

COMMITTEE ON SUBORDINATE LEGISLATION
(TWELFTH LOK SABHA)

FOURTH REPORT

[Presented on 21.4.99]



LOK SABHA SECRETARIAT
NEW DELHI

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CORRIGENDA

TO

THE FOURTH REPORT OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (TWELFTH LOK SABHA)

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(1998-99)

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INTRODUCTION

1. the Chairman, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Fourth Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on 14 October, 1997, 7 December, 1998, 9 February, 1999 and 10 March, 1999.

3. The Committee took oral evidence of the representatives of the Ministry of Labour, Coal, Telecommunications and Urban Affairs and Employment regarding delay in framing of rules/enforcement of Acts. The Committee wish to express their thanks to the representatives of these Ministries for furnishing the desired information.

4. The Committee considered and adopted this Report at their sitting held on 20 April, 1999. 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;
April, 1999

KRISHAN LAL SHARMA,
Chairman,
Committee on Subordinate Legislation.

REPORT

I

The Cloves Grading and Marking Rules, 1996 (GSR 243 of 1996)

The Cloves Grading and Marking Rules, 1996 were published in the Gazette of India, Part II, section 3(i) dated 31 May, 1997. It was observed therefrom that although the Rules were notified in the year 1997, the year in the short-title had been indicated as 1996 which was in deviation with the recommendation of the Committee that the year in the short-title should be in conformity with the year of publication of rules in the Gazette. It was further observed that whereas the copies of the draft rules were made available to the public on 26.2.1996 for inviting comments/suggestions, the final rules were notified on 31.5.1997 i.e. after a gap of 15 months. The matter was, therefore taken up with the Ministry of Rural Areas and Employment to ascertain the reasons for indicating wrong year in the short-title and inordinate delay in the publication of final rules.

1.2 The Ministry of Rural Areas and Employment in their reply dated 18 February, 1998, stated as under:—

“...although the copies of the draft rules were made available to the public on 26.2.1996 for inviting comments/suggestions, the publication of the final rules has been inordinately delayed due to the fact that most of the important organisations like P.F.A. etc. have offered their comments very late. Some time was also consumed in technical examination of comments/suggestions by the Directorate of Marketing and Inspection and in vetting the final notification by the Ministry of Law (Legislative Department). However, it is assured that in future, utmost care will be taken to avoid recurrence of such delays.

As desired, a printed copy of the ‘Corrigendum’ notified *vide* Gazette notification GSR-19 dated 24.1.1998 in respect of the year in the short-title of the aforesaid rules is enclosed herewith.”

1.3 The Committee note with satisfaction that on being pointed out, the Ministry of Rural Areas & Employment have issued the necessary corrigendum to rectify the error in respect of the year in the short-title to the Cloves Grading and Marking Rules, 1996, *vide* Gazette of India notification No. GSR 19 dated 7 January, 1998.

1.4 As regards inordinate delay of 15 months in publication of the final rules after the publication of draft rules, the Committee note that the Ministry have ascribed the delay mainly to the late receipt of comments from important organisation like P.F.A. etc. and their technical examination by the Directorate of Marketing & Inspection. While taking a serious note of such an inordinate

delay in framing and notification of the rules, the Committee reiterate their earlier recommendation contained in para 68 of their Twenty-fourth Report (Fourth Lok Sabha) wherein the Committee had recommended that the time-gap between the publication of draft rules and the final rules should not be more than six months. The Committee desire that the Ministry should streamline their procedure regarding various stages involved in the finalization of rules after the publication of the draft rules so as to ensure that the prescribed time-limit of six months could be strictly adhered to.

The Government of India, Presses/Branches (Group 'C' and Group 'D' Posts of Canteen Employees) Recruitment Rules, 1997 (GSR 348 of 1997)

The Government of India Presses/Branches (Group 'C' and Group 'D' Posts of Canteen Employees) Recruitment Rules, 1997 were published in the Gazette of India, Part-II, Section 3(i), dated 4 October, 1997. It was observed from the Schedule appended thereto that the wording '*7 years of Experience in cooking*' occurring under col. 8 against the post of Cook at Serial No. 6 were vague and likely to be interpreted differently by different persons. In this regard, the Committee have time and again emphasised that use of vague expressions should be avoided. It was, therefore, felt that the level at which such experience had been gathered (whether in Hotel/Organisation/Institution etc.) was also needed to be specified. The Ministry was, therefore, requested to state whether they had any objection in amending the rules to the desired effect.

2.2 The Ministry of Urban Affairs and Employment (Department of Urban Development) in their reply dated 17 March, 1998 stated as under:—

".... that the purpose of incorporating the criterion for experience in cooking for the post of cook was to ensure that the applicants possess some basic knowledge in the art of cooking before being considered for the said post. It was felt that an experience certificate of 7 years issued by any catering establishment/Hotel would have been adequate and the Appointing Authority could have satisfied himself that the Candidate(s) possessed the desired knowledge/experience.

However, as it has been felt essential to specify the level/place in which the experience has been gathered steps are being initiated to replace the words '*7 years experience in cooking*' in column (8) against the post of cook at serial No. 6 by the words "*7 years experience in cooking from any hotel/establishment engaged in the business of catering* by suitably amending the Government of India Presses/Branches (Group 'C' and Group 'D' Posts of Canteen Employees) Recruitment Rules, 1997."

2.3 The Committee note with satisfaction that on being pointed out by the Committee, the Ministry of Urban Affairs and Employment have agreed to amend the entry under col. 8 of the Schedule against the post of cook by replacing the vague wording "*7 years of experience in cooking*" which were liable to be interpreted differently by different persons with the wording "*7 years experience in cooking from any hotel/establishment engaged in the business of catering*". The Committee desire the Ministry to notify the desired amendment in the Government of India, Presses/Branches (Group 'C' and Group 'D' Posts of Canteen Employees) Recruitment Rules, 1997 at the earliest.

III

The Public Records Rules, 1997 (GSR 43 of 1997)

(A)

The Public Records Rules, 1997 were published in the Gazette of India, Part II, Section 3(i), dated 18th January, 1997. It was observed therefrom that whereas the Public Records Act was enacted in the year 1993, the rules to give effect to various provisions of the Act were framed in the year 1997 *i.e.* after a gap of about 3 years. In view of this inordinate delay of three years in framing of the rules after the commencement of the Act, the matter was taken up with the concerned Ministry of Human Resource Development and their attention was invited to the following oft-repeated recommendation of the Committee contained in Para 34 (Fifth Report), Second Lok Sabha, namely:

“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 six months.”

3.2 In the light of the aforesaid recommendation of the Committee, the Ministry were requested to furnish the following information for consideration of the Committee on Subordinate Legislation :—

- (i) the reasons for inordinate delay in the framing of Rules;
- (ii) whether any request was made to the Committee on Subordinate Legislation for grant of extension of time for framing of rules; and
- (iii) How the matter sought to be governed by the extant rules were actually governed until now.

3.3. In their reply dated 17 June, 1997, the Ministry stated as under:—

“The Public Records Act, 1993 was notified in the Gazette of India in the last week of December, 1993 *i.e.* on 22 December, 1993. It required framing of comprehensive rules under various Sections of the said Act *i.e.* in all 9 Sections of the Act. Since the Public Records Act, 1993 which is the first ever enacted law after independence of our country to regulate the archival and records management activities of all the Governmental agencies including undertakings, statutory bodies, corporations, and Committees/Commissions constituted by the Central Government/Union Territory Administration on a statutory basis, it, therefore, required not only a deep study of the existing procedures and practices while framing the rules but the same time it has also to be taken into account the existing frame work of records management set out in the Manual of office procedure and various other instructions issued

*Not enclosed.

from time to time. Besides, the archives and records management subjects being a new field, drafting of rules at each stage required detailed discussion with the officials of the Ministry of Law in respect of main text of the draft rules as well as its various Forms. Thus obviously inspite of best effort on the part of this Department, the framing of rules took considerable time. Enclosed statement* will show step-by-step action taken in framing Public Records Rules by this Department towards achieving the goal.

.... it is regretted as the Department was not aware of the recommendation as contained in para 34 of fifth report of Second Lok Sabha.

There were no rules as the archival and records management activities were governed by the executive instructions only i.e. Archival Policy Resolution, 1972 which did not yield desired results due to lack of statutory powers."

3.4 The Committee take a serious note of the delay of about three years in framing of rules under the Public Records Act, 1993 and note that it has occurred mainly because it was first ever enacted law after independence and a deep study of the existing practice and procedure was required to be made to regulate the archival and records management activities of all the Governmental agencies including Public undertakings, statutory bodies and Corporations and Committees/Commissions constituted by the Central Government/Union Territories administrations and in consultation with the Law Ministry. In this regard, the Committee regret to observe that no serious efforts were made by the Government to finalise such an important piece of subordinate legislation and a lot of time has been spent on protracted inter-ministerial correspondence. The Committee are at pain to observe that the Ministry was not even aware of the recommendation of the Committee that rules under an Act should be framed within the maximum prescribed period of six months which is the reason advanced by them for not seeking extension of time from the Committee.

3.5 In this regard, the Committee reiterate their earlier recommendations made in paras 1.7—1.9 of their Twenty-fourth Report (Tenth Lok Sabha) wherein the Committee had recommended that the framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill so that there is no delay in notification of the final rules after passing of the Act. The Committee desire that the Ministry should strictly adhere to the aforesaid recommendation of the Committee in the future. The Committee further desire the Ministry to evolve suitable procedural safeguards to ensure that while drafting subordinate legislation, the recommendations of the Committee on Subordinate Legislation are also kept in mind. The Committee also impress upon the Ministry to convene joint meetings with the Law Ministry and other concerned agencies for sorting out the matter instead of going for protracted inter-ministerial correspondence, to cut-short such inordinate delays in the future.

*Not enclosed.

(B)

3.6 Sub-Rules (f) & (g) of Rule 2 of Public Records Rules, 1997 reads as under :—

- (f) "file" means a collection of papers relating downgrade the security classifications after their evaluation;
- (g) "file" means a collection of papers relating to the public records on a specific subject matter consisting of correspondence, notes and appendix thereto and assigned with a file number".

The Ministry were requested to state the rationale behind prescribing for different meanings for the same word "file".

3.7. In their reply dated 17 June, 1997, the Ministry stated as under :—

It is a case of misprint in English version. It should have been printed as "(f) downgrading of classified records means a collection of papers relating to downgrade the security classifications after their evaluation", although it is correctly printed in the Hindi version of the Public Records Rules, 1997, as notified in the G.S.R. No. 43, Gazette of India, dated 18th January, 1997. Directorate of Printing, Government of India has been requested to make available 2,500 corrected copies of the Public Records Rules so that the copies of the same may be issued to all the Ministries/Department/Offices/Undertakings etc., for their information and necessary action at their end.

3.8. The Committee note that on being pointed out by them, the Ministry have clarified that entry under rule 2 (f) should read "downgrading of classified records" instead of "file" and this printing error has occurred in the English version only. In this connection, the Committee impress upon the Ministry that their role do not end merely on sending the notifications to the Press for publication but it is also their duty to see whether the notification has been printed correctly in the Gazette. If there is any printing error, the corrigendum should have been issued promptly, without waiting for the error to be pointed out to them by someone else. The Committee desire the Ministry to issue the necessary corrigendum at the earliest.

IV

The National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Rules, 1997 (GSR 62-E of 1997)

(A)

The National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Rules, 1997 were published in the Gazette of India Part II, Section 3 (i), dated 6 February, 1997. Sub rule (1) of rule 3 of the rules reads as under:—

“3. Agreement and rate of fee:—

(1) The Central Government may enter into an agreement with any person in relation to the development and maintenance of the whole or any part of a National Highway/permanent bridge/temporary bridge on National Highway as it may decide, whereby the person may be permitted to invest his own funds for the development/maintenance of a section of National Highway/permanent bridge/temporary bridge and to collect and retain the fees at agreed rates from different-categories of mechanical vehicles for an agreed period for the use of the facilities thus created, subject to the terms and conditions of the agreement and these Rules.

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4.2. It was observed therefrom that the word ‘person’ used in the above rule was not defined anywhere in the rules. The matter was, therefore, referred to the Ministry of Surface Transport (Roads Wing) on 29 August, 1997 to ascertain whether the word person also include a firm or a corporate body. The Ministry in their reply dated 31 October, 1997 states as under:—

“.....Regarding point No. (i), it is stated that the word ‘person’ also includes a firm or a corporate body. Regarding points No. (ii), it may be stated that charging of fee at more than the agreed rates is not permissible and rule 5 (1) only permits the appointment of subordinate officer to control collection.”

4.3 The Committee note from the reply of the Ministry of Surface Transport that the word ‘person’ appearing in rule 3 (1) of the National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Rules, 1997 also

includes a firm or a corporate body. The Committee, therefore, desire the Ministry to incorporate the definition of the word 'person' in the rules themselves in accordance with the clarification furnished by them, in order to make the rules more specific.

(B)

4.4. Rules 5 (1) of the National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Rules, 1997 reads as under:—

"5. Incharge of fee collection.—

(1) The person authorised to collect and retain the fee under these rules shall nominate an official as incharge of fee collection who shall be responsible to ensure that fees are collected at not more than the agreed rates, and the fee collection is smooth without causing undue hardship to the road users and all other matters connected with the fee collection on section of National Highway/permanent bridge/temporary bridge.

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4.5. It was observed from the aforesaid sub-rule that the official incharge of fee collection was made responsible in case he charged more fee than the agreed rates, instead of making responsible the person so authorised to collect and retain the fees. The matter was referred to the Ministry to ascertain the rationale for prescribing such a provision.

4.6. The Ministry in their reply dated 31 October, 1997 stated as under:—

".....It may be stated that the charging of fee at more than the agreed rates is not permissible and rule 5 (1) only permits the appointment of subordinate Officer to control collection."

4.7 The Committee note from the clarification furnished by the Ministry of Surface Transport that charging of fee at more than the agreed rates is not permissible and rule 5 (1) only permits the subordinate officer to control collection. In this regard, the Committee observe that the reply of the Ministry is contradictory with the provision contained in rule 5 (1) as the rule clearly stipulates that the incharge of fee collection shall be responsible to ensure that fees are collected at not more than the agreed rates. The Committee, therefore, desire the Ministry to amend the rules so as to make responsible also the contractor i.e. the person with whom the Central Government had originally entered into the agreement in case the fee is charged at the rates higher than the prescribed one. The Committee further desire the Ministry to prescribe in the rules, the method of collection of fees and also the rates applicable to different categories of vehicles on various National Highways/permanent bridges/temporary bridges etc. So that the public at large who will be the actual users of such facilities could be made aware of this. The Committee also desire that it may be prescribed in the rules that the rates of fee collection should be prominently displayed at all such national highways etc. and in case of any complaint, which authority is to be addressed to and also which categories of vehicles etc. be exempted from the levy of such fee may also be indicated on the display Board.

The Border Security Force (Air Wing Non-Gazetted (Combatised) Group "C" posts Recruitment Rules, 1997 (GSR 419 of 1997)

The Border Security Force (Air Wing Non-Gazetted (combatised) Group "C" posts) Recruitment rules, 1997 were published in the Gazette of India, Part II, Section 3(i) dated 27 December, 1997. During the course of examination of the said notification it was felt that the posts indicated in the schedule appended to the aforesaid rules were not the newly created but created earlier. A reference to this effect was, therefore, made to the concerned Ministry of Home Affairs for clarification on the following points:

Whether the posts indicated in the Schedule appended to the Recruitment Rules are newly created. If not, then please indicate—

- (i) when these posts were created;
- (ii) how the matters sought to be governed by these rules have actually been governed until now in the absence of these rules; and
- (iii) the reasons for delay in the framing of these rules.

5.2. The Ministry of Home Affairs in their reply dated 26 March, 1998 stated as under:—

".....that the requisite information in the matter is as under:—

- (a) The posts were created on 18 June, 1991
- (b) The posts have been governed under the provisions of draft Recruitment Rules in anticipation of formal notification of these rules.
- (c) The proposal for framing the Recruitment Rules of Group "C" (Non-Gazetted-Combatised) posts were taken up with MHA in August, 1992. The proposal remained under correspondence between MHA/MOL/DOP & T and BSF for one reason or the other. The main issue involved was regarding classification of posts as the technical posts were sanctioned in the scale of pay of Rs. 2000-3200 and Rs. 1640-2900 which stand classified as Group 'B' posts but in BSF the post of Inspector/Subedar Major carrying identical pay scale have been classified as Group 'C' posts. After the draft Recruitment Rules were vetted by Ministry of Law, these were kept pending due to temporary ban imposed by DOP&T vide Q.M. No. AB-14017/2/97/Estt. (RR) dated 10.2.97. The draft recruitment rules were finally approved by MHA for notification in December, 1997 and these were published in official gazette on 27.12.97."

5.3 From the reply of the Ministry of Home Affairs, the Committee note with concern that the Border Security Force (Non-Gazetted Combatised) Group "C"

Posts were created way back on 18 June 1991 whereas the final rules for the same were notified only on 27 December, 1997 i.e. after an inordinate delay of more than 6 years. The Committee take a serious note of the fact that the matters sought to be governed by a set of well framed statutory rules were actually governed during the intervening period of six years by draft rules only. In this connection, the Committee observe that it was highly improper on the part of the Ministry to regulate the posts created in 1991 without first establishing them by way of statutory rules. The Committee are constrained to observe that the Ministry had made no serious efforts to finalise and notify the rules resulting in an inordinate delay which indicated the scant attention being paid by the Ministry to such important legislative matters. The Committee desire that to take care of such situations where the framing of rules require consultation with other Ministries/Department also, the Ministry may hold joint informal meetings of all the concerned agencies so that the opinion of all concerned can be taken into account at the same point of time and a solution could be arrived at expeditiously.

5.4. The Committee further observe that the extant rules have been enforced from the date of their publication in the official gazette i.e. 27 December, 1997 instead of from 18 June, 1991 i.e. the date on which the posts were created. The Committee are of considered view that to regularise the services of persons who had already served on the concerned posts or are currently holding those posts from a back date, the Ministry should give retrospective effect to the rules from the back date in order to ensure that the interest of the persons holding the posts governed by these rules are not jeopardised in any manner.

Delay in framing of rules under the Industrial Disputes (Amendment) Act, 1982

The Ministry of Labour *vide* their communication dated 19 August, 1997 stated that certain amendments to the Industrial Disputes Act, 1947 were proposed by them and were passed *vide* Industrial Disputes (Amendment) Act, 1982 but have not been made effective for want of alternative Grievance Redressal Machinery for the employees of establishments/undertakings who would be denied the protection of the Industrial Disputes Act. The Ministry further stated that certain amendments to the aforesaid Act were under various stages of processing in that Ministry and therefore requested for extension of time for framing rules/regulations under the Act for six months after the proposed amendments were passed by Parliament and notified.

6.2 From the reply of the Ministry, it was inferred that the Industrial Dispute Act, 1947 and the amendment Act, 1982 have been passed by Parliament but have not been enforced till date for the aforesaid reasons. Though Section 9 (c) (1) of the amendment Act, 1982 conferred duty on the employer to provide Grievance Settlement Authority in accordance with the rules made in that behalf under the Act, yet the Ministry did not frame rules thereunder even after a lapse of more than 15 years. The Ministry were therefore referred on 5 September, 1997 to furnish a status report containing clarification on certain points namely, the intended object of the Industrial Disputes Amendment Act, 1982; authority who were responsible for delay in providing Grievance Settlement Authority; instructions required to be followed by them for formation of Grievance Settlement Authority, the difficulties faced by the Ministry in appointing such authority and the efforts made by them in the matter etc.

6.3. In their reply dated 16 September, 1997, the Ministry stated as under:—

“The rules for the original ID Act, 1947 were framed and notified in 1957 and are called the Industrial Disputes (Central) Rules, 1957. Subsequently, attempts were made by the Government from time to time for amendment of the Industrial Dispute Act, 1947 with a view to facilitating the mechanism for speedy and effective Industrial Disputes Resolution. Despite these efforts, however, major amendments in the ID Act could not be effected in view of the reservations expressed by various interest groups.

It may be mentioned that the Industrial Disputes Amendment Bill, 1982 was introduced in the Lok Sabha to amend *inter alia*, definition of the term “Industry”. However, the revised definition of the term “Industry” contained in Section 2 (j) of the ID Act as amended in 1982 excluded certain activities/establishments from the purview of the Act. The revised definition of the “Industry” contained in Section 2 (j) of the ID Act as amended in 1982 was to be made effective from the day of its

notification. The Government has not yet notified it for want of alternative grievance redressal machinery for the employees of establishments/undertakings who would be denied the protection of the ID Act.

Based on the recommendations of the Sanat Mehta Committee, the Government introduced the Trade Unions and Industrial Disputes (Amendment) Bill, 1988. This Bill was, however, not taken up for consideration in Parliament because of opposition expressed against various provisions of the Bill. The matter was further discussed at the 29th Session of the Indian Labour Conference held in April, 1990.

Accordingly, the Trade Unions and Industrial Disputes (Amendment) Bill, 1988 was withdrawn and a Bipartite Committee comprising representatives of the Central Trade Union Organisations and Employers Organisations was constituted under the Chairmanship of G. Ramanujam on May 8, 1990. The report of the Ramanujam Committee along with the views of the Group of Ministers set up to go into the various contentious issues of the Ramanujam Committee and make recommendations thereof was placed before the ILC in its Session held on 7-8 September, 1992. However, the Cabinet in its meeting held on 27.1.1994 considered the note of the Ministry of Labour and decided to defer the matter for consideration at an appropriate time. Subsequently, the issues relating to the amendments of the ID Act, 1947 were considered in the 33rd Session of the ILC held on October 24-25, 1996 and it was decided to constitute a Bipartite Committee to formulate a Comprehensive Industrial Relations Bill. The Committee was constituted *vide* Ministry of Labour Order dated 6th November, 1996. The Committee, however, did not give any recommendation as there was no consensus between the Employers and Trade Unions on the issues referred to the Committee.

In this connection it may be mentioned that the Ministry of Labour had all along been pre-occupied with the amendment of the ID Act, 1947 and the amendments proposed in 1982 could not be notified due to reasons stated above. Ministry of Labour is in the process of finalising certain amendments to the ID Act and based on the recommendations of the various fora constituted in this Ministry such as Standing Labour Committee, Indian Labour Conference, suitable amendments to the ID Act will be taken to the Cabinet for their approval. The formulation of the rules to the ID Act could only be taken up after the amendment proposals are passed by the Parliament.

Ministry of Labour hopes that the position stated above will meet the requirement of the Committee on Subordinate Legislation in the Lok Sabha in this regards."

6.4 From the reply of the Ministry, it was observed that the Ministry did not furnish the requisite information but instead highlighted the efforts made by them

for enforcing the amendments in the said Act which could not be enforced for want of Alternative Grievance Redressal Machinery. The Ministry had further stated that for this purpose, a Bipartite Committee was also constituted which represented representatives of the Central Trade Union Organisations and Employers' Organisations but could not arrive at consensus between the Employers and the Trade Union. It was felt that the information furnished by the Ministry was not of much relevance as they had not furnished their reply on the points for which clarifications were sought and it was therefore decided to call the representatives before the Committee for getting clarifications thereof.

6.5 During evidence of the representatives of the Ministry of Labour, on 14 October, 1997, clarifications on the following points were sought, namely—

- (i) Whether the Draft Industrial Disputes (Amendment) Bill, 1982 was made available to the concerned public for obtaining their comments/suggestions.
- (ii) whether their suggestions/comments were taken into consideration by the Ministry.
- (iii) What was the specific intended object of the amended Act, 1982.
- (iv) Whether any rules/instructions were required to be followed by the employers in providing Grievance Settlement Authority.
- (v) What were the difficulties faced by the Ministry in appointing such authority and the efforts made by them so far in the matter.
- (vi) What were those circumstances under which the Ministry could not seek extension of time for notifying the rules under the Act.
- (vii) It has been stated that a Bipartite Committee was constituted in November, 1996 to formulate a comprehensive Industrial Relations Bill.

Please state whether the above-mentioned Committee have since forwarded their recommendations to the Ministry. If so, what is the outcome of the recommendations.

6.6 During the course of evidence, the Committee were informed that the matter required some amendments in Act. Accordingly, the Ministry were asked to sort out the matter so that the rules could be framed at the earliest.

6.7 The Ministry of Labour *vide* their communication dated 17 February, 1998, stating that amendments to the Industrial Disputes Act, 1947 were still under various stages of processing in the Ministry, sought extension of time for framing rules/regulations under the Act upto 31 August, 1998 after the proposed amendments were passed by the Parliament and notified. Since the Committee was not in existence at that time it was decided to place the request for extension of time upto 31 August, 1998 as and when the Committee was constituted and in the meanwhile the Ministry were impressed upon to not to delay the framing of rules any further or seek any further extensions. However, the Ministry *vide* their communication dated 13.10.98 sought another extension of time upto 28 February, 1999 for framing the rules/

regulations on the ground that amendments to the Industrial Disputes Act, 1997 were still under various stages of processing. Then, in yet another communication dated 24 March, 1999, the Ministry stated that the proposed amendments in the said Act were under consideration. In this regard, the Ministry have stated that once these amendments were approved and enacted, the necessity of framing rules and regulations as provided in the amendment Act of 1982 would not arise.

6.8 The Committee note that certain amendments passed *vide* Industrial Disputes (Amendment) Act, 1982 could not be enforced by the Government for want of Alternative Grievances Redressal Machinery for the employees of establishments/undertakings who would be denied protection of the Industrial Disputes Act. In this connection, the Committee note that the Ministry of Labour had subsequently introduced Trade Unions and Industrial Disputes (Amendment) Bill, 1988 which, however, could not be taken up for consideration in Parliament because opposition expressed their views against various provisions of that Bill. The said Bill was, therefore, withdrawn and the matter was thereafter placed before a Bipartite Committee comprising representatives of Central Trade Union Organisations and Employees Organisations in 1990. The report of that Committee was put up before the Cabinet in 1994 but it was decided by the Cabinet to defer the matter for consideration at an appropriate time. Thereafter, also the matter was again referred to another Bipartite Committee in 1996 which however could not give any recommendations as there was no consensus between the Employees and Trade Unions.

6.9 In this connection, the Committee note that inspite of all out efforts made by the Ministry of Labour, the Industrial Disputes (Amendment) Act, 1982 could not be enforced by the Government and the Government have been forced to bring some further amendments in the Industrial Disputes Act. The Committee desire the Ministry to first ensure that the further amendment being proposed by them to the Industrial Disputes Act are enforceable and do not meet the same fate as the amendments of 1982 which could not be implemented by the Government. The Committee note from the last reply of the Ministry that the question of framing the rules thereunder would not arise once the proposed amendments in the Industrial Disputes Act are enacted. The Committee desire the Ministry to get the proposed amendments passed by the Parliament at the earliest.

VII

Delay in framing of rules under the Coal Mines Provident Fund & Miscellaneous Provisions (Amendment) Act, 1996

In pursuance of a general circular issued to all the Ministries and Department of the Government of India, the Ministry of Coal *vide* their O.M. dated 30 October, 1996, informed that Coal Mines Provident Fund & miscellaneous Provision (Amendment) Act, 1996 was passed by both the Houses of Parliament during the Monsoon session of 1996. The Scheme required to be framed under the Act was under formulation.

7.2 The attention of the Ministry of Coal were subsequently invited to the recommendation of the Committee contained in Para 34 of their 5th Report, 2nd Lok Sabha according to which rules should be framed within six months after the commencement of the Act and in case if it is not possible for the Ministry to frame the rules within the stipulated time period, they should seek specific extension of time from the Committee explaining the reasons thereof. The Ministry were requested to indicate the reasons for not seeking the specific extension of time from the Committee for framing/notifying the required rules.

7.3 In thier communication dated 6 August, 1997, the Ministry stated as under:—

“...the Coal Mines Provident Fund (Miscellaneous Provisions) Act, 1948 was amended to enable that introduction of a Pension Scheme for coal workers. The scheme framed by the Actuary has since been approved by the Board of Trustees, CMPFO and by the I.F. Division of this Ministry.

The draft scheme was submitted on 8 July, 1997 to the Ministry of Finance for their approval as well as to Ministry of Labour for their comments. In view of the above, it was not possible to adhere to the prescribed time-limit (of six months to frame the rules). Hence it is requested that extension of time for three months *i.e.* upto 31st October, 1997 may be granted to this Ministry for framing/notifying the rules.”

7.4 It was observed that the Ministry had sought extension of time for framing of rules only on being pointed out to them by the Secretariat. Though it was observed that the draft scheme had already been framed and approved by the Ministry of Coal and the same was pending for approval from the Ministry of Finance and the Ministry of Labour, it was decided to call the representatives of the Ministry to appear before the Committee to tender oral evidence so as to expedite formal notification of the rules.

7.5 During evidence, the attention of the representatives of the Ministry of Coal was invited towards delay in framing of rules under the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996 and their attention was also

drawn towards the recommendation of the Committee that rules should be framed within 6 months of passing of an Act, and if for any reasons, the Ministry is not able to frame the rules within the prescribed time limit they should seek extension from the Committee after explaining the reasons therefor. It was further pointed out that in the extant case, the Ministry neither framed the rules within the prescribed time limit, nor sought any extension for the purpose before it was so pointed out by the Committee.

7.6 The representatives, admitting the failure on their part to seek such extension stated that the amendment Act was passed in August, 1996 to provide a scheme for pension to all the coal miners and since there are about 6,75,000 miners of different categories, rules by different establishment rules, the preparation of the scheme took about 4 to 5 months time. The draft pension scheme was approved by the Board of Trustees of the organisations on 13 January, 1997 and the scheme after consultation with the Ministry of Labour and Ministry of Law, is now pending with the Ministry of Finance for clearance.

7.7 On being asked whether any bilateral meetings were being held and by what time the rules would be notified, the representative asked for time upto 31 December, 1997 for the purpose. The Chairman asked the representatives to seek the extension of time from the Committee in writing. Accordingly vide their communication dated 15 December, 1997, the Ministry, stating that the draft Pension Scheme was presently being vetted in the law Ministry, sought extension of time upto 31 March, 1998. Accordingly, the Ministry vide their communication dated 15 December, 1997, sought extension of time for notifying the scheme upto 31 March, 1998.

7.8 In a subsequent communication dated 26 June, 1998, the Ministry enclosed a copy each of the documents as notified by them in the gazette, namely, (i) Coal Mines Pension Scheme, 1998; (ii) Notification for the effective date of the Scheme; (iii) Corrigenda to Coal Mines Pension Scheme, 1998; and Amendment to the Pension Scheme, 1998. The Coal Mines Pension Scheme, 1998 has been notified by them in the Extraordinary Gazette dated March 5, 1998 vide GSR 123(E).

7.9 The Committee note that the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996 was passed by Parliament during Monsoon Session of Parliament of 1996 and it was brought into force by the Central Government only on 31 March, 1998. The Scheme required to be framed under the aforesaid Act namely, the Coal Mines Pension Scheme, 1998 was notified in the Gazette on 5 March, 1998 and was brought into force on 31 March, 1998.

7.10 In this connection, the Committee note that the aforesaid Act has been enforced by the Central Government after a gap of almost 20 months after its passing by the Parliament. The reasons for this being the delay on the part of the Central Government in finalising the Pension Scheme required to be notified under the Act. The Committee desire the Ministry to be more prompt in future in such matters so that such delays regarding the notification of Act or the framing of delegated legislation thereunder could be avoided.

VIII

Delay in framing of rules under the Telecom Regulatory Authority of India Act, 1997

The Ministry of Communications vide their correspondence dated 1 May, 1997 informed that the rules were yet to be framed under the Telecom Regulatory Authority of India Act, 1997 which was passed by the Parliament and notified on 28 March, 1997.

8.2 The attention of the Ministry of Communications was subsequently invited to the recommendation of the Committee contained in Para 34 of their 5th Report, 2nd Lok Sabha according to which rules should be framed under an Act within six months after the commencement of that Act and in case if it is not possible for the Ministry to frame the rules within the stipulated time period, they should seek specific extension of time from the Committee explaining the reasons for the delay thereof. The Ministry were requested to indicate the reasons for not seeking the specific extension of time from the Committee for framing/notifying the required rules.

8.3 In their subsequent communication dated 8 August, 1997, the Ministry stated as under:—

“...The Telecom Regulatory Authority of India Act, 1997 deemed to have come into force on the 25th day of January, 1997 providing for the establishment of Telecom Regulatory Authority of India. Department of Telecom has taken the initiative for drafting the rules regarding salaries, allowances and conditions of service of Chairperson and other Members of Telecom Regulatory Authority of India as per the provisions of the Act and the process is on in consultation with other Departments and this will take some time. Due to oversight extension of time for framing/notifying various rules under the Act could not be obtained within a period of 6 months from the commencement of Act, *which is highly regretted.*

Lok Sabha Secretariat are requested to place the case before the Committee on Subordinate Legislation of Lok Sabha for seeking 6 months extension of time i.e. upto 24th January, 1998 for framing/notifying rules/regulations under the Telecom Regulatory Authority of India Act, 1997.

This issues with the approval of Hon'ble Minister of Communications.”

8.4 The aforesaid request of the Ministry was acceded to by the Chairman, Committee on Subordinate Legislation and the Ministry were also requested to adhere to the time-limit for which the extension was sought by them. As no further reply was received from the Ministry, they were reminded on 26th February, 1997.

8.5 In their subsequent communication dated 6 April, 1998, the Ministry stated as under:—

“..... that Notification regarding Salaries and Dearness Allowances in respect of the Chairperson and Members of the Telecom Regulatory Authority of India (TRAI) have been issued on 2nd December, 1997 (copy enclosed). The Department of Telecommunications has also drafted Rules in respect of Salaries, Allowances and Conditions of Service of the Chairman/Members of the TRAI, as per the provisions of Section 35(2) (a) of the TRAI Act, 1997 (in consultation with the Department of Personnel and Training) which are expected to be notified shortly after vetting by the Ministry of Law and Justice.

The other Rules, as prescribed in Section 35(2) of the TRAI Act, 1997, are being framed separately and the matter is being processed.

Action is being taken separately, with the approval of Hon'ble Minister of Communications for seeking further extension of time by six months for framing/notifying Rules/Regulations under the TRAI Act, 1997”.

8.6 The Ministry in their subsequent communication dated 29 July, 1998, sought another extension of time upto 24 July, 1998 for framing/notifying the rules under the TRAI Act. It was thereafter decided to hear oral evidence of the representatives of the Ministry of Communications to ascertain the reason for delay in the framing of the rules. Accordingly, the representatives of the Ministry appeared before the Committee for oral evidence on 7 December, 1998.

8.7 During evidence, while admitting the delay, the Secretary, Department of Telecommunications informed the Committee that all our efforts were being made to finalise the rules at the earliest. He also informed the Committee that the framing of rules was under an advanced stage, except one set of rules governing the terms and conditions of salaries and allowances of the Members of TRAI for which inter-ministerial consultations were required which were not yet completed.

8.8 On being asked about the framing of regulations by the TRAI, the Committee were informed that while rules were required to be framed by Central Government under section 35 of the Act, the framing of regulations under section 36 of the Act was the responsibility of the TRAI. Further, under section 37, both rules and regulations were required to be laid on the Table of Parliament. It was pointed out by the Committee that TRAI had already started functioning which was not proper in the absence of the rules. An assurance was given to the Committee by the Secretary that the rules would be finalised by the end of February, 1999 and matter would also be pursued with the TRAI for framing of regulations under Section 36 of the Act.

8.9 The Ministry in their communication dated 11 March, 1999 stated that considerable progress has been made in framing of the rules and a few rules have also since been notified. The rest of the rules were in advanced stage of finalisation. As regards framing of regulations, the Department have

requested the TRAI to finalise the regulations to be framed by them expeditiously. The Ministry further stated that inspite of all possible efforts, some more time was needed for final notification of remaining rules/regulations. The Department gave an assurance to make sincere and intensive efforts to notify the remaining rules/regulations at the earliest and to apprise the Lok Sabha Secretariat about the same in a month's time.

8.10 The Committee observe that the Telecom Regulatory Authority of India Act, 1997 came into force on 25.1.1997 providing for establishing of Telecom Regulatory Authority of India. Accordingly, rules should have been framed thereunder within six months of the enforcement of the Act i.e. by 25 July, 1997. In this connection, the Committee note that neither the Ministry were able to frame the rules within the stipulated time frame nor they had initially sought any extension of time from the Committee. However, on being pointed out, the Ministry have regretted for not seeking extension of time from the Committee.

8.11 The Committee further observe that the Ministry have since notified the rules regarding Salaries and Dearness Allowances in respect of the Chairperson and Members of the Telecom Regulatory Authority of India *vide* Gazette of India Notification GSR 683(E), dated 2 December, 1997, the period within which an application is to be made under section 15(1) *vide* Gazette of India Notification GSR 72(E) dated 8 February, 1999 and the rules relating to annual report and returns *vide* GSR 80(E) dated 10 February, 1999. In this regard, the Committee note from the reply of the Ministry that the framing of the rest of the rules are under an advanced stage as indicated in their status report. The Committee desire the Ministry of Communications to finalise and notify all the rules required to be framed under the Act without any further delay. The Committee also desire the Ministry to emphasise upon the TRAI to notify the regulations under section 36 of the Act expeditiously. The Committee further desire the Ministry to keep apprising them from time to time about the progress made in the matter.

IX

Delay in framing of rules under the Delhi Rent Act, 1995

The Ministry of Urban Affairs and Employment *vide* their communication dated 19 August, 1997 stated that the Delhi Rent Act, 1995 was passed by Parliament and assented to by the President on 23 August, 1995 but the date of commencement of the Act has not yet been fixed and therefore rules have not been framed.

9.2 To ascertain the reasons for not enforcing the Delhi Rent Act, 1995 even after its' being passed by the Parliament way back in 1995, the Committee decided to hear oral evidence of the Representatives of the Ministry of Urban Affairs and Employment for further elucidation in the matter. Accordingly, the representatives of the Ministry appeared before the Committee on 10 March, 1999 for oral evidence.

9.3 During oral evidence, while regretting delay in the notification of the Delhi Rent Act, the Secretary, Ministry of Urban Affairs and Employment gave a variety of reasons for its delay. Accordingly to him, the Bill as passed in itself suffered from various lacunae as it was felt that it did not provide equitable considerations to landlords and tenants. Accordingly an all party meeting was convened wherein it was felt that certain amendments were necessary to the Bill as passed. Secondly, as there were successive changes in the Government, the matter had to be reconsidered by the cabinet from time to time because whenever there is a change in the Government, the cabinet has again to be approached for approval. In this regard, he informed that the relevant amendment Bill was moved in Rajya Sabha and was referred to the Standing Committee on 6.8.97. The Standing Committee has been requested by the Ministry to give some more time to the Government so that they may get the approval of the Cabinet also on the amendments.

9.4 While disagreeing with the reasons put forth by the representatives of the Ministry, the Committee pointed out that this Act should have been notified and implemented and whatever amendments were there, they could have been brought in the Parliament afterwards. There was no reasons for withholding the Act for some amendments which were yet to be approved.

9.5 On being asked about the present status of the Act and how much more time was likely to be taken by the Ministry to frame the rules under the said Act, the Secretary stated that a request to the Cabinet Secretary to consider this matter at a very early date has already been made.

9.6 On being asked by the Committee when the Act was likely to be enforced, the Secretary of the Ministry assured that this Act would be enforced as early as possible and all the procedures would be completed within the shortest possible time.

9.7 On being asked by the Committee whether the delay was due to some official lapse, the Secretary denied it and submitted that it was mainly due to some implications like the whole matter had been agitated in the courts and in the streets of Delhi. The Committee were not fully convinced with the reasons advanced by the Ministry and desired that no further delay should be there and the Delhi Rent Act be notified at the earliest. An assurance to this effect was given by the Secretary of the Ministry.

9.8 The Committee note that the Delhi Rent Act, 1995 was passed by the Parliament way back in August, 1995 and even after a lapse of more than three years, it was yet to be notified by the Government for the purpose of its' enforcement. In this regard, the Committee note that it was not notified by the Government because it suffered from various lacunae like disagreement between landlords and tenants and accordingly proposal for certain amendments in it. The Committee further note that these amendments are yet to be approved by the Cabinet and also the matter being under consideration of the Standing Committee on Urban and Rural Development. The Committee hope that as indicated by the Secretary of the Ministry, all efforts will be made by the Government to get passed the amendment proposals at the earliest so that the Delhi Rent Act, could be notified at the earliest.

9.9 As regards the framing of rules under the Delhi Rent Act, 1995 is concerned, the Committee note that the Act is yet to be enforced. In this context, the Committee would like the Ministry to atleast start taking action in framing of rules thereunder in the meantime the Act is enforced. This would ensure that there is no delay in framing of rules once the Delhi Rent Act is enforced by the Government.

NEW DELHI;
April, 1999.

KRISHAN LAL SHARMA,
Chairman,
Committee on Subordinate Legislation.

APPENDICES

APPENDIX I

(Vide Para 4 of the Introduction of the Report)

SUMMARY OF RECOMMENDATIONS MADE IN THE REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

S.No.	Reference to Para No. in the Report	Summary of Recommendations
1	2	3
		<i>The Cloves Grading and Marking Rules, 1996 (GSR 243 of 1996)</i>
1.	1.3	The Committee note with satisfaction that on being pointed out, the Ministry of Rural Areas & Employment have issued the necessary corrigendum to rectify the error in respect of the year in the short-title to the Cloves Grading and Marking Rules, 1996, Vide Gazette of India notification No. GSR 19 dated 7 January, 1998.
2.	1.4	As regards inordinate delay of 15 months in publication of the final rules after the publication of draft rules, the Committee note that the Ministry have ascribed the delay mainly to the late receipt of comments from important organisations like P.F.A. etc. and their technical examination by the Directorate of Marketing & Inspection. While taking a serious note of such an inordinate delay in framing and notification of the rules, the Committee reiterate their earlier recommendation contained in para 68 of their Twenty-fourth Report (Fourth Lok Sabha) wherein the Committee had recommended that the time-gap between the publication of draft rules and the final rules should not be more than six months. The Committee desire that the Ministry should streamline their procedure regarding various stages involved in the finalisation of rules after the publication of the draft rules so as to ensure that the prescribed time-limit of six months could be strictly adhered to.

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*The Government of India, Presses/
Branches (Group 'C' and Group 'D'
Posts of Canteen Employees)
Recruitment Rules, 1997 (GSR 348
of 1997)*

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| 3. | 2.3 | <p>The Committee note with satisfaction that on being pointed out by the Committee, the Ministry of Urban Affairs and Employment have agreed to amend the entry under col. 8 of the Schedule against the post of cook by replacing the vague wording "<i>7 years of experience in cooking</i>" which were liable to be interpreted differently by different persons with the wording "<i>7 years experience in cooking from any hotel/establishment engaged in the business of catering</i>". The Committee desire the Ministry to notify the desired amendment in the Government of India, Presses/Branches (Group 'C' and Group 'D' Posts of Canteen Employees) Recruitment Rules, 1997 at the earliest.</p> <p style="text-align: center;"><i>The Public Records Rules, 1997 (GSR 43 of 1997)</i></p> |
| 4. | 3.4 & 3.5 | <p>The Committee take a serious note of the delay of about three years in framing of rules under the Public Records Act, 1993 and note that it has occurred mainly because it was first ever enacted law after independence and a deep study of the existing practice and procedure was required to be made to regulate the archival and records management activities of all the governmental agencies including Public undertakings, statutory bodies and Corporations and Committees/Commissions constituted by the Central Government/Union Territories administrations and in consultation with the Law Ministry. In this regard, the Committee regret to observe that no serious efforts were made by the Government to finalise such an important piece of subordinate legislation and a lot of time has been spent on protracted inter-ministerial correspondence. The Committee are at pain to observe that the Ministry was not even aware of the recommendation of the Committee that rules under an Act should be framed within the maximum prescribed period of six months which is the reason advanced by them for not seeking extension of time from the Committee.</p> |
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		<p>In this regard, the Committee reiterate their earlier recommendations made in paras 1.7-1.9 of their Twenty-fourth Report (Tenth Lok Sabha) wherein the Committee had recommended that the framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill so that there is no delay in notification of the final rules after passing of the Act. The Committee desire that the Ministry should strictly adhere to the aforesaid recommendation of the Committee in the future. The Committee further desire the Ministry to evolve suitable procedural safeguards to ensure that while drafting subordinate legislation, the recommendations of the Committee on Subordinate Legislation are also kept in mind. The Committee also impress upon the Ministry to convene joint meetings with the Law Ministry and other concerned agencies for sorting out the matter instead of going for protracted inter-ministerial correspondence, to cut-short such inordinate delays in the future.</p>
5.	3.8	<p>The Committee note that on being pointed out by them, the Ministry have clarified that entry under rule 2 (f) should read "downgrading of classified records" instead of "file" and this printing error has occurred in the English version only. In this connection, the Committee impress upon the Ministry that their role do not end merely on sending the notification to the Press for publication but it is also their duty to see whether the notification has been printed correctly in the Gazette. If there is any printing error, the corrigendum should have been issued promptly, without waiting for the error to be pointed out to them by someone else. The Committee desire the Ministry to issue the necessary corrigendum at the earliest.</p> <p style="text-align: center;"><i>The National Highways (Collection of fees by any person for the use of section of National Highways/ permanent bridges/temporary bridges on National Highways) Rules, 1997 (GSR 62-E of 1997)</i></p>
6.	4.3	<p>The Committee note from the reply of the Ministry of Surface Transport that the word 'person' appearing in rule 3 (1) of the National Highways (Collection of Fees by any person for the use of section of National</p>

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		<p>Highways/permanent bridges/temporary bridge on National Highways) Rules, 1997 also includes a firm or a corporate body. The Committee, therefore, desire the Ministry to incorporate the definition of the word 'person' in the rules themselves in accordance with the clarification furnished by them, in order to make the rules more specific.</p>
7.	4.7	<p>The Committee note from the clarification furnished by the Ministry of Surface Transport that charging of fee at more than the agreed rates is not permissible and rule 5 (1) only permits the subordinate officer to control collection. In this regard, the Committee observe that the reply of the Ministry is contradictory with the provision contained in rule 5(1) as the rule clearly stipulates that the incharge of fee collection shall be responsible to ensure that fees are collected at not more than the agreed rates. The Committee, therefore, desire the Ministry to amend the rules so as to make responsible also the contractor <i>i.e.</i> the person with whom the Central Government had originally entered into the agreement in case the fee is charged at the rates higher than the prescribed one. The Committee further desire the Ministry to prescribe in the rules, the method of collection of fees and also the rates applicable to different categories of vehicles on various National Highways/permanent bridges/temporary bridges etc. So that the public at large who will be the actual users of such facilities could be made aware of this. The Committee also desire that it may be prescribed in the rules that the rates of fee collection should be prominently displayed at all such national highways etc. and in case of any complaint, which authority is to be addressed to and also which categories of vehicles etc. be exempted from the levy of such fee may also be indicated on the display Board.</p> <p style="text-align: center;"><i>The Border Security Force [Air Wing non-gazetted (Combatised) Group 'C' Posts] Recruitment Rules, 1997 (GSR 419 of 1997)</i></p>
8.	5.3	<p>From the reply of the Ministry of Home Affairs, the Committee note with concern that the Border Security Force (Non-Gazetted Combatised) Group "C" Posts were created way back on 18 June, 1991 whereas the</p>

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		<p>final rules for the same were notified only on 27 December, 1997 i.e. after an inordinate delay of more than 6 years. The Committee take a serious note of the fact that the matters sought to be governed by a set of well framed statutory rules were actually governed during the intervening period of six years by draft rules only. In this connection, the Committee observe that it was highly improper on the part of the Ministry to regulate the posts created in 1991 without first establishing them by way of statutory rules. The Committee are constrained to observe that the Ministry had made no serious efforts to finalise and notify the rules resulting in an inordinate delay which indicated the scant attention being paid by the Ministry to such important legislative matters. The Committee desire that to take care of such situations where the framing of rules require consultation with other Ministries/Departments also, the Ministry may hold joint informal meetings of all the concerned agencies so that the opinion of all concerned can be taken into account at the same point of time and a solution could be arrived at expeditiously.</p>
9.	5.4	<p>The Committee further observe that the extant rules have been enforced from the date of their publication in the official gazette i.e. 27 December, 1997 instead of from 18 June, 1991 i.e. the date on which the posts were created. The Committee are of considered view that to regularise the services of persons who had already served on the concerned posts or are currently holding those posts from a back date, the Ministry should give retrospective effect to the rules from the back date in order to ensure that the interest of the persons holding the posts governed by these rules are not jeopardised in any manner.</p> <p style="text-align: center;"><i>Delay in framing of rules under the Industrial Disputes (Amendment) Act, 1982</i></p>
10.	6.8	<p>The Committee note that certain amendments passed vide Industrial Disputes (Amendment) Act, 1982 could not be enforced by the Government for want of Alternative Grievances Redressal Machinery for the employees of establishments/undertakings who would be denied protection of the Industrial Disputes Act. In this connection, the Committee note that the Ministry</p>

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		<p>of Labour had subsequently introduced Trade Unions and Industrial Disputes (Amendment) Bill, 1988 which, however, could not be taken up for consideration in Parliament because opposition expressed their views against various provisions of that Bill. The said Bill, was, therefore, withdrawn and the matter was thereafter placed before a Bipartite Committee comprising representatives of Central Trade Union Organisations and Employees Organisations in 1990. The report of that Committee was put up before the Cabinet in 1994 but it was decided by the Cabinet to defer the matter for consideration at an appropriate time. Thereafter, also the matter was again referred to another Bipartite Committee in 1996 which however could not give any recommendations as there was no consensus between the Employees and Trade Unions.</p>
11.	6.9	<p>In this Connection, the Committee note that inspite of all out efforts made by the Ministry of Labour, the Industrial Disputes (Amendment) Act, 1982 could not be enforced by the Government and the Government have been forced to bring some further amendments in the Industrial Disputes Act. The Committee desire the Ministry to first ensure that the further amendments being proposed by them to the Industrial Disputes Act are enforceable and do not meet the same fate as the amendments of 1982 which could not be implemented by the Government. The Committee note from the last reply of the Ministry that the question of framing the rules thereunder would not arise once the proposed amendments in the Industrial Disputes Act are enacted. The Committee desire the Ministry to get the proposed amendments passed by the Parliament at the earliest.</p> <p style="text-align: center;"><i>Delay in framing of rules under the Coal Mines Provident Fund and Miscellaneous Provision (Amendment) Act, 1996</i></p>
12.	7.9	<p>The Committee note that the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996 was passed by Parliament during Monsoon Session of Parliament of 1996 and it was brought into force by the Central Government only on 31 March, 1998. The Scheme required to be framed under the aforesaid Act namely, the Coal Mines Pension Scheme, 1998 was</p>

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		notified in the Gazette on 5 March, 1998 and was brought into force on 31 March, 1998.
13.	7.10	<p>In this connection, the Committee note that the aforesaid Act has been enforced by the Central Government after a gap of almost 20 months after its passing by the Parliament. The reasons for this being the delay on the part of the Central Government in finalising the Pension Scheme required to be notified under the Act. The Committee desire the Ministry to be more prompt in future in such matters so that such delays regarding the notification of Act or the framing of delegated legislation thereunder could be avoided.</p> <p><i>Delay in framing of rules under the Telecom Regulatory Authority of India Act, 1997</i></p>
14.	8.10	<p>The Committee observe that the Telecom Regulatory Authority of India Act, 1997 came into force on 25.1.1997 providing for establishment of Telecom Regulatory Authority of India. Accordingly, rules should have been framed thereunder within six months of the enforcement of the Act i.e. by 25 July, 1997. In this connection, the Committee note that neither the Ministry were able to frame the rules within the stipulated time frame nor they had initially sought any extension of time from the Committee. However, on being pointed out, the Ministry have regretted for not seeking extension of time from the Committee.</p>
15.	8.11	<p>The Committee further observe that the Ministry have since notified the rules regarding Salaries and Dearness Allowances in respect of the Chairperson and Members of the Telecom Regulatory Authority of India vide Gazette of India Notification GSR 683(E), dated 2 December, 1997, the period within which an application is to be made under section 15(1) vide Gazette of India Notification GSR 72(E) dated 8 February, 1999 and the rules relating to annual report and returns vide GSR 80(E) dated 10 February, 1999. In this regard, the Committee note from the reply of the Ministry that the framing of the rest of the rules are under an advanced stage as indicated in their status report. The Committee desire the Ministry of Communications to finalise and notify all the rules required to be framed under the Act</p>

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		<p>without any further delay. The Committee also desire the Ministry to emphasise upon the TRAI to notify the regulations under section 36 of the Act expeditiously. The Committee further desire the Ministry to keep apprising them from time to time about the progress made in the matter.</p> <p style="text-align: center;"><i>Delay in framing of rules under the Delhi Rent Act, 1995</i></p>
16.	9.8	<p>The Committee note that the Delhi Rent Act, 1995 was passed by the Parliament way back in August, 1995 and even after a lapse of more than three years, it was yet to be notified by the Government for the purpose of its enforcement. In this regard, the Committee note that it was not notified by the Government because it suffered from various lacunae like disagreement between landlords and tenants and accordingly proposal for certain amendments in it. The Committee further note that these amendments are yet to be approved by the Cabinet and also the matter being under consideration of the Standing Committee on Urban and Rural Development. The Committee hope that as indicated by the Secretary of the Ministry, all efforts will be made by the Government to get passed the amendment proposals at the earliest so that the Delhi Rent Act could be notified at the earliest.</p>
17.	9.9	<p>As regards the framing of rules under the Delhi Rent Act, 1995 is concerned, the Committee note that the Act is yet to be enforced. In this context, the Committee would like the Ministry to atleast start taking action in framing of rules thereunder in the meantime the Act is enforced. This would ensure that there is no delay in framing of rules once the Delhi Rent Act is enforced by the Government.</p>

MINUTES

APPENDIX II

(Vide para 4 of the Introduction of the Report)

MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (ELEVENTH LOK SABHA)

The Committee met on Tuesday, 14 October, 1997 from 11.00 hours to 13.00 hours in Committee Room 'B' Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Krishan Lal Sharma — *Chairman*

MEMBERS

2. Shri V. Alagiri Samy
3. Shri N. Dennis
4. Shri V. Dhananjaya Kumar
5. Shri K.H. Muniyappa
6. Shri M. Baga Reddy
7. Shri Devendra Bahadur Roy
8. Shri P.C. Thomas

SECRETARIAT

1. Shri Ram Autar Ram — *Director*
2. Shri B.D. Swan — *Under Secretary*

I. REPRESENTATIVES OF THE MINISTRY OF LABOUR

1. Shri Laxmidhar Mishra — *Secretary*
2. Smt. Padma Balasubramanian — *Joint Secretary*
3. Shri P.P. Mitra — *Director*
4. Shri H.C. Gupta — *Under Secretary*
5. Shri Subhash Sharma — *Chief Labour Commissioner (C)*
6. Shri S.K. Mukhopadhaya — *Joint Chief Labour Commissioner*

II. REPRESENTATIVES OF THE MINISTRY OF COAL

1. Shri S. Narayan — *Secretary*
2. Shri G.B. Mukherji — *Joint Secretary*

2. At the outset the Chairman welcomed the members of the reconstituted Committee and explained to them in brief the contribution made by the Committee in its last term.

3. The Committee then heard oral evidence of the Ministry of Labour regarding delay in framing the rules under the Industrial Disputes (Amendment) Act, 1982 and asked them to explain the difficulties faced by them. Explaining the reasons for the delay, the Labour Secretary submitted that in accordance with the judgement of the Courts in various cases the large number of Institutions and Establishments which were earlier not included within the purview of definition of 'Industry' under Section 2 (J) came to be included within the purview of this definition. In order to exclude these institution/Establishment from the purview of 'Industry' the Industrial Disputes (Amendment) Act, 1982 was passed. In order to carry out the orders of the Supreme Court, the Government drafted Hospitals and other Institutions (Settlement of Disputes) Bill, 1992 which intended to provide a bilateral grievance ventilation and redressal machinery and simultaneously also brought an Industrial Disputes (Amendment) Bill, 1982 to amend the definition of the term 'Industry'. However, the said Bill, could not be notified because of objection from certain quarters which did not want the exclusion of the hospitals and other institutions from the purview of the definition of Industry while some others wanted that there should be a provision for a grievance redressal mechanism in the ID Act. The matter was, therefore, once again reviewed in 1987 after taking into account the objections of the employers and the Trade Unions and a new Bill was introduced in the Rajya Sabha on 13 May, 1988.

4. The Committee expressed their concern over the delay of 15 years in framing of rules under the Industrial Disputes Act and stressed that either the Ministry should have enforced the Act or should have given some alternate amending Bill. In this context, the Labour Secretary, stated that Ramanujan Committee was appointed for the purpose which recommended an elaborate redressal machinery for these institutions, in order to save the interest of the employees who are excluded from the purview of the Industrial Disputes Act. Even after the submission of its report the Government could not come to any conclusion with regard to the definition of Industry and had therefore, appointed a bipartite Committee which also could not arrive at any consensus.

5. The Chairman pointed out that such exercise undertaken by the Ministry should have been undertaken before presenting the Bill to the Parliament and desired the Ministry to give some assurance to the Committee about the time frame by which the rules would be framed and notified. However, the representatives could not give any assurance about the time frame, but submitted that unless some Grievances Redressal mechanism are evolved, it would not be possible to move in the direction.

6. At the end the Committee desired the Ministry to sort out the matter and frame the rules at the earliest.

The witnesses then withdrew.

7. The Committee then heard the representatives of the Ministry of Coal regarding delay in framing of rules under the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996. The Chairman drew the attention of the representatives towards the recommendation of the Committee that rules should be

framed within 6 months of passing of an Act, and if for any reasons, the Ministry is not able to frame the rules within the prescribed time limit they should seek extension from the Committee after explaining the reasons therefor. He further pointed out that in the extant case, the Ministry neither framed the rules within the prescribed time limit, nor sought any extension for the purpose before it was so pointed out by the Committee.

8. The representative, admitting the failure on their part to seek such extension stated that the amendment act was passed in August, 1996 to provide a scheme for pension to all the coal miners and since there are about 6,75,000 miners of different categories, ruled by different establishment rules, the preparation of the scheme took about 4 to 5 months time. The draft pension scheme was approved by the Board of Trustees of the organisations on 13 January, 1997 and the scheme after consultation with the Ministry of Labour and Ministry of Law, is now pending with the Ministry of Finance for clearance.

9. On being asked whether any bilateral meeting are being held and by what time the rules would be notified, the representative asked for time upto 31 December, 1997 for the purpose. The Chairman asked the representative to seek the extension of time from the Committee in writing.

The witnesses then withdrew.

The Committee then adjourned.

**MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (TWELFTH LOK SABHA)**

(1998-99)

The Committee met on Monday, 7 December, 1998 from 15.30 hrs. to 16.30 hrs. in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Krishan Lal Sharma—Chairman

MEMBERS

2. Shri Bhupinder Singh Hooda
3. Shri Datta Meghe
4. Shri B.M. Mensinkai
5. Shri Raghvendra Singh

**Representatives of the Ministry of Communications (Department of
Tele-Communication)**

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|--------------------|---|--------------------------|
| 1. Shri Anil Kumar | — | <i>Secretary</i> |
| 2. Shri P.S. Saran | — | <i>Member (Services)</i> |
| 3. Shri A. Prasad | — | <i>Member (Finance)</i> |

SECRETARIAT

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|-----------------------|---|------------------------|
| 1. Shri Ram Autar Ram | — | <i>Director</i> |
| 2. Shri B.D. Swan | — | <i>Under Secretary</i> |

2. The Committee first heard oral evidence of the representatives of the Ministry of Communications (Department of Telecommunications) regarding the delay in framing of rules under the Telecom Regulatory Authority of India Act, 1997.

3. At the outset, the Chairman welcomed the representatives of the Ministry and drew their attention towards the recommendations of the Committee on the maximum time-limit of six months for framing of rules under an Act and the reasons for delay of about 20 months on their part in framing of rules under the Telecom Regulatory Authority of India Act, 1997 which was notified on 28th March, 1997. The representatives of the Ministry were also asked to state the reasons for not seeking further extension of time after 24th January, 1998 and wanted to know the present status and position of the rules and the time frame within which the rules under Section 35 (2) of the Telecom Regulatory Authority of India Act, 1997 were likely to be notified.

4. While admitting the delay, the Secretary, Department of Telecommunications informed the Committee that all out efforts were being made to finalise the rules at the earliest. He also informed the Committee that the framing of rules was under an advanced stage, except one set of rules governing the terms and conditions of salaries

and allowances of the member of TRAI for which inter-ministerial consultations were required. Such inter-ministerial correspondence were not yet completed.

5. On being asked about the framing of regulations by the TRAI, the Secretary, Department of Telecommunications, stated that while rules are required to be framed by the Central Government under Section 35 of the Act, the framing of regulations under Section 36 of the Act was the responsibility of the TRAI. Further, under Section 37, both rules and regulations are required to be laid on the Table of Parliament. At this, the Committee pointed out that TRAI had already started functioning which was not proper in the absence of the rules. While admitting the delay, the Secretary, Department of Telecommunications, again assured the Committee to finalise the rules by the end of February, 1999. He also assured to convey the concern of the Committee to TRAI regarding the delay in framing of the regulations by them under Section 36 of the TRAI Act.

6. On being asked about the control of Central Government over TRAI, the Secretary stated that the Act does not provide for any such control, as it was an independent statutory body.

7. In the last, the Committee again emphasised upon the importance of the timely framing of the rules and pointed out that the Act will not serve any fruitful purpose if the Authority which has been created by the Act is not governed by proper rules. The Committee also desired that no further extension beyond February, 1999 should be sought by the Ministry and the rules should be finalised by them by that time. An assurance to this effect was given by the Secretary, Department of Telecommunications.

The witnesses then withdrew.

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The Committee then adjourned.

**MINUTES OF THE FIFTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (TWELFTH LOK SABHA)**

(1998-99)

The Committee met on Tuesday, 9 February, 1999 from 11.00 hrs. to 11.30 hrs. in Committee Room 'E', Basement, Parliament House Annexe, New Delhi.

PRESENT

Shri Krishan Lal Sharma—*Chairman*

MEMBERS

2. Prof. S.P. Singh Baghel
3. Shri B.M. Mensinkai
4. Shri Rameshwar Patidar
5. Shri Varkala Radhakrishnan
6. Shri Raghvendra Singh
7. Shri Surinder Singh
8. Shri Buta Singh

SECRETARIAT

1. Shri Ram Autar Ram — *Director*
2. Shri B.D. Swan — *Under Secretary*
2. The Committee then considered Memoranda Nos. 11 to 15 as follows:—

**The Cloves Grading and Marking Rules, 1996 (GSR 243 of 1996)
(Memorandum No. 11)**

3. The Committee noted with satisfaction that on being pointed out, the Ministry of Rural Areas and Employment have issued the necessary corrigendum to rectify the error in respect of the year in the short-title to the Cloves Grading and Marking Rules, 1996, *vide* Gazette of India notification No. GSR 19 dated 7 January, 1998.

4. As regards inordinate delay of 15 months in publication of the final rules after the publication of draft rules, the Committee noted that the Ministry have ascribed the delay mainly to the late receipt of comments from important organisations like P.F.A. etc. and their technical examination by the Directorate of Marketing & Inspection. While taking a serious note of such an inordinate delay in framing and notification of the rules, the Committee reiterated their earlier recommendation contained in para 68 of their Twenty-fourth Report (Fourth Lok Sabha) where in the Committee had recommended that the time-gap between the publication of draft rules and the final rules should not be more than six months. The Committee desired the Ministry to streamline their procedure regarding various stages involved in the finalisation of rules after the publication of the draft rules so as to ensure that the prescribed time-limit of six months could be strictly adhered to.

**The Government of India, Presses/Branches (Group 'C' and Group 'D' Posts of Canteen Employees) Recruitment Rules, 1997 (GSR 348 of 1997)
(Memorandum No. 12)**

5. The Committee noted with satisfaction that on being pointed out, the Ministry of Urban Affairs and Employment have agreed to amend the entry under col. 8 of the schedule against the post of cook by replacing the vague wordings "*7 years of experience in cooking*" which were liable to be interpreted differently by different persons with the wording "*7 years experience in cooking from any hotel/ establishment engaged in the business of catering*". The Committee desired the Ministry to notify the desired amendments in the Government of India, Presses/Branches (Group 'C' and Group 'D' Posts of Canteen Employees) Recruitment Rules, 1997 at the earliest.

**The Public Records Rules, 1997 (GSR 43 of 1997)
(Memorandum No. 13)**

6. While taking a serious note of the delay of about three years in framing of rules under the Public Records Act, 1993, the Committee noted that it has occurred mainly because it was first ever enacted law after independence and a deep study of the existing practice and procedure was required to be made to regulate the archival and records management activities of all the Governmental agencies including public undertakings, statutory bodies and Corporations, and Committees/Commissions constituted by the Central Government/Union Territories administrations and consultation with the Law Ministry. In this regard, the Committee observed that no serious efforts were made by the Government to finalise such an important piece of subordinate legislation and a lot of time was spent on protracted inter-ministerial correspondence. The Committee were at pain to observe that the Ministry was not even aware of the recommendation of the Committee that rules under an Act should be framed within the maximum prescribed period of six months which is the reason advanced by them for not seeking extension of time from the Committee.

7. In this regard, the Committee reiterated their earlier recommendation made in para 1.7-1.9 of the 24th Report (Tenth Lok Sabha) wherein the Committee had recommended that the framing of Draft rules should be initiated simultaneously with the drafting of the proposed Bill so that there is no delay in notification of the final rules after passing of the Act and desired the Ministry to strictly adhere to the aforesaid recommendation of the Committee in the future. The Committee further desired the Ministry to evolve suitable procedural safeguards to ensure that while drafting subordinate legislation, the recommendations of the Committee on Subordinate Legislation are also kept in mind.

(B)

8. The Committee noted that on being pointed out, the Ministry have clarified that entry under rule 2 (f) should read "downgrading of classified records" instead of "file" and this printing error has occurred in the English version only. In this connection, the Committee desired to impress upon the Ministry that their role did not end merely on sending the notification to the Press for publication but it was

also their duty to see whether the notification has been printed correctly in the Gazette. If there was any printing error, the corrigendum should have been issued promptly, without waiting for the error to be pointed out to them by someone else. The Committee desired the Ministry to issue the necessary corrigendum at the earliest.

The National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Rules, 1997 (GSR 62-E of 1997) (Memorandum No. 14)

9. The Committee noted from the reply of the Ministry of Surface Transport that the word 'person' appearing in rule 3 (1) of the National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Rules, 1997 also included a firm or a corporate body. The Committee, therefore, desired the Ministry to incorporate the definition of the word 'person' in the rules themselves in accordance with the clarification furnished by them, in order to make the rules more specific.

(B)

10. From the clarification furnished by the Ministry of Surface Transport, the Committee noted that the charging of fee at more than the agreed rates was not permissible and rule 5 (1) only permits the subordinate officer to control collection. In this regard, the Committee observed that the reply of the Ministry was contradictory with the provision contained in rule 5 (1) as the rule clearly stipulates that the incharge of fee collection shall be responsible to ensure that fees are collected at not more than the agreed rates. The Committee, therefore, desired the Ministry to amend rules so as to make responsible also the contractor i.e. the person with whom the Central Government had originally entered into the agreement in case the fee is charged at the rates higher than the prescribed one. The Committee further desired the Ministry to prescribe in the rules, the method of collection of fees and also the rates applicable to different categories of vehicles on various National Highways/permanent bridge/temporary bridge etc. and so that the public at large who will be the actual users of such facilities could be made aware of this. It may also be prescribed in the rules that the rates of fee collection shall be prominently displayed at all such national highways etc. and in case of any complaint, which authority is to be addressed to and also which categories of vehicles such as Government vehicles etc. be exempted from the levy of such fee. The Committee also desired to display on the notice board the different categories vehicle users including MPs/MLAs etc. who are exempted from the fee collection.

The Border Security Force (Air Wing non-Gazetted (Combatised) Group 'C' Posts) Recruitment Rules, 1997 (GSR 419 of 1997) (Memorandum No. 15)

11. From the reply of the Ministry of Home Affairs, the Committee noted with concern that the Border Security Force (Non-Gazetted Combatised) Group "C" Posts were created way back on 18 June, 1991 whereas the final rules for the same have been notified only on 27 December, 1997 i.e. after an inordinate delay of more than 6 years. The Committee took a serious note of the fact that the matters sought to be governed by a set of well frame statutory rules were actually governed during the

intervening period of six years by draft rules only. In this connection, the Committee observed that it was highly improper on the part of the Ministry to regulate the posts created in 1991 without first establishing them by way of statutory rules. The Committee were constrained to observe that the Ministry had made no serious efforts to finalise and notify the rules resulting in an inordinate delay which indicated the scant attention being paid by the Ministry to such important legislative matters.

12. Another lacuna observed by the Committee in the rules was that the extent rules were enforced from the date of their publication in the official gazette *i.e.* 27 December, 1997 instead of from 18 June, 1991 *i.e.* the date on which the posts were created. The Committee were of considered view that to regularise the services of persons who had already served on the concerned posts or are currently holding those posts from a back date, the Ministry should give retrospective effect to the rules from the back date in order to ensure that the interest of the persons holding the posts governed by these rules were not jeopardised in any manner.

The Committee then adjourned to proceed on their scheduled local study visit to Punjab National Bank, New Delhi.

**MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (TWELFTH LOK SABHA)**

(1998-99)

The Committee met on Wednesday, 10 March, 1999 from 15.00 to 16.00 hours in Committee Room 'D' Parliament House Annexe, New Delhi.

PRESENT

Shri Krishan Lal Sharma—Chairman

MEMBERS

2. **Shri Bhupinder Singh Hooda**
3. **Shri B.M. Mensinkai**
4. **Shri Shantilal P. Patel**
5. **Shri Rameshwar Patidar**
6. **Shri Annasaheb M.K. Patil**

SECRETARIAT

1. **Shri Ram Autar Ram** — *Director*
2. **Shri B.D. Swan** — *Under Secretary*

**REPRESENTATIVES OF THE MINISTRY OF URBAN AFFAIRS AND
EMPLOYMENT (DEPARTMENT OF URBAN DEVELOPMENT)**

1. **Shri Ashok Pahwa** — *Secretary*
2. **Shri J.P. Murty** — *Joint Secretary*
3. **Shri S.K. Singh** — *Director*
4. **Shri Lajpat Rai** — *Asstt. Settlement Commissioner*

2. The Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment regarding the delay in the enforcement of the Delhi Rent Act, 1995.

3. At the outset, the Chairman welcomed the representatives of the Ministry of Urban Affairs and Employment and drew their attention towards the delay in the enforcement of the Delhi Rent Act, 1995 which was passed by Parliament and assented to by the President on 23 August, 1995 and desired to know about the present status of the Act and when it was likely to be notified.

4. While regretting the delay in the notification of the Delhi Rent Act, the Secretary, Ministry of Urban Affairs and Employment gave a variety of reasons for its delay. According to him, the Bill as passed in itself suffered from various lacunae as it was felt that it did not provide equitable considerations to landlords and tenants.

Accordingly an all party meeting was convened wherein it was felt that certain amendments were necessary to the Bill as passed. Secondly, as there were successive changes in the Government, the matter had to be reconsidered by the cabinet from time to time because whenever there is a change in the government, the cabinet has again to be approached for approval. In this regard, he informed that the relevant Amendment Bill was moved in Rajya Sabha and was referred to the Standing Committee on 6.8.97. The Standing Committee has been requested by the Ministry to give some more time to the Government so that they may get the approval of the Cabinet also on the amendments.

5. While disagreeing with the reasons put forth by the representatives of the Ministry, the Committee pointed out that this Act should have been notified and implemented and whatever amendments were there, they could have been brought in the Parliament afterwards. There was no reasons for withholding the Act for some amendments which were yet to be approved.

6. On being asked about the present status of the Act and how much more time was likely to be taken by the Ministry to frame the rules under the said Act, the Secretary stated that a request to the Cabinet Secretary to consider this matter at a very early date has already been made.

7. On being asked by the Committee when the Act was likely to be enforced, the Secretary of the Ministry assured that this Act would be enforced as early as possible as all the procedures would be completed within the shortest possible time.

8. On being asked by the Committee whether the delay was due to some official lapse, the Secretary denied it and submitted that it was mainly due to some implications like the whole matter had been agitated in the courts and in the streets of Delhi. The Committee were not fully convinced with the reasons advanced by the Ministry and desired that no further delay should be there and the Delhi Rent Act be notified at the earliest. An assurance to this effect was given by the Secretary of the Ministry.

The witnesses then withdrew.

9. **

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The Committee then adjourned.

**Omitted portion of the minutes, are not included in this report.

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

(1998-99)

The Committee met on Tuesday, 20 April, 1999 from 15.00 hrs. to 15.30 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Krishan Lal Sharma—Chairman

MEMBERS

2. **Shri B.M. Mensinkai**
3. **Shri Shantilal P. Patel**
4. **Shri Annasaheb M.K. Patil**
5. **Shri Varkala Radhakrishnan**
6. **Shri Surinder Singh**

SECRETARIAT

1. **Shri Ram Autar Ram—Director**
2. **Shri B.D. Swan—Under Secretary**

2. The Committee considered their Draft Fourth Report and adopted it without any modification or alteration.

3. The Committee authorised the Chairman and, in his absence, Shri Shantilal P. Patel to present the Fourth Report to the House on their behalf on 21 April, 1999.

The Committee then adjourned.