

COMMITTEE ON SUBORDINATE LEGISLATION

(EIGHTH LOK SABHA)

NINTH REPORT

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

(Presented on 1 August, 1986)



LOK SABHA SECRETARIAT
NEW DELHI

August, 1986/Sravana, 1908 (Saka)

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (1986—87)**

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SECRETARIAT

1. Shri M. K. Mathur—*Joint Secretary*
2. Shri R. S. Mani—*Senior Legislative Committee Officer*

REPORT

I

INTRODUCTION

I, the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to present the Report on their behalf, present this their Ninth Report on the action taken by Government on some of the recommendations/observations of the Committee on Subordinate Legislation made in certain Reports presented to the House during the Seventh and Eighth Lok Sabha.

2. 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 made in their Fifteenth ; Seventeenth to Nineteenth, Twenty-first, Twenty-second and Twenty-fourth Reports (Seventh Lok Sabha) and First, Third and Fourth Reports (Eighth Lok Sabha)—[Appendix-I]

3. The Committee considered and adopted this Report at their sitting held on 29 July, 1986.

II

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY, AND ASSURANCES GIVEN, TO THE COMMITTEE ON SUBORDINATE LEGISLATION

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 are required to be implemented.

5. During scrutiny of the implementation of their recommendations, 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 many of the recommendations of the Committee as would be seen from the statement appended to this Report.

NEW DELHI ;
July 29, 1986

Sradana 7, 1908 (S)

MOOL CHAND DAGA
Chairman,
Committee on Subordinate
Legislation.

APPENDIX I

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 Paras Nos. of Report and date of its Presentation	Summary of Recommendations/observations	Gist of Government's Reply
(1)	(2)	(3)	(4)
(1) Fifteenth Report (Seventh Lok Sabha) 67-68 25-2-1983		The Committee do not agree with the views expressed by the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) that the Central Government has amended the Companies (Central Government) General Rules and Forms, 1956 by inserting therein new rule 12A in order to provide that the Joint Director (Accounts) in the Department of Company Affairs shall be the authority for assessing the compensation payable to a member or creditor of each of	The Ministry of Industry (Department of Company Affairs) have amended Section 396 of the Companies Act, 1956 as recommended by the Committee in order to provide for an appellate authority for redressed in grievance of a person aggrieved in regard to assessment of compensation under the Amalgamation Order <i>Vide</i> Companies (Amendment) Act, 1985—No. 35 of 1985.

the companies amalgamated pursuant to Section 396 (3) of the Companies Act, 1956, and that authority has an inherent right to consider the representations of persons aggrieved by the extinction of right of a shareholder of the Kerala State Small Industries and Development Promotion Corporation taken over as a result of the Amalgamation Order, 1977.

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68

The Committee note that in a similar case regarding the Indian Consortium for Power Projects Private Limited and the Bharat Heavy Electricals Limited Amalgamation Order, 1974 (G.S.R. 15-E of 1975), the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) in their reply dated 18 January, 1979, stated as under—

“The matter of providing for a revisionary or appellate authority through rules proposed to be framed under section 396 of the Companies Act, 1956 has been further

examined by the Department in consultation with the Legislative Department of this Ministry and the Department has been advised that such a provision, being of a substantive nature can be made only by amendment of the Companies Act suitably
"....."

The Committee in this case 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 Committee reiterates their above recommendation and desire the Department of Company Affairs to amend the Companies Act, 1956 suitably to provide for revisionary or appellate authority for redressal of grievances of persons aggrieved by any action taken under the Kerala Small Industries and Development Promotion Corporation Amalgamation Order, 1977 regarding determination of the compensation.

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Seventeenth Report
(Seventh Lok Sabha)

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72-73

22-3-1983

The Committee have come across a number of cases where the Ministries/Departments have taken unusually long time in implementing their recommendations. It will be seen from the cases mentioned at S. Nos. 4, 8, 11, 15, 18, 19, 20, 26, 28 and 34 of the Statement at Appendix III that the period of delay which occurred ranges between 2 and 8 years in implementing the recommendations made by the Committee in various Reports during the Fifth and Sixth Lok Sabha.

(4)

73

The Committee cannot help in expressing their concern over the delay on the part of the concerned Ministries/Departments in the matter of implementation of their recommendations. The Committee would like the Ministries/Departments to be more careful in future and should strictly adhere to the time-limit fixed by the Committee for implementation of their recommendations and in sending timely intimation to them as and when the recommendations made by the Committee are implemented.

The Ministry of Urban Developments have brought the observations/recommendations made by the Committee to the notice of all officers, Divisions and Sections in the Ministry for their guidance and strict compliance in future *vide* D.O. No. H. 11013/6/83-Pit. dated 25th October, 1985.

(5) Eighteenth Report
(Seventh Lok Sabha)
265-266
9-5-1983

The Committee observe that in paragraph 34 of their Fourteenth Report (Fifth Lok Sabha) they had desired the Ministry of Tourism and Civil Aviation to either enforce the International Airports Authority of India (Conditions of Service of Chairman and other whole-time Members) Rules, 1973 from the date of their publication in the Gazette or to amend the relevant Act viz. the International Airports Authority Act, 1971 so as to empower the Government to give retrospective effect to the Rules. As the Act had not been amended as desired by the Committee, the Committee expressed their concern and recommended again in paragraph 70 of their Fourteenth Report (Sixth Lok Sabha) that Government should amend the Act to the desired effect without any further delay and in no case later than 3 months of the presentation of their aforesaid Report.

(6) 266

The Committee are, however, sorry to observe that although a period of more than 8 years has elapsed since the Committee had for the first time recommended amendment of the Act, the Ministry, somehow, have not been able to do the needful so far. Conse-

The recommendations regarding carrying out of necessary amendments in the International Airport Authority Act, 1971 (43 of 1971) have since been implemented by International Airports Authority (Amendment) Act, 1985 (72 of 1985) passed by Parliament and published after President's assent, in the Gazette of India Extraordinary Part II, Section I on 24 December, 1985.

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quently, the Committee observe that the amendment to rule 7 of the Rules *ibid* which could only be taken up after the relevant Act had been amended, also remains unaltered. The Committee deplore the inordinate delay in implementation of their recommendation which was first made in 1974 and reiterated in 1978. The Committee desire that the Act be amended as recommended by them without any further delay.

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Eighteenth Report
(Seventh Lok Sabha)

295

9-5-1983

(7)

The Committee are surprised to note that though the Ministry of Finance (Department of Revenue) had intimated in December, 1980 that a suitable provision was proposed to be made in the draft Central Excise Bill which was under finalisation, they had not introduced it in Parliament so far and now are not even in a position to indicate precisely the time by which it would be introduced. The Committee while expressing their dissatisfaction over this delay desire the Ministry to make concerted efforts and bring forth the comprehensive Bill at a very early date

The recommendation regarding incorporation of the provisions of rule 204 of the Central Excise Rules, 1944 into the principal Act, i.e. Central Excise and Salt Act, 1944 have been implemented by Act No. 79 of 1985 passed by both Houses of Parliament in the winter session of 1985.

failing which they should bring forward the amending legislation exclusively for the purpose of amending the Act. viz the Central Excise and Salt Act, 1944 to the desired effect.

(8) 300 to 302 and 320
9-5-1983

The Committee observe that a draft summary for the Cabinet prepared by the Ministry of Industry (Department of Industrial Development) for the amendment of various provisions of the Indian Boilers Act, 1923 had also included a provision for laying of regulations framed under the said Act with a view to implement Committee's recommendation made in paragraph 42 of their Fifth Report (Seventh Lok Sabha). The Committee further observe that the draft summary sent on 29 May, 1981 to the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) for their concurrence is stated to be still under their consideration which is most deplorable as it has resulted in non-finalisation of the comprehensive legislation by the Ministry concerned. The Committee would now urge upon the Ministry of Industry to get clearance from the Ministry of Law by holding mutual discussions among higher

Section 98 of the Indian Boilers Act, 1923 has since been amended. *vide* S. No. 11 of the Delegated Legislation Provisions (Amendment) Act, 1985.

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officers of both the Ministries instead of pursuing the matter by issue of official reminders. The Ministry should thereafter, obtain Cabinet's approval before introduction thereof. In case, however, clearance from the Ministry of Law is likely to take a considerable time, the Ministry ought to introduce the Amendment Bill specifically for the purpose of making provision for laying of regulations. In this connection, the Committee would like to draw attention of the Ministry to their recommendation made in paragraph 9 of their Eighth Report (Seventh Lok Sabha) which *inter-alia* states that in cases where finalisation of other amendments is likely to take some more time, the Ministries should bring forward the amending legislation exclusively for that purpose immediately.

(9)

301

The Committee also take note of the fact that for incorporating a provision regarding 'Laying of rules' on the Table, the Ministry did have an opportunity to amend the Act *ibid* by including the same in the compre-

hensive Delegated Legislation Provisions (Amendment) Bill since introduced in the Rajya Sabha on 5 November, 1982 to make such a provision in 50 Acts (Appendix V) by the Ministry of Law.

(10) 302

The Committee further note in this connection, that the Ministry of Law in their O.M. No. F. 1(39)/82-Leg. I dated 23 November, 1982 (Appendix VI) have conceded that in nearly 150 other Acts 'laying of rules' provision will have to be incorporated. The Committee would, therefore, desire the Ministry of Law to ensure that the second proposed Delegated Legislation Provisions Bill is made so exhaustive as to cover all other Acts wherein, as recommended by the Committee in their various Reports such a provision should be made and that no Act is left out on the plea that a comprehensive legislation is intended to be brought forward for the purpose by any Ministry.

(11) 320

The Committee note in this connection that the Ministry of Law have at last brought forward the long awaited comprehensive Bill

The recommendation regarding publication and laying of rules, regulations etc. under the various remaining Acts, have since been implemented by the Ministry of Law and Justice (Legislative Department) by the Delegated Legislation Provisions (Amendment) Bill, 1985 passed by both Houses of Parliament.

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on the provisions of the Delegated Legislation covering a number of Acts including the Agriculture Produce Grading and Marketing Act, 1937 in pursuance of the Committee's recommendation made in this regard in their various Reports about different Acts. The Committee would, however, desire the Ministry of Law to bring forth another comprehensive Bill at a very early date which should cover all the other remaining Acts which do not contain laying provision.

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332

As regards the Pharmacy (Amendment) Bill 1981, the Committee note that the Ministry of Health and Family Welfare have stated that the said Bill has a limited scope in regard to extending the time-limit prescribed in the second proviso to sub-section 1 of Section 42 of the Pharmacy Act, 1948. As explained in the statement of Objects and Reasons appended to the Bill. The Committee further note that the Ministry now propose to bring a comprehensive Bill for amending the Pharmacy Act, wherein a provision for laying of

The recommendation regarding incorporation of provisions for laying of rules in Act, Pharmacy Act, 1948 etc. has since been implemented through a comprehensive Bill sponsored by Ministry of Law (Legislative Department) viz. by the Delegated Provisions (Amendment) Bill, 1985 passed by both Houses of Parliament.

rules regulations framed thereunder will also be taken into account. In this connection, the Committee observe that this again is an illustration of the piecemeal thinking of the Government in the Ministry of Health and Family Welfare in so far as the laying provision is concerned. The Committee feel that the Ministry could have provided for the same by including the Pharmacy Act in the Delegated Legislation (Provisions) Amendment Bill since introduced in the Rajya Sabha on 5 November, 1982, which has not been done.

(13)

333

In regard to the Indian Railways (Amendment) Bill, 1982, the Committee observe that sections 56(E) and 82(J) of the Principal Act which confer rule-making power on the Central Government contain the requisite formula for laying and modification of such rules by Parliament but sections 22, 47, 71E and 84 which also confer rule-making power do not have corresponding provisions for laying and modifications of such rules by Parliament. The Committee further observe that the Ministry of Railways with whom the matter was taken up on 13 March, 1982 have stated

The provision for laying the rules made under Section 22, 47, 71E and 84 of the Indian Railways Act, 1890 has been inserted in Section 143 after sub-section (2) of the Act as desired by the Committee *Vide* Delegated Legislation Provisions (Amendment) Act, 1985.

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that the Indian Railways Act, 1890 is under comprehensive revision. The draft Bill seeking to revise the Indian Railways Act, 1890, is likely to be brought before Parliament shortly and Clause 225 thereof would contain the necessary provisions for laying copies of the rules framed thereunder in Parliament. The Committee express the hope that the said comprehensive Bill will be introduced soon.

(14) **Nineteenth Report**
(Seventh Lok Sabha)
163 & 164
(10-5-1983)

The Committee regret to note that the implementation of their recommendation in this regard is pending for over five years.

(15) 164

The Committee observe that the Action Taken Note intimating that a new comprehensive Bill for Central Excise would be introduced in Parliament was sent by the Ministry of Finance on 15 March, 1980, *i.e.* after 28 months of the presentation of their Second Report (Sixth Lok Sabha) on 18 November, 1977. Thereafter, nearly three years have passed but the said Bill has not

The Central Excise and Salt Act, 1944, has been amended to include a provision in the Act for the charging of fees for the examination of excisable goods intended for export as laid down in Rule 173-0(1) of the Central

been introduced. Even if the Bill is introduced in the near future, there is very little hope of its coming on the Statute Book during the remaining term of the present Lok Sabha as the Ministry themselves have expressed the doubt that its actual enactment is likely to take an appreciable amount of time in case the Bill is referred to a Select Committee. In the circumstances, the Committee feel that the Ministry should, without further delay, bring forward an amendment Bill exclusively for the purpose of implementing the Committee's recommendation in this regard.

Excises Rules *Vide* Act No. 79 of 1985.

The Ministry have also expressed regret for delay in implementing the recommendations of the Committee.

(16)

181

The Committee observe that in trying to give effect to the recommendation of the Committee, the Government promulgated an Ordinance on 2 February, 1977 inserting a new Section 132-A in the Representation of the People Act, 1951. The Committee feel that their recommendation after having been once accepted and implemented by Government by promulgating an Ordinance, there should not have been any difficulty in bringing forward a Bill to amend the Representation of the People Act exclusively for the purpose. The linking up of the amendment

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The Representation of the People Act, 1951 has since been amended so as to include the provision for penalty for failure to observe procedure for Vetting (as Section 132-A in Act) *Vide* S. No. 31 of the Delegated Legislation Provisions (Amendment) Bill, 1985.

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with other amendments contemplated in the Act has result in a delay of five years and there are still no prospects of a comprehensive Bill being brought before the Parliament in the foreseeable future. In the circumstances, the Committee desire that the Government should bring forward immediately an amendment Bill exclusively for the purpose of implementing the Committee's recommendations.

(17)

111 to 113

The Committee note that in pursuance to their insistence for implementation of their recommendation contained in paragraph 11 of their Fourteenth Report (Fifth Lok Sabha), the Ministry of Law, Justice and company Affairs have introduced the Delegated Legislation (Amendment) Bill, 1982 in the Rajya Sabha on 25.10.1982 which provides for laying provision in respect of fifty Acts. The amendment to the Institutes of Technology Act, 1961 has, however, not been included in the said Bill.

The Institutes of Technology Act, 1961, has accordingly been amended.

(18)

112

The Committee recommend that a Bill to amend the Institutes of Technology Act, 1961, should be introduced specifically for the purpose of implementing their recommendation or the amendment of that Act be included in the second Delegated Legislation Provisions (Amendment) Bill proposed to be brought forward by the Ministry of Law for making laying provision in the remaining Acts.

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The Committee also note that the Department of Parliamentary Affairs have not circulated their recommendations to all Ministries/Departments that the provision for laying of rules on the Table when incorporated in the relevant Act, should have prospective effect and not retrospective effect, so that any rules whether original or amending, framed thereafter be laid before Parliament. The Committee desire the Department of Parliamentary Affairs that their recommendation in this regard should now be circulated to all Ministries/Departments.

vide S. No. 65 of the Delegated Legislation Provisions (Amendment), Bill, 1985.

The recommendations of the Committee made in paragraph 11 of their Fourteenth Report (Fifth Lok Sabha) in this behalf has already been brought to notice of all Ministries/Departments by the Department of Parliamentary Affairs *vide* F. No. 32 (12), 74—R&C dated 5.2.1975 for necessary action.

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(20) Twenty-First Report
(Seventh Lok Sabha)
105
9.12.1983

The Committee note with satisfaction that the Ministry of Energy (Department of Power) have agreed to amend Rule 44A of the Indian Electricity Rules, 1956 to the effect that information about the occurrence of the fatal accident would be instantly sent on telephone, wherever, such facility exists, instead of sending the report in this regard telegraphically. The Committee, however, do not agree with the contention of the Ministry that there is no ambiguity about the words 'any other person' appearing in Rule 44A of the Rules *ibid*. The Committee therefore, desire the Ministry to amplify the words 'any other person' and amend the Rules to that effect.

The Ministry of Energy (Department of Power) have since amended Rule 44A of the Indian Electricity Rules, 1956 to the desired effect which were notified in the Gazette of India dated 9 November, 1985 (G.S.R. 1049)

(21) Twenty-Second Report
(Seventh Lok Sabha)
53-54
13.12.1983

The Committee are not convinced with the reply of the President's Secretariat that the Amendment Rules, namely, the President's Secretariat (Recruitment and Conditions of Service) (First Amendment) Rules, 1979 do not introduce any new rules, but they merely add another post to the existing Scheduled

within the framework of the existing rules and as such the recommendation of the Committee on Subordinate Legislation is not attracted in this case. The Committee feel that whenever retrospective effect is given to any rule in view of any unavoidable circumstances a clarification in the rules has to be given that no one will be adversely affected as a result thereof in compliance with the recommendation contained in paragraph 10 of their Second Report (Fourth Lok Sabha). The Committee, therefore, direct the President's Secretariat to amend the aforesaid rules by appending an explanatory Memorandum indicating therein that interests of no one would be adversely effected by the retrospective effect given to the amendment rules of 1979.

(22) 54

The Committee further desire the President's Secretariat to amend rule 16 of the President's Secretariat (Recruitment and Conditions of Service) Rules, 1976 relating to 'power to relax' so as to omit the words 'or to any of the posts specified in the Schedule' in accordance with the recommendation made in paragraph 12 of their Sixteenth Report (Seventh Lok Sabha).

The recommendations regarding notifying the amendments to the President's Secretariat (Recruitment and Conditions of Service) Rules, 1979 have since been implemented by the President's Secretariat and published in the Gazette of India-Part II Section 3 sub-section (i) dated 1 February, 1986.

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(23) Twenty-fourth Report
(Seventh Lok Sabha)
11, 14 and 15
21-12-1983

The Committee are happy to note that the Ministry of Shipping and Transport propose to amend Rule 10(2) to provide for a Trade Test for the Tindals, the Committee would like the Ministry to amend the rules at an early date.

(24) 14

The Committee are not convinced with the reply of the Ministry of Shipping and Transport so far as Rule 19 regarding adequate safeguards against any arbitrary exercise of powers by the Deputy Conservator is concerned.

(25) 15

The Committee have repeatedly expressed their opinion stressing the need for spelling out the provisions of any statute or any order precisely and as far as possible, use of vague expressions, which may be interpreted differently by different persons is avoided. The Committee, therefore, would like the Ministry to elaborate the expression 'reasonable excuse' to make it more precise.

The Ministry of Shipping and Transport (Ports Wing) have since amended Rule 10(2) and omitted rule 19 in the Mormugao Harbour Craft Rules, 1976 vide Notification No. PW/PGL-33/80 published in the Gazette of India dated 10 December, 1985.

The Committee note that, in the cases of 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 (G.S.R. 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 but 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 & C 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 Ministry of Railways (Railway Board) have published the requisite explanatory memorandum to the Research Designs and Standard Organisation (non-Gazetted Ministerial Posts) Recruitment (Amendment) Rules, 1979, in the Gazette of India *vide* GSR 1480 dated 8 December, 1979.

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The Indian Railways Act, 1890 does not provide for laying of Rules framed under Sections 47 and 71E *ibid* before Parliament. The Committee note that on being pointed out by them the Indian Railways Act, 1890 (Clause 225) dealing with Rules to be laid before Parliament is proposed to be suitably amended to incorporate the laying of Rules formula by the Committee. In paragraph 333 of 18th Report as already laid down (7 LS) the Committee had noted that Government was going to introduce a comprehensive Bill to revise the Indian Railways Act, 1890 which would include the above model clause. The Committee would urge the Ministry of Railways (Railway Board) to introduce the aforesaid Bill at a very early date, in order to fulfil the assurance given to the Committee.

The provision for laying the rules made under Sections 47 and 71E of the Indian Railways Act, 1890 has been inserted in Section 143 of the sub-section (2) of the Act as desired by the Committee *vide* S. No. 2 of the Delegated Legislation Provisions (Amendment) Bill, 1985.

First Report

(Eighth Lok Sabha)

9-11

14-8-1985

(28)

While the Committee note that, according to the Ministry's reply dated 5 November, 1983, no one has been adversely affected as a result of retrospective operation of the Rules, they cannot help observing that the

Ministry had presented an altogether different picture in their earlier reply dated 24 March, 1981 which had apparently been submitted without going into the full facts of the case. The Committee trust that the Ministry of Commerce will take care to avoid such lapses in future.

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The Committee would like to emphasise once again that if in any particular case, Rules have to be given retrospective effect in view of any unavoidable circumstances, it should invariably be certified that no one will be adversely affected as a result of retrospective effect being given to the Rules. The Committee insist on this certificate as, in their opinion, it is highly inequitable that any one should be hit from a back date as a result of retrospective operation of the Rules. The Committee would like to make it clear that the certificate desired by them should be unqualified and unequivocal ; and the type of certificate as given in the instant case does not meet the requirements of their recommendation. The Committee trust that the Ministries/Departments of Government of India will bear this in mind, while giving

The Ministry of Commerce have noted the observations of the Committee for future compliance *vide* their Office Memorandum No. H-11013/1/85-E. III dated 7 October, 1985.

The Department of Parliamentary Affairs have circulated the observation/recommendation of the Committee to all the Ministries/Departments

(1)	(2)	(3)	(4)
(30)	11	retrospective effect to subordinate legislation in future.	of the Government of India for strict compliance.
		<p>The Committee have carefully gone into the reasons for a gap of over three years between the date of operation of the Rules and the date of their Publication. In their opinion, with due despatch on the part of the Ministry at every stage, the above gap could have been substantially reduced, if not eliminated altogether. The Committee trust that the Ministry of Commerce will draw upon their experience in the present case and avoid such delays in future. In particular, the Committee would like the Ministry to streamline their decision-making processes and avoid such delays by taking decisions on contentious/ticklish issues at meetings of senior officers of Ministries/Departments concerned, rather than waiting indefinitely for receipt their opinions on files.</p>	<p>[<i>Vide</i> O.M. No. 32(5)/85 R & C dated 9 October, 1985].</p>
(31)	21-22	The Committee are not satisfied with the reasons furnished by the Ministry of	

Shipping and Transport for the delay in the publication of rules in the final form. The Committee regret to note that their earlier recommendation in paragraph 68 of their Twenty-fourth Report (Seventh Lok Sabha) to the effect that in cases where no objections/suggestions on the draft rules were received, the rules in the final form should be notified with a period of three months, has not been complied with.

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The Committee trust that the assurance given by the Ministry for improving the system to obviate such delays would be kept in view and that the existing procedure would be streamlined to ensure that such delays do not recur.

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25 and 26

The Committee note that the Ministry of Law (Department of Legal Affairs—Central Agency Section) General Central Service—Class I Posts Recruitment (Amendment) Rules, 1983, which were published in the Gazette of India dated 25 June, 1983, were given retrospective effect from 1.1.1977. The explanation given by the Ministry of Law for not amending the Rules in 1977, when the

The Ministry of Transport (Department of Surface Transport) have noted the recommendations of the Committee for compliance and also to avoid recurrence of such delays in future *vide* their O.M. No. PW/PGL-17/85 dated the 25 October, 1985.

nomenclatures of the posts in question were changed was 'oversight'. It is indeed regrettable that such a lapse should have occurred in the Ministry of Law, which are supposed to be a model in observing correct legal practices and procedures. The Committee trust that the Ministry of Law will take care to avoid such lapses in future.

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The Committee also note that while the Ministry of Law had duly mentioned in the Explanatory Memorandum appended to the Rules that the interest of no one would be prejudicially affected as a result of the retrospective effect given to the Rules, they had failed to mention the circumstances in which retrospective effect had been given to the Rules. The Committee desire that with a view to enable the Committee to judge whether retrospective effect to any set of Rules was really unavoidable in the given circumstances, such circumstances should invariably be mentioned in the Explanatory Memorandum appended to the Rules.

The Ministry of Law and Justice (Department of Legal Affairs) have noted the observations of the Committee for compliance *vide* their O.M. No. H. 11013 (1)/85-Admn. I (LA) dated the 24 October, 1985.

Giving of an opportunity for being heard before an adverse action is taken against a party is one of the basic tenets of natural justice. The Committee had recommended amendment of Rule 93 of the Explosive Rules, 1940 so as to include a provision to the above effect in 1974, the Ministry of Industry had failed to take necessary action on the above recommendation till 1978 when the parent act was amended. The Committee are not satisfied with the plea of non-availability of the relevant file for the above lapse. In their opinion, the above explanation is only indicative of the casual approach of the Ministry in the matter. They fail to understand why the Ministry should have taken years to trace an important file like the present one. While the Committee do not desire to pursue the matter further in the present case, they would no doubt like the Ministry of Industry to take concrete steps to ensure that such lapses do not recur.

The Ministry of Industry (Department of Industrial Development) have noted the contents of the recommendation of the Committee for compliance *vide* their Office Memorandum No. 21 (3)/83-DPR/EGG dated 15-10-1985.

The Committee note the explanation of the Ministry for not being able to fix responsibility on any particular individual for the delay in implementing their recommendation which was made as far back as April, 1979.

The Ministry of Petroleum *vide* their Circular No. 1/17/85-Parl. dated the 5.9.85 have circulated the observations of the Committee to all concerned in the Ministry for strict observance.

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The Committee also note the assurance given by the Ministry for expeditious action on their recommendations in future. While the Committee are unhappy over the tardy manner in which the Ministry had handled this case, considering that the Ministry have gracefully accepted the blame and have assured the Committee that they would act promptly on the communications received from them in future, the Committee do not desire to pursue the matter further. They trust that every effort will be made by the Ministry to keep up their assurance to the Committee.

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While the Committee have no alternative but to accept, with reluctance, the explanation of the Ministry that as the principal rules were published in 1970 and the concerned officers have since retired from service, it is difficult at this stage to fix responsibility for their failure to locate the original Gazette Notification containing the principal rules, they need hardly stress that the present case

The Ministry of Home Affairs (Department of Internal Security Rehabilitation Division) have informed *vide* their O.M. No. 11 (1)/86-Admn. III dated the 12 February, 1986 that they are keeping a watch to ensure publication of every notification sent to the Press by obtaining its G.S.R. number and date of its publication. The same

only points to the need for utmost care in proper upkeep of records of subordinate legislation. The Committee note the averment of the Ministry that they are now keeping a watch to ensure publication of every notification they are sending to the Press by obtaining its GSR number and the date of its publication. The Committee trust that the Ministry will at the same time evolve a fool-proof system for proper maintenance of records of subordinate legislation so that such lapses do not recur.

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The Committee note that necessary action is being taken by the Ministry for issuing an amendment to the proviso to sub-rule 3 (2) of the Rules *ibid* so as to prescribe the maximum time limit, within which the resignation must be accepted.

is also sent to Dandakaranya Project, a subordinate Office under their Division (received from the Government Press) to keep a double watch/record.

Regarding evolving of a fool-proof system, they shall be obtaining a copy of the notification published in the Gazette of India in order to keep the same in their record for further check and reference.

The Ministry of Energy has made the necessary amendment as recommended in para 59 of the First Report of the Committee on Subordinate Legislation *vide* Notification No. 2/4/81-D (B&B) dated the 26th December, 1984.

Third Report

(Eighth Lok Sabha)

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9-12-1985]

The Committee note with satisfaction that, on the matter being pointed out by them, the Ministry of Shipping and Transport (Transport Wing) have notified the requisite Explanatory Memorandum stating therein the reasons for giving retrospective effect to the

In order that a socially useful measure like Solatium Compensation to victims of Hit and Run motor accidents is publicised and the people are made aware of the availability of financial relief through Solatium Fund

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Solatium Fund (Amendment) Scheme, 1983 from 1 October, 1982 and that giving of such retrospective effect to the amendment has not affected any one prejudicially, *vide* S.O. 84-E dated 22 October, 1984. In this connection, the Committee would also like to point out that more notification of the Solatium Scheme in the Official Gazette may not fully serve the purpose in view unless wide publicity is given to acquaint the people in this regard. The Committee, therefore, desire that the main features of the scheme may also be given wider publicity through the media of leading newspapers and regional newspapers in the country for the information of the common masses.

Scheme, a series of steps have been taken for giving wide publicity to Solatium Fund Scheme, 1982, through Press Releases in national and vernacular Papers, TV talks, Radio talks, Journals, Wall-posters in all recognised languages etc.

[Ministry of Transport (Department of Surface Transport) O.M. No. TW/TGM/28/82-Volume II dated 10 June, 1986.]

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Fourth Report
(Eighth Lok Sabha)

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18-12-1985

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The Committee note that under the existing procedure draft Rules are published in the Gazette of India and those were not specifically brought to the notice of the people who were likely to be affected thereby. The Committee are of the view that it would be more fruitful if wide publicity to the proposal Rules is given. They therefore, The proposed amendments will be brought to the notice of the people likely to be affected. The publicity of the draft rules through leading daily newspapers is proposed to be done in consultation with the Press Information Bureau and other concerned agencies.

desire the Ministry to examine the feasibility of giving publicity to the draft rules through leading daily/local newspapers and inviting comments from persons and other bodies who were likely to be affected by the rules within a stipulated time.

It is expected that with the steps* taken, delays in the final publication of rules would be minimised.

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The Committee are unhappy to note that these persistent delays on the part of the Ministries in the final publications of the Rules, inspite of their clear recommendations in this regard, made in paragraphs 13-14 of their Fifteenth Report (Fifth Lok Sabha) presented to the House on 15 April, 1975 and paragraph 68 of their Twenty-fourth Report (Seventh Lok Sabha) presented on 21 December, 1983.

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In the cases under Report, the delay in final publication of Rules range from 15 to 21 months and the following reasons are attributed to such delays :

- (i) Procedural/administrative bottlenecks.
- (ii) Time taken in getting Hindi translation of the final rules from the Official Language Wing.

*"Bye Laws of the Central Electricity Board have been amended and a time limit is now stipulated for every stage of processing of the draft pro-

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posals. A full time officer of the rank of Chief Engineer in the Central Electricity Authority has been appointed as Secretary, Central Electricity Board. With the amendment of Bye-laws, improvement in the procedures and strengthening of the Secretariat, it is expected that time lags and procedural delays will be minimised."

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(iii) Time taken in the printing of the Rules.

The Committee observe that such difficulties are not of insurmountable nature which could not be overcome if the matter had been paid more attention and sincere efforts to resolve them. The delay could have been avoided, if sincere efforts had been made to follow the Committee's recommendations in letter and spirit.

In regard to delays resulting from procedural difficulties, the Committee have been informed that the Government have taken steps to streamline the procedure of processing the amendments to the Central Electricity Bye-laws by fixing a time schedule. They hope that with adoption of the revised procedure, the delay in notifying final rules would be minimised if not eliminated altogether.

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The Ministry of Urban Development (Directorate of Printing) have recir-

The Committee are surprised to note that the administrative Ministries are not following

the instructions issued by the Director of Printing regarding indication of the precise date by which a particular notification was required to be printed so that the Manager of Printing could apply priorities and supply them the relevant notification accordingly. The Committee therefore, urge the Ministry of Energy to bring the instructions of the Director of Printing to the notice of all concerned and also desire that the Director of Printing should recirculate these instructions to all Ministries/Departments for their information and guidance.

culated the instructions regarding indication of the precise date by which a particular notification is required to be printed to all Ministries/Departments for their information and guidance, *Vide* O.M. No. H. 11013/1/86-Ptg. dated 11-3-1986.

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As regards supply of Hindi translation of Rules by the Official Languages Wing of the Ministry of Law, the Committee feel that there is a scope for further improvement in this regard. It has often been brought to the notice of the Committee that paucity of staff in the Commission had been the main factor for delay in furnishing Hindi translation of Rules etc. to the concerned Ministries. The Committee would like that the position in this regard is examined of the authorities concerned and staff commensurate with the work load is made available to the official

The Official Languages Wing of the Ministry of Law & Justice is being regularly reminded to expedite Hindi translation work.

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language Wing so that complaints of delays are avoided in future. The Committee would also like to impress upon the Ministries/ Departments that after the Rules/Regulations/ Bye-laws etc. are sent for Hindi translation, the matter should be pursued with the Official Language Wing vigorously.

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The Committee would like to observe that the Ministries/Departments of the Govt. should ensure that copies of Acts, Rules, Regulations, Bye-laws etc. supplied to the Committee are upto-date and in order in all respect.

Noted for future compliance.

[Vide Ministry of Energy O.M. Energy No. 25(2)/86-D (SEB) dated 19-3-1986].

MINUTES

MINUTES OF THE FIRST SITTING OF THE COMMITTEE
ON SUBORDINATE LEGISLATION (EIGHTH
LOK SABHA) (1985-86)

The Committee met on Tuesday, 11 June, 1985 from 11.00 to 11.45 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri M. Arunachalam
3. Shri G.M. Banatwalla
4. Shri Dharam Pal Singh Malik
5. Shri Syed Masudal Hossain
6. Shri Mohanbhai Patel
7. Shri I. Ram Rai

SECRETARIAT

1. Shri S. Balasubramanian—*Chief Legislative Committee Officer.*
2. Shri R.S. Mani—*Senior Legislative Committee Officer.*

2. The Chairman in his inaugural address welcomed the members of the Committee and explained to them broadly the scope and functions of the Committee (Annexure).

3. Shri G.M. Banatwalla, a Member of the Committee thanked the hon. Chairman for his illuminating Address.

4. * * * * *

The Committee then adjourned.

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

ANNEXURE

(vide para 2 of the Minutes)

ADDRESS BY THE CHAIRMAN TO THE MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION (1985-86)

(11 June, 1985)

Friends,

It is my pleasant duty to welcome the hon'ble members to this first sitting of the Committee on Subordinate Legislation of Eighth Lok Sabha.

2. As you are aware, the growing range and complexity of Governmental activity in a Welfare State like ours, have rendered legislation no longer a simple affair. There is hardly any sphere of a citizen's life which is not regulated by the State, in one way or the other. As such, it has become almost impossible for any Legislature to deliberate upon, discuss and approve every minute detail of legislation that may be necessary for proper administration. Apart from the pressure on Parliamentary time, the technicality of the subject-matter, the need to meet unforeseen contingencies, the requirement of flexibility, etc. make subordinate legislation a necessity in modern age. Parliament can, at best, lay down broad policy and principles of an enactment, leaving it to the executive to work out the details within those parameters.

3. Delegation of legislative power, 'inevitable and indispensable' as it is, has certain risks inherent in it. Often, Parliamentary statutes tend to become skeletal, containing only the barest principles. Sometimes, the powers conferred on the executive may be so wide as to subject the citizen to a harsh or unreasonable action by the administration. A further risk is that powers may be so loosely defined that the intended areas of operation may not be vividly known. Our duty as members of this Committee is to evolve safeguards against such risks.

4. It is one of the functions of the Committee to see that the rule-making power of the executive, conferred by the Constitution or

delegated by Parliament, is being exercised within such delegation. As a safeguard against assumption of arbitrary powers by the executive through the instrument of subordinate legislation, this Committee has consistently maintained that all rules, regulations, etc. framed in exercise of the authority conferred by Parliament, should necessarily be laid before the Houses of Parliament who should have the power to annul or modify them. In this connection, the Committee has accorded approval to the following standard formula for incorporation in all Acts/Bills providing for delegation of legislative power :

“Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

5. You will be happy to note that, at the instance of the Committee, Parliament has passed a comprehensive legislation *viz.*, the Delegated Legislation Provisions (Amendment) Act, 1983 incorporating laying provisions in as many as 50 old Acts which did not contain laying provisions. Government had introduced a second Bill *viz.*, the Delegated Legislation Provisions (Amendment) Bill, 1984 in Rajya Sabha seeking to insert laying provisions in as many as 69 more such Acts. The Bill, though passed by Rajya Sabha, lapsed in Lok Sabha on its dissolution. One of our immediate tasks will be to persuade Government to bring fresh legislation covering all the remaining Acts providing for delegation of legislative power wherein the requisite laying provisions are still required to be incorporated.

6. One of the main functions of the Committee is to examine all the Bills which are introduced in Lok Sabha or transmitted by Rajya Sabha to ensure that provisions for laying are duly incorporated wherever the legislative power is sought to be delegated to the Central Government or any other agency subordinate thereto. Under Direction 103 A, the Speaker may refer a Bill containing provisions for delegation of legislative powers to the Committee to examine the extent of powers sought to be delegated. If the Committee is of the opinion that the provisions contained in the Bill delegating legislative powers

should be annulled in whole or in part or should be amended in any respect, the Committee may report that opinion and the grounds therefor to the House before the Bill is taken up for consideration in the House. A special responsibility is thus cast upon the members of this Committee to be ever-watchful. If they find that any Bill seeks to make excessive or abnormal delegation of legislative powers, they may raise the matter in the House or approach the Hon'ble Speaker for referring it to this Committee under the said Direction.

7. Another important function of the Committee is to scrutinise and report to the House whether the power to make rules, regulations, bye-laws etc. framed under the provisions of the Constitution or the power delegated by Parliament are being properly exercised. The broad principles governing the work of this Committee in regard to the examination of 'Orders' are contained in Rule 320 of the Rules of Procedure and Conduct of Business in Lok Sabha. But, as we come across new problems, new solutions are to be found and new guidelines evolved. In its approach, the Committee is content not merely with the legality of 'Orders' but its aim is to make sure that subordinate legislation is directed towards the maximum public good without transgressing the limits laid down in the parent statutes. To this end, the Committee strives to see that subordinate legislation is in accord with the canons of equity and natural justice and does not result in unnecessary harassment or inconvenience to the common man.

8. The root cause of abuse of subordinate legislation lies in unfettered, unguided discretionary powers conferred on the executive. The primary duty of the Committee is, therefore, to ensure that adequate built-in safeguards are provided against the possible abuse of such powers. The Committee has in the past made valuable recommendations to this end. Some of the broad principles underlying those recommendations may be summed up as follows :

- (i) As far as possible, guidelines/criteria to be followed by the authority vested with the discretionary powers should be laid down in the rules.
- (ii) In cases where the authority concerned deviates from a norm, it should be required to record in writing the reasons for such deviation.
- (iii) In order that the persons similarly placed are not treated differently, the powers of exemption/relaxation should be exercisable in respect of 'categories or classes of persons', as contradistinguished from individuals.

- (iv) Before taking any adverse action, the party concerned should be given a reasonable opportunity of being heard, and after a decision adversely affecting a party has been taken, that party should have the right of appeal or representation, as the case may be.
- (v) In case where an authority is vested with the power to suspend a licence or supplies, pending institution of regular proceedings, a maximum time-limit for suspension should be laid down in the rules.
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well-defined, and not vaguely worded.
- (vii) In case of rules relating to disciplinary proceedings, not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority should also be laid down in the rules.
- (viii) The conditions of service should be determined through statutory rules and not through executive Orders for, the executive Orders are not published in the Gazette and, therefore, do not come to the notice of the Committee.

9. I would now like to present to you a glimpse of certain matters about which the Committee has felt strongly in the recent past—

- (i) In a number of cases, statutes confer a right on the public to come out with their comments before an instrument of subordinate legislation is actually enforced. In such cases, it is but reasonable that sufficient time is given to the public to study the proposed rules, regulations, etc. and to send their objections/suggestions thereon. With this end in view, the Committee has recommended that a period of not less than 30 clear days, exclusive of the time taken in publishing the draft rules in the Official Gazette and despatching the Gazette copies to various parts of the country, should be given to the public to offer their comments on such draft rules.

Although the Committee made the above recommendation as far back as December, 1956, cases still continue to occur where the requirement of minimum period of 30 clear days' is not adhered to by Government. In its First Report (Sixth Lok Sabha), presented to the House on 16 July, 1977, the Committee noticed 11 such 'Orders'.

- (ii) Where a law gives a right of appeal to an aggrieved party, it is but fair that such a right is not rendered illusory in actual practice by giving so short period for appeal as not to serve any purpose. In its Second Report (Sixth Lok Sabha), presented to the House on 18 November, 1977, the Committee recommended for prescribing a reasonable time-limit in the rules for purposes of filing an appeal.
- (iii) The Committee has deprecated the delay in laying of 'Orders' on the Table of the House. In spite of repeated exhortations of the Committee for timely laying of 'Orders', cases of inordinate delay in laying continue to occur. As pointed out by the Committee, apart from being against the spirit of the parent statutes such delays preclude Parliament from exercising its statutory right of modification or annulment of rules for unduly long periods.
- (iv) Cases have also come to the notice where an 'Order' or any of its provisions is given retrospective effect without an express authorisation to that effect in the parent law. The Parliament in its wisdom may empower subordinate legislation to be operative retrospectively. Without such a law, no subordinate legislation can have any retrospective effect. Even in cases where Government has power to give retrospective effect to subordinate legislation, the Committee has recommended that such powers should be exercised only in unavoidable circumstances and should in each case be accompanied by an explanatory note affirming that no one was likely to be affected adversely as a result of retrospective effect.
- (v) As far back as May, 1959, the Committee in paragraph 34 of their Fifth Report (Second Lok Sabha), had desired that when an Act provides for rule-making power, the rules should ordinarily be framed as soon as possible after the commencement of the Act and in no case this period should exceed six months. This recommendation has been reiterated by the Committee time and again. Unfortunately, however, cases still continue to come to the notice of the Committee where it is found that either the rule-making power has not been exercised at all or there is inordinate delay in the exercise of such power. As rules are framed for carrying out the purposes of an Act and meant for the public good, we are to make sure that the aforesaid recommendation of the Committee, repeatedly reiterated, is observed by the executive in letter and spirit.

10. The Lok Sabha Secretariat renders all secretarial assistance to the Committee. The Secretariat undertakes the initial scrutiny of all statutory

'Orders' whether laid on the table of the House or not, soon after their notification in the official Gazette ; culls out important points and sends them for eliciting comments of the administrative Ministries concerned and thereafter prepares self-contained Memoranda for consideration of the Committee. This does not, however, preclude the members from examining the 'Orders' *suo motu* and making suggestions on their own. For this purpose, copies of all statutory 'Orders', that are laid on the Table of the House, are circulated to the members of the Committee from time to time in convenient batches requesting them to send their suggestions in writing to the Secretariat. I hope members will study these statutory 'Orders' and bring to the notice of the Chairman or the Lok Sabha Secretariat any cases where they feel the executive has gone beyond the powers delegated to it by the parent Act or the rules framed by it are not in accord with the principles of natural justice.

11. Since its inception in December, 1953, the Committee has presented 100 Reports to the House. The decisions of the Committee are always unanimous and party considerations do not enter into its deliberations. I am confident that the above traditions will be followed by the members of the present Committee also.

12. Before I conclude, I would like to emphasize that in the discharge of our duties in the Committee, we shall not be acting in hostility to the executive. Our aim is to implement the will of Parliament as expressed through its statutes and our efforts in this direction should be complementary to those of the executive.

Thank you.

XXXI

MINUTES OF THE THIRTY-FIRST SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1986-87)

The Committee sat on Wednesday, 25 June, 1986 from 15.00 to 16.30 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri D.L. Baitha
3. Shri Anil Basu
4. Dr. (Shrimati) Phulrenu Guha
5. Shri Abdul Rashid Kabuli
6. Shri Dharam Pal Singh Malik
7. Shri Shantaram Naik
8. Shri Vakkom Purushothaman
9. Shri Mullappally Ramachandran
10. Shri Yogeshwar Prasad Yogesh

SECRETARIAT

Shri R. S. Mani—*Senior Legislative Committee Officer*

2. The Committee considered Memoranda Nos. 48 to 52 and took the following decisions thereon :

- * * *
- (v) *Action taken by Government on the recommendations made by, and assurances given to, the Committee on Subordinate Legislation—(Memorandum No. 52)*

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

The Committee considered the above Memorandum and desired that the action taken statements might be included, with minor modification, in the next Report of the Committee.

The Committee then adjourned.

XXXIII

**MINUTES OF THE THIRTY-THIRD SITTING OF THE COMMITTEE
ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA)
(1986-87)**

The Committee sat on Tuesday, 29 July, 1986 from 15.00 to 15.30 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. **Shri D. L. Baitha**
3. **Shri H.A. Dora**
4. **Dr. (Shrimati) Phulrenu Guha**
5. **Shri Dharam Pal Singh Malik**
6. **Shri Shantaram Naik**
7. **Shri Mullapally Ramachandran**
8. **Shri K.S. Rao**
9. **Shri Yogeshwar Prasad Yogesh**

SECRETARIAT

1. **Shri M.K. Mathur—*Joint Secretary.***
2. **Shri R.S. Mani—*Senior Legislative Committee Officer.***
2. **The Committee considered their Draft Ninth Report and adopted it.**
3. **The Committee authorized the Chairman and, in his absence, Shri H.A. Dora, M.P. to present the Report to the House on their behalf on 1 August, 1986.**

The Committee then adjourned.

Shri Durga Printing Press, Delhi.