

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

**ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/
RECOMMENDATIONS CONTAINED IN THE TENTH REPORT OF THE
COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTEENTH LOK SABHA)
ON "DELAY IN LAYING OF THE REGULATIONS ON THE TABLE OF THE
HOUSE".**

(PRESENTED TO LOK SABHA ON 09.08.2023)**LOK SABHA SECRETARIAT****NEW DELHI****August, 2023/ Sravana, 1945 (Saka)**

COSL No. 122

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

Shri Balashowry Vallabhaneni

Chairperson

MEMBERS

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

SECRETARIAT

1. Shri Vinay Mohan - Joint Secretary
2. Smt. Jagriti Tewatia - Director
3. Shri Satish Kumar - Committee Officer

(ii)

INTRODUCTION

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

2. This Report relates to the Action Taken on the Observations/ Recommendations of the Committee contained in the Tenth Report (2020-2021) (Seventeenth Lok Sabha) which was presented to Lok Sabha on 23.03.2021.

3. The Committee considered and adopted this Report at their sitting held on 07.08.2023.

4. The Extracts of the Minutes of the Twentieth sitting of the Committee relevant to this Report are brought out in Appendix I of the Report.

5. An analysis of the action taken by Government on the Observations/ Recommendations contained in the Tenth Report of the Committee (Seventeenth Lok Sabha) is given in Appendix II of the Report.

New Delhi;
07 August, 2023
16 Sravana, 1945 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

REPORT

CHAPTER-I

This Report of the Committee on Subordinate Legislation (2020-21) deals with the Action Taken by the Government on the Observations/Recommendations contained in the 10th Report (17th Lok Sabha) of the Committee which was presented to Lok Sabha on 23.03.2021. The Tenth Report dealt with the Delay in Laying of the following Regulations pertaining to the Ministry of Power on the Table of the House:-

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

2. The shortcomings observed in the above Regulations and the Observations/Recommendations made by the Committee in respect of these shortcomings are contained in Para Nos. 4, 5, 6, 7, 8 and 9 of the 10th Report (17th Lok Sabha). The Report, after presentation was forwarded to the Ministry of Power for implementation of the recommendations contained therein. The Ministry of Power vide their OM No. H-11-21/17/2021-Parl. dated 31st August, 2021 furnished their action taken replies on all the Observations/Recommendations contained in the Report. The Ministry was again vide this Secretariat O.M. dated 15 July, 2022 requested to furnish detailed and complete action taken reply to the main recommendation made in Para No. 8 of the Report. The Ministry of Power vide their O.M. No. H-11021/17/2021-Parl. dated 18 August, 2022 furnished their updated reply to the same.

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

- (i) Observations/Recommendations which have been accepted by the Government
Para Nos. 4, 5, 6, 7 and 9 Total: 05
Chapter II
- (ii) Observation/Recommendation which the Committee do not desire to pursue in view of the Government's reply.
Para No. Nil Total: Nil
Chapter III
- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee
Para No. Nil Total: 00
Chapter-IV

- (iv) Observation/ Recommendation in respect of which final reply of the Government is still awaited
Para No. 8

Total: 01
Chapter-V

4. In the main recommendation (Para 8), the Committee had recommended the Ministry to take urgent action to prepare a list of all the notifications that have been notified by the different Departments/ PSUs/Statutory bodies functioning under the administrative control of the Ministry of Power, which are required to be laid before both the Houses, but have not yet been laid, and cause the same to be laid on the Table of Lok Sabha at the first available opportunity. The Committee had also recommended that the Ministry may fix accountability on the delinquent Officers responsible for the lapse and should evolve a fool proof mechanism of laying of orders before both the Houses of Parliament, so that such lapses do not recur in future.

5. In response to the above recommendation, the Ministry in their action taken reply furnished vide O.M. No. H-11021/17/2021-Parl. dated 31st August, 2021 have stated as under:-

“Bureau of Energy Efficiency (BEE) has constituted a team to look after the laying of all the notifications within the prescribed time period as per the EC Act, 2001 and to also ensure that there will be no such delays in the future in laying of notifications on the table of the House. It is pertinent to mention that presently, all the rules and regulations published under Energy Conservation Act, has been laid on both the tables of the Parliament.”

6. However, it was observed that the Action Taken Reply furnished by the Ministry mentioned about laying of Notifications framed under EC Act, 2001 only. The Action Taken on the main recommendation pertaining to preparation of a list of all other Notifications framed under other Acts being administered by the Ministry, which have otherwise been notified but are yet to be laid was not furnished by the Ministry. The Ministry of Power was, thus, again vide this Secretariat O.M. dated 15 July, 2022, requested specifically to prepare a list of all the Notifications that have been notified by the different Departments/PSUs/Statutory bodies which are required to be laid but have not yet been laid, and cause the same to be laid. In response, the Ministry of Power vide their O.M. No. H-11021/17/2021-Parly dated 18th August, 2022 submitted as under:-

- (i) *“The matter has been considered in the Ministry and as per the recommendation of the Committee, a Warning has been issued to concerned Official in Ministry of Power who is presently serving and has dealt with the subject matter in the EC Division, Ministry of Power (copy enclosed). Bureau of Energy Efficiency (BEE) has also constituted a team to look after the laying*

of all the notifications within the prescribed time period as per the EC Act, 2001 and also ensure that there will be no such delays in the future in laying of notifications on the table of the House. All the Rules and Regulations published upto 31.12.2021 under Energy Conservation Act have already been laid in both the Houses of the Parliament.

(ii) Further, the Notification relating to Display on Labels of Electric Ceiling Type Fans Regulations, 2022 published on 19.05.2022 has been submitted to Lok Sabha and Rajya Sabha Secretariat on 26th July, 2022 for laying the same on the Table of both Houses of Parliament.”

OBSERVATION/RECOMMENDATION OF THE COMMITTEE

7. The Committee express their displeasure over the reply furnished by the Ministry, wherein they have *inter alia* enumerated only about the warning issued to the concerned Official and about constitution of a team by the BEE to look after the laying of all the Notifications within the prescribed time period as per the EC Act, 2001 only and there is no mention in the reply about preparation of a list of all the Notifications, notified under various other Acts being administered by the Ministry, which are also required to be laid before both the Houses of Parliament at the first available opportunity.

8. The Committee, are therefore, of the view that furnishing of incomplete information, despite asking about the same again and again, exhibits a very callous approach of the Ministry in dealing with matters relating to framing/laying of Subordinate Legislation, and also keeping record of the same. The Committee would, therefore, like to recommend the Ministry to strictly evolve a foolproof mechanism to deal with framing and laying of all the Subordinate Legislation as per the procedure prescribed in the relevant Act and also Manual on Parliamentary Procedure. The Committee would also like the Ministry to impart training to the Officers/Staff for the same, so that there is no laxity in compliance of the laid down procedures.

9. The Committee would also strongly reiterate their recommendation made in 10th Report (17th Lok Sabha) and desire that the Ministry should prepare and furnish a list of all Notifications notified till date by the different Departments/ PSUs/ Statutory Bodies functioning under the administrative control of the Ministry that are yet to be laid before both Houses of Parliament and also cause them to and be laid before both the Houses in a time bound manner. The Committee would like to be apprised of the follow up action taken in this regard within three months of presentation of this report.

CHAPTER-II
OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY
THE GOVERNMENT

Recommendation

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

(Para No. 4)

When pointed out to the Ministry about the delay in laying of the above two Regulations, the Ministry in their reply submitted that those two Regulations were received well within the required time from BEE i.e. *vide* their letter dated 29 January, 2018 for laying on the Table of the both the Houses along with the following three Regulations which were published in 2016:-

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

(Para No. 5)

The Committee noted that instead of laying all the five Regulations received by the Ministry vide BEE letter dated 29 January, 2018 in order to fulfill the statutory requirement on priority, the Ministry preferred to seek reasons for delay from BEE, which in the view of the Committee could have been done subsequent to laying of those Regulations to avoid further delay. The Committee also noted that BEE vide their letter dated 4th April 2018 not only furnished their reasons for delay in respect of above mentioned three Regulations but also listed three more Regulations which were published in 2015/2016 but were not laid on the Table of both the Houses. The Ministry still did not take the matter with utmost sincerity as it took them further four months to send communication dated 1 August, 2018 to BEE, asking them to furnish the chronology of events leading to delay alongwith justification for delay. The Committee noted that eight Regulations which were published as late as in 2015/2016 were required to be laid on the Table of both the Houses, the Ministry vide their OM dated 06.08.2018, forwarded only two Regulations for laying on the Table of both the Houses of Parliament.

(Para No. 6)

Reply of the Government

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

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

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

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

4. It is stated that these two Regulations were received well within the required time and could have been processed for laying on the Table of both the Houses of the Parliament. However, as the accompanying three Regulations (referred to under para-3 above) were delayed, therefore, in respect of those Regulations, a reference was made to BEE seeking the reasons for delay vide this Ministry's letter dated 07.02.2018 and subsequent reminders dated 20.02.2018 and 06.03.2018.

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

6. BEE vide letter dated 4th April 2018 furnished the reasons for delay in respect of the above mentioned three Regulations referred to in para-3. In addition BEE also listed three more Regulations, which were also published in 2015/2016 and were not laid on Table of both the Houses of the Parliament. As this was a lapse, accordingly, this Ministry vide letter dated 1st August 2018 had requested BEE to furnish the chronology of the events leading to delay along with detailed justification. As the requisite information was taking more time, accordingly, the above mentioned two Regulations referred to para-1 above, were de-linked and submitted for authentication by the Hon'ble Minister of State (IC) for Power and NRE separately and were, thereafter forwarded to Lok Sabha Secretariat vide this Ministry's OM dated 06.08.2018. Here it is stated that by the time these Regulations were processed for laying on Table of both the Houses of the Parliament, there had been delay and they should have been laid on the Table of Houses along with reasons for delay. However, inadvertently by oversight the same was not done.

7. It is also informed that the Committee on Subordinate Legislation, Lok Sabha Secretariat vide OM their OM dated 24th June 2020 had requested to furnish comments on the delay of two Regulations after a gap of almost 9 months, namely (i) Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Room Air Conditioners) Regulations, 2017 dated 29.11.2017 and (ii) the Bureau of Energy Efficiency (Particulars and Manner of their Display on Labels of Self-ballasted LED Lamps) Regulations, 2017 dated 28.12.2017. In response, Ministry vide OM dated 10th August, 2020 had forwarded comments on delay in laying the two above mentioned regulations wherein the delay in laying down of the regulations was regretted with the request that same may be condoned.

(Ministry of Power, O.M. No. H-11021/17/2021-Parl. dated 31st August, 2021

Recommendation

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

(Para No. 7)

Reply of the Government

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

(Ministry of Power, O.M. No. H-11021/17/2021-Parl. dated 31st August, 2021

Recommendation

The Committee had also took a serious note of the casual attitude of the Ministry as to why the requirement of appending an Explanatory Note regarding delay was not appended to while laying the Notification on the Table of the House. The Committee desired the Ministry to intimate them the necessary steps taken by them to avoid recurrence of such lapses in future.

(Para No. 9)

Reply of the Government

Bureau of Energy Efficiency (BEE) has constituted a team to look after the laying of all the notifications within the prescribed time period as per the EC Act, 2001 and also ensure that there will be no such delays in the future in laying of notifications on the table of the House.

(Ministry of Power, O.M. No. H-11021/17/2021-Parl. dated 31st August, 2021

CHAPTER-III

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

-NIL-

CHAPTER-IV

**OBSERVATIONS/RECOMMENDATIONS WHICH REPLIES OF THE
GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE**

-NIL-

CHAPTER-V

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLY OF THE GOVERNMENT IS STILL AWAITED

Recommendation

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

(Para No. 8)

Reply of the Government

Bureau of Energy Efficiency (BEE) has constituted a team to look after the laying of all the notifications within the prescribed time period as per the EC Act, 2001 and also ensure that there will be no such delays in the future in laying of notifications on the table of the House.

(Ministry of Power, O.M. No. H-11021/17/2021-Parl. dated 31st August, 2021

The matter has been considered in the Ministry and as per the recommendation of the Committee, a Warning has been issued to concerned Official in Ministry of Power who is presently serving and has dealt with the subject matter in the EC Division, Ministry of Power (copy enclosed). Bureau of Energy Efficiency (BEE) has also constituted a team to look after the laying of all the notifications within the prescribed time period as per the EC Act, 2001 and also ensure that there will be no such delays in the future in laying of notifications on the table of the House. All the Rules and Regulations published upto 31.12.2021 under Energy Conservation Act have already been laid in both the Houses of the Parliament.

Further, the Notification relating to Display on Labels of Electric Ceiling Type Fans Regulations, 2022 published on 19.05.2022 has been submitted to Lok Sabha and Rajya Sabha Secretariat on 26th July, 2022 for laying the same on the Table of both Houses of Parliament.

(Ministry of Power, O.M. No. H-11021/17/2021-Parl. Dated 18.08.2022)

Comments of the Committee

(Please see Paragraph Nos. 7,8 & 9 of Chapter I of the Report)

New Delhi;
07 August, 2023
16 Sravana,1945 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

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

The Twentieth Sitting of the Committee (2022-23) was held on Monday, the 7th August, 2023 from 1500 hours in Chairperson Room No. 209, B Block, Extension to Parliament House Annexe, New Delhi.

PRESENT

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri Manickam Tagore B.
3. Dr. Pritam Gopinath Rao Munde
4. Shri Suresh Kumar Pujari
5. Shri Nama Nageswara Rao
6. Shri Sanjay Seth
7. Dr. Amar Singh

SECRETARIAT

1. Smt. Jagriti Tewatia - 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) Action Taken by the Government on the Observations/ Recommendations contained in the Tenth Report (17th Lok Sabha) of the Committee on Subordinate Legislation.
 - (ii) Action Taken by the Government on the Observations/ Recommendations contained in the Fifteenth Report (17th Lok Sabha) of the Committee on Subordinate Legislation.
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.

APPENDIX -II

ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THE 10TH REPORT (17TH LOK SABHA) OF THE COMMITTEE ON SUBORDINATE LEGISLATION

I.	Total No. of Observations/Recommendations	06
II.	Recommendations that have been accepted by the Government Para Nos. 4,5,6,7 and 9	05
	Percentage of total:	83 %
III.	Recommendations which the Committee do desire to Pursue in view of Government's reply	00
	Percentage of total:	00
IV.	Recommendations in respect of which replies of Government have not been accepted by the Committee	00
	Percentage of total:	00
V.	Recommendations in respect of final reply of Government is still awaited Para No. 8	01
	Percentage of total:	17 %