

COMMITTEE ON SUBORDINATE
LEGISLATION

NINTH REPORT
(SECOND LOK SABHA)

(Presented on the 9th September, 1960)

15371(3)

14.9.1960

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LOK SABHA SECRETARIAT
NEW DELHI

September, 1960

Price : 15 nP.

CONTENTS

	PARA Nos.	PAGE Nos.
COMPOSITION OF THE COMMITTEE	'	(iii)
REPORT—		
I. Introduction	1—3	1
II. The Andaman and Nicobar Islands Economiser Rules, 1959 (G.S.R. 175 of 1960)	4—7	1—2
III. Imposition of octroi (without Refunds) on goods, vehicles, and animals brought within the limits of the Khas Yol Cantonment (S.R.O. 407 of 1957)	8—11	2
IV. Rules regarding the term of office of Members of Parlia- ment on the Indian Central Oilseeds Committee	12—14	3
V. Corrigenda to the Rules contained in the Ministry of Health Notifications	15—16	4
VI. Delay in laying of 'Orders' on the Table	17	4
SUMMARY OF RECOMMENDATIONS		5
Appendix		6—7

COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (1960-61)

Sardar Hukam Singh—*Chairman*

2. Shri Bahadur Singh
3. Shri Aurobindo Ghosal
4. Shri N. R. Ghosh
5. Dr. A. Krishnaswami
6. Shri Kanhaiyalal Bherulal Malvia
7. Shri T. C. N. Menon
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12. Shri K. S. Ramaswamy
13. Shri Vutukuru Rami Reddy
14. Shri Ajit Singh Sarhadi
- 15. Shri Satyendra Narayan Sinha

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

I

INTRODUCTION

I, the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to present the Report on their behalf, present this their Ninth Report.

2. Subsequent to the presentation of the Eighth Report, the Committee have held two sittings and considered 410 new 'Orders'. The Committee also considered the 'Orders' that were pending for final disposal at the time of presentation of the Eighth Report. At the sitting held on the 7th September, 1960, the Committee considered and passed this Report.

3. Observations of the Committee on matters of special interest made during the course of their examination of the 'Orders', matters which required to be brought to the notice of the House as well as the recommendations of the Committee have been included in this Report.

II

THE ANDAMAN AND NICOBAR ISLANDS ECONOMISER RULES, 1959 (G.S.R. 175 OF 1960)

4. Rules 32 and 33 of the Andaman and Nicobar Islands Economiser Rules, 1959 framed under section 29 of the Indian Boilers Act, 1923 provide for appointment of panel of assessors to assist the appellate authority constituted under section 20 of the Indian Boilers Act, 1923, and for payment of fees and travelling expenses to them while assisting the appellate authority.

5. Section 29 of the Indian Boilers Act, 1923, under which the rules have been made, though provides for the constitution, powers and procedure of appellate authority by rules but it does not envisage the appointment of assessors and payment of fees and expenses to them or authorise the Government to provide for the same by rules.

6. The Ministry of Home Affairs to whom the matter was referred have replied that section 20 of the Indian Boilers Act, 1923, provides for an appeal to an appellate authority from any such original or appellate order of the Chief Inspector as is referred to in clauses (a) to (f) of that section. The matters to which the appealable orders relate are mostly of a technical nature. Under the rules the appellate authority should be a person who has exercised the powers of District Judge or District Magistrate. Since it will be difficult for such a person to decide the appeal without the assistance of experts, provision has

been made in rule 32 of the rules for the constitution of a panel of assessors who shall be fully qualified Mechanical Engineers. Under clause (h) of section 29 of the Act, the State Governments have powers to frame rules 'for constituting the appellate authority referred to in section 20, and for determining its powers and procedure'. The power to determine the procedure will include the power to constitute a panel of assessors and to pay fees and allowances to the assessors when they assist the appellate authority. Accordingly, rules 32 and 33 of the Andaman and Nicobar Islands Economiser Rules, 1959, provide for appointment of assessors and payment of fees and travelling expenses to them respectively.

7. The Committee are unable to accept the Ministry's views and are of the opinion that provision for appointment of assessors and payment of fees and travelling expenses to them ought to have been made in the parent Act itself.

III

IMPOSITION OF OCTROI (WITHOUT REFUNDS) ON GOODS, VEHICLES AND ANIMALS BROUGHT WITHIN THE LIMITS OF THE KHAS YOL CANTONMENT (S. R. O. 407 OF 1957)

8. S. R. O. 407 of 1957 framed under section 60 of the Cantonments Act, 1924 imposed octroi duty on goods, vehicles and animals brought within the limits of the Khas Yol Cantonment. Para 5 of the said S. R. O. provided that in the case of a consignment carried by rail, the octroi should be charged on the actual weight of the consignment imported, or on the actual weight shown in the Railway Receipt, whichever was greater.

9. It was not clear as to why the Cantonment Board should charge on the weight of consignment as shown in the Railway Receipt, if its actual weight as found at octroi post was less than what was shown in the Railway Receipt. It was felt that the octroi duty should be charged on the weight of goods that actually entered the Cantonment area.

10. The Ministry of Defence to whom the matter was referred for comments, after protracted correspondence of nearly three years replied that para 5 had been omitted through S.R.O. 248 of 1960 because there was no Railway Station either within the limits of the Khas Yol Cantonment area or in its vicinity.

11. The Committee note with regret the excessive time taken by the Ministry in coming to a decision and recommend that the Ministries should expeditiously reply to the references made to them by the Committee.

IV

RULES REGARDING THE TERM OF OFFICE OF MEMBERS OF PARLIAMENT ON THE INDIAN OILSEEDS COMMITTEE

- 12. Rule 4 of the Indian Oilseeds Committee Rules framed under section 17 of the Indian Oilseeds Committee Act, 1946, provided *inter alia* as follows:—

“4. *Term of office:* Save as otherwise provided in these rules the term of every member of the Committee other than the Vice President, Indian Council of Agricultural Research, the Agricultural Commissioner with the Government of India and the Agricultural Marketing Adviser to the Government of India shall be three years from the 1st April of the year in which he is nominated, elected or appointed or such lesser period as may be specified in the notification issued by the Central Government announcing his nomination, election or appointment. A member shall be eligible for re-nomination, re-election or re-appointment.

Provided that:—

* * *

- (b) the members of the Committee elected by the Parliament under sub-section(s) of section 4 of the Act shall cease to be members on the dissolution or expiration of the Parliament by which they were elected or on ceasing to be members of Parliament.”

13. The concerned Ministry of Food and Agriculture interpreted the above rule to mean that the members of the Oilseeds Committee elected by Parliament shall continue to be its members beyond three years unless they cease to be members of Parliament on the happening of any of the events mentioned in the proviso to the rule quoted above.

14. The Committee note that on being brought to the notice of the Ministry that the said rule, as worded, was susceptible to the interpretation that the term of members elected by Parliament was also limited to three years unless terminated earlier on the occurrence of any of the events mentioned in the proviso, the rule has since been suitably amended as a clarificatory measure. (*vide* S.O. 619 of 1960).

CORRIGENDA TO THE RULES CONTAINED IN THE MINISTRY OF HEALTH NOTIFICATIONS

15. G. S. Rs. 75 and 164 of 1960 sought to carry out certain corrections in the rules published with the Ministry of Health Notifications No. F. 16-33/58-Instt. dated the 26th October, 1959 and No. 16-17/58-HI, dated the 17th December, 1959 but adequate references to the principal rules viz. G.S.R. numbers with the dates of their publications etc. were not given in order to enable the public or the persons concerned to trace the principal rules and link the amendments.

16. The Committee observe that on being pointed out, the concerned Ministry of Health have since issued fresh notifications containing necessary references to the principal rules (*vide* G.S.Rs. 166 and 876 of 1960).

VI

DELAY IN LAYING OF 'ORDERS' ON THE TABLE

17. The Committee are glad to note that the Ministries have been prompt in laying the 'Orders' on the Table in general. However, in a few cases the 'Orders' were laid after the period of 15 days as shown in Appendix.

HUKAM SINGH,

Chairman,

*Committee on Subordinate
Legislation.*

NEW DELHI;

The 8th September, 1960.

**SUMMARY OF RECOMMENDATIONS MADE IN THE NINTH REPORT OF
• THE COMMITTEE ON SUBORDINATE LEGISLATION
(SECOND LOK SABHA)**

S. No.	Reference to para No. in the Report	Summary of Recommendations
1	7	A provision for appointment of assessors and payment of fees and travelling expenses to them ought to have been made in the Indian Boilers Act, 1923, and not in the rules as has been done under rules 32 and 33 of the Andaman and Nicobar Islands Economiser Rules, 1959.
2	II	The Ministries should expeditiously reply to the references made to them by the Committee.

APPENDIX

(See para 17)

Statements of 'Orders' in respect of which there has been delay in laying them on the Table

S. No.	No. of 'Order'	Description of 'Order'	Date of publication in the Gazette	Date of laying on the Table	*Delay Approximately			Name of the Ministry concerned
					Yrs.	Months	Day	
1	2	3	4	5	6	7	8	9
1	G.S.R. 671 of 1960	Amendments to the Cotton Control Order, 1953.	18-6-60	18-8-60			18	Commerce and Industry.
2	G.S.R. 785 of 1960	Amendment to the Foreign Exchange Regulation Rules, 1952.	16-7-60	29-8-60	29	Finance.
3	G.S.R. 763 of 1960	The Bombay State Financial Corporation (General Meeting) Rules, 1960.	9-7-60	1-9-60	..	1	1	Home Affairs.
4	G.S.R. 920 of 1960	Rajasthan Indian Medicine Board Order, 1960.	6-8-60	1-9-60	26	Home Affairs.

5	G.S.R. 718 of 1960	Amendment to the Employees' Provident Funds Scheme, 1952.	25-6-60	18-8-60	..	18	Labour and Employment.
6	G.S.R. 881 of 1960	Amendments in the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.	30-7-60	22-8-60	..	22	Rehabilitation.
7	G.S.R. 369 of 1960	Amendments to the Requisitioning & Acquisition of Immovable Property Rules, 1953.	26-3-60	1-8-60	..	4	4 Works, Housing and Supply.

*The inter-session periods have not been counted for delay in the case of those 'Orders' which were published when the House was not in session and were laid on the Table during the session immediately following their publication in the Gazette.