

**COMMITTEE ON SUBORDINATE LEGISLATION**

**(THIRTEENTH LOK SABHA)  
(2001-2002)**

**THIRD REPORT**

**LOK SABHA SECRETARIAT  
NEW DELHI**

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2001-2002)**

- |     |                              |   |                 |
|-----|------------------------------|---|-----------------|
| 1.  | Shri P.H. Pandian            | - | <u>Chairman</u> |
| 2.  | Shri Ramdas Rupala Gavit     |   |                 |
| 3.  | Shri Paban Singh Ghatowar    |   |                 |
| 4.  | Shri Ram Singh Kaswan        |   |                 |
| 5.  | Shri Rattan Lal Kataria      |   |                 |
| 6.  | Shri Suresh Kurup            |   |                 |
| 7.  | Dr. Manda Jagannath          |   |                 |
| 8.  | Shri Shriniwas Patil         |   |                 |
| 9.  | Shri Pravin Rashtrapal       |   |                 |
| 10. | Prof. I.G. Sanadhi           |   |                 |
| 11. | Shri Anadi Sahu              |   |                 |
| 12. | Dr. Bikram Sarkar            |   |                 |
| 13. | Shrimati Sushila Saroj       |   |                 |
| 14. | Dr. (Col.) Dhani Ram Shandil |   |                 |
| 15. | Dr. N. Venkataswamy          |   |                 |

**SECRETARIAT**

- |    |                    |   |                 |
|----|--------------------|---|-----------------|
| 1. | Shri B.R. Kanathia | - | Joint Secretary |
| 2. | Shri A.K. Singh.   | - | P.C.P.I         |
| 3. | Shri P.D. Malvalia | - | Under Secretary |

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**INTRODUCTION**

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

The matters covered by this Report were considered by the Committee at their sitting held on 6.11.2000.

The Committee took oral evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) and the Ministry of Information and Broadcasting to hear their views on the Prasar Bharti Broadcasting Corporation of India, (Removal of Difficulties) Order, 1999. The Committee wish to express their thanks to the representatives of the Ministries for furnishing the desired information.

The Committee considered and adopted this Report at their sitting held on 2 August, 2001. The Minutes of the sittings relevant to this Report are appended to it.

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.

**(P.H. PANDIAN)**  
**CHAIRMAN**  
**COMMITTEE ON SUBORDINATE LEGISLATION**  
**NEW DELHI;**

## REPORT

### **1. THE BUREAU OF INDIAN STANDARDS (APPOINTMENT, TERMS AND CONDITIONS OF SERVICE OF DIRECTOR GENERAL) AMENDMENT RULES, 1999 (GSR 342-E OF 1999)**

The Bureau of Indian Standards (Appointment, Terms and Conditions of Service of Director General) Amendment Rules, 1999 were published in the Gazette of India, Part-II, Section 3(i), dated 12 May, 1999. It was observed therefrom that as per rule 3(3), the Selection Committee shall consider suitable candidate for the post of Director-General on the occurrence of a vacancy in that post. In this regard, the Ministry of Food and Consumer Affairs were requested to state the reasons as to why the suitable candidate for the post of Director-General could not be considered by the Selection Committee even before the occurrence of vacancy, so that the appointment of the Director-General could be made immediately on the occurrence of a vacancy in that post. The Ministry were also requested to state whether they had any objection in amending the rules to that effect.

1.2 The Ministry of Food and Consumer Affairs in their reply dated 20.9.99 stated as under:-  
“..... That the amendments to the Rules now made vide notification no. GSR 342-E dated 12.5.99 are exactly the same provisions which existed in the Rules originally made vide notification dated 2.8.87. This Department has, however, no objection to the amendment of the Regulations as recommended by the Committee on Subordinate Legislation. The Ministry of Law is being consulted about issue of amendment notification.”

1.3 The Ministry with their subsequent communication dated 4 February, 2000, furnished a copy of the Gazette Notification carrying the desired amendment in the rules, issued vide GSR 404 dated 3 December, 1999.

**1.4 The Committee note with satisfaction that on being pointed out, the Ministry of Food and Consumer Affairs have amended the Bureau of Indian Standards (Appointment, Terms and Conditions of Service of Director General) Amendment Rules, 1999 so as to provide that the suitable candidate for the post of Director General could be considered by the Selection Committee even before the occurrence of a vacancy, so that the appointment of the candidate to the post of Director General could be made immediately on the occurrence of the vacancy in that post according to the provision made in Gazette of India Notification number GSR 404 dated 3 December, 1999.**

### **2. THE CENTRAL WAKF COUNCIL RULES, 1998 (GSR 593 OF 1998)**

The Central Wakf Council Rules, 1998 were published in the Gazette of India, Part-II, Section 3(i), dated 30 September, 1998. During the course of examination of the rules, it was observed that although the Central Wakf Act, 1995 was passed in the year 1995, the rules thereunder were notified after an inordinate delay i.e. after about two and a half years. In this regard, the concerned Ministry of Social Justice and Empowerment were requested to state the date on which the Wakf Act, 1995 was brought into force and the reasons for delay in the notification of the extant rules.

2.2 The attention of the Ministry was also invited to the Lok Sabha Secretariat O.M. No. 38/40/CII/96 dated 4.10.1996 addressed to all the Ministries/Departments of the Government of India, asking information regarding the Acts which were passed by the Parliament but not notified by the Government and the rules required to be framed but were pending to be framed under various Acts. This information was asked for consideration of the Committee on Subordinate Legislation. Thereafter, a number of reminders were also issued to those Ministries who had not furnished the desired information. The last such reminder was separately addressed to the Ministry of Social Justice and Empowerment, (the then Ministry of Welfare) on 27.3.1997. Thereafter the Ministry of Parliamentary Affairs vide their O.M. No. 32(3)/93-R&C dated 8 April, 1997 had also requested the Ministry of Social Justice and Empowerment (the then Ministry of Welfare) to furnish the desired information to the Lok Sabha Secretariat. In this regard, it was pointed out to the Ministry that the said information was not furnished by them and the Ministry was also requested to state the specific reasons, if any, for not seeking any extension of time from the Committee

on Subordinate Legislation when they were not able to frame the extant rules within the prescribed time-period.

2.3 The Ministry of Social Justice and Empowerment (Wakf Division) in their first reply dated 18 May, 1999 stated that the clarification sought by the Committee on Subordinate Legislation requires consultation with the Central Wakf Council and other divisions of the Ministry and asked for extension of time upto 15.6.1999 for furnishing the reply. The same was granted by the Committee on Subordinate Legislation.

2.4 The Ministry in their second reply dated 15<sup>th</sup> June, 1999 inter alia stated that the matter was under examination in the Ministry and again requested for extension of time for furnishing the reply upto 30.6.1999.

2.5 The Ministry in their third reply dated 2<sup>nd</sup> July, 1999 submitted the following information:-

“The Wakf Act, 1995 came into effect from 1.1.1996 and immediate action was initiated by the Ministry for framing of the Rules. However, preparation of the Rules was time consuming as discussion were to be held several times between Central Wakf Council, Ministry of Social Justice and Empowerment and Ministry of Law and amendments were to be incorporated at every stage. Besides, there were also suggestion from Central Wakf Council Members regarding TA/DA which also required to be incorporated after lengthy discussion. After obtaining approval of Welfare Minister and getting them duly vetted by Ministry of Law, the Rules were finally notified on 30.9.1998. It may kindly be appreciated that the delay in finalising the rules was not intentional and this Ministry had made all out efforts to notify them at the earliest. However, the delay which is beyond our control, is regretted. Nevertheless, this Ministry has been sending the quarterly reports to the Legislative Department indicating the reasons for notifying the same beyond six months. From the position stated above, it is apparent that the Ministry of Social Justice and Empowerment have constantly been pursuing the case and all efforts were made to frame the rules and get them notified as early as possible. The delay occurred due to reasons beyond our control. As the Ministry of Law was actually following up the framing of subordinate legislation, this Ministry was regularly informing the position of AWC Rules through Quarterly Report to the Ministry of Law and Justice (Legislative Department). It is regretted that the Lok Sabha Secretariat was not informed about the same.”

**2.6 The Committee do not find the reply of the Ministry to be satisfactory wherein the Ministry of Social Justice and Empowerment (Wakf Division) have attributed the delay in notifying the extant rules to the lengthy discussion between the Central Wakf Council, Ministry of Social Justice and Empowerment and the Ministry of Law. Further the Committee observe that rules under the Central Wakf Act, 1995 were notified by the Ministry in 1998 i.e. after a gap of more than two and a half years and have not even sought extension of time from the Committee on Subordinate Legislation of Lok Sabha. The Committee are not happy by the justification given by the Ministry in this regard on the ground that they were sending the quarterly report to the Legislative Department indicating the reasons for notifying the same beyond six months and have simply transferred their liability on the Ministry of Law and Justice (Legislative Department), for not informing the Committee on Subordinate Legislation regarding such delay in notification of the rules. The Committee point out that informing the Committee and to seek extension of the time is the responsibility of the administrative Ministry and not that of the Ministry of Law and Justice. The Committee are at pain to observe that the administrative Ministry of Social Justice and Empowerment is not aware of even such a small procedural matter and have tried to pass on the responsibility of delay on the Ministry of Law and Justice. The Committee views with displeasure the lack of seriousness shown by the Ministry and desire that the Cabinet Secretary may fix up responsibility and intimate the Committee, accordingly.**

### **3. THE CENTRAL POWER ENGINEERING (GROUP A) SERVICE (AMENDMENT) RULES, 1998 (GSR 8 OF 1999)**

The Central Power Engineering (Group A) Service (Amendment) Rules, 1998 were published in the Gazette of India, Part II, Section 3(i) dated 2 January, 1999. It was observed therefrom that the amendment

rules were given effect retrospectively from 21 August, 1990. Further, as per Explanatory Memorandum appended thereto, the amendment was issued to insert some entry which could not be inserted inadvertently in 1990. In this connection, the Ministry of Power were requested to furnish their comments on the following points arising out therefrom, for consideration of the Committee on Subordinate Legislation:-

- i) The reasons for the enormous delay for carrying out the extant amendment;
- ii) When the error was actually detected;
- iii) What steps were taken to ensure that the persons eligible for appointment to the post were informed of the eligibility conditions which could not be printed inadvertently;
- iv) How the Ministry have ensured that giving the rules retrospective effect from 1 August, 1990 would not affect the interest of Officers such as Director (Engineering) or the Deputy Director (Engineering) or the Executive Engineer etc. or their equivalent.

3.2 The Ministry of power vide their reply dated 15.7.1999 stated as under:-

“As per the draft Central Power Engineering (Group A) Service Rules, 1990 which were approved by the Union Public Service Commission in May, 1990, 10% of the vacancies in the grade of Director/Superintending Engineer (Ordinary Grade) were to be filled by deputation (including short term contract)/transfer from amongst the officers under the Central Government/State Governments/Union Territories/Central or State Government Undertakings/Semi Government Departments working in the grade of Director (Engineering) or Superintending Engineer or equivalent in their parent cadres or having five years regular service in the grades of Deputy Director (Engineering) or Executive Engineer or equivalent were to be eligible for appointment on deputation to the posts of Director (Engineering)/Superintending Engineer (Ordinary Grade). The said Rules as approved by the UPSC were referred to the Ministry of Law (Legislative Department) for vetting in June, 1990. In this process while retyping the draft service rules, before sending the same to the Law Ministry for vetting, the words ‘Undertaking/Semi-Government’ got inadvertently omitted from the field of selection. This error remained unnoticed even in the Ministry of Law and the mistake crept in the final version of the service Rules which were finally published in the Gazette of India on 21.8.1990. Since Ministry of Power was unaware of the inadvertent omission in the Service rules, in the advertisements as well as in the circular letters issued after 21.8.1990 asking for nomination for filling up deputation quota vacancies in the grade of Director (Engineering) (Ordinary Grade)/Superintending Engineer (OG) the field of selection was continued to be mentioned as per the provisions approved by the UPSC. A circular letter dated 22.2.1995 was issued inviting nominations from various organisations (including Public sector Undertakings and Semi-Government Organisation) for appointment on deputation basis to the posts of Director (Engineering) (OG)/Superintending Engineer (OG). Based on the nominations received in this regard a proposal for selection of candidates for appointment on deputation in the above grade was sent to the UPSC on 30.1.1996. The UPSC in their letter dated 29.2.1996 pointed out that in the field of selection mentioned in the circular letter issued by the Ministry of Power, Public Sector Undertakings/Semi-Government Departments had been added which was at variance with the provisions of notified Service Rules. On verification, the objection of the UPSC was found to be correct. Subsequently, a combined circular letter was issued on 18.2.97 inviting nomination for the posts of Director (Engg.) (OG)/Superintending Engineer (OG) wherein the field of selection was mentioned as “Officer under the Central Government/State Governments/Union Territory Administrations/Central or State Government Departments.” In this circular letter, Public Sector Undertakings/Semi-Government Department were omitted from the field of selection without realising that the error was in the notified service rules and not in the circular letters issued earlier. Based on the nominations received in response to this Circular letter, proposal for selection of candidates for appointment to the post of Director (Engineering) (OG)/Superintending Engineer (OG) was sent to the UPSC on 1.9.1997. Subsequently, the proposal was discussed in the UPSC on 14.8.98 and during the discussions it was discovered that there was discrepancy in the notified Recruitment Rules in as much as Public Sector Undertakings and Semi-Government Departments were omitted from the field of selection for the post of Director Engineering (OG)/superintending Engineer (OG). UPSC, therefore, advised that Ministry of Power should rectify this discrepancy in the service rules. It would thus be seen that the error in the service rules was detected only in August, 1998 and thereafter, immediate action was taken to rectify this error by issuing a notification in the Gazette of India on 2.1.99.”

3.3 On perusal of the aforesaid reply the Ministry of Power were requested to furnish some additional information for further elucidation. The information so desired together with the reply of the Ministry

thereupon is reproduced below in seriatim:-

- i) Was it not a fact that as per rules non-eligible officers were appointed on deputation in the grade of Director/SE during 1992.

Reply of the Ministry

“..... the two officers who were selected in a meeting of the Selection Committee held in the UPSC in December, 1991 and were appointed on deputation in 1992 belonged to Semi-Government Departments which were covered by the CPE (Group A) Service Rules, 1965 as well as the circular letters dated 29.12.1989 and 7.9.1990. Even though they were not covered by the revised rules notified on 21.8.1990 due to the aforesaid omission, their appointment on deputation has been got regularised with the retrospective amendment of the Central Power Engineering (Group A) Service Rules notified on 2.1.1999. It has already been clarified in our letter dated 15.7.99 that the retrospective amendment will not have any adverse effect on the interest of the officers of CPE (Group A) Service and those from outside organisation/departments.”

- ii) How many officers from Central/State Government applied for these posts, whether they were not found suitable for these posts, reasons therefor.

REPLY OF THE MINISTRY OF POWER

“..... that (i) no officers from the State Government had applied for the posts (ii) two officers from the Central Government had applied for the post and (iii) the remaining 23 officers who had applied for the post were either from the State Electricity Boards or Central Public Sector Undertakings. As submitted in reply to Point No. 1, the selection was finalised in the meeting of a Selection Committee held in the UPSC. Apparently, officers of the Central Government were not found suitable by the Selection Committee/UPSC.”

- iii) Have the Ministry fixed responsibility of any officers for such omission. If not the reasons therefor.

REPLY OF MINISTRY OF POWER

“The inadvertent omission in the Rules is a bonafide error for which no responsibility could be fixed. As soon as the omission was detected, immediate action was taken to rectify this omission retrospectively by issuing a notification in the Gazette of India on 2.1.99 and thus there was no adverse effect on the officers of the Central Power Engineering (Group A) Service or any other organisation due to this omission. However, the omission is deeply regretted.”

**3.4 The Committee observe that the aforesaid amendment rules were given effect retrospectively from 21 August, 1990 by the Ministry of Power. Further, as per Explanatory Memorandum appended thereto, the amendment has been issued to insert some entry which could not be inserted inadvertently in 1990.**

**3.5 The Committee observe from the comments furnished by the Ministry that the retrospective effect had not resulted in any adverse effect. The Committee, however, note with concern the inaction on the part of the Ministry in detecting the inadvertent omission after 8 years. In this regard, the Committee note that although the officers who were selected in the grade of Director/SE during 1992 were not being covered by the revised notified rules which contained the inadvertent omission regarding field of selection from Semi-Government and Public Sector Undertakings, their appointments on deputation had been regularised by giving retrospective amendment of the CPE (Group A) Service rules notified on 2.1.99. Since the Ministry have admitted that it was a bonafide error and have regretted the same, the Committee desire that the Ministry should be more careful in future while dealing with such an important piece of subordinate legislation and should evolve suitable procedural safeguards so as to avoid such type of omission on their part.**

**4. THE TELECOM TECHNICAL ASSISTANT RECRUITMENT RULES, 1998 (GSR 42 OF 1999)**



(A)

The Telecom Technical Assistant Recruitment Rules, 1998 were published in the Gazette of India, Part II, Section 3(i) dated 6 February, 1999. Rule 5 of these Rules read as under:-

“5 : Bond and Training:-

- i) All candidates provisionally recruited against the vacancies for direct recruitment shall execute a Bond for a period of five years from the date of their appointment as Telecom Technical Assistant in the proforma as may be specified by the Department.
- ii) The candidates selected both against the direct recruitment quota of vacancies and departmental promotion quota of vacancies shall, before their appointment as Telecom Technical Assistant undergo the prescribed training successfully as per the training plan laid down by the Department.
- iii) During the period of training, the direct recruitment Telecom Technical Assistant will be entitled to stipend (training allowance) as decided by the Department from time to time.”

In the aforesaid rule, it was felt that the bond period of 5 years prescribed for direct recruits to the post of Telecom Technical Assistant was too long. Further, the proforma for executing the said bond was not incorporated in the rules. In this regard, even the period of training and amount of stipend to be paid during the training was not mentioned. The matter was referred to the Ministry of Communications for their comments.

4.2 The Ministry in their reply dated 29.7.1999 furnished their comments on the aforesaid points as under:-

“COMMENTS ON RULE 5(i)

- a) Taking into account the cost of induction training imparted to TTAs, the criticality of training and their pivotal role in the telecommunication operations, a minimum of five years stay with the department is essential.
- b) There may not be any object to incorporate the proforma of the bond. However, this can be done only in consultation with Ministry of Law.

COMMENTS ON RULE 5(ii)

- a) The period of induction training for TTAs, for the present, is 10 weeks. It is likely to undergo change depending upon the ongoing changes in the technology. Therefore, it may not be appropriate to prescribe a specific period of training, at this stage.
- b) Stipend (Training allowance) is paid as per existing instructions in consultation with Ministry of Finance. Since it changed from time to time, it has not been mentioned in RRs.”

4.3 On scrutiny of the aforesaid reply of the Ministry, they were asked to state the cost of training, to elaborate the term ‘criticality of the training’ and the role of TTAs in telecommunication operations in order to ascertain the justification in prescribing a bond period of 5 years.

4.4 The Ministry vide their reply dated 30.9.99 stated that the cost of training is Rs. 12550/- per trainee. According to them, the criticality of training encompasses the critical areas in which the TTAs undergo training as well as expertise they acquire in various fields/works after induction training. As regards the roles played by TTAs in Telecommunications Operations. The Ministry have stated that they are trained to handle all types of equipments modern electronic exchanges, transmission equipment etc.

**4.5 In Rule 5 of the above rules, a bond period of 5 years was prescribed for the candidates recruited against the post of Telecom Technical Assistant. The Committee do not find the reasons furnished by the Ministry of Communications in prescribing such a long bond period to be justified as**

it is felt that by binding the young trainees for 5 years, the advancement in their career would be blocked. Further, the cost of training viz. Rs. 12550/- per trainee is not so high as to prescribe such a long bond period. The Committee, therefore, recommend that the bond period should be reduced from five years to two years so that the career prospects of the young trainees are not hampered. The Committee also recommend that the Ministry should incorporate in the rules the proforma for executing the bond so as to make the recruitment rules self-contained.

**(B)**

4.6 In the aforesaid rules, in Column 12 of the schedule appended thereto, it was observed that the term 'walk-in' used for appointment of categories-I employees seemed to be vague and needed to be spelt out clearly. The matter was referred to the Ministry for their comments.

The Ministry in their reply dated 29.9.99 stated as under:-

“The category no. I, for promotion, is termed as 'walk-in' because under this category, the eligible officials get included in the 'Select List' without appearing in either screening test or competitive examination. In other words, the officials who possess the educational qualifications prescribed under this category, can walk in to the cadre, without being subjected to any test. The walk-in procedure has been in use, in a few cadres, in the Department for sometimes now and no difficulty has been experienced on this account.”

4.7 The Committee feel that the term 'walk-in' used in Column 12 of the schedule to the above rules for appointment of category-I employees is vague and needs to be spelt out clearly. The Committee note from the reply of the Ministry of Communications that the term 'walk-in' has been used for appointment of category-I employees because under this category, the eligible officials get included in the 'Select List' without appearing in either screening test or competitive examination. In this regard, the Committee feel that to make the rules precise and specific, this term should be defined in the rules themselves in accordance with the clarification so furnished by the Ministry. The Committee desire to have copy of the recruitment rules so amended for their perusal.

## **5. THE TUTICORIN PORT TRUST EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTIONS) AMENDMENT REGULATIONS, 1998 (GSR 132-E OF 1998)**

The Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Amendment Regulations, 1998 were published in the Gazette of India, Extraordinary, Part-II, Section 3(i), dated 10 March, 1998. It was observed therefrom that as per the provisions of Regulation 9(i) and 9(ii) of the aforesaid regulations, an employee appointed on probation to any entry grade or post shall be confirmed only on completion of the probation period to the satisfaction of the appointing authority and an employee until confirmed shall be deemed to be on probation.

5.2 The concerned Ministry of Surface Transport (Ports Wing) were requested to state the rationale behind deeming an employee on probation even after completing the probation period to the satisfaction of the appointing authority and also to state for how long an employee would continue to hold the status of a probationer after completion of the probation period.

5.3 The Ministry in their reply dated 20<sup>th</sup> November, 1998 stated as under:-

“The provisions of Regulation 9(ii) of the said regulations has been examined in this Ministry. It appears that declarations of successful probation & confirmation in any entry grade or post are different and an officer on probation need not be kept on probation till his confirmation against a post. Accordingly we have stated to the Port Trust to consider amendment to the regulations by way of deletion of Regulations No. 9(ii). As soon as the proposals from the Port Trust Board are received they would be notified in the Gazette of India.”

5.4 The Ministry in their second reply dated 15 February, 1999 inter-alia stated that the necessary proposal has not yet been received from the Tuticorin Port Trust Board. As soon as the proposal is received, further necessary action to notify the amendment in the Gazette of India would be taken by this Ministry.

5.5 In their reply dated 2<sup>nd</sup> April, 1999, the Ministry proposed to replace regulation 9 (ii) as follow:-  
“..... That the proposal for amendment of Regulation 9(ii) of TPTE (Recruitment, Seniority and Promotion) Regulations, 1979, has been further examined in accordance with the recommendation of the Committee on Subordinate Legislation and found that in the event of deletion of Regulation 9(ii) the appointing authority would be left with no powers to extend the period of probation for exceptional reasons. Hence it was to substitute Regulations 9(ii) with the sufficient provisions for extension of probation as per the guidelines issued by the Central Government. It is, therefore, proposed to carryout amendment to Regulation 9(ii) as per the following draft:-

“Save for exceptional reasons, probation should not be extended for more than a year and no employee should be kept on probation for more than double the normal period.”

5.6 In this regard, it was felt that an employees should be deemed to be confirmed from the date on which he completes the probation to the satisfaction of his employer. The Ministry were accordingly asked to state whether they have any objection in amending the regulation to this effect.

5.7 The Ministry in their reply dated 30 June, 1999 while reiterating the proposed amendment stated that it may also be taken into account that confirmation cannot be deemed but has to be followed by subsequent order of the competent authority, as confirmation in a post confers certain rights on the employees.

5.8 In this regard, the Ministry were asked to clarify that when a person has completed his probation period to the satisfaction of his employer, then how does the question of extension of his probation period could arise.

5.9 The Ministry vide their reply dated 13<sup>th</sup> September, 1999 stated as under:-  
“Successful completion of probation doesn’t automatically lead to confirmation. The employee who completes the period of probation successfully, becomes eligible for consideration by the DPC for confirmation in the grade he holds. Vigilance clearance is also required before an employee is formally confirmed in a post. Therefore, successful completion of probation does not automatically confer any right on an employee for confirmation. It, however, sets in motion the process of confirmation which requires recommendations of DPC, Vigilance clearance, approval of competent authority etc. Further confirmation in a post depends on the availability of a permanent post and the date of completion of probation may not be the same. For this reason, confirmation has been delinked from the completion of probation period in respect of Central Government employees. The same principle has been adopted in respect of employees of Tuticorin Port Trust. The Ministry further clarified that only in the case of an employee who could not successfully complete probation that the question of extending the period of probation would arise. Even then, an employee cannot be kept indefinitely on probation till he is confirmed. It is in this respect that the existing provision of Regulation 9(ii) are found wanting in the sense that the employer has no power to extend the probation period in case the employees’ performance was not found up to the mark during the initial period of probation.”

**5.10 The Committee note that as per the provisions of Regulations 9(i) and 9(ii) of the aforesaid regulations an employee appointed on probation to any entry grade or post shall be confirmed only on completion of the probation period to the satisfaction of the appointing authority and an employees until confirmed shall be deemed to be on probation. The Committee note from the reply of the Ministry of Surface Transport that the rationale behind such a provision was that mere successful completion of probation does not automatically lead to confirmation, but only sets in motion the process of confirmation which requires recommendations of DPC, Vigilance clearance, approval of Competent authority etc. In this regard, the Committee desire that the Ministry should evolve suitable procedural safeguards so as to ensure that the interests of the employees are not affected adversely on this account due to delay on the part of the employer in calling DPCs or giving vigilance clearance etc. and also to ensure that after successful completion of the probation, the employees should not be deprived of the benefits available to a regular employee of Tuticorin Port Trust.**



## **6. THE CENTRAL MOTOR VEHICLES (AMENDMENT) RULES, 1999 (GSR 214-E OF 1999)**

The Central Motor Vehicles (Amendment) Rules, 1999 were published in the Gazette of India, Part II, Section 3(i) dated 18 March, 1999 and it was observed therefrom that even though the copies of the draft rules were made available to the public on 22 October, 1997, the rules were finally published only on 18 March, 1999 i.e. after a gap of more than one year. As per an oft-repeated recommendation of the Committee on Subordinate Legislation, the final rules should be published within a period six months from the date of publication of the draft rules. The Ministry of Surface Transport were, therefore, requested to state the reasons for such delayed publication of the aforesaid final rules.

6.2 The Ministry of Surface Transport vide their reply dated 17 September, 1999 inter-alia submitted as under:-

“..... that the draft of the above rules inviting suggestions/complaints from the public within a period of 45 days was notified vide GSR 589-E dated 10.10.1997, the copies of which were made available to the public on 22.10.1997. After expiry of the above period, the complaints/suggestions received from various organisations were compiled and since the issues were of technical nature, these were considered by the Standing Technical Committee on Central Motor Vehicles Rules in its meeting held in January, 1998. After receiving the decisions of the Technical Standing Committee in this regard, a final notification was prepared and approval of the then Minister (SFT) was sought on 1.4.98. Meanwhile, some of the organisations affected by certain provisions of the new rules, represented to the then Hon'ble Minister (SFT), who held repeated consultations with the senior officers and finally the proposal was approved by the then Minister (SFT) on 11.1.1999. Thereafter this notification was vetted by Ministry of Law on 1.2.1999 and the Hindi translation of the same was obtained from Official Language Wing on 17.3.1999. Hence, the final notification was issued only on 18.3.1999 under GSR 214-E.”

6.3 **The Committee note that the final notification of the Central Motor Vehicles (Amendment) Rules, 1999 was published by the Ministry of Surface Transport after a gap of more than one year from the date of publication of the draft rules. The Committee also note that the Ministry have attributed the delay to the technical nature of the rules and their consideration by the Standing Technical Committee on Central Motor Vehicles Rules etc. The Committee are not convinced by the reasons adduced by the Ministry in this regard. The Committee hope that the Ministry might have consulted experts before publication of the final Rules. The time taken in this behalf has not been indicated. In addition the Ministry have taken considerably long time for getting the approval of aforesaid rules by the then Minister (SFT). The Committee note with concern the Ministry have taken inordinately long time in finalising the rules, and desire that the Ministry should evolve suitable mechanism to avoid such delay in the future.**

## **7. THE RAILWAY CLAIMS TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITION OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) AMENDMENT RULES, 1999 (GSR 96-E OF 1999)**

The Railway Claims Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Amendment Rules, 1999 were published in the Gazette of India, Part II, Section 3(i) dated 11 February, 1999. It was observed therefrom that the rules did not contain the usual sub-rule indicating the date of their commencement. In pursuance of the recommendations of the Committee on Subordinate Legislation, a sub-rule regarding the date of commencement of the rules should always be included in the Rules. The Ministry of Railways (Railway Board) were, therefore, requested to state the special reasons, if any, for departure from the normal practice followed in this regard. The Ministry were also requested to state whether they have any objection in amending the rules to the desired effect.

7.2 The Ministry vide their communication dated 6 September, 1999 stated as under:-

“..... the absence of usual sub-rule indicating the date of commencement of these rules was an inadvertent omission. A corrigendum is being issued to amend the aforesaid rules.”

7.3 The Ministry vide their communication dated 2.2.2000 enclosed a copy of the Gazette Notification carrying the requisite corrigendum issued vide GSR 835-E dated 30.12.1999.

7.4 **The Committee note that in the Railway Claims Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Amendment Rules, 1999, there was no sub-clause to denote the date of commencement of the rules. The Committee note with satisfaction that on drawing the attention of the Ministry of Railways towards the recommendation of the Committee that all rules should invariably contain a commencement clause to indicate the date of coming into force of the rules to obviate any scope of confusion in the minds of persons for whose benefit the rules have been framed, the Ministry have issued a corrigendum published in the Gazette of India, Extraordinary, Part-II dated 30 December, 1999 vide GSR 835-E stating that the rules would come into force from the date of their publication in the official Gazette.**

#### **8. THE ALL INDIA INSTITUTE OF PHYSICAL MEDICINE AND REHABILITATION, BOMBAY (PROSTHETIC ENGINEER) RECRUITMENT RULES, 1995 (GSR 130 OF 1996)**

The aforesaid rules were published in the Gazette of India, Part-II, Section 3(i) dated 16 March, 1996. It was observed therefrom that as per the scheme of column 10 of the Schedule appended to the Recruitment Rules, the probation period for the post of Prosthetic Engineer for direct recruits was only one year whereas it was two years for promotees. The Ministry of Health and Family Welfare were, therefore, requested to state the rationale behind prescribing a longer probation period for promotees as compared with that of the direct recruits and for treating the candidates at two different footings in the matter of probation.

8.2 The Ministry in their first reply dated 30 July, 1996 stated that necessary action was being initiated and the amendments would be carried out in due course. Thereafter, the Ministry vide their O.M. dated 27.6.1997 stated that D.O.P&T had imposed a temporary ban on framing/modification of the recruitment rules and as soon as the same was lifted, that matter would be processed further. After issue of number of reminders, the Ministry vide their reply dated 1.12.1997 repeated that the matter would be processed further after lifting of the ban by DOP&T. Subsequent replies were received from the Ministry on 26.3.1998 and 8.6.1998 wherein the Ministry indicated that approval of UPSC was being taken on the amended rules. As no further reply was forthcoming from the Ministry, they were asked to furnish a status report on the finalisation of the amendment notification.

8.3 The Ministry of Health and Family Welfare vide their reply dated 12 August, 1999 furnished the status reply in which it was inter-alia stated that the draft notification of the recruitment rules have been referred to the UPSC and after its approval the same would be referred to the Official Language Division of the Legislative Department for the Hindi version and it was likely to take some more time.

8.4 Since no specific period for notification of the desired amendment was indicated by the Ministry, they were, therefore, requested to indicate some specific date by which the matter was likely to be finalised.

8.5 The Ministry vide their reply dated 27 September, 1999 stated that the confirmation form UPSC had since been received and the draft notification was being sent to Official Language Division under the Legislative Department for getting Hindi version thereof and the same was later to be sent for its notification.

8.6 The concerned Ministry were thereafter reminded on several occasions and finally the Ministry vide their communication dated 28.1.2000 enclosed a copy of the Gazette Notification prescribing a uniform period of probation for promotees and direct recruits for the post of Prosthetic Engineer. The Gazette Notification was issued vide GSR No. 11 dated 8<sup>th</sup> January, 2000.

8.7 **The Committee observe that in the aforesaid rules for the post of Prosthetic Engineer, longer period of probation was prescribed for promotees as compared to the direct recruits, thus treating the candidates at different footing in the matter of probation. The Committee note with satisfaction that on being pointed out, the Ministry of Health and Family Welfare have amended the rules so as to prescribe a uniform period of probation for both the promotees and the direct recruits vide Gazette of**

**India Notification number GSR 11 dated 8.1.2000. The Committee, however, express their concern that the Ministry have taken unduly long time of three years to notify the required amendment and desire that the Ministry should fix the responsibility in the matter and apprise the Committee of the action so taken.**

## **9. THE LIFE INSURANCE CORPORATION OF INDIA (RECRUITMENT OF APPRENTICE DEVELOPMENT OFFICERS) REGULATIONS, 1998 (SO 53-E OF 1999)**

The Life Insurance Corporation of India (Recruitment of Apprentice Development Officers) Regulations, 1998 were published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated 2 February, 1999. The Ministry of Finance were requested to furnish their comments on the following points:-

- i) Short title: The year in the short title to the Regulations was indicated as 1998 whereas the regulations were published in the year 1999. As per the oft-repeated recommendation of the Committee on Subordinate Legislation, the year in the short title of the rules should conform to the year of their publication in the Gazette. The Ministry of Finance were asked to state whether any corrigenda had since been issued by them to rectify the error.
- ii) Regulation 12 re: Interpretation Clause read as under:-

“The Chairman may from time to time, issue such instructions as may be necessary to give effect to and carry out the provisions of these Regulations. If any doubt arises as regards the interpretation of any of the provisions of these Regulations, the matter shall be referred to the Central Government whose decision shall be final.”

It was felt that the wording “decision of the Government shall be final” was likely to give an impression that the jurisdiction of the law courts was being ousted. As per the oft-repeated recommendation of the Committee, the regulation should not be so worded as to given such an impression. The Ministry of Finance were requested to state whether they had any objection in amending the regulations so as to do away with such an impression.

9.2 The Ministry of Finance in their reply dated 1 March, 2000 forwarded a copy of the Gazette Notification carrying out the desired amendments in the regulations, issued by them vide Gazette of India Notification number SO 129-E dated 16.2.2000.

**9.3 The Committee observe that the year in the short title to the above regulations did not conform to the year of publication of the Gazette Notification. Further the interpretation clause was so worded as to give an impression of ousting the jurisdiction of the Law Courts. The Committee note with satisfaction that on being pointed out, the Ministry of Finance have carried out the desired amendments in the extant regulations by rectifying the year in the short title from `1998' to `1999' and by amending regulation 12 by deleting the wording “that the decision of the Central Government shall be final” which were giving the impression that the jurisdiction of the Law Courts were being ousted and notified the same vide Gazette Notification number SO 129-E dated 16.2.2000.**

## **10. THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) REMOVAL OF DIFFICULTIES ORDER, 1999 (SO 430-E OF 1999)**

The aforesaid order was published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated 10 June, 1999. The Ministry of Information and Broadcasting were requested to furnish their comments on the following points arising out therefrom for consideration of the Committee on Subordinate Legislation of Lok Sabha:-

- i) Whether any steps were taken in advance to fill up the posts of Chairman, Executive Member and Part time member, which have now fallen vacant and have forced the Ministry to fill up such posts on ad-hoc basis.

- ii) The reason(s) for not filling up the posts of member (personnel) and the member (Finance).
- iii) Section 4: Conferment of executive power of appointment upon President is made by statute and the source of such power is entirely statutory and it should be exercised strictly in conformity with condition and limitation imposed by the statute.
- iv) Executive power is conferred or regulated by statute, the exercise of such power must be limited by the terms of that statute.
- v) Section 32 conferred powers upon Central Government to make rules on the subjects contained therein whereas appointment is covered under Section 4 which does not delegate the power of appointment of Chairman/members to Government. As such, it is felt that the order issued under section 35 of the Act by the Government for appointment is inconsistent with the provisions of the Act.

10.2 The Ministry in their reply dated 25.2.2000 inter-alia submitted as under:-

- i) Prasar Bharati (Broadcasting Corporation of India) Act, 1990 provides for the appointment of the Chairman and other Members of Prasar Bharati Board on the recommendation of the Committee consisting of Chairman of the Council of States, Chairman of Press Council of India and a nominee of the President of India. The Selection Committee was requested on 14.8.98 to take necessary action for filling up of vacant posts of Chairman, Executive member, member (Personnel), Members (Finance), and one part-time Member.
- ii) The posts of Member (Finance) & Member (Personnel) provided under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 were changed into Executive Director (Finance) and Executive Director (Personnel) and made ex-officio posts by the Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance promulgated on 29.10.97 and continued through re-promulgation on 20.12.97. This Ordinance was allowed to lapse on 6.5.98 and thereafter an Amendment Bill was introduced in Lok Sabha on 1.6.98 with a view to restore the provisions of the original Act of 1990. Thereafter, the Selection Committee was intimated of the vacancies of Member (Finance) and Member (Personnel) on 14.8.98 with the request that necessary action may be taken to fill up the vacant posts in Prasar Bharati Board. However, the Selection Committee had desired to know the pay scale and other conditions of service of the whole time Member i.e. the Executive Member, Member (Personnel) and Member (Finance), in order to enable the Committee to make proper offer to those it may consider suitable for appointment. This matter was taken up with the DOP&T. However, due to difference of views between Ministry of I&B and DOP&T, the pay-scales of whole time Members could not be finalised and the Selection Committee could not be informed of the pay-scales and other conditions of service of the whole-time member. Therefore, the posts of Member (Finance) and Member (Personnel) have continued to remain vacant. However, now the pay-scales etc. have been finalised and DOP&T has been requested to make available panels of suitable names for placing before the Committee for filling up these posts.

iii & iv) Prasar Bharati Board members are appointed on the basis of the recommendations made by the Selection Committee in accordance with provisions contained in Section 4 of the Prasar Bharati Act, 1990.

(v) It is clarified that the order namely, the Prasar Bharati (Broadcasting Corporation of India) Removal of Difficulties Order, 1999 dated 10<sup>th</sup> June, 1999 was made under Section 35 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 and not under Section 4 of the Act. Section 35 empowers Central Government to make such provisions as the Government may consider necessary for removal of any difficulty which may have arisen in giving effect to the provisions of the Act. Due to the continuing vacancies in key posts in the Prasar Bharati Board, a difficulty had arisen in the continued functioning of the Board and it was felt that unless immediate action is taken to provide for an interim arrangement by way of filling up these posts on an ad-hoc basis, the affairs of the



Corporation are likely to suffer. Accordingly, Ministry of Law was consulted and the Prasar Bharati (Broadcasting Corporation of India) Removal of Difficulties Order, 1999 was issued in exercise of the power vested under section 35 of the Prasar Bharati Act, 1990 so as to enable the Central Government to fill up the vacant posts mentioned above on ad-hoc basis till such time regular appointments are made to these posts by the Selection Committee in accordance with Section 4 of the Prasar Bharati Act, 1990.”

10.3 The Ministry was subsequently asked to furnish the current status of filling of the aforesaid vacant posts.

10.4 The Ministry in their reply dated 5.6.2000 submitted that the posts of Chairman, Executive Member, Member (Personnel), Member (Finance) and Part time members are still lying vacant. The Additional Secretary, Ministry of Information and Broadcasting is holding the additional charge of the post of Chief Executive Officer on ad-hoc basis.

10.5 The Committee considered the aforesaid reply of the Ministry at their sitting held on 18.10.2000 and decided to call the representatives of the Ministry of Information and Broadcasting and the Ministry of Personnel and Public Grievances and Pensions (DOP&T) to know the reasons for the delay in filling up the vacant posts in the Prasar Bharati Board and also the reasons for delay in framing of rules in respect of terms and conditions of service of the Chairman & other Members. As such the representatives of both the Ministries appeared before the Committee on 6.11.2000 for oral evidence.

10.6 During the course of oral evidence, the Secretary, Ministry of Information and Broadcasting while admitting the delay in filling up of the vacant posts in Prasar Bharati Board stated that the extant order was notified to fill up the post of Chief Executive on ad-hoc basis as it was felt that the work of the organisation may come to a grinding halt, if that post was not immediately filled up. In this regard, he stated that the position of the Chairman and part time Members of the Board are different from the position of the Chief Executive Officer (CEO) because it is the CEO only who manages the organisation on day-to-day basis. In view of the urgency so involved, this order was issued under Section 35 of the Act after taking opinion of the Law Ministry. He informed that this was only a temporary & interim arrangement and all the vacant posts would be filled up in a regular manner as envisaged in the Act.

10.7 On being asked by the Committee as to why the Selection Committee could not recommend the persons for filling up the vacant posts, it was submitted that the Selection Committee asked for the rules governing the Service Conditions for such posts. However, the rules were not finalised till then. Regarding the reasons for such delayed framing of the rules, the Secretary, Information and Broadcasting stated that there was some difference of opinion between the Ministry of Information and Broadcasting and the DOP&T regarding Pay scales of the CEO and other Members. Elaborating this point, it was submitted that the Ministry of Information and Broadcasting wanted the pay scale of Cabinet Secretary for CEO and the pay scale of maximum of Additional Secretary for Member (Finance) and Member (Personnel). However, the DOP&T supported by the Department of Expenditure were of the view that the pay scale of CEO should be that of the Secretary and those of Members of the rank of Additional Secretary. This difference persisted for a considerable time and in the meanwhile the Elections intervened. The matter was finally resolved when the Ministry of Information and Broadcasting agreed to the pay-scales suggested by the DOP&T.

10.8 He further submitted that after the approval of the pay scales by the Minister of I&B, the process of rules formulation was initiated which involved stages like framing of draft rules by the Prasar Bharati Broadcasting Corporation of India, approval of the Government, concurrence of the DOP&T and vetting by the Ministry of Law, before their final notification.

10.9 The Committee then desired to know the justification for 3 years time taken by the Ministry in sorting out the differences with DOP&T. In this regard, the Secretary, Information and Broadcasting, submitted that framing of rules could not be taken up for the last 2 years but only in the beginning of this year. This happened because government issued first ordinance to change some basic things in 1997 and that too within a month of the notification of the Act on 15 September, 1997. Thereafter three further ordinances were followed in the next two years affecting some of the things to be covered under the rules. Since none of

these ordinances could be converted into law, a situation of uncertainty prevailed for about two and a half years resulting in the delay of framing of rules.

10.10 On being asked by the Committee about the suitable names to be furnished to the Selection Committee for filling up the vacant posts, the Secretary, DOPT submitted that the Ministry of Information and Broadcasting requested them on 21.12.1999 for a panel of five names each for the posts of Member (personnel) and the Member (Finance). In this regard, the suitable names have been furnished by them to the Ministry of Information and Broadcasting on 3.5.2000.

10.11. The Committee then desired to know the further action taken by the Ministry since then. The Secretary (Information and Broadcasting) submitted that now they were trying to finalise the rules at the earliest possible as these were already in the final stages. He informed that the draft rules have already been approved by the Minister and the DOP&T and were to be sent to the Law Ministry the next day for vetting. He assured the Committee that the rules would be notified shortly.

10.12. On being asked by the Committee as to whether any other officers also in addition to the CEO were appointed on ad-hoc basis, the Secretary (Information and Broadcasting) submitted that no fresh appointments were made, but during the last two years, a large number of officers had been promoted on ad-hoc basis. This was so because after the Prasar Bharti came into existence, the UPSC declined to either do recruitment or hold DPC for promotion.

10.13 On being inquired, the Committee were informed that at present, the CEO of Prasar Bharati who is a special Secretary in the Ministry is also exercising all the functions and powers of both the DGs of AIR and Doordarshan. The Committee viewed this with concern and stressed the need to fill up the vacant posts and the framing of the rules at the earliest.

10.14 The Ministry vide their subsequent reply dated 21.3..2001 stated as under:-

“... that Prasar Bharati (Broadcasting Corporation of India) Salaries, Allowances and other conditions of service of Chairman, Whole-time Members and Part-time Members Rules, 2000 have been notified on 10.11.2000. As regards the current status of filling up of vacant posts in Prasar Bharati Board, a proposal to fill up the vacant position of a Chairperson and three Part-time Members was sent on 10<sup>th</sup> November, 2000 to the Selection Committee headed by the Vice President for recommendation. This proposal did not include the vacant position of Member (Personnel) and a Member (Finance) as it was felt that, first a decision on the report of the Review Committee on the working of Prasar Bharati needed to be taken. Subsequently, however, it was decided to fill up the posts as per the existing provisions of the Prasar Bharati Act, 1990 since a view on the recommendation of the Review Committee was likely to take some more time . Accordingly, the proposal to fill up these two position has also been sent on 14.12.2000 to the Selection Committee headed by Chairman of the Council of States (as provided in section 4 of the Prasar Bharati Act, 1990), for their recommendations. The Recommendations of the Committee are awaited.”

**10.15 The Committee note from the reply of the Secretary of the Ministry of Information and Broadcasting that in order to keep alive the work of the Prasar Bharati (Broadcasting Corporation of India), adhoc appointments were being made by them for the post of Chief Executive Officer who manages the entire organisation on day to day basis. The Committee also note that as per the assurance given to them, all other vacant posts in the Prasar Bharati Board would be filled up in regular manner as envisaged in the Act as the same could not be done earlier since their pay scales were not finalised and notified due to difference of opinion between DOP&T and the Ministry of Information and Broadcasting which persisted for a long time. In this regard, the Committee note from the latest reply of the Ministry that the proposal for filling up the vacant posts in currently under consideration of the Selection Committee for their recommendation as provided under Section 4 of the Act. As regards delay in framing of rules, the Committee note that the rules have since been notified vide GSR 868-E of 2000.**

**10.16 The Committee desire that the Ministry should pursue the matter with the Selection Committee so that the vacancies in the Prasar Bharti Board could be filled up at the earliest.**

**(P.H. PANDIAN)**  
**CHAIRMAN**  
**COMMITTEE ON SUBORDINATE LEGISLATION**

**NEW DELHI:**

(AMENDED CHAPTER)

10.15 The Ministry vide their subsequent reply dated 21.3..2001 stated as under:-

“... that Prasar Bharati (Broadcasting Corporation of India) Salaries, Allowances and other conditions of service of Chairman, Whole-time Members and Part-time Members Rules, 2000 have been notified on 10.11.2000. As regards the current status of filling up of vacant posts in Prasar Bharati Board, a proposal to fill up the vacant position of a Chairperson and three Part-time Members was sent on 10<sup>th</sup> November, 2000 to the Selection Committee headed by the Vice President for recommendation. This proposal did not include the vacant position of Member (Personnel) and a Member (Finance) as it was felt that, first a decision on the report of the Review Committee on the working of Prasar Bharati needed to be taken. Subsequently, however, it was decided to fill up the posts as per the existing provisions of the Prasar Bharati Act, 1990 since a view on the recommendation of the Review Committee was likely to take some more time . Accordingly, the proposal to fill up these two position has also been sent on 14.12.2000 to the Selection Committee headed by Chairman of the Council of States (as provided in section 4 of the Prasar Bharati Act, 1990), for their recommendations. The Recommendations of the Committee are awaited.”

10.16 The Ministry of Information and Broadcasting vide their yet another communication dated 17.10.2001 stated as under:-

“..... that the Govt. on the recommendation of the Selection Committee headed by the Vice-President of India has appointed on 10.10.2001 following persons against the vacancies on Prasar Bharati Board:-

<u>S.No.</u>	<u>Name</u>	
1.	Prof. U.R. Rao	Chairman
2.	Lt. General M.A. Zaki (Retd)	Part-time Member
3.	Prof. Vidya Nivas Mishra	Part-time Member
4.	Shri S. Kasipandian	Part-time Member

As on date, two vacancies of Part-time Members remain in the Prasar Bharati Board. These are due to the resignation of Dr. Abid Hussain and due to the appointment of Prof. U.R. Rao (an existing Part-time Member) as Chairman. The recommendation of the Selection Committee for appointments against these vacancies on a regular basis are awaited.

As regards the vacant post of Executive Member, Member (Personnel) and Member (Finance) the same are under consideration of the Selection Committee and the recommendation of the Committee are still awaited.”

**10.17 The Committee note from the reply of the Secretary of the Ministry of Information and Broadcasting that in order to keep alive the work of the Prasar Bharati (Broadcasting Corporation of India), adhoc appointments were being made by them for the post of Chief Executive Officer who manages the entire organisation on day to day basis. The Committee also note that as per the assurance given to them, all other vacant posts in the Prasar Bharati Board would be filled up in regular manner as envisaged in the Act as the same could not be done earlier since their pay scales**

were not finalised and notified due to difference of opinion between DOP&T and the Ministry of Information and Broadcasting which persisted for a long time. In this regard, the Committee note from the latest reply of the Ministry that the post of Chairman and 3 part-time against 2 more vacancies of part-time Members on a regular basis and vacant post of Ex. Member, Member (Personnel) and Member (Finance) are under consideration of the Selection Committee and the recommendation of which are awaited. As regards delay in framing of rules, the Committee note that the rules have since been notified vide GSR 868-E of 2000.

10.16 The Committee also desire that the Ministry should pursue the matter with the Selection Committee so that the left out vacancies of Ex. Member, Member (Personnel) and Member (Finance) vacancies in the Prasar Bharti Board could be filled up at the earliest.

**(P.H. PANDIAN)**  
**CHAIRMAN**  
**COMMITTEE ON SUBORDINATE LEGISLATION**  
**NEW DELHI:**