

**COMMITTEE
ON
SUBORDINATE LEGISLATION**

(EIGHTH LOK SABHA)

SECOND REPORT

[Action taken by Government on the Recommendations/Observations of the Committee]

(Presented on 23 August, 1985)



**LOK SABHA SECRETARIAT
NEW DELHI**

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(1985-86)

1. Shri Mool Chand Daga—*Chairman*
2. Shri M. Arunachalam
3. Shri D.L. Baitha
4. Shri G.M. Banatwalla
5. Shrimati Usha Choudhari
6. Shri Dharam Pal Singh Malik
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12. Shri Saleem I. Sheivani
13. Shri Dharamgaj Singh
14. Shri D. Narayana Swami
- **15. Shri Yogeshwar Prasad Yogesh

SECRETARIAT

1. Shri N.N. Mehra—*Joint Secretary*
2. Shri S. Balasubramanian—*Chief Legislative Committee Officer*
3. Shri R. S. Mani—*Senior Legislative Committee Officer*

*Resigned *w.s.f.* 29 July, 1985.

**Nominated *w.s.f.* 7 August, 1985 *vis* Shri Lelit Makhan died.

REPORT

I

INTRODUCTION

1, the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to present the Report on their behalf, present this their Second Report on the action taken by Government on the recommendations/observations of the Committee on Subordinate Legislation made in their reports presented to the House during the Seventh Lok Sabha.

2. Though the recommendations of a Parliamentary Committee are recommendatory in nature and not mandatory, by convention, and the fact that a Parliamentary Committee is a microcosm of the House, the recommendations are by and large accepted by Government and implemented. Under Direction 108(1) by the Speaker, the Ministries are required to intimate to the Committee on Subordinate Legislation, the action taken on their recommendations and the same is reported by the Committee to the House through their reports. This Report relates to implementation of the recommendations of the Committee on Subordinate Legislation of Seventh Lok Sabha made in their Twelfth to Fourteenth; Sixteenth to Nineteenth and Twenty-first to Twenty-seventh reports.

3. The Committee considered and adopted this Report at their sitting held on 20th August, 1985.

II

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY, AND ASSURANCES GIVEN TO, THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA)

4. With a view to ensure speedy implementation of their recommendations, the Committee on Subordinate Legislation in paragraph 221 of their Twentieth Report (Seventh Lok Sabha) presented to the House on 26 August, 1983 had suggested that the/Department of Parliamentary Affairs should impress upon all Ministries Departments of the Government of India to adhere to the time-limit of six months fixed by them for implementing their recommendations. The Committee had further emphasised that the Ministries should endeavour to implement their recommendations within a period of three months of the presentation of their Report, as the period of six months fixed by the Committee was the maximum period within which the recommendations must be implemented.

5. During scrutiny of the implementations of their recommendation the Committee found a number of cases where action had not been taken within the prescribed time-limit.

6. The Committee, however, note with satisfaction that after they had pursued the matter with the Ministries concerned, the Ministries have accepted and taken action on the recommendations of the Committee.

MOOL CHAND DAGA,
Chairman,

Committee on Subordinate Legislation

NEW DELHI;

Dated 20 August, 1985

APPENDIX

Statement showing the Action Taken by Government on the Recommendations made by, and assurance given to, the Committee on Subordinate Legislation

S. No.	Reference to para Nos. of Report and date of its publication	Summary of Recommendations/Assurances	Gist of Government's report
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(1)	(2)	(3)	(4)
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1. **TWELFTH REPORT**
(Seventh Lok Sabha)

10
28-7-1982

The Committee feel that although the contention of the Department of Personnel and Administrative Reforms, that Government have a right to interpret its own formulations and that such interpretation will have precedence over any individual's interpretation of such Rules unless a point of law or legal interpretation is involved therein and on which a representation is made to the Courts to make a pronouncement thereon, may be legally correct yet the Rules should be worded in such a manner as not to give an impression to the persons concerned that the jurisdiction of the Courts is being ousted in any manner. The Committee, accordingly, desire the Department to amend the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979 on the lines of similar provisions contained in the Kandla Port Employees (Allotment of Residence) Regulation, 1964.

Rule 8 of the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979 has accordingly been amended vide G.S.R 532 of 1983.

2. TWELFTH REPORT
(Seventh Lok Sabha)

30

28-7-1982

The Committee note with satisfaction that, on being pointed out, the Ministry of Defence have agreed to amend the Defence Research and Development Service Rules, 1979, so as to provide for recording of reasons in writing before extending or curtailing the period of deputation /contract. The Committee desire the Ministry to amend the Rules accordingly at an early date.

Sub-rules (4) and (5) of Rule 8 of the Defence Research and Development Service Rules, 1979 have accorded *vide* S.R.O. 176 of 1 September, 1984.

3 TWELFTH REPORT
(Seventh Lok Sabha)

55

28-7-1982

The Committee desire the concerned Ministries/ Departments to amend the various Recruitment Rules with which they are administratively concerned so as to indicate therein the extent of exact relaxation of upper age limit for Government servants for appointment to Group 'A' and Group 'B' posts in accordance with the instructions issued by the Department of Personnel and Administrative Reforms in this behalf.

The Air Headquarters (Senior Design Engineer) Recruitment Rules, 1972 have since been superseded by the Ministry of Defence, Air Headquarters (Senior Design Engineer) Recruitment Rules, 1984 (S.R.O. 194 of 1984). The corresponding entry in Column 6 of the Schedule appended to the Recruitment Rules of 1984 provided for relaxation of upper age limit by 5 years in accordance with the instruction orders issued by the Central Government.

(1)

(2)

4. THIRTEENTH REPORT
(Seventh Lok Sabha)

23

22-10-1982

(3)

The Committee are not convinced by the arguments advanced by the Ministry of Finance (Department of Revenue) for not indicating the physical standards/tests in the Note below column 12 against the post at S.No. 2 regarding Inspector (Ordinary Grade) mentioned in the Schedule appended to the Central Excise and Land Customs Department Group 'C' Posts Recruitment Rules, 1979. The Committee are of the view that physical standard, nature of written tests are basic information which a prospective candidate ought to know. It is common knowledge that whereas the Rules are notified in the Gazettee, the instruction issued by the Department in the above matter is accessible to candidates with great difficulty. The Committee, therefore, desire the Ministry to give these details in the Rules in the form of an Annexure in order to make them self-contained.

(4)

The Ministry of Finance (Department of Revenue) have since amended the Central Excise and Land Customs Department Group 'C' Posts Recruitment Rules, 1979 *vide* G.S.R. 527 dated 2-6-1984.

5. THIRTEENTH REPORT
(Seventh Lok Sabha)

27, 31 and 35

22-10-1982

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Shipping and Transport (Ports Wing) have agreed to amend proviso (i) of Regulation 7 of the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979. The Committee desire the Ministry to notify it in the Official Gazettee at an early date.

The Ministry of Shipping and Transport (Ports Wing) have since implemented the recommendation of the Committee by amending the Tuticorin Port Trust Employees (Recruitment, Seniority and Promo-

tion) Regulations,
1979 vide G.S.R. 549-
E dated 30 July, 1984

6. 31

The Committee note with satisfaction, that on being pointed out by them, the Ministry of Shipping and Transport (Ports Wing) have agreed to delete the Regulation 8 (3) of the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979. The Committee desire the Ministry to notify it in the Official Gazette at an early date.

Do.

7. 35

The Committee note with satisfaction, that the Ministry of Shipping and Transport (Ports Wing), on being pointed out by them, have agreed to amend Regulation 30 (1) of the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979 so as to make therein a provision for recording of reasons in writing before altering the limits of field of selection by the Departmental Promotion Committee. The Committee desire the Ministry to notify the amendment in the Official Gazette at an early date.

Do.

8. FOURTEENTH REPORT
(Seventh Lok Sabha)
12 and 13
4-11-1982

The Ministry of Defence have brought the recommendations of the Committee to the notice of all concerned in the Ministry for strict compliance [vide O.M.

to be notified. They further note that a period of 7 months was consumed in inter-Ministry/Departmental consultations. The Committee feel that the Ministry of Defence have not paid to this matter the attention it deserved. Had the Ministry of Defence pursued this matter with other Ministries/Departments vigorously the delay could have been avoided.

The Committee recommend that, in cases where the Rules/Regulations/Bye-laws are published in the draft form for inviting comments/suggestions from the public, these should be finalised and notified in final form within a period of 3 months after the receipt of comments/suggestions thereon. The Committee would also like the Department of Parliamentary Affairs to bring this recommendation to the notice of all the Ministries/Departments for compliance.

Do.

10. **FOURTEENTH REPORT**
(Seventh Lok Sabha)
40, 44, 48, 52 and 56
4-11-1982

The Committee are happy to note that, on being pointed out by them, the Ministry of Shipping and Transport (Ports Wing) have proposed to delete Rule 5 (3) (C) of the Madras Port (Harbour Craft) Rules, 1980, which provided too wide discretionary power to the Licensing Officer. The Committee desire the Ministry to notify this amendment in the Gazette at an early date.

The Ministry of Shipping and Transport (Ports Wing) have amended the Madras Port (Harbour Craft) Rules, 1980 as recommended by the Committee and notified the same in the gazette *vide* G.S.R. 45 (E) Part II, Section 3 (i) dated 28-1-1985.

11. 44 Do. The Committee note with satisfaction that, on being pointed out by them, the Ministry of Shipping and Transport (Ports Wing) have agreed to substitute Rule 5 (4) of the Madras Port (Harbour Craft) Rules, 1980 by a new Rule which is self explicit. The Committee approve the proposed amendment and desire the Ministry to notify it in the Gazette at an early date.
12. 48 Do. The Committee are happy to note that, on being pointed out by them, the Ministry of Shipping and Transport (Ports Wing) have proposed to amend Rule 14 (4) of the Madras Port (Harbour Craft) Rules, 1980 to make it more intelligible and to provide check on arbitrary use of powers. The Committee approve the proposed amendment and desire the Ministry to notify this amendment in the Gazette at an early date.
13. 52 Do. The Committee note with satisfaction that, on the matter being pointed out by them, the Ministry of Shipping and Transport (Ports Wing) have agreed to amend Rules 34 and 35 of the Madras Port (Harbour Craft) Rules, 1980 to make them self-explanatory. The Committee approve the proposed amendment and desire the Ministry to notify the amendment in the Gazette at an early date.
14. 56 Do. The Committee note from the reply of the Ministry of Shipping and Transport (Ports Wing) that they propose to delete Note (2) below rule 35 of the Madras (Port Harbour Craft) Rules, 1980, being an operative provision as no permit has been issued to any person thereunder so far. The Committee desire the Ministry to notify the requisite amendment in this regard in the Gazette at an early date.

15. **FOURTEENTH REPORT**
(Seventh Lok Sabha)

69 and 70
4-11-1982

The Committee note that, on being pointed out by them, the Ministry of Shipping and Transport have amended the Major Port Trusts Act, 1963 by providing therein for laying of the Regulations framed thereunder. The Committee are, however, surprised at the manner in which the Ministry have handled this matter. When the suggestion for amending the Act was first referred to the Ministry, they advanced certain administrative difficulties in amending the Act but later on they amended it without intimating the Committee to that effect. The Committee are constrained to observe that, had the Ministry informed them correct facts about the amendment of the Act earlier, the Committee would not have decided to hear the oral evidence of the representatives of the Ministry.

The Committee would exhort on the Ministry of Shipping and Transport that whenever any communication is sent on behalf of a Parliamentary Committee, it is the duty of the Ministry to inform the Committee about the action taken thereon. Otherwise, the Committee remain in the dark about the outcome of their suggestion/recommendation. The Committee, therefore, desire the Ministry of Shipping and Transport to devise some procedure in the Ministry so that references made by a Parliamentary Committee are attended to by the senior responsible officers and the Committee are intimated

The Ministry of Shipping and Transport have noted the observation of the Committee contained in para 69 and necessary instructions have been issued in the Ministry in compliance of the suggestions made in para 70 of the Report.

(Vide O.M. No. PW/- PGL-51/82 dated 29-11-82 & CON-CPA-8/83 dated 18-2-1985).

about the action taken by the Ministry on their suggestion/recommendation *visu mibis* without waiting for a reminder from the Committee.

17. **FOURTEENTH REPORT**
(Seventh Lok Sabha)
87
4-11-1982

The Committee note from the reply of the Department of Personnel and Administrative Reforms that there has been no change in the guidelines for promotion to selection posts, issued by that Department on 30 December, 1976. The Committee further note that certain modifications have been brought into effect *visu* the Department of Personnel and Administrative Reforms O.M. No. 22011/3/76-Estt. (D) dated 24 December, 1980, which do not supersede the previous instructions. The Committee hope and trust that these instructions would be followed by all the Ministries/Departments in letter and spirit.

The Department of Personnel and Training have noted the observations of the Committee for future guidance.
[Ministry of Personnel and Training Administrative Reforms, Public Grievances and Pension (Department of Personnel and Training) O.M. No. 746/85-Estt. (D) dated 25 April, 1985].

18. **SIXTEENTH REPORT**
(Seventh Lok Sabha)
28 and 31
3-3-1983

The Committee note with satisfaction that, on being pointed out, the Ministry of Education and Culture have agreed to amend the Auroville International Advisory Council Rules, 1981 so as to make them self-contained wherever they are wanting and also to lay down a time-limit within which the resignation tendered by a member of the Council must be accepted by the Government. The Committee desire the Ministry to take immediate action to amend the rules to the necessary effect.

The Ministry have since amended the Auroville International Advisory Rules, 1981 (G.S.R. 675 of 1981) to the desired effect *vide* G.S.R. 759 dated 15-10-1983.

The Committee note with satisfaction that the Ministry of Education and Culture, who were asked to specify the place of meeting in rule 5 of the Auroville International Council Rules, 1981, have agreed to amend the rule to achieve the desired effect.

The Committee note the opinion expressed by the Department of Legal Affairs that regulation 3(6) of the Foreign Contribution (Acceptance or Retention of Gifts or Presentations) Regulations, 1978 does not prohibit a persons aggrieved by the assessment made under regulation 3(5) to move the High Court for relief and is intended to stop continued litigation from the lower level upto High Court. The Committee, however, feel that the words "shall be final and shall not be called in question" are apt to convey an impression that they bar the right of appeal to a court. The Committee are of the view that the regulations should be suitably amended so as to make the intention of the Government so expressly clear. The Committee therefore, desire the Ministry of Home Affairs to amend sub-regulation (6) of regulation 3 of the Foreign Contribution (Acceptance or Retention of Gifts or Presentations) Regulations, 1978 to the desired effect.

The Committee note with satisfaction that, on being pointed out, the Ministry of Shipping and Transport (Ports Wing) have proposed to amend rule 4(2) of the Port of New Mangalore (Petroleum) Rules, 1979

Sub-regulation (6) of regulation 3 of the Foreign Contribution (Acceptance or Retention of Gifts or Presentations) Regulations, 1978 has accordingly been amended *vide* S.O. 980(E) dated 31 December, 1984 to read as under—

"(6) If any question arises relating to the assessment so made under sub-regulation (5) it shall be referred to the Central Government who shall decide the same."

Sub-rule (2) of rule 4 of the Port of New Mangalore (Petroleum) Rules, 1979 has ac-

20. **SIXTEENTH REPORT**
(Seventh Lok Sabha)

50

3-3-1983

21. **SIXTEENTH REPORT**
(Seventh Lok Sabha)

81, 85, 89 and 93

3-3-1982

cordingly been substituted *vide* G.S.R. 590-E of 1984.

Sub-rule (5) of rule 4 of the Port of New Mangalore (Petroleum) Rules, 1979 has accordingly been substituted *vide* G.S.R. 590-E of 1984.

Sub-rule (6) of rule 5 of Port of New Mangalore (Petroleum) Rules, 1979 has accordingly been amended *vide* G.S.R. 590-E of 1984.

Sub-rule 8(i) of rule 5 of the Port of New Mangalore (Petroleum) Rules, 1979 has accordingly been substituted *vide* G.S.R. 590-E of 1984.

to the desired effect, The Committee approve the said amendment and desire the Ministry to notify it in the Gazette at an early date.

The Committee note with satisfaction that, on being pointed out, the Ministry of Shipping and Transport (Ports Wing) have proposed to amend rule 4(5) of the Port of New Mangalore (Petroleum) Rules, 1979 by making therein a provision for appeal to the Conservator of the Port against the orders of the Deputy Conservator regarding allotment of the oil jetty or shifting of any oil tanker. The Committee approve the proposed amendment and desire the Ministry to notify it in the Gazette at an early date.

The Committee note with satisfaction that, on being pointed out, the Ministry of Shipping and Transport (Ports Wing) have proposed to amend rule 5(6) of the Port of New Mangalore (Petroleum) Rules, 1979 by substituting therein the words 'a certified navigating officer' for 'a responsible officer' to supervise the connections on the oil tanker or the pipelines or both throughout the period when petroleum is being discharged or loaded. The Committee desire the Ministry to notify the proposed amendment in the Gazette at an early date.

The Committee note with satisfaction that, on being pointed out, the Ministry of Shipping and Transport (Ports Wing) have proposed to amend rule 5(8) (i) of the Port of New Mangalore (Petroleum) Rules, 1979 for making them self-explicit by specifying therein the safety measures to be taken care of while discharging or loading of petroleum. The Committee approve the proposed amendment and desire the Ministry to notify it in the Gazette at an early date.

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25. SIXTEENTH REPORT
(Seventh Lok Sabha)

95
3-3-1983

The Committee have come across a number of cases where the Ministries/Departments have taken an unusually long time in implementing their recommendations. It will be seen from the cases mentioned at S.Nos. 4, 5 and 6 Appendix IV that the period of delay ranges between 5 and 7 years in implementing the recommendations made by the Committee in various Reports presented during Fifth and Sixth Lok Sabha. The Committee cannot help expressing their concern over the inordinate delay on the part of the concerned Ministries/Departments in the matter of implementation of their recommendations. The Committee would emphasise that the Ministries/Departments should be more careful in future and strictly adhere to the time-limit fixed by the Committee for implementation of their recommendations.

The Ministry of Education and Culture (Department of Education) have noted the observations of the Committee for guidance/compliance in future *vide* their Office Memorandum No. F. 44-22/74-U.T.I. dated 10 January, 1985.

The Ministry of Railways (Railway Board) have noted the observations of the Committee for guidance/compliance in future [*vide* their Office Memorandum No. 84/E (G)-1/14/1 dated 23 February, 1985].

26. SEVENTEENTH REPORT
(Seventh Lok Sabha)

9, 13 and 17
22-3-1983

The Committee are not convinced with the reply of the Ministry of Rural Reconstruction, in as much as the Ministry have not cited any specific law which has an exemption Clause under which certain States/Union Territories, etc. have been taken

Clauses 1(2), 8 and 9 of the Cold Storage Order, 1980 have been amended to the desired effect *vide* Notification

out of its purview without mentioning the name of those States/Union Territories in the Act itself. The Committee desire the Ministry of Rural Reconstruction to state the specific Laws containing similar exemption Clause or specify in Clause 1 (2) of the Cold Storage Order, 1980, the names of States/Union Territories exempted from its operation so as to make the Order self-contained.

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Rural Reconstruction have agreed to amend Clause 8 of the Cold Storage Order, 1980 so as to provide for recording of reasons in writing by the Licensing Officer while relaxing any of the conditions specified in the Schedule appended thereto. The Committee desire the Ministry to notify the proposed amendment in the Official Gazette at an early date.

The Committee note with satisfaction that the suggestion made by them is acceptable to Government in principle and concur in the alternative proposal of the Ministry of Rural Reconstruction to vest the Agricultural Marketing Adviser with the Authority to suspend a licence without hearing the licensee pending an inquiry into the reasons for cancellation of licence under Clause 9 of the Cold Storage Order, 1980. The Committee, therefore, desire the Ministry to amend the second proviso to Clause 9 of the Order accordingly and notify it in the official Gazette at an early date.

29 SEVENTEENTH REPORT
(Seventh Lok Sabha)

34
22-3-1983

The Ministry of Industry (Department of Industrial Development) have since amended the Indian Boilers Regulations, 1950 *vide* G.S.R. 1030 dated 29 September, 1984.

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Industry (Department of Industrial Development) have decided to amend sub-regulation (4) of Regulation 3 of the Indian Boiler Regulations, 1950 so as to specify therein the codes or standards of pressure parts which are known to be commonly used in industrially advanced countries, for use in the country. The Committee agree with the amendment as proposed by the Ministry of Industry (Department of Industrial Development) and desire that it should be notified in the Gazette at an early date.

30 EIGHTEENTH REPORT
(Seventh Lok Sabha)

161
9-5-1983

Appendix J to the Indian Boiler Regulations, 1950 has been amended *vide* GSR 1148 dated 10 November, 1984.

As regards their recommendation contained in paragraph 9 of their Seventh Report (7LS) *regarding laying down of suitable guidelines, the Committee note that, although a period of more than a year and a half has elapsed since the Report of the Committee was presented to the House and a copy thereof was sent to the Ministry for necessary action, the recommendation is yet to be implemented. The Committee, however, hope that the Ministry by now would have placed the matter before the Central Boilers Board at its meeting which has expected to be held sometime in the month of March, 1983 and would get the Regulations amended so as to provide therein suitable guidelines as suggested by the Committee earlier.

The Committee, however, note with satisfaction, from the latest communication dated 16 April, 1983 that the Ministry have since prepared the draft notification containing the requisite amendment to the

31 EIGHTEENTH REPORT
(Seventh Lok Sabha)

220
9-5-1983

The Ministry of Energy have since amended the High Speed Diesel Oil and Light Diesel

Order in question. The Ministry have also consulted the Department of Legal Affairs of the Law Ministry for its vetting. The Committee further note that as advised by the Department of Legal Affairs, the Ministry have forwarded a copy of the notification for approval by the Secretariat and/or the Committee. In this connection, the Committee would stress that, unless they have specifically desired in their recommendation, that any such amendments should be hown to them before publication, normally the Ministry themselves should finalise the amendment to any rule/regulations in consultation with the Ministry of Law. The Committee do not like to get involved in approving the draft notification.

Oil (Restriction on Use) Order, 1974 *vide* G.S.R. 559 dated 30 July, 1983.

32 EIGHTEENTH REPORT
(Seventh Lok Sabha)
227 and 228
9-5-1983

The Committee note that after a period of more than 2 years of the presentation of their Reports viz., First Report (Seventh Lok Sabha) on which the Committee had made their recommendation, the Ministry of Shipping and Transport have intimated that Rule 12 of both the Rules in question would be amended only after the Ministry have received approval of the U.P.S.C. in regard to Rule 27 of the Central Engineering Services (Roads) Rules which had already been referred to them as the Committee in paragraph 37 of their Fifth Re-

The Ministry of Shipping and Transport (Border Roads Development Board) have since amended the Border Roads Engineering Service Group 'A' and 'B' Rules, 1977 as recommended by the Committee *vide* Notification published in

* The Committee note that, on being pointed out, the Ministry of Industry (Department of Industrial Development) have amended the Note Below Appendix J to the Indian Boiler Regulations, 1950 (*Vide* GSR 251 of 1981) to provide for recording of reasons in writing for granting relaxation in inspection by the Inspecting Authority. However, the Committee are of the view that suitable guides line should also be laid down for granting such relaxation in order to make the Regulators self-contained. [Para 9, 7R (7LS)].

port (Sixth Lok Sabha) had made similar recommendation in regard to these Rules.

the Gazette under G.S.R. 1280 and 1281 dated 22-12-1984.

33 228

The Committee observe with distress that so simple a recommendation of the Committee made as far back as in 1978 in their aforesaid Report *viz.*, Fifth Report (Sixth Lok Sabha) could not be finalised and implemented so far as a result of which the Committee's latter recommendation made in their First Report (Seventh Lok Sabha) also remained unimplemented. The Committee now, therefore, desire that the Ministry should finalise the matter without any further delay and notify the requisite amendment to the desired effect under intimation to the Committee thereafter.

34 EIGHTEENTH REPORT
(Seventh Lok Sabha)
276 and 277
9-5-1983

The Committee note that while the Ministry of Agriculture have since revised two Recruitment Rules *viz.* (a) The Department of Agriculture (Deputy Director of Accounts) (Fertiliser) and Accounts Officer (Budget); and (b) the Department of Agriculture, Deputy Commissioner (Fertiliser) as desired by them in paragraph 71 of their Twenty-first Report (Sixth Lok Sabha), the following three rules still remain to be amended to the desired effect :

The Central Poultry Breeding Farms (Group A Posts) Recruitment Rules and the Integrated Fisheries Project (Mate Grade II) Recruitment Rules have since been amended to the desired effect *vide* Notification No. 13-18/71-LD.II dated

(1) The CPBF (Group A Posts) Recruitment Rules;

- (2) The Integrated Fisheries Project (Mate Grade II) Recruitment Rules; and
 (3) The DMS (Class I and II Posts) Recruitment Rules.

The Committee hope that the Ministry of Agriculture would amend the above-mentioned Rules at an early date as a period of about 4 years has already elapsed since the Committee had made their aforesaid recommendation.

29-3-85 and No.5-10/83-FY (Adm.) dated 30-9-1983 respectively.

The Delhi Milk Scheme (Class I and II Posts) Recruitment Rules (so far as the post of Administrative Officer was concerned), the principle Recruitment Rules and amending Notification No. 494 of 1977 were superseded by fresh Recruitment Rules *vide* G.S.R. 558 dated 8 July, 1983.

The Committee observe with distress that although a period of more than 2 years has elapsed since the Committee had desired the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) to amend the Companies Act, 1956 in order to provide for revisionary or appellate authority for redressal of grievances of a person aggrieved by any action taken under the Amalgamation Order, the Ministry are still in the process including the recommendation of the Committee in the comprehensive proposals for amendment of the said Act for the approval of the Cabinet. The Committee, while expressing their unhappiness over the delay in finalising the matter so far, would like that in case the comprehensive proposals for amendment of the

To give effect to the recommendation of the Committee Section 396 of the Companies Act, 1956 has since been amended by section 3 of the Companies (Amendment) Act, 1985 (Act 35 of 1985). The Amendment Act has come into force w.e.f. 25-5-1985.

Act take a longer time, the Ministry should bring forth a specific amendment to amend section 396 (3) of the Act *ibid* without any further delay.

37 **NINETEENTH REPORT**
(Seventh Lok Sabha)
25 and 26
10-5-1983

The Committee note with concern that even after a period of seven years, the Ministry of Information and Broadcasting have partly implemented their recommendations. The exhibition of the cinematographs in the Union Territory of Arunachal Pradesh is still being regulated unauthorisedly through executive instructions.

The Government have since amended the Cinematograph Act, 1952 to apply Part-III of the said Act to the Union Territory of Arunachal Pradesh.

38 86

The Committee desire that pending framing of uniform set of rules under Section 16(1), the rules for regulation of exhibitions by means of cinema to-graphs for the Union Territory of Arunachal Pradesh be published at an early date.

It has also been notified that the Administrator of the Union Territory of ArunachalPradesh can exercise the powers of the Central Government under Sections 16 and 17 of the Cinema to-graph Act, 1952 w.e.f. 1 October, 1984. *vide* Notification No 3/3/76-E(C)-Vol. II dated 29 September, 1984.

The rules for the regulations of exhibition by means of cinematographs will be framed by

the Arunachal Pradesh Administration as early as possible.

(O.M. No. 3/3/76-F(C) Vol. II dated 10 October, 1984 from the Ministry of Information and Broadcasting)

39 NINETEENTH REPORT
(Seventh Lok Sabha)

139

10-5-1983

The Committee note that the Ministry of Finance has introduced the Banking Laws (Amendment) Bill in the Lok Sabha on 21 December, 1978 to give effect to the recommendations of the Committee but the said Amendment Bill lapsed on dissolution of the Lok Sabha in 1979. The Committee further notes that the Government intends to introduce a fresh Bill in the Parliament but it has been seeking extension of times for introduction of the Bill on one pretext or the other. The Committee observe in this connection that the General Elections were held in 1980 and the First Session of the Seventh Lok Sabha was convened from 25 January, 1980. Thereafter a period of more than three years was available to the Government to re-introduce the Bill. The Committee deprecate the delay on the part of the Government in this regard and light-hearted manner in which it is processing the question of re-introducing the Amendment Bill.

The Ministry of Finance (Banking Division) have noted the observations made by the Committee regarding delay in processing of the re-introducing of the Banking Laws (Amendment) Bill, 1983 for further compliance.

The said amendment Bill has since been passed and become an Act, viz the Banking Laws (Amendment) Act, 1983 (No. 1 of 1984), as published in the Gazette of India dated 12 January, 1984.

40 NINETEENTH REPORT
(Seventh Lok Sabha)

157

10-5-1983

The Committee observe that the Ministry of Home Affairs had taken about three years to complete various formalities connected with the amendment of the Delhi Sikh Gurdwara Act, 1971 so as to imple-

The Ministry of Home Affairs in their O.M. No. U.13023/2/85-Delhi dated 27 April, 1985 re-

ment the recommendations made by the Committee but held over the introduction of the Amendment Bill in the Parliament as some more suggestions for the amendment of the Act had been received by the Ministry. Thereafter, two more years have passed but there does not seem to be any definite hope that Government will either effect a specific amendment to the Delhi Sikh Gurdwara Act, 1971 so as to include therein the definition of the corrupt practices or bring before Parliament a comprehensive Amendment Bill to over all intended amendment in the Act in the near future. The Committee regret to note that the specific recommendation made by them in such vital matters remain unimplemented.

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garding amendment to the Sikh Gurdwara Act, 1971 stated that in view of the political situation now prevailing in the country it was not an opportune time to proceed with the amendment to the said Act. At their sitting held on 24 June, 1985, the Chairman apprised the Members of the Committee of the difficulty experienced by the Ministry in implementing the Committee's recommendation regarding amendment to the Delhi Sikh Gurdwara Act, 1971. Since the position explained by the Ministry had relevance to the political situation prevailing in the country, the Committee decided to refrain from insisting on the implementation of the said recommendation of the committee

NINETENTH REPORT
(Seventh Lok Sabha)
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10-5-1983

The Committee note that as early as 19 November, 1976, i.e. two years before the Committee made their recommendation in paragraph 13 of their Thirteenth Report (Sixth Lok Sabha), the Ministry of Labour whose comments were invited had agreed to the proposed amendment. Unfortunately, the Ministry linked the proposed amendment of the Act with other proposals in order to introduce a comprehensive amendment Bill in the House. Neither the comprehensive amendment Bill has been introduced nor a specific Bill for the purpose of implementing the recommendation of the Committee has been brought up as yet. More than four years have since been allowed to pass in bringing forward a simple amendment to the Act to provide for laying of the schemes framed under the Act before Parliament. The Committee deplore the delay on the part of the Ministry in this regard and recommend introduction of an amendment Bill for this specific purpose at an early date.

The Ministry of Labour have since included the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 in the Delegated Legislation (Amendment) Bill, 1984. It is therefore, not necessary to incorporate a specific provision regarding laying before Parliament of Rules/Regulations framed under the Act.

[Ministry of Labour and Rehabilitation (Deptt. of Labour) O.M. No. H. 11013/176/PF-II-(SSII) dated 25-10-84].

NINETENTH REPORT
(Seventh Lok Sabha)
194
10-5-1983

The Committee note that the Ministry of Law, Justice and Company Affairs conveyed their acceptance of the Committee's recommendations in this regard and has, in fact, also started taking steps to bring a suitable legislation for amending the provisions of Section 396 of Companies Act, 1956. Thereafter the Ministry have changed their mind and linked the issue with the comprehensive amendments to the Bill to be brought before Parliament in the near future. Had the Ministry struck to their

The Ministry of Industry and Company Affairs (Department of Company Affairs) have since amended section 396 of the Companies Act, 1956 to give effect to the recommendation of the Committee. (*vide* Act. No. 35 of 1985.)

original decision to bring legislation for the specific purpose of implementing the Committee's recommendation, the amending Bill could have been brought on the Statute Book long back. More than four years have since elapsed but there does not seem to be much hope of a comprehensive Bill being brought before Parliament, much less of its enactment in the near future. The Committee desire that even at such a late stage, a Bill exclusively for the purpose of amendment of Section 396 of the Companies Act, on the lines suggested by the Committee, should be brought before the House at an early date.†

43 NINETEENTH REPORT
(Seventh Lok Sabha)

245

10-5-1983

The Committee observe that the manner in which the implementation of their recommendation has been handled is far from satisfactory. More than ten years have elapsed since the Committee had made recommendation in this regard in August, 1973 but the bye-laws of two cantonments out of ten cantonments are still to be amended. The most depressing part of it is that the Ministry of Defence has failed to intimate on their own, the progress of action taken on the Committee's recommendation. The Ministry has to be reminded as many as six times in order to ascertain the fate of the recommendation. The Committee desire the Ministry of Defence to fix responsibility for the casual way the Committee's recommendation was treated by the persons concerned and inform the Committee about

The bye-laws of the remaining two cantonments Boards *viz.*, Amritsar and Kamptee have been amended and published in the Gazette of India *vide* S.R.O. No. CBA-A-R-15/82-83/484 dated 2-4-1983 and S.R.O. No. 12/1/C/L&C/75 dated 18-8-84 respectively. The delay in the amendment of these two bye-laws, which had been due to pro-

the action taken in the matter.

cedural constraints has been regretted by the Ministry of Defence.

(Ministry of Defence D.O. No. 12/1/G/L&C/75/403/D (Q&C) dated 19-1-85 and D.O. No. 10 (26)/72/D (Q&C) dated 15-7-82).

44 NINETEENTH REPORT (Seventh Lok Sabha)

255

10-5-1983

The Committee deplore the lackadaisical manner in which the Ministry of Defence have dealt with the whole case. The Ministry first stated that they had no objection to consolidating the two sets of recruitment rules for Class III on the basis of which the Committee made their above recommendation. After the Committee's Report was presented to Lok Sabha, the Ministry changed their stand and decided to issue two separate sets of Rules—one for Para-medical Posts and the other for non-Para-Medical Posts—instead of issuing a consolidated set of Rules for all Group C Posts. Obviously, the Ministry had not set their considered opinion to the Committee in the first instance. The Committee further notice that so far only one set of Rules has actually been issued even though the Ministry had taken the decision in the matter as far back as on 16 August, 1977. The Committee exhort the Ministry to process the left-over work without further delay.

The Ministry of Defence have since not filed the Army Medical Corps.(Civilian Group 'C'—General Posts) Recruitment Rules, 1983 *vide* S.R.O. 179 dated 25-6-1983 in implementation of Committee's recommendations.

In compliance with the recommendations made by the Committee in paragraphs 18 and 19 of Twelfth Report (Sixth Lok Sabha) as reiterated in paragraphs 275 and 276 of Nineteenth Report (Seventh Lok Sabha) the Ministry have since amended the Central Excise (Fifteenth Amendment) Rules, 1977 *vide* Notification No. G.S.R. 333 (E) published in part II, Section 3, sub-section (i) of the Gazette of India Extraordinary dated 30 March, 1985.

The Ministry have since issued the Railway Board (protocol and Catering Officer) Recruitment Rules, 1984 in supersession of earlier Recruitment Rules of 1977 *vide* No-

The Committee feel that the possibility of arbitrary use of the discretionary powers conferred on the Collector under the Central Excise Rules cannot be ruled out fully even if the Ministry are not aware of any case of such abuse of the discretionary powers during the last two decades. The Committee have recommended provision of adequate safeguards in the rules so as to minimise the possibility of misuse of the discretionary powers whenever such provision exists in the rules.

The Committee reiterate their recommendations that the Central Excise Rules should be amended to the desired effect. The Committee desire the Ministry to effect the requisite amendment to the rules without further loss of time.

The Committee note with satisfaction that, on being pointed out to them, the Ministry of Railways have agreed to take necessary action in accordance with the instant instructions issued by the Department of Personnel and Administrative Reforms (Ministry of Home Affairs) *vide* their O.M. dated 22 February, 1979, while framing the Recruitment Rules in future.

45 NINETEENTH REPORT

(Seventh Lok Sabha)

275 and 276

10-5-1983

46

276

47

TWENTY-FIRST REPORT

(Seventh Lok Sabha)

46 and 47

9-12-1983

tification No. FRB-1/74/11/10 dated 28-8-1984. In the revised rules, entry under Column 13 of the Schedule thereto has been amended so as to indicate therein the circumstances in which the UPSC would be consulted.

The Committee, however, desire that the Ministry should also amend the Entry under Column 13 of the Schedule to the Railway Board (Protocol and Catering Officer) Recruitment Rules, 1977 to the desired effect in case it has not already been done.

The Committee note the assurance of the Ministry that in regard to relaxation in the qualifications, experience and age of direct recruitment/promotion transfer on deputation in the Export Inspection Agency, the Central Government would adopt guidelines as prescribed by the Department of Personnel in this regard and that a reference to this effect would be added at the appropriate place in rule 4 (2) of the Export Inspection Agency (Recruitment) Rules, 1980. The Committee, however, desire the Ministry to amend these rules accordingly at an early date.

The Export Inspection Agency (Recruitment) Rules, 1980 have been amended to the desired effect, *vide* Notification No. 3/25/78—EI& EP dated 22-2-1985.

[Ministry of Commerce and Supply O.M. No. 3/25/78-EI& EP dated 28-2-1985].

48. 47

49. TWENTY-FIRST REPORT
(Seventh Lok Sabha)
50, 54 and 57
9-12-1983

50. 54

The Committee approve the amendment proposed by the Ministry of Commerce to rule 11 of the Export

Inspection Agency (Recruitment) Rules, 1980 and desire that the necessary amendment in this regard should be issued by the Ministry at an early date.

The Committee approve the action proposed to be taken by the Ministry of Commerce and desire that the requisite amendment should be issued at an early date.

52. **TWENTY-FIRST REPORT**
(Seventh Lok Sabha)

61
9-12-1983

The Committee do not agree with the amendment proposed by the Ministry of Shipping and Transport (Transport Wing) to Clause 27 of the Visakhapatnam Unregistered Dock Workers (Regulations of Employment) Scheme, 1968 as substituted by the Amendment Scheme of 1980. The Committee observe that the omission of the words 'at such rates' from the existing clause 27 will instead of making the Scheme self-contained confer on the Board an unintended power to decide the number of holidays not exceeding nine days in a year in lieu of rates. The Committee therefore, desire the Ministry to examine the feasibility of specifying in the Scheme itself the rates of pay for holidays to be paid to the workers.

The Ministry of Shipping and Transport Labour Division have since amended the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 to the desired effect *vide* Notification No. LDV/48/83 L.I.V, dated 4 February, 1985.
(O.M.NO. LDV/48/83-LIV, dated 28 February 1985.

The Committee are not convinced of the contention of the Ministry of Railways that it is not considered necessary to spell out in the Schedule to the Indian Railways (Chief Cashier and Assistant Chief

The Ministry have since amended the Indian Railways (Chief Cashier and Assistant

53 **TWENTY-FIRST REPORT**
(Seventh Lok Sabha)
69
9-12-1983

Cashier) Recruitment Rules, 1980 the other methods for recruitment of Assistant Chief cashiers as all Class II posts are filled by promotion from Class III and the method of filling the posts of Assistant Chief Cashiers other than by promotion is not likely to arise at all. According to the Ministry if the method of promotion fails, the other methods for recruitment to be decided in consultations with the U. P. S. C. to meet any eventuality. The Committee feel that in such a situation the Ministry can always resort to residuary powers under the 'relaxation clause'. The mode of appointment being an essential feature of recruitment rules, the Committee desire the Ministry to precisely spell out the methods of recruitment for the posts of Assistant Chief Cashiers in the Schedule to the Rules itself.

54 TWENTY-FIRST REPORT
(Seventh Lok Sabha)

87 and 88
9-12-1983

The cement Control Order 1967 has since been amended thereby providing for fixing the ceiling of Rs. 50/-per tonne towards local charges. VIZ. handling including charges in respect of packing or container) and transport charges, godown charges and stockists margin of profit *vide* Cement Control (Amendment) Order, 1985 issued under Notification No. 8-368/83 Cem. dated 22 January, 1985.

Chief Cashier) Recruitment Rules, 1980 to the desired effect *vide* Gazette Notification No. 83 E (GR) I/24/1 dated 8 April 1985.
[Ministry of Railways (Railway Board) O.M. 83/E(GR)/I/24/1/dated 23 April, 1985]

The cement Control Order 1967 has since been amended thereby providing for fixing the ceiling of Rs. 50/-per tonne towards local charges. VIZ. handling including charges in respect of packing or container) and transport charges, godown charges and stockists margin of profit *vide* Cement Control (Amendment) Order, 1985 issued under Notification No. 8-368/83 Cem. dated 22 January, 1985.

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88

The Committee feel that it will be more appropriate if the ceiling of Rs. 20/— per tonne for the local chajges fixed earlier is revised to make it more realistic to the expenditure incurred in the changed circumstances and the Central Government retain themselves the power of approval for such charges over and above ceiling fixed. The Committee, therefore, desire the Ministry to examine if a more realistic limit relating to these charges can be fixed and any upward revision, of necessary made with the prior approval of the Central Government.

The Imported Cement Control Order, 1978 has since been rescinded on 8 August, 1983. Ministry of Industry the Department of Industrial Development [O.M No.8 368/83 **Cem.** dated 30 January 1985]

56

TWENTY-SECOND REPORT

(Seventh Lok Sabha)

62 13-12-1913

Though technically the words 'any other officer' occurring in Clause 5 of the Sugar (Retention and Sale by Recognised Dealers) Order, 1979 will take care of the meaning referred to it in the first line of the Clause *ibid* of the said Order on the basis of *ejusdem generis* principle yet, in order to make the position unambiguous, the Committee desire the Ministry of Food and Civil Supplies (Department of Food) to amend the Order so as to specify therein the minimum rank of the officer authorised to conduct search and seizure.

The Ministry have since amended the Sugar (Retention and Sale by Recognised Dealers) Order, 1979 to the desired effect *vide* G.S.R. 515(E) dated 18 July, 1984.

57

TWENTY-SECOND REPORT

(Seventh Lok Sabha)

99

13-12-1983

The Committee note that, on being pointed out, the Department of Electronics have proposed to delete the proviso to Sub-regulation (iii) of Regulation 4 of the Department of Electronics (Assistants' Grade Open Competitive Examination) Regulations, 1982

The Department of Electronics have since carried out the necessary amendment to the Department of Elec.

1982, there by making all those candidates, who satisfy the essential qualification of graduation, eligible to appear at the examination. The Committee would like the Department to notify the necessary amendment in this regard at an early date.

tronics (Assistants' Grade Open Competitive Examination) Regulations, 1982 to omit the proviso to sub-regulation (iii) of Regulations 4 thereof *vide* G.S.R. No. 303 dated 9 March, 1983.

58 TWENTY-SECOND REPORT
(Seventh Lok Sabha)
122
13-12-1983

The Committee note that, on being pointed out by them, the Ministry of Commerce have amended Rule 6 of the Export of Enamelwares (Inspection) Rules, 1978 *vide* S.O. 1786 of 1980. The Committee feel, however that the Ministry should also elaborate the nature of facilities considered necessary for the purpose of testing of enamelwares. The Committee, therefore, desire that the Ministry should amend the rules further accordingly.

The Ministry have since Amended the Rules to the desired effect *vide* Notification since published in the Gazette dated 22 September, 1984.

59 TWENTY-SECOND REPORT
(Seventh Lok Sabha)
125, 132, 136, 140 and 145
13-12-1983

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Shipping and Transport (Ports Wing) have agreed to amend sub-regulation (1) of regulation 8 of the Madras Port Trust (Issue and Management of Port Trust Securities) Regulations, 1978 so as to specify the formalities to be complied with before payment of interest on the Port Trust Securities. The Committee concur in the amendment as proposed by the Ministry in this regard.

Regulations 8(1), 10, 11 (1) (a), 16(1) and (2) and 17(1) of the Madras Port Trust (Issue and Management of Port Trust Securities) Regulations 1973 have since been amended *vide* G.S.R. 793(E) dated 26-11-1984.

60 132

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Shipping and

Transport have agreed to amend regulation 10 of the Madras Port Trust (Issue and Management of Port Trust Securities) Regulations, 1978 so as to provide for notification of the facts regarding loss etc. of the Port Trust Securities in the newspapers to caution the general public against their illegal sale and purchase. The Committee Concur in the amendment in respect of Regulation 9 and the consequential amendment in Regulation 10, as proposed by the Ministry in this regard.

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Shipping and Transport have agreed to substitute the words 'such period as the prescribed officer may consider' by the words 'six months from the date of publication of the said list' and to delete the words 'or on such conditions as may be considered in the circumstances by the prescribed officer' occurring in Clause (a) of Regulation 11(1) of the Madras Port Trust (Issue and Management of Port Trust Securities) Regulations, 1978 so as to remove the element of uncertainty and to restrict the discretionary use of powers in this regard.

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Shipping and Transport have agreed to delete the words '(subject to any general or special instructions of the prescribed officer)' from sub-regulations 1 and 2 of regulation

16 of the Madras Port Trust (Issue and Management of Port Trust Securities) Regulations, 1978 as a safeguard against arbitrary use of the powers.

The Committee note that the Ministry of Shipping and Transport have preferred to delete the expression 'subject to any general or special instructions of the prescribed officer, appearing in sub-regulation (1) of regulation 17 of the Madras Port Trust (Issue and Management of Port Trust Securities) Regulations of 1978, instead of notifying the 'general or special instructions' in the official Gazette. The Committee accept the amendment as proposed by the Ministry in this regard as it meets the object in view and desire them to notify the same at an early date.

According to the Ministry of Industry (Department of Heavy Industry), the information, which the Controller might require, would depend on the nature of each transaction of violation and it would not be desirable to make known such particulars in advance. The Committee are inclined to agree with this view. The Committee, however, desire the Ministry to issue suitable guidelines in the light of the experience gained so far, for exercise of the discretion under Clause 4 of the Commercial Vehicles (Restriction on Re-sale) Order, 1981, as a measure of safeguard against any arbitrary use of the given powers by the Controller.

64 TWENTY-THIRD REPORT
(Seventh Lok Sabha)

21

19-12-1983

The Commercial Vehicles (Restriction on Re-sale) Order, 1981 has since been rescinded *vide* S.O. 845 (E) dated 9 December, 1982. However, the observations of the Committee have been noted by Government for guidance in future. [Ministry of Industry & Company Affairs (Department of Heavy Industry)'s Office Memorandum No. 2 (2)/79-AEI-I dated 13 May, 1985.]

65 TWENTY-THIRD REPORT
(Seventh Lok Sabha)

32
19-12-1983

The Committee consider that like the principal rules, any amendment there to should also quote the statutory authority delegated to the Government under which the amendment has been issued. This is not something new and this is already being followed in several rule-making amendments.

The Research Designs and standards Organisation Administration have noted the observations of the Committee carefully for being invariably complied with in future. [Ministry of Railways, (Railway Board) Office Memorandum No. ERS -I/84/33/22 dated 15 March, 1985.]

66 TWENTY-THIRD REPORT
(Seventh Lok Sabha)

44
19-12-1983

The Committee observe that the Secretary, Central Civil Services Sports Control Board (Department of Personnel and Administrative Reforms) Recruitment Rules, 1980 came into force with effect from 29 March, 1980. Therefore, an amendment there to could also be given retrospective effect only with effect from that date i.e. 29 March, 1980 and not earlier. Mere mention that retrospective effect would not adversely affect the interest of any one, as stated in the Explanatory Memorandum is not enough. The Committee would like the Department of Personnel and Administrative Reforms to exercise due care in dealing with the important matters like the recruitment rules and amendments thereto. It is surprising that this lacuna was not pointed out by the Law Ministry.

Necessary corrigendum to give retrospective effect to the Amendment Notification of 14 June, 1983 from 29 March, 1980 has been notified *vide* G.S.R. 286 dated 17. March, 1984.

TWENTY-THIRD REPORT
(Seventh Lok Sabha)

47

19-12-1983

Sub-clause (4) of clause 15 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980 has accordingly been omitted that a new sub-clause 13 (2) has been added providing for reconstitution of a Committee if the Board thinks fit
Vide S.O. No. 369 (E) of 1985.

The Committee note from the reply of the Ministry of Finance (Department of Economic Affairs) that the Advisory Committees constituted by the Board of Directors of a nationalised bank to render advice to it would hold office only for the duration they enjoyed the confidence of the Board. The Committee firmly hold the view that no subordinate legislation should be so worded as to give an impression that the principles of natural justice are being contravened thereby.

TWENTY-THIRD REPORT
(Seventh Lok Sabha)

70, 73, 76, 79 and 82

19-12-1983

The Committee note that the practice of sending the notices of the meetings of the Institute/Governing Body in writing is already in vogue. The Committee feel that the Ministry should, therefore, have no difficulty in placing the same on a statutory footing. The Committee desire the Ministry of Health and Family Welfare to amend the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967 to the desired effect at an early date.

Regulations 5 (1) and 15 (1) of the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967 have accordingly been amended *vide* Notification No. E3/NF/6804 dated 15 June, 1984.

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In view of the practical difficulty stated by the Ministry, the Committee do not insist upon prescribing any minimum time for sending notices of meetings of urgent nature. The Committee would, however, like the Ministry of Health and Family Welfare to ensure that the period of notice is not rendered just an eye-wash.

Regulations 5 (3) and 15 (3) of the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967 have since been am-

ended specifying the duration of shorter notice as 'not less than four clear days' notice in writing' vide Notification No. E3/NF/6804 dated 15 June, 1984.

Regulations 6 (2) and 16 (2) of the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967 have accordingly been amended *vide* Notification No. E3/NF/6804 dated 15 June, 1984.

Regulations 6 (3) and 16 (3) of the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967 have since been omitted and necessary amend-

The Committee note the assurance of the Ministry of Health and Family Welfare to give due consideration to their suggestion to provide for giving notice of an adjourned meeting to each member who was not present at such meeting and to prescribe a reasonable minimum period to enable the service of such notice, while finalising certain modifications proposed to the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967. The Committee desire the Ministry to hasten the process of finalisation of the amendments and to notify the same expeditiously.

The Committee note the assurance of the Ministry of Health and Family Welfare to keep in view the suggestion to prescribe the minimum number of members to constitute a quorum at an adjourned meeting, while finalising the modifications proposed to the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967, in consultation with the Ministry of Law.

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Health and Family Welfare have agreed to amend, in consultation with the Ministry of Law, regulation 9 of the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967 so as to provide that if the majority of the members signed the circulated resolution, it shall be as effective and binding as if the resolution had been passed at a meeting of the Institute.

Regulation 9 (1) of the Post-Graduate Institute of Medical Education and Research, Chandigarh Regulations, 1967 has accordingly been amended *vide* Notification No. E3/NF/6804 dated 15 June, 1984.



TWENTY-THIRD REPORT (Seventh Lok Sabha)

102

19-12-1983

In view of the practical difficulty experienced by the Ministry of Health and Family Welfare, the Committee are inclined to agree to the alternate suggestion of the Ministry to mention in the foot-note of the proposed amendments to the Drugs and Cosmetics Rules, 1945 only such of the gazette references as were issued after the publication of the pamphlet 'The Drugs and Cosmetics Act and Rules'

A number of notifications containing amendment to the Drugs and Cosmetics Rules, 1945 have accordingly been issued mentioning in the foot-note only such of the

ments have been incorporated in regulations 6 (2) and 16 (2) thereof prescribing the minimum number of members to constitute a quorum as 'at least one-third of the total number of members present' *vide* Notification No. E3/NF/6804 dated 15 June, 1984.

as corrected upto 1 May, 1979, which had been published and made available to the public.

Gazette notifications as were issued after the publication of the pamphlet 'The Drugs and Cosmetics Act and Rules,' as corrected upto 1 May, 1979.
[Ministry of Health and Family Welfare O.M. No. X. 1101 3/8/81-DMS & PFA dated 22 October, 1984].

74: TWENTY-THIRD REPORT
(Seventh Lok Sabha)
108
19-12-1983

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Agriculture (Department of Agriculture) have amended the recruitment rules for the posts of Senior Plant Quarantine Pathologist and Senior Plant Quarantine Entomologist *vide* their Notifications dated 19 November, 1981 and 21 August, 1981 respectively so as to provide for consultation with the Union Public Service Commission while relaxing any of the provisions of these rules. In the case of recruitment rules for the posts of Senior Technical Assistant (Toxicology) and Junior Scientific Officer (Toxicology), the Ministry have agreed to amend the relevant rules accordingly. Similarly, the Ministry of Health and Family Welfare have agreed to amend rule 5 of

(i) The 1979 Recruitment Rules for the posts of Senior Technical Assistant (Toxicology) have since been superseded by a new set of rules, namely, the Directorate of Plant Protection, Quarantine and Storage Senior Technical Assistant (Toxicology) Recruitment Rules, 1984 (G.S.R. 572 of 1984). The corresponding Rule 5 of

the recruitment rules for the post of Deputy Assistant Director General (DHE) (Non-Medical) to the desired effect. The Committee desire the Ministries concerned to issue the proposed amendments soon and notify the same in the official Gazette without further delay.

the new Rules duly provided for consultation with the Union Public Service Commission, as recommended by the Committee.

(ii) Rule 5 of the Directorate of Plant Protection, Quarantine and Storage Junior Scientific Officer (Toxicology) Recruitment Rules, 1979 has accordingly been amended to the desired effect *vide* G.S.R. 571 dated 9 June, 1984.

(iii) Rule 5 of the Central Health Education Bureau, Deputy Assistant Director (DHE) (Non-Medical) (Group 'A' Post) Recruitment Rules, 1979 has accordingly been amended *vide* G.S.R. 327 dated 24 March, 1984.

(i) The observations of the Committee have been noted by the Ministry of Agriculture

In this connection, the Committee note with concern that the two Ministries have taken unduly long time in furnishing their final replies to the references made to them in July/August, 1980. In their reply

75 **TWENTY-THIRD REPORT**
(Seventh Lok Sabha)
109 and 110
19-12-1983.

dated 8 November, 1982, the Ministry of Agriculture averred that the requisite amendments to the two rules were issued as early as in August/November, 1981. The Committee would like to caution the Ministry that whenever the rules are amended at the instance of the Committee, their duty does not cease with sending the notifications to the Press. The Ministry should simultaneously inform the Committee quoting the file number under which Committee's reference has been made in this regard.

and Rural Development (Department of Agriculture and Co-operation) for future guidance/compliance *vide* their Office Memorandum No. 13-2/84-P. P. II dated 8/10 May, 1985.

(ii) The Ministry of Health and Family Welfare (Department of Health) have noted the Committee's observations for future compliance *vide* their Office Memorandum No. A. 12018/1/82-PH dated 15 November, 1984.

In another case, the Ministry of Agriculture have taken a period of almost 3 years to say that the matter stands referred to the Department Personnel,

etc. Similarly, the Ministry of Health and Family Welfare stated after a lapse of two and a half years that action to amend the rules has been initiated in consultation with the Union Public Service Commission. The Committee cannot but deprecate such delays on the part of the respective Ministries and desire them to be very prompt in future in replying to the references from the Committee as recommended by them in paragraph 41 of their Nineteenth Report (Sixth Lok Sabha), presented to the House on 25 April, 1979.

77. TWENTY-THIRD REPORT
(Seventh Lok Sabha)
114 and 115
19-12-1983

The Committee note from the reply of the Department of Personnel and Administrative Reforms that the Government of Tamil Nadu forwarded as representation a probationer in April, 1976 which necessitated certain amendments to the Indian Administrative Service (Pay) Rules. However, it took the Department a period of almost two and a half years to examine the matter in consultation with the Ministries of Finance and Law before referring it to the State Governments on 7, November 1978. The Committee feel very strongly that the period could have been cut short considerably if the Department of Personnel had moved in the matter with earnestness. While regretting the delay in the case of the amendment made to the Indian Police Service (Pay) Rules, the Department of Personnel have assured that efforts would be made to ensure that such delays do not recur in future. The Committee trust that the Department of Personnel would keep their assurance to the Committee and take steps to reduce the delay on this score.

The recommendations/ observations of the Committee have been noted for compliance. The observations of the Committee have also been brought to the notice of all Officers dealing with all India services matters in order to ensure that no delay, whatsoever, should take place on this score in future. Department of Personnel and Administrative Reforms' Office Memorandum No. 28062/1/84-AIS.III, dated 26 September, 1984.

78 115

In the case of amendment to the Central Civil Services (Pension) Rules, the notification dated 23 September, 1977 containing the amendment had not been published through it was duly endorsed to the Government of India Press. The notification was again sent to the press for publication in the Gazette giving it retrospective effect from the original date *viz.*, 23 September, 1977, as it had already been circulated to all concerned. The Committee observe that had the Department of Personnel exercised due care, the delay of 1 year and 10 months could have been considerably reduced. The committee need hardly emphasize that the duty of the Ministry concerned does not cease with the sending of the notifications to the Government of India Press. The concerned Ministry should always keep a watch and ensure that the notifications are duly published in the Gazette and corrigenda issued wherever necessary.

79 TWENTY-THIRD REPORT
(Seventh Lok Sabha)

138

19-12-1983

The Committee note that, or being pointed out by them the Ministry of Defence have agreed to amend Rule 13 of the Indian Defence Accounts Service (Recruitment) Rules, 1958 so as to bring the provisions regarding plural marriage on the usual lines. The Committee desire the Ministry to notify the amendment at an early date.

Rule 13 of the Indian Defence Accounts Service (Recruitment) Rules, 1958 has accordingly been amended *vide* S.R.O. 153 dated 4 August, 1984.

80 TWENTY-THIRD REPORT
(Seventh Lok Sabha)

The Committee note that, on being pointed out by them the Ministry of Shipping and Transport have agreed

Sub-regulation (4) of Regulation 4 of the

Tuticorin Port Employees (General Provident Fund) Regulations, 1979 has accordingly been omitted *vide* G.S.R. 611 (E) dated 16 August, 1984.

Regulation 17 (2) Notes 1 and 2 below Regulation 17 of the Tuticorin Port Employees (General Provident Fund) Regulations, 1979 have been amended to the desired effect *vide* G.S.R. 611 (E) dated 16 August, 1984.

Clause (ii) in rule 8 of the Vegetable Oil Cakes (Expressed or Solvent Extracted) Grading and Marking Rules, 1979 has been amended *vide* S.O. 2704 Dated 25 June, 1983 to the desired effect.

Sub-rule (3) of rule 6 of the Railway Accidents (Compensation) Rules,

to delete Regulation 4(4) of the Tuticorin Port Employees (General Provident Fund) Regulations, 1979. The Committee desire the Ministry to issue the necessary amendment at an early date.

The Committee note that, on being pointed out by them the Ministry of Shipping and Transport have agreed to issue necessary Corrigendum to rectify the errors occurring in Regulation 17 (2) and in Notes 1 and 2 below Regulation 17 of the Tuticorin Port Employees (General Provident Fund) Regulations, 1979. The Committee desire the Ministry to take early steps to rectify the errors.

The Committee note that, on being pointed out by them the Ministry of Rural Development have agreed to amend Rule 8 (ii) of the Vegetable Oil Cakes (Expressed or Solvent Extracted) Grading and Marking Rules, 1979 to the effect that the premises should be clean and hygienic and should be subjected to prophylactic treatment at an interval of not more than three weeks and the stock should be fumigated as and when any insect infestation is noticed.

The Committee note that, on being pointed out by them, the Ministry of Railways (Railway Board) have agreed to amend sub-rule (3) of Rule 6 of the Railway Accidents (Compensation) Rules, 1950 so as

81 145

82 TWENTY-THIRD REPORT
(Seventh Lok Sabha)
162
19-12-1983

83 TWENTY-THIRD REPORT
(Seventh Lok Sabha)
172
19-12-1983

to add a further proviso for taking into account the medical evidence to determine the nature of injury or injuries besides other circumstances of the case. The Committee desire the Ministry to notify the requisite amendment at an early date.

84 TWENTY-THIRD REPORT
(Seventh Lok Sabha)
189
19-12-1983

The Committee note that the minimum educational and other qualifications for recruitment to the posts of Scientists 'F' and 'G' are laid down in Schedule III to the Defence Research and Development Service Rules and the discretion vested with the Director General under rule 8(2)(b) is to enable him to indicate the discipline/Specialisation acquired for the individual post. However, as agreed to by the Ministry of Defence in the reply, the Committee desire them to modify the working of the Rules at an early date to make the underlying intention expressly clear as a safeguard against any arbitrary use of the delegated powers.

1950 has since been amended *vide* S.O. 171-E, dated 20 March, 1984

In accordance with the recommendations of the Committee, clause (b) of sub-rule (2) of rule 8 of the Defence Research and Development Service Rules, 1979 has been substituted to read as —

“(b) for promotion to the posts of Scientist ‘F’ and above, the specific qualification requirements, namely, discipline/subject, area of specialisation, field of research etc., shall be determined by the Director General on each occasion in consultation with the Commissioner within

the frame work of the qualifications prescribed in Schedule III, keeping in view the job requirements of the particular post”.

Published *vide* S.R.O. 228 dated 13 November, 1984.

85 TWENTY-FOURTH REPORT
(Seventh Lok Sabha)

7

21-12-1983

The Committee note that the Ministry of Commerce have conceded that payment of travelling and other allowances to members of the Tobacco Board, including an associated member or co-opted member of the said Board or any Committee, should have been regulated under Regulations to be framed under Section 33(2) (c) of the Tobacco Board Act, 1955 and not under Rules framed under Sections 4(8) and 7(2). The Committee therefore, desire the Ministry to amend the Rules and frame necessary Regulations in that regard at an early date under intimation to the Committee.

The Ministry of Commerce have since made provision in the Tobacco Board (General) Regulations, 1984 (published in the Gazette of India dated 12-1-1985) for the Payment of T.A. and other allowances to the associated and co-opted Members of the Tobacco Board as recommended by the Committee.

[Ministry of Commerce O.M.No. 8/7/80-EP(Agri. VI) dated 30-4-1985].

86. TWENTY-FOURTH REPORT

(Seventh Lok Sabha)

48 and 49

21-12-1983

The Committee however regret to note that in spite of clear instructions issued by the Department of Personnel and Administrative Reforms on 22-5-1979 regarding drafting of recruitment Rules the Ministries/Departments in the cases cited at Appendix other than the Ministry of Education and Culture had not followed the instructions about incorporating of a 'Saving Clause' until the Committee had to point out to them again the need therefore. The Committee fail to understand why, inspite of their reiterator of their recommendations in their 10th Report (Seventh Lok Sabha) and the directives of the Department of Personnel and Administrative Reforms, these Ministries have omitted to have the 'Saving Clause'. Obviously, there has been some laxity in vetting the Rules on the part of Ministry of Law. The Committee would like that Ministry to be more careful in future and to ensure uniformity in all such cases.

The Committee would like the Ministries of Industries (Department of Industrial Development), Steel and Mines (Department of Mines, Tourism and Civil Aviation and Health and Family Welfare who have agreed to provide 'Saving Clause' to take early steps for amendment of the Rules and to promulgate them in the Gazette as well as lay them on the Table of the House.

87.

49

(i) The Ministry of Tourism and Civil Aviation have since inserted the 'Saving Clause' in the Ministry of Tourism & Civil Aviation Junior Analyst (Work Study) and Research Assistant (Work study) Recruitment (Amendment) Rules, 1983 *vide* G.S.R. 1662 dt. 10 September, 1983.

(ii) The Ministry of Steel & Mines have since added the 'Saving Clause' in the Ministry of Steel & Mines (Deptt. of Mines) Reserach Assit. (Work Study) Recruitment Rules, 1981 *Vide* GSR No. 544 dt. 8-5-84).

(iii) The Ministry of Industry (Deptt. of

Industrial Development) hvvae since amended the Recruitment Rules for the post of Senior Analyst (Work Study so as to incorporate the 'Saving Clause' regarding relaxation of age limit, for SC/ST Vide GSR 492 dated

8. TWENTY-FOURTH REPORT
(Seventh Lok Sabha)
60, 61 and 62
21-12-83

The Committee note that there was a time-lag of 3 months between the publication of the Gazette and supply of its copies to the Secretariat of the Committee in connection with the examination of Orders.

89.

61

After the evidence taken by them on 25 June, 1983, there has been appreciable improvement in regard to the supply of copies of the Gazettes. The time-lag between the publication of the Gazette and supply of copies thereof has been reduced from 3 months to 15 days to 1½ months. The Ministry is now sending copies of Gazettes through the Kitab Mahal and not through the Controller of Publications as was the practice earlier.

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62

The Committee hope that the Ministry of Works and Housing would keep up to the assurance given to them to minimise the time-lag between the publication of Gazettes and supply of copies thereof to the Lok Sabha Secretariat. The Committee hope that the Ministry would make further efforts to reduce

The Ministry have again requested the Controller of Publication to ensure that the time-lag between the Publication of Gazette and supply to copies to this Secretariat does not exceed 15 days, as desired by the Committee. The Controller of Publication on his part has advised the Depot Incharge Kitab Mahal for expeditious delivery of copies of the Gazette to this Secretariat. (Ministry of Works and Housing O.M. No. H-11013/2/83-Ptg. dt.

the time-lag between publication of the Gazettes and supply of copies thereof to a period not exceeding 15 days.

17-10-1984)

91. TWENTY-FOURTH REPORT

(Seventh Lok Sabha)

67 and 68

21-12-1983

The Committee are constrained to observe that instances of inordinate delays ranging from 14 to 27 months continue to occur in the matter of final publication of the rules and amendments thereto in spite of their explicit recommendation in this regard made in 1975. An analysis of the reasons attributed for delays, as revealed from the explanations indicates that the following furnished by the Ministries concerned, factors mainly account for the delay.

- (i) time taken in finalisation of the objections/suggestions received,
- (ii) time taken in inter-departmental consultations, and
- (iii) time taken in getting Hindi translation of the final rules from the Official Language Commission.

These difficulties are note of a serious nature and could have been overcome, if a sincere effort had been made to follow the Committees recommendation in letter and spirit.

The recommendations of the Committee have since been circulated by the Department of Parliamentary Affairs to all the Ministries Departments of the Government of India vide O.M. No. F.32(15)/83-R & O dated 27-1-84 for their information and compliance.

[Department of Parliamentary Affairs (O.M. No. F. 32(15)183/&RC dt. 19-10-84]

The Committee feel that in cases where large number of objections/suggestions are received from public, some delay in finalising those rules is inherent, but in cases where no objections/suggestions are received, the delay in their final publication cannot be overlooked.

The Committee would like to emphasise the imperative need to reduce the time lag between the publication of draft rules and their final notification in the Gazette. The Committee feel that where a large number of objections/suggestions are received the gap should not be more than six months. Where the objections/suggestions received are few efforts should be made to reduce this period to the barest minimum without impairing the fruitfulness of such legislation. However, where no objections/suggestions are forthcoming on the draft rules, the final rules should be notified within a period of three months. The Committee urge upon the Department of Parliamentary Affairs to impress upon all Ministries/Departments to streamline their procedures to cut short the delays in the notification of the final rules to the minimum.

The Committee note that retrospective effect has been given to the All India Institute of Medical Sciences (Amendment) Regulations, 1981 without the due authority conferred by the All India Institute of Medical Sciences Act, 1956. The explanation offered by the Ministry is not acceptable to the Committee.

The Ministry have stated as follows :
“The All India Institute of Medical Sciences, New Delhi, have intimated that the recommendations of the Committee will be kept

93.
TWENTY FOURTH REPORT
(Seventh Lok Sabha)
73 and 74
21-12-1983

The Committee would like the Ministry of Health and Family Welfare to take necessary steps to ensure in future that Rules should either be made effective from the dates of their notifications in the gazettes, or in the alternative, the relevant Acts should be amended to empower the concerned Ministries to give retrospective effect. In this connection the Committee would like to draw the attention of the Ministry of Health and Family Welfare to the recommendation made in their Seventh Report (Fourth Lok Sabha) *vide* para 40 thereof :

in mind as and when the rules and regulations under the All India Institute of Medical Sciences Act are taken up for amendment in future. The Ministry will also ensure in future that the Rules and Regulations are made effective from the dates of their notification in the Gazette.

“Normally all rules should be published before the date of their enforcement or they should be enforced from the date of their publication. The Ministries/Departments should take appropriate steps to ensure the publication of rules before they come into force. However, if, any particular case, the rules have to be given retrospective effect in view of any unavoidable circumstances, a clarification should be given, either by way of an explanation in the rules or in the form of a foot-note to the relevant rules to the effect that no one will be adversely affected as a result of retrospective effect being given to such rules.

[M/o Health and Family Welfare (Department of Health) O.M. No. 11013/2/84-MF (PG)/dt. 1-12-1984].

TWENTY-FOURTH REPORT
(Seventh Lok Sabha)
78, 79, and 80
21-12-1983

The Committee note that, in the cases at S. Nos. (1) the Civilians in Defence Services (Revised Pay) Amendment Rules, 1978 (S.R.O. 217 of 1978) (3). The Lower Division Clerk (Import and Export & Trade Control Organisation) Recruitment (Amendment) Rules, 1978 (CSR 1360 of 1978) and (4). The Fundamental (Amendment) Rules, 1979 (G.S.R. 621 of 1979), though necessary explanatory Memorandum has been appended, after the matter was pursued with the Ministries concerned by the Committee, in the case of S.No. *Viz.* (5) The Research Designs and Standard Organisation (Non-Gazetted Ministerial Posts) Recruitment (Amendment) Rules 1979 (G.S.R. 358 of 1981), the necessary action has yet to be taken. In this connection the Committee would like to draw the attention of Government to the Circular issued by the Department of Parliamentary Affairs vide their O.M. No. F.32(3) L.S. IV (29-32)/70-R&G dated 13-4-1970 to all Ministries/Departments directing them to implement the recommendations of the Committee so far as retrospective effects given to Rules are concerned.

The recommendations of the Committee have been circulated among all Legislative Counsel of the Legislative Department of the Ministry for their information & compliance.

[Ministry of Law, Justice & Company Affairs (Legislative Department) O.M. F.4 (2)/84-II dated 7-11-1984]

As suggested by the Department of Personnel and Administrative Reforms in this regard the Department of Parliamentary Affairs have since issued an O.M. No. F. 32 (15)/83-R&G/ dated 15-12-84 inviting the attention of all the Ministries/Departments to their earlier O.M. No. 32(7)/75-R&G dated 3-4-1976, in which detailed instructions to avoid retrospective effect to

The Committee would also like the Department of Personnel and Administrative Reforms who had circulated the guidelines to be followed by Ministries in the matter of framing of Recruitment Rules which also contained instructions about retrospective effect to once again impress upon all the Ministries/Departments for avoiding provision for retrospective effect to the Rules/Regulations unless the parent law itself specifically provided for it.

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It is unfortunate that in case mentioned at S.L.Nos. 1 and 4 the Ministry of law had failed to point out the need for clarification to the effect that the interest of no one would be adversely affected by giving retrospective effect to the Rules. The Committee need hardly impress upon the Ministry of Law, Justice and Company Affairs who are primarily concerned with the votting of Rules that they should ensure appending of an explanatory memorandum in all cases where retrospective effect has been given to the Rules and Regulations.

Rules etc. had been given.

(Department of Parliamentary Affairs O.M. No. F. 32 (15)/83-R&G dated 17-12-1984).

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TWENTY-FIFTH REPORT
(Seventh Lok Sabha)

44

7-5-1984

The Committee note with satisfaction that on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to amend the Wealth Tax Act, 1957 to make specific provisions requiring a valuer or for a person who has made an application for registration as a valuer, to furnish particulars of his past convictions for any offence or misconduct in his professional capacity, to the Board. The Committee desire the Ministry to take necessary action to bring forth the amending legislation before Parliament expeditiously.

The Taxation Laws (Amendment) Act, 1984, inserted to new sections, viz Sections 34ACC and 35EE in the Wealth-tax Act, 1957, w.e.f. 1-10-1984. Section 34ACC contains provisions similar to those of Rule 8M of the Wealth-tax Rules, 1957. 35EE provides for punishment to person who fails to comply with the provisions of section 34ACC.

(*Via* O.M. F. No. 155
(102) 83-TP42 (pt)
dated 3-1-1985 from
the Ministry of Fi-
nance, Deptt. of
Revenue, Central
Board of direct Taxes)

The Committee note from the reply of the Ministry of Industry (Department of Industrial Development) the difficulty in specifying the term 'such modifications' occurring in Rule 3 of the Dalmia Dadri Cement Limited (Acquisition and transfer of Undertakings) Administration of Funds Rules, 1983 and do not like to pursue the matter any further.

The Committee note that with regard to the term 'appropriate authority' the Ministry subscribe to the view that the term has reference to the 'Central Government' or the 'concerned Government Company' in the given context. The Ministry, however agreed to examine the matter further for modifying suitably the term 'appropriate authority' occurring in the Rule 3 of the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Administration of Funds Rules, 1983. The Committee, therefore, desire the Ministry to amend the said Rule to make the term more specific.

The Committee note from the reply of the representatives of the Ministry of Commerce that Bye-law 30B was introduced in the Tea Board Bye-laws with the sole purpose of adopting of Central Government

The Ministry of Industry Department of Industrial Development) have since amended the Clause 3 of the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Administration of Funds Rules, 1983, by substituting the words 'Central Government or the concerned Government Company' for the words 'appropriate authority' *vide* Notification No. S.O. No. 836 (E) dated 14 November, 1984.

The Ministry of Commerce (Department of Commerce) have agreed that in the event

TWENTY-FIFTH REPORT
(Seventh Lok Sabha)
70 and 71
7-5-1984

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100

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TWENTY-FIFTH REPORT
(Seventh Lok Sabha)
82
7-5-1984

101

Employees Welfare Schemes for the employees of the Tea Board. The representative clarified that it was not intended to amend or change any provision of the Central Government Scheme which was already in the Gazette, but to extend the benefit of such a scheme to the employees of the Tea Board. In this connection the representatives conceded that there would be no difficulty in notifying such schemes in the official Gazette. The Committee trust that the Ministry would keep their assurance to the Committee that in the event of the application of any Central Government Employees Welfare Schemes and in particular Central Government Employees Group Insurance Scheme to the employees of the Tea Board, the same would be notified in the official Gazette.

of the application of any Central Government Employees Welfare Schemes to employees of the Tea Board under the provisions of Bye-law 30-B of Tea Board Bye-laws, a notification in the official Gazette would be issued as desired by the Committee.

(O.M. No. K-11012 (2)
77-Plant A dated 27
September, 1984).

102 TWENTY-SIXTH REPORT
(Seventh Lok Sabha)

33

3-8-1984

The Committee note the opinion of the Ministry of Law (Legislative Department) that the amendment as proposed by the Ministry of Rural Development to Clause 24 of the Gold Storage Order, 1980 is more or less parallel to the appeal provisions contained in other similar orders. The Committee agree to the proposed amendment and recommend that the Ministry of Rural Development should notify it at an early date.

Clause 24 of the Gold Storage Order, 1980 has accordingly been amended and notified *vide* S.O. 475 of 1985.

TWENTY-SIXTH REPORT
(Seventh Lok Sabha)

39

3-8-1984

The Committee note that, on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to amend the provisions in Column 3 of Application Form 'A' prescribed in terms of Regulation 5 of the Custom House Agents Licensing Regulations, 1965 so as to make them quite unambiguous with regard to indicating thereunder the names of such other persons in employment of the firm/company as well be actually engaged in the work as Custom House Agents. The Ministry have similarly agreed to amend Column 4 of the said Application Form 'A' so as to provide that the information asked for thereunder is required as per Regulation 23 of the Custom House Agents Licensing Regulations with a view to make it self-explicit. The Committee, therefore, recommend that the Ministry should amend the aforesaid provisions to the necessary effect at an early date under intimation to them.

The Ministry of Finance (Department of Revenue) have since repealed the Custom House Agents Licensing Regulations, 1965 of (G.S.R. 1450 of 1965), Columns 3 and 4. Application Form 'A' in the new Regulation, has been amended keeping in view the spirit of the recommendation of the Committee (*Vide* Notification No. G.S.R. 220-E, dated 18 March, 1984)

TWENTY-SIXTH REPORT
(Seventh Lok Sabha)

42

3-8-1984

The Committee note that, on being pointed out, the Ministry of Finance (Department of Economic Affairs) have agreed to amend the National Savings Organisation (Group 'A' and Group 'B' Posts) Recruitment Rules, 1963 so as to incorporate therein the necessary provisions regarding power to relax and grant of concessions of the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders of the Central Government issued from time to time. The Committee hope that the Ministry will notify the requisite amendments without further delay.

The Ministry of Finance (Department of Economic Affairs) have amended the National Savings Organisation (Group 'A' and Group 'B' Posts) Recruitment Rules, 1963 incorporating the clauses regarding 'power to relax' and 'saving' provisions in the Rules as desired by the Com-

mittee [*Vide* Notification S.O. No. 597 (E) dated 30 November, 1984].

105. **TWENTY-SEVENTH REPORT**
 (Seventh Lok Sabha)
 19 and 20
 24-8-1984.
- The Committee are not happy over the manner in which the whole matter has been dealt with in the Ministry of Irrigation. The Committee regret to note that when the reply of the Union Public Service Commission had been received by them on 9 June, 1977, the Ministry had taken about 7 months to refer the matter to the Department of Personnel and Administrative Reforms for their clearance and again they took a period of more than 4 months to make reference to the U.P.S.C. back to seek their approval. The Committee further note that the final approval of the U.P.S.C. was received by the Ministry of Irrigation on 17 July, 1979 and instead of going ahead with the notification of Rules in the Gazette at that stage, the Ministry got itself entangled in certain fundamental changes in the entire Engineering Service and the cumulative effect of that was the lapse of the Rules on 31 December, 1977. To cover up that lapse, the Ministry had to supersede the amendment Rules of 1981 and these Rules too were later on repealed in 1982. In other words the Ministry of Irrigation have taken a period of 5 years from 1977 to 1982 to correct the position.

The Ministry of Irrigation and Power (Department of Irrigation) have noted the observations of the Committee for compliance.

The recommendation of the Committee made in para 20 of the report has been brought to the notice of the Ministries and Departments of the Government of India by the Department of Personnel and Administrative Reforms and the Department of Parliamentary Affairs for compliance and future guidance.

Vide Department of Irrigation O.M. No. 39/22/79-Estt I dated 19-2-1985, Ministry of Home Affairs O.M. No. 14017/24/76-Estt. (RR) dated 22-5-1979, Deptt. of Parliamentary Affairs O.M. No. F.32(6)/84-R&C dated 22-9-1984.]

The Committee cannot refrain from expressing their displeasure over this delay on the part of the Ministry of Irrigation. The Committee, therefore, recommend that in cases where a number of Ministries/Departments are required to be consulted for clarification and clearance of Rules/Regulations, the Ministry concerned should as far as possible arrange inter-Ministerial/Departmental meetings of Senior Officers for the purpose and resolve the issues across the table rather than resorting to routine procedure and protracted correspondence.

107 TWENTY-SEVENTH REPORT
(Seventh Lok Sabha)

20

24-8-1984

The Committee cannot refrain from expressing their displeasure over this delay on the part of the Ministry of Irrigation. The Committee, therefore, recommend that in cases where a number of Ministries/Departments are required to be consulted for clarification and clearance of Rules/Regulations, the Ministry concerned should arrange inter-Ministerial/Departmental meetings of Senior Officers for the purpose and resolve the issues across the table rather than resorting to routine procedure and protracted correspondence.

The Department of Parliamentary Affairs have circulated the recommendations of the Committee to all the Ministries/Departments of the Government of India for consultation and future guidance *vide* O.M.

106 20

108 **TWENTY SEVENTH REPORT**
(Seventh Lok Sabha)

45

24-8-1984

The Committee note that on being pointed out by them, the Ministry of Information and Broadcasting, have notified the revised Rules *vide* G.S.R. 389 dated 14 April, 1984 in supersession of the 1980 Rules. The corresponding entry relating to the composition of the Departmental Promotion Committee under Column 12 of the Schedule to the revised Rules indicates the specific status of all the Members of the Departmental Promotion Committee. The Committee, however, note that the Ministry have taken a period of 3 years in notifying the revised Rules. The Committee cannot refrain from expressing their displeasure over this tendency of taking unusually long period in correcting and notifying such a minor amendment by the Ministries/Departments. The Committee, therefore, recommend that in all such cases the concerned Ministries/Departments should finalise their action to amend the rules within a period of three to six months.

No. F. 32 (6)/84-R
& C dated 22 September, 1984.

(i) The Ministry of Information and Broadcasting have noted the observations/instructions of the Committee for guidance and strict compliance in future. (*Vide* O.M. No. 420 11/1/85-B (A) dated 8-2-1983)

(ii) The Department of Parliamentary Affairs have circulated the recommendations of the Committee to all the Ministries/Departments of the Government of India for compliance and future guidance *Vide* O.M. No. F32(6)/84-R. & C. dated 22 September, 1984.