

COMMITTEE ON SUBORDINATE LEGISLATION

SECOND REPORT

(THIRD LOK SABHA)

(Presented on the 7th May, 1963)



LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (1963-64)

1. Shri S. V. Krishnamoorthy Rao - *Chairman*
2. Shri Bhagwat Jha Azad
- * 3. Shri Ramchandra Vithal Bade
4. Shri Sachindra Chaudhuri
5. Shri Homi F. Daji
6. Shri M. M. Haq
7. Shri Harish Chandra Heda
8. Shri Gauri Shanker Kakkar
9. Shri R. R. Morarka
10. Shri C. L. Narasimha Reddy
11. Shri H. Siddananjappa
- * 12. Dr. L. M. Singhvi
13. Shri M. P. Swamy
14. Shri Mahavir Tyagi
15. Shri N. M. Wadiwa

SECRETARIAT

Shri A. L. Rai - *Deputy Secretary.*

* Shri Ramchandra Vithal Bade and Dr. L. M. Singhvi were nominated in place of Sarvasini U. M. Trivedi and Rajendranath Banerjee respectively when the Committee was reconstituted on the 1st May, 1963.

REPORT

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 Second Report.

2. Subsequent to the presentation of the First Report, the Committee have held three sittings and considered 873 Orders.
3. The Committee considered and adopted this Report at their sitting held on the 6th May, 1963.
4. Observations of the Committee on matters of special interest made during the course of examination of the 'Orders' and matters which required to be brought to the notice of the House have been included in this Report.

II

FORMULA FOR LAYING OF STATUTORY RULES BEFORE BOTH HOUSES OF PARLIAMENT

5. The Committee on Subordinate Legislation (First Lok Sabha) had, in their Third Report, made the following recommendation regarding laying of statutory rules before the two Houses of Parliament.

(1) That in future the Acts containing provisions for making rules etc., shall lay down that such rules shall be laid on the Table as soon as possible;

(2) That all those rules shall be laid on the Table for a uniform and total period of 30 days before the date of their final publication;

Provided that where it is not deemed expedient to lay any rule on the Table before the date of publication such rule may be laid as soon as possible after publication. An explanatory note should, however, accompany such rules at the time they are so laid explaining why it was not deemed expedient to lay these rules on the Table of the House before they were published; and

(3) That in future the Acts authorising delegation of rule-making power shall contain express provisions that the rules made thereunder shall be subject to such modifications as the House may like to make." [3rd Report, C.S.L. (LLS) para 36].

6. Thereafter, the Committee agreed to the following formula as suggested by the Ministry of Law in this regard:—

"All rules made under this section shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the Session in which they are so laid or the Session immediately following." [6th Report, C.S.L. (LLS) para 78].

7. Later on, the Government proposed to revise the aforesaid formula to make the following points clear:—

- (i) That the rules shall be laid before the Houses of Parliament for a period of 30 days which may be completed in one or more sessions;
- (ii) that Parliament can modify the rules within the period of 30 days during which the rules remain on the Table of the Houses;
- (iii) that if any modification is made in the rules by Parliament such modification shall not affect the previous operation thereof;
- (iv) that if the rules are laid before the Houses of Parliament on different dates, the period of 30 days shall run from the later date;
- (v) that the rules shall take effect immediately. [5th Report, C.S.L. (2LS) para 42]

8. The Committee, however, insisted that the existing condition *viz.* rules shall be subject to such modifications as Parliament "may make during the session in which they are so laid or the session immediately following" should be retained so that Members might have adequate time to study the rules and give notices of amendments, if any [5th Report, C.S.L. (2LS) para 44]

9. Accordingly, the Ministry of Law drafted the following formula to meet the wishes of the Committee and also circulated it to all the State Governments to serve as a model for them:

"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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following* 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" [7th Report C.S.L. (2LS) para 45]

10. Since then the aforesaid formula has regularly been adopted by the Government, but in the case of some of the recent Bills (*e.g.* the Warehousing Corporations Bill, 1962, the Petroleum Pipe-lines (Acquisition of Right of User in Land) Bill, 1962 and the Defence of India Bill, 1962, the above formula was altered. Consequently the period of 30 days will now be comprised in one session or two or more successive sessions instead of in one session or two successive sessions and the right of modification of statutory rules by the two Houses will not extend to the "session immediately following" in case the period of 30 days was completed in one session only. Under the formula, which has the concurrence of the Committee on Subordinate Legislation, in every case the right of modification by the Houses extended at least, to two sessions irrespective of the fact whether the 30 days' period was completed in one session or in two sessions.

11. The Ministry of Law, whose attention was drawn to the aforesaid change in the formula stated that difficulties had arisen during the year 1961-62 in complying with the requirement in the above formula that the rules should be laid for a total period of 30 days comprised in one session or in two successive sessions. In the case of certain election rules, the period of thirty days could not be completed in two successive sessions and consequently they had to be relaid in order to get over the difficulty. Certain minor changes were, therefore, made in the original formula approved by the Committee so that even if the period of 30 days could not be completed in one session or two successive sessions, the question of relaying the rules might be avoided if the said period could be completed in more than two successive sessions. There had, therefore, been no change in the principle underlying the formula for laying of rules before Parliament.

The expression "during the session in which they are so laid or the session immediately following" occurring in the existing formula had been interpreted to mean that the rules could be modified either in the session or sessions in which the period of 30 days was completed or in the session immediately following but the existing formula did not appear to be susceptible of that interpretation. The reference to "the session immediately following" was intended to cover cases where the rules had been laid in two successive sessions and not to enable the House to modify the rules in a session following the two sessions in which the total period of 30 days is completed.

In the circumstances stated above, the Ministry added, no change seemed necessary in the formula now being adopted.

12. The Committee, having considered the matter, feel that if the changed formula is accepted there might be occasions when the actual period available to the Members of the House to take action for tabling of amendments etc. in the House might not be adequate especially because the period during which the House remains adjourned is included in computing the statutory period of 30 days even though the adjournment period itself might account

for more than 30 days. In fact this has happened in the case of various 'Orders' which were laid on the Table during the Third Session, Third Lok Sabha, when the House had adjourned for forty days (12th December 1962 to 20th January 1963) both days inclusive).

13. The Committee are of the view that the very fact that rules could be modified in pursuance of statutory authority by the Houses not only in the session in which 30 days' period is completed (even in the manner indicated in the preceding paragraph) but also during the following session will in itself make the Executive more cautious in making the rules.

14. The Committee recommend that the formula contained in paragraph 46 of the Seventh Report of the Committee on Subordinate Legislation, Second Lok Sabha, which has hitherto been adopted by the Government, should be followed in future also and if the Government consider it necessary to amend that formula in order to avoid relaying of rules under rule 234(2) of the Rules of Procedure and Conduct of Business in Lok Sabha, for administrative convenience, it should clearly be provided therein that the right of the Houses to modify the rules shall extend to the session immediately following the session in which the said period of 30 days is completed.

III

APPENDING OF MEMORANDUM ON DELEGATED LEGISLATION TO BILLS UNDER RULE 70 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN LOK SABHA

15. The Agricultural Refinance Corporation Bill, 1962, seeking to provide for the establishment of a Corporation for granting credit for the development of agriculture and *inter alia* to delegate power to the Board of Directors of that Corporation to make regulations for carrying out the purposes of the Act, was introduced in Lok Sabha on 5th December, 1962. The Bill was passed by Lok Sabha on the 28th February, 1963. In this case the provisions of rule 70 of the Rules of Procedure and Conduct of Business

in Lok Sabha were not complied with as no memorandum on delegated legislation was appended to the Bill. Rule 70 of the Rules of Procedure and Conduct of Business in Lok Sabha provides that a Bill involving proposals for the delegation of legislative power shall be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

15. The matter was brought to the notice of the Ministry of Law who sought the views of the Ministry of Finance, Department of Economic Affairs. The Ministry of Finance stated that the regulations contemplated under clause 46 of the Bill were of the nature of bye-laws or the articles of companies, and could not be regarded as being equivalent to the statutory rules which were normally made by the Central Government under various enactments. The power which was conferred on subordinate authorities to make regulations, as distinct from the rules which were made by the Government, was necessary and desirable from the point of view of day to day administration and the convenience of the financial corporations concerned, but it did not involve the exercise of any delegated legislative authority by the Central Government. As the circumstances in which financial corporations were constituted were somewhat peculiar, and as the normal provision in respect of delegated legislation (which would enable Parliament to revise or modify any rules made by the Government) was inappropriate in relation to the regulations, which deal with relatively unimportant matters, this question need not be pursued any further. There had been no violation of the said Rule 70, the Ministry asserted.

17. Drawing the attention of the Committee to the aforesaid views of the Ministry of Finance, Department of Economic Affairs, the Ministry of Law, however, have stated that if it is considered that Rule 70 applies to such cases, compliance with the provisions thereof will be made in future.

18. The Committee have considered the matter and are of the view that Rule 70 of the Rules of Procedure and Conduct of Business in Lok Sabha does not refer to the question relating to the desirability or undesirability

of delegation of legislative power nor does it deal with the question of modification of rules by Parliament. The Ministry of Finance, Department of Economic Affairs, do not seem to have correctly interpreted rule 70 of Lok Sabha Rules nor have they appreciated the purpose for which a Memorandum on Delegated Legislation is required to be appended to Bills viz. focussing attention of Members of Parliament to the provisions of the Bill involving delegation of legislative power. The Committee would like to emphasise that the provisions of rule 70 of the Lok Sabha Rules are mandatory and therefore compliance therewith should invariably be made in case of every Bill which involves delegation of legislative power to the Central Government or to any other authority.

The Committee note the assurance given by the Ministry of Law.

IV

INADEQUACY OF MEMORANDUM ON DELEGATED LEGISLATION REQUIRED TO BE APPENDED TO BILLS UNDER RULE 70 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN LOK SABHA.

19. The Memoranda on Delegated Legislation appended to the Emergency Risks (Factories) Insurance Bill, 1962 and Emergency Risks (Goods) Insurance Bill, 1962, as required under rule 70 of the Rules of Procedure and Conduct of Business in Lok Sabha, did not fully comply with the provisions thereof inasmuch as the clauses (clauses 3 and 5 of the said Bills respectively) which sought to delegate legislative powers to the Government were not specifically mentioned in the Memoranda.

20. The matter was brought to the notice of the Ministry of Law who sought the views of the Ministry of Finance, Department of Economic Affairs. The Ministry of Finance stated that there was no provision, in either of the two Bills, for the framing or publication of rules by the Central Government. The only provision vesting any delegated powers in the Central Government were those providing for the framing of schemes (clause 5 in the case of the Emergency Risks (Goods) Insurance Bill, 1962 and clause 3 in the case of the Emergency Risks (Factories) Insurance Bill, 1962). The power to frame, and to bring into force, these schemes was not regarded as being equivalent to a rule making power, especially because the limitations within which the schemes were to be framed had been prescribed in considerable detail in the

relevant sections. In the circumstances indicated, the only provision in the Bills which was considered to be of a somewhat unusual character was the one authorising the Central Government to declare the date on which the state of emergency may be deemed to have been terminated for the purposes of those schemes. The memoranda on delegated legislation referred specifically to these provisions and it was, therefore, apparent, the Ministry added, that the requirements of Rule 70 of the Rules of Procedure and Conduct of Business in Lok Sabha had been adequately fulfilled.

21. The Ministry of Law have, however, stated that if it is considered that the power to frame the schemes should have been mentioned in the Memorandum on the Delegated Legislation, this would be done in future.

22. The Committee do not agree with the views of the Ministry of Finance that power to frame schemes is not a rule making power. Framing of a scheme under powers delegated by an Act of Parliament to give effect to the provisions thereof is as much an exercise of delegated legislative powers as making of rules under an Act.

The Committee note the assurance given by the Ministry of Law.

V

THE ART SILK TEXTILES (PRODUCTION AND DISTRIBUTION) CONTROL ORDER, 1962 (S.O. 1059-OF 1962)

23. The Art Silk Textiles (Production and Distribution) Control Order, 1962 was issued under section 3 of the Essential Commodities Act, 1955. Clause 10 thereof conferred power of entry, search and seizure on the Textile Commissioner and on Officers authorised by him in this behalf but the said Control Order did not provide suitable safeguards like presence of witnesses at the time of search of premises, preparation of inventory of the articles seized etc. as were contained in sections 102 and 103 of the Criminal Procedure Code, 1898.

24. The Committee note that the concerned Ministry of Commerce and Industry, on being pointed out, have amended the said Control Order to provide that the provisions contained in sections 102 and 103 of the Criminal Procedure Code, 1898 relating to search and seizure, would, so far as may be, apply to searches and seizures conducted under clause 10 thereof (See S.O. 2780 of 1962).

**SERVICE RULES FOR FLYING CREW, FOR EMPLOYEES
IN AIRCRAFT ENGINEERING DEPARTMENT ETC. (G. S. R.
302 OF 1960)**

25. The Indian Airlines Corporation Service Rules for Flying Crew etc., as published under S.R.O. 781 of 6th April, 1955, have been revised under section 45(2)(b) and (c) of the Air Corporations Act, 1953.

26. Under rule 5 of the revised rules the Corporation reserved to themselves the right of interpreting finally the rules in case of dispute.

27. It appeared that the rule would have the effect of barring indirectly the jurisdiction of the courts unless the rule itself was declared by the courts as not binding on them.

28. On a reference, the Ministry of Transport and Communications, after consulting the Ministry of Law, have stated that as between the Corporation and its employees the right of interpretation is that of the Corporation but when a dispute goes before a Court, the right of interpretation is that of the Court and not that of the Corporation.

29. After considering the reply of the Ministry, the Committee feel that if the position as explained by the Ministry is correct a provision like the one contained in rule 5 is not only superfluous but mis-leading. To lay down in the rules, a claim for final interpretation thereof by the Corporation has no meaning when it can be questioned in a court of law. The Corporation being the employer, the employees cannot impose on the Corporation their own interpretation of the rules otherwise than through the process of law. The provision is mis-leading as the employees might be led to believe that the interpretation of the rules by the Corporation was final and unchallengeable.

The Committee recommend that rule 5 should either be deleted or amended in such a way that it does not give an impression that the jurisdiction of the courts was being ousted.

VII

AMENDMENTS IN THE INDIAN AIRCRAFT RULES, 1937 (G.S.R. 1567 of 1962)

30. The revised rule 31 of the Indian Aircraft Rules, 1937 as substituted by G.S.R. 1567 of 1962, issued under sec. 5 of the Indian Aircraft Act, 1934 provides *inter alia* that every application for certificate of registration of aircraft should be accompanied by a fee of Rs. 50/- as prescribed under rule 35.

31. It was noticed that whereas the old rule 31 provided for refund of fee in cases where the application was not granted, the provision regarding refund of fee was dispensed with in the new rule. It was felt that such a wholesome provision ought to be restored in the new rule.

32. The Ministry of Transport and Communications (Department of Communications and Civil Aviation), to whom the matter was referred for comments, have replied that in deleting the words 'which fee shall be returned if the application is not granted' from the revised rule 31, the intention is to achieve economy of phraseology and not the elimination of the principle of refund of fee in the event of rejection of the application for registration of aircraft. The Ministry have further added that during the many years when the Indian Aircraft Rules have been in operation, there has not been a single instance when a certificate of registration has been refused and, therefore, the question of refund of fee remains an academic issue.

33. The Committee do not agree with the view of the Ministry regarding the economy of phraseology. The Committee feel that in order to clarify the intention of refunding such fees, the provisions of old rule should be restored.

VIII

THE CENTRAL APPRENTICESHIP COUNCIL RULES, 1962 (G. S. R. 608 of 1962)

34. The Central Apprenticeship Council Rules, 1962, have been framed under section 37(1) of the Apprentices Act, 1961. Rule 5(2) thereof pertaining to cessation of membership *inter alia* provided that resignation of membership of the Council shall not take effect until it has been accepted on behalf of the Council by the Chairman. There was nothing in the rules to direct the Chairman to accept the resignation within a reasonable time.

35. In this connection attention of the concerned Ministry of Labour and Employment was invited to an earlier recommendation of the Committee on Subordinate Legislation (First Lok Sabha), para 29 of their Third Report, in respect of similar provisions contained in rule 6 of the Tea Rules, 1954, where the Committee had observed that there should be no such limitation on a member when he wanted to resign. The resignation should be effective either from the date of submission, or from the date from which the member wanted it to be effective or after the completion of certain notice period (to be fixed by Government) after the date of submission and a specific provision to this effect should be made in the rule. The Ministry were also apprised that in pursuance of the above recommendation, the Tea Rules, 1954, were accordingly amended to provide that the office of the member would fall vacant from the date on which his resignation was accepted or on the expiry of thirty days from the date of receipt of information of resignation, whichever was earlier.

36. The Ministry of Labour and Employment have replied that they do not anticipate any difficulty in amending Rule 5(2), if they are so advised.

The Committee desire that it may be done.

IX

THE DOCK WORKERS (ADVISORY COMMITTEE) RULES, 1962 (S.O. 1809 OF 1962)

37. The Dock Workers (Advisory Committee) Rules, 1962, were framed under section 8 of the Dock Workers (Regulation of Employment) Act, 1948. Rule 8(1) read with rule 8(6) pertaining to meetings of the Committee provided *inter alia* that if the Chairman so directed a matter might be considered by circulation of the necessary papers for opinion to every member who was present in India and every question so referred would, unless the Chairman reserved it for consideration at a meeting, be decided in accordance with the opinion of the majority of the members, recording opinion within the time allowed for it.

38. A doubt arose whether such a decision would also be communicated to the members like other decisions arrived at a regular meeting, as had been provided in rule 10.

39. The Ministry of Labour and Employment, to whom the matter was referred for clarification, replied that as the rules stand, there is no provision for the decision reached under rule 8(6) being communicated to the members of the Committee. The lacuna in the Rules is, however, proposed to be set right by amending rule 8(6) to provide that the decision taken shall be communicated to the members of the Dock Workers Advisory Committee and reported at the next meeting of the Committee.

The Committee note the assurance given by the Ministry.

X

BYE-LAWS FOR THE REGULATION OF THE STABLING OR HERDING OF ANIMALS AND FOR THE LICENSING OF PRE- MISES FOR USE AS STABLES OR COW HOUSES IN THE JABALPUR CANTONMENT (S.R.O. 49 OF 1962).

40. The above bye-laws were framed under clauses (11) and (37) of section 282 and section 283 of the Cantonments Act, 1924. Bye-laws

3 and 8 thereof empowered the Executive Officer to refuse to grant a licence for stabling or herding of animals in the Cantonment or, to suspend or cancel it where the licence has been granted, for breach of any provision of the bye-laws or conditions of the licence.

It was felt that in such cases there ought to be a right of appeal against the orders of the Executive Officer.

41. The matter was referred to the Ministry of Defence, who have since made the necessary provision for appeal in the aforesaid bye-laws. (See S.R.O. 11 of 1963).

XI

AMBIGUITIES IN 'ORDERS'

(a)

THE COLLECTION OF STATISTICS (APPLICATION TO THE STATE OF PONDICHERRY) ORDER, 1961 (S.O. 1089 OF 1962).

42. The Collection of Statistics (Application to the State of Pondicherry) Order, 1961 issued under section 4 of the Foreign Jurisdiction Act, 1947 was published in the Gazette of India, dated the 14th April, 1962. It was noticed that although the 'Order' was published and it came into force in the year 1962, it had been referred to as of '1961' and thus it would have created difficulty in referencing.

43. The Committee note that the Ministry of External Affairs, on being pointed out, have substituted '1962' for '1961' by an amendment (*vide* S.O. 2312, dated the 28th July, 1962).

(b)

AMENDMENTS TO THE PORT OF KANDLA (PETROLEUM) RULES, 1955 (G.S.R. 1009 OF 1961).

44. G.S.R. 1009 of 1961 was issued under Section 6(1) of the Indian Ports Act, 1908. Clause 3(2) thereof provided that in rule 17 of Part II of the Port of Kandla (Petroleum) Rules, 1955, the expressions '100 yards'

and '100 ft.' be substituted by '91.440 metres' and '30.48 metres', respectively.

It was noticed that the said expressions did not occur in rule 17 as stated therein. However, those amendments were relevant and could fit in rules 19 and 20 thereof. This ambiguity had occurred because no notice had been taken of the amendments issued under G.S.R. 782 of 1960 which *inter alia* substituted rule 17 by rules 17-22. Similarly, notice had not been taken of the amendment made under G.S.R. 28 of 1959 which inserted new rule 12 to Part V of the Rules, where amendments of similar nature appeared necessary.

45. The Ministry of Transport and Communications (Department of Transport), whose attention was drawn to the matter, have expressed their regret that the Department failed to notice the earlier amendments to the Port of Kandla (Petroleum) Rules, 1955 made under G.S.R. 782, dated the 16th July, 1960 and G.S.R. 28, dated the 10th January, 1959.

46. The Ministry have further stated that the matter has been taken up with the Development Commissioner, Kandla, for the issue of the necessary amendments to rectify the mistakes in question as early as possible.

The Committee notes the assurance given by the Ministry.

XII

ACTION TAKEN OR PROPOSED TO BE TAKEN BY GOVERNMENT ON VARIOUS RECOMMENDATIONS OF, AND ASSURANCES GIVEN TO, THE COMMITTEE ON SUBORDINATE LEGISLATION

47. The Committee have noted the progress of action taken or proposed to be taken by the Government on various recommendations of, or on assurances given to, the Committee on Subordinate Legislation as indicated in the Appendix.

New Delhi;

The 6th May, 1963.

S.V. KRISHNAMOORTHY-RAO,
Chairman

Committee on Subordinate Legislation.

SUMMARY OF RECOMMENDATIONS MADE BY, AND ASSURANCES GIVEN TO, THE COMMITTEE ON SUBORDINATE LEGISLATION (THIRD LOK SABHA)

(Second Report)

3/23

Serial No.	Reference to para No of the Report.	Summary of recommendation/s/ assurances.
1	2	3
1.	14	For formula providing for laying of statutory rules before the Houses as contained in paragraph 46 of the Seventh Report of the Committee on Subordinate Legislation, Second Lok Sabha, which has hitherto been adopted by the Government should be followed in future also and if the Government consider it necessary to amend that formula in order to avoid relaying of rules under rule 234(2) of the Rules of Procedure and Conduct of Business in Lok Sabha, for administrative convenience, it should clearly be provided therein that the right of the Houses to modify the rules shall extend to the session immediately following the session in which the said period of 30 days is completed.
2.	18	Provisions of rule 70 of the Lok Sabha Rules are mandatory and therefore compliance therewith should invariably be made in case of every Bill which involves delegation of legislative power to the Central Government or to any other authority.
3.	22	Framing of a scheme under powers delegated by an Act of Parliament to give effect to the provisions thereof is as much an exercise of delegated legislative powers as making of rules under an Act.
4.	29	Rule 5 of the Indian Airlines Corporation Service Rules for Flying Crew etc. (G.S.R. 302 of 1960) should either be deleted or amended in such a way that it does not give an impression that the jurisdiction of the courts is being ousted.
	38	The provisions contained in the old rule 81 of the Indian Aircraft Rules, 1937, regarding refunding of fees in cases where the application for certificates of registration of an aircraft is not granted, should be restored.

1	2	3
6.	36	Rule 5(2) of the Central Apprenticeship Council Rules, 1962 should be amended to provide that the office of a member of the Council would fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of information of resignation, whichever is earlier.
7.	39	The Committee noted the assurance given by the Ministry of Labour and Employment that rule 8(6) of the Dock Workers (Advisory Committee) Rules, 1962 (S.O. 1009 of 1962) would be amended to provide that a decision of the Dock Workers Advisory Committee taken in accordance with the procedure laid down therein will be communicated to the members of the Committee and reported at their next meeting.
8.	46	The Committee noted the assurance given by the Ministry of Transport and Communications (Department of Transport) that the ambiguity created by the amendments to the Port of Kandla (Petroleum) Rules, 1955 (G.S.R. 1009 of 1961) would be removed.
9.	Appendix Item 1:	The Committee noted the reply of the Ministry of Labour and Employment that the recommendations contained in para 151 of the First Report of the Committee on Subordinate Legislation (Second Lok Sabha) had been included in the proposed amendments to the Employees' State Insurance Act, 1948.

APPENDIX

(See para 47 of the Report)

Statement showing the progress of action taken or proposed to be taken on the recommendations made by and assurances given by Ministries to the Committee on Subordinate Legislation.

S.No.	Reference to para No. of the Report	Summary of recommendations/assurances.	Gist of Government's reply.
1	2	3	4
1.	First Report (2nd Lok Sabha). 151.	The Employees' State Insurance Act 1948 should be suitably amended to provide (i) that a representative of the Lok Sabha should cease to be a member of the Corporation on his ceasing to be a member of the Lok Sabha (ii) that Parliament should be represented by three members on the Corporation, two from Lok Sabha and one from Rajya Sabha	The recommendations have been included in the proposed amendments to the Act. [Ministry of Labour and Employment O.M.No. 1(27)/52-HI, dated June 19, 1962]
2	Fourth Report (2nd Lok Sabha) 41-13	Committee noted the assurance given by the Ministry of Defence that by-law 4 of the Deolali Cantonment Board Byelaws for the regulation of posting of bills and advertisements etc. (S.R.O. 150 of 1958), which provided for levying of certain charges not authorised by the parent Act, would be omitted	The rule in question has since been deleted from the existing by-laws (See S.R.O. 107 of 1962). [Ministry of Defence O.M.No. 12/20/52-L&C/57-G/D (C&L) dated April 11, 1962]
3.	Ninth Report (2nd Lok Sabha) 4-7	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 Economist Rules, 1950.	Necessary action to get the Indian Boilers Act, 1923, amended is being taken by the Ministry of Works, Housing and Rehabilitation. [Ministry of Home Affairs O.M.No. 34/13/51-ANI, dated the 17th March, 1962]

4. **Twelfth Report (2nd
Lok Sabha)**
11-13

The Ministry of Finance should ensure that the amendments to the same rules are published in the Gazette bearing the Order numbers in the same sequence as assigned to the amendments by the Ministry.

Suitable instructions in this regard have since been issued.
[D.P.A. O.M. No. SRXIII (11-13)CB/11,
dated April 17, 1962]

5. **Thirteenth Report (2nd
Lok Sabha)**
22-23

The Committee noted the assurance given by the Ministry of Transport and Communications (Department of Tourism) that clause 113 of the Imported Tourist Cars (Control) Order, 1961 (S.O. 352 of 1961) pertaining to the date of its enforcement would be omitted so that the Order would be deemed to have come into force on the date of its Publication in the Gazette.

The clause has since been omitted.
(See S.O. 25 of 1962) [D.P.A. O.M.
No. SRXIII (22-23)CB-CB, dated
March 9, 1962]