

COMMITTEE ON SUBORDINATE LEGISLATION
(2015-2016)

(SIXTEENTH LOK SABHA)

FOURTEENTH REPORT

**[ACTION TAKEN REPORT OF THE COMMITTEE ON THE RECOMMENDATIONS
/OBSERVATIONS CONTAINED IN SECOND REPORT (2014-2015) (SIXTEENTH LOK
SABHA)]**

(PRESENTED ON 10.8.2016)

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LOK SABHA SECRETARIAT

NEW DELHI

August, 2016/Sravana, 1938

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(16th 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
8. Shri Chandu Lal Sahu
9. Shri Ram Prasad Sarmah
10. Adv. Narendra Keshav Sawaikar
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. Shri Nabin Kumar Jha - Addl. Director
4. Smt. Emma C. Barwa - Deputy Secretary
5. Smt. Vidya Mohan - Committee Officer

INTRODUCTION

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

2. This Report relates to the action taken on the recommendations of the Committee contained in the Second Report (2014-2015) (Sixteenth Lok Sabha) which was presented to Lok Sabha on 19.12.2014.

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

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

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

6. An analysis of the action taken by Government on the recommendations contained in the Second Report of the Committee (16th Lok Sabha) is given in Appendix III.

**New Delhi;
August, 2016 / Sravana, 1938**

**DILIPKUMAR MANSUKHLAL GANDHI,
CHAIRPERSON,
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 Second Report (Sixteenth Lok Sabha) which was presented to Lok Sabha on 19.12.2014. The Second Report dealt with the following Chapters: -

- I. The Protection of Plant Varieties and Farmers' Rights (Second Amendment) Rules, 2009 (GSR 783-E of 2009).
- II. Delay in publication of the Ministry of Agriculture, Central Institute of Fisheries, Nautical and Engineering Training Cochin, Director Recruitment Rules, 2010 (GSR 847-E of 2010).
- III. Infirmities in the Vegetable Oil Products Production and Availability (Regulation) Order, 2011 (GSR 664-E of 2011).

2. The shortcomings observed during scrutiny of the Rules/Order 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 Second Report is given in Appendix-I

**New Delhi;
August 2016 / Sravana,1938**

**DILIPKUMAR MANSUKHLAL GANDHI,
CHAIRPERSON,
COMMITTEE ON SUBORDINATE LEGISLATION**

APPENDIX – I

(vide Para 4 of Introduction of the Report)

STATEMENT SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS/OBSERVATIONS CONTAINED IN THE SECOND REPORT OF THE COMMITTEE (16th LOK SABHA)

I. The Protection of Plant Varieties and Farmers' Rights (Second Amendment) Rules, 2009 (GSR 783-E of 2009).

Recommendation (Para 1.3)

The Committee in regard to above observe that the Protection of Plant Varieties and Farmers' Rights (Second Amendment) Rules, 2009 (GSR 783-E of 2009) were laid on the Table of the House on 30 November, 2010 after an inordinate delay of more than one year after its publication in the Gazette, that too, on being pointed out to the concerned Ministry of Agriculture (Department of Agriculture and Cooperation). The Committee observe that neither any explanatory note giving the reasons for such delay was appended to the Orders when so laid as per the recommendation of the Committee nor any reply furnished by the Ministry in this regard. The Committee take a serious note of the casual attitude of the Ministry towards the Committee's recommendation on such an important Parliamentary obligation of laying of 'Orders', which are under their administrative control. The Committee, therefore, desire that the Ministry may justify their inordinate delay in laying of such rules and furnish their reasons of non-appending of the delay statement thereof at the time of laying. The Committee also desire that the Ministry to intimate them about the necessary steps taken by them to avoid recurrence of such lapses in future.

Reply of the Ministry

The Ministry sincerely apologizes for the delay and assures the Committee that such mistakes will not occur in future. The Ministry have taken appropriate steps in this regard and the observations of the Committee have been noted for compliance.

[Ministry of Agriculture (Department of Agriculture & Cooperation)
OM No. 2-1/2009.SD.V dated 23 January, 2015]

II. Delay in publication of the Ministry of Agriculture, Central Institute of Fisheries, Nautical and Engineering Training Cochin, Director Recruitment Rules, 2010 (GSR 847-E of 2010).

Recommendation (Para 2.4)

The Committee note that the Ministry of Agriculture, Central Institute of Fisheries, Nautical and Engineering Training Cochin, Director Recruitment Rules, 2010 (GSR 847-E of 2010) which ought to have been notified in the Extraordinary Gazette on the same day, were sent for publication on 5 October, 2010 and finally published on 20 October, 2010, causing a delay of 15 days. The Committee observe that the Ministry simply cited the reason that initially the Rules were sent to the press for publication in the Gazette of India, Part-II, Section 3(i) and later when it was felt that the published copy was required urgently, it was decided to get them published in the Extraordinary Gazette entailing a delay of 15 days. The Committee strongly deplore the Ministry's casual approach and lack of planning in matters of publication of statutory orders, that too pertaining to the recruitment of a senior level post of a Director resulting in the delay, which could have been avoided had the Ministry taken their responsibility a bit more seriously.

Reply of the Ministry

Ministry of Agriculture, Central Institute of Fisheries, Nautical and Engineering Training Cochin, Director Recruitment Rules, 2010 (GSR 847-E of 2010) which ought to have been notified in the Extraordinary Gazette on the same day were sent for publication on 5th October, 2010 and actually published on 20th October, 2010. Hence delay in publication for 15 days is regretted.

[Ministry of Agriculture & Farmers Welfare
(Department of Animal Husbandry, Dairying & Fisheries)
O.M. No. 3-04/2009-Admn.V dated 14 December, 2015]

Recommendation (Para 2.5)

The Committee further observe that it is also the Ministry's responsibility to ensure that the matters contained in the Rules which are certified to be fit for publication in the Extraordinary Gazette are of urgent nature and having certified as such, it should be ensured that these rules are published on the same day. The Committee, therefore, desire the Ministry to apprise them about the reasons that caused delay and also about the measures adopted by them to establish a mechanism to ensure avoidance of recurrence of such lapses in future.

Reply of the Ministry

Hence delay in publication for 15 days is regretted. Due care shall be taken in future to ensure publication of RRs in Extraordinary Gazette on the same day.

[Ministry of Agriculture & Farmers Welfare
(Department of Animal Husbandry, Dairying & Fisheries)
O.M. No.3-04/2009-Admn.V dated 14 December, 2015]

III. Infirmities in the Vegetable Oil Products Production and Availability (Regulation) Order, 2011 (GSR 664-E of 2011).

Recommendation (Para 3.7)

The Committee note that Regulation 6 of the Vegetable Oil Products Production and Availability (Regulation) Order, 2011 (GSR 664-E of 2011) of the notification issued by the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution) (Directorate of Vanaspati, Vegetable Oils and Fats) provides for appeal by the aggrieved person against the order of fine or cancellation of registration. The Regulation, however, does not stipulate any time limit for disposal of the appeal by the appellate authority. On being pointed out, the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution) have proposed to amend the said order so as to specify a period of 90 days from the date of filing of the appeal for disposal of appeals by the Appellant Authority. The Committee, therefore, recommend that the Ministry should exercise utmost care while drafting rules/regulations in future. The Committee also urge the Ministry to bring out the amendment at the earliest.

Reply of the Ministry

The amendment in respect of para 3.7 has already been issued. A copy of amendment dated 11th January, 2013 is enclosed.

[Ministry of Consumer Affairs, Food and Public Distribution
(Department of Food and Public Distribution)
OM No.05/01/2015-Oil dated 4 November, 2015]

Recommendation (Para 3.8)

As per Regulation 7 of the order, the Central Government may, in public interest, relax in 'specific circumstances' for 'specific period' any or all of the requirements specified in this

Order for such manufacturer, stocking or sale of any variety of vegetable oil products. The Committee note that the Regulation has not indicated the circumstances in which this power can be exercised by the authorities and the maximum duration for which the relaxation can be applied. The Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution) have clarified that 'specific circumstances' may include shortage of edible oil in the country, necessity of import of edible oil, management of scheme for distribution of subsidized imported edible oils, augment the availability of edible oil etc. to meet domestic demand. The Committee urge the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution) (Directorate of Vanaspati, Vegetable Oils and Fats) to incorporate this clarification in the regulation. The regulation should also indicate the maximum duration not exceeding six months for which the relaxation can be applied. The Committee further recommend that the requisite amendment to the order be carried out at the earliest and the Committee be apprised of the action taken in this regard.

Reply of the Ministry

Amendment in the Vegetable Oil Product Production and Availability (Regulation) Order, 2011 is under process and the recommendation of the Committee in respect of para 3.8 has been incorporated.

[Ministry of Consumer Affairs, Food and Public Distribution
(Department of Food and Public Distribution)
OM No. F.No. 05/01/2015-Oil dated 4 November, 2015]

APPENDIX-II
(vide Para 5 of Introduction of the Report)

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

The Twelfth sitting of the Committee (2015-16) was held on Wednesday, the 3rd 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.

3. XX XX XX.

4. XX XX XX

5. XX XX XX

6. XX XX XX

7. XX XX XX

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.

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

APPENDIX-III

(vide para 6 of Introduction of the Report)

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

(SIXTEENTH 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, 2.4, 2.5 3.7, 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%