

**COMMITTEE ON SUBORDINATE  
LEGISLATION**

(SEVENTH LOK SABHA)

**THIRD REPORT**

(Presented on the 5<sup>th</sup> Dec 1980) December, 1980



**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 1980/Agrahayana, 1902 (Vaka)*

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CORRIGENDA TO THE THIRD REPORT OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION  
(SEVENTH LOK SABHA) PRESENTED TO THE  
HOUSE ON THE 5TH DECEMBER, 1980.

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<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
2	1	matter	matters
9	9	therefore	therefore
36	3-4	conditions down	conditions laid down
6	11	Bye-laws	Bye-law
7	3	Column II	Column 11

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION

(1980-81)

1. Shri Mool Chand Daga—*Chairman*
2. Shri M. Ankineedu
3. Shri T. V. Chandrashekharappa
4. Shri Eduardo Faleiro
5. Shri Harish Kumar Gangwar
6. Shri Jaipal Singh Kashyap
7. Shri K. Lakkappa
8. Shri T. Nagaratnam
9. Shri Balasaheb Vikhe Patil
10. Shri M. Ramanna Rai
11. Shri Ratansinh Rajda
12. Shri Asoke Sen
13. Shri Ajit Pratap Singh
14. Shri Chandra Shekhar Singh
- \*15. Shri R. S. Sparrow

SECRETARIAT

Shri S. S. Chawla—*Senior Legislative Committee Officer.*

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\*Resigned w.e.f. 18th November, 1980.

# REPORT

## I .

### INTRODUCTION

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

2. The matter covered by this Report were considered by the Committee at their sitting held on the 22nd September, 1980.

3. The Committee considered and adopted this Report at their sitting held on the 2nd December, 1980. The Minutes of sittings, which form part of the Report, are appended to it.

4. A statement showing summary of recommendations/observations of the Committee is also appended to the Report.

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## II

### THE TEA BOARD (AMENDMENT) BYE-LAWS, 1978

(G.S.R. 458 OF 1978)

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5. Bye-law 30B of the Tea Board Bye-laws, 1955, as inserted by the amendment of 1978 reads as under:—

“30B. *Insurance and other Social Security measures*—The Board may introduce, from time to time, any scheme of insurance and other social security and welfare benefits to officers and other employees other than those appointed by the Central Government at such conditions and at such rates as are admissible to the Central Government employees of comparable posts or to their families under rules and orders issued by the Central Government in that behalf and in force for the time being.”

6. It was felt that there should be suitable provisions in the Bye-laws for publishing the Schemes framed thereunder in the Gazette of India so that they might not escape scrutiny by the Committee on Subordinate Legislation.

7. In their reply dated the 13th August, 1979, the then Ministry of Commerce, Civil Supplies and Co-operation (Department of Commerce) with whom the matter was taken up, stated:

".....the service conditions of the Tea Board employees are almost *at par* with those of Central Government employees and the entire scheme of service conditions will have to be notified if the suggestion is accepted. This Ministry is, therefore, of the view that in cases where the service conditions vary in any details from those applicable to Central Government employees, those may be notified to be available to the Committee for scrutiny."

8. The Committee note that according to the Ministry the service conditions of the Tea Board employees are almost at par but not identical to those of Central Government employees. The Committee observe that it is possible that in certain vital aspects the conditions of service of the Tea Board employees may vary from those of the Central Government employees.

9. The Committee further observe that though the Ministry have indicated their willingness to publish such schemes as are different from those which are applicable to the Central Government employees, it is likely that many of the important provisions of the schemes framed under bye-law 30-B may not be published in the Gazette at all and thus escape scrutiny by the Committee. The Committee are also of the view that publication of a part of the scheme will not help them and others concerned in understanding its full implications and impact. The Committee therefore, desire, that all schemes framed under bye-law 30-B of the Tea Board Bye-laws, 1955 should be notified in the Gazette of India in their entirety for the information of all concerned.

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### III.

#### THE LOGGING TRAINING CENTRES PROJECTS (CLASS III AND CLASS IV POSTS) RECRUITMENT (AMENDMENT) RULES, 1978 (G.S.R. 490 OF 1978)

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10. In column 11 of the Schedule appended to the Logging Training Centres Projects (Class III and Class IV Posts) Recruit-

ment Rules, 1975, entry against item 1 relating to the post of Assistant Logging Instructor, as substituted by the amendment of 1978, reads as under:—

“Promotion.—Forester with a minimum of 5 years’ service in the grade.

Deputation/Transfer.—Forester with a minimum of 5 years’ service in the grade and those holding analogous posts under the Central Government Organisations and possessing educational qualifications prescribed for direct recruitment.”

11. It was observed that the period of deputation had not been specified in the rules.

12. In their reply dated the 17th March, 1979 the then Ministry of Agriculture and Irrigation (Department of Agriculture), with whom the matter was taken up, stated:—

“.....this Ministry have no objection to amend suitably the entry under column 11 of the Schedule annexed to these rules, against the post of Assistant Logging Instructor at item No. 1, in the light of the observations of the Committee on Subordinate Legislation. Necessary action in this regard is being taken by this Ministry in consultation with the Department of Personnel and Administrative Reforms and the Ministry of Law (Legislative Department).....”

13. The Ministry of Agriculture and Irrigation (Department of Agriculture) and now Ministry of Agriculture (Department of Agriculture and Co-operation) have since amended the rules and provided that the period of deputation shall ordinarily not exceed three years *vide* notification published under G.S.R. 1355 in the Gazette of India dated the 10th November, 1979.

14. The Committee note with satisfaction that, on being pointed out, the Ministry of Agriculture (Department of Agriculture and Cooperation) have since amended the entry under column 11 of the Schedule to the said rules now called the Logging Training Centres Project (Group ‘C’ and Group ‘D’ posts) Recruitment Rules, 1975 and have provided that the period of deputation shall ordinarily not exceed three years.

## IV .

**THE MINISTRY OF FOOD AND AGRICULTURE (RECRUITMENT TO TECHNICAL NON-GAZETTED GROUP B AND GROUP C POSTS) AMENDMENT RULES, 1978 (G.S.R. 565 OF 1978)**

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15. Under column 11 of the Schedule appended to the Ministry of Food and Agriculture (Recruitment to Technical Non-Gazetted Group B and Group C posts) Rules, 1959, as amended by the amendment of 1978, against item 17 relating to the post of Junior Accountant, a provision has been made for transfer on deputation. However, the period of such deputation had not been indicated therein.

16. In their reply dated the 3rd April, 1979 the Ministry of Agriculture (Department of Agriculture and Cooperation), with whom the matter was taken up, stated:—

“.....As regards the period of deputation, an amendment is being issued shortly to the Recruitment Rules for the posts of Junior Accountants in this Department, laying down that the period of deputation of Junior Accountants shall not ordinarily exceed 3 years.....”

17. The Ministry have since issued the amendment to the rules providing that the period of deputation shall not ordinarily exceed 3 years *vide* notification published under G.S.R. 331 in the Gazette of India, dated the 22nd March, 1980.

18. The Committee note with satisfaction that, on being pointed out, the Ministry of Agriculture (Department of Agriculture and Cooperation) have since amended the entry under column 11 of the Schedule to the Ministry of Food and Agriculture (Recruitment to Technical Non-Gazetted Group 'B' and Group 'C' Posts) Recruitment Rules, 1959 for the posts of Junior Accountants and have provided that the period of deputation shall ordinarily not exceed three years.

## V

**THE BAGGAGE RULES, 1978 (G.S.R. 288-E OF 1979)**

19. Sub-rule (2) of rule 7 of the Baggage Rules, 1978 reads as under:—

“(2) *Bona-fide* baggage of a passenger landed at any customs station within two months before his arrival in India may be allowed to be imported free of duty by the proper



officer subject to the conditions and limitations laid down in these rules:

Provided that the Assistant Collector of Customs may in his discretion, extend the time-limit for the arrival of the passenger upto four months and the Collector of Customs may extend upto any further time if the said Assistant Collector or the Collector, as the case may be, is satisfied that the passenger was prevented by sufficient cause from arriving in India within the aforesaid period of two months."

20. It was felt that there should be a provision for recording of reasons in writing before granting extension of time-limit by the Assistant Collector or the Collector of Customs as the case may be, and further the words 'sufficient cause' occurring in the proviso were likely to be interpreted differently by different persons resulting in discrimination.

21. In their reply dated the 21st May, 1979, the Ministry of Finance (Department of Revenue), with whom the matter was taken up, stated:—

"The two suggestions made by the Lok Sabha Secretariat, i.e.,

- (i) making provision for recording of reasons by Assistant Collector of Customs or the Collector of Customs, as the case may be, in proviso to Rule 7(2);
- (ii) to elucidate the causes in the proviso to Rule 7(2) so that the words 'sufficient cause' occurring in the proviso to Rule 7(2) do not remain vague;

have been examined.

These suggestions are acceptable and necessary modifications in the Baggage Rules, 1978 shall be carried out at an early date."

22. The Committee note with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to amend the Baggage Rules, 1978 as suggested. The Committee would like the Ministry to issue the necessary amendments at an early date, if not already done so.

**THE RECEPTION OFFICERS (SECRETARIAT SECURITY ORGANISATION) RECRUITMENT RULES, 1977 (G.S.R. 248 OF 1978)**

23. Column 7 of the Schedule to the Reception Officers (Secretariat Security Organisation) Recruitment Rules, 1977 provided that the qualifications prescribed for the post of Senior Reception Officer might be relaxed in the case of a specially deserving candidate with previous experience. With a view to obviate any scope of discrimination in this regard, it was enquired of the Ministry of Home Affairs whether suitable guidelines had been laid down for treating a candidate as deserving candidate. If not so, whether the Ministry had any objection to amending the rules so as to provide therein for recording of reasons in writing for granting such a relaxation.

24. In their reply dated the 2nd August, 1979, the Ministry of Home Affairs stated:

"...the old recruitment rules containing the impugned provision relating to relaxation of qualifications in the case of specially deserving candidates with previous experience for the appointment of Senior Reception Officers are being replaced."

25. Subsequently, the Ministry have notified the Reception Officers (Secretariat Security Organisation) Recruitment Rules, 1979 (G.S.R. 1261 of 1979) in supersession of the recruitment rules of 1977 omitting the provision relating to relaxation of qualifications in favour of specially deserving candidates with previous experience.

26. The Committee note with satisfaction that, on being pointed out, the Ministry of Home Affairs have omitted the provision relating to relaxation of qualifications in the case of specially deserving candidates with previous experience in the revised Reception Officers' (Secretariat Security Organisation) Recruitment Rules, 1979 published in the Gazette of India, Part II—Section 3(i) dated the 13th October, 1979 vide G.S.R. No. 1261.

**VII**

**THE AIR CORPORATIONS (AMENDMENT) RULES, 1977  
(S.O. 254 OF 1978)**

27. The new clause (aa), as inserted by the Air Corporations (Amendment) Rules, 1977, after clause (a) of sub-rule (2) of rule 51 of the Air Corporations Rules 1954 reads as under:—

"(aa) A member of the Committee may resign from the Committee by giving a notice in writing to the Chairman of

the Committee. The resignation shall be effective from the date mentioned in the letter of resignation or from the date of acceptance of the resignation by the Chairman of the Committee, whichever is later."

28. It was felt that a time-limit might be specified in the rules within which the Chairman should accept the resignation or after its expiry the resignation should be deemed to have been accepted.

29. In their reply dated the 20th March, 1930, the Ministry of Tourism and Civil Aviation, with whom the matter was taken up, stated:

"...the matter was taken up with Air-India and Indian Airlines. Regarding Rule 51 (2) (aa), the Corporations are in agreement with the Committee on Subordinate Legislation that some time limit may be specified within which the Chairman shall accept the resignation or after its expiry, the resignation shall be deemed to have been accepted. They have, therefore, proposed that the time-limit of 30 days or one month may be adopted from the receipt of resignation letter by the Chairman of the Committee."

30. The Committee note that the Ministry of Tourism and Civil Aviation have agreed to specify a time-limit of 30 days or one month within which the Chairman should accept the resignation or after its expiry the resignation should be deemed to have been accepted. While concurring with the Ministry's proposal for specifying the time-limit the Committee desire that the necessary amendment to the Air Corporations Rules, 1954 be issued at an early date.

### VIII

#### THE CENTRAL EXCISE (THIRD AMENDMENT) RULES, 1978 (G.S.R. 444 OF 1978)

31. Sub-rule (1) of rule 204 of the Central Excise Rules, 1944 as substituted by the Central Excise (Third Amendment) Rules, 1978 (G.S.R. 444 of 1978), reads as under:

"204. *Service of decision, order, summons or notice*:—(1) Any decision or order passed or any summons or notice issued under the Act or these rules, shall be served—

- (a) by tendering the decision, order, summons or notice, or sending it by registered post with acknowledgement due, to the person for whom it is intended, or his authorised agent if he has any; or
- (b) if the decision, order, summons or notice cannot be served in the manner provided in clause (a), by affixing a copy thereof to some conspicuous part of the factory or warehouse or other place of business or usual place of residence of the person for whom such decision, order, summons or notice, as the case may be, is intended;
- (c) if the decision, order, summons or notice cannot be served in the manner provided in clause (a) or clause (b), by affixing it on the notice board of the officer or authority who or which passed such decision or order or issued such summons or notice."

32. The provisions of clause (c) of above sub-rule appeared to be unusual and against the canons of natural justice inasmuch as it presupposed the service of the notice, etc. without its reaching the hands of the person concerned.

33. In their reply dated the 31st March, 1979, the Ministry of Finance (Department of Revenue) with whom the matter was taken up stated:

"...In a case that arose in the Collectorate of Central Excise, Cochin, the show-cause notice could not be served on a party as he was reported to be out of station and hence it was served by affixing it to the door of his last known address. The Kerala High Court had occasion to examine whether the service of the show cause notice in the above referred to manner (when the party went to Court) was proper and sufficient. The Court (in its judgement dated 6-4-1976 in O.P. No. 2372/1974) took the view that in a case other than those of personal service, the service should be effected in a manner sanctioned or prescribed by law and since no such provisions sanctioning or prescribing any other manner had been laid down, in the Central Excise law the notice could not be said to have been served properly.

In the light of this Court pronouncement, amendment of the rule was considered necessary, as otherwise the service of a notice can always be avoided by a party by not

managing to be present at the time of service. It was felt that in case the person was not available the notice could be served by affixing a copy of it to his place of business or usual residence. If even this was not possible, then as a last resort it could be served by affixing a copy of the notice on the notice board of the officer issuing it.

(It may be stressed here that the manner of service by affixing a copy of the notice on the office notice board, has been given the lowest priority and is to be followed only in case the other methods of service fail).

These provisions by themselves are nothing unusual. Provisions already exist in section 153 of the Customs Act, 1962 and section 113 of the Gold (Control) Act, 1968 which are reproduced below:—

Section 153 of the Customs Act, 1962:—‘Service of order, decision, etc.—Any order or decision passed or any summons or notice issued under this Act, shall be served—

- (a) by tendering the order, decision, summons or notice or sending it by registered post to the person for whom it is intended or to his agent; or
- (b) if the order, decision, summons or notice cannot be served in the manner provided in clause (a), by affixing it on the notice board of the customs house.

Section 113 of the Gold (Control) Act, 1968:—‘Any order or decision passed or any summons or notice issued under this Act, shall be served—

- (a) by tendering the order, decision, summons or notice, or sending it by registered post to the person for whom it is intended or to his agent; or
- (b) if the order, decision, summons or notice cannot be served in the manner provided in clause (a), by affixing it on the notice board of the office of the Gold Control Officer.’

34. The Committee note that the rules under reference are said to have been framed on the analogy of provisions in Section 153 of the Customs Act, 1962 and section 113 of the Gold (Control) Act 1968. The Committee are of the view that the provisions relating

to service of decision, order, summons or notice etc. as laid down in clauses (a) and (b) of rule 204 (1) are adequate in so far as they provide for affixing a copy to some conspicuous part of the factory or ware-house or other place of business or usual place of residence of the person concerned. It is difficult to imagine a case where it will not be possible for the authorities to locate even any of the places mentioned therein.

The Committee will like to observe that provisions of such extreme nature should not form part of the rules framed under the powers delegated by any Statute. In case the Ministry consider these provisions as absolutely necessary, they may come forward with an amendment of the Central Excises and Salt Act, 1944 as has been done in the case of the Customs Act and the Gold (Control) Act cited by the Ministry.

## IX

### THE ANTIQUITIES AND ART TREASURES (AMENDMENT) RULES, 1978 (G.S.R. 564-E OF 1978)

#### (A)

35. Sub-rule (2) of rule 5 of the Antiquities and Art Treasures Rules, 1973, as substituted by the amendment of 1978, reads as under:—

“(2) Every licence granted under sub-rule (1), shall be valid for two years from the date of issue. This period of two years may be extended by one year by the licensing officer, if application for such extension is received by him at least two months before the date of expiry and the licensing officer is satisfied with the performance of the licensee.”

36. It was felt that for judging the performance of the licensee by the Licensing Officer some guidelines might be laid down so as to avoid any scope of discrimination. The Ministry of Education and Culture (Deptt. of Culture—Archaeological Survey of India), to whom the matter was referred have proposed to amend the sub-rule as below vide their O.M. dated 25th March, 1980:—

“For the words ‘the licensing officer is satisfied with the performance of the licensee’, the following words may be substituted, namely;

the licensee (i) has been submitting all the prescribed returns, (ii) has satisfactorily maintained all the prescribed records, and (iii) continues to comply with the conditions down for the grant of licence.

Provided that an application for extension under this sub-rule may be entertained by the Licensing Officer even upto one month before the date of expiry if he is satisfied that the delay in applying for extension was due to circumstances beyond the control of the applicant."

37. The Committee approve the amendment as proposed by the Ministry of Education and Culture (Deptt. of Culture—Archaeological Survey of India). The Committee desire the Ministry to issue the amendment at an early date.

(B)

38. Second proviso to rule 6 of the Antiquities and Art Treasures Rules, 1976, as substituted by the amendment of 1978, reads as under:—

"Provided further that in the case of the death of licensee, when the licensee is an individual, a fresh licence for the unexpired period of the licence can be granted in Form IIA without payment of any fee, to the legal heir of the late licensee subject to the condition that an application in Form IA is made by that heir to the licensing officer, and the licensing officer is satisfied with the factors mentioned in rule 5, in regard to the applicant."

39. It was felt that some time-limit might be fixed within which application under the above proviso could be filed. The Ministry of Education and Culture (Deptt. of Culture—Archaeological Survey of India) on a reference made to them, have proposed to amend the aforesaid proviso as below *vide* their O.M. dated 25th March, 1980.

"After the words 'subject to the condition that an application in form IA is made by that heir to the Licensing Officer' the following shall be added:—

'within three months of the date of death of the Licensee.'"

40. The Committee approve the amendment as proposed by the Ministry of Education and Culture (Deptt. of Culture—Archaeological Survey of India), and desire the Ministry to issue it at an early date.

NEW DELHI;  
The 2nd December, 1980.

MOOL CHAND DAGA,  
Chairman,  
Committee on Subordinate Legislation.

## APPENDIX I

(Vide para 4 of the Report)

### Summary of the Main Recommendations/Observations made by the Committee

S. No.	Para No.	Summary
1	2	3
1 (i)	8	The Committee note that according to the Ministry of Commerce, the service conditions of the Tea Board employees are almost at par but not identical to those of Central Government employees. The Committee observe that it is possible that in certain vital aspects the conditions of service of the Tea Board employees may vary from those of the Central Government employees.
1 (ii)	9	The Committee further observe that though the Ministry have indicated their willingness to publish such schemes as are different from those which are applicable to the Central Government employees, it is likely that many of the important provisions of the schemes framed under bye-law 30-B may not be published in the Gazette at all and thus escape scrutiny by the Committee. The Committee are also of the view that publication of a part of the scheme will not help them and others concerned in understanding its full implications and impact. The Committee therefore, desire that all schemes framed under bye-law 30-B of the Tea Board Bye-laws, 1955 should be notified in the Gazette of India in their entirety for the information of all concerned.
2	14	The Committee note with satisfaction that, on being pointed out, the Ministry of Agriculture



1	2	3
		(Department of Agriculture and Cooperation) have since amended the entry under column 11 of the Schedule to the rules now called the Logging Training Centres Project (Group 'C' and Group 'D' posts) Recruitment Rules, 1975 and have provided that the period of deputation shall ordinarily not exceed three years.
3	18	The Committee note with satisfaction that, on being pointed out, the Ministry of Agriculture (Department of Agriculture and Cooperation) have since amended the entry under column 11 of the Schedule to the Ministry of Food and Agriculture (Recruitment to Technical Non-Gazetted Group 'B' and Group 'C' Posts) Recruitment Rules, 1959 for the posts of Junior Accountants and have provided that the period of deputation shall ordinarily not exceed three years.
4	22	The Committee note with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to amend the Baggage Rules, 1978 as suggested. The Committee would like the Ministry to issue the necessary amendments at an early date, if not already done so.
5	26	The Committee note with satisfaction that, on being pointed out, the Ministry of Home Affairs have omitted the provision relating to relaxation of qualifications in the case of specially deserving candidates with previous experience in the revised Reception Officers (Secretariat Security Organisation) Recruitment Rules, 1979 published in the Gazette of India, Part II, Section 3(1) dated the 13th October, 1979 vide G.S.R. No. 1261.
6	30	The Committee note that the Ministry of Tourism and Civil Aviation have agreed to specify a time-limit of 30 days or one month within which the Chairman should accept the

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3

resignation or after its expiry the resignation should be deemed to have been accepted. While concurring with the Ministry's proposal for specifying the time-limit the Committee desire that the necessary amendment to the Air Corporations Rules, 1954 be issued at an early date.

7

34

The Committee note that the Central Excise (Third Amendment) Rules, 1978 are said to have been framed on the analogy of provisions in Section 153 of the Customs Act, 1962 and Section 113 of the Gold (Control) Act, 1968. The Committee are of the view that the provisions relating to service of decision order, summons or notice etc. as laid down in clauses (a) and (b) of rule 204(1) are adequate in so far as they provide for affixing a copy to some conspicuous part of the factory or ware-house or other place of business or usual place of residence of the person concerned. It is difficult to imagine a case where it will not be possible for the authorities to locate even any of the places mentioned therein.

The Committee will like to observe that provisions of such extreme nature should not form part of the rules framed under the powers delegated by any Statute. In case the Ministry consider these provisions absolutely necessary, they may come forward with an amendment of the Central Excises and Salt Act, 1944 as has been done in the case of the Customs Act and the Gold (Control) Act cited by the Ministry.

8(i)

37

The Committee approve the amendment of sub-rule (2) of rule 5 of the Antiquities and Art Treasures Rules, 1973 as proposed by the Ministry of Education and Culture (Department of Culture—Archaeological Survey of India). The Committee desire the Ministry to issue the amendment at an early date.

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1	2	3
8(ii)	40	The Committee approve the amendment of second proviso to rule 6 of the Antiquities and Art Treasures Rules, 1973, as proposed by the Ministry of Education and Culture (Department of Culture—Archaeological Survey of India), and desire the Ministry to issue it at an early date.

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## **APPENDIX II**

(Vide para 3 of the Report)

### **VIII**

#### **MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1980-81)**

The Committee met on Monday, the 22nd September, 1980 from 15.00 to 16.40 hours.

#### **PRESENT**

Shri Mool Chand Daga—*Chairman*

#### **MEMBERS**

2. Shri M. Ankinedu
3. Shri Eduardo Faleiro
4. Shri Harish Kumar Gangwar
5. Shri Jaipal Singh Kashyap
6. Shri K. Lakkappa
7. Shri T. Nagaratnam
8. Shri M. Ramanna Rai
9. Shri Ratansinh Rajda
10. Shri Ajit Pratap Singh
11. Shri Chandra Shekhar Singh
12. Shri R. S. Sparrow

#### **SECRETARIAT**

Shri H. L. Malhotra—*Senior Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 25 to 34 on the following subjects:—

S. No.	Memorandum No.	Subject
1	2	3
(i)	25	* *
(ii)	26	* *
(iii)	27	The Tea Board (Amendment) Bye-laws, 1978 (G.S.R. 458 of 1978).
(iv)	28	The Logging Training Centres Projects (Class III and Class IV Posts) Recruitment (Amendment) Rules, 1978 (G.S.R. 490 of 1978).
(v)	29	The Ministry of Food and Agriculture (Recruitment to Technical Non-Gazetted Group B and Group C Posts)—Amendment Rules, 1978 (G.S.R. 565 of 1978).
(vi)	30	The Baggage Rules, 1978 (G.S.R. 288-E of 1979).
(vii)	31	The Reception Officers (Secretariat Security Organisation) Recruitment Rules, 1977 (G.S.R. 248 of 1978).
(viii)	32	The Air Corporations (Amendment) Rules, 1977 (S.O. 254 of 1978).
(ix)	33	The Central Excise (Third Amendment) Rules, 1978 (G.S.R. 444 of 1978).
(x)	34	The Antiquities and Art Treasures (Amendment) Rules, 1978 (G.S.R. 564-E of 1978).
(i)		* *
3.		* *
(ii)		* *
4		* *

\*Omitted portions of the minutes are not covered by this Report.

(iii) *The Tea Board (Amendment) Bye-laws, 1978 (G.S.R. 458 of 1978)—Memorandum No. 27).*

5. The Committee considered the above Memorandum and noted that according to the Ministry's own comments the service conditions of the Tea Board Employees were almost at par with those of Central Government employees (but not identical). The Committee observed that it was just possible that in certain vital aspects the conditions of service of the Central Government employees and those of the Tea Board might vary. Keeping this in view, the Committee desired that all schemes framed under by-law 30-B of the Tea Board Bye-laws, 1955 as inserted by the Amendment Bye-laws, 1978 should be notified in the Gazette in their entirety.

6. The Committee further observed that while the Ministry had indicated their willingness to publish such schemes as were different from those applicable to the Central Government employees, it was likely that many of the important provisions of the Schemes under bye-law 30-B might not be published at all and might escape scrutiny by the Committee. Besides, publication of a part of the Scheme was not likely to help the Committee to understand its full impact. The Committee also observed that the bye-laws determining the service conditions of employees were matters of vital interest to the concerned employees as well as to the institution in general. The Committee, therefore, desired that all schemes framed under this Bye-laws should be published in the Gazette for the information of all concerned.

(iv) *The Logging Training Centres Projects (Class III and Class IV Posts) Recruitment (Amendment) Rules, 1978 (G.C.R. 490 of 1978)—(Memorandum No. 28).*

7. The Committee considered the above Memorandum and noted that, on being pointed out, the Ministry of Agriculture (Department of Agriculture) had since amended the entry under Column II of the Schedule to the Logging Training Centres Project (Group 'C' and Group 'D' posts) Recruitment Rules, 1975 to the necessary effect.

(v) *The Ministry of Food and Agriculture (Recruitment to Technical Non-Gazetted Group 'B' and Group 'C' Posts)—Amendment Rules, 1978 (G.S.R. 565 of 1978)—(Memorandum No. 29).*

8. The Committee considered the above Memorandum and noted that, on being pointed out, the Ministry of Agriculture had laid down the period of deputation in Column 11 of the Schedule appended to the Ministry of Food and Agriculture (Recruitment to Techni-

cal Non-Gazetted Group B and Group C Posts) Recruitment Rules for the posts of Junior Accountants.

(vi) *The Baggage Rules, 1978 (G.S.R. 288-E of 1979—(Memorandum No. 30).*

9. The Committee considered the above Memorandum and noted that, on being pointed out, the Ministry of Finance (Department of Revenue) had agreed to amend the Baggage Rules, 1978 to the desired effect. The Committee had desired the Ministry to issue the necessary amendment at an early date if not already done so.

(vii) *The Reception Officers (Secretariat Security Organisation) Recruitment Rules, 1977 (G.S.R. 248 of 1978)—(Memorandum No. 31).*

10. The Committee considered the above Memorandum and noted that, on being pointed out, the Ministry of Home Affairs had omitted the provision relating to relaxation of qualifications in the case of specially deserving candidates with previous experience.

(viii) *The Air Corporations (Amendment) Rules, 1977 (S.O. 254 of 1978)—(Memorandum No. 32).*

11. The Committee considered the above Memorandum and noted that Government had agreed to specify a time-limit of 30 days or one month within which the Chairman should accept the resignation or after its expiry the resignation should be deemed to have been accepted. The Committee concurred with the Government's proposal of specifying time-limit and accordingly had desired the Ministry to expedite the issue of an amendment to the rules by incorporating the proposal therein.

(ix) *The Central Excise (Third Amendment) Rules, 1978 (G.S.R. 444 of 1978—(Memorandum No. 33).*

12. The Committee considered the above Memorandum and noted that the rules under reference were said to have been framed on the analogy of similar provisions in the Customs and Gold (Control) Acts. Parliament in its wisdom could make laws providing for extreme remedies in certain cases if so considered. The Committee, however, observed that provisions of such extreme nature should not form part of the rules framed under the powers delegated by any Statute. In case the Ministry considered these provisions as quite inevitable, they might come forward with an amendment of the Central Excises and Salt Act, 1944 as was the case in the Customs and Gold (Control) Acts cited by the Ministry.

13. In the opinion of the Committee the manner of service of notices etc. as provided for in Clauses (a) and (b) of Rule 204(1)

was sufficient in so far as they provided for affixing a copy to some conspicuous part of the factory or warehouse or other place of business or usual place of residence of the person concerned. It was difficult to imagine a case where it would not be possible for the authorities to locate even any of the places mentioned therein. The Committee felt that treating of affixation of the notice on the notice-board of the issuing authority as served to the person concerned was beyond the scope of the delegation of the power to the Ministry under the enabling Act.

(x) *The Antiquities and Art Treasures (Amendment) Rules, 1978 (G.S.R. 564-E of 1978)—(Memorandum No. 34).*

(A)

14. The Committee considered the above Memorandum and found the amendment as proposed by the Archaeological Survey of India satisfactory. The Committee, therefore, desired the Ministry of Education (Department of Culture) to issue the same at an early date.

(B)

15. The Committee concurred with the amendment as proposed by the Archaeological Survey of India and asked them to issue the same at an early date.

*The Committee then adjourned.*



**.XII**

**MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION (SEVENTH LOK SABHA)  
(1980-81)**

The Committee met on Tuesday, the 2nd December, 1980 from 15.30 to 15.50 hours.

**PRESENT**

Shri Mool Chand Daga—*Chairman*

**MEMBERS**

2. Shri M. Ankineedu
3. Shri Jaipal Singh Kashyap
4. Shri Balasaheb Vikhe Patil
5. Shri Ratansinh Rajda

**SECRETARIAT**

Shri S. S. Chawla—*Senior Legislative Committee Officer.*

2. The Committee considered their draft Third \* \* Report and adopted it.

3. The Committee authorised the Chairman and, in his absence, Shri Balasaheb Vikhe Patil \* to present their Third \* Report to the House on their behalf on the 5th December, 1980\*.

*The Committee then adjourned.*

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\*Omitted portions of the minutes are not covered by this Report.