

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

SEVENTH REPORT

[ACTION TAKEN REPORT OF THE COMMITTEE ON THE RECOMMENDATIONS /OBSERVATIONS CONTAINED IN TWENTY-FIFTH REPORT (2008-2009) (FOURTEENTH LOK SABHA)]

(PRESENTED ON 5.8.2010)

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LOK SABHA SECRETARIAT

NEW DELHI

August, 2010/Sravana, 1932

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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 Raju Srivastava - 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 Seventh Report.

2. This Report relates to the action taken on the recommendations of the Committee contained in the Twenty-Fifth Report (2008-2009) (Fourteenth Lok Sabha) which was presented to Lok Sabha on 24.2.2009.

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 24 June, 2010.

5. The summary of recommendations contained in the Twenty-Fifth Report and action taken reply 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.

7. An analysis of the action taken by Government on the recommendations contained in the Twenty-Fifth 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 Twenty-Fifth Report (Fourteenth Lok Sabha) which was presented to Lok Sabha on 24.2.2009. The Twenty-Fifth Report dealt with the following Chapters: -

- I. Use of vague expressions in the Veterinary Council of India (General) (Amendment) Regulations, 2005 (GSR 242 (E) of 2005)
- II. Infirmities in the Aircraft (Amendment) Rules 2006 (GSR 181-E of 2006)
- III. Shortcomings in the rules published by the Ministry of Communications and Information Technology (Department of Telecommunication) (GSR 34(E), 35(E), 36(E) and 37(E) of 2007)

2. The shortcomings observed during scrutiny of the rules mentioned in Chapters (I) to (III) above were brought to the notice of the Ministries concerned 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 Twenty-Fifth 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 TWENTY-FIFTH REPORT
OF THE COMMITTEE (14th LOK SABHA)

I. Use of vague expressions in the Veterinary Council of India (General) (Amendment) Regulations, 2005 (GSR 242 (E) of 2005).

Recommendation (Para 1.3)

The Committee feel that the words 'urgency' and 'immediately' occurring in Regulation 2 (3) of the Veterinary Council of India (General) (Amendment) Regulations, 2005 were vague and could be interpreted differently by different persons. The Committee note from the reply of the Ministry of Agriculture (Department of Animal Husbandry and Dairying) that the term 'urgency' occurring under Regulation 2 (3) is to meet the unforeseen expenditure arising out of the exigencies. Similarly, the term 'immediately' denotes intimation of the facts about such necessary action and expenditure be given to the Executive Committee of the Council. In this regard, the Committee desire that the Ministry should incorporate the terms as clarified by them in the rules themselves in order to remove any ambiguity. The Committee further desire to have copy of the rules so amended for their perusal.

Reply of the Ministry

The Veterinary Council of India has, with the approval of the Central Government, framed the regulations namely, 'The Veterinary Council of India (General) Amendment Regulations 2009', which were published in Gazette of India, Extraordinary, Part-III, Section 4 dated 5 September, 2009, to further amend the Veterinary Council of India (General) Regulations 1991. A copy of the said notification is enclosed. The Gazette Notification of the said Regulations namely 'The Veterinary Council of India (General) Amendment Regulations 2009', was laid on the Table of both the Houses of Parliament (in Rajya Sabha on 20 November, 2009 and in Lok Sabha on 24 November, 2009).

[Ministry of Agriculture (Department of Animal Husbandry, Dairying & Fisheries) OM No.
52-8/2009-LDT (VC) dated 27 April, 2010]

II. Infirmities in the Aircraft (Amendment) Rules 2006 (GSR 181-E of 2006).

Recommendation (Para 2.4)

The Committee take a serious note of the delay in publication of final Aircraft (Amendment) Rules, 2006 after a gap of 12 months. The Committee are not happy with the justification given by the Ministry that the delay was due to the large number of objections/suggestions received and also to the inter-departmental/inter-ministerial deliberations. The Committee observe that such delays could have been avoided by advance planning and better coordination among the related Government Agencies/Departments. The Committee further, reiterate their earlier recommendation that the Ministry could expedite its decision by having inter-departmental meetings of senior officers for the purpose, instead of resorting to protracted correspondences on files. The Committee impress upon the Ministry to streamline their procedures and processes adhering to the stipulated period of six months and to avoid such delays in the publication of the final rules in future.

Reply of the Ministry

The recommendation of the Committee has been noted in order to avoid delays in publication of Rules. The Ministry will strive to resolve differences and expedite decisions on relevant issues through inter-departmental meetings of senior officers of the concerned Ministries/Departments/Attached offices.

[Ministry of Civil Aviation O.M. No. AV.11012/04/2002-A dated 23 March, 2009]

Recommendation (Para 2.6)

The Committee express their concern that Aircraft (Amendment) Rules, 2006 were not laid on the Table of the House within the specific period. It was only after the matter was brought to their notice that the Ministry initiated action and laid the relevant notifications in Parliament on 1 March, 2007 i.e. after a period of 11 months from the date of publication of the notification. The Committee note that delay in laying of the rules of 11 months reflects the callous approach of the Ministry in adhering to the time limit prescribed by the Committee for laying the rules on the Table of the House. Even though the Ministry had regretted the delay but no clear reasons had been forwarded for such inordinate delay. The Committee impress upon the Ministry that the assurance given by the Ministry that every effort would be made in future to avoid recurrence of such lapses should be followed in letter and spirit. The Committee further seriously note that despite delay in laying, the rules were laid without any delay statement explaining the reasons for delay. The Committee also emphasise that whenever rules are laid on the Table of the House after an inordinate delay, an explanatory note giving the reasons for such delay should invariably be appended to the rules. The Committee trust that the Ministry would now gear up their system so as to avoid recurrence of such cases in future.

Reply of the Ministry

The recommendation of the Committee is noted for compliance. It will be ensured by the Ministry that such delays are avoided in future and appropriate Explanatory Note giving reasons for unavoidable delay will be appended. Taking note of the serious view of the recommendation, an institutional mechanism has been put in place in the Ministry and its attached office under which all the concerned officers have been sensitized towards taking prompt and timely action. This will be reviewed at the level of Director/Dy. Secretary and monitored at the level of Joint Secretary at regular intervals.

[Ministry of Civil Aviation O.M. No. AV.11012/04/2002-A dated 23 March, 2009]

- III. Shortcomings in the rules published by the Ministry of Communications and Information Technology (Department of Telecommunication) (GSR 34(E), 35(E), 36(E) and 37(E) of 2007).

Recommendation (Para 3.5)

The Committee note that the matter published in the extraordinary gazette is of urgent nature and therefore, is required to be published on the same day on which it is sent to the Press by the concerned Ministry for publication. In the instant case, the Ministry of Communications and Information Technology (Department of Telecommunication) had sent the rules for publication to the Government of India Press on 10 January, 2007 and the same were published on 22 January, 2007 resulting in a delay of 11 days. The Committee observe that it reflects poorly on the working of the Ministry, as the notifications to be published in the extraordinary gazette are delayed. The Committee take a strong view of the fact that reasons for such delay was also not furnished despite repeated requests. The Committee desire that the Ministry should fix the responsibility in the matter and apprise the Committee of the action so taken. The Committee note with satisfaction that regarding rectifying the error in the short title, the Ministry have issued corrigendum vide GSR 311 (E), GSR 312 (E), GSR 313 (E), & GSR 314 (E) dated 29 April, 2008.

Reply of the Ministry

This Ministry has conveyed comments *vide* letter No. R-11014/31/2004-LR dated 7 February, 2009 stating that this Ministry has noted the concern regarding the delay of 11 days in the publication of these rules, expressed by the Lok Sabha Secretariat, for compliance.

The matter has been reinvestigated and found that the case file was submitted for signature with fair letter on 10.1.2007, the same was signed on 19.1.2007 due to the shifting of office and 13, 14, 20 and 21 being holidays in between. In the forwarding letter, the concerned

officer has omitted to amend the date as 19.1.2007. The notification was sent for printing on the next working day itself.

In view of above, it is to inform that there is no intentional delay in publication of the notification and even if Hon'ble Committee still feels there is delay, it is requested that same may kindly be condoned. We also assure the Committee that in future such type of errors will not reoccur.

[Ministry of Communications & Information Technology (Department of Telecommunications) OM
No. R-11014/31/2004-LR (Pt) dated 5 May, 2010]

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

CONFIDENTIAL

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

—————

The Committee sat on Thursday, 24 June, 2010 from 1100 to 1200 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 Rajen Gohain
4. Shri D. B. Chandre Gowda
5. Smt. Paramjit Kaur Gulshan
6. Shri Pinaki Misra
7. Shri Sanjeev Ganesh Naik
8. Shri Rajaram Pal
9. 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 |

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 Sixth & Seventh Action Taken Reports and adopted the same without any modifications. The Committee also authorized the Chairman to present the same to the House.
4. XX XX XX
5. XX XX XX
6. XX XX XX

The Committee then adjourned

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

APPENDIX-III

(vide para 7 of Introduction of the Report)

ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE TWENTY-FIFTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(FOURTEENTH LOK SABHA)

I.	Total No. of recommendations/observations made	4
II.	Recommendations that have been accepted by the Government [<u>vide</u> recommendations at Sl. Nos. 1.3, 2.4, 2.6 3.5]	4
III.	No. of recommendations which the Committee do not want to pursue in view of Government reply	Nil
IV.	Percentage of recommendations accepted	100%