed out that in several statutes, it has been observed that rules could not be framed by the concerned Ministries within the stipulated time period of six months. In view of this the Committee emphasise that draft rules should also be prepared alongwith the Bill.

4. Shri K.B. Saxena, Secretary of the Ministry of Welfare agreed with the recommendation of the Committee that drafting of rules should be taken up along with the drafting of the Bill and stated that in the case of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, it was essential that the Act should come into existence as early as possible and if the Ministry had gone into framing of various rules etc. the interested groups could have created problems and the legislation might have been thrown apart. Secondly, the procedural aspects of the implementation of the act were to be dovetailed with the Cr. P.C. and the I.P.C. Thirdly, the financial aspects had to be gone into as also the consultation with the Ministry of Finance, Ministry of Law, Planning Commission and so on and so forth. He further stated that while dealing

with a legislation, same staff has to frame both the Bill and the Rules and their entire attention is concentrated on framing the provisions of the legislation. Further, until the Bill is finally passed, so many changes keep on taking place.

5. The Committee desired that the Ministry should furnish a considered Note as to why the Ministry is unable to implement that part of the recommendation of the Committee. The Committee did not agree with the view of the Ministry that if the rules are made *sine quo non* before the passing of the Bill, then the Bill itself could become a casualty. The Chairman, Committee on Subordinate Legislation, pointed out that it is a process of planning to tackle any situation. The Act is a statement of general principles and stating the general principles is not worthwhile unless the same can be implemented. He stated that the draft rules can always be framed as they can be changed at any time. The Committee also desired to have a note on the exact stage of implementation of the Act and how long the Ministry would take to implement the same.

6. The Committee then heard the views of the representatives of the Ministry of Welfare regarding the delay in implementation of recommendations contained in the Eighteenth Report regarding Non-exercise of rule making power under the National Commission for Backward Classes Act.

7. Explaining the reasons for the delay in framing the rules under the afore said Act, Shri K. B. Krishanan, Secretary, Ministry of Welfare stated that three categories of rules had to be prepared under that Act. The first category is about the terms and conditions of service of the Chairman and Members of the National Commission for Backward Classes and the Rules in that regard have already gone to the Press. The second category is about the Annual Statement of Accounts and the Annual Report of the commission and the draft rules in that regard have been vetted by the Ministry of Law and the final draft is going to them for approval. After that it would go to the press for printing. As regards the third category, the draft recruitment rules have been received from the National Commission on that day only and as per the advice of the Committee, they would convene a joint meeting of all concerned and finalise the rules at the earliest.

8. The Chairman, Committee on Subordinate Legislation pointed out that generally it takes long time in vetting of rules by the Law Ministry and suggested that each Ministry should have a legal adviser of its own on deputation from the Law Ministry. The representatives of the Ministry agreed that it was a good proposal.

9. The Committee agreed to give three months extension of time to the Ministry to compile all the rules.

*The witnesses then withdrew*

10. The Committee thereafter heard the evidence of the representatives

of Ministry of Finance (Insurance Division) regarding the delay in implementation of recommendations contained in paras 4.12 and 4.14 of the Eighteenth Report of the Committee on Subordinate Legislation regarding giving of retrospective effect to certain schemes/rules pertaining to the General Insurance Corporation and the Life Insurance Corporation, of India, which was presented to the house on 4 May, 1995.

11. The Chairman pointed out that the Ministry had not given a reply regarding the recommendations made in paras 4.12 and 4.14 where it was recommended that a joint body be set up in the Life Insurance, General Insurance and the Indian Banks Association.

12. Regretting the delay, Shri T. K. Banerjee, Secretary (Insurance) of the Ministry of Finance state that the recommendation of the Committee was received at a stage when wage negotiation in both Banking and Insurance Sectors were nearing completion or had already been completed. The position which has emerged is that both in Insurance and Banking Sectors, the wage negotiations are closed now, except that in Insurance Sector, the Ministry have yet to take a final decision with regard to Officers' wages. He informed that the wages for Class III & Class IV staff has already been amended.

13. The Committee pointed out that the intention of the Committee was that there should be no delay in framing of the rules so that the interests of the employees and the public should not be adversely affected.

*The witnesses then withdrew.*

14. The Committee then took oral evidence of the Ministry of Finance (Banking Division) regarding delay in implementation of the recommendations contained in paras 4.9 and 4.10 of the Seventeenth Report regarding Non-exercise of regulation making power under the National Housing Bank Act, 1987 which was presented to the House on 4 May, 1995.

15. The Committee pointed out that even after the expiry of the prescribed time limit of six months, the Ministry have not been able to implement the aforesaid recommendations. The Committee desired to know the reasons for the delay.

16. Regretting the delay, Dr. Y. V. Reddy, Secretary (Banking) stated that the National Housing Bank performed three functions of which one is regulatory, the second is developmental and the third is financial. He explained that they are facing a conceptual problem as to whether to follow the RBI pattern of regulations or to follow the commercial banks pattern or may be treated as a developmental company closet to HUDCO. According to him, this has been the major area of dispute. He informed that out of 58 officials brought into the National Housing Bank, 18 had come from RBI, 4 from HUDCO, 21 from as many as 11 commercial banks, and other from the Government and other Institutions. A number of them have been on deputation. In view of this, they are facing the

conceptual problem of alignment. When an attempt was made to adopt a particular regulation pattern, some people were agreeable to it and some were not. So there is a sort of management problem also.

17. The Committee however, did not appreciate the afore said conceptual difficulties faced in the National Housing Bank in not framing the regulations. The Committee pointed out that any institution have different types of activities and no institution can confine itself to only one type of activity. The Committee were of the view that three items of work namely, regulatory, developmental and financial carried out by the National Housing Bank are same as carried out by any other Banking Institution. Even the plea of the Bank that people of National Housing Bank have come from different sources is not an excuse for not framing the regulations. The Committee expressed their concern regarding the delay in framing of regulations. The Committee expressed their concern regarding the delay in framing of regulation. The Committee was given an assurance from the Secretary (Banking) that the regulations would be completed withing 8 weeks time.

18. The Committee also suggested that the Ministry should have their own legal adviser to overcome the problem of going to the Law Ministry for vetting every time while issuing a notification.

19. The Committee also drew the attention of the representatives to the recommendation of the Committee that whenever a Bill is introduced in Parliament, there should be a note in the Memorandum of Delegated Legislation appended to the Bill to the effect that the draft rules have also been prepared under that Bill. The Committee stressed that such step would force the Ministry to apply their minds to the making of rules which may be changed at any time during the process of enactment. The Committee pointed out that by framing the draft rules simultaneously, the Ministry may even find that the Bill itself requires to be changed or remodelled etc. for being implemented. The representative of the Ministry assured to give a considered note on this matter explaining the views of the Ministry.

20. The Committee granted 8 weeks time to the Ministry to finalise the regulations.

*The witnesses then withdrew.*

*The Committee then adjourned.*

**MINUTES OF THE SEVENTIETH SITTING OF THE COMMITTEE  
ON SUBORDINATE LEGISLATION (TENTH LOK SABHA) (1995-96)**

The Committee met on Wednesday, 28 February, 1996 from 15.00 hours to 16.30 hours.

**PRESENT**

**Shri Amal Datta — *Chairman***

**MEMBERS**

2. **Shri Prithviraj D. Chavan**
3. **Smt. Bhavna Chikhalia**
4. **Shri V. Dhananjaya Kumar**
5. **Shri Dharampal Singh Malik**
6. **Prof K. V. Thomas**
7. **Shri Rajendra Kumar Sharma**
8. **Shri Swarup Upadhyay**
9. **Shri Ram Sharan Yadav**

**SECRETARIAT**

1. **Smt. Roli Srivastava — *Joint Secretary***
2. **Shri P.D.T. Achary — *Director***
3. **Shri Ram Autar Ram — *Deputy Secretary***
4. **Shri B.D. Swan — *Assistant Director***
- 2 to 5. \*\*

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The Committee then considered and adopted the draft twenty-four Report with slight modifications.

*The Committee then adjourned.*

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\*\*Omitted portions of the minutes are not covered in this Report.