

**COMMITTEE ON SUBORDINATE  
LEGISLATION**

(SEVENTH LOK SABHA)

**FIFTEENTH REPORT**

*(Presented on 25 February, 1983)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION (1982-83)

1. Shri Mool Chand Daga—*Chairman.*
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- \*4. Shri N. E. Horo
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14. Shri Satish Prasad Singh
15. Shri R. S. Sparrow

SECRETARIAT

1. Shri H. G. Paranjpe—*Joint Secretary*
2. Shri S. D. Kaura—*Chief Legislative Committee Officer*
3. Shri T. E. Jagannathan—*Senior Legislative Committee Officer*

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\*Nominated *w.e.f.* 12-7-1982.

\*\*Nominated *w.e.f.* 13-10-1982.

## 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 Fifteenth Report.

2. The matters covered by this Report were considered by the Committee at their sittings held on 13 and 25 September and 18 and 26 November, 1982.

3. At their sitting held on 26 November, 1982, the Committee took evidence of the representatives of the Ministry of Commerce regarding the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979. The Committee wish to express their thanks to the officers of the Ministry for appearing before the Committee and furnishing the information desired by them.

4. The Committee considered and adopted this Report at their sitting held on 10 February, 1983. The Minutes of the sittings, which form part of the Report, are appended to it.

5. A statement showing summary of recommendations/observations of the Committee is also appended to this Report (Appendix I).

### II

#### THE CENTRAL BOARD OF FILM CENSORS, BOMBAY (JUNIOR STENOGRAPHER AND MAZDOOR) RECRUITMENT RULES, 1980 (G.S.R. 241 OF 1981)

6. During examination of the Central Board of Film Censors, Bombay (Junior Stenographer and Mazdoor) Recruitment Rules, 1980, it was noticed that Column 7 (Age limit for direct recruits) of the Schedule appended to the Rules did not contain the usual note regarding crucial date for determining the age limit for direct recruits.

7. The Ministry of Information and Broadcasting with whom the matter was taken up, have, in their reply dated 11 August, 1981, stated that the following note has been inserted\* in Column 7 of the Schedule to the Rules *ibid*:—

“after the entry under column 7, the following note shall be inserted, namely:—

‘Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from

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\*Vide G.S.R. 241 dated 28 February, 1981.

candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep). In the case of recruitment made through the Employment Exchange the crucial date for determining the age limit shall be the last date up to which the Employment Exchange is asked to submit the names.’”

8. Similar lacuna was noticed in a number of other Rules. An illustrative list of such Rules is given in Appendix II.

9. In most of the cases, the Ministries/Departments have agreed to issue the requisite amendment. The Committee trust that amendments will be issued by the respective Departments soon. The Committee note with satisfaction that at their instance, the Ministry of Information and Broadcasting have amended Column 7 of the Schedule to the Central Board of Film Censors, Bombay (Junior Stenographer and Mazdoor) Recruitment Rules, 1980, by inserting the usual note regarding crucial date for determining the age limit for direct recruits.

10. In order to ensure that such lacuna does not occur in other Rules to be framed in future the Committee emphasise that the Department of Personnel and Administrative Reforms should impress upon all the Ministries/Departments that whenever any Recruitment Rule involving direct recruitment is notified in the Gazette of India, they should ensure that the Column regarding determining the age limit should invariably contain the note regarding crucial date on the pattern as contained in the case of the Central Board of Film Censors, Bombay (Junior Stenographer and Mazdoor) Recruitment Rules, 1980.

### III

#### THE EXPORT OF CUMIN SEEDS (QUALITY CONTROL AND INSPECTION) RULES, 1979 (S.O. 2719 of 1979)

##### (A)

11. Rule 3 of the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979 reads as under:—

“3. *Basis of Inspection*:—Inspection of cumin seeds shall be carried out with a view to see that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act.”

12. It was felt that the particulars of the Gazette Notification, in which the standard specifications recognised by the Central Government under Section 6 of the Export (Quality Control and Inspection) Act, 1963 had been published, should be specified in the Rules for the information of all concerned and to make the Rules self-contained.

13. The Ministry of Commerce, to whom the matter was referred, in their reply dated 5 May, 1981 stated as under:—

“The standard specifications are sometimes altered in tune with the qualitative changes brought about in production, shift in the consumer preference, etc. Thus any change in the specifications would necessitate amending two notifications separately (one published for standard specifications under the Agricultural Produce) (Grading and Marking) Act, 1937 and the other under Section 6 of the Export (Quality Control and Inspection) Act, 1963. Amending of Notification is a long process and as such mentioning of details of Notifications in rule 3 may not be insisted upon.”

(B)

14. Rule 8 of the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979 reads as under:—

“*Appeals*:—If any authorised Packer is aggrieved by the refusal of the Inspecting Officer to grade a consignment or to issue a certificate under sub-rule (5) or sub-rule (8) of rule 4, he may request the Inspecting Officer in writing latest by 5 P.M. on the following working day to refer the matter to the Agricultural Marketing Adviser who may constitute an advisory panel to advise him on the dispute in accordance with the procedure laid down by him. Agricultural Marketing Adviser shall give his decision.”

15. It was felt that in order to command confidence of the aggrieved party for the impartiality of the advisory panel, there should be a provision in the Rules for inclusion of non-officials comprising atleast two-thirds of the total membership of the panel of experts. It was also felt that certain time limit should be fixed for disposal of appeals.

16. The Ministry of Commerce, with whom the matter was taken up, in their reply dated 5 May, 1981 stated as under:—

“Agricultural Marketing Adviser constitute an Advisory Panel out of the Packers, Experts, Representatives of Government and non-Government Corporation etc. The flexibility of selecting two out of five members enables the local officer to call the members who are available immediately. If all the five members are called for, it will be difficult to get the cases decided in time. As such it is opined that 2/3rd of the members should be non-officials may not be necessary.”

17. Regarding disposal of appeals, the Ministry of Commerce, in their reply dated 5 May, 1981, stated as under:—

“The time required for disposing of the appeal under Rule 8 depends mainly on the availability of the Advisory Panel.”



In spite of this, Agricultural Marketing Adviser has mentioned that there is a scope for laying down some specific time limit for settling the dispute locally. In case it is referred to AMA, it may be difficult to prescribe any time limit for disposing of such papers. In view of this, it has been mentioned it may not be considered practicable to prescribe any time limit for disposing of the Appeal filed under Rule 8."

18. At their sitting held on 13 September, 1982, the Committee considered the reply of the Ministry of Commerce in depth and decided to hear the views of the representatives of the Ministry regarding provisions contained in rules 3 and 8 of the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979. The Committee heard evidence of the representatives of the Ministry of Commerce on 26 November, 1982.

19. On being enquired whether the Ministry of Commerce had any objection to amending rule 3 of the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979, by mentioning therein the details of the standard specifications recognised by the Central Government, in order to make them self-contained and for the information of all concerned, the representative of the Ministry explained that in the case of certain commodities like common salt the Ministry had established their own specifications whereas in the case of cumin seeds the existing specifications established by the Ministry of Agriculture had been recognised. The representative of the Ministry further stated that they had consulted the Ministry of Law who had suggested that in order to meet the point raised by the Committee, rule 3 could be amended by indicating therein the number and date of the Notification in which specifications had been published and adding the words 'as amended from time to time'.

20. When enquired whether they had made any amendment in the notification containing the specifications, the representative of the Ministry replied in the negative. The representative of the Ministry further explained that in the case of agricultural products, the specifications had been laid down by the Ministry of Agriculture and not by the Ministry of Commerce. The Ministry of Agriculture apprehended that if any change was made in the case of cumin seeds, they had to make similar change in other items also which was a cumbersome procedure.

21. When asked that even after the amendment to the Rules as suggested, the position virtually remained the same because the common man would not be able to locate the specifications. It was also pointed out that when there was no change in the Rules till 1982, there should not be any difficulty in making the Rules self-contained. The representative of the Ministry stated that the Agricultural Marketing Adviser had laid down the specifications after consulting the whole

community involved in the commodity. The representative of the Ministry further stated that if the same notification was to be repeated in the Ministry of Commerce Notification then the same procedure had to be followed again which would involve another year.

22. When the Committee insisted that the Rules should be made self-contained, the representative of the Ministry agreed to amend the Rules by indicating therein the specific number and date of Gazette notification containing the specifications as also reproducing that notification containing specifications in the form of an Annexure to the Rules.

23. Explaining the position in connection with rule 8 regarding constitution of advisory panel, the representative of the Ministry stated that in actual practice an advisory panel, consisting of 5 members—of whom 4 were non-officials and one was official of the Co-operative Department, had been constituted. The representative of the Ministry further stated that within 5 days the appeal had to be disposed of. The representative of the Ministry agreed with the suggestion made by the Committee that all those details should have been mentioned in the Rules.

24. When pointed out that the whole procedure regarding appeals should be mentioned in the Rules to make them self-contained, the representative of the Ministry stated that they had nominated the Agricultural Marketing Adviser to hear the appeals. About non-agricultural commodities, they had advisory panels. The representative of the Ministry assured the Committee to amend the Rules by substituting the words "who shall" for "who may". The representative of the Ministry further agreed to amend the Rules by indicating the number of non-officials in the advisory panels as also the time limit for filing and disposing of the appeals.

25. The Committee are not convinced with the arguments advanced by the Ministry of Commerce for not mentioning the details of the standard specifications recognised by the Central Government in the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979. The Committee feel that the difficulty pointed out by the Ministry that in case the standard specifications are to be mentioned in the Rules, the Ministry have to undergo a cumbersome procedure of amending two notifications separately, one published for standard specifications under the Agricultural Produce (Grading and Marking) Act, 1937 and the other under Section 6 of the Export (Quality Control and Inspection) Act, 1963, could be resolved by reproducing the notification regarding specifications in the form of an Annexure to the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979 and also indicating therein the specific number and date of its publication in the Gazette. The Committee, therefore, desire the Ministry to amend the Rules accordingly at an early date.

26. As regards inclusion of non-official in the advisory panel and disposal of appeals under rule 8, the Committee note that in actual practice an advisory panel comprising of five members—of whom four are non-officials and one is official of the Cooperative Department—has been constituted and that the appeals have to be disposed of within a period of 5 days. The Committee, therefore, recommend that the Ministry of Commerce should take immediate steps to amend the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979 suitably by indicating therein the number of non-officials on the advisory panel as also the period within which appeals have to be disposed of. The Committee further desire that the words “who may” appearing in rule 8 *ibid* should be substituted with the words “who shall” in order to make the position more clear.

#### IV

THE MINISTRY OF FINANCE, DEPARTMENT OF ECONOMIC AFFAIRS (BANK NOTE PRESS, DEWAS, UNCLASSIFIED INDUSTRIAL CADRE POSTS) RECRUITMENT (AMENDMENT) RULES, 1979 (G.S.R. 1207 OF 1979).

27. Rule 4 of the Ministry of Finance, Department of Economic Affairs (Bank Note Press, Dewas, Unclassified Industrial Cadre Posts) Recruitment Rules, 1975, as substituted by the Ministry of Finance, Department of Economic Affairs (Bank Note Press, Dewas, Unclassified Industrial Cadre Posts) Recruitment (Amendment) Rules, 1979, reads as under:—

*“4. Method of recruitment, age limit, qualification etc.*

The method of recruitment to the said posts, age limit, qualifications and other matters relating thereto shall be specified in columns 6 to 14 of the aforesaid Schedule.

The crucial date for determining the age limit shall be the closing date for receipt of the applications from candidates in India (other than those in the Andaman and Nicobar Islands and Lakshadweep). In case the appointments are made through the Employment Exchange, the crucial date will be the last date upto which the Employment Exchange is asked to submit the names.

In the case of posts for which direct recruitment has been specified as one of the methods, the essential qualifications specified in column 8 of the said Schedule are relaxable at the discretion of the appointing authority in the case of candidates otherwise well qualified. The qualification regarding experience prescribed for direct recruitment is relaxable at the discretion of the appointing authority in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, it at any stage of selection the appointing authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience

are not likely to be available to fill up the posts reserved for them.”

28. It was felt that in order to obviate any scope of favouritism some guidelines should be laid down for the appointing authority regarding relaxation of essential qualifications for candidates otherwise well qualified.

29. The Ministry of Finance (Department of Economic Affairs), with whom the matter was taken up, in their reply, dated 9 December, 1981, stated as under—

“.....the Department of Personnel and Administrative Reforms, in consultation with U.P.S.C., have advised that the provision about relaxation clause relating to essential qualifications in the Note below Rule 4 of the said amending Rules may be deleted. Necessary steps in this regard are being taken by this Department.....”

30. In their communication dated 22 June, 1982, the Ministry of Finance (Department of Economic Affairs) intimated that they have issued Notification\* No. 2/2/80-ENP dated 18 June, 1982 to amend Rule 4 of the Ministry of Finance, Department of Economic Affairs (Bank Note Press, Dewans, Unclassified Industrial Cadre Posts) Recruitment Rules, 1975 as under:—

“4. *Method of recruitment age limit qualifications, etc.—*

- (1) Method of recruitment to the said posts, age limit, qualifications and other matters relating thereto shall be as specified in columns 6 to 14 of the Schedule aforesaid.
- (2) The crucial date for determining the age limit shall be the closing date for receipt of the applications from candidates in India (other than those in the Andaman and Nicobar Islands and Lakshadweep). In case the appointments are made through the Employment Exchange, the crucial date will be the last date upto which the Employment Exchanges are asked to submit the names.
- (3) The qualification regarding experience specified for direct recruitment is relaxable at the discretion of the appointing authority in the case of candidates belonging to the Scheduled Castes or the Schedule Tribes, if at any stage of selection the appointing authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.”

31. The Committee note with satisfaction that on being pointed out by them, the Ministry of Finance (Department of Economic

\*Vide G.S.R. 595 dated 10 July, 1982.

Affairs) have amended rule 4 of the Ministry of Finance (Department of Economic Affairs) (Bank Note Press, Dewas, Unclassified Industrial Cadre Posts) Recruitment Rules, 1975 by omitting therefrom the provision regarding relaxation of essential qualifications at the discretion of the appointing authority in the case of candidates otherwise well qualified. The Committee desire the Ministry of Finance (Department of Economic Affairs) to desist from providing such discretionary powers in the Recruitment Rules which may lead to favouritism.

## V

### THE SAFDARJANG HOSPITAL, MEDICAL RECORD TECHNICIANS TRAINING CENTRE, DEMONSTRATOR (TRAINING) RECRUITMENT RULES, 1978 (G.S.R. 272 OF 1979)

32. Entry in Column 11 (in case of recruitment by promotion or deputation or transfer, grades from which promotion or deputation or transfer to be made) of the Schedule appended to the Safdarjang Hospital, Medical Record Technicians Training Centre, Demonstrator (Training) Recruitment Rules, 1978 did not indicate the exact period of deputation.

33. It was felt that in order to make the Rules self-contained and for the information of all concerned the period of deputation should be indicated in the Rules.

34. The Ministry of Health and Family Welfare, to whom the matter was referred, in their reply dated 26 June, 1982, intimated that Column 11 of the Schedule has been amended\* as under:—

“... in the Schedule in column 11 for the existing entry the following shall be substituted, namely:

‘Officers holding analogous or equivalent posts or posts in the scale of Rs. 330-560 equivalent and having five years regular service in the grade and also possessing qualifications prescribed for direct recruits. Period of deputation ordinarily not exceeding three years.’”

35. Similar lacuna was also noticed while scrutinising the following Rules:

- (i) The Shipping Development Fund Committee (Joint Secretary) Recruitment Rules, 1978 (G.S.R. 88 of 1979).
- (ii) The Directorate of Inspection (Research, Statistics and Publication) Class III and Class IV Posts (Recruitment) Amendment Rules 1979 (G.S.R. 140 of 1979).

36. The Committee note with satisfaction that on being pointed out by them, the Ministry of Health and Family Welfare (Department

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\*Vide G.S.R. 495 dated 23 May, 1981.

of Health) have amended the Safdarjang Hospital, Medical Record, Technicians (Training) Recruitment Rules, 1978, vide G.S.R. 495 of 1981, in order to lay down the exact period of deputation while making recruitment by way of deputation. The Committee further note that the Ministry of Shipping and Transport (Transport Wing) have also issued similar amendment in the case of Shipping Development Fund Committee (Joint Secretary) Recruitment Rules, 1978, vide G. S. R. 587 of 1981. The Committee desire the Ministry of Finance (Department of Revenue) to issue the requisite amendment in the case of the Directorate of Inspection (Research, Statistics and Publication) Class III and Class IV posts (Recruitment) Amendment Rules, 1979.

37. The Committee desire that in order to have uniformity in the Recruitment Rules, the Department of Personnel and Administrative Reforms should impress upon all the Ministries/Departments that in future whenever they notify the Recruitment Rules where one of the methods of recruitment is 'deputation', the exact period of such deputation should invariably be indicated in the Rules.

## VI

### THE CANTONMENT FUND SERVANT (AMENDMENT) RULES, 1981 (S.R.O. 296 of 1981)

38. Sub-rule (4) of Rule 10A of the Cantonment Fund Servants Rules, 1937, as inserted by the Cantonment Fund Servants (Amendment) Rules, 1981, reads as under:—

“(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a servant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstance of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.”

39. It was felt that after a penalty of dismissal, removal or compulsory retirement from service, imposed upon an employee, had been set aside or declared void by a court of law, another inquiry on the same allegations should not be held against him *unless* the order of the court was based not on the merits of the case but only on purely technical grounds or unless any fresh material on the subject had come to light.

40. In this connection, the attention of the Ministry of Defence was invited to the following recommendations/observations of the

Committee on Subordinate Legislation made in paragraph 22 to 24 of their Fourth Report (Seventh Lok Sabha), presented to the House on 10 December, 1980:—

“22. The Committee observe that in accordance with the administrative instructions contained in the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) O.M. No. 11012/2/24/77-Estt(A) dated the 18th March, 1978, further inquiry contemplated in Rule 10(4) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, should not be ordered except in a case when the penalty of dismissal, removal or compulsory retirement has been set aside by a court of law on technical grounds without going into the merits of the case or when fresh material has come to light which was not before the court.

23. The Committee further observe that in a similar case pertaining to the Coir Board Service (Classification, Control and Appeal) Bye-laws, 1969, the Department of Industrial Development amended the bye-laws (*Vide* S.O. 4389 notified on 20th November, 1976) so as to add the following proviso:—

‘Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.’

24. The Committee have time and again stressed that the administrative instructions are no substitute to statutory rules/regulations. Such instructions are not being published in the official Gazette and, therefore, escape the notice of the Committee. The Committee desire the Department of Space and the Ministry of Commerce to amend the respective rules in question on the lines of instructions issued by the Ministry of Home Affairs on the 18th March, 1978. They further desire the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) to amend Rule 10(4) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 so as to place the instructions on a statutory footing.”

41. The Ministry of Defence, in their reply dated 9 August, 1982, stated as under:—

“... this Ministry have no objection to accept the suggestions of the Committee on Subordinate Legislation with reference to sub-rule (4) of Rule 10A of the Cantonment Fund Servants (Amendment) Rules, 1981 published *vide* SRQ No. 296 dated 9 November, 1981. A draft notification, which is proposed to be issued in consultation

with the Ministry of Law in this regard, is enclosed\* for your information and comments, if any."

42. Rule 2 of the draft Rules, as proposed to be modified by the Ministry of Defence seeks to add the following proviso to sub-rule (4) of rule 10A of the Cantonment Fund Servants Rules:—

"Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case."

43. The Committee are happy to note that on being pointed out by them, the Ministry of Defence have proposed to amend Rule 10A(4) of the Cantonment Fund Servants Rules, 1937, by providing therein that no further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case. The Committee desire the Ministry of Defence to complete all the formalities of amending the Rules expeditiously and to notify the same in the Gazette of India without further delay.

## VII

### THE DEVELOPMENT CREDIT AGREEMENT [SECOND NATIONAL COOPERATIVE DEVELOPMENT CORPORATION PROJECT (CREDIT NO. 1146-IN)] EXECUTION AND AUTHENTICATION RULES, 1981 (G.S.R. 813 of 1981)

44. Rule 2 of the Development Credit Agreement [Second National Cooperative Development Corporation Project (Credit No. 1146-IN)] Execution and Authentication Rules, 1981 reads as under:—

"2. All applications, certificates or other documents required or permitted to be signed or executed in exercise of the executive power of the Union in pursuance of the provisions of the Development Credit Agreement relating to the Second National Cooperative Development Corporation Project (Credit No. 1146-IN) entered into between the Government of India and International Development Association, shall be signed or executed and authenticated on behalf of the President by any of the Senior Accounts Officers or Accounts Officers or *Junior Accounts Officers* in the Department of Economic Affairs, Ministry of Finance."

45. It was enquired from the Ministry of Finance (Department of Economic Affairs) whether the Junior Accounts Officers in the Depart-

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\*Appendix III.



ment of Economic Affairs, who had been authorised under the aforesaid Rules to sign documents on behalf of the President, were competent to do so under the Authentication (Orders and Other Instruments) Rules, 1958.

46. The Ministry of Finance (Department of Economic Affairs), in their reply dated 1 July, 1982, stated as under:—

“.....Department of Economic Affairs have since been advised that Junior Accounts Officers in DEA are not authorised under the Authentication (Orders and Other Instruments) Rules, 1958 to sign documents on behalf of the President of India. The claims submitted to the World Bank for disbursement are no longer being authenticated by Junior Accounts Officers.”

47. The matter was further pursued with the Ministry and they were asked to state whether they had any objection to amending the execution and Authentication Rules so as to delete the words ‘or Junior Accounts Officers’ appearing in rule 2 thereof.

48. In their reply dated 18 August, 1982, the Ministry of Finance (Department of Economic Affairs) stated as under:—

“...Department of Economic Affairs will have no objection to deleting the words ‘Junior Accounts Officers’ from the Notification in question. Ministry of Law, Justice and Company Affairs is being consulted in this regard.”

49. In the meantime, similar provisions have come to notice in the following cases:—

- (i) The Loan Agreement (Second Ramagundam Thermal Power Project) and Development Credit Agreement (Second Korba Thermal Power Project) Execution and Authentication Rules, 1982 (G.S.R. 399 of 1982).
- (ii) The Development Credit Agreement (West Bengal Social Forestry Project) Execution and Authentication Rules, 1982 (G.S.R. 400 of 1982).
- (iii) The Loan and Credit Agreement Fourth ARDC Credit Project (Loan No. 2095-IN and Credit No. 1209-IN) Execution and Authentication Rules, 1982 (G.S.R. 424 of 1982).
- (iv) The Development Credit Agreement (M.P. Major Irrigation Project) Execution and Authentication Rules, 1982 (G.S.R. 446 of 1982).
- (v) The Loan Agreement (Tamil Nadu Newsprint Project—2050-IN) Execution and Authentication Rules, 1982 (G.S.R. 383 of 1982).

50. The Committee are amazed how the Department of Economic Affairs allowed the Junior Accounts Officers to sign or execute all applications or certificates or other documents required or permitted to be signed in exercise of the executive powers of the Union in pursuance of the provisions of the Development Credit Agreement with the International Development Association when under the Authentication (Orders and Other Instruments) Rules, 1958 they were not authorised to do so. The Ministry of Finance (Department of Economic Affairs) have on being pointed out by the Committee conceded that the Junior Accounts Officers are not authorised under the Authentication (Orders and Other Instruments) Rules, 1958, to sign documents on behalf of the President of India and that the claims submitted to the World Bank for disbursement are no longer being authenticated by the Junior Accounts Officers. The Committee further note that the Ministry of Finance (Department of Economic Affairs) have no objection to deleting the words 'Junior Accounts Officers' from the Execution and Authentication Rules. This mistake should be rectified at the earliest.

51. The Committee are distressed to observe that the provision regarding authorising the Junior Accounts Officers to sign documents on behalf of the President of India is being repeated in a number of other Execution and Authentication Rules. The Committee, therefore, recommend the Ministry of Finance (Department of Economic Affairs) to amend the various execution and authentication Rules wherein the Junior Accounts Officers have been authorised to sign documents on behalf of the President of India.

## VIII

### THE AIRCRAFT (AMENDMENT) RULES, 1980 (G.S.R. 193 of 1980)

52. Draft Rules further to amend the Aircraft Rules, 1937, were published under G.S.R. 1344 in the Gazette of India, Part II, Section 3(i) dated 11 November, 1978 for inviting objections/suggestions from persons likely to be affected thereby, by 11 February, 1979. Copies of the Gazette were made available to the public on the same day. The final Rules were, however, published under G.S.R. 193, in the Gazette of India, Part II, Section 3(i) dated 16 February, 1980, *i.e.* after a time lag of one year and 5 days.

53. The Committee on Subordinate Legislation, in paragraph 14 of their Fifteenth Report (Fifth Lok Sabha), had recommended that the time lag between the publication of the draft Rules and the final Rules in the Gazette should not exceed one year rather efforts should be made to publish them even earlier.

54. Since the time lag between the publication of the draft Rules and the final rules was more than one year, the matter was taken up

with the Ministry of Tourism and Civil Aviation, who, in their reply dated 28 April, 1981, explained the position as under:

- “(i) Draft rules were pre-published in the Official Gazette dated 11-11-1978 inviting objections/suggestions by 10-2-1979.
- (ii) Objections/suggestions were received from the British High Commission, New Delhi, through the Ministry of External Affairs on 14-2-1979, with reference to which DGCA was requested on 16-2-1979 to get those suggestions examined alongwith other suggestions/objections received by him, and send his recommendations to finalise the rules, which were received in the Ministry on 6-9-1979.
- (iii) The recommendations made by the DGCA were considered in the Ministry and finalised by 24-9-1979.
- (iv) The draft Notification finalising the rules was referred to the Ministry of Law, Justice and Company Affairs for vetting on 27-9-1979, and the file was received back from them on 29-10-1979.
- (v) The Official Language (Legislative) Commission were requested on 20-11-1979 to furnish Hindi translation of the Notification, which was received in this Ministry on 22-12-1979.
- (vi) The Notification was thereafter faired and sent to the Government of India Press on 29-1-1980 for its publication in the next issue of the Official Gazette, and it was published in the Gazette dated 16-2-1980.

From the above narration, it would be observed that there was delay at various stages in finalising the Rules for some reason or the other, which could be avoided, which is very much regretted. However, such a position would not be allowed to recur in future.”

**55. The Committee have repeatedly emphasised 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 in the case of the Aircraft (Amendment) Rules, 1980, this period has slightly exceeded the limit as laid down by the Committee for the purpose.**

**56. The Committee further note that in the present case the Ministry of Tourism and Civil Aviation have expressed their regret over the delay in finalising and publication of the final Rules and assured the Committee that such a position would not be allowed to recur in future. The Committee cannot but urge the Ministry to**

**adhere to their assurance in future in the matter of Rules to be framed by them in respect of various Acts administered by them.**

## IX

### THE SUGAR (PRICE DETERMINATION FOR 1980-81 PRODUCTION) ORDER, 1980 (G.S.R. 650-E of 1980)

57. Explanation (d) to the proviso to Clause 2 of the Sugar (Price Determination for 1980-81 Production) Order, 1980, reads as under:

“(d) the Indian Sugar Standard Grades (ISS grades) mean the grades represented by the standard sealed samples of sugar in bottles issued by the Director, National Sugar Institute, Kanpur conforming to the standards prescribed by the Indian Standards Institution.”

58. In this connection, inviting their attention to the recommendation of the Committee on Subordinate Legislation, made in paragraphs 12 and 13 of their First Report (Fourth Lok Sabha) wherein the Committee had reiterated that the rules should be self-contained and legislation, by reference should be avoided as far as possible, the Ministry of Agriculture (Department of Food) was asked whether they had any objection to amending Explanation (d) to the proviso to Clause 2 of the aforesaid Order by indicating therein the exact standards of sugar grades specifically.

59. In their reply dated 28 April, 1981, the Ministry of Agriculture (Department of Food) stated as under:

“ . . . . the suggestion for amendment of explanation (d) given under the proviso to clause 2 of the Sugar (Price Determination for 1980-81 Production) Order, 1980 has been examined in the light of the recommendation of the Committee on Subordinate Legislation made in para 12-13 of their First Report (Fourth Lok Sabha) and the views of this Department thereon are indicated below:

The quality of sugar produced by vacuum pan sugar factories is determined in terms of Indian Sugar Standards prescribed in the Indian Standard ‘Grading for vacuum pan sugar (Plantation white)—IS: 498-1970’. These Sugar Standards are prepared by the National Sugar Institute, Kanpur for each season taking into account the modulated reflectance value (for colour) and sieve retention requirements (in respect of grain size) as prescribed by the Indian Standards Institution. Before the National Sugar Institute undertakes preparation of the standards, these are considered by the Standing Advisory Committee on Sugar Standards, on which is also represented the I.S.I., and thereafter by the Deve-

lopment Council for Sugar Industry. On the basis of the recommendations of the Development Council for sugar Industry, the Indian Sugar Standards are prepared and issued by the Director, National Sugar Institute, Kanpur for use in the sugar factories in that particular season.

At present, there are 10 grades under 5 grain size groups A, B, C, D and E, and each grain size Group has two colour series, namely, 30 and 29. 'A' is the boldest grain and '30' is the whiter colour. Since these Indian Sugar Standards may vary from season to season depending on the recommendations of the Development Council for Sugar Industry, no specific nomenclature of these grades was given in explanation (d) under the proviso to clause 2 of the Sugar (Price Determination for 1980-81 Production) Order, 1980 and it was simply mentioned therein that 'the Indian Sugar Standard grades (ISS) grades mean the grades represented by the Standard sealed samples of sugar in bottles issued by the Director, National Sugar Institute, Kanpur, conforming to the Standards prescribed by the Indian Standards Institution.

After careful examination of this matter in the light of the suggestion made by the Lok Sabha Secretariat, this Ministry has no objection to the inclusion of the nomenclature of the existing grades of sugar, namely, A-30, B-30, C-30, D-30, E-30 and A-29, B-29, C-29, D-29 and E-29 in the aforesaid explanation (d). Necessary amendment in this regard will be issued soon."

60. The Ministry have since amended the Order as desired by indicating therein the nomenclature of the existing grades of sugar prescribed by the Indian Standards Institution, *vide* G.S.R. 370-E dated 28 May, 1981 which, as now amended, reads as under:

"(d) the Indian Sugar Standard grades (ISS grades) means the grades represented by the standard sealed samples of sugar in bottles issued by the Director, National Sugar Institute, Kanpur conforming to the Standards A-30, B-30, C-30, D-30, E-30 and A-29, B-29, C-29, D-29 and E-29 prescribed by the Indian Standards Institution."

61. The Committee note with satisfaction that on being pointed out by them, the Ministry of Agriculture (Department of Food) have amended Explanation (d) to the proviso to Clause 2 of the Sugar (Price Determination for 1980-81 Production) Order, 1980, (*vide* G.S.R. 370-E of 1981) by indicating therein the nomenclature of the existing grades of sugar prescribed by the Indian Standards Institution.

## X

**IMPLEMENTATION OF RECOMMENDATION CONTAINED IN PARAGRAPH 46 OF THE TWENTY-FIRST REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SIXTH LOK SABHA) REGARDING THE KERALA SMALL INDUSTRIES AND DEVELOPMENT PROMOTION CORPORATION AMALGAMATION ORDER, 1977 (S.O. 241-E OF 1977).**

62. Clause 11(b) of the Kerala Small Industries and Development Promotion Corporation Amalgamation Order, 1977, provided as under:

“Dissolution of the Kerala State Small Industries Corporation Limited and Kerala Employment Promotion Corporation Limited—Subject to the other provisions of this Order, as from the appointed day:

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- (b) The right of every shareholder to or in respect of any share in the dissolved companies shall be extinguished and thereafter no such shareholder shall make, assert or take any claims or demands or proceedings in respect of any such share.”

63. The wording of the above provision was such that it not only extinguished the right of the shareholders in the dissolved companies but also appeared to bar the jurisdiction of courts. It was, therefore, felt that there should be an express provision in the parent Act empowering the Executive to extinguish the rights of shareholders by delegated legislation.

64. The Ministry of Law, Justice and Company Affairs (Department of Company Affairs) with whom the matter was taken up, in their reply dated 2 September, 1978 stated as under:

“With regard to para 11(b) of this Amalgamation Order, it may be stated that according to para 7(i) of the Amalgamation Order, the transferee company shall allot to every person registered as a shareholder in the transferor companies as many shares in the transferee company as are equivalent in face value to the shares held by him in the transferor companies. In view of this, there appears to be nothing in this Order to take away any right to any shareholder.

However, it may be stated that a similar question has been raised by Committee on Subordinate Legislation in case of amalgamation of M/s. Indian Consortium Power Projects Pvt. Ltd., with M/s. Bharat Heavy Electricals under

section 396 of the Companies Act, 1956 referred to this Department *vide* Lok Sabha Office Memorandum No. 38|82|CII|76, dated 17-10-1976. After careful consideration of the matter, this Department has decided to frame rules under section 396 of the Companies Act, 1956 and that an authority is proposed to be provided to deal with the representations received from the shareholders in regard to determination of the compensation."

65. After considering the aforesaid reply of the Ministry, the Committee, in paragraph 46 of their Twenty-first Report (Sixth Lok Sabha), recommended/observed as under:—

"The Committee are satisfied with the reply of the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) regarding the provision contained in para 11(b) of the Kerala Small Industries and Development Promotion Corporation Amalgamation Order, 1977 that it does not extinguish the right of shareholders for going to courts. The Committee, however, desire the Ministry to frame rules under section 396 of the Companies Act, 1956, as has been decided by them to provide for an authority to deal with the representations received from shareholders in regard to determination of the compensation."

66. In their action-taken note dated 7 August, 1979, on the above recommendation/observation, the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) stated as under:—

". . . . .the recommendation of the Committee as indicated in para 46 of the above Report has been examined. Since the Central Government has amended the Companies (Central Government) General Rules and Forms so as to provide an authority for assessing the compensation payable to a member or creditor of each of companies amalgamated pursuant to sub-section (3) of Section 396 of the Companies Act by inserting a new Rule 12A in the said rules and forms, this authority shall have an inherent right to consider the representations of aggrieved persons. As such, it does not appear to be necessary to make rules or to amend further, new rule 12A of the Companies (Central Government) General Rules and Forms. This issues with the approval of the Secretary of the Department."

**67. The Committee do not agree with the views expressed by the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) that the Central Government has amended the Companies ((Central Government) General Rules and Forms 1956 by inserting therein new rule 12A in order to provide that the Joint Director (Ac-**

counts) in the Department of Company Affairs shall be the authority for assessing the compensation payable to a member or creditor of each of the companies amalgamated pursuant to Section 396(3) of the Companies Act, 1956, and that authority has an inherent right to consider the representations of persons aggrieved by the extinction of right of a shareholder of the Kerala State Small Industries and Development Promotion Corporation taken over as a result of the Amalgamation Order, 1977.

68. The Committee note that in a similar case regarding the Indian Consortium for Power Projects Private Limited and the Bharat Heavy Electricals Limited Amalgamation Order, 1974 (G.S.R. 15 E of 1975), the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) in their reply dated 18 January, 1979, stated as under:—

“ . . . . . the matter of providing for a revisionary or appellate authority through rules proposed to be framed under section 396 of the Companies Act, 1956 has been further examined by the Department in consultation with the Legislative Department of this Ministry and the Department has been advised that such a provision, being of a substantive nature can be made only by amendment of the Companies Act suitably . . . . . ”

The Committee in this case had desired the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) to amend the Companies Act, 1956 in order to provide for revisionary or appellate authority for redressal of grievances of a person aggrieved by any action taken under the Amalgamation Order. The Committee reiterates their above recommendation and desire the Department of Company Affairs to amend the Companies Act, 1956 suitably to provide for revisionary or appellate authority for redressal of grievances of persons aggrieved by any action taken under the Kerala Small Industries and Development Promotion Corporation Amalgamation Order, 1977 regarding determination of the compensation.

## XI

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

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

“ . . . . . the Committee fix a time-limit of six months within which the Ministries/Departments of Government of India should implement their recommendations. If in any



particular case it is not possible for a Ministry/Department to adhere to this time-limit, they should ask for extension of time from the Committee after explaining the difficulties in implementing the recommendations within the prescribed time limit.”

**70. The Committee note with satisfaction the action taken by Government on their earlier recommendations as indicated in Appendix IV. They are however, constrained to observe that in the cases mentioned at S. Nos. 1, 2 and 10 there has been a delay of about 1 to 3 years on the part of the Ministries/Departments concerned in implementing the recommendations made by the Committee. The Committee cannot but deplore such undue delay and want that the concerned Ministries/Departments should be careful in future and should try to adhere to the stipulated time-limit of six months in implementing the recommendations made by the Committee.**

NEW DELHI;  
 February 10, 1983.  
 Magha 21, 1904 (Saka).

MOOL CHAND DAGA,  
 Chairman,  
 Committee on Subordinate Legislation.

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## APPENDICES

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## 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(i)	9	In most of the cases, the Ministries/Departments have agreed to issue the requisite amendment. The Committee trust that amendments will be issued by the respective Departments soon. The Committee note with satisfaction that at their instance, the Ministry of Information and Broadcasting have amended Column 7 of the Schedule to the Central Board of Film Censors, Bombay (Junior Stenographer and Mazdoor) Recruitment Rules, 1980, by inserting the usual note regarding crucial date for determining the age limit for direct recruits.
1(ii)	10	In order to ensure that such lacuna does not occur in other Rules to be framed in future the Committee emphasise that the Department of Personnel and Administrative Reforms should impress upon all the Ministries/Departments that whenever any Recruitment Rule involving direct recruitment is notified in the Gazette of India, they should ensure that the Column regarding determining the age limit should invariably contain the note regarding crucial date on the pattern as contained in the case of the Central Board of Film Censors, Bombay (Junior Stenographer and Mazdoor) Recruitment Rules, 1980.
2(i)	25	The Committee are not convinced with the arguments advanced by the Ministry of Commerce for not mentioning the details of the standard specifications recognised by the Central Government in the export of Cumin Seeds (Quality Control and Inspection) Rules, 1979. The Committee feel that the difficulty pointed out by the

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Ministry that in case the standard specifications are to be mentioned in the Rules, the Ministry have to undergo a cumbersome procedure of amending two notifications separately, one published for standard specifications under the Agricultural Produce (Grading and Marking) Act, 1937 and the other under Section 6 of the Export (Quality Control and Inspection) Act, 1963, could be resolved by reproducing the notification regarding specifications in the form of an Annexure to the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979 and also indicating therein the specific number and date of its publication in the Gazette. The Committee, therefore, desire the Ministry to amend the Rules accordingly at an early date.

2(ii)            26

As regards inclusion of non-official in the advisory panel and disposal of appeals under rule 8, the Committee note that in actual practice an advisory panel comprising five members—of whom four are non-officials and one is official of the Cooperative Department—has been constituted and that the appeals have to be disposed of within a period of 5 days. The Committee, therefore, recommend that the Ministry of Commerce should take immediate steps to amend the Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979 suitably by indicating therein the number of non-officials on the advisory panel as also the period within which appeals have to be disposed of. The Committee further desire that the words “who may” appearing in rule 8 *ibid* should be substituted with the words “who shall” in order to make the position more clear.

3                    31

The Committee note with satisfaction that on being pointed out by them, the Ministry of Finance (Department of Economic Affairs) have amended rule 4 of the Ministry of Finance (Department of Economic Affairs) (Bank Note Press, Dewas, Unclassified Industrial Cadre Posts) Recruitment Rules, 1975 by omitting therefrom the provision regarding relaxation of essential qualifications at the discretion of the appointing

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authority in the case of candidates otherwise well qualified. The Committee desire the Ministry of Finance (Department of Economic Affairs) to desist from providing such discretionary powers in the Recruitment Rules which may lead to favouritism.

4(i)

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The Committee note with satisfaction that on being pointed out by them, the Ministry of Health and Family Welfare (Department of Health) have amended the Safdarjang Hospital, Medical Record Technicians (Training) Recruitment Rules, 1978, *vide* G.S.R. 495 of 1981, in order to lay down the exact period of deputation while making recruitment by way of deputation. The Committee further note that the Ministry of Shipping and Transport (Transport Wing) have also issued similar amendment in the case of Shipping Development Fund Committee (Joint Secretary) Recruitment Rules, 1978, *vide* G.S.R. 587 of 1981. The Committee desire the Ministry of Finance (Department of Revenue) to issue the requisite amendment in the case of the Directorate of Inspection (Research, Statistics and Publication) Class III and Class IV posts (Recruitment) Amendments Rules, 1979.

4(ii)

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The Committee desire that in order to have uniformity in the Recruitment Rules, the Department of Personnel and Administrative Reforms should impress upon all the Ministries/Departments that in future whenever they notify the Recruitment Rules where one of the methods of recruitment is 'deputation', the exact period of such deputation should invariably be indicated in the Rules.

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The Committee are happy to note that on being pointed out by them, the Ministry of Defence have proposed to amend Rule 10A(4) of the Cantonment Fund Servants Rules, 1937, by providing therein that no further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case. The Committee desire the Ministry

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of Defence to complete all the formalities of amending the Rules expeditiously and to notify the same in the Gazette of India without further delay.

- 6(i) 50      The Committee are amazed how the Department of Economic Affairs allowed the Junior Accounts Officers to sign or execute all applications or certificates or other documents required or permitted to be signed in exercise of the executive powers of the Union in pursuance of the provisions of the Development Credit Agreement with the International Development Association when under the Authentication (Orders and other instruments) Rules, 1958 they were not authorised to do so. The Ministry of Finance (Department of Economic Affairs) have on being pointed by the Committee conceded that the Junior Accounts Officers are not authorised under the Authentication (Orders and other Instruments) Rules, 1958, to sign documents on behalf of the President of India and that the claims submitted to the World Bank for disbursement are no longer being authenticated by the Junior Accounts Officers. The Committee further note that the Ministry of Finance (Department of Economic Affairs) have no objection to deleting the words 'Junior Accounts Officers' from the Execution and Authentication Rules. This mistake should be rectified at the earliest.
- 6(ii) 51      The Committee are distressed to observe that the provision regarding authorising the Junior Accounts Officers to sign documents on behalf of the President of India is being repeated in a number of other Execution and Authentication Rules. The Committee, therefore, recommend the Ministry of Finance (Department of Economic Affairs) to amend the various execution and authentication Rules wherein the Junior Accounts Officers have been authorised to sign documents on behalf of the President of India.
- 7(i) 55      The Committee have repeatedly emphasised that the time lag between the publication of the draft Rules and their final notification in the Gazette.
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should not exceed one year rather efforts should be made to further reduce this period. The Committee note that in the case of the Aircraft (Amendment) Rules, 1980, this period has slightly exceeded the limit as laid down by the Committee for the purpose.

7(ii)      56

The Committee further note that in the present case the Ministry of Tourism and Civil Aviation have expressed their regret over the delay in finalising and publication of the final Rules and assured the Committee that such a position would not be allowed to recur in future. The Committee cannot but urge the Ministry to adhere to their assurance in future, in the matter of Rules to be framed by them in respect of various Acts administered by them.

8            61

The Committee note with satisfaction that on being pointed out by them, the Ministry of Agriculture (Department of Food) have amended Explanation (d) to the proviso to Clause 2 of the Sugar (Price Determination for 1980-81 Production) Order, 1980, (*vide* G.S.R. 370-E of 1981) by indicating therein the nomenclature of the existing grades of sugar prescribed by the Indian Standards Institution.

9(i)        67

The Committee do not agree with the views expressed by the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) that the Central Government has amended the Companies (Central Government) General Rules and Forms, 1956 by inserting there in new rule 12A in order to provide that the Joint Director (Accounts) in the Department of Company Affairs shall be the authority for assessing the compensation payable to a member or creditor of each of the companies amalgamated pursuant to Section 396(3) of the Companies Act, 1956, and that authority has an inherent right to consider the representations of persons aggrieved by the extinction of right of a shareholder of the Kerala State Small Industries and Development Promotion Corporation taken over as a result of the Amalgamation Order, 1977.

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(1)	(2)	(3)
9(ii)	68	<p>The Committee note that in a similar case regarding the Indian Consortium for power Projects Private Limited and the Bharat Heavy Electricals Limited Amalgamation Order, 1974 (G.S.R. 15-E of 1975), the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) in their reply dated 18 January, 1979, stated as under:—</p> <p>“ . . . . .the matter of providing for a revisionary or appellate authority through rules proposed to be framed under section 396 of the Companies Act, 1956 has been further examined by the Department in consultation with the Legislative Department of this Ministry and the Department has been advised that such a provision, being of a substantive nature can be made only by amendment of the Companies Act suitably. . . . .”</p> <p>The Committee in this case had desired the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) to amend the Companies Act, 1956 in order to provide for revisionary or appellate authority for redressal of grievances of a person aggrieved by any action taken under the Amalgamation Order. The Committee reiterates their above recommendation and desire the Department of Company Affairs to amend the Companies Act, 1956 suitably to provide for revisionary or appellate authority for redressal of grievances of persons aggrieved by any action taken under the Kerala Small Industries and Development Promotion Corporation Amalgamation Order, 1977 regarding determination of the compensation.</p>
10	70	<p>The Committee note with satisfaction the action taken by Government on their earlier recommendations as indicated in Appendix V. They are however, constrained to observe that in the cases mentioned at S. Nos. 1, 2 and 10 there has been a delay of about 1 to 3 years on the part of the Ministry/Departments concerned in</p>



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implementing the recommendations made by the Committee. The Committee cannot but deplore such undue delay and want that the concerned Ministries/Departments should be careful in future and should try to adhere to the stipulated time-limit of six months in implementing the recommendations made by the Committee.

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## APPENDIX II

(Vide Paragraph 8 of the Report)

### LIST OF ORDERS WHICH DO NOT CONTAIN NOTE REGARDING CRUCIAL DATE DETERMINING THE AGE LIMIT.

#### I. Ministry of Agriculture

1. The Delhi Milk Scheme Sales Assistant (Products) Recruitment Rules, 1979 (G.S.R. 786 of 1979).
2. The Delhi Zoological Park (Group C and Group D Posts) Recruitment Amendment Rules, 1979 (G.S.R. 756 of 1979).
3. The Central Fertiliser Control, Laboratory, Faridabad, Driver (Van) Recruitment Rules, 1979 (G.S.R. 840 of 1979).
4. The Department of Food, Central Government Fruit Juice Plant (Group 'A', 'B' and 'C' posts) Recruitment (Amendment) Rules, 1980 (G.S.R. 645 of 1980).
5. The Delhi Milk Scheme, Dairy Engineering Branch (Class III and Class IV posts) Recruitment (Amendment) Rules, 1982 (G.S.R. 367 of 1982).

#### II. Cabinet Secretariat

6. The Cabinet Secretariat (Shredding Machine Operator) Recruitment Rules, 1979 (G.S.R. 361 of 1979).

#### III. Ministry of Communications

7. The Posts and Telegraphs, Pharmacist-cum-clerk, Recruitment Rules, 1980 (G.S.R. 470 of 1980).

#### IV. Ministry of Energy

8. The Department of Coal (Technical Assistants) Recruitment Rules, 1979 (G.S.R. 860 of 1979).

#### V. Ministry of Finance

9. The National Savings Organisation (Group C and Group D posts) Recruitment Rules, 1978 (G.S.R. 146 of 1979).
10. The Central Excise and Land Customs Department Group D posts Recruitment Rules, 1979 (G.S.R. 741 of 1979).

11. The Ministry of Finance, Department of Economic Affairs Assistant Technical and Junior Clerks (Class III posts) Recruitment (Amendment) Rules, 1979 (G.S.R. 828 of 1979).

12. The Ministry of Finance, Department of Economic Affairs (Bank Note Press, Dewas, Unclassified Industrial Cadre posts) Recruitment (Amendment) Rules, 1981 (G.S.R. 350 of 1981).

#### VI. Ministry of Health and Family Welfare

13. The National Malaria Eradication Programme, (Group 'C' posts) Recruitment Rules, 1980 (G.S.R. 594-E of 1980).

14. The Ministry of Health and Family Welfare and the Directorate General of Health Services (Statistical Assistants) Recruitment Rules, 1979 (G.S.R. 376 of 1979).

15. The Central Health Transport Organisation (Group C and Group D posts) Recruitment Rules, 1979 (G.S.R. 536 of 1979).

16. The Lady Hardinge Medical College and Smt. Sucheta Kriplani Hospital, (Post of Bursar) Recruitment Rules, 1978 (G.S.R. 864 of 1978).

#### VII. Ministry of Home Affairs

17. The Department of Personnel and Administrative Reforms (Director of Canteens) Recruitment Rules, 1979 (G.S.R. 816 of 1979).

18. The Office of the Registrar General and Ex-officio Census Commissioner for India (Social Studies and Handicrafts Unit) Class I, Class II and Class III Recruitment (Amendment) Rules, 1979 (G.S.R. 162 of 1979).

19. The Assam Rifles (Group 'D' posts) Recruitment Rules, 1980 (G.S.R. 204 of 1980).

#### VIII. Ministry of Information and Broadcasting

20. The Song and Drama Division Technical Assistant (Hindi) Recruitment Rules, 1979 (G.S.R. 284 of 1979).

#### IX. Ministry of Irrigation

21. The Central Water and Power Research Station, Poona (Group C posts) Recruitment (Amendment) Rules, 1979 (G.S.R. 382 of 1979).

#### X. Ministry of Labour

22. The Directorate of Training (Group 'C' posts) Recruitment (Amendment) Rules, 1980 (G.S.R. 849 of 1980).

### XI. Ministry of Law, Justice and Company Affairs

23. The Monopolies, and Restrictive Trade Practices Commission (Recruitment of Members of Staff) Amendment Rules, 1980 (G.S.R. 448-E of 1980).

### XII. Planning Commission

24. The Programme Evaluation Organisation (Planning Commission) Investigator, Grade II (Group 'C') Recruitment Rules, 1980 (G.S.R. 181 of 1979).

25. The Planning Commission (Copy Holder) Recruitment Rules, 1979 (G.S.R. 818 of 1979).

26. The Planning Commission (Senior Attendant and Junior Attendant in Computer Services Division of Programme Evaluation Organisation) Recruitment (Amendment) Rules, 1980 (G.S.R. 303 of 1981).

27. The Planning Commission (Copying Machine Operator) Recruitment Rules, 1981 (G.S.R. 401 of 1981).

### XIII. Ministry of Rural Development

28. The Ministry of Rural Reconstruction (Group 'D') Recruitment Rules, 1980 (G.S.R. 39 of 1981).

29. The Ministry of Agriculture and Irrigation (Department of Rural Development (Senior Gestetner Operator), Recruitment Rules, 1978 (G.S.R. 785 of 1979).

### XIV. Ministry of Shipping and Transport

30. The Shipping Development Fund Committee (Accountants) Recruitment Rules, 1979 (G.S.R. 1161 of 1979).

### XV. Ministry of Education and Social Welfare

31. The Ministry of Social Welfare, National Institute for the Visually Handicapped, Dehradun, (Safaiwala) (Recruitment) Rules, 1980 (G.S.R. 738 of 1980).

### XVI. Ministry of Supply and Rehabilitation

32. The Dandakaranya Project (Group C and Group D posts) Recruitment (Second Amendment) Rules, 1978 (G.S.R. 101 of 1979).

33. The Rehabilitation Reclamation Organisation, Drilling Sub-division [Assistant Engineer (Drilling) Class II posts] (Amendment) Rules, 1979 (G.S.R. 352 of 1979).

*XVII. Ministry of Tourism and Civil Aviation*

34. The Civil Aviation Department, Subordinate Offices Hindi Translator Grade I (Group C post) Recruitment Rules, 1979 (G.S.R. 613 of 1979).

*XVIII. Ministry of Works and Housing*

35. The Directorate of Estates, Regional Office, Ghaziabad (Group 'C' posts) Recruitment Rules, 1980 (G.S.R. 1147 of 1980).

36. The Directorate of Estates, Regional Office, Chandigarh (Group 'C' and Group 'D' posts) Recruitment Rules, 1980 (G.S.R. 1148 of 1980).

37. The Ministry of Works & Housing (Despatch Rider) Recruitment Rules, 1980 (G.S.R. 673 of 1980).

### APPENDIX III

(Vide Paragraph 41 of the Report)

#### GAZETTE OF INDIA

#### PART II—SECTION 4

*New Delhi, the*

1982.

S.R.O. .—The following draft of certain rules further to amend the Cantonment Fund Servants Rules, 1937, which the Central Government proposes to make in exercise of the powers conferred by section 280 of the Cantonments Act, 1924 (2 of 1924), is hereby published, as required by sub-section (1) of the said section 280, for information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of sixty days from the date of publication of this notification in the Official Gazette.

Any objections or suggestion which may be received from any person with respect to the said draft within the period of sixty days specified above will be considered by the Central Government.

#### *Draft Rules*

1. (1) These rules may be called the Cantonment Fund Servants ( . . . .Amendment) Rules, 1982.

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. In the Cantonment Fund Servants Rules, 1937 (hereinafter referred to as the said rules), in rule 10A, to sub-rule (4), the following proviso shall be added, namely:—

“Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

[File No. 25|133|CSL|C|L&C|59|D(Q&C)]

RAM NATH,  
*Under Secretary.*

## APPENDIX IV

(Vide paragraph 70 of the Report)

### Statement showing the Action taken by Government on the Recommendations made by, and assurances given to, the Committee on Subordinate Legislation.

Sl. No. of Report and date of its presentation	Summary of Recommendations/Assurances	Gist of Government's reply	
1	4	3	4
<p>1 NINTH REPORT (SIXTH LOK SABHA) 48-51 11-5-1978</p>	<p>The Committee observe that article 311(2) of the Constitution which requires that a Government servant involved in disciplinary proceedings should be given a reasonable opportunity of being heard in respect of the charges against him and a reasonable opportunity of representation against the penalty proposed to be imposed on him is based on the principles of natural justice and strict compliance with its requirements is of paramount importance from the point of view of equity and fair-play. The Committee are therefore, unable to appreciate the reply of the Department of Personnel and Administrative Reforms that in cases covered by Rules 5(4) and 5A(2)(i) of the All India Services (Discipline and Appeal) Rules, 1969 where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority or by a court of law solely on grounds of non-compliance with the requirements of article 311(2) of the Constitution and no further enquiry is proposed to be held, there is no complete exoneration. If the Department's contention is accepted, it will be tantamount to punishing a member of the service on the basis of an enquiry which is held not to have been properly conducted. The Committee are of the opinion that once a order of dismissal, removal or compulsory retirement from service is set aside by a Court of Law or by the appellate or reviewing authority on the ground of non-compli-</p>	<p>Necessary amendments to the All India Services (Discipline and Appeal) Rules, 1969 have been issued by the Department of Personnel and Administrative Reforms <i>Vide</i> their Notification No. 28013/2/78-IAS(III) dated 12 January, 1982.</p>	

ance with the requirements of clause (2) of article 311 and no further enquiry is proposed to be held, the member of the service should be treated on the same footing as the one having been completely exonerated and he should be allowed full pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be. In case the competent authority feels that in a particular case if the provisions of article 311(2) of the Constitution were strictly followed, the disciplinary proceedings would not have ended in complete exoneration of the member of the service, it is open to the competent authority to hold a further enquiry. Till this is done, there is no justification whatever for making any reduction in the pay and allowances of the member of the service.

The Committee also feel that it is not appropriate for Government to proceed on the analogy of the law of limitation in cases covered by Rules 5(4) and 5A(2)(i) of the All India Services (Discipline and Appeal) Rules, 1969 where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or removing authority or by a court of law solely on grounds of non-compliance with the requirements of article 311(2) of the Constitution and no further enquiry is proposed to be held, and restrict payment to only three years. The affected members of the service should therefore get pay and allowances for the whole period immediately preceding the date of their reinstatement during which they remained dismissed, removed or retired from service or suspended.

The Committee note that the Department of Personnel and Administrative Reforms propose to amend the All India Services (Discipline and Appeal) Rules, 1969 to provide that the period of notice should be in no case exceed sixty days from the date on which the notice has been served. In the opinion of the Committee, the proposed amendments is in the right direction. But in order that the period allowed to a member of the service to



make a representation in any particular case is not too short, some minimum period for making a representation should also be specified in the rules.

The Committee desire the Department of Personnel and Administrative Reforms to take early step for the amendment of the All India Services (Discipline and Appeal) Rules, 1969 on the lines as indicated in paras 48-50 of the Report.

**2 NINTH REPORT**  
(Sixth Lok Sabha)

72

11-5-1978

The Ministry of Home Affairs (Department of Personnel and Administrative Reforms) have amended rule 10 of the Central Civil Services (Temporary Service) Rules, 1965 to the desired effect. (*Vide* G.S.R. 258 of 1980.

The Committee note with satisfaction that, on being pointed out, the Department of Personnel and Administrative Reforms have agreed to provide in the Central Civil Services (Temporary Service) Rules, 1965 for giving an opportunity of being heard to a Government servant before the competent authority makes a reduction in the amount of gratuity payable to him on account of the service rendered by him as being not satisfactory. The Committee desire the Department of Personnel and Administrative Reforms to issue necessary amendment to this effect at an early date.

**3 NINETEENTH REPORT**  
(Sixth Lok Sabha)

9, 13, 17, 20 & 24

25-4-1979

The Ministry of Shipping and Transport (Ports Wing) have amended the Port of New Mangalore Rules, 1976 *vide* G.S.R. 343 and 99a of 1979.

The Committee are not convinced by the opinion of the Ministry of Law as furnished by the Ministry of Shipping and Transport (Transport Wing). The Committee feel that although Section 6 of the Indian Ports Act, under which the Port of New Mangalore Rules, 1976 have been framed, deals with the movement of vessels in and out of the Port for purpose of loading and unloading of cargo yet a saving provision as contained in Rule 43 does not come within the ambit of that Section. The Committee, therefore, desire the Ministry of Shipping and Transport (Transport Wing) to omit Rule 43 from the Port of New Mangalore Rules, 1976, and get its provision incorporated in the Indian Ports Act.

The Committee note that on being pointed out, the Ministry of Shipping and Transport (Transport Wing) have agreed that the port authorities would record the reasons in writing for removal of iron, steel machinery, packages, long and unwieldy heavy lifts to another place at the cost of the consignee. The Committee desire the Ministry to bring forth necessary amendment to the Port of New Mangalore Rules to the above effect at an early date.

The Committee note that on being pointed out, the Ministry of Shipping & Transport (Transport Wing) have agreed to amend sub-rule (2) of rule 60 and sub-rule (3) of Rule 62 of the Port of New Mangalore Rules, 1976 so as to provide for a reasonable opportunity of being given to the person concerned before this licence/registration certificate is cancelled and fixing the maximum period of suspension of licence/registration certificate as two months. The Committee desire the Ministry to publish the necessary amendments to Rules at an early date.

The Committee note that on being pointed out, the Ministry of Shipping and Transport (Transport Wing) have agreed to amend sub-rule (3) of Rule 60 and Rule 64 of the Port of New Mangalore Rules, 1976 so as to specify therein the maximum period of suspension of licence/registration certificate as two months. The Committee desire the Ministry to notify the requisite amendment to the Rules at an early date.

The Committee note that on being pointed out, the Ministry of Shipping and Transport (Transport Wing) have agreed to amend sub-rule (6) of Rule 74 of the Port of New Mangalore Rules, 1976, to provide for recording of reasons in writing before the grant of exemption in order to obviate any scope of abuse of power. The Committee approve the proposed amendment and desire the Ministry to notify it at an early date.

The Committee agree with the opinion expressed by the Ministry of Law, Justice, and Company Affairs (Department of Legal Affairs) as duly supported by their Legislative Department. The Committee, however, feel that a uniform practice should be followed in this regard *i.e.* either there should invariably be a sub-rule in all statutory rules, etc. specifically providing that those rules would come into force from the date of their publication in Official Gazette or such a sub-rule should not be at all included in any rules, etc., and automatically it should be presumed that they would become

4 (SECOND REPORT)  
(Seventh Lok Sabha)

12

18-11-1980

The Ministry of Finance (Department of Revenue) have noted the recommendation for compliance in future (*Vide* O.M. No. 296/89/80-CX. 9 dated 10-12-1980).

operative from the date of their notification in the official gazette. As the Committee have found that in the majority of statutory rules already notified such a sub-rule had been included in the rules, the Committee feel that it would be better if the date of coming into force of the rules is notified in all cases through a sub-rule in the rules themselves to obviate any scope of confusion in the minds of persons for whose benefit the rules are framed. Accordingly the Committee recommend that a sub-rule regarding the date of coming into force should invariably be included in rules in future. However, no action need to be taken at this stage to insert the sub-rule in the rules already notified.

**5 FIFTH REPORT**  
(Seventh Lok Sabha)  
16-17  
19-3-1981

The Ministry of Home Affairs (Department of Personnel and Administrative Reforms) have brought the observations of the Committee to the notice of all the officers and sections of the Department of Personnel and Administrative Reforms vide O.M. No. H. 11013/15/81-Parl. dated 28 May, 1981.

The Department of Personnel and Administrative Reforms have addressed administrative difficulties such as inter-departmental consultation and referring the matter to the State Governments for delay in finalising the amendments to the Indian Administrative Service/Indian Police Service Rules and their notification in the Gazette. The Committee are not convinced with this reply. They feel that in such cases the higher officers should have inter-departmental meetings to finalise the matter instead of dealing them in a routine manner which results in delay and ultimately leads to giving of retrospective effect to the Rules.

As regards giving of wrong sequence to the Indian Police Service (Pay) Second Amendment Rules, 1978, and Indian Police Service (Pay) Amendment Rules, 1978, the Committee note that the mistake had occurred at the time of issue of those notifications to the Press. The Department of Personnel and Administrative Reforms have assured that such mistake will not recur. The Committee desire the Department of Personnel and Administrative Reforms to be careful in such matter in future.

**6 FIFTH REPORT**  
(Seventh Lok Sabha)  
28-29  
19-3-1981

The Committee are unhappy over the delay in the final publication of the Drugs and Cosmetics (Sixth Amendment) Rules, 1977. This has happened in spite of an earlier recommendation of the Committee and the assurance given by the Ministry of Health as far back as January, 1975 that the procedure re-

The Ministry of Health and Family Welfare have noted the recommendations of the Committee for future compliance [Vide O.M. No. X-11013/177-DMS dated 21 May, 1981].

garding final publication of amending Rules would be streamlined and that efforts would be to finalise amendments within a period of one year after their notification in the Gazette in draft form. The Committee are constrained to note that undue long time have been taken in processing and finalising the draft Rules. A period of about six months have been taken in obtaining the Hindi translation of the finalised Rules had cleared the fair copies. Even when the Ministry of Law had cleared the Rules and furnished their Hindi translation, the Ministry took more than three months to send the Rules to the Press for publication. The Committee feel that scant regard is paid to the assurance given to the Committee in this regard. Instead of further reducing the time-lag between the publication of draft Rules and publication on final Rules, the Ministry have not been able to publish the Rules within the assured period of one year.

The Committee note that the Ministry have devised a procedure as given in para 26 to check delays in final publication of Rules. The Committee desire the Ministry to follow this procedure in letter and spirit.

The Committee approve the proposed amendment to foot-note under Column 7 of the Schedule appended to the Directorate of Advertising and Visual Publicity (Senior Addressograph) Operator (Hindi) Recruitment (Amendment) Rules, 1978 and desire the Ministry of Information and Broadcasting to notify it in the Gazette at an early date.

The Ministry of Information and Broadcasting have notified the requisite amending to the Directorate of Advertising and Visual Publicity (Senior Addressograph) Operator, (Hindi) Recruitment Rules, 1978, vide G.S.R. 802 dated 29 August, 1981.

The Committee also desire the Department of Personnel and Administrative Reforms to bring the above recommendation to the notice of all other Ministries/Departments for necessary compliance.

The Department of Personnel and Administrative Reforms have issued necessary instructions to all Ministries/Departments for necessary action (vide O.M. No. D-1458/81-Estt. (SCT) dated 21-5-1981.

7 FIFTH REPORT  
(Seventh Lok Sabha)  
33  
19-3-1981

8 FIFTH REPORT  
(Seventh Lok Sabha)  
34  
19-3-1981

9 FIFTH REPORT  
(Seventh Lok Sabha)

38  
19-3-1981

The Ministry of Communication (P&T Board) have amended the Indian Telegraph Rules, 1979 (G.S.R. 178 of 1979) to make these effective from the date of their publication in the Gazette of India (*Vide* G.S.R. 443(E) dated 20 July, 1981).

10 FIFTH REPORT  
(Seventh Lok Sabha)

50  
19-3-1981

The Ministry of Communications (P&T Board) have amended rule 5 of the Telegraph Traffic Supervisors (Recruitment and Training) Rules, 1974 by providing that before commencement of training each selected candidate have to deposit a security of five hundred rupees. (*Vide* Notification No. 213/32/76-STN dated 19-8-1982.)

The Committee agree with the advance tendered by the Ministry of Law that amendment to the Indian Telegraph (First Amendment) Rules, 1979 should be made effective from the date of publication in the Gazette. *i.e.* February, 1979. The Committee desire the Ministry of Communications (P&T Board) to notify the necessary amendment in the Gazette at an early date.

The Committee are not convinced by the arguments advanced by the Ministry of Communications (P & T Board) that in case the amount of security deposit is indicated in the Rules, the changes necessitated by the dictates and needs of service cannot be given effect to immediately meant without amending the Recruitment Rules. The Committee are of the view that the difficulty pointed out by the Ministry in amending the Rules could be overcome by putting an asterisk on the amount of security deposit and indicating through a foot-note that it would be subject to variation. The Committee, therefore, desire the Ministry of Communications (P & T Board) to amend the Telegraph Traffic Supervisors (Recruitment and Training) Rules, 1974, so as to indicate therein the amount of security deposit which a candidate has to pay before the commencement of the training.

11 FIFTH REPORT  
(Seventh Lok Sabha)

63-64  
13-3-1981

The Committee are unhappy over the slackness on the part of the Ministry of Finance (Department of Expenditure) in notifying the amendment to the Fundamental Rules after three years of the issue of the executive orders implementing the relevant recommendation of the Third Central Pay Commission. The Committee are constrained to note that in spite of the standing instructions issued to various Sections of the Ministry of Finance on the subject, the Ministry have not bestowed upon the communications from the Committee prompt attention and care which these communications deserved. They feel that their reference have been dealt with in a casual manner.

The Ministry of Finance (Department of Expenditure) have noted the recommendation of the Committee and also circulated it to all Officers and Sections of different Departments of the Ministry for compliance (*Vide* O.M. No. H-1102/1/80-O&M dated 6-4-1981).

The Committee note that the Ministry have issued necessary instructions to various sections of the Ministry reiterating the need for taking prompt action on the communications received from Parliament Secretariat on Parliamentary matters. The

12 **FIFTH REPORT**  
(Seventh Lok Sabha)

75

19-3-1981

Committee desire the Ministry to follow their instructions in letter and spirit.

The Department of Parliamentary Affairs have brought the observation of the Committee to the notice of all Ministers/Departments of the Government of India vide their O.M. No. F. 32(5)/81-R&C dated 15 June, 1981.

13 **SEVENTH REPORT**  
(Seventh Lok Sabha)

33

8-9-1981

The Committee are not convinced with the argument advanced by the Department of Space that if all the detailed terms and conditions of recruitment were to be incorporated in the Rules, it would make them unwieldy and cumbersome. The Committee have time and again emphasised that Rules should, as far as possible, be self-contained. Apart from that, the terms and conditions outside the Rules through the Departmental Instructions, are not published in the Official Gazette and, therefore, escape the scrutiny of the Committee. The Committee desire the Department of Space to indicate the terms and conditions in brief by way of an annexure to the Department of Space Employees' (Classification, Control and Appeal) if these tend to make the Rules unwieldy and cumbersome.

The Department of Space have amended sub-rule (8) of Rule 11 of the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976 by providing therein the conditions subject to which an employees may take assistance of a retired Government servants [Vide O.M. No. 2/8(1)/81-I dated 16-7-1982].

14 **SEVENTH REPORT**  
(Seventh Lok Sabha)

43-44

8-9-1981

According to the Planning Commission they had sent to the Government of India Press a Notification No. A. 12011/s/71-Adm. II dated 30 March, 1974 containing the amendment to delete the rule regarding liability to serve in the Defence Services from the Recruitment Rules for being published in the Official Gazette. The Committee are surprised that neither the Official Commission, nor the Government of India Press could trace

(i) The Planning Commission have evolved the following procedure in regard to the publication of Statutory Rules & Orders -

(a) As soon as a notification regarding statutory rules and orders is sent to

the publication of the aforesaid notification in the Gazette. The Committee deplore this gross negligence on the part of the concerned authorities in the important matter of publication of statutory Rules in the Gazette and desire the Planning Commission that the whole case should be thoroughly inquired into and to apprise the Committee about the corrective measures taken in this regard to avoid recurrence of such incidents in future.

In view of the subsequent developments the post of Veritype Operator has since been abolished in the Planning Commission and that the incumbent holding the post has voluntarily retired with effect from 1 October, 1977 rendering the Recruitment Rules for Veritype Operator virtually inoperative, the Committee will like the Planning Commission to examine the need to retain these Rules.

the Government of India Press for publication in the Gazette of India, the Chief Librarian, Planning Commission will be simultaneously requested to get 5 copies of the printed notification from the Manager, Government of the India Press concerned and to send the same to the concerned Administration Branch.

(b) A roster will be maintained in all Administration Sections in respect of statutory rules and orders in which all such notification will be entered as soon as they are sent to the Government of India Press for publication. The Section Officer concerned will keep a watch on it and make a note of G.S.R. No. in the appropriate column as soon as the printed copies of the notifications are received from the Chief Librarian.

(i) The Planning Commission have repealed the Veritype Operator Recruitment Rules, 1971 (*Vide* G.S.R. 1190 dated 19 December, 1981 (*Vide* O.M. Nos. A-12011/2/71-Admn. II dated 7 and 23 December, 1981).

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**MINUTES**

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## APPENDIX V

(Vide paragraph 4 of the Report)

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

The Committee met on Monday, 13 September, 1982 from 15.00 to 17.00 hours.

#### PRESENT

Shri Mool Chand Daga—*Chairman*

#### MEMBERS

2. Shri Mohammad Asrar Ahamd
3. Shri Xavier Arakal
4. Shri N. E. Horo
5. Shri Ashfaq Husain
6. Shri B. Devarajan
7. Shri C. D. Patel
8. Shri Chandrabhan Athare Patil
9. Shri M. Ramanna Rai
10. Shri T. Damodar Reddy
11. Shri Satish Prasad Singh
12. Shri R. S. Sparrow.

\* \* \* \* \*

#### SECRETARIAT

1. Shri S. D. Kaura—*Chief Legislative Committee Officer.*
2. Shri T. E. Jagannathan—*Senior Legislative Committee Officer.*

2. to 18. \* \* \* \*

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

(iii) The Central Board of Film Censors, Bombay (Junior Stenographer and Mazdoor) Recruitment Rules, 1980 (G.S.R. 241 of 1981)—(Memorandum No. 139).

19. The Committee considered above Memorandum and noted with satisfaction that on being pointed out by them, the Ministry of Information and Broadcasting had amended Column 7 of the Schedule to Rules *ibid* by inserting the usual note regarding crucial date for determining the age limit for direct recruitments.

20. The Committee desired that, in order to have uniformity in the Recruitment Rules, the Department of Personnel and Administrative Reforms should impress upon all the Ministries/Departments that whenever they notify Recruitment Rules in the Gazette of India, they should ensure that the Column regarding determining the age limit should invariably contain the note regarding crucial date.

(iv) The Export of Cumin Seeds (Quality Control and Inspection) Rules, 1979 (S.O. 2719 of 1979)—(Memorandum No. 140).

21. The Committee considered above Memorandum and decided to hear oral evidence of the representatives of Ministry of Commerce regarding rules 3 and 8 of the above Rules.

*The Committee then adjourned.*

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

The Committee met on Saturday, 25 September, 1982 from 11.00 to 11.30 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahamd
3. Shri Ashafaq Hussain
4. Shri B. Devarajan
5. Shri Chandrabhan Athare Patil
6. Shri M. Ramanna Rai

SECRETARIAT

1. Shri S.-D. Kaura—*Chief Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 141 to 144 as follows:—

- (i) The Ministry of Finance, Department of Economic Affairs (Bank Note Press, Dewas, Unclassified Industrial Cadre Posts) Recruitment (Amendment) Rules, 1979 (G.S.R. 1207 of 1979)—(Memorandum No. 141).

The Committee noted with satisfaction that, on being pointed out, the Ministry of Finance (Department of Economic Affairs) had amended Rule 4 of the Ministry of Finance, Department of Economic Affairs (Bank Note Press, Dewas, Unclassified Industrial Cadre Posts) Recruitment Rules, 1975 to the desired effect *vide* their Notification No. 2/2/80-ENP dated 18 June, 1982.

- (ii) The Safdarjang Hospital, Medical Record Technicians Training Centre, Demonstrator (Training) Recruitment Rules, 1978 (G.S.R. 272 of 1979)—(Memorandum No. 142).

The Committee noted with satisfaction that, on being pointed out, the Ministry of Health and Family Welfare had amended the entry in Column 11 of the Schedule to the Safdarjang Hospital,

Medical Record Technicians Training Centre, Demonstrator (Training) Recruitment Rules, 1978 *vide* G.S.R. 495 dated 23 May, 1981 so as to lay down the period of deputation likewise, the Ministry of Shipping and Transport (Transport Wing) had amended the Shipping Development Fund Committee (Joint Secretary) Recruitment Rules, 1978 *vide* G.S.R. 587 dated 20 June, 1981.

The Committee desired the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) to issue necessary instructions to all the Ministries/Departments of the Government of India that in all Recruitment Rules, wherein one of the methods of recruitment was 'deputation'; the period of such deputation should invariably be indicated in the rules.

- (iii) The Cantonment Fund Servants (Amendment) Rules, 1981 (S.R.O. 296 of 1981)—(Memorandum No. 143).

The Committee noted with satisfaction that, on being pointed out, the Ministry of Defence had agreed to amend Rule 10A(4) of the Cantonments Fund Servants Rules, 1937 to the desired effect. The Committee decided to ask the Ministry to complete the process of finalisation of the amendment rules expeditiously and notify the final rules as early as possible.

- (iv) The Development Credit Agreement [Second National Co-operative Development Corporation Project (Credit No. 1146-IN)] Execution and Authentication Rules, 1981 (G.S.R. 813 of 1981)—(Memorandum No. 144).

The Committee noted that in their reply, the Ministry of Finance (Department of Economic Affairs) had conceded that the Junior Accounts Officers were not authorised under the Authentication (Orders and other Instruments) Rules, 1958 to sign documents on behalf of the President of India. Accordingly, the claims submitted to the World Bank for disbursement were no longer being authenticated by the Junior Accounts Officers. The Committee further noted that the Ministry had no objection to deleting the words 'Junior Accounts Officers' from rule 2 of the Execution and Authentication Rules. The Committee, therefore, decided to ask the Ministry to amend the various other Authentication Rules wherein the Junior Accounts Officers had been authorised to sign the documents in order to conform them to the norms accepted by the Ministry.

*The Committee then adjourned.*

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

The Committee met on Thursday, 18 November, 1982 from 15.00 to 16.00 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri Xavier Arakal
4. Shri N. E. Horo
5. Shri Ashfaq Husain
6. Shri C. D. Patel
7. Shri Chandrabhan Athare Patil
8. Shri M. Ramanna Rai
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. At the outset, the Members discussed the programme of forthcoming study visits of the Committee to Calcutta and Andaman and Nicobar Islands.

3. The Committee approved the programme and Members suggested that the points arising out of scrutiny of the Rules for discussion with the authorities concerned at Calcutta and Andaman & Nicobar Islands might be supplied to them at least a week before the assembly. The Chairman observed that it would be done.

4. The Committee then took up for consideration the points to be made by Sarvashri R. S. Sparrow, N. E. Horo, A shfaq Husain and Mohammad Asrar Ahmad after their scrutiny of the Rules allotted to them. In this connection, the Chairman suggested that it would be better if Members sent these points to the Secretariat. These would then be referred to the Ministries concerned and on receipt of comments from the Ministries Memoranda would be prepared for consideration of the Committee. The Members agreed to the above suggestion.

5. The Committee then considered Memoranda Nos. 145 to 149 on the following subjects:

6. \* \* \* \* \*

(ii) Implementation of recommendation of the Committee on Subordinate Legislation contained in paragraph 46 of the Twenty-first Report (Sixth Lok Sabha) regarding the Kerala Industries and Development Promotion Corporation Amalgamation Order, 1977—(Memorandum No. 146).

7. The Committee considered the above Memorandum and agreed with the position stated by the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) that it was not now necessary to make rules or to amend further new rule 12A (as now inserted) of the Companies (Central Government) General Rules and Forms, as the authority provided in the new rule shall have an inherent right to consider the representations of aggrieved persons.

(iii) The Aircraft (Amendment) Rules, 1980 (G.S.R. 193 of 1980)—  
(Memorandum No. 147)

8. The Committee considered the above Memorandum and noted the reasons given by the Ministry in regard to delay in the publication of the final Rules. Since the delay involved in the case was only of 5 days and the Ministry of Tourism and Civil Aviation had already expressed their regret and assured the Committee that such a position would not be allowed to recur in future, the Committee decided not to pursue the matter further.

9. \* \* \* \* \*

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

(v) The Sugar (Price Determination for 1980-81 Production) Order, 1980 (G.S.R. 650-E of 1980)—(Memorandum No. 149).

10. The Committee considered the above Memorandum and noted with satisfaction that on being so pointed out, the Ministry of Agriculture (Department of Food) had since amended Explanation (d) to the proviso to clause 2 of the Sugar (Price Determination for 1980-81 Production) Order, 1980 by indicating therein the nomenclature of the existing grades of sugar prescribed by the Indian Standards Institution, *vide* G.S.R. 370-E dated 28 May, 1981. The Explanation after being so amended, read as under:—

“(c) the Indian Sugar Standard grades (ISS grades) means the grades represented by the standard sealed samples of sugar in bottles issued by the Director, National Sugar Institute, Kanpur conforming to the standards A-30, B-30, C-30, D-30, E-30 and A-29, B-29, C-29, D-29 and E-29 prescribed by the Indian Standards Institution”.

*The Committee then adjourned.*

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

The Committee met on Friday, 26 November, 1982 from 15.00 to 17.00 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri N. E. Horo
4. Shri C. D. Patel
5. Shri Chandrabhan Athare Patil
6. Shri R. S. Sparrow

REPRESENTATIVES OF THE MINISTRY OF COMMERCE

1. Kumari Roma Mazumdar, *Additional Secretary.*
2. Shri G. S. Shukla, *Agricultural Marketing Adviser.*
3. Shri D. C. Mazumdar, *Director, (Quality Control and Inspection).*
4. Shri C. B. Kukreti, *Joint Director, (Quality, Control and Inspection).*

SECRETARIAT

1. Shri H. G. Paranjpe—*Joint Secretary.*
2. Shri S. D. Kaura—*Chief Legislative Committee Officer.*
3. Shri T. E. Jagannathan—*Senior Legislative Committee Officer.*

2. The Committee heard evidence of the representatives of the Ministry of Commerce regarding the Export of Cumin Seeds (Quality, Control and Inspection) Rules, 1979 (S.O. 2719 of 1979).

3. On being enquired whether the Ministry of Commerce had any objection to amending rule 3 of the Export of Cumin Seeds



(Quality Control and Inspection) Rules, 1979, by mentioning therein the details of the standard specifications recognised by the Central Government, in order to make them self-contained, and for the information of all concerned, the representative of the Ministry explained that in the case of certain commodities like common salt the Ministry had established their own specifications whereas in the present case the existing specifications established by the Ministry of Agriculture had been recognised. She further stated that they had consulted the Ministry of Law who had suggested that in order to meet the point raised by the Committee, rule 3 could be amended by indicating therein the number and date of the Notification in which specifications had been published and adding the words 'as amended from time to time.'

4. When enquired whether they had made any amendment in the notification containing the specifications, the representatives of the Ministry replied in the negative. She further explained that in the case of agricultural products the specifications had been laid down by the Ministry of Agriculture and not by the Ministry of Commerce. The Ministry of Agriculture apprehended that if any change was made in the case of cumin seeds, they had to make similar change in other items also which was a cumbersome procedure.

5. When asked that even after the amendment to the Rules as suggested, the position virtually remained the same because the common man would not be able to locate the specifications. It was also pointed out that when there was no change in the Rules till, 1982, there should not be any difficulty in making the Rules self-contained. The representative of the Ministry stated that the Agricultural Marketing Adviser had laid down the specifications after consulting the whole community involved in the commodity. She further stated that if the same notification was to be repeated in the Ministry of Commerce Notification then the same procedure had to be followed again which would involve another year.

6. When the Committee insisted that the Rules should be made self-contained, the representative of the Ministry agreed to amend the Rules by indicating therein the specific number and date of Gazette notification containing the specifications as also reproducing that notification containing specifications in the form of an Annexure to the Rules.

7. Explaining the position in connection with rule 8 regarding constitution of advisory panel, the representative of the Ministry

stated that in actual practice an advisory panel, consisting of five members of whom four were non-officials and one was official of the cooperative Department, had been constituted. She further stated that within 5 days the appeal had to be disposed of. She agreed with the suggestion made by the Committee that all those details should have been mentioned in the Rules.

8. When pointed out that the whole procedure regarding appeals should be mentioned in the Rules to make them self-contained, the representative of the Ministry stated that they had nominated the Agricultural Marketing Adviser to hear the appeals. About non-agricultural commodities, they had advisory panels. She assured the Committee to amend the Rules by substituting the words "who shall" for "who may". She further agreed to amend the Rules by indicating the number of non-officials in the advisory panels as also the time limit for filing and disposing of the appeals.

*(The Witnesses then withdrew)*

*The Committee then adjourned.*

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

The Committee met on Thursday, 10 February, 1983 from 11.00 to 11.45 hours.

PRESENT

Shri Mool Chand Daga—*Chairman*

MEMBERS

2. Shri Mohammad Asrar Ahmad
3. Shri Xavier Arakal
4. Shri Ashfaq Husain
5. Shri B. Devarajan
6. Shri M. Ramanna Rai
7. Shri Satish Prasad Singh
8. 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 their draft Fifteenth Report and adopted it.

3. The Committee authorised the Chairman and, in his absence, Shri Xavier Arakal to present the Fifteenth Report to the House on their behalf on 25 February, 1983.

4. The Committee then decided to hear oral evidence of the representatives of the Ministries of Commerce and Law, Justice and Company Affairs (Department of Legal Affairs) regarding the Export (Control) Order, 1977 at 11 00 hours on Tuesday, 8 March, 1983.

*The Committee then adjourned.*