

**COMMITTEE  
ON  
SUBORDINATE LEGISLATION**

**(SEVENTH LOK SABHA)**

**TWENTY-FIFTH REPORT**

*(Presented on 7 May, 1984)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

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LOK SABHA SECRETARIAT

CORRECTIONS TO THE TWENTY-FIFTH REPORT  
OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION (SEVENTH LOK SABHA)  
PRESENTED TO THE HOUSE ON 7 MAY, 1964.

<u>S.No.</u>	<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
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8.	52	(Column 4)	7	tegrats	regrets

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION (1983-84)

1. Shri R. S. Sparrow—*Chairman*
2. Shri Mohammad Asrar Ahmad
3. Shri Xavier Arakal
- \*4. Shri A.E.T. Barrow
5. Shri Ashfaq Husain
6. Shri Dalbir Singh (Madhya Pradesh)
7. Shri Amal Datta
8. Shri B. Devarajan
- \*\*9. Shri Brajamohan Mohanty
10. Shri C.D. Patel
11. Shri Chandrabhan Athare Patil
12. Shri T. Damodar Reddy
13. Shri M.S.K. Sathiyendran
14. Shri Satish Prasad Singh
15. Shri Vijay Kumar Yadav

SECRETARIAT

1. Shri D.C. Pande—*Joint Secretary*
2. Shri S.D. Kaura—*Chief Legislative Committee Officer*
3. Shri R.S. Mani—*Senior Legislative Committee Officer.*

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\*Nominated *w.e.f.* 3.9.1983.

\*\*Nominated *w.e.f.* 29.11.1983 *vice* Shri B.R. Nahata died.

**REPORT**  
**I**  
**INTRODUCTION**

1. the Chairman of the Committee on Subordinate Legislation having been authorised by the Committee to present the Report on their behalf, present this their Twenty-fifth Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on 25 June, 1983, 30 and 31 January and 20 February, 1984.

3. The Committee took evidence of the representatives of the Ministry of Commerce regarding Tea Board (Amendment) Bye-laws, 1978 on 25 June, 1983. The Committee wish to express their thanks to the officers of the Ministry for appearing before the Committee and furnishing the information desired by them.

4. The Committee considered and adopted this Report at their sitting held on 19 April, 1984.

5. The Minutes of the sittings, which form part of the Report, are appended to it.

6. A Statement showing the summary of main recommendations/ observations of the Committee is appended to the Report (Appendix 1).

**II**

**THE INDIAN INSTITUTE OF LEGAL METROLOGY**  
**RULES, 1980 (G.S.R. 194-E OF 1980)**

**(A)**

7. Sub-rule (1) of rule 3 of the Indian Institute of Legal Metrology Rules, 1980 (G.S.R. 194-E of 1980) read as under :

**“3. Courses to be imparted at the Institute.—**

(1) There shall be imparted at the Institute, long-term and short-term training in legal metrology and such other subjects as may be recommended by the Committee.”

8. It was felt that the details of training and other subjects should be spelt out in the rules itself for the information of all concerned.

9. The Ministry of Civil Supplies, with whom the above matter was taken up, stated as under :

“Legal metrology is the name given to all applied metrology subjected to regulations by law. The extent of legal metrology varies from one country to another. In some countries almost all practical measurements are under legal control, whereas in other countries legal metrology is restricted to a few quantities used in trade. In most countries, however, legal metrology covers all measurements relating to the protection of the individual from financial, health and environmental point of view.

The scope and coverage of legal metrology in India is in a state of flux. For the present, the new legislation includes within its ambit measurements involving commercial transactions, industrial production and protection of human health and safety. The scope, however, is likely to increase with a view to ensuring protection of the consumer in other fields too.

In view of the above it is not possible to visualise at this stage the details of subjects to be covered under the various long and short term training courses in legal metrology. Further, training courses have also to be devised to suit the needs of other developing countries. As the Indian Institute of Legal Metrology is the only institute of its kind in South East Asia and Africa, candidates from this part of the world also attend various training courses of the Institute. The courses have to be given proper orientation to meet the needs of these countries. In the public interest it is advisable, therefore, to provide in the rules a measure of flexibility in this regard. Hence the existing provisions in the sub-rule.”

10. The Committee are not convinced of the reasons advanced by the Department of Civil Supplies and feel that as the Institute was set up as far back as in the year 1962, there is no justification in their argument to say, after a lapse of two decades, that the scope and coverage of Legal Metrology in the country is still in a state of flux. The Committee desire that the details of the subjects in respect of the various long-term and short-term courses, that are imparted at the Institute, should be specified, to the extent possible, in the rule

for the information and guidance of the trainees as in the case of a University prospectus.

(B)

11. Sub-rule (5) of rule 3 of the Indian Institute of Legal Metrology Rules, 1980 read as under :

“ Courses to be imparted at the Institute.

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(5) The actual duration and the detailed curriculum of every long term and every short term training course shall be determined by the Committee.”

12. It was felt that the actual duration and curriculum of the long-term and short-term training courses should be spelt out in the rule itself to render it self-contained. In reply, the Ministry of Civil Supplies stated as under :

“The Institute is responsible for imparting training in ‘legal metrology’—a subject which has many facets and is still in a developing stage in our country. The future scope and coverage of legal metrology cannot be fully visualised at this stage. Therefore, it may not be possible to spell out correctly the details of curricula and duration of different training courses to be conducted at the Institute. In view of this it has been laid down in rule 3(5) that the duration and the curricula of every long-term and every short term training course shall be determined by the Advisory Committee to be constituted in accordance with the procedure laid down in rule 8. The Committee composed of experts from the concerned departments/organisations will be in a better position to formulate along correct lines the details of the courses from time to time keeping in view the changing trends and needs of legal metrology in the country. Besides this, the content of a training course have to vary depending upon the background, position and expertise of groups of trainees.

The training courses also cover trainees from other countries—whose background, training and expertise will all have to be taken into account before devising curriculum for a particular course. It is impossible to



visualise all the variations involved and make provisions for them in the rules."

13. The Committee are not convinced of the reply of the Department of Civil Supplies. They feel that the actual duration and curriculum of the courses imparted at the Institution should be spelt out in the rules to make them self-contained. The Committee, therefore, desire the Department to amend the Sub-rule (5) of Rule 3 of the Indian Institute of Legal Metrology Rules, 1980 at an early date to the necessary effect.

(C)

14. Rule 7 of the Indian Institute of Legal Metrology Rules, 1980, read as under :

**"7. Regulation of admissions to the Institute.—**

The admission to the various courses run by the Institute shall be made by the Principal, from amongst the eligible candidates, with the previous approval of the Director."

15. It was felt that suitable guidelines should be laid down as a safeguard against any arbitrary use of the discretionary powers vested in the Principal of the Institute. In reply, the Ministry of Civil Supplies stated as under :

"The power vested in the Principal in matter of admission has been restricted by the provision that the previous approval of the Director shall be necessary."

16. The Committee are not satisfied with the reply of the Department of Civil Supplies and desire that suitable guidelines should be issued for safeguard against any arbitrary use of the discretionary powers vested in the Principal/Director of the Institute in the matter of admission to the Institute.

(D)

17. Sub-rule (1) of rule 8 read with sub-rules (5) and (6) of rule 3 of the Indian Institute of Legal Metrology Rules, 1980 provided as under :

"8. **Advisory Committee.**—(1) The Central Government may constitute an Advisory Committee for advising it in relation to the functions and development of the Institute or in relation to such other matters concerning the Institute as that Government may consider necessary to refer to the Committee."

\* \* \*

"3. **Courses to be imparted at the Institute.**

\* \* \*

(5) The Actual duration and the detailed curriculum of every long-term and every short-term training course *shall* be determined by the Committee.

(6) There *shall* be such refresher courses for a specific purpose and for such duration as the Committee may recommend."

18. It was observed that the constitution of an Advisory Committee under Rule 8(1) *ibid.* was not mandatory on the Central Government. However, the provisions as contained in sub-rules (5) and (6) of rule 3 rendered it mandatory to constitute a Committee for purposes of these rules. The Ministry of Civil Supplies, which were asked to reconcile the position, stated in reply as under :

"In sub-rule (1) of rules 8, the word 'may' appearing in the first line will be substituted by the word 'shall'.

19. In a subsequent communication dated 20 July, 1983, the Ministry of Food and Civil Supplies (Department of Civil Supplies) forwarded the comments of the Ministry of Law in the matter to read as under :

"The word 'may' is appropriate as it gives discretion to the Central Government to determine as to the time and conditions on the happening of which the Advisory Committee is to be constituted."

20. After considering the reply of the Department of Civil Supplies and the comments of the Ministry of Law regarding constitution of the Advisory Committee, the Committee approve the suggestion to substitute the word 'shall' for 'may' in sub-rule (1) of Rule 8 of the Indian Institute of Legal Metrology Rules,

**1980. The Committee desire the Department to notify the amendment at an early date.**

(E)

21. Sub-rule (3) of rule 8 of the Indian Institute of Legal Metrology Rules, 1980 read as under :

“(3) The Committee may, if it is of opinion that the association with it of any person is necessary in the interests of the Institute, co-opt, not more than two persons as its members and the persons so co-opted shall be deemed, for the purposes of these rules, to be the members of the Committee and shall have the same rights and privileges as are enjoyed by any other member of the Committee.”

22. The sub-rule vested wide discretionary powers on the Committee in the matter of co-opting members on the Committee. Hence it was felt that in the absence of any criteria prescribed in the rules, some guidelines might be issued by the Government in this regard. In reply, the Ministry of Civil Supplies stated as follows :

“As advised by the Committee the powers vested in the Advisory Committee to co-opt are being restricted by making suitable changes in the wordings of the sub-rule. It is proposed that the words ‘two persons’ appearing in the third line should be substituted by the word, ‘a person connected with the work of legal metrology’.”

23. In a subsequent communication, the Ministry of Food & Civil Supplies (Department of Civil Supplies) forwarded the following comments of the Ministry of Law in the matter :

“It is better if some guidelines are provided for co-opting members in the Advisory Committee.”

24. The Committee endorse the advice of the Ministry of Law that it is better if some guidelines are provided for co-opting members on the Advisory Committee. The Committee accordingly desire the Department of Civil Supplies to take necessary action on the suggested lines at an early date.

(F)

25. Sub-rule (4) of rule 8 of the Indian Institute of Legal Metrology Rules, 1980 read as under :

“(4) The Committee shall regulate its own procedure including the quorum

at its meetings, and shall meet at least once in each year at such place and at such time as it may think fit."

26. It was felt that the procedure, including the quorum at its meetings, to be followed by the Committee should be laid down in the rule instead of leaving it to the Committee. In reply, the Ministry of Civil Supplies stated as under :

"In terms of this sub-rule, the Committee has to meet at least once a year. It is felt that for the sake of convenience other procedural matters should be decided by the Committee itself."

27. The Committee are not satisfied with the reply of the Department of Civil Supplies and desire that the provision for procedure, including the quorum at its meetings to be followed by the Advisory Committee, should be laid down in the rule itself instead of leaving it to the discretion of the said Committee.

(G)

28. Sub-rule (6) of rule 8 of the Indian Institute of Legal Metrology Rules, 1980 read as under :

"(6) Save as otherwise provided in sub-rule (2), the term of office of the members of the Committee shall be three years :

Provided that a member may be renominated for a like period by the authority competent to nominate him under this rule :

Provided further that if the Committee is not reconstituted after the expiry of the term of office of its members, the term of office of its members shall stand extended until the Committee is duly reconstituted under this rule."

29. It was felt that the outer limit of the period upto which the term of Committee could be extended should be provided in the rule. As at present, the Committee once constituted could go on indefinitely which was not the intention of sub-rule (6) which provided that the term of office of the Committee shall be three years. In reply, the Ministry of Civil Supplies stated as under :

"The advice of the Committee is being accepted. Necessary modification will be made in the rules accordingly."

30. In a subsequent communication, the Ministry of Food & Civil Supplies (Department of Civil Supplies) forwarded the following comments of the Ministry of Law in this regard :

“Normally the term of office of the members stands automatically extended until the new Committee is reconstituted. In the instant case the Advisory Committee consists of mostly Government officials, as such it would not make any difference if the members appointed to the Advisory Committee are allowed to continue after the expiry of their term until the new Committee is reconstituted.”

31. The Committee, after considering the reply of the Department of Civil Supplies and the comments of the Ministry of Law in the matter desire the Department of Civil Supplies to specify in the sub-rule (6) of Rule 8 of the Indian Institute of Legal Metrology Rules, 1980 the outer limit of the period upto which the term of the Committee could be extended.

(H)

32. Sub-rule (10) of rule 8 of the Indian Institute of Metrology Rules, 1980 read as under :

“(10) A nominated member of the Committee may resign his membership by addressing a letter to the Chairman and on the resignation being accepted, the office of such member shall fall vacant.”

33. It was felt that the maximum period within which the resignation must be accepted should be laid down in the rule. In reply, the Ministry of Civil Supplies stated as under :

“The function of the Advisory Committee is of a Developmental nature. As such there is not likely to be delay in accepting the resignation if a member wants to disassociate himself with the working of the Advisory Committee. If too much rigidity is introduced in the rules, it is feared that the Advisory Committee will not get going at all. Hence, there appears to be no need for change in the sub-rule.”

34. The Committee are not satisfied with the reply of the Department of Civil Supplies and feel that the period within which the resignation of a nominated member of the Advisory Committee should be accepted, be laid down in the rule itself. The Committee, therefore, desire the Department to amend the Indian Institute of Legal Metrology Rules, 1980 to the desired effect.

(I)

35. Rule 9 of the Indian Institute of Legal Metrology Rules, 1980 read as under :

“(9). Power of Institute to grant certificates, diplomas—(1) The Institute

may award such certificate of proficiency or diploma or honorarium to the person who has successfully completed the training at the Institute, as the Committee may recommend.

(2) The Institute may make payment of honorarium to such persons and at such rates as may be recommended by the Committee."

36. It was felt that the payment of honoraria was a substantive provision and it should more appropriately find a place in the Act itself. The Ministry of Civil Supplies stated in reply as under :

"The payment of honoraria by the Institute will be subject to administrative and financial control of the Central Government. Hence no change appears to be necessary."

37. The Committee observe that payment of honorarium is a substantive provision. The Committee have time and again emphasized that such provisions should invariably flow from the enabling Acts. The Committee, therefore, desire the Ministry to bring forth the necessary amending legislation in the standards of weights and Measures Act, 1976 before Parliament in this regard or alternatively delete the relevant provisions from the rules.

(J)

38. Rule 10 of the Indian Institute of Legal Metrology Rules, 1980 read as under :

"10. Fees.—The Institute may charge fees at the rate specified in the appropriate rules for—

- (a) services rendered by it as a reference standard laboratory ;
- (b) functioning as a laboratory for the approval of models ; and
- (c) rendering metrological facilities to the industries, and fees may be charged at different rates for different services rendered by the Institute."

39. It was pointed out to the Ministry of Civil Supplies that the fees to be charged should be specified in the rule itself and if so needed, with a foot-note that these would be subject to variation. In reply, the Ministry of Civil Supplies stated as under :

"As this rule notes, the fee to be charged shall be specified in other rules to

be framed under the Weights & Measures Act, 1976. Hence it may not be necessary to include the fee schedule in these rules.”

40. In view of the Government's reply that the fees to be charged shall be laid down in another set of statutory rules to be framed under the Weights and Measures Act, 1976, the Committee do not insist on specifying such fees in the Rule 10 of the Indian Institute of Legal Metrology Rules, 1980 as a special case.

### III

#### THE WEALTH-TAX (SECOND AMENDMENT) RULES, 1980 (S.O. 75-E OF 1980)

41. Rule 8M of the Wealth-tax Rules, 1957, as inserted by the Second Amendment Rules, 1980, read as under :

“8M. **Furnishing of particulars in certain Cases**—Where any person who is registered as a valuer under section 34 AB or who has made an application for registration as a valuer under that section is, at any time thereafter—

- (a) convicted of any offence and sentenced to a term of imprisonment ; or
- (b) found guilty of misconduct in his professional capacity by any association or institution referred to in sub-clause (i) of clause (c) of sub-rule (13) of rule 8A ;

he shall immediately after such conviction or, as the case may be, finding, intimate the particulars thereof to the Board.”

42. It was enquired from the Ministry of Finance whether the Board had any independent arrangement to find out if a person registered as a valuer has been convicted of an offence or found guilty of misconduct in his professional capacity. In their reply dated 23 June, 1981, the Ministry stated that there was no such arrangement.

43. The Committee considered the matter at their sitting held on 27 June, 1983 and observed that there did not appear to be a specific provision in the Wealth-tax Act, 1957, requiring a person who was registered as a valuer or who had made an application for registration as a valuer under section 34AB of the Act, *ibid*, to furnish particulars of his conviction to the Board. The Committee,

therefore, desired that an inquiry might be made from the Ministry of Finance (Department of Revenue) to ascertain—

- (i) whether an amendment of the parent Act was not considered desirable in that regard ; and
- (ii) whether rules and regulations should not be framed to enable the Board to know whether a person had incurred disqualification or not.

The Ministry of Finance (Department of Revenue) in their reply stated as under :

“...the suggestion regarding amendment of the Wealth-tax Act made by the Committee on Subordinate Legislation are acceptable and that they would be processed for implementation when a Bill to make amendments to the direct taxes enactments is next introduced in the Lok Sabha.”

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

#### IV

#### THE TEA WAREHOUSES (LICENSING) ORDER, 1980 (S.O. 983-E OF 1980)

45. Sub-clause (7) of Clause 9 of the Tea Warehouses (Licensing) Order, 1980 (S.O. 983-E of 1980) read as under :

“9. Conditions of licence.

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(7) The Licensing Authority may lay down norms for production, storage, blending, packaging of tea in consultation with the Tea industry.

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46. The aforesaid sub-clause delegates power to the Licensing Authority to lay down norms for production, storage, blending, packaging of tea in consulta-



tion with the Tea Industry. It was felt that to make the rules self-contained, such norms should have been spelt out in the Order.

47. On a reference made in the matter, the Ministry of Commerce stated, in their reply dated 11 January, 1984, as under :

“The norms for production, storage, blending and packaging of tea are required to be changed from time to time keeping in view the needs of the industry. It will, therefore, be difficult to specify these norms in the Rules. The Licensing Authority has, therefore, been authorised to lay down the norms in consultation with the Industry.”

48. The Committee are not convinced by the reply of the Ministry of Commerce. The Committee feel that with the experience gained over the years since the coming into force of the Tea Act, 1953, it should have been possible for the Government to lay down broadly, the requisite norms in the Licensing Order itself, to make it self-contained.

V

THE INDIAN TELEGRAPH (AMENDMENT) RULES, 1983  
(G.S.R. 86-E OF 1983)

49. Rule 443 and sub-rule (3) of Rule 511 of the Indian Telegraph Rules, 1951 as substituted by Amendment Notification No. G.S.R. 86-E of 1983, read as under :

“443. **Default of payment**—If, on or before the due date, the rent or other charges in respect of the telephone service provided are not paid by the subscriber in accordance with these rules, or bills for charges in respect of calls (local and trunk) or phonograms or other dues from the subscriber are not duly paid by him, any telephone or telephones or any telex service rented by him may be disconnected without notice. The telephone or telephones or the telex so disconnected may, if the Telegraph Authority thinks fit, be restored, if the defaulting subscriber pays the outstanding dues and the reconnection fee together with the rental for such portion of the intervening period (during which the telephone or telex remains disconnected) as may be prescribed by the Telegraph Authority from time to time. The sub-

scriber shall pay all the above charges within such period as may be prescribed by the Telegraph Authority from time to time.”

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### Rule 511

“(3) If on or before the due date, the rent or other charges in respect of telex service provided are not paid by the subscriber in accordance with these rules or bills for charges in respect of calls (local, national and international), or other dues from the subscriber are not duly paid by him, any telex or telephone or telephones rented by him may be disconnected without notice. The telex or telephones so disconnected may, if the Telegraph Authority thinks fit, be restored if the defaulting subscriber pays the outstanding dues and the reconnection fee together with the rental for such portion of the intervening period (during which the telex or telephones remain disconnected) as may be prescribed by the Telegraph Authority from time to time. Subscriber shall pay all the above charges within such period as may be prescribed by the Telegraph Authority from time to time.”

50. The Ministry of Communications (P & T Board) were asked to state (i) the genesis of the aforesaid amendments, and (ii) whether there were adequate provisions to enable the aggrieved party to represent against the decision for disconnection of the telephone/telex service especially when the non-payment of dues was for reasons beyond one's control.

51. In their reply dated 17 September, 1983, the Indian Posts and Telegraphs Department (Office of the Director General of Posts and Telegraphs) stated as under :

“.....Rule 443 of ITRs dealing with disconnection of telephones for non-payment of dues and its restoration, has been in existence since 1960 and has been amended from time to time. Rule 511(3) of ITRs dealing with disconnection of telex connections for non-payment of dues was introduced w.e.f. 30.5.69. Both the rules provided for suspension of the services for non-payment of 'any other dues'. The Department had felt that this provision would enable them to suspend one service for non-payment of dues relating to the other. However, the Ministry of Law to whom the case was referred, had held that the Rule has to be interpreted '*ejusdem generis*' and therefore, 'other dues' should be read only in the context and cannot be deemed to include dues of other services. A copy of the Ministry of Law's opinion in this regard is enclosed for information. (See Appendix-II),

Since the Department providing both the telephone and telex services is the same, it will not be correct to continue one service when the subscriber is a defaulter in respect of another service and is evading payment of the dues. A number of instances where the subscribers continued to enjoy the facility of one service despite being defaulters in respect of other, came to the notice of the Department which found itself helpless to deal with the situation due to legal lacuna in the rules. The present amendment is therefore, intended to plug the loophole in the ITRs so that the Department can deal with the defaulting subscribers effectively.

In the case of telephone/telex dues outstanding against any subscriber, he is given a telephonic intimation about the pending dues and requested to make payments. In the case of telex connections, a notice in writing about the pending dues is sent to the subscriber giving him a period of 7 days to settle the dues. In the case of telephone subscribers, registered notices are sent to those who request the same, on payment of nominal charges.

No specific provision exists in the rules for representation against the decision for disconnection of telephone/telex services. However, officers in the Department always consider any requests for additional time due to circumstances beyond the control of the subscriber favourably. Disconnection is taken recourse to only as a last resort as means to expedite payment of dues."

52. The Committee note from the reply of the Indian Posts and Telegraphs Department that the intention underlying the amendments made to rules 443 and 511(3) of the Indian Telegraph Rules is to empower the Department to cancel both the telephone and telex connections if there is a default on the part of the subscriber in payment of dues in respect of either service. The Committee feel that these amendments are not justifiable and are contrary to the spirit of the public utility service expected of the Department. The Committee, therefore, desire the Department to nullify the amendments forthwith to save the public of any avoidable hardship. So far as recovery of outstanding dues is concerned, the Department should proceed to explore the legal remedies available to them including disconnection of the particular service to deal with the defaulting subscribers.

53. The Committee observe that there is no uniform practice of giving notice for disconnection of telephone and telex services. The Committee, therefore, desire the Department to evolve a uniform practice regarding service of disconnection notices in the matter of two services and incorporate the same suitably in the Indian Telegraph Rules to put it on a statutory footing.

54. The Committee further observe that there is no provision in the Indian Telegraph Rules for representation by the aggrieved party against the decision for disconnection of the telephone or telex service and that the requests for extension of time due to circumstances beyond the control of the subscriber are being considered by the officials of the Department on the merits of each case. The Committee, therefore, desire that suitable provisions regarding representation against the decision to disconnect the telephone or telex service and for the extension of time for reasons beyond ones control, should be incorporated in the statutory rules instead of leaving the matter to the discretion of the officials of the Department.

## VI

### THE CARDAMOM (AMENDMENT) RULES, 1982

(G. S. R. 145 OF 1983)

55. Sub-rule (4) of the Rule 42 of the Cardamom Rules, 1966, as substituted by the Cardamom (Amendment) Rules, 1982, read as under—

“(4) Such cheques and all orders for making deposit or investments, or withdrawal of the same, or for the disposal in any other manner, of the funds of the Board shall be signed by the Secretary, or by *any other officer* of the Board duly authorised by the Secretary and countersigned by the Chairman or, in the absence of the Chairman, by *any other officer* of the Board duly authorised by the Chairman.”

56. It was felt that the expression ‘any other officer’ appearing at two places in the aforesaid sub-rule was vague in as much as it did not indicate the designation of such officer.

57. On a reference made in the matter, the Ministry of Commerce, stated, in their reply as under :

“...the purpose of the amendment was to enable delegation of Powers to a regional offices in places like Sikkim and Karnataka to sign cheques for making payments. The present formulation provides flexibilities and since no amendment would be required for delegation to other regional offices in future. Safeguards are in built as the person concerned has to be authorised by the Secretary, Cardamom Board. Besides the draft Notification was approved by the Ministry of Law.”

58. In view of the circumstances stated by the Ministry of Commerce, the Committee do not insist on specifying the minimum rank of the officer to be authorised by the Secretary/Chairman of the Cardamom Board, as a special case.

## VII

### THE INDIAN TELEGRAPH (SECOND AMENDMENT) RULES, 1983 (G. S. R. 175 OF 1983).

59. Sub-rules (4) and (5) of rule 505A of the Indian Telegraph Rules, 1951, as inserted by the Indian Telegraph (Second Amendment) Rules, 1983, read as under :

“(4) In the case of an application made before the date of commencement of the Indian Telegraph (Second Amendment) Rules, 1983 and in respect of which no telex connection has been provided, the applicant shall be required to pay to such authority as may be specified in a notice issued by the Telegraph Authority, the amount of deposit required to be paid under sub-rule (1) within a period of three months from the date of issue of such notice.

(5) If the applicant does not deposit the amount required to be paid under sub-rule (4), within the period specified in the notice referred to in that sub-rule, the application shall be cancelled.”

60. It was felt the in case an applicant was unable to deposit the amount due to reasons beyond his control within the specified period of 3 months and if he sought extension of time for the purpose, it would appear to be unreasonable if his application was cancelled on the ground of non-deposit of amount within the specified period.

61. On a reference made in the matter, the Ministry of Communications (P&T Department) stated, reply as under :

“...to permit applicants who were unable to deposit the amount of Rs. 10,000/- by 30th June, 1983, the period of three months has been extended upto 30th September, 1983...”

62. The Ministry have accordingly substituted the words ‘a period of six months’ for the words ‘a period of three months’ in sub-rule (4) of rule 505-A of the Indian Telegraph Rules vide G. S. R. 490-E dated 15 June, 1983.

63. The Committee note that the Posts and Telegraphs Department have since extended the period for making deposits by the applicants upto 30 September, 1983 instead of 30 June, 1983. However, the Committee still feel that the rules should make specific provisions for affording opportunity of being heard to those applicants who had not been able to make payment even within the extended period of time for reasons beyond their control. As no useful purpose is likely to be served by insertion of the desired provisions at this stage, the Committee do not insist for an amendment of the rules for the present. The Committee will, however, like the Department to take note of their views whenever such situations arise in future.

### VIII

#### THE UNION PUBLIC SERVICE COMMISSION (MEMBERS) AMENDMENT REGULATIONS, 1983 (G.S.R. 311 OF 1983)

64. Preamble to the Union Public Service Commission (Members) Amendment Regulations, 1983 (G. S. R. 388 of 1983) read as under :—

“G. S. R. 388—In exercise of the powers conferred by Sub-clause (a) of article 318 of the Constitution, the President here by makes the following Regulations, namely :—”

65. It was observed that the notification (No. G. S. R. 388 was, in fact, an amendment notification to amend the Union Public Service Commission (Members) Regulations, 1969, but the Preamble thereto did not clearly indicate the fact. On being pointed out to them, the ministry of Home Affairs (Department of Personnel and Administrative Reforms) stated in their reply as under :—

“...action is being taken to amend the Preamble to the Union Public Service Commission (Members) Amendment Regulations, 1983 Published in the Gazette of India, Part II Section 3 (i) dated 2 May, 1983 with a view to making it clear that these regulations were further to amend the UPSC (Members) Regulations, 1969.”

66. The Committee note with satisfaction that, on being pointed out, the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) have agreed to amend the Preamble to the Union Public Service Commission (Members) Amendment Regulations, 1983 so as to make it clear that these regulations were further to amend the UPSC (Members) Regulations, 1969. The

Committee desire the Ministry to take the necessary action in the matter expeditiously.

## IX

THE DALMIA DADRI CEMENT LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ADMINISTRATION OF FUNDS RULES, 1983 (S. O. 358-E OF 1983)

67. Rule 3 of the Dalmia Dadri Cement Limited (Acquisition and Transfer of undertakings) Administration of Funds Rules, 1983 (S. O. 358-E of 1983) read as under :—

“3. **Administration of Provident Fund.**—The monies standing to the credit of the provident fund, superannuation fund, welfare fund or any other fund relatable to the employees whose services stand transferred by or under the Act to the Central Government or the concerned Government company, as the case may be, shall, on and from the appointed day and till such time as alternative modes of their administration or disposition or both are formulated, be dealt with by the Central Government or the concerned Government company, as the case may be, in accordance with the provisions of the rules, regulations and bye-laws applicable to, or of any law governing the provident fund, superannuation fund, welfare fund or any other fund and its administration immediately before the appointed day, with such modifications as may be carried out in the said rules, regulations and bye-laws by the appropriate authority.”

68. The terms ‘such modifications’ and ‘appropriate authority’ occurring in Rule 3 *ibid.*, appeared to be vague in as much as these did not clearly specify the ‘modifications’ and the ‘authority’ in the rule itself to make it self explicit.

69. On a reference made in the matter, the Ministry of Industry (Department of Industrial Development) stated, in their reply as under :

“.....the question whether the terms ‘such modifications’ and ‘appropriate authority’ occurring in Rule 3 of the Dalmia Dadri Cement Ltd. (Acquisition & Transfer of Undertakings) Administration of Fund Rules, 1983, require to be modified in order to make them more clear and specific, has been considered by this Deptt. in consultation with the Ministry of Law (Legislative Department).

As regards the term 'such modifications' occurring in Rule 3 of the aforesaid rules, this ministry are of the view that the authority that makes or administer the rules normally, have the power to modify the same according to the needs and it would be difficult to provide in the rules the specific modifications that could be made at any point of time.

As regards the term 'appropriate authority', this ministry are of the view that from a reading of Rule 3 of the said rules, it would be inferred that the term refers to 'Central Government' or 'the concerned Government Company. If, however, it is still considered necessary that the term should be modified suitably, the matter will be further examined in this Department.

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

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

## X

### IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARAGRAPHS 8-9 OF THE THIRD REPORT OF COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) REGARDING THE TEA BOARD (AMENDMENT) BYE-LAWS, 1978 (G.S.R. 458 OF 1978)

72. Bye-law 30B of the Tea Board Bye-laws, 1955 as inserted by the amendment of 1978 reads as under :



**“30B. Insurance and other Social Security measures—**The Board may introduce, from time to time, any scheme of insurance and other social security and welfare benefits to officers and other employees other than those appointed by the Central Government at such conditions and at such rates as are admissible to the Central Government employees of comparable posts or to their families under rules and orders issued by the Central Government in that behalf and in force for the time being.”

73. It was felt that there should be suitable provisions in the Bye-laws for publishing the Schemes framed thereunder in the Gazette of India so that they might not escape scrutiny by the Committee on Subordinate Legislation.

74. The then Ministry of Commerce, Civil Supplies and Corporation (Department of Commerce), with whom the matter was taken up, in their reply dated 13 August, 1979 stated as under :

“.....the service conditions of the Tea Board employees are almost *at par* with those of Central Government employees and the entire scheme of service conditions will have to be notified if the suggestion is accepted. This ministry is, therefore, of the view that in cases where the service conditions vary in any details from those applicable to Central Government employees, those may be notified to be available to the Committee for scrutiny.

75. Not being satisfied with the above reply of the ministry, the Committee in paragraphs 8-9 of their Third Report (Seventh Lok Sabha), recommended as under :

“The Committee note that according to the ministry the service conditions of the Tea Board employees are almost at par but not identical to those of Central Government employees. The Committee observe that it is possible that in certain vital aspects the conditions of service of the tea Board employees may vary from those of the Central Government employees.

The Committee further observe that though the ministry have indicated their willingness to publish such schemes as are different from those which are applicable to the Central Government employees, it is likely that many of the important provisions of the schemes framed under bye-law 30-B may not be published in the Gazette at all and thus escape scrutiny by the Committee. The Committee are also of the view that publication of part of the scheme will not help them and others concerned in understanding its full implications and impact. The Committee, therefore, desire that all schemes

framed under bye-law 30-B of the Tea Board Bye-laws, 1955 should be notified in the Gazette of India in their entirety for the information of all concerned.

76. In their Action Taken Note dated 28 June, 1982, the Ministry of Commerce (Department of Commerce) stated as under :-

“Tea Board have so far implemented only one scheme (i.e. “Central Government employee’s Insurance Scheme) in accordance with the provisions contained in the Ministry of Finance O. M. No. F.60/14/77-IC dated 24-6-1977, without change. Therefore, it is felt that the provisions of this scheme need not be published in the Gazette of India.

On the basis of Bye-law 30(B) of the Tea Board Bye-laws, 1955, all social welfare schemes introduced by the Central Government could be implemented in the Board without any modification, for which each scheme need not be notified in the Gazette. There appears to be some apprehension that the Tea Board may introduce any scheme which may not be exactly in line with the scheme for the Central Government Employees.

It is clarified that all the Welfare Schemes introduced by the Central Government may be introduced in the Tea Board in terms of Bye-law 30(B) of the Tea Board Bye-laws, 1955 in its entirety without any modification. If there be any modification on any scheme, such schemes will be sent to Government, for notification in the Gazette. The details of such schemes for Central Government employees are, in fact notified by the ministry of Finance. If a separate gazette notification is insisted upon, the net effect will be that in spite of the existence of bye-laws, the Board will not have the power to introduce any schemes approved by the Central Government for its own employees, and have to approach Government for notification in the Gazette for every single scheme to be introduced.

77. During evidence on 25 June, 1983, the witness stated that Bye-law 30B was specifically introduced in the Tea Board Bye-laws with a view to adopt the scheme of insurance, social security and other welfare benefits for non-Government employees of the Tea Board. Under Bye-law 30B, the Tea Board had no choice but to adopt the scheme of the Government *into to*. The Tea Board was not free to amend or change any provision of the Central Government scheme. The Tea Board would only be extending a well-known scheme, which was already there in the Gazette, to a further group of persons. The witness subscribed to the view that re-notification of the scheme *de novo* was an avoidable repetition in that

respect. In case, the Tea Board desired to adopt a scheme other than the one applicable to the Central Government employees, it could not operate the same under Bye-law 30B. The witness, however, admitted that there were no difficulties in notifying the scheme in the Gazette again.

78. The witness also informed the Committee that an insurance scheme was already in operation for the benefit of employees of the Tea Board. When the Tea Board proposed to extend the Central Government Employees Insurance Scheme to its employees, the Government felt that a new bye-law might be added to the Tea Board Bye-laws to carry out the purpose in view. Ultimately, Bye-law 30B was incorporated on 28 March, 1978. However the proposal for extension of the Central Government Employees Insurance Scheme continued to remain under consideration of the Government and so far no benefits had been extended under Bye-law 30B.

79. When asked to state the reasons for delay in getting approval of the Government, the witness stated that the Ministry of Finance did not favour the straightaway adoption of the scheme. The Ministry pointed out that the insurance premium of the Central Government Employees Insurance Scheme was very low as it was based on a large number of employees. The Tea Board might not be able to generate the requisite corpus of funds to sustain the scheme on self-financing basis with comparatively much smaller number of its employees. The employees of the Tea Board could also not be amalgamated with the Central Government employees on a self-financing basis, as the premium in the case of Central Government employees was very low and the Central Government had to give full benefits to all. In the later half of 1981, the Tea Board was advised to find out as to what the Life Insurance Corporation could do in formulating a similar scheme for their employees in providing a suitable insurance scheme.

80. The witness further stated that the Central Government Employees Insurance Scheme was introduced for the first time at a very low premium rates. The Ministry of Finance then asked the various statutory boards and autonomous bodies to examine the pros and cons of the scheme so as to run a similar scheme for their employees without asking for Government help for any liability that might accrue on the basis of the new scheme. The witness added that the financial implications of introducing a parallel scheme had since been worked out by the Tea Board. The Tea Board authorities had since worked out that it would be possible for them to sustain the scheme on their own on the pattern of premium applicable to the Central Government employees. The matter was under consideration of the Associate Finance for present.

81. In their subsequent reply, the Ministry of Commerce have stated as under :—

- “2. As desired by the Chairman of the Committee, the pending proposal from the Tea Board to implement the Central Government Employees Group Insurance Scheme for the benefit of the Tea Board Employees under the Bye-law 30B of the Tea Board Bye-laws has been examined in detail by this Ministry in consultation with the Department of Expenditure and the Insurance Division of the Finance Ministry.
3. It has been found that on the basis of the existing number of employees of the Tea Board, it would not be possible for the Tea Board to run this Scheme on a financially viable basis. moreover, there are various legal difficulties involved in the Tea Board's implementation of the Central Government Employees Group Insurance Scheme as all Insurances Scheme are subject to the Life Insurance Corporation Act, 1956.
4. The Tea Board has been informed of the above position and they have been advised to consult the Life Insurance Corporation to enable them to draw up a scheme specifically for the benefit of the Tea Board Employees. In the event of the Scheme being introduced, the same will be notified in the Gazette.

There are no other schemes pending under Bye-Law 30B”.

82. The Committee note from the reply of the representatives of the Ministry of Commerce that Bye-law 30B was introduced in the Tea Board Bye-laws with the sole purpose of adopting of Central Government Employees Welfare Schemes for the employees of the Tea Board. The representative clarified that it was not intended to amend or change any provision of the Central Government Scheme which was already in the Gazette, but to extend the benefit of such a scheme to the employees of the Tea Board. In this connection the representatives conceded that there would be no difficulty in notifying such schemes in the official Gazette. The Committee trust that the Ministry would keep their assurance to the Committee that in the event of the application of any Central Government Employees Welfare schemes and in particular Central Government Employees Group Insurance Scheme to the employees of the Tea Board, the same would be notified in the official Gazette.

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

**83. The Committee note with satisfaction the action taken by Government on their earlier recommendations as indicated in Appendix III.**

**NEW DELHI ;  
*April 4, 1984.*  
*Chaitra 15, 1906 (Saka)***

**R.S. SPARROW,  
*Chairman,*  
*Committee on Subordinate  
Legislation.***

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## APPENDICES

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## APPENDIX-I

(Vide Paragraph 6 of the Report)

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

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S. No. Paragraph No.	Summary
(1) (2)	(3)
1. 10.	<p>The Committee are not convinced of the reasons advanced by the Department of Civil Supplies and feel that as the Institute was set up as far back as in the year 1962, there is no justification in their argument to say, after a lapse of two decades, that the scope and coverage of Legal Metrology in the country is still in a state of flux. The Committee desire that the details of the subjects in respect of the various long-term and short-term courses, that are imparted at the Institute, should be specified, to the extent possible, in the rule for the information and guidance of the trainees as in the case of a University prospectus.</p>
2. 13.	<p>The Committee are not convinced of the reply of the Department of Civil Supplies. They feel that the actual duration and curriculum of the courses imparted at the Institution should be spelt out in the rules to make them self-contained. The Committee, therefore, desire the Department to amend the Sub-rule (5) of Rule 3 of the Indian Institute of Legal Metrology Rules, 1980 at an early date to the necessary effect.</p>
3. 16.	<p>The Committee are not satisfied with the reply of the Department of Civil Supplies and desire that suitable guidelines should be issued for safeguard against any arbitrary use of the discretionary powers vested in the</p>

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Principal/Director of the Institute in the matter of admission to the Institute.

4. 20. After considering the reply of the Department of Civil Supplies and the comments of the Ministry of Law regarding constitution of the Advisory Committee, the Committee approve the suggestion to substitute the word 'shall' for 'may' in sub-rule (1) of Rule 8 of the Indian Institute of Legal Metrology Rules, 1980. The Committee desire the Department to notify the amendment at an early date.
5. 24. The Committee endorse the advice of the Ministry of Law that it is better if some guidelines are provided for co-opting members on the Advisory Committee. The Committee accordingly desire the Department of Civil Supplies to take necessary action on the suggested lines at an early date.
6. 27. The Committee are not satisfied with the reply of the Department of Civil Supplies and desire that the provision for procedure, including the quorum at its meetings to be followed by the Advisory Committee, should be laid down in the rule itself in stead of leaving it to the discretion of the said Committee.
7. 31. The Committee, after considering the reply of the Department of Civil Supplies and the comments of the Ministry of Law in the matter desire the Department of Civil Supplies to specify in the sub-rule (6) of Rule 8 of the Indian Institute of Legal Metrology Rules, 1980 the outer limit of the period upto which the term of the Committee could be extended.
8. 34. The Committee are not satisfied with the reply of the Department of Civil Supplies and feel that the period within which the resignation of a nominated member of the Advisory Committee should be accepted, be laid
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down in the rule itself. The Committee, therefore, desire the Department to amend the Indian Institute of Legal Metrology Rules, 1980 to the desired effect.

9. 37. The Committee observe that payment of honorarium is a substantive provision. The Committee have time and again emphasized that such provisions should invariably flow from the enabling Acts. The Committee, therefore, desire the Ministry to bring forth the necessary amending legislation in the Standards of Weights and Measures Act, 1976 before Parliament in this regard or alternatively delete the relevant provisions from the rules.
10. 40. In view of the Government's reply that the fees to be charged shall be laid down in another set of statutory rules to be framed under the Weight and Measures Act, 1976, the Committee do not insist on specifying such fees in the Rule 10 of the Indian Institute of Legal Metrology Rules, 1980 as a special case.
11. 44. The Committee note with satisfaction that on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to amend the Wealth Tax Act, 1957 to make specific provisions requiring a valuer or for a person who has made an application for registration as a valuer, to furnish particulars of his past convictions for any offence or misconduct in his professional capacity, to the Board. The Committee desire the Ministry to take necessary action to bring forth the amending legislation before Parliament expeditiously.
12. 48. The Committee are not convinced by the reply of the Ministry of Commerce. The Committee feel that with the experience gained over the years since the coming into force of the Tea Act, 1953, it should have been possible for the Government to lay down broadly, the requisite norms in the Licensing Order itself, to make it self-contained.
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13. (i) 52.

The Committee note from the reply of the Indian Posts and Telegraphs Department that the intention underlying the amendments made to rules 443 and 511(3) of the Indian Telegraph Rules is to empower the Department to cancel both the telephone and telex connections if there is a default on the part of the subscriber in payment of dues in respect of either service. The Committee feel that these amendments are not justifiable and are contrary to the spirit of the public utility service expected of the Department. The Committee, therefore, desire the Department to nullify the amendments forthwith to save the public of any avoidable hardship. So far as recovery of outstanding dues is concerned, the Department should proceed to explore the legal remedies available to them including disconnection of the particular service to deal with the defaulting subscribers.

13. (ii) 53.

The Committee observe that there is no uniform practice of giving notices for disconnection of telephone and telex services. The Committee, therefore, desire the Department to evolve a uniform practice regarding service of disconnection notices in the matter of two services and incorporate the same suitably in the Indian Telegraph Rules to put it on a statutory footing.

13. (iii) 54.

The Committee further observe that there is no provision in the Indian Telegraph Rules for representation by the aggrieved party against the decision for disconnection of the telephone or telex service and that the requests for extension of time due to circumstances beyond the control of the subscriber are being considered by the officials of the Department on the merits of each case. The Committee, therefore, desire that suitable provisions regarding representation against the decision to disconnect the telephone or telex service and for the extension of time for reasons beyond one's control, should be incorporated in the statutory rules instead of leaving the matter to the discretion of the officials of the Department.

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14. 58. In view of the circumstances stated by the Ministry of Commerce, the Committee do not insist on specifying the minimum rank of the officer to be authorised by the Secretary/Chairman of the Cardamom Board, as a special case.
15. 63. The Committee note that the Posts and Telegraphs Department have since extended the period for making deposits by the applicants upto 30 September, 1983 instead of 30 June, 1983. However, the Committee still feel that the rules should make specific provisions for affording opportunity of being heard to those applicants who had not been able to make payments even within the extended period of time for reasons beyond their control. As no useful purpose is likely to be served by insertion of the desired provisions at this stage, the Committee do not insist for an amendment of the rules for the present. The Committee will, however, like the Department to take note of their views whenever such situations arise in future.
16. 66. The Committee note with satisfaction that, on being pointed out, the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) have agreed to amend the Preamble to the Union Public Service Commission (Members) Amendment Regulations, 1983 so as to make it clear that these regulations were further to amend the UPSC (Members) Regulations, 1969. The Committee desire the Ministry to take the necessary action in the matter expeditiously.
17. (i) 70. The Committee note from the reply of the Ministry of Industry (Department of Industrial Development) the difficulty in specifying the term 'such modifications' occurring in Rule 3 of the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Administration of Funds Rules, 1983 and do not like to pursue the matter any further.
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17 (ii) 71.

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

18. 82.

The Committee note from the reply of the representatives of the Ministry of Commerce that Bye-law 30B was introduced in the Tea Board Bye-laws with the sole purpose of adopting of Central Government Employees Welfare Schemes for the employees of the Tea Board. The representative clarified that it was not intended to amend or change any provision of the Central Government Scheme which was already in the Gazette, but to extend the benefit of such a scheme to the employees of the Tea Board. In this connection the representatives conceded that there would be no difficulty in notifying such schemes in the official Gazette. The Committee trust that the Ministry would keep their assurance to the Committee that in the event of the application of any Central Government Employees Welfares schemes and in particular Central Government Employees Group Insurance Scheme to the employees of the Tea Board, the same would be notified in the official Gazette.

19. 83.

The Committee note with satisfaction the action taken by Government on their earlier recommendations as indicated in Appendix—III.

## APPENDIX II

(See Paragraph 51 of the Report)

Extract taken from File No. 2/37/82-TR-2/N

Ministry of Law and Justice

(Deptt. of Legal Affairs)

Ref :—Note of the Department.

Our attention has been drawn to rule 443 of the Indian Telegraph Rules which empowers the Government to disconnect the telephone or telephones if the subscriber does not pay the rent or other charges in respect of telephone. Similarly section 511 of the Rules empowers the Government to disconnect the Telex for default of payment of rent.

It has been asked from us if the telephone line of a subscriber can be disconnected for a default in payment of Telex dues or *vice-versa*. The department feels that telephone line of subscriber can be disconnected for default in payment of Telex dues and *vice versa*. Reliance is being placed upon the wordings of ITRs 443 which provides that telephone lines can be disconnected if telephone or other dues are not paid by subscriber. Similarly reliance is placed upon rule 511 (5) which provides that Telex connection can be disconnected for recovery of arrears or other money due from the subscriber.

I have very carefully examined rule 443 and rule 511 (3) and (5) of the rules. According to the well established can of interpretation, these rules shall have to be interpreted *ejusdem generi*. In rule 443 words "other dues from the subscriber" are to be read along with preceding words. In view thereof, other dues means any other dues in respect of telephone. Similarly, rule 511(3) does not empower the Government to disconnect the telephone if there is a default of payment of rent in respect of Telex.

We therefore do not agree with the views of the Department as expressed in the referring note at portion marked 'A'.

(H. C. GUPTA)  
Asstt. Legal Adviser  
4.2.1972

### APPENDIX III

#### (Vide Paragraph 83 of the Report)

*Statement showing in action taken by Government on the recommendations made and assurances given to the Committee on Subordinate Legislation*

S. No.	Reference to para Nos. of Report and date of its presentation	Summary of Recommendations/ Assurances	Gist of Government's Reply
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(1)	(2)	(3)	(4)
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29

NINTH REPORT  
(SEVENTH LOK SABHA)  
10.12.1981

Considering the fact that the Ministry of Defence had to resort to giving of retrospective effect to the Naval Ceremonial Conditions of Service and Miscellaneous (Amendment) Regulations due to change in the age limit for entry into N. D. A. made effect *vide* Act No. 48 of 1982. [O.M.]

The Ministry of Defence have amended the Navy Act, 1957 as recommended by the Committee by inserting Section 184A regarding power to make regulations with retrospective effect *vide* Act No. 48 of 1982. [O.M.]

No. 10(29)/79/453-US/D(N. II) dated  
29 March, 1984]

by U.P.S.C., the Committee do not Consider it necessary to pursue their recommendation made in paragraph 65 of their Twentieth Report (Fifth Lok Sabha). The Committee, however, desire the Ministry to amend the Navy Act, 1957 suitably in order to avoid recurrence of such a situation in future.

29

**NINTH REPORT  
(SEVENTH LOK SABHA)**

Considering the fact that the Ministry of Defence had to resort to giving of retrospective effect to the Naval Ceremonial Conditions of Service and Miscellaneous (Amendment) Regulations due to change in the age limit for entry into N. D. A. made by U. P. S. C., the Committee do not consider it necessary to pursue their recommendation made in paragraph 65 of their Twentieth Report (Fifth Lok Sabha). The Committee, however, desire the ministry to amend the Navy Act, 1957 suitably in order to avoid recurrence of such a situation in future.

The Ministry of Defence have amended the Navy Act, 1957 as recommended by the Committee by inserting Section 184A regarding power to make regulations with retrospective effect *vide* Act No. 48 of 1982, [O. M. No. 10(29)/79/453-US/D (N. II) dated 29 March, 1984]

76 & 80

**ELEVENTH REPORT  
(SEVENTH LOK SABHA)  
19.3.1982**

The Committee are not convinced by the reply of the Ministry of Home Affairs that if an upper limit for relaxation of the prescribed 50 years age is specified in the Rules, in the case of retired or serving Government servants, departmental candidates for regular appointments to the post of Chief Medical Officer would not be available, as even the retired Army Medical Officers are available for re-employment at the age of about 55 years or more. The Committee are, therefore, of the view that the prescribed upper age limit of 50 years should in no case be relaxed by more than 5 years and desire the Ministry of Home Affairs to amend the Rules accordingly at an early date.

The Ministry of Home Affairs have amended the Central Reserve Police Force (Medical Officers Cadre) Rules, 1976 *vide* G. S. R. 446 of 1983 [D. O. No. I-11013/1/82-D. O. (Pers. II) dated 6/7.6.1983].



Rule 8(2) of the Central Reserve Police Force (Medical Officer Cadre) Rules, 1976, as amended by aforesaid Rules. The Committee are of the view that when the reasons are already being recorded in the case files, the Ministry of Home Affairs should have no difficulty in indicating such reasons in the Rules also for the information of all concerned. The Committee, accordingly, desire that Ministry to amend the Rules to this effect at an early date.

**TWELFTH REPORT  
(SEVENTH LOK SABHA)**

28.7.1982

The Committee are not convinced with the reply of the Ministry of Defence for not indicating in the Defence Research and Development Service Rules, 1978 the maximum limit upto which the age can be relaxed for the departmental employees for recruitment to the grade of Scientist 'B'. The Committee desire the Ministry to amend the Rules at an early date so as to lay down the maximum limit of age relaxation.

Rule 8(1) (a) of the Defence Research and Development Service Rules, 1979 has accordingly been amended *vide* S. R. O. 159 dated 6 May, 1983.

**TWELFTH REPORT  
(SEVENTH LOK SABHA)  
28.7.1982**

The Committee note that, on being pointed out, the Ministry of Defence have agreed to amend the Defence Research and Development Service Rules, 1978 so as to provide therein the requirements of engineering or medical qualifications on the lines of those laid down in the Army Instructions. They desire the Ministry to notify the requisite amendment to the Rules at an early date.

The Union Public Service Commission had advised that the Note under Rules 11(3) was superfluous because only those qualifications in various disciplines were taken into consideration which were recognised. The qualifications prescribed for recruitment to the various grades of the Defence Research and Development Service were already given in columns (3) and (4) of the Schedule III to the Defence Research and Development Service Rules. The Ministry of Defence have accordingly omitted the Note below Rules 11(3) of the Defence Research and Development Service Rules, 1979 *vide* S.R.O. 196 of 1982 [See Ministry of Defence Office Memorandum No. 10331/Pers/RD-21(c)/1962/A/D (R & D) dated 14 June, 1983].

**(THIRTEENTH REPORT  
SEVENTH LOK SABHA)**

22-10-1982

The Committee concur in the amendment as proposed by the Ministry of Tourism and Civil Aviation to rule (1) of Rule 77-C of the Aircraft Rules, 1937 and desire the Ministry to notify it in the official Gazette at an early date.

Sub-rule (1) of rule 77-C of the Aircraft Rules, 1937 has been amended to the desired effect *vide* GSR 956 dated 10.12.1983.

[M/O Tourism and Civil Aviation  
O.M. No. Ar.11012/16/78-A dated 18  
March, 1984]

**FOURTEENTH REPORT  
(SEVENTH LOK SABHA)**

4.11.1982

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Shipping and Transport (Ports Wing) have proposed to amend Rule 100A (3) of the Calcutta Port Rules, 1944 by providing therein, the conditions subject to which the Director, Marine Department could relax the quantities that may be brought for discharge or shipment at the Port of Calcutta, in order to make the Rules self-contained and for the information of all concerned. The Committee approve the proposed amendment and desire the Ministry to notify it in the Gazette at an early date.

The Ministry of Shipping and Transport (Ports Wing) have notified the amendments in the Gazette of India G.S.R. 281 of 1983 O.M. No. PW/POL-7/81 dated 4.8.83]

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**FIFTEENTH REPORT  
(SEVENTH LOK SABHA)**

S. No. 1 and 2 of

Appendix (V)

25-2-1983

With a view to ensure speedy implementation of their recommendations, the Committee had observed as under in paragraph 93 of their Sixteenth Report (Fifth Lok Sabha) presented on 9 May, 1975.

“...the Committee fix a time-limit of six months within which the Ministries/Departments of Government of India should implement their recommendations. If in any particular case it is not possible for a Ministry/Department to adhere to this time-limit, they should ask for extension of time from the Committee after explaining the difficulties in implementing the recommendations within the prescribed time limit.”

The Committee note with satisfaction the action taken by Government on their earlier recommendations as indicated in Appendix IV. They are however, constrained to observe that in the cases

The Ministry of Home Affairs (Department of personnel and Administrative Reforms) have noted the observations of the Committee for future guidance and compliance. They have further intimated as under :—

“...the contents of the recommendations of the Committee on Subordinate Legislation regarding completion of action on the recommendations of the Committee on Subordinate Legislation within the prescribed time-limit of six months have been brought to the notice of all officers and Sections of this Department. They have also been requested to adhere to the time-limit of six months prescribed by the Committee on Subordinate Legislation and that in rare cases on compell-

mentioned at S. Nos. 1,2 and 10 there has been a delay of about 1 to 3 years on the part of the Ministries/Departments concerned in implementing the recommendations made by the Committee. The Committee cannot but deplore such undue delay and want that the concerned Ministries/Departments should be careful in future and should try to adhere to the stipulated time-limit of six months in implementing the recommendations made by the Committee.

ing reasons when it is not possible to implement the recommendations of the Committee within the prescribed period of six months, extension of time may be obtained from the Committee on Subordinate Legislation after explaining the difficulties involved in implementing the recommendations of the Committee within the time-limit.”

[Vide O.M. No. H—11013/16/82. Paral. dated 9.6.1983, 28013/1/83—AIS (iii) dated 13.6.1983 and 12011/2/83=Estt. (c) dated 17.6.1983]

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SIXTEENTH REPORT  
(SEVENTH LOK SABHA)  
3-3-1983

The Committee recommend that rule 6 of the National Museum of Man (Senior Photographer and Senior Artist) Recruitment Rules, 1971 should be amended so as to omit the words 'or posts'.

Rule 6 of the National Museum of Man (Senior Photographer and Senior Artist) Recruitment Rules, 1978 has accordingly been amended vide GSR 135 of 1982.

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**SIXTEENTH REPORT  
(SEVENTH LOK SABHA)  
3-3-1983**

The Committee have come across a number of cases where the Ministries/ Departments have taken an unusually long time in implementing their recommendations. It will be seen from the cases mentioned at S. Nos. 4.5 and 6 of Appendix IV that the period of delay ranges between 5 and 7 years in implementing the recommendations made by the Committee in various Reports presented during Fifth and Sixth Lok Sabha. The Committee cannot help expressing their concern over the inordinate delay on the part of the concerned Ministries/Departments in the matter of implementation of their recommendations. The Committee would emphasise that the Ministries/Departments should be more careful in future and strictly adhere to the time-limit fixed by the Committee for implementation of their recommendations.

The Ministry of Shipping and Transport (Transport Wing) have noted the observations of the Committee for future compliance *vide* their Office Memorandum No. LDB/22/80-L.IV dated 10 June, 1983.

**SEVENTEENH REPORT  
(SEVENTH LOK SABHA)  
22-3-1983**

The Committee note with satisfaction that, on being pointed out by them, the Ministry of Home Affairs have agreed to amend rule 6 of the Ministry of Home Affairs (Directorate of Coordination Police Computers) Group A and B posts Recruitment Rules, 1980 so as to read as under :

Rule 6 of the Ministry of Home Affairs (Directorate of Coordination Police Computers) Group 'A' and 'B' Posts Recruitment Rules, 1980 have accordingly been amended *vide* G. S. R. 471 dated 2 July, 1983.

“6. Power to Relax.—Where the Central Government is of opinion that it is necessary or expedient so to do, it may, for reasons to be recorded in writing, and in consultation with the Union Public Service Commission, relax any of the provisions of these rules in respect of any clause or category of persons.”

The Committee concur in the above amendment proposed by the Ministry of Home Affairs and desire them to notify it in the Gazette at an early date.

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**SEVENTEENTH REPORT  
(SEVENTEETH LOK SABHA)  
22-3-1983**

The Committee are not convinced by the arguments advanced by the Ministry of Commerce. The words 'the decision of the Agricultural Marketing Adviser shall be final' in Rule 8 of the Export of Basmati Rice (Inspection) Rules, 1980 definitely give an impression to the common man who is not expected to be aware of the legal interpretation of words that jurisdiction of Courts of Law for entertaining appeals against the decision of the Agricultural Marketing Adviser is being ousted. The Committee, therefore, desired the Ministry to amend the Language of Rule 8 of the Rules on the lines of Regulation 24 of the Kandla Port Employees (Allotment of Residence) Regulations, 1964 as recommended by them in paragraph 18 of their Fourth Report (Third Lok Sabha), presented to Lok Sabha on 4 May, 1965 so as not to give an impression that the jurisdiction of the courts is being barred in any manner.

The Ministry of Commerce have omitted the words 'The decision of the Agricultural Marketing Adviser shall be final' from Rule 8 of the Export of Basmati Rice (Inspection) Rules, 1980 *vide* S.O. 3916 dated 15 October, 1983.



**SEVENTEENTH REPORT  
(SEVENTH LOK SABHA)  
22-3-1983**

The Committee recall that the representatives of the Ministry of Commerce during their evidence before the Committee on 26 November, 1982 have already agreed, in an analogous case of the Export of Cumin Seeds (Quality, Control and Inspection) Rules, 1979\* to publish the specifications in the Annexure to the notification.

As agreed to by the Ministry of Commerce in the case of Export of Cumin Seeds (Quality, Control and Inspection) Rules, 1979, the Committee feel that the specifications recognised by the Government in respect of inspection of Beche-de-mer for export should also be published in the Annexure to the Export of Beche-de-mer (Inspection) Rules, 1978. The Committee, therefore, desired the Ministry to amend Rule 3 of the Rules *ibid* and notify it in the official Gazette at an early date.

The Export of Beche-de-mer (Inspection) Rules, 1978 have accordingly been amended *vide* S. O. 3915 dated 15 October, 1983.

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\* See paragraphs 11-26 of the Fifteenth Report of the Committee on Subordinate Legislation (Seventh Lok Sabha).

72-73

**SEVENTEENTH REPORT  
(SEVENTH LOK SABHA)  
22-3-1983**

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

The Ministry of Industry (Department of Industrial Develop-ment) have noted the observations/recommendations of the Committee for future guidance *vide* their O. M. No. 8 (32)/83-PP & C dated 6 January, 1984.

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

sending timely intimation to them as and when the recommendations made by the Committee are implemented.

72-73

SEVENTEENTH REPORT  
(SEVENTH LOK SABHA)  
22-3-1983

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

The Committee cannot help in expressing their concern over the delay on the part of the concerned Ministries/Departments in the matter of implementation of their recommendations. The Committee would like the Ministries/Departments to be more careful in future and should

The Ministry of Home Affairs have circulated the observations/recommendations of the Committee on Subordinate Legislation to all officers in their Ministry for strictly compliance *vide* their Circular No. 11013/13/83-Parl. dated 28 April, 1983.

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strictly adhere to the time-limit fixed by the Committee for implementation of their recommendations and in sending timely intimation to them as and when the recommendations made by the Committee are implemented.

**EIGHTEENTH REPORT  
(SEVENTH LOK SABHA)  
9-5-1983**

Although the Committee note that, in all the above cases Government have taken action as desired by the Committee, the Committee are distressed to observe that the fact that these recommendations originated from the Committee had been relegated to the background as Government were not courteous enough to acknowledge the same while implementing them. This reflect a contempt and indifference by the Ministries towards the Committee's recommendations. The Committee further observe that when, it was at their instance that the relevant rules/acts were amended

The Department of Parliamentary Affairs have since issued circular on the subject to all Ministries/Departments of the Government of India for compliance and future guidelines [O.M No. F. 32 (5)/83-P&C dated 29 September, 1983]

by the Ministries/Departments concerned, it was their primary duty to inform the Committee immediately after the recommendations were implemented. The Committee, therefore, urge upon the Department of Parliamentary Affairs to strictly enjoin on all Ministries/Departments of the Government of India that, in future they should keep the Secretariat of the Committee informed simultaneously with the action taken by them to implement their recommendations and not await till the Ministries attention was drawn to that aspect. The Committee are compelled to deplore this state of affairs in the Ministries and hope that this would not recur in future and that a healthy, binding convention is developed so that Government intimated forthwith the action taken by them. In implementing the Committee's recommendations, and the matter is not pursued further by the Committee for ascertaining the latest position.

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**EIGHTEENTH REPORT  
(SEVENTH LOK SABHA)  
9-5-1983**

The Committee note with distress that even though the Ministry of Tourism and Civil Aviation had vide their O.M. dated 22 April, 1981 intimated that the necessary action was being initiated to notify the proposed amendments to the Rules in question as approved by the Committee in paragraphs 69 of their Fifth Report (Seventh Lok Sabha), it has not yet been done.

Requisite Amendment to Rule 133-13 (10) and Rule 155-A(9) of the Aircraft Rules, 1937 has since been published as G.S.R. No. 1005 in the Gazette of India dated 24 December, 1983.  
[Ministry of Tourism and Civil Aviation O.M. No. 11012/13/82-A dated 20 February, 1984].

From their latest reply dated 9 March, 1983, the Committee observe that the Ministry obviously vetting the final notification immediately after receiving the objections/suggestions from the public on the draft rules which resulted in re-publication thereof. The Committee cannot help expressing their unhappiness over the delay in implementing their recommendation so far. The Committee would now like the Ministry to amend the rules without any further delay and to intimate the same to the Committee at an early date.

**EIGHTEENTH REPORT  
(SEVENTH LOK SABHA)**

9-5-1983

As regards the recommendation contained in paragraph 19 of the Sixth Report (Seventh Lok Sabha), the Committee note that although the Ministry have received necessary information from all Maritime States the matter is stated to be still under consideration of the Ministry of Law for approval of a S.R.O. in that regard. The Committee, while deploring the inordinate delay in implementing their recommendation, desire the Ministry to reduce such delays to the minimum in future. As regards the present case, the Committee would like the Ministry to finalise the matter at an early date by issue of requisite S.R.O. under intimation to the Committee.

The requisite SRO has accordingly been published in the Gazette of India as S.R.O. 260 of 1983.

[Ministry of Defence O.M. No. F. 15 (9)/80/D(N-II)/dated 13.10.1983].

171-172

**EIGHTEENTH REPORT  
(SEVENTH LOK SABHA)**

9-5-1983

The Committee note that except for an interim information received in September, 1981 the Ministry of Tourism and Civil Aviation have not conveyed anything further in the matter even after issue of a reminder in November, 1982 and a d.o.

In pursuance of the recommendation made by the Committee in paragraphs 102 to 104 of Seventh Report (Sixth Lok Sabha), reiterated in paragraphs 50 to 52 of Eighth Report (Seventh Lok Sabha) and in

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letter to the Secretary of the Ministry in paragraphs 171 to 172 of Eighteenth February, 1983. The Committee deplore Reporth (Seventh Lok Sabha), rule this indifferent attitude of the Ministry.

As a period of more than one and a half years has already elapsed since the Committee had made their Eighth Report (Seventh Lok Sabha), the Committee desire that the Ministry should fix responsibility for this lapse. The Committee also expect the Ministry to issue the requisite amendment without any further delay as recommended by them earlier in this regard.

(Ministry of Tourism and Civil Aviation O.M. No.A. 11012/4/74-A dated 4 June and 26 August, 1983)

Regarding fixing of responsibility for the delay in implementation of the recommendation, the Ministry vide their O.M. dated October, 3, 1983 have stated as under:—

“.....the matter has been examined carefully and it has been observed that the delay has taken place in the office of DGCA/Ministry of Law/Official



Language Legislative Commission/Ministry of Tourism and Civil Aviation. Delay has generally occurred on account of pre-occupation in other urgent items of work and at times on account of rush at work. In such circumstances, it has not been possible to fix the responsibility for the delay on one single individual/organisation. The delay is however, sincerely regretted and steps are now being taken to ensure that such delays do not recur in future. These facts may please be placed before the Committee on Subordinate Legislation with the request that the delay may please be condoned."

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**EIGHTEENTH REPORT  
(SEVENTH LOK SABHA)**

9.5.1983

While noting that the Ministry of Defence have agreed with the recommendation of the Committee contained in paragraph 42 of their Eighth Report (Seventh

Rule 17 of the Allotment of Residences (Defence Pool Accommodation for Civilians in Defence Services) Rules, 1978, has accordingly been

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Lok Sabha), the Committee deplore that though a period of more than a year and a half has already elapsed since the Committee had made their aforesaid recommendation, the Rules in question have not been amended so far. The Committee would, therefore expect the Ministry to issue the necessary amendment to the desired effect without any further delay whatsoever.

amended by inserting therein sub-rule (6) vide S. R. O. 266 of 1983.

[Ministry of Defence O. M. No. 11(4)/81/D(QPC) dated 18.11.1983.]

210

**EIGHTEENTH REPORT  
(SEVENTH LOK SABHA)**

9-5-1983

The Committee are unable to appreciate the linking by the Ministry of Industry (Department of Industrial Development) of the Committee's recommendation made in paragraphs 10 and 11 of their Fourteenth Report (Sixth Lok Sabha) with the extension of Pension Scheme to the Khadi and Village Industries Commission Employees thus resulting in an inordinate delay in its implementation. The Committee observe that such extraneous considerations resulting in delay in implementing Committee's

The Department of Parliamentary Affairs have since issued a circular O. M. to all Ministries/Departments of the Government of India for compliance and future guidance.

[O.M. No. F. 32(5)/83-R & C dated 29 September, 1983]

recommendations have been brought to their notice on earlier occasions also. The Committee, therefore, desire the Department of Parliamentary Affairs to issue necessary instructions to all Ministries/Departments of the Government of India that the recommendations of the Committee should be considered on their own merits and extraneous issues should not come in the way of implementation thereof.

278  
EIGHTEENTH REPORT  
(SEVENTH LOK SABHA)  
9.5.1983

The Committee also desire the Ministry of Home to amend the office of the Registrar General and ex-officio Census Commissioner (Map Officer) Class I Recruitment Rules with which they are concerned, accordingly if not already done.

Necessary amendment to the Recruitment Rules for the post of Map Officer in the Office of the Registrar General of India have been carried out vide Notification No. 3/12/75-Ad. I dated 12.1.1984. (G. S. R. 70 dated 28 January, 1984).

[Ministry of Home Affairs O. No. A-43020/18/83-Ad. I (A) dated 30 January, 1984 and F. No. 3/12/75-Ad. I dated 16 February, 1984.]

336  
EIGHTEENTH REPORT  
(SEVENTH LOK SABHA)  
9-5-1983

The Committee observe that one of the arguments advanced by most Ministries (Where it relates to laying of rules provision

The Department of Parliamentary Affairs have since issued a circular O. M. to all Ministries/Departments of

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or any other provision) is that Government are contemplating to introduce a comprehensive legislation. Usually, as observed by the Committee, such comprehensive legislation is delayed over three years to four years from the dates of recommendations made by the Committee in their Reports. The Committee notice that in a number of cases (Appendix VIII) Government have introduced and got passed Bills to amend only one or two specific sections. When the Government can, thus, *suo-moto* initiate legislation to amend only one or two specific sections of the statute, the Committee express their surprise and displeasure at the lackadaisical manner in which their recommendations for amending specific sections of the statutes have been attended to by the Ministries. The Committee would emphasise the need for reducing delay to the minimum and also desire that, where introduction of such comprehensive Bills is likely to take a long

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the Government of India for compliance and future guidance in the matter. [O. M. No. F. 32 (5)/83-R & C dated 29 September, 1983.]

time, Bills for making specific amendments in implementation of the Committee's recommendations should invariably be introduced in Lok Sabha at the next earliest occasion immediately after presentation of their Reports. The Committee therefore, desire the department of Parliamentary Affairs to bring to the notice of the Ministries/Departments the above observations of the Committee for their guidance and strict compliance in future.

32-33

**NINETEENTH REPORT  
(SEVENTH LOK SABHA)**

10.5.1983

The Committee observe that after conveying on 30.1.1979, the acceptance of their recommendations contained in paragraph 17.21 and 24 of their Fourth Report (Sixth Lok Sabha), presented to the House on 22.12.1977 the Ministry of Home Affairs have failed to take necessary steps for their implementation. The Ministry do not appear to realise that they owe a responsibility to the Committee for actual implementation of the recommendations. They woke up when they were reminded in the matter on

The Ministry of Home Affairs have intimated that the Delhi Administration have since issued necessary amendments in Rules 10, 12 and 18 of the Delhi Municipal Corporation (Preparation of Electoral Rolls) Rules, 1975 to the desired effect.

3.4. 1982 and 24.8. 1982 this time by a d.o. letter to the Secretary of the Ministry. The Committee regret that infirmities in the rules have been allowed to remain for more than four years despite acceptance of their recommendations. No sense of urgency has been shown even in view of elections to the Corporation held in 1983.

The Committee deprecate carelessness and utter disregard shown by the Ministry in implementing their recommendations and desire the Ministry to fix responsibility for such default. The Committee also desire that the recommendations made by them in this regard should be implemented without any further delay.

39-40

NINETEENTH REPORT  
(SEVENTH LOK SAAHA)  
10-5-83

The Committee are not convinced by the reasons advanced by the Ministry of Industry (Department of Industrial Development) for not implementing the recommendation. The Committee feel that Sub-clause (1) of Clause 9 of the Paper (Regulation of Production Order, 1978, has been amended vide S.O. 787 (E) dated 9.11.1982.

it is not material whether the order becomes ineffective due to stay order having been granted by the courts. As long as the Order remains on the statute book, any infirmity therein has to be rectified. In fact, when the Ministry had issued the Paper (Regulation of Production) Order, 1978, the amendment suggested by the Committee in this regard should have been incorporated in clause 9. The Ministry have failed to do that. The Ministry have again failed to implement the recommendation of the Committee when they substituted clause 9 by a new Clause in 1979.

The Committee cannot help but deplore the sheer negligence on the part of the Ministry to implement the Committee's recommendation which was accepted by them as far back as 6.4.1978 and desire them to implement it now without any further delay.

The Committee noted with concern the utter disregard shown by the Ministry of

The delay has been attributed to the fact that CJSF were busy in

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NINETEENTH REPORT  
(SEVENTH LOK SABHA)  
10-5-1983

Home Affairs to the communications finalisation of the training manua received from Parliamentry Committee. which was a long and cumbersome task and lost sight of the necessity to intimate the Committee the progress of action taken on their recommenda- tions. The fault lied with the CISF/ Ministry as on organisation and responsibility cannot be ascribed to any individual. The delay has, however, been regretted by the Minis- try.

The Committee desire the Ministry of Home Affairs to fix responsibility for failure to communicate further progress. The Com- mittee also urge that a final reply be submit- ted within one month of the presentation of the Report to enable them to take a view in the matter.

The amendements in CISF Act have since been notified vide GSR No. 732 dated 22.9.1983 in compliance of Committee's recommendations made in paragraph 49 of Fifth Report (Sixth Lok Sabha).

[Ministry of Home Affairs O.M.  
No. I-45020/21/78-Pers. I dated 15  
November, 1983]



**NINETEENTH REPORT  
(SEVENTH LOK SABHA)**

10-5-1983

The Committee observe that their recommendation contained in paragraphs 8-9 and 13 of their Eleventh Report (Sixth Lok Sabha) has been dealt with by the Ministry of Shipping and Transport in a most casual way. The Committee are of the view that after the amendment made by the Ministry of Home Affairs in the Contributory provident Fund Rules (India) 1962 had been brought to the notice of Ministry of Shipping and Transport there is no justification whatsoever for taking such a long time to implement their recommendation. The Committee deplore the delay and desire that Ministry to amend the Shipping Development Fund Committee (Employees Contributory Provident Fund) Rules, 1976 as recommended by them without further loss of time.

The Ministry of Shipping and Transport (Shipping Wing) had since issued a notification No. SW/MSD(51)/79-MD for amending the Shipping Development Fund Committee (Employees Contributory Provident Fund) Rules, 1976 to the desired effect.

(Vide O.M. No. SW/MSD(57)/79 dated 22.12.1983)

121-122

**NINETEENTH REPORT  
(SEVENTH LOK SABHA)**

10-5-1983

The Committee observe that for four years and 3 months after the presentation of their Report on 21.12.1978, the Ministry of External Affairs have virtually not initiated any action on their recommendation. The Ministry of External Affairs have amended the Indian Foreign Service, Branch 'B' (Recruitment, Cadre, Seniority and promotion) Rules, 1964 to the desired effect *vide* Notification

The Committee's recommendation was based on their earlier recommendation in respect of the Indian Foreign Service Branch 'B' (Recruitment, Cadre, Seniority and Promotion) Rules, 1974 which had been implemented by the Ministry of External Affairs vide their O.M. No. Q/GP/792/1/80—CAD dated 6.10.1982. With this precedent before them, the Committee hardly find any reasons for the Ministry for taking such a long time to implement their recommendation. The Committee find the Ministry's reply sent on 4.4.1982 was hasty and superficial.

The Committee desire the Ministry of External Affairs to fix responsibility on the persons concerned for their failure to take timely action on their recommendation.

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NINETEENTH REPORT  
(SEVENTH LOK SABHA)  
..10-5-1983

The Committee note that the Ministry of Finance had introduced the Banking Laws (Amendment) Bill in the Lok Sabha the following Acts has been introduced

The Banking Laws (Amendment) Bill, 1983, containing amendments to the following Acts has been introduced

on 21 December, 1978 to give effect to the

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

221-222

**NINETEENTH REPORT  
(SEVENTH LOK SABHA)  
10-5-1983**

in Lok Sabha on 10.5.1983 :-

- (i) The Banking Regulations, Act, 1949;
- (ii) The State Bank of India Act, 1955 ;
- (iii) The Deposit Insurance and Credit Guarantee Corporation Act, 1961 ;
- (iv) The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 ;
- (v) The Regional Rural Banks Act, 1976 ;
- (vi) The State Bank of India (Subsidiary Banks) Act, 1959 ; and
- (vii) The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

The Committee observe that the Ministry first agreed to amend sub-rule (3) of Rule 8 of the Indian Naval Armament Committee for compliance in future

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Service (Group 'A') Recruitment Rules, 1977 on the lines recommended by the Committee. The amendment was also concurred in by the Department of Personnel and Administrative Reforms and it was only awaiting clearance from the U.P.S.C. Instead of making amendments on the lines desired by the Committee, the Ministry have omitted the words which were subject of comments by them without offering any reasons for the consideration of the Committee.

The Committee feel that whenever the Ministry change their stand in regard to a recommendation of the Committee already accepted by them, they should take the Committee into confidence instead of keeping them in the dark.

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NINETEENTH REPORT  
(SEVENTH LOK SABHA)  
10-5-1983

*vide* their Office Memorandum No. CP (G)/1421/78/458-RRID (Appts.) dated 9 June, 1983.

The Ministry of Industry (Department of Industrial Development) have laid down the guidelines for dealing with matters under bye-law 16 (ii) of the Coir Board Services (Classification, Control and Appeal) Bye-laws, 1969, *vide* their letter No. 20/28/75-ICC, dated 10.8.1983.

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**MINUTES**

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LXXVI

MINUTES OF THE SEVENTY-SIXTH SITTING OF THE COMMITTEE  
ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1983-84)

The Committee met on Saturday, 25 June, 1983 from 11.00 to 12.40 hours.

PRESENT

Shri R.S. Sparrow—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri Xavier Arakal
4. Shri Amal Datta
5. Shri B.R. Nahata
6. Shri T. Damodar Reddy
7. Shri Satish Prasad Singh

WITNESSES

*Representatives of the Ministry of Commerce*

1. Shri V.C. Pande, *Additional Secretary*
2. Shri J. Sanyal, *Deputy Chairman, Tea Board*
3. Shri K. Sandilya, *Director*
4. Shri P.S. Randhawa, *Under Secretary.*

*Representatives of the Ministry of Works and Housing*

1. Shri M.K. Mukherji, *Secretary.*
2. Shri M. Srinivasan, *Joint Secretary.*
3. Shri Krishan Pratap, *Director of Printing.*
4. Shri Amrik Singh, *Controller of Publications.*

SECRETARIAT

1. Shri H.G. Paranjpe—*Joint Secretary*
2. Shri T.E. Jagannathan—*Senior Legislative Committee Officer*

2. The Committee first heard the representatives of the Ministry of Commerce. (Department of Commerce) regarding the Tea Board (Amendment) Bye-laws, 1978 (GSR 458 of 1978).

3. During evidence, the witness stated that Bye-law-30B was specifically introduced in the Tea Board Bye-laws with a view to adopt the scheme of insurance, social security and other welfare benefits for non-Government employees of the Tea Board. Under Bye-law 30B, the Tea Board had no choice but to adopt the scheme of the Government *in toto*. The Tea Board was not free to amend or change any provision of the Central Government Scheme. The Tea Board would only be extending a well-known scheme, which was already there in the Gazette, to a further group of persons. The witness subscribed to the view that re-notification of the scheme *de novo* was an avoidable repetition in that respect. In case, the Tea Board desired to adopt a scheme other than the one applicable to the Central Government employees, it could not operate the same under Bye-law 30B. The witness, however, admitted that there was no difficulties in notifying the scheme in the Gazette again.

4. The witness informed the Committee that an insurance scheme was already in operation for the benefit of employees of the Tea Board. When the Tea Board proposed to extend the Central Government Employees Insurance Scheme to its employees, the Government felt that a new bye-law might be added to the Tea Board Bye-laws to carry out the purpose in view. Ultimately, Bye-law 30B was incorporated on 28 March, 1978. However the proposal for extension of the Central Government Employees Insurance Scheme continued to remain under consideration of the Government and so far no benefits had been extended under Bye-law 30B.

5. When asked to state the reasons for delay in getting approval of the Government, the witness stated that the Ministry of Finance did not favour the straightaway adoption of the scheme. The Ministry pointed out that the insurance premium of the Central Government Employees Insurance Scheme was very low as it was based on a large number of employees. The Tea Board might not be able to generate the requisite corpus of funds to sustain the scheme on self-financing basis with comparatively much smaller number of its employees. The employees of the Tea Board could also not be amalgamated with the Central Government employees on a self-financing basis, as the premium in the case of Central Government employees was very low and the Central Government had to give full benefits to all. In the later half of 1981, the Tea Board was advised to find out as to what the Life Insurance Corporation could do in formulating a similar scheme for their employees in providing a suitable insurance scheme.

6. The witness further stated that the Central Government Employees Insurance Scheme was introduced for the first time at a very low premium.

rates. The Ministry of Finance then asked the various statutory boards and autonomous bodies to examine the pros and cons of the scheme so as to run a similar scheme for their employees without asking for Government help for any liability that might accrue on the basis of the new scheme. The witness added that the financial implications of introducing a parallel scheme had since been worked out by the Tea Board. The Tea Board authorities had since worked out that it would be possible for them to sustain the scheme on their own on the pattern of premium applicable to the Central Government employees. The matter was under consideration of the Associate Finance for the present.

7. The witness promised to send a written note to Committee stating the exact position about the problems as were arising in getting through the scheme. The witness, however, submitted that it would be difficult for them to exactly estimate the time that might involve in bringing the scheme on the statue.

*(The Witness then withdrew)*

8. The Committee then heard the representatives of the Ministry of Works and Housing regarding the delay in supply of Gazette notifications meant for examination by the Committee on Subordinate Legislation.

9. During evidence, the witness stated that in May, 1982, certain instructions were issued as to the manner in which the different types of matters were to be printed and places where these should be printed and how the issues of extraordinary gazette should be handled. The witness pointed out that a foremost difficulty had been that the covering letters containing the printing material for the press did not usually bear a date, which gave rise to complacency. The witness agreed that there was need for improvement both at printing and despatch stage and that he had given instructions to give priority to the Lok Sabha and Rajya Sabha Secretariats and the concerned Ministries. The witness admitted there had been slips that should not have happened.

10. The witness further explained that different parts of the gazette were not printed in different presses. The copies of the gazettes were despatched after collecting all the parts. To curb delays on that score, the witness suggested that if the Committee so wished, the gazette could be forwarded in parts as and when received without waiting for all parts to come as a complete whole.



11. When pointed out that a reappraisal of the whole scheme of work in the press was necessary, the witness agreed to make an in-depth review of each press and process as to how delay could be reduced. When told that the requirement of the Committee was limited to only gazettes which related to subordinate legislation, the witness reiterated that he had taken note of giving top priority to the requirements of the Lok Sabha and Rajya Sabha Committees.

12. When told that if the particular gazette saw the light of the day ten to fifteen days after the actual date of its printing, it would mean giving retrospective effect to such subordinate legislation, the witness stated that whenever anything was to be printed overnight, they made use of extraordinary gazette, but in other cases notifications were printed in the subsequent issues of the Gazette.

13. To a question, the witness informed that gazette copies were supplied to the Kitab Mahal within one or two days. To a further question that when copies could be made available to Kitab Mahal within one or two days, why could these not be made available to Lok Sabha also within the same time, the witness stated that he already had a meeting for the purpose and was looking into it.

14. The witness further assured that a comprehensive note would be sent to the Committee after checking up all bottlenecks for not being able to adhere to the correct schedule of supply and that would also indicate the position in future in that regard.

*(The witnesses then withdrew)*

15. *The Committee then adjourned*

XCH

MINUTES OF THE NINETY-SECOND SITTING OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION  
(SEVENTH LOK SABHA) (1983-84)

The Committee met on Monday, 30 January, 1984 from 11.00 to 12.15 hours.

PRESENT

Shri R. S. Sparrow—*Chairman*

MEMBERS

1. Shri Mohammad Asrar Ahmad
3. Shri Dalbir Singh (Madhya Pradesh)
4. Shri Amal Datta
5. Shri B. Devarajan
6. Shri Brajamohan Mohanty
7. Shri Satish Prasad Singh

SECRETARIAT

Shri T. E. Jagannathan

—*Senior Legislative Committee  
Officer*

2. At the outset, on hearing the sound of the gun fired at 11 A.M., the Members stood in silence for two minutes in memory of the martyres who laid their lives in the struggle for freedom of India.

3. The Committee then considered Memoranda Nos. 242 to 246 as follows :—

- (i) *The Indian Institute of Legal Metrology Rules, 1980 (G.S.R. 194—E of 1980)—(Memorandum No. 242)*

The Committee discussed the above Memorandum for sum time and then postponed its consideration to a future date.

(ii) *The Wealth-tax (Second Amendment) Rules, 1980 (S.O. 75—E of 1980)*  
—(Memorandum No. 243)

5. The Committee noted with satisfaction that on being pointed out by them, the Ministry of Finance (Department of Revenue) had agreed to amend the wealth-tax Act, 1957 to make specific provisions requiring a person, who was registered as a valuer or who had made an application for registration as a valuer, to furnish particulars of his conviction for any offence or misconduct in his professional capacity to the Board. The Committee desired the Ministry to bring forth the necessary amending legislation in that regard before Parliament expeditiously.

(iii) *The Ministry of Foreign Trade, Import and Export Trade Control Organisation (Class I and Class II Posts) Recruitment (Amendment) Rules, 1980 (G.S.R. 1081 of 1980)*—(Memorandum No. 244)

6. The Committee noted from the reply of the Ministry of Commerce that interests of no one had affected adversely by the retrospective operation of the amendment made to the Recruitment Rules of Class I and Class II Posts in the Import and Export Trade Control Organisation.

This was, however, contrary to their earlier reply which stated that some persons in the Import and Export Trade Control Organisation had suffered hardship after merger in matters like seniority, etc. The Committee directed that the Ministry might be asked to reconcile the position. The Committee deplored the delay in finalisation of the amendment and emphasized that such prolonged delays should be cut short by arranging high level meetings between the concerned Ministries to expedite the matters.

(iv) *The Tea Warehouses (Licensing) Order, 1980 (S. O. 983—E of 1980)*—  
(Memorandum No. 245)

(A)

7. The Committee noted from the reply of the Ministry of Commerce that the power to levy fee in respect of licences had been derived by necessary implication from the provisions as contained in Section 27 (1) (b) and 30 (3) (c) of the Tea Act, 1953. The Committee also took note of the provisions as contained in Section 49 (2) (p) of the said Act which conferred power on the Central Government to make rules to provide for the fees to be levied in respect of licences, permits and permissions issued under the Act. The Committee considered the provisions as adequate and decided not to pursue the matter any further.

## (B)

8. The Committee did not consider the reply of the Ministry as satisfactory. The Committee were of the view that with the experience gained over the years ever since the coming into force of the Tea Act, 1953, it should have been possible for the Government to lay down at least in broad clear terms, the requisite norms in the Licensing Order itself to make it self-contained.

(v) *The Indian Telegraph (Amendment) Rules, 1983 (G.S.R. 86—E of 1983)*  
—(Memorandum No. 246).

9. The Committee noted from the reply of the Indian Posts and Telegraphs Department that the intention underlying the amendments made to Rules 443 and 511 (3) of the Indian Telegraph Rules was to empower the Department to cancel both—telephone and telex—connections if the subscriber defaulted in payment of dues in respect of either service. The Committee regarded the amendments as grossly unjustified, uncalled for and contrary to the spirit of the service expected of the Department. The Committee, therefore, desired the Department to nullify the amendments forthwith to save the public from any avoidable hardship. So far as recovery of any outstanding dues was concerned, the Department should proceed to explore the legal remedies available to them including disconnection of the particular service.

10. The Committee further observed that there was no uniform practice in the matter of giving notices for disconnection of telephone and telex services. The Committee desired the Department to follow a uniform practice in the matter of two services and place the same on a statutory footing by incorporating it in the Indian Telegraph Rules.

11. The Committee noted with concern that the Indian Telegraph Rules did not provide for representation against the decision to disconnect the telephone or telex service but officers in the Department considered individual requests for additional time due to circumstances beyond the control of the subscriber favourably. The Committee desired the Department to incorporate the necessary provisions to that effect in the statutory rules instead of leaving it to the moods of the officers concerned.

*The Committee then adjourned to meet again on 31 January, 1984.*

## XCH

### MINUTES OF THE NINETY-THIRD SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1983-84)

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The Committee met on Tuesday, 31 January, 1984 from 11.30 to 12.25 hours.

#### PRESENT

Shri R.S. Sparrow—*Chairman*

#### MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri Ashfaq Husain
4. Shri Dalbir Singh (Madhya Pradesh)
5. Shri Amal Datta
6. Shri B. Devarajan
7. Shri T. Damoder Reddy
8. Shri M.S.K. Sathiyendran
9. Shri Vijay Kumar Yadav

#### SECRETARIAT

Shri T.E. Jagannathan—*Senior Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 247 to 251 as under :
  - (i) *The Cardamom (Amendment) Rules, 1982 (GSR 145 of 1983)—  
(Memorandum No. 247)*
3. The Committee accepted the explanation of the Ministry of Commerce regarding the amendment of Rule 42 of the Cardamom Rules, 1982 to enable delegation of powers to regional officers in places like Sikkim and Karnataka to sign cheques for making payments and to afford feasibility for future.

(ii) *The Indian Telegraph (Second Amendment) Rules, 1983 (G.S.R. 175 of 1983)*—(Memorandum No. 248)

4. The Committee appreciated that the Ministry of Communications (P & T Department) had extended the period from three to six months. The Committee, however, found it unreasonable if the application was cancelled on the ground of non-deposit of the amount by the applicant, within the extended period, due to reasons beyond his control, and that no opportunity was given to him to explain the reasons for his failure to do so.

(iii) *The Department of Electronics (Assistants' Grade Open Competitive Examination) (Amendment) Regulations, 1983 (G.S.R. 303 of 1983)*—(Memorandum No. 249)

5. The Committee desired the Department of Electronics to provide for refund of the fee from 50 to 75 per cent in the case of Assistant Grade Examination so as to fall in line with the practice obtaining in the Assistants' Grade Examination held by the Union Public Service Commission. The Committee, however, further desired that it might be enquired from the Department of Electronics as to the quantum of fee charged from the candidates for appearing in the said examination.

(iv) *The Union Public Service Commission (Members) Amendment Regulations, 1983*—(Memorandum No. 250)

6. The Committee noted that the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) had agreed to amend the Preamble to the said Regulations with a view to make it clear that these regulations were further to amend the UPSC (Members) Regulations, 1969 and desired them to expedite action accordingly.

(v) *The Dalmia Dadri Cement Limited (Acquisition and Transfer of undertakings) Administration of Funds Rules, 1983 (S.O. 358-F of 1983)*—(Memorandum No. 251)

7. With regard to the term 'such modifications' occurring in Rule 3 of the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Administration of Funds Rules, 1983, the Committee noted from the reply of the Ministry of Industry that it would be difficult for them to provide in the rules the specific modifications which could be made at any point of time. In view of the reply of the Ministry, the Committee decided not to pursue the matter any further.

8. With regard to the term 'appropriate authority' the Ministry subscribed to the view that the term had reference to the 'Central Government' or the 'concerned Government Company' in the given context. The Ministry were, however, agreeable to further examine the matter so as to modify the term suitably, if so considered necessary. The Committee desired the Ministry to make the term more specific.

*The Committee then adjourned to meet again on 9 February, 1984.*

XCVI

MINUTES OF THE NINETY-SIXTH SITTING OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION  
(SEVENTH LOK SABHA) (1983-84)

The Committee met on Monday, 20 February, 1984 from 15.00 to 16.25 hours.

PRESENT

Shri R.S. Sparrow—*Chairman*

MEMBERS

2. Shri A.E.T. Barrow
3. Shri Ashfaq Husain
4. Shri Dalbir Singh (Madhya Pradesh)
5. Shri B. Devarajan
6. Shri Brajamohan Mohanty
7. Shri M.S.K. Sathiyendran
8. Shri Vijay Kumar Yadav

SECRETARIAT

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

2. The Committee considered the following Memorandum :

*The Indian Institute of Legal Metrology Rules, 1980 (G.S.R. 194-E 1980)—(Memorandum No. 242)*

'A'

*Courses to be imparted at the Institute of Legal Metrology*

3. The Committee felt that the reasons given by the Ministry were not convincing in as much as the Institute of Legal Metrology had been set up as far back as in the year 1962 and there was no justification in their argument to say, after a lapse of two decades, that the scope and coverage of Legal Metrology in the country was still in a stage of flux. The Committee desired that the courses to be imparted at the Institute should be specified, to the



extent possible, in the Rules to inform the trainees about the details of the subjects to be covered under the various long-term and short-term courses as in the case of prospectus of the Universities.

‘B’

*Curriculum and Courses to be imparted at the Institute.*

4. The Committee desired that the actual duration and curriculum of the courses to be imparted at the Institute should be also specified in the Rules as suggested earlier.

‘C’

*Qualifications for persons to be eligible for admission in the Institute.*

5. While noting that the Department had agreed to record reasons in writing for granting relaxation in the educational qualifications, the Committee desired that a statistical analysis of the relaxations granted during the last 5 years, indicating the reasons therefor in each case, might be furnished to them for their perusal.

‘D’

*Regulation of admissions to the Institute*

6. The Committee were not satisfied with the reply of the Department. It was observed that there was nothing new in the reply as Rule 7 of the rules *ibid* itself was clear to the extent that the power of the Principal in the matter of admission was restricted by the provision that the previous approval of the Director was necessary. The Committee, were of the view that the Department should lay down suitable guidelines as a safeguard against any arbitrary use of the discretionary powers vested in the Principal/Director of the Institute in the matter of admission.

‘E’

*Constitution of Advisory Committee*

7. After considering the reply of the Department of Civil Supplies and the comments of the Ministry of Law regarding constitution of an Advisory Committee to advise Government, the Committee approved the reply of the Department which read as follows :

“In Sub-rule (1) of rule 3, the word ‘may’ appearing in the first line will be substituted by the word ‘shall’.”

'F'

*Co-opting members on the Advisory Committee*

8. The Committee agreed with the advice of the Ministry of Law that it was better if some guidelines were provided for Co-opting members on the Advisory Committee. The Committee accordingly desired the Department of Civil Supplies to take necessary action on those lines.

'G'

*Laying down of procedure of the Committee*

9. Not being satisfied with the reply of the Department, the Committee insisted for laying down the procedure, including the quorum at its meetings, to be followed by the Committee, in the Rule itself instead of leaving it to the discretion of the Committee.

'H'

*Reconstitution of the Committee*

10. After considering the reply of the Department of Civil Supplies and the comments of the Ministry of Law regarding reconstitution of the Committee, the Committee desired the Department to specify in the Rule, the outer limit of the period upto which the term of the Committee could be extended.

'I'

*Resignation by nominated member*

11. The Committee did not agree with the contention of the Department that as the function of the Advisory Committee was of a developmental nature, there would be no delay in accepting the resignation and hence there appeared to be no need to prescribe the period within which the resignation of a nominated member of the Committee should be accepted. The Committee were of the opinion that the Department should have no difficulty in prescribing the same in the Rule.

'J'

*Powers of the Institute to grant certificates, diplomas and honorarium*

12. The Committee noted that though according to the Department the payment of honorarium would be subject to administrative and financial

control of the Central Government, yet the Committee felt that payment of honorarium being a substantive provision it was but imperative for the Department to derive this power from the Act itself by amending the same to the desired effect.

'K'

*Charging of Fees*

13. Being satisfied with the reply of the Department regarding charging of fees for laboratory facilities, the Committee decided not to pursue the matter further.

*The Committee then adjourned.*

## XCVII

### MINUTES OF THE NINETY-SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1983-84)

The Committee met on Thursday, 19 April, 1984 from 15.30 to 16.15 hours.

#### PRESENT

Shri R.S. Sparrow—*Chairman*

#### MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri A.E.T. Barrow
4. Shri Amal Datta
5. Shri Brajamohan Mohanty
6. Shri C.D. Patel
7. Shri Chandrabhan Athare Patil

#### SECRETARIAT

1. Shri D.C. Pande—*Joint Secretary*
2. Shri S.D. Kaura—*Chief Legislative Committee Officer*
3. Shri R.S. Mani—*Senior Legislative Committee Officer*

2. The Committee considered and adopted their draft Twenty-fifth Report.

3. The Committee authorised the Chairman and, in his absence, Shri Chandrabhan Athare Patil to present the said Report to the House on their behalf on 7 May, 1984.

*The Committee then adjourned.*