

# COMMITTEE ON SUBORDINATE LEGISLATION

(FOURTEENTH LOK SABHA)  
(2004-2005)

## SIXTH REPORT

[ACTION TAKEN REPORT ON THE RECOMMENDATIONS/ OBSERVATIONS  
CONTAINED IN THIRD REPORT (2001-2002) (THIRTEENTH LOK SABHA) OF  
THE COMMITTEE]

(PRESENTED ON 12.05.2005)

LOK SABHA SECRETARIAT

NEW DELHI

C.B.II No. 485

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION  
(2004-2005)**

1. Shri N.N. Krishnadas - Chairman
2. Shri Omar Abdullah
3. Shri Ajay Chakraborty
4. Shri Bikram Keshari Deo
5. Justice (Retd.) N.Y. Hanumanthappa
6. Shri Ram Singh Kaswan
7. Shri Vijay Khandelwal
8. Shri A. Venkatarami Reddy
9. Shri Chandra Shekhar Sahu
10. Shri Sitaram Singh
11. Shri Bhupendrasinh Solanki
12. Shri Ramji Lal Suman
13. Shri P.C. Thomas
14. Shri Madhu Goud Yaskhi
15. Shri Sudam Marandi\*

**SECRETARIAT**

1. Shri John Joseph - Additional Secretary
2. Shri A. Louis Martin - Director
3. Shri J. V. G. Reddy - Under Secretary

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\* Nominated w.e.f. 10.11. 2004 vide Bulletin Part-II, Para No.536 dt. 10.11.2004

## INTRODUCTION

I, the Chairman, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Sixth Report on action taken by Government on the recommendations contained in the Third Report of the Committee (Thirteenth Lok Sabha).

2. The Committee considered and adopted this report at their sitting held on 4 May, 2005.
3. The extracts of the Minutes of the sitting of the Committee relevant to this report are brought out in Appendix III.
4. An analysis of action taken by Government on the recommendations contained in the Third Report of the Committee (13<sup>th</sup> Lok Sabha) is given in Appendix IV

New Delhi  
4 May, 2005

N.N. KRISHNADAS  
CHAIRMAN  
COMMITTEE ON SUBORDINATE LEGISLATION

## REPORT

This Report of the Committee on Subordinate Legislation deals with the action taken by Government on the recommendations contained in their Third Report (Thirteenth Lok Sabha) which was presented to Lok Sabha on 20.11.2001. The Third Report dealt with the following rules:

- (i) The Bureau of Indian Standards (Appointment, Terms and Conditions of Service of Director General) Amendment Rules, 1999 (GSR 342-E of 1999).
- (ii) The Central Wakf Council Rules, 1998 (GSR 593 of 1998)
- (iii) The Central Power Engineering (Group A) Service (Amendment) Rules, 1998 (GSR 8 of 1999)
- (iv) The Telecom Technical Assistant Recruitment Rules, 1998 (GSR 42 of 1999)
- (v) The Central Motor Vehicles (Amendment) Rules, 1999 (GSR 214-E of 1999)
- (vi) The Railway Claims Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Amendment Rules, 1999 (GSR 96-E of 1999)
- (vii) The All India Institute of Physical Medicine and Rehabilitation, Bombay (Prosthetic Engineer) Recruitment Rules, 1995 (GSR 130 of 1996)
- (viii) The Life Insurance Corporation of India (Recruitment of Apprentice Development Officers) Regulations, 1998 (SO 53-E of 1999)
- (ix) The Prasar Bharati (Broadcasting Corporation of India) Removal of Difficulties Order, 1999 (SO 430-E of 1999)

2. Action Taken Notes have been received from the Government in respect of all the nine recommendations contained in the Report. A Statement showing the action taken by the Government on the recommendations in the Third Report (13<sup>th</sup> Lok Sabha) is given in Appendix – I .

**3. The Committee note with satisfaction that eight out of nine recommendations made by the Committee have been accepted by the Government. There is only one recommendation which the Government have not accepted but their explanation is satisfactory. The action taken by Government on this recommendation is dealt with in the following paragraphs.**

4. The Committee had recommended in Para No.2.6 relating to the Central Wakf Council Rules, 1998 (GSR 593 of 1998) as under: -

“The Committee do not find the reply of the Ministry to be satisfactory wherein the Ministry of Social Justice and Empowerment (Wakf Division) have attributed the delay in notifying the extant rules to the lengthy discussion between the Central Wakf Council, Ministry of Social Justice and Empowerment and the Ministry of Law. Further the Committee observe that rules under the Central

Wakf Act, 1995 were notified by the Ministry in 1998 i.e. after a gap of more than two and a half years and have not even sought extension of time from the Committee on Subordinate Legislation of Lok Sabha. The Committee are not happy by the justification given by the Ministry in this regard on the ground that they were sending the quarterly report to the Legislative Department indicting the reasons for notifying the same beyond six months and have simply transferred their liability on the Ministry of Law and Justice (Legislative Department), for not informing the Committee on Subordinate Legislation regarding such delay in notification of the rules. The Committee point out that informing the Committee and to seek extension of the time is the responsibility of the administrative Ministry and not that of the Ministry of Law and Justice. The Committee are at pain to observe that the administrative Ministry of Social Justice and Empowerment is not aware of even such a small procedural matter and have tried to pass on the responsibility of delay on the Ministry of Law and Justice. The Committee views with displeasure the lack of seriousness shown by the Ministry and desire that the Cabinet Secretary may fix up responsibility and intimate the Committee, accordingly.”

5. The Ministry of Social Justice & Empowerment in their Action Taken reply has stated as follows :-

“All out efforts were made to finalize the Central Wakf Council Rules at the earliest but due to unavoidable procedural delays the same could not be done within the prescribed time. A chronological history of the action taken in this regard is enclosed (Appendix-II) which will show that the delay was procedural and not intentional on anyone’s part. The concerned officials dealing with the matter have already been transferred from this Ministry long ago. The matter was put up to the then Secretary of this Ministry who had directed that the Committee may be requested to condone the delay in finalizing the rules and close the subject matter.

In view of the above, it is again requested that the Committee may be requested for condoning the delay in framing the rules for Central Wakf Council.”

6. **The Committee had desired that the Cabinet Secretary might fix up responsibility relating to delay in framing and finalising the Central Wakf Council Rules, 1998 and intimate the Committee accordingly. In this regard, the Ministry of Social Justice and Empowerment have pleaded that the delay in framing the rules was procedural and not intentional on anyone’s part and that the concerned officials dealing with the matter have already been transferred. The Ministry have therefore requested for condonation of the**

delay in finalising the rules. The Committee take note of the Ministry's reply and point out that delay in framing of rules adversely impacts implementation of legislation passed by Parliament. The Committee urge that in order to ensure timely framing of rules under the Acts, the Ministry should, in future, initiate steps for framing of draft rules simultaneously with the drafting of a proposed Bill so that draft rules become ready by the time the Bill is introduced in the House.

New Delhi  
4 May, 2005

N.N. KRISHNADAS  
CHAIRMAN  
COMMITTEE ON SUBORDINATE LEGISLATION



**APPENDIX - I**  
**(vide para 2 of the Report)**

**Statement showing the action taken by the Government on the recommendations of the Third Report of the Committee (13<sup>th</sup> Lok Sabha)**

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**I. The Bureau of Indian Standards (Appointment, Terms And Conditions of Service of Director General) Amendment Rules, 1999 (GSR 342-E Of 1999)**

**Recommendation (Para 1.4)**

The Committee note with satisfaction that on being pointed out, the Ministry of Food and Consumer Affairs have amended the Bureau of Indian Standards (Appointment, Terms and Conditions of Service of Director General) Amendment Rules, 1999 so as to provide that the suitable candidate for the post of Director General could be considered by the Selection Committee even before the occurrence of a vacancy, so that the appointment of the candidate to the post of Director General could be made immediately on the occurrence of the vacancy in that post according to the provision made in Gazette of India Notification number GSR 404 dated 3 December, 1999.

**Reply of the Ministry**

The Gazette Notification No. 404 dated 3.12.99 amending the Bureau of Indian Standards (Appointment, Terms and Conditions of Service of Director General) Rules, 1987 as per the recommendations of the Committee on Subordinate Legislation has been published.

[Ministry of Consumer Affairs & Public Distribution  
O.M. No. 6/10/97-BIS dated 4.2.2000]

II. **The Central Wakf Council Rules, 1998 (GSR 593 of 1998) as under: -  
(Vide Para 2 of the Report)**

**Recommendation (Para 2.6)**

The Committee do not find the reply of the Ministry to be satisfactory wherein the Ministry of Social Justice and Empowerment (Wakf Division) have attributed the delay in notifying the extant rules to the lengthy discussion between the Central Wakf Council, Ministry of Social Justice and Empowerment and the Ministry of Law. Further the Committee observe that rules under the Central Wakf Act, 1995 were notified by the Ministry in 1998 i.e. after a gap of more than two and a half years and have not even sought extension of time from the Committee on Subordinate Legislation of Lok Sabha. The Committee are not happy by the justification given by the Ministry in this regard on the ground that they were sending the quarterly report to the Legislative Department indicting the reasons for notifying the same beyond six months and have simply transferred their liability on the Ministry of Law and Justice (Legislative Department), for not informing the Committee on Subordinate Legislation regarding such delay in notification of the rules. The Committee point out that informing the Committee and to seek extension of the time is the responsibility of the administrative Ministry and not that of the Ministry of Law and Justice. The Committee are at pain to observe that the administrative Ministry of Social Justice and Empowerment is not aware of even such a small procedural matter and have tried to pass on the responsibility of delay on the Ministry of Law and Justice. The Committee views with displeasure the lack of seriousness shown by the Ministry and desire that the Cabinet Secretary may fix up responsibility and intimate the Committee, accordingly.

**Reply of the Ministry**

All out efforts were made to finalize the Central Wakf Council Rules at the earliest but due to unavoidable procedural delays the same could not be done within the prescribed time. A chronological history of the action taken in this regard is enclosed (Appendix-II) which will show that the delay was procedural and not intentional on anyone's part. The concerned officials dealing with the matter have already been transferred from this Ministry long ago. The matter was put up to the then Secretary of this Ministry who had directed that the Committee may be requested to condone the delay in finalizing the rules and close the subject matter.

In view of the above, it is again requested that the Committee may be requested for condoning the delay in framing the rules for Central Wakf Council.

(Please see comments of the Committee in para 6 of this report)

### III THE CENTRAL POWER ENGINEERING (GROUP A) SERVICE AMENDMENT) RULES, 1998 (GSR 8 of 1999)

#### Recommendation (Para Nos. 3.4 and 3.5)

The Committee observe that the aforesaid amendment rules were given effect retrospectively from 21 August, 1990 by the Ministry of Power. Further, as per Explanatory Memorandum appended thereto, the amendment has been issued to insert some entry which could not be inserted inadvertently in 1990.

The Committee observed from the comments furnished by the Ministry that the retrospective effect had not resulted in any adverse effect. The Committee, however, note with concern the inaction on the part of the Ministry in detecting the inadvertent omission after 8 years. In this regard, the Committee note that although the officers who were selected in the grade of Director/SE during 1992 were not being covered by the revised notified rules which contained the inadvertent omission regarding field of selection from Semi-Government and Public Sector Undertakings, their appointments on deputation had been regularised by giving retrospective amendment of the CPE (Group A) Service rules notified on 2.1.99. Since the Ministry have admitted that it was a bonafide error and have regretted the same, the Committee desire that the Ministry should be more careful in future while dealing with such an important piece of subordinate legislation and should evolve suitable procedural safeguards so as to avoid such type of omission on their part.

**Reply of the Ministry**

The matter relating to publication of rules, regulation etc. will be dealt with utmost care. Suitable procedural safeguards have now been provided to avoid such type of omission. The instruction issued by the Ministry is reproduced below :-

- (i) The neat copy of the draft rules/fair copy of the Rules, etc. being sent to the press for publication, should be carefully compared with the one approved by the Competent Authority viz. MOP. DOPT, UPSC etc.
- (ii) A specific reference be recorded on the file to the effect that the neat copy of the draft/fair copy has been carefully compared and is in order.
- (iii) On receipt of Gazette notification of the rules/regulations, once again it should be compared with the approved draft and submitted to the appropriate level for their information.
- (iv) Error/omission, if any, found in the published version should be rectified immediately by issuance of appropriate corrigendum after following the prescribed procedure.

[Ministry of Power O.M. No. 39/10/82-Adm.I  
(Vol. III) dated 5.7.2002]

**VI THE TELECOM TECHNICAL ASSISTANT RECRUITMENT RULES, 1998  
(GSR 42 of 1999)**

**Recommendation (Para Nos. 4.5 & 4.7)**

In Rule 5 of the above rules, a bond period of 5 years was prescribed for the candidates recruited against the post of Telecom Technical Assistant. The Committee do not find the reasons furnished by the Ministry of Communications in prescribing such a long bond period to be justified as it is felt that by binding the young trainees for 5 years, the advancement in their career would be blocked. Further, the cost of training viz. Rs. 12550/- per trainee is not so high as to prescribe such a long bond period. The Committee, therefore, recommend that the bond period should be reduced from five years to two years so that the career prospects of the young trainees are not hampered. The Committee also recommend that the Ministry should incorporate in the rules the proforma for executing the bond so as to make the recruitment rules self-contained.

The Committee feel that the term 'walk-in' used in Column 12 of the schedule to the above rules for appointment of category-I employees is vague and needs to be spelt out clearly. The Committee note from the reply of the Ministry of Communications that the term 'walk-in' has been used for appointment of category-I employees because under this category, the eligible officials get included in the 'Select List' without appearing in either screening test or competitive examination. In this regard, the Committee feel that to make the rules precise and specific, this term should be defined in the rules themselves

in accordance with the clarification so furnished by the Ministry. The Committee desire to have copy of the recruitment rules so amended for their perusal.

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**Reply of the Ministry**

On formation of Mahanagar Telephone Nigam Limited (MTNL) and Bharat Sanchar Nigam Limited (BSNL), the Group 'C' & 'D' employees have been absorbed in these Public Sector Undertakings and have ceased to be Government employees. As such they are not governed by the Department of Telecommunications. Since the PSUs should be framing their own recruitment rules, the recommendations of the Committee have been forwarded by the Ministry to both MTNL/BSNL for incorporating the same in the relevant rules.

[Ministry of Communications & IT  
O.M. No.2-1/2001/SNG dated 19.8.2002]

V. THE CENTRAL MOTOR VEHICLES (AMENDMENT) RULES, 1999 (GSR 214-E of 1999)

**Recommendation (Para No. 5.3)**

The Committee note that the final notification of the Central Motor Vehicles (Amendment) Rules, 1999 was published by the Ministry of Surface Transport after a gap of more than one year from the date of publication of the draft rules. The Committee also note that the Ministry have attributed the delay to the technical nature of the rules and their consideration by the Standing Technical Committee on Central Motor Vehicles Rules etc. The Committee are not convinced by the reasons adduced by the Ministry in this regard. The Committee hope that the Ministry might have consulted experts before publication of the final Rules. The time taken in this behalf has not been indicated. In addition the Ministry have taken considerably long time for getting the approval of aforesaid rules by the then Minister (SFT). The Committee note with concern that the Ministry have taken inordinately long time in finalising the rules, and desire that the Ministry should evolve suitable mechanism to avoid such delay in the future.

### Reply of the Ministry

Road Transport being an area affecting public in day-to-day activities, as such the endeavour of this Ministry is to expedite any amendment/modification in the rules/regulations as early as possible.

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In the instant case relating to GSR 214(E) of 1999 the gap of one year between publication of draft and final notification was not deliberate and in fact the suggestions/objections received from various quarters were got examined from the Technical Committee under the Central Motor Vehicles Rules, as this related to technical issues contained in the rules, Considerably long time taken in this case may be attributed to two factors i.e. the need to consider the objections/suggestions/comments being technical in nature, by the Technical Standing Committee and representations received by the then Minister (SFT) from affected parties with regard to certain provisions of the proposed amendments in the Rules.

It is reiterated that the instant case is more in nature of an exception or for that matter an aberration, otherwise delays of this nature are not occurring in subsequent notifications. It is the endeavour of this Ministry to minimize the time gap between publication of draft notification and the publication of finalised notification please.



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**VI. THE RAILWAY CLAIMS TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) AMENDMENT RULES, 1999 (GSR 96-E OF 1999)**

**Recommendation (Para 6.4)**

The Committee note that in the Railway Claims Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Amendment Rules, 1999, there was no sub-clause to denote the date of commencement of the rules. The Committee note with satisfaction that on drawing the attention of the Ministry of Railways towards the recommendation of the Committee that all rules should invariably contain a commencement clause to indicate the date of coming into force of the rules to obviate any scope of confusion in the minds of persons for whose benefit the rules have been framed, the Ministry have issued a corrigendum published in the Gazette of India, Extraordinary, Part-II, Section 3(i) dated 30 December, 1999 vide GSR 835-E stating that the rules would come into force from the date of their publication in the official Gazette.

### Reply of the Ministry

The Railway Claims Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Amendment Rules, 1999 have been amended by incorporating the date of commencement of the Rules vide GSR 835-E dated 30 December, 1999.

[Ministry of Railways  
O.M. No. 94/TC(RCT)/1-11 dated 6.9.1999]

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### VII. THE ALL INDIA INSTITUTE OF PHYSICAL MEDICINE AND REHABILITATION, BOMBAY (PROSTHETIC ENGINEER) RECRUITMENT RULES, 1995 (GSR 130 OF 1996)

#### Recommendation (Para No. 7.7)

The Committee observe that in the aforesaid rules for the post of Prosthetic Engineer, longer period of probation was prescribed for promotees as compared to the direct recruits, thus treating the candidates at different footing in the matter of probation. The Committee note with satisfaction that on being pointed out, the Ministry of Health and Family Welfare have amended the rules so as to prescribe a uniform period of probation for both the promotees and the direct recruits vide Gazette of India Notification number GSR 11 dated 8.1.2000. The Committee, however, express their concern that the Ministry have taken unduly long time of three years to notify the required amendment

and desire that the Ministry should fix the responsibility in the matter and apprise the Committee of the action so taken.

### **Reply of the Ministry**

Statement showing the list of chronology of events in notification of the amended Recruitment Rules to the post of Prosthetic Engineer at All India Institute of Physical Medicine and Rehabilitation, Mumbai as pointed out by the Committee on Subordinate Legislation is enclosed :-

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#### **Statement showing the Chronology of the Events in notifying the amended Recruitment Rules to the post of Prosthetic Engineer at All India Institute of Physical Medicine and Rehabilitation, Mumbai**

- The Recruitment Rules were notified in the Gazette dated 16.3.96.
- Lok Sabha Sectt. vide letter dated 2.7.96 pointed out discrepancies in prescribing longer probation period for promotees.
- The file after obtaining from Dte. GHS, an interim reply (in bilingual) was sent to Lok Sabha Sectt. vide letter dated 30.7.96.
- After consultation with Dte. GHS, the file was referred to DOPT on 22.10.96 and received back in the Department on 9.11.96.
- Concurrence of UPSC was sought vide letter dated 14.11.96 and the concurrence was conveyed by UPSC vide their letter dated 29.11.96 but was received on 6.1.97.
- The file sent to the Legislative Deptt. for vetting the draft notification on 10.1.97. and returned with query on 21.1.97 and resubmitted to the Legislative Deptt. on 28.1.97.
- Legislative Deptt. returned the file pointing out the temporary ban imposed on framing/amending of Rectt. Rules by DOPT vide their OM dated 10.2.97 on 17.2.97 and the file was sent back to Dte. GHS to await lifting of ban by DOPT.

- On receipt of reminder from Lok Sabha Sectt. vide letter dated 14.5.97, the temporary ban by DOPT was appraised to the Lok Sabha Sectt. vide letter dated 27.6.97. On receipt of further reminder from Lok Sabha Sectt. vide letter dated 26.9.97 and 17.11.97, reply was sent on 1.12.97. The file was sent to Dte.GHS requesting to submit a fresh proposal for amendment of the Rectt. Rules incorporating the changes as per the V Pay Commission Report.
- Revised fresh proposal from Dte. GHS was received on 18.2.98 and referred to DOPT on 2.3.98 for approval in relaxation of ban orders.
- DOPT returned the file with approval on 11.3.98.
- The Lok Sabha Sectt. again reminded vide letter dated 10.3.98 and was appraised of the position vide letter dated 30.3.98.

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- Approval of UPSC was sought vide letter dated 27.3.98 and they was conveyed their approval vide letter dated 27.4.98 and was sent to Dte.GHS for re-typing the draft notification incorporating the changes proposed by DOPT and UPSC and was received back on 2.7.98.
- The file was sent for vetting the draft notification to the Legislative Deptt. on 21.7.98 who returned the file on 27.8.98 with the advice to obtain the approval of Minister for Heath & Family Welfare and some modification in the Rectt. Rules.
- After obtaining the approval of Hon'ble Minister, the file was resubmitted to Legislative Deptt. on 8.9.98, who again returned the file on 17.9.98 for making further amendments in the draft notification by incorporating the fresh instructions issued by DOPT vide OM dated 25.5.98.
- Accordingly, the file was sent back to Dte.GHS on 25.9.98 for submission of revised rules in consultation with the Institute, Mumbai.
- The revised draft Rectt. Rules was received back from Dte. GHS on 3.12.98 and sent for vetting to the Legislative Deptt. on 15.12.98.
- The Legislative Deptt. returned the file on 1.1.99 after vetting the draft notification with the advice to further obtain the approval of UPSC to the revised RRs.

- The vetted draft notification was sent to Dte.GHS for fair typing on 6.1.99 and was received back on 4.3.99, which was again fair typed in the Ministry and the approval of UPSC sought vide letter dated 26.3.99.
- Approval of UPSC was conveyed vide letter dated 5.5.99 and thereafter sent for Hindi version of the draft notification on 28.9.99.
- The fair typed vetted draft bilingual notification of the Rectt. Rules was submitted for the approval of Hon'ble Minister on 19.11.99 and sent for notification on 6.12.99.
- Recruitment Rules were notified on 8.1.2000.

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The Ministry have attributed the delay to the temporary ban by DOP&T on framing/amendment/relaxation etc. of Recruitment Rules. Further the time taken for approval of DOP&T, UPSC and vetting by Legislative Department and the Official Language Division.

As could be seen from the chronology of events, there was no delay on the part of the Ministry of Health and Family Welfare. The delay was due to the temporary ban on framing/amendment/relaxation/modification/notification of Recruitment Rules/Service Rules by DOPT vide their OM No. AB-1407/2/97-Estt.(RR) dated 10.2.1997; further revision of the Recruitment Rules as per the instructions of DOPT vide OM No. AB-1407/2/97-Estt(RR) dated 25.5.98; the time taken to obtain the approval of

DOPT and UPSC and vetting by the Legislative Deptt. and the Official Language Division.

[Ministry of Health & Family Welfare  
O.M. No H-11013/12/2001-PH dated 13.12.2001]

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**VIII. THE LIFE INSURANCE CORPORATION OF INDIA (RECRUITMENT OF APPRENTICE DEVELOPMENT OFFICERS) REGULATIONS, 1998 (SO 53-E OF 1999)**

**Recommendation (Para No. 8.3)**

The Committee observe that the year in the short title to the above regulations did not conform to the year of publication of the Gazette Notification. Further the interpretation clause was so worded as to give an impression of ousting the jurisdiction of the Law Courts. The Committee note with satisfaction that on being pointed out, the Ministry of Finance have carried out the desired amendments in the extant regulations by rectifying the year in the short title from `1998' to `1999' and by amending regulation 12 by deleting the wording “that the decision of the Central Government shall be final”

which were giving the impression that the jurisdiction of the Law Courts were being ousted and notified the same vide Gazette Notification number SO 129-E dated 16.2.2000.

**Reply of the Ministry**

The Life Insurance Corporation of India (Recruitment of Apprentice Development Officers) Regulations, 1998 have been amended by rectifying the year in the short title and deleting the wording “that the decision of the Central Government shall be final” in the interpretation clause vide SO 129-E dated 16.2.2000.

[Ministry of Finance  
O.M. No.4(5)/Ins.III/88 dated 1.3.2000]

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**IX. THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA)  
REMOVAL OF DIFFICULTIES ORDER, 1999 (SO 430-E OF 1999)**

**Recommendation (Paras 9.15 and 9.16)**

The Committee note from the reply of the Secretary of the Ministry of Information and Broadcasting that in order to keep alive the work of the Prasar Bharati (Broadcasting Corporation of India), adhoc appointments were being made by them for the post of Chief Executive Officer who manages the entire organisation on day to day basis. The Committee also note that as per the assurance given to them, all other vacant posts in the Prasar Bharati Board would be filled up in regular manner as envisaged in the Act as the same could not be done earlier since their pay scales were not finalised and notified due to difference of opinion between DOP&T and the Ministry of Information

and Broadcasting which persisted for a long time. In this regard, the Committee note from the latest reply of the Ministry that the proposal for filling up the vacant posts is currently under consideration of the Selection Committee for their recommendation as provided under Section 4 of the Act. As regards delay in framing of rules, the Committee note that the rules have since been notified vide GSR 868-E of 2000.

The Committee desire that the Ministry should pursue the matter with the Selection Committee so that the vacancies in the Prasar Bharti Board could be filled up at the earliest.

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#### **Reply of the Ministry**

On recommendations of the Selection Committee, the posts of the Chairman and three part-time members have since been filled in. As regards the remaining vacant posts of Member (Finance) & Member (Personnel) etc. the Ministry have requested the Selection Committee headed by Hon'ble Vice President to make recommendations for these vacant posts. As recommended by the Committee, the Ministry are pursuing the matter with the Selection Committee to fill up the remaining vacant post in the Prasar Bharati Board at the earliest.

[Ministry of Information & Broadcasting  
O.M.No.45011/78/2001-BA-P dated 21.12.2001]

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**APPENDIX – II**  
**(Vide Para 5 of the Report)**

**CHRONOLOGICAL HISTORY OF FINALISING CENTRAL WAKF COUNCIL RULES AS PER PROVISIONS UNDER THE WAKF ACT 1995**

1. 29.11.95 – Letter from Ministry to Secretary, Central Wakf Council requesting to forward Draft Rules.
2. 13.2.96 – Draft Rules received from CWC.
3. Rules were examined and discussed with Secretary (CWC) on 12.3.96.
4. Revised Rules were again received on 13.3.96 and put up to WM.
5. File received from WM on 3.6.96 in Section
6. Again put up to WM on 20.6.96 but due to discussion by Secretary (W), the file was put up to WM on 11.7.96 and WM approved on 20.8.96.
7. Approved Rules were sent to Ministry of Law for vetting on 27.8.96.
8. Ministry of Law returned the file on 10.9.96 desiring discussion on some points.
9. On 18.9.96, the file was sent to Secretary, CWC for typing the amended Draft Rules and calling him for discussion with Ministry of Law.
10. Discussion held on 14.7.97 and Ministry of Law suggested some modification and also asked for the views of Finance Ministry.
11. File was sent to IFD on 16.7.97.
12. File received back from IFD on 31.7.97 with some comments.
13. Observations on comments of IFD were sent to IFD on 26.8.97.
14. IFD agreed on 26.9.97 and file received in Section on 3.10.97.
15. Comments of new Secretary, CWC (Mr. M.R. Haque) were called on 10.10.97.
16. Comments of Secretary, CWC received on 17.10.97.
17. File was again put up on 4.11.97 to WM.
18. WM approved on 28.11.97.
19. File again sent to Ministry of Law on 10.12.97.
20. File received back from Ministry of Law with some modification and called for discussion on 1.1.98.
21. As desired by the Ministry of Law, discussions could not be held on 4.2.98 due to some pressing preoccupation of the officer of the Ministry of Law. Format for receipt and payment account of CWC was received from Director General of Audit, Central Revenues. 40<sup>th</sup> meeting of CWC was held on 20.5.98 deciding the issue of payment of TA/DA of members of CWC
22. File was put up to Minister of State for approval on 17.7.98.
23. Minister of State approved on 28.7.98.

24. File again sent to Ministry of Law about fixation of daily allowance of members of CWC on 7.8.98.
25. File received back on 17.8.98.
26. Approved Rules sent for Hindi version on 24.8.98.
27. Hindi version received with correction in the last week of September 1998.
28. Sent to press for notification on 30.9.98.

**APPENDIX - III**  
(Vide Para 3 of the Introduction)

**EXTRACTS FROM THE MINUTES OF THE NINTH SITTING OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION (FOURTEENTH LOK  
SABHA)(2004-2005)**

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The Committee met on Wednesday, 4 May, 2005 from 1500 to 1545 hours in  
Committee Room 'D', Parliament House Annexe, New Delhi.

**PRESENT**

**Shri N.N. Krishnadas - Chairman**

**MEMBERS**

2. Shri Omar Abdullah
3. Justice (Retd.) N.Y. Hanumanthappa
4. Shri A. Venkatarami Reddy
5. Shri Chandra Shekhar Sahu
6. Shri Sitaram Singh
7. Shri Ramji Lal Suman
8. Shri Madhu Goud Yaskhi

**SECRETARIAT**

1. Shri John Joseph, Additional Secretary
2. Shri A. Louis Martin, Director
3. Shri J. V. G. Reddy, Under Secretary

2. The Committee took up for consideration the draft Sixth Report and adopted the same without any modification. The Committee also authorized the Chairman to present the same to Lok Sabha.

3.- 5. XXX XXX XXX

The Committee then adjourned.

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XXX Omitted portion of the Minutes are not relevant to this Report.

APPENDIX – IV  
(vide para 4 of the Introduction)

ANALYSIS OF THE ACTION TAKEN BY GOVERNMENT ON THE  
RECOMMENDATIONS CONTAINED IN THE THIRD REPORT OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION (THIRTEENTH LOK SABHA)

I.	Total number of recommendations :	9
II.	Recommendations that have been accepted by the Government (vide recommendations at Sl. Nos. 1.4, 2.6, 3.4- 3.5, 4.5- 4.7, 5.3, 6.4, 7.7, 8.3, 9.15 and 9.16)	8
	Percentage of total :	90 Approx.