

COMMITTEE ON SUBORDINATE LEGISLATION  
(2017-2018)

(SIXTEENTH LOK SABHA)

THIRTY-SIXTH REPORT

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



सत्यमेव जयते

LOK SABHA SECRETARIAT  
NEW DELHI

August, 2018/ Shravana, 1940 (Saka)

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(PRESENTED TO LOK SABHA ON १.८.१८)



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## CONTENTS

	PAGE No.
*COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION.....	(iv)
REPORT	1-3

## APPENDICES

I. Statement showing the action taken by the Government on the recommendations/observations contained in the Ninth Report of the Committee on Subordinate Legislation (16 <sup>th</sup> Lok Sabha).....	4-6
II. G.S.R 207 dated 16 September, 2014	7
III. Extracts of the Minutes of the Nineteenth sitting (2017-18) of the Committee (16 <sup>th</sup> Lok Sabha) held on 2.8.2018.	8-9
IV. Analysis of the Action Taken by the Government on the recommendations contained in the Ninth Report of the Committee on Subordinate Legislation (16 <sup>th</sup> Lok Sabha).....	10

COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION (16<sup>th</sup> LOK SABHA)  
(2017-2018)

Shri Dilipkumar Mansukhlal Gandhi

Chairperson

Members

2. Shri Idris Ali
3. Shri Birendra Kumar Chaudhary
4. Shri S. P. Muddahanume Gowda
5. Shri Shyama Charan Gupta
6. Shri Jhina Hikaka
7. Shri Janardan Mishra
8. Shri Prem Das Rai
9. Shri Chandu Lal Sahu
10. Shri Alok Sanjar
11. Shri Ram Prasad Sarmah
12. Adv. Narendra Keshav Sawaikar
13. Shri V. Panneer Selvam
14. Shri Ram Kumar Sharma
15. Shri Nandi Yellaiah

**SECRETARIAT**

1. Smt Sudesh Luthra - Additional Secretary
2. Shri Ajay Kumar Garg - Director
3. Shri Nabin Kumar Jha - Addl. Director
4. Smt Jagriti Tewatia - Deputy Secretary
5. Shri Brajesh Kumar Singh - 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 Thirty-sixth Report.

2. This Report relates to the action taken on the recommendations of the Committee contained in the Ninth Report (2014-2015) (Sixteenth Lok Sabha) which was presented to Lok Sabha on 12.8.2015.

3. The Committee considered and adopted this Report at their sitting held on 2.8.2018.

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

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

6. An analysis of the action taken by Government on the recommendations contained in the Fifth Report of the Committee (16<sup>th</sup> Lok Sabha) is given in Appendix IV.

New Delhi;  
2 August, 2018/  
11 Shrawana, 1940 (Saka)

DILIPKUMAR MANSUKHLAL GANDHI,  
CHAIRPERSON,  
COMMITTEE ON SUBORDINATE LEGISLATION

## REPORT

This Report of the Committee on Subordinate Legislation deals with the action taken by the Government on the recommendations contained in their Ninth Report (Sixteenth Lok Sabha) which was presented to Lok Sabha on 12.8.2015. The Ninth Report dealt with the following Chapters: -

- I. The National Test House, Headquarters and Regional Offices, Multi-Tasking Staff (Technical) Group 'C' Post Recruitment Rules, 2014 (GSR 215 E of 2014)
- II. The National Centre of Organic Farming, Stenographer Grade-I, Storekeeper and Cataloguer (Group B Posts) and Laboratory Assistant (Group C Posts) Recruitment Rules, 2014 (GSR 34 of 2014)
- III. Ministry of Defence, Department of Defence Research & Development, Advanced Technology Vessels Programme, Multi Tasking Staff (Group 'C' posts) Recruitment Rules, 2013 (SRO 47 of 2013)

2. The shortcomings observed in the above Rules/Regulations are contained in para 1.4 of Chapter I, Para 2.3 of Chapter II and Para 3.6 of Chapter III of the 9<sup>th</sup> Report which after presentation was forwarded to the Ministries concerned for implementation of the recommendations contained therein. The Ministries viz. Ministries of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs), Agriculture, Cooperation and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) and Defence (Department of Defence Research & Development) furnished their action taken replies in respect of all the three observations/recommendations contained in the 9<sup>th</sup> Report on 20.4.2018, 25.2.2016 and 9.5.2018 respectively.

3. The main observations/recommendations made by the Committee in its 9<sup>th</sup> Report (16<sup>th</sup> Lok Sabha) and the Action Taken thereon by the Ministries concerned are briefly as follows:-

- I. **The National Test House, Headquarters and Regional Offices, Multi-Tasking Staff (Technical) Group 'C' Post Recruitment Rules 2014 (GSR 215 E of 2014).**

In the above Rules, the prescribed educational qualification for the recruitment of Multi-Tasking Staff (Technical) in the National Test House was relaxable at the discretion of Staff Selection Commission. However, it was not clear whether such

relaxation was applicable to the 'essential qualification' or 'desirable qualification' or both. The Committee therefore, recommended that the Ministry may bring out the necessary amendments in the Rules to clarify the above ambiguity. The Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) in their Action Taken Reply informed that an amendment to the above Recruitment Rules has been notified in the Gazette Notification dated 16.9.2014 (Appendix II) prescribing that 'Desirable Qualification' is relaxable at the discretion of Staff Selection Commission in case the candidate is otherwise qualified.

**II. The National Centre of Organic Farming, Stenographer Grade-I, Storekeeper and Cataloguer (Group B Posts) and Laboratory Assistant (Group C Post) Recruitment Rules, 2014 (GSR 34 of 2014).**

In the above Recruitment Rules, the possession of experience was prescribed in 'private laboratory' or factory and reputed laboratory which appeared to be vague and lacking clarity in their nomenclature and prone to varied interpretations for the purpose of counting experience required for the post. On being recommended by the Committee for bringing necessary amendments in the Rules to do away with the ambiguity, the Ministry of Agriculture, Cooperation and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) notified the necessary amendments in the Recruitment Rules by replacing the vague terms with two years experience in handling of Scientific Stores of Laboratory registered under Fertilizer Control Order (FCO), 1985 or factories covered under the Factories Act, 1948 and three years' experience in laboratory work in any laboratory registered under Fertilizer Control (FCO), 1985 or laboratory recognized by any government institution for the post of Laboratory Assistant are required."

**III Ministry of Defence, Department of Defence Research & Development, Advanced Technology Vessels Programme, Multi Tasking Staff (Group 'C' post) Recruitment Rules, 2013 (SRO 47 of 2013).**

In the above Recruitment Rules, the composition of Group 'C' Departmental Promotion Committee (DPC) for considering confirmation as prescribed under Column 12 of the Schedule was vague. On being pointed out by the Committee, the Ministry of Defence (Department of Defence, Research & Development) in their Action Taken Reply have agreed to suitably amend the composition of the DPC by incorporating the clause to nominate an outside member from a work centre/HQ other than the place where the recruitment/confirmation is taking place. The Committee, therefore, recommend that the necessary amendment may be notified at the earliest and the Committee may be informed of the same.

4. The Committee, therefore, are satisfied to note that the Ministries concerned have accepted the shortcomings pointed out to them and rectified/resolved to rectify the same. A statement showing the Action Taken by the Government on the recommendations contained in the Ninth Report (2014-15) 16<sup>th</sup> Lok Sabha is given in Appendix-I.

New Delhi;  
2 August, 2018/  
11 Shrawana, 1940 (Saka)

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 NINTH REPORT OF  
THE COMMITTEE (16<sup>th</sup> LOK SABHA)

- I. **The National Test House, Headquarters and Regional Offices, Multi-Tasking Staff (Technical) Group 'C' Post Recruitment Rules 2014 (GSR 215 E of 2014).**

**Recommendation (Para 1.4)**

The Committee note that with regard to the educational qualification for the recruitment of Multitasking staff (Technical) in the National Test House it was mentioned that qualification were relaxable at the discretion of Staff Selection Commission for the otherwise well qualified candidates. The Committee observe that it was not clear as whether the relaxation in qualification was applicable to either essential or desirable qualification or to both. The Committee note with satisfaction that on being pointed out the Ministry have agreed to issue a corrigendum to restrict the relaxation in the qualification only in case of desirable qualification. The Committee seriously view that such lack of specificity in the rules should be avoided especially in the recruitment rules so that at later stage such issues may not make way for unnecessary litigation. The Committee, therefore, recommend that the Ministry may bring out the necessary changes in the rules to rectify the ambiguity and to be more vigilant with regard to such issues in future.

**Reply of the Ministry**

In consultation with the Legislative Department, Ministry of Law and Justice, an amendment to Recruitment Rules of Multi-Tasking Staff (Technical) Group 'C' was notified in the Gazette dated 16.9.2014 (Appendix - D)

[Ministry of Consumer Affairs, Food & Public Distribution,  
(Department of Consumer Affairs) OM No. A-012018/04/2013-NTH

- II. **The National Centre of Organic Farming, Stenographer Grade-I, Storekeeper and Cataloguer (Group B Posts) and Laboratory Assistant (Group C Post) Recruitment Rules, 2014 (GSR 34 of 2014).**

**Recommendation (Para 2.3)**

The Committee note that in the Schedule to the National Centre of Organic Farming, Stenographer Grade-I, Storekeeper and Cataloguer (Group B Posts) and Laboratory Assistant (Group C Post) Recruitment Rules, 2014 (GSR 34 of 2014) for the post of Store Keeper, it has been prescribed that candidates should have two years experience in handling of scientific stores of some Government or private laboratory or factory. Similarly, for the post of Laboratory Assistant, it has been prescribed that candidates should have three years experience in laboratory work in any reputed laboratory. The Committee observe that the words *private laboratory or factory* and *reputed laboratory* are vague and lacks clarity in their nomenclature and are prone to varied interpretations. The Committee may, however, note with satisfaction that on being pointed out, the Ministry have agreed to amend the rules. According to the amendments proposed by the Ministry, for the post of store keeper, the experience has been prescribed from any laboratory registered under Fertiliser Control Order (FCO), 1985 or Factories Act, 1948. Further, on the same analogy, for the post of laboratory assistant, the experience is to be considered from laboratory registered under Fertiliser Control Order (FCO) 1985 or laboratory recognized by any Government Institution. The Committee opine that words or expressions which are likely to have different interpretations have direct bearing on the selection process and it leaves the scope for different types of vices to vitiate the entire recruitment process in itself. The Committee therefore, recommend that the Ministry may bring out the necessary amendment at the earliest and be more cautious in future so that the such lapses do not recur.

#### Reply of the Ministry

In implementation of the recommendations contained in Para 2.3 of the 9<sup>th</sup> Report (16<sup>th</sup> Lok Sabha) of the Committee on Subordinate Legislation, the necessary amendments have been brought out in the RRs of the post of Storekeeper and Laboratory Assistant, National Centre of Organic Farming through notification vide GSR - 118 (E) dated 27.1.2016.

[Ministry of Agriculture, Cooperation and Farmers Welfare  
(Department of Agriculture, Cooperation and Farmers Welfare)  
OM No. 6-14/2009-IMN(Pt.) dated 25.2.2016

III Ministry of Defence, Department of Defence Research & Development, Advanced Technology Vessels Programme, Multi Tasking Staff (Group 'C' post) Recruitment Rules, 2013 (SRO 47 of 2013).

#### Recommendation (Para 3.6)

The Committee note that composition of Group 'C' Departmental Promotion Committee (DPC) for considering confirmation as prescribed under Column 12 of the Schedule was vague. This vagueness and uncertainty in Rules is bound to prejudicially

affect the administration of justice by the rule-making authority. The Committee envisage that there could be ignorable errors in the rule-making process. However, these errors may prove detrimental to the career advancement of persons with no quick remedy except approaching the already over-burdened Courts/Administrative Tribunals. It is, therefore, required that rule-making process should be dealt with by persons of proven experience and expertise in view of the fact that it may not be feasible for a person of ordinary experience to deal with such subjects with legal accuracy. Nevertheless, the Committee note with satisfaction that on being pointed out, the Ministry have agreed to amend the relevant provision of the Recruitment Rules by inserting that outside member has to be drawn from a Work Centre/HQ other than where the recruitment/confirmation is taking place for Multi-Tasking Staff (MTS). The Committee, therefore, recommend that the Ministry should devise an efficient mechanism and exercise utmost care while drafting rules in future. The Committee also urge the Ministry to bring out the amendment at the earliest.

#### Reply of the Ministry

With regard to amendment of RR in respect of Multi Tasking Staff (MTS) of ATV Programme, it is stated that Column 12 of the Schedule of SRO 47 will be suitably amended thereby incorporating the clause to nominate an outside member from a work centre/HQ other than where the recruitment/confirmation is taking place.

[Ministry of Defence  
(Department of Defence R&D  
OM No. 1A/002/01/ATVP/Pers dated 9.5.2018)]



## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 16th September, 2014

**G.S.R. 207.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment to the National Test House, Head Quarters and Regional Offices, Multi Tasking Staff (Technical) Group 'C' Post Recruitment Rules, 2014, namely :—

**1. Short title and commencement.**—(1) These rules may be called the National Test House, Head Quarter and Regional Offices, Multi Tasking Staff (Technical) Group 'C' Post Recruitment (Amendment) Rules, 2014.

(2) They shall come into force on the date of publication in the Official Gazette.

**2.** In the National Test House, Head Quarter and Regional Offices, Multi Tasking Staff (Technical) Group 'C' Post Recruitment Rules, 2014, in the schedule, in column 7, for the 'Note' under the heading 'Desirable', the following Note shall be substituted, namely:-

**"Note :** Desirable qualification is relaxable at the discretion of the Staff Selection Commission in case the candidates is otherwise qualified."

[No. A-12018/4/2013-NTH (Estt.)]

D.K. SONKER, Dy. Director (NTH)



**APPENDIX III**  
*(Vide para 5 of the Introduction)*

**MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION (2017-2018)**

The Nineteenth sitting of the Committee (2017-18) was held on Thursday, the 02<sup>nd</sup> August, 2018 from 1500 hours to 1600 hours in Room No. 148, Third Floor, Parliament House, New Delhi.

**PRESENT**

Shri Dilipkumar Mansukhlal Gandhi                      Chairperson

**MEMBERS**

2. Shri Birendra Kumar Choudhary
3. Shri Shyama Charan Gupta
4. Shri Jhina Hikaka
5. Shri Janardan Mishra
6. Shri Prem Das Rai
7. Shri Chandul Lal Sahu
8. Shri Alok Sanjar
9. Adv. Narendra Keshav Sawaikar
10. Shri Ram Kumar Sharma
11. Shri Nandi Yellaiah

**SECRETARIAT**

1. Smt Sudesh Luthra                      -                      Additional Secretary
2. Shri Ajay Kumar Garg                      -                      Director
3. Shri Nabin Kumar Jha                      -                      Additional Director
4. Smt Jagriti Tewatia                      -                      Deputy Secretary



2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports:-

- (i) Draft Thirty-first Report on the Rules/regulations governing the functioning of Delhi Police.
- (ii) Draft Thirty-second Report on the Action taken by the Government on the observations/recommendations contained in the 26<sup>th</sup> Report of the Committee (16<sup>th</sup> Lok Sabha) regarding Rules/Regulations framed under AIIMS Act, 1956.
- (iii) Draft Thirty-third Report on the Action taken by the Government on the observations/recommendations contained in the 24<sup>th</sup> Report of the Committee (16<sup>th</sup> Lok Sabha) regarding National Highway Fee (Determination of Rates and Collection) 2<sup>nd</sup> Amendment Rules, 2014.
- (iv) Draft Thirty-fourth Action Taken Report on the observations/recommendations contained in the 11<sup>th</sup> Report of the Committee (16<sup>th</sup> Lok Sabha) on Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014.
- (v) Draft Thirty-fifth Action Taken Report on the recommendations/observations contained in 5<sup>th</sup> Report (16<sup>th</sup> Lok Sabha) of the Committee.
- (vi) Draft Thirty-sixth Action Taken Report on the recommendations/observations contained in 9<sup>th</sup> Report (16<sup>th</sup> Lok Sabha) of the Committee.

3. After deliberations, the Committee adopted the same with slight modifications in the draft 34<sup>th</sup> Report on Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014. The Committee also authorized the Chairperson to present the same to the House.

The Committee then adjourned.

**APPENDIX-IV**

(vide para 6 of Introduction of the Report)

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

(SIXTEENTH LOK SABHA)

I.	Total No. of recommendations/observations made	3
II.	Recommendations that have been accepted by the Government [ <u>vide</u> recommendations at Sl. Nos. 1.4, 2.3, & 3.6]	3
III.	No. of recommendations which the Committee do not want to pursue in view of Government reply	ॐ NIL
IV.	Percentage of recommendations accepted	100%

