

**COMMITTEE ON SUBORDINATE LEGISLATION**  
**(SIXTEENTH LOK SABHA)**  
**(2014-2015)**

**THIRD REPORT**

**[ACTION TAKEN REPORT OF THE COMMITTEE ON THE OBSERVATIONS/  
RECOMMENDATIONS CONTAINED IN THIRTY-THIRD REPORT (2012-2013) OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION (FIFTEENTH LOK SABHA)]**

**(PRESENTED ON 18.3.2015)**

**S**

**E**

**A**

**L**

**LOK SABHA SECRETARIAT**

**NEW DELHI**

**March, 2015/Phalguna, 1936 (Saka)**

**COSL No.**

**PRICE: Rs.**

**(C) 2010 BY LOK SABHA SECRETARIAT**

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

## CONTENTS

	PAGE No.
COMPOSITION OF THE COMMITTEE (2014-2015)	(iii)
INTRODUCTION.....	(v)
REPORT .....	1

## APPENDICES

I. Statement showing the action taken by the Government on the observations/recommendations contained in the Thirty-third Report of the Committee on Subordinate Legislation (15 <sup>th</sup> Lok Sabha).....	2
II. Extracts of the Minutes of the Sixth Sitting (2014-15) of the Committee (16 <sup>th</sup> Lok Sabha) held on 9.3.2015.	
III. Analysis of the Action Taken by the Government on the recommendations contained in the Thirty-third Report of the Committee on Subordinate Legislation (15 <sup>th</sup> Lok Sabha).....	5

**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2014-2015)**

1. Shri Dilipkumar Mansukhlal Gandhi                      Chairperson
2. Shri Idris Ali
3. Shri C. R. Chaudhary
4. Shri P. P. Chaudhary
5. Shri Shyama Charan Gupta
6. Shri Jhina Hikaka
7. Shri S. P. Muddahanumegowda
8. Shri V. Panneerselvam
9. Shri Prem Das Rai
10. Shri Chandu Lal Sahu
11. Shri Ram Prasad Sarmah
12. Adv. Narendra Keshav Sawaikar
13. Shri Ram Kumar Sharma
14. Shri Nandi Yellaiah
15. Shri Birendra Kumar Chaudhary

**SECRETARIAT**

1. Shri Shiv Singh                      -              Joint Secretary
2. Shri Raju Srivastava                -              Additional Director
3. Smt. Jagriti Tewatia                -              Deputy Secretary
4. Smt. Vidya Mohan                  -              Committee Officer

## INTRODUCTION

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

2. This Report relates to the action taken on the observations/recommendations of the Committee contained in the Thirty-third Report (2012-2013) (Fifteenth Lok Sabha) which was presented to Lok Sabha on 8.5.2013.

3. The Committee considered and adopted this Report at their sitting held on 9.3.2015.

4. The summary of recommendations contained in the Thirty-third 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 Thirty-third Report of the Committee (15<sup>th</sup> Lok Sabha) is given in Appendix III.

**New Delhi;  
9 March, 2015  
18 Phalgun, 1936(Saka)**

**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 Thirty-third Report (Fifteenth Lok Sabha) which was presented to Lok Sabha on 8.5.2013. The Thirty-third Report dealt with the following Chapters: -

- I. The Department of Space (Principal Private Secretary) Recruitment Rules, 2009 (GSR 180-E of 2009).
- II. Infirmities in the Tea Board (Recruitment and Conditions of Service of Directors of Tea Promotion appointed by Government) Amendment Rules, 2007 (GSR 443-E of 2009).
- III. Delay in laying of the Madras High Court (Establishment of a Permanent Bench at Madurai) Amendment Order, 2009 (GSR 786-E of 2009).

**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 Thirty-third Report is given in Appendix-I.**

New Delhi;  
9 March, 2015  
18 Phalguna, 1936(Saka)

DILIPKUMAR MANSUKHLAL GANDHI,  
CHAIRPERSON,  
COMMITTEE ON SUBORDINATE LEGISLATION

## **APPENDIX – I**

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

### STATEMENT SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE THIRTY-THIRD REPORT OF THE COMMITTEE (15<sup>th</sup> LOK SABHA)

#### **I. The Department of Space (Principal Private Secretary) Recruitment Rules, 2009 (GSR 180-E of 2009).**

##### **Recommendation (Para 1.3)**

The Committee note that the Department of Space (Principal Private Secretary) Recruitment Rules, 2009 dated 23 February, 2009 were published in the Gazette of India, Extraordinary on 19 March, 2009 after a delay of 24 days. Strangely, the Department of Space has held the view that there was no delay in publishing the notification and has cited the date(s) of transmission of the notification to its Branch Secretariat, GOI Press, Faridabad and GOI Press, Ring Road, New Delhi. Matters of urgent importance only need to be published in the Extraordinary Gazette and should be published on the same day of the date of the notification. In the case under reference, the matter does not appear to be of extraordinary character and it is not clear why the Deptt. of Space treated the notification of recruitment rules as 'extraordinary'. Having treated the matter as 'extraordinary', what one would have expected of the Deptt. of Space is to get the notification published on the same day. Instead, the notification was handled very casually and was sent to the Branch Secretariat first and then to Faridabad Press instead of Ring Road Press. In the process, there was a delay of 24 days which is on account of lapses on the part of the Deptt. of Space. The Committee urge the Deptt. of Space to have a fresh look at the procedures of handling of notifications and streamline the same, if necessary, to ensure that there is no recurrence of the mishandling of notifications.

##### **Reply of the Ministry**

The observations/recommendations are brought to the notice of all concerned in the Department to have a fresh look at the procedure of handling of notifications and streamline the same, if necessary, to ensure that there is no recurrence of the mishandling of notifications.

**[Department of Space OM No. 22014/30/2013- Sec 5 dated 4.06.2013]**

II. **Infirmities in the Tea Board (Recruitment and Conditions of Service of Directors of Tea Promotion appointed by Government) Amendment Rules, 2007 (GSR 443-E of 2009).**

**Recommendation (Para 2.3)**

The Committee note that the Ministry of Commerce & Industry (Deptt. of Commerce) has taken as long as one and half years to publish the Tea Board (Recruitment and Conditions of Service of Directors of Tea Promotion appointed by Government) Amendment Rules, 2007 in final form after publishing draft rules inviting objections and suggestions. The rules in final form in such cases should have been published within three months after publication of the draft rules, if there are no large number of objections/suggestions. In this case, there was only one representation which should have been processed within the stipulated time and the rules in final form ought to have been published in time. The Deptt. of Commerce have clearly failed in this respect. The explanation of the Deptt. of Commerce that the delay was due to time taken to dispose off the representation in consultation with the Integrated Finance Division and Integrated Work Study Unit of the Department of Commerce is not convincing. The Committee caution the Deptt. of Commerce to exercise due care in future and strictly adhere to the prescribed time limit. The Committee also expect the Deptt. of Commerce to ensure that there is no recurrence of such inordinate delays in publication of final rules in future.

**Recommendation (Para 2.5)**

The Committee note that there was a discrepancy in the short-title of the Rules. On being pointed out, the Ministry of Commerce and Industry (Department of Commerce) have issued corrigenda rectifying the discrepancy. The Committee would like the Ministry to be vigilant and ensure that error of this nature does not recur in future.

**Reply of the Ministry**

The observations/recommendations of the Committee have been noted for future compliance.

**[Ministry of Commerce & Industry (Department of Commerce)  
No. T-49014/1/2007-Plant 'A' dated 12.6.2013]**



**III. Delay in laying of the Madras High Court (Establishment of a Permanent Bench at Madurai) Amendment Order, 2009 (GSR 786-E of 2009).**

**Recommendation (Para 3.3)**

The Committee note that the Madras High Court (Establishment of a Permanent Bench at Madurai) Amendment Order, 2009 (GSR 786-E) dated 26 October, 2009 was published in the Gazette on 28 October, 2009. The order was not laid on the Table of the House as per procedures. Only after the Committee took up the matter with the Ministry of Law and Justice (Department of Justice), the order was laid on the Table of the Lok Sabha on 2 December, 2010. In the process, there was a delay of over one year in laying the order on the Table of the House.

**Recommendation (Para 3.4)**

There is a procedural requirement that when there is delay in laying a notification on the Table of the House, an explanatory note giving reasons for such delay should be appended to the order. Even this requirement was not fulfilled by the Ministry of Law and Justice (Department of Justice). The Committee take a serious note of the casual attitude of the Department of Justice in this regard. The Committee demand an explanation from the Ministry of Law and Justice (Department of Justice) regarding reasons for inordinate delay in laying the notification on the Table of the House which has deprived the House of the information regarding establishment of a permanent Bench of the Madras High Court in Madurai, for over one year. The Committee also require the Department of Justice to explain as to why the requirement of appending an Explanatory Note regarding delay was not adhered to while laying the notification on the Table of the House.

**Reply of the Ministry**

The above lapse in meeting the procedural requirement is regretted. The lapse was inadvertent and was in no way intended to show any disrespect to the Committee on Subordinate Legislation or to deprive it of information about the issue of the Madras High Court (Establishment of a Permanent Bench at Madurai) Amendment Order, 2009 dated 26 October, 2009. The Department of Justice extends its apology to the Committee. To ensure that such delays in laying of the rules or orders do not take place again, instructions on the procedure to be followed in laying of the rules/orders in each House of the Parliament are being reiterated to all the Officers/Divisions in the Department of Justice for strict compliance.

**[Ministry of Law & Justice (Department of Justice)  
OM No. K-11018/5/98-US.I dated 4 September, 2014]**

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

EXTRACTS OF THE MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION (2014-2015)

---

The sixth sitting of the Committee (2014-15) was held on Monday, the 9<sup>th</sup> March, 2015  
from 1500 to 1545 hours in Committee Room 'E', Parliament House Annexe, New Delhi.

**PRESENT**

1. Shri Dilipkumar Mansukhlal Gandhi                      Chairperson

**MEMBERS**

2. Shri Idris Ali
3. Shri C.R. Chaudhary
4. Shri P.P. Chaudhary
5. Shri Shyama Charan Gupta
6. Shri S. P. Muddahanumegowda
7. Shri Prem Das Rai
8. Adv. Narendra Keshav Sawaikar
9. Shri Ram Kumar Sharma
10. Shri Nandi Yellaiah
11. Shri Birendra Kumar Chaudhary

**SECRETARIAT**

1. Shri Shiv Singh                      -              Joint Secretary
2. Shri Ajay Kumar Garg              -              Director
3. Shri Raju Srivastava                -              Additional Director
4. Smt. Jagriti Tewatia                -              Deputy Secretary

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee (2014-15).

3. The Committee, then, considered and adopted the draft 'Third Action Taken Report' of the Committee without any modification. The Committee also authorised the Chairperson to present the report to the House.

4. XX XX XX

5. XX XX XX

6. XX XX XX

7. 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 THIRTY-THIRD REPORT OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION  
(FIFTEENTH LOK SABHA)

I.	Total No. of observations/recommendations made	5
II.	Recommendations that have been accepted by the Government [ <u>vide</u> recommendations at Sl. Nos. 1.3, 2.3, 2.5 3.3 and 3.4]	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%