

[*Translation*]

Permit to Visit beyond Munsyari and Jaulijivi

2835. SHRI HARISH RAWAT Will the Minister of HOME AFFAIRS be pleased to state

(a) whether Government propose to abolish the permit system for persons going beyond Munsyari and Jaulijivi in Pithoragarh District of Uttar Pradesh for tourism or for business purposes, and

(b) if so, the time by which final decision is likely to be taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P CHIDAMBARAM) (a) No, Sir

(b) Does not arise

[*English*]

Framing of Rules under Acts Passed By Parliament

2836 PROF MADHU DANAVATE Will the Minister of LAW AND JUSTICE be pleased to refer to reply given to Unstarred Question No 4643 in 25 August, 1987

regarding framing of rules under acts passed by Parliament and state:

(a) whether a large number of cases are pending in various courts in the country due to non-availability of rules under various Acts for framing charges;

(b) whether the information regarding the making of rules under various laws enacted by Parliament has been collected from all the Ministries and Departments of Government of India, and

(c) if so, the details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) . (a) As mentioned in the reply to Unstarred Question No. 4643 dated 25th August, 1987, the administration of Central Acts is the responsibility of various Ministries of the Government of India under the Allocation of Business Rules. This Ministry has, therefore, no information regarding the number of cases pending in various courts due to non-availability of rules under the various Acts for framing charges.

(b) and (c). Not yet, Sir. A statement regarding information so far received from different Ministries/Departments is given below.

STATEMENT

S.No	Name of the Act	Information so far collected
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1.	The Oil Industry (Development) Act, 1974	Rules relating to "conduct & discipline" of the employees of the Oil Industry Development Board under the Oil Industry (Development) Act, 1974 have yet to be notified. The delay has been due to the fact that most of the staff in the board is on deputation and its own strength was negligible. As per present indications, it is expected that these rules will be notified within the next two months i.e., by 13th December, 1987

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2. Electricity (Supply) Act, 1948, (as amended with effect from 8 10.1976)

In terms of Section 48 of the Electricity (Supply) Act, 1948 as incorporated *vide* an amendment of the Act, 1976, the Central Government may make rules for carrying out the purposes of Chapter-II of the Act. Sub-section 2 of section 4B of the Act provides that in particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matter, namely:-

"(a) the functions and duties of the Authority and the manner in which such functions and duties shall be exercised and performed, under sub-section (1) of section 3;

(b) the terms and conditions of service of the Chairman and other members of the Authority (including the allowances and fees payable to member, but not including the salaries and allowances payable to the Chairman and other full time members, of the Authority) under sub-section (4A) and sub-section (4B) of section 3;

(c) any other matter which is required to be, or may be prescribed by the Central Government".

In exercise of these powers, Central Electricity Authority Rules, 1977 have been notified and these rules mainly deal with the additional functions and duties assigned to the Central Electricity Authority. Apart from this, the C.E.A. Rules, 1977 also deal with aspects such as Cessation of Membership of the C.E.A. as also resignation from membership of the Authority. No separate rules governing the terms and conditions of service of Chairman and other Members of the Authority under sub-section 4A and sub-section 4B of Section 3, in terms of Section 4B(2)(b) have been framed. It may be mentioned that the Chairman and other full-time Members of C.E.A. enjoy the *ex-officio* status of Secretary and Additional Secretary to the Government of India respectively and the CEA has also been declared as an Attached Office of the Department of Power.

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As such, it was presumed that the relevant terms and conditions of the Chairman and Members of the Authority would be as per the Govt. Rules for corresponding posts under the Government. Therefore, no separate rules were framed. However, this matter has been re-examined recently in consultation with the Ministry of Law who have advised that rules in this regard have to be framed under the relevant provision of the Act irrespective of the position stated above. Accordingly action is being taken to frame the Rules as required under Sections 3(4A) and 3(4B) read with Section 4B(2) (b) of the Act.

It may also be mentioned that the above position has been apprised to the Committee on Subordinate Legislation of the Rajya Sabha by Secretary (Power) during the course of oral evidence on 10th June, 1987.

3. Coast Guard Act, 1978

All Rules except Coast Guard (Ceremonial) Rules for the purpose of carrying into effect the provisions by the Act have been framed under Section 123 of the Coast Guard Act, 1978 and notified in the Official Gazette. The Coast Guard (Ceremonial) Rules were required to be drafted in consultation with Naval Headquarters and other Para Military Services such as Border Security Force. It is expected that the re-drafting and finalisation of Coast Guard (Ceremonials) Rules will be completed by 30th November, 1987.

4. Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act, 1985

Certain Rules under the Calcutta Metro Railway (Operation & Maintenance) Temporary Provisions Act, 1985 relating to volume and weight of the baggage that may be carried by a person in the Metro Railway and prohibition of carriage of offensive goods upon the Metro Railway etc. could not be framed until more experience has been gained in actual commercial operation of the Metro Railway, Calcutta, which is the first of its kind in the country. A review of the rules is being carried out and these are expected to be published shortly.

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5	The Railway Protection Force (Amendment) Act, 1985	<p>So far as the rules under Railway Protection Force (Amendment) Act, 1985 are concerned, the reasons for delay in framing the rules are as under</p> <p>(i) The rules for Railway Protection Force could not have been made in isolation since RPF has functional relationship with other departments of the Railway, viz , transport, commercial and operating Departments. It required a cohesive approach and practices applicable to other departments were to be taken into consideration</p> <p>(ii) On the advice of the Ministry of Law that the RPF Regulations, 1966 have no statutory obligation as the Act did not confer any power to frame such regulations, it was decided that the new Rules for RPF should incorporate most of the broad aspects covered in the old regulations</p> <p>(iii) Since RPF has been declared as an Armed Force of the Union rules have to be framed keeping in mind the rules of other Armed Forces of the Union like Border Security Force, CISF, CRPF etc , and this is itself involved a detailed scrutiny of rules applicable to other armed forces</p> <p>(iv) This also needed thorough examination by the Zonal Railways and only after such scrutiny the Rules could be formulated</p> <p>The draft rules, are under consideration of the Government. All out efforts are being made to expedite the vetting process and notify the same without any further delay</p>
6	The Press Council Act, 1978	<p>Regulations governing the service conditions of the employees of the Press Council of India, to be notified under the Press Council Act, 1978 (37 of 1978), are yet to be finalised. The draft regulations were sent by the Council to the Government for approval on 16.2.1982. After extensive consultations with various Ministries / Departments, the</p>

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regulations duly approved were sent to the Council on 8.10.1984 for notification in the Official Gazette. Instead of doing so, the Council raised several issues which were examined in consultation with the Ministry of Law/other concerned Ministries and once again the Council was advised to notify the same on 27.2.1986. Even then the Council has again made a back reference. In substance, the Council is seeking unfettered powers in the matter of creation of posts and prescribing of pay scales for the same which is contrary to the scheme of the Act. Even the suggestion made by the Ministry earlier to the Council that they first notify the regulations approved by the Government and then seek amendment to a particular regulation has not found favour with the Council. The process of framing of these regulations is in an advanced stage and the Ministry of Law has been requested to convene a meeting of the concerned Ministries/Departments to sort out the issue early.

Appointment of Consultants for Clearance of Government Construction Work in A & N Islands

2837 SHRI MANORANJAN BHAKTA
Will the Minister of HOME AFFAIRS be pleased to state

(a) whether Government of Andaman & Nicobar Islands have decided to appoint consultant for all Government construction work in the Union Territory of A & N Islands and till clearance from the said consultant all Government construction work stand suspended; and

(b) if so, the details regarding terms and conditions and total financial liability per year as consultancy fees?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINT-

AMANI PANIGRAHI) (a) and (b), No, Sir As per decision of the Island Development Authority, the Expert Group is to be consulted for designing etc, of the buildings costing Rs 30.00 lakhs or above, and also the buildings having more than two floors. No work on any project, construction of which had already started, has been suspended. Financial liability would depend upon the work load referred to the Expert Group for consultation

Appointment to Tamil Nadu Candidates selected on basis of SSC Examination for LDC's Posts in 1986

2838. SHRIMATI VYJAYANTHIMALA BALI: Will the PRIME MINISTER be pleased to state: