

# COMMITTEE ON SUBORDINATE LEGISLATION

(SEVENTH LOK SABHA)

FIFTH REPORT

*(Presented on 1981)*



LOK SABHA SECRETARIAT  
NEW DELHI

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CORRIGENDA TO THE FIFTH REPORT OF THE  
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(SEVENTH LOK SABHA) (PRESENTED ON 19  
MARCH, 1981).

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION (1980-81)

1. Shri Mool Chand Daga—*Chairman*
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3. Shri T. V. Chandrashekharappa
4. Shri Eduardo Faleiro
5. Shri Harish Kumar Gangwar
6. Shri Jaipal Singh Kashyap
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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 Xavier Arakal

SECRETARIAT

Shri S. D. Kaura—*Senior Legislative Committee Officer.*

# 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 Fifth Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on 28th August, 8th and 20th September, 1980 and 5th and 6th January, 1981. At their sittings held on 28th August and 20th September, 1980, the Committee took evidence of the representatives of the Ministry of Finance (Department of Expenditure) regarding the Fundamental (First Amendment) Rules, 1977, Ministry of Home Affairs (Department of Personnel and Administrative Reforms) regarding the Indian Administrative Service/Indian Police Service Rules, 1978, and Ministry of Health and Family Welfare (Department of Health) regarding the Drugs and Cosmetics Rules, 1977.

3. The Committee considered and adopted this Report at their sitting held on the 17 March, 1981. The Minutes of the sittings which form part of the Report, are appended to it.

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

## II

- (i) The Indian Administrative Service (Pay) Third Amendment Rules, 1978 (G.S.R. 215 of 1978);
- (ii) The Indian Police Service (Pay) Second Amendment Rules, 1978 (G.S.R. 216 of 1978); and
- (iii) The Indian Police Service (Pay) Amendment Rules, 1978 (G.S.R. 217 of 1978).

5. The Indian Administrative Service (Pay) Third Amendment Rules, 1978, the Indian Police Service (Pay) Second Amendment Rules, 1978 and the Indian Police Service (Pay) Amendment Rules, 1978 were published in the Gazette of India, Part II, Section 3(i) dated the 11th Feb-

ruary, 1978. To the Rules at S. Nos. (i) and (ii) above a note had been added that,—

“Increments falling due after the 1st November, 1973 shall accrue on the first day of the month in which they would have accrued.”

6. As it amounted to giving of retrospective effect to these Rules, in the Explanatory Memoranda appended to them it was stated that the Third Pay Commission had recommended that the increment of an employee should be granted from the First day of the month in which it fell due instead from the actual date it would accrue. Government of India had accepted this recommendation and had given effect to the decision from 1st November, 1973 vide Ministry of Finance O.M. No. 1(22E-III-A)/73 dated 7.1.1974 read with their O.M. 1(22 III-A)/73 dated 27th May, 1974. Further that it was proposed to incorporate this decision in these rules and to give it retrospective effect from 1st November, 1973.

7. As there was an inordinately long time lag between Government's decision to accept the recommendation of the Third Pay Commission and the notification of above Rules in the Gazette, the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) were asked the reasons therefor.

8. Further, the Indian Police Service (Pay) Second Amendment Rules, 1978 and the Indian Police Service (Pay) Amendment Rules, 1978 were not published in the Gazette in the proper sequence as the second Amendment preceded the first amendment. The attention of the Ministry was invited to earlier recommendation of the Committee contained in para 13 of their Twelfth Report (Second Lok Sabha) and reiterated from time to time that amendments to the same Rules should be published in the Gazette bearing the order number in the same sequence as assigned to the amendments. The Ministry were asked as to why this procedure was not followed in this case.

9. In their reply dated the 29th March, 1979 the Ministry explained the position as under:

“(i) In the explanatory memorandum appended to G.S.R. 215 and 216 a reference has been made to the decision taken in May, 1974 on the recommendations of the Pay Commission about the date of increments being predated to the first of the month in which it falls due. However, before incorporating this decision in the IAS/IPS (Pay) Rules, it was necessary to finalise many related issues such as regulation of increments in the Supertime Scale, regulation of increments in the

Selection Grade/Supertime Scale during a period of extraordinary leave either on grounds of health or for prosecuting higher scientific or technical studies, regulation of increments in the case of officers holding posts on deputation outside their cadre etc. There was no provision in the Pay Rules governing these matters and these were regulated by executive instructions issued from 1975 onwards. Broadly, the provisions of the Fundamental Rules as applicable to the members of the Central Services were made applicable to the members of the IAS/IPS, on the advice given by the Comptroller and Auditor General of India. Finalising these issues and incorporating them in the Pay Rules thus became a pre-requisite to amending rules to give effect to the recommendation of the Pay Commission taken in May, 1974. It was, therefore, decided to prepare comprehensive amendments to the rules covering all these issues instead of amending the rules in a piece-meal fashion. As the matter involved consultation with the Ministry of Law, Ministry of Finance and the C & AG and also State Governments; and examination of the views expressed by the State Governments before amending the rules, the comprehensive Notification could not be issued earlier.

- (ii) In G.S.R. 215 and 216, it has been stated specifically in the explanatory memorandum that the amendments giving effect after to the decision on the recommendation of the Pay Commission have been given retrospective effect from 1-11-1973. A specific reference to this aspect in the explanatory memorandum was considered necessary because the remaining portions of these Notifications were to take effect from the date of their publication in the Official Gazette. However, as regards Notification No. 217, a specific reference in the explanatory memorandum to the date of effect of the Notification was not considered essential because para 1 of the Notification indicated 1-1-1973 as the date from which the entire amendments to the rules sought to be made in Notification No. G.S.R. 217 would take effect.
- (iii) G.S.R. 216 and 217 issued on the 25th January, 1978, on the 27th January, 1978, carry the second and first amendment to the IPC (Pay) Rules. Both these Notifications were released for issue on 17-1-1978, and the numbering of the amendments was done correctly. However, at the time of issue, Notification 20019/4/75-AIS(II)B was typed out earlier and sent to the Press prior to the other Notification No. 11030/8/78-AIS(II) and these were published as serial numbers 216 and 217. The



observation made in the penultimate paragraph of the Lok Sabha OM..... has been noted and it would be ensured that in future, amendments to the rules published in the Gazette appear in the Gazette in the same sequence as assigned to the amendments.”

10. At their sitting held on 8th September, 1980, the Committee considered the matter in depth and decided to hear evidence of the representatives of the Department of Personnel and Administrative Reforms in regard to the inordinate delay in finalising and notifying the Rules as also the wrong sequence of the amending Rules.

11. At their sitting held on 20th September, 1980 the Committee heard evidence of the representatives of the Department of Personnel and Administrative Reforms on the above subject.

12. During the evidence, the representative of the Department of Personnel and Administrative Reforms explained that decision was taken by the Government in the Finance Ministry to give increments with effect from the 1st of month in which they fell due and that decision was to be given effect to from November, 1973. After the decision was taken by the Finance Ministry, it became the job of the Department of Personnel and Administrative Reforms to incorporate the decision in the appropriate rules relating to the Indian Administrative Services. He further stated that the O.M. dated 7th January, 1974 contained the decision in respect of Government employees in categories or Classes II, III and IV, now called Groups B, C and D. Subsequent Memorandum dated May, 1974, contained the decision in regard to Group A Officers. These were the two Memoranda which between them had covered all Groups of officers in the Central Government.

13. When asked to give reasons for the delay in publishing the amendment to the rules in question in the Gazette, the representative of the Ministry stated that after the issue of O.M. dated the 27th May, 1974 by the Ministry of Finance, they (Department of Personnel and Administrative Reforms) took up the matter and then examined the whole matter about its applicability to All India Service Officers and on 15th November, 1974 they issued a number of amendments to the IAS Pay Rules. He further stated that they also had consultations with the Finance Ministry on a number of matters on the basis of the recommendations. It was examined in the Ministry of Finance in consultation with the State Governments as required by the All India Services Act. On being asked the reasons for not acting upon the first O.M. of the Ministry of Finance, the representative stated that they would not act upon the first O.M. because the All India Services consist of Class I Posts. He further stated that contents of the second O.M. dated 27th May, 1974, were applicable to Class I Officers. They then took up the question of their application to Officers of the All India Service. This took them up to 15th November, 1974 when they published certain amendments to the

IAS and IPS Rules. They then did incorporate this provision relating to increment in respect of officers other than the Selection Grade and supertime scales in IAS and IPS. He explained that all this procedure took some time as under the All India Services Rules, they had to consult the State Governments also. The representative further explained that on 15th November, 1974, the first set of amendments on the basis of the Pay Commission's recommendations were made to the I.A.S. and I.P.S. Rules, incorporating the amendment referred to by the Committee in respect of certain officers. They published the notification on the 15th November, 1974, but the present notification was published in February, 1978. The representative, on being asked, produced a copy of the 15th November, 1974 notification. When the Committee pointed out that the Ministry had issued administrative instructions and implemented the Pay Commission's recommendations, the representative stated that the reasons in regard to Junior scale and senior scales the recommendations of the Pay Commission had been incorporated in the rules and the reasons why they could not incorporate the recommendation in regard to selection grade was different.

14. The representative was then asked about the second amendment which was issued earlier than the first amendment. To this, the representative of the Ministry stated that it was admittedly a mistake and that they had explained the circumstances in which the mistake had occurred to the Committee. He further stated that the mistake had occurred while sending both the amendments to the Press. Elaborating their arrangement for sending the notification to the Press, he explained that the first and the second amendments were sent by the Section concerned to Receipt and Issue Section of the Ministry on the same day for stencilling and issue after signatures of officers. The staff in Receipt and Issue Section unfortunately typed out the second amendment first, because it happened to be smaller than the first one.

15. In their note dated 30th September, 1980, the Department of Personnel and Administrative Reforms further explained as under:—

*"1. G.S.R. 215 and 216*

The provisions of the I.A.S. (Pay) Third Amendment Rules 1978 (G.S.R. 215) and those of the I.P.S. (Pay) Second Amendment Rules 1978 (G.S.R. 216) are similar except for one difference namely in G.S.R. 216 there is no provision corresponding to paragraph 2(a) of G.S.R. 215. This paragraph in G.S.R. 215 relates to the regulation of increments in the selection grade of I.A.S. The reason for not incorporating a corresponding provision in G.S.R. 216 is that the Selection Grade of I.P.S. carries a fixed pay of Rs. 1800 and not a running scale in which increments should be granted.

It is further submitted that in Notifications G.S.R. 215 and 216, the explanatory memorandum regarding the retrospective application from 1-11-73 is in respect of the Note below Rule 3(2) and Note in Rule 5(e) as regards IAS, Note in Rule 5(e) as regards IPS. These Notes are based on the decisions taken on the recommendations of the Third Pay Commission as contained in the Ministry of Finance O.M. of 7-1-74 and 27-5-79. They relate to the drawal of increment on the first of the month in which it falls due and this is effective from 1-11-73 in the case of Central Civil Service Class I Officers and so it has been given effect from the same date for IAS/IPS officers also. The remaining portions of the GSR 215 and 216 have prospective effect only.

According to the O.M. of 7-1-74, increment of employees in Class II, Class III and Class IV Services would be granted from the first of the month in which it falls due instead of from the actual day on which it accrues. These orders were given effect from 1-11-73. These orders were extended to Class I employees of the Central Government through the O.M. dated 27-5-74 of the Ministry of Finance. Following this, the same instructions about drawal of increment on the first of the month in which it falls due were made applicable to IAS/IPS officers in the Junior scale and the senior scale.

(Action to amend the IAS/IPS (Pay) Rules, 1954 to give effect to these decisions as well as the decisions regarding revision of pay scales was taken up in the Department of Personnel and Administrative Reforms and a draft of the Notification was referred to the Ministry of Finance on 31-5-74. The proposals were sent to the State Governments on 4-6-74 and their views were obtained by 24-6-74. The Ministry of Finance returned the draft notification on 11-6-74 suggesting certain changes. The revised draft was referred to the Legislative Department on 12-6-74. The draft was returned by the Legislative Department after vetting on 8-7-74. At that time another question as to how the 14 year rule for appointment to the Selection Grade would be operated in the case of persons who had been promoted already before completing 13 years of service was under consideration, in consultation with the Ministry of Finance and the Ministry of Law from 13-7-74 to 28-10-74. An inter-departmental meeting was held on 8-11-74 to finalise the draft notification. The Notification was issued on 15-11-74).

Similar provision (regarding the drawal of increment on the first of the month in which it falls due) in the Pay Rules in respect

of the selection grade and, the super-time scale was not then made. At the time of issue of Notification dated 15-11-74 mentioned above, there was under consideration a question whether the service rendered in an ex-cadre post in the super-time scale by an IAS Officer should not be counted in full for increments without relating it to the date of promotion of his junior in the same cadre to a super-time scale, as envisaged in FR 22. It was finally decided in January, 1975 at an inter-departmental meeting at which representatives of the Ministry of Finance and Comptroller and Auditor General participated, that the conditions of FR 22 should continue to apply in the case of IAS/IPS officers.

In January, 1975 there was another reference in respect of an IAS Officer of Andhra Pradesh Cadre seeking clarification as to how the service rendered in an ex-cadre post carrying pay less than the super-time of the IAS should be counted for increments when the officer had been granted proforma promotion to the Super Time Scale in his parent cadre. This was examined during the period January, 1975 and March, 1975 and instructions issued.

Action was initiated in August, 1975 to amend Rule 5 of the IAS (Pay) Rules, 1954 to make provisions for regulating the increments in the super-time scale, keeping in view the instructions issued to the State Governments on 4-1-74, 17-1-75 and 17-3-75. A provision was also incorporated on the basis of the advice of the C&AG and following the provisions of FR 26(b) about the manner in which increments should be regulated when an officer is on extraordinary leave. The draft Notification was referred to the Ministry of Finance on 10-10-75, who after examination referred it to the C&AG on 24-10-75. The draft was received back from the C&AG through the Ministry of Finance on 22-11-75. There were further consultations with the Ministry of Finance about certain modifications in the draft Notification. The draft notification was circulated to the State Governments on 2-3-76. In March, 1976 there was a reference from the Chief Minister of Karnataka on the question of counting of service rendered in an ex-cadre post in super time scale for increments in that scale, when two or more Officers are posted against ex-cadre posts and one Officer junior to them appointed to a cadre post. This was examined in consultation with the Ministry of Finance and instructions were issued to State Governments.

The draft Notifications under consideration, were amplified keeping in view the provisions of this Department letter of 28-8-76-referred to above. By this time the comments of the State Governments had also been received and examined. Between September 1976 and November, 1977 the drafts

were under consideration in consultation with the Ministry of Finance, Legislative Department and Comptroller and Auditor General, the details are as under:

| Date     | Event  |
|----------|--|
| 20-9-76  | Draft Notifications referred to Ministry of Finance.                                       |
| 12-11-76 | File received back from the Ministry of Finance with their comments.                       |
| 25-11-76 | Draft Notifications referred to Legislative Department for vetting.                        |
| 5-1-77   | Legislative Department returned the file asking for discussion.                            |
| 24-1-77  | Discussion held in the Legislative Department.   |
| 25-3-77  | File received back from Legislative Department.  |
| 14-4-77  | Drafts revised in the light of the discussions and referred to the Legislative Department. |
| 7-5-77   | Drafts approved by the Legislative Department.   |
| 29-9-77  | The file was referred to C&AG as desired by the Ministry of Finance.                       |
| 26-11-77 | File received back from the C&AG.  |

The Hindi versions of the draft notifications were received from the Official Languages, (Legislative) Commission on 27-12-1977. The draft notifications were approved by the Minister on 10-1-1978 and they were issued on 25-1-1978.

## II. *IPS (Pay) First Amendment Rules 1978 (GSR 217)*

The aforesaid amendment replaces Schedule II to the IPS (Pay) Rules, 1954. This Schedule deals with the principles of fixation of pay of officers promoted from the State Police Service to the Indian Police Service/Officers of the State Police Service appointed to officiate in cadre posts of the IPS. The amendment to Schedule II has become necessary consequent on the revisions of the Pay scale on the recommendations of the Third Pay Commission. The aforesaid amendment to Schedule II to the IPS (Pay) Rules has also been given retrospective effect from 1-1-1973.

The provisions of Schedule II to the IPS (Pay) Rules are almost identical to the provisions of the Schedule II of the IPS (Pay) Rules. In the IAS (Pay) Rules Schedule II was modified under this Department's Notification No. 11030/15/75-AIS II dated 5th June, 1976. The Ministry of Home Affairs who are the cadre authority in respect of the IPS were requested on 24-6-76 to prepare a draft notification in respect of the

Amendment to the IPS (Pay) Rules. On 14-7-76 and 26-7-76 the Ministry of Home Affairs were reminded. A Draft Notification was prepared by the Ministry of Home Affairs and referred to the Legislative Department on 4-9-76. The draft was returned after vetting by the Legislative Department to the Ministry of Home Affairs on 16-9-76. The draft was referred to the Ministry of Finance by the Ministry of Home Affairs on 11-11-1976. In the draft Notification the Ministry of Home Affairs had proposed a modification of the provisions which were in force at that time. In the extant rules the minimum and maximum increase in Pay which a State Police Service Officer is entitled to get on his appointment to IPS, over the Pay admissible to him in the lower scale of the State Police Service are Rs. 150 and Rs. 200 respectively, The Ministry of Home Affairs proposed that these limits should be revised to Rs. 200 and Rs. 300. The Ministry of Finance were not agreeable to this modification. This issue was under consideration of the Ministry of Home Affairs and Ministry of Finance during the period November-December, 1976. On 15-1-77, Ministry of Home Affairs addressed all the State Governments asking for information about the Pay scales prescribed for the post of Deputy Superintendent of Police, the length of service which a state police officer is required to put in before he can be promoted to IPS etc. On the basis of the information collected, the Ministry of Home Affairs again referred the matter to the Ministry of Finance, in June, 1977 for the upward revision of the minimum and maximum increase in pay to which a State Police Officer should be entitled, on his promotion to the IPS. The Ministry of Finance did not agree and finally an inter-departmental meeting was held on 8-12-77 at which it was agreed that no change be made in the existing minimum and maximum limits of Rs. 150 and Rs. 200 respectively. The Ministry of Finance returned the file to the Ministry of Home Affairs agreeing with the draft Notification. The Ministry of Home Affairs referred their file to the Department of Personnel and Administrative Reforms on 10-1-78. After obtaining the approval of the Minister, the Notification was issued on 27-1-78.

During the hearing, the Committee observed that the IPS (Pay) Second Amendment Rules, 1978 (GSR 217) had issued prior to the issue of the IPS (Pay) First Amendment Rules, 1978 (GSR 216) and directed that the circumstances in which the mistake had occurred should be gone into. It is submitted that the mistake had occurred at the time of issue of notification to the Press. Both the Notifications were signed on the same date (24-1-78). But at the time of despatch to the Press, the notification regarding the IPS (Pay) Second Amendment Rules, was inadvertently despatched earlier than the Notification relating to the IPS (Pay) First Amendment Rules, 1978. The lapse is very much regretted, and it will be ensured that lapse of this type does not recur."

16. The Department of Personnel and Administrative Reforms have adduced administrative difficulties such as inter-departmental consultation and referring the matter to the State Governments for delay in finalising the amendments to the Indian Administrative Service/Indian Police Service Rules and their notification in the Gazette. The Committee are not convinced with this reply. They feel that in such cases the higher officers should have inter-departmental meetings to finalise the matter instead of dealing them in a routine manner which results in delay and ultimately leads to giving of retrospective effect to the Rules.

17. As regards giving of wrong sequence to the Indian Police Service (Pay) Second Amendment Rules, 1978, and Indian Police Service (Pay) Amendment Rules, 1978, the Committee note that the mistake had occurred at the time of issue of those notifications to the Press. The Department of Personnel and Administrative Reforms have assured that such mistake will not recur. The Committee desire the Department of Personnel and Administrative Reforms to be careful in such matters in future.

### III

#### THE DRUGS AND COSMETICS (SIXTH AMENDMENT) RULES, 1977 (G.S.R. 19 OF 1978)

18. Draft Rules further to amend the Drugs and Cosmetics Rules, 1945 were published in the Gazette of India, Part II, Section 3(i) as G.S.R. 84(E) dated 17 February, 1976, inviting objections or suggestions from persons likely to be affected thereby. Copies of the Gazette were made available to the public on 28th February, 1976. However, the final Rules were published in the Gazette of India, Part II, Section 3(i) dated 7 January, 1978 as G.S.R. 19 *i.e.* after about a gap of nearly two years.

19. In para 14 of their Fifteenth Report (Fifth Lok Sabha), the Committee had recommended that the time lag between the publication of the draft Rules and the final Rules in the Gazette should not exceed one year rather efforts should be to bridge this gap further.

20. The matter was accordingly taken up with the Ministry of Health and Family Welfare. In their reply dated 26th July, 1978, the Ministry explained the position as follows :

"The draft amendment to Rules 96, 97, 100, 101, 104, 105, 109, 122, 124, Schedule D, Schedule F and Schedule K to the Drugs and Cosmetics Rules was published for comments in this Ministry's Notification No. X. 11014/19/72-D on 17th February, 1976 and this notification was published in the Gazette of India as G.S.R. 84(E) on the 17th February, 1976. Copies of the Gazette could be made available to the public on the 28th

February, 1976. Hence the draft rules could be finalised and published only after the 28th May, 1976, *i.e.* 90 days after publishing the draft.

At the time when the notification under G.S.R. 84(E) dated the 17th February, 1976 (*i.e.*, the notification under consideration) was published for comments, another set of draft amendments to the Drugs and Cosmetics rules for controlling psychotropic drugs was also published in the Gazette of India Notification No. X 11013/9/75-D & MS dated 26th April, 1976. Some of the proposed amendments to rules like Rule 97 in the G.S.R. No. 301(E) had a bearing on the draft amendments to Rule 97 published for comments under G.S.R. 84(E) dated 17th February 1976. It, therefore became necessary to consider the comments on both the draft amendments together. As there were a large number of comments received on the draft amendments to the Drugs and Cosmetics Rules published under G.S.R. 84(E), and G.S.R. 301(E), a meeting of the Association of Drug Manufacturers and Dealers, who were directly affected as well as some of the States Drug Controllers was convened on the 7th June, 1976 in New Delhi. In this meeting the representatives of these Associations were given an opportunity to express their views on the draft amendments rule by rule and the difficulties, if any, that they would encounter in complying with these rules, so that these could also be taken into consideration while finalising the rules and to make implementation of the amended rules smooth.

The Comments received and the suggestions made in the above meeting involved a large number of issues relating to labelling of all classes of drugs *viz.*, non-biological products, biological products, contraceptives etc. It thus became necessary to scrutinise carefully the comments and suggestions made on the different Rules and Schedules and study their implications. Hence the final draft rules could be finalised only by the end of January, 1977.

The final draft rules (notification) were reviewed in the Ministry at the level of the Additional Secretary, then approved and sent to the Ministry of Law, Justice and Company Affairs (Legislative Department) for final vetting on 15th March 1977. The Ministry of Law, Justice vetted the notification on 26th April 1977. For getting the official version of the notification in question the file was referred to the Ministry of



Law, Official Language Commission, New Delhi on 30th April 1977. The file was received back with Hindi translation from that Ministry with its translation on 5th September, 1977. The notification was sent to the Press for Publication on 15th December 1977.

Always every effort is being made to publish the final notification within a period of one year time. However, in this case due to the reasons explained above, the draft rules could not be finalised with 1 year."

21. At their sitting held on 8th September, 1980, the Committee considered the above reply of the Ministry and decided to hear their evidence regarding delay in notifying the final Rules inspite of their earlier assurances that final Rules would be published within a year of the Publication of the draft Rules.

22. At their sitting held on 20th September, 1980, the Committee heard evidence of the representatives of the Ministry of Health and Family Welfare (Department of Health).

23. Explaining the procedure for framing Rules under the Drugs and Cosmetics Act, the representative of the Ministry stated that any proposal for making or amending a rule was referred by the Government to the Drugs Technical Advisory Board. When it was considered that a Rule was to be amended, the Drug Controller would make a proposal to the Government that such and such Rule was to be amended. Then, the proposal was submitted to the Drugs Technical Advisory Board and they recommended whether a Rule should be amended or not. After the Board had recommended that a Rule should be amended, then the Ministry of Health would publish a notification in the Gazette informing the public of its intention to amend the Rule. They give three months' notice. On being asked as to who was the highest officer in the Ministry to approve the Rules which had been approved by the Technical Advisory Board, the representative of the Ministry stated that the approval is given by the Additional Secretary, Ministry of Health.

24. The Committee then enquired as to how many memoranda were received after the draft rules had been published, the representative of the Ministry stated that they had received 10 memoranda from the following associations:

"The Indian Drug Manufacturers' Association—20th March, 1976.  
Johnson and Johnson—March 23, 1976.

Sandoz—3rd April, 1976.

All India Manufacturers' Organisation—13th April, 1976.

Ciba Geigy—28th April, 1976.

Organisation of the Pharmaceutical Producers of India—5th May, 1976.”

He further stated that they had also received one memorandum from the Gujarat Chamber of Commerce after the due date.

25. In reply to a question, the representative of the Ministry stated that the file was received from the Directorate General of Health Services on 18th January, 1977 and it was sent to Ministry of Law on 10th March, 1977 and was returned by that Ministry on 26th April, 1977. It was sent for Hindi translation on 30th April, 1977 and it was received back on 5th September, 1977 and after making fair copies, it was sent to the Directorate General of Health Services on 19th October, 1977 for checking. It was sent for publication on 15th December, 1977.

It was, however, admitted that inordinate delay in notifying the final Rules could have been avoided.

26. In their O.M. dated 6th October, 1980, the Ministry of Health and Family Welfare (Department of Health) furnished a copy of Drugs Controllers \*U.O. dated 12th July, 1978 which explained the circumstances leading to the delay in finalisation and publication of final Rules. The Ministry further stated that following procedure had been introduced to ensure that delays did not occur in future:—

- (i) All finalised amendments would now be issued only in the Gazette Extra-ordinary under the signature of the Joint Secretary which ensures its publication immediately.
- (ii) Files relating to amendment of Rules would be put up with a tag indicating that the contents are time bound in nature.
- (iii) Closer liaison would be maintained with the Official Language Commission and reminders sent at higher levels to avoid delay in getting the Hindi translation.

27. The Ministry have regretted this delay and renewed their assurance that all possible efforts would be made to ensure that such delays did not occur in future.

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\*See Appendix II.

28. The Committee are unhappy over the delay in final publication of the Drugs and Cosmetics (Sixth Amendment) Rules, 1977. This has happened inspite of an earlier recommendation of the Committee and the assurance given by the Ministry of Health as far back as January, 1975 that the procedure regarding final publication of amending Rules would be streamlined and that efforts would be to finalise amendments within a period of one year after their notification in the Gazette in draft form. The Committee are constrained to note that undue long time has been taken in processing and finalising the draft Rules. A period of about six months has been taken in obtaining the Hindi translation of the finalised Rules and getting the fair copies. Even when the Ministry of Law had cleared the Rules and furnished their Hindi translation, the Ministry took more than three months to send the Rules to the Press for publication. The Committee feel that scant regard is paid to the assurance given to the Committee in this regard. Instead of further reducing the time-lag between the publication of draft Rules and publication of final Rules, the Ministry have not been able to publish the Rules within the assured period of one year.

29. The Committee note that the Ministry have devised a procedure as given in para 26 above to check delays in final publication of Rules. The Committee desire the Ministry to follow this procedure in letter and spirit.

#### IV

#### THE DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY (SENIOR ADDRESSOGRAPH) OPERATOR (HINDI) RECRUITMENT (AMENDMENT) RULES, 1978 (G.S.R. 415 OF 1978).

30. Foot-note to Column 7 of the Schedule appended to the Directorate of Advertising & Visual Publicity (Senior Addressograph) Operator (Hindi) Recruitment Rules, 1978, as inserted by above amending Rules, reads as under:—

“The qualification regarding experience is relaxable at the discretion of appointing authority in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes if at any stage of selection the appointing authority is of the opinion that sufficient number of candidates possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.”

31. It was felt that in order to obviate the scope of discrimination and favouritism the appointing authority should record the reasons in writing while relaxing the qualifications regarding experience.

32. The Ministry of Information and Broadcasting with whom the matter was taken up, have in their reply dated the 12th July, 1979 stated as under:—

“...the foot-note under Col. 7 of the Schedule to DAVP (Senior Addressograph) Operator (Hindi) Recruitment (Amendment) Rules, 1978 was inserted as per the instructions issued by the Department of Personnel and Administrative Reforms *vide* their O.M. No. 27/10/71-Estt. (SCT) dated the 5th September, 1975 copy attached.

The post of (Senior Addressograph) Operator (Hindi) belongs to Group C and provisions of para 1 (b) of the above O. M. are applicable. It may also be stated here that the Recruitment Rules for the above post were further amended *vide* this Ministry's Notification dated the 23rd November, 1978 wherein also the footnote under Col. 7 was retained.

This Ministry have, however, no objection in amending the foot-note as per the suggestions of the Subordinate Legislative Committee by adding the following sentence:

‘The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing so.’

33. The Committee approve the proposed amendment to foot-note under Column 7 of the Schedule appended to the Directorate of Advertising and Visual Publicity (Senior Addressograph) Operator (Hindi) Recruitment (Amendment) Rules, 1978 and desire the Ministry of Information and Broadcasting to notify it in the Gazette at an early date.

34. The Committee also desire the Department of Personnel and Administrative Reforms to bring the above recommendation to the notice of all other Ministries/Departments for necessary compliance.

(V)

THE INDIAN TELEGRAPH (FIRST AMENDMENT) RULES, 1979  
(G.S.R. 178 OF 1979)

35. The Indian Telegraph (First Amendment) Rules, 1979 were published in the Gazette of India, Part II, Section 3(i) dated the 3rd February, 1979 but were made effective from 1st February, 1979.

36. The Indian Telegraph Act, 1885 under which the above rules had been framed did not specifically authorise for giving of retrospective effect to the rules framed thereunder. The matter was taken up with the Ministry of Communications (P & T Board) and their attention was

invited to para 9 of the Fourth Report of the Committee on Subordinate Legislation (Sixth Lok Sabha) where the Committee had noted the following observation of the Supreme Court made on a rule framed under Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:

“.....if there was nothing in the language of S. 40 to empower the Central Government either expressly or by necessary implication to make a rule retrospectively, the Central Government would be acting in excess of its power if it gave retrospective effect to any rule. The underlying principle is that unlike Sovereign Legislature which has power to enact laws with retrospective operation, authority vested with the power of making subordinate legislation has to act within the limits of its power and cannot transgress the same.....”

37. The Ministry of Communication (P & T Board), in their reply dated the 28th February, 1980 stated as under:—

“In this connection it may be mentioned that the rules were to take effect from 1-2-1979 and the notification amending the Indian Telegraph Rules was sent to the Press for publication on 17-1-1979. It was made clear in the forwarding letter to the Press that the rules will come into force from 1-2-1979 and that these be published in the Gazette of India immediately, unfortunately, the notification was published on 3-12-1979 thereby creating legal impasse.

The matter has been examined in consultation with the Ministry of law. They have advised as under:

‘It will not be possible to amend rules so as to make them effective from retrospective date at this stage, as such an amendment will render any action taken, including collections made under the provision of the rules for more than one year now unlawful. The reissue of the rules now after their supersession will also have the same effect. In view of this the only course open to rectify this mistake is to issue an amendment changing the reference from 1st February, 1979 to 3rd February, 1979, i.e. the date of publication of the notification in the official gazette. This will necessitate refund of rental collected, if any, on 1-2-1979 and 2-2-1979.’

As the latter course of action advised by the Ministry of Law will involve refund of rentals only for a short period of 2 days, the concurrence of the Lok Sabha Secretariat to the

above suggestion is requested before necessary corrigendum is issued by this Department."

38. The Committee agree with the advice tendered by the Ministry of Law that amendment to the Indian Telegraph (First Amendment) Rules, 1979 should be made effective from the date of their publication in the Gazette, i.e. 3rd February, 1979. The Committee desire the Ministry of Communications (P&T Board) to notify the necessary amendment in the Gazette at an early date.

## VI

### THE INDIAN BOILER (TWELFTH AMENDMENT) REGULATIONS, 1978 (G.S.R. 1472 OF 1978)

39. The Indian Boiler (Twelfth Amendment) Regulations, 1978 (G.S.R. 1972 of 1978) were published in the Gazette of India, Part II, Section 3(i) dated the 9th December, 1978. During the examination of these Regulations it was noticed that the Indian Boiler Act, 1923, under which the Regulations were framed, did not provide for laying of Regulations before Parliament.

40. The matter was taken up with the Ministry of Industry (Department of Industrial Development) inviting their attention to the recommendations made by the Committee on Subordinate Legislation in paras 23 to 26 of their Seventh Report (Sixth Lok Sabha) which read as follows:—

"The Committee observe that as far back as May, 1955 the Committee on Subordinate Legislation in para 37 of their Third Report (First Lok Sabha) had emphasised on Government to make a suitable provision for laying and modification in all future Bills which may seek to delegate power to make rules, regulations, etc. or which may seek to amend earlier Acts giving power to make rules, regulations, etc. This recommendation was accepted by Government *vide* paras 78-79 of their Sixth Report (First Lok Sabha). The Committee note that while in the case of rules, Government have by and large been complying with the above recommendation of the Committee, they have failed to comply with the said recommendation in so far as regulations are concerned. Of the 19 Acts enumerated in Appendix II, 15 were passed by Parliament after the Committee made the above recommendation. Only in two of these, where the regulation making power has been conferred on the Central Government a provision has been made for the laying of regulations before Parliament. In none of the remaining 13 Acts, where regulation-making power has been conferred on subordinate

'bodies, such as Corporations, Boards, Councils, etc.; a provision has been made for laying of regulations framed there-under before Parliament. The Committee are surprised that, after having accepted the above recommendation of the Committee, Government should have paid so scant a regard to it so far as regulations are concerned.

The main reasons now given by the Ministries/Departments for not incorporating a provision for laying of Regulations in Acts/Bills are:

- (i) the regulations are generally framed by autonomous bodies with regard to their internal working, and are, therefore, not of general public interest; and
- (ii) a provision for their laying before Parliament would not be consistent with the autonomous character of such bodies.

The Committee note that similar arguments were given by the Ministry of Finance for not incorporating a provision for laying of Regulations framed under the State Bank Laws Amendment Bill, 1973. The Committee which had gone into the matter in depth had seen no force in these arguments. As observed by the Committee in paras 86-87 of their Second Report (Sixth Lok Sabha), the body which delegates the power has a right to see that the power delegated by it is properly exercised and the delegate does not transgress the limits laid down by it. Whether the delegate is the Central Government or a body subordinate to it is not very much material. Nor did the Committee see any force in the argument that the laying of regulations relating to an autonomous body before Parliament might impinge its autonomy or result in day-to-day interference with its affairs. As observed by the Committee, even now the Committee on Subordinate Legislation can, and does, scrutinise the regulations framed by subordinate bodies under delegated powers. Laying of such regulations before Parliament would result in no more interference, in the affairs of these bodies than their scrutiny by the Committee on Subordinate Legislation. So as not to leave any room for doubt, the Committee will like to make it clear that their whole purpose in asking Government to lay the regulations framed under delegated powers before Parliament is to enable Parliament to see that the regulations framed under such powers are within the limits laid down by it and do not contain any unreasonable or inequitable provision not intended by Parliament.

The Committee reiterate their earlier recommendations on the subject and desire that like rules, regulations should also be laid before Parliament and there should be a provision to this effect in the relevant statutes. Likewise, there should invariably be a provision in the relevant statutes for publication of regulations to be framed thereunder. With this end in view, the Committee desire the Ministries/Departments of Government of India to examine all Acts delegating power to make regulations, with which they are administratively concerned, and to incorporate suitable provision for publication and laying of regulations in those Acts which do not contain such provisions. The Committee desire the Ministry of Law/Department of Parliamentary Affairs to issue necessary instructions to all Ministries/Departments of the Government of India to this effect."

41. The Ministry of Industry (Department of Industrial Development), in their reply dated the 14th August, 1980, have *inter-alia* stated as under:—

"It has also been decided by this Department to incorporate a provision in the Indian Boilers Act for laying of regulations framed thereunder before the Parliament as suggested by the Committee on Subordinate Legislation.

Accordingly, steps are now being taken by this Department for amendment of the relevant provisions of the Indian Boilers Act, 1923."

42. The Committee note with satisfaction that, on being pointed out, the Ministry of Industry (Department of Industrial Development) have agreed to amend the relevant provisions of the Indian Boilers Act, 1923, to provide for laying of Regulations framed thereunder before Parliament. The Committee desire the Ministry of Industry (Department of Industrial Development) to amend the said Act at an early date.

## VII

THE CENTRAL WATER AND POWER RESEARCH STATION, PUNE  
(CLASS II) POSTS RECRUITMENT (AMENDMENT) RULES, 1977  
(G.S.R. 521 OF 1977).

43. Entry under Column 13 of the Schedule appended to the Central Water and Power Research Station, Pune, (Class II) Posts Recruitment (Amendment) Rules, 1977, regarding the circumstances in which Union



Public Service Commission was to be consulted in making recruitment to the post of Special Officer (Documentation) reads as under:—

“As required under the Union Public Service Commission (exemption from consultation) Regulations, 1958.”

44. This entry was vague, inasmuch as it did not clearly indicate the circumstances in which the Union Public Service Commission was to be consulted.

45. The matter was taken up with the Ministry of Energy, now Ministry of Irrigation. The Ministry have amended the relevant entry under Column 13 of the Schedule as under:—

“The U.P.S.C. shall be consulted while making direct recruitment or while relaxing any provisions of these rules with respect to any class or category of persons.”

46. The Committee note with satisfaction that, on being pointed out, the Ministry of Irrigation have suitably amended the entry under Col. 13 of the Schedule appended to the Central Water and Power Research Station, Pune (Class II) Posts Recruitment (Amendment) Rules, 1977 vide G.S.R. 339 of 1979.

### VIII

THE TELEGRAPH TRAFFIC SUPERVISORS (RECRUITMENT AND TRAINING) AMENDMENT RULES, 1979 (G.S.R. 415 of 1979).

47. Rule 5(2) as substituted by the Telegraph Traffic Supervisors (Recruitment and Training) Amendment Rules, 1979, provides that before commencement of the training, each selected candidate shall deposit a security as prescribed from time to time for due fulfilment of the terms of the Bond.

48. It was felt that the amount of security which a candidate has to pay before commencement of training should be indicated in the Rules in order to make them self-contained and for the information of all concerned rather than leaving it to be determined by the authority concerned.

49. The Ministry of Communications (P&T Board) to whom the matter was referred, have in their reply dated the 22nd May, 1980 stated as under:—

“As regards . . . the amount of security deposit, it is stated that the amount is specified by Administrative Orders, as for all other cadres, as the same might undergo change due to various reasons to suit the needs of service, in a fast developing Department like P&T. If it is specified in the statutory rules the

change necessitated by the dictates and needs of service cannot be given effect to immediately without amending the Recruitment Rules, which takes quite some time."

50. The Committee are not convinced by the arguments advanced by the Ministry of Communications (P&T Board) that in case the amount of security deposit is indicated in the Rules, the changes necessitated by the dictates and needs of service cannot be given effect to immediately without amending the Recruitment Rules. The Committee are of the view that the difficulty pointed out by the Ministry in amending the Rules could be overcome by putting an asterisk on the amount of security deposit and indicating through a foot-note that it would be subject to variation. The Committee, therefore, desire the Ministry of Communications (P&T Board) to amend the Telegraph Traffic Supervisors (Recruitment and Training) Rules, 1974 so as to indicate therein the amount of security deposit which a candidate has to pay before the commencement of the training.

## IX

### THE FUNDAMENTAL (FIRST AMENDMENT) RULES, 1977 (G.S.R. 365 OF 1977)

51. The Fundamental (First Amendment) Rules, 1977, were made effective from 1st day of November, 1973. The Explanatory Memorandum appended to the Rules, reads as under :—

"In their Report submitted to the Central Government, the Third Central Pay Commission recommended that the percentage of pay charged on account of house rent for Government accommodation will remain unchanged. The pay limit upto which rent is recoverable at 7½ percent should be raised from Rs. 220 to Rs. 300 in the revised pay structure. This recommendation was accepted by the Government. This was published in the Gazette of India Extraordinary, Part I, Section I, on November 1, 1973 alongwith decisions on other recommendations. Necessary executive orders implementing this decision with effect from 1st November, 1973 were issued on 8th May, 1974. The present amendment to Fundamental Rules is for bringing these in consonance with the said orders. No Government servant is likely to be adversely affected by the retrospective amendment of the rules."

52. According to the Explanatory Memorandum, the above amendment was issued consequent acceptance of the recommendations of the Third Pay Commission by Government. The executive order on the subject was issued on 8th May, 1974, i.e. nearly three years before the issue of the amendment to the Rules.

53. The Ministry of Finance (Department of Expenditure) were asked to state on 16th August, 1977 the reasons for a delay of about 3 years in issuing the amendment to the Fundamental Rules. In spite of four reminders issued thereafter on 1st May, 12th July and 23rd August, 1978 and 1st March, 1979, no reply was received from the Ministry.

54. At their sitting held on the 28th August, 1980 the Committee heard evidence of the representatives of the Ministry of Finance (Department of Expenditure) regarding (i) the delay of nearly three years in notifying the amendment to the Fundamental Rules; and (ii) for not replying to any of the communications sent to the Ministry between the period from 16th August, 1977 to 1st March, 1979.

55. At the outset, the Secretary of the Ministry of Finance (Department of Expenditure) regretted for the delay of nearly 3 years in notifying the amendment to the Fundamental Rules. As regards lapse on the part of the Ministry for not sending any reply to the communications sent by the Committee, the Secretary stated that he would institute an enquiry in the matter and would send the result of the enquiry and action taken thereon to the Committee by the 15th September, 1980.

56. When asked whether any procedure had been laid down in the Ministry to deal with the communications sent by Parliamentary Committees, the representatives of the Ministry stated that there was no formal procedure laid down for this purpose, but actual procedure was that when a reference was sent by any Committee of Parliament, it was received by the concerned officer. The communication of a routine nature, not addressed to any senior officer by name or designation was received in the section or by the concerned Under Secretary. The section puts up the communication upto at least a Deputy Secretary's level. If the reply was being sent to the Committee of Parliament, then this had to be shown to the Joint Secretary concerned. After his approval, the reply could be issued under signature of the Deputy Secretary or the Under Secretary. He further stated that all important references were shown to the Joint Secretaries concerned.

57. When asked whether it was not the duty of the senior officers of the Ministry to attend to all the references sent to them as in the instant case. The representatives of the Ministry stated that any officer who had received those references should have brought them to the notice of the Deputy Secretary or the Joint Secretary concerned. He further stated that only two references which had been entered in the sections diary could be traced in the Ministry.

58. In reply to a question whether any special procedure to deal with the references sent by the Parliament Secretariat had been laid down, the representative of the Ministry stated that there was a Parliament Section which

initially received all those documents and then passed on to the concerned Officers. Even in respect of letters received from Members of Parliament, a watch was kept to see their disposal through weekly and monthly statements of arrears. Similar watch was kept in the case of communications sent by the Parliament Secretariat.

59. The representatives of the Ministry were then asked to submit a report regarding reasons of delay of 3 years in publishing the amendment to Fundamental Rules. The representatives promised to send a report by 15th September, 1980.

6. In addition, the Committee desired the representatives of the Ministry to furnish the following information:—

- (i) the reasons for the delay in issuing the above amendment implementing the recommendation of the Pay Commission;
- (ii) to find out as to how a reference made to the Ministry in August, 1977, followed by four reminders dated 1st May, 12th July, 23rd August, 1979 and 1st March, 1979, remained unattended for such a long time, the officers responsible for this negligence and the action taken/proposed to be taken against them;
- (iii) the procedure being followed by the Ministry in attending to a communication sent by a Parliamentary Committee as also the procedure to ensure that the requisite information asked for by them was furnished with promptness and not remained unattended; and
- (iv) the details of special procedure, if any, in attending to such communications.

61. Accordingly, the Ministry of Finance (Department of Expenditure) in their O.M. dated the 15th September, 1980 stated as follows:—

“As regards the reasons for the delay in issuing the amendment implementing the recommendation of the Pay Commission, this Department have carefully analysed the position. Initially, after the issue of the executive orders on 8th May, 1974, and a clarification in July, 1974, action could have been initiated for drafting and issue of the notification amending the Fundamental Rules. This action was, however, not initiated, unfortunately, and there is no reason apparent from the records for the omission to do so. From December, 1974, many representations were received modification/clarification in respect of the decision, and examination of these representations took some time and disposal thereof. This process took about 6 months. Thereafter, a draft Notification for amending the Fundamental Rules

was prepared early in July, 1975. The draft Notification has to be referred to the Ministry of Law and Justice for vetting. Consultation with the C&AG was also necessary. These consultations which necessitated modifications in the draft Notification, and also the process of getting a Hindi translation of the Notification from the Official Languages (Legislative) Commission of the Ministry of Law and Justice took further time. As a result of the introduction of the system of Integrated Financial Advice in the Ministry of Works & Housing from April, 1976, and the resulting transfer of the Expenditure Finance Division concerned to that Ministry from the Finance Ministry, it also became necessary to settle the question as to whether that Division could issue orders and Notification relating to F.R. 45-A, B, etc. It was decided that the Notification would have to be issued by Establishment Division of the Finance Ministry. This matter also took some time. Despite all this, it is unfortunately true that there was undue and avoidable delay, and this Ministry express their sincere regrets. It may, however, be mentioned that instructions have since been issued to the various Sections in the Ministry of Finance stressing the need for prompt issue of notifications amending statutory regulations in such cases.

The explanations of the officers concerned for the delay have been sought, and the question of further action to be taken will be examined as soon as they are received. The decision taken will be communicated to the Lok Sabha Secretariat.

As regards reasons for the reference from the Lok Sabha Secretariat made to this Ministry in August, 1977 followed by 4 reminders dated the 1st May, 12th July and 23rd August, 1978 and the 1st March, 1979, remaining unattended, this Ministry are looking into the matter. The explanations of the officers concerned in this Ministry, which were called for, have just been received. These explanations will be examined expeditiously and a further report in this regard will be made to the Lok Sabha Secretariat as soon as a decision is taken.

As regards . . . . . procedure followed in attending to communications on Parliamentary matters, the undersigned is directed to state that there are standing instructions that the various Sections in the Ministry of Finance should bestow the utmost care and ensure that such communications are dealt with promptly. In fact, all such communications are generally received in the Parliament Section who pass them on to the concerned Sections and watch prompt action. In the light of

the recent case, further instructions have been issued to the various Sections in the Ministry of Finance reiterating the need for taking prompt action on communications received from Lok Sabha/Rajya Sabha Secretariats and the Department of Parlia-  
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mentary affairs on Parliamentary matters. It has now been stressed that even in those cases where communications are received by the Sections direct from the Lok Sabha/Rajya Sabha Secretariats or the Department of Parliamentary Affairs, the Sections would immediately inform the Parliament Section about the receipt of such communications so that the latter could keep watch and ensure the completion of the requisite action on such references."

62. In their further communication, dated the 10th/13th October, 1980, the Ministry stated as under:—

".....the explanations from the officers concerned had just then been received. They were subsequently considered and in the light of the orders passed by Finance Secretary, a suitable warning that the officer should be more careful while handling such important matters has been given to one of the officers and in the case of other officer a recorded warning has been issued asking him to be more careful in future particularly while dealing with communications on Parliamentary matters.

As regard the explanation of the officer concerned for the delay in issuing the amendment implementing the recommendation of the Pay Commission, suitable Memoranda were issued and these officers desired to be given an opportunity to persue the relevant papers. This was given to them and thereafter they submitted their explanations. These were duly considered and in the light of the orders passed by Finance Secretary in this regard, the officers concerned have been suitably warned to be more careful in future particularly while dealing with references on Parliamentary matters."

**63. The Committee are unhappy over the slackness on the part of the Ministry of Finance (Department of Expenditure) in notifying the amendment to the Fundamental Rules after three years of the issue of the executive orders implementing the relevant recommendation of the Third Central Pay Commission. The Committee are constrained to note that inspite of the standing instructions issued to various Sections of the Ministry of Finance on the subject, the Ministry have not bestowed upon the communications from the committee prompt attention and care which these communications deserved. They feel that their references have been dealt within a casual manner.**

64. The Committee note that the Ministry have issued necessary instructions to various sections of the Ministry reiterating the need for taking prompt action on the communications received from Parliament matters. The Committee desire the Ministry to follow their instructions in letter and spirit.

## X

## IMPLEMENTATION OF RECOMMENDATIONS

- (i) IMPLEMENTATION OF RECOMMENDATION CONTAINED IN PARA 82 OF THE ELEVENTH REPORT OF COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA) RE: THE AIRCRAFT (FOURTH AMENDMENT) RULES, 1976 (G.S.R. 1202 OF 1976).

65. Sub-rule (10) of Rule 133-B and sub-rule (9) of Rule 155-A of the Aircraft Rules 1937 as inserted by the Aircraft (Fourth Amendment) Rules 1976, read as under:—

“133-B (10) Without prejudice to the provisions of any rule, the Director General may, after such enquiry as he may deem fit, cancel, suspend or endorse any authorisation of approval or take *any other action* as provided under this rule against an organisation or a person when he is satisfied that—

- (a) the conditions stipulated by the Director General under this rule or under the civil airworthiness requirement, are not being complied with;
- (b) a person or organisation has performed work, or granted certificate in respect of the work which has not been performed in a careful or competent manner or has performed work beyond the scope of his or its approval or failed to make proper entries and certification thereof or for any other reason considered by the Director General as sufficient to cancel, suspend or endorse an authorisation or approval granted under this rule.

155-A(9) Without prejudice to the provisions of any rule, the Director General may, after such enquiry as he may deem fit, cancel, suspend or endorse any approval or authorisation or take *any other action* as provided under this rule against an operator or any other person when he is satisfied that—

- (a) the conditions specified by the Director General under this rule and the civil airworthiness requirement are not being complied with; and
- (b) operator or any other person has performed work, or granted a certificate in respect of the work which has not been

performed in a careful or desired manner or has performed work beyond the scope of its or his approval or failed to make proper entries and certification thereof or for any other reason considered by the Director General to be or take any other action as provided under this rule against or authorisation granted under this rule.”

66. The Ministry of Tourism and Civil Aviation were asked to state whether they had any objection to provide for issue of show-cause notice before taking any action against the organisation or a person under Rule 133-B(10) and 155-A(9) and to elucidate the words ‘take any other action’ occurring in both the said sub-rules.

67. Being not satisfied with the reply of the Ministry, the Committee in para 82 of their Eleventh Report (Sixth Lok Sabha) recommended as under:—

“The Committee are not convinced with the reply of the Ministry of Tourism and Civil Aviation that Rules 133-B(10) and 155-A(9) of the Aircrafts Rules, 1937, as inserted by the Aircraft (Fourth Amendment) Rules, 1976, provide that the Director General would take action thereunder after enquiry which would presuppose that an opportunity would be given to the person against whom action is to be taken and as such provision for show-cause notice is not necessary. The Committee feel that an express provision is necessary in the Rules for issue of a show-cause notice to the person or organisation before action is taken for cancellation or suspension of an authorisation or approval granted to him. The Committee, therefore, desire the Ministry to amend the rules so as to provide for an express provision for giving a show-cause notice to the party against whom action is to be taken under the Rules. The Committee further desire that instead of using the expression ‘any other action’ in the rules, the Ministry should specify therein the precise nature of other action proposed to be taken such as warning, admonition or further checks etc. in proficiency and amendment to this effect should be issued at an early date.”

68. In their action taken note dated the 21st May, 1979, on the above recommendation of the Committee, the Ministry have intimated that they propose to amend the said rules as under:—

“133-B(10) Without prejudice to the provisions of any rule, the Director General may, *after giving a show-cause notice to an organisation or a person* and after making such enquiry as he



may deem fit, cancel, suspend or endorse any authorisation or approval or *issue a warning or an admonition* to the organisation or the person, where he is satisfied that—

- (a) the conditions stipulated by the Director General under this rule or under the Civil airworthiness requirements are not being complied with;
- (b) the organisation or the person has performed work or granted a certificate in respect of work which has not been performed in a careful or competent manner or has performed work beyond the scope of its or his approval or failed to make proper entries and certification hereof or for any other reason considered by the Director General as sufficient to cancel, suspend or endorse an authorisation or approval granted under this rule, or to issue a warning or an admonition.

155-A (9) Without prejudice to the provision of any rule, the Director General, may, *after giving a show-cause notice* to an operator or a person and after making such enquiry as he may deem fit, cancel, suspend or endorse, any authorisation or approval *or issue warning or admonition* to the operator or the person, where he is satisfied that—

- (a) the conditions specified by the Director General under this rule and the Civil airworthiness requirements are not being complied with! and
- (b) the operator or the person has performed work or granted a certificate in respect of the work which has not been performed in a careful or competent manner or has performed work beyond the scope of its or his approval or failed to make proper entries and certification thereof or for any other reason considered by the Director General to be sufficient to cancel, suspend or endorse an authorisation or approval granted under this rule, or to issue a warning or an admonition."

69. The Committee approve the proposed amendments to sub-rule (10) of Rule 133-B and sub-rule (9) of Rule 155-A of the Aircraft Rules, 1937 and desire the Ministry of Tourism and Civil Aviation to notify them in the Gazette at an early date.

(ii) IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARAS 64-65 OF THE SEVENTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK

**SABHA) REGARDING FURNISHING OF INFORMATION BY THE MINISTRIES/DEPARTMENTS TO THE COMMITTEE ON SUBORDINATE LEGISLATION.**

70. Various communications are received from the Ministries/Departments of the Government of India giving information required by the Committee on Subordinate Legislation or intimating action taken by them on the various recommendations of the Committee. These communications are usually received under the signatures of Under Secretary/Deputy Secretary. In a number of cases, the communications carry the signatures of only the Section Officer of Receipt and Issue Section of the Ministry/Department who is authorised to sign. Recently a case has come to notice where the Communication was sent under the signatures of even an Assistant. There is also no indication in the letters received as to the level upto which the replies had been approved.

71. In the case of Estimates Committee, it has been laid down that the material/information furnished by the Ministries should be signed by the Secretary/Additional Secretary/Joint Secretary of the Ministry or if for any reasons it is not possible for them to do so, the letter should indicate the level at which the information/material being furnished had been approved. The same practice obtains in case of Public Accounts Committee and the Committee on Public Undertakings.

72. The matter had also been raised in the last Conference of Chairmen, Committees on Subordinate Legislation held on March, 1975 and the consensus was that in cases where the recommendations of the Committee were not accepted by the Ministries/Departments, it should be stated in their reply that the matter had been considered at the level of the Minister.

73. The Committee at their sitting held on the 1st March, 1978 considered the above matter and in paras 64-65 of their Seventh Report (Sixth Lok Sabha) recommended as under:—

“64. The Committee note with regret that communications giving information required by the Committee have in certain cases been sent by the Ministries/Departments under the signatures of a Section Officer and in one case the communication sent was under the signature of an Assistant. The Committee feel that the communications addressed by the Committee should be dealt with at a sufficiently high level in the Ministries and replies thereto signed by Senior Officers. With this end in view, the Committee desire the Ministries/Departments to follow the following procedure in regard to supply of information or

intimating action taken on the recommendations of the Committee on Subordinate Legislation:

- (i) communications furnishing information on points raised by the Committee on Subordinate Legislation should ordinarily be signed by an officer not below the rank of Deputy Secretary.
- (ii) communications intimating action taken on the recommendations of the Committee on Subordinate Legislation should be signed by an officer not below the rank of Joint Secretary.
- (iii) in cases where the recommendations of the Committee are not accepted by Government, the reply of the Ministry/Department should have the approval of the Minister concerned and it should be so stated in the said reply.

65. The Committee will like the Department of Parliamentary Affairs to issue necessary instructions to all the Ministries/Department to introduce the above procedure without delay. The Ministries/Departments concerned may in their turn bring these instructions to the notice of all concerned for compliance."

74. The Department of Parliamentary Affairs who were required to issue necessary instructions to all Ministries/Departments of the Government of India to introduce the above procedure, in their Action Taken Note dated the 3rd August, 1978 stated as under:—

...the Department of Personnel and Administrative Reforms have pointed out that to avoid administrative delays, they had issued a circular regarding reduction in the levels of consideration at the management level. Under the scheme, Under Secretary, Deputy Secretary and Director are treated at par with each other and ensure that the work handled by an Under Secretary will not be the responsibility of a Deputy Secretary or a Director and the work handled by a Deputy Secretary will not be the responsibility of a Director. Most of the Ministries/Departments have implemented the scheme. In view of this, there will be a number of sections under the charge of Under Secretary whose files will not go to any Deputy Secretary. These files would go either to a Joint Secretary or above. Therefore, if the communications going to the Committee on Subordinate Legislation are to be signed by an officer not lower than a Deputy Secretary, it will mean that even communications of forwarding routine or factual information would have to go to a Joint Secretary or above.

In order to avoid the above practical difficulty being faced by a large number of Ministries/Departments. Lok Sabha Secreta-

riat is requested to move the Committee on Subordinate Legislation to kindly consider the feasibility of accepting communications signed by an officer of the rank of Under Secretary as well."

75. The Committee have given a careful thought to the whole matter. They are not inclined to agree to the suggestions for accepting communications signed by an officer of the rank of Under Secretary. The Committee desire that the communications addressed by the Committee should be dealt with at a sufficiently high level and replies thereto signed by Senior Officers not below the rank of Deputy Secretary. The Committee reiterate their earlier recommendations contained in paras 64-65 of their Seventh Report (Sixth Lok Sabha) and desire the Department of Parliamentary Affairs to issue the necessary instructions to all the Ministries/Departments at an early date to introduce the procedure recommended by the Committee.

(iii) IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARA 14 OF THE SIXTEENTH REPORT OF COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA) RE: THE ASSAM WILD LIFE (TRANSACTIONS AND TAXIDERMY) RULES, 1977 (G.S.R. 35-E OF 1977)

76. Sub-rule (1) of Rule 4 of the Assam Wild Life (Transactions and Taxidermy) Rules, 1977, reads as under:—

**"Submission of report of stocks.—(1)** Every licensee to whom permission has been granted under sub-rule (3) of Rule 3 shall submit, to the Officer who had granted the said permission a report regarding the stocks of specified animal or animal article, trophy, uncured trophy or meat, referred to in sub-rule (1) of rule 3, in Form III within a period of seven days of the acquisition, receipt or keeping of the same in his control, custody or possession."

77. It was noticed that there was no provision in the Rules for condoning the delay in submission of the report if it was due to reasons beyond the control of the licensee.

78. The matter was taken up with the Ministry of Agriculture and Irrigation (Department of Agriculture) on the 26th August, 1977. In their reply dated the 16th May, 1978, the Ministry stated as under:—

"...Section 51 of the Wild Life (Protection) Act, 1972 provides that any person who contravenes any provisions of this act or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act shall be guilty of an offence against this Act and shall on conviction be punishable with imprisonment for a term

which may extend to two years or with fine which may extend to Rs. 2000/- or with both. From this provision it is clear that either the contravention of the provisions of the Act or the rules or orders made thereunder is made punishable. This being the position, it would appear not necessary to make a separate provision providing penalty for contravention of Rule 4(1). Although there is no specific provision to condone the delay in submission of reports, but discretion lies with the officer authorised by the State Government under Section 54 of Wild Life (Protection) Act, 1972 (Powers to compound Offences)."

79. Not being satisfied with the above reply of the Ministry, the Committee, in para 14 of their Sixteenth Report (Sixth Lok Sabha), observed as under :—

"The contention of the Ministry of Agriculture and Irrigation (Department of Agriculture) that there is no specific provision in the Assam Wild Life (Transactions and Taxidermy) Rules, 1977, to condone the delay in submission of Report by the licensee yet discretion lies with the officer authorised by the State Government under Section 54 of the Wild Life (Protection) Act, 1972, is not convincing. The Committee are of the view that Section 54 of the Act is not germane to the point raised. It relates to the power to compound offences. The question of compounding arises after an offence has been committed. The provision in the rules of the extenuating circumstances is an altogether different proposition. The Committee, therefore, desire the Ministry to make a provision in the Wild Life (Transactions and Taxidermy) Rules, 1977, getting out the circumstances in which delay in the submission of Report by the licensee may be condoned by the officer concerned in order to eliminate any scope of discrimination."

80. In their Action Taken Note dated the 28th August, 1980, the Ministry of Agriculture (Department of Agriculture and Cooperation) have stated as under :—

"... case was submitted to Minister for specifying conditions for condoning delay in submission of report by licensee in Rule 4 of the Assam Wild Life (Transactions and Taxidermy) Rules, 1977 (G.S.R. 35-E of 1977).

The Minister is of the view that relaxation by way of exemption for special reasons would not be proper as it would introduce a loophole in the administration of this provision. Instead, he

favoured increase in the period for submission of report from seven days to 30 days, and desired that the rule may be amended accordingly."

**81. The Committee approve the amendment to sub-rule (1) of Rule 4 of the Assam Wild Life (Transactions and Taxidermy) Rules, 1977 as suggested by the Minister of Agriculture and desire the Ministry of Agriculture (Department of Agriculture and Cooperation) to notify it in the Gazette at an early date.**

NEW DELHI;

March 17, 1981

**MOOL CHAND DAGA,**  
*Chairman,*

*Committee on Subordinate Legislation.*

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**APPENDICES**

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## APPENDIX I

(Vide para 4 of the Report)

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

| S. No. | Para | Summary   |
|--------|------|---|
| (1)    | (2)  | (3)   |
| 1(i)   | 16   | The Department of Personnel and Administrative Reforms have adduced administrative difficulties such as inter-departmental consultation and referring the matter to the State Governments for delay in finalising the amendments to the Indian Administrative Service/Indian Police Service Rules and their notification in the Gazette. The Committee are not convinced with this reply. They feel that in such cases the higher officers should have inter-departmental meetings to finalise the matter instead of dealing them in a routine manner which results in delay and ultimately leads to giving of retrospective effect to the Rules. |
| 1(ii)  | 17   | As regards giving of wrong sequence to the Indian Police Service (Pay) Second Amendment Rules, 1978, and Indian Police Service (Pay) Amendment Rules, 1978, the Committee note that the mistake had occurred at the time of issue of those notifications to the Press. The Department of Personnel and Administrative Reforms have assured that such mistake will not recur. The Committee desire the Department of Personnel and Administrative Reforms to be careful in such matter in future.  |
| 2(i)   | 28   | The Committee are unhappy over the delay in the final publication of the Drugs and Cosmetics (Sixth Amendment) Rules, 1977. This has hap-   |



(1)

(2)

(3)

pened in spite of an earlier recommendation of the Committee and the assurance given by the Ministry of Health as far back as January, 1975 that the procedure regarding final publication of amending Rules would be streamlined and that efforts would be to finalise amendments within a period of one year after their notification in the Gazette in draft form. The Committee are constrained to note that undue long time has been taken in processing and finalising the draft Rules. A period of about six months has been taken in obtaining the Hindi translation of the finalised Rules and getting the fair copies. Even when the Ministry of Law had cleared the Rules and furnished their Hindi translation, the Ministry took more than three months to send the Rules to the Press for publication. The Committee feel that scant regard is paid to the assurance given to the Committee in this regard. Instead of further reducing the time-lag between the publication of draft Rules and publication of final Rules, the Ministry have not been able to publish the Rules within the assured period of one year.

2(ii)

29

The Committee note that the Ministry have devised a procedure as given in para 26 to check delays in final publication of Rules. The Committee desire the Ministry to follow this procedure in letter and spirit.

3(i)

33

The Committee approve the proposed amendment to foot-note under Column 7 of the Schedule appended to the Directorate of Advertising and Visual Publicity (Senior Addressograph) Operator (Hindi) Recruitment (Amendment) Rules, 1978 and desire the Ministry of Information and Broadcasting to notify it in the Gazette at an early date.

3(ii)

34

The Committee also desire the Department of Personnel and Administrative Reforms to bring the above recommendation to the notice of all

| (1) | (2) | (3)  |
|-----|-----|--|
|     |     | other Ministries/Departments for necessary compliance.   |
| 4   | 38  | The Committee agree with the advice tendered by the Ministry of Law that amendment to the Indian Telegraph (First Amendment) Rules, 1979 should be made effective from the date of publication in the Gazette, <i>i.e.</i> 3rd February, 1979. The Committee desire the Ministry of Communications (P&T Board) to notify the necessary amendment in the Gazette at an early date.  |
| 5   | 42  | The Committee note with satisfaction that, on being pointed out, the Ministry of Industry (Department of Industrial Development) have agreed to amend the relevant provisions of the Indian Boilers Act, 1923, to provide for laying of Regulations framed thereunder before Parliament. The Committee desire the Ministry of Industry (Department of Industrial Development) to amend the said Act at an early date.  |
| 6   | 46  | The Committee note with satisfaction that, on being pointed out, the Ministry of Irrigation have suitably amended the entry under Col. 13 of the Schedule appended to the Central Water and Power Research Station, Pune (Class II) Posts Recruitment (Amendment) Rules, 1977 <i>vide</i> G.S.R. 339 of 1979.  |
| 7   | 50  | The Committee are not convinced by the arguments advanced by the Ministry of Communications (P&T Board) that in case the amount of security deposit is indicated in the Rules, the changes necessitated by the dictates and needs of service cannot be given effect to immediately without amending the Recruitment Rules. The Committee are of the view that the difficulty pointed out by the Ministry in amending the Rules could be overcome by putting an asterisk on the amount of security deposit and indicating |

(1)

(2)

(3)

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through a foot-note that it would be subject to variation. The Committee, therefore, desire the Ministry of Communications (P&T Board) to amend the Telegraph Traffic Supervisors (Recruitment and Training) Rules, 1974 so as to indicate therein the amount of security deposit which a candidate has to pay before the commencement of the training.

8(i)

63

The Committee are unhappy over the slackness on the part of the Ministry of Finance (Department of Expenditure) in notifying the amendment to the Fundamental Rules after three years of the issue of the executive orders implementing the relevant recommendation of the Third Central Pay Commission. The Committee are constrained to note that inspite of the standing instructions issued to various Sections of the Ministry of Finance on the subject, the Ministry have not bestowed upon the communications from the Committee prompt attention and care which these communications deserved. They feel that their references have been dealt with in a casual manner.

8(ii)

64

The Committee note that the Ministry have issued necessary instructions to various sections of the Ministry reiterating the need for taking prompt action on the communications received from Parliament Secretariats on Parliamentary matters. The Committee desire the Ministry to follow their instructions in letter and spirit.

9

69

The Committee approve the proposed amendments to sub-rule (10) of Rule 133-B and sub-rule (9) of Rule 155-A of the Aircraft Rules, 1937 and desire the Ministry of Tourism and Civil Aviation to notify them in the Gazette at an early date.

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| (1) | (2) | (3)   |
|-----|-----|---|
| 10  | 75  | <p>The Committee have given a careful thought to the whole matter. They are not inclined to agree to the suggestion for accepting communications signed by an officer of the rank of Under Secretary. The Committee desire that the communications addressed by the Committee should be dealt with at a sufficiently high level and replies thereto signed by Senior Officers not below the rank of Deputy Secretary. The Committee reiterate their earlier recommendations contained in paras 64-65 of their Seventh Report (Sixth Lok Sabha) and desire the Department of Parliamentary Affairs to issue the necessary instructions to all the Ministries/Departments at an early date to introduce the procedure recommended by the Committee.</p> |
| 11  | 81  | <p>The Committee approve the amendment to sub-rule (1) of Rule 4 of the Assam Wild Life (Transactions and Taxidermy) Rules, 1977 as suggested by the Minister of Agriculture and desire the Ministry of Agriculture (Department of Agriculture and Cooperation) to notify it in the Gazette at an early date.</p>   |

## APPENDIX II

(Vide para 26 of the Report)

Copy of Drugs Controller U.O. dated the 12th July, 1978.

### DIRECTORATE GENERAL OF HEALTH SERVICES

The Chief Legislative Committee Officer of the Lok Sabha Secretariat has referred to the Drugs and Cosmetics (Sixth Amendment) Rules, 1977 (published as G.S.R. 19 of 1978 in the Gazette of India dated the 7-1-1978) and has enquired about the reasons for the delay in the publication of this set of finalised amendments, to the Drugs and Cosmetics Rules. He has also drawn the attention of Government to the recommendation of the Committee on Subordinate Legislation contained in para 14 of its 15th report (Fifth Lok Sabha). In this para it has been stated that the Health Ministry had given assurance that the existing procedure regarding final publication of amendments would be streamlined and that efforts would be made to finalise an amendment within, at the most, a period of one year from the date of its publication for comments in the Gazette.

Regarding the delay in the final publication of the Drugs and Cosmetics (Sixth Amendment) Rules, 1977, it may be stated that:—

1. The draft amendment to Rules 96, 97, 100, 101, 104, 105, 109, 122, 124, Schedule D, Schedule F and Schedule K to the Drugs and Cosmetics Rules was published for comments earlier under Government of India, Ministry of Health and Family Planning Notification No. X 11014/19 72-D on the 17th February, 1976 and this Notification was published in the Gazette of India as G.S.R. 84(E) on the 17th February, 1976. A time lag of 90 days from the date on which the copies of the Official Gazette containing the notification were made available to the public was given for furnishing comments. As these copies were made available to the public on the 28th February, 1976, the last date for the receipt of comments was 28th May, 1976. The draft amendment was accordingly required to be finalised and published by the end of May, 1977.

2. A large number of comments on these draft amendments were received by the Health Ministry as well as this Directorate from the Association of Drug Manufacturers, State Drug Controllers, individual manufacturers, the Trade Marks Owners Association of India and others.

The subject matter of the draft amendment relates to the labelling of all classes of drugs viz., non-biological products, biological products, contraceptives etc. The rules relating to labelling are spread over the entire text of the Rules and these are referred to in the various schedules to the Rules. Since the comments received involved various details relating to the labelling of different categories of drugs viz., non-biological products, biological products, condoms etc., it was necessary to examine with care the comments made on the different Rules and Schedules and study their implications.

3. At the time when the Notification under G.S.R. 84 (E) dated the 17th February, 1978 (*i.e.*, the Notification under consideration) was published for comments, the Government of India, Ministry of Health had published another set of draft amendments to the Drugs and Cosmetics Rules for controlling psychotropic drugs under the Ministry of Health Notification No. X.11013/9/75-D&MS, dated the 26th April, 1976 published in the Gazette of India as G.S.R. 301 (E) dated the 26th April, 1976 wherein also a time lag of 90 days was given for receipt of comments. Some of the proposed amendments to rules like Rule 97 in the G.S.R. No. 301 (E) had a bearing on the draft amendment to Rule 97 published for comments under G.S.R. 84 (E). It, therefore, became necessary to consider the comments on both the draft amendments together.

4. As there were a large number of comments received on the draft amendments to the Drugs and Cosmetics Rules published under G.S.R. 84 (E) and G.S.R. No. 301 (E), their Directorate had called a meeting on the 7th June, 1976 in New Delhi of the Associations of Drug Manufacturers and Dealers and also some of the State Drugs Controllers. In this meeting the representatives of these Associations were given an opportunity to express their views on the draft amendments rule by rule and the difficulties, if any that they would encounter in complying so that these could also be taken into consideration while finalising the rules and the implementation of the amended rules would be smooth.

5. The comments received from the public and the suggestions made at the above meeting held in this Directorate on the 7th June, 1976 were examined in great detail by this Directorate and the draft amendments finalised. It was also decided to delete the draft amendment to Rule 97 published under G.S.R. 84 (E), in view of the comments received on the draft amendment to this rule published under G.S.R. 301 (E).

6. This Directorate had forwarded the finalised amendment to the Health Ministry for publication in the Gazette under this Directorate U.O. No. 18-7/75-DC, dated the 18th January, 1977, *i.e.*, about seven and a half months after the last date for the receipt of comments. There were, therefore, four and half months still left for publication of the final amendment.

The Government of India, Ministry of Health had forwarded the finalised amendment to the Ministry of Law for vetting on the 10th March, 1977.

7. The Ministry of Law had vetted the draft amendment and found it formally in order on 21st April, 1977 and the file was returned on the 22nd April, 1977.

8. The Ministry of Health had thereafter sent the Notification for Hindi translation to the Official Language Commission on the 30th April, 1977.

The Official Language Commission had furnished the Hindi version of the Notification on the 30th August, 1977 which was received in the Health Ministry on the 5th September, 1977.

9. This Directorate had also demi-officially reminded the Ministry of Health for early publication of the finalised amendments *vide* this Directorate D.O. letter No. 18-7/75-DC, dated the 24th August, 1977. Health Ministry had informed this Directorate *vide* their D.O. letter No. 4569/77-D&MS, dated August, 1977 that the finalised Notification has been sent for Hindi translation to the Official Language Commission who have also been reminded on the 23rd August, 1977.

10. On receipt of the Hindi translation of the Notification, the fair copies were prepared by the Health Ministry and sent to this Directorate on the 19th October, 1977 for checking. These were checked and returned to the Health Ministry on the 31st October 1977 by this Directorate after re-typing some of the pages.

11. The final Notification was thereafter issue by the Health Ministry under their Notification No. 11013/1/77-D&MS, on the 15th December, 1977 was published in the Gazette of India as G.S.R. 19 on 7th January, 1978.

From the information given above in chronological order, it will be seen that more time had been taken in finalising the draft at certain stages of its processing and this has had cumulative effect. Apart from the fact that the draft amendment under reference was of a sweeping nature affecting a large number of rules changes in many of which had a bearing on various other rules, it had to be considered along with the comments received on another draft amendment, the last date for receipt of comments on which was 26th July, 1976. Accordingly, it became necessary, as stated above, to consult the Associations of manufacturers and dealers etc. and ascertain their views on both the draft amendments. Still the draft amendment under reference was finalised by this Directorate within 7½ months of the last date for the receipt of comments and was also vetted by the Ministry of Law in time. Unfortunately, however, an inordinately long time had been taken for obtaining the Hindi translation of the finalised amendment and getting fair copies of the same.

### APPENDIX III

(Vide para 32 of the Report)

Copy of Department of Personnel and Administrative Reform's O.M. No. 27/10/71-Estt. (SCI) dated the 5th September, 1975.

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SUBJECT : *Relaxation of Qualifications of experience in respect of SC/ST candidates—implementations of the orders regarding.*

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In this Department's Office Memorandum No. 27/10/71-Estt. (SCT) dated the 28th August, 1971 views of the Ministries/Departments were invited on the question of relaxation of the requirement regarding experience in a particular field or posts/services under the Government in the case of SC/ST candidates. This matter has been carefully considered in the light of the views of the Ministries/Departments, and in consultation with the Union Public Service Commission. It has now been decided that where some period of experience is prescribed as an essential qualification for direct recruitment to a post, and where, in the opinion of the Ministry/Department concerned, the relaxation of the experience qualification will not be inconsistent with efficiency, a provision should be inserted under the Essential qualification in column 7 of the Schedule to the relevant Recruitment Rules, as indicated at (a) or (b) below, to enable the UPSC/competent authority to relax the experience qualification in the case of SC/ST candidates in the circumstances mentioned in the provisions:—

(a) Where the post is filled by direct recruitment through the UPSC, the provision to be inserted will be:—

- "The qualification regarding experience is relaxable at the discretion of the UPSC in the case of candidates belonging to the SC or ST, if at any stage of selection, the UPSC is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them."

(b) Where the post is filled by direct recruitment otherwise than through the UPSC, the provision to be inserted will be:—

"The qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidates belonging



to the SC or ST, if at any stage of selection, the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.”

The Ministry of Finance, etc., are accordingly requested to review the Recruitment Rules of all the posts in Class I, Class II, Class III and Class IV under them, and to make suitable provision, wherever necessary, in the Recruitment Rules, as mentioned in the preceding paragraph.

When any vacancies reserved for SC and ST are advertised or intimate to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period for experience prescribed is relaxable, at the discretion of the UPSC or the competent authority, as the case may be, in the case of SC/ST candidates as provided in the Recruitment Rules. This is intended to ensure that the aspirants who may fall slightly short of the requisite experience come to know about the possibility of relaxation in their regard.

Ministry of Finance, etc., are requested to bring the above instructions to the notice of all concerned.

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**MINUTES**

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## APPENDIX IV

(Vide para 3 of the Report)

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

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The Committee met on Thursday, the 28th August, 1980 from 11.00 hours to 13.00 hours.

#### PRESENT

Shri Mool Chand Daga—*Chairman*

#### MEMBERS

2. Shri T. V. Chandrashekharappa
3. Shri Harish Kumar Gangawar
4. Shri Jaipal Singh Kashyap
5. Shri K. Lakkappa
6. Shri T. Nagaratnam
7. Shri Balasaheb Vikhe Patil
8. Shri M. Ramanna Rai
9. Shri Ratansinh Rajda
10. Shri Ajit Pratap Singh
11. Shri Chandra Shekhar Singh
12. Shri R. S. Sparrow

Representatives of the Ministries of Finance (Department of Expenditure) and Works and Housing.

Shri V. B. Eswaran, *Secretary*

Shri V. S. Jafa, *Joint Secretary*

Shri N. K. Rewari, *F.A. and Joint Secretary.*

#### SECRETARIAT

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

2. The Committee first heard oral evidence of the representatives of the Ministry of Finance (Department of Expenditure) regarding the Fundamental (First Amendment) Rules, 1977 (G.S.R. 365 of 1977).

3. At the outset, Secretary of the Ministry of Finance (Department of Expenditure) regretted for the delay of nearly 3 years in notifying the amendment to the Fundamental Rules. As regards lapse on the part of the Ministry for not sending any reply to the communications sent by the Committee, the Secretary stated that he would institute an enquiry in the matter and would send the result of the enquiry and action taken thereon to the Committee by the 15th September, 1980.

4. When asked whether any procedure had been laid down in the Ministry to deal with the communications sent by Parliamentary Committees, the Joint Secretary of the Ministry stated that there was no formal procedure laid down for this purpose, but actual procedure was that when a reference was sent by any Committee of Parliament, it was received by the concerned officer. The communication of a routine nature, not addressed to any senior officer by name or designation was received in the section or the concerned Under Secretary. The Section puts up the communication upto at least a Deputy Secretary. If the reply was being sent to the Committee of Parliament, then this had to be shown to the Joint Secretary concerned. After his approval, the reply could be issued under signature of the Deputy Secretary or the under Secretary. He further stated that all important references were shown to the Joint Secretary concerned.

5. When asked whether it was not their duty to attend to all the references sent to them in the instant case, it was stated that any officer who had received those should have brought them to the notice of the Deputy Secretary or the Joint Secretary. He further stated that they could lay their hands on two references only which had been entered in the section's diary.

6. In reply to a question whether they had laid down any special procedure to deal with the references sent by the Parliament Secretariat, it was stated that there was a Parliament Section which initially received all those documents and then passed on to the concerned Officers. Even in respect of letters received from Members of Parliament, a watch was kept to see their disposal through weekly and monthly statements of arrears. Similar watch was kept in the case of communications sent by Parliament Secretariat.

7. The representatives of the Ministry were asked to Submit a report regarding reasons of delay of 3 years in publishing the amendment to Fundamental Rules which according to the recommendation of the Committee should have been done within a period of 6 months of the framing of the said Rule. The Secretary of the Ministry promised to send this report by the 15th September, 1980. . . . .

(The witness then withdrew)

8 to 16 \* \* \*

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

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

The Committee met on Monday, the 8th September, 1980 from 15.00 to 16.45 hours.

**PRESENT**

**Shri Mool Chand Daga—Chairman**

**MEMBERS**

2. Shri T. V. Chandrashekharappa
3. Shri Eduardo Faleiro
4. Shri Harish Kumar Gangawar
5. Shri Jaipal Singh Kashyap
6. Shri T. Nagaratnam
7. Shri Balasaheb Vikhe Patil
8. Shri M. Ramanna Rai
9. Shri Ratansinh Rajda
10. Shri Chandra Shekhar Singh
11. Shri R. S. Sparrow

**SECRETARIAT**

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

2. The Committee considered Memoranda Nos. 14 to 24 on the following subjects:—

| S. No.               | Memoranda No. | Subject |
|----------------------|---------------|---------|
| (1)                  | (2)           | (3)     |
| (i) to (ix) 14 to 22 |               |         |

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

| (1)  | (2) | (3)   |
|------|-----|---|
| (x)  | 23  | (a) The Indian Administrative Service (Pay) Third Amendment Rules, 1978 (G.S.R. 215 of 1978);<br>(b) The Indian Police Service (Pay) Second Amendment Rules, 1978 (G.S.R. 216 of 1978); and<br>(c) The Indian Police Service (Pay) Amendment Rules, 1978. (G.S.R. 217 of 1978). |
| (xi) | 24  | The Drugs and Cosmetics (Sixth Amendment) Rules, 1977 (G.S.R. 19 of 1978).  |

3 to 18.

- (x) (a) The Indian Administrative Service (Pay) Third Amendment Rules, 1978 (G.S.R. 215 of 1978);  
(b) The Indian Police Service (Pay) Second Amendment Rules, 1978 (G.S.R. 216 of 1978); and  
(c) The Indian Police Service (Pay) Amendment Rules, 1978, (G.S.R. 217 of 1978)—

(Memorandum No. 23)

19. The Committee considered the above Memorandum and decided to hear oral evidence of the representatives of the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) in regard to the inordinate delay in finalising and notifying the Rules as also the wrong sequencing of amending Orders.

- (xi) The Drugs and Cosmetics (Sixth Amendment) Rules, 1977 (G.S.R. 19 of 1978)—(Memorandum No. 24)

20. The Committee considered the above Memorandum and decided to call the representatives of the Ministry of Health and Family Welfare (Department of Health) for oral evidence in regard to the delay in notifying final rules in spite of their earlier assurance that final Rules would be published within a year of the publication of the draft Rules.

*The Committee then adjourned.*

\*Omitted portions of the Minutes are not covered by this report.

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

The Committee met on Saturday, the 20th September, 1980 from 11.00 to 13.20 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri M. Ankineedu
3. Shri Eduardo Falciro
4. Shri Harish Kumar Gangawar
5. Shri Jaipal Singh Kashyap
6. Shri K. Lakkappa
7. Shri Balasaheb Vikhe Patil
8. Shri M. Ramanna Rai
9. Shri Ratansinh Rajda
10. Shri Ajit Pratap Singh
11. Shri Chandra Shekhar Singh
12. Shri R. S. Sparrow

*Representatives of the Ministry of Home Affairs (Department of Personnel and Administrative Reforms)*

1. Shri A. C. Bandhopadhyay, *Secretary*.
2. Shri T. V. Ramanan, *Joint Secretary (Service)*.
3. Shri S. S. Jog, *Joint Secretary (Police)*.

*Representatives of the Ministry of Health and Family Welfare (Department of Health)*.

1. Shri Kirpa Narain, *Secretary*.
2. Shri T. V. Antony, *Joint Secretary*.
3. Dr. S. S. Gothaskar, *Drugs Controller (India)*.



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

2. The Committee first heard evidence of the representatives of the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) regarding (i) the Indian Administrative Service (Pay) Third Amendment Rules, 1978; (ii) the Indian Police Service (Pay) Second Amendment Rules, 1978; and (iii) the Indian Police Service (Pay) Amendment Rules, 1978 [(G.S.R. Nos. 215, 216 and 217 published in the Gazette of India—Part II, Section 3(i) dated the 11th February, 1978)].

3. The representative of the Ministry, on being asked about the copies of two Office Memoranda issued by the Ministry of Finance on the 7th January 1974 and 27th May 1974 through which the Government had accepted the recommendation of the Pay Commission that the increment of an employee should be granted from the 1st of the month in which it felt due instead from the actual date it would accrue and had given effect to the decision from 1-11-1973, stated that they had not brought copies of those two Memoranda. He further stated that this decision was taken by the Government in the Finance Ministry to give increments with effect from the 1st of month and that decision was to be given effect to from November, 1973. After the decision was taken by the Finance Ministry, it became the job of the Department of Personnel and Administrative Reforms to incorporate the decision in the appropriate rule relating to the Indian Administrative Service. He further stated that the O. M. dated 7-11-1974 contained the decision in respect of Government employees in categories or Classes II, III, and IV, now called Groups B, C and D. Subsequent Memorandum dated May, 1974, contained the decision in regard to Group A Officers. These were the two Memoranda which between them had covered all Groups of officers in the Central Government.

4. When asked to give reasons for the delay in Publishing the amendment to the rules question in the Gazette, the representative of the Ministry stated that after the issue of O.M. by the Ministry of Finance dated the 27th May, 1974, they (Department of Personnel and Administrative Reforms) took up the matter and then examined the whole matter about its applicability to All India Service Officers and on the 15th November, 1974 they issued a number of amendments to the IAS Pay Rules. He further stated that they also had consultations with the Finance Ministry on a number of matters on the basis of the recommendations. It was examined in the Ministry of Finance in consultation with the State Governments as required by the All India Services Act. On being asked the reasons for not acting upon the first O. M. of the Ministry of Finance, the representatives

stated they could not act upon the first O.M. because the All India Services consist of Class I Post. He further stated that contents of the second O.M. dated 27th May, 1974, were applicable to Class I Officers. They then took up the question of their application to Officers of the All India Service. This took them up to 15th November, 1974 when they published certain amendments to the IAS and IPS Rules. They then did incorporate this provision relating to increment in respect of officers other than the Selection Grade and super time scales in IAS and IPS. He explained that all this procedure takes sometime as under the All India Services Rules, they have to consult the State Government also. The representative further explained that on 15th November 1974, the first set of amendments on the basis of the Pay Commission's recommendations were made to the I. A. S. and I. P. S. Rules, incorporating an amendment referred to by the Committee in respect of certain officers. They published the notification on the 15th November, 1974, but the present notification was published in February, 1978. The representative, on being asked, produced a copy of the 15th November, 1974 notification. When the Committee pointed out that the Ministry had issued administrative instructions and implemented the Pay Commission's recommendations, the representative stated that the reasons in regard to Junior scale and senior scales the recommendation of the Pay Commission had been incorporated in the rules and the reasons why they could not incorporate the recommendation in regard to selection grade was different. After some discussion, the Committee desired the Secretary, Department of Personnel and Administrative Reforms to furnish a note containing all information leading to the delay to 4 years in publication of the rules and also copies of the following documents:

- (i) Ministry of Finance O. M. Nos. 1(22-E-III-A)/73 dt. 7-11-1974 and 1(22-E-III—A)/73 dated 27.5.1974).
- (ii) Instructions issued by the Department of Personnel and Administrative Reforms on 4-11-1974, 17-1-1975, 17-3-1975 and 28-8-1976.
- (iii) Office noting regarding framing of IAS/IPS Rules with delay of 4 years.

5. The representative was then asked about the second amendment which was issued earlier than the first amendment. To this, the representative of the Ministry stated that it was admittedly a mistake and that they had explained the circumstances in which the mistake had occurred to the Committee. He further stated that the mistake had occurred while sending both the amendments to the Press. Elaborating their arrangement for sending to the Press, he explained that the first and the second amendments

were sent by the Section concerned to R. I. Section of the Ministry on the same day for stencilling and issue after signatures of officers. The staff in R. I. Section unfortunately typed out the second amendment first, because it happened to be smaller than the first one. At the end, the Committee desired to be furnished with a note containing information as to how . . . . . it happened to which the Secretary of the Department had agreed.

6. The Committee then heard evidence of the representatives of the Ministry of Health and Family Welfare (Department of Health) regarding the Drugs and Cosmetics (Sixth Amendment) Rules, 1977 [G.S.R. 19 published in the Gazette of India, Part II, Section 3(i) dated the 7th January, 1978.]

7. Regarding the draft rules for controlling psychotropic drugs which were published in the Gazette dated 26th April, 1976, the representative of the Ministry was asked to state the date when they had started the framing of these draft rules. He stated that since the file dealing with these rules was not with them they would give the date later. He, however, explained that in these Rules which were published in April, 1976 there was one rule, namely, Rule 97 which had a bearing on these rules also though ultimately it was decided not to take this into consideration at all. For framing rules under the Drugs and Cosmetics Act, the representatives of the Ministry detailed out the procedure as laid down by them. He stated that any proposal for making or amending a rule was referred by the Government to the Drugs Technical Advisory Board. When it was considered that a rule was to be amended, the Drug Controller would make a proposal to the Government that such and such rule was to be amended. Then, the proposal was submitted to the Drugs Technical Advisory Board and they recommend whether a rule should be amended or not. After the Board had recommended that a rule should be amended, then the Ministry of Health would publish a notification in the Gazette informing the public of its intention to amend the rule. They give three months' notice. On being asked as to who was the highest officer in the Ministry to approve the rules which had been approved by the Technical Advisory Board, the representative of the Ministry stated that the approval is given by the Additional Secretary, Ministry of Health.

8. The Committee then enquired as to how many memoranda were received after the draft rules had been published, the representative of the Ministry stated that they had received 10 memoranda from the following associations:

'The Indian Drug Manufacturers' Association—20th March, 1976.

Johnson and Johnson—March, 23, 1976.

Sandoz—3rd April, 1976.

All India Manufacturers' Organisation—13th April, 1976.

Ciba Geigy—28th April, 1976.

- Organisation of the Pharmaceutical Producers of India—5th May, 1976.

He further stated that they had also received one memo. from the Gujarat Chamber of Commerce after the due date.

9. In reply to a question, the representative of the Ministry stated that the file was received from the Directorate General of Health Services on the 18th January, 1977 and it was sent to Ministry of Law on 10th March, 1977 and was returned by that Ministry on the 26th April, 1977. It was sent for Hindi translation on the 30th April, 1977 and it was received back on the 5th September, 1977 and after making fair copies, it was sent to the Directorate General of Health Services on the 19th October, 1977 for checking. It was sent for publication on the 15th December, 1977. He, however, admitted that there was undue delay in publishing the rules.

10. At the end, the Committee desired a note containing all information regarding delay in Publication of the final rules.

The Committee then adjourned to meet again at 15.00 hours on Monday, the 22nd September, 1980.

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

The Committee met on Monday, the 5th January, 1981 from 11.30 to 13.35 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri M. Ankineedu
3. Shri Eduardo Falciro
4. Shri Harish Kumar Gangwar
5. Shri K. Lakkappa
6. Shri T. Nagaratnam
7. Shri M. Ramanna Rai
8. Shri Ratansinh Rajda
9. Shri Ajit Pratap Singh

SECRETARAT

1. Shri S. D. Kaura—*Senior Legislative Committee Officer.*
2. Shri S. S. Chawla—*Senior Legislative Committee Officer.*

3. The Committee then considered Memoranda Nos. 38 to 50 on the following subjects:—

- (i) *The Directorate of Advertising & Visual Publicity (Senior Addressograph) Operator (Hindi) Recruitment (Amendment) Rules, 1978 (G.S.R. 415 of 1978) (Memorandum No. 38).*

4. The Committee considered the above Memorandum and approved the proposed amendment to foot-note under column 7 of the Schedule appended to the Directorate of Advertising & Visual Publicity (Senior Addressograph) Operator (Hindi) Recruitment (Amendment) Rules,

1978, and desired the Ministry of Information and Broadcasting to notify it at an early date.

- \* \* \* \* \*
- (iii) The Indian Telegraph (First Amendment) Rules, 1979 (G.S.R. 178 of 1979)—(Memorandum No. 40).

6. The Committee considered the above Memorandum and concurred with the advice tendered by the Ministry of Law that amendment might be issued to make the Indian Telegraph (First Amendment) Rules, 1979 effective from the date of their publication in the Gazette *i.e.* 3.2.1979. The Committee desired the Ministry of Communications (P & T Board) to issue the necessary amendment at an early date.

- (iv) Implementation of recommendation contained in para 82 of the Eleventh Report of Committee on Subordinate Legislation (Sixth Lok Sabha) re: The Aircraft (Fourth Amendment) Rules, 1976 (G.S.R. 1202 of 1976)—(Memorandum No. 41).

7. The Committee considered the above Memorandum, and approve the proposed amendments to sub-rule (10) of Rule 133-B and Sub-rule (9) of Rule 155-A of the Aircraft Rules, 1937, and desired the Ministry of Tourism and Civil Aviation to notify them at an early date.

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- (vi) Implementation of recommendations contained in para 64-65 of the Seventh Report of the Committee on Subordinate Legislation (Sixth Lok Sabha) re: furnishing of information by the Ministries/Departments to the Committee on Subordinate Legislation—(Memorandum No. 43).

9. The Committee considered the above Memorandum and decided to reiterate the earlier recommendations contained in paras 64-65 of the Seventh Report of the Committee on Subordinate Legislation (Sixth Lok Sabha) in this regard.

10 to 18.

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- (xi) Implementation of recommendations contained in para 14 of the Sixteenth Report of Committee on Subordinate Legislation (Sixth Lok Sabha) re: The Assam Wild Life (Transactions and Taxidermy) Rules, 1977 (G.S.R. 35-E of 1977)—(Memorandum No. 48).

19. The Committee considered the above Memorandum and desired the Ministry of Agriculture (Department of Agriculture and Cooperation) to amend sub-rule (1) of Rule 4 of the Assam Wild Life (Transactions and Taxidermy) Rules, 1977, as suggested by the Minister of Agriculture, by increasing the period of submission of report from seven days to thirty days.

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

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

The Committee met on Tuesday, the 6th January, 1981 from 11.30 to 13.30 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri Eduardo Falcão
3. Shri Harish Kumar Gangwar
4. Shri Jaipal Singh Kashyap
5. Shri M. Ramanna Rai
6. Shri Ratansinh Rajda
7. Shri Ajit Pratap Singh
8. Shri Chandra Shekhar Singh
9. Shri Xavier Arakal

SECRETARIAT

1. Shri S. D. Kaura - *Senior Legislative Committee officer.*
2. Shri S. S. Chawla - *Senior Legislative Committee officer.*

2. The Committee considered the following Memoranda (Memoranda Nos. 51 to 63) :—

3 to 12

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(vii) The Fundamental (First Amendment) Rules, 1977 (G.S.R. 365 published in the Gazette of India, Part II, Section 3 (i) dated the 19th March, 1977) - (Memorandum No. 57).

13. The Committee considered the above Memorandum and noted that in pursuance of the assurance given to the Committee during evidence, the Ministry had instituted an enquiry in the matter and the concerned,

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

officers had been warned for delay in issuing the amendment to the Fundamental Rules in implementation of the recommendations of the Pay Commission and also for not attending promptly to the communications sent by the Lok Sabha Secretariat in this regard. The Committee also noted that the Ministry had further issued instruction on various Sections of the Ministry reiterating the need for taking prompt action on the communications received from Parliament Secretariats on Parliamentary matters. The Committee, however, desired that the designation of the officers who had been warned by the Ministry in this regard might be ascertained from them.

14. \* \* \* \* \*

(ix) The Indian Boiler (Twelfth Amendment) Regulations, 1978 - (G.S.R. 1472 of 1978) published in the Gazette of India, Part II, Section 3 (i) dated the 9th December, 1978. (Memorandum No. 59)

15. The Committee considered the above Memorandum and noted with satisfaction that, on being pointed out, the Ministry of Industry (Department of Industrial Development) had agreed to amend the relevant provisions of the Indian Boilers Act, 1923 to the necessary effect. The Committee, however, desired the Ministry to amend the Act at an early date.

(x) The Central Water and Power Research Station, Pune (Class III) Posts Recruitment (Amendment) Rules, 1977 (G.S.R. 521 of 1977) (Memorandum No. 60)

16. The Committee considered the above Memorandum and noted that, on being pointed out, the Ministry of Irrigation had since amended the Schedule appended to the Central Water and Power Research Station, Pune (Class II) Posts Recruitment (Amendment) Rules, 1977 to the desired effect

(xi) The Telegraph Traffic Supervisors (Recruitment and Training) Amendment Rules, 1979 (G.S.R. 415 of 1979) - (Memorandum No. 61)

17. The Committee considered the above Memorandum and were not convinced with the reply of the Ministry of Communications. The Committee, therefore, desired the Ministry to amend the Telegraph Traffic Supervisors (Recruitment and Training) Rules, 1979 indicating the precise amount of security deposit which a selected candidate would be required to pay before commencement of training rather than leaving it to be determined by the authority concerned. The Committee felt that the difficulty pointed out by the Ministry in amending the Rules in case of any change

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



in the rate of Security deposit could be overcome by putting an asterisk on the amount of security deposit indicating through a footnote that it was subject to variation. In this connection, the Committee desired that the attention of the Ministry might be invited to an earlier recommendation of the Committee made in para 51 of their Sixteenth Report (Sixth Lok Sabha).

18 to 20

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*The Committee then adjourned.*

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

The Committee met on Tuesday, the 17th March, 1981 from 15.30 to 16.00 hours.

**PRESENT**

**Shri Mool Chand Daga—Chairman**

**MEMBERS**

2. Shri T. V. Chandrashekharappa
3. Shri Eduardo Faleiro
4. Shri Ratansinh Rajda
5. Shri Chandra Shekhar Singh
6. Shri Xavier Arakal

**SECRETARIAT**

**Shri S. D. Kaura—Senior Legislative Committee Officer.**

2. The Committee considered their draft Fifth Report and adopted it.

3. The Committee authorised the Chairman and, in his absence, Shri Chandra Shekhar Singh, to present the Fifth Report to the House on their behalf on the 19 March, 1981.

*The Committee then adjourned.*

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