

**COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2006-2007)**

**(FOURTEENTH LOK SABHA)**

**FIFTEENTH REPORT**

**(PRESENTED ON 15.5.2007)**

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**LOK SABHA SECRETARIAT**

**NEW DELHI**

**March, 2007/Phalguna, 1928 (Saka)**

**C.B.II No. 501**

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2006-2007)**

1. Shri N. N. Krishnadas - Chairman

Members

2. Shri Anandrao Vithoba Adsul
3. Shri Giridhar Gamang
4. Shri Loganathan Ganesan
5. Shri N. Y. Hanumanthappa
6. Shri Ram Singh Kaswan
7. Shri Faggan Singh Kulaste
8. Shri Dalpat Singh Paraste
9. Shri Jaysingrao Gaikwad Patil
10. Shri Lalmani Prasad
11. Shri Anantha Venkata Rami Reddy
12. Shri Bhupendrasinh Solanki
13. Shri Ramjilal Suman
14. Shri A.K.S. Vijayan
15. Shri Madhu Goud Yaskhi

**SECRETARIAT**

1. Shri J. P.Sharma - Joint Secretary
2. Shri R.S. Misra - Director
3. Shri K. Jena - Deputy Secretary
4. Shri R.D.Silawat - Deputy Secretary

## INTRODUCTION

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

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sittings held on 6.7.2006 and 25.9.2006.

3. The Committee also wish to place on record their appreciation of the valuable work done by the predecessor Committee (2005-2006).

4. The Committee considered and adopted this Report at their sitting held on 14 February, 2007.

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 Appendix I of the Report.

6. Extracts from the Minutes of the Eighth (2005-06), First (2006-07) and Fourth (2006-07) sittings relevant to this Report are included in Appendix-II.

**NEW DELHI;  
14, FEBRUARY, 2007**

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

## **REPORT I**

### **IGNORANCE OF THE MINISTRY OF HOME AFFAIRS ABOUT STATUTORY PROVISION OF LAYING OF RULES.**

The Registration of Foreigners (Amendment) Rules, 2003 (GSR 828E of 2003) made in exercise of powers conferred by Section 3 of the Registration of Foreigners Act, 1939 were published in the Gazette of India, Extraordinary Part-II, Section 3(i) dated 21.10.2003. On scrutiny, it was observed that the said rules were not laid on the Table of the House. In terms of the recommendation of the Committee on Subordinate Legislation, all Rules or 'Orders' are required to be laid before the House 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 'Orders' should be laid on the Table of the House as soon as possible (but in any case within 15 days) after the commencement of the following session. When asked to explain the reasons for not laying the notification on the Table of the House, the Ministry of Home Affairs claimed vide (O.M. No. 25022/5/2005-F.I dated January, 2005) that Section 3 of the Registration of Foreigners Act, 1939 does not provide for laying of the notified Rules before the Houses of the Parliament.

1.2 It was, however, observed that Sub-Section 2 of Section 3 of the Registration of Foreigners Act, 1939 as inserted by the Delegated Legislation Provisions (Amendment) Act, 1985, did provide for laying of every rule made under that Sub-Section before each House of Parliament. When the Ministry were asked to explain the basis of their assertion that Section 3 does not provide for laying of the said rules and whether they had consulted the Ministry of Law & Justice in this regard, the Ministry of Home Affairs vide OM dated 25.4.2005, inter-alia, stated as under:-

**“Section 3 of the Registration of the Foreigners Act, 1939, under which the Rules were framed does not provide any specific directions requiring laying down of the Rules on the Table of both Houses of the Parliament. This was based on an assumption that rules made under Section 6 of the same Act does have specific provision for laying down Rules made under Section 6 on the Table of both Houses. When this was brought to the notice of the Lok Sabha Secretariat they have informed that under the Delegated Legislation Provisions (Amendment) Act, 1985, all the Rules under the Registration of Foreigners Act, 1939 are to be laid on the Table of the House. The matter was taken up with Ministry of Law and they confirmed the position that GSR No. 828 E dated 20.10.2003 is required to be laid in both Houses.”**

1.3 The Ministry thereafter laid the said rules on the Table of the House on 3.5.2005.

1.4 The Committee are distressed to know that the Ministry of Home Affairs failed to lay the Registration of Foreigners (Amendment) Rules, 2003 on the Table of the House on the plea that the relevant section of the Principal Act does not provide for laying of the notified rules on the Table of the House. It transpired that the Ministry of Home Affairs were not aware of the statutory provision ingrained in sub-section (2) of section 3 of the Registration of Foreigners Act, 1939 which provides for laying of the rules made by the Government on the Table of the House. The sub-section (2) of section 3 had been inserted into the said Act as far back as in 1985 by the Delegated Legislation Provision (Amendment) Act. It was only after the Committee brought this fact to their notice, the Ministry of Home Affairs took steps to lay the above rules on the Table of Lok Sabha and finally laid them on the Table of the House on 3<sup>rd</sup> May, 2005. The Committee urge that the Ministry of Home Affairs should keep themselves abreast of all provisions in the Acts administered by them and should not be found wanting in the discharge of their statutory responsibilities.

**1.5 The Committee feel that there might have been a number of statutory instruments made and notified by the Ministry of Home Affairs, during the last two decades under the Registration of Foreigners Act, 1939 which might not have been laid before Parliament. Such rules would have escaped scrutiny of Parliament due to the lapse on the part of the Ministry of Home Affairs in not laying them on the Table of the House. If so, the Committee expect the Ministry of Home Affairs to inform the Committee immediately of the position and also to take immediate steps to lay all the notifications which have not been superceded or amended and are still valid, in a consolidated form, on the Table of the House. The Committee took serious note of the lapse on the part of such an important Ministry as that of the Ministry of Home Affairs and desired that the Ministry should possess the knowledge regarding all the documents which are required to be laid on the Table of the House. The Committee further desired the Ministry to ensure that such lapses do not recur in future.**



## II

### **ABSENCE OF TIME LIMIT FOR RETURNING AN INCOMPLETE APPLICATION TO THE APPLICANT**

The Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2005 (GSR 16-E of 2005) were published in the Gazette of India, Extraordinary, Part-II, Section 3(i) dated 12 January, 2005. Under Rule 35(1) of the said Rules, every individual/firm who or which pre-packs any commodity for sale, distribution or delivery is required to make an application to the Director, for registration of his or its name and every such application is to be made within ninety days from the date on which he or it commences such pre-packing. The sub-rule (3A) inserted by the amendment Rules under reference provides for returning of the application to the applicant by the Registering Authority if the application is not complete in all aspects. The amendment Rules, however, have not provided any time limit for returning of the application. This is a lacuna in the rule. The matter was, therefore, referred to the Ministry of Consumer Affairs, Food and Public Distribution for their comments as well as ascertaining whether they had any objection to prescribe any time limit to the Registering Authority for returning such of the applications which are not complete in all respects.

2.2 In appreciation of the point made by the Committee, the Ministry of Consumer Affairs, Food and Public Distribution, (Department of Consumer Affairs), *vide* GSR No. 572(E) dated 9.9.2005 substituted the following clause in place of clause (a) in sub rule (3A) of rule 35 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977: -

“(a) if the application is not complete in all respects, return the same to the applicant within a period of seven working days from the date of receipt of the application.”

**2.3 The Committee note that though a time limit of 90 days (after commencement of pre-packing) has been prescribed by the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, for filing an application to the Registering Authority by every individual/firm who pre-packs any commodity for sale, distribution or delivery for registration of his or its name, no time limit has been prescribed for the Registering Authority to return the application to the applicant if the application is incomplete in any respect. This was a lacuna in the rule. In the interest of equity and fairness, there should have been a provision in the rule prescribing a time limit to the Registering Authority for returning incomplete applications. This would help in prompt disposal of applications for registration. The Committee are happy to note that, agreeing to the suggestion, the Ministry of Consumer Affairs, Food and Public Distribution have prescribed a period of seven working days for returning the incomplete application to the applicant and have amended the rules accordingly.**

### III

#### **DISCRIMINATION IN THE DURATION OF PROBATIONARY PERIOD.**

The Planning Commission Senior Research Assistant (Sociology) Recruitment Rules, 2004 (GSR 174 of 2004) were published in the Gazette of India, Part-II, Section 3(i) on 22.5.2004. On scrutiny, it was observed that the probation period prescribed for promotees was two years while for direct recruits it was one year. Prescribing longer probationary period to the promotees as against the direct recruits, on appointment to the same post is discriminatory.

3.2 The matter was referred both to the Planning Commission and the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) to ascertain the rationale behind prescribing a longer probation period for promotees as compared with that of the direct recruits and for treating the candidates at two different footings in the matter of probation. Clarifying the position, the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) stated (15 April 2005) as follows:-

“As per this Department’s instructions of 20.4.95, in the case of posts carrying a pay scale the minimum of which is 5000 (pre-revised) or more or for which the maximum age limit is 35 years or above, and where no training is involved, a uniform period of one year may be prescribed as probation period for promotees and direct recruits. The main intention behind our orders of 20.4.95 is that where both direct recruitment and promotion are prescribed as methods for a post, the period of probation for appointees from the two methods shall be uniform so that there is no element of discrimination. In view of the above, this Department is of the view that the period of probation shall be two years for both categories, as approved by us earlier”.

3.3 The Planning Commission vide their OM dated 14 March, 2005 inter-alia stated as under:-

“The Planning Commission had proposed a uniform probation period of two years for both, promotees and direct recruits. Department of Personnel & Training had approved the proposed Recruitment Rules vide their Dy. No. 240/US/RR/03 dated 7.3.2004. However,

UPSC while conveying their concurrence to these Recruitment Rules, modified the entry against Col. No. 10 as “One year for direct recruit and two years for Promotees”.

3.4 The Planning Commission subsequently vide their O.M. dated 4.5.2005 and 25.9.2006 stated in this connection that the post of Senior Research Assistant (Sociology) has been redesignated as Economic Officer (Sociology) with Group ‘B’ (Gazetted) status and that a uniform probation period of two years to direct recruits and promotees has been incorporated in the Revised Recruitment Rules.

**3.5 Prescription of different periods of probation for direct recruits and promotees for the post of Senior Research Assistant in Planning Commission is discriminatory in nature and not in consonance with the recommendations of the Committee on Subordinate Legislation. Considering the fact that promotees have work experience, prescription of longer period of probation for them would amount to discrimination. Though the proposal of Planning Commission for a uniform probation period of two years for both promotees and direct recruits has been approved by the Department of Personnel and Training, the UPSC while conveying their concurrence to these Recruitment Rules, is stated to have modified the provision as “one year for direct recruits and two years for promotees”. The post of Senior Research Assistant in the Planning Commission has been redesignated as Economic Officer (Sociology) with Group B (Gazetted) status, consequently the Recruitment Rules for the post have since been revised. At the instance of the Committee, the Recruitment Rule of the Planning Commission, for the post of Economic Officer, has prescribed a uniform probation period of two years for promotees and direct recruits. The Committee urge the Planning Commission and the UPSC to scrupulously follow the Committee’s recommendations as well as the instructions/guidelines issued by DOPT in future.**

## IV

### **ABSENCE OF EXPLANATORY NOTE AND NON-INDICATION OF CATEGORY OR CLASS OF PERSONS FOR RELAXATION**

The National Service Scheme, Ministry of Youth Affairs and Sports (Group C) Posts Recruitment Rules 2003, (GSR 205 of 2003) were published in the Gazette of India Part-II Section 3(i) dated 17 May, 2003. Scrutiny of these rules revealed certain shortcomings. These were referred to the Ministry of Youth Affairs and Sports. The points raised and reply of the Ministry thereto are brought out below: -

#### **A. EXPLANATORY NOTE FOR GIVING RETROSPECTIVE EFFECT TO THE RULES.**

4.2. The National Service Scheme, Ministry of Youth Affairs and Sports (Group C) Posts Recruitment Rules though notified on 17 May, 2003, were made effective retrospectively i.e. from 8.11.1996. The Committee on Subordinate Legislation have time and again emphasized that when retrospective effect is given to a rule, it should be done only under unavoidable circumstances and an explanation in the rule or in the form of foot note to the relevant rule should be given stating that no one will be affected by such retrospective effect.

4.3. The Ministry of Youth Affairs and Sports vide their O.M. dated 9 February, 2004 furnished the following comments in this regard: -

“The DOPT has modified the promotion scheme for Staff Car Drivers on the direction of the Principal Bench of the Central Administrative Tribunal (CAT), New Delhi in their judgement dated 05.05.2000 in the case of Central Government Staff Car Driver’s Association and Bikram Singh v/s Union of India in O.A. No. 2529/96 to grant the applicants the pay scale of Rs. 1400-2300 for the Master Craftsman/Head Staff Car Driver presently. The DOPT has examined the matter in consultation with Ministries of Law, Finance and Railways and had decided to implement the judgement of the Hon’ble Court with effect from 08.11.1996, the date of filing of the O.A. No. 2529/96.

The promotion to the Special Grade for Staff Car Driver was introduced in the scale of pay Rs. 5000-8000 with effect from 08.11.1996 by non-selection (Seniority-cum-fitness) from Grade-I with three years regular service in Grade –I of Staff Car Driver. The revised ratio in which the post of Staff Car Driver shall be placed in different grades of Staff Car Driver is as under: -

S. No.	Grade	Pay Scales	Percentage
1	Ordinary Grade	Rs. 3050-4590	30
2	Grade-II	Rs. 4000-6000	30
3	Grade-I	Rs. 4500-7000	35
4	Special Grade	Rs. 5000-8000	05

A subordinate office known as National Service Scheme is functioning through 15 Regional Centres in different States in the country with a Programme Adviser Cell in Delhi under the Ministry of Youth Affairs & Sports. The Ministry has provided 16 sanctioned posts of Drivers in NSS Organisation with the break-up as: Ordinary Grade – 6 posts, Grade-1 – 5 posts and Grade-II 5 posts.

In order to implement DOPT's order, the file was referred to IFD for their approval. After IFD's approval, the draft Recruitment Rule Notification was sent to Government of India Press after getting recruitment rules vetted from the Ministry of Law. It was the mandatory requirement for implementing DOPT's instructions to amend the existing Recruitment Rules in respect of introducing New Grades of Staff Car Drivers."

4.4. On being pointed out to the Ministry of Youth Affairs and Sports that their comments were silent about the Explanatory Note to be appended, they furnished a copy of the rules as proposed to be amended in the following Explanatory Note: -

**"EXPLANATORY MEMORANDUM**

These rules are being given retrospective effect from 8.11.1996 owing to the instructions issued by the Department of Personnel and Training vide their OM No. 43019-54/96-Estt.(D) dt. 15.2.2001 in this regard and it is certified that no person will be prejudicially affected thereby."

**4.5. The Committee note that the National Service Scheme Rules, 2003 were published in the Gazette of India on 17 May, 2003. However, these were given retrospective effect from 8.11.1996. As per the recommendations of Committee on Subordinate Legislation, the rules should be given retrospective effect only under unavoidable circumstances for which an explanation in the rule itself or by way of a foot note to the relevant rule was required to be**

**indicated stating that no one would be adversely affected by it. However, such a note was not appended to the present Rules. On being pointed out, the Ministry have agreed to append the explanatory memorandum stating that no person will be prejudicially affected by giving these rules retrospective effect. The Committee urge the Ministry to take due care and adhere to the recommendations of Committee on Subordinate Legislation, while framing such rules in future.**

## **B. RELAXATION IN ESSENTIAL QUALIFICATIONS**

4.6. The Note 1 and 2 under Column 8 against the post of Staff Car Driver (Ordinary Grade) at Sl. No. 4 of the schedule to the said rules read as under:-

“Note 1: The Qualifications are relaxable at the discretion of the Director/Deputy Secretary (Youth Service) in the case of candidates otherwise well qualified.

Note 2: The qualifications regarding experience are relaxable at the discretion of the Director/Deputy Secretary (Youth Service) in the case of candidates belonging to Schedule Castes and Schedule Tribes, if at any stage of selection the Competent Authority is of the opinion that the sufficient number of candidates with requisite experience are not likely to be available to fill-up the vacancies reserved for them.”

4.7. Under the extant guidelines, the qualifications are relaxable only in the case of candidates belonging to Scheduled Castes or Scheduled Tribes and not to others. It may be seen from the note attached to the aforesaid rules that there is no indication of class or category of persons to whom such relaxation is applicable.

4.8. On the matter being referred, the Ministry of Youth Affairs and Sports vide their communication dated 14 March, 2005 have stated that the contradictory notes appended to the essential qualifications are being amended as follows:-

“Note – The qualifications regarding experience are relaxable at the discretion of the Central Government in the case of candidates belonging to Scheduled Castes and Scheduled Tribes, if at any stage of selection that Government is of opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.”

4.9. Moreover, the Ministry have also proposed to substitute the words “A pass in 8th standard” in place of the words “must have passed 8th standard” under the heading Desirable Qualifications in Column 8 of the Schedule.

**4.10. The Committee have time and again emphasized that relaxation if any, in rules should be given to a class or category of persons and not to any individual, on the discretion of officials. The Committee observe that in the relaxation provision of the rules under reference, there was no indication of class or categories of persons to whom such relaxation was applicable. On being pointed out, the Ministry of Youth Affairs and Sports have proposed to amend the rules to make the relaxation applicable only to candidates belonging to Scheduled Castes and Scheduled Tribes.**

**4.11 The Committee desire the Ministry to streamline their procedure with a view to exercising more vigilance in the matter of framing statutory ‘orders’ in future so that such errors are detected and remedied in time before they are published in the gazette.**

**NEW DELHI;  
14 FEBRUARY, 2007**

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



**APPENDIX –I**

**(Vide Para 5 of the Introduction of the Report)**

**SUMMARY OF RECOMMENDATIONS MADE IN THE FIFTEENTH REPORT OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION**

**(FOURTEENTH LOK SABHA)**

Sl. No.	Reference to Para No. in the Report	<u>Summary of Recommendations</u>
1	2	3
1.	1.4	<p><b>IGNORANCE OF THE MINISTRY OF HOME AFFAIRS ABOUT STATUTORY PROVISION OF LAYING OF RULES.</b></p> <p>The Committee are distressed to know that the Ministry of Home Affairs failed to lay the Registration of Foreigners (Amendment) Rules, 2003 on the Table of the House on the plea that the relevant section of the Principal Act does not provide for laying of the notified rules on the Table of the House. It transpired that the Ministry of Home Affairs were not aware of the statutory provision ingrained in sub-section (2) of section 3 of the Registration of Foreigners Act, 1939 which provides for laying of the rules made by the Government on the Table of the House.</p>
	1.5	<p>The sub-section (2) of section 3 had been inserted into the said Act as far back as in 1985 by the Delegated Legislation Provision (Amendment) Act. It was only after the Committee brought this fact to their notice, the Ministry of Home Affairs took steps to lay the above rules on the Table of Lok Sabha and finally laid them on the Table of the House on 3<sup>rd</sup> May, 2005. The Committee urge</p>

2.		<p>on the Table of the House on 3<sup>rd</sup> May, 2005. The Committee urge that the Ministry of Home Affairs should keep themselves abreast of all provisions in the Acts administered by them and should not be found wanting in the discharge of their statutory responsibilities.</p>
3.	2.3	<p>The Committee feel that there might have been a number of statutory instruments made and notified by the Ministry of Home Affairs, during the last two decades under the Registration of Foreigners Act, 1939 which might not have been laid before Parliament. Such rules would have escaped scrutiny of Parliament due to the lapse on the part of the Ministry of Home Affairs in not laying them on the Table of the House. If so, the Committee expect the Ministry of Home Affairs to inform the Committee immediately of the position and also to take immediate steps to lay all the notifications which have not been superceded or amended and are still valid, in a consolidated form, on the Table of the House. The Committee took serious note of the lapse on the part of such an important Ministry as that of the Ministry of Home Affairs and desired that the Ministry should possess the knowledge regarding all the documents which are required to be laid on the Table of the House. The Committee further desired the Ministry to ensure that such lapses do not recur in future.</p>
4.	3.5	<p><b>ABSENCE OF TIME LIMIT FOR RETURNING AN INCOMPLETE APPLICATION TO THE APPLICANT</b></p> <p>The Committee note that though a time limit of 90 days (after commencement of pre-packing) has been prescribed by the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, for filing an application to the Registering Authority by every individual/firm who pre-packs any commodity for sale, distribution or delivery for registration of his or its name, no time limit has been prescribed for the Registering Authority to return the application to the applicant if the application is incomplete in any respect. This was a lacuna in the rule. In the interest of equity and fairness, there should have been a provision in the rule prescribing a time limit to the Registering Authority for returning incomplete applications. This would help in prompt disposal of applications for registration. The Committee are happy to note that agreeing to the suggestion the Ministry of Consumer Affairs</p>

		<p>that, agreeing to the suggestion, the Ministry of Consumer Affairs, Food and Public Distribution have prescribed a period of seven working days for returning the incomplete application to the applicant and have amended the rules accordingly.</p> <p><b>DISCRIMINATION IN THE DURATION OF PROBATIONARY PERIOD.</b></p> <p>Prescription of different periods of probation for direct recruits and promotees for the post of Senior Research Assistant in Planning Commission is discriminatory in nature and not in consonance with the recommendations of the Committee on Subordinate Legislation. Considering the fact that promotees have work experience, prescription of longer period of probation for them would amount to discrimination. Though the proposal of Planning Commission for a uniform probation period of two years for both promotees and direct recruits has been approved by the Department of Personnel and Training, the UPSC while conveying their concurrence to these Recruitment Rules, is stated to have modified the provision as “one year for direct recruits and two years for promotees”. The post of Senior Research Assistant in the Planning Commission has been redesignated as Economic Officer (Sociology) with Group B (Gazetted) status, consequently the Recruitment Rules for the post have since been revised. At the instance of the Committee, the Recruitment Rule of the Planning Commission, for the post of Economic Officer, has prescribed a uniform probation period of two years for promotees and direct recruits. The Committee urge the Planning Commission and the UPSC to scrupulously follow the Committee’s recommendations as well as the instructions/guidelines issued by DOPT in future.</p> <p><b>4.5</b></p> <p><b>4.10</b></p> <p><b>ABSENCE OF EXPLANATORY NOTE AND NON-INDICATION OF CATEGORY OR CLASS OF PERSONS FOR RELAXATION</b></p> <p><b>4.11</b></p> <p>The Committee note that the National Service Scheme Rules, 2003 were published in the Gazette of India on 17 May, 2003. However, these were given retrospective effect from 8.11.1996. As per the recommendations of Committee on Subordinate Legislation, the rules should be given retrospective effect only under unavoidable circumstances for which an explanation in the rule itself or by way of a foot note to the relevant rule was required to be indicated stating that no one would be adversely affected by it. However, such a note was not appended to the present Rules. On being pointed out, the Ministry have agreed to append the explanatory memorandum stating that no person will be prejudicially affected by giving these rules retrospective effect.</p>
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	<p><b>The Committee urge the Ministry to take due care and adhere to the recommendations of Committee on Subordinate Legislation, while framing such rules in future.</b></p> <p><b>The Committee have time and again emphasized that relaxation if any, in rules should be given to a class or category of persons and not to any individual, on the discretion of officials. The Committee observe that in the relaxation provision of the rules under reference, there was no indication of class or categories of persons to whom such relaxation was applicable. On being pointed out, the Ministry of Youth Affairs and Sports have proposed to amend the rules to make the relaxation applicable only to candidates belonging to Scheduled Castes and Scheduled Tribes.</b></p> <p><b>The Committee desire the Ministry to streamline their procedure with a view to exercising more vigilance in the matter of framing statutory 'orders' in future so that such errors are detected and remedied in time before they are published in the gazette.</b></p>
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## **APPENDIX –II**

**(Vide Para 6 of the Introduction of the Report)**

### **EXTRACTS FROM MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION**

**(2005-2006)**

The Committee met on Thursday, 6 July, 2006 from 1500 to 1600 hours in Committee Room No. '62', Parliament House, New Delhi.

#### **PRESENT**

Shri N.N. Krishnadas - Chairman

#### **MEMBERS**

1. Shri Omar Abdullah
2. Shri Ajoy Chakraborty
3. Shri Bikram Keshari Deo
4. Shri Ram Singh Kaswan
5. Shri Anantha Venkata Rami Reddy
6. Shri Sitaram Singh
7. Shri Ramjilal Suman

#### **SECRETARIAT**

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

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

3. Thereafter, the Committee took up for consideration the following memoranda:

**(i) Memorandum No. 30 regarding shortcomings in the National Service Scheme (Group C) Posts Recruitment Rules, 2003.**

**(ii) Memorandum No. 31 regarding delay in laying of the Registration of Foreigners (Amendment) Rules, 2003.**

**(iii)     xxx                                     xxx                                     xxx                                     xxx**

4. As regards Memorandum No. 31, the Committee took strong exception to the undue long delay in laying the rules on the Table of the House which was mainly due to the ignorance of the Ministry of Home Affairs of the mandatory provisions for laying of the Rules contained in the Delegated Legislation Provisions (Amendment) Act, 1985. The Committee desired that the same may be reflected in para 4 of the Memorandum and consequently in their report also.

5. Further, the Committee decided to suitably include Memoranda Nos. 30 to 32 in their Report.

The Committee then adjourned.



**EXTRACTS FROM MINUTES OF THE FIRST SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION**

**(2006-2007)**

—  
The Committee met on Monday, 25 September, 2006 from 1500 to 1600 hours in Committee Room No.'53', Parliament House, New Delhi.

**PRESENT**

Shri N.N. Krishnadas - Chairman

**MEMBERS**

2. Shri Anandrao Vithoba Adsul
3. Shri Giridhar Gamang
4. Shri Ram Singh Kaswan
5. Shri Lal Mani Prasad
6. Shri Bhupendrasinh Solanki
7. Shri Ramjilal Suman

**SECRETARIAT**

1. Shri J. P. Sharma - Joint Secretary
2. Shri A. Louis Martin - Director
3. Shri R. K. Bajaj - Deputy Secretary
4. Shri K. Jena - Under Secretary



2. At the outset, the Chairman welcomed the Members of the Committee to their inaugural sitting and apprised them of the origin, scope, functions and working of the Committee.

3.     **xxx**                                 **xxx**                                 **xxx**                                 **xxx**

4.     Thereafter, the Committee considered the following memoranda:-

(1)     **xxx**                                 **xxx**                                 **xxx**                                 **xxx**

(2)     **Memorandum No. 35 regarding the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2005 (GSR 16 E of 2005).**

(3)     **Memorandum No. 36 regarding discrimination in the duration of probationary period.**

(4)     **xxx**                                 **xxx**                                 **xxx**                                 **xxx**

The Committee then adjourned.

**EXTRACTS FROM MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION**

**(2006-2007)**

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The Committee met on Wednesday, 14 February 2007 from 1500 to 1600 hours in Committee Room No. '139', Parliament House Annexe, New Delhi to consider the draft fifteenth report and also to consider certain Memoranda.

**PRESENT**

Shri N.N. Krishnadas

-

Chairman

**MEMBERS**

2. Shri Anandrao Vithoba Adsul
3. Shri Ram Singh Kaswan
4. Shri Jaisingrao Gaikwad Patil
5. Shri Bhupendrasinh Solanki
6. Shri Ramjilal Suman
7. Shri A.K.S. Vijayan
8. Shri Madhu Goud Yaskhi

## SECRETARIAT

- |    |                      |   |                  |
|----|----------------------|---|------------------|
| 1. | Shri J. P. Sharma    | - | Joint Secretary  |
| 2. | Shri A. Louis Martin | - | Director         |
| 3. | Shri R. K. Bajaj     | - | Deputy Secretary |
| 4. | Shri K. Jena         | - | Under Secretary  |

2. The Committee first took up for consideration the draft fifteenth report and adopted the same with a minor addition. The Committee also authorised the Chairman to present the same to the House.

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The Committee then adjourned.