

COMMITTEE ON SUBORDINATE LEGISLATION

**(FOURTEENTH LOK SABHA)
(2004-2005)**

FOURTH REPORT

**[ACTION TAKEN REPORT ON THE RECOMMENDATIONS/
OBSERVATIONS CONTAINED IN FOURTH REPORT (1998-99) (TWELFTH
LOK SABHA) OF THE COMMITTEE]**

(PRESENTED ON 18 March, 2005)

LOK SABHA SECRETARIAT

NEW DELHI

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2004-2005)**

- Shri N.N. Krishnadas - Chairman
2. Shri Omar Abdullah
 3. Shri Ajay Chakraborty
 4. Shri Bikram Keshari Deo
 5. Justice (Retd.) N.Y. Hanumanthappa
 6. Shri Ram Singh Kaswan
 7. Shri Vijay Khandelwal
 8. Shri A. Venkatarami Reddy
 9. Shri Chandra Shekhar Sahu
 10. Shri Sitaram Singh
 11. Shri Bhupendrasinh Solanki
 12. Shri Ramji Lal Suman
 13. Shri P.C. Thomas
 14. Shri Madhu Goud Yaskhi
 15. Shri Sudam Marandi*

SECRETARIAT

1. Shri John Joseph - Additional Secretary
2. Shri A. Louis Martin - Director
3. Shri Ashok Balwani - Under Secretary

* Nominated w.e.f. 10.11. 2004 vide Bulletin Part-II, Para No.536 dt. 10.11.2004

INTRODUCTION

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

2. This Report relates to the action taken on the recommendations contained in the Fourth Report of the Committee (1998-99) Twelfth Lok Sabha.

3. The Committee took oral evidence of the representatives of the Ministry of Labour on 8 April, 2003 regarding action taken on the recommendations contained in paras 6.8 and 6.9 of the fourth report (12th Lok Sabha). The Committee wish to thank the representatives of the Ministry of Labour 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 1 March, 2005.

5. The summary of recommendations contained in the Fourth Report and action taken replies of the Government thereon have been reproduced in Appendix I of the Report.

6. The extracts of the Minutes of the sitting of the Committee relevant to this report are brought out in Appendix II.

New Delhi;
MARCH, 2005
PHALGUNA, 1926 (Saka)

N.N. KRISHNADAS
CHAIRMAN
COMMITTEE ON SUBORDINATE LEGISLATION

REPORT

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN FOURTH REPORT (TWELFTH LOK SABHA) OF THE COMMITTEE

The Fourth Report of the Committee was presented to Lok Sabha on 21.4.99. The Committee note with satisfaction that the Ministries concerned have taken action on all the recommendations contained in the Fourth Report (12th Lok Sabha) except Paras 6.8 & 6.9. A statement showing the Action Taken by the Government on the recommendations contained in the Fourth Report (12th Lok Sabha) is given in Appendix-I.

2. As regards paras 6.8 and 6.9 relating to framing of rules under the Industrial Disputes (Amendment) Act, 1982, the Ministry of Labour had been repeatedly seeking extension of time for furnishing action taken replies. The Committee, therefore, took oral evidence of the representatives of the Ministry to ascertain the reasons for delay in taking action on the recommendation of the Committee. The details are brought out in the succeeding paragraphs.

3. Section 9 C (1) of the Industrial Disputes (Amendment) Act, 1982 requires an employer to provide for, in accordance with rules made in that behalf under the Act, a Grievance Settlement Authority for settlement of Industrial Disputes. The Ministry of Labour, however, did not frame the rules as required under this Section. As a result,

Section 9C(1) of the Act could not be enforced. The Committee on Subordinate Legislation (1998-99) in their 4th Report had recommended in this connection as follows:-

“6.8. The Committee note that certain amendments passed vide Industrial Disputes (Amendment) Act, 1982 could not be enforced by the Government for want of Alternative Grievances Redressal Machinery for the employees of establishments/undertakings who would be denied protection of the Industrial Disputes Act. In this connection, the Committee note that the Ministry of Labour had subsequently introduced Trade Unions and Industrial Disputes (Amendment) Bill, 1988 which, however, could not be taken up for consideration in Parliament because opposition expressed their views against various provisions of that Bill. The said Bill was, therefore, withdrawn and the matter was thereafter placed before a Bipartite Committee comprising representatives of Central Trade Union Organisations and Employees Organisations in 1990. The report of that Committee was put up before the Cabinet in 1994 but it was decided by the Cabinet to defer the matter for consideration at an appropriate time. Thereafter, also the matter was again referred to another Bipartite Committee in 1996 which however could not give any recommendations as there was no consensus between the Employees and Trade Unions.

6.9 In this connection, the Committee note that in spite of all out efforts made by the Ministry of Labour, the Industrial Disputes (Amendment) Act, 1982 could not be enforced by the Government and the Government have been forced to bring some further amendments in the Industrial Disputes Act. The Committee desire the Ministry to first ensure that the further amendment being proposed by them to the Industrial Disputes Act are enforceable and do not meet the same fate as the amendments of 1982 which could not be implemented by the Government. The Committee note from the last reply of the Ministry that the question of framing the rules thereunder would not arise once the proposed amendments in the Industrial Disputes Act are enacted. The Committee desire the Ministry to get the proposed amendments passed by the Parliament at the earliest.”

4. The action taken reply on the above recommendations was required to be furnished by 21 October, 1999. The Ministry of Labour have since then repeatedly been seeking extension of time for furnishing action taken reply on one ground or other. In view of the inordinate delay in furnishing the action taken reply by the Ministry, the Committee took oral evidence of the representatives of the Ministry of Labour on 8th April, 2003 to ascertain the reasons for delay.

5. The Committee had noted the proposal of the Government to bring some amendments to the Industrial Disputes Act and had desired the Ministry to get the proposed amendments passed by the Parliament at the earliest. Explaining the reasons for delay in bringing forth the amendments, the Secretary, Ministry of Labour stated during evidence on 8 April, 2003 as under :-

“The amendment proposals were discussed in various inter-ministerial consultations. I will list them out. Firstly, it was discussed in the Committee of Secretaries on 15.2.1999. The meeting of the Inter-Ministerial Group was held on 14.5.1999. The meeting of the Committee of Secretaries was held on 3.11.1999. Again there was a meeting of the Inter-Ministerial Group held on 11.1.2000. Again there was a meeting of the Committee of Secretaries held on 24.1.2000. Then again the meeting of the Group of Ministers took place on 11.4.2000, 12.5.2000 and 27.5.2000. Discussions were held in the sub-committee of Inter-State Council under the Chairmanship of the Finance Minister on 29.1.2001 on whether the local bodies like the Municipalities, Panchayat Raj institutions should be excluded or otherwise, because there was some furore on that. Now, these are the eras of liberalisation and labour reforms. It so happened that the Finance Minister announced in the February, 2001 Budget speech a higher retrenchment compensation and amendment to Chapter V B to have a provision where no permission is required even up to 1000 workers. In the Act, it is only for 100 workers. So he announced it. So, a new Group of Ministers was constituted to consider the labour reforms under the Chairmanship of hon. Shri K.C. Pant, the Deputy-Chairman of the Planning Commission on 1.10.2001. This GoM held its meeting on 11.10.2001, 6.11.2001 and 13.12.2001. It came to the Cabinet on 22.2.2002. In that meeting, it was finalised more or less, and the Ministry of Law and the Ministry of Labour were asked to finalise the draft Bill, the Statement of Objects and Reasons and the Financial Memorandum. The Memorandum of Delegated Legislation was prepared and sent to the Law Ministry for vetting. Then it came from the Law Ministry duly vetted.

In the meanwhile, because of the liberalisation, privatisation and globalisation and the requirement of changed situation after 30 years of the First National Labour Commission which submitted a report in 1969, the Second National Labour Commission was constituted in a tripartite body under the Chairmanship of Shri Ravinder Verma, who was, from 1977 to 1980, during the Janata regime, the Labour Minister. He was also the Chairman of the International Labour Conference. He is a labour expert. He is a Gandhian. That Committee went into the question and it submitted a magnum opus Report of 1751 pages to the hon. Prime Minister on 29th June, 2002. It contained a whole chapter on industrial relations including all the subjects and much more. They felt

the need to have one Act for labour management relations instead of the three Acts, namely Industrial Dispute Act, Trade Union Act and the Industrial Employment Standing Order Act. They also felt that strikes should not take place so easily and there should be a strike ballot. They also said that the National Labour Relations Commission should be there. They also told that there was no need to take the permission for 300 workers. They said from 100 workers, you make it up to 300 workers. They also told to give a retrenchment compensation of 45 days. They gave a comprehensive recommendation.

This was discussed in the Indian Labour Conference on 28th and 29th September, 2002..... Later , in the V.V. Giri National Labour Institute, there was a two day meeting of the Tripartite Committee where this subject was discussed threadbare.

In the meanwhile, our hon. Minister had started discussions with all the Central trade unions and employers' organisations. Several eminent thinkers and some hon. Members of Parliament had also met him. These discussions are going on and we hope that it would take a shape shortly. I cannot exactly give the time frame but we are hopeful that during this calendar year the whole thing would take a proper shape and some concrete suggestions would come so that we can go ahead and introduce the Bill”.

6. Subsequently, the Ministry of Labour vide their O.M. dated 26.4.2004 submitted that the amendment proposals in the Industrial Disputes Act, 1947 were still under consideration and sought extension of time upto 8.10.2004. When asked to indicate the progress made in this regard, the Ministry of Labour on 15.9.2004 stated as under :-

“ The amendment proposals in respect of the Industrial Disputes Act, 1947 have not been finalized as yet. It may kindly be recalled that the Cabinet in its meeting held on 22.2.2002 considered the Note of the Ministry of Labour dated 19.2.2002 for a comprehensive amendment to the Act. The Cabinet approved the proposals . It was further resolved that the process of building a consensus to facilitate the introduction and passage of the Bill in Parliament will simultaneously be initiated. Pursuant to the above direction of the Cabinet, the then Union Labour Minister, Shri Sharad Yadav, initiated wide-ranging consultations with all concerned to build up a consensus to facilitate the smooth passage of the Bill.

The then Hon'ble Labour Minister, Shri Sahib Singh, also directed to convene a meeting of all political parties to discuss the recommendations of the 2nd National Commission on Labour especially matters relating to the Industrial Disputes Act, 1947. The meeting unfortunately, could not take place. Thereafter, it was decided with the approval of Hon'ble Labour Minister that the issue relating to recommendations of the 2nd NCL (especially issues relating to Industrial Disputes Act, 1947) will be discussed in the Consultative Committee attached to the Ministry of Labour during the Inter Session period of Parliament. However, in the mean time, 13th Lok Sabha was dissolved and the meeting of the Consultative Committee could not take place.

The Common Minimum Programme has laid down as follows :-

“The UPA rejects the idea of automatic hire and fire. It recognizes that some changes in Labour laws may be required, but such changes must fully protect the interest of workers and families and must take place after full consultations with the trade unions.. The UPA will pursue a **dialogue** with industry and trade unions on this issue before coming with specific proposals. However, Labour Laws other than the Industrial Disputes Act that create an Inspector Raj will be reexamined and procedures harmonized and streamlined. The UPA Government firmly believes that labour-management relations in our country must be marked by consultations, cooperation and consensus, not confrontation. Tripartite consultations with trade unions and industry on all proposals concerning them will be actively pursued. Rights and benefits earned by workers, including the right to strike according to law, will not be taken away or curtailed”.

In view of the foregoing, the amendment proposals in the Industrial Disputes Act, 1947 will be finalized after detailed consultation with social partners.

This issues with the approval of Hon'ble Labour and Employment Minister”.

7. The Ministry of Labour in their O.M. dated 14.10.2004 submitted that amendment proposals in respect of Industrial Disputes Act would be finalised after detailed consultation with social partners and sought extension of time upto 8.4.2005 for fulfillment of the recommendation of the Committee.

8. The Committee regret to note that action taken reply on the recommendations contained in paras 6.8 and 6.9 of the Fourth Report presented to Lok Sabha in April 1999 is yet to be furnished by the Government. The Ministry of Labour have repeatedly been seeking extension of time for furnishing the action taken reply on one ground or other. The latest request of the Ministry of Labour seeks extension of time upto 8.4.2005. The Committee accede to the request of the Ministry and urge that the action on the recommendations of the Committee should be taken within the extended time and the Committee be apprised of the action taken.

New Delhi;
MARCH, 2005
PHALGUNA, 1926(Saka)

N.N. KRISHNADAS
CHAIRMAN
COMMITTEE ON SUBORDINATE LEGISLATION

APPENDIX-I
(vide para 5 of the Introduction)

STATEMENT SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON
THE RECOMMENDATIONS CONTAINED IN THE FOURTH REPORT
(TWELFTH LOK SABHA)

I. THE CLOVES GRADING AND MARKING RULES, 1996 (GSR 243 OF 1996)

Recommendation Para Nos. 1.3 & 1.4

The Committee note with satisfaction that on being pointed out, the Ministry of Rural Areas & Employment have issued the necessary corrigendum to rectify the error in respect of the year in the short-title to the Cloves Grading and Marking Rules, 1996, vide Gazette of India notification No. GSR 19 dated 7 January, 1998.

As regards inordinate delay of 15 months in publication of the final rules after the publication of draft rules, the Committee note that the Ministry have ascribed the delay mainly to the late receipt of comments from important organisation like. P.F.A. etc. and their technical examination by the Directorate of Marketing & Inspection. While taking a serious note of such an inordinate delay in framing and notification of the rules, the Committee reiterate their earlier recommendation contained in para 68 of their Twenty-fourth Report (Fourth Lok Sabha) wherein the Committee had recommended that the time-gap between the publication of draft rules and the final rules should not be more than six months. The Committee desire that the Ministry should streamline their procedure regarding various stages involved in the finalisation of rules after the publication of the draft rules so as to ensure that the prescribed time-limit of the six months could be strictly adhered to.

Action taken by the Government

The Ministry of Agriculture have furnished a copy of the stages involved together with time schedule fixed in accordance with the recommendation of the Committee which is reproduced below :-

- (i) A period of 45 days is to be earmarked in the Draft Notification for inviting comments/suggestions from general public etc., which is according to the statutory requirement.
- (ii) The Agricultural Marketing Adviser will examine the comments/suggestions received from the general public and furnish the final Notification after incorporating the comments/suggestions agreed to, based on the discussions held with the representatives of trade, public etc. to the Ministry within a period of 45 days along with a copy of the Notification (English and Hindi). The Agricultural marketing Adviser will also furnish a statement indicating the suggestions/comments which have been accepted/rejected with reference to the Draft Rules in the Notification along with the reasons for their acceptance/rejection.
- (iii) The Ministry will examine the final Notification and get it vetted from the Ministry of Law within a period of 30 days.
- (iv) Approval of MOS will be obtained after incorporating the suggestions received from the Ministry of Law within a period of 20 days.
- (v) The final Notification will be got translated in Hindi from Official Language Wing of the Ministry of Law within a period of 30 days.
- (vi) The final Notification (English and Hindi Version) will be forwarded to the Government of India Press for publication in the Gazette of India within the remaining 10 days.

All efforts will be made in the Deptt. to comply with the above time frame in issue of the final notification.

(Ministry of Agriculture
O.M. No. 18011/6/83-M.H. dated 14.10.1999)

II THE GOVERNMENT OF INDIA, PRESSES/BRANCHES (GROUP 'C' AND GROUP 'D' POSTS OF CANTEEN EMPLOYEES) RECRUITMENT RULES, 1997 (GSR 348 OF 1997)

Recommendation Para No. 2.3

The Committee note with satisfaction that on being pointed out by the Committee, the Ministry of Urban Affairs and Employment have agreed to amend the entry under col. 8 of the Schedule against the post of cook by replacing the vague wording "7 years of experience in cooking" which were liable to be interpreted differently by different persons with the wording "7 years experience in cooking from any hotel/establishment engaged in the business of catering". The Committee desire the Ministry to notify the desired amendment in the Government of India, Presses/Branches (Group 'C' and Group 'D' Posts of Canteen Employees) Recruitment Rules, 1997 at the earliest.

Action taken by the Government

The Ministry of Urban Development have furnished a printed copy of the Gazette Notification carrying the necessary amendment in the recruitment rules in accordance with the recommendation of the Committee, issued vide GSR 723-E dated 27 October, 1999.

(Ministry of Urban Development
O.M. No. 22/4/94-A.I/Ptg. dated 3.11.1999)

III. THE PUBLIC RECORDS RULES, 1997 (GSR 43 OF 1997)

Recommendation Para Nos. 3.4, 3.5, & 3.8

The Committee take a serious note of the delay of about three years in framing of rules under the Public Records Act, 1993 and note that it has occurred mainly because it was first ever enacted law after independence and a deep study of the existing practice and procedure was required to be made to regulate the archival and records management activities of all the Governmental agencies including Public undertakings, statutory bodies and Corporations and Committees/Commissions constituted by the Central Government/ Union Territories administrations and in consultation with the Law Ministry. In this regard, the Committee regret to observe that no serious efforts were made by the Government to finalise such an important piece of subordinate legislation and a lot of time has been spent on protracted inter-ministerial correspondence. The Committee are at pain to observe that the Ministry was not even aware of the recommendation of the committee that rules under an Act should be framed within the maximum prescribed period of six months which is the reason advanced by them for not seeking extension of time from the Committee.

In this regard, the Committee reiterate their earlier recommendations made in paras 1.7-1.9 of their Twenty-fourth Report (Tenth Lok Sabha) wherein the Committee had recommended that the framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill so that there is no delay in notification of the final rules after passing of the Act. The Committee desire that the Ministry should strictly adhere to the aforesaid recommendation of the Committee in the future. The Committee further desire the Ministry of evolve suitable procedural safeguards to ensure that while drafting

subordinate legislation, the recommendations of the committee on Subordinate Legislation are also kept in mind. The Committee also impress upon the Ministry to convene joint meetings with the Law Ministry and other concerned agencies for sorting out the matter instead of going for protracted inter-ministerial correspondence, to cut-short such inordinate delays in the future.

The Committee note that on being pointed out by them, the Ministry have clarified that entry under rule 2 (f) should read “downgrading of classified records” instead of “file” and this printing error has occurred in the English version only. In this connection, the Committee impress upon the Ministry that their role do not end merely on sending the notifications to the Press for publication but it is also their duty to see whether the notification has been printed correctly in the Gazette. If there is any printing error, the corrigendum should have been issued promptly, without waiting for the error to be pointed out to them by someone else. The Committee desire the Ministry to issue the necessary corrigendum at the earliest.

Action taken by the Government

The Ministry of Culture, Youth Affairs and Sports have regretted the delay on their part in framing of the rules and stated that the observations of the Committee contained in paragraphs (3.4, 3.5 & 3.8) have been noted for strict compliance in the future.

(Ministry of Culture, Youth Affairs and Sports
O.M. No.18-8/97-Lib.II (A&A) dated 2.5.2000)

IV. THE NATIONAL HIGHWAYS (COLLECTION OF FEES BY ANY PERSON FOR THE USE OF SECTION OF NATIONAL HIGHWAYS/ PERMANENT BRIDGE/TEMPORARY BRIDGE ON NATIONAL HIGHWAY) RULES, 1997 (GSR 62 OF 1997)

Recommendation Para Nos. 4.3 & 4.7

The Committee note from the reply of the Ministry of Surface Transport that the word 'person' appearing in rule 3 (1) of the National Highways (Collection of Fees by any person for the use of section of National Highways/ permanent bridge/temporary bridge on National Highway) Rules, 1997 also includes a firm or a corporate body. The Committee, therefore, desire that Ministry to incorporate the definition of the word 'person' in the rules themselves in accordance with the clarification furnished by them, in order to make the rules more specific.

The Committee note from the clarification furnished by the Ministry of Surface Transport that charging of fee at more than the agreed rates is not permissible and rule 5(1) only permits the subordinate officer to control collection. In this regard, the Committee observe that the reply of the Ministry is contradictory with the provision contained in rule 5 (1) as the rule clearly stipulates that the incharge of fee collection shall be responsible to ensure that fees are collected at not more than the agreed rates. The Committee, therefore, desire the Ministry to amend the rules so as to make responsible also the contractor i.e. the person with whom the Central Government had originally entered into the agreement in case the fee is charged at the rates higher than the prescribed one. The Committee further desire the Ministry to prescribe in the rules, the method of collection of fees and also the rates applicable to different categories of vehicles on various National Highways/permanent bridges/temporary bridges etc.. So

that the public at large who will be the actual users of such facilities could be made aware of this. The Committee also desire that it may be prescribed in the rules that the rates of fee collection should be prominently displayed at all such national highways etc. and in case of any complaint, which authority is to be addressed to and also which categories of vehicles etc. be exempted from the levy of such fee may also be indicated on the display Board.

Action taken by the Government

The Ministry of Surface Transport have notified the amendment rules vide GSR 336-E dated 13.4.2000 by defining the term 'person' appearing in the rules; providing for display of rules regarding rates of fee chargeable at the National Highways; method of collection of fee ; authority to whom complaints, if any, be made; vehicles which are to be exempted from payable of fees at the National Highways etc. on the lines recommended by the Committee.

(Ministry of Surface Transport
O.M. No. RW. NH-11021/1/95-D.I dated 3.5.2000)

V. THE BORDER SECURITY FORCE (AIR WING NON-GAZETTED (COMBATISED) GROUP "C" POSTS RECRUITMENT RULES, 1997 (GSR 419 OF 1997)

Recommendation Para Nos. 5.3 & 5.4

From the reply of the Ministry of Home Affairs, the Committee note with concern that the Border Security Force (Non-Gazetted Combatised) Group "C" Posts were created way back on 18 June 1991 whereas the final rules for the same were notified only on 27 December, 1997 i.e. after an inordinate delay of more than 6 years. The

Committee take a serious note of the fact that the matters sought to be governed by a set of well framed statutory rules were actually governed during the intervening period of six years by draft rules only. In this connection, the Committee observe that it was highly improper on the part of the Ministry to regulate the posts created in 1991 without first establishing them by way of statutory rules. The Committee are constrained to observe that the Ministry had made no serious efforts to finalise and notify the rules resulting in an inordinate delay which indicated the scant attention being paid by the Ministry to such important legislative matters. The Committee desire that to take care of such situations where the framing of rules require consultation with other Ministries/Department also, the Ministry may hold joint informal meetings of all the concerned agencies so that the opinion of all concerned can be taken into account at the same point of time and a solution could be arrived at expeditiously.

The Committee further observe that the extant rules have been enforced from the date of their publication in the official gazette i.e. 27 December, 1997 instead of from 18 June, 1991 i.e. the date on which the posts were created. The Committee are of considered view that to regularise the services of persons who had already served on the concerned posts or are currently holding those posts from a back date, the Ministry should give retrospective effect to the rules from the back date in order to ensure that the interest of the persons holding the posts governed by these rules are not jeopardised in any manner.

Action taken by the Government

The Ministry of Home Affairs have issued necessary Gazette Notification in which suitable amendment had been made in the rules in accordance with the recommendation of the committee, vide GSR 395 dated 11.12.1999.

(Ministry of Home Affairs
O.M. No. H.11011/1/98- Pers.-III dated 28.2.2000)

VI DELAY IN FRAMING OF RULES UNDER THE COAL MINES PROVIDENT FUND & MISCELLANEOUS PROVISIONS (AMENDMENT) ACT, 1996

Recommendation Para Nos. 7.9 & 7.10

The Committee note that the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996 was passed by Parliament during Monsoon Session of Parliament of 1996 and it was brought into force by the Central Government only on 31 March, 1998. The scheme required to be framed under the aforesaid Act namely, the Coal Mines Pension Scheme, 1998 was notified in the Gazette on 5 March, 1998 and was brought into force on 31 March, 1998.

In this connection, the Committee note that the aforesaid Act has been enforced by the Central Government after a gap of almost 20 months after its passing by the Parliament. The reasons for this being the delay on the part of the Central Government in finalising the Pension Scheme required to be notified under the Act. The Committee desire the Ministry to be more prompt in future in such matters so that such delays

regarding the notification of Act or the framing of delegated legislation thereunder could be avoided.

Action taken by the Government

The Ministry of Coal have stated that the recommendation of the Committee on Subordinate Legislation has duly been noted for compliance.

(Ministry of Coal
O.M.No. 11013/14/96-Parl/ASO dated 14.5.99)

VII DELAY IN FRAMING OF RULES UNDER THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

Recommendation Para Nos. 8.10 & 8.11

The Committee observe that the Telecom Regulatory Authority of India Act, 1997 came into force on 25.1.1997 providing for establishing of Telecom Regulatory Authority of India. Accordingly, rules should have been framed thereunder within six months of the enforcement of the Act i.e. by 25 July, 1997. In this connection, the Committee note that neither the Ministry were able to frame the rules within the stipulated time frame nor they had initially sought any extension of time from the Committee. However, on being pointed out, the Ministry have regretted for not seeking extension of time from the Committee.

The Committee further observe that the Ministry have since notified the rules regarding Salaries and Dearness Allowances in respect of the Chairperson and Members of the Telecom Regulatory Authority of India vide Gazette of India Notification GSR 683(E), dated 2 December, 1997, the period within which an application is to be made

under section 15(1) vide Gazette of India Notification GSR 72 (E) dated 8 February, 1999 and the rules relating to annual report and returns vide GSR 80(E) dated 10 February, 1999. In this regard, the Committee note from the reply of the Ministry that the framing of the rest of the rules are under an advanced stage as indicated in their status report. The Committee desire the Ministry of Communications to finalise and notify all the rules required to be framed under the Act without any further delay. The Committee also desire the Ministry to emphasise upon the TRAI to notify the regulations under section 36 of the Act expeditiously. The Committee further desire the Ministry to keep apprising them from time to time about the progress made in the matter.

Action taken by the Government

The Ministry of Communications vide O.M. No 10-24/99-TCO dated 3 December, 1999 have stated that all Regulations under Section 36 of TRAI have been notified and have been laid on the Table of Lok Sabha on 28.10.99. Rules under Section 35(2)(d) have been notified vide GSR 782-E dated 27 November, 2002 and have been laid on the Table of the Lok Sabha on 11 December, 2002.

(Ministry of Communications
O.M. No 10-24/99-TCO dated 3.12.1999)

VIII. DELAY IN FRAMING OF RULES UNDER THE DELHI RENT ACT, 1995

Recommendation Para No. 9.8 and 9.9

The Committee note that the Delhi Rent Act, 1995 was passed by the Parliament way back in August, 1995 and even after a lapse of more than three years, it was yet to be

notified by the Government for the purpose of its' enforcement. In this regard, the Committee note that it was not notified by the Government because it suffered from various lacunae like disagreement between landlords and tenants and accordingly proposal for certain amendments in it. The Committee further note that these amendments are yet to be approved by the Cabinet and also the matter being under consideration of the Standing Committee on Urban and Rural Development. The Committee hope that as indicated by the Secretary of the Ministry, all efforts will be made by the Government to get passed the amendment proposals at the earliest so that the Delhi Rent Act, could be notified at the earliest.

As regards the framing of rules under the Delhi Rent Act, 1995 is concerned, the Committee note that the Act is yet to be enforced. In this context, the Committee would like the Ministry to atleast start taking action in framing of rules thereunder in the meantime the Act is enforced. This would ensure that there is no delay in framing of rules once the Delhi Rent Act is enforced by the Government.

Action taken by the Government

The Ministry of Urban Development had furnished a copy of the draft rules which had been drafted by them. However the Delhi Rent Act has not yet been enforced by the Government.

(Ministry of Urban Development
O.M.No. 13/1/98-UCU dated 27.4.2000)

APPENDIX-II

(vide para 6 of the Introduction)

**EXTRACTS FROM THE MINUTES OF THE THIRD SITTING OF THE
COMMITTEE ON SUBORDINATE LEGISLATION (2003-2004)**

The Committee met on Tuesday, 8 April, 2003 from 15.00 to 16.00 hours in
Committee Room No. 139, Parliament House Annexe, New Delhi.

PRESENT

Dr. B.B. Ramaiah - Chairman

MEMBERS

- (2) Shri S.K. Bwiswmuthiary
- (3) Shri Ramdas Rupala Gavit
- (4) Shri Paban Singh Ghatowar
- (5) Dr. M. Jagannath
- (6) Shri Ram Singh Kaswan
- (7) Dr. Ram Lakhan Singh
- (8) Shri Tufani Saroj
- (9) Dr. N. Venkataswamy

SECRETARIAT

- (1) Shri A. Louis Martin - Deputy Secretary
- (2) Shri Ashok Balwani - Under Secretary

2. The Committee took oral evidence of the representatives of three Ministries/ Departments one after another.

3. First, representatives of the Ministry of Labour were called in. The following were present:-

- | | | |
|-----|------------------------|-------------------------------------|
| (1) | Dr. P.D. Shenoy | Secretary (Labour) |
| (2) | Dr. G.S. Ram | Labour & Employment Advisor |
| (3) | Shri J.P. Pati | Joint Secretary |
| (4) | Shri S.K. Mukhopadhyay | Chief Labour Commissioner (Central) |
| (5) | Shri A.K. Panda | Director |
| (6) | Dr. R.G. Meena | Director |

4. The Committee then took oral evidence of the representatives of the Ministry of Labour regarding delay in finalisation of the amendments to the Industrial Disputes Act.

5. Verbatim record of the proceedings was kept on record.

The witnesses then withdrew.

6-9. XXX XXX XXX

The Committee then adjourned.

XXX - Omitted portions of the Minutes are not relevant to this report.

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

The Committee met on Tuesday, 1 March, 2005 from 1500 to 15.45 hours in
Committee Room G-074, Parliament Library Building, New Delhi.

PRESENT

Shri N.N. Krishnadas - Chairman

MEMBERS

2. Shri Omar Abdullah
3. Shri Ajay Chakraborty
4. Shri Bikram Keshari Deo
5. Justice (Retd.) N.Y. Hanumanthappa
6. Shri Ram Singh Kaswan
7. Shri A. Venkatarami Reddy
8. Shri Chandra Shekhar Sahu
9. Shri Ramji Lal Suman

SECRETARIAT

1. Shri John Joseph, Additional Secretary
 2. Shri A. Louis Martin, Director
 3. Shri Ashok Balwani, Under Secretary
2. The Committee took up for consideration the draft Fourth and Fifth Reports and adopted the same without any modification.
 3. The Committee then authorized the Chairman to present the same to Lok Sabha.

The Committee then adjourned.