

COMMITTEE ON SUBORDINATE LEGISLATION
(2020-2021)

(SEVENTEENTH LOK SABHA)

THIRTEENTH REPORT

**THE MINISTRY OF LAW AND JUSTICE, LEGISLATIVE DEPARTMENT, OFFICIAL LANGUAGES
WING, (GROUP 'A' POSTS REGIONAL LANGUAGES) RECRUITMENT RULES, 2020**



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI
August, 2021/Sravana, 1943 (Saka)

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(PRESENTED TO LOK SABHA ON 5.8.2021)



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LOK SABHA SECRETARIAT
NEW DELHI
August, 2021/Sravana, 1943 (Saka)

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

Shri Vallabhaneni Balashowry

Chairperson

Members

2. Shri Jyotirmay Singh Mahato
3. Shri Pinaki Misra
4. Shri Chandeshwar Prasad
5. Shri N.K. Premchandran
6. Shri Suresh Pujari
7. Shri A. Raja
8. Shri Nama Nageshwar Rao
9. Shri Sanjay Seth
10. Shri Mahendra Singh Solanky
11. Shri Su Thirunavukkarasar
12. Shri B. Manickam Tagore
13. Shri Ram Kripal Yadav
14. Vacant
15. Vacant

SECRETARIAT

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

-
1. Prof. S.P. Singh Baghel ceased to be a Member of the Committee w.e.f. 7.7.2021 due to his induction in the Union Council of Ministers.
 2. Shri Ajay Bhatt ceased to be a Member of the Committee w.e.f. 7.7.2021 due to his induction in the Union Council of Ministers.

INTRODUCTION

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

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 29.7.2021.

3. The Committee considered and adopted this Report at their sitting held on 4.8.2021

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 Seventeenth sitting of the Committee (2020-21) held on 29.7.2021 and Extracts from Minutes of the Eighteenth sitting of the Committee (2020-21) held on 4.8.2021 relevant to this Report are included in Appendix-III of the Report.

New Delhi;
4 August, 2021
13 Sravana, 1943 (Saka)

VALLABHANENI BALASHOWRY
Chairperson,
Committee on Subordinate Legislation

REPORT

The Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020 [GSR 39 (E) of 2020]

The Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020 [GSR 39 (E) of 2020] were published in the Gazette of India, Extraordinary, Part-II, Section 3 (i) dated 22.1.2021 (Appendix-I). The Rules were scrutinized in accordance with laid down norms and also in the light of various Recommendations made in the past by the Committee. On scrutiny of the above recruitment rules certain infirmities were observed, which were referred to the Ministry concerned i.e. the Ministry of Law and Justice (Legislative Department) to furnish their comments on the same. The infirmities observed and the comments so received from the Ministry therein are reproduced below:-

A. Discrepancy in the short title in the recruitment rules

1.2 On scrutiny of the above recruitment rules, it was observed that the year mentioned in the short title is 2020, which did not tally with the year of its publication i.e. 2021. Due to mismatch in the year in short title with the year of publication, the referencing becomes difficult and cumbersome. The Ministry of Law and Justice (Legislative Department) were accordingly requested to furnish their comments in this regard.

1.3 The Ministry of Law and Justice (Legislative Department) vide their OM dated 8 March, 2021 stated as under:-

"The process of revision of aforesaid Recruitment Rules was initiated in the middle of the year 2020 and due to COVID-19 the same could not be completed in time. Further, it is stated that the establishment matter of the employees of Official Language Wing was transferred to it by the Legislative Department in December, 2020. Prior to this date all establishment matter including appointment, promotion, etc. except erstwhile Group 'D' employees was dealt with by Legislative Department (Main Secretariat). After taking the charge of all files, the said matter has been taken up in the first week of January, 2021. Therefore, the same could not be published in the same year."

1.4 In this connection, it is pertinent to mention here that the Committee have time and again emphasized that the 'year' indicated in the short title of Rules, Regulations, Bye-Laws etc. should be in conformity with the 'year' of their publication in the Gazette of India so as to facilitate easy location and referencing of such statutory 'Order' by all concerned. If the year indicated in the short-title is at variance with the 'year' of publication, there may be difficulty in locating the rules and regulations from year-wise lists.

1.5 The Committee note that the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020 were published on 22 January, 2021. On scrutiny of the Rules, it was observed that the year in the short title i.e. 2020 did not tally with the year of their publication in the Gazette i.e. 2021. The Committee have time and again emphasized that the 'year' indicated in the short title of Rules should be in conformity with the 'year' of their publication in the Gazette of India. On being pointed out about this infirmity, the Ministry of Law and Justice (Legislative Department) have stated that, the process of revision of aforesaid Recruitment Rules was initiated in the middle of the year 2020 and due to COVID-19 the same could not be completed in time. The Committee while acknowledging the delay caused in publication of the Rules due to an exceptional situation created due to COVID-19, will still be surprised to further note from the Ministries' submission that the Rules also could not be published in the same year i.e. 2020 because the establishment matter of the employees of Official Language Wing was transferred to it by the Legislative Department in December, 2020 and after taking the charge of all files, the said matter was taken up in the first week of January, 2021. The Committee are of the opinion that had the Ministry been a bit cautious and serious about following the procedure for publication of Rules then, the correction in the year of the short title could easily have been carried out, just prior to publication of the Rules.

1.6 The Committee are, therefore, of the view that by making a reference of the transfer of establishment matter from one of its Department to the other Department as one of the reasons causing delay in publication of Rules, only expresses the lackadaisical approach

of the Ministry towards the whole issue. The Committee, therefore, expect the Ministry to be more careful and calculative henceforth so that it pays attention to all aspects of rule making and to ensure that technical flaws of this nature do not recur in future and the year of short title should invariably tally with the year of publication. The Committee, also, recommend that the Ministry may issue a corrigendum rectifying the error in the short title in order to make it consistent with the 'year' of publication and apprise the Committee of the conclusive action taken in this regard.

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

1.7 The aforementioned Rules pertain to the Recruitment of Additional Legislative Counsel, Deputy Legislative Counsel, Assistant Legislative Counsel (Group 'A' posts Regional Languages) in the Ministry of Law and Justice, Legislative Department, Official Languages Wing. On scrutiny of the above recruitment rules, it was noticed that the above Recruitment Rules dated 12 January, 2021 were actually published on 22 January, 2021 in the e-Gazette of India i.e. after a delay of 9 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 on which it is sent for publication. The Ministry of Law and Justice (Legislative Department) were accordingly requested to furnish their comments in this regard.

1.8 The Ministry of Law and Justice (Legislative Department) vide their OM dated 8 March, 2021 stated that :

"This office has forwarded the copy of Recruitment Rules to Government of India Press Mayapuri through mail on 18.1.2021 with soft copy of said Recruitment Rules for publication. It is the administrative concern of said Press that the matter received by them is published in time."

1.9 The Committee note that the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020 [GSR 39 (E) of 2020] dated 12 January, 2021 were actually published on 22 January, 2021

in the extraordinary e-Gazette of India i.e. after a delay of 9 days. The Committee have time and again emphasized that the Extraordinary Gazette being a time bound publication, publishing urgent material should be published on the same day on which these are sent for publication. The Committee observe with utmost concern that on being asked to clarify the reason for delay in publication of Extraordinary Gazette, the Ministry have simply stated that their office has forwarded the copy of Recruitment Rules to Government of India Press Mayapuri through mail on 18.1.2021 with soft copy of said Recruitment Rules for publication and it was the administrative concern of said Press that the matter received by them was published in time. The Committee find this callous attitude of the Ministry quite deplorable. The Committee take objection to Ministry's casual approach and lack of planning in matters of publication of statutory orders, that too pertaining to the recruitment of a senior level posts resulting in the delay, which could have been avoided had the Ministry taken their responsibility a bit more seriously.

1.10 The Committee, therefore, wish to emphatically stress and recommend that the responsibility of the Ministry should not cease with the sending of a Notification to the Press. The Ministry should be vigilant enough to keep track of the Notification after it is sent to the Press for printing. The Committee also find that it is responsibility of both the administrative and publishing departments to ensure timely notification of subordinate legislation. The Committee would, therefore, like the Ministry to be more watchful in the future and ensure that there are no delays in the publication of Notifications particularly those being notified in the Gazette of India : Extraordinary. The Committee, therefore, desire the Ministry to apprise them about the measures adopted by them to establish a mechanism to ensure avoidance of recurrence of such lapses in future.

C. Use of Vague expression

1.11 In the schedule, for the posts at Sl. No. 1 & 2 pertaining to the posts of Additional Legislative Counsel (Regional Languages) and Deputy Legislative Counsel (Regional Languages) in Column 7 under heading 'Promotion' 'having successfully completed training of

two weeks duration in the relevant field or area' has been prescribed. In this context, it has not been mentioned that whether the training would be from Government, Public, Private or Semi-public Sector Institutions/Organizations etc . The words 'relevant field or area' occurring therein appeared to be vague and liable to be interpreted differently by different persons. In view of the oft-repeated recommendation of the Committee on Subordinate Legislation that, vague expression should be avoided, the said words need to be spelt out to make the rules precise and specific, the Ministry of Law and Justice (Legislative Department) were requested to furnish their comments in this regard.

1.12 In response, the Ministry of Law and Justice (Legislative Department) vide their OM dated 8 March, 2021 stated that :

“The observation made with respect to specific indication about the kind and manner of training has been noted for all enactment of recruitment rules in future. In the instant case, it is stated that the term "training of two weeks duration" should definitely means that said training should be successfully completed from Institute of Legislative Drafting & Research in the Legislative Department in the field of Legislative Drafting.”

1.13 In the aforesaid Recruitment Rules, for the posts of Additional Legislative Counsel (Regional Languages) at Sl. No. 1 and Deputy Legislative Counsel (Regional Languages) at Sl. No. 2 in Column 11 under the heading 'Promotion' of the schedule 'having successfully completed training of two weeks duration in the relevant field or area' has been prescribed. Further, whether the training would be from Government, Public, Private or Semi-public Sector Institutions/Organizations etc. has not been prescribed. The Committee observe that the words 'relevant field or area' are vague and lacks clarity in their nomenclature and are prone to varied interpretations and usage of such vague expressions in the Rules may be construed to harm/benefit some for whom the Rules are intended. Further, on the same analogy, the Committee also opine that, the training from which institute would qualify, should also be spelt out clearly in the Rules as in absence of any clarity, different interpretations may have direct bearing on the selection process as it leaves the scope for different analysis and decision by different people. Therefore, to avoid such situations, it is

necessary that the Rules are devoid of expressions and phrases which are vague in nature and lack clarity.

1.14 The Committee, however note with satisfaction that on being pointed out, the Ministry have stated that the observation made with respect to specific indication about the kind and manner of training has been noted for all enactment of recruitment rules in future. Further, in the instant case, the Ministry have submitted that the term 'training of two weeks duration' should definitely mean that said training should be successfully completed from Institute of Legislative Drafting & Research in the Legislative Department in the field of Legislative Drafting. The Committee, however, desire that the words, 'having successfully completed training of two weeks from the Institute of Legislative Drafting and Research in the Legislative Department in the field of Legislative Drafting....' should explicitly be included in the instant Rules so as to bring more clarity in the same. The Committee, therefore, recommend the Ministry to bring out the necessary amendment to the Rules accordingly and intimate the Committee of the final action taken in the matter.

New Delhi;
4 August, 2021
13 Sravana, 1943 (Saka)

VALLABHANENI BALASHOWRY
Chairperson,
Committee on Subordinate Legislation


भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
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नई दिल्ली, शुक्रवार, जनवरी 22, 2021/माघ 2, 1942
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विधि और न्याय मंत्रालय/
(विधायी विभाग)
अधिसूचना

नई दिल्ली, 12 जनवरी, 2021

सा. का.नि. 39(अ).— राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और विधि और न्याय मंत्रालय, विधायी विभाग, राजभाषा खंड (समूह 'क' और समूह 'ख' पद) भर्ती नियम, 2003 को, जहां तक उनका संबंध अपर विधायी परामर्शी (प्रादेशिक भाषा शाखा) के पद से है तथा विधि और न्याय मंत्रालय, विधायी विभाग, राजभाषा खंड (समूह 'क' पद प्रादेशिक भाषा शाखा) भर्ती नियम, 2013 को, उन बातों के सिवाय अधिकांत करते हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है, राजभाषा खंड, विधायी विभाग, विधि और न्याय मंत्रालय में समूह 'क' (प्रादेशिक भाषा) के पदों पर भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारम्भ.- (1) इन नियमों का संक्षिप्त नाम विधि और न्याय मंत्रालय, विधायी विभाग, राजभाषा खंड (समूह 'क' पद प्रादेशिक भाषा) भर्ती नियम, 2020 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

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| | | <p>(क) (i) जो मूल काडर या विभाग में नियमित आधार पर सदृश पद धारण किए हुए हैं ; या</p> <p>(ii) जिन्होंने मूल काडर या विभाग में वेतन मैट्रिक्स में स्तर 10 (56100-177500 रु0) या समतुल्य में नियमित आधार पर नियुक्ति के पश्चात् उस श्रेणी में पांच वर्ष सेवा की हो ; और</p> <p>(ख) जिनके पास स्तंभ (7) के अधीन सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित शैक्षिक अर्हताएं और अनुभव हो ।</p> | |
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| (12) | (13) |
| <p>समूह 'क' विभागीय पुष्टि समिति (पुष्टि के संबंध में विचार करने के लिए) जिसमें निम्नलिखित होंगे-</p> <ol style="list-style-type: none"> 1. सचिव, विधायी विभाग, विधि और न्याय मंत्रालय- अध्यक्ष 2. अपर सचिव, विधायी विभाग, विधि और न्याय मंत्रालय- सदस्य 3. संयुक्त सचिव और विधायी परामर्शी, राजभाषा खंड, विधायी विभाग, विधि और न्याय मंत्रालय- सदस्य | <p>संघ लोक सेवा आयोग से परामर्श करना आवश्यक है ।</p> |

[फा. सं. ए-12018/1/2018-प्रशा. I (वि.वि.)]

अनुप कुमार वाष्णेय, संयुक्त सचिव एवं विधायी परामर्शी

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 12th January, 2021

G.S.R. 39(E).— In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Ministry of Law and Justice, Legislative Department, Official Languages Wing (Group 'A' and Group 'B' Posts) Recruitment Rules, 2003 in so far as they relate to the post of Additional Legislative Counsel (Regional Languages) and in supersession of the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' Posts Regional Languages) Recruitment Rules, 2013, except as respects things done or omitted to be done before such suppression, the President hereby makes the following rules regulating the method of recruitment to Group 'A' posts (Regional Languages) in the Official Languages Wing, Legislative Department, Ministry of Law and Justice, namely:-

1. Short title and commencement. - (1) These rules may be called the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020.

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

2. Number of post, classification and level in pay matrix.— The number of posts, their classification and level in the pay matrix attached thereto shall be as specified in columns (2) to (4) of the Schedule annexed to these rules.

3. Method of recruitment, age-limit, qualifications, etc.- The method of recruitment to the said posts, age-limit, qualifications and other matters relating thereto shall be as specified in columns (5) to (13) of the aforesaid Schedule.

4. Disqualification.- No person -

- (a) who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said posts:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.**- Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.**- Nothing in these rules shall affect reservation, relaxation of age-limit and other concessions required to be provided for candidates belonging to the Scheduled Castes, the Scheduled Tribes, the other backward classes, the ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time, in this regard.

SCHEDULE

| Name of post. | Number of post. | Classification. | Level in pay matrix. | Whether selection post or non-selection post. | Age-limit for direct recruits. |
|--|---|---|--|---|--------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. Additional Legislative Counsel (Regional Languages) | 02*(2020) Subject to variation dependent on workload. | General Central Service, Group 'A', Gazetted, Non-Ministerial. | Level-13 in the pay matrix (Rs.123100-215900) | Selection post. | Not applicable. |
| Educational and other qualifications required for direct recruits. | Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation, if any. | Method of recruitment, whether by direct recruitment or by promotion or by deputation /absorption and percentage of the vacancies to be filled by various methods. | | |
| (7) | (8) | (9) | (10) | | |
| Not applicable. | Not applicable. | Not applicable. | 100% by promotion failing which by deputation. | | |
| In case of recruitment by promotion or deputation/ absorption, grades from which promotion or deputation/ absorption is to be made. | If Departmental Promotion Committee exists, what is its composition. | Circumstances in which Union Public Service Commission is to be consulted in making recruitment. | | | |
| (11) | (12) | (13) | | | |
| Promotion: Deputy Legislative Counsel (Regional Languages) Official Languages Wing, Legislative Department with five years regular service in the grade and having successfully completed training of two weeks duration in the relevant field or area. Note 1: Where juniors who have completed their qualifying eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying eligibility service by more than half of such qualifying eligibility service or two years, whichever is less, and have successfully | Group 'A' Departmental Promotion Committee (for considering promotion) consisting of:- 1. Chairman or Member, Union Public Service Commission- Chairman; 2. Secretary, Legislative Department, Ministry of Law and Justice- Member; 3. Additional Secretary, Legislative Department, Ministry of Law and Justice - Member; 4. Joint Secretary and Legislative Counsel, Official Languages Wing, Legislative Department, Ministry of Law and Justice- | Consultation with Union Public Service Commission is necessary while appointing an officer on deputation. | | | |

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| <p>completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying eligibility service.</p> <p>Deputation: Officers under the Central or State Government or Union Territories:</p> <p>(a)(i) holding analogous posts on regular basis in the parent cadre or Department; or (ii) with five years service in the grade rendered after appointment thereto on a regular basis in level-12 in the pay matrix (Rs.78800-209200) or equivalent in the parent cadre or Department; and (b) possessing the following educational qualifications and experience: (A)(i) Masters Degree in Law from a recognised University or Institution; and (ii) possessing the following: a member of State Judicial Service for a period of ten years; or a Central or State or Union Territory Government Servant or an executive or officer in a Public Sector Undertaking or Statutory Body or Autonomous Body who has had experience in legal affairs for ten years; or a qualified legal practitioner who has practised as such for ten years; or a teacher of law for ten years in a recognised institution; or ten years experience of translation into the concerned language (one of the languages, other than Hindi, mentioned in the Eighth Schedule to the Constitution) of statutes, statutory rules and orders in the Central Government or State Government or Union Territory; or ten years experience of drafting of statutes in the Central Government or State Government or Union Territory; and (iii) Passed Secondary School Examination or any higher examination from a recognised Board or University or Institution through medium of concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) or had offered the concerned language as a subject in Secondary School Examination or any higher examination from a recognised Board or University or any institution or foreign University approved by the Central Government. Or (B) (i) Bachelors Degree in Law from a recognised University or Institution; and (ii) possessing the following:</p> | <p>Member.</p> | |
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| <p>a member of State Judicial Service for a period of twelve years; or</p> <p>a Central or State or Union Territory Government Servant or an executive or officer in a Public Sector Undertaking or Statutory Body or Autonomous Body who has had experience in legal affairs for twelve years; or</p> <p>a qualified legal practitioner who has practised as such for twelve years; or</p> <p>a teacher of law for twelve years in a recognised institution; or</p> <p>twelve years experience of translation into the concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) of statutes, statutory rules and orders in the Central Government or the State Government or Union Territory; or</p> <p>twelve years experience of drafting of statutes in the Central Government or the State Government or Union Territory; and</p> <p>(iii) Passed Secondary School Examination or any higher examination from a recognised Board or University or Institution through medium of concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) or had offered the concerned language as a subject in Secondary School Examination or any higher examination from a recognised Board or University or any institution or foreign University approved by the Central Government.</p> <p>Note 1: The expression qualified legal practitioner used in the essential qualifications means a person who is an advocate or a pleader and has practised as such for five years in case of Masters Degree in Law or seven years in case of Bachelors Degree in Law.</p> <p>Note 2: The term experience in legal affairs means holding of a substantive legal post under the Government or Public Sector Undertaking or Statutory Body or Autonomous Body for which Bachelors Degree in Law is a prerequisite or essential qualification for recruitment.</p> <p>Desirable:</p> <p>(i) Five years experience of legislative drafting in the language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) concerned in Central or State Government.</p> <p>(ii) Bachelors degree from a recognised University or Institution with the language</p> | | |
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| <p>(one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) concerned as a subject or medium at degree level.</p> <p>Note1:- The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion.</p> <p>Note2: Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation or department of the Central Government shall ordinarily not to exceed five years.</p> <p>Note3: The maximum age limit for appointment by deputation shall be not exceeding fifty-six years as on the closing date of receipt of applications.</p> | | | | | |
| (1) | (2) | (3) | (4) | (5) | (6) |
| 2. Deputy Legislative Counsel (Regional Languages). | 14 *(2020) Subject to variation dependent on workload. | General Central Service, Group 'A', Gazetted, Non-Ministerial. | Level-12 in the pay matrix (Rs.78800-209200). | Selection post. | Not exceeding 50 years. Note1:- The crucial date for determining the age-limit shall be as advertised by the Union Public Service Commission. Note2: Relaxable for Government Servants upto five years in accordance with the instructions or orders issued by the Central Government. |

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| (7) | (8) | (9) | (10) |
| <p>Qualification:</p> <p>Essential:</p> <p>A.(i) Masters Degree in Law from a recognised University or Institution; and</p> <p>(ii) possessing the following:</p> <p>a member of State Judicial Service for a period of eight years; or</p> <p>a Central or State or Union Territory Government Servant or an executive or officer in a Public Sector Undertaking or Statutory Body or Autonomous Body who has had experience in legal affairs for eight years; or</p> <p>a qualified legal practitioner who has practised as such for eight years; or</p> <p>a teacher of law for eight years in a recognised institution; or</p> <p>eight years experience of translation into the concerned language (one of the languages, other</p> | No. | One year for direct recruits. | 50% by direct recruitment; 50% by promotion failing which by deputation. |

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| <p>than Hindi, mentioned in the Eighth Schedule to the Constitution) of statutes, statutory rules and orders in the Central Government or State Government or Union Territory; or</p> <p>eight years experience of drafting of statutes in the Central Government or State Government or Union Territory; and</p> <p>(iii) Passed Secondary School Examination or any higher examination from a recognised Board or University or Institution through medium of concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) or had offered the concerned language as a subject in Secondary School Examination or any higher examination from a recognised Board or University or any institution or foreign University approved by the Central Government.</p> <p>Or</p> <p>B. (i) Bachelors Degree in Law from a recognised University or Institution; and</p> <p>(ii) possessing the following: a member of State Judicial Service for a period of ten years; or a Central or State or Union Territory Government Servant or an executive or officer in a Public Sector Undertaking or Statutory Body or Autonomous Body who has had experience in legal affairs for ten years; or a qualified legal practitioner who has practised as such for ten years; or a teacher of law for ten years in a recognised institution; or ten years experience of translation into the concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) of statutes, statutory rules and orders in the Central Government or the State Government or Union Territory; or ten years experience of drafting of statutes in the Central Government or the State Government or Union Territory;</p> <p>and</p> <p>(iii) Passed Secondary School Examination or any higher examination from a recognised Board or University or Institution through medium of concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) or had offered the concerned language as a subject in Secondary School Examination or any higher examination from a recognised Board or University or any institution or foreign University approved by the Central Government.</p> <p>Note1: The expression qualified legal practitioner</p> | | | |
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| <p>used in the essential qualifications means a person who is an advocate or a pleader and has practised as such for eight years in case of Masters Degree in Law or ten years in case of Bachelors Degree in Law.</p> <p>Note2: The term experience in legal affairs means holding of a substantive legal post under the Government or Public Sector Undertaking or Statutory Body or Autonomous Body for which Bachelors Degree in Law is a prerequisite or essential qualification for recruitment.</p> <p>Note3: Qualifications are relaxable at the discretion of the Union Public Service Commission, for reasons to be recorded in writing, in case of candidates otherwise well qualified.</p> <p>Note4: The qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission, for reasons to be recorded in writing, in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p> <p>Desirable:</p> <p>Qualification: Bachelors degree from a recognised University or Institution with the language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) concerned as a subject or medium at degree level.</p> <p>Note: The exact requirement of the concerned language shall be indicated at the time of recruitment.</p> <p>Experience: Five years experience of legislative drafting in the language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) concerned in Central or State Government.</p> | | | |
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| (11) | (12) | (13) |
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| <p>Promotion: Assistant Legislative Counsel (Regional Languages) in level-11 (Rs.67,700-2,08,700) in the pay matrix with five years regular service in the grade and having successfully completed training of two weeks duration in the relevant field or area.</p> <p>Note (1):- Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less, and have</p> | <p>Group 'A' Departmental Promotion Committee (for considering promotion) consisting of:</p> <ol style="list-style-type: none"> 1. Chairman/ Member, Union Public Service Commission - Chairman; 2. Secretary, Legislative Department, Ministry of Law and Justice - Member; 3. Additional Secretary, Legislative Department, Ministry of Law and Justice - Member; 4. Joint Secretary and Legislative Counsel, Official Languages Wing, Legislative Department, Ministry of Law and Justice - Member. | <p>Consultation with Union Public Service Commission is necessary while making direct recruitment and appointing an officer on deputation basis.</p> |

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| <p>successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.</p> <p>Deputation: Officers of the Central Government or State Governments or Union Territories:-</p> <p>(a)(i) holding analogous posts on regular basis in the parent cadre or Department; or (ii) with five years service in the grade rendered after appointment thereto on regular basis in level-11 in the pay matrix Rs.67700-208700 or equivalent in the parent cadre or Department; and (b) possessing the educational qualifications and experience as prescribed for direct recruits under column 7:</p> <p>Note1: The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion.</p> <p>Note2: Period of deputation including period of deputation in another excadre post held immediately preceding this appointment in the same or some other organisation or department of the Central Government shall ordinarily not exceed four years.</p> <p>Note3: The maximum age limit for appointment by deputation shall be not exceeding fifty six years as on the closing date of receipt of applications.</p> | <p>Group 'A' Departmental Confirmation Committee (for considering confirmation) consisting of:</p> <ol style="list-style-type: none"> 1. Secretary, Legislative Department, Ministry of Law and Justice-Chairman; 2. Additional Secretary, Legislative Department, Ministry of Law and Justice - Member; 3. Joint Secretary and Legislative Counsel, Official Languages Wing, Legislative Department, Ministry of Law and Justice - Member. | |
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| 3. Assistant Legislative Counsel (Regional Languages). | 14 *(2020) Subject to variation dependent on workload. | General Central Service, Group 'A', Gazetted, Non-Ministerial. | Level-11 in the pay matrix (Rs.67700-208700). | Not applicable. | Not exceeding 40 years. Note1: The crucial date for determining the age limit shall be as advertised by the Union Public Service Commission. Note2: Relaxable for Government Servants upto five years in accordance with the instructions or orders issued by the Central Government. |

| (7) | (8) | (9) | (10) |
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| Qualification: Essential: A.(i) Masters Degree in Law from a recognised University or Institution; and (ii) possessing the following: | Not applicable. | One year for direct recruits. | 100% by direct recruitment. Note: Vacancies caused by the incumbent being away on deputation or long illness or study leave or |

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| <p>a member of State Judicial Service for a period of five years; or</p> <p>a Central or State or Union Territory Government Servant or an executive or officer in a Public Sector Undertaking or Statutory Body or Autonomous Body who has had experience in legal affairs for five years; or</p> <p>a qualified legal practitioner who has practised as such for five years; or</p> <p>a teacher of law for five years in a recognised institution; or</p> <p>five years experience of translation into the concerned language (one of the languages, other than Hindi, mentioned in the Eighth Schedule to the Constitution) of statutes, statutory rules and orders in the Central Government or State Government or Union Territory; or</p> <p>five years experience of drafting of statutes in the Central Government or State Government or Union Territory; and</p> <p>(iii) Passed Secondary School Examination or any higher examination from a recognised Board or University or Institution through medium of concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) or had offered the concerned language as a subject in Secondary School Examination or any higher examination from a recognised Board or University or any institution or foreign University approved by the Central Government.</p> <p>Or</p> <p>B. (i) Bachelors Degree in Law from a recognised University or Institution; and</p> <p>(ii) possessing the following:</p> <p>a member of State Judicial Service for a period of seven years; or</p> <p>a Central or State or Union Territory Government Servant or an executive or officer in a Public Sector Undertaking or Statutory Body or Autonomous Body who</p> | | | <p>under other circumstances for a duration of one year or more may be filled on deputation basis from officers of the Central Government:</p> <p>(a) (i) holding analogous posts on regular basis in parent cadre or department; or</p> <p>(ii) with five years regular service in the grade rendered after appointment thereto on a regular basis in posts in level-10 (Rs. 56,100 - 1,77,500) of the pay matrix or equivalent in parent cadre or department; and</p> <p>(b) Possessing the qualifications and experience prescribed for direct recruits under Column (7).</p> |
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| <p>has had experience in legal affairs for seven years; or</p> <p>a qualified legal practitioner who has practised as such for seven years; or</p> <p>a teacher of law for seven years in a recognised institution; or</p> <p>seven years experience of translation into the concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) of statutes, statutory rules and orders in the Central Government or the State Government or Union Territory; or</p> <p>seven years experience of drafting of statutes in the Central Government or the State Government or Union Territory; and</p> <p>(iii) Passed Secondary School Examination or any higher examination from a recognised Board or University or Institution through medium of concerned language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) or had offered the concerned language as a subject in Secondary School Examination or any higher examination from a recognised Board or University or any institution or foreign University approved by the Central Government.</p> <p>Note1: The expression qualified legal practitioner used in the essential qualifications means a person who is an advocate or a pleader and has practised as such for five years in case of Masters Degree in Law or seven years in case of Bachelors Degree in Law.</p> <p>Note2: The term experience in legal affairs means holding of a substantive legal post under the Government or Public Sector Undertaking or Statutory Body or Autonomous Body for which Bachelors Degree in Law is a prerequisite or essential qualification for recruitment.</p> <p>Desirable: Qualification: 1. Five years experience of legislative drafting</p> | | | |
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| <p>in the language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) concerned in Central or State Government.</p> <p>2. Bachelors degree from a recognised University or Institution with the language (one of the languages other than Hindi mentioned in the Eighth Schedule to the Constitution) concerned as a subject or medium at degree level.</p> | | | |
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| (11) | (12) | (13) |
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| Not applicable. | <p>Group 'A' Departmental Confirmation Committee (for considering confirmation) consisting of:</p> <ol style="list-style-type: none"> 1. Secretary, Legislative Department, Ministry of Law and Justice - Chairman; 2. Additional Secretary, Legislative Department, Ministry of Law and Justice - Member; 3. Joint Secretary and Legislative Counsel, Official Languages Wing, Legislative Department, Ministry of Law and Justice - Member. | <p>Consultation with Union Public Service Commission is necessary.</p> |

[F. No. A-12018/1/2018-Admn.I(LD)]

ANUP KUMAR VARSHNEY, Jt. Secy. & Legislative Counsel

APPENDIX II

(Vide Para 5 of the Introduction of the Report)

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

(SEVENTEENTH LOK SABHA)

| Sl.No. | Reference to Para No. in the Report | Summary of Recommendations |
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| 1 | 1.5 | <p>The Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020 [GSR 39 (E) of 2020]</p> <p>The Committee note that the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020 were published on 22 January, 2021. On scrutiny of the Rules, it was observed that the year in the short title i.e. 2020 did not tally with the year of their publication in the Gazette i.e. 2021. The Committee have time and again emphasized that the 'year' indicated in the short title of Rules should be in conformity with the 'year' of their publication in the Gazette of India. On being pointed out about this infirmity, the Ministry of Law and Justice (Legislative Department) have stated that, the process of revision of aforesaid Recruitment Rules was initiated in the middle of the year 2020 and due to COVID-19 the same could not be completed in time. The Committee while acknowledging the delay caused in publication of the Rules due to an exceptional situation created due to COVID-19, will still be surprised to further note from the Ministries' submission that the Rules also could not be published in the same year i.e. 2020 because the establishment matter of the employees of Official Language Wing was transferred to it by the Legislative Department in December, 2020 and after taking the charge of all files, the said matter was taken up in the first week of January, 2021. The Committee are of the opinion that had the Ministry been a bit cautious and serious about following the procedure for publication of Rules then, the correction in the year of the short title could easily have been carried</p> |

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| | <p>1.6</p> <p>1.9</p> | <p>out, just prior to publication of the Rules.</p> <p>The Committee are, therefore, of the view that by making a reference of the transfer of establishment matter from one of its Department to the other Department as one of the reasons causing delay in publication of Rules, only expresses the lackadaisical approach of the Ministry towards the whole issue. The Committee, therefore, expect the Ministry to be more careful and calculative henceforth so that it pays attention to all aspects of rule making and to ensure that technical flaws of this nature do not recur in future and the year of short title should invariably tally with the year of publication. The Committee, also, recommend that the Ministry may issue a corrigendum rectifying the error in the short title in order to make it consistent with the 'year' of publication and apprise the Committee of the conclusive action taken in this regard.</p> <p>The Committee note that the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020 [GSR 39 (E) of 2020] dated 12 January, 2021 were actually published on 22 January, 2021 in the extraordinary e-Gazette of India i.e. after a delay of 9 days. The Committee have time and again emphasized that the Extraordinary Gazette being a time bound publication, publishing urgent material should be published on the same day on which these are sent for publication. The Committee observe with utmost concern that on being asked to clarify the reason for delay in publication of Extraordinary Gazette, the Ministry have simply stated that their office has forwarded the copy of Recruitment Rules to Government of India Press Mayapuri through mail on 18.1.2021 with soft copy of said Recruitment Rules for publication and it was the administrative concern of said Press that the matter received by them was published in time. The Committee find this callous attitude of the Ministry quite deplorable. The Committee take objection to Ministry's casual approach and lack of planning in matters of publication of statutory orders, that too pertaining to the recruitment of a senior level posts resulting in the delay, which could have been avoided had the Ministry taken their responsibility a bit</p> |
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| | 1.14 | <p>The Committee, however note with satisfaction that on being pointed out, the Ministry have stated that the observation made with respect to specific indication about the kind and manner of training has been noted for all enactment of recruitment rules in future. Further, in the instant case, the Ministry have submitted that the term 'training of two weeks duration' should definitely mean that said training should be successfully completed from Institute of Legislative Drafting & Research in the Legislative Department in the field of Legislative Drafting. The Committee, however, desire that the words, 'having successfully completed training of two weeks from the Institute of Legislative Drafting and Research in the Legislative Department in the field of Legislative Drafting....' should explicitly be included in the instant Rules so as to bring more clarity in the same. The Committee, therefore, recommend the Ministry to bring out the necessary amendment to the Rules accordingly and intimate the Committee of the final action taken in the matter.</p> |
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APPENDIX III

(Vide Para 6 of the Introduction of the Report)

EXTRACT FROM MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2020-2021)

The Seventeenth sitting of the Committee (2020-2021) was held on Thursday, the 29th July, 2021 from 1500 hours to 1700 hours in Committee Room '3', Parliament House Annexe, Extension Building, Block-A, New Delhi.

PRESENT

1. Shri Vallabhaneni Balashowry Chairperson

MEMBERS

2. Shri Pinaki Misra
3. Shri Chandeshwar Prasad
4. Shri N.K. Premchandran
5. Shri Suresh Pujari
6. Shri A. Raja
7. Shri Sanjay Seth
8. Shri Su Thirunavukkarasar

SECRETARIAT

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

WITNESSES

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

(i) XX XX XX XX

(ii) **Memorandum No.12** The Ministry of Law and Justice, Legislative Department, Official Languages Wing (Group A Posts Regional Languages) Recruitment Rules,2020

3. After deliberations, the Committee decided to incorporate the points raised in the Memoranda Nos. 11 to 12 in their Reports to be formulated in this regard.

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XX Omitted portion of the Minutes are not relevant to Report

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

The Eighteenth sitting of the Committee (2020-21) was held on Wednesday, the 4th August, 2021 from 1030 to 1100 hours in Chairperson's Chamber, Room No. 209, Extension Building, Parliament House Annexe, New Delhi.

PRESENT

1. Shri Vallabhaneni Balashowry Chairperson

MEMBERS

2. Shri Suresh Pujari
3. Shri A.Raja
4. Shri Sanjay Seth
5. Shri Ram Kripal Yadav

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. The Committee then considered the following draft Reports:-

(i) XX XX XX XX

(ii) Draft Thirteenth Report on the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020 [GSR 39 (E) of 2020].

(iii) XX XX XX XX

3. After deliberations, the Committee adopted the above reports 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