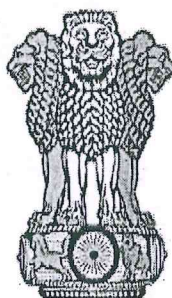


COMMITTEE ON SUBORDINATE LEGISLATION
(2019-2020)

(SEVENTEENTH LOK SABHA)

SEVENTH REPORT

THE BHAKRA BEAS MANAGEMENT BOARD AMENDMENT RULES, 2017



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI
September, 2020/, Asvina 1942 (Saka)

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COMMITTEE ON SUBORDINATE LEGISLATION

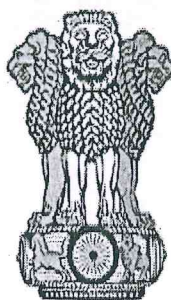
(2019-2020)

(SEVENTEENTH LOK SABHA)

SEVENTH REPORT

THE BHAKRA BEAS MANAGEMENT BOARD AMENDMENT RULES, 2017

(PRESENTED TO LOK SABHA ON 22.09.2020)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

September, 2020/, Asvina 1942 (Saka)

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MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2019-2020)

Shri Raghurama Krishnaraju Kanumuru

Chairperson

Members

2. Prof. S. P. Singh Baghel
3. Shri Ajay Bhatt
4. Shri Jyotirmay Singh Mahato
5. Shri Pinaki Misra
6. Shri Chandeshwar Prasad
7. Shri Suresh Pujari
8. Shri A. Raja
9. Shri Nama Nageshwar Rao
10. Shri N. Uttam Kumar Reddy
11. Shri Sanjay Seth
12. Shri Mahendra Singh Solanky
13. Shri Su Thirunavukkarasar
14. Shri B. Manickam Tagore
15. Shri Ram Kripal Yadav

SECRETARIAT

1. Shri R.C Tiwari - Joint Secretary
2. Shri T.S.Rangarajan - Director
3. Shri Nabin Kumar Jha - Additional Director

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Seventh Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 7.9.2020.
3. The Committee considered and adopted this Report at their sitting held on 21.9.2020
4. A copy of the Gazette Notification relevant to this Report is included in Appendix-I of the Report.
5. For facility of reference and convenience, observations/recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in Appendix-II of the Report.
6. Extracts from Minutes of the Fourteenth sitting of the Committee (2019-20) held on 7.9.2020 and Extracts from Minutes of the Fifteenth Sitting of the Committee (2019-20) held on 21.9.2020 relevant to this Report are included in Appendix-III of the Report.

New Delhi;
21 September, 2020
01 Asvina , 1942 (Saka)

RAGHURAMA KRISHNARAJU KANUMURU
Chairperson,
Committee on Subordinate Legislation

REPORT

The Bhakra Beas Management Board Amendment Rules, 2017 (GSR 1159 (E) of 2017).

The Bhakra Beas Management Board Amendment Rules, 2017 (GSR 1159 (E) of 2017) were published in the Gazette of India, Extraordinary, Part-II, Section 3 (i) dated 15.9.2017 (Appendix-I). On scrutiny of the above rules, some infirmities were observed and the Ministry of Power were requested to furnish their comments on the same. The infirmities observed and the comments of the Ministry therein are reproduced below:-

A. Discrepancies in the preamble and foot-note in the rules

Preamble

It was seen from the preamble that the amendment has been notified to carry out an amendment in an earlier notified amendment rule published in same year i.e. 2017. As per the established practice, once an amendment rule has been published, it forms a part of original rule and any subsequent amendment thereto should, therefore, be carried out in the original rule rather than amendment rule.

Foot-note

Moreover although, the above rules were amending in nature of an earlier rule, usual foot-note in accordance with recommendation of the Committee on Subordinate Legislation that all amendment notifications should bear a foot-note to indicate the particulars of publication of the Principal Rules and subsequent amendments made thereto for easy referencing was missing.

In view of the above, the Ministry were requested to furnish their comments on the above infirmities. They were also asked to state whether they had any objection in amending the Rules to the above effect.

1.2 The Ministry of Power *vide* their OM dated 22 October, 2019 submitted the following reply:-

"This Ministry has no objection in carrying out the amendments in the Preamble and its Foot-note as suggested by the Committee".

1.3 The Committee note that as per the preamble of the aforesaid rules, the amendment rules have been notified to carry out an amendment in an earlier amendment rules published in same year i.e. 2017. As per the normal practice, once an amendment rule has been published, it forms part of original rule. Therefore, if any subsequent amendment is required to be carried out, the same is carried out in the original rules, rather than amendment rule. The Committee also observe that there was no foot-note normally appended in such cases giving particulars of publications of the principal rules and the subsequent amendment carried out therein. The Committee note with satisfaction that on being pointed out, the Ministry has no objection in carrying out the amendments in the Preamble and its Foot-note as suggested by the Committee. The Committee recommend that the Ministry may bring about the necessary amendment in the rules at the earliest and to be more cautious in future while drafting the rules so that such lapses are not repeated.

B. Delay in publication of the above rules in the Extraordinary Gazette

1.4 The above Rules were sent for publication on 30 August, 2017 but were actually published in the Gazette of India, Extraordinary, Part-II, Section 3 (i) dated 15 September, 2017 i.e. after a gap of more than 15 days. As per the oft repeated procedural recommendation of the Committee on Subordinate Legislation, the Rules/Regulations published in the Extraordinary Gazette should be published on the same day or very next day on which these are sent for publication. The Ministry of Power were accordingly requested to furnish their comments in this regard.

1.5 The Ministry of Power vide their OM dated 22 October, 2019 (attached at local references) have stated that :-

"Though the notification was published in the Gazette of India on 15th September, 2017, the date of notification as printed in the Gazette of India is 30th August, 2017."

1.6 The Committee note that the Bhakra Beas Management Board Amendment Rules, 2017 were published in extraordinary Gazette after a gap of more than 15 days. The Rules/Regulations published in the Extraordinary Gazette should be published on the same day or very next day on which it is sent for publication. The Committee observe that the Ministry simply stated that the notification was published in the Gazette of India on 15th September, 2017. The date of notification as printed in the Gazette of India is 30th August, 2017. In the present case, the purpose of publishing the notification vide extra ordinary gazette has been lost. The Committee strongly deplore the Ministry's casual approach, lack of planning and follow up in matters of publication of statutory orders, which could have been avoided had the Ministry taken their responsibility a bit more seriously. The Committee, therefore, desire the Ministry to apprise them about the measures adopted by them to establish a mechanism to ensure that there are no delays in the publication of Notifications particularly those being notified in the Gazette of India : Extraordinary.

New Delhi;
21 September, 2020
01 Asvina , 1942 (Saka)

RAGHURAMA KRISHNARAJU KANUMURU
Chairperson,
Committee on Subordinate Legislation

MINISTRY OF POWER

NOTIFICATION

New Delhi, the 30th August, 2017

G.S.R. 1159(E).—In exercise of the powers conferred by section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby makes the following rules to amend the Bhakra Beas Management Board (Amendment) Rules, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 24th May, 2017 *vide* notification of the Government of India in the Ministry of Power number G.S.R. 503(E), dated the 19th May, 2017, namely:—

1. (1) These rules may be called the Bhakra Beas Management Board (Amendment) Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Bhakra Beas Management Board (Amendment) Rules, 2017,—
 - (a) in the opening paragraph, for the word "Re-organization", the word "Reorganisation" shall be substituted;
 - (b) in rule 2, clauses "i." and "ii." shall be renumbered as clauses "(i)" and "(ii)" respectively and in clause (ii) as so renumbered, for the letters, figures and words "Rs. 37,400-67,000 with addl. Grade pay of Rs.12,000 w.e.f. 1.1.2006", the words, brackets, letters and figures "monthly salary in the Pay Band/Scale Higher Administrative Grade (HAG) of [Rs. 67,000 (annual increment at the rate of three per cent)-79000] with no grade pay" shall be substituted.

[F. No. 5-8/3/2017-BBMB]

ARCHANA AGRAWAL, Jr. Secy.

Note : The Bhakra Beas Management Board (Amendment) Rules, 2017 were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 24th May, 2017 *vide* notification number G.S.R. 503(E), dated the 19th May, 2017.

		<p>2017. The date of notification as printed in the Gazette of India is 30th August, 2017. In the present case, the purpose of publishing the notification <u>vide</u> extra ordinary gazette has been lost. The Committee strongly deplore the Ministry's casual approach, lack of planning and follow up in matters of publication of statutory orders, which could have been avoided had the Ministry taken their responsibility a bit more seriously. The Committee, therefore, desire the Ministry to apprise them about the measures adopted by them to establish a mechanism to ensure that there are no delays in the publication of Notifications particularly those being notified in the Gazette of India : Extraordinary.</p>
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APPENDIX III

(Vide Para 6 of the Introduction of the Report)

EXTRACTS FROM MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2019-2020)

The fourteenth sitting of the Committee (2019-20) was held on Monday, the 7th September, 2020 from 1500 to 1715 hours in Committee Room D, Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

1. Shri Raghurama Krishnaraju Kanumuru Chairperson

MEMBERS

2. Prof. S. P. Singh Baghel
3. Shri Ajay Bhatt
4. Shri Pinaki Misra
5. Shri Suresh Pujari
6. Shri A.Raja
7. Shri Sanjay Seth

SECRETARIAT

1. Shri R. C. Tiwari - Joint Secretary
2. Shri T.S. Rangarajan - Director
3. Shri N.K. Jha - Additional Director
4. Smt. Jagriti Tewatia - Additional Director

WITNESSES

(Ministry of Health and Family Welfare)

1. Shri Rajesh Bhushan - Secretary
2. Shri Lav Agarwal - Joint Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee, thereafter took up for consideration the following draft Memoranda:-

(i) XX XX XX XX

(ii) XX XX XX XX

(iii) XX XX XX XX

(iv) **Memorandum No. 9:** Draft Memorandum regarding the Bhakra Beas Management Board Amendment Rules, 2017.

3. XX XX XX XX

4. The Committee, then considered and adopted Memoranda No. 7,8 and 9 without any modification and also authorised the Chairperson to present the same to the House.

5. XX XX XX XX

6. XX XX XX XX

7. XX XX XX XX

8. XX XX XX XX

9. XX XX XX XX

10. XX XX XX XX

11. XX XX XX XX

XX Omitted portion of the Minutes are not relevant to

**EXTRACTS FROM MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (2019-2020)**

The fifteenth sitting of the Committee (2019-20) was held on Monday, the 21st September, 2020 from 1415 to 1445 hours in Chairperson's Chamber, Room No. 209, Extension Building, Parliament House Annexe, New Delhi.

PRESENT

1. Shri Raghurama Krishnaraju Kanumuru Chairperson

MEMBERS

2. Prof. S. P. Singh Baghel
3. Shri Ajay Bhatt
4. Shri Suresh Pujari
5. Shri A.Raja
6. Shri Nama Nageshwar Rao
7. Shri Sanjay Seth

SECRETARIAT

1. Shri T.S.Rangarajan - Director
2. Shri Nabin Kumar Jha - Additional Director
3. Smt. Jagriti Tewatia - Additional Director

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports:-

- | | | | | |
|-------|---|----|----|----|
| (i) | XX | XX | XX | XX |
| (ii) | XX | XX | XX | XX |
| (iii) | XX | XX | XX | XX |
| (iv) | Draft Seventh Report of the Committee based on the examination of Statutory Orders on the Bhakra Beas Management Board Amendment Rules, 2017. | | | |

3. After deliberations, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to present the same to the House.

The Committee then adjourned.

XX Omitted portion of the Minutes are not relevant to this Report