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COMMITTEE ON SUBORDINATE LEGISLATION

(NINTH LOK SABHA)
(1990-91)

FIRST REPORT

(*Presented on 22 May, 1990*)



LOK SABHA SECRETARIAT
NEW DELHI

May, 1990/Vaisakha, 1912 (Saka)

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Corrigenda to the First Report of the
Committee on Subordinate Legislation
presented on 22.5.1990

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION
(1990-91)**

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SECRETARIAT

Shri K.C. Rastogi—*Joint Secretary*

Shri J.P. Ratnesh—*Under Secretary*

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 First Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on 6 September, 1988, 25 September, 1989, 7 February, 2 and 29 March, 1990.

3. At their sitting held on 21 September, 1988 the Committee took oral evidence of the representatives of the Ministries of Urban Development and Law regarding the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981 (G.S.R. 872 of 1981).

The Committee wish to express their thanks to the officers of the Ministries for appearing before the Committee and furnishing the information desired by them.

4. The Report was considered and adopted by the Committee at their sitting held on 3 May, 1990. The Minutes of sittings relevant to the Report are appended thereto.

5. For facility of reference and convenience, recommendations/observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in consolidated form in Appendix-I to the Report.

NEW DELHI ;
May 3, 1990
Vaisakha, 13 1912 (Saka)

G.M. LODHA,
Chairman,
Committee on Subordinate Legislation

REPORT

I

THE INTERNATIONAL AIRPORTS AUTHORITY OF INDIA (CONDITIONS OF SERVICE OF THE CHAIRMAN AND OTHER WHOLE-TIME MEMBERS) RULES, 1973

(A)

Sub-rules (1) and (2) of Rule 2 of International Airports Authority of India (Conditions of Service of the Chairman and other whole-time Members) Rules, 1973 read as under :—

"2. Salary : (1) The Salary payable to the Chairman shall be in the pay scales of Rs. 3000-125-3500 per month.

(2) The salary payable to every other whole-time member shall be in the pay scale of Rs 2500-100-3000 per month, or such other pay scale as may be determined by the Central Government at the time of the appointment of each whole-time member."

2. The Ministry of Civil Aviation were asked to state whether any upward revision in the pay scales of the Chairman and other whole-time members of the Authority, which were fixed as far back as in 1972, had ever been considered after framing these rules and if so, the details thereof might be furnished for the information of the Committee.

3. The Ministry, in their reply, stated as under :—

"Chairman is placed in the pay scale applicable to Schedule 'B' posts in Public Enterprises namely Rs. 4000-4500. The present incumbent has, however, been given the Schedule 'A' Grade of Rs. 4500-5000, as personal to him. The full time Members are at present drawing pay scales applicable to Schedule 'C' posts in public Enterprises namely Rs. 3500-4000.

Since the pay scales of these Scheduled posts are revised from time to time, it may not be desirable to stipulate the pay scales in the Rules. The Ministry, therefore, propose to examine whether the

stipulation of pay scales should be omitted from the Rules and a mention should only be made that the pay scales would be according to the classification of the post determined from time to time in accordance with the norms laid down by the Bureau of Public Enterprises."

4. In view of the reply of the Ministry, the Committee recommend that the Ministry should amend the rules omitting the stipulation with regard to pay scales of Chairman and whole-time members of the International Airports Authority. The Committee desire that the process to carry out the amendments should be completed at an early date.

(B)

5. Rules 4 of the International Airports Authority of India (Conditions of Service of the Chairman and other whole-time Members) Rules, 1973 reads as under :—

"4. *Free use of Car.* The use of the car of the Authority by the Chairman of every other whole-time Member for private purposes, shall be regulated in accordance with the instructions issued by the Central Government in this behalf from time to time."

6. The Ministry of Civil Aviation were asked to state whether it would not be desirable to specify the 'private purposes' for which use of cars was allowed and include the same in the rule itself for the information of all concerned.

7. The Ministry, in their reply, stated as under :—

"It may not be practicable to specify the private purposes for which use of office car is allowed. Since any non-official purpose tends to be regarded as private purpose, it is not considered necessary to further elaborate the term in the Rules. However, the rules do stipulate that the use of Staff Car for private purposes would be regulated by the prevailing Government instructions on the subject. This safeguard is considered to be adequate."

8. The Committee are satisfied with the reply furnished by the Ministry of Civil Aviation that the use of staff car for private purposes will be regulated by the prevailing Government instructions in this regard. The Committee do not, therefore, wish to pursue the matter further.

(C)

9. Rule 5, Sub-rules (1) and (2) of Rule 6 and proviso to Rule 7 of International Airports Authority of India (Conditions of Service of the Chairman and other whole-time Members) Rules, 1973 read as under :—

5. Travelling allowance, joining time and Joining time pay : The Chairman and every other whole-time member shall be entitled to such travelling allowance, joining time and joining time pay while proceeding to join duty on their initial appointment and on reversion therefrom as are admissible to the highest category of officers in the whole-time employment of the Authority.

6. Travelling and daily allowance for journeys on tour : (1) The Chairman and every other whole-time Member shall be entitled to draw such travelling allowance on tour as is admissible to the highest category of officers in the whole-time employment of the Authority.

(2) The Chairman and every other whole-time member shall be entitled to draw such daily allowance for journeys on tour as is admissible to the highest category of officers in the whole-time employment of the Authority.

7. Other allowances and conditions of Service : The other allowances and conditions of service of the Chairman and every other whole-time Member shall be such as may be determined by the Central Government at the time of their appointment.

Provided that as respects any matter which is not so specifically determined by the Central Government, the regulations applicable in that behalf to the highest category of officers in the whole-time employment of the Authority shall apply to the Chairman and every other whole-time member."

10. The Ministry of Civil Aviation were asked to state whether they had any objection in defining the term 'highest category of officers' referred to in these rules in order to make them more specific and self-contained.

11. The Ministry, in their reply, stated as under :

"The highest category of officer" is intended to mean the highest post below the Board level. If the Committee so desire, the position

can be clarified in the Rules by using the words "admissible to the highest category of officer below the Board level drawing pay at the maximum of the scale, who is in the full time employment of the Authority."

12. The Committee note that the Ministry have agreed to define the term 'highest category of officers' used in these rules. The Committee desire that the Ministry should initiate early action of the matter and amend the rules accordingly.

II

THE INTERNATIONAL AIRPORTS AUTHORITY OF INDIA (LOST PROPERTY) REGULATIONS, 1974

(A)

13. Sub-regulations (1) and (2) of Regulation 7 of the International Airports Authority of India (Lost Property) Regulations, 1974 read as under :—

"7. *Disposal of Lost Property* : (1) If any lost property retained by the Director for safe custody under regulation 5 is not claimed within three months from the date on which it was delivered to the Lost Property Officer, the Director shall dispose of it for the best price that can reasonably be obtained and in the event of his failure to secure a reasonable price, he shall forthwith report the fact to his superior authority who shall pass such orders as the circumstances of the case may require.

(2) Notwithstanding anything contained in sub-regulation (1), if any lost property retained by the Director under regulation 5 is of a perishable nature, and if, within forty-eight hours from the time when it was found, it has not been restored under regulation 6, the Director shall dispose of it for the best price that can reasonably be obtained."

14. The Ministry of Civil Aviation were asked to state whether they had any objection in defining the term 'best price that can reasonably be obtained' so that it might not be interpreted differently by different persons.

15. The Ministry, in their reply, stated as under :—

"Sub regulations (1) and (2)

The words 'the best price that can reasonably be obtained' may be substituted by :

"a reasonable price determined in consultation with the Government assessor."

16. The Committee note that the Ministry have agreed to clarify the expression 'best price that can reasonably be obtained' The Committee desire that the Ministry should expedite amendment of the said regulation accordingly.

(B)

17. Sub-regulation (3) of Regulation 7 of the International Airports Authority of India (Lost property) Regulations, 1974 reads as under :—

"7. Disposal of Lost property

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(3) Notwithstanding anything contained in sub-regulations (1) and (2), any lost property which is or which becomes objectionable may forthwith be destroyed or otherwise disposed of in a reasonable manner."

18. The Ministry of Civil Aviation were requested to state whether they had any objection in defining the term 'reasonable manner' appearing in the above regulation so as to avoid any scope of ambiguity and arbitrariness in interpreting the meaning of the term.

19. The Ministry, in their reply, stated as under :—

"Sub-regulation (3)

The words "in a reasonable manner" may be substituted as in the following manner :

- (i) Arms, amunition and explosives shall be deposited with Police authorities.
- (ii) Items like liquor, narcotics, drugs, foreign currency shall be deposited with Customs Department against proper receipts."

20. The Committee note that the Ministry have agreed to amend the regulation with a view to specify the term 'reasonable manner'. The Committee desire that action to incorporate the necessary amendment in the said regulation may be completed at an early date. The Committee also desire that the details of the lost property should be notified in the Gazette for the information of all concerned.

21. Sub-regulation (4) of Regulation 7 of the International Airports Authority of India (Lost Property) Regulations, 1974 reads as under :—

"7. Disposal of lost property

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- (4) A person whose property has been disposed of under these regulations, shall upon proper verifications, be entitled to receive the proceeds of the sale, if any, after deduction of the reasonable expenses incurred by the Authority in connection with the sale."

22. The Ministry of Civil Aviation were asked to state whether they had any objection in defining the term 'reasonable expenses' appearing in the above regulation so as to avoid any scope of ambiguity and arbitrariness in interpreting the meaning of the term. The Ministry were also requested to state if any guidelines had been laid down in this regard.

23. The Ministry, in their reply, stated as under :—

"No guidelines have been issued by the Ministry on the subject. The words "reasonable expenses incurred by the Authority in connection with the sale" may be substituted by "reasonable expenses which shall not exceed 10% of the sale proceeds of the item found and auctioned by IAAI."

24. The Committee note that the Ministry have agreed to define suitably the expression 'reasonable expenses incurred by the Authority in connection with the sale' referred to in the regulation. The Committee recommend that the above expression should be spelt out clearly and the Ministry should expedite the amendment of the said regulation accordingly.

III

**THE INTERNATIONAL AIRPORTS AUTHORITY OF INDIA
(MEDICAL ATTENDANCE AND TREATMENT)
REGULATIONS, 1976**

25. Regulation 8 of the International Airports Authority of India (Medical Attendance and Treatment) Regulations, 1976 reads as under :—

“8. Power to relax the regulations :

In deserving cases provisions of any of these regulations may be relaxed at the discretion of the Chairman. A quarterly report of such cases shall be submitted to the Authority.”

26. The Ministry of Civil Aviation were asked to state whether any guidelines had been issued with regard to the discretionary powers vested in the Chairman so that these are not exercised in an arbitrary manner. The Ministry were also asked to state whether they had any objection in defining the term ‘deserving cases’ used in this regulation suitably so that it might not be interpreted differently by different persons.

27. The Ministry, in their reply, stated as under :—

“This has been taken care of by a system set up by IAAI according to which an Internal Committee of IAAI consisting of the Head of the Department of Finance and Accounts, a doctor and an officer of General Administration scrutinises individual cases of medical reimbursement claims not covered by the Regulations and submit their recommendations to the Chairman for his consideration and orders. This procedure provides an adequate safeguard against arbitrary use of the powers. It may not be practicable to define the term ‘deserving cases’ as each case has to be considered on its merits having regard to the circumstances necessitating the claim.”

28. The Committee recommend that the term ‘deserving cases’ used in the regulation should be specified suitably. The Committee desire that the actual procedure being followed in this regard should be reflected in the regulation itself and the regulation amended accordingly.

IV

**THE INTERNATIONAL AIRPORTS AUTHORITY (STORAGE AND
PROCESSING OF GOODS) REGULATIONS, 1980**

(4)

29. Sub-regulations (1) and (2) of Regulation 6 of the International Airports Authority (Storage and Processing of Goods) Regulations, 1980 read as under :—

“(1) The Chairman may in his discretion for reasons to be recorded waive charges in deserving cases.

(2) The Chairman may delegate his powers to Director of Cargo and Airport General Manager by issue of directive specifying the circumstances and the limits upto which financial powers for waiver of charges could be exercised.”

30. The Ministry of Civil Aviation were asked to state whether any guidelines had been laid down in respect of the discretionary powers vested in the Chairman so that these might not be exercised by him in an arbitrary manner. The Ministry were also asked to state whether they had any objection inclarifying the term ‘deserving cases’ used in this regulation so that it might not be interpreted differently by different persons.

31. The Ministry, in their reply, stated as under :—

“The Board of IAAI has laid down a well defined policy for waiver/ remission of demurrage charges spelling out the circumstances in which such waiver/remission could be allowed. The Ministry would, however, examine whether a provision needs to be incorporated in the Rules requiring the Chairman to report the cases of waiver approved by him under the delegated powers to the Board of IAAI at their immediately following meeting.”

32. The Committee note that the Ministry have agreed to examine if there is need to incorporate in the rules, a provision requiring the Chairman to report the cases of waiver approved by him under the delegated powers to the Board of the International Airports Authority of India. The Committee desire that a decision in the matter be expedited and suitable amendment to the regulation carried out at an early date.

(B)

33. Regulation 9 of the International Airports Authority (Storage and Processing of Goods) Regulations, 1980 reads as under :—

“9. Storage of Cargo : The Officer of the Authority may issue instructions for movement and storage of Cargo within the International Air Cargo Complex and for proper use of space and of the handling, weighing and storage equipment provided by the Authority in International Air Cargo Complex.”

34. The Ministry of Civil Aviation were asked to state whether they had any objection in specifying the minimum rank of the Officer/Officers who could be made responsible for issue of instructions for movement and storage of cargo within the International Air Cargo Complex.

35. The Ministry, in their reply, stated as under :—

“Regulation 2 defines the term ‘Officer’ as an ‘Officer of the Authority other than the General Manager’. The minimum rank of an Officer in the Cargo Complex is that of an Assistant Manager. The next higher levels are that of Managers and Senior Managers. The Managers and Senior Managers generally handle administrative work while the Assistant Manager is the field officer in the Cargo Store/Warehouse actually directing the day-to-day operation. In view of this, no change is considered feasible in the present Regulations.”

36. The Committee are not convinced with the reply furnished by the Ministry and are of the view that the Ministry should specify the ranks of Officers who can issue instructions for movement and storage of cargo within the Air Cargo Complex.

V

THE INTERNATIONAL AIRPORTS AUTHORITY OF INDIA (MANAGEMENT OF AIRPORTS) REGULATIONS, 1982

(A)

37. Sub-regulations (7) and (12) of Regulation 4 of International Airports Authority of India (Management of Airports) Regulations, 1982 read as under :—

"Regulation 4 (7) : No person without lawful authority or reasonable excuse shall temper or interfere with or damage or remove or misuse or attempt to tamper or interfere with any telephone or public address system, any lift, escalator, conveyor belt or any mechanical or electrical or wireless telegraph apparatus, machinery line, post or other thing whatever being part of or used in the said apparatus or in the working thereof."

"Regulation 4 (12) : No person shall enter or get on or attempt to enter or to get on any vehicle, truck, trolley or aircraft steps or tamper with the brakes or other part of its mechanism without lawful authority or reasonable excuse."

38. The Ministry of Civil Aviation were asked to state whether they had any objection in defining the term 'reasonable excuse' referred to in the regulation in order to avoid any scope of ambiguity in its interpretation.

39. The Ministry, in their reply stated as under :—

"The airport functions involve working of complex and multidimensional systems. Although the handling and operations of these systems are assigned to employees specifically designated for such functions, occasions might arise when an employee has to act outside the area of his function to ward off an accident, mishap or accident. Since such situations cannot be anticipated, there has to be a provision in the Rules permitting legitimate action on the part of any employee acting in the best interest of the airport. The word "reasonable excuse" has been used to take care of such contingencies and may be allowed to be retained without being constrained with further definitions."

40. The Committee are satisfied with the clarification of the Ministry that the word 'reasonable excuse' has been used to take care of any situation which cannot be anticipated. The Committee, therefore, do not wish to pursue the matter further.

(B)

41. Sub-regulation (20) of Regulation 4 of the International Airports Authority of India (Management of Airports) Regulations, 1982 reads as under :—

"4. Restrictions on aircraft :

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(20). In case an accident occurs on a part of the airport where the Motor Vehicles Act does not apply, the driver of the vehicle involved shall stop and shall report the accident to the General Manager of the airport and/or to the Police Officer on duty as soon as reasonably practicable and in any event before leaving the airport."

42. The Ministry of Civil Aviation was asked whether it was not desirable that the term 'reasonably practicable' be defined clearly so that it might not be interpreted differently by different persons.

43. The Ministry, in their reply, stated as under :—

"It may not be always practicable for the driver to report the matter immediately when he himself gets involved in the accident or has to attend to some other injured person or damage requiring urgent attention. The words 'reasonably practicable' have been used in the Regulations keeping in view these contingencies. It is felt that the usage of the phrase need not be changed particularly when the Regulations provide that the driver should report the accident before leaving the airport."

44. The Committee are of the view that the words 'reasonably practicable' used in the regulation do not convey the exact meaning. The Committee, therefore, recommend that with a view to pinpointing responsibility for reporting the occurrence of an accident, the expression 'reasonably practicable' should be made more specific and the regulation amended suitably at an early date.

VI

THE INTERNATIONAL AIRPORTS AUTHORITY OF INDIA REGULATIONS, 1982

45. Sub-regulation (8) of Regulation 13 of the International Airports Authority of India Regulations, 1982 reads as under :—

"13. General Provisions : (8). The General Manager of the Airport or any other person authorised by the Chairman by special or general order in writing in this behalf may at all reasonable times either

enter any place to which access is necessary for the purpose of exercising the powers or carrying out his duties under these regulations."

46. The Ministry of Civil Aviation were asked to state whether they had any objection in defining the expression 'reasonable times' in order to make the regulation self-contained.

47. The Ministry, in their reply stated as under :—

"The term, at all reasonable times' no doubt leaves a scope for ambiguity. Since the entry of officers is in connection with the performance of their official functions, there need not be any restriction on the time of entry. It is, therefore, desirable to substitute the words 'at all reasonable times' with 'at any time'."

48. The Committee note that the Ministry have agreed to define the expression 'at reasonable times'. The Committee desire that the Ministry should expedite action to amend the regulation at an early date.

VII

THE INTERNATIONAL AIRPORTS AUTHORITY OF INDIA CONSOLIDATION OF RULES AND REGULATIONS

49. While examining the Rules and Regulations framed under the International Airports Authority Act, 1971, it was noted that there were as many as 19 sets of Rules and Regulations issued under various section of the International Airports Authority Act, 1971. These rules and regulations deal with different aspects of working of the Authority. The Ministry of Civil Aviation were, therefore, asked to state whether it would be possible for them to examine the desirability of consolidating those rules and regulations in one or two comprehensive volumes for facility of reference and with a view to making them useful and informative, and while doing so, that rules and regulations might also be updated to conform to the latest orders/practices.

50. The Ministry, in their reply, stated as under :—

"The recommendation of the Committee is accepted."

51. The Committee are happy to note that the Ministry have agreed to consolidate the rules and regulations framed under the International Airports Authority Act, 1971 in one or two volumes for easy reference. The Committee desire that this work should be completed expeditiously, say within a period of six months.

VIII

IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARAGRAPHS 78 AND 82 OF TWENTY-FIRST REPORT (SEVENTH LOK SABHA) REGARDING THE DELHI DEVELOPMENT AUTHORITY (DISPOSAL OF DEVELOPED NAZUL LAND) RULES, 1981 (G.S.R. 872 OF 1981)

(A)

52. Sub-rules (2) and (3) of Rule 19 of the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981 read as under :—

“(2) In making an allotment of plot for an industrial or commercial purpose, the Authority shall be guided by the advise of the Land Allotment Advisory Committee.

(3) The Land Allotment Advisory Committee shall in making its recommendations to the authority, take into account such relevant factors as it may deem proper in the circumstances of the case”.

53. After examining the above sub-rules the Committee on Subordinate Legislation had in their Twenty-first Report (Seventh Lok Sabha), presented to the House on 9 December, 1983, made the following recommendation :-

“78. The Committee note with satisfaction that on being pointed out by them, the Ministry of Works and Housing have agreed to lay down the guidelines for the Land Allotment Advisory Committee for advising the Delhi Development Authority for allotment of plot for an industrial or commercial purpose. The Committee desire the Ministry to issue the purposed guidelines at an early date.”

54. In their action-taken reply dated 2 July, 1986, the Ministry of Urban Development stated as under :—

“.....so far as para 78 of the above noted report is concerned, Land Allotment Advisory Committee for allotment of industrial and commercial plots, with the following membership has been constituted by the Lt. Governor of Delhi as empowered by the Delhi Development Authority :—

1. Chief Secretary, Delhi Admn.	Chairman
2. Secretary (L&B), Delhi Admn.	Member
3. Commissioner, MCS	Member
4. Vice-Chairman, DDA	Member
5. Secretary (Finance) Delhi Admn.	Member
6. Director of Industries, Delhi Admn.	Member
7. Finance Member, DDA	Member
8. Engineer Member, DDA	Member
9. Managing Director, DSIDC	Member
10. Commissioner (Lands), DDA	Member

The DDA has also reported that Land Allotment Advisory Committee shall be guided by the guidelines already laid down by DDA as was mentioned in the Note No. 84 dated 22.4.83 placed before the Authority in this connection).....”

55. The Committee on Subordinate Legislation, at their sitting held on 6 September, 1988, considered the reply from the Ministry of Urban Development (earlier Ministry of Works and Housing). The Committee decided to hear oral evidence of the representatives of the Ministry of Urban Development along with the representatives of the Ministry of Law (Legislative Department) in the matter. Accordingly the representatives of the Ministries of Urban Development and Law and the Delhi Development Authority appeared before the Committee on 21 September, 1988.

56. Attention of the witnesses was drawn to the fact that the guidelines for allotment of industrial and commercial plots purported to have been laid down by the Delhi Development Authority were not easily accessible as they were scattered at too many places in the form of notes, appendices and resolutions etc. and it was difficult to make out anything clearly out of them. The Committee enquired whether they had any objection in consolidating the guidelines at one place so that these could be easily available for reference.

The representative of the Ministry of Urban Development promised that the said guidelines would be consolidated at one place within a period of two months. He also added that the Lt. Governor had invariably taken the advice of the Land Allotment Advisory Committee in the matter of allotment of industrial plots.

57. The Committee are happy to note that on being pointed out by them, the Ministry of Urban Development have agreed to consolidate the guidelines issued by the Delhi Development Authority for allotment of industrial and commercial plots at one place so that these are easily available for reference. The Committee hope that consolidation of the aforesaid guidelines has been completed by now. If not, the Committee would like to be apprised of the reasons for delay and the likely date by which this work would be completed.

58. Rule 44 of the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981 (G.S.R. 872 of 1981) reads as under :—

“44. Temporary allotment of Nazul Land : The Authority may, subject to these rules and in such cases as it deems fit, allot land for temporary periods on a licence basis, in accordance with the terms and conditions of the licence-deed contained in Form ‘D’ appended to these rules. In addition, such licence-deed may contain such other covenants, clauses or conditions not inconsistent with the provisions of form ‘D’, as may be considered advisable and necessary by the Authority, in the circumstances of a case.”

59. While examining the above rule, the Committee had felt that the criteria for making allotment of land on temporary basis should be laid down in the Rule itself in order to make it self-contained and more informative.

60. Accordingly the Committee on Subordinate Legislation in their Twenty-first Report (Seventh Lok Sabha), presented to the House on 9 December, 1983, made the following recommendation :—

“82. The Committee note from the reply of the Ministry of Works and Housing that the criteria for making allotment of Nazul Land on temporary basis are being drawn up by the Delhi Development Authority and the question of their incorporation in Rule 44 of the Delhi Development Authority (Disposal of Developed Nazul Land)

Rules, 1981 will be considered by the Government after these are approved by the Authority. The Committee desire that the Ministry should expedite the process of laying down the criteria in this regard and to incorporate the same in the rules *ibid* at an early date."

61. From the action taken reply dated 9 November, 1987 furnished by the Ministry of Urban Development, it is seen that criteria/guidelines with respect to making allotment of Nazul Land on temporary basis have been laid down by Delhi Development Authority. But as suggested by the Committee, the Ministry are not willing to incorporate these guidelines in rule 44. In this connection, the Ministry of Urban Development have stated :—

".....This Ministry had consulted the Ministry of Law and Justice (Department of Legal Affairs) in the matter. Their advice is as follows :

1. Rule 44 empowers the authority to make temporary allotment in such cases as it deems fit in accordance with the terms and conditions of the licence deed contained in form 'D'. Thus, the scope of the power is quite broad to examine every case on its merits, and laying down any limits/situations by specific enumeration etc. would be placing fetters on the exercise of this power in genuine cases (when not covered by those limits/situations) defeating the purpose and objective of the scheme of temporary allotment.

2. 'Criterion' according to Chambers Dictionary, is means or standard of judging, a test, a rule, standard or canon. Thus it may not be possible to lay down any criteria comprehensive enough to cover every case or lay down any standards for the same.

3. Under the circumstances, it is felt that guidelines issued by DDA would answer the purpose....."

62. During the course of evidence on 21 September, 1988, the representatives of the Ministry of Urban Development, the Ministry of Law and the Delhi Development Authority were asked to explain as to why it was not considered necessary to incorporate the guidelines regarding allotment of Nazul Land on temporary basis in rule 44 of the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981. They were also asked to state whether it would not be desirable to include these guidelines in the

rule itself so that the possibility of misuse of power was obviated. The representative of the Ministry of Law stated that the requirements for which temporary allotments sought were of a wide ranging nature and were not susceptible to any rational categorisation and in case everything was required to be embodied in the rule, there might be implications and the essence of flexibility would be lost. He also pointed out that rule 44 was required to be read with Annexure Form D which provided sufficient legal basis in this regard.

63. In view of the clarification given and the reasons advanced by the representatives of the Ministries of Urban Development and Law during the course of their evidence, the Committee do not wish to pursue the matter further. They would, however, like to emphasise that proper care and caution should be exercised and it should be ensured that even in the matter of temporary allotment of Nazul Land, the applications are disposed of expeditiously on merits and without causing harassment to anyone.

NEW DELHI ;

May, 3, 1990

Vaisakha, 13, 1912 (Saka)

G. M. LODHA

Chairman,

Committee on Subordinate Legislation.

APPENDICES

APPENDIX I

(Vide paragraph 5 of Introduction of the Report)

Consolidated Statement of Recommendations/observations made by the Committee

S. No.	Para No.	Recommendations/Observations
(1)	(2)	(3)
1	4	The Committee recommend that the Ministry should amend the rules omitting the stipulation with regard to pay scales of Chairman and whole-time members of the International Airports Authority. The Committee desire that the process to carry out the amendments should be completed at an early date.
2	3	The Committee are satisfied with the reply furnished by the Ministry of Civil Aviation that the use of staff car for private purposes will be regulated by the prevailing Government instructions in this regard. The Committee do not, therefore, wish to pursue the matter further.
3	12	The Committee note that the Ministry have agreed to define the term 'highest category of officers' used in these rules. The Committee desire that the Ministry should initiate early action in the matter and amend the rules accordingly.
4	16	The Committee note that the Ministry have agreed to clarify the expression 'best price

(1)

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(3)

that can reasonable be obtained'. The Committee desire that the Ministry should expedite amendment of the said regulation accordingly.

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The Committee note that the Ministry have agreed to amend the regulation with a view to specify the term 'resonable manner'. The Committee desire that action to incorporate the necessary amendment in the said regulation may be completed at an early date. The Committee also desire that the details of the lost property should be notified in the Gazette for the information of all concerned.

The Committee note that the Ministry have agreed to define suitably the expression 'resonable expenses incurred by the Authority in connection with the sale' referred to in the regulation. The Committee recommend that the above expression should be spelt out clearly and the Ministry should expedite the amendment of the said regulation accordingly.

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The Committee recommend that the term 'deserving cases' used in the regulation should be specified suitably. The Committee desire that the actual procedure being followed in this regard should be reflected in the regulation itself and the regulation amended accordingly.

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The Committee not that the Ministry have agreed to examine if there is need to incorporate in the rules, a provision requiring the Chairman to report the cases of waiver

(1)	(2)	(3)
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		<p>approved by him under the delegated powers to the Board of the International Airports Authority of India. The Committee desire that a decision in the matter be expedited and suitable amendment to the regulation carried out at an early date.</p>
9	36	<p>The Committee are not convinced with the reply furnished by the Ministry and are of the view that the Ministry should specify the ranks of Officers who can issue instructions for movement and storage of cargo within the Air Cargo Complex.</p>
10	40	<p>The Committee are satisfied with the clarification of the Ministry that the word 'reasonable excuse' has been used to take care of any situation which cannot be anticipated. The Committee, therefore, do not wish to pursue the matter further.</p>
11	44	<p>The Committee are of the view that the words 'reasonably practicable' used in the regulation do not convey the exact meaning. The Committee, therefore, recommend that with a view to pinpointing responsibility for reporting the occurrence of an accident, the expression 'reasonably practicable' should be made more specific and the regulation amended suitably at an early date.</p>
12	48	<p>The Committee note that the Ministry have agreed to define the expression 'at reasonable times'. The Committee desire that the Ministry should expedite action to amend the regulation at an early date.</p>

1	2	3
13	51	<p>The Committee are happy to note that the Ministry have agreed to consolidate the rules and regulations framed under the International Airports Authority Act, 1971 in one or two volumes for easy reference. The Committee desire that this work should be completed expeditiously, say within a period of six months.</p>
14	57	<p>The Committee are happy to note that on being pointed out by them, the Ministry of Urban Development have agreed to consolidate the guidelines issued by the Delhi Development Authority for allotment of industrial and commercial plots at one place so that these are easily available for reference. The Committee hope that consolidation of the aforesaid guidelines has been completed by now. If not, the Committee would like to be apprised of the reasons for delay and the likely date by which this work would be completed.</p>
15	63	<p>In view of the clarification given and the reasons advanced by the representatives of the Ministries of Urban Development and Law during the course of their evidence, the Committee do not wish to pursue the matter further. They would, however, like to emphasise that proper care and caution should be exercised and it should be ensured that even in the matter of temporary allotment of Nazul Land, the applications are disposed of expeditiously on merits and without causing harassment to anyone.</p>

MINUTES

APPENDIX II

(Vide paragraph 4 of the Introduction of the Report)

MINUTES OF THE SIXTY-NINTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1988-89)

The Committee sat on Tuesday, 6 September, 1988 from 15.00 th 15.45 hours.

PRESENT

Shri Zainul Basher—*Chairman*

MEMBERS

2. Shri K.J. Abbasi
3. Shri Satyendra Chandra Guria
4. Shri A. Jayamohan
5. Shri Vishnu Modi
6. Shri Ebrahim Sulaiman Sait
7. Shri Kalicharan Sakargayen

SECRETARIAT

1. Shri K.C. Rastogi—*Joint Secretary*
2. Shri G.S. Bhasin—*Deputy Secretary*
3. Shri Swarn Singh—*Officer on Special Duty*

2. The Committee considered Memoranda Nos. 134 and 135 as under :—

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- (ii) Implementation of recommendations contained in paragraphs 78 and 82 of Twenty-first Report (Seventh Lok Sabha) regarding the Delhi Development Authority (Disitposal of Developed Nazul Land) Rules, 1981 (GSR 872 of 1981) — (Memorandum No. 135)

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

3. The Committee considered the reply of the Ministry of Urban Development to the Committee's recommendations on the following matters :

- (i) Issue of guidelines for the Land Allotment Advisory Committee for allotment of plots for industrial or commercial purposes : and
- (ii) The incorporation of the guidelines for making allotment of Nazul Land on temporary basis in Rule 44 of the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981.

As the reply of the Ministry did not appear to be convincing, the Committee decided to hear oral evidence of the representatives of the Ministry of Urban Development alongwith the representatives of the Ministry of Law (Legislative Department) in the matter.

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The Committee then adjourned.

**MINUTES OF THE SEVENTIETH SITTING OF THE COMMITTEE
ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA)
(1988-89)**

The Committee met on Wednesday, 21 September, 1988 from 14.00 to 15.30 hours.

PRESENT

Shri Zainul Basher—*Chairman*

MEMBERS

2. Shri K.J. Abbasi
3. Shri G.S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Satyendra Chandra Guria
6. Shri R.S. Khirhar
7. Shri Vishnu Modi
8. Shri Mullappally Ramachandran
9. Shri Ebrahim Sulaiman Sait
10. Shri Kalicharan Sakargayen
11. Shri Natavarsinh Solanki
12. Shri Katuri Narayana Swamy
13. Shri Vijay Kumar Yadav

I. REPRESENTATIVES OF THE MINISTRY OF URBAN DEVELOPMENT

1. Shri K.C. Sivaramakrishnan, Secretary
2. Shri R.L. Pradeep, Joint Secretary (UD)
3. Shri M.R. Singh, D.O. (DD)
4. Shri S.P. Singal, Director (DD)

II. REPRESENTATIVES OF THE DELHI DEVELOPMENT AUTHORITY

1. Shri K.S. Bains, VC
2. Shri S.K. Misra, Finance Member
3. Shri O.P. Gugne, Chief Legal Adviser
4. Shri Ranbir Singh, Addl. Commr. (Lands)

III. REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATION DEPARTMENT)

Shri A.C.C. Unni, Joint Secretary & Legislative Counsel

SECRETARIAT

1. Shri K.C. Rastogi—*Joint Secretary*
2. Shri G.S. Bhasin—*Deputy Secretary*
3. Shri Swarn Singh—*Officer on Special Duty*

Before the Committee proceeded to take evidence, the Chairman, while welcoming the witnesses, drew their attention to the provisions contained in Direction 58 of the Directions by the Speaker.

3. The Secretary, Ministry of Urban Development, explained the position to the Committee with regard to the recommendations of the Committee contained in paragraphs 78 and 82 of the Twenty-first Report (Seventh Lok Sabha) one by one. He informed the Committee that the guidelines for the Land Allotment Advisory Committee for advising Delhi Development Authority for allotment of plots for industrial and commercial purposes would be consolidated at one place within a period of two months.

He further explained that the Lt. Governor had invariably taken the advice of the Land Advisory Committee with regard to allotment of industrial plots.

4. Regarding the recommendation of the Committee for incorporating the criteria/guidelines for making allotment of Nazul Land on temporary basis in Rule 44 of the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981, the Secretary explained that the matter had been examined in consultation with the Law Ministry. The representative of the Law Ministry explained that powers had been given to the Authority under rule 44 for allotment of temporary land. Form D was part of rule 44 and contained details of rules pertaining to temporary allotment and most of the provisions governing such allotment. He added that it might not be practicable to put all the detailed guidelines/criteria for regulating temporary allotment in the form of rules various clauses included in Form D which was part of rule 44, thus served the purpose outlined in the Committee's recommendation.

5. When asked about the procedure for making allotment for commercial purposes, the Secretary, Ministry of Urban Development, explained that though the nomenclature of the Land Allotment Advisory Committee referred to allotment of industrial and commercial plots, the work of the Committee was limited to industrial plots only. The commercial plots, were very few which had been made available to public sector undertakings but the Land Advisory Committee had been dealing principally with industrial plots.

6. When asked about the number of cases where the land had been allotted on compassionate grounds, the representative of the Delhi Development Authority stated that they would give the information within a reasonable time.

7. The Committee asked whether the industrial plots could be allotted only on the advice of the Advisory Committee or powers had been given to the Lt. Governor or the Vice-Chairman also to make such allotments and whether some guidelines were there for this purpose. The representative of the Delhi Development Authority replied that the Committee had been advising on the implementation of the Master Plan about shifting of non-conforming industries and other allotments.

8. When asked to furnish the details regarding the allotments made by the Lt. Governor or the Vice-Chairman, Delhi Development Authority with or without the recommendations of the Committee in respect of industrial and commercial plots, the Secretary, Ministry of Urban Development, promised to furnish the information as desired by the Committee.

9. When asked about the time limit for making temporary allotment, the representative of the Ministry stated that temporary allotments had got no definite time connotation except their temporariness which was mostly days or weeks but in certain cases it could be months and even years. In the Plan temporary usages were permissible upto the period of ten years, which was the ultimate limit, and it was not extendable.

10. When asked about the number of cases where temporary allotments had been made and for what period, the representative of the Ministry replied that that information would be furnished to the Committee.

11. When asked about the complaints with regard to allotment of plots on temporary basis, the representative of Delhi Development Authority explained that complaints of different nature were received in this regard. On being asked to give details of all such complaints from 1981 onwards, the representative promised to furnish the same.

12. When asked about the guidelines/criteria laid down for temporary allotments, the representative explained that the type of requirements for which temporary allotments are sought were very wide and could not be categorised into certain types or groups, and in case everything was required to be embodied in the rules, there might be implications like tenure implication, time implication, contractual implication and the essence of flexibility would be lost. He stated that due to this reason it was considered to be of no advantage in reproducing everything in the rules. The representative further added that rule 44 was required to be read with Annexure Form D which provided sufficient legal basis in this regard.

13. When asked about the procedure for making temporary allotment of piece of land to more than one applicant for the same purpose, the representative replied that in that event each case was required to be examined on its own merits. He added that there would be no distinction between regular and temporary allotments if such guidelines/criteria were included in the rules itself.

14. The Chairman then enquired as to why it was not possible for the Ministry to furnish an upto date set of rules and regulations framed under the Delhi Development Authority Act, 1957 for use of the Committee so far, the representative of the Ministry promised to make these rules and regulations available to the Committee.

The Chairman then asked the representatives of the Ministry to furnish replies in writing of the questions supplied to them by the Secretariat.

The Committee then adjourned.

**MINUTES OF THE EIGHTY-THIRD SITTING OF THE
COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH
LOK SABHA) (1989-90)**

The Committee met on Monday, 25 September, 1989 from 11.30 hours to 12.15 hours.

PRESENT

Shri Zainul Basher—Chairman

MEMBERS

2. Shri K.J. Abbasi
3. Shri G.S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Ishwarbhai K. Chavada
6. Shri Satyendra Chandra Guria
7. Shri A. Jayamohan
8. Shri R.S. Khirhar
9. Shri Kalicharan Sakargaym
10. Shri Natvarsinh Solanki

SECRETARIAT

Shri G.S. Bhasin—Deputy Secretary

2. The Committee considered Memoranda Nos. 163 to 166 as under :—
 - (i) *International Airports Authority of India (Conditions of Service of the Chairman and other whole-time Members) Rules, 1973—(Memorandum No. 163)*
3. The Committee considered the reply furnished by the Ministry of Civil Aviation and decided to recommend to the Ministry that the rules should be amended in order to omit stipulation regarding pay scales of Chairman and whole time members of the Authority. The Committee desired that the process to carry out the amendments in the rules should be completed at an early date.

(ii) *International Airports Authority of India (Conditions of Service of the Chairman and other whole-time Members) Rules, 1973—(Memorandum No. 164)*

4. The Committee accepted the reply of the Ministry of Civil Aviation that the use of staff Car for private purposes would be regulated by the prevailing Government instructions on the subject. Hence the Committee decided not to pursue the matter further.

(iii) *International Airports Authority of India (Conditions of Service of the Chairman and other whole-time Members) Rules, 1973—(Memorandum No. 165)*

5. On being pointed out, the Ministry had indicated their willingness to amplify the term "highest category of officers" referred to in these rules. The Committee desired that early action should be initiated by the Ministry to amend the rules accordingly.

(iv) *International Airports Authority of India (Lost Property) Regulations. 1974—(Memorandum No. 166)*

6. On being pointed out, the Ministry had agreed to define the term 'best price that can reasonably be obtained' used in the regulation. The Committee, however, desired the Ministry to expedite amendment of the said regulation accordingly.

The Committee then adjourned.

MINUTES OF THE FIRST SITTING, OF THE COMMITTEE ON SUBORDINATE LEGISLATION (NINTH LOK SABHA) (1990-91)

The Committee met on Wednesday, 7 February, 1990 from 15.30 to 16.15 hours.

PRESENT

Shri G.M. Lodha—*Chairman*

MEMBERS

2. Shri M. Arunachalam
3. Shri Mohanbhai Sanjibhai Dalkar
4. Shri Syed Masudal Hossain
5. Shri Kalpnath Rai
6. Shri Vijaya Bhaskar Reddy
7. Shri Upendra Nath Verma
8. Shri Chhotey Singh Yadav

SECRETARIAT

1. Shri G.S. Bhasin—*Deputy Secretary*
2. Shri Swarn Singh—*Under Secretary*

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

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The Committee then adjourned.

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

ANNEXURE

(Vide paragraph 2 of the Minutes)

ADDRESS BY THE CHAIRMAN TO THE MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION (1990-91) (7 February, 1990)

Hon'ble Members,

At this first sitting of the newly constituted Committee on Subordinate Legislation of Ninth Lok Sabha, I extend my heartiest welcome to all the hon'ble Members appointed on this Committee.

2. As you know, the Committee on Subordinate Legislation is nominated by the Speaker each year under the Rules of Procedure and Conduct of Business in Lok Sabha. The main function of this Committee is to scrutinize and report to the House whether the power to make rules, sub-rules, regulations, bye-laws etc. conferred by the Constitution, or delegated by Parliament, is being properly exercised within such delegation. 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 clearly known. Our duty as Members of this Committee is to evolve safeguards against such risks.

3. Since its inception in December, 1953, the Committee on Subordinate Legislation has presented 125 reports to the House. It is a matter of satisfaction to note that the range of subjects covered by the Committee in various reports is very vast. The Committee has made recommendations of far reaching importance and with the implementation of those recommendations by the Government over the years, adequate safeguards have been provided against assumption of arbitrary powers by the executive through the instrument of subordinate legislation

4. The 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, it is relevant to mention that the Committee has accorded its approval to a standard formula for incorporation in all Acts/Bills providing for delegation of legislative powers. Whenever a new bill is introduced in Lok Sabha, it is now being ensured that provisions for laying the rules to be framed thereunder, are duly incorporated wherever the legislative power is sought to be delegated to the Central Government or any other agency subordinate thereto. Under Direction 103A, each bill containing provisions for delegation of legislative powers is scrutinised by 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. Special responsibility is thus cast upon the members of this Committee to be very 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.

5. 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 powers 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 will have to be found and new guidelines evolved. In its approach, the Committee should not be content merely with the legality of 'Orders' but its aim should be to make sure that subordinate legislation is directed towards the maximum public good without transgressing the limits laid down in the parent statute. To this end, the Committee should strive 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.

6. 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 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 latter are not published in the Gazette and, therefore, do not come to the notice of the Committee.

7. It would be of interest to give you an idea of the procedure followed by the Committee in discharge of the functions assigned to it under the rules.

All regulations, rules, sub-rules, bye-laws etc. commonly known as 'Orders', whether laid on the Table of the House or not, framed in pursuance of the provisions of the Constitution or a statute delegating powers to a subordinate authority, fall within the purview of the Committee on Subordinate Legislation.

8. Soon after an 'Order' is published in the Gazettee, it is examined by the Lok Sabha Secretariat to determine whether it is required to be brought to the notice of the Committee on any of the grounds laid down in Rule 320 of the Rules of Procedure and Conduct of Business in Lok Sabha or in accordance with any practice or direction of the Committee. If the 'Order' is found deficient in any respect, it is referred to the administrative Ministry concerned for eliciting clarification and the matter re-examined in the light of such reply. If it is considered necessary to bring any point or points to the notice of the Committee, a self contained memorandum is prepared on the subject and, after approval of the Chairman, placed before the Committee. The approved memorandum together with copies or extracts of the relevant 'Order' wherever necessary and time permitting, is circulated to members of the Committee in advance.

9. The procedure does not 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 in convenient batches from time to time requesting them to send their specific suggestions in writing to the Secretariat for suitable action. Members might study these 'Orders' and bring to the notice of the Chairman or the Secretariat any cases where they feel that the executive had gone beyond the powers delegated to it by the parent statute.

10. The decisions of the Committee are always unanimous and party considerations do not enter into its deliberations. I am confident that these traditions will be followed by the members of the present Committee also. Before I conclude, I would like to emphasize that in the discharge of our duties in the Committee, our aim should be to implement the will of Parliament as expressed through its statutes.

Thank you.

**MINUTES OF THE SECOND SITTING OF THE COMMITTEE
ON SUBORDINATE LEGISLATION (NINTH LOK SABHA)
(1990-91)**

The Committee met on Friday 2 March, 1990 from 15.00 to 15.45 hours.

PRESENT

Shri G.M. Lodha—*Chairman*

MEMBERS

- 2. Shri Chhavi Ram Argal**
- 3. Shri M. Arunachalam**
- 4. Shri Girdhar Gomango**
- 5. Shri Syed Masudal Hossain**
- 6. Shri Balgopal Mishra**
- 7. Shri Kalpnath Rai**
- 8. Shri Vijaya Bhaskar Reddy**
- 9. Shri Ebrahim Sulaiman Sait**
- 10. Shri Upendra Nath Verma**
- 11. Shri Chhotey Singh Yadav**

SECRETARIAT

Shri K.C. Rastogi—*Joint Sectetary*

Shri G.S. Bhasin—*Deputy Secretary*

Shri Swarn Singh—*Under Secretary*

2. The Committee considered Memorandum No. 1 regarding selection of subjects for examination by the Committee during the year 1990-91.

3. The Committee decided that the scrutiny of Rules/Regulations pertaining to the following organisations/subjects, left unfinished by the preceding Committee, might be completed in the first instance :

- (1) International Airports Authority of India ;**

- (2) Industrial Finance Corporation of India :
- (3) Oil and Natural Gas Commission ;
- (4) Delhi Development Authority ;
- (5) Delhi Road Transport Authority ; and
- (6) Rules/Regulations framed under the Architects Act, 1972.

4. The Committee also selected the following sets of Rules/Regulations for detailed examination :

- (1) The Central Motor Vehicles Rules, 1989 ; and
- (2) The standards of weights and Measures (Packaged Commodities) Rules, 1977.

5. A member (Shri M. Arunachalam) suggested that the recruitment and promotion rules framed by various Ministries/Departments of the Govt. of India under Article 309 of the Constitution might be examined as a number of such rules had been challenged in the Courts of Law and the Central Administrative Tribunal. The Committee felt that the scrutiny of such rules/regulations may be taken up on a selective basis as there was a very large number of rules/regulations for the all India services which themselves were very many. It was decided that the service rules relating to IAS, IPS and IFS may be taken up for scrutiny in the first instance.

6. The Committee also decided that as requested by the member, the Deptt. of Personnel might be addressed to collect and furnish information about the service rules challenged in the courts/CAT and the consequential action taken by Government in the light of decisions given by them.

The Committee then adjourned.

MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (NINTH LOK SABHA) (1990-91)

The Committee met on Thursday, 29 March, 1990 from 15.00 hours to 15.40 hours.

PRESENT

Shri G.M. Lodha—*Chairman*

MEMBERS

2. Shri Chhavi Ram Argal
3. Shri Syed Masudal Hossain
4. Shri Balgopal Mishra
5. Shri Kalpnath Rai
6. Shri Ebrahim Sulaiman Sait
7. Shri Upendra Nath Verma

SECRETARIAT

Shri K.C. Rastogi—*Joint Secretary*

Shri Swarn Singh—*Under Secretary*

Shri R.K. Gupta—*Assistant Director*

2. The Committee considered Memoranda Nos. 2 to 10 as under :—

(i) *International Airports Authority of India (Lost Property) Regulations, 1974—(Memorandum No. 2)*

The Committee noted that on being pointed out by them, the Ministry of Civil Aviation had agreed to define the term 'in a reasonable manner' and amend the regulation accordingly. The Committee recommended that action to incorporate the necessary amendment in the rules should be completed at an early date. The Committee also desired that details of the lost property should be notified in the Gazette for the information of all concerned.

(ii) *International Airports Authority of India (Lost Property) Regulations, 1974—(Memorandum No. 3)*

On being pointed out, the Ministry of Civil Aviation had agreed to define the expression 'reasonable expenses incurred by the Authority in connection with the sale' referred to in the regulation suitably. The Committee desired the Ministry to expedite amendment of the said regulation accordingly.

(iii) *International Airports Authority of India (Medical Attendance and Treatment) Regulations, 1976—(Memorandum No. 4).*

The Committee considered the reply furnished by the Ministry and decided to recommend to the Ministry to define the term 'deserving cases' used in the regulation suitably. The Committee desired that the actual procedure being followed in this regard should be reflected in the regulation itself and the regulation amended accordingly.

(iv) *International Airports Authority (Storage and Processing of Goods) Regulations, 1980—(Memorandum No. 5).*

The Committee noted that on being pointed out by them, the Ministry had agreed to examine if there was need to incorporate in the rules, a provision requiring the Chairman to report the cases of waiver approved by him under the delegated powers to the Board of IAAI. The Committee desired that a decision in the matter should be expedited and amendment to the regulation carried out at an early date.

(v) *International Airports Authority (Storage and Processing of Goods) Regulations, 1980—(Memorandum No. 6)*

The Committee were not convinced with the reply of Ministry and observed that the Ministry should specify the rank of the Officer who was responsible for the issue of instructions for movement and storage of cargo within the Air Cargo Complex.

(vi) *International Airports Authority of India (Management of Airports) Regulations, 1982—(Memorandum No. 7).*

The Committee while agreeing with the view point of the Ministry of Civil Aviation that the word 'reasonable excuse' had been used to take care of any situation which could not be anticipated, decided that the matter might not be pursued further.

(vii) *International Airports Authority of India (Managements of Airports) Regulations, 1982 (Memorandum No. 8).*

The Committee considered the above Memorandum at some length and were of the view that the word 'reasonably' did not convey the exact meaning. The Committee, therefore, decided to recommend to the Ministry that with a view to pinpoint responsibility for the report of the accident, the term used in the regulation should be made more specific and the regulation amended accordingly at an early date.

(viii) *International Airports Authority of India Regulations, 1982 (Memorandum No. 9).*

The Committee noted that on being pointed out by them, the Ministry of Civil Aviation had agreed to define the expression 'at all reasonable times'. The Committee desired the Ministry to expedite action to amend the regulation accordingly.

(ix) *International Airports Authority of India—Examination of rules and regulations (Memorandum No. 10).*

The Committee noted from the reply furnished by the Ministry of Civil Aviation that the Ministry had agreed to consolidate the rules and regulations issued under the International Airports Authority Act, 1971 in one or two volumes for easy reference. The Committee desired that early steps should be taken to do the needful in the matter.

The Committee then adjourned.

**MINUTES OF THE FIFTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (NINTH LOK SABHA)
(1990-91)**

The Committee sat on Thursday, 3 May, 1990 from 15.00 to 15.35 hours.

PRESENT

Shri G.M. Lodha—*Chairman*

MEMBERS

- 2. Shri Chhavi Ram Argal**
- 3. Shri Prakash Koko Brahmhatt**
- 4. Shri Girdhar Gomango**
- 5. Shri Vijaya Bhaskar Reddy**
- 6. Shri Ebrahim Sulaiman Sait**

SECRETARIAT

Shri J.P. Ratnesh—*Under Secretary*

2. The Committee considered and adopted the draft First Report on International Airports Authority of India.

3. The Committee authorised the Chairman and, in his absence Shri Ebrahim Sulaiman Sait, M.P. to present the First Report to the House on 22 May, 1990.

The Committee then adjourned

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