

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

**THIRTEENTH REPORT**

**{ACTION TAKEN REPORT ON THE IMPLEMENTATION OF  
RECOMMENDATIONS/ OBSERVATIONS CONTAINED IN SIXTH REPORT  
(THIRTEENTH LOK SABHA) OF THE COMMITTEE}**

**(PRESENTED ON 23.12.2003)**

**LOK SABHA SECRETARIAT**

**NEW DELHI**

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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 Thirteenth Report.**

**2. This Report relates to the implementation of the recommendations contained in the Sixth Report of the Committee (Thirteenth Lok Sabha).**

**3. The Committee considered and adopted this Report at their sitting held on 13.10.2003.**

**4. The Minutes of the sitting of the Committee are appended to the Report (Appendix II).**

**New Delhi;  
August, 2003**

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

## **REPORT**

### **ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE (THIRTEENTH LOK SABHA)**

With a view to ensure speedy implementation of their recommendations, the Committee on Subordinate Legislation in paragraph 221 of their Twentieth Report (Seventh Lok Sabha) presented to the House on 26 August, 1983 had suggested that the Ministry of Parliamentary Affairs should impress upon all Ministries/Departments of the Government of India to adhere to the time-limit of six months fixed by them for implementing their recommendations. The Committee had further emphasised that the Ministries should endeavour to implement their recommendations within a period of three months of the presentation of their Report, as the period of six months fixed by the Committee was the maximum period within which the recommendations must be implemented.

2. The Sixth Report of the Committee was presented to Lok Sabha on 16 May, 2002. On scrutiny of implementation of their recommendations contained in their Sixth Report, the Committee found a number of cases where action had not been taken within the prescribed time-limit.

3. The Committee, however, note with satisfaction that after they pursued the matter with the Ministries concerned, the Ministries have taken action on all the recommendations contained in their Sixth Report. A statement showing the Action Taken by the Government on the recommendation contained in the Sixth Report is given in Appendix-I.

**New Delhi;  
August, 2003**

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

**ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS  
CONTAINED IN THE SIXTH REPORT (THIRTEENTH LOK SABHA)**

**I. Calcutta Port Employees' (Haldia Dock Complex) (Recruitment, Seniority and Promotion) Amendment regulations, 1997 (GSR 313-E of 1997)**

**Recommendation Para No. 1.5**

The Committee note that in the Calcutta Port Employees' (Haldia Dock Complex) (Recruitment, Seniority and Promotion) Amendment Regulations, 1997 the wording 'some experience in a responsible position' occurring under col. 8 of Schedule-C as amended against the post of Traffic Officer were felt to be vague and liable to be interpreted differently by different persons. In this regard, the Committee note that on being drawn the attention of the Ministry to the oft-repeated recommendation of the Committee that use of vague expressions should be avoided, the Ministry of Surface Transport have amended the aforesaid regulations by deleting 'the requirement of experience itself' and finally notified the amendment regulations vide Gazette Notifications GSR No. 597-E dated 22 August, 2001. The Committee desire that the Ministry should devise suitable procedural safeguards so as to ensure that such type of vague expressions do not creep in the regulations in future. The Committee express their concern over the considerably long time taken by the Ministry in notifying the desired amendment in the extant regulations and desire that the Ministry should ensure that in future such instances of inordinate delays do not recur.

**Reply of the Government**

This Ministry has already advised all the Major Ports vide letter No. PR-12012/11/96-PE-I dated 27.6.2002 that while drafting the regulations and placing the

same before the Board, this should be examined very carefully in consultation with the Legal Adviser so as to avoid any vague expressions. The Major Ports have also been advised vide letter No. PR-12012/11/96-PE.I number dated 4.10.2002 to include this as an additional point in the check list submitted alongwith the proposal for approval of Regulations. The Ministry has also noted that such type of delay in notifying the regulations do not recur in future.

(Ministry of Shipping Ports Wing) O.M. No. PR-12012/11/96-PE-I dated 18.2.2003)

## **II. THE TUTICORIN PORT TRUST EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION) AMENDMENT REGULATIONS-1997 (GSR 372-E OF 1997)**

### **Recommendation Para No. 2.4**

The Committee note that in the above Regulation the wording “Good physique and able bodied” occurring under col.11 against Sr. No. 58 for the post of Junior Maistry (Civil) are vague and liable to be interpreted differently by different persons. The Committee are happy to note that on being drawn the attention of the Ministry to the oft-repeated recommendation of the Committee that use of vague expressions should be avoided, the Ministry of Surface Transport have amended the regulations to the desired effect by deleting the vague expressions in the aforesaid regulations and have notified the amendment vide Gazette Notification No. GSR No. 543-E of 2001 dated 18 July, 2001. The Committee however desire that the Ministry should devise suitable procedural safeguards so as to ensure that such type of vague expressions do not creep in the regulations in future.

### **Reply of the Ministry**

This Ministry has already advised all the Major Ports vide letter No. PR-12012/11/96-PE-I dated 27.6.2002 that while drafting the regulations and placing the same before the Board, this should be examined very carefully in consultation with the Legal Adviser so as to avoid any vague expressions. The Major Ports have also been advised vide letter No. PR-12012/11/96-PE.I dated 4.10.2002 to include this as an additional point in the check list submitted alongwith the proposal for approval of Regulations.

(Ministry of Shipping Ports Wing) O.M. No. PR-12012/6/97-PE-I dated 18.2.2003)

### **III. RENT A MOTOR CYCLE SCHEME, 1997 (SO 375-E OF 1997)**

#### **Recommendation Para No. 3.3**

The Committee observe that though there was a time-limit of 30 days for the aggrieved person to appeal against any order of the Licensing Authority made under Para 6 or 11 yet no time-limit was fixed for disposal of the same. The Committee however note with satisfaction that on being pointed out, the Ministry of Surface Transport have effected necessary amendments in the Rent a Motor Cycle Scheme, 1997 by prescribing a time limit of 90 days within which an appeal against any order of the Licensing Authority is to be disposed of by the State Transport Appellate Tribunal in order to ensure that there is no unnecessary delay in the disposal of such appeals and by notifying the desired amendment vide Gazette of India Notification No. SO 257-E dated 26 March, 1998.



### **Reply of the Ministry**

The Ministry of Road Transport had already amended the Scheme prescribing the time limit of 90 days for disposing of the appeals) vide SO 257-E dated 26 March, 1998.

(Ministry of Road Transport and Highways O.M. No. RT-11045/1/97-MVL dated 11.6.2002).

#### **IV. THE MINISTRY OF DEFENCE, DEPARTMENT OF DEFENCE PRODUCTION AND SUPPLIES, DIRECTORATE OF QUALITY ASSURANCE (NAVAL), SENIOR STORE SUPERINTENDENT, STORE SUPERINTENDENT AND SENIOR STORE KEEPER GROUP 'C' POSTS RECRUITMENT RULES, 1996 (SRO 203 OF 1996)**

#### **Recommendation Para No. 4.4**

The Committee observe that in the Ministry of Defence, Department of Defence Production and Supplies, Directorate of Quality Assurance (Naval), Senior Store Superintendent, Store Superintendent and Senior Store Keeper Group 'C' Posts Recruitment Rules, 1996, same length of experience was prescribed for persons holding Intermediate and Degree qualifications. The Committee, however, note that on being pointed out, the Ministry of Defence have agreed to suitably amend the above rules so as to do away with the anomalous provision which prescribed same length of experience for persons holding different qualifications, i.e. the Degree qualification and the Intermediate qualification by deleting the clause wherein the persons holding Intermediate or equivalent qualification with four years experience were also eligible and also to bring the qualification at par with the qualification required for the same post in the Directorate

General of Quality Assurance. The Committee desire that the Ministry should carry out the desired amendments in the Recruitment Rules at the earliest.

**Reply of the Ministry**

The Ministry of Defence have amended the recruitment rules for the Group 'C' posts SRO No. 238 dated 30.10.2002 notifying the amendment in the recruitment rules of Senior Store Superintendent. The new recruitment rules do not provide for direct recruitment and hence the anomalous provision of same length of experience for persons holding intermediate and the Degree Qualifications stands completely deleted.

(Ministry of Defence O.M. No. 3(3)/2001/D(QA)  
dated 24.2.2002)

**V. THE SECURITY PAPER MILL (GROUP 'A' AND 'B' CADRE POSTS) RECRUITMENT RULES, 1997 (GSR 240 OF 1997)**

**Recommendation para 5.5 and 5.6**

The Committee observe that in the above rules longer probation period was prescribed for promotees as compared to that of direct recruits. However the Committee note with satisfaction that Ministry of Finance (Department of Economic Affairs), have suitably amended the Security Paper Mill (Group 'A' and 'B' Cadre Posts) Recruitment Rules, 1997 so as to provide for a uniform probation period for both promotees and direct recruits, in accordance with the guidelines on probation issued by the Department of Personnel and Training vide their O.M. No. 21011/1/94 Estt ( C) dated 20 April, 1995 and have notified the desired amendment vide Gazette of India Notification No. GSR 45 dated 28 February, 1998.

The Committee further observe that the lacunae of similar nature continue to occur in the Recruitment Rules notified by various Ministries/Departments inspite of the clear cut guidelines on the subject issued by Department of Personnel and Training, and emphasise that the agencies concerned with the approval of Recruitment Rules viz. the Department of Personnel & Training, the Ministry of Law and Justice and the Union Public Service Commission should be more vigilant in future while vetting/ approving recruitment rules so as to ensure that the period of probation is correctly prescribed in the recruitment rules in accordance with the existing guidelines so as to avoid delay in carrying out subsequent amendments in the Recruitment Rules.

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

In para 5.5.-5.6 of Sixth Report (13<sup>th</sup> Lok Sabha) of the Committee has inter alia observed that the agencies concerned with the approval of Recruitment Rules viz. the Department of Personnel and Training, the Ministry of Law and Justice and the Union Public Service Commission should be more vigilant in future while vetting/approving recruitment rules so as to ensure that the period of probation is correctly prescribed in the recruitment rules.

These observations have been noted in this Department for compliance.

(Ministry of Personnel, Public Grievances and Pensions  
vide O.M. No. Ab.14017/45/2002-Estt.(RR) dated  
14.8.2002)

**VI. THE ZOOLOGICAL SURVEY OF INDIA, MOTOR DRIVER (GRADE-I, GRADE-II AND ORDINARY GRADE RECRUITMENT RULES, 1995 (GSR 155 OF 1996)**

**Recommendation para 6.4 & 6.5**

The Committee observe that the year in the short title was not in conformity with the year of the publication of the Gazette Notification. The Committee note that on being pointed out, the Ministry have issued the desired amendment in the extant recruitment rules by substituting the year “1996” in place of the year “1995” as year in the short title so as to make it in conformity with the year of publication of the notification in the official gazette and by substituting the provision “not exceeding 25 years” in place of between “18 and 25 years’ under Col. 7 of the schedule regarding the minimum age limit prescribed for the direct recruits to the post of Motor Driver (Ordinary Grade) so as to do away with the redundancy in the age limit as pointed out.

The Committee note with concern that the Ministry have taken exceptionally long time of about 2 years and 6 months to issue the amendment in the Notification inspite of the repeated official communications dated 12.7.1996, 8.5.97; 11.8.97; 24.9.97, 28.5.98; 26.6.98 and 2.2.99 requesting the Ministry not to delay the matter any further but the Ministry did nothing except stating that the matter was under process and a copy of the desired amendment notification would be sent to the Committee on Subordinate Legislation as soon as it was published. The Committee express their displeasure over such apathetic and careless attitude on the part of the Executive as it consumes a lot of time besides hampering the work of the Committee and, therefore,

desire that some specific instructions/guidelines should be issued by the Ministry of Parliamentary Affairs to all Ministries of the Government of India to desist from making protracted correspondence with the Committee without tangible results. The Committee further desire that Government be advised by the Ministry of Parliamentary Affairs to avoid such kind of unwarranted delays in carrying out modifications in the rules pointed out by the Committee on Subordinate Legislation.

**Reply of the Ministry**

The Ministry of Parliamentary Affairs vide O.M. No. 32(7)/2001-R&C dated 12.7.2002 stating that in order to ensure speedy implementation of its recommendations, the Committee have recalled their recommendation made in para 93 of the Sixteenth Report of the Committee on Subordinate Legislation (Fifth Lok Sabha) which was reiterated in the Fourth Report of the Committee (13<sup>th</sup> Lok Sabha) presented to the House on 20.11.2001. All Ministries/Department are requested to note the observations/recommendations of the Committee for strict compliance.

(Ministry of Parliamentary Affairs O.M.  
vide O.M. No. 32(7)/2001-R&C dated  
12.7.2003)

New Delhi;  
August, 2003

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

## APPENDIX-I

### STATEMENT SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE

Sl. No.	Reference to Para Nos. in the Report	Summary of Recommendations/ Assurances	Gist of the Government reply
1	2	3	4
1.	<p>SIXTH REPORT (THIRTEENTH LOK SABHA)</p> <p>(PRESENTED ON 16.5.2002)</p> <p>1.5</p>	<p><b><u>Calcutta Port Employees' (Haldia Dock Complex) (Recruitment, Seniority and Promotion) Amendment regulations, 1997 (GSR 313-E of 1997)</u></b></p> <p>The Committee note that in the Calcutta Port Employees' (Haldia Dock Complex) (Recruitment, Seniority and Promotion) Amendment Regulations, 1997 the wording '<u>some experience in a responsible position</u>' occurring under col. 8 of Schedule-C as amended against the post of Traffic Officer were felt to be vague and liable to be interpreted differently by different persons. In this regard, the Committee note that on being drawn the attention of the Ministry to the oft-repeated recommendation of the Committee that use of vague expressions should be avoided, the Ministry of Surface Transport have amended the aforesaid regulations by deleting 'the requirement of experience itself' and finally notified the amendment regulations <u>vide</u> Gazette Notifications GSR No. 597-E dated 22 August, 2001. The Committee desire that the Ministry should devise suitable procedural safeguards so as to ensure that such type of vague expressions do not creep in the regulations in future. The Committee express their concern over the considerably long time taken by the Ministry in notifying the desired amendment in the extant regulations and desire that the Ministry should ensure</p>	<p>The observation made by the Committee have been noted for compliance by the Ministry of Shipping and they have issued suitable instructions to the Indian Port Association in this regard.</p> <p>(Ministry of Shipping(Ports Wing) O.M. No. PR-12012/11/96-PE-I dated 18.2.2003)</p>

2.	2.4	<p>that in future such instances of inordinate delays do not recur.</p> <p><b>THE TUTICORIN PORT TRUST EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION) AMENDMENT REGULATIONS-1997 (GSR 372-E OF 1997)</b></p> <p>The Committee note that in the above Regulation the wording “Good physique and able bodied” occurring under col.11 against Sr. No. 58 for the post of Junior Maistry (Civil) are vague and liable to be interpreted differently by different persons. The Committee are happy to note that on being drawn the attention of the Ministry to the oft-repeated recommendation of the Committee that use of vague expressions should be avoided, the Ministry of Surface Transport have amended the regulations to the desired effect by deleting the vague expressions in the aforesaid regulations and have notified the amendment <u>vide</u> Gazette Notification No. GSR No. 543-E of 2001 dated 18 July, 2001. The Committee however desire that the Ministry should devise suitable procedural safeguards so as to ensure that such type of vague expressions do not creep in the regulations in future.</p>	<p>The observation made by the Committee have been noted for compliance by the Ministry of Shipping and they instructed all the Major Port Trust to take due care while framing/ amending of the regulations in future.</p> <p>(Ministry of Shipping (Ports Wing) O.M. No. PR-12012/6/97-PE-I dated 18.2.2003)</p>
3.	3.3	<p><b>RENT A MOTOR CYCLE SCHEME, 1997 (SO 375-E OF 1997)</b></p> <p>The Committee observe that though there was a time-limit of 30 days for the aggrieved person to appeal against any order of the Licensing Authority made under Para 6 or 11 yet no time-limit was fixed for disposal of the same. The</p>	<p>The Ministry of Road Transport had already amended the Scheme prescribing the time limit of 90 days for disposing of the appeals) <u>vide</u> SO 257-E dated</p>

4.		<p>Committee however note with satisfaction that on being pointed out, the Ministry of Surface Transport have effected necessary amendments in the Rent a Motor Cycle Scheme, 1997 by prescribing a time limit of 90 days within which an appeal against any order of the Licensing Authority is to be disposed of by the State Transport Appellate Tribunal in order to ensure that there is no unnecessary delay in the disposal of such appeals and by notifying the desired amendment vide Gazette of India Notification No. SO 257-E dated 26 March, 1998.</p> <p><b>THE MINISTRY OF DEFENCE, DEPARTMENT OF DEFENCE PRODUCTION AND SUPPLIES, DIRECTORATE OF QUALITY ASSURANCE (NAVAL), SENIOR STORE SUPERINTENDENT, STORE SUPERINTENDENT AND SENIOR STORE KEEPER GROUP 'C' POSTS RECRUITMENT RULES, 1996 (SRO 203 OF 1996)</b></p> <p>The Committee observe that in the Ministry of Defence, Department of Defence Production and Supplies, Directorate of Quality Assurance (Naval), Senior Store Superintendent, Store Superintendent and Senior Store Keeper Group 'C' Posts Recruitment Rules, 1996, same length of experience was prescribed for persons holding Intermediate and Degree qualifications. The Committee, however, note that on being pointed out, the Ministry of Defence have agreed to suitably amend the above rules so as to do away with the anomalous provision which prescribed same length of experience for persons holding different qualifications, i.e. the Degree qualification and the</p>	<p>26 March, 1998.</p> <p>(Ministry of Road Transport and Highways O.M. No. RT-11045/1/97-MVL dated 11.6.2002)</p> <p>The Ministry of Defence have amended the recruitment rules for the Group 'C' and hence the anomalous provision of same length of experience for persons holding different qualifications, stands deleted <u>vide</u> SRO No. 238 dated 9 November, 2002). The amended rules do not provide for direct recruitment</p> <p>(Ministry of Defence O.M. No. 3(3)/2001/D (QA) dated 24 February, 2002)</p>
	4.4.		



5.		<p>Intermediate qualification by deleting the clause wherein the persons holding Intermediate or equivalent qualification with four years experience were also eligible and also to bring the qualification at par with the qualification required for the same post in the Directorate General of Quality Assurance. The Committee desire that the Ministry should carry out the desired amendments in the Recruitment Rules at the earliest.</p> <p><b>THE SECURITY PAPER MILL (GROUP 'A' AND 'B' CADRE POSTS) RECRUITMENT RULES, 1997 (GSR 240 OF 1997)</b></p> <p>The Committee observe that in the above rules longer probation period was prescribed for promotees as compared to that of direct recruits. However the Committee note with satisfaction that Ministry of Finance (Department of Economic Affairs), have suitably amended the Security Paper Mill (Group 'A' and 'B' Cadre Posts) Recruitment Rules, 1997 so as to provide for a uniform probation period for both promotees and direct recruits, in accordance with the guidelines on probation issued by the Department of Personnel and Training <u>vide</u> their O.M. No. 21011/1/94 Estt ( C) dated 20 April, 1995 and have notified the desired amendment <u>vide</u> Gazette of India Notification No. GSR 45 dated 28 February, 1998.</p> <p>The Committee further observe that the lacunae of similar nature continue to occur in the Recruitment Rules notified by various Ministries/Departments inspite of the</p>	<p>The observation made by the Committee have been noted for compliance by the Ministry of Personnel, Public Grievances and Pension.</p> <p>(Ministry of Personnel, Public Grievances and Pension O.M. No. AB.14017/45/2002-Estt.(RR) dated 20.8.2002)</p>
	5.5		
	5.6		

6.		<p>clear cut guidelines on the subject issued by Department of Personnel and Training, and emphasise that the agencies concerned with the approval of Recruitment Rules viz. the Department of Personnel &amp; Training, the Ministry of Law and Justice and the Union Public Service Commission should be more vigilant in future while vetting/ approving recruitment rules so as to ensure that the period of probation is correctly prescribed in the recruitment rules in accordance with the existing guidelines so as to avoid delay in carrying out subsequent amendments in the Recruitment Rules.</p> <p><b>THE ZOOLOGICAL SURVEY OF INDIA, MOTOR DRIVER (GRADE-I, GRADE-II AND ORDINARY GRADE RECRUITMENT RULES, 1995 (GSR 155 OF 1996)</b></p>	
	6.4	<p>The Committee observe that the year in the short title was not in conformity with the year of the publication of the Gazette Notification. The Committee note that on being pointed out, the Ministry have issued the desired amendment in the extant recruitment rules by substituting the year “1996” in place of the year “1995” as year in the short title so as to make it in conformity with the year of publication of the notification in the official gazette and by substituting the provision “not exceeding 25 years” in place of between “18 and 25 years” under Col. 7 of the schedule regarding the minimum age limit prescribed for the direct recruits to the post of Motor Driver (Ordinary Grade) so as to do away with the redundancy in the age limit as pointed out.</p>	<p>The Ministry of Parliamentary Affairs have issued their instructions to all Ministries/Departments to strictly comply with observations/recommendations of the Committee.</p> <p>(Ministry of Parliamentary Affairs O.M. No. 32(7)/2001-R&amp;C dated 12.7.2002)</p>
	6.5	The Committee note with concern that	

		<p>the Ministry have taken exceptionally long time of about 2 years and 6 months to issue the amendment in the Notification inspite of the repeated official communications dated 12.7.1996, 8.5.97; 11.8.97; 24.9.97, 28.5.98; 26.6.98 and 2.2.99 requesting the Ministry not to delay the matter any further but the Ministry did nothing except stating that the matter was under process and a copy of the desired amendment notification would be sent to the Committee on Subordinate Legislation as soon as it was published. The Committee express their displeasure over such apathetic and careless attitude on the part of the Executive as it consumes a lot of time besides hampering the work of the Committee and, therefore, desire that some specific instructions/guidelines should be issued by the Ministry of Parliamentary Affairs to all Ministries of the Government of India to desist from making protracted correspondence with the Committee without tangible results. The Committee further desire that Government be advised by the Ministry of Parliamentary Affairs to avoid such kind of unwarranted delays in carrying out modifications in the rules pointed out by the Committee on Subordinate Legislation.</p>	
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