

**COMMITTEE ON SUBORDINATE LEGISLATION
(FOURTEENTH LOK SABHA)
(2005-2006)**

TWELFTH REPORT

(PRESENTED ON 2.8.06)

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**LOK SABHA SECRETARIAT
NEW DELHI**

June, 2006/Jyaistha, 1928 (Saka)

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- I. Summary of main recommendations/observations made by the Committee.
- II. Minutes of the Tenth (2004-2005), Second (2005-2006) and Seventh (2005-2006) sitting of the Committee.

COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2005-2006)

1. Shri N.N. Krishnadas - Chairman
2. Shri Omar Abdullah
3. Shri Ajoy Chakraborty
4. Shri Bikram Keshari Deo
5. Shri N.Y. Hanumanthappa
6. Shri Ram Singh Kaswan
7. Shri Vijaykumar Khandelwal
8. Shri Sudam Marandi
9. Shri Anantha Venkata Rami Reddy
- *10. Shri Chandra Shekhar Sahu
11. Shri Sita Ram Singh
12. Shri Bhupendrasinh Solanki
13. Shri Ramjilal Suman
14. Shri P.C. Thomas
15. Shri Madhu Goud Yaskhi

SECRETARIAT

1. Shri R. C. Ahuja - Joint Secretary
2. Shri R.K. Bajaj - Deputy Secretary
3. Shri K. Jena - Under Secretary

*Ceased to be a member of the Committee on appointment as Minister on 29.1.2006

INTRODUCTION

I, the Chairman, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Twelfth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sittings held on 15.6.2005 and 8.9.2005.

3. The Committee wish to thank the representatives of the Ministry of Commerce and Industry (Department of Commerce) for appearing before the Committee and giving the information required by the Committee.

4. The Committee considered and adopted this Report at their sitting held on 6 June, 2006.

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

6. Extracts from the Minutes of the Tenth (2004-05), Second (2005-2006) and Seventh (2005-2006) sittings relevant to this Report are included in Appendix-II.

NEW DELHI;
June, 2006
Jyaistha, 1928 (SAKA)

N.N. KRISHNADAS,
CHAIRMAN,
COMMITTEE ON SUBORDINATE LEGISLATION

I

The Tea (Marketing) Control Order, 2003(SO 1-E of 2003) - Minimum rank of officer for Searches/Seizures and Time- limit for disposal of appeals.

The Tea (Marketing) Control Order, 2003 (SO 1-E of 2003) was published in the Gazette of India, Extraordinary, Part-II, Section 3 (ii) dated 1 January, 2003. It was observed therefrom that the minimum rank of the officer who could be authorized to conduct searches/seizures was not mentioned under paragraph 27 of the order. It was also observed that no time limit for disposal of appeal was prescribed under paragraph 24 of the order. These issues were taken up with the Ministry of Commerce and Industry (Department of Commerce). Their replies were received on 21.8.2003 and 22.12.2003. The Committee also held discussion with the representatives of the Ministry of Commerce and Industry (Department of Commerce) on 15 June, 2005 regarding time limit for disposal of appeal. These issues are brought out below.

A. Power of Entry

1.2 Paragraph 27 (i) regarding Power of Entry, etc. of the Tea (Marketing) Control Order, 2003 had not indicated the minimum rank of Officer who could be authorized to conduct searches/seizures. In this regard the Ministry clarified on 21.2.2003 as under:-

“Such a provision was incorporated under para 23 of the erstwhile Tea (Marketing) Control Order, 1984 which did not specify the rank of the officer who may be authorized by the registering Authority. Generally, Board’s Officers, not below the rank of the Assistant Development Officer or Inspector, is authorized for this purpose. In view of the location of the tea storing places in different areas throughout India and in view of the non-availability of the person holding specific post of the Board, it has been left to the Registering Authority to authorize the officer of the Board considering the situation and the urgency of the matter. However, care is being taken to authorize officer of the Board not below the rank of Assistant Development Officer or Inspector, under this provision.”

1.3 The Committee on Subordinate Legislation have from time to time made recommendations that the minimum rank of officer to be authorized to conduct searches/seizures should be indicated in the Rules (Paras 21 & 22, 1st Report, 5th Lok Sabha). The Ministry's attention was drawn to these recommendations and they were requested to indicate whether they had any objection in specifying the minimum rank of the officer in the order by providing safeguards in the rules such as presence of witness, preparation of inventories and giving a copy thereof to the persons concerned. It was also pointed out to the Ministry that the orders should be self-contained and should avoid legislation by reference. Attention was drawn in this connection to para 27 (3) of the order which states that the provision of the Code of Criminal Procedure, 1973 relating to search and seizure may apply. In response, the Ministry stated on 22.12.2003 as under:-

“It has since been decided with the approval of Minister of Commerce & Industry to accept the recommendations regarding specifying the minimum rank of the Officer who may be authorized by the Registering Authority for entry under paragraph 27 (1) and to incorporate a self-contained provision relating to search and seizure in paragraph 27 (3) of the Tea Marketing Control Order, 2003. Accordingly, it is proposed to specify the minimum rank of the officer as “not below the rank of Assistant Development Officer or Inspector” in paragraph 27 (1) and to carry out the requisite amendments in paragraph 27 (3) of TMCO, 2003. Action is being taken to issue the necessary notification in this regard whereafter it will be tabled on both Houses of Parliament as per the required procedure.”

1.4 The Committee note that in paragraph 27 regarding power of entry of the Tea (Marketing) Control Order (SO 1-E of 2003), the minimum rank of Officer who could be authorized to conduct searches/ seizures was not mentioned. As regards the reasons for not mentioning the same, the Ministry took the plea that though such a provision was incorporated under para 23 of the erstwhile Tea (Marketing) Control Order, 1984, it did not specify the minimum rank of officer, who could be authorized by the registering authority. When the attention of the Ministry was drawn to the fact that the Committee on Subordinate Legislation have time and again emphasized in their reports that the minimum rank of officer to be

authorized to conduct searches and seizures should be indicated to eliminate the scope for arbitrary exercise of powers and protect the rights of the affected persons, the Ministry agreed to amend the order suitably. Accordingly, vide notification SO 270 E dated 27.2.2004, the order was amended specifying the minimum rank of the officer and also laying down the procedure relating to search and seizure. The Committee hope that the Ministry would exercise due care in drafting rules/orders involving search and seizure and adhere to the recommendations of the Committee in future.

B. Time-limit for disposal of appeal

1.5 It was brought to the notice of the Ministry that the paragraph 24 regarding 'appeal' in the Tea (Marketing) Control Order, 2003 (SO-1-E of 2003) had not specified any time-limit for disposal of appeal by the Central Government. In this regard the Ministry clarified on 21.8.2003 as under:-

“Such a provision was also incorporated under para 20 of the erstwhile Tea (Marketing) Control Order, 1984, wherein no such time limit was indicated towards disposal of appeal by the Central Government. Absence of stipulation of time for disposal by the Central government is due to procedure to be adopted by the Central Government like inquiry, etc. for its completion. For completion of inquiry within a stipulated time, the appellant is required to submit all the relevant documents in time. In view of this, it may not be possible to assess the time required for disposal of the appeal by the Central Government. Therefore, the time limit for disposal of the appeal was not specified in the Tea (Marketing) Control Order, 2003.”

1.6 Attention of the Ministry was drawn to the recommendation (Para 3.3, 6th Report) of the Committee and they were asked to indicate whether they had any objection in prescribing time limit for disposal of appeal contingent upon submission of requisite documents by appellant. The Ministry stated in their reply of 22.12.2003 as under:-

“This Department is not in favour of prescribing a time limit for decision by Central Government on appeals preferred under paragraph 24 as a final decision on all such appeals can be

taken only after a proper inquiry is conducted. Further, for completion of such inquiry, it is essential that the Appellant submits all the required documents as may be called for from time to time during the inquiry within a minimum time period. It is quite likely that in case there is any delay in taking a final decision on the appeal, due to circumstances beyond the control of the Government, the Appellant may blame the government and may also take recourse to litigations.”

1.7 Laying down a time-limit was considered necessary to ensure speedy disposal of appeals.

The Committee found that the reasons given by the Ministry for not prescribing a time limit for disposal of appeals did not appear convincing. When the Committee pointed out this error, the representative of the Ministry during the oral evidence on 15.6.2005 stated as follows:-

“There was a view earlier taken by us regarding time-limit and the question that came up when it was examined was that it may be difficult at times to adhere to a strict time-limit for disposing of these appeals. So, the hon. Committee has observed in correspondence that in some other matters of the Department of Commerce time-limits have been laid down. It is true, but those happen to be with regard to export matters while this particular matter pertains to within the country sales and marketing. There was a slight difference between the two. We had just to clarify this issue. However, we have reconsidered this issue further and decided, in principle, to fix a time-limit of three months. We are about to write in the next few days, formally communicating that so that this aspect of it is also taken care of. In principle, it is a three-month time-limit that we are fixing on ourselves for disposal of the appeals.”

The witness further added:-

“that we have re-examined the whole issue, and we also felt that there has to be an appellate process to decide it in a fixed period in all fairness to the system. The committee also recommended it. Therefore, we got the approval of the Commerce Minister for getting the appeals to be heard within 90 days, and dispose it. We have already agreed to it, and it was done because we have realised that there was a definite lacuna in it.”

1.8 When asked how can it be justified that the order of 2003 did not provide time-limit for disposal of appeal because the earlier order of 1984 also did not prescribe any time-limit for disposal of appeal;

In this connection, the Ministry stated in their written reply dated 11 July, 2005 as under:-

“The reason given by this Department earlier for not accepting the suggestion for prescribing and time limit for disposal was that a final decision on all such appeals could be taken only after a proper enquiry is conducted. It was also felt that in the event of a delay in taking a final decision on the appeal due to circumstances beyond the control of the Government, the Appellant may blame the Government and may also take recourse to litigation. However, the matter has since been re-examined in the light of the suggestions

made by the Lok Sabha Secretariat and it has been decided with the approval of Commerce & Industry Minister to fix a time period of three months from the date of receipt of appeal for disposal of such appeal. Necessary notification in this regard is being issued.”

- 1.9 The Committee observe that there is no time-limit for disposal of appeals under paragraph 24 of the Tea (Marketing) Control Order, 2003. When this lacuna was pointed out by the Committee, the Secretary, Ministry of Commerce & Industry (Department of Commerce) during the oral evidence agreed to prescribe a time-limit of 90 days for disposal of appeals after suitably amending the Order. Subsequently, the Ministry of Commerce & Industry (Department of Commerce) have intimated that they have issued the requisite corrigendum vide SO 1017(E) dated 15 July, 2005 providing for disposal of appeal within a period of 3 months. The Committee are happy to note that the Ministry have amended the Order vide SO No. 1017(E) dated 15.7.2005 providing for disposal of appeals within a period of 3 months. They desire that such errors should not recur in future and the Ministry should take due care while finalizing the statutory notifications.**

II

The Securities Appellate Tribunal (Salaries and allowances and other Conditions of service of the officers and employees) (Amendment) Rules, 2003 (GSR 530-E of 2003)-Delay in laying of Rules on the Table of the House.

The Securities Appellate Tribunal (Salaries and allowances and other Conditions of service of the officers and employees) (Amendment) Rules, 2003 (GSR 530-E of 2003) were made and published in the Gazette of India, Extraordinary, Part-II, Section 3 (i) dated 9th July, 2003 in pursuance of powers conferred by sub section (3) of Section 15S read with sub-section (2) of Section 29 of the Securities and Exchange Board of India Act, 1992. These rules were, however, not laid on the Table of the House.

2.2 As per the recommendation of the Committee on Subordinate Legislation, all rules or 'Orders' required to be laid before the House should be laid within a period of 15 days after their publication in the Gazette if the House is in Session, and, if the House is not in Session, the 'Order' should be laid on the Table of House as soon as possible (but in any case within 15 days) after the commencement of the following session.

2.3 Since the above rules were not laid on the Table even seven months after publication, the Ministry of Finance (Department of Economic Affairs) were asked on 4 March, 2004 to indicate the reasons for not laying the rules on the Table of the House. Though the Ministry were requested to give the response by 5 April, 2004, the Ministry did not furnish any reply for five months inspite of repeated reminders. It was only on 3rd August, 2004, that the Ministry responded stating that these rules were related to the Administration of the Securities Appellate Tribunal, which is an attached

office of the Department of Economic Affairs and hence these were not laid in the Lok Sabha. The Notification has since been laid in the Lok Sabha on 23.7.2004.

2.4 The Committee was hardly convinced with the plea of the Ministry that rules were not laid as they fall under the administration of Securities of Appellate Tribunal in view of the following provision of Section 31 of the Securities and Exchange Board of India Act, 1992:-

“Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.”

2.5 **The Committee note that the Securities Appellate Tribunal (Salaries and allowances and other Conditions of service of the officers and employees) (Amendment) Rules, 2003 were not laid on the Table of Lok Sabha inspite of specific provisions under Section 31 of the Securities and Exchange Board of India Act for laying on the Table every rule made under the Act. The plea of the Ministry of Finance (Department of Economic Affairs) that the rules were not laid on the Table of the House as the same were related to administration of Securities Appellate Tribunal was in total disregard of the provisions of the Securities and Exchange Board of India Act and appeared to be an attempt to cover up its failure to lay the rules with an untenable contention. However, on being pointed out by the Committee, the rules were laid on the Table of the House on 23.7.2004. The Committee hope that the Ministry would take due care in laying of rules and notifications without fail and within the stipulated time in future.**

III

The Indian Bureau of Mines, Director (Ore Dressing), Chief Ore Dressing Officer, Superintending Officer (Ore Dressing), Ore Dressing Officer, Deputy Ore Dressing Officer, Assistant Ore Dressing Officer and Assistant Research Officer (Ore Dressing) Recruitment Rules, 2003 (GSR 420 of 2003)-Different Duration of Probation Periods for Direct Recruits and Promotees for the post of Assistant Ore Dressing Officer (AODO)

The Indian Bureau of Mines, Director (Ore Dressing), Chief Ore Dressing Officer, Superintending Officer (Ore Dressing), Ore Dressing Officer, Deputy Ore Dressing Officer, Assistant Ore Dressing Officer and Assistant Research Officer (Ore Dressing) Recruitment Rules, 2003 (GSR 420 of 2003) were published by the Ministry of Mines in the Gazette of India, Part-II, Section 3 (i) dated 6 December, 2003. It was observed therefrom that in column 10 of the Schedule, the period of probation prescribed is one year for direct recruits and two years for promotees for the post of Assistant Ore Dressing Officer (AODO). The Committee have time and again emphasized that the period of probation prescribed for appointees to a post should be uniform whether they are appointed by direct recruitment or promotion (Para 5.5. of 6th Report – 13th Lok Sabha). The Ministry of Mines were requested to state whether they had any objection in amending the rules in accordance with the recommendations of the Committee on Subordinate Legislation and also guidelines of the DOP&T.

3.2 In response, the Ministry of Mines vide their O.M. dated 27 July, 2004 stated as under:-

“Recruitment Rules for the post of Assistant Ore Dressing Officer have been notified on 27 November, 2003 with the approval of DOP&T. DOP&T vide their O.M. No. 21011/2/89-Estt. (c) dated 26 April, 1989 has decided as under:-

“Direct recruits to posts carrying a pay scale, the minimum of which is Rs. 2000 (Fourth Pay Commission) or above or to posts for which the maximum age-limit for

recruitment is 35 years or above and where no training is involved, shall be on probation for a period of one year only.”

Vide DOP&T O.M. No. 21011/1/94-Estt. (c) dated 20.4.1995, it has been decided that where recruitment is made both by promotion and direct recruitment and the posts carry a pay scale the minimum of which is Rs. 5000 (4th Pay Commission – equivalent to Rs. 16500 as per 5th Pay Commission) or more or for which the maximum age-limit is 35 year or above and where no training is involved, a uniform period of one year may be prescribed as probation period for both promotees and direct recruits.

It may be mentioned here that the post of AODO carries a pay scale of Rs. 8000-13500 and therefore, it does not come within the purview of above mentioned DOP&T O.M. dated 20.4.1995. This is covered as per DOP&T O.M. dated 26.4.1989 vide which period of probation as mentioned para 1 has been indicated.”

3.3 Since the comments furnished by the Ministry of Mines were not satisfactory, the matter was then taken up with the Ministry of Personnel, Public Grievances and Pensions (Department of Personal & Training) for further clarification in the matter. The Department of Personnel & Training in their communication dated 28 September, 2004 stated as under:-

“As per this Department’s O.M. No. 21011/1/94-Estt.(C) dated 20 April, 1995, a uniform probation of one year has to be prescribed for both direct recruits and promotees in services/posts carrying a pay scale, the minimum of which is Rs. 5000/- (equivalent to Rs. 16,500/- as per Fifth Pay Commission) or more or for which the maximum age limit is 35 year or above and where no training is involved. The Recruitment Rules for the posts of Director (Ore Dressing), Chief Ore Dressing Officer, Superintending Officer (Ore Dressing), Ore Dressing Officer, Deputy Ore Dressing Officer, Assistant Ore Dressing Officer in the Indian Bureau of Mines satisfy one of the conditions of the OM dated 20.4.1995. As such a uniform probation of one year has to be prescribed for both promotees and direct recruits for these posts. Department of Mines is being requested to amend the Recruitment Rules of the above posts and prescribe uniform probation period of one year for both promotees and direct recruits.”

3.4 To a subsequent query whether the rules under reference had the concurrence of the DOPT prior to its publication and if so, why the DOPT had not ensured that the rules are in accordance with their guidelines, the Ministry of Personnel, Public Grievances and Pensions in their reply dated 8 December 2004 stated as under:-

“As per the existing instructions recruitment rules of various Group ‘A’ and ‘B’ posts are to be notified with the approval of Department of Personnel & Training and Union Public Service Commission. The rules are also vetted by the Ministry of Law before notification in Official Gazette. The recruitment rules for various Group ‘A’ and ‘B’ posts in Indian Bureau of Mines had also been notified after following the above procedure. The concerned administrative Department has since been advised to take corrective action to remove the anomaly in the relevant recruitment rules.”

3.5 The Committee considered the above rules at their sitting held on 8.9.2005.

3.6 The Committee are dismayed to note that the period of probation prescribed by the Ministry of Mines for the post of Assistant Ore Dressing Officer is one year for direct recruits and two years for promotees. The Committee on Subordinate Legislation have time and again emphasised that prescription of longer probationary period for promotees as compared to that of direct recruits is against the principle of natural justice, particularly considering the fact that promotees possess relevant work experience while it may not be so in case of direct recruits. In this regard, the Department of Personnel and Training have also issued guidelines that the probationary period should be uniform for both direct recruits and for promotees.

3.7 The most disturbing thing observed by the Committee is that the Department of Personnel and Training which have issued instructions regarding uniform probation period have not bothered to ensure that their instructions are strictly followed by all the Ministries/Departments. The Department of Personnel and Training appear to have taken it for granted that the rules are scrupulously followed by all Departments and have left the matter to them without close scrutiny. The Committee, therefore, urge the Department of Personnel & Training to be more careful in future and ensure that their scrutiny of rules is thorough and meaningful with a view to strictly enforcing their instructions.

3.8 The Committee desire the Ministry of Mines to scrupulously follow the instructions/guidelines issued by DOPT and the recommendation made by Committee on Subordinate Legislation in this regard in future and to amend the Recruitment Rules as advised by the DOPT.

**NEW DELHI;
June, 2006
Jyaistha, 1928 (SAKA)**

**N.N. KRISHNADAS,
CHAIRMAN,
COMMITTEE ON SUBORDINATE LEGISLATION**

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| | | <p>of 90 days for disposal of appeals after suitably amending the Order. Subsequently, the Ministry of Commerce & Industry (Department of Commerce) have intimated that they have issued the requisite corrigendum vide SO 1017(E) dated 15 July, 2005 providing for disposal of appeal within a period of 3 months. The Committee are happy to note that the Ministry have amended the Order <u>vide</u> SO No. 1017(E) dated 15.7.2005 providing for disposal of appeals within a period of 3 months. They desire that such errors should not recur in future and the Ministry should take due care while finalizing the statutory notifications.</p> <p><u>The Securities Appellate Tribunal (Salaries and allowances and other Conditions of service of the officers and employees) (Amendment) Rules, 2003 (GSR 530-E of 2003)-Delay in laying of Rules on the Table of the House.</u></p> <p>2.5 The Committee note that the Securities Appellate Tribunal (Salaries and allowances and other Conditions of service of the officers and employees) (Amendment) Rules, 2003 were not laid on the Table of Lok Sabha inspite of specific provisions under Section 31 of the Securities and Exchange Board of India Act for laying on the Table every rule made under the Act. The plea of the Ministry of Finance (Department of Economic Affairs) that the rules were not laid on the Table of the House as the same were related to administration of Securities Appellate Tribunal was in total disregard of the provisions of the Securities and Exchange Board of India Act and appeared to be an attempt to cover up its failure to lay the rules with an untenable contention. However, on being pointed out by the Committee, the rules were laid on the Table of the House on 23.7.2004. The Committee hope that the Ministry would take due care in laying of rules and notifications without fail and within the stipulated time in future.</p> |
| 3. | 3.6 | <p><u>The Indian Bureau of Mines, Director (Ore Dressing), Chief Ore Dressing Officer, Superintending Officer (Ore Dressing), Ore Dressing Officer, Deputy Ore Dressing Officer, Assistant Ore Dressing Officer and Assistant Research Officer (Ore Dressing) Recruitment Rules, 2003 (GSR 420 of 2003)-Different Duration of Probation Periods for Direct Recruits and Promotees for the post of Assistant Ore Dressing Officer (AODO)</u></p> <p>The Committee are dismayed to note that the period of probation prescribed by the Ministry of Mines for the post of Assistant Ore Dressing Officer is one year for direct recruits and two years for promotees. The Committee on Subordinate Legislation have time and again emphasised that prescription of longer probationary period for</p> |

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| | | <p>promotees as compared to that of direct recruits is against the principle of natural justice, particularly considering the fact that promotees possess relevant work experience while it may not be so in case of direct recruits. In this regard, the Department of Personnel and Training have also issued guidelines that the probationary period should be uniform for both direct recruits and for promotees.</p> <p>3.7 The most disturbing thing observed by the Committee is that the Department of Personnel and Training which have issued instructions regarding uniform probation period have not bothered to ensure that their instructions are strictly followed by all the Ministries/Departments. The Department of Personnel and Training appear to have taken it for granted that the rules are scrupulously followed by all Departments and have left to them the matter without close scrutiny. The Committee, therefore, urge the Department of Personnel & Training to be more careful in future and ensure that their scrutiny of rules is thorough and meaningful with a view to strictly enforcing their instructions.</p> <p>3.8 The Committee desire the Ministry of Mines to scrupulously follow the instructions/guidelines issued by DOPT and the recommendation made by Committee on Subordinate Legislation in this regard in future and to amend the Recruitment Rules as advised by the DOPT.</p> |
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APPENDIX –II

(Vide Para 6 of the Introduction of the Report)

EXTRACTS OF THE MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (FOURTEENTH LOK SABHA) (2004-2005)

The Committee met on Wednesday, 15 June, 2005 from 1500 to 1600 hours in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri N. N. Krishnadas - Chairman

MEMBERS

2. Shri Ajay Chakraborty
3. Shri Bikram Keshari Deo
4. Shri Ram Singh Kaswan
5. Shri Chandra Shekhar Sahu
6. Shri Bhupendrasinh Solanki
7. Shri Ramji Lal Suman
8. Shri P.C. Thomas
9. Shri Madhu Goud Yaskhi

SECRETARIAT

1. Shri John Joseph - Additional Secretary
2. Shri A. Louis Martin - Director
3. Shri. J.V.G Reddy - Under Secretary

2. The Committee took oral evidence of the representatives of two Ministries/Departments, one after the other.

3. The representatives of the Ministry of Commerce & Industry (Department of Commerce) were called in first. The following were present.

| | | | |
|-------|---------------------|---|---------------------------------|
| (i) | Shri S.N. Menon | - | Secretary |
| (ii) | Shri A. Sengupta | - | Additional Secretary |
| (iii) | Shri N. K. Das | - | Chairman, Tea Board |
| (iv) | Shri. H.N. Dwibedi | - | Controller Licensing, Tea Board |
| (v) | Smt. Aditi Das Rout | - | Director |

4. The Committee then took oral evidence of the representatives of the Ministry of Commerce & Industry (Department of Commerce) regarding stipulation of a time limit for disposal of appeals by the Government preferred under paragraph 24 of the Tea (Marketing) Control Order, 2003.

5. Verbatim proceedings of the evidence was kept.

The witnesses then withdrew.

6. XX XX XX XX

7. XX XX XX XX

The Committee then adjourned.

xx Omitted portion of the Minutes are not relevant to this Report.

**EXTRACTS OF THE MINUTES OF THE SECOND SITTING OF THE COMMITTEE
ON SUBORDINATE LEGISLATION (FOURTEENTH LOK SABHA) (2005-2006)**

The Committee met on Thursday, 8 September, 2005 from 1500 to 1545 hours in Committee Room No. '53', Parliament House, New Delhi.

PRESENT

Shri N. N. Krishnadas - Chairman

MEMBERS

2. Shri Ajay Chakraborty
3. Shri Bikram Keshari Deo
4. Shri Ram Singh Kaswan
5. Shri Chandra Shekhar Sahu
6. Shir Bhupendrasinh Solanki
7. Shri Ramji Lal Suman
8. Shri P.C. Thomas
9. Shri Madhu Goud Yaskhi

SECRETARIAT

1. Shri R.K. Bajaj - Deputy Secretary
2. Shri. J.V.G Reddy - Under Secretary

2. At the outset, the Chairman, Committee on Subordinate Legislation welcomed the members to the sitting of the Committee.

3. XX XX XX XX

4. Thereafter, the Committee considered the following memoranda and decided that a report be prepared thereon with suitable comments:-

- (i) Memorandum No. 23 regarding delay in laying Rules on the Table of the House – The Securities Appellate Tribunal (Salaries & Allowance and other conditions of service of Officers and Employees (Amendment) Rules, 2003 (GSR 530-E of 2003).
- (ii) Memorandum No. 24 regarding different duration of Probation periods for Direct Recruits and Promotees for the post of Assistant Ore Dressing Officer (AODO) in the Indian Bureau of Mines, Director (Ore Dressing), Chief Ore Dressing Officer, Superintending Officer (Ore Dressing), Ore Dressing Officer, Deputy Ore Dressing Officer, Assistant Ore Dressing Officer and Assistant Research Officer (Ore Dressing) Recruitment Rules, 2003 (GSR 420 of 2003)

5. XX XX XX XX

6. XX XX XX XX

The Committee then adjourned.

xx Omitted portion of the Minutes are not relevant to this Report.

CONFIDENTIAL

EXTRACTS OF THE MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (FOURTEENTH LOK SABHA)(2005-2006)

The Committee met on Tuesday, 6 June, 2006 from 1500 to 1545 hours in Committee Room No.
'62', Parliament House, New Delhi.

PRESENT

Shri N.N. Krishnadas - Chairman

MEMBERS

2. Shri Omar Abdullah
3. Shri Ajoy Chakraborty
4. Shri Bikram Keshari Deo
5. Shri Ram Singh Kaswan
6. Shri Sitaram Singh
7. Shri Ramjilal Suman
8. Shri P.C. Thomas
9. Shri Madhu Goud Yaskhi

SECRETARIAT

1. Shri R.K. Bajaj Deputy Secretary
2. Shri K. Jena Under Secretary

:2:

2. At the outset, the Chairman, Committee on Subordinate Legislation welcomed the members to the sitting of the Committee.

3. XX XX XX

4. Thereafter Committee took up for consideration the draft Twelfth Report and adopted the same without any modification.

5. Further, the Committee also authorised the Chairman to present the Eleventh and Twelfth Reports in the House.

The Committee then adjourned.