

**COMMITTEE ON SUBORDINATE
LEGISLATION**

(SIXTH LOK SABHA)

TWELFTH REPORT

(Presented on the 22nd November, 1978)



**LOK SABHA SECRETARIAT
NEW DELHI**

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Corrigenda to the Twelfth Report of Committee
on Subordinate Legislation (Sixth Lok Sabha)
(Presented on the 22nd November, 1978).

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION

(1978-79)

1. Shri Somnath Chatterjee—Chairman
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3. Chaudhary Hari Ram Makkasar Godara
4. Shri Ram Sewak Hazari
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14. Shri Krishnarao Thakur
15. Shri C. N. Visvanathan

Secretariat

Shri Y. Sahai—Chief 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 Twelfth Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on the 3rd and 22nd August and 23rd September, 1978.

3. The Committee considered and adopted this Report at their sitting held on the 4th November, 1978. The Minutes of the sittings, which form part of the Report, are appended to it.

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

II

THE GENERAL INSURANCE (RATIONALISATION OF PAY SCALES AND OTHER CONDITIONS OF SERVICE OF DEVELOPMENT STAFF) SCHEME, 1976 (S.O. 327-E OF 1976)

(A)

5. Paragraph 11 of the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 reads as under:—

“Cost Control—(1) Every person of the Development Staff shall, after his categorisation in accordance with the provisions of this Scheme, work with such cost as to maintain his cost ratio within the limits stipulated in sub-clause (b) of clause (17) of paragraph 3.

(2) The emoluments including basic pay of a person of the Development Staff who is operating on a cost ratio which exceeds the stipulated limits, shall be so reduced as to keep his cost ratio within the limits stipulated in sub-clause (b) of clause (17) of paragraph 3.

- (3) Where the emoluments of a person are reduced under sub-paragraph (2) for three consecutive years, the services of such person shall be liable to be terminated.
- (4) Where the emoluments, including basic pay of a person, are reduced under sub-paragraph (2) or his services are terminated under sub-paragraph (3), such reduction or termination of services shall not be deemed to be penalty."

6. Attention of the Ministry of Finance (Department of Economic Affairs) was drawn to the above provisions and they were asked to state the reasons for not giving to the person concerned an opportunity of making representation in the matter before action was taken against him under para 11 of the Scheme, on lines similar to those laid down in the proviso to paragraph 6 of the Scheme in respect of decisions on categorisation of the staff. The Ministry was also asked to state if they had any objection to including a similar provision in para 11 of the Scheme so that the person concerned might represent his case before the appropriate authority.

7. In their reply dated the 3rd February, 1977, the Ministry have stated as under:—

"The General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 seeks to prescribe service conditions for the development staff of the general insurance companies based on certain cost norms to be fulfilled by the staff concerned. It is necessary in the interest of the industry that the cost of a development staff, be confined to a feasible maximum limit above which the development officer becomes a drain on the industry i.e. the volume of business procured by him becomes unremunerative to the management. It is on this account that the scheme has stipulated a cost limit in terms of para 3(17). With this background, following specific comments are offered on the queries raised.

Para 11(4)—This para dealing with cost control provides that a person of the development staff shall work with such cost as to maintain his cost ratio within the limit stipulated in sub-clause (b) of clause (17) of paragraph 3. Failure to do so will result in reduction in his emoluments, to such an extent that the cost ratio is brought within the stipulated limits. It may be stated that working within

the prescribed cost ratio is a basic condition of service for a person of the development staff, non-compliance with which attracts reduction in emoluments. The *raison d'être* of the Development Staff is procurement of business on a cost considered reasonable to the management. If any Development Staff operates on a higher cost they become a drain on the industry. The provision for reduction in emoluments on a self-regulated basis is to keep their emoluments in conformity with the stipulated cost. Since the norm of cost has been explicitly laid down in the scheme, it is expected of every Development Staff to keep himself within the cost ratio, failing which he has to suffer a certain reduction in his emoluments. It may not be out of place to mention here that the relevant para of the scheme provides that the services of such Development Staff 'shall be liable to be terminated'. The use of the word 'liable' will by itself imply that before the termination of service, some sort of show-cause notice may be served on such Development Staff. In short, there already exists a scope for the affected party to put up his representation before the appropriate authority. There does not, therefore, seem any necessity to have any express provision for right to represent or appeal etc. in this context."

8. The Committee are not convinced with the reply of the Ministry of Finance that the use of word 'liable' in para 11(3) of the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 will by itself imply that before termination of service, some sort of show-cause notice may be served on such Development Staff. The Committee feel that the reply of the Ministry is vague as it does not specifically state that a show-cause notice is required to be served on the person concerned under the Scheme. The Committee would like the Ministry to be specific and categorical while sending their comments to the Committee instead of using vague expressions which do not serve any useful purpose and which disclose non-application of mind.

9. The Committee feel that giving a reasonable opportunity of being heard to a person before effecting a reduction in one's emoluments or termination of one's services, is one of the basic requirements of natural justice. The Committee, therefore, desire the Ministry of Finance (Department of Economic Affairs) to amend the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 at an

early date so as to provide therein for right of representation to a person before reduction is effected in his emoluments under para 11(2) or his services are terminated under para 11(3) of the Scheme.

(B)

10. Sub-para (5) of paragraph 11 of the General Insurance (Rationalisation of Pay Scales and other conditions of Service of Development Staff) Scheme, 1976 reads as under:—

“(5) Notwithstanding anything contained in the foregoing sub-paragraphs—

(a) Where the penalty of dismissal is imposed on a Development Superintendent, an Inspector Grade I or Inspector Grade II—

(i) who has been convicted of an offence, committed in the course of his employment and which offence, in the opinion of the Corporation or the Company, as the case may be, involves moral turpitude, or

(ii) for any act involving violence against the management, or other officers or employees, or any riotous or disorderly behaviour in or near the place of employment,

the gratuity payable to him shall stand wholly forfeited; and

(b) Where the penalty of compulsory retirement, removal from service, or dismissal is imposed on the person concerned for any act involving the Corporation or the Company, or both, in financial loss, the gratuity payable to him shall stand forfeited to the extent of such loss.”

11. The Ministry of Finance were asked to state whether they had any objection to providing in the Scheme that an opportunity of being heard would be given to the person concerned before action is taken against him under this sub-paragraph.

12. The Ministry of Finance (Department of Economic Affairs) with whom the matter was taken up, have stated in their reply dated the 3rd February, 1977, as under:—

“Para 17(5)—This para provides that where a person of the development staff is convicted of an offence involving moral turpitude or for any act involving violence against the management, the gratuity shall be wholly forfeited or where the Corporation or a subsidiary company has been

put to a financial loss for which any of the penalties of compulsory retirement, removal or dismissal has been imposed, the gratuity shall be forfeited to the extent of such a loss. It will be seen that para 17(5) only stipulates the circumstances under and the extent to which the gratuity payable under para 17 of the scheme shall be forfeited. The Scheme does not provide for the procedure for enquiring into the charge and imposition of the penalties on an officer when e.g. he has caused financial loss to his Company. They have been provided for separately in the General Insurance (Conduct, Discipline and Appeal) Rules, as framed by the G.I.C. and each of its subsidiaries for its employees (including development staff). According to these rules, penalty of compulsory retirement, removal from service or dismissal cannot be imposed on an officer without the charge or charges being communicated to him in writing and without his having been given a reasonable opportunity of defending himself against such charge or charges and of showing cause against the action proposed to be taken against him. It may also be added that the para 17(5) is similar to the provision under sec. 4(6) of the Payment of Gratuity Act, 1972."

13. The Committee note that provisions of sub-para (5) of paragraph 17 of the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 are similar to those contained in paragraph 10(6) of the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Officers) Scheme, 1975. In regard to the latter Scheme, the Committee have observed in para 61 of their Ninth Report (Sixth Lok Sabha) as under:—

"...as in the cases enumerated in clause (a) of paragraph 10(6) of the Scheme, the gratuity shall stand wholly forfeited, no purpose is likely to be served by issuing a show-cause notice to the persons concerned. However, as in the cases covered by clause (b), the gratuity is forfeitable only to the extent of the loss suffered by the Corporation as a result of any act of person concerned, the precise amount of gratuity that may be forfeited on this account may not be beyond dispute. The Committee feel that in such cases it is but fair that a reasonable opportunity to show cause against the proposed forfeiture is afforded to the persons concerned, before such forfeiture is actually made."

14. On the above analogy, the Committee desire the Ministry of Finance (Department of Economic Affairs) to amend the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 so as to make a provision for giving a reasonable opportunity of being heard to the person concerned before taking action against him under clause (b) of paragraph 17(5) of the Scheme under reference.

III

THE CENTRAL EXCISE (FIFTEENTH AMENDMENT) RULES, 1977 (G.S.R. 511-E OF 1977)

15. Rule 96-MMMM of the Central Excise Rules, 1944, as inserted by the Central Excise (Fifteenth Amendment) Rules, 1977 (G.S.R. 511-E of 1977), reads as under:—

“96-MMMM Power to condone failure to apply for special procedure—Notwithstanding anything contained in this section, the Collector may, at his discretion and subject to such conditions as he may lay down, apply the provisions contained in this section to a manufacturer who has failed to avail himself of the special procedure, or to comply with any condition, laid down in this section within the prescribed time limit.”

16. The Ministry of Finance (Department of Revenue) were requested to state whether they had any objection to (a) laying down guidelines for the Collector to exercise his discretion under the above rule, and (b) making a provision for recording of reasons in writing by the Collector before he exercised his discretion under the rule.

17. In their reply dated 15th May, 1978, the Ministry have stated as under:—

“The suggestion to lay down guidelines for the Collectors to exercise discretion under rule 96 MMMM is acceptable. However the necessary study in this regard is being made and the guidelines will be laid down in due course. While issuing the guidelines, the Collectors will be instructed to record reasons in writing while exercising the discretion under this rule.”

18. The Committee note with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) have agreed

to lay down guidelines for the Collectors to exercise discretion under rule 96-MMMM of the Central Excise Rules, in due course after making necessary study for the purpose. The Committee desire the Ministry to expedite the proposed study and lay down the requisite guidelines at an early date.

19. The Committee note that while issuing the guidelines, the Ministry intend to instruct the Collectors to record reasons in writing before exercising their discretion. The Committee feel that the provision for recording of reasons in writing should be made in the rules themselves by amending them suitably instead of laying it down in the guidelines. The Committee desire the Ministry to amend the rules accordingly at an early date.

IV

THE BOAT NOTES REGULATIONS, 1976 (G.S.R. 1555 OF 1976)

20. Sub-regulation (1) of regulation 3 of the Boat Notes Regulations, 1976 provides that every boat note shall be issued by the proper officer. Sub-regulation (2)(a) thereof empowers the Collector of Customs to authorise an exporter or his authorised agent to issue a boat note.

21. The Ministry of Finance (Department of Revenue) were asked to state the considerations for authorising an exporter or his authorised agent to issue boat notes and whether they had any objection to lay down guidelines in regard to exercise of this power by the Collector, if not already done so.

22. In their reply dated the 26th February, 1977, the Ministry have stated as under:—

“.....Regulation 3(2) of Boat Notes Regulations, 1976, is intended to take care of situations where initial loading points are in the interior and Customs Supervision is not available at all times. The idea is that even in such cases the boat cargo must be covered by a formal document to facilitate surprise or supervisory checks. The requirement under section 34 of Customs Act, 1962, ‘that no such goods would be loaded on an export vessel without the permission of a proper officer’ is in itself a sufficient safeguard and it does not appear necessary for the Collectors to issue any guidelines. It is, however, proposed to clarify to the Collectors the intention behind regulation 3(2) as mentioned above.”

23. The Committee noted from the reply of the Ministry of Finance (Department of Revenue) that the intention behind regulation 3(2)(a) of the Boat Notes Regulations, 1976 in empowering the Collectors of Customs to authorise an exporter or his authorised agent to issue a boat note is to take care of the situations where initial loading points are in the interior and Customs Supervision is not available at all times. According to the Ministry, the underlying idea has been that even in such cases the boat cargo must be covered by a formal document to facilitate surprise or supervisory checks. The Committee further note that the Ministry propose to clarify this intention behind regulation 3(2)(a) to the Collectors of Customs for their guidance. The Committee feel that such a clarification should be incorporated in the regulation itself by amending it suitably. The Committee, therefore, desire the Ministry to amend the Boat Notes Regulations so as to clarify the intention behind regulation 3(2)(a) for information of all concerned at an early date. In view of the amendment suggested, the Committee do not insist upon the issue of any more guidelines in this respect.

V

THE STAFF SELECTION COMMISSION (CHAIRMAN, MEMBER AND SECRETARY-CUM-CONTROLLER OF EXAMINATIONS) RECRUITMENT RULES, 1977 (G.S.R. 1364 OF 1977)

24. Provisions of rule 5 of the Staff Selection Commission (Chairman, Member and Secretary-cum-Controller of Examinations) Recruitment Rules, 1977 relating to the tenure of office of Chairman and Members of Staff Selection Commission, which reads as follows, are on the lines of clauses (2) and (3) of Article 316 of the Constitution relating to the tenure of office of Members of the Union/State Public Service Commission:—

“5. Tenure of office of Chairman and Member—(i) The Chairman or Member of the Staff Selection Commission shall hold office for a period of five years or till he attains the age of sixty-two years, whichever is earlier:

Provided that where a serving officer is appointed as the Chairman or Member, he shall be on deputation until he attains the age of superannuation and thereafter he shall be on re-employment terms.

* * * *

25. However, in the case of Members of the Union/State Public Service Commission, the maximum age limit/tenure of office as specified in Article 316 of the Constitution cannot be extended nor

can any other provision thereof be relaxed, whereas the provisions of rule 5 *ibid* relating to the tenure of office of Chairman and Members of the Staff Selection Commission can be relaxed under rule 7 *ibid*.

26. The Department of Personnel and Administrative Reforms were requested to state whether they had any objection to exclude rule 5 from the purview of rule 7 of Rules *ibid* so as to bring it at par with clauses (2) and (3) of Article 316 of the Constitution.

27. In this connection, attention of the Department was also invited to paras 53—58 of Fifth Report of the Committee on Subordinate Legislation (Fifth Lok Sabha) where, in a similar case relating to the Railway Service Commission, the Ministry of Railways, at the instance of the Committee, had agreed to exclude the provisions relating to the term of office of Chairman/Member Secretaries of the Railway Service Commissions out of the purview of the relevant rule providing for relaxation.

28. In their reply dated the 18th July, 1978, the Department of Personnel and Administrative Reforms have agreed to exclude rule 5 of the Staff Selection Commission (Chairman, Member and Secretary-cum-Controller of Examinations) Recruitment Rules, 1977 from the purview of rule 7 *ibid*.

29. The Committee note with satisfaction that, on being pointed out, the Department of Personnel and Administrative Reforms have agreed to amend the Staff Selection Commission (Chairman, Member and Secretary-cum-Controller of Examinations) Recruitment Rules, 1977 so as to exclude rule 5 thereof from the purview of rule 7 which provides for relaxation of rules. The Committee desire the Department to issue the requisite amendment at an early date.

VI

THE ARMS (SECOND AMENDMENT) RULES, 1975 (G.S.R. 653 OF 1975)

30. Sub-rule (3) of rule 62 and clause (b) of condition 12 in Form III of Schedule III of the Arms Rules, 1962, as inserted by the Arms (Second Amendment) Rules, 1975 (G.S.R. 653 of 1975), provided for sending intimation about change of residence by the licensee to the concerned licensing authorities 'without unnecessary delay'.

31. The words 'without unnecessary delay' in the above said rule and the Form appeared to be vague and were likely to be interpreted differently by different persons according to their convenience.

32. Attention of the Ministry of Home Affairs was drawn to the above-said lacuna in April, 1976, and they were asked to state if they had any objection to prescribing a specific period within which a licensee should send intimation about change of residence to the concerned licensing authorities.

33. The Ministry of Home Affairs have since issued the necessary amendment by substituting the words 'within thirty days' of such change' for the words 'without unnecessary delay' in the Arms Rules vide Notification No. G.S.R. 1198 of 1977, published in Gazette of India dated the 17th September, 1977.

34. The Committee note with satisfaction that, on being pointed out, the Ministry of Home Affairs have amended the Arms Rules, 1962 so as to specify therein a period of thirty days within which a person holding licence in Form III shall send intimation about change of residence to the respective licensing authorities under sub-rule (3) of rule 62 and clause (b) of condition 12 in Form III of Schedule III of the Arms Rules vide notification No. G. S. R. 1198 of 1977, published in Gazette of India dated the 17th September, 1977.

VII

THE GENERAL INSURANCE (TERMINATION, SUPERANNUATION AND RETIREMENT OF OFFICERS AND DEVELOPMENT STAFF) SCHEME, 1976 (S.O. 627-E OF 1976)

35. Under paragraph 4 of the General Insurance (Termination, Superannuation and Retirement of Officers and Development Staff) Scheme, 1976, the age of retirement in respect of pre-nationalisation officers is 60 years and of others is 58 Years. Sub-paragraph (3) of paragraph 4 *ibid*, empowers the Central Government, Board of the Corporation of the Board of a Company to determine the service of an officer who has attained the age of 55 or 50 years, as the case may be, after giving him three months' notice or salary in lieu thereof.

36. The Ministry of Finance (Department of Economic Affairs) were asked on the 19th November, 1976 to state the genesis of the above provision and whether any checks had been evolved to ensure against a possible abuse of the above provisions particularly to see that these were not resorted to as a short cut to disciplinary proceedings. The Ministry were also asked to state if they had any objection to provide for giving the person concerned an opportunity of representation against such orders of premature retirement.

37. In their reply dated the 13th June, 1977, the Ministry have stated as under:—

“... Para 4(3) of the scheme empowers the respective authorities mentioned therein to review the cases of officers after they have attained the age of 55 or 50 to terminate their service after giving them 3 months' notice. The above general provision was made with a view to toning up the administration and improving the general efficiency so that the persons who had outlived their utility or who are inadequate for their respective jobs may be retired from service. A provision of similar nature also exists for the Central Government employees.

* * * * *

This power has been deliberately centralised in these bodies as indicated above, with a view to ensure that there is no misuse of power. For instance, even in the case of a development staff, the decision to prematurely retire him is to be taken by the Board of the concerned company and not by the Chairman-cum-Managing Director of that company. Such high power boards while taking such decisions are expected to decide the cases on merit.

* * * * *

... this Ministry is of the view that normally there should not arise any occasion to doubt that the vested power under the scheme would be misused. However, as a measure of abundant caution, it is proposed to suitably amend the scheme so as to give an opportunity to prematurely retired officers and Development Staff to make a representation to the Central Government, Board of the Corporation and Board of the Company, as the case may be, against the orders of their premature retirement.

38. The Committee note that the provisions in the General Insurance (Termination, Superannuation and Retirement of Office and Development Staff) Scheme, 1976 for prematurely retiring an officer or a person of the Development Staff on attaining the age of 55 or 50 years, as the case may be, are on the lines of similar provisions contained in F.R. 56(J) in respect of the Central Government employees. According to the Ministry of Finance (Department of Economic Affairs), the power to retire prematurely has been deliberately centralised in the Central Government, Board of the Corporation or the Board of a Company to ensure against any possible misuse of such power as such high power bodies while taking decisions, are expected to decide the cases properly on merit. The

Committee, however, desire that Government or the Board should record the reasons in writing while determining the service of an officer or a persons of the Development Staff under paragraph 4(3) and a provision to this effect should be made in the Rules.

39. The Committee note with satisfaction that, on being pointed out, the Ministry have agreed to amend the General Insurance (Termination, Superannuation and Retirement of Officers and Development Staff) Scheme, 1976 so as to provide therein for giving an opportunity to the person concerned to make a representation to the Central Government Board of the Corporation or the Board of a Company, as the case may be, against an order of premature retirement. In this regard, the Committee consider it necessary that the person concerned should be apprised of the reasons for his premature retirement before he is able to make a representation against such an order. The Committee desire the Ministry to amend the Scheme to the necessary effect at an early date.

VIII

GIVING OF SHORT TITLES TO AMENDING 'ORDERS'

40. The Committee, during their scrutiny, came across two notifications, issued under G.S.R. 633 and 1046 of 1977 containing certain amendments to the Agricultural Refinance Corporation (Issue and Management of Bonds) Regulations, 1969, which were published without short titles. This was not in consonance with the recommendation of the Committee, on Subordinate Legislation made in para 44 of their Third Report (First Lok Sabha) and reiterated in para 21 of Second Report (Fourth Lok Sabha) that all rules, whether principal or amending, should bear short titles for facility of reference and tracing by all concerned.

41. The Ministry of Finance (Department of Economic Affairs), with whom the matter was taken up, have replied as under:—

“... the Agricultural Refinance and Development Corporation have got the matter examined by their Legal Adviser and are advised that as G.S.R. 633 dated 21-5-1977 issued by the Corporation to amend the Regulations in question was subsequently superseded by G.S.R. No. 1046 dated 6-8-1977, the question of issuing any corrigendum to the said notification at this late stage for the purpose of inserting suitable short title may not be necessary. As regards G.S.R. No. 1046 dated 6-8-1977, the amendments contained therein do not warrant or facilitate short titles

as the amendments are of minor nature involving insertion/deletion of certain words in the existing Regulation. However, Regulation 5A which has been newly inserted by virtue of the amendments has already been given a suitable short title.

In the circumstances, the Corporation feels that in view of the nature of amendments made by G.S.R. No. 1046 dated 6-8-1977, short titles at this stage may not be necessary.

The Committee's observations have been noted by the Corporation for future guidance."

42. The Committee are unable to accept the contention of the Agricultural Refinance and Development Corporation that it is not necessary to give short titles to the amending rules when the amendments are of a minor nature involving insertion or deletion of certain words. In the opinion of the Committee, short titles are essential to facilitate easy and quick reference and to avoid confusion in subsequent tracing of such 'order' by all concerned. The Committee cannot but re-emphasise the need of invariably assigning appropriate short titles to all 'orders' including the amending ones even though such 'orders' relate to minor corrections or otherwise.

43. The Committee observe that no useful purpose is likely to be served by assigning a short title at this stage to the amendment 'order' issued under G.S.R. 633 which stands superseded by another 'order' issued under G.S.R. 1046. The Committee, however, desire that a suitable title may be inserted in the latter amendment 'order' issued under G. S. R. 1046 at an early date, for facility of future reference.

IX

THE SETTLEMENT COMMISSION (INCOME-TAX/WEALTH-TAX) (CONDITIONS FOR SERVICE OF CHAIRMAN AND MEMBERS) RULES, 1976 (G.S.R. 837 OF 1977)

44. Rule 3 of the Settlement Commission (Income-tax/Wealth-tax) (Conditions for Service of Chairman and Members) Rules, 1976 provides that a person appointed as Chairman shall be paid such salary as may be fixed by the Central Government from time to time. Salary of a Member is, however, fixed at rupees three thousand per mensem under Rule 4 *ibid*.

45. The Ministry of Finance (Department of Revenue) were requested to state the reasons for not specifying the salary of the Chairman also in the Rules.

46. In their reply dated the 1st April, 1978, the Ministry have stated as under:—

“... the reason for not specifying the salary of the Chairman of the Settlement Commission (Income-tax/Wealth-tax) in rule 3 of the Settlement Commission (Income-tax/Wealth-tax (Conditions of Service of Chairman and Members) Rules, 1976, is that and restriction with regard to the fixation of the salary of the Chairman would limit the field of choice and the scope for negotiations to secure the services of an outstanding officer.”

47. The Committee on Subordinate Legislation (1978-79) at their sitting held on the 16th June, 1978 considered the above reply of the Ministry and felt that a range within which the salary of the Chairman of the Settlement Commission (Income-tax/Wealth-tax) might be fixed by the Central Government, could at least be indicated in the rules. The Committee had also desired to know the salary of the present Chairman of the Commission.

48. The Ministry of Finance (Department of Revenue), to whom the matter was referred again for furnishing their comments on the above proposal, have replied on the 6th July, 1978 as under:—

“... the pay of the Chairman which was till recently Rs. 3250|- p.m. has been revised to Rs. 3500|- p.m. with effect from 23rd May, 1978 with the approval of the Cabinet.

With regard to the suggestion of the Committee on Subordinate Legislation that the salary of the Chairman should be incorporated in the Settlement Commission (Income-tax/Wealth-tax (Conditions of Service of chairman and Members) Rules, 1976, it may be stated that necessary action to provide the salary of the Chairman at Rs. 3500|- p.m. in the rules is being taken and for this purpose, necessary amendment to the rules will be carried out.”

49. The Committee note with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to amend the Settlement Commission (Income-tax/Wealth-tax) (conditions for service of Chairman and Members) Rules, 1976 so as to specify therein the salary of the Chairman of the Settlement Commission (Income-tax/Wealth-tax). The Committee recommend that the rules may be amended to the necessary effect at an early date.

**THE TEXTILES COMMITTEE (APPEAL TO THE TRIBUNAL)
RULES, 1976 (G.S.R. 296-E OF 1976)**

50. Rule 6 of the Textiles Committee (Appeal to the Tribunal) Rules, 1976 (G.S.R. 296-E of 1976) reads as under:—

“6. Contents of Form of appeal.—Every Form of appeal to the Tribunal shall be written in English and shall set forth concisely and under distinct heads the grounds of appeal without any arguments or narrative and such grounds shall be numbered consecutively.”

51. The provisions of the above rule appeared to preclude a person from filing an appeal in the official language, viz., Hindi. The rule, therefore, appeared to be inconsistent with the spirit of Article 350 of the Constitution, which reads as follows:—

“Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.”

52. Attention of the Ministry of Commerce was invited to the above inconsistency and they were asked to state if they had any objection to amending rule 6 suitably in the light of the provision contained in Article 350 of the Constitution.

53. The Ministry of Commerce have since issued necessary amendment substituting the words ‘English or Hindi’ for the word ‘English’ in rule 6 of the Textiles Committee (Appeal to the Tribunal) Rules, 1976 vide Notification No. G.S.R. 1138 of 1977 in Gazette of India dated the 3rd September, 1977.

54. The Committee note with satisfaction that, on being pointed out, the Ministry of Commerce have amended the Textiles Committee (Appeal to the Tribunal) Rules, 1976 to the effect that form of appeal to the Tribunal shall be written in English or Hindi vide G.S.R. 1138 of 1977, published in Gazette of India dated the 3rd September, 1977.

XI

**THE INDIAN MEDICINE CENTRAL COUNCIL (ELECTION)
RULES, 1975 (G.S.R. 2350 OF 1975)**

(A)

55. Sub-rule (4) of rule 13 of the Indian Medicine Central Council (Election) Rules, 1975 provides, for sending of election papers to the

electors under certificate of posting. The Committee on Subordinate Legislation (1975-76), which examined the Rules at their sitting held on the 30th January, 1976, felt that having regard to the importance of election papers mentioned in rule 13(4) *ibid.*, there should be a provision for sending them to the electors by registered post.

56. The then Ministry of Health and Family Planning (Department of Health) were requested to furnish their comments in the matter. In their reply dated the 16th March, 1978, the Ministry of Health and Family Welfare have stated as under:—

“While appreciating the Committee’s desire that the delivery of election papers should be ensured, it may be mentioned that there are now over two lakhs of electors and, as such, sending the election papers by registered post would involve an expenditure of about Rs. 5 lakhs. In the Indian Medical Council Rules, 1957 and Dental Council (Election) Regulations, 1952 election papers are required to be sent only under certificate of posting. As such, the Committee may kindly be requested to reconsider if the rule as proposed by this Ministry needs to be amended.”

57. The Committee note that in respect of a provision similar to that contained in sub-rule (4) of rule 13 of the Indian Medicine Central Council (Election) Rules, 1975, existing in the Homoeopathy Central Council (Election) rules 1975, the Department of Health have agreed to amend the Rules so as to provide therein for sending the election papers to the electors by registered post vide para 45 of the Committee’s Twentieth Report (Fifth Lok Sabha). However, in the present case, the Department of Health, while appreciating the Committee’s desire to ensure delivery of election papers to the electors, have advanced the plea of financial implications to the tune of about rupees five lakhs which they may have to spend for sending the papers to over two lakh persons by registered post. Taking into consideration the huge sum of money involved in the process, the Committee do not insist upon sending the papers by registered post. But with a view to ensuring delivery of papers to all electors, the Committee suggest that, after the papers have been sent under certificate of posting, a notice should be published in important newspapers about the posting of such papers at the registered addresses of the electors so that a person not getting the same can contact the office of the Council and obtain them. The Committee, therefore, desire the Ministry to amend the Indian Medicine Central Council (Election) Rules, 1975 so as to include therein a provision to the above effect, at an early date.

(B)

58. Rule 14 of the Indian Medicine Central Council (Election) Rules, 1975 provides that all voting papers received by *unregistered post* shall be rejected. The then Ministry of Health and Family Planning were requested to state the considerations for rejecting the papers received by unregistered post. In their reply dated the 16th March, 1978, the Ministry of Health and Family Welfare (Department of Health) have stated as follows:—

“The provision to insist upon the electors returning the election papers by registered post was apparently included to ensure the genuineness of the electors as well as the State of their residence and its delivery to the Returning Officer. Similar provision exists in the Indian Medical Council Rules, 1957 and the Dental Council (Election) Regulations, 1952. It is understood that the mode of posting such papers through registered post is not insisted upon by the Election Commission. Therefore, this Ministry would have no objection to the mode of posting such papers being left to the electors concerned.”

59. The Committee note with satisfaction that, on being pointed out, the Ministry of Health and Family Welfare (Department of Health) have agreed not to insist upon receipt of election papers through registered post and have decided to leave the mode of posting to the electors concerned. The Committee, therefore, desire the Ministry to amend the Indian Medicine Central Council (Election) Rules, 1975 to the necessary effect at an early date.

(C)

60. Rule 23 of the Indian Medicine Central Council (Election) Rules, 1975 empowers the Vice-Chancellor to determine the manner in which the members of the Faculty or Department of each of Ayurveda, Siddha or Unani System of Medicine of the University shall elect one member for the respective system of the medicine to the Central Council. This provision appeared to be tantamounting to sub-delegation of legislative power. The then Ministry of Health and Family Planning (Department of Health) were asked to state if they had any objection to providing for the manner of election in the rules rather than leaving it to the Vice-Chancellor to determine it. The Ministry of Health and Family Welfare (Department of Health) have stated in reply dated the 16th March, 1978, as under:—

“This provision was incorporated as it was felt that if the general procedure for election as laid down in the rules

is adopted in this case, Returning Officers will have to be appointed for conducting elections in various Faculties/ Departments concerned and this would perhaps not be feasible in the case of small groups of electors. In fact, a similar provision exists in the Indian Medical Council Rules, 1957 and the Dental Council (Election) Regulations, 1952. Further, the Lok Sabha Committee on Subordinate Legislation which has recently examined the Homoeopathy Central Council (Election) Rules, 1975 had not recommended therein any such change. Hence the Committee may kindly be requested to consider whether the corresponding provision of the Indian Medicine Central Council (Election) Rules, 1975 needs to be amended."

61. The Committee are not convinced with the reply of the Ministry of Wealth and Family Welfare (Department of Health) in regard to the provision of rule 23 of the Indian Medicine Central Council (Election) Rules, 1975 empowering the Vice-Chancellor to determine the manner in which the members of the Faculty or Department in Ayurveda, Siddha and Unani Systems of Medicine of the University shall elect their members to the Central Council. The Committee note in this connection that sub-section (1) of section 4 of the Indian Medicine Central Council Act, 1970 provides for the election of Members to the Council to be conducted in accordance with the rules to be prescribed. Instead of prescribing the manner of election in the rules, Government have further delegated this power to the Vice-Chancellor. In Committee's view this is tantamount to sub-delegation of legislative authority without any specific authorisation to that effect in the parent Act.

62. The Committee are also not convinced with the argument put forth by the Ministry of Health and Family Welfare that if the general procedure for election is adopted in this case, Returning Officers will have to be appointed for conducting elections in various Faculties/Departments concerned and that may not be feasible in the case of small groups. The Committee feel that whatever the procedure is to be followed for electing the members, it should be laid down in the Rules as per provisions of Section 4(1) of the Act instead of sub-delegating the legislative power to the Vice Chancellor without an express authorisation to that effect in the parent Act. The Committee, therefore, desire the Ministry to prescribe in the rules the manner of conducting elections by the members of the Faculty or Department of each of the Ayurveda, Siddha and Unani Systems of Medicine of the University. Alternatively, the Ministry may bring necessary legislation before Parliament for amending the parent Act

so as to provide therein for authorising the Vice-Chancellor to prescribe the manner of conducting these elections, at an early date.

63. The Committee further recommend that the Dental Council (Election) Regulations, 1952, the Indian Medical Council (Election) Rules, 1975, and the Homoeopathy Central Council (Election) Rules, 1975 which contain provisions similar to Rule 23 *ibid*, should be amended so as to lay down the procedure for holding elections of representatives of Universities to the respective Council in the Rules/Regulations themselves instead of empowering the Vice-Chancellor to prescribe the manner of election. Alternatively, the Ministry may bring suitable amending legislation before Parliament to provide for authorising the Vice-Chancellor to prescribe the manner of conducting these elections.

64. The Committee observe that reference in regard to the points arising out of the Indian Medicine Central Council (Election) Rules was made to the Ministry on the 4th February, 1976, whereas the Ministry have sent their final reply on the 16th March, 1978 i.e. after a lapse of over two years and one month. The Committee take a serious note of such an unduly long time taken by the Ministry in sending their reply and stress upon them to be prompt in attending to the communications from the Committee and send an interim reply wherever it is not possible for them to furnish comments in time due to some genuine difficulties and ask for extension of time giving reasons therefor.

XII

THE AIRCRAFT (THIRD AMENDMENT) RULES, 1975 (G.S.R. 2386 OF 1975)

65. Sub-rule (1) of rule 135B of the Aircraft Rules, 1937, as substituted by the Aircraft (Third Amendment) Rules, 1975, reads as under:—

“(1) No change shall be made in fares, rates and charges or in classifications, rules, regulations, practices or services affecting such fares, rates and charges of value of the services thereunder specified in any effective tariff including any change in the rates, terms or conditions of the commission payable to the passenger or cargo sales agents except after previous approval by the Director General.”

66. The words 'except after previous approval by the Director General' appearing in the sub-rule seem to confer on the Director General the power to change fares, rates and charges etc. It was felt that this was a substantive provision for which there should be

an express authority in the parent Act viz., the Aircraft Act, 1934 (No. 22 of 1934).

67. The Ministry of Tourism and Civil Aviation were accordingly asked to specify the section of the parent Act which expressly conferred such a power on the Director General or authorised the Government to confer this power by rules. In their reply dated the 23rd November, 1976, the Ministry stated as under:—

“...sub-rule (1) of rule 135B of the Aircraft Rules, 1937 confers power on the Director General of Civil Aviation to approve changes if any in the fares etc. which have already been filed with the DGCA under rule 135(1), and not the power to change the fares etc. It may be stated that the tariffs to be applied by the air carriers are primarily agreed to by the IATA subject to approval of Governments. The intent and purpose of rule 135 is that an air carrier operating air transport services to and from India in accordance with rule 134 should file with the DGCA a tariff showing fares, rates and charges for air transportation to and from India which the DGCA has power to reject under sub-rule (3). These tariffs are subject to change from time to time by the IATA. Rule 135 B(1) ensures that any of such changes adopted by IATA should be filed with the DGCA for approval by the air carriers operating air transport services to and from India. This power to approve also flows from clause (aa) of sub-section (2) of section 5 of the Aircraft Act, 1934 under which the Central Government has the power to make rules to cover regulation of air transport services.”

68. Attention of the Ministry was, thereafter invited to sub-rule (3) of rule 135B, which specifically stipulates that the Director General may, for reasons to be recorded in writing, revise or disallow any changes. The amended rule 135B thus in effect empowers the Director General to exercise a control over fares, rates and charges or in classifications, rules, regulations, practices of services thereunder specified in any effective tariff including any change in the rates, terms or conditions of the commission payable to the passenger or cargo sales agents. Clause (aa) of sub-section (2) of section 5 of the Aircraft Act, 1934, referred to by the Ministry as the authority, does not seem to expressly confer such a power on the Director General. The Ministry was accordingly asked to state if they had any objection to amending the parent Act to have an express authorisation for the above power.

69. In their reply dated the 13th March, 1978, the Ministry stated as under:—

“...in the field of international air transport, the International Air Transport Association (IATA), which is a body of airlines operating international scheduled air services, has established machinery for adopting fares, rates, etc. and for laying down the terms and conditions of the commission payable to the passenger or cargo sales agents and carriage of passenger or cargo. This machinery is recognised by the Government of India and several other Governments including the Government of U.S.A. After IATA adopted fares, rates, etc. through this machinery in the form of resolutions, these resolutions are submitted by the airlines who are members of IATA to their respective governments for approval as the resolutions do not become effective unless and until they are approved by all concerned government. The approval for that matter, disapproval of these resolutions is given by the government in its inherent power as a sovereign body. Any changes in these tariffs have also to be effective and applicable. Further, bilateral agreements concluded by governments for operation of international air services by their airlines contain a clause on application of tariffs by the airlines, i.e., fares, rates, commissions payable etc. which also provides for approval of such tariffs by the aeronautical authorities of the two governments. In case of India, the aeronautical authority is the Director General of Civil Aviation. Such Clauses also empower the aeronautical authorities to disapprove the tariffs.

In view of the above, it is felt that it may not be necessary that the power to approve or disapprove tariffs should be conferred expressly on the Director General of Civil Aviation. In this connection, it may be mentioned that the Ministry of Law were earlier consulted in the matter and they were of the opinion that the subject power is vested in the Central Government under clause (aa) of sub-section (2) of section 5 of the Aircraft Act, 1934. However, if the Committee on Subordinate Legislation have strong views in the matter, it may again be taken up with the Ministry of Law.”

70. The Committee note from the reply of the Ministry of Tourism and Civil Aviation that the approval or for that matter, disapproval of fares, rates, etc. as adopted by the International Air Transport

Association (IATA) is being given by Government in their inherent power as a sovereign body. The Ministry have also referred to the opinion of the Ministry of Law that the power to approve flows from Clause (aa) of sub-section (2) of Section 5 of the Aircraft Act, 1934. The Committee, however, observe that under that Clause, Government are empowered to frame rules for regulation of air transport service. In the opinion of the Committee, it does not give an express authority to the Director General to approve, disapprove or revise the fares etc. of the tariffs. As this is in the nature of a substantive power, the Committee feel that authority therefor must expressly flow from the parent Act itself. The Committee, therefore, desire the Ministry to bring an amending legislation to provide for specific authority in the Aircraft Act for this purpose at an early date.

XIII

DELAY IN LAYING THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (APPELLATE TRIBUNAL FOR FORFEITED PROPERTY) RULES, 1977 (S.O. 179-E OF 1977).

71. The Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977, framed under sub-section (7) of Section 12 of the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Act, 1976, and published in the Gazette of India dated the 18th February, 1977, were laid on the Table of the House on the 19th July, 1978. There was thus a delay of over one year and three months in their laying. Statement showing reasons for delay was also not laid on the Table of the House along with the rules.

72. When the Minister of State in the Ministry of Finance sought to lay the above rules on the Table of Lok Sabha on the 19th July, 1978, an objection was raised by Shri K. P. Unnikrishnan M.P. regarding delay in laying the said rules and for not laying any explanatory note along with the rules for such delay. Thereupon the Hon. Speaker referred the matter to the Committee and asked the Minister to give his explanation to the Committee.

73. According to an oft-repeated recommendation of the Committee on Subordinate Legislation, all 'Orders' required to be laid on the Table of Lok Sabha should be laid within a period of 15 days after their publication in the Gazette if the House is in session; and within 15 days of the commencement of the next session, if the

House is not then in session. In cases where the 'Orders' are laid after the prescribed time-limit of 15 days, they should be accompanied by a statement explaining the reasons for delay in laying them on the Table of Lok Sabha.

74. The Ministry of Finance (Department of Revenue), with whom the matter was taken up, have stated in their reply dated the 28th July, 1978, as under:—

REASONS

- (i) The reasons for delay in laying the above Rules on the Table of the House: The delay is due to the fact that the Rules in question had been framed by the Appellate Tribunal for Forfeited Property to regulate its own procedure under sub-section (7) of section 12 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976. We were under the impression that only Rules framed by the Government under sub-sections (1) and (2) of section 26 would have to be laid before each House of the Parliament. The Committee on Subordinate Legislation of the Rajya Sabha had pointed out to us, at its meeting held on 14-6-78, that even the Rules framed by the Tribunal were required to be laid before each House of Parliament since sub-section (3) of section 26 covered all Rules made under the Act and not merely Rules made under sub-sections (1) & (2) of section 26. The delay which was caused by this wrong impression is deeply regretted.
- (ii) The reasons for not laying a statement showing reasons for delay on the Table of the House, along with the Rules, as required by the The omission on our part to lay the required Statement showing reasons for delay on the Table of the House is also sincerely regretted. The omission was

recommendation of the Committee on Subordinate Legislation contained in para 143 of their First Report (Second Lok Sabha) and reiterated in para 34 of their Ninth Report (Fifth Lok Sabha).

due to sheer ignorance of the requirement. The Safema Unit of the Ministry of Finance, which looks after the administration of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 was set up in April, 1976, and was, unfortunately, not familiar with the procedural requirements in this regard."

75. According to the Ministry of Finance (Department of Revenue), the delay in laying the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977, on the Table of the House, was caused by a wrong impression on their part that only rules framed by the Government are needed to be laid on the Table whereas the rules in question had been framed by the Appellate Tribunal for Forfeited Property to regulate its own procedure. The Ministry, therefore, did not feel the necessity of laying the said rules before Parliament till it was pointed out by the Committee on Subordinate Legislation of the Rajya Sabha that even the rules framed by the Tribunal were required to be laid before each House of Parliament. In this connection, the Committee note that Section 26(3) of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 clearly lays down that every rule made thereunder shall be laid before each House of Parliament, irrespective of the fact that the rules are framed by the Central Government or any other authority under the Act. The Committee further note that there is no indication in the Act that rules framed under Section 12 will not be laid before Parliament. Keeping this in view, the Committee cannot but feel that the plea of 'wrong impression' taken by the Ministry is not at all convincing.

76. With regard to not laying before Parliament a Statement showing reasons for delay in this case, the Ministry have attributed the omission to 'sheer ignorance of the requirement' on the part of its Safema Unit set up in April, 1976. The Committee are unable to accept it as a convincing reason as it appears to be like an after-thought for not complying with their oft-repeated recommendation in this regard.

77. To obviate delays on account of inadvertence/oversight, the Committee in para 32 of their Ninth Report (Fifth Lok Sabha), presented to the House on the 19th November, 1973 had desired the Ministries/Departments to take specific steps on the lines indicated by the Ministry of Labour viz. (a) maintenance of a register for enter-

ing notifications issued under various Acts, and (b) submission of periodical returns by the Sections issuing notifications to the Parliament Section. On the 18th December, 1973, the Department of Parliamentary Affairs brought the above recommendation of the Committee to the notice of all Ministries/Departments. Subsequently, on the 8th April, 1974, the Cabinet Secretary addressed a D.O. letter to all Secretaries of the Government saying that he had been desired by the Prime Minister to request that the procedure laid down in the D.O. to facilitate timely compliance with the statutory requirements relating to subordinate legislation should be strictly adhered to. The Secretaries of Ministries/Departments were asked to send confirmation to the Cabinet Secretary by the 20th April, 1974, that necessary arrangements in this regard had been made. It is unthinkable that after so emphatic a direction by the Committee, instructions by the Department of Parliamentary Affairs and the desire of the Prime Minister as communicated in the Cabinet Secretary's D.O. of the 9th April, 1974, delays on account of inadvertence/oversight should have occurred.

78. The Committee take a serious note of the fact that cases of delay in laying continue to occur in spite of Committee's emphatic exhortations in this regard time and again. Had the Ministry of Finance (Department of Revenue) viewed the things in proper perspective and bestowed the attention and care the matter deserved, the Committee feel that the present case of delay could have been avoided. The plea of 'wrong impression' and 'sheer ignorance of the requirement' are not at all tenable. The Committee feel strongly about the matter and deprecate the delay in the present case. The Committee reiterate their earlier recommendations on the subject and desire the Ministry of Finance to bring them to the notice of their units forthwith for compliance.

XIV

IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARAS 65-66 OF THE TWENTIETH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FIFTH LOK SABHA) REGARDING GIVING OF RETROSPECTIVE EFFECT TO THE 'ORDERS' FRAMED UNDER VARIOUS ACTS OF PARLIAMENT—THE CENTRAL SILK BOARD (RESEARCH AND SERVICE STATIONS) CONSOLIDATED RECRUITMENT (AMENDMENT) RULES, 1972 (G.S.R. 73 OF 1972)

79. The Central Silk Board (Research and Service Stations) Consolidated Recruitment (Amendment) Rules, 1972 (G.S.R. 736 of

1972) were published in the Gazette of India, dated the 17th June, 1972 but were deemed to have come into force on the 1st January, 1971.

80. The matter was referred to the Ministry of Commerce and their attention was invited to paragraph 49 of the Seventh Report of the Committee on Subordinate Legislation (Fourth Lok Sabha) wherein they had noted the following observations of the Attorney-General in this regard:—

“The Legislature may make a law with retrospective effect. A particular provision of a law made by the Legislature may operate retrospectively if the law expressly or by necessary intendment so enacts. A law made by the Legislature may itself further empower subordinate legislation to be operative retrospectively. Without such a law, no subordinate legislation can have any retrospective effect.....”

81. No reply was received from the Ministry of Commerce. The Committee in paras 65-66 of their Twentieth Report (Fifth Lok Sabha) observed as under:—

“The Committee note with concern that retrospective effect to the eight ‘Orders’ mentioned in Appendix II* has been given without an authorisation to this effect in the parent statutes. As without such an authorisation, no subordinate legislation can operate retrospectively, the Committee feel that the retrospective effect given to the ‘Orders’ in question was without due legal authority. The Committee, therefore, desire the Ministries/Departments concerned either to give effect to the ‘Orders’ in question from the dates of their publication in the Gazette. or alternatively. to take steps to incorporate a provision in the relevant Acts empowering Government to give retrospective effect to these ‘Orders’.

The Committee note that final replies have not yet been received from the Ministries of Commerce and Industrial Development although the matter was taken up with them more than two years back. The Committee cannot help expressing unhappiness over non-receipt of final replies from these Ministries, despite reminders. The Committee need hardly point out that Ministries|Departments of Gov-

*Not printed in this Report.

ernment are expected to give prompt replies to the points raised by Parliamentary Committees.

82. The Ministry of Commerce, Civil Supplies and Cooperation (Department of Textiles), in their reply dated the 8th July, 1977, have stated as under:—

“It has been noted that a clarification to this effect that no one will be adversely affected as a result of retrospective effect being given to the Recruitment Rules mentioned above has not been given in the form of an explanation in the rules or in the form of a foot note to the relevant rules. This was an omission on the part of the then Ministry of Foreign Trade which is sincerely regretted.

The required explanation|justification for giving retrospective effect to the said rules is enclosed* herewith.”

83. The Committee are not satisfied with the reply of the Ministry of Commerce, Civil Supplies and Co-operation (Department of Textiles) in as much as it does not indicate anything about the action initiated or proposed to be initiated to implement the recommendations contained in paras 65-66 of their Twentieth Report (Fifth Lok Sabha). The Committee deprecate the evasive reply given by the Ministry. The Committee need hardly point out that action taken replies from the Ministries concerned to their recommendations should be specific and to the point and should not be circumlocutory.

84. The Committee note that the Ministry of Commerce have regretted for their omission in not appending an explanatory memorandum to the rules that no one would be affected adversely as a result of their retrospective operation. The Committee observe in this connection that the rules in question have been framed in exercise of the powers conferred by Section 13 of the Central Silk Board Act, 1948 which does not contain any express provision for giving retrospective effect to such rules. As such even if an explanatory memorandum had been appended to the rules, it would not have validated the retrospective effect given to the rules in the absence of a specific authority in the parent Act. The Committee have clarified it many a time that the purpose of explanatory memorandum is simply to state the circumstances under which retrospective effect has been necessitated and to certify that no one is likely to be adversely affected thereby; it does not in any way impart legal authority for giving such retrospective effect to the rules.

*See Appendix-II.

85. The Committee reiterate their earlier recommendation that the Central Silk Board (Research and Service Stations) Consolidated Recruitment (Amendment) Rule, 1972 should either be made effective from the date of their publication in the Gazette, or, alternatively, steps should be taken to incorporate a specific provision in the parent Act empowering the Government to give retrospective effect to rules made thereunder.

SOMNATH CHATTERJEE,

Chairman,

NEW DELHI;

The 4th November, 1978,

Kartika 13, 1900 (Saka).

Committee on Subordinate Legislation.

APPENDIX I

(Vide para 4 of the Report)

Summary of main Recommendations|Observations made by the
Committee

S. No.	Para No.	Summary
(1)	(2)	(3)
1	8	<p>The Committee are not convinced with the reply of the Ministry of Finance that the use of word 'liable' in para 11 (3) of the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 will by itself imply that before termination of service, some sort of show-cause notice may be served on such Development Staff. The Committee feel that the reply of the Ministry is vague as it does not specifically state that a show-cause notice is required to be served on the person concerned under the Scheme. The Committee would like the Ministry to be specific and categorical while sending their comments to the Committee instead of using vague expressions which do not serve any useful purpose and which disclose non-application of mind.</p>
2	9	<p>The Committee feel that giving reasonable opportunity of being heard to a person before effecting a reduction in one's emoluments or termination of one's services, is one of the basic requirements of natural justice. The Committee, therefore, desire the Ministry of Finance (Department of Economic Affairs) to amend the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 at an early date so as to provide</p>

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therein for right of representation to a person before reduction is effected in his emoluments under para 11(2) or his services are terminated under para 11(3) of the Scheme.

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The Committee note that provisions of sub-para (5) of paragraph 17 of the General Insurance (Rationalisation of Pay Scale and Other Conditions of Service of Development Staff) Scheme, 1976 are similar to those contained in paragraph 10(6) of the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Officers) Scheme, 1975. In regard to the latter Scheme, the Committee have observed in para 61 of their Ninth Report (Sixth Lok Sabha) as under:—

“.....as in the cases enumerated in clause (a) of paragraph 10(6) of the Scheme, the gratuity shall stand wholly forfeited, no purpose is likely to be served by issuing a show-cause notice to the persons concerned. However, as in the cases covered by clause (b), the gratuity is forfeitable only to the extent of the loss suffered by the Corporation as a result of any act of person concerned, the precise amount of gratuity that may be forfeited on this account may not be beyond dispute. The Committee feel that in such cases it is but fair that a reasonable opportunity to show cause against the proposed forfeiture is afforded to the persons concerned, before such forfeiture is actually made.”

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On the above analogy, the Committee desire the Ministry of Finance (Department of Economic Affairs) to amend the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme,

(1)	(2)	(3)
		1976 so as to make a provision for giving a reasonable opportunity of being heard to the person concerned before taking action against him under clause (b) of paragraph 17(5) of the Scheme under reference.
4	18	The Committee note with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to lay down guidelines for the Collectors to exercise discretion under rule 96-MMMM of the Central Excise Rules, in due course after making necessary study for the purpose. The Committee desire the Ministry to expedite the proposed study and lay down the requisite guidelines at an early date.
	19	The Committee note that while issuing the guidelines the Ministry intend to instruct the Collectors to record reasons in writing before exercising their discretion. The Committee feel that the provision for recording of reasons in writing should be made in the rules themselves by amending them suitably instead of laying it down in the guidelines. The Committee desire the Ministry to amend the rules according at an early date
5	23	The Committee noted from the reply of the Ministry of Finance (Department of Revenue) that the intention behind regulation 3(2)(a) of the Boat Notes Regulations, 1976 in empowering the Collectors of Customs to authorise an exporter or his authorised agent to issue a boat note is to take care of the situations where initial loading points are in the interior and Customs Supervision is not available at all time. According to the Ministry, the underlying idea has been that even in such cases the boat cargo must be covered by a former document to facilitate surprise or supervisory checks. The Committee further note that the Ministry propose to

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clarify this intention behind regulation 3(2) (a) to the Collectors of Customs for their guidance. The Committee feel that such a clarification should be incorporated in the regulation itself by amending it suitably. The Committee, therefore, desire the Ministry to amend the Boat Notes Regulations so as to clarify the intention behind regulation 3(2) (a) for information of all concerned at an early date. In view of the amendment suggested, the Committee do not insist the issue of any more guidelines in this respect.

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29

The Committee note with satisfaction that, on being pointed out, the Department of Personnel and Administrative Reforms have agreed to amend the Staff Selection Commission (Chairman, Member and Secretary-cum-Controller of Examinations) Recruitment Rules, 1977 so as to exclude rule 5 thereof from the purview of rule 7 which provides for relaxation of rules. The Committee desire the Department to issue the requisite amendment at an early date.

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34

The Committee note with satisfaction that, on being pointed out, the Ministry of Home Affairs have amended the Arms Rules, 1962 so as to specify therein a period of thirty days within which a person holding licence in Form III shall send intimation about change of residence to the respective licensing authorities under Sub-rule (3) of rule 62 and clause (b) of condition 12 in Form III of Schedule III of the Arms Rules vide notification No. G.S.R. 1198 of 1977, published in Gazette of India dated the 17th September, 1977.

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The Committee note that the provisions in the General Insurance (Termination, Superannuation and Retirement of Officers and Development Staff) Scheme, 1976 for prematurely re-

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tiring an officer or a person of the Development Staff on attaining the age of 55 or 50 years, as the case may be, are on the lines of similar provisions contained in F.R. 56(J) in respect of the Central Government employees. According to the Ministry of Finance (Department of Economic Affairs), the power to retire prematurely has been deliberately centralised in the Central Government, Board of the Corporation or the Board of a Company to ensure against any possible misuse of such powers as such high power bodies while taking decisions, are expected to decide the cases properly on merit. The Committee, however, desire that Government or the Board should record the reasons in writing while determining the service of an officer or a person of the Development Staff under paragraph 4(3) and a provision to this effect should be made in the Rules

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The Committee note with satisfaction that, on being pointed out, the Ministry have agreed to amend the General Insurance (Termination, Superannuation and Retirement of Officers and Development Staff) Scheme, 1976 so as to provide therein for giving an opportunity to the person concerned to make a representation to the Central Government, Board of the Corporation or the Board of a Company, as the case may be, against an order or premature retirement. In this regard, the Committee consider it necessary that the person concerned should be apprised of the reasons for his premature retirement before he is able to make a representation against such an order. The Committee desire the Ministry to amend the Scheme to the necessary effect at an early date.

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The Committee are unable to accept the contention of the Agricultural Refinance and Development Corporation that it is not necessary to

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give short titles to the amending rules when the amendments are of a minor nature involving insertion or deletion of certain words. In the opinion of the Committee, short titles are essential to facilitate easy and quick reference and to avoid confusion in subsequent tracing of such 'Orders' by all concerned. The Committee cannot but re-emphasise the need of invariably assigning appropriate short titles to all 'Orders' including the amending ones even though such 'Orders' relate to minor corrections or otherwise.

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The Committee observe that no useful purpose is likely to be served by assigning a short title at this stage to the amendment 'Order' issued under G.S.R. 633 which stands superseded by another 'Order' issued under G.S.R. 1046. The Committee, however, desire that a suitable title may be inserted in the latter amendment 'Order' issued under G.S.R. 1046, at an early date, for facility of future reference.

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The Committee note with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to amend the Settlement Commission (Income-tax|Wealth-tax) (Conditions for service of Chairman and Members) Rules, 1976 so as to specify therein the salary of the Chairman of the Settlement Commission (Income-tax|Wealth-tax). The Committee recommend that the rules may be amended to the necessary effect at an early date.

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The Committee note with satisfaction that, on being pointed out, the Ministry of Commerce have amended the Textiles Committee (Appeal to the Tribunal) Rules, 1976 to the effect that form of appeal to the Tribunal shall be written in English or Hindi *vide* G.S.R. 1138 of 1977, published in Gazette of India dated the 3rd September, 1977.

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14	57	<p>The Committee note that in respect of a provision similar to that contained in sub-rule (4) of rule 13 of the Indian Medicine Central Council (Election) Rules, 1975 existing in the Homoeopathy Central Council (Election) Rules, 1975, the Department of Health have agreed to amend the Rules so as to provide therein for sending the election papers to the electors by registered post <i>vide</i> para 45 of the Committee's Twentieth Report (Fifth Lok Sabha). However, in the present case, the Department of Health, while appreciating the Committee's desire to ensure delivery of election papers to the electors, have advanced the plea of financial implications to the tune of about rupees five lakhs which they may have to spend for sending the papers to over two lakh persons by registered post. Taking into consideration the huge sum of money involved in the process, the Committee do not insist upon sending the papers by registered post. But with a view to ensuring delivery of papers to all electors, the Committee suggest that, after the papers have been sent under certificate of posting, a notice should be published in important newspapers about the posting of such papers at the registered addresses of the electors so that a person not getting the same can contact the office of the Council and obtain them. The Committee, therefore, desire the Ministry to amend the Indian Medicine Central Council (Election) Rules, 1975 so as to include therein a provision to the above effect, at an early date.</p>
15	59	<p>The Committee note with satisfaction that, on being pointed out, the Ministry of Health and Family Welfare (Department of Health) have agreed not to insist upon receipt of election papers through registered post and have decided to leave the mode of posting to the electors concerned. The Committee, therefore,</p>

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desire the Ministry to amend the Indian Medicine Central Council (Election) Rules, 1975 to the necessary effect at an early date.

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The Committee are not convinced with the reply of the Ministry of Health and Family Welfare (Department of Health) in regard to the provision of rule 23 of the Indian Medicine Central Council (Election) Rules, 1975 empowering the Vice-Chancellor to determine the manner in which the members of the Faculty or Department in Ayurveda, Siddha and Unani Systems of Medicine of the University shall elect their members to the Central Council. The Committee note in this connection that sub-section (1) of section 4 of the Indian Medicine Central Council Act, 1970 provides for the election of Members to the Council to be conducted in accordance with the rules to be prescribed. Instead of prescribing the manner of election in the rules, Government have further delegated this power to the Vice-Chancellor. In Committee's view this is tantamount to sub-delegation of legislative authority without any specific authorisation to that effect in the parent Act.

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The Committee are also not convinced with the argument put forth by the Ministry of Health and Family Welfare that if the general procedure for election is adopted in this case, Returning Officers will have to be appointed for conducting elections in various Faculties/Departments concerned and that may not be feasible in the case of small groups. The Committee feel that whatever the procedure is to be followed for electing the members, it should be laid down in the Rules as per provisions of section 4(1) of the Act instead of sub-delegating the legislative power to the Vice-Chancellor without an express authorisation to that effect

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in the parent Act. The Committee, therefore, desire the Ministry to prescribe in the rules the manner of conducting elections by the members of the Faculty or Department of each of the Ayurveda, Siddha and Unani Systems of Medicine of the University. Alternatively, the Ministry may bring necessary legislation before Parliament for amending the parent Act so as to provide therein for authorising the Vice-Chancellor to prescribe the manner of conducting these elections, at an early date.

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The Committee recommend that the Dental Council (Election) Regulations, 1952, the Indian Medical Council (Election) Rules, 1975, and the Homoeopathy Central Council (Election) Rules, 1975, which contain provisions similar to Rule 23 of the Indian Medicine Central Council (Election) Rules, 1975, should be amended so as to lay down the procedure for holding elections of representatives of Universities to the respective Council in the Rules/Regulations themselves instead of empowering the Vice-Chancellor to prescribe the manner of election. Alternatively the Ministry may bring suitable amending legislation before Parliament to provide for authorising the Vice-Chancellor to prescribe the manner of conducting these elections.

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The Committee observe that reference in regard to the points arising out of the Indian Medicine Central Council (Election) Rules was made to the Ministry of Health and Family Welfare on the 4th February, 1976, whereas the Ministry have sent their final reply on the 16th March, 1978 i.e., after a lapse of over two years and one month. The Committee take a serious note of such an unduly long time taken by the Ministry in sending their reply and stress upon them to be prompt in attending to the communications from the Committee and send an interim reply wherever it is not possible

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for them to furnish comments in time due to some genuine difficulties and ask for extension of time giving reasons therefor.

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The Committee note from the reply of the Ministry of Tourism and Civil Aviation that the approval of, for that matter, disapproval of fares, rates, etc., as adopted by the International Air Transport Association (IATA) is being given by Government in their inherent power as a sovereign body. The Ministry have also referred to the opinion of the Ministry of Law that the power to approve flows from Clause (aa) of sub-section (2) of Section 5 of the Aircraft Act, 1934. The Committee, however, observe that under that Clause, Government are empowered to frame rules for regulation of air transport service. In the opinion of the Committee, it does not give an express authority to the Director General to approve, disapprove or revise the fares etc., of the tariffs. As this is in the nature of a substantive power, the Committee feel that authority therefor must expressly flow from the parent Act itself. The Committee, therefore, desire the Ministry to bring an amending legislation to provide for specific authority in the Aircraft Act for this purpose at an early date.

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According to the Ministry of Finance (Department of Revenue), the delay in laying the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977, on the Table of the House, was caused by a wrong impression on their part that only rules framed by the Government are needed to be laid on the Table whereas the rules in question had been framed by the Appellate Tribunal for Forfeited Property to regulate its own procedure. The Ministry, therefore, did not feel the necessity of laying the said rules before

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Parliament till it was pointed out by the Committee on Subordinate Legislation of the Rajya Sabha that even the rules framed by the Tribunal were required to be laid before each House of Parliament. In this connection, the Committee note that Section 26(3) of the Smugglers and Foreign Exchange Manipulators (Forefeiture of Property) Act, 1976 clearly lays down that every rule made thereunder shall be laid before each House of Parliament, irrespective of the fact that the rules are framed by the Central Government or any other authority under the Act. The Committee further note that there is no indication in the Act that rules framed under Section 12 will not be laid before Parliament. Keeping this in view, the Committee cannot but feel that the plea of 'wrong impression' taken by the Ministry is not at all convincing.

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With regard to not laying before Parliament a Statement showing reasons for delay in this case, the Ministry have attributed the omission to 'sheer ignorance of the requirement' on the part of its Safema Unit set up in April, 1976. The Committee are unable to accept it as a convincing reason as it appears to be like an after-thought for not complying with their oft-repeated recommendation in this regard.

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To obviate delays on account of inadvertence/oversight, the Committee in para 32 of their Ninth Report (Fifth Lok Sabha), presented to the House on the 19th November, 1973 had desired the Ministries/Departments to take specific steps on the lines indicated by the Ministry of Labour viz., (a) maintenance of a register for entering notifications issued under various Acts, and (b) submission of periodical returns by the Sections issuing notifications to the Parliament Section. On the 18th December, 1973, the Department of Parliamentary Affairs

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brought the above recommendation of the Committee to the notice of all Ministries/Departments. Subsequently, on the 8th April, 1974, the Cabinet Secretary addressed a D.O. letter to all Secretaries of the Government saying that he had been desired by the Prime Minister to request that the procedure laid down in the D.O. to facilitate timely compliance with the statutory requirements relating to subordinate legislation should be strictly adhered to. The Secretaries of Ministries/Departments were asked to send confirmation to the Cabinet Secretary by the 20th April, 1974, that necessary arrangements in this regard had been made. It is unthinkable that after so emphatic a direction by the Committee, instructions by the Department of Parliamentary Affairs and the desire of the Prime Minister as communicated in the Cabinet Secretary's D.O. of the 9th April, 1974, delays on account of inadvertence/oversight should have occurred.

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The Committee take a serious note of the fact that cases of delay in laying continue to occur in spite of Committee's emphatic exhortations in this regard time and again. Had the Ministry of Finance (Department of Revenue) viewed the things in proper perspective and bestowed the attention and care the matter deserved, the Committee feel that the present case of delay could have been avoided. The plea of 'wrong impression' and 'sheer ignorance of the requirement' are not at all tenable. The Committee feel strongly about the matter and deprecate the delay in the present case. The Committee reiterate their earlier recommendations on the subject and desire the Ministry of Finance to bring them to the notice of their units forthwith for compliance.

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The Committee are not satisfied with the reply of the Ministry of Commerce, Civil Sup-

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plies and Co-operation (Department of Textiles) inasmuch as it does not indicate anything about the action initiated or proposed to be initiated to implement the recommendations contained in paras 65-66 of their Twentieth Report (Fifth Lok Sabha). The Committee deprecate the evasive reply given by the Ministry. The Committee need hardly point out that action taken replies from the Ministries concerned to their recommendations should be specific and to the point and should not be circumlocutory.

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The Committee note that the Ministry of Commerce have regretted for their omission in not appending an explanatory memorandum to the Central Silk Board (Research and Service Stations) Consolidated Recruitment (Amendment) Rules, 1972, that no one would be affected adversely as a result of their retrospective operation. The Committee observe in this connection that the rules in question have been framed in exercise of the powers conferred by Section 13 of the Central Silk Board Act, 1948 which does not contain any express provision for giving retrospective effect to such rules. As such even if an explanatory memorandum had been appended to the rules, it would not have validated the retrospective effect given to the rules in the absence of a specific authority in the parent Act. The Committee have clarified it many a time that the purpose of explanatory memorandum is simply to state the circumstances under which retrospective effect has been necessitated and to certify that no one is likely to be adversely affected thereby. It does not in any way impart legal authority for giving such retrospective effect to the rules.

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The Committee reiterate their earlier recommendation that the Central Silk Board (Research and Service Stations) Consolidated Re-

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recruitment (Amendment) Rules, 1972 should either be made effective from the date of their publication in the Gazette, or, alternatively, steps should be taken to incorporate a specific provision in the parent Act empowering the Government to give retrospective effect to rules made thereunder.

APPENDIX-II

(Vide para 82 of the Report)

EXPLANATORY MEMO

SUBJECT:—Recruitment Rules for the post of Director, Central Tasar Research Station, Ranchi.

Ministry of Foreign Trade, Government of India *vide* their letter No. 65(2)/70-Tex(F) dated the 30th July, 1970, conveyed sanction to the creation of the post of Director, Central Tasar Research Station, Ranchi in the scale of Rs. 1300-60-1600.

In order that the direction of research in the Station might not suffer the post was filled up immediately by appointment of Dr. M. S. Jolly, a senior most officer in the organisation with effect from 7-8-1970 on *ad-hoc* basis as per sanction conveyed by Government on 25-9-1970.

To fill up the post on regular basis, the same was later advertised on all India basis in the important dailies on 12-10-1970 as per the proposed recruitment rules. The Selection Committee headed by the Chairman of the Board comprising Dr. K. Ramiah and Dr. S. Pradhan as also Shri V. K. Dikshit, Deputy Secretary to the Government of India, Ministry of Foreign Trade interviewed the two candidates *viz.* Dr. M. S. Jolly and K. L. Kamat on 27-11-1970 and selected Dr. M. S. Jolly who was found suitable for the post. The proposal to the selection and appointment of Dr. M. S. Jolly, as Director, Central Tasar Research Station, Ranchi on regular basis was forwarded for Ministry's approval on 3-12-1970. Having regard to the above retrospective effect has been given to the recruitment rules as from 1-1-1971. The Central Silk Board has certified that this will not affect adversely the interest of any person.

M I N U T E S

APPENDIX III

MINUTES OF THE EIGHTY-NINTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FIFTH LOK SABHA) (1976-77)

The Committee met on Friday, the 30th January, 1976 from 10.30 to 10.50 hours.

PRESENT

Dr. Kailas—*Chairman.*

MEMBERS

2. Shri R. N. Barman
3. Shrimati Marjorie Godfrey
4. Shri Md. Jamilurrahman
5. Shri Dinesh Joarder
6. Shri Kamala Prasad
7. Shri Ram Singh Bhai
8. Shri M. S. Sanjeevi Rao
9. Shri Tayyab Hussain
10. Shri Shiv Shankar Prasad Yadav

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

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3. The Committee desired that comments of the Ministry/Departments concerned might be obtained in respect of the following 'Orders' on points shown against them:—

S. No.	Short title and No. of 'Order'	Points on which comments to be invited
(1)	(2)	(3)
		* * * * *
3.	The Indian Medicine Central Council (Election) Rules, 1975 (G.S.R. 2350 dt. 6-9-75)	(i) <i>Rule 13 (4) :</i> Having regard to the importance of election papers mentioned in this sub-rule, these should be sent to the electors by <i>registered</i> post.

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

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(ii) *Rule 14 :*

Considerations for providing that the envelopes received by unregistered post shall be invalid might be asked.

(iii) *Rule 23:*

Empowering the Vice-Chancellor to determine the manner in which the members of the Faculty or Department of each of the Ayurveda, Siddha or Unani System of Medicine of the University shall elect one member for the respective system of medicine is tantamount to sub-delegation of legislative power.

The Ministry might be asked whether they have any objection to providing for the manner of election in the above case in the rules rather than leaving it to the Vice-Chancellor to determine it.

* * * * *

The Committee then adjourned.

MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA) (1978-79)

The Committee met on Friday, the 16th June, 1978 from 11.00 to 12.00 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri Durga Chand
3. Chaudhary Hari Ram Makkasar Godara
4. Shri Ram Sewak Hazari
5. Shri T. S. Negi
6. Kumari Maniben Vallabhbbhai Patel
7. Shri Saeed Murtaza
8. Shri Madan Lal Shukla
9. Shri Sachindralal Singha
10. Shri Ramji Lal Suman
11. Shri Krishnarao Thakur
12. Shri C. N. Visvanathan

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

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4. The Chairman then considered Memoranda Nos. 114 to 121 on the following subjects:—

S. No.	Memo. No.	Subject
1	2	3
(iv)	117	The Settlement Commission (Income-tax/Wealth-tax) (Conditions for Service of Chairman and Members) Rules, 1976 (G.S.R. 837 of 1977).
*	*	* * *

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

* * * * *

(iv) *The Settlement Commission (Income-Tax|Wealth-Tax)
(Conditions for Service of Chairman and Members) Rules, 1976
(G.S.R. 837 of 1977)—(Memorandum No. 117).*

(A)

8. The Committee considered above memorandum and were not satisfied with the reply of the Ministry of Finance (Department of Revenue) that the fixation of the Salary of the Chairman in the Rules would limit the field of choice and the scope for negotiations to secure the services of an outstanding Officer. The Committee felt that a pay range within which the salary of the Chairman might be fixed, could at least be indicated in the Rules. The Committee desired that comments of the Ministry of Finance (Department of Revenue) might be obtained in the first instance on this proposal before any decision is taken by the Committee on this matter. The Committee further desired to be informed about the salary of the present Chairman.

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16. *The Committee then adjourned to meet again on the 3rd July, 1978 at 3.30 P.M.*

MINUTES OF THE TWENTY-THIRD SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA) (1978-79)

The Committee met on Thursday, the 3rd August, 1978 from 15.30 to 16.00 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri Durga Chand
3. Chaudhary Hari Ram Makkasar Godara
4. Shri B. K. Nair
5. Shri T. S. Negi
6. Shri G. S. Reddi
7. Shri P. A. Sangma
8. Shri Sachindralal Singha
9. Shri Krishnarao Thakur

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*

2. The Committee considered Memoranda Nos. 140 to 149 on the following subjects:—

S. No.	Memorandum No.	Subject
(1)	(2)	(3)
*	*	*
*	*	*
*	*	*
(iv)	143	The Arms (Second Amendment) Rules, 1975 (G.S.R. 653 of 1975).

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

(1)	(2)	(3)
(v)	144 . . .	The General Insurance (Termination, Superannuation and Retirement of Officers and Development Staff) Scheme, 1976 (S.O. 627-E of 1976).
(vi)	145 . . .	Amendments to the Agricultural Refinance Corporation (Issue and Management of Bonds) Regulations, 1969 (G.S.R. 633 and 1046 of 1977).
(vii)	146 . . .	The Settlement Commission (Income-tax/Wealth-tax) (Conditions for Service of Chairman and Members) Rules, 1976 (G.S.R. 837 of 1977).
(viii)	147 . . .	The Textiles Committee (Appeal to Tribunal) Rules, 1976 (G.S.R. 296-E of 1976).
(ix)	148 . . .	The General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 (S.O. 327-E of 1976).
(x)	149 . . .	Implementation of recommendation contained in para 66 of the Twentieth Report of the Committee on Subordinate Legislation (Fifth Lok Sabha) reg: Giving of retrospective effect to the 'Orders' framed under various Acts of Parliament. [The Central Silk Board (Research and Service Stations) Consolidated Recruitment (Amendment) Rules, 1972 (G.S.R. 736 of 1972)].

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(iv) *The Arms (Second Amendment) Rules, 1975 (G.S.R. 653 of 1975) — (Memorandum No. 143).*

7. The Committee considered the above Memorandum and noted with satisfaction that on being pointed out, the Ministry of Home Affairs had issued the necessary amendment substituting the words 'within thirty days of such change' for the words 'without unnecessary delay' in sub-rule (3) of rule 62 and clause (b) of condition 12 in Form III of Schedule III of the Arms Rules *vide* Notification No. G.S.R. 1198 of 1977, published in Gazette of India dated the 17th September, 1977.

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

(v) *The General Insurance (Termination, Superannuation and Retirement of Officers and Development Staff) Scheme, 1976 (S.O. 627-E of 1976)—Memorandum No. 144.*

8. The Committee considered the above Memorandum and noted that the provisions made in the General Insurance (Termination, Superannuation and Retirement of Officers and Development Staff) Scheme, 1976 for prematurely retiring an officer or a person of the Development Staff on attaining the age of 55 or 50 years as the case may be, were on the lines of similar provisions contained in F.R. 56(J) in respect of the Central Government employees. The Committee further noted that the power to retire prematurely had been deliberately centralised in the Central Government, Board of the Corporation or the Board of a Company to ensure against any misuse of power. Such high power bodies while taking decisions were expected to decide the cases on merit. The Committee decided to recommend that Government or the Board should record the reasons in writing while determining the service of an officer or a person of the Development Staff under paragraph 4(3) and a provision to this effect be made in the Scheme.

9. The Committee noted with satisfaction that the Ministry of Finance (Department of Economic Affairs) proposed to amend the Scheme so as to give the prematurely retired officers and Development Staff an opportunity to make a representation to the Central Government, Board of the Corporation or the Board of a Company, as the case may be, against the orders of their premature retirement. The Committee considered it necessary in this regard that the person concerned should be apprised of the reasons for premature retirement before he was able to make a representation against such an order. The Committee decided to recommend that an amendment to the above effect should be made in the Scheme at an early date.

(vi) *Amendments to the Agricultural Refinance Corporation (Issue and Management of Bonds) Regulations, 1969 (G.S.R. 633 and 1046 of 1977)—(Memorandum No. 145).*

10. The Committee considered the above Memorandum and did not accept the Ministry's contention that it was not necessary to give short titles to the amending rules when the amendments made were of a minor nature involving insertion or deletion of certain words. The Committee decided to re-emphasise that that short titles should invariably be given to all rules including the amending rules even

when the rules related to minor correction or otherwise. The Committee opined that short titles were essential for facilitating easy referencing and tracing by all concerned and to avoid any confusion.

11. The Committee observed that no useful purpose could be served by assigning titles to the rules already superseded. They, however, desired the Ministry to insert suitable short title in the other set of amendments issued under G.S.R. 1046 at an early date.

(vii) *The Settlement Commission (Income-tax|Wealth-tax) (Conditions for Service of Chairman and Members) Rules, 1976 (G.S.R. 837 of 1977)*—(Memorandum No. 146).

12. The Committee considered the above Memorandum and noted with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) had agreed to specify the salary of the Chairman in the Settlement Commission (Income-tax|Wealth-tax) (Conditions for Service of Chairman and Members) Rules, 1976. The Committee decided to recommend that the rules be amended to the necessary effect at an early date.

(viii) *The Textiles Committee (Appeal to Tribunal) Rules, 1976 (G.S.R. 296-E of 1976)*—(Memorandum No. 147).

13. The Committee considered the above Memorandum and noted with satisfaction that, on being pointed out, the Ministry of Commerce had amended the Textiles Committee (Appeal to the Tribunal) Rules, 1976 substituting the words 'English and Hindi' for the word 'English' in rule 6 *ibid vide* Notification No. G.S.R. 1138 of 1977 published in Gazette of India dated the 3rd September, 1977.

(ix) *The General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 (S.O. 327-E of 1976)*—(Memorandum No. 148).

(A)

14. The Committee considered the above Memorandum and were not convinced with the reply of the Ministry that the use of the word 'liable' in para 11(3) of the General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Development Staff) Scheme, 1976 by itself implied that some sort of show-cause notice might be served on the Development Staff whose services were to be terminated under para 11(3) *ibid*. The Committee felt that the

reply of the Ministry was vague as it did not state specifically that show-cause notice was required to be served on the person concerned under the rules. The Committee desired the Ministry to be specific in its reply.

The Committee felt that giving of a reasonable opportunity of being heard to a person was one of the basic requirements of natural justice before a reduction was effected in his emoluments or his services were terminated. The Committee decided to recommend that the Scheme be amended at an early date to make a specific provision for giving a right of representation to a person before reduction was effected in his emoluments under para 11(2) or his services were terminated under para 11(3) *ibid*.

(B)

15. The Committee noted that the provisions of sub-para (5) of paragraph 17 of the General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Development Staff) Scheme, 1976 were similar to paragraph 10(6) of the General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Officers) Scheme, 1975. In regard to the latter Scheme, the Committee had observed in para 61 of their Ninth Report (Sixth Lok Sabha) as under:—

“...as in the cases enumerated in clause (a) of paragraph 10(6) of the Scheme, the gratuity shall stand wholly forfeited, no purpose is likely to be served by issuing a show-cause notice to the persons concerned. However, as in the cases covered by clause (b), the gratuity is forfeitable only to the extent of the loss suffered by the Corporation as a result of any act of omission or commission on the part of the person concerned, the precise amount of gratuity that may be forfeited on this account may not be beyond dispute. The Committee feel that in such cases it is but fair that a reasonable opportunity to show cause against the proposed forfeiture is afforded to the persons concerned, before such forfeiture is actually made.”

16. The Committee decided to ask the Ministry to make a provision in the Scheme at an early date on the lines of the above recommendation for giving an opportunity of being heard to the person concerned before taking action under clause (b) of paragraph 17(5) of the Scheme under reference.

(x) *Implementation of recommendation contained in para 66 of the Twentieth Report of the Committee on Subordinate Legislation (Fifth Lok Sabha) reg. giving of retrospective effect to the 'Orders' framed under various Acts of Parliament. [The Central Silk Board (Research and Service Stations) Consolidated Recruitment (Amendment) Rules, 1972 (G.S.R. 736 of 1972)]—(Memorandum No. 149).*

17. The Committee considered the above Memorandum and were not satisfied with the reply of the Ministry of Commerce, Civil Supplies and Cooperation (Department of Textiles) which they considered as evasive. They had not stated any thing in their reply about the action they had initiated or proposed to initiate to implement the recommendation made in para 66 of the Twentieth Report (Fifth Lok Sabha).

18. The Committee noted that in their reply the Ministry had regretted their omission in not appending an explanatory memorandum to the rules that no one would be affected adversely as a result of the retrospective effect.

19. The Committee observed in this connection that the rules in question had been framed in exercise of the powers conferred by section 13 of the Central Silk Board Act, 1948 which did not contain any express provision for giving retrospective effect to rules framed thereunder. Merely appending an explanatory memorandum to the rules without any authorisation from the parent law would not validate the retrospective effect given to such rules. The Committee clarified that the purpose of the explanatory memorandum was simply to state the circumstances under which retrospective effect (if so authorised by the parent Act) was being given and to certify that no one was likely to be adversely affected thereby.

20. The Committee deprecated the evasive reply given by the Ministry and desired that the action taken replies from the Ministries concerned on the recommendations should be specific and to the point and should not be circumlocutory.

21. The Committee decided to reiterate their earlier recommendation that either the rules should be made effective from the date of their publication in the Gazette or steps should be taken to incorporate a provision in the Act empowering the Government to give retrospective effect.

The Committee then adjourned to meet again on the 22nd August, 1978.

**MINUTES OF THE TWENTY-FOURTH SITTING OF THE
COMMITTEE ON SUBORDINATE LEGISLATION
(SIXTH LOK SABHA)
(1978-79)**

The Committee met on Tuesday, the 22nd August, 1978 from 15.30 to 16.00 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri Durga Chand
3. Chaudhary Hari Ram Makkasar Godara
4. Shri Ram Sewak Hazari
5. Shri B. K. Nair
6. Shri T. S. Negi.
7. Kumari Maniben Vallabhbai Patel
8. Shri G. S. Reddi
9. Shri Madan Lal Shukla
10. Shri Sachindralal Singha
11. Shri C. N. Visvanathan.

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

* * * * *

4. The Committee then considered Memoranda Nos. 150 to 153 on the following subjects:—

Sl. No.	Memorandum No.	Subject
(1)	(2)	(3)
(i)	150	Delay in laying the Smugglers and Foreign Exchange manipulators (Appellate Tribunal for forfeited Property) Rules, 1977 (S.O. 179-E of 1977).

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

(1)	(2)	(3)
(ii)	151 . . .	The Staff Selection Commission (Chairman Member and Secretary-cum-Controller of Examinations) Recruitment Rules, 1977 (G.S.R. 1364 of 1977).
(iii)	152 . . .	The Boat Notes Regulations, 1976 (G.S.R. 1555 of 1976).
(iv)	153 . . .	The Central Excise (Fifteenth Amendment Rules, 1977 (G.S.R. 511-E of 1977).

(i) *Delay in laying the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977 (S.O. 179-E of 1977)—(Memorandum No. 150).* .

5. The Committee considered the above Memorandum and were not satisfied with the explanation given by the Ministry of Finance (Department of Revenue) regarding delay in laying the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977. The Committee noted that Section 26(3) of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 clearly lays down that every rule made thereunder shall be laid before each House of Parliament, irrespective of the fact that the rules were framed by the Central Government or any other authority under the Act.

6. The Committee further noted that there was no indication in the Act that rules framed under section 12 would not be laid on the Table of the House. The Committee were also not satisfied with the explanation given by the Ministry that their omission in not laying the statement of reasons alongwith the rules was due to ignorance of the requirement by the concerned staff in the Ministry. It appeared to the Committee as an after-thought for not having complied with an oft-repeated recommendation of the Committee.

7. The Committee noted that in their successive Reports, the Committee had stressed the necessity of timely laying of 'Orders' on the Table of the House. Keeping this in view, the Committee in paragraph 32 of their Ninth Report (Fifth Lok Sabha) presented to the House on the 19th November, 1973, had desired all Ministries/Departments to take special steps on the lines indicated by the Ministry of Labour viz. (a) maintenance of a Register for entering

notifications issued under various Acts which are required to be laid on the Table; and (b) submission of periodical returns by the sections issuing notifications to the Parliament Section. On the 18th December, 1973 the Department of Parliamentary Affairs had brought these recommendations of the Committee to the notice of all Ministries|Departments. Subsequently, on the 9th April, 1974, the Cabinet Secretary had also addressed a D.O. letter to all Secretaries of the Government of India stating that he had been desired by the Prime Minister to request that the procedure laid down in his D.O. letter to facilitate timely compliance with the statutory requirements relating to subordinate legislation should be strictly adhered to.

8. Again, in para 51 of their Third Report (Sixth Lok Sabha) presented on the 14th December, 1977, the Committee had desired the Ministries|Departments to make a review whether the procedural safeguards against delay in laying as outlined in the Cabinet Secretary's D.O. dated 9th April, 1974 have been introduced by them and are being strictly complied with.

9. The Committee took a serious note of the fact that cases of delay in laying continued to occur in spite of Committee's recommendations|observations from time to time. It appeared that the Ministry of Finance (Department of Revenue) had not cared to bring these recommendations|observations of the Committee to the notice of their respective units in spite of intructions issued by the Department of Parliamentary Affairs and the Cabinet Secretary. The Committee deprecated the delay in the present case. They also decided to reiterate their earlier recommendations on the subject and asked the Ministry of Finance to bring their recommendations to the notice of their units forthwith for compliance.

(ii) *The Staff Selection Commission (Chairman, Member and Secretary-cum-Controller of Examinations) Recruitment Rules; 1977 (G.S.R. 1364-E of 1977)—(Memorandum No. 151) .*

10. The Committee considered the above Memorandum and noted with satisfaction that, on being pointed out, the Department of Personnel and Administrative Reforms had agreed to exclude rule 5 of the Staff Selection Commission (Chairman, Member and Secretary-cum-Controller of Examinations) Recruitment Rules, 1977 from the purview of rule 7 *ibid*. The Committee desired the Department to issue the requisite amendment at an early date.

(iii) *Boat Notes Regulations, 1976 (G.S.R. 1555 of 1976)*—(Memorandum No. 152).

11. The Committee considered the above Memorandum and noted from the reply of the Ministry of Finance (Department of Revenue and Banking) that the intention for empowering the Collector of Customs, under sub-regulation (2) (a) of Regulation 3 of the Boat Notes Regulations, 1976, to authorise an exporter or his authorised agent to issue a boat note is to take care of the situations where initial loading points were in the interior and Customs Supervision was not available. The idea was that even in such cases the boat cargo must be covered by a formal document to facilitate surprise or supervisory checks. The Committee also noted that the Ministry proposed to clarify to the Collectors the above-mentioned intention behind regulation 3(2) *ibid.* The Committee, however, desired the Ministry to make suitable amendments in the rule itself to clarify the intention behind it. In view of this position the Committee did not insist for any more guidelines in this respect.

(iv) *The Central Excise (Fifteenth Amendment) Rules, 1977 (G.S.R. 511-E of 1977)*—(Memorandum No. 153).

12. The Committee considered the above memorandum and noted with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) had agreed to issue guidelines to the Collectors for exercising their discretion under rule 96-MMMM of the Central Excise Rules, 1944 as inserted by the Central Excise (Fifteenth Amendment) Rules, 1977. The Committee further noted that while issuing the guidelines the Ministry also proposed to instruct the Collectors to record reasons in writing while exercising the discretion under the rule.

The Committee desired the Ministry to issue the guidelines at an early date. They further desired to amend the rule itself so as to provide therein for recording of reasons in writing by the Collector before exercising his discretion under rule 96-MMMM *ibid.*, at an early date.

The Committee then adjourned.

MINUTES OF THE TWENTY-FIFTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA) (1978-79)

The Committee met on Saturday, the 23rd September, 1978 from 11.00 to 12.30 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri Durga Chand
3. Chaudhary Hari Ram Makkasar Godara.
4. Shri Ram Sewak Hazari.
5. Shri B. K. Nair.
6. Shri T. S. Negi.
7. Kumari Maniben Vallabhbhai Patel.
8. Shri G. S. Reddi.
9. Shri Saeed Murtaza.
10. Shri P. A. Sangma.
11. Shri Madan Lal Shukla
12. Shri Sachindrelal Singha
13. Shri Krishnarao Thakur.
14. Shri C. N. Visvanathan.

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 139 and 154 to 163 on the following subjects:—

Sl. No.	Memo. No.	Subject
(1)	(2)	(3)
*	*	*
(ii)	154	The Indian Medicine Central Council (Election) Rules, 1975 (G.S.R. 2350 of 1975).
(iii)	155	The Aircraft (Third Amendment) Rules, 1975 (G.S.R. 2386 of 1975).
*	*	* . . . *

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

(ii) *The Indian Medicine Central Council (Election) Rules, 1975* (G.S.E. 2350 of 1975) (Memorandum No. 154).

(A)

13. The Committee considered the above Memorandum and noted that a provision similar to the provision contained in sub-rule (4) of rule 13 of the Indian Medicine Central Council (Election) Rules, 1975 existed in the Homoeopathy Central Council (Election) Rules, 1975 which also provided for sending of election papers to the electors under certificate of posting. On being pointed out the Department of Health in that case had agreed to amend the Rules so as to provide for sending the election papers to the electors by registered post vide para 45 of their Twentieth Report (Fifth Lok Sabha). The Committee, however, noted that in the present case, the Department while appreciating the Committee's desire to ensure delivery of election papers to the electors, had advanced the plea of financial implications to the tune of about Rupees Five lakh which they might have to spend for sending the papers to over two lakh persons by registered post. Taking into consideration the huge sum of money involved in the process, the Committee decided not to insist upon sending of the papers by registered post. The Committee, however, desired that with a view to ensure delivery of papers to all electors, after the papers have been sent under certificate of posting, a notice should be published in important newspapers about the posting of the papers at the registered addresses of the electors so that a person not getting the same could contact the office of the Council and obtain them. The Committee further desired that a provision to this effect should be made in the rules.

(B)

14. The Committee noted with satisfaction that, on being pointed out, the Ministry of Health and Family Welfare (Department of Health) had agreed not to insist upon receipt of election papers through registered post and had decided to leave the mode of posting to the electors concerned. The Committee, therefore, decided to ask the Ministry to make suitable amendment in Rule 14 of the Indian Medicine Central Council (Election) Rules, 1975 at an early date.

(C)

15. The Committee considered the Memorandum and was not convinced with the reply of the Ministry of Health in regard to the

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

provision of rule 23 of the Indian Medicine Central Council (Election) Rules, which empowers the Vice-Chancellor to determine the manner in which the members of the Faculty or Department in Ayurveda, Siddha and Unani Systems of Medicine of the University shall elect their members to Central Council.

16. The Committee noted that sub-section (1) of section 4 of the Indian Medicine Central Council Act, 1970 provides for the election of Members to the Council to be conducted in accordance with the rules to be prescribed. Instead of prescribing the manner of election in the rules, Government had further delegated this power to the Vice-Chancellor. In Committee's view this is tantamount to sub-delegation of legislative authority without any specific provision to that effect in the parent Act.

17. The Committee considered the argument put forth by the Ministry of Health and Family Welfare that if the general procedure for election was adopted in this case, Returning Officer would have to be appointed for conducting elections in various Faculties/Departments concerned and that might not be feasible in the case of small groups. The Committee felt that whatever the procedure was to be followed for electing the members, it should be laid down in the Rules as per the provisions of Section 4(1) of the Act instead of sub-delegating the legislative power to the Vice-Chancellor without an express provision to that effect in the parent Act.

18. The Committee decided to ask the Ministry to prescribe in the rules the manner of conducting elections by the members of the Faculty or Department of each of the Ayurveda, Siddha and Unani Systems of Medicine of the University or alternatively, bring necessary legislation for amending the parent Act to provide for authorising the Vice-Chancellor to prescribe the manner of conducting these elections, at an early date.

19. The Committee decided to further recommend that the Dental Council (Election) Regulations, 1952, the Indian Medical Council (Election) Rules 1975, and the Homoeopathy Central Council (Election) Rules, 1975 which also contain a provision similar to Rule 23 *ibid.* should be amended, so as to lay down the procedure for holding election of representatives of Universities to the respective Council in the Rules/Regulations themselves instead of empowering the Vice-Chancellor to prescribe the manner of election. Alternatively, the Ministry might bring suitable amending legislation for amending the parent Act to provide for authorising the Vice-Chancellor to prescribe the manner of conducting these elections.

20. The Committee noted that reference in regard to the points arising out of the Indian Medicine Central Council (Election) Rules, had been made to the Ministry on the 4th February, 1976 and the Ministry had sent their final reply on the 16th March, 1978 i.e. after a lapse of over two years and one month. The Committee took a serious note of such an unduly long time taken by the Ministry in sending their reply, and decided to stress upon the Ministry to be prompt in attending to the communications from the Committee and send an interim reply wherever it was not possible for them to furnish comments in time due to some genuine difficulties.

(iii) *The Aircraft (Third Amendment) Rules, 1975 (G.S.R. 2386 of 1975) — (Memorandum No. 155).*

21. The Committee considered the above Memorandum and were not convinced by the reply of the Ministry of Tourism and Civil Aviation that the approval or for that matter, disapproval of the fares, rates, etc. as adopted by the International Air Transport Association (IATA) was being given by Government in their inherent power as a sovereign body. The Committee also did not agree with the Ministry that the power to approve also flowed from Clause (aa) of sub-section (2) of Section 5 of the Aircraft Act, 1934. The Committee noted that under that clause the Government is empowered to frame rules for regulation of air transport service. It does not give express authority to the Director General to approve, disapprove or revise the fares etc. The Committee, therefore, decided to recommend that the Ministry should bring amending legislation to provide for specific authority in the Air-craft Act for this purpose at an early date.

* * * *

The Committee then adjourned.

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

MINUTES OF THE TWENTY-SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA) (1978-79)

The Committee met on Saturday, the 4th November, 1978 from 11.00 to 11.45 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Chaudhary Hari Ram Makkasar Godara
3. Shri Ram Sewak Hazari
4. Shri T. S. Negi
5. Kumari Maniben Vallabhbai Patel
6. Shri Saeed Murtaza
7. Shri P. A. Sangma
8. Shri Sachindralal Singha
9. Shri Ramji Lal Suman
10. Shri Krishnarao Thakur
11. Shri C. N. Visvanathan

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*

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

3. The Committee authorised the Chairman and, in his absence, Kumari Maniben Vallabhbai Patel to present the Twelfth Report to the House on their behalf on the 22nd November, 1978.

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The Committee then adjourned.

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