

**COMMITTEE ON SUBORDINA
LEGISLATION**

(SEVENTH LOK SABHA)

TWENTY-SIXTH REPORT

(Presented on 3 August, 1984)



**LOK SABHA SECRETARIAT
NEW DELHI**

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**CORRIGENDA TO THE TWENTY-SIXTH REPORT OF
THE COMMITTEE ON SUBORDINATE LEGISLATION
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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (1984-85)**

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SECRETARIAT

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

REPORT

I

INTRODUCTION

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

2. The matters covered by this Report were considered by the Committee at their sittings held on 22 November, 1982, 31 January and 8 May, 1984.

3. The Committee adopted the Report on 11 July, 1984 after considering it at their sittings held on 10 and 11 July, 1984.

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

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

II

THE DEPARTMENT OF ELECTRONICS (ASSISTANTS' GRADE OPEN COMPETITIVE EXAMINATION) (AMENDMENT) REGULATIONS, 1983 (G.S.R. 303 OF 1983)

6. Sub-regulation (2) of Regulation 5 of the Department of Electronics (Assistants' Grade Open Competitive Examination) Regulations, 1982, as substituted by Amendment Notification No. G.S.R. 303 of 1983, read as under :

“(2) A refund at the rate of 50 per cent of the amount paid as fees for the examination, along with the application form shall be made by the Department of Electronics to a candidate who does not fulfil the conditions of eligibility as per regulation 4 and is thus not admitted to the examination.”

7. It was felt that a candidate, who was not admitted to the examination by the Department of Electronics should be entitled for the full refund of the prescribed fee instead of 50 per cent as provided in the aforesaid sub-regulation.

8. On a reference dated 26 August, 1983 made in the matter, the Department of Electronics, in their reply dated 21 September, 1983, stated as under :

“The refund at the rate of 50% of amount of fees to the candidates not found to be fulfilling the conditions of eligibility as laid down by

this Department in the Regulation 4 of the Assistants' Grade Open Competitive Examination (Amendment) Regulations, 1983, is based on the practice being followed by the Union Public Service Commission. In this connection, an extract from Assistants' Grade Examination, 1981 [No. F. 10/3/80-E. 1 (B)] relating to payment of fee and refund thereof is enclosed* for information. Further, retaining of 50% of amount of fees by this Department is only to meet partially the expenditure incurred by this Department on establishment charges, cost of stationery, postage charges etc. involved in the processing and scrutinising of applications, besides meeting the expenditure towards Money Order charges while refunding the balance 50% amount of fees to the candidates.

In order to restrict the number of candidates who are not fulfilling the conditions of eligibility, it is considered necessary to impose some cut while refunding the amount; otherwise ineligible persons by submitting applications will increase avoidable work."

9. The Committee considered the matter at their sitting held on 31 January, 1984 and desired to know the quantum of fee actually being charged by the Department of Electronics from the candidates for appearing in the Assistants' Grade Open Competitive Examination. In their reply dated 31 March, 1984, the Department stated as under :—

"...after the promulgation of the Regulations, only one such examination has been held and no fee has been charged so far. This information is perhaps required in the context of the 'refund' of the fee as also restricting the number of candidates who may apply. It will be more appropriate to charge a fee as and when we go in for open advertisement through Newspapers etc. The number of candidates sponsored by the Employment Exchanges for recently held examination was 83, out of which only 23 people actually appeared in the Examination..."

10. The Committee observe that the Union Public Service Commission provided for the refund of Rs. 15.00 to be made to a candidate who had paid the prescribed fee of Rs. 20.00 but was not admitted to the Assistants' Grade Examination held by the Commission in 1981. The ratio of refund by the Commission is thus reckoned at 75 per cent of the prescribed fee as against 50 per cent provided in Regulation 5 (2) of the Department of Electronics (Assistants' Grade Open Competitive Examination) Regulations. The Committee, therefore, recommend that the Department of Electronics do take early steps to amend the said Regulations so as to provide for the refund at the rate of 75 per cent of the prescribed fee as per practice obtaining in the Union Public Service Commission in this regard.

*Appendix II.

III

**THE COAST GUARD NAVIKS (GENERAL DUTY) RECRUITMENT
RULES, 1982 (S.R.O. 80 OF 1982)**

11. Entries in Column 11 of the Schedule appended to the Coast Guard Naviks (General Duty) Recruitment Rules, 1982 (S.R.O. 80 of 1982) provided, *inter alia*, for re-employment of suitable retired personnel of specified categories of Navy/Army/Air Force and Central/State Police Service as one of the methods for recruitment to the posts of Naviks (General Duty), Uttam Naviks (General Duty) and Pradhan Naviks (General Duty) in the Coast Guard Service. However, the upper age limit for re-employment of such personnel was not indicated in the recruitment rules.

12. The Ministry of Defence, who were asked to state on 24 July, 1982 as to how the upper age limit in the case of appropriate retired personnel selected for re-employment was being regulated, in their reply dated 16 August, 1982, stated as under :—

“...the Recruitment Rules for the uniformed posts of Naviks, Uttam Naviks and Pradhan Naviks have been promulgated by this Ministry with the concurrence of Deptt. of Personnel & A.R. and the Ministry of Law. The Rules, apart from direct recruitment and transfer, also provide for re-employment of suitable retired personnel of various categories of Naval sailors and equivalent Army, Air Force and Central/States Police personnel. The upper age limit for re-employment has, however, not been indicated, as it was felt that in the initial stages of the development of the new Coast Guard service every encouragement should be given to trained and experienced personnel who were otherwise suitable to join the service. This is also an important factor to reduce the near total dependence of the Coast Guard upon the Navy as at present. It is intended to re-employ retired/released personnel in the Coast Guard on a selective basis keeping in view the job requirements, the utility of the individuals and the need to provide adequate promotion avenues for the regular Coast Guard cadre personnel in the lower ranks. Therefore, by necessity, there has to be flexibility in regard to the upper age limit. Of course, all re-employed personnel would be governed by the limit of the retiring age for Coast Guard personnel, which is at present 55 years for the officers upto the rank of Commandant.

In view of the foregoing, this Ministry is of the view that an amendment to the Recruitment Rules under reference, at this stage, to incorporate the upper age limit for re-employment of retired personnel, is not necessary. The situation could, however, be reviewed after say three years.”

13. The Committee find that no uniform norms have been laid down to

determine the upper age limit of retired Defence/Police personnel for entry into the Coast Guard Service. As a consequence, the upper age could be anything up to 55 years which is the retiring age for the Coast Guard personnel upto the rank of Commandant. The Committee feel that with the experience gained over the past few years, it should have been possible for the authorities to lay down the maximum limit of age upto which re-employment could be considered. The Committee, therefore, recommend that the Ministry of Defence should take early steps to suitably amend the Coast Guard Naviks (General Duty) Recruitment Rules, 1982 so as to specify the precise upper age limit of the retired Defence/Police personnel for re-employment in the Coast Guard Service with a view to obviate any discrimination in this regard.

IV

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES COMMISSION (AMENDMENT) REGULATIONS, 1981 (G.S.R. 433 OF 1982)

14. Sub-regulations (6) of Regulation 12 and Regulation 18A of the Monopolies and Restrictive Trade Practices Commission Regulations, 1974 (as amended by G.S.R. 433 of 1982), read as under :-

"12 (6). Every duly authorised officer of the Central or State Government shall be entitled, on authorisation by the Commission, free of charge, at all reasonable times, to inspect the file of proceeding before the Commission and to take copies or extracts from any document therein and to be furnished such copies or extracts."

* * *

"18A. Enforcement of orders passed by the Commission.

Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned and if necessary, may seek the orders of the Commission for directions for such investigation, as may be required to be carried on by the Director of Investigation or Registrar or any officer of the Commission."

15. The words 'authorised officer' and 'any officer' occurring in the afore-said Regulations 12 (6) and 18A appeared to be vague inasmuch as they did not specify the minimum rank of the officer concerned.

16. A reference was made to the Ministry of Law, Justice Company Affairs (Department of Company Affairs) on 17 August, 1982 for eliciting their comments in the matter. In their communication dated 20 August, 1983, the Ministry intimated that the Monopolies and Restrictive Trade practices Commission had since issued the following amendments to the said Regulations vide G.S.R. 249 of 1983 :-

"The words 'not below the rank of Under Secretary' shall be inserted in-

between the words 'authorised Officer' and 'of the Central' occurring in Sub-Regulation (6) of Regulation 12 of the principal Regulations, 1974.

The words 'not below the rank of Assistant Director, shall be inserted in-between the words 'any officer' and 'of the Commission' occurring in the Regulation 18A of the principal Regulations, 1974."

17. The Committee note with satisfaction that, on being pointed out, the Monopolies and Restrictive Trade Practices Commission have since amended Regulations 12(6) and 18A of the Monopolies and Restrictive Trade Practices Commission Regulations, 1974 *vide* G.S.R. 249 of 1983 so as to specify the minimum rank of the officers concerned for the information of all concerned.

V

THE TEA BOARD (AMENDMENT) BYE-LAWS, 1981
(G.S.R. 643 OF 1981)

18. By-law 52 of the Tea Board Bye-laws, 1955, as amended by Notification No. G.S.R. 643 of 1981, read as under :

"52. *Power to write off losses.*—The Committees indicated below, the Chairman, the Deputy Chairman and the Secretary shall, subject to the rules and these bye-laws, have power to write off as irrecoverable losses upto the amounts specified below :—

(i) Executive Committee	Rs. 2,500/- in any one case.
(ii) Export Promotion Committee	Rs. 2,500/- in any one case relating to tea promotion.
(iii) Development Committee	Rs. 2,500/- in any case relating to tea development.
(iv) Labour Welfare Committee	Rs. 2,500/- in any one case relating to labour welfare schemes.
(v) Chairman	Rs. 1,000/- in any one case.
(iv) Deputy Chairman	Rs. 500/- in any one case.
(vii) Secretary	Rs. 200/- in any one case."

19. As there were no statutory provisions in the parent Act. *viz.* the Tea Act, 1953 to delegate powers to the Committees, the Chairman, Deputy Chairman, or Secretary of the Tea Board to write off losses as irrecoverable and the Tea Act also did not provide for laying of the Bye-laws framed thereunder before each House of Parliament, those lacunae were brought to the notice of the Ministry of Commerce on 22 February, 1982. However, after protracted corres-

pondence, the Ministry stated in their reply dated 27 September, 1983 as under :—

“.....Commerce Ministry have agreed to the suggestions made by the Committee on Subordinate Legislation that Bye-laws made under the Tea Act/Rules should be placed before Parliament. For this purpose, a new section is being introduced in the Tea Act.

Similarly, Commerce Ministry is taking appropriate action to amend the provisions in the Tea Board Bye-laws regarding the power to write-off losses.”

20. The Committee note that, on being pointed out, the Ministry of Commerce have agreed to introduce a new section in the Tea Act., 1953 so as to provide for laying of the Bye-laws framed thereunder before each House of Parliament. The Committee hope that the Ministry would bring forth the proposed amending legislation before Parliament at an early date.

21. The Committee further note that the Ministry are taking action to amend the provisions in the Tea Board Bye-laws regarding the power to write-off losses. The Committee recommended that the Ministry should take early steps to omit the provisions of Bye-law 52 regarding the power to write off losses as irrecoverable, which was without proper authorisation to that effect in the enabling statute.

VI.

THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) CENTRAL RULES, 1980 (G.S.R. 514-E OF 1980)

(A)

22. Sub-rule (1) of rule 10 of the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 (G.S.R. 514-E of 1980) read as under :—

“10. *Security*—(1) where the licensing officer is satisfied in accordance with the procedure laid down in the proviso to sub-section (2) of section 8, that any person who has applied for or who has been issued a licence should furnish security for the due performance of the conditions of the licence, he shall prepare an estimate of the amount needed to provide for recruitment or employment of migrant workmen on the basis of the factors specified in sub-section (3) of the said section and after considering the solvency of such person, determine the amount of the security to be furnished by such person which shall not exceed forty per cent of the amount estimate by him.”

23. On 22 December, 1980, an enquiry was made from the Ministry of Labour whether any guidelines had been laid down for the guidance of the Licensing Officer in the matter of determining the amount of security to be furnished by the applicant/licencee.

24. In their reply dated 21 March, 1984, the Ministry of Labour stated as follows :—

“The basis for preparing an estimate of the amount has been provided in sub-section 3* of section 8 of the Act and the limit of 40 percent of the estimate for determining the security amount has also been provided. The rest has been left entirely to the discretion of the licensing officer for which no guidelines are deemed necessary or desirable.”

“(3) The Security which may be required to be furnished under the proviso to sub-section (2) shall be reasonable and the rules for the purposes of the said proviso shall, on the basis of the number of workmen employed, the wages payable to them, the facilities which shall be afforded to them and other relevant factors provide for the norms with reference to which such security may be determined.”

25. The Committee note that the provisions in sub-section (3) of section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 lays down that the security shall be reasonable and the rules shall provide for the norms, with reference to which such security is to be determined, on the basis of the number of workmen employed, the wages payable, the facilities afforded and other relevant factors. It flows therefrom that rules are to take care of various factors enumerated in the enabling Act. In this connection, the Committee need hardly stress that while framing the rules, Government should visualise all possible situations to make such rules serve the desired purpose rather than rendering them mere skeletal. The Committee feel that with the experience gained over the years, it should be possible for the Government to make precise and specific provisions in the rules to carry out the purposes of the Act. In case, it becomes unavoidable to vest any discretionary powers in the Licensing officer, suitable guidelines should necessarily be issued to obviate any arbitrary use of the given powers. The Committee, therefore, recommend that the Ministry of Labour should take early steps to amend Rule 14 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 so as to meet the requirements of section 8 (3) of the enabling Act.

(B)

26. Provisos to Rules 11 (2) (vii) (a) and 25, and Rules 26 (2) and 45

*Sub-section (3) of section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of service) Act, 1979 reads as under :—

(6) of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 (G.S.R. 514-E of 1980) read as under :—

Proviso to Rule 11 (2) (vii) (a) :

“Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Deputy Chief Labour Commissioner (Central) *Whose decision thereon shall be final.*”

Proviso to Rule 25 :

“Provided that if there is any dispute in this regard or with regard to applicability of wage rates to a migrant workmen under sub-clause (b) of sub-section (1) of section 13, the same shall be decided by the Deputy Chief Labour Commissioner (Central) *whose decision shall be final.*”

Rule 36 (2) :

“Where there is any dispute in this regard or with regard to applicability of holidays, hours of work including extra wages for overtime done and other conditions of service to a migrant workmen under clause (a) of sub-section (1) of section 13, the same shall be decided by the Deputy Chief Labour Commissioner (Central) *whose decision shall be final.*”

Rule 45 (6) :

“If there is any dispute or disagreement regarding suitability or adequacy of provision of any of the amenities referred to in sub-rules (1) to (4), the same shall be decided by Deputy Chief Labour Commissioner (Central) *whose decision shall be final.*”

27. The expression ‘whose decision shall be final’ occurring in the aforesaid provisions of the rules was apt to give an impression that the jurisdiction of the courts of law was being ousted. The matter was referred to the Ministry of Labour on 22 December, 1980 for ascertaining their comments. The Ministry in their reply dated 21 March 1984, stated as under :—

“The status of finality given to the decisions by the Dy. Chief Labour Commissioner (C) in these provisions is with a view to avoiding scope for prolonged litigation by appeals and thereby thwarting the flow of legislative benefits to those for whom they are intended. Even then, the aggrieved party can resort to Writs. The provisions in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1980 are analogous to the parallel provisions existing in the Contract Labour (Regulation and Abolition) Rules, 1971.”

28. The Committee note from the reply of the Ministry of Labour that the expression 'whose decision shall be final' used in the inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 is intended to accord the status of finality to the decisions of the Deputy Chief Labour Commissioner (Central) in certain matters with a view to avoiding scope for prolonged litigation through appeals etc. The aggrieved party may, however, resort to the procedure of writs to mitigate their grievances.

29. The Committee feel that there has obviously been an attempt on the part of the rule-making authority to bar the jurisdiction of the courts of law in some respects though not intended by the enabling Act. In this connection, the Committee will like to refer to a known presumption of the delegated legislation that Parliament did not intend to oust the jurisdiction of the courts of law. The Committee stress that no subordinate legislation should directly or indirectly oust the jurisdiction of the courts of law in any manner. In paragraph 18 of their Fourth Report (Third Lok Sabha), presented to the House on 4 May 1965, the Committee have gone even a little further to say that 'the rules should not be worded in a manner which may give an impression on the mind of the persons concerned that the jurisdiction of courts of law is being ousted.' The Committee, therefore, recommend that the Ministry may amend the respective provisions in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 as also the parallel provision existing in the Contract Labour (Regulation and Abolition) Rules, 1971 on the pattern of interpretation clause of the Kandla Port Employees (Allotment of Residence) Regulations, 1964, which reads as follows :—

"24. *Interpretation of regulation.*—If any question arises as to the interpretation of these regulations, the same shall be decided by the Board."

VII

THE COLD STORAGE ORDER, 1980 (S.O. 2453 OF 1980)

30. Clause 24 of the Cold Storage Order, 1980 (S.O. 2453 of 1980) read as under :—

"24. *Appeal*—Any person aggrieved by an order of the Licensing Officer made under this Order may prefer an appeal to the Officer of the Central Government not below the rank of Joint Secretary appointed by the Central Government in this behalf by social order from time to time."

31. At their sitting held on 22 November, 1982, the Committee desired, *inter alia*, that a clarification as to the procedure being followed in the Ministry of Rural Reconstruction (now Rural Development) of for appointment the authority for hearing and disposal of appeals under Clause 24 of the Cold

Storage Order, might be obtained. On a reference made in the matter, the Ministry stated, in their reply dated 13 April 1983, as under :—

“...this Ministry proposes to amend clause 24 of the Cold Storage Order, 1980, as under :—

‘24. *Appeal*— Any person aggrieved by the order of the Licensing Officer may within 30 days of the receipt of a copy of the Order by him, prefer an appeal to the Central Government. The Central Government may after giving the applicant an opportunity of being heard, confirm, reverse or modify such order.’

It is felt that with the incorporation of the above provision any aggrieved person could prefer an appeal to the Secretary to the Govt. of India of the concerned Ministry and it would not be necessary for the Central Govt. to appoint an officer, not below the rank of Joint Secretary, by special order from time to time as specified in the existing clause 24. The proposed amendment would, however, lay down the procedure for disposal of appeals.....”

32. In a subsequent communication dated 3 January, 1984, the Ministry of Rural Development further stated as under :—

“...the matter has been examined in consultation with the Ministry of Law, Justice and Company Affairs (Legislative Department). They have also examined the amendment draft notification and stated that the draft as corrected is formally in order, subject to their following observations :—

‘12. For making an examination of amendment to clause 24 of the Order, it has been considered suitable to look into similar provisions in some other orders.

(i) Clause 21 of the Cotton Control Order, 1955, reads as under :—

Appeal— Any person aggrieved by an order of the Textile Commissioner or the licensing authority made under this Order may prefer an appeal to the Central Government within thirty days of the date of communication of such order and the decision of the Central Government thereon shall be final.

(ii) Clause 5 of the Jute Textile (Control) Order, 1956, reads as under :—

Appeal— Any person aggrieved by the order of the Jute Controller refusing to grant a licence or cancelling a licence may within a period of thirty days from the date on which a copy of the brief statement of the reasons for such refusal or cancellation is furnished to the applicant or licensee, as the case may be, prefer an appeal to the Central Government and the decision of the Central Government on such appeal and subject to such decision the order of the rule Controller shall be final.

(iii) Clause 12 of the Textile (Production by Powerloom) Control Order, 1956, reads as under :—

Appeal—Any person aggrieved by an order of the Textile Commissioner made under this order may prefer an appeal to the Central Government within thirty days of the date of communication of such order and the decision of the Central Government thereon shall be final.

(iv) Clause 18 of the Fertilizer (Control) Order, 1957, reads as under :—

Appeal—Any person aggrieved by an Order :—

- (a) refusing of grant amend or renew the certificate of registration for sale of fertilisers ;
- (b) refusing to grant a certificate of registration for mixtures ;
- (c) Cancelling or suspending any certificate or registration may within sixty days from the date of order, appeal to such authority as the State Government may specifying this behalf and the decision of such authority shall be final.

A survey of the above Appeal provisions in different Control Orders and in some other Orders indicates that the formula suggested by the administrative Ministry in Para 7 of their Note dated the 6th September, 1983 (P.19/n) is more or less parallel to the provisions cited above in relation to different Control Orders. The above formulation which are on the Statute Book for about 3 decades appear to have worked satisfactorily.

In view of the above, the administrative Ministry may please bring to the notice of the Committee on Subordinate Legislation the existence of the similar provisions stated above relating to different Orders and enquire of the Committee if it shall be agreeable to the revised formulation cited in para 7 of the note of the administrative Ministry dated the 6th September, 1983 (p. 19/n).

The formula suggested by this Ministry as mentioned in the note of the Ministry of Law above was as under :—

'24.—*Appeal* : Any person aggrieved by the order of the licensing officer may within 30 days of the receipt of a copy of the Order by him, prefer an appeal to the Central Govt. The Central Govt. may after giving the applicant an opportunity of being heard, confirm, reverse or modify such order.'

In view of the views of the Ministry of Law stated above, this Ministry may please be informed if the Committee on Subordinate

Legislation is agreeable to the revised formulation cited above. Necessary action to amend the Clause 24 of the Cold Storage Order, 1980 would be taken accordingly after obtaining the necessary approval of the appropriate authority in the Ministry."

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

VIII

THE CUSTOM HOUSE AGENTS LICENSING REGULATIONS, 1965 (G.S.R. 1450 OF 1965)

34. In his representation dated 22 October, 1982 addressed to the Committee, Shri Dwarka Nath, a resident of Delhi, pointed out inconsistencies in the Custom House Agents Licensing Regulations, 1965, as under :

".....For the grant of CHA Licences, examinations are held at different places from time to time, in accordance with these Regulations. As per these Regulations application Form 'A' to appear in the examination has been prescribed pursuant to Regulation 5. However, Regulation 5 and the relevant portion of Form 'A' do not conform to each other as will be observed from the following juxtaposition :—

Regulation 5

.....If the applicant is a firm or a company, the application shall *also* specify the names of the *persons* who will be actually engaged in the work in the Custom House on behalf of that firm or company, as the case may be.

Form 'A' Column 3

In case the applicant is a firm or a company, the name(s) of its *partner/ partners or director/directors*, who will actually be engaged in the work as Custom House Agents.

Column 3 of the form 'A' does not provide for specifying the names of persons within the meaning of Regulation 5 (as distinct from Partners directors) 'who will be actually engaged in the work as Customs House Agents on behalf of the firm or the company'. It restricts its scope to specifying the names of partners/directors meaning thereby that only partners/directors of Firms/Companies can take the examination to the exclusion of 'persons' occurring in Regulation 5. This is at variance with the wordings and meaning of Regulation 5 which clearly implies that *other persons i.e.* knowledgeable employees of firm/company (as distinct from partners/directors) actually engaged in

work as Custom House Agents should be mentioned against this column of the application Form so that they can appear in the examination on behalf of the firm/companies. Besides, Regulation 9 reproduced below endorses this exposition :

9. *Explanation of applicant* (i) On being otherwise satisfied as to the fitness of an applicant for holding a licence under these regulations, the collector may arrange for him or in *the case of a firm or company, for the person or persons* who will be actually engaged in the work in the Custom House on behalf of the firm or company, as the case may be, to be examined with a view to ascertaining his or their knowledge of Customs Law and procedure and his or their fitness to render proper service to importers and exporters. The examination may be oral or written or both, and shall be conducted by the Collector or by a Committee of Officers to be appointed by him for the purpose.

Had the intention been to allow any partners/directors of the firm/company to take the examination the enunciation in Regulations 5 and 9 would have been more specific. To elucidate the point it may be pointed out that the word 'also' occurring in Regulation 5 has special significance. While columns 1 and 2 of Form 'A' have been designed to compile information in respect of partners/directors, column 3 should be meant to compile information about persons actually engaged in work as Custom House Agents on behalf of Firm/Companies. Since column 3, as worded, does not admit of specifying the names of persons other than partners and directors only the names of partners/directors of firms/companies could be specified in this column to appear in the examination. However, invoking Regulations 5 and 9 some Firms/Companies may be mentioning the names of their employees against column 3 enabling them to take examination on behalf of the firm/company. This, it is feared, may have led and may be leading to anomalies and discrimination in many cases. Moreover, column 4 of the Application form 'A' which suggests names of employees being mentioned against it is in relation to Regulation 23, and is out of place in the Application Form 'A' which is pursuant to Regulation 5..."

35. On a reference dated 6 December, 1982 made in this regard, the Ministry of Finance (Department of Revenue), in their reply dated 11 May, 1983, stated as under :

"The provisions of Regulation 5 of Custom House Agents Licensing Regulations, 1965 lay down that if the applicant is a firm or company the applicant shall specify the name or names of the persons or persons who will be actually engaged in the work in the Custom House on behalf of that firm or company, as the case may be and Regulation 9 lays down that the Collector of Customs may arrange

for person or persons who will be actually engaged in the work in the Custom House on behalf of firm or Company to be examined. Thus, a reading of these two Regulations clearly amplifies the position, that the persons who will be actually engaged in the work in the Custom House will take the examination on behalf of the firm or company. The practice followed by the Custom Houses in this regard is uniform and persons actually engaged in the work in Custom House are permitted to take the examination for the Custom House Agents Licence.

As regards columns of form 'A' prescribed under Regulation 5 of the said Regulations, columns 1 & 2 specify the names and address of the applicant and in case the applicant is a firm or company, the name of each of the partners of the firm or the directors of the company as the case may be. Thereafter ; column 3 requires the name of the partner/partners or director/directors who will actually be engaged in the work as Custom House Agents to be specified. Though this column does not specify the names of any other person/persons in the employment of the firm/company who will be actually engaged in the work as Custom House Agents to take the examination, yet, it has been, ascertained that the names of persons other than partners/directors are indicated by the applicants against this column and the Custom Houses have been permitting such persons also to take the examination, in terms of Regulations 5 and 9 as explained.....above."

36. In a subsequent communication dated 25 July, 1983, the Ministry further clarified the position as under :

"...Column 4 of the application form 'A' is meant to indicate the names and address of the persons who would be appointed as clerks or servants in the Customs House Agent firm. Regulation 23 provides for appointment of clerks or servants by a Custom House Agent which shall be made only after obtaining the approval of the Asstt. Collector of Customs. No separate form for providing the names of clerk or servants has been laid down pursuant to Regulation 23. Consequently this information has been sought for in form 'A' itself. Form 'A' though prescribed in terms of Regulation 5 is designed to seek information in terms of any of the Regulations and therefore, it may perhaps not be correct to say that a particular column of the form is redundant and out of place."

37. The following two points arising out of the scrutiny of the above reply of the Ministry of Finance were then referred to them on 29 July, 1983 for eliciting further clarification thereon :

- (i) As Column 3 of Form 'A' prescribed in terms of Regulation 5 of the Custom House Agents Regulations, 1965, does not dis-

tinctly specify to indicate the names of other person/persons in the employment of the firm/company, who will be actually engaged in the work as Customs House Agents, how could the Ministry expect the applicants to indicate in this Column the names of persons other than partners/directors ?

Whether the Ministry have any objection to amending Column 3 of the Form so as to bring it in line with provisions contained in Regulations 5 and 9 of the said Regulations and to make it unambiguous.

- (ii) Column 4 of the application form 'A' is stated to have been devised to seek information about the names and address of the persons who would be appointed as clerks or servants under Regulation 23. If so, whether they have any objection to indicate in this column that this information is required with reference to regulation 23 has been specifically done in Columns 6, 7 and 8.

38. In their reply dated 4 Aggust, 1983, the Ministry stated as under :—

“(i) Although Col. 3 of application form 'A' prescribed under regulation 5 of the Custom House Agents Regulations, 1965 does not distinctly specify the names of other person/persons in the employment of the firm/company who will be actually engaged in the work as Custom House Agents, it has been noticed that no difficulty has been experienced in this regard by the applicants. However as this column is as per regulation 5, it is implied that if partner/partners, Director/Directors are not actually engaged in the work of Costom House, names of persons who will actually be engaged in the work is to be mentioned. However, this Department does not have any objection in amending Col. 3 of the form.

(ii) Ministry does not have any objection in indicating in Col. 4 of the application form 'A' that this information is required as per Regulation 23 of Custom House Agents Licensing Regulations, 1965.”

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

the Ministry should amend the aforesaid provisions to the necessary effect at an early date under intimation to them.

IX

THE NATIONAL SAVINGS ORGANISATION (GROUP 'A' AND GROUP 'B' POSTS) RECRUITMENT RULES, 1963

40. During the course of scrutiny of the National Savings Organisation (Class I and II Posts) Recruitment (Amendment) Rule, 1981 (S.O. 411-E 1981, it was noticed that the principal rules, viz., the National Savings Organisation (Group 'A' and Group 'B' Posts) Recruitment Rules, 1963 did not contain the usual clauses regarding 'power to relax' and 'saving' provisions on the following lines :—

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

Saving.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes and the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

41. The aforesaid lacuna was brought to the notice of the Ministry of Finance (Department of Economic Affairs) on 22 February, 1982. After repeated reminders, the Department of Economic Affairs stated, in their reply dated 30 August, 1983 as under :—

"...this Department has no objective to amend the National Savings Organisation (Group 'A' and Group 'B' Posts) Recruitment Rules, 1963 on the lines indicated... Necessary action is under way to amend the Recruitment Rules accordingly. Delay in replying to the reference is regretted."

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

THE SALAR JUNG MUSEUM REGULATIONS, 1962

43. The Salar Jung Museum Regulations, 1962 were discussed informally by the Committee on Subordinate Legislation with the Authorities of the Salar Jung Museum during their visit to Hyderabad in 1981. The Ministry of Education and Culture (Department of Culture), in consultation with the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs), have proposed to make certain amendments to the said Regulations to give effect to the suggestions of the Committee. The points raised by the Committee and the amendments proposed by the Ministry in that respect are given below.

(A)

44. Regulation 7 of the Salar Jung Museum Regulations, 1962 read as under :—

“7. Creation of posts.—Subject to such conditions as may be prescribed by the Central Government in this behalf, the Board may create such posts as may be necessary for the care of maintenance of the museum and may fix and alter scales of pay and allowances for such posts.”

45. It was felt that the conditions governing the creation of posts should more appropriately be spelt out in the Regulation itself to make it self-contained and for the information of all concerned.

46. The Ministry of Education and Culture (Department of Culture), with whom the matter was taken up, have agreed to amend the said Regulation so as to read as under :—

“7. Creation of posts :—The Board may create such posts as may be necessary for the care or maintenance of the Museum and may fix and alter scales of pay and allowances for such posts :

Provided that the necessary provision for the expenditure on such posts has been made in the budget by the Central Government and instructions that may be issued by the Central Government from time to time, in this behalf, are also observed.”

47. The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend Regulation 7 of the Salar Jung Museum Regulations, 1962 to the desired effect. The Committee hope that the Ministry will notify the proposed amendment at an early date.

(B)

48. Sub-regulation (5) of Regulation 8 of the Salar Jung Museum Regulations, 1962 read as under :—

“(5) Recruitment to all posts in the museum shall be made subject to the production of a medical certificate of physical fitness in accordance with such standards as may be laid down by the Board and subject to verification of the character and antecedents of the persons concerned”.

49. It was felt that the standards of physical fitness and other details of the medical certificate should be indicated in the Regulation itself for the information of all concerned.

50. The Ministry of Education and Culture (Department of Culture), with whom the matter was taken up, have proposed to amend Regulation 8 (5) so as to read as under :—

(5) (i) Recruitment to a post in the museum shall be made, subject to the production of a medical certificate of physical fitness and subject to verification of the character and antecedents of the persons concerned. The medical certificate of physical fitness shall be signed by a Medical Board in the case of officers of Class I (Senior) and Class I (Junior) posts and by a Civil Surgeon or a District Medical Officer or a Medical Officer of an equivalent status in the case of Class II and Class III posts.

(ii) In the case of a female candidate appointed to :—

(a) a Class I post, the medical certificate shall be signed by a Medical Board where one of the member is a female medical practitioner;

(b) a Class II or Class III post, the medical certificate shall be signed by a Registered Female Medical Practitioner; possessing medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956).

(iii) In the case of employees appointed to class IV posts, the medical certificate shall be signed by the Authorised Medical Attendant possessing a medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956) and when there is no such Medical Attendant, by a Government Medical Officer of the nearest Dispensary or Hospital possessing such a qualification.”

51. The Ministry have also proposed to add the following proforma of Medical Certificate at the end of the Salar Jung Museum Regulations, 1962 (i. e. after Regulation 32 thereof) :—

“MEDICAL CERTIFICATE

I hereby certify that I have examined Shri/Kumari/Smt..... a candidate for employment in the Salar Jung Museum, and cannot discover that Shri/Kumari/Smt.....has any disease (communicable or otherwise), constitutional weakness or bodily infirmity except..... I do not consider this a disqualification for employment in the office of the Salar Jung Museum.

Signature

Dated

Designation with office stamp”

52. The Committee note that, on being pointed out, the Ministry have proposed to amend Regulation 8 (5) of the Salar Jung Museum Regulation, 1962 so as to lay down the procedure regarding medical certificate for recruitment in the Salar Jung Museum. The Committee hope that the Ministry will notify the proposed amendments at an early date.

(C)

53. Regulation 9 of the Salar Jung Museum Regulations, 1962 read as under :-

“9. *Protection of claims of Scheduled Castes and Scheduled Tribes.*—vacancies may be reserved for the members of scheduled castes and scheduled tribes candidates for appointments to the posts under the Board according to the orders issued by the Central Government from time to time”.

54. The above provisions, though provided for reservation for the Scheduled Castes and the Scheduled Tribe candidates, were not on the usual pattern of saving clause occurring in the recruitment rules. The Ministry of Education and Culture (Department of Culture), with whom the matter was taken up, have proposed to amend the said Regulation so as to read as under :

“9. *Relaxation for Sheduled Castes and Scheduled Tribes, etc.*—Nothing in these rules shall affect reservation/relaxation of age limit and other concessions required to be provided for the Scheduled Castes/Scheduled Tribes and other special categories of the persons in accordance with the orders issued by the Central Government from time to time in this behalf”.

55. The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend Regulation 9 of the Salar Jung Muscum Regulations, 1962 so as to include therein the standard provisions regarding concessions to the Scheduled Castes, the Scheduled Tribes and other special categories of persons. The Committee hope that Ministry will notify the proposed amendment at an early date.

(D)

56. Regulation 11 of the Salar Jung Museum Regulations, 1962 read as under :

"11. *Honorarium Special pay, Personal pay to employees.*—The Board may sanction to any employee in any special circumstances such special pay, personal pay, honorarium or any other fee on such conditions as it may deem fit :

Provided that if any funds are required for the purpose from the Central Government, prior approval of that Government shall be necessary for the sanction of such pay, honorarium or fee".

57. It was felt that the circumstances and conditions for sanction of special pay, personal pay, honorarium or any other fee *etc.* ought to be laid down in the Regulation itself be obviate any discriminatory treatment in that regard. The Ministry of Education and Culture, (Department of Culture), with whom the matter was taken up, have proposed to amend the said Regulation so as to read as under :

"11. *Honorarium, Special pay, personal pay to employees.*—The Board may sanction to any Class I or Class II employee and the Finance Committee to any Class III or Class IV employee :

- (a) Special pay in consideration of the specially arduous nature of duties or a specific additions to the work or responsibility.
- (b) Personal pay to save an employee from loss of substantive pay in respect of a permanent post other than a tenure post due to revisions of any or to any reduction of such substantive pay otherwise than as a disciplinary measure (or in exceptional circumstances on other personal consideration) ; and
- (c) An honorarium as remuneration for work performed which is occasional or intermittent in character and either so labourious or of such special merit as to justify a special reward. (Except when special reasons to be recorded in writing, exist for a departure from this provision, sanction to the grant of acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the Board and its amount has been settled in advance).
- (d) The Board may also permit an employee of museum to perform a specified service or series of services for a private person, body or for a public body provided that this can be done without detriment to his official duties and responsibilities and to accept as remuneration therefor a recurring or non-recurring fee, a part of which, if so, specified by the Board should be credited to the Museum Funds ;

Provided that if any funds are required for the purpose from the Central Government, prior approval of that Government shall be necessary for the sanction of such pay, honorarium or fee".

58. The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture), have agreed to amend Regulation 11 of the Salar Jung Museum Regulations, 1962 so as to lay down the criterion governing the sanction of special pay, personal pay, honorarium or other fees to the employees of the Salar Jung Museum to obviate any discriminatory treatment in this regard. The Committee desire the Ministry to notify the proposed amendment at an early date.

(E)

59. Regulation 12 of the Salar Jung Museum Regulations 1962, read as under :

"12. *Termination of Service.*— (1) The service of an temporary employee may be terminated by the Board without assigning any reasons :-

(i) during the period of probation following the first appointment, at any time without notice, and

(ii) After such period of probation, at any time by a notice of one month in writing given by the Board to the employee or at any time without notice on payment of one month's pay or where such notice falls short of one month, by paying the salary for the period of which it falls short by one month.

(2) Without prejudice to the provisions of clause (1), the service of a temporary employee shall be terminated :-

(i) if his appointment is made for a specified period, on the expiry of such period; or

(ii) if his appointment is made against a temporary post, on the abolition of the post or on the expiry of the period for which the post is created.

(3) The services of a permanent employee may be terminated by a notice of three months or on payment of pay for such period as the notice falls short of three months or without notice on payment of three months pay if the post to which he is substantively appointed is abolished.

(4) An employee who is given notice of termination of service under clause (3) may be granted during the period of notice such earned leave as may be admissible to him and where the leave so admissible and granted is more than three months, his service shall terminate on the expiry of such leave".

60. It was felt that the temporary employee ought to be given a show-

cause notice and an opportunity to defend his case before termination of his services. There should also be a provision for appointment of an appellate authority to whom the aggrieved employee might prefer an appeal against the order of termination his services.

61. The Ministry of Education and Culture (Department of Culture), with whom the matter was taken up, stated in their reply dated 15 December, 1983, as under :

“In so far as suggestion relating to Regulation 12 is concerned, it may be stated that there is already a provision in Regulation, 15 of the Salar Jung Museum Regulations, 1962 to provide for show cause notice and appeal to temporary employees whose services are terminated as a measure of penalty. The existing Regulation 12 only seeks to empower the appointing authority to weed out employees while they are temporary or on probation in case they are not found suitable for retention in service of the organisation. Such a provision exists in respect of Central Government Employees also in the Central Civil Service (Temporary Service) Rules, 1965. However, the question of amendment of Regulation 12 as suggested by the Committee on Subordinate Legislation has been taken up with the Department of Legal Affairs.....”

62. In a subsequent communication dated 23 February, 1984, the Ministry stated the final position as under :-

“Ministry of law, Justice and Company Affairs (Department of Legal Affairs) have been consulted in regard to the views of this Departmentpertaining to the committee on Subordinate Legislation's suggestion to amend Salar Jung Museum Regulation 12. Their considered views are reproduced below:

‘In simple termination of service which is not punitive in character of the Central Government employees who are on probation or who are temporary, there is no provision for show-cause notice or for an appellate Authority under the relevant rules.

2. In view of the above, we agree with the views of the administrative Ministry that Regulations 12 may be retained as it is in the draft regulation, which have already been vetted by the Legislative Department.’

In view of the above you are requested kindly to convey the approval the Committee on Subordinate Legislation to Salar Jung Museum Regulations, 1962 as in the draft amendment sent to you.....at the earliest to enable us to notify the amendments in the Gazette.’

63. Agreeing with the opinion of the Ministry of law and Justice and Company Affairs (Department of Legal Affairs), the Committee do not wish to press

for an amendment to Regulation 12 of the Salar Jung Museum Regulations, 1962.

F

64. Regulation 13 of the Salar Jung Muscum Regulations, 1962 read as under :—

“13. *Retirement*— The age of retirement of the employee of the Board shall be 58 :

Provided that, in special cases, the Board may extend the service for one year at a time for a total period of two years, and where, in the interests of the Museum, it appears necessary so to do, the Board, may, with the previous approval of the Central Government extend the services for such further period as it may deem necessary beyond the said period of two years.”

65. It was felt that suitable guidelines might be laid down for granting extension of service beyond 58 years as a safeguard against any arbitrary use of the given powers.

66. The Ministry of Education and Culture (Department of Culture), with whom the matter was taken up, have proposed to amend the proviso to Regulation 13 so as to read as under :—

“Provided that where the Board is of the opinion that the employee is specially qualified and it is in the interest of the museum to extend his services it may, for reasons to be recorded in writing, extend the services of such employee, by one year at a time for a total period of two years. Where it appears necessary so to do, in the interest of the museum the Board may, with the previous approval of the Central Government, extend the services of an employee for such further period as it may deem necessary beyond the period of two years.”

67. The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend proviso to Regulation 13 of the Salar Jung Museum Regulations, 1962 to the effect that the Board may, for reasons to be recorded in writing, grant extension of service to an employee if he is found to be specially qualified and it is in the interest of the Museum. The Committee recommend that Ministry should notify the proposed amendment at an early date.

(G)

68. Sub-regulation (1) of Regulation 17 of the Salar Jung Museum Regulations, 1962 read as under :—

“17. *Other Terms and Conditions of Service* — (1) Notwithstanding anything contained in these regulations the Board may in the case of any

employee relax any of the provisions of these regulations to relieve him of any undue hardship arising from the operation of such provisions, or in the interest of the museum or in the public interest."

69. The above provisions were in the nature of usual relaxation clause but worded differently. The Ministry of Education and Culture (Department of Culture), with whom the matter was taken up, have agreed to amend the said Sub-regulation so as to read as under :—

"(1) Where the Board is of the opinion that it is necessary or expedient so to do, it may by orders and for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of employees."

70. The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend Sub-regulation (1) of Regulation 17 of the Salar Jung Museum Regulations, 1962 so as to bring it in conformity with the usual relaxation clause. The Committee hope that the Ministry will notify the proposed amendment at an early date.

(H)

71. The Salar Jung Museum Regulations, 1962 were also found deficient inasmuch as these did not provide for disqualification arising out of plural marriage.

72. The Ministry of Education and Culture (Department of Culture), with whom the matter was taken up, have agreed to amend the Salar Jung Museum Regulations, 1962 so as to insert therein a new Regulation 17A to read as under :—

"17 A. *Restrictions regarding marriage*

- (i) No employee shall, enter into, or contract, a marriage with a person having a spouse living, and
- (ii) having a spouse living, enter into, or contract, a marriage with any person :

Provided that the Board may permit an employee to enter into or contract, any such marriage as is referred to in clause (i) or (ii), if it is satisfied that,

- (a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage, and
- (b) there are other grounds for so doing."

73. The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend the Salar

Jung Museum Regulations, 1962 so as to insert a new Regulation 17A laying down restrictions regarding marriage. The Committee hope that the Ministry will notify the proposed amendment at an early date.

(I)

74. Sub-regulation 1 (b) of Regulation 25 of the Salar Jung Museum Regulations, 1962 read as under :—

“25. Administrative and Financial Powers of Chairman and other authorities—(1) (a)

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(b) The Chairman of the Board shall have that power to send employees of the Museum for training or for a course of instruction in India or with the prior approval of the Government of India, outside India subject to such terms and conditions as may be laid down by the Board from time to time.”

75. It was felt that the terms and conditions for sending the employees of the Salar Jung Museum for training abroad should be specified in the Regulations in order to make them self-contained as also to provide in-built safeguard against probable misuse of the given powers.

76. The Ministry of Education and Culture (Department of Culture), with whom the matter was taken up, have agreed to amend Regulation 25 (1) (b) of the Salar Jung Museum Regulations, 1962 so as to read as under :—

“(b) the Chairman of the Board shall have the power to send employees of the Museum of training or for a course for instruction in India or with the approval of the Central Government, outside India :

Provided that —

(a) the training or course of instruction would equip the employee to discharge his duties in the Museum in a more scientific and efficient manner ;

(b) the employee is not to retire within a period of three years after his return from the training or course of instruction ;

(c) the employee furnishes a bond to serve the Museum at least for a period of three years on the return from the training or course of instruction ; and

(d) the training facilities of the type are not available in India.”

77. The Committee note that, on being pointed out, the Ministry of Edu-

tion and Culture (Department of Culture) have agreed to amend Regulation 25 (1) (b) of the Salar Jung Museum Regulations, 1962 so as to lay down the requisite conditions for sending the employees of the Museum for training abroad. The Committee recommend that the Ministry should notify the proposed amendment at an early date.

NEW DELHI ;
July 11, 1984
Asadha 20, 1906 (Saka)

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

APPENDIX I

(Vide Paragraph 5 of the Report)

Summary of Recommendations/Observations made by the Committee

S. No.	Paragraph No.	Summary
1	2	3
1.	10	The Committee observe that the Union Public Service Commission provided for the refund of Rs. 15.00 to be made to a candidate who had paid the prescribed fee of Rs. 20.00 but was not admitted to the Assistants' Grade Examination held by the Commission in 1981. The ratio of refund by the Commission is thus reckoned at 75 per cent of the prescribed fee as against 50 per cent provided in Regulation 5 (2) of the Department of Electronics (Assistants' Grade Open Competitive Examination) Regulations. The Committee, therefore, recommend that the Department of Electronics do take early steps to amend the said Regulations so as to provide for the refund at the rate of 75 per cent of the prescribed fee as per practice obtaining in the Union Public Service Commission in this regard.
2.	13	The Committee find that no uniform norms have been laid down to determine the upper age limit of retired Defence/Police personnel for entry into the Coast Guard Service. As a consequence, the upper age could be anything upto 55 years which is the retiring age for the Coast Guard personnel upto the rank of Commandant. The Committee feel that with the experience gained over the past few years, it should have been possible for the authorities to lay down the maximum limit of age upto which re-employment could be considered. The Committee, therefore, recommend that the Ministry of Defence should take early steps to suitably amend the Coast Guard Naviks (General Duty) Recruitment Rules, 1982 so as to specify the precise upper age limit of the retired Defence/Police personnel for re-employment in the Coast Guard

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Service with a view to obviate any discrimination in this regard.

3. 17 The Committee note with satisfaction that, on being pointed out, the Monopolies and Restrictive Trade Practices Commission have since amended Regulations 12 (5) and 18A of the Monopolies and Restrictive Trade Practices Commission Regulations, 1974 *vide* G.S.R. 247 of 1983 so as to specify the minimum rank of the officer concerned for the information of all concerned.
- 4 (i) 20 The Committee note that, on being pointed out, the Ministry of Commerce have agreed to introduce a new section in the Tea Act, 1953 so as to provide for laying of the Bye-laws framed thereunder before each House of Parliament. The Committee hope that the Ministry would bring forth the proposed amending legislation before Parliament at an early date.
- 4(ii) 21 The Committee further note that the Ministry are taking action to amend the provisions in the Tea Board Bye-laws regarding the power to write-off losses. The Committee recommend that the Ministry should take early steps to omit the provisions of Bye-law 52 regarding the power to write off losses as irrecoverable, which was without proper authorisation to that effect in the enabling statute.
5. 25 The Committee note that the provisions in sub-section (3) of section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 lay down that the security shall be reasonable and the rules shall provide for the norms, with reference to which such security is to be determined, on the basis of the number of workmen employed, the wages payable, the facilities afforded and other relevant factors. It flows therefrom that rules are to take care of various factors enumerated in the enabling Act. In this connection, the Committee need hardly stress that while framing the rules, Government should visualise all possible situations to make such rules serve the desired purpose rather than rendering them mere skeletal. The Committee feel that with the experience gained over the years, it should be possible
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for the Government to make precise and specific provisions in the rules to carry out the purposes of the Act. In case, it becomes unavoidable to vest any discretionary powers in the Licensing Officer, suitable guidelines should necessarily be issued to obviate any arbitrary use of the given powers. The Committee, therefore, recommend that the Ministry of Labour should take early steps to amend Rule 10 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 so as to meet the requirements of section 8 (3) of the enabling Act.

- 6 (i) 28 The Committee note from the reply of the Ministry of Labour that the expression 'whose decision shall be final' used in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 is intended to accord the status of finality to the decisions of the Deputy Chief Labour Commissioner (Central) in certain matters with a view to avoiding scope for prolonged litigation through appeals etc. The aggrieved party may, however, resort to the procedure of writs to mitigate their grievances.
- 6 (ii) 29 The Committee feel that there has obviously been an attempt on the part of the rule-making authority to bar the jurisdiction of the courts of law in some respects though not intended by the enabling Act. In this connection, the Committee will like to refer to a known presumption of the delegated legislation that Parliament did not intend to oust the jurisdiction of the courts of law. The Committee stress that no subordinate legislation should directly or indirectly oust the jurisdiction of the courts of law in any manner. In paragraph 18 of their Fourth Report (Third Lok Sabha), presented to the House on 4 May, 1965, the Committee have gone even a little further to say that 'the rules should not be worded in a manner which may give an impression on the mind of the persons concerned that the jurisdiction of courts of law is being ousted'. The Committee, therefore, recommend that the Ministry may amend the respective provisions in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 as also the parallel provisions existing in the Contract Labour
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(Regulation and Abolition) Rules, 1971 on the pattern of interpretation clause of the Kandla Port Employees (Allotment of Residence) Regulations, 1964, which reads as follows:—

“24. Interpretation of regulations.—If any question arises as to the interpretation of these regulations, the same shall be decided by the Board.”

7. 33 The Committee note the opinion of the Ministry of Law (Legislative Department) that the amendment as proposed by the Ministry of Rural Development to Clause 24 of the Cold Storage Order, 1980 is more or less parallel to the appeal provisions contained in other similar orders. The Committee agree to the proposed amendment and recommend that the Ministry of Rural Development should notify it at an early date.
- .8 39 The Committee note that, on being pointed out, the Ministry of Finance (Department of Revenue) have agreed to amend the provisions in Column 3 of Application Form 'A' prescribed in terms of Regulation 5 of the Custom House Agents Licensing Regulations, 1964 so as to make them quite unambiguous with regard to indicating there under the names of such other persons in employment of the firm/company as will be actually engaged in the work as Custom House Agents. The Ministry have similarly agreed to amend Column 4 of the said Application Form 'A' so as to provide that the information asked for thereunder is required as per Regulation 23 of the Custom House Agents Licensing Regulations with a view to make it self-explicit. The Committee, therefore, recommend that the Ministry should amend the aforesaid provisions to the necessary effect at an early date under intimation to them.
9. 42 The Committee note that, on being pointed out, the Ministry of Finance (Department of Economic Affairs) have agreed to amend the National Savings Organisation (Group 'A' and Group 'B' Posts) Recruitment Rules, 1963 so as to incorporate therein the necessary provisions regarding power to relax and grant of concessions to the Scheduled Castes, Scheduled Tribes and other special cate-

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gories of persons in accordance with the orders of the Central Government issued from time to time. The Committee hope that the Ministry will notify the requisite amendments without further delay.

10. 47 The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend Regulation 7 of the Salar Jung Museum Regulations, 1962 to the desired effect. The Committee hope that the Ministry will notify the proposed amendment at an early date.
11. 52 The Committee note that, on being pointed out, the Ministry have proposed to amend Regulation 8 (5) of the Salar Jung Museum Regulation, 1962 so as to lay down the procedure regarding medical certificate for recruitment in the Salar Jung Museum. The Committee hope that the Ministry will notify the proposed amendments at an early date.
12. 55 The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend Regulation 9 of the Salar Jung Museum Regulations, 1962 so as to include therein the standard provisions regarding concessions to the Scheduled Castes, the Scheduled Tribes and other special categories of persons. The Committee hope that the Ministry will notify the proposed amendment at an early date.
13. 58 The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture), have agreed to amend Regulation 11 of the Salar Jung Museum Regulations, 1962 so as to lay down the criterion governing the sanction of special pay, personal pay, honorarium or other fees to the employees of the Salar Jung Museum to obviate any discriminatory treatment in this regard. The Committee desire the Ministry to notify the proposed amendment at an early date.
14. 63 Agreeing with the opinion of the Ministry of Law, Justice and Company Affairs (Depatt. of Legal Affairs), the Committee do not wish to press for an amendment
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to Regulation 12 of the Salar Jung Museum Regulations, 1962.

15. 67 The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend proviso to Regulation 13 of the Salar Jung Museum Regulations, 1962 to the effect that the Board may, for reasons to be recorded in writing, grant extension of service to an employee if he is found to be specially qualified and it is in the interest of the Museum. The Committee recommend that the Ministry should notify the proposed amendment at an early date.
16. 70 The Committee note that on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend Sub-regulation (1) of Regulation 17 of the Salar Jung Museum Regulations, 1962 so as to bring it in conformity with the usual relaxation clause. The Committee hope that the Ministry will notify the proposed amendment at an early date.
17. 73 The Committee note that on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend the Salar Jung Museum Regulations, 1962 so as to insert a new Regulation 17A laying down restrictions regarding marriage. The Committee hope that the Ministry will notify the proposed amendment at an early date.
18. 77 The Committee note that, on being pointed out, the Ministry of Education and Culture (Department of Culture) have agreed to amend Regulation 25 (1) (b) of the Salar Jung Museum Regulations, 1962 so as to lay down the requisite conditions for sending the employees of the Museum for training abroad. The Committee recommend that the Ministry should notify the proposed amendment at an early date.
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APPENDIX II

(Vide Paragraph 8 of the Report)

*Extract from the Union Public Service Commission Notice for
Assistants' Grade Examination, 1981 [F.No. 10/3/80-EI (B)]*

(Examination Fee Rs. 20/-)

* * *

- (iii) A refund of Rs. 15.00 (Rs. 4.00 in the case of candidates belonging to Scheduled Castes and Scheduled Tribes) will be made to a candidate who has paid the prescribed fee and is not admitted to the examination by the Commission.

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MINUTES

APPENDIX III

(Vide Paragraph 4 of the Report)

LVII

MINUTES OF THE FIFTY-SVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1982-83)

The Committee met on Monday, 22 November, 1982 from 11.30 to 12.30 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri N. E. Horo
4. Shri Ashfaq Husain
5. Shri Dalbir Singh (Madhya Pradesh)
6. Shri B. Devarajan
7. Shri C. D. Patel
8. Shri Chandrabhan Athare Patil
9. Shri T. Damodar Reddy
10. Shri M. S. K. Sathiyendran
11. Shri R. S. Sparrow

SECRETARIAT

1. Shri S. D. Kaura—*Chief Legislative Committee Officer*
2. Shri T. E. Jagannathan—*Senior Legislative Committee Officer*
2. The Committee considered Memoranda Nos. 150 to 154 as under :-
 - (i) *The Cold Storage Order, 1980 (S.O. 2453 of 1980)—Memorandum No. 150*

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(D)

The Committee also considered Clause 24 of the Cold Storage Order, 1980 and felt that clarification might be sought from the Ministry of Rural Reconstruction as to the procedure for appointment of the authority for hearing appeals and disposal of such appeals.

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The Committee then adjourned.

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

XCVIII

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

The Committee met on Tuesday, 8 May 1984 from 15.30 to 16.25 hours.

PRESENT

Shri R. S. Sparrow—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri A. E. T. Barrow
3. Shri Ashfaq Husain
4. Shri Chandrabhan* Athare Patil

SECRETARIAT

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

2. The Committee considered Memoranda Nos. 252 to 261 as under :

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- (ii) *The Customs, House Agents Licensing Regulations, 1965 (Memorandum No. 253).*

5. The Committee considered the Memorandum dealing with a representation received from a resident of Delhi regarding inconsistencies in the Customs House Agents Licensing Regulations, 1965.

6. Regulation 5 of the said Regulations provided that application to act as a Customs House Agent should be made in Form 'A' but the language used in Col. 3 of the said Form was not in consonance with the provisions contained in the said Regulations.

7. The Committee noted with satisfaction that, on being pointed out, the Ministry of Finance (Department of Revenue) had agreed to amend Col. 3 of the Application Form 'A' as also Col. 4 thereof in order to make it unambiguous. The Committee desired the Ministry to amend the aforesaid regulation as well as the Application Form 'A' at an early date under intimation to the Committee.

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

(iii) The Salar Jung Museum Regulations, 1962—(Memorandum No. 254)

8. The Committee noted that the Salar Jung Museum Regulations, 1962 were discussed informally by the Committee with the Museum Authorities during their visit to Hyderabad in 1981.

(A)

9. Regulation 7 of the Salar Jung Museum Regulations provided that subject to such conditions as might be prescribed by the Central Government, the Board might create such posts as might be necessary for the care/maintenance of the Museum. It was felt that Regulation was not self-contained inasmuch as the conditions to be prescribed by the Central Government were not indicated therein.

10. The Committee noted that, on being pointed out, the Ministry of Education and Culture (Department of Culture) had proposed to add a proviso that necessary provision for the expenditure of the requisite posts should be made in the budget by the Central Government. The Committee desired the Ministry to notify the proposed amendment at an early date.

(B)

11. Regulation 8 (5) of the said Regulations provided that all posts in the Museum should be made subject to the production of medical certificate. However, standards for physical fitness and other details of such certificate were not indicated in the said Regulation.

12. The Committee noted with satisfaction that, on being pointed out, the Ministry had proposed to amend the Regulation by indicating the details as also the proforma of the medical certificate. The Committee desired that the Ministry to notify the proposed amendment at an early date.

(C)

13. Regulation 9 of the above Regulations provided for reservation of vacancies for the members of the Scheduled Caste/Scheduled Tribe candidates but the said provision was not on the usual lines.

14. The Committee noted that, on being pointed out, the Ministry had proposed to amend the Regulation in accordance with the orders issued by the Central Government from time to time in that behalf. The Committee, however, desired the Ministry to notify the proposed amendment at an early date.

(D)

15. Regulation 11 of the above Regulations provided for sanctioning special pay, personal pay, honorarium or any other fee to any employee, on such conditions as might be deemed fit. However, the basis and conditions for such special payments were not mentioned in the said Regulation.

16. The Committee noted that, on being pointed out, the Ministry had

proposed to amend the Regulations to the desired effect. The Committee desired the Ministry to notify the proposed amendment at an early date.

(E)

17. Regulation 12 of the above Regulations provided for the termination of the services of a temporary employee of the Board without assigning any reasons and without giving him any opportunity to defend his case.

18. The Ministry of Law, whom the Ministry of Education and Culture had consulted in the matter, opined that in cases of simple termination of Service of the Central Government employees, who were on probation or who were temporary, there was no provision for show cause notice or for an Appellate Authority under the Rules. That Ministry was of the view that the existing provision ought to be retained in the Regulation.

19. The Committee agreed with the opinion of the Ministry of Law (Department of Legal Affairs) for retaining the existing provision.

(F)

20. Regulation 13 of the above Regulations provided for giving extension to the employees of the Museum, beyond the age of retirement, i.e. 58 years but no guidelines were laid down for giving such extension to an employee.

21. The Committee noted that, on being pointed out, the Ministry had proposed to amend the Regulation so as to lay down some guidelines for giving such extension. The Committee desired the Ministry to notify the proposed amendment at an early date.

(G)

22. The usual relaxation provision as contained in Regulation 17 (1) was not on the approved lines.

23. The Committee noted that, on being pointed out, the Ministry had proposed to amend the Regulation to the desired effect. The Committee, however, desired the Minister to notify the proposed amendment at an early date.

(H)

24. The above Regulations did not contain the usual disqualification clause on account of plural marriage.

25. The Committee noted that, on being pointed out, the Ministry had proposed to insert a new regulation to the desired effect. The Committee desired the Ministry to notify the proposed new Regulation at an early date.

(I)

26. Regulation 25 (1) (b) of the above Regulations empowered the Chairman of the Board to send employees of the Museum for training abroad. The terms and conditions for sending such employees abroad were, however, not mentioned in the said Regulation.

27. The Committee noted that the Ministry had proposed to amend the Regulation by laying down the conditions for sending employees abroad for training. The Committee desired the Ministry to notify the proposed amendment at an early date.

(J)

28. The Ministry of Education and Culture (Department of Culture) had proposed to add, after Regulation 32, a proforma of Medical Certificate for employment in the Museum.

29. The Committee desired the Ministry to notify the proposed proforma of Medical Certificate at an early date.

(iv) *The Cold Storage Order, 1980 (S O. 2453 of 1980)—(Memorandum No. 255)*

30. While considering Clause 24 of the Cold Storage Order, 1980, relating to 'Appeal', the Committee desired that a clarification might be obtained from the Ministry of Rural Development regarding the procedure for appointment of the authority for hearing and disposal of such appeals.

31. In their reply, the Ministry stated that they proposed to amend Clause 24 of the Order *ibid* as under :

"24. *Appeal*—Any person aggrieved by the order of the Licensing officer may within 30 days of the receipt of a copy of the order by him, prefer an appeal to the Central Government. The Central Government may after giving the applicant an opportunity of being heard, confirm, reverse or modify such order."

32. The Ministry further stated that the Law Ministry, which had examined the proposed draft amendment, had observed that the Appeal provisions proposed by the Ministry of Rural Development were more or less parallel to the provisions contained in different Control Orders, *i. e.* the Cotton Control Order, 1955, the Jute Textile (Control) Order, 1956, the textile (Production) by Powerloom Control Order, 1956; the Fertilizer (Control) Order, 1957 etc.

33. In the light of the opinion of the Ministry of Law, Justice and Company Affairs (Legislature Department), the Committee agreed with the amendment proposed by the Ministry and desired them to notify the same at an early date.

- (v) *The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 (G. S. R. 514-E of 1980)— (Memorandum No. 256).*

‘A’

34. Rule 10 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 empowered the Licensing Officer to determine the amount of security to be furnished which should not exceed 40 per cent of the amount estimated by him. But no guidelines were laid down for the Licensing Officer in that regard. The Ministry of Labour maintained that the basis for preparation of an estimate of the amount had been provided in sub-section 3 of Section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 as also the limit of 40 per cent of the estimate for determining the security amount. The rest had been left entirely to his discretion for which no guidelines were deemed necessary or desirable.

35. The Committee, while noting that the basis for preparation of the estimate of the amount had been provided in sub-section 3 of Section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 as also the limit of 40 per cent of the estimate for determining the security amount, felt that there ought to be suitable guidelines under Rule 10 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 for the guidance of the Licensing Officer so that discretionary power vested in him under the said Rule were not used in an arbitrary manner.

‘B’

36. Provisos to Rules 11 (2) (vii) and 25 and Rules 36 (2) and 45 (6) of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Dy. Chief Labour Commissioner (Central) whose decision thereon shall be final.

37. The Committee did not agree with the explanation of the Ministry of Labour in respect of the expression “the decision of the Dy. Chief Labour Commissioner (Central) shall be final” which gave an impression as if the jurisdiction of courts was being ousted. The Committee also did not agree with the contention of the Ministry that the said provisions which gave the status of finality to the decisions of the Dy. Chief Labour Commissioner and were analogous to the parallel provisions existing in the Contract Labour (Regulation and Abolition) Rules, 1971, were there with a view to avoiding scope for prolonged litigation by appeals and thereby thwarting the flow of legislative benefits to those for whom they were intended.

38. In the light of their earlier recommendation/observation contained in paragraph 18 of their Fourth Report (Third Lok Sabha), the Committee

desired the Ministry to amend the wording of the proviso to rule 11 (2) (vii) and rule 25 and rule 36 (2) and 45 (6) of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 on the lines of regulation 24 of the Kandla Port Employee (Allotment of Residence) Regulations, 1964 which reads as under :

'24. Interpretation of regulations—If any question arises as to the interpretation of these regulation, the same shall be decided by the Board.'

39. The Committee also desired the Ministry to amend the parallel provisions which existed in the Contract Labour (Regulation and Abolition) Rules, 1971.

(v) The National Savings Organisation (Class I and Class II Posts) Recruitment (Amendment) Rules 1981 (S. O. 411-E of 1981)—(Memorandum No. 257)

40. The National Savings Organisation (Group 'A' and Group 'B' Posts) Recruitment Rules, 1963 did not contain the usual clause regarding 'Power to relax' and 'Saving' provisions.

41. The Committee noted that, on being pointed out, the Ministry of Finance had agreed to amend the Recruitment Rules to the desired effect. The Committee desired the Ministry to notify the amendment at an early date.

(vi) The Tea Board (Amendment) Bye-Laws, 1981 (G. S. R. 643 of 1981)—Memorandum No. 258)

42. Bye-Law 52 of the Tea Board Bye-laws, 1955, conferred power on the Chairman, Deputy Chairman and Secretary of the Board to write off certain irrecoverable losses of the specified sums without proper authorisation to that effect in the Tea Act, 1953.

43. The Committee noted that, on being pointed out, the Ministry of Commerce had agreed to amend the aforesaid bye-law regarding the power to write off losses and also to introduce a new section in the Tea Act so as to provide for laying the Bye-laws before Parliament. The Committee desired the Ministry to do the needful at an early date.

(vii) The Coast Guard Naviks (General Duty) Recruitment Rules, 1982 (S. R.O. 80 of 1982)—(Memorandum No. 259).

44. The upper age limit for re-employment of the Central/State Police Service/Army, Airforce, Naval personnel as one of methods of recruitment to the posts of Naviks, Uttam Naviks and Pradhan Naviks was not indicated in the Coast Guard Naviks (General Duty) Recruitment Rules, 1982.

45. The Committee did not agree with the contention of the Ministry of Defence that the upper age limit had not been indicated in the Rules with a view to give encouragement to re-employment of trained and experienced persons in the Coast Guard Service.

46. The Committee, therefore, desired the Ministry to amend the Rules at an early date by indicating therein the precise age limit for re-employment of the Central/State Police Service/Army, Airforce, Naval Personnel in the Coast Guard Service.

(ix) *The Monopolies and Restrictive Trade Practice Commission (Amendment) Regulations, 1981 (G.S.R. 433 of 1982)—(Memorandum No. 260)*

47. Sub-Regulation (6) of Regulation 12 and Regulation 18A of the Monopolies and Restrictive Trade Practices Commission (Amendment) Regulations, 1981 contained such phrases as "Authorised Officer" and "Any Officer" which were considered vague.

48. The Committee noted that, on being pointed out, the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) had amended the said Regulations by indicating therein the precise rank of the "Authorised Officer" and "Any Officer".

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52. Thereafter, the Committee, in modification in their earlier decision to hold their sittings on 25, 26 and 28 May, 1984, decided to hold their sittings on 26 and 28 May, 1984 only.

The Committee then adjourned.

CIII

MINUTES OF THE HUNDRED AND THIRD SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTH LOK SABHA) (1984-85)

The Committee met on Tuesday, 10 July, 1984 from 15.00 to 16.30 hours.

PRESENT

Shri R. S. Sparrow—*Chairman*

MEMBERS

2. Shri Mohammed Asrar Ahmad
3. Shri Ashfaq Husain
4. Shri A. E. T. Barrow
5. Shri Amal Datta
6. Shri B. Devarajan
7. Shri C. T. Dhandapani
8. Shri Braja Mohan Mohanty
9. Shri A. T. Patil
10. Shri Nagina Rai
11. Shri Prabhunarain Tandon
12. Shri Vijay Kumar Yadav

SECRETARIAT

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

2. The Committee held a general discussion on the various aspects of the matters dealt with in their Draft Twenty-sixth Report and the nature of recommendations made. As the discussion was not concluded, the Committee postponed further consideration of the Draft Report till their next sitting fixed for 11 July, 1984. The Committee decided that in case any Member had any suggestions for amendments to be made in the report, might suggest specific amendments at the next sitting.

The Committee then adjourned.

CIV

MINUTES OF THE HUNDRED AND FOURTH SITTING OF
THE COMMITTEE ON SUBORDINATE LEGISLATION
(SEVENTH LOK SABHA) (1984-85)

The Committee met on Wednesday, 11 July, 1984 from 15.00 to 16.00

PRESENT

Shri R. S. Sparrow—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri Xavier Arakal
4. Shri Ashfaq Husain
5. Shri A. E. T. Barrow
6. Shri Amal Datta
7. Shri Braja Mohan Mohanty
8. Shri A. T. Patil
9. Shri Nagina Rai
10. Shri S. B. Sidnal
11. Shri Prabhunarain Tandon
12. Shri Vijay Kumar Yadav

SECRETARIAT

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

2. The Committee resumed further consideration of their draft Twenty-sixth Report and adopted it with the stipulation that the dates of making references to the Ministries might be indicated wherever necessary in the Report. The Committee authorised the Chairman to finalise the Report accordingly.

3. The Committee also authorised the Chairman and, in his absence, Shri A.T. Patil to present the Twenty-sixth Report to the House on their behalf on a convenient day in the ensuing session of Lok Sabha.

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The Committee then adjourned.

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