

Confidential

COMMITTEE ON SUBORDINATE LEGISLATION
(FIFTEENTH LOK SABHA)
(2009-2010)

NINTH REPORT

[ACTION TAKEN REPORT OF THE COMMITTEE ON THE RECOMMENDATIONS/
OBSERVATIONS CONTAINED IN THIRTEENTH REPORT (2006-2007) (FOURTEENTH
LOK SABHA)]

(PRESENTED ON 5.8.2010)

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LOK SABHA SECRETARIAT

NEW DELHI

August, 2010/Sravana, 1932

COSL BRANCH No.16

PRICE: Rs.

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Twelfth Edition) and printed by the Manager, Government of India Press, Minto Road, New Delhi.

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2009-2010)

1. Shri P. Karunakaran Chairman
2. Shri Paban Singh Ghatowar
3. Shri Rajen Gohain
4. Shri D.B. Chandre Gowda
5. Shrimati Paramjit Kaur Gulshan
6. Shri Jitender Singh Malik
7. Shri Mangani Lal Mandal
8. Shri Pinaki Misra
9. Dr. Sanjeev Ganesh Naik
10. Shri Rajaram Pal
11. Shri Anantha Venkatarami Reddy
12. Shri Hamdullah Sayeed
13. Shri Adhalrao Patil Shivaji
14. Dr. Rajan Sushant
15. Shri Madhu Goud Yaskhi

SECRETARIAT

1. Shri P.K. Misra - Joint Secretary
2. Shri J.S. Chauhan - Director

INTRODUCTION

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

2. This Report relates to the action taken on the recommendations of the Committee contained in the Thirteenth Report (Fourteenth Lok Sabha) (2006-2007) which was presented to Lok Sabha on 13 December, 2006.

3. The Committee also wish to place on record their appreciation of the valuable work done by the predecessor Committee.

4. The Committee considered and adopted this Report at their sitting held on 21 July, 2010.

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

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

7. An analysis of the action taken by Government on the recommendations contained in the Thirteenth Report of the Committee (14th Lok Sabha) is given in Appendix III.

New Delhi;
August, 2010/Sravana, 1932

P. KARUNAKARAN,
CHAIRMAN,
COMMITTEE ON SUBORDINATE LEGISLATION

REPORT

This Report of the Committee on Subordinate Legislation deals with the action taken by Government on the recommendations contained in their Thirteenth Report (Fourteenth Lok Sabha) which was presented to Lok Sabha on 13 December, 2006. The Thirteenth Report dealt with the following Chapters: -

- I. The Department of Science & Technology Group 'A' Gazetted Posts (Non-Ministerial, Scientific and Technical) Rules, 2004 (GSR 382 of 2004 –Provision for safeguard against misuse of Rules.
- II. The Central Sheep Breeding Farm, Hissar (Group 'C' and 'D') Posts Recruitment Rules, 2005 (GSR 19 of 2005).
- III The Makhana Grading and Marking Rules, 2004 (GSR 244 of 2004).

2. The shortcomings observed during scrutiny of the rules mentioned in Chapters (I) to (III) above were brought to the notice of the concerned Ministries for their comments/necessary corrective action. The Ministries concerned have accepted those shortcomings and have rectified the same. A statement showing the Action Taken by the Government on the recommendations contained in the Thirteenth Report is given in Appendix-I

New Delhi:
August, 2010/Sravana, 1932

P. KARUNAKARAN,
CHAIRMAN,
COMMITTEE ON SUBORDINATE LEGISLATION

APPENDIX – I
(vide Para 5 of Introduction of the Report)

STATEMENT SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON THE
RECOMMENDATIONS/OBSERVATIONS CONTAINED IN THE THIRTEENTH REPORT
OF THE COMMITTEE (14th LOK SABHA)

I. The Department of Science & Technology Group 'A' Gazetted Posts (Non-Ministerial, Scientific and Technical) Rules, 2004 (GSR 382 of 2004 –Provision for safeguard against misuse of Rules.

Recommendation (Para 1.3)

The Committee note that Rule 4 (ii) of the Department of Science & Technology Group 'A' Gazetted Posts (Non-ministerial, Scientific and Technical) Rules, 2004 prescribed that selected candidates under direct recruitment would be on probation for a period of one year extendable twice by a period of 6 months maximum on each occasion. In this regard, the Committee observed that the Rule, however, did not provide for any safeguard against the misuse of this provision. When the lacuna was pointed out, the Department of Science & Technology agreed to rectify the error by providing a safeguard to the effect that probation would be extendable for reasons to be recorded in writing. The Ministry of Science & Technology communicated that action in this regard would be taken in due course with the concurrence of the Department of Personnel & Training and the Ministry of Law. The Committee, therefore, recommend that the Ministry may take necessary action in this regard expeditiously and also ensure that in future the rules made by the Ministry do not provide unbridled powers to the executive.

Reply of the Ministry

Rule 4 (ii) of the Department of Science & Technology, Group 'A' Gazetted Posts (Non- Ministerial, Scientific and Technical) Rules, 2004 (GSR 382 of 2004) has already been amended in 2007 itself and action taken was intimated to Lok Sabha Secretariat on 30.8.2007 and a printed copy of the Rules was sent to Lok Sabha Secretariat on 04.10.2007.

[Ministry of Science & Technology O.M. No A-12018/02/98-Admn.I(A)
Dated 20.5.2010]

II. The Central Sheep Breeding Farm, Hissar (Group 'C' and 'D') Posts Recruitment Rules, 2005 (GSR 19 of 2005).

Recommendation (Para 2.3)

The Committee note that one of the qualifications prescribed for the post of Machineman in the Central Sheep Breeding Farm, Hissar (Group C and D) Posts Recruitment Rules, 2005 was "about two years experience in reputed firm or workshop on machines". The Committee feel that the expression 'reputed firm/workshop' is relative in nature and is vague. The rules, also, did not prescribe the minimum duration of experience in the maintenance of air conditioners, generators, etc. that is necessary/desirable for consideration for the post of Electrician. The Committee are happy to note that on their pursuance, the Ministry of Agriculture (Department of Animal Husbandry, Dairying and Fisheries) have proposed to amend the rules. The proposed rule has now the provision that experience in private firm which is registered under the Factories' Act will be taken into consideration for the posts of Machineman and Electrician. It has also been proposed to prescribe the duration of experience as one year for the post of Electrician in an organization engaged in the maintenance of air conditioners, generators, etc. and registered under the Factories Act. The Committee would like to impress upon the Ministry to be vigilant and to ensure that errors of this nature do not recur in future.

Reply of the Ministry

A copy of the draft Amendment CSBF, Hissar (Group 'C' & 'D') posts Recruitment Rules was forwarded to the Lok Sabha Secretariat vide this Department's O.M. of even number dated 27.12.2007. The said Recruitment Rules have since been notified in the Gazette of India.

[Ministry of Agriculture (Department of Animal Husbandry, Dairying & Fisheries)
O.M. No. 35-19/2006-Admn.III (P) dated 20.5.2010.

III. The Makhana Grading and Marking Rules, 2004 (GSR 244 of 2004).

Recommendation (Para 3.6)

The Committee observe that the Ministry have taken about 10 months to notify the Makhana Grading and Marking Rules, 2004 in the final form as against a maximum period of 6 months prescribed by the Committee on Subordinate Legislation in this regard. The Ministry have attributed the delay to the work involved at various stages in publication of the final rules; about 2 months time was taken in preparation and supply of 200 copies of extract from the Gazette by the Government Press; about 3 months time was taken in

obtaining the feedback from agencies examining the comments/suggestions received and preparing the draft final notification and another two months in Hindi translation and checking correctness thereof.

Recommendation (Para 3.7)

It may be mentioned that the Committee on Subordinate Legislation had laid down a time limit of 6 months to publish the rules in final form after giving due consideration to the quantum of work involved at different stages. In this regard, what is needed is, a time bound schedule and strict monitoring of the same by the Ministry concerned so that the process of finalisation and notification of the rules in final form is completed within the prescribed period.

Recommendation (Para 3.8)

While observing that only three objections/suggestions were received with reference to the rules under consideration and that there were avoidable delays at certain stages as mentioned above, the Committee feel that the Ministry of Agriculture have not paid due attention to the timely finalisation and publication of the said rules. The delay in publication of final rules leads to delay in implementation of the beneficial aspects of the new rules. The Committee, therefore, recommend that the Ministry should take due care to prevent recurrence of such delays in publication of final rules in future.

Reply of the Ministry

The Government has noted the recommendations of the Committee on Subordinate Legislation made in para 3.8 of its Thirteenth Report (Fourteenth Lok Sabha) for future compliance and recurrence of any such delays will be prevented carefully.

[Ministry of Agriculture (Department of Agriculture and Cooperation)
O.M. No. 18011/5/2003-M-II] dated 21.5.2010.

APPENDIX-II
(vide Para 6 of Introduction of the Report)

MINUTES OF THE NINTH SITTING OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (2009-2010)

—————

The Committee sat on Wednesday, 21 July, 2010 from 1400 to 1500 hours in
Committee Room No.53, Parliament House, New Delhi.

PRESENT

1. Shri P. Karunakaran Chairman

MEMBERS

LOK SABHA

2. Shri Paban Singh Ghatowar
3. Shri D. B. Chandre Gowda
4. Shri Mangani Lal Mandal
5. Shri Rajaram Pal
6. Shri Anantha Venkata Rami Reddy
7. Shri Hamdulla Sayeed

SECRETARIAT

1. Shri P.K. Misra - Joint Secretary
2. Shri J.S. Chauhan - Director
3. Shri S.C. Kaliraman - Additional Director
4. Shri Raju Srivastava - Deputy Secretary

.....contd/-

2. At the outset, the Chairman welcomed the members to the sitting of the Committee.
3. The Committee, then, took up for consideration the draft Eighth & Ninth Action Taken Reports and adopted the same without any modifications. The Committee also authorized the Chairman to present the same to the House.

The Committee then adjourned.

APPENDIX-III
(vide para 7 of Introduction of the Report)

ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE
RECOMMENDATIONS CONTAINED IN THE THIRTEENTH REPORT OF THE
COMMITTEE ON SUBORDINATE LEGISLATION

(FOURTEENTH LOK SABHA)

I.	Total No. of recommendations/observations made	5
II.	Recommendations that have been accepted by the Government [<u>vide</u> recommendations at Sl. Nos. 1.3, 2.3, 3.6 3.7 and 3.8]	5
III.	No. of recommendations which the Committee do not want to pursue in view of Government reply	Nil
IV.	Percentage of recommendations accepted	100%