

**COMMITTEE ON SUBORDINATE LEGISLATION**

**(FIFTEENTH LOK SABHA)**

**(2013-2014)**

**THIRTY-NINTH REPORT**

**(Presented to Lok Sabha on 19.02.2014)**

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**LOK SABHA SECRETARIAT**

**NEW DELHI**

**February, 2014 / Magha, 1935 (Saka)**

**COSL No. 48**

**PRICE: Rs**

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fourteenth Edition) and printed by Lok Sabha Secretariat, New Delhi.

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2013-2014)**

1. Shri P. Karunakaran Chairman

Members

2. Shri Anandrao Adsul

3. Shri Praveen Singh Aron

4. Dr. Baliram

5. Shri Kalyan Banerjee

6. Shri Sansuma Khunggur Bwiswmuthiary

7. Shri Ramen Deka

8. Shri K. Jayaprakash Hegde

9. Dr. Mahesh Joshi

10. Shri Virender Kashyap

11. Dr. Thokchom Meinya

12. Shri Gajendra Singh Rajukhedi

13. Dr. Bholu Singh

14. Shri Yashvir Singh

15. Vacant

**SECRETARIAT**

- |                         |   |                   |
|-------------------------|---|-------------------|
| 1. Shri R.S. Kambo      | - | Joint Secretary   |
| 2. Shri S.C. Chaudhary  | - | Director          |
| 3. Smt. Jagriti Tewatia | - | Deputy Secretary  |
| 4. Shri Mohit Rajan     | - | Committee Officer |

## INTRODUCTION

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

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 16.01.2014.

3. The Committee considered and adopted this Report at their sitting held on 18.02.2014.

4. 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..

5. Minutes of the Third Sitting of the Committee (2013-14) held on 16.01.2014 and Minutes of the Fourth Sitting of the Committee (2013-2014) held on 18.02.2014 relevant to this Report are included in Appendix-II.

**New Delhi;**  
**18 February, 2014**  

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**29 Magha, 1935 (Saka)**

**P. KARUNAKARAN**  
**Chairman,**  
***Committee on Subordinate Legislation***

## REPORT

### I

#### **Non-laying of the Recruitment Rules notified in the Gazette by the Ministry of Home Affairs.**

The following Recruitment Rules (RRs) notified by the Ministry of Home Affairs were published in the Gazette of India, Extraordinary Part – II Section 3 (i).

- (i) The Indo-Tibetan Border Police- Force, Para Medical Cadre (Group 'A', 'B' & 'C' posts) Recruitment Amendment Rules, 2011 [GSR 657 (E) of 2011].
- (ii) The Border Security Force Communication (Non-Gazetted) Cadre Recruitment Rules, 2012 (GSR 331-E of 2012).
- (iii) The Border Security Force (Engineering Officers) Recruitment Rules, 2012 (GSR 358-E of 2012).
- (iv) The Border Security Force Inspector (Librarian) (Combatised) Non-Gazetted Group 'B' Post, Recruitment Rules, 2012 (GSR 751-E of 2012).
- (v) The CRPF, ASI (Steno) and HC (Min) Recruitment Rules, 2012 (GSR 787-E of 2012).
- (vi) The Central Industrial Security Force, Asstt. Financial Adviser Recruitment Rules, 2012 (GSR 809-E of 2012).
- (vii) The Indo-Tibetan Border Police Force, Combatant Accounts Cadre, Group 'A' and Group 'B' Posts Recruitment Rules, 2012 (GSR 814-E of 2012).
- (viii) The Indo-Tibetan Border Police Force, General Duty Cadre (Group 'B' and Group 'C' Posts) Recruitment Rules, 2012 (GSR 817-E of 2012).
- (ix) The Indo-Tibetan Border Police Force (Amendment Rules, 2012 (GSR 857-E of 2012).
- (x) The Border Security Force, Headquarters Assistant Sub-Inspector (Draftsman Gr.III) Operational Directorate (Combatised) Recruitment Rules, 2012 (GSR 879-E of 2012).
- (xi) The Sashastra Seema Bal Combatised, Sub-Inspector (General Duty) Group 'B' Non Gazetted Post, Recruitment Rules, 2013 (GSR 68-E of 2013).
- (xii) The Indo-Tibetan Border Police Force, Assistant Sub-Inspector (Stenographer) and Head Constable (Ministerial) Group 'C' Post Recruitment Rules, 2012 (GSR 81-E of 2013)
- (xiii) The CISF (Bandsman-cum-GD) Recruitment Rules, 2013 (GSR 85-E of 2013).

1.2 On the scrutiny of the aforesaid Recruitment Rules, it was observed that the respective Recruitment Rules (RRs) were notified in accordance with Section 156 (3) of the Indo- Tibetan Border Police- Force Act, 1992, Section 18 (3) of the CRPF Act, 1949, Section 22 (3) of CISF Act, 1968. Section 141(3) of the Border Security Force Act, 1968 and Section 155 (3) of the Sashastra Seema Bal Act, 2007. These sections of the respective Acts *inter-alia* stipulate that every rule made under

these Acts shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions. These Rules were, however, not laid on the Table of the House.

1.3 The Ministry of Home Affairs was, therefore, informed that the rules framed under the Act and published in the Gazette of India are required to be laid on the Table of 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 same should be laid on the Table of the House as soon as possible (but within 15 days) after the commencement of the following session. Hence, the Ministry was requested to furnish the reasons for not laying the respective rules on the Table of House as stipulated in the Acts.

1.4 The Ministry of Home Affairs *inter-alia* submitted vide OM dated 8 November, 2012 and 20 November, 2013 that recruitment rules were not laid on the Table of the House as para 5.3 of the DoP&T's OM No. AB 14017/48/2010–Estt (RR) dated 31.12.2010 stipulated that although the Recruitment Rules are statutory in nature, the copies of the notification of the same need not be placed on the Table of both the Houses of Parliament (CSL 14017/2/81-Estt (RR) as Article 309 of the Constitution, under which these are framed, does not prescribe for laying them on the table of the House.

1.5 It is not out of context to state that Article 309 of the Constitution of India provides that recruitment and conditions of service of persons serving the Union or a State Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State: Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the

appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

1.6 The Ministry of Home Affairs was accordingly intimated that recruitment rules could be framed under Article 309 of the Constitution of India until the provision in that behalf is made by or under an Act. Since the aforesaid Rules have been notified in exercise of the powers conferred under the provisions contains in ITBPF Act, 1992, CRPF Act, 1949, CISF Act, 1968, Border Security Force Act, 1968 and Sashastra Seema Bal Act, 2007 they should be laid on the Table of Houses of Parliament.

1.7 The replies furnished in this regard by the Ministry of Home Affairs vide their OMs dated 31 May, 2013, 16 August 2013, 23 August 2013 and 20 November, 2013 reveal that the Ministry thereafter referred the matter to DoP&T for clarification. DoP&T clarified that ITBP, CRPF & Assam Rifles' RRs have been notified in exercise of the powers conferred by the respective Acts and not under Article 309 of the Constitution and Central Armed Police Forces (CAPFs) may, therefore, take steps to lay the notification of Recruitment Rules on the Table of both Houses of Parliament within stipulated time frame immediately after publication of the same in the official gazette. The Ministry of Home Affairs has issued instructions to CAPFs and Assam Rifles (AR) that where RRs are framed under Act and not directly under Article 309 of the Constitution they should take immediate steps to lay the copies of Notifications of RRs on the Table of both Houses of parliament within stipulated time frame immediately after publication of the same in the official gazette. It has also been found that the Ministry of Home Affairs has subsequently laid all the aforesaid recruitment rules on the Table of the House.

1.8 As per Section 156 (3) of the ITBP Act 1992, Section 18 (3) of CRPF Act, 1949, Section 22 (3) of CISF Act 1968, Section 141(3) of the Border Security Force Act, 1968 and Section 155 (3) of the Sashastra Seema Bal Act, 2007, the aforesaid Rules should have been laid on the Table of the House as per the procedure. The Rules were, however, not laid on the Table of House and the Ministry pleaded that since the rules have been framed under Article 309 of the Constitution it is not required that rules are laid on the Table of the House. The Ministry was, therefore, requested that since the



Rules have been framed under the Act and not under Article 309 of the Constitution of India, these should be laid on the Table of the House as per the provisions of the relevant Act. The Ministry of Home Affairs subsequently referred the matter to the Department of Personnel and Training (DOP&T). On the advice of DOP&T, the Ministry re-examined the rules as per the provisions of the Act and laid all the Rules on the Table of the House.

**1.9 The Committee note that the aforesaid Recruitment Rules (RRs) notified by the Ministry of Home Affairs under Section 156 (3) of ITBP Act, 1992, Section 18 (3) of CRPF Act, 1949, Section 22(3) of CISF Act, 1968, Section 141(3) of the Border Security Force Act, 1968 and Section 155 (3) of the Sashastra Seema Bal Act, 2007 were not laid on the Table of the House as per the provisions of the Act. The Ministry of Home Affairs on being pointed initially contested that since the Rules were framed under Article 309 of the Constitution so these have not been laid on the Table of the Houses of Parliament. The Committee express their surprise that on being pointed out by them that the rules have been framed under the respective Acts and not under Article 309 of the Constitution, the Ministry of Home Affairs referred the matter to DoP&T for their clarification without consulting the provisions of the Act. The Ministry on the basis of clarification received from the DoP&T issued necessary instructions to the Central Armed Police Forces (CAPFs) & Assam Rifles (ARs) to take immediate steps to lay the copies of Notifications of Recruitment Rules framed under the Act on the Table of both the Houses of Parliament and which were duly laid. The Committee, therefore, observe that there appears to be lack of appreciation and awareness about the procedures to be followed for laying and notifying the Rules and Regulations among the officials of the Ministry of Home Affairs. The Committee, therefore, urge upon the Ministry of Home Affairs to evolve a foolproof mechanism, including training of the officers/staff, so that there is no laxity in the compliance of the laid down procedures.**

## II

### **Infirmities in the Vishakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 2011 (GSR 661-E of 2011).**

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The Ministry of Shipping published the Vishakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 2011 (GSR 661-E of 2011) in the Gazette of India, Extraordinary, Part-II, Section 3(i) dated 3.9.2011. On the scrutiny of the Regulations it was observed that the use of words 'any other higher authority' in the Regulation 10 is ambiguous and requires clarification and further the Regulation specifies the time period of 30 days for filing an appeal but no time period has been specified for the disposal of the appeal.

2.2 The Regulation 10 reads as under:-

"Any person aggrieved by any order relating to cancellation/suspension/refusal to issue licenses, may prefer an appeal in writing to the Chairman or any other higher authority as the case may be within 30 days of the communication of the order appealed against."

2.3 The Ministry of Shipping were accordingly requested to furnish their comments on the aforesaid observation in Regulation 10.

2.4 The Ministry of Shipping vide their OM dated 7 January, 2013 furnished the following comments:-

#### "Question – 1

Under Regulation 10, the use of words 'any other higher authority' appears to be ambiguous and requires clarification.

#### Reply of the Ministry of Shipping

The Traffic Manager of the Port is the authority for issuing stevedoring License. Hence, any appeal in the matter should be disposed of by the Chairman as the appellate authority. Therefore, the words "any other higher authority as the case may be" are proposed to be deleted.

## Question – 2

Under Regulation 10, the time period of 30 days has been specified for filing an appeal, but no time period has been specified for the disposal of the appeal.

## Reply of the Ministry of Shipping

The question of time period for disposal of appeals has been examined. It is proposed to provide that the appellate authority shall dispose the appeal within 45 days time.”

2.5 The Ministry of Shipping informed vide OM dated 19 August, 2013 that sub-regulations 10 (appeal) of the Visakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 2011 has been amended and the same has been notified in the Gazette of India vide notification GSR No. 392 dated 21 June, 2013.

2.6 As per practice and oft-repeated recommendation of the Committee, the use of words ‘any other higher authority’ in Regulation 10 of Vishakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 2011 (GSR 661-E of 2011) notified by the Ministry of Shipping was ambiguous. Further the time period for disposal of appeal was not specified. On being brought to the notice of the Ministry, they have prescribed 45 days limit to dispose of the appeal by the appellate authority vide amendment notified in GSR No. 392 dated 21 June, 2013.

**2.7 The Committee note that Regulation 10 in the Vishakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 2011 (GSR 661-E of 2011) notified by Ministry of Shipping contained the term ‘any other higher authority’ which is ambiguous from the angle of appellate authority. Further, the regulation did not specify a time limit for disposal of appeals by the appellate authority. The Ministry of Shipping should have avoided the use of words ‘any other higher authority’ in the Regulation as such phrases makes the regulation ambiguous. The unspecified time limit for disposal of appeals in the Regulations makes the appeal meaningless. It was only after the matter was brought to the notice of the Ministry of Shipping, they amended the Regulation vide GSR No. 392 dated 21 June, 2013 stating “any person**

aggrieved by any order relating to cancellation/suspension/refusal to issue licenses, may prefer an appeal in writing to the Chairman within 30 days of the communication of the order appealed against. The Chairman shall dispose the appeal within 45 days time". The Committee, therefore, observe that the Ministry seems to be casual in their approach and did not exercise due care and caution at the time of publishing of the Notification. The Committee also recommend that the Ministry should be cautious at the time of drafting of the Regulations so that such mistakes do not recur in future.

### III

#### **The Cantonments (Payment of Allowances to Vice- President and Elected Members) Rules, 2011 (SRO 6-E of 2011).**

The Cantonments (Payment of Allowances to Vice- President and Elected Members) Rules, 2011 (SRO 6-E of 2011) were published in the Gazette of India, Extraordinary, Part-II, Section 4 dated 1.8.2011. On scrutiny of aforesaid rules, it was noticed that the draft rules dated 22 July, 2010 were made available to the public on 13 August, 2010 inviting objections and suggestions from all persons likely to be affected thereby within a period of 60 days. Final rules were published on 1 August, 2011. As per instructions on the subject, the final rules should be notified within a period of three months in cases where no objection/suggestion on the draft rules are forthcoming and in cases where a large number of objections/suggestions are received, the final rules should be notified within a period of six months from the last date of receiving the comments. The Ministry of Defence had taken 10 months after expiry of the stipulated date for receipt of suggestions and were, accordingly, requested to furnish reasons for delay in the notification of the final rules.

3.2 The Ministry of Defence vide their OM No. 14(16)/2009/D(Q&C) dated 18 October, 2012 furnished the following reply:

“The draft Cantonment (Payment of Allowance to Vice-President and Elected Members) Rules, 2010 were published in the Gazette of India on 22.7.2010 inviting suggestions/objections from the public within 60 days. A large number of objections and suggestions were received from the public, which were examined in consultation with the Directorate General, Defence Estates (DGDE). DGDE submitted their report in the matter to the Ministry on 28.12.2010 which was considered by the Ministry and the final notification with the approval of Raksha Mantri was sent to the Ministry of Law and Justice (Legislative Department) on 31.1.2011 for vetting. Legislative Department vetted the final notification only 15.7.2011. The notification was sent to the Government of India Press for publication in Gazette of India on 1.8.2011.”

3.3 The Ministry submitted that a large number of suggestions/objections were received from the public on the rules published in draft form in the Gazette of India on 22.7.2010 for eliciting public

opinion within 60 days. The suggestions received were examined in consultation with DGDE. The DGDE submitted their Report on the objections/suggestions to the Ministry of Defence on 28.12.2010 for the consideration of the Ministry. Thereafter, the Ministry of Defence with the approval of Raksha Mantri submitted the final draft to the Ministry of Law and Justice (Legislative Department) on 31.1.2011 for vetting. The Ministry of Law and Justice (Legislative Department) furnished the vetted rules to the Ministry of Defence on 15.7.2011 after more than five months.

3.4 The Ministry of Defence were requested to give details regarding number and nature of the objections and suggestions received from the public and also asked to ascertain reasons from the Ministry of Law and Justice (Legislative Department) for taking more than five months to vet the draft rules.

3.5 The response received from the Ministry vide OM No. 14(6)/2009/D/O&C dated 27 May, 2013 reveals that only 16 suggestions were received by the Ministry of Defence during the stipulated period of 60 days. The suggestions received by the Ministry of Defence were forwarded to the Directorate General, Defence Estate between 10 September, 2010 and 30 November, 2010 for consultation.

3.6 Regarding delay in vetting of the draft rules by the Ministry of Law and Justice (Legislative Department), the Ministry of Defence submitted vide their OM No. 14(6)/2009/D(Q&C) dated 10 January, 2013 as follows:

“The notification for the Cantonment (Payment of Allowance to Vice-President and Elected Members Rules, 2010 duly approved by Hon’ble Raksha Mantri was referred to Ministry of Law and Justice (Legislative Department) on 31.1.2011 for vetting. Legislative Department referred back the file to Ministry of Defence on 17.3.2011 with the request that Gazette copy of the draft rules published on 22.7.2010 be placed on the file. Legislative Department has intimated that it took some time to refer back the file to the Ministry of Defence due to the reason that the officers of that Department were busy with time bound work of preparation of Finance Bill, 2012 and related notifications.

The file was referred back to Legislative Department on 22.3.2011 and the matter was discussed with concerned officer of Legislative Department on 6.4.2011 expressing inability for getting Gazette copy. Legislative Department has returned the file on 1.6.2011 reiterating their earlier request. Gazette copy of the Notification was provided to Legislative Department on 16.6.2011. Thereafter, Legislative Department vetted English version of the Notification on 6.7.2011. It was referred to Official Language Division of Legislative Department on 8.7.2011 for vetting Hindi version of the Notification, which was received back on 15.7.2011.

The delay in vetting of final Notification was primarily due to the fact that the matter remained under correspondence between Legislative Department and Ministry of Defence for want of Gazette copy of the draft notification dated 22.7.2010. It is submitted that this delay which was procedural in nature, may be condoned by the Committee on Subordinate Legislation.”

3.7 As regards 5 months time taken to vet draft rules by the Ministry of Law and Justice (Legislative Department), it has been stated that the draft rules submitted to the Ministry of Law & Justice (Legislative Department) on 31.01.2011 for vetting were referred back to the Ministry of Defence on 17 March, 2011 after more than one month to furnish the gazette copy of the Rules published in the draft form seeking suggestions/objections from the public. The draft rules were referred back to the Ministry of Law & Justice (Legislative Department) on 22.03.2011 which were again returned to the Ministry of Defence on 1.6.2011 after almost 3 months as gazette copy of the draft Rules, as requested earlier, was not provided by the Ministry of Defence. The gazette copy of the Notification was, thereafter, provided to the Ministry of Law & Justice (Legislative Department) by 16 June, 2011. It may be seen that Ministry of Defence and Ministry of Law & Justice (Legislative Department) spent more than five months in the exchanging communications regarding the gazette notification of the draft rules.

**3.8 The draft Cantonments (Payment of Allowances to Vice- President and Elected Members) Rules, 2010 published vide notification dated 22 July, 2010 in the Gazette of India were made available to the public on 13 August, 2010 by the Ministry of Defence inviting the suggestions from the public for submission within 60 days. The Committee note that only 16 suggestions were received from the public. The number of suggestions being very less, the**

final Rules should have been published within a period of three months from the last date of receiving the comments i.e. by 13 January, 2011 whereas, the final rules were notified only on 1 August 2011 after a delay of more than six months. The Committee further note from the information furnished by the Ministry of Defence that over five months were lost in exchange of correspondence with the Ministry of Law & Justice (Legislative Department) due to the failure of Ministry of Defence to provide a copy of gazette notification of draft Rules to the latter. The delay could have been avoided had the Ministry of Defence been a little more careful and furnished the requisite notification while making a reference to the Ministry of Law & Justice (Legislative Department). The Committee opine that the Ministry of Defence should train their staff in adhering to the office procedures and ensure that such delays do not recur in future due to their lapses.

3.9 The Committee also note that the Ministry of Law & Justice (Legislative Department) also took considerable time in referring back the case to the Ministry of Defence seeking copy of the gazette notification. More than one and half months taken by them in referring the file to the Ministry of Defence for first time and again almost three months taken when the file was referred back for the second time to the Ministry of Defence could have been minimised had the matter been pursued with the Ministry of Defence without loss of time. The Committee, therefore, recommend that Ministry of Law & Justice (Legislative Department) should take necessary steps to avoid recurrence of such instances in future.

New Delhi;  
14 February, 2014  

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25 Magha, 1935 (Saka)

P. KARUNAKARAN  
Chairman,  
*Committee on Subordinate Legislation*



## APPENDIX –I

(Vide Para 4 of the Introduction of the Report)

### SUMMARY OF RECOMMENDATIONS MADE IN THE THIRTY NINTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(FIFTEENTH LOK SABHA)

Sl. No.	Reference to Para No. in the Report	<u>Summary of Recommendations</u>
1	2	3
1	1.9	<p><b><u>Non-laying of the Recruitment Rules notified in the Gazette by the Ministry of Home Affairs</u></b></p> <p>The Committee note that the aforesaid Recruitment Rules (RRs) notified by the Ministry of Home Affairs under Section 156 (3) of ITBP Act, 1992, Section 18 (3) of CRPF Act, 1949, Section 22(3) of CISF Act, 1968, Section 141(3) of the Border Security Force Act, 1968 and Section 155 (3) of the Sashastra Seema Bal Act, 2007 were not laid on the Table of the House as per the provisions of the Act. The Ministry of Home Affairs on being pointed initially contested that since the Rules were framed under Article 309 of the Constitution so these have not been laid on the Table of the Houses of Parliament. The Committee express their surprise that on being pointed out by them that the rules have been framed under the respective Acts and not under Article 309 of the Constitution, the Ministry of Home Affairs referred the matter to DoP&amp;T for their clarification without consulting the provisions of the Act. The Ministry on the basis of clarification received from the DoP&amp;T issued necessary instructions to the Central Armed Police Forces (CAPFs) &amp; Assam Rifles (ARs) to take immediate steps to lay the copies of Notifications of Recruitment Rules framed under the Act on the Table of both the Houses of Parliament and which were duly laid. The Committee, therefore, observe that there appears to be lack of appreciation and awareness about the procedures to be followed for laying and notifying the Rules and Regulations among the officials of the</p>

		<p>Ministry of Home Affairs. The Committee, therefore, urge upon the Ministry of Home Affairs to evolve a foolproof mechanism, including training of the officers/staff, so that there is no laxity in the compliance of the laid down procedures.</p>
2	2.7	<p><u>Infirmities in the Vishakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 2011 (GSR 661-E of 2011)</u></p> <p>The Committee note that Regulation 10 in the Vishakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 2011 (GSR 661-E of 2011) notified by Ministry of Shipping contained the term ‘any other higher authority’ which is ambiguous from the angle of appellate authority. Further, the regulation did not specify a time limit for disposal of appeals by the appellate authority. The Ministry of Shipping should have avoided the use of words ‘any other higher authority’ in the Regulation as such phrases makes the regulation ambiguous. The unspecified time limit for disposal of appeals in the Regulations makes the appeal meaningless. It was only after the matter was brought to the notice of the Ministry of Shipping, they amended the Regulation vide GSR No. 392 dated 21 June, 2013 stating “any person aggrieved by any order relating to cancellation/suspension/refusal to issue licenses, may prefer an appeal in writing to the Chairman within 30 days of the communication of the order appealed against. The Chairman shall dispose the appeal within 45 days time”. The Committee, therefore, observe that the Ministry seems to be casual in their approach and did not exercise due care and caution at the time of publishing of the Notification. The Committee also recommend that the Ministry should be cautious at the time of drafting of the Regulations so that such mistakes do not recur in future.</p>
3	3.8	<p><u>The Cantonments (Payment of Allowances to Vice- President and Elected Members) Rules, 2011 (SRO 6-E of 2011)</u></p> <p>The draft Cantonments (Payment of Allowances to Vice- President and Elected Members) Rules, 2010 published vide notification dated 22 July, 2010 in the Gazette of India were made available to the public on 13 August, 2010 by the Ministry of Defence inviting the suggestions from the public for submission within 60 days.</p>

	<p style="text-align: center;">3.9</p>	<p>The Committee note that only 16 suggestions were received from the public. The number of suggestions being very less, the final Rules should have been published within a period of three months from the last date of receiving the comments i.e. by 13 January, 2011 whereas, the final rules were notified only on 1 August 2011 after a delay of more than six months. The Committee further note from the information furnished by the Ministry of Defence that over five months were lost in exchange of correspondence with the Ministry of Law &amp; Justice (Legislative Department) due to the failure of Ministry of Defence to provide a copy of gazette notification of draft Rules to the latter. The delay could have been avoided had the Ministry of Defence been a little more careful and furnished the requisite notification while making a reference to the Ministry of Law &amp; Justice (Legislative Department). The Committee opine that the Ministry of Defence should train their staff in adhering to the office procedures and ensure that such delays do not recur in future due to their lapses.</p> <p>The Committee also note that the Ministry of Law &amp; Justice (Legislative Department) also took considerable time in referring back the case to the Ministry of Defence seeking copy of the gazette notification. More than one and half months taken by them in referring the file to the Ministry of Defence for first time and again almost three months taken when the file was referred back for the second time to the Ministry of Defence could have been minimised had the matter been pursued with the Ministry of Defence without loss of time. The Committee, therefore, recommend that Ministry of Law &amp; Justice (Legislative Department) should take necessary steps to avoid recurrence of such instances in future.</p>
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## **APPENDIX-II**

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

### **MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2013-2014)**

The Third sitting of the Committee (2013-14) was held on Thursday, the 16<sup>th</sup> January, 2014 from 1200 to 1245 hours in Committee Room No. 53, Parliament House, New Delhi.

#### **PRESENT**

1. Dr. Thokchom Meinya - In the Chair
2. Dr. Baliram
3. Shri Sansuma Khunggur Bwiswmuthiary
4. Shri K. Jayaprakash Hegde
5. Dr. Mahesh Joshi
6. Shri Virender Kashyap
7. Shri Gajendra Singh Rajukhedi
8. Dr. Bhola Singh

#### **SECRETARIAT**

1. Shri R.S. Kambo - Joint Secretary
2. Shri S.C. Chaudhary - Director

2. In the absence of Chairman, members of the Committee chose Dr. Thokchom Meinya, MP, to act as Chairman for the sitting of the Committee in terms of Rule 258(3) of Rules of Procedure and Conduct of Business in Lok Sabha.

3. XX XX XX

4. The Committee, thereafter, considered the following memoranda:

- ii) **Memorandum No. 60** – Non-laying of the Recruitment Rules notified in the Gazette by the Ministry of Home Affairs.
- (ii) **Memorandum No. 61** – Infirmities in the Vishakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 2011 (GSR 661-E of 2011).
- (iii) **Memorandum No. 62** – The Cantonments (Payment of Allowances to Vice-President and Elected Members) Rules, 2011 (SRO 6-E of 2011).

5. After deliberations, the Committee decided to incorporate the points raised in Memoranda Nos. 60 to 62 in their Report slated to be prepared in this regard along with the minor amendment in the Memorandum No. 62.

**The Committee then adjourned.**

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\*\*Omitted portion of the Minutes are not relevant to this Report