

COMMITTEE ON SUBORDINATE LEGISLATION

(EIGHTH LOK SABHA)

TENTH REPORT

(Presented on 14 August, 1986)



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 1986/Sravana, 1908 (Saka)

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

1. **Shri Mool Chand Daga—*Chairman***
2. **Shri D. L. Baitha**
3. **Shri Anil Basu**
4. **Shri H. A. Dora**
5. **Dr. (Shrimati) Phulrenu Guha**
6. **Shri Abdul Rashid Kabuli**
7. **Shri Dharam Pal Singh Malik**
8. **Shri Shantaram Naik**
9. **Shri Mohanbhai Patel**
10. **Shri Vakkom Purushothaman**
11. **Shri Mullappally Ramachandran**
12. **Shri K. S. Rao**
13. **Shri Bholanath Sen**
14. **Shri Saleem I. Shervani**
15. **Shri Yogeshwar Prasad Yogesh**

SECRETARIAT

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

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 Tenth Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on 13 and 25 June, 1986.

3. The Committee considered and adopted this Report at their sitting held on 12 August, 1986. The Minutes of the sittings relevant to this Report are appended to it.

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

II

THE POSTS AND TELEGRAPHS (REPEATER STATION ASSISTANTS AND OTHER POSTS) RECRUITMENT (AMENDMENT) RULES, 1979 (G.S.R. 1309 OF 1979)

5. Rule 4A, as inserted in the Posts and Telegraphs (Repeater Station Assistants and Other Posts) Recruitment Rules, 1974, by the Amendment Rules of 1979 (G.S.R. 1309 of 1979) read as under:—

"4A. Induction from similar cadres etc.—Notwithstanding anything contained in the Schedule to these rules, the Government may induct staff of similar or equivalent cadres from other units on reorganisation or for any other administrative reasons."

6. The words '*or for any other administrative reasons*' appearing in the Amendment Rules seemed to be of an omnibus character. The Ministry of Communications were thereupon asked to state the genesis for inserting the said rule 4A in the principal Rules of 1974.

7. The Ministry of Communications (Department of Telecommunication), in their reply dated 15 December, 1980, stated as under :—

“.....The Posts and Telegraphs is a vast Organisation in which so many small and big cadres exist. In so many cases the recruitment in these cadres is made at divisional level. Being divisional cadres there are many recruiting units. The telecommunication is an expanding service requiring frequent re-organisation of existing divisions creating new divisions, by adding/cutting the size of the existing divisions. On such re-organisation the staff in identical cadres have to be adjusted between two recruiting units in the interest of service by giving them options etc. Department of Personnel and A.R. had opined that in such cases while framing recruitment rules provision be made for this contingency in the recruitment rules itself. Keeping this in view the above rule was provided in the recruitment rules of so many cadres with the approval of Deptt. of Personnel and A.R. and the Ministry of Law and Justice.

However while processing the recruitment rules in the case of Laboratory Technicians of P & T Dispensaries, the Ministry of Law and Justice raised an objection to the inclusion of the above rule and advised to refer this case to the Department of Legal Affairs of that Ministry for their opinion.....”

8. After protracted correspondence, the Ministry of Communications in their communications dated 5 August and 19 November, 1985, informed that the rule under reference had since been amended in consultation with the Ministry of Law vide G.S.R. 805 dated 24 August, 1985 to read as under :—

“4A. *Induction from similar cadres etc.*—Notwithstanding anything contained in these rules, the Central Government may induct staff of similar cadres from other units on administrative re-organisation including delimitation of territorial jurisdiction of Telecommunication Circles.”

9. The Committee note with satisfaction that, on being pointed out by them, the Ministry of Communications have amended rule 4A of the Department of Telecommunications (Repeater Station Assistants and Other Posts) Recruitment Rules, 1974 vide G.S.R. 805 dated 24 August, 1985 to make it more compact.

III

THE NARCOTICS DEPARTMENT (GROUP 'C' AND 'D' POSTS) RECRUITMENT (AMENDMENT) RULES, 1981 (G.S.R. 8 OF 1982)

10. Note (i) below the entry in Column 12, against serial number 4, relating to the post of Sub-Inspector, as inserted in the Narcotics Department (Group 'C' and 'D' Posts) Recruitment Rules, 1979 by the Amendment Rules, 1981 (G.S.R. 8 of 1982) read as under :—

“Note :— (i) The candidates who are not more than 35 years of age will be required to possess such physical standard and pass such physical tests as may be laid down by Central Board of Excise and Customs from time to time.”

11. It was felt that the details of the physical standard/tests should be laid down in the Rules to make them self-contained and for the information of all concerned.

12. In their reply dated 11 April, 1986, the Ministry of Finance (Department of Revenue), with whom the matter was taken up, intimated that the principal Rules *viz.*, the Narcotics Department (Group 'C' and 'D' Posts) Recruitment Rules, 1979 had since been amended to the desired effect *vide* G.S.R. No. 125 dated 15 February, 1986.

13. The Committee note with satisfaction that, on being pointed out by them, the Ministry of Finance (Department of Revenue) have amended the Narcotics Department (Group 'C' and 'D' Posts) Recruitment Rules, 1979 *vide* G.S.R. 125 dated 15 February, 1986 by laying down the details of physical standard/tests which any candidate for the post of Sub-Inspector has to possess or pass.

IV

IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARAGRAPHS 37 AND 40 OF SEVENTEENTH REPORT (SEVENTH LOK SABHA) OF COMMITTEE ON SUBORDI- NATE LEGISLATION REGARDING THE STATIC AND MOBILE PRESSURE VESSELS (UNFIRED) RULES, 1981 (G.S.R. 45-E OF 1981)

14. Preamble to the Static and Mobile Pressure Vessels (Unfired) Rules, 1981 (G.S.R. 45-E of 1981) stated that the draft rules were published in the Official Gazette on 16 October, 1978 and copies thereof were

made available to the public on 28 October, 1978 inviting objections/suggestions thereon within a period of 30 days. The final rules were, however, notified in the Gazette on 4 February, 1981 after more than 26 months from the last date for receiving objections/suggestions from the public.

15. Rule 65 of the Static and Mobile Pressure Vessels (Unfired) Rules, 1981 read as under :—

“65. *Powers to exempt.*—The Central Government may, on the recommendation of the Chief Controller, in exceptional cases, by order and for reasons to be recorded in writing, exempt storage and transportation of any compressed gas in any vessel from all or any of the provisions of these rules, on such conditions, if any, as may be specified in the order.”

16. It was felt that the conditions for granting exemptions should be specified in the rules itself. The matter was taken up with the Ministry of Industry and after considering the reply of the Ministry, the Committee observed, in paragraphs 37 and 40 of their Seventeenth Report (Seventh Lok Sabha), presented to the House on 22 March, 1983, as under :—

“37. The Committee have time and again emphasized that the time lag between the publication of the draft Rules and their final notification in the Gazette should not exceed one year, rather efforts should be made to further reduce this period. The Committee note that although the Static and Mobile pressure Vessels (Unfired) Rules, 1981 are of highly technical nature and framed for the first time in the country, yet at the same time, they feel that the Ministry have taken too long a period to finalise these Rules and notify them in the Gazette. The Committee desire the Ministry of Industry (Department of Industrial Development) to be careful in such matters in future and try to adhere to the time limit of one year for finalising and publishing the final Rules.

* * *

40 The Committee feel satisfied with the reply of the Ministry of Industry (Department of Industrial Development) and recommend that the Ministry should watch the working of the Rules for some time more and specify in Rule 65 of the Static and Mobile Pressure Vessels (Unfired) Rules, 1981, the conditions under which exemption can be granted by the Chief Controller of Explosives for storage and transportation of any compressed gas in any vessel in the light of the experience gained.”

17. In their action taken note dated 16 April, 1984, the Ministry of Industry (Department of Industrial Development) stated as under :—

“This Ministry has noted the contents contained in para 37 and will adhere to the time limits stipulated therein in dealing with similar cases in future.

With regard to para 40 of the said report, it is submitted that Department of Explosives has not so far received any case of relaxation of any or all of the provisions of Static and Mobile Pressure Vessels (Unfired) Rules, 1981. However, practical operation of these Rules would need to be observed for some more time before specifying the conditions under which exemptions can be granted. It is, therefore, felt that it would be pre-mature at this stage to specify any such condition for granting exemption under the provisions of the said rules. The recommendations of the Committee have, however, been carefully noted in this Ministry.”

18. In their further communication dated 3 July, 1985, the Ministry explained the position as under :—

“The provision of rule 65 of the Static & Mobile Pressure Vessels (Unfired) Rules, 1981 is involved only under exceptional circumstances when it is not absolutely possible to comply with specific rule of SMPV Rules, 1981. It is difficult to visualise the exceptional circumstances under which it is not possible to comply with the specific rule. The nature of exemptions to be considered may depend on the merits of each individual case. Though the rule 65 under the caption ‘powers to exempt’ bestows powers to exempt from all or any of the provisions of SMPV Rules, the Department of Explosives does not consider exemption from all the rules as otherwise the very purpose of SMVP Rules, will be defeated. Normally whenever there is a fresh proposal for installing a storage premises of compressed gases or a fresh proposal for transportation of compressed gases, the applicant is advised to comply with all the rules and the question of exemption does not arise. It is only in those cases where the storage of compressed gases has been in existence since many years in the past and which were already installed before the SMVP Rules came into force and having been installed & worked satisfactorily for all the years it may now be difficult in such cases to comply with some of the rules, in that case a proposal for exemption is recommended by the Chief Controller of Explosives to the Central Government and while recommending exemption safety provisions are always kept in view.

Therefore, under the circumstances it is difficult to spell out the conditions under which exemptions could be granted under rule 65 of the Static & Mobile Pressure (Unfired) Rules, 1981."

19. After considering the above reply, the Ministry of Industry were asked to indicate the cases of units already in existence wherein such exemptions had been given and the grounds for granting such exemptions. In their reply dated 24 September, 1985, the Ministry stated as under :—

"There has been only one case of M/s. Steel Authority of India (Bhilai Steel Plant) to whom exemption for installation of tanks one above the other has been given under rule 65 of the Static and Mobile Pressure Vessels (Unfired) Rules, 1981 on the recommendation of the Chief Controller of Explosives. The reasons/grounds on which the exemption order has been issued are as follows :—

- (a) the tanks were installed as per Russian Code of practice before the SMPV (U) Rules, 1981 came into force;
- (b) the modifications cannot be carried out without incurring huge expenditure and delaying the schedule of commissioning of the expansion project ;
- (c) the vessels were fabricated and installed as per sound engineering practice by the reputed public sector company viz. M/s. Bharat Heavy Plates and Vessels, Visakhapatnam in consultation with a reputed organisation like MECON, Ranchi.

The steel plant had two installations of oxygen and nitrogen storage vessels which were completed and were required to be commissioned for storage of compressed oxygen and nitrogen when their air separation unit was started. The commissioning of the separation unit was necessary for operating the steel convertor, as the oxygen produced in the air separation unit was to be introduced into air convertors for making steel. The expansion project of the steel plant raising the annual steel production from 2.5 million tonnes to 4 million tonnes consisted of these convertors, air separation unit and other connected units and the expansion project plant was to be inaugurated in February, 1984. The oxygen storage installation consisted of 16 pressure vessels in two rows of 8 vessels installed one above the other while the nitrogen installation consisted of 7 vessels, 4

being on the ground level and 3 in the upper level over the vessels on ground.

As per rule 21(3) of the SMPV(U) Rules, 1981, vessels cannot be installed one above the other. As per rule 22 not more than 6 vessels are allowed in one installation.

After examination of the drawings and documents, Bhilai Steel Plant were advised to observe additional safety measures like more safety clearance round the vessels and provision of partition between the two rows of tanks. The plant authorities had agreed to the suggestions and already taken measures to comply with them. After inspection, the installation were found to be as per the drawings and the Chief Controller of Explosives considered that the proposal for allowing the installation as mentioned above was acceptable.....”

20. The Committee note with satisfaction that the Ministry of Industry (Department of Industrial Development) have noted the observations made by the Committee in paragraph 37 of their Seventeenth Report (Seventh Lok Sabha) for adhering to the time-limit of one year for finalising and publishing the final rules, for compliance in future.

21. The Committee further note the practical difficulties in anticipating the conditions, under which it will become necessary to grant exemption under rule 65 of the Static and Mobile Pressure Vessels (Unfired) Rules, 1981. In view of the inability shown by the Ministry of Industry in complying with the recommendation of the Committee made in paragraph 40 of their Seventeenth Report (Seventh Lok Sabha), the Committee do not wish to pursue the matter any further.

V

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

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

NEW DELHI;

12 August, 1986

21 Srayana, 1908 (Saka)

MOOL CHAND DAGA

Chairman,

Committee on Subordinate Legislation.

APPENDICES

APPENDIX I

(Vide Paragraph 4 of the Report)

Summary of Recommendations/Observations made by the Committee

Sl. No.	Para No.	summary
(1)	(2)	(3)
1.	9	The Committee note with satisfaction that, on being pointed out by them, the Ministry of Communications have amended rule 4A of the Department of Telecommunications (Repeater Station Assistants and Other Posts) Recruitment Rules, 1974 <i>vide</i> G.S.R. 805 dated 24 August, 1985 to make it more compact.
2.	13	The Committee note with satisfaction that, on being pointed out by them, the Ministry of Finance (Department of Revenue) have amended the Narcotics Department (Group 'C' and 'D' Posts) Recruitment Rules, 1979 <i>vide</i> G.S.R. 125 dated 15 February, 1986 by laying down the details of physical standard/tests which any candidate for the post of Sub-Inspector has to possess or pass.
3(i)	20	The Committee note with satisfaction that the Ministry of Industry (Department of Industrial Development) have noted the observations made by the Committee in paragraph 37 of their Seventeenth Report (Seventh Lok Sabha) for adhering to the time-limit of one year for finalising and publishing the final rules, for compliance in future.
3(ii)	21	The Committee further note the practical difficulties in anticipating the conditions, under which it will become necessary

1**2****3**

to grant exemption under rule 65 of the Static and Mobile Pressure Vessels (Unfired) Rules, 1981. In view of the inability shown by the Ministry of Industry in complying with the recommendation of the Committee made in paragraph 40 of their Seventeenth Report (seventh Lok Sabha), the Committee do not wish to pursue the matter any further.

APPENDIX II

(Vide Paragraph 22 of the Report)

Statement showing the Action taken by Government on the Recommendations made by, 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
(1)	(2)	(3)	(4)
1.	NINETEENTH REPORT (Seventh Lok Sabha) 10-5-1983 65	The Committee not from the correspondence with the Ministry that Committee's Report was forwarded to them on 25-7-1978. When implementation of Committee's recommendation was pursued, the Ministry in their communication dat.	As recommended by the Committee in paragraphs* 16 and 20 of their Tenth Report (Sixth Lok Sabha) and reiterated in paragraphs 65-66 of their Nineteenth Report, (Seventh Lok Sabha), the provisions (i) to recover the cost of

*16. The Committee note from the reply of the Ministry of Energy (Department of Coal that the provisions of rule 6 of the Coal Mines (Conservation and Development) Rules, 1975 can be justified on the basis of the provisions of Section 70 of the Contract Act, 1972. Similarly, the Ministry of Law, Justice and Company Affairs have opined that even in the absence of a separate independent provision in the Coal Mines (Conservation and Development) Act, 1974, in regard to the reimbursement of the cost incurred for the measures or operations undertaken by the Central Government for the benefit of the coal mines owners, it will be permissible for the Central Government to invoke the provisions of section 70 of the Indian Contract which is a general law. The Committee, however, feel that the power to recover the cost of operations undertaken by Government for the benefit of coal mine owners should flow from an express provision in the coal Mines(Conservation and Development)Act, 1974 itself and not the rules framed thereunder. The Committee in this connection note from the reply of the Ministry of Law that a provision enabling the framing of such a rule could be included in the Coal Mines(Conservation and Development) Act, when it is next amended. The Committee, therefore, desire the Ministry of Energy (Department of Coal) to bring the necessary amending legislation for the purpose at an early date.

20. The Committee note from the reply of the Ministry of Energy (Department of Coal) that sub-rule (11) of rule 8 of the Coal Mines (Conservation and Development) Rules, 1975 is relatable to Section 8 of the Coal Mines (Conservation and Development) Act, 1974, which provides that the duties of excise shall be collected by such agencies and in such manner as may be prescribed. The Committee, however, feel that the provision to recover dues of excise duty as arrears of land revenue, being in the nature of an extrême remède, is a substantive provision for which a specific authorisation must be made in the Act itself rather than in the rules framed thereunder. The Committee, therefore, desire the Ministry to delete sub-rule (11) of rules 8 of the rules *ibid.*, and incorporate its provision in the parent Act by amending the same suitably at an early

ed 3.4.1980 stated that they had not received the Lok Sabha Secretariat Q.M. dated 25.7.1978 forwarding the Report of the Committee to that Ministry. Another copy of the Committee's Report was sent to the Ministry on 7.8.1980. On getting on reply, the matter was again pursued with the Ministry and two d. o. letters dated 20.8.1982 and 8.11.1982 were issued to the Secretary of the Ministry. The Ministry had ignored the first d. o. reminder. They had replied only to the second d.o. reminder in which the Secretary of the Ministry was informed that he might have to explain personally the reasons for delay to the Chairman, if reply was not received by 30.11.1982.

operation undertaken by Government for the benefit of coal mine owners, and (ii) to recover due of excise duty as arrears of land revenue from the owner of the coal mines, have been inserted under Sections 4 and 8 of the principal Act of 1974 *vide* Coal Mines (Conservation and Development) Amendment Act, 1985 (No. 55 of 1985).

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The Committee observe that the Ministry have not shown any enthusiasm to implement their recommendations. A copy of the Report which they have obtained on receipt of second d.o. reminder, could have been obtained by them as well when it was stated not to have been received by them alongwith the O. M. dated 7.8.1980 or when the first d.o. reminder dated 20.8.1982 was received by them. In short, the action appears to have been initiated by the Ministry after four years of the presentation of the Report by the Committee to the House which to say the least is very unfortunate. The Committee

As against paragraph 65 on the preceding pages.

urge the Ministry to initiate steps to implement their recommendations expeditiously.

2. **TWENTY-FOURTH
REPORT (SEVENTH
LOK SABHA)**
21-12-1983

78

The Committee note that in the cases at S. Nos. (1) The Civilians in Defence Services (Revised Pay) Amendment Rules, 1978 (S.R.O. 217 of 1978), (3) The Lower Division Clerk (Import and Export & Trade Control Organisation) Recruitment (Amendment) Rules, 1978 (G.S.R. 1360 of 1978), and (4) The Fundamental (Amendment) Rules, 1979 (G.S.R. 621 of 1979), though necessary explanatory Memorandum has been appended, after the matter was pursued with the Ministries concerned by the Committee but in the case of S. No. viz. (5)

A certificate to the effect that "the interest of no one would be adversely affected by reasons of retrospective operation of the present amendment" to the Civilian in Defence Services (Revised Pay) Amendment Rules, 1978 has been incorporated in the Explanatory Memorandum below the said Rules *vide* S.R.O. No. 173 dated 11.8.1984.

The Research Design and Standard Organisation (Non-Gazetted, Ministerial Posts) Recruitment (Amendment) Rules, 1979 (G.S.R. 358 of 1981), the necessary action has yet to be taken. In this connection the Committee would like to draw the attention of Government to the Circular issued by the Department of Parliamentary Affairs vide their O.M. No. F. 32 (3) L.S.-IV (29-32)/70-R&C dated 13.4.8970 to all Ministries/Departments directing them to implement the recommendations of the Committee so far as retrospective effects given to Rules are concerned.

The Committee would also like the Department

As against paragraph 78 on the preceding Page

of Personnel and Administrative Reforms who had circulated the guidelines to be followed by Ministries in the matter of framing of Requirement Rules which also contained instructions about retrospective effect, to once upon impress upon all the Ministries/Departments for avoiding provision for retrospective effect to the Rules/Regulations unless the parent law itself specifically provides for it.

It is unfortunate that in cases mentioned at S. Nos. 1 and 4, the Ministry of Law had failed to point out the need for clarification to the effect that interest of no one could be adversely affected by giving retrospective effect to the Rules. The Commit-

As against paragraph 78 on the preceding page.

tee need hardly impress upon the Ministry of Law Justice and Company Affairs who are primarily concerned with the vetting of Rules that they should ensure offending of an explanatory memorandum in all cases where retrospective effect has been given to the Rules and Regulations.

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As per recommendation of the Committee, a Compilation containing the Subordinate Legislation under Arms Act, 1959, as modified upto 12 September, 1985 has been published by the Ministry of Home Affairs. Delay in publication of the compilation has been regretted by them.

(O.M. No. V-11026/17/82-GPA. V/ARMS dated 2 July, 1986 from the Ministry of Home Affairs.)

The Committee also observe that the Ministry of Home Affairs has sought the concurrence of the Committee for postponement of the compilation till the Arms (Amendment) Bill, 1981 introduced in Parliament on 24 August, 1981 was passed so that the whole work of compilation might be brought up-to-date and whatever Rules are unnecessary might be omitted

and the compilation is effective. The Arms (Amendment) Bill was passed by Parliament on 10 August, 1983. The Committee, therefore, urge upon the Ministry of Home Affairs to update the compilation of Armed Forces Rules at an early date.

**FIFTH REPORT
(EIGHTH LOK SABHA)
20.3.1986**

14

3. The Committee observe from the case study furnished by the Ministry of Transport (Department of Civil Aviation), identifying the reasons for delay in the final notification of the Aircraft (Fourth Amendment) Rules, 1985 that an unduly long period of 8 months has been taken in the final notification of the Rules and that too when no objection or suggestion had been received from the public in

The Ministry of Transport (Deptt. of the Civil Aviation) have stated that suitable instructions in the matter have been issued to the Director General of Civil Aviation :-

- (i) ensure that proposals for amendment are considered in proper manner so that need for revising and rerevising the text does not arise;
- (ii) avoid delay so that the time lag between

that regard. The Committee feel that had the authorities concerned with the matter, spared proper thought and attention right from the point of emanating the proposal there would not probably have been occasions to ponder over it towards the final stage of the amendment notification. From the reasons attributed for the delay in publication of the Rules in final form the Committee draw a conclusion that the authorities concerned had considered the proposals for amendment in piecemeal result- ing in the revision and re- vision of the texts. Had all the amendments been considered properly at the initial stage, the time

the publication of the draft rules and the final rules is reduced to the barest minimum.

[Ministry of Transport
(Deptt. of Civil Aviation)
O.M.No.AV-11012/10/82-A
dated 2 June, 1986].

taken at the final stage could have been reduced.

15

The Committee feel that there is need to streamline the procedure obtaining in the various Directorates under the Ministry in dealing with important matters like the amendments to the statutory rules which affect a large section of the Public. The Committee would, therefore again like to reiterate their earlier recommendation/observation made in paragraphs 67 and 68 of their Twenty-Fourth Report (Seventh Lok Sabha) wherein the Committee have emphasised the imperative need to reduce the time-lag between the publication of the draft and the final rules to the barest minimum. The Committee trust that the Ministry would take all precautions in future to cut short the delays in such vital matters relating to Subordinate Legislation.

As against paragraph 14 on the preceding page.

MINUTES

APPENDIX III

(vide Paragraph 3 of Report)

MINUTES OF THE THIRTIETH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION EIGHTH LOK SABHA (1985-87)

The Committee sat on Friday, 15 June, 1986 from 11.00 to 12.00 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri Dharam Pal Singh Malik
3. Shri Shantaram Naik
4. Shri Vakkom Purushothaman
5. Shri Mullappilly Ramachandran
6. Shri Yogeshwar Prasad Yogesh

SECRETARIAT

Shri M. K. Mathur—*Joint Secretary*

2. The Committee considered Memoranda Nos. 46 and 47 as under :—

- (i) *The Narcotics Department (Group 'C, and 'D' posts) Recruitment (Amendment) Rules, 1981 (G.S.R. 8 of 1982)--(Memorandum No. 46)*

The Committee noted with satisfaction that on being pointed out by them, the Ministry of Finance (Deptt. of Revenue) had amended the Narcotics Department. (Group 'C' and 'D' Posts) Recruitment Rules, down 1979 vide G. S. R. No. 125 dated 15 February, 1986 by laying/therein the details of physical standard/tests which a candidate for the post of Sub-Inspector had to possess.

- (ii) *The Posts and Telegraphs (Repeater Station Assistants and Other Posts) Recruitment (Amendment) Rules, 1979 (G.S.R. 1309 of 1979)--(Memorandum No. 47)*

While examining Rule 4A as inserted in the Posts and Telegraph (Repeater Station Assistants and Other Posts) Recruitment Rules, 1974

by the Amendment Rules of 1979 (G.S.R. 1309 of 1979), the Committee had observed that the words 'or for any other administrative reasons' used in the Amendment Rules appeared to be of an omnibus character and had desired that necessary amendments be effected in the Rules.

The Committee noted with satisfaction that the Ministry of Communications (Deptt. of Telecommunication) had amended rule 4A of the posts and Telegraphs (Repeater Station Assistants and other posts) Recruitment Rules, 1974 *vide* G.S.R. 805 dated 24 August, 1985 to the desired effect.

The Committee then adjourned to meet again on Wednesday, 25 June, 1986.

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

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

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

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

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

SECRETARIAT

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

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

- (ii) *Implementation of recommendations contained in paragraphs 37 and 40 of the Seventeenth Report of Committee on Subordinate Legislation (Seventh Lok Sabha) regarding the Static and Mobile pressure Vessels (Unfired) Rules, 1981 (G.S.R. 45-E of 1981)--(Memorandum No. 49)*

The Committee considered the above Memorandum and noted from the replies of the Ministry of Industry (Department of Industrial Development) that the observation made by the Committee in paragraph 37 of their Seventeenth Report (Seventh Lok Sabha) for adhering to the time limit of one year for final publication of the rules had been noted by the Ministry for future compliance.

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

The Committee also noted the difficulty expressed by the Ministry to anticipate the conditions under which it would become necessary to grant exemption under Rule 63 of the Rules *ibid.*, and that in only one case viz., M/s Steel Authority of India (Bhilai Steel Plant) exemption had been granted under the said Rule on the recommendations of the Chief Controller of Explosives.

In view of the difficulty expressed by the Ministry, the Committee did not wish to pursue the matter further.

The Committee then adjourned.

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

The Committee sat on Tuesday, 12 August, 1986 from 15.00 to 15.30 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. **Shri D.L. Baitha**
3. **Dr. (Shrimati Phulrenu Guha**
4. **Shri Dharam Pal Singh Malik**
5. **Shri Shantaram Naik**
6. **Shri Mohanbhai Patel**
7. **Shri Vakkom Purushothaman**
8. **Shri Mullappally Ramachandran**
9. **Shri K.S. Rao**
10. **Shri Yogeshwar Prasad Yogesh**

SECRETARIAT

1. **Shri M. K. Mathur—*Joint Secretary***
2. **Shri R. S. Mani—*Senior Legislative Committee Officer***
2. **The Committee considered their Draft Tenth Report and adopted it.**
3. **The Committee authorized the Chairman and, in his absence, Shri Vakkom Purushothaman, M.P. to present the Tenth Report to the House on their behalf on 14 August, 1986.**

The Committee then adjourned.