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**COMMITTEE ON SUBORDINATE LEGISLATION**

**(2020-2021)**

**(SEVENTEENTH LOK SABHA)**

**TENTH REPORT**



सत्यमेव जयते

**LOK SABHA SECRETARIAT**

**NEW DELHI**

**March, 2021/Phalguna, 1942(Saka)**

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**TENTH REPORT**

**Delay in laying of the Regulations on the Table of the House**

**(TO BE PRESENTED TO LOK SABHA ON 23.3.2021)**



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**MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2020-2021)**

Shri Vallabhaneni Balashowry

Chairperson

**Members**

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3. Shri Ajay Bhatt
4. Shri Jyotirmay Singh Mahato
5. Shri Pinaki Misra
6. Shri Chandeshwar Prasad
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8. Shri Suresh Pujari
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**SECRETARIAT**

1. Shri R.C.Tiwari - Joint Secretary
2. Smt. Jagriti Tewatia - Additional Director
3. Shri Brajesh Kumar Singh - Under Secretary

## INTRODUCTION

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

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 9.3.2021.
3. The Committee considered and adopted this Report at their sitting held on 22.3.2021.
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 Seventh Sitting of the Committee (2020-21) held on 9.3.2021 and Extracts from Minutes of the Eighth Sitting of the Committee (2020-21) held on 22.3.2021 relevant to this Report are included in Appendix-III of the Report.

New Delhi;  
22 March, 2021  
31 Phalgun , 1942 (Saka)

**VALLABHANENI BALASHOWRY**  
Chairperson,  
Committee on Subordinate Legislation

## REPORT

**Subject: Examination by the Committee on Subordinate Legislation: Delay in laying of the following Regulations on the Table of the House.**

- (i) The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Room Air Conditioners) Regulations, 2017.**
- (ii) The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Self-ballasted LED Lamps) Regulations, 2017.**

The above mentioned two Regulations were published in the Gazette of India, Part-III, Section 4, Extraordinary dated 29.11.2017 & 28.12.2017 respectively. On scrutiny of both the Regulations it was found that the extant Regulations which were published in the Gazette on 29.11.2017 and 28.12.2017 were laid on the Table of the House on 9.8.2018 i.e. after a gap of almost 8 months. As per the oft repeated recommendations of the Committee given from time to time the Regulations in the present case should have been laid on the Table of the House within 15 days after the commencement of the following Session i.e Budget Session of 2018. But the prescribed time limit was not adhered to in this case. Further, according to the previous recommendation of the Committee on Subordinate Legislation [para 38 of 6<sup>th</sup> Report (3<sup>rd</sup> Lok Sabha)], whenever Orders are required to be laid on the Table after an inordinate delay, an explanatory note giving the reasons for such delay should be appended to the Orders when so laid. However, no such explanatory note had been appended to when the extant Regulations were laid on the Table of the House.

Accordingly, the Ministry concerned i.e, the Ministry of Power were requested to state the reasons for delay in laying of the above Regulations in the Parliament.

2. In response, The Ministry of Power vide their OM dated 10 August, 2020 inter-alia, stated as under:-

“1. Reasons for delay in laying the above Regulations (viz. the Regulations under examination) on the Table of both the Houses of the Parliament are as follows:

Under the provisions contained in the sub-section (1) of the section 59 of the Energy Conservation Act, 2001. Rules/Regulations made by the Central Government/Bureau of Energy Efficiency (BEE) are required to be laid, as soon as may be after the same are made, before each House of Parliament.

The above said Regulations have been published in the Gazette of India Extraordinary in exercise of the powers conferred under Section 58 of the EC Act, 2001. Regulations as notified above were notified under the signature of Director General, BEE.

II. It is submitted that the above mentioned Regulations were received from BEE vide letter dated 29<sup>th</sup> January, 2018 for laying on the Table of both the Houses along with the following three Regulations, which were published in 2016:-

i. The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Stationary Storage Type Electric Water Heater), Regulation, 2016- published in the Gazette of India, Extraordinary, Part — III, Section 4 dated 7<sup>th</sup> September 2016.

ii. The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Colour Televisions) Regulations, 2016- published in the Gazette of India, Extraordinary, Part —III- Section 4 dated 26<sup>th</sup> May 2016.

iii. The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Household Direct Cool Refrigerators). Regulations, 2016 — published in Gazette of India, Extraordinary, Part —III, Section 4 dated 26<sup>th</sup> May 2016.

It is stated that the Regulations (refer to in para-I above) were received well within the required time and could have been processed for laying on the Table of both the Houses of the Parliament. However, as the accompanying three Regulations (referred to in para II above) were delayed, therefore, in respect of those Regulations, a reference was made to BEE seeking the reasons for delay vide this Ministry's letter dated 07.02.2018 and subsequent reminders dated 20.02.2018 and 06.03.2018.

It is submitted that at that time, the two Regulations (referred to in para-1 above) should have been de-linked and processed separately for laying in the Table of both Houses of Parliament. However, it appears that this was not done due to oversight, and the whole focus was shifted to seeking the reasons for delay in respect of other accompanying Regulations. In the process, laying of these two Regulations on the Table of both the Houses of the Parliament was delayed. Further, these Regulations were inadvertently processed for laying on the Table of both the Houses of the Parliament without giving the reasons for the delay.

BEE vide letter dated 4th April 2018 furnished the reasons for delay in respect of the above mentioned three Regulations referred to in para-II. In addition BEE also listed three more Regulations, which were also published in 2015/2016 and were not laid on Table of both the Houses of the Parliament. As this was a lapse, accordingly, this Ministry, vide letter dated 1st August 2018 had requested BEE to furnish the chronology of the events leading to delay along with detailed justification. As the requisite information was taking more time, accordingly, the above mentioned two Regulations referred to para-1 above, were de-linked and submitted for authentication by the Hon'ble Minister of State (IC) for Power and NRE separately and were, thereafter forwarded to Lok Sabha Secretariat vide this Ministry's OM dated 06.08.2018. Here it is stated that by the time these Regulations were process for laying on Table of both the Houses of the Parliament, there had been delay and they should have been laid on the Table of Houses along with reasons for delay. However, inadvertently by oversight the same was not done.

The delay in forwarding the notifications under reference for laying on the Table of both the Houses of Parliament was an oversight and inadvertent. The delay is regretted and may be condoned."

3. It was noticed that there was a delay of 8 months in laying of the regulations on the Table of the House. The Committee have time and again stated that the rules/regulations should be laid before the House within a period of 15 days after their publication in the Gazette, if the House is in Session, and, if the House is not in session then as soon as possible (but in any case within 15 days) after the commencement of the following Session. Moreover, according to the recommendation of the Committee on Subordinate Legislation (para 38 of 6<sup>th</sup>



Report 3<sup>rd</sup> Lok Sabha), whenever Orders are laid on the Table after an inordinate delay, an explanatory note giving the reasons for such delay should be appended to the Orders when so laid. No such explanatory note was appended to when the Regulations were laid on the Table of the House.

4. The Committee note that the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Room Air Conditioners) Regulations, 2017 and the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Self-ballasted LED Lamps) Regulations, 2017 were published in the Gazette of India, Part III, Section 4, Extraordinary dated 29.11.2017 & 28.12.2017 respectively and laid on the Table of the House on 9.8.2018 i.e. after a gap of almost 8 months. Also, no explanatory memorandum was appended to them giving reasons for such delay. The inordinate delay of 8 months in laying of the above Regulations reflects the complete disregard of the provisions of Parent Act viz. the Energy Conservation Act, 2001 wherein, Section 59 stipulates in unambiguous terms that every Regulation shall be laid on the Table of the House as soon as it is made before each House of Parliament while it is in Session for a period of 30 days. However, in complete disregard to this important statutory provision, the Ministry reflected a very casual approach in response to the query raised, related thereto.

5 The Committee are surprised to note that when pointed out to the Ministry about the delay in laying of the above two Regulations, the Ministry in their reply submitted

that these two regulations were received well within the required time from BEE i.e. vide their letter dated 29 January, 2018 for laying on the Table of both the Houses alongwith the following three Regulations which were published in 2016.

- (i) The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Stationary Storage Type Electric Water Heater) Regulation, 2016- published in the Gazette of India, Extraordinary, Part - III, Section 4 dated 7<sup>th</sup> September, 2016.
- (ii) The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Colour Televisions) Regulations, 2016- published in the Gazette of India, Extraordinary, Part - III- Section 4 dated 26<sup>th</sup> May, 2016.
- (iii) The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Household Direct Cool Refrigerators), Regulations, 2016- published in the Gazette of India, Extraordinary, Part - III, Section 4 dated 26<sup>th</sup> May, 2016.

6 The Committee are dismayed to note that instead of laying all the five Regulations received by the Ministry vide BEE letter dated 29 January, 2018 in order to fulfill the statutory requirement on priority, the Ministry preferred to seek reasons for delay from BEE, which in the view of the Committee could have been done subsequent to laying of these Regulations to avoid further delay. The committee are appalled to note further that BEE vide their letter dated 4<sup>th</sup> April 2018 not only furnished their reasons for delay in respect of above mentioned three Regulations but also listed three more Regulations which were published in 2015/2016 but were not laid on the Table of both the Houses. Surprisingly, the Ministry still did not take the matter with utmost sincerity as it took them further four months to send a simple communication dated 1 August, 2018 to BEE, asking them to furnish the chronology of events leading to delay alongwith justification for delay. The Committee further note with utmost concern that despite being aware of

the fact that eight Regulations which were published as late as in 2015/2016 were required to be laid on the Table of both the Houses, the Ministry vide their OM dated 06.08.2018, forwarded only two Regulations as listed at Para 1 of the Memorandum above, for laying on the Table of both the Houses of Parliament. This speaks volumes about the functioning of the Ministry in complying with the statutory requirements, which is an important tool in fulfilling the accountability of the Executive to the Legislature.

7 The Committee strongly disapprove this lack of monitoring at senior level in the Ministry as this has resulted in an act which defeated the very purpose of incorporating of laying provision in various Acts of Parliament.

8 The Committee thus while deprecating the State of Affairs prevailing in the Ministry of Power recommend that urgent action may be taken to prepare a list of all the notifications that have been notified by the different Departments/PSUs/Statutory bodies functioning under the administrative control of the Ministry of Power and are required to be laid in both Houses, but have not yet been laid, and cause the same to be laid on the Table of Lok Sabha at the first available opportunity. The Committee would also like to recommend that the Ministry may look into the entire issue and fix accountability on the delinquent officers responsible for the lapse and should also evolve a fool proof mechanism of laying of orders in Parliament, so that such lapses do not recur in future.

9 The Committee further note that there is a procedural requirement as reported in Para 38 of 6<sup>th</sup> Report, (3<sup>rd</sup> Lok Sabha) of the Committee, that, when there is delay in laying a notification on the Table of the House, an explanatory note giving reasons for such delay should be appended to the Order. Even this requirement was not fulfilled by the Ministry of Power. The Committee take a serious note of the casual attitude of the Ministry in this regard and require the Ministry to explain as to why the requirement of appending an Explanatory Note regarding delay was not appended to while laying the Notification on the Table of the House. The Committee also desire the Ministry to intimate them about the necessary steps taken by them to avoid recurrence of such lapses in future.

New Delhi;  
22 March, 2021  
31 Phalguna , 1942 (Saka)

VALLABHANENI BALASHOWRY  
Chairperson,  
Committee on Subordinate Legislation

MINISTRY OF POWER  
(THE BUREAU OF ENERGY EFFICIENCY)

NOTIFICATION

New Delhi, the 29th November, 2017

**BEE/S&L/AC/37/2017-18.**—Whereas the draft regulations namely, the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Room Air Conditioners) Regulations, 2017, were published vide notification number No. BEE/S&L/AC/37/2017-18, dated the 8th August, 2017, as required under sub-section (1) of section 58 of the Energy Conservation Act, 2001 (52 of 2001), inviting objections or suggestions from persons likely to be affected thereby within the period of forty-five days from the date on which the notifications containing the draft regulations as published in the official Gazette were made available to the public;

And whereas copies of the said Official Gazette in which the draft regulations were published made available to the public on the 8th August, 2017;

And whereas suggestions have been received with respect to the said draft regulations within the period aforesaid and they have been taken into consideration;

Now, therefore, in exercise of the powers conferred by clause (d) of section 14 read with clause (i) of sub-section (2) of section 58 and clause (n) of sub-section (2) of section 13 of the Energy Conservation Act, 2001 (52 of 2001) and in supersession of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Room Air Conditioners) Regulations, 2009, except as respects things done or omitted to be done before such supersession, the Bureau, with the previous approval of the Central Government, hereby makes the following regulations, namely:-

1. **Short title and commencement.**- (1) These regulations may be called the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Room Air Conditioners) Regulations, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.** - (1) In these regulations, unless the context otherwise requires,—

- (a) "Act" means the Energy Conservation Act, 2001 (52 of 2001);
- (b) "Form" means a form appended to these regulations;
- (c) "label" means any written, printed, marked, stamped or graphic matter affixed to or appearing upon a room air conditioner;
- (d) "label period" means the validity period of the Indian seasonal energy efficiency ratio under the energy consumption standard specified by the Central Government under clause (a) of section 14 of the Act and in case the end period of the Indian seasonal energy efficiency ratio is not specified, it shall be deemed to be valid until a new energy efficiency ratio is specified by the Central Government;
- (e) "model or family of models" means the model or range of models of one particular brand, to which a single set of test report is applicable and where each of the models have the same physical characteristics, energy efficiency ratio, energy efficiency level and performance characteristics;
- (f) "permittee" means a person to whom permission has been granted under regulation 7 ;
- (g) "room air conditioner" means an appliance as specified in the notification under clause (b) of section 14 of the Act;
- (h) "star level or star rating" means the grade of energy efficiency displayed on the label of the room air conditioner based on the energy consumption standard notified under clause (a) of section 14 to denote the energy efficiency of the air conditioner; and

- (i) "seller or trader" in relation to any labelled room air conditioner means, a person who sells or distributes any such room air conditioner and includes the manufacturer, trader, and permittee granted permission to affix label on such room air conditioner.

(2) Words and expressions used herein and not defined, but defined in the Act, shall have meanings respectively assigned to them in the Act.

**3. Particulars to be displayed on the labels.** - (1) On every room air conditioner, the following particulars shall be displayed on its label, namely:-

- (a) the logo of the Bureau of Energy Efficiency;
- (b) the appliance or type of air conditioner;
- (c) the name of manufacturer or importer and brand;
- (d) the model and year of manufacturing or import;
- (e) cooling capacity (hundred per cent.) in Watts;
- (f) cooling capacity (fifty per cent.) in Watts;
- (g) electricity consumption in units per year;
- (h) variable speed compressor;
- (i) heat pump;
- (j) Indian seasonal energy efficiency ratio;
- (k) label period;
- (l) star level; and
- (m) unique series code.

(2) The design, colour, size and content of label shall be as specified in the Schedule annexed to these regulations.

**4. Time limit for display of labels.** - (1) A label containing particulars specified in regulation 3 shall be displayed on every room air conditioner within a period of six months from the date of coming into force of these regulations.

(2) On and from the commencement of provisions of Table 3.1(e) and Table 3.2(e) notified by the Central Government under clause (a) of section 14 of the Act, every permittee, seller or trader shall ensure that-

- (a) the room air conditioner put on sale shall display revised star level and revised label period synchronizing with the revised energy consumption standards and the manufacturing year or importing year of the room air conditioner shall be in synchronization with such revised energy consumption standards:

Provided that for smooth transition, manufacturer may produce or import the product two month in advance from the date of such commencement, with the revised energy performance standards;

- (b) all preparatory steps including approvals, awareness of the dealers, retailers, requisite publicity for their education as well as for the education of the consumers shall be well planned and taken six months in advance of the date of such commencement, under these regulations.

**5. Manner of display of label.** - (1) Every manufacturer, seller or trader shall display on every room air conditioner a label at the time of sale and the label shall be either adhere to, or be attached as a swing tag, on it.

(2) For units not on display, the label may be attached to the exterior of the casing of the air-conditioner and the label may be attached to the unit when the unit is removed from its packaging or the label may be included as a part of the documentation given to the customer or user.

**6. Permission for display of label.** - (1) No label shall be affixed on a room air conditioner without the permission of the Bureau.



(2) **Company registration.**- For the purposes of obtaining permission of the Bureau, every brand shall be registered separately as specified in Form I – (A), accompanied by a label security fee of one lakh rupees, payable by demand draft drawn in favour of the Bureau of Energy Efficiency, New Delhi or by any other acceptable electronic mode of payment:

Provided that in case of small scale industry, the label security fee shall be twenty five thousand rupees only.

(3) **Model registration.**- Every application of the permittee under sub-regulation (2) shall be accompanied by—

(a) an application fee of two thousand rupees per model, payable by demand draft drawn in favour of the Bureau of Energy Efficiency, New Delhi or by any other acceptable electronic mode of payment; and

(b) documents specified in Form I – (B).

7. **Grant of permission.** - (1) On receipt of an application under regulation 6 and after being satisfied that all requirements therein are complied with, the Bureau may, within a period as specified in its Manual on standards and labelling, subject to such terms and conditions as specified in regulation 8, –

(a) register the brand in Form II-(A) or in electronic form; and

(b) grant permission for affixing label on room air conditioner in Form II-(B) or in electronic form.

(2) The Bureau shall maintain a register in Form III and enter the name of permittee therein.

(3) The permission granted under sub-regulation (1) shall be valid for the duration for which the star level specified by the energy consumption standard as notified by the Central Government under clause (a) of section 14 is in force.

(4) An application for renewal of permission may be made by the permittee six months before its expiry and shall be accompanied by a fee of rupees one thousand payable in the form of demand draft or electronic mode in favour of the Bureau of Energy Efficiency, New Delhi:

Provided that no application for renewal shall be allowed if it is made one month before its expiry.

(5) On receipt of application for renewal under sub-regulation (4) and after being satisfied that all requirements are complied with, the Bureau may, within a period of one month from the date of such receipt, renew permission in Form II – (B).

(6) No application shall be renewed after expiry of validity period, in which case the permittee may make a fresh application.

(7) The permittee who seeks permission for continuance to affix label on the existing model of the room air conditioner from the date from which the revised star level comes into force shall submit a declaration according to Form IV.

(8) The permittee shall seek permission to affix a label afresh, if a new model of the room air conditioner is to be launched synchronizing with the revised star level, and application for such permission shall be made six months in advance of coming into force of the revised star level.

8. **Terms and conditions for display of particulars on label.** -Every permittee, seller or trader shall comply with the following terms and conditions in displaying the particulars on label, namely:—

(a) the star level displayed on the label of the room air conditioner shall conform to energy consumption standards for room air conditioner notified under clause (a) section 14 of the Act;

(b) the label shall be affixed only on such model of room air conditioner for which permission has been granted;

(c) the label shall be printed and affixed on the room air conditioner at the cost of the permittee;

(d) the permittee, seller or trader shall ensure that the star level displayed on the label of room air conditioner shall be maintained at all time;

(e) the permittee shall pay the label fee as specified in regulation;

- (f) the permittee shall furnish to the Bureau a statement containing details of production of labelled equipment and the accrued labelling fee due for each quarter within the following month of the close of each quarter of the financial year;
- (g) the permittee shall furnish to the Bureau an updated list of authorised distributors, dealers, retailers and sellers appointed to sell their labelled products by 30<sup>th</sup> day of April of each year;
- (h) the permittee, seller or trader shall comply with such other terms and conditions which the Bureau may specify including those contained in Manual of the Bureau on Standards and Labelling.

9. **Label Fee.** - (1) Every permittee shall pay to the Bureau a label fee of rupees thirty on each label affixed on the room air conditioner.

(2) The label fee specified under sub-regulation (1) shall be paid annually within one month from the date of closure of each financial year:

Provided that on failure to pay the label fee within the period so specified, the Bureau may recover the amount due with interest thereon at ten per cent. per annum from the label security fee made under sub-regulation (2) of regulation 6 and if the total amount of labelling fee is not recovered within one year of the last date of payment, the Bureau may cancel all labels granted to the permittee and publish the name of the permittee in the newspapers as a defaulter.

10. **Refund of Label Security Fee.** - Subject to the proviso to sub-regulation (2) of regulation 9, a permittee shall be entitled to refund of the label security fee on ceasing to manufacture room air conditioner.

11. **Verification by the Bureau.** - (1) The Bureau may, either *suo motu*, or on a complaint received by it, carry out verification to ensure that the room air conditioner conforms to the star level and other particulars displayed on its label and that it complies with the other terms and conditions of permission. All tests including the power consumption, capacity tests and maximum operating condition tests shall be conducted by the Bureau or through its designated agency in balanced ambient calorimeters for the purpose of verification and challenge testing.

(2) For the purpose of verification, samples shall be picked up at random by the Bureau or its designated agency from the manufacturing facility, warehouse or the retail outlet as it deems fit.

(3) Where, upon a complaint received under sub-regulation (1), the Bureau is required to carry out verification by challenge testing the room air conditioner in an independent laboratory duly accredited by the National Accreditation Board for Testing and Calibration Laboratories, and a notice shall be issued to the permittee in Form V for carrying out such testing and the complainant shall be called upon to deposit, such expenses relating to sample cost, testing, transportation and other incidental expenses with the Bureau, within such time, as may be determined by Bureau. If the sample drawn under challenge testing fails, all expenses as specified shall be reimbursed by the permittee to the Bureau and the Bureau shall refund the aforesaid expenses to the complainant; and where the equipment passes the challenge test, then the expenses deposited by the complainant shall be forfeited.

(4) Where a sample of room air conditioner used for testing fails the test during *suo motu* testing or challenge testing, the Bureau shall afford the permittee another opportunity and conduct a second test with twice the quantity of room air conditioner used in the first test, in an independent test laboratory which is different from the lab where the first check testing was conducted and shall be duly accredited by the National Accreditation Board for Testing and Calibration Laboratories at the cost of the permittee.

(5) The Bureau shall intimate the permittee in Form V to witness the challenge testing referred to in sub-regulation (3) or the second test referred to in sub-regulation (4) and the expenses to be made towards the procurement and testing of sample.

(6) Where, the permittee fails to make such expenses, the Bureau shall -

(a) continue the verification by challenge testing referred to in sub-regulation (3) or the second test referred to in sub-regulation (4);

(b) stop further processing of application received under regulation 6;



(c) cancel all the labels granted to the permittee under regulation 7, after six months from the date of issuance of Form V.

(7) Where the second test fails, the Bureau shall -

(a) direct the permittee in Form VI, under intimation to all the State designated agencies, that the permittee within a period of two months shall,-

(i) correct the star level displayed on the label of the room air conditioner or remove the defects and deficiencies found during testing;

(ii) withdraw all the stocks from the market to comply with the directions of the Bureau;

(iii) change the particulars displayed on advertising material.

(b) publish for the benefit of the consumers, the name of any permittee, brand name, model name or model number, logo and other specification in any national or regional daily newspaper and in any electronic or in any other manner as it deems fit within two months;

(c) intimate to the concerned State designated agency to initiate adjudication proceedings against the permittee and the trader under section 27 of the Act.

(8) The permittee shall, within ten days of the conclusion of the period of two months referred to in sub-regulation (7) send the compliance report in Form VII to the Bureau with respect to action taken in compliance with the direction.

(9) If the compliance report referred to in sub-regulation (8) is not received or received without complying to any of the direction within the specified period, it shall be deemed to have been not complied with the direction issued and the Bureau shall order to that effect.

(10) The Bureau shall send the compliance report referred to in sub-regulation (8) and orders passed in sub-regulation (9) to all the State designated agencies for the purpose of taking action under section 17 and enforcement of order passed under the sub-regulation (9).

(11) Where the permittee fails to comply with the directions issued by the Bureau under sub-regulation (7), the Bureau shall,-

(a) withdraw the permission granted to the permittee under sub-regulation (1) of regulation 7;

(b) send a report to the Central Government accompanied by the test report in support of the failure by the permittee to conform to the energy consumption standards notified by the Central Government under clause (a) of section 14, the orders issued by the Bureau under clause (a) for consideration and for taking action by the Central Government under clause (c) of section 14;

(c) publish for the benefit of the consumers, the name of any permittee, brand name, model name or model number, logo and other specification in any national or regional daily newspaper and in any electronic or in any other manner as it deems fit within two months;

(d) intimate to the concerned State designated agencies to initiate further adjudication proceedings against the permittee and the trader under section 27 of the Act.

**12. Cancellation of Permission.** - The Bureau may cancel the permission granted under regulation 7 if the permittee -

(a) fails to comply with any of the terms and conditions specified under regulation 8;

(b) fails to pay label fee within the period specified under regulation 9;

(c) does not comply with the direction issued under regulation 11.



## THE BUREAU OF ENERGY EFFICIENCY

## NOTIFICATION

New Delhi, the 27th December, 2017

**No. BEE/S&L/LED/52/2017-18.**—Whereas the draft regulations namely, the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Self-ballasted LED lamps) Regulations, 2017, were published *vide* notification number No. BEE/S&L/LED/52/2017-18, dated the 5<sup>th</sup> September, 2017 as required under sub-section (1) of section 58 of the Energy Conservation Act, 2001 (52 of 2001), inviting objections or suggestions from persons likely to be affected thereby within the specified period of forty-five days from the date of publication of the said notification in the Official Gazette;

And whereas copies of the said draft regulations were made available to the public on 5<sup>th</sup> September, 2017;

And whereas suggestions have been received with respect to the said draft regulations within the period aforesaid;

And whereas the suggestions received in this regard have been taken into consideration;

Now, therefore, in exercise of the powers conferred by clause (i) of sub-section (2) of section 58 read with clause (n) of sub-section (2) of section 13 and clause (d) of section 14 of the Energy Conservation Act, 2001 (52 of 2001), the Bureau, with the previous approval of the Central Government, hereby makes the following regulations, namely:-

**1. Short title and commencement.**— (1) These regulations may be called the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Self-ballasted LED Lamps) Regulations, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**— (1) In these regulations, unless the context otherwise requires,-

- (a) "Act" means the Energy Conservation Act, 2001(52 of 2001);
- (b) "Family of models" means group of models for which all the performance parameters are same;
- (c) "Form" means a form appended to these regulations;
- (d) "label" means any written, printed, marked, stamped or graphic matter affixed to, or appearing upon the self-ballasted LED lamp;
- (e) "label period" means the validity period of the luminous efficacy under energy consumption standard notified by the Central Government under clause (a) of section 14 of the Act:

Provided that if, the end period of the validity period of the luminous efficacy is not notified, it shall be deemed to be valid until new values for the same are notified by the Central Government;

- (f) "Permittee" means a person or agency to whom permission has been granted to affix label under regulation 7;
- (g) "Schedule" means the schedule annexed to these regulations;
- (h) "Self-ballasted LED lamp" means an appliance as specified in the notification under clause (b) of section 14 of the Act;
- (i) "Star rating or star level" means the grade of energy efficiency displayed on the label of the self-ballasted LED lamp based on luminous efficacy standard notified by the Central Government under clause (a) of section 14 of the Act;
- (j) "Trader or seller" in relation to any labelled self-ballasted LED lamp means a person who sells or distributes such self-ballasted LED lamp and includes shopkeeper, trader, manufacturer and permittee who has been given permission to affix label on such self-ballasted LED lamp.

(2) Words and expressions used herein and not defined, but defined in the Act, shall have meanings respectively assigned to them in the Act.

**3. Particulars to be displayed on label.**— (1) On every self-ballasted LED lamp, the following particulars shall be displayed on its label, namely:-

- (a) The logo of the Bureau of Energy Efficiency;
- (b) Name of manufacturer or importer and brand;
- (c) Trade name and number;

- (d) Model and year of manufacturing or import;
- (e) Unique series code;
- (f) Power consumption in watts ;
- (g) Luminous flux in lumens;
- (h) Luminous efficacy in lm/W;
- (i) Star level of self-ballasted LED lamp; and
- (j) Label period;

(2) The design, colour, size and content of label shall be as specified in the Schedule annexed to these regulations.

**4. Time limit for display of labels.**- (1) A label containing all the particulars specified in regulation 3 shall be displayed on every self-ballasted LED lamp within a period of six months from the date of coming into force of these regulations.

(2) On and from commencement of revised energy consumption standards notified by the Central Government under clause (a) of section 14 of the Act, every permittee or trader or seller shall ensure that-

- (a) The self-ballasted LED lamp put on sale shall display revised star level and revised label period synchronizing with the revised energy consumption standards and the manufacturing year of the self-ballasted LED lamp shall also be in synchronization with such revised energy consumption standards, and shall not produce the self-ballasted LED lamp with the previous energy consumption standards;
- (b) All preparatory steps including awareness of the dealers, retailers and consumers, requisite publicity for their education shall be well planned and taken three months in advance of the date of such commencement, under these regulations.

**5. Manner of display of label.**- (1) There shall be a label on every self-ballasted LED lamp which shall be displayed at the point of sale and such label shall be affixed on the self-ballasted LED lamp in the following manner, namely:-

- (a) self-adhesive label affixed on wrapper;
- (b) the star marking as per the rating shall be stamped on the self-ballasted LED lamp; and
- (c) the size of the stamp for star marking shall be 11.5 millimetre height x 8.5 millimetre width.

**6. Permission for display of label.**- (1) No star label shall be affixed on a self-ballasted LED lamp without obtaining the prior permission of the Bureau.

(2) For the purposes of obtaining permission of the Bureau under sub-regulation (1), an application for registration shall be made for every brand separately as specified in Form I, accompanied by a label security deposit of One lakh rupees, payable by demand draft drawn in favour of the Bureau of Energy Efficiency, New Delhi or by any other acceptable electronic mode of payment:

Provided that in case of small scale industry, label security deposit shall be twenty-five thousand rupees only;

- (3) Every application of the permittee under sub-regulation (2) shall be accompanied by—
  - (a) an application fee of two thousand rupees per model, payable by demand draft drawn in favour of the Bureau of Energy Efficiency, New Delhi or by any other acceptable electronic mode of payment;
  - (b) documents specified in Form II.

**7. Grant of permission.**- (1) On receipt of an application under regulation 6 and after being satisfied that all requirements therein are complied with, the Bureau may, within a period as specified in its operation manual on standards and labelling from the date of such receipt, grant, subject to such terms and conditions as are specified in regulation 8, -

- (a) register the brand in Form III or in electronic form; or
- (b) grant permission for affixing label on self-ballasted LED lamp in Form IV or in electronic form.

(2) The Bureau shall maintain a register in Form V and enter the name of the permittee therein.

(3) The permission so granted under sub-regulation (1) shall be valid for such period till which the star level specified by the energy consumption standard as notified by the Central Government under clause (a) of section 14 of the Act is in force:

Provided that the permittee shall submit the test report of lumen maintenance after 25 per cent. of declared life or 6000 hours within twelve months from the date of such permission granted in accordance with the provisions of the order issued by the Central Government under clause (a) of section 14 of the Act.

(4) An application for renewal of permission shall be made by the permittee from six months but not later than one month before its expiry and shall be accompanied by a fee of one thousand rupees payable in the form of demand draft or electronic mode in favour of the Bureau of Energy Efficiency, New Delhi.

(5) No application shall be renewed after expiry of validity period, in which case the permittee shall make a fresh application.

(6) On receipt of application for renewal under sub-regulation (4) and after being satisfied that all requirements are complied with, the Bureau may, within a period of one month from the date of such receipt, renew permission in Form IV.

(7) The permittee who seeks permission for continuance to affix label on the existing model of the self-ballasted LED lamp from the date from which the revised star level comes into force, shall submit only a declaration in Form VI.

(8) The permittee shall seek permission to affix label afresh, if new model of the self-ballasted LED lamp is planned to be launched synchronising with the revised star level, and application for such permission shall be made six months in advance of coming into force of the revised star level.

**8. Terms and conditions for display of particulars on label.-** Every permittee, trader and seller shall,-

- (a) comply with the energy consumption standards for self-ballasted LED lamp notified under clause (a) of section 14 of the Act;
- (b) affix label only on such model of self-ballasted LED lamp for which permission has been granted;
- (c) affix label on the self-ballasted LED lamp at the cost of the permittee;
- (d) ensure that the star level displayed on the label of self-ballasted LED lamp shall be maintained at all time;
- (e) pay the label fee as specified in regulation 9;
- (f) furnish to the Bureau a statement containing details of production of labelled equipment and the accrued labelling fee due for each quarter within the following month of closure of each quarter of the financial year;
- (g) furnish to the Bureau an updated list of authorised distributors, dealers, retailers, sellers appointed to sell their labelled products by 30<sup>th</sup> day of April of each year;
- (h) comply with such other terms and conditions which the Bureau may specify including those contained in the Bureau's Operation Manual on Standard and Labelling.

**9. Label fee. -** (1) Every permittee shall pay to the Bureau a label fee of five paise for each label affixed on the self-ballasted LED lamp;

(2) The label fee specified under sub-regulation (1) shall be paid annually within one month from the date of closure of each financial year;

Provided that on failure to pay the label fee within the period so specified, the Bureau may recover the amount due with interest thereon at ten per cent. per annum from the label security deposit paid under clause (b) of sub-regulation (3) of regulation 6 and if complete labelling fees are not recovered within one year of the last date of submission, the Bureau may cancel the labels granted to the permittee and publish his name in the national or regional daily newspapers and in electronic means as a defaulter.

**10. Refund of label security deposit. -** Subject to the provisions of sub-regulation (2) of regulation 9, the permittee shall be entitled to a refund of the label security deposit, on ceasing to manufacture self-ballasted LED lamp.

**11. Verification by Bureau.-** (1) The Bureau or its designated agency may, either *suo motu* or on a complaint received by it, carry out verification to ensure that the self-ballasted LED lamp conforms to the star level and other particulars displayed on its label and that it complies with the other terms and conditions of permission.



(2) For the purposes of verification, the Bureau or its designated agency may pick up samples at random from the manufacturing facility, warehouse or the retail outlet as it deems fit.

(3) Where, upon a complaint received under sub-regulation (1), the Bureau is required to carry out verification by challenge testing the self-ballasted LED lamp in an independent laboratory duly accredited by the National Accreditation Board for testing and calibration laboratories,-

- (a) the Bureau shall issue a notice to the permittee for carrying out such testing and the complainant shall be called upon to deposit such expenses relating to testing, transportation and other incidental expenses with the Bureau, within such time as may be determined by the Bureau;
- (b) if the sample drawn under challenge testing fails, the permittee shall reimburse all expenses towards the cost of sample, transportation of sample and the testing charges to the Bureau and the Bureau shall refund the said expenses to the complainant; and
- (c) where the equipment passes the challenge test, then the expenses deposited by the complainant shall stand forfeited.

(4) Where, upon a complaint received under sub-regulation (1), if the permittee fails to deposit such expenses referred to in sub-regulation (3) within such time, the Bureau shall-

- (i) continue the verification by challenge testing the self-ballasted LED lamp referred to in sub-regulation (3); and
- (ii) the processing of application received under regulation 6 may be kept in abeyance till such expenses are deposited.

(5) Where samples of self-ballasted LED lamp used for testing fails, the test during *suo motu* testing or challenge testing, the Bureau shall afford the permittee another opportunity and the Bureau shall conduct a second test with twice the quantity of self-ballasted LED lamp used in the first test in an independent test laboratory duly accredited by the National Accreditation Board for testing and calibration laboratories at the cost of the permittee.

(6) Where the second test fails, the Bureau shall,-

(a) direct the permittee in Form VII, under intimation to all the State Designated Agencies, that the permittee shall, within a period of two months,-

- (i) correct the star level displayed on the label affixed on the wrapper of self-ballasted LED lamp or remove the defects and deficiencies found during testing;
- (ii) withdraw all the stocks from the market to comply with the directions of the Bureau; and
- (iii) change the particulars displayed on advertising material;

(b) publish in any national or regional daily newspaper and in any electronic means or in any other manner as it deems fit within two months, the name of the permittee, brand name, model name or model number, logo and other specifications;

(c) intimate to the concerned State Designated Agency to initiate adjudication proceedings against the permittee and the trader under section 27 of the Act.

(7) The permittee shall, within ten days of the conclusion of the period of two months referred to in sub-regulation (6),-

- (a) send the compliance report in Form VIII to the Bureau with respect to action taken in compliance with the direction; and
- (b) in case the compliance report referred to in clause (a) is not received or received without complying to any of the direction within the specified period, it shall be deemed to be non-compliance of the direction issued and orders to that effect shall be passed by the Bureau.

(8) The Bureau shall send a copy of the compliance report referred to in clause (a) and orders passed in clause (b) of sub-regulation (7) along with necessary documents to all the State Designated Agencies for the purpose of taking action under section 17 of the Act and enforcement of the orders passed under clause (b) of the said sub-regulation.

(9) Where the permittee fails to comply with the directions issued by the Bureau under sub-regulation (6), the Bureau under intimation to all State Designated Agencies shall-

- (a) withdraw the permission granted to the permittee under sub-regulation (1) of regulation 7;

- (b) send report to the Central Government accompanied by the test report in support of the failure by the permittee to conform to the energy consumption standards notified by the Central Government under clause (a) of section 14 of the Act, the directions of the Bureau referred to in clause (a) of sub-regulation (7) for consideration and taking action under clause (c) of section 14 of the Act by the Central Government;
- (c) publish in any national or regional daily newspaper and in any electronic or in any other manner as it deems fit within two months, the name of the permittee, brand name, model name or model number, logo and other specifications;
- (d) intimate to the concerned State Designated Agencies to initiate further adjudication proceedings against the permittee and the trader under section 27 of the Act.

**12. Cancellation of permission.** - The Bureau may cancel the permission granted under regulation 7, if the permittee—

- (a) fails to submit the test report specified in the proviso to sub-regulation (3) of regulation 7:

Provided that if, the permittee fails to comply with the test report submitted, action shall be taken as per sub-regulation (9) of regulation 11.

- (b) fails to comply with any of the terms and conditions specified under regulation 8;
- (c) fails to pay label fee within the period specified under regulation 9;
- (d) fails to comply with the directions issued under regulation 11.

### SCHEDULE

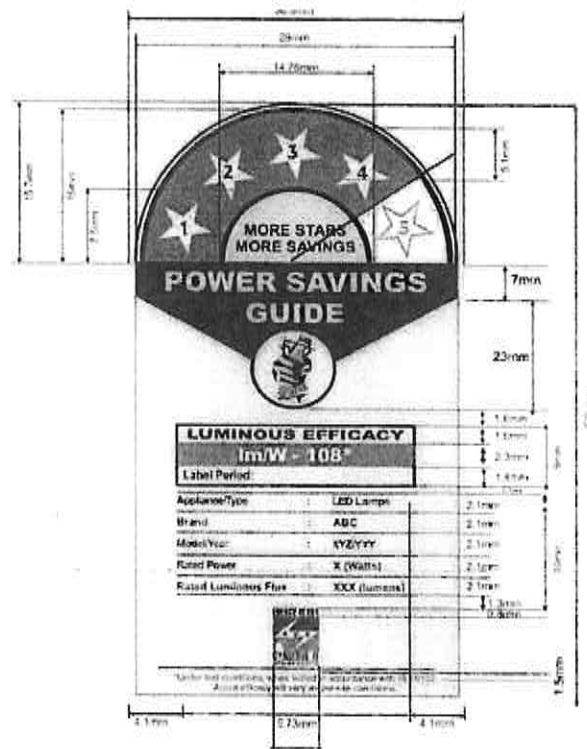
[See sub-regulation (2) of regulation 3]

Particulars to be displayed on labels of self-ballasted LED lamps.

#### 1. Label design

##### (i) Dimension:

- (a) Dimension of the label to be affixed on wrapper:



## APPENDIX II

(Vide Para 5 of the Introduction of the Report)

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

(SEVENTEENTH LOK SABHA)

Sl.No.	Reference to Para No. in the Report	Summary of Recommendations
1	4	<p>The Committee note that the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Room Air Conditioners) Regulations, 2017 and the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Self-ballasted LED Lamps) Regulations, 2017 were published in the Gazette of India, Part III, Section 4, Extraordinary dated 29.11.2017 &amp; 28.12.2017 respectively and laid on the Table of the House on 9.8.2018 i.e. after a gap of almost 8 months. Also, no explanatory memorandum was appended to them giving reasons for such delay. The inordinate delay of 8 months in laying of the above Regulations reflects the complete disregard of the provisions of Parent Act viz. the Energy Conservation Act, 2001 wherein, Section 59 stipulates in unambiguous terms that every Regulation shall be laid on the Table of the House as soon as it is made before each House of Parliament while it is in Session for a period of 30 days. However, in complete disregard to this important statutory provision, the Ministry reflected a very casual approach in response to the query raised, related thereto.</p>
	5	<p>The Committee are surprised to note that when pointed out to the Ministry about the delay in laying of the above two Regulations, the Ministry in their reply submitted that these two regulations were received well within the required time from BEE i.e. vide their letter dated 29 January, 2018 for laying on the Table of both the Houses alongwith the following three Regulations which were published in 2016.</p>



	<p style="text-align: center;">6</p>	<p>(i) The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Stationary Storage Type Electric Water Heater) Regulation, 2016- published in the Gazette of India, Extraordinary, Part - III, Section 4 dated 7<sup>th</sup> September, 2016.</p> <p>(ii) The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Colour Televisions) Regulations, 2016- published in the Gazette of India, Extraordinary, Part - III- Section 4 dated 26<sup>th</sup> May, 2016.</p> <p>(iii) The Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Household Direct Cool Refrigerators), Regulations, 2016- published in the Gazette of India, Extraordinary, Part - III, Section 4 dated 26<sup>th</sup> May, 2016.</p> <p>The Committee are dismayed to note that instead of laying all the five Regulations received by the Ministry vide BEE letter dated 29 January, 2018 in order to fulfill the statutory requirement on priority, the Ministry preferred to seek reasons for delay from BEE, which in the view of the Committee could have been done subsequent to laying of these Regulations to avoid further delay. The Committee are appalled to note further that BEE vide their letter dated 4<sup>th</sup> April 2018 not only furnished their reasons for delay in respect of above mentioned three Regulations but also listed three more Regulations which were published in 2015/2016 but were not laid on the Table of both the Houses. Surprisingly, the Ministry still did not take the matter with utmost sincerity as it took them further four months to send a simple communication dated 1 August, 2018 to BEE, asking them to furnish the chronology of events leading to delay alongwith justification for delay. The Committee further note with utmost concern that despite being aware of the fact that eight Regulations which were published as late as in 2015/2016 were required to be laid on the Table of both the Houses, the Ministry vide their OM dated 06.08.2018, forwarded only two Regulations as listed at Para</p>
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		<p>1 of the Memorandum above, for laying on the Table of both the Houses of Parliament. This speaks volumes about the functioning of the Ministry in complying with the statutory requirements, which is an important tool in fulfilling the accountability of the Executive to the Legislature.</p> <p>7 The Committee strongly disapprove this lack of monitoring at senior level in the Ministry as this has resulted in an act which defeated the very purpose of incorporating of laying provision in various Acts of Parliament.</p> <p>8 The Committee thus while deprecating the State of Affairs prevailing in the Ministry of Power recommend that urgent action may be taken to prepare a list of all the notifications that have been notified by the different Departments/PSUs/Statutory bodies functioning under the administrative control of the Ministry of Power and are required to be laid in both Houses, but have not yet been laid, and cause the same to be laid on the Table of Lok Sabha at the first available opportunity. The Committee would also like to recommend that the Ministry may look into the entire issue and fix accountability on the delinquent officers responsible for the lapse and should also evolve a fool proof mechanism of laying of orders in Parliament, so that such lapses do not recur in future.</p> <p>9 The Committee further note that there is a procedural requirement as reported in Para 38 of 6<sup>th</sup> Report, (3<sup>rd</sup> Lok Sabha) of the Committee, that, when there is delay in laying a notification on the Table of the House, an explanatory note giving reasons for such delay should be appended to the Order. Even this requirement was not fulfilled by the Ministry of Power. The Committee take a serious note of the casual attitude of the Ministry in this regard and require the Ministry to explain as to why the requirement of appending an Explanatory Note regarding delay was not appended to while laying the Notification on the Table of the House. The Committee also desire the Ministry to intimate them about the necessary steps taken by them to avoid recurrence of such lapses in future.</p>
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### APPENDIX III

(Vide Para 6 of the Introduction of the Report)

#### EXTRACTS FROM MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2020-2021)

The Seventh sitting of the Committee (2020-21) was held on Tuesday, the 9<sup>th</sup> March, 2021 from 1500 to 1700 hours in Committee Room D, Parliament House Annexe, New Delhi.

#### PRESENT

1. Shri Vallabhaneni Balashowry Chairperson

#### MEMBERS

2. Shri S.P. Singh Bhagel
3. Shri Chandeshwar Prasad
4. Shri N.K. Premchandran
5. Shri Suresh Pujari
6. Shri Sanjay Seth
7. Shri Ram Kripal Yadav6

#### SECRETARIAT

1. Shri R.C.Tiwari - Joint Secretary
2. Smt. Jagriti Tewatia - Additional Director

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee (2020-21). The Committee, thereafter, considered the following Memoranda:-

(i) XX XX XX XX

(ii) XX XX XX XX

(iii) **Memorandum No. 9** - Delay in laying of the Regulations on the Table of the House

(iv) XX XX XX XX

3. After deliberations, the Committee decided to incorporate the points raised in the Memoranda Nos. 7 to 10 in their Reports to be formulated in this regard.

4. XX XX XX XX

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

**EXTRACTS FROM MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION (2020-2021)**

The Eighth sitting of the Committee (2020-21) was held on Monday, the 22<sup>nd</sup> March, 2021 from 1500 to 1700 hours in Committee Room 'B', Parliament House Annexe, New Delhi.

**PRESENT**

Shri Vallabhaneni Balashowry Chairperson

**MEMBERS**

2. Shri Ajay Bhatt
3. Shri Pinaki Misra
4. Shri Chandeshwar Prasad
5. Shri Suresh Pujari
6. Shri Nama Nageshwar Rao
7. Shri Sanjay Seth

**SECRETARIAT**

1. Shri R.C.Tiwari - Joint Secretary
2. Smt. Jagriti Tewatia - Additional Director

**WITNESSES**

(1) **Ministry of Personnel Public Grievances and Pensions**

XX XX XX XX

**(2) Ministry of Corporate Affairs**

XX XX XX XX

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee. The Committee, thereafter, considered the following Reports:-

(i) XX XX XX XX

(ii) XX XX XX XX

(iii) **Report No. 10** – Delay in laying of the Regulations on the Table of the House

(iv) XX XX XX XX

3. After consideration, the Committee adopted reports Nos. 8 to 11 without any modification. The Committee also authorized the Chairperson to present the same to the House.

4. XX XX XX XX

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