

COMMITTEE ON SUBORDINATE LEGISLATION**(2022-2023)****(SEVENTEENTH LOK SABHA)****TWENTY-SEVENTH REPORT**

**STATUS OF FRAMING OF SUBORDINATE LEGISLATION VIZ.
RULES/REGULATIONS ETC. UNDER VARIOUS ACTS BEING
ADMINISTERED BY THE DEPARTMENT OF DEFENCE IN THE
MINISTRY OF DEFENCE, GOVERNMENT OF INDIA**



**LOK SABHA SECRETARIAT
NEW DELHI
March, 2023/Chaitra, 1945 (Saka)**

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(PRESENTED TO LOK SABHA ON 24.03.2023)



LOK SABHA SECRETARIAT
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C O N T E N T S

	Page No.
COMPOSITION OF THE COMMITTEE.....	(ii)
INTRODUCTION.....	(iii)

REPORT

- | | |
|--|------|
| I. Status of framing of subordinate legislation viz. Rules/Regulations etc. under various Acts being administered by the Department of Defence in the Ministry of Defence, Government of India | 1-16 |
|--|------|

APPENDICES

- | | |
|--|-------|
| I Summary of main observations/recommendations made by the Committee | 17-25 |
| II Minutes of the Second sitting of the Committee (2022-23) held on 29.09.2022 | 26-28 |
| III Extracts from Minutes of the Twelfth sitting of the Committee (2022-23) held on 23.03.2023 | 29 |

ANNEXURES

- | | |
|--|-------|
| I Copies of responses of Department of Defence sent to various offices (Annexure A to I) | 30-56 |
| II Status of Rules/Regulations framed under the Cantonments Act, 2006 (Annexure J) | 57-58 |

MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2022-2023)

Shri Balashowry Vallabhaneni Chairperson

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2. Shri. Manickam Tagore B.
3. Shri Pinaki Mishra
4. Dr. Pritam Gopinath Rao Munde
5. Shri Chandeshwar Prasad
6. Shari N.K.Premachandran
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SECRETARIAT

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

I N T R O D U C T I O N

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

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 29.11.2022 during which oral briefing by the representatives of Department of Defence in the Ministry of Defence was taken.

3. The Committee considered and adopted this Report at their sitting held on 23.3.2023.

4. 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-I of the Report.

5. Minutes of the Second sitting of the Committee (2022-23) held on 29.09.2022 and Extracts from Minutes of the Twelfth sitting of the Committee (2022-23) held on 23.3.2023 relevant to this Report are included in Appendix-II and Appendix-III of the Report.

New Delhi;
23 March, 2023
02 Chaitra, 1945 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

REPORT

STATUS OF FRAMING OF SUBORDINATE LEGISLATION VIZ. RULES/REGULATIONS ETC. UNDER VARIOUS ACTS BEING ADMINISTERED BY THE DEPARTMENT OF DEFENCE IN THE MINISTRY OF DEFENCE, GOVERNMENT OF INDIA

A. INTRODUCTORY

In a modern welfare state, governmental activity has pervaded almost every field of human endeavour, thus, necessitating enactment of multifarious laws to regulate this ever-widening activity. However, the Legislature does not have enough time to deliberate upon, discuss and approve every detail of legislation. Moreover, it is difficult for the legislature to foresee all future contingencies and the flexibility the executive authorities may require to deal with the situations. In the nature of things, what the Legislature does, and can do, is to lay down the policy and the objective of any legislation in hand, leaving it to the Executive to frame, in conformity with those principles, formal and procedural details of the legislative measure in the form of orders/rules known as subordinate legislation.

Meaning of the term "subordinate legislation"

2. The term "subordinate legislation" refers to notifications, orders, schemes, rules and bye-laws referred to in Sections 20 and 21 of the General Clauses Act, 1897. In the Indian context, the term subordinate legislation refers to rules, regulations, orders, schemes, bye-laws, statutes, ordinances, notifications or any instrument framed under an Act of Parliament or the Constitution. Such subordinate legislations have to be published in the Gazette of India and laid on the Table of both Houses of Parliament, as it affords an opportunity to Members of Parliament, if they so desire, to move an amendment or modification to such "Order", including a Motion for their annulment.

Committee on Subordinate Legislation and its Role

3. As subordinate legislation has become an important constituent element of legislation, the role of legislature has also become equally important to monitor and examine that the subordinate legislation is in accordance with the spirit of the Act or Constitution and also to keep a proper check on the executive exceeding its powers provided under the Acts of Parliament or the Constitution. Legislation is an inherent and inseparable right of Parliament and it has to ensure that this power is neither usurped nor transgressed under the guise of subordinate legislation. The Committee on Subordinate Legislation, Lok Sabha is one such instrument and it is constituted to scrutinize and report to the House whether the powers to make rules, regulations, bye-laws, schemes or other statutory instruments conferred by the Constitution or delegated by Parliament have been properly exercised within such conferment or delegation as the case may be.

4. It is crucial for the Legislature to maintain its core legislative responsibilities, which involve defining the legislative policy and establishing the standards that will be transformed into law. The task that can be delegated is that of subordinate legislation, which is ancillary to the statute that delegates the authority to create it.

Important Recommendations of the Committee with regard to framing of subordinate legislation

5. The Statute can be fully enforced only when all the subordinate legislation stipulated under the Act is framed in time. The Committee, while carrying out its work, has found that the Ministries have taken considerable time in framing of the rules/regulations and therefore the Acts remain partially implemented or unimplemented. The Committee have, therefore, made very important recommendations/observations regarding the delay in framing of rules/regulations by the Ministries. The Committee in its 5th Report presented on 5th May, 1959 have recommended as follows;

"34. The Committee consider that ordinarily rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed six months. If no rules are framed within a reasonable period after the commencement of the Act the Committee will take up the matter with the Ministry concerned and report to the House the cases where it is felt that undue delay has occurred in framing the rules."

6. The Committee have further recommended in para 108 of its 18th Report (Fifth Lok Sabha), that in case a Ministry is not able to adhere to this time limit viz. of 6 months, it should seek extension of time for completing the rule-making process. The recommendation of the Committee reads as follows:

"The Committee restate their earlier recommendation that, ordinarily Rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed 6 months. In case, however, a Ministry/Department finds that for any unavoidable reason it is not possible for them to adhere to the prescribed time-limit in an exceptional Case, they should at the expiration of 6 months from the commencement of the relevant Acts, explain the reasons to the Committee and seek a specific extension of time from them".

7. The Committee, however, found that most of the Ministries do not adhere to the time limit of six months prescribed by it for framing of rules/regulations. The Committee noted that delay in framing of rules has become a recurring phenomenon and the matters which are sought to be governed by statutory rules, are often in actual practice governed by executive directions of guidelines etc. in the absence of properly framed statutory rules. Thus, to ensure timely framing of rules under the Acts passed by the Parliament, the Committee, in its 24th Report (10th Lok Sabha) presented on 6th March, 1996 recommended as under:-

- "1. The framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill so that the draft rules become ready by the time the Bill is introduced in the House.
2. Whenever a Bill is introduced in Parliament and in particular those Bills which propose setting up a Commission or Tribunal, there should be a 'Note' in the Memorandum of Delegated legislation appended to the Bill to the effect that the draft rules have also been prepared under that Bill.

3. To overcome undue delays on account of protracted inter-ministerial correspondence or where consultation with the Ministry of Law or other Ministries/Departments is involved the concerned Ministry should convene meetings of all the concerned agencies so that the matters could be sorted out at the earliest without entering into protracted correspondence.
4. In this context the Committee gave some thought to the idea of each Ministry/Department of the Government having the services of a Law officer exclusively for itself for framing/vetting the rules.

The Law officer can be from the Ministry of Law who could be taken on deputation by the concerned Ministry. The Committee has already consulted few Ministries which have reacted positively to this proposal. The Committee feel that such an arrangement would certainly obviate the need for each Ministry/Department to approach the Ministry of Law every time there is a need to formulate/vet rules, and avoid the consequent delay.

The Committee, therefore, desired that all the Ministries/ Departments of Government of India should ensure strict compliance of the aforesaid recommendations of the Committee with a view to ensure timely framing of rules under the Acts passed by the Parliament.”

8. The Committee in its 18th Report (5th Lok Sabha), 8th Report (6th Lok Sabha), 4th and 13th Reports (8th Lok Sabha), 1st and 13th Report (14th Lok Sabha), 27th and 31st Reports (15th Lok Sabha) repeatedly reiterated its recommendation for framing of rules under the Act within six months and also for drawing suitable guidelines by the Ministries to streamline their procedure with regard to subordinate legislation. In pursuance of this recommendation, the Ministry of Parliamentary Affairs drew up detailed guidelines on the subject which were forwarded to all Ministries/Departments on 18.09.1986. These guidelines have also been enumerated in chapter 11 pertaining to Subordinate Legislation on the Manual of Parliamentary Procedure in the Government of India.

9. Further, regarding seeking extension of time for framing of Rules from the Committee, the Ministry of Parliamentary Affairs, has specifically mentioned in Para 11.3.2 of Manual of Parliamentary Procedures in the Government of India as under:-

“In case the departments are not able to frame the rules within the prescribed period of six months, they should seek extension of time from the Committee on Subordinate Legislation stating reasons for such extension; such extension being not more than for a period of three months at a time. The request should be made after obtaining the approval of the Minister.”

10. However, despite existence of such detailed guidelines, the recommendations of the Committee are not being followed by various Ministries scrupulously. In many of the cases, the Ministries apologize for their delays and recommendations/observations of the Committee are noted for future compliance and also rectify the lacunae in the Rules being pointed out by the Committee.

11. Accordingly vide this Secretariat O.M. dated 25.06.2021, 17.08.2021, 25.10.2021, 10.11.2021, 09.12.2021, 30.05.2022 and 12.07.2022, the Department of Defence in the Ministry of Defence was asked to furnish the Status of Rules/Regulations framed under various Acts being administered by them. On perusal of the Statement furnished by the Department vide their communication dated 17.12.2021, 3.3.2022 18.7.2022 pertaining to Status of framing of Subordinate Legislation under various Acts, similar breach of oft repeated recommendations of the Committee was observed. The Department submitted a statement giving status of subordinate legislations framed under the Cantonments Act, 2006 only after the above mentioned communication. It is, thus, observed that, despite repeated communication, the Department did not give the status of Rules/Regulations framed under all the other Acts being administered by them. The Committee, thus, took cognizance of this fact and held a briefing meeting with the representatives of the Department of Defence in the Ministry of Defence on 29th November, 2022 on status of subordinate legislation viz. Rules/ Regulations etc. framed under various Acts being administered by the Department.

B. Background, Aims and Objectives of the Department of Defence in the Ministry of Defence

12. Furnishing in brief the background, aims and objectives of the Department, the Department in their background note dated 26.11.2021 submitted as under:-

(i) Background

After Independence, Ministry of Defence was created under the charge of a Cabinet Minister and each Service was placed under its own Commander-in-Chief. In 1955, the Commanders-in-Chief were renamed as the Chief of the Army Staff, the Chief of the Naval Staff and the Chief of the Air Staff. In November 1962, the Department of Defence Production was set up to deal with research, development and production of defence equipment. In November, 1965, the Department of Defence Supplies was created for planning and execution of schemes for import substitution of defence requirements. These two Departments were later merged to form the Department of Defence Production and Supplies. In 2004, the name of Department of Defence Production and Supplies was changed to Department of Defence Production. In 1980, the Department of Defence Research and Development was created. In 2004, the Department of Ex-Servicemen Welfare was set up. In 2019, a new Department namely, Department of Military Affairs was created with the aim to facilitate optimal utilization of resources and to promote jointness among the three Services.

The principal task of the Ministry is to frame policy directions on defence and security related matters and communicate them for implementation to the Services Headquarters, Inter-Service Organisations, Production Establishments and Research & Development Organisations. It is required to ensure effective implementation of the Government's policy directions and the execution of approved programmes within the allocated resources.

(ii) Aims and objectives of Department of Defence

13. The aims and objectives of DoD under the Ministry of Defence are as under:-

The Department of Defence is mandated with Defence of India and every part thereof including defence policy. It deals with Inter-Services Organizations, Defence Accounts Department, Defence Estates Department, Canteen Stores Department (CSD), Indian Coast Guard, National Cadet Corps, Border Roads Organisation, Sainik Schools Society, Institute for Defence Studies and Analysis, National Defence College etc. It is responsible for the Defence Budget, defence lands and cantonments, matters relating to Parliament, and defence cooperation with foreign countries. It is headed by Defence Secretary who is assisted by Director General (Acquisition), Additional Secretaries and Joint Secretaries. Defence Secretary is also responsible for coordinating the activities of the other Departments i.e. DMA, DDP, DESW and DDR&D in Ministry of Defence.

(iii) Acts administered by the Department

14. During the briefing by the representatives of the Department of Defence in the Ministry of Defence before the Committee held on 29.11.2022, the Committee focused mainly on the following points:

- i. the various Acts/Amendment Acts being administered by the Department;
- ii. the details of the delegated power of legislation of the Central Government under various Acts/Amendment Act being administered by the Department;
- iii. the status of framing of Rules/Regulations under various Acts (as amended from time to time) being administered by the Department or Article 309 of the Constitution of India;
- iv. the status of pending Rules/Regulations required to be framed and the reasons for delay in framing of same;
- v. the details of extension sought by the Department from Committees on Subordinate Legislation of Lok Sabha for framing of Rules/Regulations under the various Acts/Amendment Act;
- vi. the status of laying of all Rules/Regulations framed under the various Acts/Amendment Acts;
- vii. instances, if any, of delay in laying of Rules/Regulations framed under the Act by the Department on the Table of Lok Sabha.

15. The representatives of the Department during the briefing meeting held on 29.11.2022, submitted before the Committee that the following Acts are administered by the Department :-

- (a) The Cantonments Act, 2006;
- (b) The Armed Forces Tribunal Act, 2007;

- (c) The Coast Guard Act, 1978;
- (d) The National Cadets Corps Act, 1948;
- (e) The Works of Defence Act, 1903; and
- (f) The Cantonment House Accommodation Act, 1923.

C. Furnishing of status of framing of Rules/ Regulations/ Statutes etc. under various Acts.

16. The Ministry of Defence was requested by the Committee on Subordinate Legislation of the Lok Sabha Secretariat through O.Ms. dated June 25, 2021 and subsequent reminders dated August 17, 2021, October, 25, 2021, November 10, 2021 December 9, 2021, May 30, 2022 and July 12, 2022 to provide information regarding the status of Rules/Regulations that have been framed, those yet to be framed, details of any extension of time sought from the Committee, details of the laying of the same under various Acts being administered by the Department, and other organisations functioning under the administrative control of the Ministry of Defence. Additionally, the Ministry was asked to provide the dates on which the Rules/Regulations were laid on the table of both houses, during the briefing held on November 29, 2022.

17. In response, the Department of Defence, in the background note dated 26.11.2022 furnished by them submitted the details of the following five Acts being administered by the Department:-

(1) The Cantonment Act, 2006

An Act to consolidate and amend the law relating to the administration of Cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities and for matters connected therewith or incidental thereto.

(2) National Cadets Corps (NCC) Act, 1948

An Act to provide for the constitution of a National Cadet Corps.

(3) Armed Forces Tribunal Act, 2007

An Act to provide for the adjudication or trial by Armed Forces Tribunal of disputes and complaints with respect to commission, appointments, enrolment and conditions of service in respect of persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950 and also to provide for appeals arising out of orders, findings or sentences of court martial held under the said Acts and for matters connected therewith or incidental thereto.

(4) The Coast Guard Act, 1978.

An Act to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the maritime zones of India with a view to the protection of maritime and other national interests in such zones and for matters connected therewith.

(5) Works of Defence Act, 1903.

The objective of the Act is to impose restriction upon use and enjoyment of land in the vicinity of Works of Defence in order to ensure that habitation, construction and other activities are facilitated in a way to ensure safety and security of works/works of Defence on the one hand and safety of population residing in vicinity of Works/Works of Defence on the other and for payment of fair compensation to persons interested in such land on account of reasonable restrictions likely to be imposed.

18. During the briefing meeting held on 29.11.2022, the Department of Defence apprised the Committee that the Department administers the following six Acts :

- (i) The Cantonments Act, 2006
- (ii) Armed Forces Tribunal Act, 2007
- (iii) The Coast Guard Act, 1978
- (iv) National Cadets Corps Act, 1948
- (v) Cantonment House Accommodation Act, 1923
- (vi) Works of Defence Act, 1903

19. Regarding the latest status of framing of Rules/ Regulations etc. under all the Acts being administered by the Department and other organisations and laying thereof, the Department in their background note dated 26.11.2022 submitted as under:-

*"It is submitted that at present all the Rules / Regulations required to be framed under various Acts being administered by the Deptt. of Defence have been framed and laid down in both the Houses of Parliament. Committee on Subordinate Legislation, Lok Sabha and Rajya Sabha, Cabinet Sectt., Ministry of Parliamentary Affairs, Ministry of Law & Justice have been apprised of the status of framing of Rules / Regulations under Cantonments Act, 2006 at various points of time. It has also been conveyed to COSL, Lok Sabha, Rajya Sabha and Cabinet Sectt. that all the actions with regard to framing of Rules / Regulations under Cantonments Act, 2006 is complete. Copies of responses of Deptt. of Defence sent to aforementioned offices, including the response to last OM dated 12.07.2022 of COSL, Lok Sabha Sectt. mentioning therein that the matter may be treated as complete are enclosed as **Annexures A to I** for kind perusal."*

OBSERVATIONS/ RECOMMENDATIONS

20. The Committee note that while furnishing details of Acts being administered by the Department of Defence, the Department in their background note dated 26.11.2022 had furnished list of only 5 Acts and did not mention about the Cantonments (House Accommodation) Act, 1923 which was added by the Department subsequently. Such incongruence has been noticed on the homepage of the Department's website also, where under the icon of 'Acts & Rules' besides above 6 Acts, other Acts such as Tribunal Reforms Act, 2021, Indian Reserve Forces Act, 1888, Air Force Act, 1950, The Navy Act, 1957, Army Act, 1950, Army and Air Force (Disposal of Private Property) Act, 1950 and few more Acts have been shown. The

Ministry did not give a clear list of the Acts being actually administered by the Department despite repeated requests made to the Department to furnish the same.

21. The Committee further note with concern that despite sending repeated reminders, requesting the Department to furnish, in the given format, the status of Rules/ Regulations framed, not yet framed etc. w.r.t. all the Acts being administered by them, the Department furnished the status for the Cantonments Act, 2006 only and for other Acts, instead of furnishing the details, the Department has merely stated that, all the rules/ regulations required to be framed under the various Acts, being administered by the Department of Defence, have been framed and laid before both the Houses of Parliament.

22. The Committee take serious note of furnishing of such incongruent and incomplete information by the Department to a Parliamentary Committee. The Committee are, thus of the view that when any information is sought by a Parliamentary Committee, the Department should ensure that the complete information in the requisite format is furnished timely to the Committee. Furnishing of incorrect and incomplete information displays lack of seriousness on the part of the Ministry/ Department.

23. The Committee, thus, express serious concern over this casual approach of the Ministry towards framing of Subordinate Legislation and are also of the strong view that, when the Ministry was asked by a Parliamentary Committee to furnish the status of rules framed and laid on the table of both Houses under various Acts being administered by them, the Ministry's sincere efforts should have been to compile and furnish the correct updated information to the Committee in the prescribed format. The Committee would, therefore, direct the Ministry to evolve a foolproof system for the same and if required give training to the Officers/Staff so that the laid down procedure pertaining to framing of the Subordinate Legislation, as elaborated in the Manual of Parliamentary Procedure is followed in letter and spirit. The Ministry should also evolve a system to upload details of the Acts being administered or implemented by the Ministry and status of Rules/Regulations/Ordinances/Statutes etc. on the Webpage of the Ministry and ensure that the same are also being regularly updated. The Committee would like to be apprised of the action take in this regard.

D. STATUS OF LAYING OF RULES/REGULATIONS FRAMED

Statutory requirement for Laying –

24. One of the important safeguards against assumption of arbitrary powers by the Executive is that the rules/regulations/bye-laws etc. framed by the Executive in exercise of delegated powers should not only be required to be laid before the legislature but the legislature retains the statutory right of annulling or modifying them. The Committee have approved the following provision for incorporation in Bills providing for rule-making power:-

"Every Rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry

of session immediately following the session or the successive session aforesaid, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Time limit for laying of Rules/Regulations

25. The Committee in one of its recommendations made in Para 38 of 6th Report (3rd Lok Sabha) has recommended as under:-

"The Committee would like to reiterate that all the Ministries should ensure that all 'Orders' required to be laid before the House are so laid 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, the 'Orders' should be laid on the Table of the House as soon as possible (but within 15 days) after the commencement of the following session.

The Committee would like the Ministries concerned to furnish them with the reasons explaining the delay caused in laying each such 'Order' on the Table of the House."

26. As per para 11.5.1 the Manual of Parliamentary Procedures, after publication, the rules, etc. will be laid on the Table of the House as soon as possible and, in any case, within a period of 15 days (30 days in case of notifications relating to a State under the President's rule), reckoned from:

- (a) the date of their publication in the official gazette if the House is in Session; or
- (b) the date of commencement of the next Session, if the House is not in Session.

27. The Ministry of Defence was asked to furnish the status of Rules/ Regulations/ Statute/ Ordinance etc. framed under various Acts being administered by the Ministry/ Department/ Organisation and the details of laying the same before both the Houses of Parliament vide this Secretariat's O.Ms. dated 25.06.2021, 17.08.2021, 25.10.2021, 10.11.2021, 09.12.2021, 30.05.2022 and 12.07.2022. In response, the status pertaining to the Acts being administered by the Department of Defence in the Ministry of Defence submitted the following status w.r.t. laying of Rules under the Armed Forces Tribunal Act, 2007 and the Cantonments Act, 2006 only, which are as follows:-

Armed Forces Tribunal Act, 2007

"Recruitment Rules for Group-A, Group-B, Group-C and Accounts Cadre posts were framed under the Armed Forces Tribunal Act, 2007 and thereafter were laid in the Parliament in the Budget Session, 2022. Though the RRs for Group-C were framed in 2013, Group-A&B in 2018 and Accounts Cadre in 2019, **there was delay in laying RRs in the Parliament.** Upon obtaining condonation of delay in the said matter by Hon'ble Raksha Rajya Mantri, the Department laid these RRs in January, 2022".

Cantonments Act, 2006

“All the 13 Rules/ Regulations that are required to be framed under Cantonments Act, 2006 have been framed and laid down in both Houses of the Parliament **alongwith the ‘Delay Statement’ of the Hon’ble Raksha Rajya Mantri, wherever applicable, giving reasons for the delay”**.”

Observations/Recommendations

28. The Ministry of Defence was requested vide this Secretariat O.Ms as mentioned in para 27 above and also while taking briefing by the Department of Defence on 29.11.2022 to furnish the dates of laying of all Rules, Regulations, Notifications notified under the each Act before both the Houses, in addition to other information. The Committee are concerned to note that while furnishing the details of laying of all the rules framed under the Acts, the Department of Defence furnished information on status of rules laid before the Houses under the Armed Forces Tribunal Act, 2007 and the Cantonments Act, 2006 only. The information provided was incomplete because the dates on which the Rules/ Regulations framed under these two Acts was not mentioned. Further w.r.t. the Armed Forces Tribunal Act, 2007 the Department had provided information about details of laying of only Recruitment Rules for Group 'A' 'B' & 'C' and Accounts Cadre Posts. The information pertaining to laying of other Rules required to be framed under Section 41 of the Act was not provided.

29. It's more appalling for the Committee to note from the limited information provided by the Department that the Ministry had delayed laying of Recruitment Rules notified in the years 2013, 2018 and 2019 under the Armed Forces Tribunal Act, 2007 by 3 to 9 years as all these rules were laid before House in 2022. The Department simply stated that these rules could not be laid timely before Parliament due to oversight.

30. The Committee, thus, take note of such delays and are of the view that concerted efforts should be made by the Department in dealing with matters related to timely framing and laying of 'Orders' before the House. The Committee strongly hold that if the Rules are not laid within the prescribed time limit, it is construed as violation of statutory obligation as provided in each Act. The Committee are of the view that the Department of Defence should strictly adhere to the timeline as laid in the oft-repeated recommendation of the Committee and also as prescribed in the Manual on Parliamentary Procedure wherein it has emphasized time and again that rules/regulations should invariably be laid before the Houses within a period of 15 days (30 days in case of notifications relating to a State under the President's rule) after its notification. The Committee would also like the Department to evolve a fool proof mechanism of laying of Orders before Parliament, so that such undue delays do not recur. The Committee, would like the Department to apprise the steps taken by the Ministry to avoid such delays in future.

31. The Committee would like to recommend the Department to compile the data w.r.t. to framing, notifying and laying of Subordinate Legislation under each Act being administered/ implemented by the Department and its

Subordinate Office and furnish the same in the prescribed format, within 6 months from presentation of the Report in the House for consideration by the Committee.

E. Rules/Regulations framed under the Works of Defence Act, 1903

32. The Department in the background note dated 26.11.2022 furnished the objective of the works of Defence Act, 1903 as under :-

“The objective of the Act is to impose restriction upon use and enjoyment of land in the vicinity of Works of Defence in order to ensure that habitation, construction and other activities are facilitated in a way to ensure safety and security of works/works of Defence on the one hand and safety of population residing in vicinity of Works/Works of Defence on the other and for payment of fair compensation to persons interested in such land on account of reasonable restrictions likely to be imposed “.

33. Section 44 of the Works of Defence Act, 1903 prescribes power to make rules which reads as under:

“44. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules] for the guidance of officers in all matters connected with the enforcement of this Act.

(2) The power to make rules under sub-section (1) shall be subject to the condition of the rules being made after previous publication.

[(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

34. It has been noticed from the background material provided by the Department that no rule has been framed under the Works of Defence Act, 1903.

35. When enquired about the reasons for not framing of Rules under the works of Defence Act, 1903, the representatives of the Department during the briefing meeting held on 29.11.2022, submitted before the Committee that:-

“The Works of Defence Act, which is of 1903 vintage, was notified during the British time, and it is a very detailed legislation. It did not require any rules to be framed. Hence, no rules were framed.”

Observations/Recommendations

36. The Committee note that the Department of Defence in the Ministry of Defence in their background note has submitted that, the objective of the Act is to impose restriction upon use and enjoyment of land in the vicinity of Works of Defence in order to ensure that habitation, construction and other activities are facilitated in a way to ensure safety and security of works/works of Defence on one hand and safety of population residing in

vicinity of Works/Works of Defence on the other and for payment of fair compensation to persons interested in such land on account of reasonable restrictions likely to be imposed.

37. The Committee, further, note that Section 44 of Works of Defence Act, 1903 empowers central government to make rules for the guidance of officers in all matters connected with the enforcement of this Act. It has been, however, noticed from the background material provided by the Department that no rule has been framed under the Works of Defence Act, 1903 on the grounds that the Works of Defence Act is a vintage Act of 1903 which was notified during the British time and it is a very detailed legislation which did not require any rules to be framed. Hence, no rules were framed.

38. The Committee, however, are not convinced with the justification given by the Department for not framing the subordinate legislation under the Works of Defence Act, 1903, on the ground that the legislation is very detailed and vintage, which does not require any rules to be framed. In the opinion of the Committee, the work of Defence Act, 1903 is a 120 years old Act which was last amended in 1974, whereby, under Section 44 of the Act, the provision for the Central Government to make rules by notification in the official Gazette for guidance of officers in all matters connected with enforcement of the Act was incorporated.

39. The Committee are of the view that the situation in and around some of the defence establishments have changed a lot over the span of last 120 years, and due to increase in property expansion, habitations in certain areas, have come very close to the old defence establishments, which were set up over a century ago in deep jungle or vacant lands far away from human habitations. To take care of such changes the Ministry must have from time to time revised the restrictions to be imposed on civilians and must have also issued revised guidelines and instructions etc. related thereto over the time to keep pace with the time. The Committee are, therefore, of the strong view that to take care of such demographic changes brought over a century, the Department may immediately undertake an exercise to review to this century old Act or frame Rules incorporating therein the suitable provisions for addressing such changes instead of handling the same by ways of executive instructions or issuing circulars or guidelines.

40. The Committee are also of the view that, if the Act passed by the Parliament has made provision for framing of subordinate legislation, the same should be framed within the stipulated time period and if the Department does not feel the need of framing Rules/ Regulations for the same, then in such cases, the Ministry should consult the Ministry of Law and Justice and if the Ministry of Law and Justice too concurs with the view of the Department concerned, the Department should lay a statement before both the Houses outlining the reasons why the Department does not feel the need to frame subordinate legislation under the provision of the said Act. The Committee recommend the Ministry to take action accordingly and apprise the Committee of the action taken in this regard within 6 months of presentation of the Report to the House.

F. Rules/Regulations framed under the Cantonments Act, 2006

41. The Department in the background note dated 26.11.2022 furnished the objective of the Cantonments Act, 2006 as under :-

“An Act to consolidate and amend the law relating to the administration of cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities and for matters connected therewith or incidental thereto”.

42. And with regard to Rules/Regulations framed under the Cantonments Act, 2006 the Department submitted as under:-

“Total 13 Rules/ Regulations were required to be framed under Cantonments Act, 2006 and all have been framed and laid down in both Houses of the Parliament along with the delay statement of the Hon'ble Raksha Rajya Mantri, wherever applicable, giving reasons for the delay. The latest status of laying of all 13 Rules in Parliament is annexed. (Annexure - J). ”

43. However, on perusal of the Annexure-J, it was observed that while furnishing the status of Regulations framed and laid on the Table of House, under the Cantonments Act, 2006, the Department had stated as under:

“It is informed that only Business Regulations are required to be framed under the Cantonments Act, 2006. It is further informed that the Business Regulations framed by the Cantonment Boards prior to coming into force of the Cantonments Act, 2006 continue to be in force and are deemed to have been made under the provisions of the Act ibid as per the Section 360 (2) of the said Act”.

44. The Ministry did not furnish the status pertaining to framing of bye-laws by the Board and laying of the same before both the Houses, as provided under Section 348 and 350(4) of the Cantonments Act, 2006 respectively.

Observations/Recommendations

45. The Committee note that the Department of Defence in their background note has submitted that a total of 13 Rules were required to be framed under Cantonments Act, 2006 and all have been framed and laid in both Houses of the Parliament. Regarding the status of framing of Regulations, the Department has submitted that only Business Regulations are required to be framed under the Cantonments Act, 2006. It is further informed that the Business Regulations framed by the Cantonment Boards prior to coming into force of the Cantonments Act, 2006 continue to be in force as the same are deemed to have been made under the provisions of the Act as per Section 360 (2) (a) of the said Act, (Annexure- J). The Department did not furnish the status of bye-laws framed and laid before each House of Parliament as per the Sections 348 and 350(4), respectively, of the Cantonments Act, 2006.

46. The Cantonment areas were initially established at a considerable distance from cities, offering a peaceful and idyllic lifestyle. However, as cities grew and expanded over time, they encroached upon most of these Cantonments, resulting in congestion, pollution, and unplanned

Act and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 48.

(2)& (3) X X X

67. *Charging of fees.—The Board shall, for the purposes of this Act, charge the following fees, namely:—*

(a) to (f) X X X

(g) *such other fee which the Board may by regulation specify.*

204. *Government water-supply.—*

(1) to (3) X X X

(4) *In order to preserve the underground water level, the Board may make regulations for the digging or use of bore wells in the cantonment.”*

Under Section 157(1) (b) also there is a provision for the Commanding Officer to make such temporary regulations to be observed by public, or by any class or section of the public, as he thinks necessary to prevent the outbreak of infectious and epidemic disease. So, at the time COVID pandemic, the Board Commanding Officer might have made temporary regulations.

49. The Committee are, therefore, of the strong opinion that as the demographic situation and also the developmental activities of the Cantonments, categorisation of Cantonments underwent drastic change over the years, the Rules, Bye-laws etc framed for their functioning must have also undergone the change over the span of almost a century, thereby causing a need to relook into the provisions laid down in the pre-independence Act of 1924, including the Regulations framed thereunder. To cite an example the Regulation required to be framed under Clause (4) of Section 204 of the Cantonments Act, 2006 by the Board for digging or use of borewell in Cantonment in order to preserve the underground water level, was not existing in Cantonments Act, 1924. Further, the heads under which fees was charged must have undergone change, the meetings procedures, constitution of Committees etc. must have also changed. The Committee, thus, feel that the business regulations which continue to be in force by virtue of Section 360(2)(a) of the Cantonments Act, 2006 may not be adequate to meet the present day requirements.

50. The Committee would, therefore, recommend the Department to start reviewing of the old regulations framed under the Act, 1924 which continue to be in force till date, with a view to ascertain if these regulations are adequate to meet the purpose of the Act in present time also. The Committee would also like the Department to furnish the list of all such rules/ regulations, which after the review, need to be in force as per the provisions made under Section 360(2)(a) of the Cantonments Act, 2006 within 6 months after the presentation of the report to the House.

51. The Committee further desires that, if during the course of revision, any new regulations(s) is/are required to be framed, including the one required to be framed under Section 204(4) or Section 157(1) as mentioned in Para 43 above, the same may be notified under the relevant provisions of the Cantonments Act, 2006 and apprise the Committee of the final action taken in this regard.

52. The Committee further recommend the Department to prepare a list of all the regulations, which continue to be in force vide Section 360(2)(a) of the Cantonments Act, 2006 and lay the same before each House of Parliament if not already laid. The Department should also undertake an exercise to frame, notify and lay new regulations, if required. The list giving the status of all the required regulations framed/ amended, Bye-laws made and notified till date under the Cantonments Act of 1924 and of 2006 may be prepared and submitted for consideration of the Committee within six months of the presentation of the Report.

53. The Committee further note that Section 360(2)(a) of the Act, 2006 reads as under

"360(2)(a) - any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under the Act shall, in so far as it is not in consistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted, under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions."

54. The matter which needs further attention is that the expressions viz. notification, order, scheme, any appointment, rule, form, notice or bye-law made and any licence or permission granted have been exhaustively used in the above Section of the Act. However, the expression 'Regulation' has not been used. In the opinion of the Committee, absence of expression 'Regulations' in the Section raises a doubt as to if the regulations issued under the Act of 1924 will continue to be in force by Section 360(2)(a) of the Act, 2006, as submitted by the Department. The Committee would, therefore, like the Department to seek clarification from the Ministry of Law & Justice in this regard and apprise the Committee of the same.

New Delhi;
23 March, 2023
02 Chaitra,1945 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

APPENDIX I

(Vide Para 4 of the Introduction of the Report)

SUMMARY OF RECOMMENDATIONS MADE IN THE TWENTY-SEVENTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(SEVENTEENTH LOK SABHA)

Sl.No.	Reference to Para No. in the Report	Summary of Recommendations
1	20	<p>Status of framing of subordinate legislation viz. Rules/Regulations etc. under various Acts being administered by the Department of Defence in the Ministry of Defence, Government of India</p> <p>The Committee note that while furnishing details of Acts being administered by the Department of Defence, the Department in their background note dated 26.11.2022 had furnished list of only 5 Acts and did not mention about the Cantonments (House Accommodation) Act, 1923 which was added by the Department subsequently. Such incongruence has been noticed on the homepage of the Department's website also, where under the icon of 'Acts & Rules' besides above 6 Acts, other Acts such as Tribunal Reforms Act, 2021, Indian Reserve Forces Act, 1888, Air Force Act, 1950, The Navy Act, 1957, Army Act, 1950, Army and Air Force (Disposal of Private Property) Act, 1950 and few more Acts have been shown. The Ministry did not give a clear list of the Acts being actually administered by the Department despite repeated requests made to the Department to furnish the same.</p>
	21	<p>The Committee further note with concern that despite sending repeated reminders, requesting the Department to furnish, in the given format, the status of Rules/ Regulations framed, not yet framed etc. w.r.t. all the Acts being administered by them, the Department furnished the status for the Cantonments Act, 2006 only and for other Acts, instead of furnishing the details, the Department has merely stated that, all the rules/ regulations required to be framed under the various Acts, being administered by the Department of Defence, have been framed and laid before both the Houses of Parliament.</p>

	22	<p>The Committee take serious note of furnishing of such incongruent and incomplete information by the Department to a Parliamentary Committee. The Committee are, thus of the view that when any information is sought by a Parliamentary Committee, the Department should ensure that the complete information in the requisite format is furnished timely to the Committee. Furnishing of incorrect and incomplete information displays lack of seriousness on the part of the Ministry/ Department.</p>
	23	<p>The Committee, thus, express serious concern over this casual approach of the Ministry towards framing of Subordinate Legislation and are also of the strong view that, when the Ministry was asked by a Parliamentary Committee to furnish the status of rules framed and laid on the table of both Houses under various Acts being administered by them, the Ministry's sincere efforts should have been to compile and furnish the correct updated information to the Committee in the prescribed format. The Committee would, therefore, direct the Ministry to evolve a foolproof system for the same and if required give training to the Officers/Staff so that the laid down procedure pertaining to framing of the Subordinate Legislation, as elaborated in the Manual of Parliamentary Procedure is followed in letter and spirit. The Ministry should also evolve a system to upload details of the Acts being administered or implemented by the Ministry and status of Rules/Regulations/Ordinances/Statutes etc. on the Webpage of the Ministry and ensure that the same are also being regularly updated. The Committee would like to be apprised of the action take in this regard.</p>
	28	<p>The Ministry of Defence was requested <u>vide</u> this Secretariat O.Ms as mentioned in para 27 above and also while taking briefing by the Department of Defence on 29.11.2022 to furnish the dates of laying of all Rules, Regulations, Notifications notified under the each Act before both the Houses, in addition to other information. The Committee are concerned to note that while furnishing the details of laying of all the rules framed under the Acts, the Department of Defence furnished information on status of rules laid before the Houses under the Armed Forces Tribunal Act, 2007 and the Cantonments Act, 2006 only. The information provided was incomplete because the dates on which the Rules/ Regulations framed under these two Acts was not mentioned.</p>

		Further w.r.t. the Armed Forces Tribunal Act, 2007 the Department had provided information about details of laying of only Recruitment Rules for Group 'A' 'B' & 'C' and Accounts Cadre Posts. The information pertaining to laying of other Rules required to be framed under Section 41 of the Act was not provided.
	29	It's more appalling for the Committee to note from the limited information provided by the Department that the Ministry had delayed laying of Recruitment Rules notified in the years 2013, 2018 and 2019 under the Armed Forces Tribunal Act, 2007 by 3 to 9 years as all these rules were laid before House in 2022. The Department simply stated that these rules could not be laid timely before Parliament due to oversight.
	30	The Committee, thus, take note of such delays and are of the view that concerted efforts should be made by the Department in dealing with matters related to timely framing and laying of 'Orders' before the House. The Committee strongly hold that if the Rules are not laid within the prescribed time limit, it is construed as violation of statutory obligation as provided in each Act. The Committee are of the view that the Department of Defence should strictly adhere to the timeline as laid in the oft-repeated recommendation of the Committee and also as prescribed in the Manual on Parliamentary Procedure wherein it has emphasized time and again that rules/regulations should invariably be laid before the Houses within a period of 15 days (30 days in case of notifications relating to a State under the President's rule) after its notification. The Committee would also like the Department to evolve a fool proof mechanism of laying of Orders before Parliament, so that such undue delays do not recur. The Committee, would like the Department to apprise the steps taken by the Ministry to avoid such delays in future.
	31	The Committee would like to recommend the Department to compile the data w.r.t. to framing, notifying and laying of Subordinate Legislation under each Act being administered/ implemented by the Department and its Subordinate Office and furnish the same in the prescribed format, within 6 months from presentation of the Report in the House for consideration by the Committee.
	36	The Committee note that the Department of Defence in the Ministry of Defence in their background note has submitted that, the objective of the Act is to impose restriction upon use and enjoyment of land in

		the vicinity of Works of Defence in order to ensure that habitation, construction and other activities are facilitated in a way to ensure safety and security of works/works of Defence on one hand and safety of population residing in vicinity of Works/Works of Defence on the other and for payment of fair compensation to persons interested in such land on account of reasonable restrictions likely to be imposed.
	37	The Committee, further, note that Section 44 of Works of Defence Act, 1903 empowers central government to make rules for the guidance of officers in all matters connected with the enforcement of this Act. It has been, however, noticed from the background material provided by the Department that no rule has been framed under the Works of Defence Act, 1903 on the grounds that the Works of Defence Act is a vintage Act of 1903 which was notified during the British time and it is a very detailed legislation which did not require any rules to be framed. Hence, no rules were framed.
	38	The Committee, however, are not convinced with the justification given by the Department for not framing the subordinate legislation under the Works of Defence Act, 1903, on the ground that the legislation is very detailed and vintage, which does not require any rules to be framed. In the opinion of the Committee, the work of Defence Act, 1903 is a 120 years old Act which was last amended in 1974, whereby, under Section 44 of the Act, the provision for the Central Government to make rules by notification in the official Gazette for guidance of officers in all matters connected with enforcement of the Act was incorporated.
	39	The Committee are of the view that the situation in and around some of the defence establishments have changed a lot over the span of last 120 years, and due to increase in property expansion, habitations in certain areas, have come very close to the old defence establishments, which were set up over a century ago in deep jungle or vacant lands far away from human habitations. To take care of such changes the Ministry must have from time to time revised the restrictions to be imposed on civilians and must have also issued revised guidelines and instructions etc. related thereto over the time to keep pace with the time. The Committee are, therefore, of the strong view that to take care of such

		demographic changes brought over a century, the Department may immediately undertake an exercise to review to this century old Act or frame Rules incorporating therein the suitable provisions for addressing such changes instead of handling the same by ways of executive instructions or issuing circulars or guidelines.
	40	The Committee are also of the view that, if the Act passed by the Parliament has made provision for framing of subordinate legislation, the same should be framed within the stipulated time period and if the Department does not feel the need of framing Rules/ Regulations for the same, then in such cases, the Ministry should consult the Ministry of Law and Justice and if the Ministry of Law and Justice too concurs with the view of the Department concerned, the Department should lay a statement before both the Houses outlining the reasons why the Department does not feel the need to frame subordinate legislation under the provision of the said Act. The Committee recommend the Ministry to take action accordingly and apprise the Committee of the action taken in this regard within 6 months of presentation of the Report to the House.
	45	The Committee note that the Department of Defence in their background note has submitted that a total of 13 Rules were required to be framed under Cantonments Act, 2006 and all have been framed and laid in both Houses of the Parliament. Regarding the status of framing of Regulations, the Department has submitted that only Business Regulations are required to be framed under the Cantonments Act, 2006. It is further informed that the Business Regulations framed by the Cantonment Boards prior to coming into force of the Cantonments Act, 2006 continue to be in force as the same are deemed to have been made under the provisions of the Act as per Section 360 (2) (a) of the said Act, (Annexure- J). The Department did not furnish the status of bye-laws framed and laid before each House of Parliament as per the Sections 348 and 350(4), respectively, of the Cantonments Act, 2006.
	46	The Cantonment areas were initially established at a considerable distance from cities, offering a peaceful and idyllic lifestyle. However, as cities grew and expanded over time, they encroached upon most of these Cantonments, resulting in congestion, pollution, and unplanned development of civil areas

		<p>within them. This, in turn, has led to issues such as population explosion, commercialization of properties, and expiry of land lease agreements between the government and local residents. Unless these leases are renewed or freehold purchase is allowed, there will be unauthorized construction issues that may end up in courts. To address these concerns, the Cantonments Act of 2006 was enacted, which replaced the previous Cantonment Act of 1924. The new Act aims to introduce a greater democratization process and improve the financial base to enhance developmental activities in Cantonments.</p>
	47	<p>The Committee further note that in the process of consolidating and amending the law relating to administration of cantonments, some new provisions were added in the Cantonments Act, 2006. As a result of which the arrangement of Sections have changed and the provision which delegates power to frame Regulations under Section 44 of the Cantonments Act, 1924 has now come under Section 48 of the Cantonments Act, 2006 which reads as under:-</p> <p><i>"48. Power to make regulations.—(1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely:—</i></p> <ul style="list-style-type: none"> <i>(a) the time and place of its meetings;</i> <i>(b) the manner in which notice of the meeting shall be given;</i> <i>(c) the conduct of proceedings at meetings and the adjournments of meetings;</i> <i>(d) the custody of the common seal of the Board and the purposes for which it shall be used; and</i> <i>(e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws".</i>
	48	<p>The Committee note that to frame Regulations as per provisions of Sections 39, 47, 67 and 204 of</p>

		<p>the Cantonments Act, 2006 read as under: -</p> <p>"39. Meetings.—(1) Every Board shall meet at least once in a month to transact its business on such day as may be fixed by the President and in his absence by the Vice-President, and its notice shall be given in such manner as may be provided in the regulations made by the Board under this Chapter.</p> <p>(2) &(3) X X</p> <p>47. Committees for civil areas.—(1) Every Board constituted under section 12 in a cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of the civil area in the cantonment as notified under section 46 of this Act and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 48.</p> <p>(2)& (3) X X</p> <p>67. Charging of fees.—The Board shall, for the purposes of this Act, charge the following fees, namely:—</p> <p>(a) to (f) X X</p> <p>(g) such other fee which the Board may by regulation specify.</p> <p>204. Government water-supply.—</p> <p>(1) to (3) X X</p> <p>(4) In order to preserve the underground water level, the Board may make regulations for the digging or use of bore wells in the cantonment."</p> <p>Under Section 157(1) (b) also there is a provision for the Commanding Officer to make such temporary regulations to be observed by public, or by any class or section of the public, as he thinks necessary to prevent the outbreak of infectious and epidemic disease. So, at the time COVID pandemic, the Board Commanding Officer might have made</p>
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		temporary regulations.
	49	The Committee are, therefore, of the strong opinion that as the demographic situation and also the developmental activities of the Cantonments, categorisation of Cantonments underwent drastic change over the years, the Rules, Bye-laws etc framed for their functioning must have also undergone the change over the span of almost a century, thereby causing a need to relook into the provisions laid down in the pre-independence Act of 1924, including the Regulations framed thereunder. To cite an example the Regulation required to be framed under Clause (4) of Section 204 of the Cantonments Act, 2006 by the Board for digging or use of borewell in Cantonment in order to preserve the underground water level, was not existing in Cantonments Act, 1924. Further, the heads under which fees was charged must have undergone change, the meetings procedures, constitution of Committees etc. must have also changed. The Committee, thus, feel that the business regulations which continue to be in force by virtue of Section 360(2)(a) of the Cantonments Act, 2006 may not be adequate to meet the present day requirements.
	50	The Committee would, therefore, recommend the Department to start reviewing of the old regulations framed under the Act, 1924 which continue to be in force till date, with a view to ascertain if these regulations are adequate to meet the purpose of the Act in present time also. The Committee would also like the Department to furnish the list of all such rules/ regulations, which after the review, need to be in force as per the provisions made under Section 360(2)(a) of the Cantonments Act, 2006 within 6 months after the presentation of the report to the House.
	51	The Committee further desires that, if during the course of revision, any new regulations(s) is/are required to be framed, including the one required to be framed under Section 204(4) or Section 157(1) as mentioned in Para 43 above, the same may be notified under the relevant provisions of the Cantonments Act, 2006 and apprise the Committee of the final action taken in this regard.
	52	The Committee further recommend the Department to prepare a list of all the regulations, which continue to be in force vide Section 360(2)(a) of the Cantonments Act, 2006 and lay the same before each House of

		Parliament if not already laid. The Department should also undertake an exercise to frame, notify and lay new regulations, if required. The list giving the status of all the required regulations framed/ amended, Bye-laws made and notified till date under the Cantonments Act of 1924 and of 2006 may be prepared and submitted for consideration of the Committee within six months of the presentation of the Report.
	53	The Committee further note that Section 360(2)(a) of the Act, 2006 reads as under <i>"360(2)(a) - any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under the Act shall, in so far as it is not in consistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted, under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions."</i>
	54	The matter which needs further attention is that the expressions viz. notification, order, scheme, any appointment, rule, form, notice or bye-law made and any licence or permission granted have been exhaustively used in the above Section of the Act. However, the expression 'Regulation' has not been used. In the opinion of the Committee, absence of expression 'Regulations' in the Section raises a doubt as to if the regulations issued under the Act of 1924 will continue to be in force by Section 360(2)(a) of the Act, 2006, as submitted by the Department. The Committee would, therefore, like the Department to seek clarification from the Ministry of Law & Justice in this regard and apprise the Committee of the same.

APPENDIX II
(Vide Para 5 of the Introduction of the Report)

**MINUTES OF THE SECOND SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (2022-2023)**

The second sitting of the Committee on Subordinate Legislation (2022-23) was held on Tuesday, the 29th November, 2022 from 1200 to 1300 hours in Committee Room No. '02', Extension to Parliament House Annexe, New Delhi.

PRESENT

1. Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri Pinaki Misra
3. Dr. Pritam Gopinath Rao Munde
4. Shri Chandeshwar Prasad
5. Shri Nama Nageswara Rao
6. Shri Sanjay Seth
7. Dr. Amar Singh
8. Shri Brijendra Singh

SECRETARIAT

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

LIST OF WITNESSES
MINISTRY OF DEFENCE
(DEPARTMENT OF DEFENCE)

S. No.	Name of Person	Designation
1.	Shri Giridhar Aramane	Defence Secretary
2.	Smt. Nivedita Shukla Verma	Spl. Secretary
3.	Lt. Gen. Anil Puri	Additional Secretary (DMA)
4.	Shri Ajay Kumar Sharma	DGDE
5.	Ms. Rasika Chaube	Financial Advisor
6.	Shri Pankaj Agarwal	DG(Acq.) & AS(PA)
7.	Ms. Dipti Mohil Chawla	Additional Secretary
8.	Shri D.K. Rai	Joint Secretary
9.	Shri Rakesh Mittal	Joint Secretary

10.	Shri Manish Tripathi	Joint Secretary
11.	Dr. Ajay Kumar	Joint Secretary
12.	Shri Mayank Tewari	Joint Secretary
13.	Shri Vishwesh Negi	Joint Secretary
14.	Ms. Nistha Upadhyay	Joint Secretary
15.	Shri VS Pathania	DG, ICG
16.	Rear Adm. Puneet Chadha	ADG
17.	Ms. Sonam Yangdol	Addl. DG

2. At the outset, the Hon'ble Chairperson welcomed Members to the sitting of the Committee. Thereafter, representatives of the Department of Defence in the Ministry of Defence were called in to brief the Committee on the subject 'status of framing of Rules/ Regulations etc. under various Acts being implemented and administered by the Department and various other Attached Offices, Autonomous Bodies/ Institutions/Statutory Bodies etc. functioning under the administrative control of the Department'. After welcoming representatives of the Department to the sitting of the Committee, the Chairperson drew their attention to Direction 55 (1) of the Directions by the Speaker regarding the confidentiality of proceedings of the sitting.

3. After the customary introduction, the representative of the Department made a brief Power Point Presentation on the role & functions of the Department, details of Acts where subordinate legislation is required to be framed and status of Rules and Regulations framed where required & laid on the Table of both Houses.

4. Thereafter, the Committee sought clarification for not furnishing the status pertaining to framing of Rules/Regulations & laying of the same on the Table of both Houses under various Acts being administered by them as desired by the Secretariat *vide OM* dated 25th June, 2021 and subsequent reminders issued for the same, reasons for delay in framing of rules/regulations under the Cantonments Act, 2006 and for non framing of subordinate legislations as required to be framed under the Works of Defence Act, 1903, progress made under 'Make in India' scheme being implemented in the defence sector and major policies formulated to ensure self-reliance in defence manufacturing, cantonment issues, criteria being followed for selection of locations for sainik schools & admission procedure being followed by them, measures taken by the Department to fill up vacancies, etc.

5. The representatives of the Department furnished clarifications to the questions raised by the Committee. On some of the points, where the information

was not readily available, the Chairperson asked representatives of the Ministry to furnish written replies to the same within 15 days to the Lok Sabha Secretariat.

6. At the end of deliberations, the Chairperson thanked representatives of the Department of Defence for providing valuable information to the Committee on various issues related to the subject

7. **The witnesses then withdrew.**

A verbatim record of the proceedings of the sitting has been kept separately.

The Committee then adjourned.

APPENDIX III

(Vide Para 5 of the Introduction of the Report)
**EXTRACTS FROM MINUTES OF THE TWELFTH SITTING OF THE
COMMITTEE ON SUBORDINATE LEGISLATION (2022-2023)**

—

The Twelfth sitting of the Committee (2022-23) was held on Thursday, the 23rd March, 2023 from 1500 to 1530 hours in Chairperson Room No. 209, Extension to Parliament House Annexe, New Delhi.

PRESENT

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri Chandeshwar Prasad
3. Shri N.K. Premachandran
4. Shri Suresh Kumar Pujari
5. Dr. Amar Singh
6. Shri Brijendra Singh
7. Shri Su Thirunavukkarasar
8. Shri Ram Kripal Yadav
9. 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 Committee then considered the following draft Reports:-

- (i) xx xx xx xx
- (ii) The Twenty-seventh Report on the status of framing of Subordinate Legislation viz. Rules/ Regulations etc. under various Acts being administered by the Department of Defence in the Ministry of Defence, Government of India;
- (iii) xx xx xx xx
- (iv) xx xx xx xx

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

Ministry of Defence
D(O&C)

**Sub: Framing of Rules & Regulations under the Cantonments Act, 2006 -
Regarding.**

Reference is invited to email dated 15.07.2022 on the subject mentioned above.

2. The current status of framing of rules, regulations and statutes under the Cantonments Act, 2006 is enclosed herewith for information and further action. Accordingly, it is requested that the matter may be treated as complete.


(Rajesh Kumar Sah)
Deputy Director (Q&C)
o/c

D(Parl)

MoD ID No. 14(1)/2007-D(Q&C) dated 18.07.2022

Copy for information to:

- (i) Rajya Sabha Secretariat w.r.t OM No. RS.21/7/2007-COSL dated 08.07.2022
- (ii) Lok Sabha Secretariat w.r.t OM No. 24(1)/COSL/2021 dated 12.07.2022

SUBORDINATE LEGISLATIONS (SLs) YET TO BE FRAMED UNDER THE ACTS PASSED BY THE PARLIAMENT

Ministry of Defence

Act(s) under which framing of Rules/Regulations/Statutes (SL) is/are pending / under process	Section / Sub-Section regarding framing of Rules / Regulations / Statutes	Date of Notification	If yet to be notified, likely date of Notification	Date of laying of SL in Parliament		Date of submission of Completion Certificate to CoSL, Rajya Sabha	Remarks
				Lok Sabha	Rajya Sabha		
	2	4	5	6	7	8	9
	Rules : Number and Date of Gazette notification in which the rules are published						
The Cantonment Act, 2006	1. Cantonments (Payments of Allowances to Vice-President and Elected Members) Rules, 2011 published vide S.R.O. 6(E) dated 01.08.2011 2. The Election of Vice-President of the Cantonment Board (Procedure) Rules, 2011 published vide S.R.O 10(E) Dated 04.11.2011 3. The Cantonment Electoral Rules, 2007 published vide S.R.O. 5(E) dated 21.08.2007 4. The Grant of Leave to Members of Cantonment Board Rules, 2011 published vide S.R.O. 12(E) Dated 26.11.2011 5. The Transfer of Property in Cantonments (Form of notice and manner of giving such notice) Rules, 2016 published vide S.R.O. 15(E) dated 30.12.2016 6. The Cantonments (Execution of Warrants for the Attachment and Sale of Immovable Property) Rules, 2016 published vide S.R.O. 14(E) dated 30.12.2016	01.08.2011	NA	12.12.2011	14.12.2011		
		04.11.2011	NA	12.12.2011	07.12.2011		
		21.08.2007	NA	03.12.2007	05.12.2007		
		26.11.2011	NA	19.03.2012	21.03.2012		
		30.12.2016	NA	10.03.2017	21.03.2017		
		30.12.2016	NA	10.03.2017	21.03.2017		

7. The Cantonments (Forms and Manner of Service of Notices) Rules, 2017 published vide S.R.O. 2(E) dated 24.01.2017	Section 346(2)(i)	24.01.2017	NA	10.03.2017	21.03.2017	
8. The Cantonments (Form of Annual Inspection Report) Rules, 2017 published vide S.R.O. 6(E) dated 03.05.2017	Section 346	03.05.2017	NA	27.12.2017	02.01.2018	
9. The Cantonments (Regulation of the Procedure of Committee of Arbitration) Rules, 2017 published vide S.R.O. 15(E) dated 18.05.2017	Section 346(2)(i)	18.05.2017	NA	27.12.2017	02.01.2018	
10. The Cantonment Property Rules, 2017 published vide S.R.O. 31(E) dated 01.12.2017	Section 125	01.12.2017	NA	27.12.2017	02.01.2018	
11. The Cantonment Board Account Rules. 2020 published vide S.R.O. 2(E) dated 03.03.2020	Section 346(2)(f) read with Section 125	03.03.2020	NA	24.03.2021	28.03.2021	
12. Cantonment Board Employees Service Rules, 2021 Published vide S.R.O. 16(E) dated 13.10.2021	Section 346 (2)(d) & (e)	13.10.2021	NA	10.12.2021	13.12.2021	
13. The Cantonment Land Administration Rules, 2021, Published vide S.R.O. 24(E) dated 01.12.2021	Section 346(2) a&b	01.12.2021	NA	17.12.2021	20.12.2021	
Regulations*	It is informed that only Business Regulations are required to be framed under the Cantonments Act, 2006. It is further informed that the Business Regulations framed by the Cantonment Boards prior to coming into force of the Cantonments Act, 2006 continue to be in force and are deemed to have been made under the provisions of the Act <i>ibid</i> as per the Section 360(2) of the said Act.					
Statutes	(i)					
	(ii)					
	(iii)					

Ministry of Defence
D(Q&C)

Sub: Framing of Rules & Regulations under Acts passed by the Parliament.

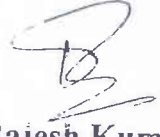
Reference Rajya Sabha Secretariat OM No. RS 7/4/2019-COSL dated 13.04.2021 on the subject mentioned above.

2. In this context, it is submitted that Cantonment Act, 2006 came into effect on 18.12.2006 after repealing Cantonment Act, 1924. Under the Cantonments Act, 1924, 13 Sets of Rules were in existence. In replacement of these 13 sets of Rules, 11 sets of Rules have already been finally notified. Of the remaining two sets of Rules i.e. Cantonment Fund Servant Rules (CFSR) and Cantonment Land Administration Rules (CLAR), it is submitted that the final draft of Cantonment Fund Servant Rules, 2021 has been approved by Hon'ble RM, which will be notified shortly, after vetting by M/o Law & Justice. Further, with the approval of Hon'ble RM, draft Cantonment Land Administration Rules, 2021 were notified in the Official Gazette on 23.06.2021 for inviting objections / suggestions from the public. Present status of framing of Rules is attached as Annexure.

3. Although, the remaining Rules are still effective and are saved under Section 360(2)(a) of the Cantonments Act, 2006, these Rules are required to be updated for which Ministry needs some additional time frame.

4. Since it is likely to take some more time for framing of remaining rules / regulations, it is, therefore, requested that further additional time of three months may kindly be granted for completion of framing of rules / regulations.

5. This issues with the approval of Raksha Rajya Mantri


(Rajesh Kumar Sah)
Deputy Director (Q&C)

Shri Prem Singh, Additional Director, Rajya Sabha Secretariat

MoD ID No. 14(1)/2007-D(Q&C) dated 18.07.2021

Copy for information to:

- 1) Secretary, Legislative Department, Ministry of Law & Justice
- 2) Dr. Tina Soni, Deputy Secretary (Cabinet Secretariat) w.r.t ID No. 403/2/1/2018-CA./T/S dated 19.05.2021.
- 3) D(Parl) w.r.t ID No. Fi-11011/5/2015/D(Parl)(Pt.) dated 01.06.2021.

Status of framing of Rules under Cantonments Act, 2006

A) Rules notified and laid on the table of both Houses of Parliament:

- i) The Cantonment (Payment of Allowance to Vice President) Rules, 2011.
- ii) The Election of Vice-President of the Cantonment Board (Procedure) Rules, 2011.
- iii) The Cantonment Electoral Rules, 2007.
- iv) The Grant of Leave to Members of Cantonment Board Rules, 2011.
- v) The Transfer of Property in Cantonments (Form of Notice & Manner of giving such notice) Rules, 2016 – Finally notified on 30.12.2016 and laid before both Houses of the Parliament (Lok Sabha – 10.03.2017 & Rājya Sabha – 21.03.2017).
- vi) The Cantonment (Execution of Warrants for the attachment and sale of immovable property) Rules, 2016 – Finally notified on 30.12.2016 and laid before both Houses of the Parliament (Lok Sabha – 10.03.2017 & Rajya Sabha – 21.03.2017).
- vii) The Cantonment (Forms and Manner of Service of Notice) Rules, 2016 – Finally notified on 24.01.2017 and laid before both Houses of the Parliament (Lok Sabha – 10.03.2017 & Rajya Sabha – 21.03.2017).
- viii) The Cantonment (Form of Annual Report on Cantonment Administration) Rules, 2017 – Finally notified on 03.05.2017 and laid before both Houses of the Parliament (Lok Sabha – 27.12.2017 & Rajya Sabha – 02.01.2018).
- ix) The Cantonment (Regulation of Procedure of Committees of Arbitration) Rules, 2017 – Finally notified on 18.05.2017 laid before both Houses of the Parliament (Lok Sabha – 27.12.2017 & Rajya Sabha – 02.01.2018).
- x) The Cantonment Property Rules, 2017 – Finally notified on 01.12.2017 and laid before both Houses of the Parliament (Lok Sabha – 27.12.2017 & Rajya Sabha – 02.01.2018).
- xi) The Cantonment Board Account Code, 2020 – Finally notified on 03.03.2020 and laid before both Houses of the Parliament (Lok Sabha – 24.03.2021 & Rajya Sabha – 25.03.2021).

B) Rules under consideration in the Ministry:

Sl	Title of the proposed Rule	Present status/Reasons of Delay:
(i)	Cantonment Fund Servant Rules, 2020 in lieu of Cantonment Fund Servant Rules, 1937.	Draft Cantonment Fund Servant Rules, 2020 have been notified in the Official Gazette on 21.12.2020 for inviting objections / suggestions from the public. Subsequently, after consideration of objections / suggestions received from the public, approval of Hon'ble RM has been obtained and final draft Cantonment Fund Servant Rules, 2020 have been referred to MoL&J for vetting.
(ii)	Cantonment Land Administration Rules (CLAR), 2021 in lieu of Cantonment Land Administration Rules (CLAR), 1937	With the approval of Hon'ble RM, draft Cantonment Land Administration Rules, 2021 were notified in the Official Gazette on 23.06.2021 for inviting objections / suggestions from the public.

Ministry of Defence
D(Q&C)

Subject: Framing of rules under Cantonments Act, 2006-reg.

Please refer to Lok Sabha Secretariat letter No. 24(1)/COSL/2021 dated 09.12.2021 on the subject mentioned above.

2. In this regard, it is submitted that total 13 Rules to be framed under the Cantonments Act, 2006, have been notified. A copy of the status of the Rules is enclosed herewith.


Encl: As above.


(Rajesh Kumar Sah)
Dy. Director (Q&C)

Shri T.S. Rangarajan, Director, Lok Sabha Secretariat
MoD No. 14(1)/2007-D(Q&C) dated 17.12.2021

Copy to:

✓ D(Parl)- With respect to MoD ID No. H-11011/2/2021/D(Parl) dated 16.12.2021


श्री जगत

Confirmed from Q&C Section. The above information has the approval of Joint secretary (Lands)


28/12/2021
Arvind Kumar
US (Parl/Welfare)

STATUS OF FRAMING OF RULES/REGULATIONS ETC. UNDER VARIOUS ACTS

Sl. No.	Name of the Act	Act No./ Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Name of the Ministry/Department - Ministry of Defence/Directorate General Defence Estates	Date of laying of rules and regulations in Lok Sabha/Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief
1	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No 2 of 1924)	Section 48	Section 48 (Section 44 of the repealed Cantonments Act, 1924)	6	7	8	9	10
2			Section 48	Section 48 (Section 44 of the repealed Cantonments Act, 1924)	Gazette Notification of these regulations was not required as per the provisions of Section 44 of the Cantonments Act, 1924.	Not Available	NIL	NA	NA
3			Section 346	Section 346	1. Cantonments (Payments of Allowances to Vice-President and Elected Members) Rules, 2011 published vide S.R.O. 6(E) dated 01.08.2011	Lok Sabha - NA Rajya Sabha - NA	NIL	NA	NA
4			Section 19(3)	Section 19(3)	2. The Election of Vice-President of the Cantonment Board (Procedure) Rules, 2011 published vide S.R.O. 10(E) Dated 04.11.2011	Lok Sabha - NA Rajya Sabha - NA	NIL	NA	NA
5			Section 31	Section 31	3. The Cantonment Electoral Rules, 2007 published vide S.R.O. 5(E) dated 21.08.2007	Lok Sabha - NA Rajya Sabha - NA	NIL	NA	NA
6			Section 346 (2)(k)	Section 346 (2)(k)	4. The Grant of Leave to Members of Cantonment Board Rules, 2011 published vide S.R.O. 12(E) Dated 26.11.2011	Lok Sabha - NA Rajya Sabha - NA	NIL	NA	NA
7			Section 346 (2)(m)	Section 346 (2)(m)	5. The Transfer of Property in Cantonments (Form of notice and manner of giving such notice) Rules, 2016 published vide S.R.O. 15(E) dated 30.12.2016	Lok Sabha - 10.03.2017 Rajya Sabha - 21.03.2017	NIL	NA	NA
8			Section 105 (6)	Section 105 (6)	6. The Cantonments (Execution of Warrants for the Attachment and Sale of Immovable Property) Rules, 2016 published vide S.R.O. 14(E) dated 30.12.2016	Lok Sabha - 10.03.2017 Rajya Sabha - 21.03.2017	NIL	NA	NA
9			Section 346 (2)(l)	Section 346 (2)(l)	7. The Cantonments (Forms and Manner of Service of Notices) Rules, 2017 published vide S.R.O. 2(E) dated 24.01.2017	Lok Sabha - 10.03.2017 Rajya Sabha - 21.03.2017	NIL	NA	NA
10			Section 346	Section 346	8. The Cantonments (Form of Annual Inspection Report) Rules, 2017 published vide S.R.O. 6(E) dated 03.05.2017	Lok Sabha - 27.12.2017 Rajya Sabha - 02.01.2018	NIL	NA	NA
11			Section 346 (2)(i)	Section 346 (2)(i)	9. The Cantonments (Regulation of the Procedure of Committee of Arbitration) Rules, 2017 published vide S.R.O. 15(E) dated 18.05.2017	Lok Sabha - 27.12.2017 Rajya Sabha - 02.01.2018	NIL	NA	NA
12			Section 125	Section 125	10. The Cantonment Property Rules, 2017 published vide S.R.O. 31(E) dated 01.12.2017	Lok Sabha - 27.12.2017 Rajya Sabha - 02.01.2018	NIL	NA	NA
13			Section 346 (2)(f) read with Section 125	Section 346 (2)(f) read with Section 125	11. The Cantonment Board Account Rules, 2020 published vide S.R.O. 2(E) dated 03.03.2020	Lok Sabha - 27.12.2017 Rajya Sabha - 02.01.2018	NIL	NA	NA
14			Section 346 (2)(d) & (e)	Section 346 (2)(d) & (e) (Section 289 (c)(cc) and (d) of repealed Cantonments Act, 1924)	12. The Cantonment Board Account Rules, 2020 published vide S.R.O. 2(E) dated 03.03.2020	Lok Sabha - 27.12.2017 Rajya Sabha - 02.01.2018	NIL	NA	NA

[Handwritten signature]

Annexure-D

अनुबंध - 'ड'

F. No. 11011/02/2021/D(Parl)
रक्षा मंत्रालय/ Ministry of Defence
भारत सरकार/Government of India

Room No. 18, South Block,
New Delhi, dated the 03rd March, 2022

OFFICE MEMORANDUM

Subject: Status of framing of Rules/Regulations etc. (Subordinate Legislations) under various Acts being administered by the Ministries/Departments-regarding.

The undersigned is directed to refer to Committee on Subordinate Legislation Branch, Lok Sabha Sectt.'s O.M. No. 24(1)/COSL/2021 dated 9th December, 2021 on the captioned subject and to forward herewith the requisite information in respect of Department of Defence, duly filled in the prescribed proforma, for necessary action at their end.

Encl.: As above


3/3/2022
(अरविंद कुमार / Arvind Kumar)

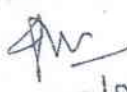
अवर सचिव (संसद)/Under Secretary(Parl)

फोन / Phone: 011-23012907

ई मेल/ E-mail: usparl_def@nic.in

To

Committee on Subordinate Legislation Branch,
[Kind attn. : Sh. T.S. Rangarajan, Director]
Parliament House, Lok Sabha Sectt.,
New Delhi-110001.

Issued.

2/3/21.

Status of Framing of Rules/Regulation ETC. UNDER VARIOUS ACTS

Sl No.	Name of the Ministry Department- Ministry of Defence/Directorate General Defence Estate								
	Name of the Act	Act No./Date of Enactment	Sections of the Act under which regulation are required to be framed	Sections of the Act under which regulations have been made	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulation in Lok Sabha/Rajya Sabha	Sections of Act under Which rules and Regulations have not been framed till date	In case of non-framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col.8, reason here for in brief
1	The Cantonments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346	Section 346	1. Cantonments (Payments of Allowances to Vice-President and Elected Members) Rules, 2011 published vide S.R.O. 6(E) dated 01.08.2011	Lok Sabha-NA Rajya Sabha-NA	NIL	NA	NA
2	The Cantonments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 19(3)	Section 19(3)	2. The Election of Vice-President of the Cantonment Board (Procedure) Rules, 2011 published vide S.R.O 10(E) Dated 04.11.2011	Lok Sabha-NA Rajya Sabha-NA	NIL	NA	NA
3	The Cantonments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 31	Section 31	3. The Cantonment Electoral Rules, 2007 published vide S.R.O. 5(E) dated 21.08.2007	Lok Sabha-NA Rajya Sabha-NA	NIL	NA	NA
4	The Cantonments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(k)	Section 346(2)(k)	4. The Grant of Leave to Members of Cantonment Board Rules, 2011 published vide S.R.O. 12(E) Dated 26.11.2011	Lok Sabha-NA Rajya Sabha-NA	NIL	NA	NA
5	The Cantonments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(m)	Section 346(2)(m)	5. The Transfer of Property in Cantonments (Form of notice and manner of giving such notice) Rules, 2016 published vide S.R.O. 15(E) dated 30.12.2016	Lok Sabha-NA Rajya Sabha-NA	NIL	NA	NA
6	The	41 of 2006/	Section 105 (6)	Section 105(6)	6. The Cantonments (Execution of Warrants for	Lok Sabha-	NIL	NA	NA

7	The Cantonnments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(i)	Section 346 (2)(i)	Section 346 (2)(i)	7. The Cantonnments (Forms and Manner of Service of Notices) Rules, 2017 published vide S.R.O. 2(E) dated 24.01.2017	Lok Sabha- 10.03.2017 Rajya Sabha- 21.03.2017	NIL	NA	NA	10.03.2017 Rajya Sabha- 21.03.2017
8	The Cantonnments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346	Section 346	Section 346	8. The Cantonnments (Form of Annual Inspection Report) Rules, 2017 published vide S.R.O. 6(E) dated 03.05.2017	Lok Sabha- 27.12.2017 Rajya Sabha- 02.01.2018	NIL	NA	NA	27.12.2017 Rajya Sabha- 02.01.2018
9	The Cantonnments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(i)	Section 346(2)(i)	Section 346(2)(i)	9. The Cantonnments (Regulation of the Procedure of Committee of Arbitration) Rules, 2017 published vide S.R.O 15(E) dated 18.05.2017	Lok Sabha- 27.12.2017 Rajya Sabha- 02.01.2018	NIL	NA	NA	27.12.2017 Rajya Sabha- 02.01.2018
10	The Cantonnments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 125	Section 125	Section 125	10. The Cantonnment Property Rules, 2017 published vide S.R.O. 31(E) dated 01.12.2017	Lok Sabha- 27.12.2017 Rajya Sabha- 02.01.2018	NIL	NA	NA	27.12.2017 Rajya Sabha- 02.01.2018
11	The Cantonnments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(f) read with Section 125	Section 346(2)(f) read with Section 125	Section 346(2)(f) read with section 125	11. The Cantonnment Board Account Rules: 2020 published vide S.R.O. 2(E) dated 03.03.2020	Lok Sabha- 24.03.2021 Rajya Sabha- 28.03.2021	NIL	NA	NA	24.03.2021 Rajya Sabha- 28.03.2021
12	The Cantonnments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346 (2)(d) & (e)	Section 346(2)(d) (Section 280(c), (cc) and (d) of repealed Cantonnments Act, 1924	Section 346(2)(d) (Section 280(c), (cc) and (d) of repealed Cantonnments Act, 1924	Cantonnment Board Employees Service Rules, 2021 Published vide S.R.O. 16(E) dated 13.10.2021	Lok Sabha- 10.12.2021 Rajya Sabha- 13.12.2021	NIL	NA	NA	10.12.2021 Rajya Sabha- 13.12.2021
13	The Cantonnments Act, 2006 (repealed) (Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2) a&b	Section 346(2) a&b Section 280 (a)(b) of Repealed Act, 1924	Section 346(2) a&b Section 280 (a)(b) of Repealed Act, 1924	The Cantonnment Land Administration Rules, 2021, Published vide S.R.O. 24(E) dated 01.12.2021	Lok Sabha- 17.12.2021 Rajya Sabha- 20.12.2021	NIL	NA	NA	17.12.2021 Rajya Sabha- 20.12.2021

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F. No. 11011/02/2021/D(Parl)
रक्षा मंत्रालय/ Ministry of Defence
भारत सरकार/Government of India

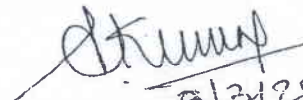
Room No. 18, South Block,
New Delhi, dated the 03rd March, 2022

OFFICE MEMORANDUM

Subject: Status of framing of Rules/Regulations etc. (Subordinate Legislations) under various Acts being administered by the Ministries/Departments-regarding.


The undersigned is directed to refer to Committee on Subordinate Legislation Branch, Lok Sabha Sectt.'s O.M. No. 24(1)/COSL/2021 dated 9th December, 2021 on the captioned subject and to forward herewith the requisite information in respect of Department of Defence, duly filled in the prescribed proforma, for necessary action at their end.


Encl.: As above


5/3/2022
(अरविंद कुमार / Arvind Kumar)
अवर सचिव (संसद)/Under Secretary(Parl)
फोन / Phone: 011-23012907
ई मेल/ E-mail: usparl_def@nic.in

To

→ Committee on Subordinate Legislation Branch,
[Kind attn. : Sh. I.S. Rangarajan, Director]
Parliament House, Lok Sabha Sectt.,
New Delhi-110001.


muralidharan. P
Director, Room No. 117, FF-
PHB


9.5.2022

Annexure - F

312

अनुसूची - 'एफ'

14(1)/2007-D(Q&C)
Government of India
Ministry of Defence


Sena Bhawan, New Delhi
04th July, 2022.

OFFICE MEMORANDUM

Sub: Framing of Rules & Regulation under Acts passed by the Parliament-reg.

Reference is invited to Ministry of Parliamentary Affairs OM No. 2(3)/2016-ME dated 20.06.2022 and MoD OM of even No. dated 20.02.2022 forwarding therewith updated status of rules under the Cantonments Act, 2006.

2. As desired, the updated status on the framing of the rules under the Cantonments Act, 2006 is again enclosed herewith for information and further necessary action.


(Rajesh Kumar Sah)
Dy. Director(Q&C)
Tel: 23016258


Shri Manish Gupta, Under Secretary, Ministry of Parliamentary Affairs
MoD ID No. 14(1)/2007-D(Q&C) dated 04.07.2022

Copy for information to:

(i) Shri Rakesh Anand, Director, Rajya Sabha Secretariat- w.r.t OM No. LAFEAS-SL24/252022-CoSL-RSS dated 01.06.2022-With a request to update the list (Sl. No.11).

(ii) Shri Arvind Kumar, Under Secretary, D(Parl)- With respect to MoD ID No. H-11011/02/D(Parl) dated 21.06.2022

(14/22)
7-4-22


4/7
Secy (Parl)

10/7
4.7.22
11/22

Status of Framing of Rules/Regulation ETC. UNDER VARIOUS ACTS

Page No. 10
 Date: 10/03/2017
 Page No. 10

Sl No.	Name of the Act	Act No./Date of Enactment	Sections of the Act under which rules and regulation are required to be framed	Name of the Act under which rules and regulations have been made	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulation in Lok Sabha/Rajya Sabha	Sections of Act under which rules and Regulations have not been framed till date	In case of non-framing of rules and regulations (not in details of extension of time sought from the Committee on Subordinate Legislation, Lok Sabha)
1	The Cantonments Act, 2006 (repealed) Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346	Section 346	6 1. Cantonments (Payments of Allowances to Vice-President and Elected Members) Rules, 2011 published vide S.R.O. 6(E) dated 01.08.2011	7 Lok Sabha-NA Rajya Sabha-NA	8 NIL	9 NA
2	The Cantonments Act, 2006 (repealed) Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 19(3)	Section 19(3)	2. The Election of Vice-President of the Cantonment Board (Procedure) Rules, 2011 published vide S.R.O 10(E) Dated 04.11.2011	Lok Sabha-NA Rajya Sabha-NA	NIL	NA
3	The Cantonments Act, 2006 (repealed) Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 31	Section 31	3. The Cantonment Electoral Rules, 2007 published vide S.R.O. 5(E) dated 21.08.2007	Lok Sabha-NA Rajya Sabha-NA	NIL	NA
4	The Cantonments Act, 2006 (repealed) Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(k)	Section 346(2)(k)	4. The Grant of Leave to Members of Cantonment Board Rules, 2011 published vide S.R.O. 12(E) Dated 26.11.2011	Lok Sabha-NA Rajya Sabha-NA	NIL	NA
5	The Cantonments Act, 2006 (repealed) Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(m)	Section 346(2)(m)	5. The Transfer of Property in Cantonments (Form of notice and manner of giving such notice) Rules, 2016 published vide S.R.O. 15(E) dated 30.12.2016	Lok Sabha-NA Rajya Sabha-NA	NIL	NA

6	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 105 (6)	Section 105(6)	6. The Cantonments (Execution of Warrants for the Attachment and Sale of Immovable Property) Rules, 2016 published vide S.R.O. 14(E) dated 30.12.2016	Lok Sabha- 10.03.2017 Rajya Sabha- 21.03.2017	NIL	N/A
7	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(i)	Section 346 (2)(i)	7. The Cantonments (Forms and Manner of Service of Notices) Rules, 2017 published vide S.R.O. 2(E) dated 24.01.2017	Lok Sabha- 10.03.2017 Rajya Sabha- 21.03.2017	NIL	N/A
8	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346	Section 346	8. The Cantonments (Form of Annual Inspection Report) Rules, 2017 published vide S.R.O. 6(E) dated 03.05.2017	Lok Sabha- 27.12.2017 Rajya Sabha- 02.01.2018	NIL	N/A
9	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(i)	Section 346 (2)(i)	9. The Cantonments (Regulation of the Procedure of Committee of Arbitration) Rules, 2017 published vide S.R.O 15(E) dated 18.05.2017	Lok Sabha- 27.12.2017 Rajya Sabha- 02.01.2018	NIL	N/A
10	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 125	Section 125	10. The Cantonment Property Rules, 2017 published vide S.R.O. 31(E) dated 01.12.2017	Lok Sabha- 27.12.2017 Rajya Sabha- 02.01.2018	NIL	N/A
11	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2)(f) read with Section 125	Section 346(2)(f) read with section 125	1.1. The Cantonment Board Account Rules, 2020 published vide S.R.O. 2(E) dated 03.03.2020	Lok Sabha- 24.03.2021 Rajya Sabha- 28.03.2021	NIL	N/A
12	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346 (2)(d) & (e)	Section 346(2)(d) (Section 280(c), (cc) and (d) of repealed Cantonments Act, 1924	Cantonment Board Employees Service Rules, 2021 Published vide S.R.O. 16(E) dated 13.10.2021	Lok Sabha- 10.12.2021 Rajya Sabha- 13.12.2021	NIL	N/A
13	The Cantonments Act, 2006 (repealed) (Cantonments Act, 1924)	41 of 2006/ 13-09-2006 (Act No. 2 of 1924)	Section 346(2) a&b	Section 346(2) a&b Section 280 (a)(b) of Repealed Act, 1924	The Cantonment Land Administration Rules, 2021, Published vide S.R.O. 24(E) dated 01.12.2021	Lok Sabha- 17.12.2021 Rajya Sabha- 20.12.2021	NIL	N/A

Annexure - G-26

अनुबंध-1(A) ARVIND KUMAR

Email

Framing of Rules and Regulations under the Acts passed by the Parliament and their updation on e-Samiksha portal - regarding.

From : ARVIND KUMAR <usparl_def@nic.in>

Tue, Jul 12, 2022 03:35 PM

Subject : Framing of Rules and Regulations under the Acts passed by the Parliament and their updation on e-Samiksha portal - regarding.

1 attachment

To : Shantanu Bhattacharjee <bhattacharjee.sha@gov.in>, Anil Kumar Choubey <ak.choubey82@gov.in>

Sir,

Please find attached MoD OM No. H-11011/02/2021/D(Parl) dated 12th July, 2022 on the captioned subject for information and necessary action.

Kind regards

Under Secretary (Parl)

D(Parliament)

Room No. 18, South Block

Ministry of Defence

New Delhi-110011

Tel. 23012560

— **OM-Framing Rules & Regulations-12.07.22.pdf**
1,002 KB

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325

No. H-11011/02/2021/D(Parl)
Bharat Sarkar / Government of India
Raksha Mantralaya / Ministry of Defence

Room No. 225-E, South Block,
New Delhi, dated, the 12th July, 2022

OFFICE MEMORANDUM

Subject: Framing of rules and regulations under the Acts passed by the Parliament and their updation on e-Samiksha portal.

Kindly refer to Cabinet Sectt.'s Note No. Secy.(C)/JS(RK)/Dir(VM)/SO to CS dated 8th July, 2022 on the captioned subject and find enclosed the requisite information in the prescribed proforma in respect of Ministry of Defence for information and necessary action. The same has also been emailed at bhattacharjee.sha@gov.in.



(Sanjai Bajpai)

Deputy Secretary to the Govt. of India
Tele: 2301 0646

Encl: As above.

Shri Virendra Mittal,
Director
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi

9c

Status of framing of Rules and Regulations under the Acts passed by the Parliament in respect of Ministry of Defence

Sl. No.	Act(s) under which framing of SL is required	Section(s) under which framing of SL is required	Date of Notification	Likely date of Notification, if not notified so far	Remarks, if any
(1)	(2)	(3)	(4)	(5)	(6)
1	The Cantonments Act, 2006 (repealed Cantonments Act, 1924)	Section 346 Section 19(3) Section 31 Section 346(2)(k) Section 346(2)(m) Section 105(6) Section 346(2)(l) Section 346 Section 346(2)(i) Section 125	Cantonments (Payments of Allowances to Vice-president and Elected Members) Rules, 2011 published vide S.R.O. 6(E) dated 01.08.2011 The Election of Vice-President of the Cantonment Board (Procedure) Rules, 2011 published vide S.R.O. 10(E) dated 04.11.2011 The Cantonment Electoral Rules, 2007 published vide S.R.O. 5(E) dated 21.08.2007 The Grant of Leave to Members of Cantonments Board Rules, 2011 published vide S.R.O. 12(E) dated 26.11.2011 The Transfer of Property in Cantonments (Form of notice and manner of giving such notice) Rules, 2016 published vide S.R.O. 15(E) dated 30.12.2016 The Cantonments (Execution of Warrants for the Attachment and Sale of Immovable Property) Rules, 2016 published vide S.R.O. 14(E) dated 30.12.2016 The Cantonments (Forms and Manner of Service of Notices) Rules, 2017 published vide S.R.O. 2(E) dated 24.01.2017 The Cantonments (Form of Annual Inspection Report) Rules, 2017 published vide S.R.O. 6(E) dated 03.05.2017 The Cantonments (Regulation of the Procedure of Committee of Arbitration) Rules, 2017 published vide S.R.O. 15(E) dated 18.05.2017 The Cantonment Property Rules, 2017 published vide S.R.O. 31(E) dated 01.12.2017	NA NA NA NA NA NA NA NA NA NA	

156-


	Section 346(2)(f) read with Section 125	The Cantonment Board Account Rules, 2020 published vide S.R.O. 2(E) dated 03.03.2020	NA
	Section 346(2)(d) & (e)	Cantonment Board Employees Service Rules, 2021 published vide S.R.O. 16(E) dated 13.10.2021	NA
	Section 346(2) a&b of Repealed Act, 1924	The Cantonment Land Administration Rules, 2021 published vide S.R.O. 24(E) dated 01.12.2021	NA
2.	The Essential Defence Services Act., 2021:	Under the provisions of the Act., only Orders / Notifications are required to be issued while invoking the relevant provisions of the Act. Framing of Rules and Bye-Laws are not contemplated under the Act.	

Ministry of Defence
D(Q&C)

Sub: Framing of Rules & Regulations under Acts passed by the Parliament.

Reference MoD ID No. H-11011/02/2021/D(Parl) dated 16.09.2022 on the subject mentioned above.

2. The current status of framing of rules, regulations and statutes under the Cantonments Act, 2006 is enclosed herewith for information and further transmission to Cabinet Secretariat and Rajya Sabha Secretariat. Accordingly, it is requested that the matter may be treated as complete.


(Rajesh Kumar Sah)
Deputy Director (Q&C)

D(Parl)

MOD ID No. 14(1)/2007-D(Q&C) dated 21.09.2022

Copy for information to:

- 1) Shri Virendra Mittal, Director, Cabinet Secretariat – w.r.t OM No. 403/2/1/2018-TS(Vol-V) dated 12.09.2022.
- 2) Shri Rajesh Kumar Sharma, Under Secretary, Rajya Sabha Secretariat w.r.t OM No. RS. 21/7/2007-COSL dated 08.07.2022 – with a request to treat the matter as complete and accordingly update the same.
- 3) Secretary, Legislative Department, Ministry of Law & Justice

577/D(Parl)
21-9-22

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सी मर्या

SUBORDINATE LEGISLATIONS (SLs) YET TO BE FRAMED UNDER THE ACTS PASSED BY THE PARLIAMENT

Ministry of Defence

Sl. No.	Act(s) under which framing of Rules/Regulations/Statutes (SL) is/are pending / under process	Section / Sub-Section regarding framing of Rules / Regulations / Statutes	Date of Notification	If yet to be notified, likely date of Notification	Date of laying of SL in Parliament		Date of submission of Completion Certificate to CoSL, Rajya Sabha	Remarks
					Lok Sabha	Rajya Sabha		
1		3	4	5	6	7	8	9
	Rules : Number and Date of Gazette notification in which the rules are published							
1	The Cantonment Act, 2006	1. Cantonments (Payments of Allowances to Vice-President and Elected Members) Rules, 2011 published vide S.R.O. 6(E) Section 346 dated 01.08.2011 2. The Election of Vice-President of the Cantonment Board (Procedure) Rules, 2011 published vide S.R.O. 10(E) Dated 04.11.2011 3. The Cantonment Electoral Rules, 2007 published vide S.R.O. 5(E) dated 21.08.2007 4. The Grant of Leave to Members of Cantonment Board Rules, 2011 published vide S.R.O. 12(E) Dated 26.11.2011 5. The Transfer of Property in Cantonments (Form of notice and manner of giving such notice) Rules, 2016 published vide S.R.O. 15(E) dated 30.12.2016 6. The Cantonments (Execution of Warrants for the Attachment and Sale of Immovable Property) Rules, 2016 published vide S.R.O. 14(E) dated 30.12.2016	01.08.2011 04.11.2011 21.08.2007 26.11.2011 30.12.2016 30.12.2016	NA NA NA NA NA NA	12.12.2011 12.12.2011 03.12.2007 19.03.2012 10.03.2017 10.03.2017	14.12.2011 07.12.2011 05.12.2007 21.03.2012 21.03.2017 21.03.2017		

7. The Cantonments (Forms and Manner of Service of Notices) Rules, 2017 published vide S.R.O. 2(E) dated 24.01.2017	Section 346(2)(i)	24.01.2017	NA	10.03.2017	21.03.2017	
8. The Cantonments (Form of Annual Inspection Report) Rules, 2017 published vide S.R.O. 6(E) dated 03.05.2017	Section 346	03.05.2017	NA	27.12.2017	02.01.2018	
9. The Cantonments (Regulation of the Procedure of Committee of Arbitration) Rules, 2017 published vide S.R.O 15(E) dated 18.05.2017	Section 346(2)(i)	18.05.2017	NA	27.12.2017	02.01.2018	
10. The Cantonment Property Rules, 2017 published vide S.R.O. 31(E) dated 01.12.2017	Section 125	01.12.2017	NA	27.12.2017	02.01.2018	
11. The Cantonment Board Account Rules. 2020 published vide S.R.O. 2(E) dated 03.03.2020	Section 346(2)(f) read with Section 125	03.03.2020	NA	24.03.2021	28.03.2021	
12. Cantonment Board Employees Service Rules, 2021 Published vide S.R.O. 16(E) dated 13.10.2021	Section 346 (2)(d) & (e)	13.10.2021	NA	10.12.2021	13.12.2021	
13. The Cantonment Land Administration Rules, 2021, Published vide S.R.O. 24(E) dated 01.12.2021	Section 346(2) a&b	01.12.2021	NA	17.12.2021	20.12.2021	
Regulations*	It is informed that only Business Regulations are required to be framed under the Cantonments Act, 2006. It is further informed that the Business Regulations framed by the Cantonment Boards prior to coming into force of the Cantonments Act, 2006 continue to be in force and are deemed to have been made under the provisions of the Act <i>ibid</i> as per the Section 360(2) of the said Act.					
Statutes	(i)					
	(ii)					
	(iii)					

No. 403/2/1/2018-TS(Vol-IV)
GOVERNMENT OF INDIA/ BHARAT SARKAR
CABINET SECRETARIAT / MANTRIMANDAL SACHIVALAYA
RASHTRAPATI BHAWAN

New Delhi, Dated 15th July, 2022

Subject: Framing of Rules and regulations under the Acts passed by the Parliament and their Updation on e-Samiksha portal- reg.

Kindly find enclosed a copy of minutes of the meeting of the Group of Officers (GoO) held at 11:00 AM on 13th July, 2022 under the Chairmanship of Secretary (Coordination) in the Conference Room, Lower Ground Floor, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi, on the subject mentioned above.

2. It is requested that an action taken report may be sent to this Secretariat in pursuance of the recommendations of the aforesaid meeting.

(Tanmoy Roy)

Under Secretary to the Govt. of India

Tele : 2301 3363

Encl: Doc. No. CD(TS)- 47/2022 (05-pages)

Shri Ajay Kumar Bhalla, Home Secretary, M/o Home Affairs
Shri Vinay Kwatra, Foreign Secretary, M/o External Affairs
Dr. Ajay Kumar, Defence Secretary, M/o Defence
Shri Rajesh Bhushan, Secretary, D/o Health & Family Welfare
Ms. S. Radha Chauhan, Secretary, D/o Personnel and Training
Shri Pankaj Jain, Secretary, M/o Petroleum & Natural Gas
Shri Bidyut B. Swain, Secretary, M/o Micro, Small and Medium Enterprises
Shri K. Sanjay Murthi, Secretary, D/o Higher Education
Shri Rajiv Bansal, Secretary, M/o Civil Aviation
Shri Apurva Chandra, Secretary, M/o Information and Broadcasting
Dr. Reeta Vasishta, Secretary, Legislative Department
Shri Niten Chandra, Secretary, D/o Legal Affairs
Shri Rajesh Verma, Secretary, M/o Corporate Affairs
Shri Sudhanshu, Pandey, Secretary, D/o Food & Public Distribution
Shri Rohit K. Singh, Secretary, D/o Consumer Affairs
Ms. Renuka Kumar, Secretary, M/o Minority Affairs
Shri Manoj Joshi, Secretary, M/o Housing and Urban Affairs
Shri Tarun Bajaj, Secretary, D/o Revenue
Shri Ajay Seth, Secretary, D/o Economic Affairs
Shri R. Subrahmanyam, Secretary, D/o Social Justice and Empowerment
Ms. Sujata Chaturvedi, Secretary, D/o Sports
Shri Girdhar Aramane, Secretary, M/o Road Transport and Highways
Shri Anurag Jain, Secretary, D/f Promotion of Industry and internal Trade
Vaidya Rajesh Kotecha, Secretary, M/o Ayush

(Tanmoy Roy)

Under Secretary to the Govt. of India

INTERNAL CIRCULATION: (Only one copy):

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डाकरी सं. 6445
दिनांक. 19.7.22

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SO(P. 2)

(345)

CABINET SECRETARIAT

CD (TS) No. – 47 /2022

Copy No. _____

MINUTES OF THE MEETING OF GROUP OF OFFICERS

Venue : Conference Room, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.

Date : 13.07.2022

Time of Meeting: 11:00 A.M.

P R E S E N T

Shri Pradip Kumar Tripathi, Secretary (Coordination), Cabinet Secretariat
Shri Pramod Kumar Pathak, Special Secretary, M/o AYUSH
Ms. Rashmi Chowdhary, Additional Secretary, D/o Personnel & Training
Shri Rohit Kumar, Joint Secretary, Cabinet Secretariat
Ms. Saheli Ghosh Roy, Joint Secretary, M/o Home Affairs
Dr. Harmeet Singh, Joint Secretary, D/o Health & Family Welfare
Ms. Veena Kothavale, Joint Secretary, Legislative Department
Shri Mrutyunjay Behra, Economic Advisor, D/o Higher Education
Shri Virendra Mittal, Director, Cabinet Secretariat
Dr. Sanjay Rai, Director, D/o Health & Family Welfare
Shri Amit Bhole, Deputy Secretary, D/o Revenue

Ministries/Departments (Through Video Conference)

Shri Surendra Singh, Additional Secretary, D/o Social Justice & Empowerment
Shri Satyendra Kumar Mishra, Joint Secretary, M/o Civil Aviation
Ms. Mamta Shankar, Sr. Economic Advisor, D/o Food and Public Distribution
Shri R.K.Jena, Sr. Economic Advisor, M/o Information & Broadcasting
Shri Inder deep Singh Dhariwal, Joint Secretary, M/o Corporate Affairs
Shri Srinivas Danda, Joint Secretary, M/o Minority Affairs
Shri Pankaj Kumar Singh, Joint Secretary, M/o Housing and Urban Affairs
Shri L.S. Singh, Joint Secretary, D/o Sports
Shri Vineet Mathur, Joint Secretary, D/o Consumer Affairs
Ms. Ishita Tripathy Ganguly, Additional Development Commissioner, MSME
Shri Anil Kumar Rai, Joint Secretary, M/o External Affairs
Smt. Sunita Anand, Joint Secretary, D/o Legal Affairs
Shri D.K.Ojha, Joint Secretary, M/o Petroleum & Natural Gas
Shri D.K. Rai, Joint Secretary, M/o Defence
Ms. Ritu Jain, Advisor, D/o Economic Affairs
Dr. Piyush Jain, Director, M/o Road Transport & Highways
Shri Arun Kumar Yadav, Director, D/o Sports
Shri Karan Thapar, Deputy Secretary, D/o Promotion of Industry & Internal Trade

Subject- Framing of Rules and regulations under the Acts passed by the Parliament and their Updation on e-Samiksha portal - reg.

F.No. 403/2/1/2018-TS (Vol-IV)

A meeting to review the status of Subordinate Legislation (SL) which are required to be framed under the Act(s) passed by the Parliament was held at 11:00 AM on 13th July, 2022 in Conference Room under the chairmanship of Secretary (Coordination) at Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.

2. Joint Secretary, Cabinet Secretariat informed that as per the latest report received from Committee on Subordinate Legislation (CoSL), SLs are pending in respect of 49 Acts pertaining to 24 Ministries/ Departments. It was further informed that a module on

'Subordinate Legislation' on e-Samiksha portal has been developed for monitoring the status of framing of Subordinate Legislation by Ministries/ Departments.

3. Thereafter, Ministry/ Department wise status of framing of Subordinate Legislation was reviewed:-

- (a) Ministry of External Affairs - Subordinate Legislation have been notified under the Nalanda University Act, 2010 and the completion certificate will be submitted to Committee on Subordinate Legislation (CoSL).
- (b) Department of Legal Affairs - All Rules have been notified under The New Delhi International Arbitration Centre, Act, 2009. Regulations will be framed once the Centre becomes functional. Regarding, The Arbitration and Conciliation (Amendment) Act, 2019, Rules have been notified and Regulations will be made by Arbitration Council of India (ACI) after it becomes functional.
- (c) D/o Sports - Action has been completed in respect of framing of subordinate legislation under The National Sports University Act, 2018 and completion certificate will be submitted to CoSL.
- (d) Ministry of Home Affairs - Joint Secretary, MHA informed the status of the four Acts as following:-
 - (i) The Citizenship (Amendment) Act, 2019 – It was informed that extension of time from CoSL has been taken till 09.07.2022. Further, request for extension of time till 09.01.2023 has been made.
 - (ii) The National Forensic Science University Act, 2020 – Rules have been framed and CoSL has been informed.
 - (iii) The Rashtriya Raksha University Act, 2009 – Rules have been framed and laid down in the Parliament. Time has been sought for framing Statutes.
 - (iv) The Assam Rifles Act, 2006 – Rules have been framed. The Regulations under the Act have been considered as 'Non-Statutory' in nature with the concurrence of Ministry of Law & Justice and the position has been intimated to CoSL.
- (e) M/o Road Transport and Highways - All Rules/ Regulations have been notified under various Sections of the Motor Vehicle (Amendment) Act, 2019. The Completion Certificate will be submitted to CoSL.
- (f) D/o Economic Affairs - All Rules have been framed under the International Financial Services Centres Authority Act, 2019. The Completion Certificate will be submitted to CoSL.
- (g) D/o Revenue - Rules have been notified under The Finance Act of 2018, 2019 and 2021 and are likely to be laid in the forthcoming session of the Parliament. Regarding, The Direct Tax Vivad se Vishwas Act, 2020 and The Tribunals Reforms Act, 2021, the Rules have been framed and laid down before both the Houses of Parliament.
- (h) M/o Minority Affairs - Central Government has notified the Rules under section 35 of the WAKF (Amendment) Act, 2013. However, only 14 States/ UTs have notified Rules under Section 57 of the said Act and extension of time has been sought from CoSL, Rajya Sabha till 31.10.2022.
- (i) D/o Food and Public Distribution - Under Section 39 of the Act, only one Notification is pending on the part of M/o Women and Child Development pertaining to Pradhan

(34)

Mantri Matru Vandana Yojna. Three months extension has been sought from CoSL, Rajya Sabha for compliance. Regarding Section 40 which empowers the States/ UTs to frame Rules, Rules have been notified by 26 States/ UTs so far and extension of time has been sought till 30.09.2022 for the remaining States/ UTs.

- (j) M/o Information & Broadcasting - Action has been completed regarding The Prasar Bharti (Broadcasting Corporation of India) Amendment Act, 2011 and Completion Certificate will be submitted to CoSL, Rajya Sabha.
- (k) D/o Consumer Affairs - All Rules have been framed under The Consumer Protection Act, 2019 except under Section 101 which pertains to Recruitment Rules for Group A and Group B posts of National Consumer Disputes Redressal Commission and will be notified after creation of posts. Likely date of notification of the Pending Rules is 30.09.2022.
- (l) Ministry of Civil Aviation - SLs have been notified under The Rajiv Gandhi National Aviation University Act, 2013. The Completion Certificate will be submitted to CoSL, Rajya Sabha.
- (m) M/o Corporate Affairs - Rules have been framed under The Insolvency and Bankruptcy Code (Amendment) Act, 2021. Rules under The Companies Act, 2013 are pending only for the Sikkim State under The Registration of Companies (Sikkim) Act, 1961 for which consultations have been made with Government of Sikkim for early resolution.
- (n) D/o Defence - Framing of Subordinate Legislations is not required under The Essential Defence Services Act, 2021. Regarding Cantonments Act, 2006, all Rules/ Regulations have been notified and Completion Certificate will be submitted to CoSL, Rajya Sabha.
- (o) D/o Social Justice and Empowerment - Subordinate Legislations have been framed and laid down in the Parliament. Completion Certificate will be submitted to CoSL, Rajya Sabha.
- (p) D/o Higher Education - Subordinate Legislations under various sections of the following Acts have been notified:-
- (i) The Tripura University Act, 2006
 - (ii) The Sikkim University Act, 2006
 - (iii) The Central University Act, 2009
 - (iv) The Indira Gandhi National Tribal University Act, 2007

Framing of Subordinate Legislation in respect of Shri Lal Bahadur Shastri National Sanskrit University, New Delhi, National Sanskrit University, Tirupati and Central Sanskrit University, New Delhi which are under the Central Sanskrit University Act, 2020 is in the process and extension of time upto 30.09.2022 has been sought from CoSL, Rajya Sabha to complete all action with regard to the framing and laying the same on the Table of both the Houses of Parliament.

Regarding, The Indian Institutes of Management Act, 2017, Regulations in respect of 16 IIMs have been notified and laid before both the Houses of Parliament. Regulation in respect of IIM Udaipur has been notified and will be laid in the forthcoming session. Framing of Regulations in respect of IIM Ahmedabad, Bangalore and Calcutta is under process.

Regarding, The Central Universities (Amendment) Act, 2019, first statutes were passed by the Parliament for establishment of Central University of Andhra Pradesh and Central Tribal University of Andhra Pradesh under the Act. Process to frame statutes/ Regulations will be initiated once the statutory bodies, such as Academic

Council and Court come into existence.

- (q) M/o Micro, Small & Medium Enterprises - All Rules have been notified under Section 29 of The Micro, Small & Medium Enterprises Development Act, 2006 and two parts will be laid in the Parliament next week. Regarding Section 30 of the Act, Rules under the Act have been notified by all the States/ UTs except Ladakh.
- (r) D/o Personnel & Training - All action has been completed in respect of The Central Vigilance Commission Act, 2003 for which Completion Certificate will be submitted to CoSL, Rajya Sabha. Extension of time has been sought upto 31.12.2022 from CoSL, Rajya Sabha for framing Subordinate Legislation under Section 9 and 19 of The Prevention of Corruption (Amendment) Act, 2018. Separate status note regarding The Lokpal and Lokayukts Act, 2013 will be furnished.
- (s) Legislative Department - Under Section 6 of The Anand Marriage (Amendment) Act, 2012, only State/ UT Governments are empowered to frame Rules. Model Rules were circulated by Legislative Department to all States/ UTs. The matter has also been taken up with MHA in regard to UTs without legislature.
- (t) M/o Ayush -
 - (i) The National Commission for Indian System of Medicine Act, 2020 – Rules have been notified under Section 54. CoSL, Rajya Sabha has granted time till 31.12.2022 to frame certain Regulations under Section 55 of the Act.
 - (ii) National Commission for Homeopathy Act, 2020 – Rules have been notified under Section 54 and extension for time to frame Subordinate Legislation under Section 55 has been granted by CoSL, Rajya Sabha till 31.12.2022.
 - (iii) The Institute of Teaching and Research in Ayurveda Act, 2020 – Rules have been notified under Section 27 and extension of time has been sought from CoSL, Rajya Sabha till 30.09.2022 for framing Regulations under Section 28.
- (u) M/o Health & Family Welfare -
 - (i) AIIMS Act, 1956 – All the Rules and Regulations have been notified and laid on the Table of both the Houses of Parliament.
 - (ii) AIIMS (Amendment) Act, 2012 – M/o H&FW is examining whether AIIMS Regulations made under AIIMS Act, 1956 can be made applicable mutatis mutandis, for the new AIIMS as per the provisions under Section 29, in consultation with Ministry of Law and Justice.
 - (iii) The HIV-AIDS (Prevention and Control) Act, 2017 – The Rules have been notified and laid before both the Houses of Parliament.
 - (iv) National Medical Commission Act, 2019 – Framing Rules and Regulations is in process under the Act.
- (v) M/o Housing and Urban Affairs - Rules under RERA Act, 2016 have been framed under Section 84 by all the States/ UTs except Nagaland. Recently, Government of Nagaland has agreed to frame Rules and therefore extension of three months has been sought from CoSL, Rajya Sabha. For Street Vendor (Protection of livelihood and Regulation of Street Vending) Act, 2014, all the States/ UTs have framed Rules and Schemes under Section 36 of the Act except Lakshadweep and Ladakh. Matter has been taken up with MHA for early action in the matter.

(w) M/o Petroleum and Natural Gas - All action has been completed in respect of The Petroleum and Natural Gas Regulatory Board Act, 2006.

(x) D/f Promotion of Industry and Internal Trade - Deputy Secretary, DPIIT informed that Rules have been framed for all the 4 new NIDs under The NIDC (Amendment) Act, 2019. Their statutes are pending for which extension of time has been sought from CoSL.

4. After detailed deliberations, following recommendations were made:-

- (i) All Ministries/ Departments may update the details regarding framing of pending subordinate legislations under the Acts passed by Parliament as per the revised proforma and submit to this Secretariat by 15.07.2022 positively.
- (ii) Legislative Department may compile a list of Acts passed by Parliament since 2019 Ministry/ Department wise.
- (iii) Legislative Department may review and monitor the progress of framing subordinate legislations by Ministries/ Departments.
- (iv) Ministries/ Departments may take up the issue of pending subordinate legislations in respect of Acts where UTs are required to frame SL with MHA.
- (v) NIC e-Samiksha team may effect changes in the format for capturing details pertaining to subordinate legislations module for effective monitoring.

The meeting ended with vote of thanks to the participants.

SUBORDINATE LEGISLATIONS (SLs) YET TO BE FRAMED UNDER THE ACTS PASSED BY THE PARLIAMENT

Ministry of Defence

Sl. No.	Act(s) under which framing of Rules/Regulations/Statutes (SL) is/are pending / under process	Section / Sub-Section regarding framing of Rules / Regulations / Statutes	Date of Notification	If yet to be notified, likely date of Notification	Date of laying of SL in Parliament		Date of submission of Completion Certificate to CoSL, Rajya Sabha	Remarks	
					Lok Sabha	Rajya Sabha			
1	2 Rules : Number and Date of Gazette notification in which the rules are published	3	4	5	6	7	8	9	
1	The Cantonment Act, 2006	1. Cantonments (Payments of Allowances to Vice-President and Elected Members) Rules, 2011 published vide S.R.O. 6(E) dated 01.08.2011 2. The Election of Vice-President of the Cantonment Board (Procedure) Rules, 2011 published vide S.R.O. 10(E) Dated 04.11.2011 3. The Cantonment Electoral Rules, 2007 published vide S.R.O. 5(E) dated 21.08.2007 4. The Grant of Leave to Members of Cantonment Board Rules, 2011 published vide S.R.O. 12(E) Dated 26.11.2011 5. The Transfer of Property in Cantonments (Form of notice and manner of giving such notice) Rules, 2016 published vide S.R.O. 15(E) dated 30.12.2016 6. The Cantonments (Execution of Warrants for the Attachment and Sale of Immovable Property) Rules, 2016 published vide S.R.O. 14(E) dated 30.12.2016	01.08.2011	NA	12.12.2011	14.12.2011			
		Section 19(3)	04.11.2011	NA	12.12.2011	07.12.2011			
		Section 31	21.08.2007	NA	03.12.2007	05.12.2007			
		Section 346(2)(k)	26.11.2011	NA	19.03.2012	21.03.2012			
		Section 346(2)(m)	30.12.2016	NA	10.03.2017	21.03.2017			
		Section 105 (6)	30.12.2016	NA	10.03.2017	21.03.2017			

7. The Cantonments (Forms and Manner of Service of Notices) Rules, 2017 published vide S.R.O. 2(E) dated 24.01.2017	Section 346(2)(i)	24.01.2017	NA	10.03.2017	21.03.2017	
8. The Cantonments (Form of Annual Inspection Report) Rules, 2017 published vide S.R.O. 6(E) dated 03.05.2017	Section 346	03.05.2017	NA	27.12.2017	02.01.2018	
9. The Cantonments (Regulation of the Procedure of Committee of Arbitration) Rules, 2017 published vide S.R.O. 15(E) dated 18.05.2017	Section 346(2)(i)	18.05.2017	NA	27.12.2017	02.01.2018	
10. The Cantonment Property Rules, 2017 published vide S.R.O. 31(E) dated 01.12.2017	Section 125	01.12.2017	NA	27.12.2017	02.01.2018	
11. The Cantonment Board Account Rules. 2020 published vide S.R.O. 2(E) dated 03.03.2020	Section 346(2)(f) read with Section 125	03.03.2020	NA	24.03.2021	28.03.2021	
12. Cantonment Board Employees Service Rules, 2021 Published vide S.R.O: 16(E) dated 13.10.2021	Section 346 (2)(d) & (e)	13.10.2021	NA	10.12.2021	13.12.2021	
13. The Cantonment Land Administration Rules, 2021, Published vide S.R.O. 24(E) dated 01.12.2021	Section 346(2) a&b	01.12.2021	NA	17.12.2021	20.12.2021	
Regulations*	It is informed that only Business Regulations are required to be framed under the Cantonments Act, 2006. It is further informed that the Business Regulations framed by the Cantonment Boards prior to coming into force of the Cantonments Act, 2006 continue to be in force and are deemed to have been made under the provisions of the Act <i>ibid</i> as per the Section 360(2) of the said Act.					
Statutes	(i)					
	(ii)					
	(iii)					