

**COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2015-2016)**

**(SIXTEENTH LOK SABHA)**

**THIRTEENTH REPORT**

**(PRESENTED TO LOK SABHA ON 10.8.2016)**

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**LOK SABHA SECRETARIAT**

**NEW DELHI**

**August, 2016 /Sravana, 1938 (Saka)**

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## CONTENTS

	Para No.	Page No.
COMPOSITION OF THE COMMITTEE.....		(iii)
INTRODUCTION.....		(v)

### REPORT

- I. The Directorate of Field Publicity, Ministry of Information and Broadcasting, Multi-tasking Staff Recruitment Rules 2014 (GSR 55 of 2014). 1.1 - 1.8
- II. The Central Waqf Council (Group A, B & C Non-Gazetted, Non-Ministerial Posts) Recruitment Rules, 2014 (GSR 363-E of 2014). 2.1 - 2.4
- III. Infirmities in the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group 'C' posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2) 3.1 - 3.8
- IV. The North Eastern Police Academy, Barapani, Group A and B Posts Recruitment Rules, 2014 (GSR 499-E of 2014). 4.1-4.5

### APPENDICES

- I. Summary of main observations/recommendations made by the Committee
- II. Extracts from the Minutes of the Sixth Sitting of the Committee (2015-16) held on 4.2.2016 and Extracts from the Minutes of the Twelfth Sitting of the Committee (2015-16) held on 3.8.2016.

**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION  
(16<sup>th</sup> LOK SABHA)  
(2015-2016)**

1. Shri Dilipkumar Mansukhlal Gandhi Chairperson

**Members**

2. Shri Idris Ali
3. Shri Birendra Kumar Choudhary
4. Shri S. P. Muddahanumegowda
5. Shri Shyama Charan Gupta
6. Shri Jhina Hikaka
7. Shri Prem Das Rai
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11. Shri V. Panneer Selvam
12. Shri Ram Kumar Sharma
13. Shri Nandi Yellaiah
14. Vacant
15. Vacant

**SECRETARIAT**

1. Shri Devender Singh - Addl. Secretary
2. Shri Ajay Kumar Garg - Director
3. Smt Nabin Kumar Jha - Addl. Director

## **INTRODUCTION**

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

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sittings held on 4.2.2016.

3. The Committee considered and adopted this Report at their sitting held on 3.8.2016.

4. For facility of reference and convenience, observations/recommendations 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 Sixth sitting of the Committee (2015-16) held on 4.2.2016 and Extracts from the Minutes of Twelfth Sitting of the Committee (2015-16) held on 3.8.2016 relevant to this Report are included in Appendix-II of the Report.

**New Delhi;  
August, 2016  
Sravana, 1938 (Saka)**

**DILIPKUMAR MANSUKHLAL GANDHI  
Chairperson,  
Committee on Subordinate Legislation**

## REPORT

I

### **The Directorate of Field Publicity, Ministry of Information and Broadcasting, Multi-tasking Staff Recruitment Rules 2014 (GSR 55 of 2014).**

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The Directorate of Field Publicity, Ministry of Information and Broadcasting, Multi-tasking Staff Recruitment Rules 2014 (GSR 55 of 2014) were published in Gazette of India, Extraordinary in Part II Section 3, Sub Section (i) dated 8.3.2014. On scrutiny of the aforesaid rules, it was observed that in column (6), under the heading “Age limit for direct recruits”, the Ministry had given following two “Notes”-

Note1: The crucial date for determining the age limit shall be as fixed by the Staff Selection Commission.

Note2: In case the recruitment is made through employment exchange, the crucial date for determining the age limit shall be the last date up to which the employment exchange is asked to submit the names.

Since the age limit has been specifically prescribed as “between 18 and 25 years”, the Ministry of Information and Broadcasting were requested to clarify the significance of inserting these “Notes”.

1.2 In response the Ministry vide their OM dated 20 August, 2014 had given the following reply:

*“It is informed that the two Notes inserted under column No. 6 of the Schedule of the said RRs specifying the “Age limit for direct recruits” have been inserted as per the guidelines of DoPT regarding formulation/amendment of the RRs for the said post vide their OM. No. AB 14017/6/2009-Estt. (RR) dated 30<sup>th</sup> April, 2010.*

*It is understood that the purpose of the Notes is to give clarity on the issue of deciding the crucial date on which the eligibility of a candidate in r/o the age limit of 18-25 years is determined. The recruitment to the said post can be done through SSC/Employment Exchange. As such, date for determining the age limit has been*

*proposed to be as fixed by the Staff Selection Commission/ Employment Exchange through Notes 1 and 2 under column 6 of the said RRs.”*

1.3 The Ministry in their above reply had stated that the two ‘notes’ under column 6 of the schedule of the above recruitment rules were inserted as per the Department of Personnel and Training (DoPT) guidelines and the purpose of the Notes was to give clarity on the issue of deciding the crucial date of determining the age limit and since the recruitment to the said post could be done through SSC/Employment Exchange, therefore, date for determining the age limit has been proposed to be as fixed by the Staff Selection Commission/ Employment Exchange. However, it was noticed that the usual note clarifying that the crucial date for determining the age limit shall be the closing date for receipt of applications in India and not the closing date prescribed for those residing in certain remote areas, was not appended. The Ministry were therefore, further requested to state whether they had any objection in inserting the matter given below, in column (6):

*“The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangti Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep....”*

1.4 The Ministry of Information and Broadcasting vide their subsequent OM dated 26 November, 2014 furnished the following reply:-

*“.....the said RRs had been finalized by this Ministry in consultation with M/o Law & Justice. Therefore, the matter of insertion of the text suggested by the Committee on Subordinate Legislation under column (6) of the said RRs has been examined in this Ministry in consultation with M/o Law & Justice.*

*Accordingly, this Ministry has no objection to insertion of the said text under column (6) of the Schedule of RRs for the post of MTS in DFP. The process of amendment of the said RRs would be initiated by this Ministry shortly.”*

1.5 The Committee note that in column (6) of the schedule to the Directorate of Field Publicity, Ministry of Information and Broadcasting, Multi-tasking Staff Recruitment Rules 2014

(GSR 55 of 2014), under the heading “Age limit for direct recruits” besides specifically prescribing the age limit as “between 18 and 25 years” two ‘notes’ had been given which stipulated as follows:-

Note1: The crucial date for determining the age limit shall be as fixed by the Staff Selection Commission.

Note2: In case the recruitment is made through employment exchange, the crucial date for determining the age limit shall be the last date up to which the employment exchange is asked to submit the names.

**1.6 As regards the rationale behind prescribing two sets of criteria in determining the crucial date for determining the age-limit, the Committee note from the clarification furnished by the Ministry that the same was done as per the guidelines dated 30 April, 2010 issued by the nodal Department, that is, DoPT. On scrutiny, the Committee find that according to the guidelines another note was also required to be appended to the entry under Col. 6 stating that 'the crucial date for determining the age limit shall be the closing date for receipt of application in India and not the closing date prescribed for those residing in remote areas viz. Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu & Kashmir State, Lahaul & Spiti District and Pangi Sub-Division of Chamba Division of Himachal Pradesh, Andaman & Nicobar Islands and Lakshadweep...".**

**1.7 The Committee are of the considered view that each and every provision of the Recruitment Rules framed and published by various Ministries / Departments of the Govt. of India needs to be drafted very carefully and meticulously. The absence of a crucial clause safeguarding the interests of applicants residing in remote areas of the country is a serious lapse on the part of the Ministry and reflects cavalier a very casual approach on critical issues. The Committee find this as unacceptable. The Committee nevertheless note that on being pointed out, the Ministry has agreed to insert the said note under Col. 6 of the schedule. The Committee, therefore, recommend that the**

Ministry may bring out the necessary amendment to the Rules at the earliest. The Committee would also like to count on the Ministry be more cautious in future to avoid recurrence of such lapses.

1.8 The Committee are of the considered view that prescribing different criteria for determining the crucial date for determining the age limit in the recruitment rules tends to result in ambiguity and confusion and therefore recommend that the Government consider the feasibility of prescribing a 'specific date' so that no confusion is caused on account of this by maintaining an uniformity in this regard.

## II

### **The Central Waqf Council (Group A, B & C Non-Gazetted, Non-Ministerial Posts) Recruitment Rules, 2014 (GSR 363-E of 2014).**

The Central Waqf Council (Group A, B and C Non-Gazetted Non-Ministerial Posts) Recruitment Rules, 2014 (GSR 363-E of 2014) were published in the Gazette of India, Extraordinary, Part-II, Section 3(i) on 28.5.2014. On scrutiny, the following infirmities were observed:-

#### Entries under Col. 6 of Posts at S.No. 6 to 17

- (i) Sl.No. 6 to 17 of Col. 6 under the heading 'Note' in regard to 'crucial date for calculation of the age limit' is not in accordance with DOPT guidelines. As per DOPT guidelines on the subject, the following 'Note' is required to be inserted according to the requirements:-

"Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim Ladakh division of J&K State, Lahaul & Spiti district and Pangi Sub-division of Chamba district of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep)".

#### Entries under Col. 7 of Posts at S.No. 9 to 14

- (ii) Sl. Nos. 9 & 14 of Col. 7 for 'Educational and other Qualifications required' for direct recruits one of essential qualifications has been stated at point (iii) as 'adequate knowledge of computer', which appears to be a vague expression which may be interpreted differently by different persons.

2.2 On being referred, the Ministry of Minority Affairs vide their OM dated 30 September, 2014 furnished the following reply:-

- (i) Sl.No. 6 to 17 of Col. 6 under the heading 'Note' in regard to 'crucial date for circulation of the age limit', is being amended to read as "Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim,

Ladakh division of J&K State, Lahaul & Spiti district and Pangri sub-division of Chamba district of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep)”

- (ii) The words “Adequate knowledge of computer” appearing at point (iii) in Col.7 of Sl.No. 9 and point (ii) in Col.7 of Sl.No. 14 is being amended to read as "Adequate knowledge of MS Office (MS Word; Excel, PowerPoint etc.), internet, surfing, e-mailing”.

**2.3 The Committee note that in Column. 6 for posts listed at Sl.No. 6 to 17 of the Central Waqf Council (Group A, B & C Non-Gazetted, Non-Ministerial Posts) Recruitment Rules, 2014 (GSR 363-E of 2014) under the heading ‘Age limit for direct recruits’, the ‘Note’ in regard to crucial date for calculation of the age limit is not in accordance with DOPT guidelines. On being pointed out, the Ministry of Minority Affairs have accepted the infirmity and have proposed to amend the Recruitment Rules to bring it in accordance with DOPT guidelines. The Committee however also of the view that the entire matter reflects callous approach of the Ministry in not adhering to the guidelines prescribed by DOPT in this regard. The Committee therefore, desire that the Ministry of Minority Affairs keep themselves abreast of the guidelines of the DOPT so that such lapses do not reoccur.**

**2.4. The Committee also observe that the use of the word ‘adequate knowledge of computer’ at point (iii) under Col. 7 for posts listed at Sl.Nos. 9 & 14 is vague and is contrary to the oft-repeated recommendation of the Committee that use of vague expressions which are likely to be interpreted variedly should be avoided in the rules. In this regard, the Committee note that on this anomaly being pointed out, the Ministry have agreed to amend the entry at point (ii) of Sl. Nos. 9 & 14 to read as ‘adequate knowledge of MS Office (MS Word, Excel, Power Point etc.) internet, surfing, e-filing. With a view to ensure that this specific stipulation actually materializes, the Committee recommend that the proposed amendment may be brought out expeditiously and a copy of the same may be furnished to the Committee.**

### III

#### **Infirmities in the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group 'C' posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2)**

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The Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group 'C' posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2) were published in the Gazette of India, Part-II, Section 4 dated 1.2.2014. On scrutiny of the Recruitment Rules, certain infirmities were observed and the same were referred to the Ministry of Defence (Department of Defence Production) for their comments. The points have been discussed in the succeeding paragraphs:-

- (i) Infirmity observed in Column 7 of the Schedule relating to educational and other qualifications for direct recruits

3.2 For the post at Sl.No. 6 of the Schedule [Multi Tasking Staff (Nursing)] for Column 7, under the heading "Educational and other qualifications required for direct recruits" has been mentioned as "10<sup>th</sup> Pass from a recognized Board". However, even on being a nursing post, no requirement of training in the relevant field has been prescribed.

3.3 The Ministry of Defence (Department of Defence Production) vide their OM dated 24<sup>th</sup> November, 2014 furnished the following comments:-

*"With reference to point 1, it is submitted that prior to issue of SRO 2 dated 11.12.2013, SRO 39 dt. 31.05.2012 was operative for the various posts of MTS category Staff. In SRO 39, the post of MTS (Sanitary) which included erstwhile posts of Nursing Orderly and Orderly Hospital, were clubbed with erstwhile posts of Hospital Safaiwala, Safaiwala, Safaiwala Jamadar, Safaiwala and Washerman and was given a common nomenclature as MTS (Sanitary) at Sl. 4 of the SRO. Accordingly, the contents of DoP&T OM. No. 14017/6/2009-Estt (RR) dated 30.04.2010 were taken into account, which inter-alia laid down qualification for the said post as "the minimum qualification for the appointment is prescribed as 10<sup>th</sup> pass". Where technical qualifications are considered necessary, ITI in the relevant subject may be prescribed as the minimum qualification.*

*The post of MTS (Nursing) are the erstwhile posts of Nursing Orderly and Orderly Hospital which was operative under SRO 39. While considering the erstwhile post of Nursing Orderly and Orderly Hospital from the then operative SRO 39 the contents of DoPT OM cited above dt 13.04.2010 was taken into consideration and only 10<sup>th</sup> class pass was considered as the minimum qualification for making direct recruitment for the posts of MTS (Nursing) in SRO 2 dt 11.12.2013, due to an oversight.*

*The issue of training in the relevant field for MTS (Nursing) as has been pointed out by the Committee on Subordinate Legislation would be incorporated and action will be initiated to make necessary amendments in the column 7 of Sl. No. 6 of SRO 2 dated 11.12.2013 to include the following :-*

*Essential*

- (i) 10<sup>th</sup> class pass*
- (ii) First Aid and Dressing certificate from St. John's ambulance or equivalent with one year experience in the field work*

*Desirable*

*Training in 'Basic' and 'Refresher' Course in Home Guards/Civil Defence".*

**3.4 The Committee note that in the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group 'C' posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2) for the post of Multi Tasking Staff (Nursing) under Col. 7, the required educational & other qualifications has been mentioned as 10<sup>th</sup> Pass from a recognized Board. The Committee, however, find it very strange that even being a 'nursing post', there was no qualification or training involving nursing, was prescribed. In this regard, the Committee however note that on being pointed out, the Ministry admitted that it was an 'over sight' on their part and they agreed to amend the recruitment rules by prescribing 'First Aid and Dressing certificate from St. John's ambulance or equivalent with one year experience in the field work' coupled with Desirable Qualification as 'Training in 'Basic' and 'Refresher' Course in Home Guards/Civil Defence'. The Committee accordingly, recommend that as assured by the Ministry the requisite**

**amendment to the rules are carried out at the earliest, and they be apprised of the action taken in this regard.**

(ii) Infirmity observed in year in the short title

3.5 In the aforementioned Recruitment Rules, the year in the short title did not tally with the year of their publication in the official Gazette. Due to mismatch in the year in short title with the year of publication, the referencing becomes difficult and cumbersome. The Committee have time and again emphasized that the year in the short title of the Rules should tally with the year of their publication for the purpose of easy referencing.

3.6 On being pointed out, the Ministry of Defence (Department of Defence Production) *vide* their OM dated 24<sup>th</sup> November, 2014 furnished the following comments:-

*“SRO 2 of 11.12.2013 was published in the Gazette of India on 01.02.2014. Therefore, the year of short title of SRO 2 does not tally with the year of its publication as both the years are different. In future efforts would be made to publish the Gazette Notification in the same year. Hence no change in the same may be envisaged”.*

3.7 In this connection, it is pertinent to mention here that the Committee have time and again emphasized that ‘the year’ indicated in the short title of Rules, Regulations, Bye-Laws etc. should be in conformity with the ‘year’ of their publication in the Gazette of India so as to facilitate easy location and referencing for such statutory ‘Order’ by all concerned. If the year indicated in the short-title is at variance with the ‘year’ of publication, there may be difficulty in locating the rules and regulations from year-wise lists.

**3.8 The Committee note that in the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group ‘C’ posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2), the year in the short title does not tally with the year of their publication in the Gazette. Accordingly, the matter was taken up with**

the Ministry of Defence (Department of Defence Production) to ascertain the reasons for deviation from the oft-repeated recommendation of the Committee. The Committee are, however, not inclined to accept the contention of the Ministry that the Notification was dated 11.12.2013 but the same got published in the year 2014 and hence no change is envisaged. Under the circumstances the Committee reiterating their earlier recommendations further recommend the Ministry of Defence to scrupulously follow the recommendations of Committee on Subordinate Legislation while framing rules in future. The Committee also recommend that the Ministry may issue a corrigendum rectifying the error in the short title in order to make it consistent with the 'year' of publication. Further the Ministry should ensure that the 'year' in the short title tally with the year of publication especially when the recruitment rules are sent for printing during the end of a year so that no difficulties are caused in referring the Rules.

#### IV

### **The North Eastern Police Academy, Barapani, Group A and B Posts Recruitment Rules, 2014 (GSR 499-E of 2014).**

The North Eastern Police Academy Barapani, Group A and B Recruitment Rules, 2014 (GSR 499 E of 2014) were published in the Gazette of India, Extraordinary, Part-II, Section 3(i) dated 14.7.2014. During scrutiny it was observed from the schedule appended to the Rules that for the post Assistant Director (Lecturer) at Sl.No.4, under Col. 9, the probation period for direct recruits has been prescribed as one year and that for promotees the same is two years. In this regard, the Committee have time and again recommended that probation period should not be different for direct recruits and promotees. The matter, therefore, was referred to the Ministry concerned for their comments for the deviation.

4.2 In response, the Ministry of Home Affairs vide their OM No. 23012/102/2010-PC [CF-3070082] dated 5 June, 2015 furnished the following reply:

"The proposal for amendment of RRs for the various posts including RRs for the post of Assistant Director (Lecturer), NEPA alongwith schedule and Annexure-II, after discussion through single window system, was submitted to UPSC vide letter dated 16th January, 2014, in which Ministry/NEPA had proposed the probation period for Assistant Director (Lecturer) under column (9) **"two years" for promotee and direct recruits"**. However, UPSC vide their letter No. 3/10()/2014-RR dated 5<sup>th</sup> February, 2014 approved the probation period for above post under column (9) **"1 year for direct recruits & 2 years for Promotees"** instead of **"two years" for Direct Recruits & 2 years for Promotees.**

Subsequently UPSC vide this Ministry's letter of even no. dated 19.05.2014 was requested to clarify the reasons for making provision as "1 year for Direct Recruits & 2 years for Promotees". The Commission vide their letter 3/10 (8)/2014-RR dated 26<sup>th</sup> May, 2015 has revised their advice conveyed vide letter dated 05.02.2014 as per the details below:-

Name of the Post	Col. No.	For	Read as
Assistant Director (Lecturer)	Col No. 9	1 yr for direct recruits and 2 yrs for promotees	One year for promotees and DR both.

As per the instant instructions, for amendment in the notified RRs, consultation of Ministry of Law (Department of Legal and Official language) is required. The process in this regard is likely to take some time. A copy of amended RRs will be made available to the Committee on Subordinate Legislation, Lok Sabha as soon as the amended Recruitment Rules for the post of Assistant Director (Lecturer), NEPA is notified in the Gazette of India."

**4.3 The Committee note that in the North Eastern Police Academy Barapani, Group A and B Recruitment Rules, 2014, the probation period prescribed for the post of Assistant Director (Lecturer) was not uniform for direct recruits and promotees. The probation period for the direct recruits has been mentioned as one year while that for the promotees as two years. The Committee are distressed to note that discrimination of probation period was unjust as person with experience i.e. promotee was prescribed a two year probation period and a new recruit was prescribed a probation period of one year. Hence, by unduly prescribing a higher probation period for an experienced person as compared to new recruit *per se* reflects not only a discrimination in terms of the period of probation but is also a camouflaged discrimination between an experienced person and a novice. It is precisely the reason due to which the Committee have time and again recommended that uniform probation period should be prescribed for both promotees and direct recruits. The Committee note that on being pointed out, the Ministry of Home Affairs took up the matter with UPSC for clarification as the different probation period was based on the advise of UPSC. In this regard, the Committee note that UPSC had subsequently revised their advise by prescribing a uniform period of probation of 1 year for both direct recruits and promotees. The Committee however, note that the Ministry of Home Affairs *vide* their OM dated 5 June, 2015 have further submitted that for amendment, as advised by UPSC *vide* their letter dated 26 May, 2015 in the notified RRs, consultation of the Ministry of Law (Department of Legal and official language) is required. The Committee, therefore, recommend that the Ministry may expedite the matter and bring out the amendment notification urgently and forward a copy of the same to the Committee.**

4.4 The Committee further note with concern that though the Ministry *vide* its letter dated 19.5.2014 had on its own sought clarification from UPSC for making the Probation period provision as 1 year for Direct Recruits and 2 years for promotees, it still didn't wait for response from the UPSC and got the notification published in haste on 14 July 2014 by mentioning the same probation period on which clarification from UPSC was awaited. This is reflected the lackadaisical approach of the Ministry with regard to getting the Gazette Notification printed. The Committee, therefore, recommend the Ministry to be more cautions in future in this regard.

4.5 The Committee also express their grave displeasure that the UPSC, the premier recruiting agency had initially prescribed a discriminatory probation period for the post of Assistant Director (Lecturer) for direct recruits and promotees, thereby, undermining the experienced candidates by prescribing a higher probation period for them. Further, it took more than a year to respond to the clarification sought by the Ministry *vide* their OM dated 19.5.2014 in this regard. The Committee, therefore, desire that the UPSC be more prompt and considerate while vetting the rules so as to avoid recurrence of such types of discrimination in the recruitment rules in future.

New Delhi:  
August , 2016  
Sravana, 1937 (Saka)

DILIPKUMAR MANSUKHLAL GANDHI  
Chairperson,  
*Committee on Subordinate Legislation*

## APPENDIX I

(Vide Para 4 of the Introduction of the Report)

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

(SIXTEENTH LOK SABHA)

Sl.No.	Reference to Para No. in the Report	Summary of Recommendations
1	1.6	<p>The Directorate of Field Publicity, Ministry of Information and Broadcasting, Multi-tasking Staff Recruitment Rules 2014 (GSR 55 of 2014).</p> <p>As regards the rationale behind prescribing two sets of criteria in determining the crucial date for determining the age-limit, the Committee note from the clarification furnished by the Ministry that the same was done as per the guidelines dated 30 April, 2010 issued by the nodal Department, that is, DoPT. On scrutiny, the Committee find that according to the guidelines another note was also required to be appended to the entry under Col. 6 stating that 'the crucial date for determining the age limit shall be the closing date for receipt of application in India and not the closing date prescribed for those residing in remote areas viz. Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu &amp; Kashmir State, Lahaul &amp; Spiti District and Pangti Sub-Division of Chamba Division of Himachal Pradesh, Andaman &amp; Nicobar Islands and Lakshadweep...".</p>
	1.7	<p>The Committee are of the considered view that each and every provision of the Recruitment Rules framed and published by various Ministries / Departments of the Govt. of India needs to be drafted very carefully and meticulously. The absence of a crucial clause safeguarding the interests of applicants residing in remote areas of the country is a serious lapse on the part of the Ministry and reflects cavalier a very casual approach on critical issues. The Committee find this as unacceptable. The Committee nevertheless note that on being pointed out, the Ministry</p>



		<p>variedly should be avoided in the rules. In this regard, the Committee note that on this anomaly being pointed out, the Ministry have agreed to amend the entry at point (ii) of Sl. Nos. 9 &amp; 14 to read as 'adequate knowledge of MS Office (MS Word, Excel, Power Point etc.) internet, surfing, e-filing. With a view to ensure that this specific stipulation actually materializes, the Committee recommend that the proposed amendment may be brought out expeditiously and a copy of the same may be furnished to the Committee.</p>
3	<p>3.4</p> <p>3.8</p>	<p>Infirmities in the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group 'C' posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2)</p> <p>The Committee note that in the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group 'C' posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2) for the post of Multi Tasking Staff (Nursing) under Col. 7, the required educational &amp; other qualifications has been mentioned as 10<sup>th</sup> Pass from a recognized Board. The Committee, however, find it very strange that even being a 'nursing post', there was no qualification or training involving nursing, was prescribed. In this regard, the Committee however note that on being pointed out, the Ministry admitted that it was an 'over sight' on their part and they agreed to amend the recruitment rules by prescribing 'First Aid and Dressing certificate from St. John's ambulance or equivalent with one year experience in the field work' coupled with Desirable Qualification as 'Training in 'Basic' and 'Refresher' Course in Home Guards/Civil Defence'. The Committee accordingly, recommend that as assured by the Ministry the requisite amendment to the rules are carried out at the earliest, and they be apprised of the action taken in this regard.</p> <p>The Committee note that in the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group 'C' posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2), the year in</p>

		<p>the short title does not tally with the year of their publication in the Gazette. Accordingly, the matter was taken up with the Ministry of Defence (Department of Defence Production) to ascertain the reasons for deviation from the oft-repeated recommendation of the Committee. The Committee are, however, not inclined to accept the contention of the Ministry that the Notification was dated 11.12.2013 but the same got published in the year 2014 and hence no change is envisaged. Under the circumstances the Committee reiterating their earlier recommendations further recommend the Ministry of Defence to scrupulously follow the recommendations of Committee on Subordinate Legislation while framing rules in future. The Committee also recommend that the Ministry may issue a corrigendum rectifying the error in the short title in order to make it consistent with the 'year' of publication. Further the Ministry should ensure that the 'year' in the short title tally with the year of publication especially when the recruitment rules are sent for printing during the end of a year so that no difficulties are caused in referring the Rules.</p>
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	4.5	<p>mentioning the same probation period on which clarification from UPSC was awaited. This is reflected the lackadaisical approach of the Ministry with regard to getting the Gazette Notification printed. The Committee, therefore, recommend the Ministry to be more cautions in future in this regard.</p> <p>The Committee also express their grave displeasure that the UPSC, the premier recruiting agency had initially prescribed a discriminatory probation period for the post of Assistant Director (Lecturer) for direct recruits and promotees, thereby, undermining the experienced candidates by prescribing a higher probation period for them. Further, it took more than a year to respond to the clarification sought by the Ministry <i>vide</i> their OM dated 19.5.2014 in this regard. The Committee, therefore, desire that the UPSC be more prompt and considerate while vetting the rules so as to avoid recurrence of such types of discrimination in the recruitment rules in future.</p>
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## APPENDIX II

(Vide Para 5 of the Introduction of the Report)

### MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2015-2016)

The sixth sitting of the Committee (2015-16) was held on Thursday, the 4th February, 2016 from 1500 to 1600 hours in Committee Room No. 53, Parliament House, New Delhi.

#### PRESENT

1. Shri Dilipkumar Mansukhlal Gandhi                      Chairperson

#### MEMBERS

2. Shri C.R. Chaudhary
3. Shri Birendra Kumar Chaudhary
4. Shri S. P. Muddahanumegowda
5. Shri Jhina Hikaka
6. Adv. Narendra Keshav Sawaikar
7. Shri Nandi Yellaiah

#### SECRETARIAT

1. Shri Ravindra Garimella                      -                      Joint Secretary
2. Shri Ajay Kumar Garg    -                      Director
3. Shri Nabin Kumar Jha    -                      Additional Director

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee (2015-16). The Committee, thereafter, considered the following Memoranda:-

- (i) **Memorandum No. 25** – The Directorate of Field Publicity, Ministry of Information and Broadcasting, Multi-tasking Staff, Recruitment Rules, 2014 (GSR 55 of 2014).
- (ii) **Memorandum No. 26** – The Central Waqf Council (Group A,B,C Non-Gazetted, Non-Ministerial Posts) Recruitment Rules, 2014 (GSR 363-E of 2014).

- (iii) **Memorandum No. 27** – The Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Group 'C' posts of Multi Tasking Staff Amendment Recruitment Rules, 2013 (SRO 2 of 2013).
- (iv) **Memorandum No. 28** – The North Eastern Police Academy, Barapani, Group A and B posts Recruitment Rules, 2014 (GSR 499-E of 2014).

3. After deliberations, the Committee decided to incorporate the points raised in the Memoranda Nos. 25 to 28 in their Report to be formulated in this regard. In regard to Memorandum No. 25, the Committee desired that there need be a specific recommendation by the Committee to the effect that in notifications for recruitment the exact date for determining the age limit for candidates be clearly spelt out.

The Committee then adjourned.

**EXTRACTS FROM THE TWELFTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2015-2016)**

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The Twelfth sitting of the Committee (2015-16) was held on Wednesday, the 3<sup>rd</sup> August, 2016 from 1500 to 1700 hours in Committee Room 139, Parliament House Annexe, New Delhi.

**PRESENT**

1. Shri Dilipkumar Mansukhlal Gandhi Chairperson

**MEMBERS**

2. Shri Idris Ali
3. Shri Shyama Charan Gupta
4. Shri Jhina Hikaka
5. Shri Prem Das Rai
6. Shri Chandulal Sahu
7. Adv. Narendra Keshav Sawaikar

**SECRETARIAT**

1. Shri Devender Singh - Addl. Secretary
2. Shri Ajay Kumar Garg - Director
3. Smt. Emma C. Barwa - Deputy Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee.

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8. Thereafter, the Committee considered their draft Twelfth, Thirteenth and Fourteenth Reports and adopted the same without any modifications. The Committee also authorised the Chairperson to present the above Reports to the House.

9. XX XX XX

The Committee then adjourned.

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