

**COMMITTEE ON SUBORDINATE LEGISLATION
(THIRTEENTH LOK SABHA)
(2003-2004)**

TWELFTH REPORT

(PRESENTED ON 10.12.2003)

LOK SABHA SECRETARIAT

NEW DELHI

C O N T E N T S

Para No

COMPOSITION OF THE COMMITTEE

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2003-2004)

1. Dr. B.B. Ramaiah - Chairman
2. Shri S.K. Bwiswmuthiary
3. Shri Ramdas Rupala Gavit
4. Shri Paban Singh Ghatowar
5. Shri Talib Hussain Chowdhary
6. Dr. M. Jagannath
7. Shri Ram Singh Kaswan
8. Shri Suresh Kurup
9. Shri Pravin Rashtrapal
10. Shri Anadicharan Sahu
11. Prof. I.G. Sanadi
12. Dr. Ram Lakhan Singh
13. Shri Ramjiwan Singh
14. Shri Tufani Saroj
15. Dr. N. Venkataswamy

SECRETARIAT

1. Shri S.K. Sharma - Joint Secretary
2. Shri A. Louis Martin - Deputy Secretary
3. Shri Ashok Balwani - Under Secretary

INTRODUCTION

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

The matters covered by this Report were considered by the Committee at their sittings held on 8.4.2003 and 25.6.2003. The Committee took oral evidence of the representatives of Department of Health and Department of Indian System of Medicine and Homeopathy of Ministry of Health and Family Welfare on 8 April, 2003. The Committee wish to express their thanks to the representatives of the Ministry for appearing before the Committee and furnishing the information desired by them.

The Committee considered and adopted this Report at their sitting held on 4 August, 2003. The Extract from the Minutes* of the sittings relevant to this Report are included in Appendix II to IV.

For facility of reference and convenience, recommendations/observation of the Committee have been printed in thick type in the body of the Report and have also been reproduced in consolidated form in Appendix I in the Report.

**NEW DELHI;
August,2003**

**(B.B. RAMAIAH)
CHAIRMAN
COMMITTEE ON SUBORDINATE LEGISLATION**

The Colliery Control Order, 2000 (SO 1-E of 2000)

The Colliery Control order was published in the Gazette of India, Extraordinary, Part-II, Section 3 (ii) dated 1 January, 2000. It was observed therefrom that as per the provisions contained in clauses 7 & 12, the Coal Controller could authorise 'any other officer' for the purpose of quality surveillance and to inspect collieries. In this regard, it was felt that the minimum rank of the officer who could be so authorised by the Coal Controller should have been prescribed in order to prevent any arbitrary use of discretionary power. The Ministry of Mines and Minerals (now the Ministry of Coal) were, therefore, requested to state whether they had any objection in amending the aforesaid order to achieve the desired effect.

1.2. The Ministry in their reply dated 5th October, 2000 stated that there were several other control orders issued by the Central Government wherein similar delegation to unspecified level of officers existed. The Ministry of Coal, however, indicated that they would advise the Coal Controller to issue an office order to the effect that the powers under clause 6, 7, 9, 11 and 12 of Colliery Controller Order, 2000 should be exercised in his absence from headquarters, by the Deputy Coal Controller.

1.3 The proposal of the Ministry that the Coal Controller would issue an office order to the effect that in his absence from the Headquarters his powers shall be exercised by the Dy. Coal Controller did not appear to be satisfactory as the office order would not be notified in the official gazette but would only amount to an executive instruction. In

view of this, it was felt that in order to prevent any arbitrary use of the discretionary powers, it would be necessary to specify the minimum rank of the officer in the Colliery Control order itself. The Ministry was, therefore, asked to amend the Colliery Control order accordingly.

1.4 The Ministry have since issued a notification SO 453-E dated 21 May, 2001 amending the Colliery Control order to prescribe the Minimum rank of the officer for quality surveillance's and inspection as 'not below the rank of coal superintendent'.

1.5 The Committee observe that clauses 7 & 12 of the Colliery Control Order do not prescribe minimum rank of Officer who can be authorised by the Coal Controller for the purpose of quality surveillance and inspection of collieries. On being pointed out that specifying the minimum rank of officer is necessary to prevent arbitrary use of discretionary powers, the Ministry have taken necessary action. The Committee note with satisfaction that the Ministry of Coal have since issued an amendment to the Colliery Control Order prescribing the minimum rank of the Officer, vide Gazette of India Notification No. SO 453-E dated 21st May, 2001.

II

The Regional Drugs Testing Laboratory, Guwahati (Group 'C' and Group 'D') Recruitment Rules, 2000 (GSR 513 of 2000)

The Regional Drugs Testing Laboratory, Guwahati (Group 'C' and Group 'D' Posts) Recruitment Rules were published in the Gazette of India, Part-II, Section 3(i) dated 23 December, 2000. It was observed therefrom that for direct recruits to the post of Junior Scientific Assistant, the prescribed lower age limit was 18 years. This appeared to be redundant, as the prescribed essential qualification of "a degree in chemistry" cannot be achieved at that age. The Ministry of Health and Family Welfare were, therefore, requested to explain the rationale for prescribing the lower age limit of 18 years and also to state whether they had any objection in amending the entry suitably.

2.2 The Ministry in their reply dated 25 July, 2001 stated that the age limit under col. 6 of the Recruitment Rules had been prescribed on the basis of guidelines issued by Department of Personnel & Training. The Ministry also indicated that it had been decided in consultation with the Department of Personnel and Training to change the entry under Col. 6 of the above mentioned Recruitment Rules as "Not exceeding 25 years." The Ministry have since issued an amendment to this effect vide Gazette of India, notification No. GSR 382 dated 21 September, 2002.

2.3 The Committee observe that the Regional Drugs Testing Laboratory, Guwahati (Group ‘C’ and Group ‘D’) Recruitment Rules, 2000 prescribe a lower age limit of 18 years for direct recruits for the post of Junior Scientific Assistant. The prescribed lower age limit appears to be redundant as essential qualification i.e. “Degree with Chemistry” cannot be achieved by the age of 18 years. On being pointed out, the Ministry of Health and Family Welfare has issued an amendment deleting the provision regarding lower age limit of 18 years from the rules and substituting it with the words ‘not exceeding 25 years of age’. The Committee, however, note that the Ministry had taken an unduly long time of more than 18 months to issue the amendment. The Committee urge the Ministry to be prompt in responding to their queries and taking suitable follow up action.

III

The Coffee Board General Provident Fund (Amendment) Rules, 2001 (GSR 120 of 2001)

The Coffee Board General Provident Fund (Amendment) Rules, 2001 were published in the Gazette of India, Part-II, Section 3 (i), dated 3 March, 2001.

A. Interpretation Clause :-

3.2 Rule 29 of these Rules reads as under:-

“Rule 29, Interpretation:- “if any question arises relating to the interpretation of these rules, it shall be referred to the Central Government, whose decision thereon shall be final.”

3.3. It was felt that the rule, as worded, would give an impression in the minds of the general public that the jurisdiction of the law Courts was being ousted which could never be the intention of any Subordinate Legislation. In this connection, the Ministry of Commerce was asked to furnish their comments and to indicate whether they had any objection in deleting the said wording.

3.4. The Ministry vide their reply dated 6 August, 2001 stated as under:-

“Rule 29 of the Coffee Board GPF Rules States “If any question arises relating to the interpretation of these rules, it shall be referred to the Central Government, whose decision thereon shall be final. This particular rule also exists in the General Provident Fund (CS) Rules, 1960 and has been derived from that Rule only because the amendments to the Coffee Board GPF Rules have been carried out to make them up-to-date on the basis of GPF (CS) Rules, 1960, as per the recommendations of the Committee on Subordinate Legislation, Rajya Sabha.

Moreover, it is a normal practice to include this type of rule at the end of the rules/subordinate legislation and the same is found in most of the rules. The main purpose of this rule is to see that in case of any ambiguity in the framed rules due to interpretation etc., the competent authority should not settle the matter arbitrarily and to the disadvantage of the employees. Instead, such matters should be referred to Central Govt., which examines the issue with reference to corresponding rules/regulations applicable to Central Govt. employees and if need arises in consultation with Ministry of Law & Justice and give its decision in the matter. The inclusion of this clause ensures that the interests of the employees are protected and in no way the jurisdiction of the law court is being ousted by this rule. There is no restriction or bar on the employees of the Board etc. to approach law courts for redressal of their grievances arising out of any interpretation/clarifications or decision of the Central Govt.”

3.5 The Committee note that Rule 29 of the Coffee Board General Provident Fund (Amendment) Rules, 2001 provides that questions regarding interpretation of the rules should be referred to the Central Government whose decision thereon shall be final. The phrase ‘whose decision shall be final’ gives an impression that the jurisdiction of the Court of Law is being ousted. The Committee observe that the Ministry’s attempt to justify this phraseology is untenable. The Committee reiterate their oft-repeated recommendation that the language used in the interpretation clause of the rules should not give an impression that the jurisdiction of the Courts is being ousted in any manner. The Committee stress that the wordings “whose decision shall be final” found mentioned in Rule 29 should be deleted forthwith.

B. Foot Note:-

3.6. The Coffee Board General Provident Fund (Amendment) Rules, 2001 were amending in nature but there was no foot-note, which was normally appended in such cases to indicate the particulars of publication of the principal rules and the subsequent amendments made thereto for facilitating easy reference.

3.7. The matter was referred to the Ministry to ascertain the reasons for deviation from the normal practice followed in this regard. The Ministry in their reply dated 6 August, 2001 stated as under:-

“With regard to non-inclusion of foot note in the notification, it is submitted that earlier in the year 1999, when the Committee on Subordinate Legislation, Rajya Sabha, visited Bangalore to examine the said rules of the Board, the Committee wanted to know the date on which the Coffee Board GPF Rules, 1965 were laid on the Table of the House of Parliament. At that point of time, this Department informed the Rajya Sabha Secretariat as under:

‘..... Coffee Board General Provident Fund Rules, 1965 were framed in the year 1965 i.e. 34 years ago. As it is prerequisite that all the rules/regulations framed under the Act are to be laid on the Table of the both Houses of Parliament, it is presumed that said Rules would have been laid on the Table of the Rajya Sabha. Since old records, connected papers are not traceable in the Coffee Board and the Ministry, it is not possible for this Ministry to say with authenticity as to when these Rules were laid on the Table of the Rajya Sabha.

As the exact date of publication of the principal notification of Coffee Board GPF Rules, 1965 is not readily traceable with the Coffee Board and this Ministry, it has not been possible to give a foot note in the notification amending the Coffee Board GPF Rules, 1965.

Here, it is also submitted that the draft notification amending the Coffee Board’s GPF Rules, has also been got vetted by the Legislative Department before the same was sent for publication in the official gazette.”

3.8 The Committee observe that no foot-note indicating the particulars of the Principal Rules and subsequent amendments thereto has been appended to the Coffee Board General Provident Fund (Amendment) Rules, 2001 which is necessary for facilitating easy reference. According to the Ministry of Commerce & Industry, old records and connected papers are not traceable either in the Coffee Board or in

the Ministry. As the exact date of publication of the principal notification of Coffee Board GPF Rules, 1965 is not traceable by the Coffee Board and the Ministry, it has reportedly not been possible to give a foot-note. The Committee feel that the Ministry's reply is irresponsible and wonder how in the absence of complete records, the Coffee Board and the Ministry are carrying out their day to day business. The Committee urge that the Ministry should find a way out to resolve this problem and, if necessary, notify afresh comprehensive Coffee Board General Provident Fund Rules incorporating all amendments uptodate, in supersession of the existing set of amended Rules. The Committee also urge that action on this recommendation be completed within three months after presentation of this report.

IV

DELAY IN NOTIFICATION OF THE DRUGS AND COSMETICS (1ST AMENDMENT) RULES, 1998 (GSR 120-E OF 1998)

A draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945 was notified on 29th January, 1997 for eliciting public opinion thereon. The Drugs and Cosmetics (1st Amendment) Rules, 1998 were notified on 5 March, 1998 i.e. after over one year. The Committee on Subordinate Legislation in para 68 of their 24th Report (7th Lok Sabha), have stipulated that in cases where no objection/suggestion on the draft rules was forthcoming, the final rules should be published within a period of three months and in cases where a large number of objections/suggestions were received, the gap should not be more than 6 months.

4.2. When the question of delay in notification of Drugs and Cosmetics (1st Amendment) Rules, 1998 was referred to the Ministry of Health and Family Welfare, the Ministry furnished a statement giving details of time taken at various stages before issue of the notification as shown below:-

| | | |
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| i) | GSR No. 40-E dated 29.1.97 received and sent to o/o DCG(I) | 20.3.97 |
| ii) | The proposal for final notification received from DCG(I) | 26.5.97 |
| iii) | The proposal submitted from Section (DMS & PFA) | 26.5.97 |
| iv) | The proposal re-examined and re-submitted | 05.6.97 |
| v) | MOS approved the proposal | 30.7.97 |

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|-------|--|----------|
| vi) | The case referred to Ministry of Law for vetting | 04.8.97 |
| vii) | The file received back in Section from M/o Law | 27.11.97 |
| viii) | The file referred to the o/o DCG(I) for making neat typed copies | 27.11.97 |
| ix) | The file received from back from DCG(I) with neat typed copies of notification | 12.12.97 |
| x) | The file received sent to M/o Law (OL Wing) for making Hindi version | 22.12.97 |
| xi) | The file received back from OL Wing | 02.1.98 |
| xii) | The file received back from o/o DCG(I) after comparing Hindi version with English one | 16.1.98 |
| xiii) | The administrative approval and expenditure sanction sought from JS (RSD) | 10.2.98 |
| xiv) | The footnote in Hindi version of notification got typed/completed in consultation with o/o DCG(I) and matter referred to GOI Press | 05.3.98 |
| xv) | The copies of notification received from GOI Press and sent to DC Section | 20.3.98 |

4.3. As against permissible period of 3 months, the Ministry have taken over 13 months for publication of Drugs and Cosmetics (1st Amendment) Rules, 1998 after notification of the draft rules on 29 January, 1997. The final rules were notified on 5 March, 1998. From the information furnished by the Ministry regarding time taken at various stages for finalisation of the rules, it was observed that unduly long time was taken by the Ministry at different stages. 50 days time was taken to send the notification to DCG(I); 56 days to get the proposals for final notification; 66 days to get approval from the Minister of State; three and a half months in getting the proposal

vetted by the Ministry of Law and Justice and over three months for issue of final notification.

4.4. The above matter was considered by the Committee at their sittings held on 2nd August, 2002 and 7th November, 2002. At their sitting held on 7 November, 2002, the Committee decided to call the representatives of the Ministry of Health and Family Welfare for explaining the reasons for the delay in publication of final rules. Accordingly, the representatives of the Ministry appeared before the Committee on 8 April, 2003.

4.5. During oral evidence, a representative of the Ministry admitted that in this particular case, there had been delay which occurred primarily due to inter-ministerial consultations which could not be justified.

4.6. As regards implications of this delay, the witness submitted that in this case, the delay had not affected anybody.

4.7. In a post-evidence note dated 25 April, 2003, the Ministry stated that as the process involved clearance of proposals at the level of the Minister and inter-ministerial approval etc. fixing of time limit at every level might not be possible. Having examined the issue in depth, the Ministry have now proposed to adopt a procedure whereby every notification file would carry a specific legend on every page indicating the urgency and expected time limit of publication of final notification so that at every stage the matter is

dealt with in right earnest. The Ministry have also stated that they will attempt to adhere to an indicative time frame shown below:-

| | | | |
|----|--|---|---------|
| A. | Finalization of draft final notification based on consideration of comments received | - | 6 weeks |
| B. | Vetting by Ministry of Law | - | 3 weeks |
| C. | Hindi translation by Ministry of Law | - | 3 weeks |
| D. | Processing in Ministry at various stages? | - | 6 weeks |
| E. | Notification to be issued by Press | - | 1 week |

4.8. The Ministry have stated that the delay in the above case, had no implication from the point of view of public in general. It has been stated that no objections were also received following publication of draft notification.

4.9. The notification had been issued without consulting the Drugs Technical Advisory Board (DTAB). Consultation with DTAB is a pre-requisite. The Committee desired to know the circumstances which necessitated such a step. The Ministry noted in this regard as follows:-

“The DTAB usually meets once in a year. Therefore, after receiving the request from Ministry of Commerce, the process of issuing notification to include Raxoul as port of entry for drug was taken up without consulting DTAB as the issue was not technical in nature and did not involve any serious policy matter. However, in conformity with the legal requirements, the STAB had been consulted and its approval taken before publication of final notification.”

4.10. The Committee note from the Drugs and Cosmetics (Ist Amendment) Rules, 1998 (GSR 120-E of 1998) that there was a delay of over ten months in notifying the

final rules. Though the delay had reportedly no implication from the point of view of public in general, it does, however, reflect adversely on the Ministry's promptness in issuing the notification regarding rules. The Committee note that the Ministry have since formulated "Indicative time frame" for each stage involved in notification. The Committee urge that it must be ensured that the laid down time limit is strictly adhered to and that there is no delay in issue of notifications regarding rules in future.

DELAY IN NOTIFICATION OF THE DRUGS AND COSMETICS RULES (4TH AMENDMENT), 2002 (GSR 422-E OF 2002)

The Drugs and Cosmetics Rules (4th Amendment), 2002 (GSR 422-E of 2002) were published in the Gazette of India, Part-II, Section 3(i) dated 12 June, 2002. It was observed that the draft rules were published on 6th June, 2001 inviting objections and suggestions within 45 days from all persons likely to be affected thereby. No objections and suggestions on the said rules were received from the public. The final rules were published on 12th June, 2002 i.e. after a gap of 12 months. The Committee on Subordinate Legislation in para 68 of their 24th Report (7th Lok Sabha) stipulated that in cases where no objection/suggestion on the draft rules was received, the final rules should be published within a period of three months and in cases where a large number of objections/suggestions were received, the gap should not be more than 6 months. It was observed that inspite of the fact that no objections and suggestions were received from the public in the case under reference, the Ministry had taken unduly long time in notifying the final rules.

5.2. When the question of delay in final notification of Drugs and Cosmetics (4th Amendment) Rules, 2002 was referred to the Ministry of Health and Family Welfare (Department of ISM&H), the Ministry furnished the following information:-

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| i) | The draft Gazette Notification was circulated for seeking comments from stake holders / experts of ASU medicine. | 23.8.2001 |
| ii) | The file was put up for consideration to Govt. for Issuing final notification | 19.10.2001 |
| iii) | The file was finally submitted to HFM for approval through proper channel | 16.11.2001 |
| iv) | The approval of HFM was given on | 12.12.2001 |
| v) | The file was referred to Department of Legislation on It was finally approved on | 1.1.2002 20.3.2002 |
| vi) | The translation in Hindi version of the notification was finally made on. | 30.4.2002 |
| vii) | Necessary other formalities were Completed and then final notification issued | 12.6.2002 |

5.3. It may be observed from above that draft Gazette Notification was circulated for seeking comments from stake holders/experts of ASU medicine on 23.8.2001. As the draft rules were made available to the public on 6.6.2001, it was not clear whether the stake holders were different from the public. The reasons for circulating the draft rules to stake holders more than two months after publication in the Gazette were also not given by the Ministry. When asked to clarify these points, the Ministry has stated (25.2.2003) that Ayurvedic, Siddha and Unani drug manufacturers associations were the stake holders and were different from Siddha and Unani experts. The Members of Ayurvedic, Siddha and Unani medicines were different from general public concerned. Hence, they had issued copy of the notification to stake holders and expert members of Ayurvedic, Siddha and Unani medicines separately.

5.4 In order to seek further clarification with regard to delay in notification of the above rules, the Committee took oral evidence of the representatives of the Ministry of Health and Family Welfare on 8 April, 2003.

5.5 During evidence, the Committee desired to know the reasons for the delay in notification of the final rules. Admitting that there was definitely a delay on the part of the Ministry, the Secretary, Department of Health stated during evidence as follows:-

“It took us quite some time to obtain the approval of the Minister. But there was definitely a delay on the part of the Ministry. They got busy with other things and they did not pay adequate attention to this and so it took us some time. It took us three months to obtain the approval of the hon. Minister. In the Law Ministry it took us four months.”

The witness also added:

“In future, we intend to put a statement on the top of the file itself and indicate the schedule and say whether we are meeting the schedule or not.”

5.6 The Committee note that the Drugs and Cosmetics Rules (4th Amendment) 2002 were published one year after publication of draft rules. No objections and suggestions were received from the public on the draft rules. In cases where no objections/suggestion on the draft rules was forthcoming, the final rules should be published within a period of three months. Thus, there was a delay of over nine months in publication of the Drugs and Cosmetics Rules (4th Amendment), 2002. The Secretary, Health was candid enough to admit that the Ministry did not pay adequate attention to this and that there was definitely a delay on the part of the

Ministry. The Committee expect the Ministry to discharge its functions efficiently in future and to strictly adhere to time-limits laid down by the Committee in the matter of publication of final rules i.e. in cases where no objection/suggestion on the draft rules is forthcoming, the final rules should be published within a period of three months and in cases where a large number of objections/suggestions were received, the gap should not be more than 6 months.

**NEW DELHI;
August, 2003**

**(B.B. RAMAIAH)
CHAIRMAN
COMMITTEE ON SUBORDINATE LEGISLATION**

APPENDIX –I

(Vide Para 4 of the Introduction of the Report)

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

(THIRTEENTH LOK SABHA)

| Sl. No. | Reference to Para No. in the Report | <u>Summary of Recommendations</u> |
|---------|-------------------------------------|--|
| 1 | 2 | 3 |
| 1. | 1.5 | <p><u>The Colliery Control Order, 2000 (SO 1-E of 2000)</u></p> <p>The Committee observe that clauses 7 & 12 of the Colliery Control Order do not prescribe minimum rank of Officer who can be authorised by the Coal Controller for the purpose of quality surveillance and inspection of collieries. On being pointed out that specifying the minimum rank of officer is necessary to prevent arbitrary use of discretionary powers, the Ministry have taken necessary action. The Committee note with satisfaction that the Ministry of Coal have since issued an amendment to the Colliery Control Order prescribing the minimum rank of the Officer, <u>vide</u> Gazette of India Notification No. SO 453-E dated 21st May, 2001.</p> |
| 2. | 2.3 | <p><u>The Regional Drugs Testing Laboratory, Guwahati (Group 'C' and Group 'D') Recruitment Rules, 2000 (GSR 513 of 2000)</u></p> <p>The Committee observe that the Regional Drugs Testing Laboratory, Guwahati (Group 'C' and Group 'D') Recruitment Rules, 2000 prescribe a lower age limit of 18 years for direct recruits for the post of Junior Scientific Assistant. The prescribed lower age limit appears to be redundant as essential qualification <u>i.e.</u> "Degree with Chemistry" cannot be achieved by the age of 18 years. On being pointed out, the Ministry of Health and Family Welfare has issued an amendment deleting the provision regarding lower age limit of 18 years from the rules and substituting it with the words 'not exceeding 25 years of age'. The Committee, however, note that the Ministry had taken an</p> |

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| 3. | 3.5 | <p>unduly long time of more than 18 months to issue the amendment. The Committee urge the Ministry to be prompt in responding to their queries and taking suitable follow up action.</p> <p><u>The Coffee Board General Provident Fund (Amendment) Rules, 2001 (GSR 120 of 2001)</u></p> <p>The Committee note that Rule 29 of the Coffee Board General Provident Fund (Amendment) Rules, 2001 provides that questions regarding interpretation of the rules should be referred to the Central Government whose decision thereon shall be final. The phrase ‘whose decision shall be final’ gives an impression that the jurisdiction of the Court of Law is being ousted. The Committee observe that the Ministry’s attempt to justify this phraseology is untenable. The Committee reiterate their oft-repeated recommendation that the language used in the interpretation clause of the rules should not give an impression that the jurisdiction of the Courts is being ousted in any manner. The Committee stress that the wordings “whose decision shall be final” found mentioned in Rule 29 should be deleted forthwith.</p> |
| 4. | 3.8 | <p>The Committee observe that no foot-note indicating the particulars of the Principal Rules and subsequent amendments thereto has been appended to the Coffee Board General Provident Fund (Amendment) Rules, 2001 which is necessary for facilitating easy reference. According to the Ministry of Commerce & Industry, old records and connected papers are not traceable either in the Coffee Board or in the Ministry. As the exact date of publication of the principal notification of Coffee Board GPF Rules, 1965 is not traceable by the Coffee Board and the Ministry, it has reportedly not been possible to give a foot-note. The Committee feel that the Ministry’s reply is irresponsible and wonder how in the absence of complete records, the Coffee Board and the Ministry are carrying out their day to day business. The Committee urge that the Ministry should find a way out to resolve this problem and, if necessary, notify afresh comprehensive Coffee Board General Provident Fund Rules incorporating all amendments upto date, in supersession of the existing set of amended Rules. The</p> |

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| 5. | 4.10 | <p>Committee also urge that action on this recommendation be completed within three months after presentation of this report.</p> <p>DELAY IN NOTIFICATION OF THE DRUGS AND COSMETICS (1ST AMENDMENT) RULES, 1998 (GSR 120-E OF 1998)</p> <p>4.10. The Committee note from the Drugs and Cosmetics (Ist Amendment) Rules, 1998 (GSR 120-E of 1998) that there was a delay of over ten months in notifying the final rules. Though the delay had reportedly no implication from the point of view of public in general, it does, however, reflect adversely on the Ministry's promptness in issuing the notification regarding rules. The Committee note that the Ministry have since formulated "Indicative time frame" for each stage involved in notification. The Committee urge that it must be ensured that the laid down time limit is strictly adhered to and that there is no delay in issue of notifications regarding rules in future.</p> |
| 6. | 5.6 | <p><u>DELAY IN NOTIFICATION OF THE DRUGS AND COSMETICS RULES (4TH AMENDMENT), 2002 (GSR 422-E OF 2002)</u></p> <p>The Committee note that the Drugs and Cosmetics Rules (4th Amendment) 2002 were published one year after publication of draft rules. No objections and suggestions were received from the public on the draft rules. In cases where no objections/suggestion on the draft rules was forthcoming, the final rules should be published within a period of three months. Thus, there was a delay of over nine months in publication of the Drugs and Cosmetics Rules (4th Amendment), 2002. The Secretary, Health was candid enough to admit that the Ministry did not pay adequate attention to this and that there was definitely a delay on the part of the Ministry. The Committee expect the Ministry to discharge its functions efficiently in future and to strictly adhere to time-limits laid down by the Committee in the matter of publication of final rules i.e. in cases where no objection/suggestion on the draft rules is forthcoming, the</p> |

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| | | final rules should be published within a period of three months and in cases where a large number of objections/suggestions were received, the gap should not be more than 6 months. |
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