

COMMITTEE ON SUBORDINATE LEGISLATION
(2022-2023)

(SEVENTEENTH LOK SABHA)

TWENTY-FIFTH REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE THIRTEENTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTEENTH LOK SABHA) ON “THE MINISTRY OF LAW AND JUSTICE, LEGISLATIVE DEPARTMENT, OFFICIAL LANGUAGES WING, (GROUP ‘A’ POSTS REGIONAL LANGUAGES) RECRUITMENT RULES, 2020”.



LOK SABHA SECRETARIAT
NEW DELHI

December, 2022/ Agrahayana, 1944 (Saka)

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(2021-2022)

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(PRESENTED TO LOK SABHA ON 22.12.2022)



LOK SABHA SECRETARIAT
NEW DELHI

December, 2022/Agrahayana, 1944 (Saka)

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(17TH LOK SABHA)
(2022-2023)

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri B. Manickam Tagore
3. Shri Pinaki Misra
4. Dr. Pritam Gopinath Rao Munde
5. Shri Chandeshwar Prasad
6. Shri N.K. Premachandran
7. Shri Suresh Kumar Pujari
8. Shri A. Raja
9. Shri Nama Nageswara Rao
10. Shri Sanjay Seth
11. Dr. Amar Singh
12. Shri Brijendra Singh
13. Shri Su. Thirunavukkarasar
14. Shri Ram Kripal Yadav
15. Shri Arvind Ganpat Sawant

SECRETARIAT

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri Muraleedharan.P - Director
3. Smt. Jagriti Tewatia - Additional Director

(ii)

INTRODUCTION

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

2. This Report relates to the Action Taken on the Observations/Recommendations of the Committee contained in the Thirteenth Report (2021-2022) (Seventeenth Lok Sabha) which was presented to Lok Sabha on 5th August, 2021.

3. The Committee considered and adopted this Report at their sitting held on 20th December, 2022.

4. Minutes of the Fourth sitting of the Committee (2022-23) held on 20.12.2022 relevant to this Report are brought out in Appendix I of the Report.

5. An analysis of the action Taken by Government on the recommendations contained in the Thirteenth Report of the Committee (Seventeenth Lok Sabha) is given in Appendix II of the Report.

New Delhi;
20 December, 2022
29 Agrahayana , 1944 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

REPORT

This Report of the Committee on Subordinate Legislation (2021-2022) deals with the Action Taken by the Government on the Observations/Recommendations contained in the Thirteenth Report (Seventeenth Lok Sabha) of the Committee which was presented to Lok Sabha on 5.8.2021. The Thirteenth Report dealt with the Recruitment Rules pertaining to 'the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020'.

2. The shortcomings observed in the above Recruitment Rules and the Observations/Recommendations made by the Committee in respect of these shortcomings are contained in paras 1.5, 1.6, 1.9, 1.10, 1.13 and 1.14 of the Thirteenth Report (17th Lok Sabha). The Report, after presentation was forwarded to the Ministry of Law & Justice (Legislative Department) for implementation of the recommendations contained therein. The Ministry of Law & Justice (Legislative Department) vide their OM no. A-12018/1/2018-Admn. dated 28th June, 2022 furnished their action taken replies on the Observations/Recommendations contained in the Report.

3. Replies to the observations/recommendations contained in the Report have broadly been categorized as follows:-

- | | | |
|-------|--|------------------------------|
| (i) | Observations/Recommendations which have been accepted by the Government
Sl. Nos. 1.5, 1.6, 1.9, 1.10, 1.13 & 1.14 | Total No. Six
Chapter II |
| (ii) | Observation/Recommendation which the Committee do not desire to pursue in view of the Government's reply.
Sl. Nos. Nil | Total No. Nil
Chapter III |
| (iii) | Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee
Sl. Nos. Nil | Total No. Nil
Chapter IV |
| (iv) | Observation/ Recommendation in respect of which final reply of the Government is still awaited
Sl. Nos. Nil | Total No. Nil
Chapter V |

4. In their Original Report (13th Report – 17th Lok Sabha) pertaining to the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020, the Committee had observed and recommended on the infirmities pertaining to the discrepancy in short title (Recommendation nos. 1.5 & 1.6), delay in publication of the recruitment rules in the Extraordinary Gazette (Recommendation nos. 1.9 & 1.10) and use of vague expressions (Recommendation nos. 1.13 & 1.14) in the Recruitment Rules. The main Observations/ Recommendations made by the Committee and the Action Taken thereon by the Ministry of Law and Justice are briefly given as follows:-

(i) Discrepancy in the short title:

The Committee had noted 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 and the year mentioned 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. The Committee had, therefore, recommended to issue a corrigendum rectifying the error in the short title. The Ministry of Law & Justice (Legislative Department), in their Action Taken Reply submitted that amendment has been made to correct the year in the short title as per the year of publication i.e. 2021 in place of 2020 vide GSR 305 (E) dated 18.4.2022.

(ii) Delay in publication of Recruitment Rules in the Extraordinary Gazette:

The Committee had noted that the said Recruitment Rules, 2020 which were published *vide* 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 had desired the Ministry to be watchful in the future and ensure that there are no delays in publication of Notifications particularly being notified in Extraordinary Gazette. The Committee had, therefore, desired 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. In their Action Taken Reply the Ministry of Law & Justice (Legislative Department) have stated that the Official Languages Wing has got itself registered with e-Publication portal and the amended recruitment rules have been published in the e-gazette portal *vide* notification No. GSR 305 (E) dated 18.4.2022. The observation of Hon'ble Committee will be followed and every efforts would be made to get the gazette published as early as possible.

(iii) Use of vague expression:

For the posts of Additional Legislative Counsel (Regional Languages) at Sl. No. 1 and Deputy Legislative Counsel (Regional Languages) at Sl. No. 2 under the heading 'Promotion' of the schedule 'having successfully completed training of two weeks duration in the relevant field or area' was prescribed. On being pointed out that the words 'relevant field or area' are vague and lacks clarity in their nomenclature and also that training from which institute would qualify should also be spelt clearly in the Rules so as to leave no scope for different analysis and decision by different people. The Ministry of Law & Justice (Legislative Department), in their Action Taken Reply submitted that the gap in respect of training in the relevant field or *area* as pointed out by the Hon'ble Committee has been filled up by way of making amendment in the recruitment rules so as to classify that the training of two weeks should be completed from the Institute of Legislative Drafting and Research, Legislative Department in drafting.

5. The Committee, therefore, feel satisfied to note that the Ministry of Law and Justice (Department of Legislative) have accepted the shortcoming as pointed out by the Committee and rectified the same. The necessary amendments have been carried out by the Ministry in the Rules and notified *vide* GSR 305 (E) dated 18.4.2022 (Annexure).

6. The Observations/Recommendations made by the Committee and the Action Taken Replies received from the Ministry concerned have been reproduced and suitably categorized in the succeeding Chapters of the Report.

ANNEXURE
(vide para 5 of the Report)

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

(OFFICIAL LANGUAGES WING)

NOTIFICATION

New Delhi, the 18th April 2022

G.S.R. 305(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group ‘A’ posts Regional Language) Recruitment Rules, 2020, namely:—

1. (1) These rules may be called the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group ‘A’ posts Regional Languages) Recruitment (Amendment) Rules, 2022.

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

2. In the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group ‘A’ posts Regional Languages) Recruitment Rules, 2020, (herein after referred to as the said rules), in rule 1, in sub-rule (1), for the figures “2020”, the figures “2021” shall be substituted.

3. In the said rules, in the Schedule,—

(a) against the post of Additional Legislative Counsel (Regional Languages) appearing at serial number 1, in column (11),—

(i) under the heading “Promotion” and above Note 1, in the entry, for the words *“having successfully completed training of two weeks duration in the relevant field or area”*, the words *“having successfully completed training of two weeks duration from the Institute of Legislative Drafting and Research, Legislative Department in drafting”* shall be substituted;

(ii) under the heading “Deputation”, in Note 1, for the words “five years” and “seven years”, the words “ten years” and “twelve years” shall respectively be substituted;

(b) against the post of Deputy Legislative Counsel (Regional Languages) appearing at serial number 2, in column 11, under the heading “Promotion” and above Note (1), in the entry, for the words *“having successfully completed training of two weeks duration in the relevant field or area”*,

the words “*having successfully completed training of two weeks duration from the Institute of Legislative Drafting and Research, Legislative Department in drafting*” shall be substituted.

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

ANUP KUMAR VARSHNEY, Jt. Secy. & Legislative Counsel

Note: The Principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* notification number G.S.R. 39(E), dated the 12th January, 2021, published in the Official Gazette on the 12th January, 2021.

CHAPTER II

OBSERVATIONS/ RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Discrepancy in the short title in the recruitment rules

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, 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 may be 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.

The Committee may, therefore, be 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.

[Para nos. 1.5 & 1.6 of the 13th Report, 17th Lok Sabha]

Reply of the Government

Amendment has been made to correct the year in the short title as per the year of publication i.e. 2021 in place of 2020.

[Ministry of Law & justice, Legislative Department
OM No. A-12018/1/2018-Admn. dated 28th June, 2022]

Delay in publication of the recruitment rules in the Extraordinary Gazette

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.

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.

[Para nos. 1.9 & 1.10 of the 13th Report, 17th Lok Sabha]

Reply of the Government

This Wing has got itself registered with said e-Publication portal and the publication of notification containing the amended recruitment rules in the e-gazette portal has been made vide notification No. GSR 305 (E) dated 18.4.2022 by using e-Publication portal. The observation of Hon'ble Committee will be followed and every efforts would be made to get published the gazette as early as possible.

[Ministry of Law & justice, Legislative Department
OM No. A-12018/1/2018-Admn. dated 28th June, 2022]

Use of Vague expression

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.

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.

[Para nos. 1.13 & 1.14 of the 13th Report, 17th Lok Sabha]

Reply of the Government

The gap in respect of *training in the relevant field or area* as pointed out by the Hon'ble Committee has been filled up by way of making amendment in the recruitment rules so as to classify that the training of two weeks should be completed from the Institute of Legislative Drafting and Research, Legislative Department in drafting.

[Ministry of Law & justice, Legislative Department
OM No. A-12018/1/2018-Admn. dated 28th June, 2022]

CHAPTER III

OBSERVATIONS/ RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY

-NIL-

CHAPTER IV

OBSERVATIONS/ RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

-NIL-

CHAPTER V

OBSERVATIONS/ RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED

-NIL-

**New Delhi;
20 December , 2022
29 Agrahayana, 1944 (Saka)**

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

APPENDIX I

(Vide Para 4 of the Introduction of the Report)

EXTRACTS FROM MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2022-2023)

—

The Fourth sitting of the Committee (2022-23) was held on Tuesday, the 20th December, 2022 from 1500 to 1530 hours in Committee Room No. 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri Chandeshwar Prasad
3. Shri Suresh Kumar Pujari
4. Shri Nama Nageswara Rao
5. Shri Sanjay Seth
6. Dr. Amar Singh
7. Shri Brijendra Singh
8. Shri Arvind Ganpat Sawant

SECRETARIAT

1. Shri V.K. Mohan - Joint Secretary
2. Shri Muraleedharan.P - Director
3. Smt. Jagriti Tewatia - Additional Director

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Chairperson then particularly welcomed newly nominated Member, Shri Arvind Ganpat Sawant. The Committee, thereafter, considered the following draft Reports:-

(i) xx xx xx xx

(ii) The Twenty-fifth Report on action taken by the Government on the Observations/Recommendations contained in the Thirteenth Report of the Committee on Subordinate Legislation (17th Lok Sabha) on the Ministry of Law and Justice, Legislative Department, Official Languages Wing, (Group 'A' posts Regional Languages) Recruitment Rules, 2020.

3. After deliberations, the Committee adopted the above draft 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

APPENDIX II

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

I	Total No. of Observations/Recommendations made	6
II	Recommendations that have been accepted by the Government [vide recommendations at Sl. Nos.1.5, 1.6, 1.9, 1.10, 1.13 & 1.14]	06
	Percentage of total	100%
III	Recommendations which the Committee do not want to pursue in view of Government replies	NIL
	Percentage of total	0%
IV	Recommendations in respect of which replies of Government have not been accepted by the Committee	NIL
	Percentage of total	0%
V	Recommendations in respect of which final replies of Government are still awaited	Nil
	Percentage of total	0%