

COMMITTEE
ON
SUBORDINATE LEGISLATION
(FOURTH LOK SABHA)
SECOND REPORT

(Presented on the 14th December, 1968)



LOK SABHA SECRETARIAT
NEW DELHI

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CONTENTS

	PARA NOS.	PAGE NOS.
COMPOSITION OF THE COMMITTEE		(iii)
REPORT :		
I. INTRODUCTION	1—5	1
II. Bye-laws for the regulation of collection and recovery of trade and profession tax and its refund in Dehradun Cantonment (S.R.O. 47 of 1965)	6-7	1
III. (a) The Ministry of Defence (Civilian Photo Interpretation Officer) Recruitment Rules, 1967, Ministry of Defence Armed Forces Headquarters (Class III Non-Gazetted Non-Ministerial/Ministerial Posts) Recruitment Rules, 1967 and Ministry of Defence, Historical Section (Post of Junior Research Officer) Recruitment Rules, 1967 (S.R.Os. 325, 326 and 327 of 1967)	8	2
(b) The Indian Police Service (Recruitment) Amendment Rules, 1968 and the Indian Administrative Service (Recruitment) Amendment Rules, 1968 (G.S.Rs. 1520 and 1521 of 1968)	9-10	3
IV. Laying of statutory rules, orders etc. on the Table of Lok Sabha in the case of a State under President's rule	11-12	4
V. Rules relating to preservation of antiquities, their safe custody etc. and rules for governing the affairs of the National Museum, New Delhi	13—16	6
VI. Reprinting of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 together with the Schedules	17—19	8
VII. Giving of short titles to amending rules	20-21	8
VIII. The Ministry of Home Affairs (Hindi Officer) Recruitment Rules, 1968 (G.S.R. 1519 of 1968)	22-23	9

(ii)

	PARA Nos.	PAGE Nos.
SUMMARY OF RECOMMENDATIONS/OBSERVATIONS MADE BY THE COMMITTEE		ii
APPENDIX: List of "Orders" examined in detail by the Study Group of the Committee		14
Minutes of the Fifteenth to Seventeenth Sittings of the Committee		20
Minutes of the First to Third Sittings of the Study Group		43

COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (1968-69)

1. Shri N. C. Chatterjee—*Chairman*.
2. Shri Bimal Kanti Ghosh
3. Shri Shri Chand Goyal
4. Shri Tulsiram Dashrath Kamble
- *5. Shri Arjun Shripat Kasture
6. Shri Narendra Singh Mahida
7. Shri M. Meghachandra
8. Dr. G. S. Melkote
9. Shri V. Viswanatha Menon
10. Shri Srinibas Mishra
11. Shri G. S. Reddi
12. Shri N. K. Sanghi
13. Shri Nuggehalli Shivappa
14. Shri Balgovind Verma
15. Shri G. Viswanathan.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

*Nominated w.e.f. 23rd July, 1968 in the vacancy caused by the death of Shri Mali Mariyappa.

SECOND REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FOURTH LOK SABHA)

I

INTRODUCTION

1. 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 their First Report, the Committee held four sittings on the 27th August, 23rd September, 21st November and 13th December, 1968 and considered 836 'Orders'.

3. At their sitting held on the 27th August, 1968, the Committee constituted a Study Group consisting of Sarvashri Narendra Singh Mahida (Convenor), Bimal Kanti Ghosh, Shri Chand Goyal, Arjun Shripat Kasture and Srinibas Mishra, members, for selective and detailed examination of 'Orders'. The Study Group held three sittings on the 2nd and 21st* September, 1968 and selected and examined in detail 113 'Orders' listed in Appendix. The minutes of the sittings of the Study Group were placed before, and approved by, the Committee at their sitting held on the 23rd September, 1968.

4. The Committee considered and adopted this Report at their sitting held on the 13th December, 1968.

5. Observations of the Committee on matters, which arose during the course of examination of the 'Orders' and matters which required to be brought to the notice of the House have been set out in the succeeding paragraphs.

II

BYE-LAWS FOR THE REGULATION OF COLLECTION AND RECOVERY OF TRADE AND PROFESSION TAX AND ITS REFUND IN DEHRADUN CANTONMENT (S.R.O. 47 OF 1965)

6. Bye-law 7 of the aforesaid bye-laws provided that the Cantonment Board might, at any time subsequent to the finalisation of the assessment list, for due and sufficient cause, amend that list.

*Two sittings were held on the 21st September, 1968, one in the morning and the other in the afternoon.

While the main bye-law 7 provided that the provisions contained in the preceding bye-laws 2, 3 and 4 relating to giving of public notice of assessment list, raising of objections by the assesses affected and consideration of such objections by the Board and finalisation of the assessment list would apply, the proviso to that bye-law, as it then existed, appeared to indicate that the amendments to the assessment list made subsequent to its finalisation would be communicated to the persons concerned *only* and that there would be no public notice for such amendments. It was felt that the method of giving a public notice of the assessment list went a long way in eliminating cases of favouritism because it would be very difficult for the authorities concerned to exempt a trader who might be liable to pay trade or profession tax and, therefore, it should be made clear that the provision for personal notice would be in addition to the public notice as was envisaged in bye-law 2 thereof. It was also felt that in case the Cantonment Board decided to amend the final list, the Cantonment Board should be required to put in writing the reasons for such amendments and it should not be left to mere subjective satisfaction of the members of the Cantonment Board that there was "due and sufficient cause" for amending the final list.

7. The Committee note that, on a reference having been made to the Ministry of Defence, bye-law 7 *ibid.* has been amended (vide S.R.O. 125 of 1968) to make it clear that the notice of subsequent amendments in the final list to the persons affected will be in addition to the public notice.

III

(a) THE MINISTRY OF DEFENCE (CIVILIAN PHOTO INTERPRETATION OFFICER) RECRUITMENT RULES, 1967, MINISTRY OF DEFENCE ARMED FORCES HEADQUARTERS (CLASS III NON-GAZETTED NON-MINISTERIAL/ MINISTERIAL POSTS) RECRUITMENT RULES, 1967 AND MINISTRY OF REFENCE, HISTORICAL SECTION (POST OF JUNIOR RESEARCH OFFICER) RECRUITMENT RULES, 1967 (S.R.Os. 325, 326 AND 327 OF 1967).

8. The Committee noticed that the above mentioned rules had been given retrospective effect from the 22nd July, 1968, 21st September, 1968 and 30th November, 1965, respectively, whereas these rules had been finally published in the Gazette of India on the 14th October, 1967. There was thus a gap of two years between the

adoption and publication of the Ministry of Defence Historical Section (Post of Junior Research Officer) Recruitment Rules, 1967. The Committee have perused the following explanation of the Ministry of Defence, to whom the matter was referred for clarification:

"There was some delay in their promulgation through statutory notifications due to administrative difficulties. The above mentioned S.R.Os. were, therefore, given retrospective effect in consultation with all concerned from the dates they were actually finalised and adopted in the above manner with a view to validating all actions that might have been taken after the rules have been adopted and before those were promulgated. It has been checked that no one will be adversely affected as a result of retrospective effect having been given to these recruitment rules."

(b) THE INDIAN POLICE SERVICE (RECRUITMENT) AMENDMENT RULES, 1968 AND THE INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) AMENDMENT RULES, 1968
(G.S.Rs. 1520 AND 1521 OF 1968).

9. The Committee noticed that the above mentioned G.S.Rs. were published in the *Gazette of India*, dated the 24th August, 1968, whereas the rules made therein had been brought into force with effect from the 6th April, 1966 and 5th April, 1966, *vide* sub-rule (2) of rule 1 of the aforesaid G.S.Rs. respectively. The Committee have perused the following explanation furnished by the Ministry of Home Affairs to whom the matter was referred for stating the reasons for giving retrospective effect to the said rules and also whether any one would be adversely affected by the retrospective effect of these rules:—

"...the amendments to clause (1) of Rule 5 of the IAS/IPS (Recruitment) Rules, 1954, published as G.S.R. Nos. 1520 and 1521 in the *Gazette of India* dated the 24th August, 1968, were made to bring the provisions contained therein in conformity with those of Clause (i) of Regulation 4 of the IAS/IPS (Appointment by Competitive Examination) Regulations, 1955, as amended *vide* this Ministry's notification Nos. 1/1966-AIS(I), dated 5th April, 1966 and 1/1966-AIS(1)-B, dated 6th April, 1966. As the amendments to the Regulations referred to above were given

effect from 5th April, 1966 and 6th April, 1966, it was, in consultation with the Ministry of Law, decided to give effect to those amendments also from those dates. The retrospective effect to these amendments would not affect any one adversely."

10. The Committee are not satisfied with the explanations of the Ministries concerned and are of the view that normally all rules should be published before the date of their enforcement or they should be enforced from the date of their publication. The Ministries|Departments should take appropriate steps to ensure the publication of rules before they come into force. However, if, in any particular case, the rules have to be given retrospective effect in view of any unavoidable circumstances, a clarification should be given, either by way of an explanation in the rules or in the form of a foot-note to the relevant rules to the effect that no one will be adversely affected as a result of retrospective effect being given to such rules.

IV

LAYING OF STATUTORY RULES, ORDERS ETC. ON THE TABLE OF LOK SABHA IN THE CASE OF A STATE UNDER PRESENT'S RULE.

11. The Committee have considered the following letter, from the Government of Uttar Pradesh, forwarded by the Ministry of Home Affairs to the Lok Sabha Secretariat, which points out certain difficulties in laying of statutory rules, orders etc. on the Table of each House of Parliament within 15 days of the publication of those rules in the Uttar Pradesh Gazette, when the House is in Session, and within 15 days of the commencement of the Session, if the rules are published when the House is not in Session:—

"...there are some practical difficulties in the way of laying of these rules, orders etc. on the Table of Parliament withina

a period of 15 days after their publication in the State Gazette. It usually takes some time to get the requisite number of their copies after publication in the State Gazette, from the Superintendent of Printing and Stationery, Uttar Pradesh, Allahabad. Thereafter, those printed copies are forwarded by the Administrative department, concerned of the State Government to the legislative Department, which in turn forwards them to the concerned Ministry of the Government of India. Some time is also taken in transit. I hope you will kindly appreciate that even if utmost promptness is observed at every stage and if everything goes well it would take at least ten days for the required number of printed copies of these notifications, rules etc. to reach the Ministry concerned of the Government of India after their publication. Thus in spite of best efforts it becomes difficult to lay these rules, orders, notifications, etc. before Parliament within the stipulated period of 15 days, after their publication in the State Gazette. Perhaps this period of 15 days has been fixed for the notifications, rules, orders, etc. issued by the Government of India keeping in view the convenience of the various Ministries of the Government of India, and in their case it may be possible to adhere to this time schedule because it is the Government of India which publishes them and copies thereof have to be received from the Press there. But in the case of a State under the President's rule the position is different as explained above and more than 15 days would be required to lay the rules, notifications, etc. before Parliament.

As such, I am to request that if there be no objection, the difficulties of this State Government mentioned above may kindly be brought to the notice of Hon'ble Speaker of Lok Sabha and Hon'ble Chairman, Rajya Sabha, and their permission may be obtained to lay the rules, orders, notifications etc. of this State Government before Parliament within 30 days of their publication in the State Gazette."

12. The Committee appreciate the difficulties pointed out by the Government of Uttar Pradesh and agreed that in the case of a State under the President's rule in pursuance of a Proclamation issued under Article 356 of the Constitution, the rules, orders, notifica-

tions, etc. relating to that State Government required to be laid before Parliament during the President's Rule may be permitted to be so laid within a period of 30 days instead of the usual period of 15 days laid down for the Government of India rules etc.

V

RULES RELATING TO PRESERVATION OF ANTIQUITIES, THEIR SAFE CUSTODY ETC. AND RULES FOR GOVERNING THE AFFAIRS OF THE NATIONAL MUSEUM, NEW DELHI.

13. The Committee desired to know in connection with the above subject—

- (i) whether any rules, bye-laws, etc. had been framed by the Government under the Indian Museum Act, 1910 (as amended by Act 45 of 1960) or under any other law or otherwise for the preservation of antiquities, their safe custody and to prevent loss or pilferage of rare exhibits, articles or precious jewellery, etc; and
- (ii) whether any rules had been made by the Government to govern the affairs of the National Museum, New Delhi.

14. The Committee have, in this connection, perused the following information furnished by the Ministry of Education:

- (i) "..... under sections 8 and 15A of the Indian Museum Act, 1910 (as amended by Act 45 of 1960) neither the Board of Trustees, Indian Museum, Calcutta, nor the Central Government have framed any Bye-Laws or Rules covering the matters relating to the preservation of antiquities, their safe custody and to prevent loss or pilferage of rare exhibits, articles or pieces of jewellery, etc.

It may, however, be noted that under clause (j) of sub-section (2) of section 28 of the Salar Jung Museum Act, 1961, the Salar Jung Museum are required to frame regulations for the preservation of books, manuscripts and other articles and things in the Salar Jung Museum, Hyderabad.

Executive orders have been issued by this Ministry to the Indian Museum authorities requesting them to frame their own rules in regard to the custody and handling of art objects in the Indian Museum on the lines of the rules in force in the Salar Jung Museum, Hyderabad."

- (ii) "The National Museum, New Delhi, is a subordinate office of this Ministry and its administration is not governed by any statutory rules or regulations (except recruitment rules which are framed under Article 309 of the Constitution of India) and as such no rules under any other Act for the safe custody of rare exhibits in the National Museum, New Delhi, have been framed. The art objects in the National Museum, New Delhi, are preserved under the executive orders issued from time to time by this Ministry or by the Director, National Museum, New Delhi, who is ultimately responsible to Government for the preservation and safe custody of art objects in the National Museum, New Delhi.

Further steps are being taken on a top priority basis to further improve security arrangements. A Committee is being formed *inter alia* to make recommendations regarding security arrangements in Central Museum."

15. The Committee are surprised to note that although section 15A of the Indian Museum Act, 1910, which empowers the Central Government to make rules in this regard, was inserted in 1960 by Act 45 of 1960, it is strange that no steps have been taken to frame the rules so far, either by the Government or by the Board of Trustees, Indian Museum, Calcutta. The Committee would like to stress upon the Government the urgent need of framing rules relating to preservation of Antiquities, their safe custody and to prevent loss or pilferage of rare exhibits, articles or pieces of jewellery, etc., under sections 8 and 15A of the Indian Museum Act, 1910. The Committee would urge the Government to expedite the matter.

16. As regards the National Museum, New Delhi, the Committee recommend that Government should bring forward a Bill in Parliament to govern the affairs of the National Museum, New Delhi, as was done in the case of Indian Museum, Calcutta, and the Salar Jung Museum, Hyderabad, so that this Museum is also governed by an Act of Parliament and statutory rules and bye-laws concerning it are framed to bring it at par with other National Museums in the country. The Committee feel that the Government should further tighten the security arrangements in the National Museum, in view of the recent theft committed in the National Museum, New Delhi.

VI

REPRINTING OF THE CENTRAL CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965 TOGETHER WITH THE SCHEDULES.

17. The Committee noticed that rule 33 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (S.O. 3703 of 1965) provided that until the publication of Schedules under those Rules, the Schedules to the Central Civil Services (Classification, Control and Appeal) Rules, 1957 and the Civilians in Defence Services (Classification, Control and Appeal) Rules, 1952, as amended from time to time, would be deemed to be the Schedules relating to the respective categories of Government Servants and that such Schedules would be deemed to be the Schedules referred to in the corresponding rules of the new Rules. The Committee after considering the views of the Ministry of Home Affairs, had, in para 13 of their First Report presented to Lok Sabha on the 5th March, 1968, reiterated "that the rules should be self-contained and 'legislation by reference' should be avoided as far as possible" and recommended that the aforesaid rules "should be reprinted along with the necessary Schedules".

18. The Committee note that the Ministry of Home Affairs, in their Office Memorandum dated the 5th September, 1968, have stated that "action has already been initiated....to compile the Schedules to the Central Civil Service (Classification, Control and Appeal) Rules, 1965."

19. The Committee feel that there has been undue delay in reprinting the rules together with the Schedules. The above recommendation of the Committee was made in the first week of March, 1968 and even after nine months thereof the Ministry are still in the process of compiling the Schedules. The Committee urge the Ministry to expedite the reprinting of the said rules with the Schedules at an early date, particularly as the principal rules were made in 1965, i.e., more than three years ago.

VII

GIVING OF SHORT TITLES TO AMENDING RULES

20. The Committee had, after noticing that amendments to Rules regulating Direct Recruitment to the Central Engineering Service Class I and Class II and Central Electrical Engineering Service Class I & II (G.S.Rs. 250—53 of 1967) had not been given short titles or numbers and after considering the views of the Ministry of Works, Housing and Supply and the opinion of the Ministry of Law,

in para 57 of their First Report, recommended that there should be no difficulty if the amending rules were given short titles and numbered serially even though the principal rules did not bear short titles. In this connection, the Committee have perused the following note submitted by the Department of Parliamentary Affairs:

“....Ministry of Works, Housing & Supply, to whom the matter was referred, have stated that every endeavour would be made to give effect to the recommendations of the Committee on Subordinate Legislation. As regards the question of giving ‘short title’ to ‘amending rules’ the considered opinion of the Ministry of Law (as ascertained by the Ministry of Works, Housing & Supply) is reproduced below:—

‘When any amendment to any Act or rule is made, the short-title of the Act or the rule, as the case may be, is quoted and the word “Amendment” is put in brackets to indicate that the Act or rule, as the case may be, is an amending Act or rule. It is possible to amend a thing which exists, but it is not possible to amend a thing which does not exist. Hence, where a short title exists in a rule that short title can be amended but where no short title exists, what can be amended is the notification by which the rules were made and not the short title for the simple reason that the short title does not exist.’”

21. The Committee are unable to appreciate the difficulty pointed out by the Ministry of Law, in their opinion quoted above. The Committee feel that there should be no difficulty in giving short titles to the rules which were made earlier without any short titles, at the time of amending those rules. The amending rules can contain as the first rule adding a short title to the principal rules. When the principal rules are thus given a short title, all amending rules can similarly be given appropriate short titles and numbers. The Committee would like to emphasise that giving of short titles, to all rules, whether principal or amending, is very essential for facility of reference and tracing by all concerned.

VIII

THE MINISTRY OF HOME AFFAIRS (HINDI OFFICER) RECRUITMENT RULES, 1968 (G.S.R. 1519 OF 1968)

22. The Committee noticed that the above-noted G.S.R., which was published in the *Gazette of India* dated the 24th August, 1968.

prescribed in rules 2 and 3 thereof that the number of post, classification, scale of pay and method of recruitment, etc. were as specified in the Schedule to those rules. But no Schedule was published with the aforesaid rules.

23. The Committee note that the Ministry of Home Affairs, to whom the omission was pointed out, have rectified the mistake by issuing a corrigendum whereby the Schedule has been published in the Gazette of India Part II, Section 3(i), dated the 28th September, 1968, vide G.S.R. 1774 of 1968.

N. C. CHATTERJEE,
Chairman,
Committee on Subordinate Legislation.

NEW DELHI;
The 13th December, 1968.

**SUMMARY OF RECOMMENDATIONS/OBSERVATIONS
MADE BY THE COMMITTEE**

Sl. No.	Para No. in the Report	Summary
1.	7	The Committee note that, on a reference having been made to the Ministry of Defence, bye-law 7 of the Bye-laws for the regulation of collection and recovery of trade and profession tax and its refund in Dehra Dun Cantonment (S.R.O 47. of 1965) has been amended (<i>vide</i> S.R.O. 125 of 1968) to make it clear that the notice of subsequent amendments in the final list to the persons affected will be <i>in addition</i> to the public notice.
2.	10	Normally all rules should be published before the date of their enforcement or they should be enforced from the date of their publication. The Ministries/ Departments should take appropriate steps to ensure the publication of rules—before they come into force. However, if in any particular case, the rules have to be given retrospective effect in view of any unavoidable circumstances, a clarification should be given, either by way of an explanation in the rules or in the form of a foot-note to the relevant rules to the effect that no one will be adversely affected as a result of retrospective effect being given to such rules.
3	12	In the case of a State under the President's rule in pursuance of a Proclamation issued under Article 356 of the Constitution, the rules, orders, notifications, etc. relating to that State Government required to be laid before Parliament during the President's Rule may be permitted to be laid within a period of 30 days instead of the usual period of 15 days laid down for the Government of India rules etc.
4.	15-16	The Committee would like to stress upon the Government the urgent need of framing

Sl. No.	Para No. in the Report	Summary
		<p>rules relating to preservation of Antiquities, their safe custody and to prevent loss or pilferage of rare exhibits, articles or pieces of jewellery etc., under sections 8 and 15A of the Indian Museum Act, 1910. The Committee would urge the Government to expedite the matter.</p>
		<p>The Committee recommend that Government should bring forward a Bill in Parliament to govern the affairs of the National Museum New Delhi, as was done in the case of Indian Museum, Calcutta, and the Salar Jung Museum, Hyderabad, so that this Museum is also governed by an Act of Parliament and statutory rules and bye-laws concerning it are framed to bring it at par with other National Museums in the country. The Committee feel that the Government should further tighten the security arrangements in the National Museums, in view of the recent theft committed in the National Museum, New Delhi.</p>
19		<p>The Committee feel that there has been undue delay in reprinting the Central Civil Services (Classification, Control and Appeal) Rules, 1965 together with the Schedules. The above recommendation of the Committee was made in the first week of March, 1968 and even after nine months thereof the Ministry are still in the process of compiling the Schedules. The Committee urge the Ministry to expedite the reprinting of the said rules with the Schedules at an early date, particularly as the principal rules were made in 1965 i.e. more than three years ago.</p>
21		<p>The Committee feel that there should be no difficulty in giving short titles to the rules which were made earlier without any short titles, at the time of amending those rules. The amending rules can</p>

contain as the first rule adding a short title to the principal rules. When the principal rules are thus given a short title all amending rules can similarly be given appropriate short titles and numbers. The Committee would like to emphasise that giving of short titles to all rules, whether principal or amending, is very essential for facility of reference and tracing by all concerned.

7.

- 23 The Committee note that the Ministry of Home Affairs, to whom the omission was pointed out, have rectified the mistake by issuing a corrigendum whereby the Schedule to the Ministry of Home Affairs (Hindi Officer) Recruitment Rules, 1968 (G.S.R. 1519 of 1968) has been published in the *Gazette of India Part II, Section 3(i)* dated the 28th September, 1968, *vide* G.S.R. 1774 of 1968.
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APPENDIX

(See para 3 of the Report)

List of "Orders" examined in detail by the Study Group of Committee on Subordinate Legislation.

Sl. No.	"Order" No.	Short Title
1	2	3
1	S.O. 548 of 1967 .	The Income-tax (Amendment) Rules, 1967.
2	S.O. 1949 of 1967 .	The Income-tax (Third Amendment) Rules, 1967.
3	S.O. 2382 of 1967 .	The Income-tax (Determination of Export Profits) Rules, 1967.
4	S.O. 2460 of 1967 .	The Income-tax (Fourth Amendment) Rules, 1967.
5	S.O. 3218 of 1967 .	The Income-tax (Fifth Amendment) Rules, 1967.
6	S.O. 4588 of 1967 .	The Income-tax (Sixth Amendment) Rules, 1967.
7	S.O. 813 of 1968 .	The Income-tax (Amendment) Rules, 1968.
8	S.O. 1112 of 1968 .	The Income-tax (Second Amendment) Rules, 1968.
9	S.O. 1856 of 1968 .	The Income-tax (Third Amendment) Rules, 1968.
10	S.O. 2751 of 1968 .	The Income-tax (Fourth Amendment) Rules, 1968.
11	G.S.R. 1536 of 1967 .	The Wealth tax (Amendment) Rules, 1967.
12	G.S.R. 826 of 1967 .	The Insurance (Amendment) Rules, 1967.
13	F.4(92)/66-Finance (E) (I) dated the 16th March, 1967.	The Delhi Sales Tax (Amendment) Rules, 1967.
14	F. 4(33)/62-Fin. (E) (I) dated the 19th July, 1967.	The Delhi Sales Tax (Amendment) Rules, 1967.
15	F. 4(98)/66-Fin. (E) (I) dated the 31st August, 1967.	The Delhi Sales Tax (Amendment) Rules, 1967.
16	F. 4 (83)/67-Fin. (E) (I) dated the 19th October, 1967.	The Delhi Sales Tax (Third Amendment) Rules, 1967.
17	F.4(83) 67-Fin. (E) (I) dated the 7th March, 1968.	The Delhi Sales Tax (Amendment) Rules, 1968.
18	F. 4(83)/67-Fin-(E) (I) dated the 30th April, 1968	The Delhi Sales Tax (Second Amendment) Rules, 1968.

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|----|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 19 | F. 4(28) 68-Fin. (E) (I) dated the 27th June, 1968. | The Delhi Sales Tax (Third Amendment) Rules, 1968. |
| 20 | F. No. 8/21/66-ST dated the 17th September, 1966. | Amendment in the Central Sales Tax Registration and Turnover) Rules, 1957. |
| 21 | G.S.R. 1747 of 1967 | The Sugar (Control) Amendment Order, 1967. |
| 22 | G.S.R. 685 of 1968 | The Gur (Regulation of Use) Order, 1968. |
| 23 | S.O. 2718 of 1968 | The Export (Quality Control and Inspection) Amendment Rules, 1968. |
| 24 | S.O. 3760 of 1967 | Amendment to the Essential Commodities (Regulation of Production and Distribution for purposes of Export) Order, 1966. |
| 25 | S.O. 481 of 1968 | The Unlawful Activities (Prevention) Rules, 1968. |
| 26 | G.S.R. 952 of 1968 | The All India Services (Conduct) Amendment Rules, 1968. |
| 27 | G.S.R. 872 of 1967 | The Citizenship (Amendment) Rules, 1967. |
| 28 | S.O. 2306 of 1969 | The Ancient Monuments and Archaeological Sites and Remains Rules, 1959. |
| 29 | S.O. 3520 of 1966 | The Ancient Monuments and Archaeological Sites and Remains (Amendment) Rules, 1966 |
| 30 | G.S.R. 663 of 1967 | The Ancient Monuments and Archaeological Sites and Remains (Amendment) Rules, 1967. |
| 31 | F.12- 46/47 Arch. dated the 18th June, 1967. | The Antiquities (Export- Control) Rules 1947. |
| 32 | S.O. 504 of 1966 | The University Grants Commission Returns and Information (Amendment) Rules, 1966. |
| 33 | G.S.R. 258 of 1968 | The University Grants Commission (Terms and Conditions of Service of Employees) Amendment Rules, 1968. |
| 34 | S.O. 926 of 1968 | The Admission as Advocates (Training and Examination) Rules, 1968. |
| 35 | G.S.R. 460 of 1967 | The Post-Graduate Institute of Medical Education and Research, Chandigarh, Rules 1967. |
| 36 | G.S.R. 1295 of 1967 | The Press Council (Amendment) Rules, 1967. |
| 37 | G.S.R. 1789 of 1967 | The Press Council (Second Amendment) Rules, 1967. |
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1	2	3
38	G.S.R. 233 of 1968	The Cinematograph (Censorship) Amendment Rules, 1968.
39	G.S.R. 533 of 1967	The Sailing Vessels (Members of Crew) Rules, 1967.
40	G.S.R. 1650 of 1967	The Merchant Shipping (Pilot Ladder) Rules, 1967.
41	G.S.R. 1670 of 1967	The Paradip Port Trust (Payment of Fees and Allowances to Trustees) Rules 1967.
42	G.S.R. 1669 of 1967	The Paradip Port Trust (Procedure at Board Meetings) Rules, 1967.
43	G.S.R. 665 of 1968	The Shipping Development Fund (Loans) Amendment Rules, 1968.
44	G.S.R. 814 of 1968	The Merchant Shipping (Safety Convention Certificates) Rules, 1968.
45	G.S.R. 1283 of 1968	The Merchant Shipping (Radio Direction Finders) Rules, 1968.
46	G.S.R. 1284 of 1968	The Merchant Shipping (Musters) Rules, 1968.
47	G.S.R. 1465 of 1967	The Rice-Milling Industry (Regulation and Licensing) Third Amendment Rules, 1967.
48	G.S.R. 1772 of 1967	The Rice Milling Industry (Regulation and Licensing) Fourth Amendment Rules, 1967.
49	G.S.R. 1831 of 1966	The Food Corporations (Eighth Amendment) Rules, 1966.
50	G.S.R. 297 of 1967	The Food Corporations (Tenth Amendment) Rules, 1967.
51	G.S.R. 1415 of 1967	The Food Corporations (Eleventh Amendment) Rules, 1967.
52	G.S.R. 579 of 1968	The Food Corporations (Thirteenth Amendment) Rules, 1968.
53	G.S.R. 819 of 1968	The Food Corporations (Fourteenth Amendment) Rules, 1968.
54	G.S.R. 870 of 1968	The Food Corporations (Third Amendment) Rules, 1968.
55	G.S.R. 568 of 1967	The Delhi Specified Food Articles (Movement Control) Amendment Order, 1967.
56	G.S.R. 898 of 1967	The Foodgrains Movement Restrictions (Exemption of Certified Seeds) Amendment Order, 1967.

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57 G.S.R. 899 of 1967	.	The Foodgrains Movement Restrictions (Exemption to Food Corporation of India) Amendment Order, 1967.
58 G.S.R. 1192 of 1967	.	The Delhi Specified Food Articles (Movement Control) Second Amendment Order, 1967.
59 G.S.R. 1380 of 1967	.	The Inter-Zonal Wheat and Wheat Products (Movement Control) Fifth Amendment Order, 1967.
60 G.S.R. 1381 of 1967	.	The Northern Inter-Zonal Rice (Movement Control) Amendment Order, 1967.
61 G.S.R. 1382 of 1967	.	The Northern Inter-Zonal Gram (Movement Control) Amendment Order, 1967.
62 G.S.R. 1383 of 1967	.	The Northern Inter-Zonal Maize (Movement Control) Amendment Order, 1967.
63 G.S.R. 1624 of 1967	.	The Rice (Southern Zone) Movement Control Amendment Order, 1967.
64 G.S.R. 1666 of 1967	.	The Inter-Zonal Wheat and Wheat Products (Movement Control) Sixth Amendment Order, 1967.
65 G.S.R. 240 of 1968	.	The Inter-Zonal Wheat and Wheat Products (Movement Control) Amendment Order, 1968.
66 G.S.R. 303 of 1968	.	The Foodgrains Movement Restrictions (Exemption of Certified seeds) Amendment Order, 1968.
67 G.S.R. 362 of 1968	.	The Delhi Specified Food Articles (Movement Control) Amendment Order, 1968.
68 G.S.R. 571 of 1968	.	The Roller Mills Wheat Products, (Price Control) Amendment Order, 1968.
69 G.S.R. 623 of 1968	.	The Northern Rice Zone (Movement Control) Order, 1968.
70 G.S.R. 255 of 1967	.	The Minimum Wages (Central) Amendment Rules, 1967.
71 F.20(17)/60-Lab. dated the 9th January, 1967.	.	The Delhi Shops and Establishments (Amendment) Rules, 1966.
72 G.S.R. 908 of 1967	.	The Industrial Disputes (Central) Amendment Rules, 1967.
73 G.S.R. 1570 of 1967	.	The Displaced Persons (Compensation and Rehabilitation) Second Amendment Rules, 1967.
74 G.S.R. 1905 of 1967	.	The Minimum Wages (Central Advisory Board) Amendment Rules, 1967.

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| 75 | G.S.R. 8 of 1967
.. | The Displaced Persons (Compensation and Rehabilitation) Third Amendment Rules, 1967. |
| 76 | G.S.R. 74 of 1967 | The Displaced Persons (Compensation and Rehabilitation) Fourth Amendment Rules, 1967 |
| 77 | G.S.R. 1059 of 1968 | The Industrial Disputes (Central) Amendment Rules, 1968. |
| 78 | G.S.R. 1006 of 1968 | The Employees' State Insurance (Central) Third Amendment Rules, 1968. |
| 79 | S.O. 3409 of 1967 | The International Copyright (Second Amendment) Order, 1967. |
| 80 | G.S.R. 663 of 1967 | The Ancient Monuments and Archaeological Sites and Remains (Amendment) Rules, 1967. |
| 81 | S.O. 97 of 1968 | The International Copyright (First Amendment) Order, 1968. |
| 82 | G.S.R. 1728 of 1967 | The Customs and Central Excise Duties Export Drawback (General) fifty-ninth Amendment Rules, 1967. |
| 83 | G.S.R. 608 of 1968 | Corrigendum of G.S.R. 216 of 1968. |
| 84 | G.S.R. 492 of 1967 | The Central Excise (Fourth Amendment) Rules, 1967. |
| 85 | G.S.R. 544 of 1967 | The Central Excise (Fifth Amendment) Rules, 1967. |
| 86 | G.S.R. 587 of 1967 | The Central Excise (Sixth Amendment) Rules, 1967. |
| 87 | G.S.R. 702 of 1967 | The Central Excise (Seventh Amendment) Rules, 1967. |
| 88 | G.S.R. 747 of 1967 | The Central Excise (Eighth Amendment) Rules, 1967. |
| 89 | G.S.R. 779 of 1967 | The Central Excise (Ninth Amendment) Rules, 1967. |
| 90 | G.S.R. 780 of 1967 | The Central Excise (Tenth Amendment) Rules, 1967. |
| 91 | G.S.R. 788 of 1967 | The Central Excise (Eleventh Amendment) Rules, 1967. |
| 92 | G.S.R. 886 of 1967 | The Central Excise (Thirteenth Amendment) Rules, 1967. |
| 93 | G.S.R. 887 of 1967 | The Central Excise (Fifteenth Amendment) Rules, 1967. |
| 94 | G.S.R. 889 of 1967 | The Central Excise (Fourteenth Amendment) Rules, 1967. |
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95 G.S.R. 982 of 1967	.	The Central Excise (Sixteenth Amendment) Rules, 1967.
96 G.S.R. 1026 of 1967	.	The Central Excise (Seventeenth Amendment) Rules, 1967.
97 G.S.R. 1073 of 1967	.	The Central Excise (Eighteenth Amendment) Rules, 1967.
98 G.S.R. 1074 of 1967	.	The Central Excise (19th Amendment) Rules, 1967.
99 G.S.R. 1276 of 1967	.	The Central Excise (Twenty-first Amendment) Rules, 1967.
100 G.S.R. 1464 of 1967	.	The Central Excise (Twenty-second Amendment) Rules, 1967.
101 G.S.R. 1880 of 1967	.	The Central Excise (Twenty-fourth (Amendment) Rules, 1967.
102 G.S.R. 1895 of 1967	.	The Central Excise (Twenty-fifth Amendment) Rules, 1967.
103 G.S.R. 742 of 1968	.	The Central Excise (First Amendment) Rules, 1968.
104 G.S.R. 763 of 1968	.	The Central Excise (Second Amendment) Rules, 1968.
105 G.S.R. 872 of 1968	.	The Central Excise (Third Amendment) Rules, 1968.
106 S.O. 3874 of 1966	.	The Registration of Electors (Amendment) Rules, 1966.
107 S.O. 3963 of 1966	.	The Registration of Electors (Second Amendment) Rules, 1966.
108 S.O. 1127 of 1967	.	The Registration of Electors (Amendment) Rules, 1967.
109 S.O. 1542 of 1967	.	The Conduct of Elections (Amendment) Rules, 1967.
110 S.O. 4570 of 1967	.	The Registration of Electors (Second Amendment) Rules, 1967.
111 S.O. 370 of 1968	.	The Registration of Electors (Amendment) Rules, 1968.
112 S.O. 1433 of 1968	.	The Conduct of Elections (Amendment) Rules, 1968.
113 S.O. 1520 of 1968	.	The Conduct of Elections (Second Amendment) Rules, 1968.

XV

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (1968-69)

The Committee met on Tuesday, the 27th August, 1968 from 14-45 to 15-25 hours.

PRESENT

Shri Narendra Singh Mahida—*In the Chair.*

MEMBERS

2. Shri Bimal Kanti Ghosh
3. Shri Shri Chand Goyal
4. Shri Tulsiram Dashrath Kamble
5. Shri Arjun Shripat Kasture
6. Shri M. Meghachandra
7. Shri V. Viswanatha Menon
8. Shri Srinibas Mishra
9. Shri G. S. Reddi

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. In the absence of the Chairman, Shri Narendra Singh Mahida was chosen to act as Chairman for the sitting in terms of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. At the outset, Shri Mahida, welcomed the members of the Committee, some of whom were newly appointed to the Committee. He explained, in brief, the nature of work which the Committee would be called upon to undertake viz. the examination of Statutory Rules and Regulations made in exercise of the powers conferred by the Constitution or an Act of Parliament in order to see that the rule making power was being properly exercised by the authorities concerned. The main task before the Committee, he explained, was to control the way-ward march of the Executive in the field of subordinate legislation.

Shri Mahida then informed the Members that sittings of the Committee since its reconstitution in May, 1968 could not be held due to the protracted illness of the Chairman, Shri N. C. Chatterjee.

4. The Committee then discussed their future programme of work. They decided to constitute a Study Group consisting of the following members to consider and select the type of rules and regulations which might be taken up for scrutiny in the first instance:—

1. Shri Narendra Singh Mahida—*Convenor.*
2. Shri Bimal Kanti Ghosh
3. Shri Shri Chand Goyal
4. Shri Arjun Shripat Kasture
5. Shri Srinibas Mishra

It was decided that the Study Group might meet on Monday, the 2nd September, 1968 at 15-00 hours.

The Committee then adjourned.

XVI

MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION

The Committee met on Monday, the 23rd September, 1968, from 15-00 to 15-40 hours.

PRESENT

Shri N. C. Chatterjee—*Chairman*

MEMBERS

2. Shri Bimal Kanti Ghosh
3. Shri Shri Chand Goyal
4. Shri Tulsiram Dashrath Kamble
5. Shri Arjun Shripat Kasture
6. Shri Narendra Singh Mahida
7. Shri V. Viswanatha Menon
8. Shri Srinibas Mishra

9. Shri G. S. Reddi
10. Shri Nuggehalli Shivappa
11. Shri Balgovind Verma

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered Memoranda Nos. 19 to 24 on the following subjects and "Orders":—

- (i) Bye-laws for the regulation of collection and recovery of trade and profession tax and its refund in Dehradun Cantonment (S.R.O. 47 of 1965).
- (ii) Examination of bye-laws issued by various Cantonment Boards under the Cantonments Act, 1924 by the Committee on Subordinate Legislation.
- (iii) The Ministry of Defence (Civilian Photo Interpretation Officer) Recruitment Rules, 1967, Ministry of Defence Armed Forces Headquarters (Class III Non-Gazetted Non-Ministerial/Ministerial posts) Recruitment Rules, 1967 and Ministry of Defence, Historical Section (Post of Junior Research Officer) Recruitment Rules, 1967 (S.R.Os. 325, 326 and 327 of 1967).
- (iv) Giving of short titles to amending rules—implementation of recommendation of Committee on Subordinate Legislation (4LS) in their First Report.
- (v) Reprinting of the Central Civil Services (Classification Control and Appeal) Rules 1965—implementation of recommendation of Committee on Subordinate Legislation (4LS) in their First Report.
- (vi) Amendment in the Indian Administrative|Police Service (Fixation of cadre strength) Regulations, 1965—implementation of recommendation of Committee on Subordinate Legislation (4LS) in their First Report.

Bye-laws for the regulation of collection and recovery of trade and profession tax and its refund in Dehradun Cantonment (S.R.O. 47 of 1965)

3. Bye-law 7 of the aforesaid bye-laws provided that the Cantonment Board might, at any time subsequent to the finalisation of the assessment list, for due and sufficient cause, amend that list.

While the main bye-law 7 provided that the provisions contained in the preceding bye-laws 2, 3 and 4 relating to giving of public notice of assessment list, raising of objections by the assessee affected and consideration of such objections by the Board and finalisation of the assessment list, the proviso to that bye-law, as it then existed, appeared to indicate that the amendments to the assessment list made subsequent to its finalisation would be communicated to the persons concerned *only* and that there would be no public notice for such amendments. It was felt that the method of giving a public notice of the assessment list went a long way in eliminating cases of favouritism because it would be very difficult for the authorities concerned to exempt a trader who might be liable to pay trade or profession tax and, therefore, it should be made clear that the provision for personal notice would be *in addition* to the public notice as was envisaged in bye-law 2 thereof. It was also felt that in case the Board decided to amend the final list, the Board should be required to put in writing the reasons for such amendments and it should not be left to mere subjective satisfaction of the members of the Board that there was "due and sufficient cause" for amending the final list.

4. The Committee noted that, on a reference having been made to the Ministry of Defence, bye-law 7 *ibid* had been amended (*vide* S.R.O. 125 of 1968) to make it clear that the notice of subsequent amendments in the final list to the persons affected would be *in addition* to the public notice.

Examination of bye-laws issued by various Cantonment Boards under the Cantonments Act, 1924

5. In connection with the decision of the Committee to examine the existing bye-laws of the various Cantonments in the country, with a view to find the disparities in their pattern and to evolve a uniform set of bye-laws in consonance with the letter and spirit of the present democratic set-up in the country keeping in view the exigencies of the Army needs and local conditions (*vide* para 18 of the Minutes dated the 20th May, 1967), the Committee considered the following request of the Ministry of Defence:—

"With regard to 25 copies of a statement showing in juxtaposition the disparities or dissimilarities in the respective sets of bye-laws under various heads, it may be stated that bye-laws are framed by individual Cantonment Boards under various Sections of the Act and in the main under Section 282. The intention of enabling Cantonment Boards to frame bye-laws is to ensure that these suit local

conditions and the requirements of each individual Cantonment Board. For example, buildings, bye-laws to regulate the construction of private houses will naturally vary depending upon the terrain; quality of soil, availability of stone, bricks etc. There are, therefore, bound to be wide disparities and dissimilarities in the bye-laws of different Cantonment Boards. To enable the information being compiled as desired, the Lok Sabha Secretariat may kindly furnish either a specimen or a proforma in which the information is required to be furnished."

The Committee approved the proforma (See Appendix) in which the information asked for by the Committee might be compiled by the Ministry of Defence for the consideration of the Committee.

The Ministry of Defence (Civilian Photo Interpretation Officer) Recruitment Rules, 1967, Ministry of Defence Armed Forces Headquarters (Class III Non-Gazetted Non-Ministerial|Ministerial posts) Recruitment Rules, 1967 and Ministry of Defence, Historical Section (Post of Junior Research Officer) Recruitment Rules, 1967 (S.R.Os. 325, 326 and 327 of 1967).

6. It was noticed that the above mentioned rules had been given retrospective effect from the 22nd July, 1966, 21st September, 1966 and 30th November, 1965, respectively, whereas these rules had been finally published in the Gazette on the 14th October, 1967. There was thus a gap of two years between the adoption and publication of the Ministry of Defence, Historical Section (Post of Junior Research Officer) Recruitment Rules, 1967. The Committee perused the following explanation of the Ministry of Defence, to whom the matter was referred for clarification:

"There was some delay in their promulgation through statutory notifications due to administrative difficulties. The above mentioned S.R.Os. were, therefore, given retrospective effect in consultation with all concerned from the dates they were actually finalised and adopted in the above manner with a view to validating all actions that might have been taken after the rules have been adopted and before those were promulgated. It has been checked that no one will be adversely affected as a result of retrospective effect having been given to these recruitment rules."

7. The Committee were not satisfied with the explanation of the Ministry and were of the view that normally all rules should be

published before the date of their enforcement or they should be enforced from the date of their publication. The Ministries|Departments should take appropriate steps to ensure the publication of rules before they came into force. However, if, in any particular case, the rules had to be given retrospective effect in view of unavoidable circumstances, a clarification should be given, in the form of a foot-note to the effect that no one would be adversely affected as a result of retrospective effect having been given to such rules.

Giving of short titles to amending rules

8. The Committee had, after noticing that amendments to Rules regulating Direct Recruitment to the Central Engineering Service Class I and Class II and Central Electrical Engineering Service Class I and Class II (G.S.Rs. 250-53 of 1967) had not been given short titles or numbers and after considering the views of the Ministry of Works, Housing and Supply and the opinion of the Ministry of Law, in para 57 of their First Report, recommended that there should be no difficulty if the amending rules were given short titles and numbered serially even though the principal rules did not bear short titles. In this connection, the Committee perused the following note submitted by the Department of Parliamentary Affairs:

“...Ministry of Works, Housing & Supply, to whom the matter was referred, have stated that every endeavour would be made to give effect to the recommendations of the Committee on Subordinate Legislation. As regards the question of giving ‘short title’ to ‘amending rules’ the considered opinion of the Ministry of Law (as ascertained by the Ministry of Works, Housing & Supply) is reproduced below:—

‘When any amendment to any Act or rule is made, the short-title of the Act or the rule, as the case may be, is quoted and the word “Amendment” is put in brackets to indicate that the Act or rule, as the case may be, is an amending Act or rule. It is possible to amend a thing which exists, but it is not possible to amend a thing which does not exist. Hence, where a short title exists in a rule, that short title can be amended but where no short title exists, what can be amended is the notification by which the rules were made and not the short title for the simple reason that the short title does not exist.’”

9. The Committee could not appreciate the difficulty pointed out by the Ministry of Law, in their opinion quoted above. The Com-

mittee felt that there should be no difficulty in giving short titles to the rules which were made earlier without any short titles, at the time of amending those rules. The amending rules could also contain as the first rule adding a short title to the principal rules. When the principal rules were thus given a short title, all amending rules could similarly be given appropriate short titles and numbers. The Committee emphasised that giving of short titles to all rules, whether principal or amending, was very essential for facility of reference and tracing by all concerned.

Reprinting of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 together with the Schedules

10. The Committee had noticed that rule 33 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 (S.O. 3703 of 1965) provided that until the publication of Schedules under those Rules, the Schedules to the Central Civil Services (Classification, Control and Appeal) Rules, 1957 and the Civilians in Defence Services (Classification, Control and Appeal) Rules, 1952, as amended from time to time, would be deemed to be the Schedules relating to the respective categories of Government Servants and that such Schedules would be deemed to be the Schedules referred to in the corresponding rules of the new Rules. The Committee, after considering the views of the Ministry of Home Affairs, had, in para 13 of their First Report presented to Lok Sabha on the 5th March, 1968, reiterated "that the rules should be self-contained and 'legislation by reference' should be avoided as far as possible" and recommended that the aforesaid rules "should be reprinted along with the necessary Schedules".

11. The Committee noted that the Ministry of Home Affairs, in their O.M. dated the 5th September, 1968, had stated that "action has already been initiated... to compile the Schedules to the Central Civil Service (Classification, Control and Appeal) Rules, 1965".

12. The Committee felt that there was undue delay in reprinting the rules together with the Schedules. The above recommendation of the Committee was made in the first week of March, 1968 and even after six months thereof the Ministry were still in the process of compiling the Schedules. The Committee directed that the Ministry might be asked to expedite the reprinting of the said rules with the Schedules at an early date, particularly as the principal rules were made in 1965 i.e. three years ago.

Amendment in the Indian Administrative/Police Service (Fixation of cadre strength) Regulations, 1955

13. The Committee had noticed that the expression "Senior Posts under the Central Government" appearing in the Cadre Schedules issued under the IAS/IPS (Cadre) Rules, 1954 and Indian Forest Service (Cadre) Rules, 1966, were not clear and had felt that the details of the posts covered by this expression should be given in the Regulations as was done in the case of "Posts under the State Government". The Committee, after considering the views of the Ministry of Home Affairs had, in Para 11 of their First Report, recommended that—

"...the expression 'Senior Posts under the Central Government' used in the Fixation of Cadre Strength Regulations relating to I.C.S./I.A.S. could be substituted by the expression 'Deputation reserve for the posts under the Central Government'...Government should do well in laying down the nomenclature of such 'Central Deputation Reserve Posts' in each 'Order' promulgating the Fixation of Cadre Strength Regulations in respect of various All-India Services with a view to regulate properly not only the periods of tenure while on deputation to the Central Government but also to eliminate any element of favouritism which might creep in at the time of allocating such posts and the incumbents thereof to the various Central Ministries."

The Committee perused in this connection the following note submitted by the Ministry of Home Affairs:

"Government have decided to accept the recommendation of the Committee on Subordinate Legislation made in para 11 of their First Report (Fourth Lok Sabha) that the words 'Central Deputation Reserve' should be substituted for the existing entry 'Senior Posts under the Central Government' in the Cadre Schedules issued under the IAS/IPS (Cadre) Rules, 1954 and also to Indian Forest Service (Cadre) Rules, 1966. The strength and composition of the cadres are reviewed every three years and on the basis of such triennial reviews, the strength and composition of the various cadres undergo considerable changes according to the needs of the different Cadres. Therefore, this change will be incorporated at the time of the next triennial reviews which are due in 1969.

The Committee has also suggested that the posts included in the Central Deputation Reserve should be shown by

nomenclature as has been done in the case of posts under the State Government. It is clarified in this connection that posts under the Central Government are filled on the basis of selection from among the suitable officers eligible for those posts. The staffing of the Central posts is not made by drawing officers only from the All India Services as Officers belonging to various Class I Services are also appointed to the vacancies in Central Posts, depending on the requirements of the different Ministries and departments of the Government of India. It is thus impossible to show the exact posts in a Ministry at the Centre to be filled in by the officers belonging to a particular Service or to a State Cadre of an All India Service. Moreover, deputation to the Centre from the States is not automatic for each officer. It is dependent on the exigencies of the State's own requirements from time to time. Hence the number of posts under the Central Government which are held by the officers of All India Services and other Services are bound to fluctuate from time to time. Even in the case of IAS alone, some States may show an excess and some a deficit in their Central Deputation Quota at a particular point of time. The Establishment Officer in the Ministry of Home Affairs endeavours to keep in touch with the State Governments with a view to ensuring that a sufficient number of All India Service officers of different levels of seniority, will be available for posting at Centre from each of the State Cadres. Further, the names suggested by the State Governments are suggested to the Ministry concerned, quite often, together with the names of available eligible officers of Class I Central Services as well. Appointments are then made with the approval of the Central Establishment Board and, in the case of senior appointments, with the approval of the appointments Committee of the Cabinet.

This arrangement eliminates the possibility of any element of favouritism in the matter of posting officers to various Posts/Ministries. It will be apparent from the above clarifications that it is not possible for Government to accept this part of the recommendation made by the Committee.

14. The Committee noted the assurance given by the Ministry of Home Affairs to substitute the existing entry "Senior Posts under the Central Government" by the words "Central Deputation Reserve" at the time of the next triennial review of the Cadres in 1969.

The Committee were, however, not convinced of the "clarification" advanced by the Ministry in finding it difficult to show the posts included in the Central Deputation Reserve by nomenclature as was done in the case of posts under State Governments. The Committee were also not happy about the language used in the last sentence of the Ministry's note above.

15. The Committee, after some discussion, decided to hear in person the representatives of the Ministry of Home Affairs on this matter at their sitting to be held some time during the next Session of Lok Sabha.

Examination of the "Orders" by the Study Group of the Committee

16. The Committee appreciated the good work done by the Study Group set up by the Committee (*vide* para 4 of the Minutes dated the 27th August, 1968) in examining in detail the "Orders" described in the minutes of the sittings of the Study Group dated the 2nd and 21st September, 1968. The Committee decided that the Study Group might meet again some time during the next Session of Lok Sabha to examine the remaining "Orders" and notice for that sitting might be given to all the members of the Committee.

As regards the Conduct of Election (Second Amendment) Rules, 1968 (S.Q. 1520 of 1968), the Committee directed that the Ministry of Law might be asked to furnish their comments on the points raised by the Study Group by the 20th October, 1968 and the Ministry's reply, when received, be placed before the Chairman for his directions.

The Committee then adjourned.

XVII

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION

The Committee met on Thursday, the 21st November, 1968 from 16.00 to 16.30 hours.

PRESENT

Shri N. C. Chatterjee—*Chairman*

MEMBERS

2. Shri Shri Chand Goyal
3. Shri Arjun Shripat Kasture
4. Shri M. Meghachandra
5. **Shri N. K. Sanghi**
6. Shri Balgovind Verma.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

2. The Committee considered Memoranda Nos. 25 to 30 on the following subjects and "Orders":—

- (i) The Conduct of Elections (Amendment) Rules, 1968 (S.O. 1433 of 1968).
- (ii) The Conduct of Elections (Second Amendment) Rules, 1968 (S.O. 1520 of 1968).
- (iii) Rules relating to preservation of antiquities, their safe custody etc. and rules for governing the affairs of the National Museum, New Delhi.
- (iv) Indian Police Service (Recruitment) Amendment Rules, 1968 and the Indian Administrative Service (Recruitment) Amendment Rules, 1968 (G.S.Rs. 1520 and 1521 of 1968).

(v) **Ministry of Home Affairs (Hindi Officer) Recruitment Rules, 1968 (G.S.R. 1519 of 1968).**

(vi) **Laying of statutory rules, orders etc. on the Table of Lok Sabha, in the case of a State under President's rule.**

The Conduct of Elections (Amendment) Rules, 1968 (S.O. 1433 of 1968).

3. **The Committee had noticed while examining the S.O. referred to above and felt that—**

- (i) **clause (d) of sub-rule (2) of rule 39 substituted by the said S.O. required an elector to show to the Presiding Officer the distinguishing mark on the ballot paper. This appeared to violate the rule regarding secrecy of voting and could disclose to the Presiding Officer and others present there, the manner in which an elector had recorded his vote;**
- (ii) **the power given to the Presiding Officer under sub-rules (5) to (8) of the amended rule 39 to cancel the ballot papers seemed to be excessive and liable to misuse;**
- (iii) **the instrument supplied for marking on the ballot paper was a rubber stamp which often came out and the instrument could not make a proper mark on the ballot paper resulting in such votes being rejected as not properly marked. If the marking instrument was made of metal instead of rubber, there would be no risk of the rubber coming out and the instrument not marking properly. An investment made in metallic instruments could also prove economical in the long run as they would last much longer.**

The Committee perused the reply of the Ministry of Law/Election Commission, to whom the matter was referred for clarification/comments. The Ministry had explained that the secrecy of voting was not violated by the voter showing the distinguishing mark on the ballot paper. This mark only gave the serial number of the assembly constituency and the serial number of the polling station in which that particular ballot paper was being issued. The ballot paper before issue to the voter was prefolded first vertically and then horizontally. This was done to serve two purposes. In the first place, the vertical prefolding coming first the voting mark made by a voter in favour of any contesting candidate on the ballot paper could not

leave a smudge against the column of any other contesting candidate. In the second place, the horizontal holding which came later was made in such a manner that the distinguishing mark on the back of the ballot paper might be visible to the presiding or polling officers on whose table the ballot box was kept. But when the ballot paper was issued to the voter, the ballot paper, though prefolded as above, was issued to him open and he was asked to fold it after recording his vote along the same fold, first vertically and then horizontally, before inserting it into the ballot box. As the voter would bring the ballot paper after marking the vote folded as stated above, the Presiding Officer or any one else present would not be able to know how the voter has recorded his vote by merely looking at the distinguishing mark. The voter was required to show the distinguishing mark to the Presiding Officer to ensure that the marked ballot paper was not a spurious one smuggled into the polling station by the elector or some body on his behalf but was the one actually issued to him by the polling officer at that particular polling station. For the same reason rule 56(2) (h) of the Conduct of Elections Rules, 1961 required a ballot paper not containing such a distinguishing mark to be rejected. It would be seen on a close examination of the new rule 39 that the present sub-rules (2) to (4) in their entirety especially sub-rule (2), wherein the clause objected to appeared, had been in vogue as sub-rules (1) to (3) of the old rule 39 from the very beginning and the only new provision now incorporated were those contained in sub-rules (1) and (5) to (8) of the new rule 39.

As regards the point that the Presiding Officer might misuse the power given to him to cancel the ballot paper, the Election Commission felt that as the cancellation could be made by the Presiding Officer only publicly in the presence of polling officers, polling agents etc., the interested parties could register their protests then and there if they felt aggrieved by the action of the Presiding Officer in any particular case. The very knowledge of the fact that the ballot paper would be cancelled, if secrecy violated, would prevent the marking of the ballot paper in open or its being shown to those present at the polling station, thereby minimising the necessity on the part of the Presiding Officer to exercise this power.

These provisions were very necessary to prevent intimidation of voters. The new provisions which were inserted shortly before the Haryana mid-term elections proved very effective in maintaining secrecy of voting and bringing about an increase in the percentage of voters belonging to the backward communities. Moreover, no complaint had come to the notice of the Election Commission about their misuse by any Presiding Officer.

As regards the instrument for making on the ballot paper the experience of the Election Commission for the last 8 years had shown that the chances of the rubber stamp containing the cross mark at the end of the wooden handle coming out were very remote. It was obligatory on the part of the concerned polling officer to supply personally to each and every elector a rubber stamp with the cross mark on it after duly inking and if he found any defect in the rubber stamp, he would immediately replace it by another stamp from out of the reserve stock available with the Presiding Officer.

In so far as the suggestion to replace the rubber stamps with metallic instruments with a view to effect economy was concerned, the Election Commission pointed out that the cost of the rubber stamp was almost negligible in comparison to that of a metallic instrument, as it cost only about 4 paise per piece. Having no other use, these rubber stamps were being used in a number of elections.

Further, there was the risk of the metallic instrument with cross mark engraved on its surface not taking the ink properly on account of its smooth and even surface and the resultant impression on the ballot paper made by it not being clear at all. This risk was ruled out in the case of a rubber stamp as it was mounted at the end of the wooden handle and in that position, it could not fail to take in the ink properly or make a clear mark on the ballot paper.

4. The Committee were satisfied with the explanation furnished by the Ministry of Law/Election Commission and decided not to pursue the matter further.

The Conduct of Elections (Second Amendment) Rules, 1968 (S.O. 1520 of 1968).

5. During the course of examination of the above mentioned rules, the Committee had noticed that Rule 40A, which was inserted by rule 2(b) of the said S.O., should have been inserted after rule 40 and not after rule 39A.

It was also noticed that rule 40A provided that an elector, who was unable to read the ballot paper by reason of illiteracy, could, with the permission of the presiding officer, take with him a companion of not less than 21 years of age to record the vote on behalf of such an illiterate person, whereas previously this facility was made available to an elector who was unable to record his vote on account of blindness or other infirmity only. In this connection the Committee perused the following explanation submitted by the

Ministry of Law/Election Commission, to whom the matter was referred for stating the genesis and reasons for making this provision in respect of illiterate persons also:

"It would be observed that rule 40A, as applied by rule 70, appears in Part VI, which refers only to voting at elections by Assembly members and in Council constituencies, where the ballot paper does not contain any symbol and not to the elections to the House of the People or the Legislative Assembly. Rule 40A, was intended to apply only to the elections by assembly members and in Council constituencies and has, therefore, been inserted at the proper place. It will not be appropriate to insert the new provisions of rule 40A, after rule 39, as it is not intended to extend this facility to illiterate voters at assembly and parliamentary elections, as rule 39 occurs in Part IV relating to voting in parliamentary and assembly constituencies."

6. In this connection, the Committee also perused the following note (a copy of which was enclosed with the above explanation) submitted by the Election Commission to the Ministry of Law on the 22nd August, 1968.

"Rule 70 of the Conduct of Elections Rules, 1961, as it stood before its amendment by the Conduct of Elections (Second Amendment) Rules, 1968, applied the provisions of rule 40 thereof to elections by assembly members and in council constituencies. Under this rule, a blind and infirm elector was allowed to take a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf. But no such facility was available under the rules to 'illiterate' voters.

Several representations were received by the Commission that an appreciable number of members of Panchayat Samitis and Zilla Parishads who also form part of the electorate in local authorities constituencies in some States were illiterate, and were therefore seriously handicapped in recording their vote on account of the somewhat peculiar and different system of voting obtaining at the aforesaid elections. The ballot papers at such elections, unlike elections in assembly and parliamentary constituencies, do not contain any election symbol printed thereon but show only the names of the candidates. Further, the electors in such elections are required to indicate their preference(s) of the candidates by placing figures (1, 2, 3, etc.) against the names of the candidates of their choice and not by simply putting a cross mark

Several Members of Parliament from U.P. saw the Chief Election Commissioner of India in the month of April last and urged upon him, in view of the then impending biennial elections in Uttar Pradesh to State Legislative Council, the necessity of incorporating in the election law urgently suitable provisions enabling the illiterate electors in Council constituencies to take the assistance of a companion for recording his vote in the ballot paper. The Commission after a careful consideration of the matter proposed to the Ministry of Law suitable amendment to rule 70 of the Conduct of Elections Rules, 1961 whereby a new rule 40A was sought to be inserted under the said rule extending to 'illiterate' voters at elections by assembly members and in council constituencies the same facility of assistance in the matter of recording of their votes as was available to blind and infirm voters. This amendment was notified by the Ministry of Law by the Conduct of Elections (Second Amendment) Rules, 1968 in S.O. 1520 dated 25th April, 1968 in the Gazette of India Extraordinary Part II Section 3 (ii), dated the 25th April, 1968 which are now sought to be annulled through a resolution introduced in the Lok Sabha by the Hon'ble Member under section 169 (3) of the Representation of the People Act, 1951.

In making this proposal to the Government for insertion of new Rule 40A in connection with elections by Assembly members and elections from council constituencies the following important factors weighed with the Commission, namely:—

- (1) in these elections the number of voters being very much smaller than the number of voters in elections from assembly and parliamentary constituencies, chances of misuse or abuse of the rule are much less;
- (2) these elections being held in accordance with the system of proportional representation by means of the single transferable vote where voters are required to indicate on the ballot papers their varying preference for the different candidates whose names appear on the ballot paper by means of numerals such as 1, 2, 3, etc., it is simply impossible for illiterate voters to write out numerals 1, 2, 3, etc. on the ballot papers;
- (3) the symbol system not being in vogue in these elections, it is impossible for illiterate voters to read the names of the different candidates on the ballot papers and decide for which of them they will indicate their first preference by means of 1, second preference by means of 2, and so on;

- (4) in these elections the number of presiding and polling officers being small, by and large it is possible to appoint more responsible officers of better status and standing so that they may exercise more effective control and supervision on the actual voting by the voters.

The Commission does not think that in these elections the chances of misuse or abuse are greater in the case of illiterate voters than in the case of blind or infirm voters for which provision has been in existence from the very beginning. Under these circumstances, the Commission is satisfied as to the usefulness of this rule and would not certainly like its cancellation. Moreover, no specific instance has been brought to the notice of the Commission by any individual or party although one or two vague and general complaints have been received in the Commission."

7. The Committee were satisfied with the explanation furnished by the Ministry of Law/Election Commission and decided to drop the matter.

Rules relating to preservation of antiquities, their safe custody etc. and rules for governing the affairs of the National Museum, New Delhi.

8. The Committee had desired to know in connection with the above subject:—

- (i) whether any rules, bye-laws, etc. had been framed by the Government under the Indian Museum Act, 1910 (as amended by Act 45 of 1960) or under any other law or otherwise for the preservation of antiquities, their safe custody and to prevent loss or pilferage of rare exhibits, articles or precious jewellery, etc.; and
- (ii) whether any rules had been made by the Government to govern the affairs of the National Museum, New Delhi.

The Committee perused the following explanation of the Ministry of Education, to whom the matter was referred for furnishing the necessary information:—

- (i) "... under sections 8 and 15A of the Indian Museum Act, 1910 (as amended by Act 45 of 1960) neither the Board of Trustees, Indian Museum, Calcutta nor the Central Government have framed any Bye-Laws or Rules covering the matters relating to the preservation of antiquities, their

safe custody and to prevent loss or pilferage of rare exhibits, articles or pieces of jewellery, etc.

It may, however, be noted that under clause (j) of sub-section (2) of section 28 of the Salar Jung Museum Act, 1961, the Salar Jung Museum are required to frame regulations for the preservation of books, manuscripts and other articles and things in the Salar Jung Museum, Hyderabad.

Executive orders have been issued by this Ministry to the Indian Museum authorities requesting them to frame their own rules in regard to the custody and handling of art objects in the Indian Museum on the lines of the rules in force in the Salar Jung Museum, Hyderabad."

- (ii) "The National Museum, New Delhi is a subordinate office of this Ministry and its administration is not governed by any statutory rules or regulations (except recruitment rules which are framed under Article 309 of the Constitution of India) and as such no rules under any other Act for the safe custody of rare exhibits in the National Museum, New Delhi have been framed. The art objects in the National Museum, New Delhi are preserved under the executive orders issued from time to time by this Ministry or by the Director, National Museum, New Delhi who is ultimately responsible to Government for the preservation and safe custody of art objects in the National Museum, New Delhi.

Further steps are being taken on a top priority basis to further improve security arrangements. A Committee is being formed to *inter alia* make recommendations regarding security arrangements in Central Museums."

9. The Committee were surprised to note that although Section 15A of the Indian Museum Act, 1910, which empowered the Central Government to make rules in this regard, was inserted in 1960 by Act 45 of 1960, it was strange that no steps were taken to frame the rules so far, either by the Government or by the Board of Trustees, Indian Museum, Calcutta. The Committee directed to stress upon the Government the need to frame the rules relating to preservation of antiquities, their safe custody and to prevent loss or pilferage of rare exhibits, articles or pieces of jewellery, etc., under Sections 8 and 15A of the Indian Museum Act, 1910. The Committee also directed that the Government should be urged to expedite the matter.

10. As regards the National Museum, New Delhi, the Committee directed that the Government might be asked to bring forward a Bill in Parliament, as had been done in the case of Indian Museum, Calcutta, and the Salar Jung Museum, Hyderabad, so that statutory rules and bye-laws might be framed to govern the affairs of this Museum and bring it at par with other National Museums in the country. The Committee also directed that the Government might be asked to further tighten the security arrangements in view of the recent theft committed in the National Museum, New Delhi.

The Indian Police Service (Recruitment) Amendment Rules, 1968 and the Indian Administrative Service (Recruitment) Amendment Rules, 1968 (G.S.Rs. 1520 and 1521 of 1968).

11. The Committee had noticed that the above mentioned General Statutory Rules were published in the Gazette of India, dated the 24th August, 1968, whereas the rules made therein had been brought into force with effect from the 6th April, 1966 and 5th April, 1966, vide sub-rule (2) of rule 1 of the aforesaid G.S.Rs. respectively. The Committee perused the following explanation furnished by the Ministry of Home Affairs to whom the matter was referred for stating the reasons for giving retrospective effect to the said rules and also whether any one would be adversely affected by the retrospective effect of these rules:—

“.....the amendments to clause (1) of Rule 5 of the IAS/IPS (Recruitment) Rules, 1954, published as G.S.R. Nos. 1520 and 1521 in the Gazette of India dated the 24th August, 1968, were made to bring the provisions contained therein in conformity with those of Clause (i) of Regulation 4 of the IAS/IPS (Appointment by Competitive Examination) Regulations, 1955, as amended vide this Ministry's notification Nos. 1/1/66-AIS (I) dated 5-4-66 and 1/1/66-AIS (I)-B dated 6-4-66. As the amendments to the Regulations referred to above were given effect from 5-4-66 and 6-4-66, it was, in consultation with the Ministry of Law, decided to give effect to those amendments also from those dates. The retrospective effect to these amendments would not affect any one adversely.”

The Committee felt that all rules should normally be brought into force either from the date of their publication in the Gazette or from a future date. If, however, due to any valid and unavoidable

reasons, it became absolutely necessary to give retrospective effect to any rules, the fact that no one would be adversely affected by giving retrospective effect to these rules should be specifically stated as an explanation in such rules, or made clear by a foot-note in those rules.

The Ministry of Home Affairs (Hindi Officer) Recruitment Rules, 1968 (G.S.R. 1519 of 1968).

12. The Committee had noticed that the above noted G.S.R. which was published in the Gazette of India dated the 24th August, 1968, had prescribed in rules 2 and 3 thereof that the number of post, classification, scale of pay and method of recruitment, etc. would be specified in the schedule to those rules. But no schedule was published with the aforesaid rules. This was pointed out to the Ministry of Home Affairs.

The Committee noted that the Ministry of Home Affairs had rectified the mistake by issuing a corrigendum whereby the schedule was published in the Gazette of India Part II, Section 3(i), dated the 28th September, 1968 (*vide*) G.S.R. 1774 of 1968.

Laying of statutory rules, orders etc. on the Table of Lok Sabha, in the case of a State under President's rule.

13. The Committee considered the following letter, from the Government of Uttar Pradesh forwarded by the Ministry of Home Affairs to Lok Sabha Secretariat, which pointed out certain difficulties in laying of statutory rules, orders, etc. on the Table of Parliament within 15 days of the publication of those rules in the U.P. Gazette when the House was in Session and within 15 days of the commencement of the Session if the rules were published when the House was not in session:—

“.....there are some practical difficulties in the way of laying of these rules, orders etc. on the Table of Parliament within a period of 15 days after their publication in the State Gazette. It usually takes some time to get the requisite number of their copies after publication in the State Gazette, from the Superintendent of Printing and Stationery, Uttar Pradesh, Allahabad. Thereafter those printed copies are forwarded by the administrative department concerned of the State Government to the

Legislative Department, which in turn forwards them to the concerned Ministry of the Government of India. Some time is also taken in transit. I hope you will kindly appreciate that even if utmost promptness is observed at every stage and if everything goes well it would take at least ten days for the required number of printed copies of these notifications, rules etc. to reach the Ministry concerned of the Government of India after their publication. Thus in spite of best efforts it becomes difficult to lay these rules, orders, notifications, etc. before Parliament within the stipulated period of 15 days, after their publication in the State Gazette. Perhaps this period of 15 days has been fixed for the notifications, rules, orders etc. issued by the Government of India keeping in view the convenience of the various Ministries of the Government of India, and in their case it may be possible to adhere to this time schedule because it is the Government of India which publishes them and copies thereof have to be received from the Press there. But in the case of a State under the President's rule the position is different as explained above and more than 15 days would be required to lay the rules, notifications, etc. before Parliament.

As such, I am to request that if there be no objection, the difficulties of this State Government mentioned above may kindly be brought to the notice of Hon'ble Speaker of Lok Sabha and Hon'ble Chairman, Rajya Sabha, and their permission may be obtained to lay the rules, orders, notifications etc. of this State Government before Parliament within 30 days of their publication in the State Gazette."

14. The Committee appreciated the difficulties pointed out by the Government of Uttar Pradesh and agreed that in the case of a State under the President's rule in pursuance of the Proclamation issued under article 356 of the Constitution, the rules, orders, notifications, etc. relating to that State Government required to be laid before Parliament during the President's rule might be permitted to be so laid within a period of 30 days instead of the usual period of 15 days laid down for the Government of India rules etc. The Committee directed that the Ministry of Home Affairs might be informed accordingly.

Examination of the Rules relating to revised higher telephone tariff rates, which were declared as arbitrary and unjust by the Madras High Court.

15. The Committee considered the matter regarding the revision of the telephone tariff rates for various services by the Government under its executive powers in the context of the latest judgment of the Madras High Court and directed that the Government might be asked to furnish the following information for their perusal and examination:

- (i) Up-to-date copies of the Orders issued regarding the different telephone tariffs and revised rates during the last 5 years;
- (ii) the executive power vested in the Government under any existing statute/rules, etc. enabling them to make such revision in the telephone tariff rates from time to time;
- (iii) copy of recent judgment of the Madras High Court striking down the Rules relating to revised higher telephone tariff rates on which petition was filed by a retired District Manager of the Madras Telephone Department; and
- (iv) the manner in which the telegraph tariff rates were being had been raised presently and in the past.

The Committee then adjourned.

I

MINUTES OF THE FIRST SITTING OF THE STUDY GROUP OF THE COMMITTEE ON SUBORDINATE LEGISLATION

The Study Group met on Monday, the 2nd September, 1968, from 15.00 to 16.10 hours.

PRESENT

Shri Narendra Singh Mahita—*Convener.*

MEMBERS

2. Shri Bimal Kanti Ghosh
3. Shri Shri Chand Goyal
4. Shri Arjun Shripat Kasture
5. Shri Srinibas Mishra

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Study Group perused the lists of Statutory Rules and Orders laid on the Table during the First to Fifth sessions of Fourth Lok Sabha and selected the Statutory Rules and Orders given in the Annexure for their detailed examination.

3. The Study Group decided that the S.R.Os. relating to Election Rules and to National Museums and the question of facilities for Merchant seamen to vote by proxy or by post at General Elections might be examined first. The Study Group also decided that copies of the Preservation of Antiquities Rules might be obtained from the Ministry of Education for the information of the Committee.

4. The Study Group decided that the next sitting of the Study Group be held on Saturday, the 21st September, 1968 at 10.00 hours and also on Sunday, the 22nd September, 1968.

5. It was decided that the sitting of the whole Committee might be called on Monday, the 23rd September, 1968 at 9.30 hours.

The Study Group then adjourned.

ANNEXURE

(See para 2 of the Minutes of the Study Group of the Committee on Subordinate Legislation dated 2-9-1968)

S. No.	Number of 'Order' Date of publication in the Gazette	Title of 'Order'
1	2	3
1	<u>G.S.R. 1878 of 1966</u> 10-12-1966	The All India Services (Discipline and Appeal) Amendment Rules, 1966.
2	<u>G.S.R. 255 of 1967</u> 25-2-1967	The Minimum Wages (Central) Amendment Rules, 1967.
3	<u>G.S.R. 1827 of 1966</u> 3-12-1966	The Indian Telegraph (Sixth Amendment) Rules, 1966.
4	<u>G.S.R. 164 of 1967</u> 11-2-1967	The Indian Telegraph (First Amendment) Rules, 1967.
5	<u>G.S.R. 3874 of 1966</u> 15-12-1966	The Registration of Electors (Amendment) Rules, 1966.
6	<u>G.S.R. 3963 of 1966</u> 24-12-1966	The Registration of Electors (Second Amendment) Rules, 1966.
7	<u>G.S.R. 3875 of 1966</u> 15-12-1966	The Conduct of Elections (Second Amendment) Rules, 1966.
8	<u>G.S.R. 1831 of 1966</u> 3-12-1966	Amendments to the Food Corporations (Eighth Amendment) Rules, 1966.
9	<u>G.S.R. 334 of 1967</u> 11-3-1967	The Registration of Foreigners (Exemption) Amendment Order, 1967.
10	<u>S.O. 598 of 1967</u> 15-2-1967	The Income-tax (Amendment) Rules, 1967.
11	<u>G.S.R. 297 of 1967</u> 3-3-1967	The Food Corporations (Tenth Amendment) Rules, 1967.

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| 12 | <u>G.S.R. 313 of 1967</u>
11-3-1967 | The Indian Telegraph (Third Amendment) Rules, 1967. |
| 13 | <u>Notification No. F. 20 (17)/60-Lab. of 1967</u>
19-1-1967 | The Delhi Shops and Establishments (Amendment) Rules, 1966. |
| 14 | <u>Notification No. F. (3) L.R.O./66 of 1966</u>
8-7-1966 | The Delhi Land Reforms (Amendment) Rules, 1966. |
| 15 | <u>Notification No. F. (4) L.R.O./66 of 1966</u>
30-6-1966 | The Delhi Land Reforms (Amendment) Rules, 1966. |
| 16 | <u>G.S.R. 312 of 1967</u>
11-3-1967 | The Indian Telegraph (Second Amendment) Rules, 1967. |
| 17 | <u>G.S.R. 460 of 1967</u>
29-3-1967 | The Post-Graduate Institute of Medical Education and Research, Chandigarh, Rules, 1967. |
| 18 | <u>Notification No. F(3)/L.R.O. 66 of 1966</u>
8-7-1966 | The Delhi Land Reforms (Amendment) Rules, 1966. |
| 19 | <u>Notification No. F.4(92) 66-Finance (E)(1) of 1967</u>
16-3-1967 | The Delhi Sales Tax (Amendment) Rules, 1967. |
| 20 | <u>G.S.R. 492 of 1967</u>
8-4-1967 | The Central Excise (Fourth Amendment) Rules, 1967. |
| 21 | <u>G.S.R. 544 of 1967</u>
22-4-1967 | The Central Excise (Fifth Amendment) Rules, 1967. |
| 22 | <u>G.S.R. 587 of 1967</u>
29-4-1967 | The Central Excise (Sixth Amendment) Rules, 1967. |
| 23 | <u>G.S.R. 702 of 1967</u>
13-5-1967 | The Central Excise (Seventh Amendment) Rules, 1967. |
| 24 | <u>G.S.R. 568 of 1967</u>
15-4-1967 | The Delhi Specified Food Articles (Movement Control) Amendment Order, 1967. |
| 25 | <u>S.O. 1127 of 1967</u>
1-4-1967 | The Registration of Electors (Amendment) Rules, 1967. |

26	<u>S.O. 1542 of 1967</u> 25-4-1967	The Conduct of Elections (Amendment) Rules, 1967.
27	<u>G.S.R. 79 of 1967</u> 10-5-1967	The Passports Rules, 1967.
28	<u>G.S.R. 747 of 1967</u> 16-5-1967	The Central Excise (Eighth Amendment) Rules, 1967.
29	<u>G.S.R. 779 of 1967</u> 25-5-1967	The Central Excise (Ninth Amendment) Rules, 1967.
30	<u>G.S.R. 780 of 1967</u> 25-5-1967	The Central Excise (Tenth Amendment) Rules, 1967.
31	<u>G.S.R. 788 of 1967</u> 26-5-1967	The Central Excise (Eleventh Amendment) Rules, 1967.
32	<u>G.S.R. 826 of 1967</u> 3-6-1967	The Insurance (Amendment) Rules, 1967.
33	<u>S.O. 1949 of 1967</u> 30-5-1967	The Income-tax (Third Amendment) Rules, 1967.
34	<u>G.S.R. 898 of 1967</u> 10-6-1967	The Foodgrains Movement Restrictions (Exemption of Certified Seeds) Amendment Order, 1967.
35	<u>G.S.R. 899 of 1967</u> 10-6-1967	The Foodgrains Movement Restrictions (Exemption to Food Corporation of India) Amendment Order, 1967.
36	<u>G.S.R. 908 of 1967</u> 10-6-1967	The Industrial Disputes (Central) Amendment Rules, 1967.
37	<u>G.S.R. 889 of 1967</u> 10-6-1967	The Central Excise (Fourteenth Amendment) Rules, 1967.
38	<u>S.O. 1118 of 1967</u> 30-3-1967	The Tractors (Price Control) Order, 1967.
39	<u>S.O. 504 of 1966</u> 19-2-1966	The University Grants Commission Returns and Information (Amendment) Rules, 1967.
40	<u>G.S.R. 872 of 1967</u> 10-6-1967	The Citizenship (Amendment) Rules, 1967.
41	<u>G.S.R. 886 of 1967</u> 10-6-1967	The Central Excise (Thirteenth Amendment) Rules, 1967.

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42	G.S.R. 887 of 1967 10-6-67	The Central Excise (Fifteenth Amendment) Rules, 1967.
43	G.S.R. 982 of 1967 1-7-1967	The Central Excise (Sixteenth Amendment) Rules, 1967.
44	G.S.R. 1026 of 1967 8-7-1967	The Central Excise (Seventeenth Amendment) Rules, 1967.
45	G.S.R. 533 of 1967 15-4-1967	The Sailing Vessels (Members of Crew) Rules, 1967.
46	G.S.R. 1073 of 1967 15-7-1967	The Central Excise (Eighteenth Amendment) Rules, 1967.
47	G.S.R. 1074 of 1967 15-7-1967	The Central Excise (Nineteenth Amendment) Rules, 1967.
48	G.S.R. 1104 of 1967 17-7-1967	The Indian Telegraph (Sixth Amendment) Rules, 1967.
49	G.S.R. 1105 of 1967 18-7-1967	The Indian Telegraph (Fifth Amendment) Rules, 1967.
50	Notification No. F. 4 (22)/62-Fin. (B)(L) of 1967 19-7-1967	The Delhi Sales Tax (Amendment) Rules, 1967.
51	S.O. 2382 of 1967 15-7-1967	The Income-tax (Determination of Export Profits) Rules, 1967.
52	S.O. 2460 of 1967 22-7-1967	The Income tax (Fourth Amendment) Rules, 1967.
53	G.S.R. 1146 of 1967 29-7-1967	The Central Excise (Twentieth Amendment) Rules, 1967.
54	G.S.R. 1192 of 1967 3-8-1967	The Delhi Specified Food Articles (Movement Control) Second Amendment Order, 1967.
55	G.S.R. 1124 of 1967 29-7-1967	The Indian Telegraph (Fourth Amendment) Rules, 1967.
56	G.S.R. 1295 of 1967 2-9-1967	The Press Council (Amendment) Rules, 1967.

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57	Notification No. F. 4 (33)/62-Fin. (E)/(1) <hr/> 19-7-1967	The Delhi Sales Tax (Amendment) Rules, 1967.
58	G.S.R. 1415 of 1967 <hr/> 14-9-1967	The Food Corporations (Eleventh Amendment) Rules, 1967.
59	S.O. 3409 of 1967 <hr/> 20-9-1967	The International Copyright (Second Amendment) Order, 1967.
60	G.S.R. 1256 of 1967 <hr/> 26-8-1967	The Prevention of Food Adulteration (Amendment) Rules, 1967.
61	S.O. 3218 of 1967 <hr/> 7-9-1967	The Income-tax (Fifth Amendment) Rules, 1967.
62	Notification No. F.4 (98)/66-Fin. (E)(I) of 1967 <hr/> 31-8-1967	The Delhi Sales Tax (Amendment) Rules, 1967.
63	G.S.R. 1462 of 1967 <hr/> 30-9-1967	Amendment to the Central Sales Tax (Registration and Turnover) Rules, 1957.
64	G.S.R. 1536 of 1967 <hr/> 6-10-1967	The Wealth-tax (Amendment) Rules, 1967.
65	G.S.R. 1276 of 1967 <hr/> 26-8-1967	The Central Excise (Twenty-first Amendment) Rules, 1967.
66	G.S.R. 1464 of 1967 <hr/> 30-9-1967	The Central Excise (Twenty-second Amendment) Rules, 1967.
67	G.S.R. 1254 of 1967 <hr/> 26-8-1967	The Indian Electricity (Amendment) Rules, 1967.
68	G.S.R. 1125 of 1957 <hr/> 29-7-1967	The Indian Telegraph (Seventh Amendment) Rules, 1967.
69	G.S.R. 1380 of 1967 <hr/> 8-9-1967	The Inter-Zonal Wheat and Wheat Products (Movement Control) Fifth Amendment Order, 1967.
70	G.S.R. 1381 of 1967 <hr/> 8-9-1967	The Northern Inter-Zonal Rice (Movement Control) Amendment Order, 1967.
71	G.S.R. 1382 of 1967 <hr/> 8-9-1967	The Northern Inter-Zonal Gram (Movement Control) Amendment Order, 1967.

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72	<u>G.S.R. 1383 of 1967</u> 8-9-1967	The Northern Inter-Zonal Maize (Movement Control) Amendment Order, 1967.
73	<u>G.S.R. 1624 of 1967</u> 28-10-1967	The Ride (Southern Zone) Movement Control Amendment Order, 1967.
74	<u>G.S.R. 1666 of 1967</u> 30-10-1967	The Inter-Zonal Wheat and Wheat Products (Movement Control) Sixth Amendment Order, 1964.
75	<u>G.S.R. 1570 of 1967</u> 21-10-1967	The Displaced Persons (Compensation and Rehabilitation) Second Amendment Rules, 1967.
76	<u>G.S.R. 533 of 1967</u> 15-4-1967	The Sailing Vessels (Members of Crew) Rules, 1967.
77	<u>G.S.R. 1669 of 1967</u> 31-10-1967	The Paradip Port Trust (Procedure at Board Meetings) Rules, 1967.
78	<u>G.S.R. 1670 of 1967</u> 31-10-1967	The Paradip Port Trust (Payment of Fees and Allowances to Trustees) Rules, 1967.
79	<u>G.S.R. 663 of 1967</u> 13-5-1967	The Ancient Monuments and Archaeological Sites and Remains (Amendment) Rules, 1967.
80	<u>Notification No. F. 4 (83)/67-Fin.(E)(I) of 1967</u> 19-10-1967	The Delhi Sales Tax (Third Amendment) Rules, 1967.
81	<u>S.O. 3760 of 1967</u> 16-10-1967	Amendment to the Essential Commodities (Regulation of Production and Distribution for purposes of Export) Order, 1966.
82	<u>S.O. 2369 of 1967</u> 15-7-1967	The Drugs and Cosmetics (First Amendment) Rules, 1967.
83	<u>G.S.R. 1728 of 1967</u> 18-11-1967	The Customs and Central Excise Duties Export Draw-back (General) Fifty-ninth Amendment Rules, 1967.
84	<u>G.S.R. 1747 of 1967</u> 16-11-1967	The Sugar (Control) Amendment Order, 1967.
85	<u>G.S.R. 1773 of 1967</u> 30-11-1967	The Indian Telegraph (Eighth Amendment) Rules, 1967.
86	<u>G.S.R. 1789 of 1967</u> 9-12-1967	The Press Council, Second Amendment, Rules, 1967.

87	<u>G.S.R. 1465 of 1967</u> 30-9-1967	The Rice-Milling Industry (Regulation and Licensing) Third Amendment Rules, 1967.
88	<u>G.S.R. 1801 of 1967</u> 9-12-1967	The Ministers' Residences (Amendment) Rules, 1967.
89	<u>G.S.R. 1880 of 1967</u> 16-12-1967	The Central Excise (Twenty-fourth Amendment) Rules, 1967.
90	<u>G.S.R. 1895 of 1967</u> 23-12-1967	The Central Excise (Twenty-fifth Amendment) Rules, 1967.
91	<u>G.S.R. 1901 of 1967</u> 19-12-1967	The Indian Telegraph (Ninth Amendment) Rules, 1967.
92	<u>G.S.R. 1465 of 1967</u> 30-9-1967	The Rice Milling Industry (Regulation and Licensing) Third Amendment Rules, 1967.
93	<u>G.S.R. 1772 of 1967</u> 29-11-1967	The Rice Milling Industry (Regulation and Licensing) Fourth Amendment Rules, 1967.
94	<u>G.S.R. 240 of 1968</u> 2-2-1968	The Inter-Zonal Wheat and Wheat Products (Movement Control Amendment) Order, 1968.
95	<u>S.O. 4570 of 1967</u> 18-12-1967	The Registration of Electors (Second Amendment) Rules, 1967.
96	<u>S.O. 370 of 1968</u> 2-1-1968	The Registration of Electors (Amendment) Rules, 1968.
97	<u>S.O. 97 (English version) of 1968</u> <u>98 (Hindi version) of 1968</u> 6-1-1968.	The International Copyright (First Amendment) Order, 1968.
98	<u>Notification No. F. 4 (83)/67-Fin. (E) (I) of 1967</u> 19-10-1967	The Debit Sales Tax (Third Amendment) Rules, 1967.
99	<u>G.S.R. 137 of 1968</u> 20-1-1968	The Post Office Savings Certificates (First Amendment) Rules, 1968.
100	<u>S.O. 491 of 1968</u> 5-2-1968	The Unlawful Activities (Prevention) Rules, 1968.

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101	S.O. 4588 of 1967 <u>21-12-1967</u>	The Income-tax (Sixth Amendment) Rules, 1967.
102	G.S.R. 233 of 1968 <u>3-2-1968</u>	The Cinematograph (Censorship) Amendment Rules, 1968.
103	G.S.R. 1905 of 1967 <u>22-12-1967</u>	The Minimum Wages (Central Advisory Board) Amendment Rules, 1967.
104	G.S.R. 303 of 1968 <u>17-2-1968</u>	The Foodgrains Movement Restrictions (Exemption of Certified Seeds) Amendment Order, 1968.
105	G.S.R. 258 of 1968 <u>10-2-1968</u>	The University Grants Commission (Terms and Conditions of Service of Employees) Amendment Rules, 1968.
106	G.S.R. 362 of 1968 <u>1-2-1968</u>	The Delhi Specified Food Articles (Movement Control) Amendment Order, 1968.
107	G.S.R. 8 of 1968 <u>6-1-1968</u>	The Displaced Persons (Compensation and Rehabilitation) Third Amendment Rules, 1967.
108	G.S.R. 74 of 1968 <u>13-1-1968</u>	The Displaced Persons (Compensation and Rehabilitation) Fourth Amendment Rules, 1967.
109	Notification No. F. 4 (83)/67-Fin. (E)(I) of 1968 <u>7-3-1968</u>	The Delhi Sales Tax (Amendment) Rules, 1968.
110	S.O. 813 of 1968 <u>29-2-1968</u>	The Income-tax (Amendment) Rules, 1968.
111	G.S.R. 571 of 1968 <u>18-3-1968</u>	The Roller Mills Wheat Products (Price Control) Amendment Order, 1968.
112	S.O. 926 of 1968 <u>8-3-1968</u>	The Admission as Advocates (Training and Examination) Rules, 1968.
113	G.S.R. 1650 of 1967 <u>4-11-1967</u>	The Merchant Shipping (Pilot Ladder) Rules, 1967.
114	S.O. 1112 of 1968 <u>18-2-1968</u>	The Income (Second Amendment) Rules, 1968.
115	G.S.R. 579 of 1968 <u>21-3-1968</u>	The Food Corporations (Thirteenth Amendment) Rules, 1968.
116	G.S.R. 608 of 1968 <u>30-3-1968</u>	Corrigendum to G.S.R. 216 dated the 3rd February, 1968.

117	G.S.R. 623 of 1968 <u>23-3-1968</u>	The Northern Rice Zone (Movement Control) Order, 1968.
118	G.S.R. 685 of 1968 <u>3-4-1968</u>	The Gur (Regulation of Use) Order, 1968.
119	G.S.R. 742 of 1968 <u>20-4-1968</u>	The Central Excise (First Amendment) Rules, 1968.
120	G.S.R. 763 of 1968 <u>27-4-1968</u>	The Central Excise (Second Amendment) Rules 1968.
121	G.S.R. 821 of 1968 <u>27-4-1968</u>	The Post Office Savings Certificates (Third Amendment) Rules, 1968.
122	Notification No. F. 4 (83)/67-Fin (E)(I) <u>30-4-1968</u>	The Delhi Sales Tax (Second Amendment) Rules, 1968.
123	S.O. 1856 <u>23-5-1968</u>	The Income-Tax (Third Amendment) Rules, 1968.
124	G.S.R. 872 <u>11-5-1968</u>	The Central Excise (Third Amendment) Rules, 1968.
125	G.S.R. 919 <u>18-5-1968</u>	The Indian Telegraph (Third Amendment) Rules, 1968.
126	G.S.R. 882 (English version) G.S.R. 883 (Hindi version) <u>13-5-1968</u>	The Indian Telegraph (Second Amendment) Rules, 1968.
127	G.S.R. 940 (English version) G.S.R. 941 (Hindi version) <u>15-5-1968</u>	The Indian Telegraph (Fourth Amendment) Rules, 1968.
128	G.S.R. 1140 <u>7-6-1968</u>	The Indian Telegraph (Fifth Amendment) Rules, 1968.
129	G.S.R. 1141 <u>13-6-1968</u>	The Indian Telegraph (Sixth Amendment) Rules, 1968.
130	G.S.R. 819 <u>29-4-1968</u>	The Food Corporations (Fourteenth Amendment) Rules, 1968.

1	2	3
131	G.S.R. 870 10-5-1968	The Food Corporations (Third Amendment) Rules 1968.
132	G.S.R. 1059 8-6-1968	The Industrial Disputes (General) Amendment Rules, 1968.
133	G.S.R. 1006 1-6-1968	The Employees' State Insurance (General) 25-7-1968 Third Amendment Rules, 1968.
134	S.O. 1519 25-4-1968	The Registration of Electors, (Second Amendment) Rules, 1968.
135	S.O. 1433 19-4-1968	The conduct of Elections (Amendment) Rules, 1968.
136	S.O. 1520 25-4-1968	The Conduct of Elections (Second Amendment) Rules, 1968.
137	G.S.R. 1019 1-6-1968	The Arms (Amendment) Rules, 1968.
138	G.S.R. 1277 10-7-1968	The Civil Defence Rules, 1968.
139	G.S.R. 1278 10-7-1968	The Civil Defence Regulations, 1968.
140	G.S.R. 952 25-5-1968	The All India Services (Conduct) Amendment Rules 1968.
141	Notification No. F. 4 (28)/68-Fin. (E) (I) 27-6-1968	The Delhi Sales Tax (Third Amendment) Rules, 1968.
142	G.S.R. 665 6-4-1968	The Shipping Development Fund (Loans) Amendment Rules, 1968.
143	G.S.R. 814 4-5-1968	The Merchant Shipping (Safety Convention Certificates) Rules, 1968.
144	G.S.R. 1283 13-7-1968	The Merchant Shipping (Radio Direction Finders) Rules, 1968.
145	G.S.R. 1392 27-7-1968	The Aircraft (Amendment) Rules, 1968.

1	2	3
146	Notification No. F.60/ LRO/67 <hr/> 21-9-1967	The Delhi Land Reforms (Amendment) Rules, 1967.
147	Notification No. F. 60/ LRO/67 <hr/> 4-7-1968	Corrigenda to the Delhi Land Reforms (Amendment) Rules, 1967.
148	S.O. 2751 <hr/> 3-8-1968	The Income-Tax (Fourth Amendment) Rules, 1968.
149	S.O. 2718 <hr/> 3-8-1968	The Export (Quality Control and Inspection) Amendment Rules, 1968.
150	G.S.R. 1284 <hr/> 13-7-1968	The Merchant Shipping (Musters) Rules, 1968.

II.

MINUTES OF THE SECOND SITTING OF THE STUDY GROUP OF THE COMMITTEE ON SUBORDINATE LEGISLATION

The Study Group met on Saturday, the 21st September, 1968, from 10.00 to 13.00 hours.

PRESENT

Shri Narendra Singh Mahida—*Convener*.

MEMBERS

2. Shri Shri Chand Goyal
- 3 Shri Arjun Shripat Kasture
4. Shri Srinibas Mishra

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

2. The Study Group examined in detail the "Orders" listed at serial Nos. 1 to 38, 47 to 87 and 106 to 113 in the Annexure*.

3. The Study Group decided that the comments of the Ministries concerned might be obtained in respect of the following "Orders":—

Serial No.	"Order" No.	Short Title	Remarks
1	2	3	4
1	S.O. 481 of 1968	The Unlawful Activities (Prevention) Rules, 1968.	Rule 3(2) appeared to be beyond principal Act and made a substantive provision which should be by Act.
2	S.O. 3520 of 1966	The Ancient Monuments and Archaeological Sites and Remains (Amendment) Rules, 1966.	Reasons for not charging fee on Fridays.
3	F. 12-46/47-Arch dated the 18th June.	The Antiquities (Export-Control) Rules, 1947.	Whether any rules made for regulating Export of antiquities through diplomatic channels or diplomatic personnel.

*See Appendix to the Report, pp. 14—19.

1	2	3	4
4	G.S.R. 460 of 1967	The Post-Graduate Institute of Medical Education and Research Chandigarh Rules, 1967.	A copy of Regulations framed under section 32 of the principal Act and of provision made for payment of T.A. and D. A. to M. Ps. to be obtained.
5	G.S.R. 1789 of 1967	The Press Council (Second Amendment) Rules, 1967.	"dearness allowance" in rule 4(3) should be "daily allowance."
6	G.S.R. 1831 of 1966	The Food Corporations (Eighth Amendment) Rules, 1967.	Reasons for giving retrospective effect to the Rules.
7	G.S.R. 297 of 1967	The Food Corporations (Tenth Amendment) Rules, 1967.	Considerations on which journeys of the Chairman from residence to office are treated as 'official purpose' and whether Chairmen of other Public Undertakings are given similar facility.
8	G.S.R. 544 of 1967	The Central Excise (Fifth Amendment) Rules, 1967.	In rule 140 (3), the power of Central Government to declare "any premises" to be a refinery is very wide and it should be qualified to premises which are used or meant to be used as a refinery.
9	S.O. 1433 of 1968	The Conduct of Elections (Amendment) Rules, 1968.	Rule 39 (2)(d) violates secrecy. Instrument for marking ballot paper should be of metal and not a rubber stamp which often comes out and does not mark the ballot paper properly. Power of Presiding Officer to cancel ballot papers under sub-rules (5) to (8) are liable to misuse.
10	S.O. 1520 of 1968	The Conduct of Elections (Second Amendment) Rules, 1968.	Rule 40A should have been inserted after rule 40 and not after rule 39A. Genesis of permitting an illiterate voter (under rule 40A) to bring a companion for voting on his behalf when the ballot papers contain symbols of candidates which even illiterate persons can distinguish.

4. The Study Group noted that the Ministry of Education had forwarded copies of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959 and the Antiquities (Export Control) Rules, 1947 and that the Ministry of Law had intimated that no rules had so far been made under the Indian Museum Act, 1910. The Study Group

directed that an enquiry be made from the Ministry of Education whether there were any rules relating to the preservation of antiquities and their safe custody and preservation of articles by the museums and whether any rules had been made under the Indian Museum Act, 1910. It might also be enquired from that Ministry whether there was any law or rules relating to the National Museum, New Delhi. Copies of all these rules etc., if any, might be obtained for examination by the Committee.

The Study Group then adjourned to meet again at 16.00 hours.

**MINUTES OF THE THIRD SITTING OF THE STUDY GROUP OF
THE COMMITTEE ON SUBORDINATE LEGISLATION**

The Study Group met on Saturday, the 21st September, 1968, from 16.00 to 17.00 hours.

PRESENT

Shri Narendra Singh Mahitla—*Convener.*

MEMBERS

2. Shri Shri Chand Goyal
3. Shri Arjun Shripat Kasture.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Study Group noted that the Ministry of Transport and Shipping strongly supported the making of a provision for postal ballot facilities for the Indian Merchant Navy Officers and Crew by suitable amendment of the Conduct of Election Rules. The Study Group directed that the Ministry of Law might be asked to expedite their comments.

3. The Study Group examined in detail the "Orders" listed at serial Nos. 40 and 88 to 105 in the Annexure*.

4. The Study Group decided that in respect of G.S.R. 872 of 1968, the Central Excise (Third Amendment) Rules, 1968, a note setting forth an assessment of the working of the new procedure might be obtained from the Ministry of Finance on the working of Chapter VII-A (Removal of excisable goods on determination of duty by producers, Manufacturers or private warehouse licensees) inserted by that G.S.R., with special reference to the receipts of excise duties under that Chapter and also the number of cases in which penalties had been imposed and the total amount received and goods confiscated under rule 173K.

The Study Group then adjourned since die.

*See Appendix to the Report, pp. 14—19.

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