

COMMITTEE ON SUBORDINATE LEGISLATION

(THIRTEENTH LOK SABHA)

(2001-2002)

FOURTH REPORT

LOK SABHA SECRETARIAT

NEW DELHI

{ACTION TAKEN REPORT ON THE IMPLEMENTATION OF
RECOMMENDATIONS/ OBSERVATIONS CONTAINED IN
SECOND AND THIRD REPORTS (TWELFTH LOK SABHA)
OF THE COMMITTEE}

C O N T E N T S

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COMPOSITION OF THE COMMITTEE

INTRODUCTION

REPORT

1. Implementation of recommendations contained in paragraphs 3.4-3.6 of the Second Report (Twelfth Lok Sabha) of the Committee on Subordinate Legislation re: The Indian Audit and Accounts Service (Recruitment) Amendment Rules, 1996 (GSR 365-E of 1996).
2. Action taken by Government on the recommendations 6 of the Committee
3. Statement showing the action taken by the Government on the recommendations of the committee

COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(2001-2002)

1. Shri P.H. Pandian - Chairman

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 Ram Autar Ram - Joint Secretary
2. Shri A.K. Singh - P.C.P.I
3. Shri P.D. Malvalia - 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 Fourth Report.

This Report relates to the implementation of the recommendations of the Committee made in their Second & Third Reports (Twelfth Lok Sabha).

The Committee considered and adopted this Report at their sitting held on 2 August, 2001.

(P.H. PANDIAN)

NEW DELHI: CHAIRMAN

COMMITTEE ON SUBORDINATE LEGISLATION

REPORT

IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARAGRAPHS 3.4-3.6 OF THE SECOND REPORT (TWELFTH LOK SABHA) OF THE COMMITTEE ON SUBORDINATE LEGISLATION RE: THE INDIAN AUDIT AND ACCOUNTS SERVICE (RECRUITMENT) AMENDMENT RULES, 1996 (GSR 365-E OF 1996).

The Committee on Subordinate Legislation in Paras 3.4-3.6 of their Second Report (Twelfth Lok Sabha) recommended as under:-

"3.4 The Committee observe that Rule 2(2) of the above Recruitment (Amendment) Rules, 1996 debarred officers of Group 'B' Cadre who attained the age of 53 years in the year of promotion for being included in the combined eligibility list of the Indian Audit and Accounts Service.

3.5 The Committee considered the three reasons put forth by the Ministry of Finance for debarring officers who have attained the age of 53 years from inclusion in the combined eligibility list, namely :-

(i) The provisions of Group 'B' Cadres of Accounts Officers/Senior Accounts into IA&AS was retained in the IA&AS Recruitment (Amendment) Rules, 1996 because the provision existed in the Recruitment Rules, 1983.

(ii) The officers after induction into the IA&AS are kept on probation for 2 years and thereafter on completion of the probation period, they are promoted to Senior Time Scale on regular basis. By the time they are promoted, the officers are not left with much service to adjust to and assimilate the requirement of higher responsibilities of IA&AS Officers;

(iii) The officers on promotion to Group 'A' Cadre are liable to all India transfer which is unwelcome by most officials as by that time they are in the verge of retirement.

3.6 The Committee do not find the reply of the Ministry convincing as it is felt that it is based mainly on the presumption because normally it is seen that even at the time of retirement one aspires for promotion. Even if the selection process takes a time of one year, the officer is likely to be inducted at the age of 54 and after completion of 2 years probation period, the officer would have still 2 years of service at his disposal. The Committee feel that denying an opportunity of promotion to an officer who attains the age of 53 years in the year of promotion is likely to cause financial losses viz. Higher retirement benefit, which the officers can avail of if he is promoted and therefore desire that the Ministry should provide promotion opportunities to such officers also by amending the Recruitment (Amendment) Rules."

The Report of the Committee was presented to the House on 8 December, 1998 and was forwarded to the Ministry of Finance for implementation of the recommendations contained therein.

The Ministry in their Action Taken Reply dated 10 May, 2000 have stated as under:-

"..... the matter relating to implementation of the recommendations contained in para 3.4-3.6 of the Second Report of the 12th Lok Sabha has been considered in consultation with Deptt. of Per. & Trg. and Office of Comptroller and Auditor General of India, the cadre controlling authority for members of Indian Audit and Accounts Service (IA&AS). According to the cadre controlling authority it is essential to continue with the existing age restriction of 53 years for induction of officers into IA&AS. The rationale for retaining the age restriction is explained below:-

- a. The provision of age bar of 53 years existed in IA&AS (Recruitment) Rules since inception when the rules were notified in 1983.
- b. Even with the existing age limit of 53 years, by the time officers are inducted into IA&AS, they attain the age of 54 years or more as there is a time lag before the selection process gets completed. On appointment to IA&AS they remain on probation for a period of two years. On completion of probation period, they are promoted to Senior Time Scale on regular basis by which time they do not have much service left.
- c. Removal of age bar restriction would mean the officers on the verge of retirement would also get promoted with little time to adjust to and assimilate the requirements of higher responsibilities of

IA&AS officers. There will be no time left for the officers to discharge duties at group officers' level for any considerable period.

- d. Promotion to IA&AS involves all India transfer liability. Even with the present age restriction, quite a few officers forego promotion in the Department every year because on the one hand promotion would entail transfer, on the other hand available service is not long enough to give assurance of career progression even to the level of Junior Administrative Grade.
- e. Promotions are made keeping in view the administrative requirements of public service and the criteria of competence/efficiency and not with the sole objective of providing financial gain to the officers before retirement.

(b) The question of age bar was again considered and comptroller and Auditor General has advised that the age restriction should continue on the following grounds:-

(i) The recommendations of the Committee were considered keeping in view the larger interest of public service.

(ii) The question of retention of upper age limit in the Recruitment Rules for induction into IA&AS has been upheld by the Court viz. Karnataka Bench of Central Administrative Tribunal.

(iii) There are more than hundred officers in the Department spread all over the country. Keeping in view the nature of the service, it is functionally necessary and administratively desirable to transfer officers. On their promotion to IA&AS, officers acquire all India transfer liability. Each transfer involves lot of dislocation. The Officers promoted close to the retirement find it extremely difficult to adjust to the new stations, since they have various family obligations and personal compulsions. If officers having longer span of service are inducted into IA&AS it enables them to organise and plan their personal matters better so that they can take up the new assignment and effectively discharge higher responsibilities.

(iv) There is limited financial gain to officers on their promotion since the scale of Sr. A.O. and Junior Time Scale of IA&AS are same. Moreover, the scales of the Junior Time Scale and Senior Time Scale are overlapping as also the scale of Senior Time Scale and Junior Administrative Grade.

(c) Comptroller and Auditor General has further added that there are separate cadres for Accounts and Audit stream and within the Audit stream again, there are separate cadre for commercial, Railway, P&T and Defence Wings, in the IA&AD upto Sr. A.O. level. However, there is no such distinction at Group 'A' level. Officers promoted to IA&AS at the fag end of their career would have no time to assimilate the working and nuances of any stream other than that where he had been working so far. This is again a feature distinct to IA&AS.

(d) It is Comptroller and Auditor General's view that removing the age bar restrictions would render the entire exercise of promoting Sr. A.O. to IA&AS self defeating. This would negate the rational behind such promotion of getting a body of officers, rich in experience, to man the middle and higher level posts in the Department.

On consideration of the whole matter, Government have decided to concur with the views of Comptroller and Auditor General and, therefore, a humble submission is made before the Committee on Subordinate Legislation that the existing provisions relating to age restriction in IA&AS Recruitment Rules may kindly be allowed to be retained. This has the approval of Finance Minister.

After carefully considering the reply of the Ministry which have been furnished in consultation with the Comptroller & Auditor General of India, the Committee observe that it is essential for the Ministry to retain the upper age limit of 53 years for induction of officers in the Indian Audit and Accounts Service keeping in view the requirement of the job involved. Furthermore, the retention of upper age limit has also been upheld by the Court viz., the Karnataka Bench of the Central Administrative Tribunal. In view of this, the Committee find the reply of the Ministry justified and would not like to pursue the matter further.

Action taken by Government on the Recommendations of the Committee

Under Direction 108 (1) by the Speaker, the Ministries are required to furnish from time to time statements of action taken or proposed to be taken by them on the recommendations made by the Committee in their reports. With a view to ensuring speedy implementation of their recommendations, the Committee, in paragraph 93 of their Sixteenth Report (Fifth Lok Sabha), had fixed a time-limit of six months within which the Ministries / Departments should implement their recommendations. If in any particular case it had not been possible to adhere to this time limit, they should ask for extension of time from the committee after explaining the difficulties in implementing the recommendations. Still the cases of delay continue to occur. The Committee cannot but stress again that the Ministries should evolve suitable measures to streamline their procedure in order that the recommendations made by the Committee are implemented within the maximum time-limit of six months laid down by them.

The recommendations/ observations made by the Committee in their Second & Third Report (12th Lok Sabha) and the action taken replies thereto furnished by the Government have been given in Annexure to this Report.

During scrutiny of the implementations of their recommendation, the Committee found a number of cases where action had not been taken within the prescribed time-limit.

NEW DELHI:

P.H. PANDIAN

CHAIRMAN,

COMMITTEE ON SUBORDINATE LEGISLATION

ANNEXURE

STATEMENT SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE

S.No.	Reference to Para Nos. of Report	Summary of Recommendations / Assurances	Gist of Government reply
1.	SECOND REPORT (TWELFTH LOK SABHA) (PRESENTED ON 8.12.1998) 1.3	<u>THE SUPREME COURT LEGAL SERVICES COMMITTEE REGULATIONS, 1996 (GSR 336-E OF 1996).</u> The Committee considered the aforesaid reply of the Ministry and found it to be satisfactory as the Ministry, on being pointed out, have agreed to correct the year in the Legal Services Authorities Act to state as 1987 instead of 1989 which has crept into the Regulation inadvertently. The Committee desire that the Ministry should issue the necessary corrigendum to this effect.	The Ministry have amended the rules so as to correct the year of the Act as 1987 <u>vide</u> Gazette of India Notification GSR 425-E dated 10.6.1999. (Ministry's O.M. No.G-20011 (4)/ 99 - Admn.III (LA)

2.	1.7	<p>The Committee considered the above reply of the Ministry wherein they have stated that it is constitutional obligation to provide legal aid to deserving people and the expenses to that effect are borne by the Supreme Court Legal Services Committee. Therefore, when costs are awarded by the court, the same should be paid to the Supreme Court Legal Services Committee Fund since the free legal Services are being obtained by the affected party. It has been further stated that when a decree or order granting monetary benefit like arrear of salary or rent in the matter relating to monetary dispute, even if initially the client is poor, after getting the relief he should reimburse the Committee for the expenses incurred.</p>	<p>The matter has been examined by the National Legal Service Authority in consultation with the Supreme Court Legal Services Committee and it was decided to omit sub-regulation (2) of Regulation 17 and para 5 contained in affidavit annexed to these Regulations with regard to recovery of costs etc. from legal aid persons. Accordingly the amendment in the regulations has been carried out <u>vide</u> Gazette of India Notification No. GSR 150-E dated 22.2.2000.</p>
3.	1.8	<p>The Committee do not find the provision justiciable as the main Act aims to provide free and competent legal services to the weaker section of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Moreover Art 39 A of the constitution of India also provides for securing justice for all citizens.</p>	<p>(Ministry's O.M. No. G- 20011/ 98- Admn. III (LA)</p>
4	1.9	<p>The Committee further feel that at the time of incurring expenditure in connection with the case, it is quite likely that the poor client would have managed the expenditure by borrowing money on interest from various sources and even after getting the relief from the legal aid committee the expenditure incurred would have exceeded the benefits so awarded to him. Under the circumstances, the reimbursement to the committee which bears the expenditure should be limited to the cost awarded by the court and not extended to such other benefits. The Committee therefore desire the Ministry to limit the provision with regard to reimbursement only to all such costs to the legal aid committee and not other monetary benefits or advantages and delete the other provisions.</p>	
5	1.10	<p>The Committee feel that the terms, costs, other monetary benefits, advantage, charges and expenses referred to under the Regulations 17(2) were apt to be interpreted differently by different persons and therefore need to be defined clearly in the regulations itself to make them more specific and self-contained.</p>	

6.	1.12	<p>However, the Committee note that on being pointed out, the Ministry have agreed to define the terms costs, other monetary benefits, advantage, charges, expenses referred to under the Regulations 17(2) and desire that the Ministry should do the needful at the earliest.</p> <p>The Committee observed that below para 6 of the Affidavit, in the verification, the wording "so help me God" has been provided. The Ministry were asked to state the legal necessity for prescribing such wording and also to clarify the term as the person seeks the help of the Committee and not of God.</p>	<p>The Ministry have since deleted the words "so help me god" from the notification of the affidavit <u>vide</u> Gazette of India Notification No. GSR 425-E dated 10.6.1999. (Ref. Ministry of Law, Justice and Company Affairs O.M. No. G-20011(4)/99-Admn.III (LA) dated 27.8.1999)</p>
7	1.13	<p>In their reply the Ministry stated as under:-</p> <p style="padding-left: 40px;">"The words 'Solemnly affirm and State' are included in the opening part of the prescribed form of the affidavit. The word 'so help me God' are not necessary and may, therefore, be omitted."</p>	
8	5.12	<p>The Committee note that on being pointed out, the Ministry have agreed to delete the words 'so help me God' as it is felt that these are not necessary in the affidavit to be given by the client and desire that the Ministry should do the needful.</p> <p><u>THE LIFE INSURANCE CORPORATION OF INDIA CLASS I OFFICERS (REVISION OF TERMS AND CONDITIONS OF SERVICE (AMENDMENT) RULES, 1996 (GSR 286-E OF 1996)</u></p> <p>The Committee after hearing the evidence of the Ministry of Finance, desired to have a note on the above mentioned points. The Committee note from the reply of the Ministry dated 9 September, 1997 that the pay scales, rates of dearness allowance and other benefits of the Officers were discussed with the Officers' Association and the scales as notified by the Government were arrived at after the discussions with the officers' Association. The pay scales so arrived at by mutual understanding with the Officers' Association by the LIC Management were notified by the Government. After the notification was issued, the Officers' Association has not raised any dispute with regard to the pay scales. No representations have been received from the officers</p>	<p>The Ministry of Finance have instructed the Life Insurance Corporation of India to implement the recommendations of the Committee during the next wage revision.</p> <p>(Ministry of Finance O.M. No. 4(4)/Ins.III/96 dated 11.1.1999)</p>
9.	6.11		

with regard to the pay scales. The Committee desire that as agreed to by them during the evidence the observations of the Committee may be kept in mind whenever the next round of revision takes place.

FRAMING OF RULES AND REGULATIONS UNDER THE REHABILITATION COUNCIL OF INDIA ACT, 1992

10. 6.12

The Committee note that the Rehabilitation Council of India Act, 1992 came into force on 31 July, 1993. Section 28 thereof empowered the Central Government to make rules and Section 29 of the Act empowered the Council to make regulations with previous sanction of the Government for carrying out various provisions of the Act.

The Ministry of Social Justice and Empowerment have issued necessary instructions to all its Divisions for strict compliance of the recommendations of the Committee on Subordinate Legislation contained in Paras 6.11-6.15. The Ministry have also enclosed a copy of the instructions so issued.

(Ministry's O.M. No.25-10/99-HW.III dated 30.5.2000)

11 6.13

As per the recommendations of the Committee on Subordinate Legislation made in para 108 of their Eighteenth Report (Fifth Lok Sabha), rules/regulations were required to be framed thereunder as soon as possible after the commencement of an Act and within a maximum period of six months from the enforcement of the Act. In case, however, a Ministry finds that for any unavoidable reasons it is not possible for them to adhere to the prescribed time limit, in an exceptional case, they should at the expiration of six months from the commencement of the relevant Act, explain the reasons to the Committee and seek a specific extension of time from them.

12 6.14

As per the above recommendation of the Committee, the Ministry of Welfare was required to frame the rules by 31 January, 1994 i.e. within six months of the enactment of the Act.

The Committee note that only after constant pursuing, the Ministry of Welfare have notified the rules under the Rehabilitation Council of India Act, 1992. The Committee note with concern that the matter relating to framing of rules under the Act are being dealt with by the Ministries in a very casual and lackadaisical manner and no serious attention is paid for expeditious rule making. In this

connection, attention of the Ministry is invited to the following recommendation of the Committee made in para 1.8 of Twenty-fourth report (Eleventh Lok Sabha):-

With a view to ensure timely framing of rules under the Acts passed by the Parliament, the Committee recommend as under:-

1. The framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill so that the draft rules become ready by the time the Bill is introduced in the House.
2. Whenever a Bill is introduced in Parliament and in particular those Bills which propose setting up a Commission or Tribunal, there should be a 'Note' in the Memorandum of Delegated Legislation appended to the Bill to the effect that the draft rules have also been prepared under that Bill.
3. To overcome undue delays on account of protracted inter-ministerial correspondence or where consultation with the Ministry of Law or other Ministries/ Departments is involved the concerned Ministry should convene meetings of all the concerned agencies so that the matters could be sorted out at the earliest without entering into protracted correspondence.

The Committee, reiterating their above recommendation, desire that the Ministry of Welfare should ensure strict compliance of the aforesaid recommendations with a view to ensure timely framing of rules under the Acts passed by the Parliament.

RUBBER BOARD EMPLOYEES
(CONDUCT) (AMENDMENT)
RULES, 1995 (GSR 411 OF 1995)

The Committee note that Rule 16(3) of the Rubber Board Employees (Conduct) (Amendment) Rules, 1995 was giving an impression that the jurisdiction of the law courts was

The Ministry of Commerce have amended the rules to the desired effect by deleting the word 'final' from Rule 16(3) vide Gazette of India Notification GSR 490 dated 29.10.96

(Ministry's O.M. No. 13/4/91-Plant(B) dated 23.3.1999)

13 6.15

THIRD REPORT
(TWELFTH LOK
SABHA)
(PRESENTED ON
12 MARCH, 1999)

14 1.4

15 4.4

16	4.5	<p>being ousted. The Committee, however, note that on being pointed out, the Ministry of Commerce have agreed to amend the rule to the desired effect. The Committee desire that the Ministry should hasten the process of finalisation of the proposed amendment and notify the same at the earliest.</p>	<p>The Ministry of Agriculture have prepared and furnished a copy of the chart regarding various stages involved in the framing of rules alongwith a time-table to execute them in accordance with the recommendation of the Committee to avoid delay in final notification of the rules in the future.</p>
17	6.3	<p><u>THE AJOWAN SEEDS (WHOLE AND POWDERED) GRADING AND MARKING RULES, 1997 (GSR 372 OF 1997).</u></p> <p>The Committee do not find the reply of the Ministry convincing in which the Ministry had attributed the delay in notification of the final rules mainly to the receipt of a large number of comments/ suggestions from the affected traders/ organisations and their compilation and critical examination etc. and the time consumed in vetting by the Law Ministry, getting a fair copy of rules as vetted by the Law Ministry, stenciling etc. and so on. In this regard, the Committee observe that the reasons for delay as pleaded by the Ministry are of routine nature and the Committee on Subordinate Legislation have fixed a maximum time limit of six months for notification of final rules from the date of notification of draft rules only after keeping in mind all such routine processes involved therein.</p>	<p>(Ministry's O.M. No. 18011/3/99-M.II dated 1.9.1999)</p>
18	7.4	<p>The Committee, therefore, desire that the Ministry should prepare a chart of various stages involved in notification of final rules alongwith a time table to execute them so as to ensure that there is no delay in the final notification of the rules and it will also help the Ministry to carry out their work in more convenient manner in the future. The Committee hope that the Ministry would take care to avoid such delays in future as assured by them.</p> <p><u>THE EMPLOYEES' STATE INSURANCE (CENTRAL) SECOND AMENDMENT RULES, 1997 (GSR NO. 226 OF 1997).</u></p>	<p>The Ministry of Labour have brought the recommendation of the Committee to the notice of the Employees State Insurance Corporation. The Corporation has noted the recommendations of the Committee for further guidance and assured to take all steps to avoid such delays in future.</p> <p>(Ministry's O.M. No.S-38011 /1/92-SS.I dated 21.6.99)</p> <p>The Ministry of Parliamentary Affairs have also circulated the recommendations of the Committee to all the Ministries/Departments of the Government of India for strict compliance.</p> <p>(Ministry's O.M. No. 32(1)/99-R&C dated 20.4.1999)</p>

expenses. In this regard, the Committee observe that the matter has been kept shuttling between the Government and the Employees' State Corporation on several occasions without any serious efforts on the part of the Ministry resulting in the inordinate delay in finalisation of the rules. The Committee take a serious note of such enormous delay and desire that the Ministry of Labour should streamline their procedure so as to avoid recurrence of such enormous delays in the publication of final rules, in the future. In this regard, the Committee recommend that whenever there is any delay in the finalisation of the rules, the responsibility of such delay should be fixed on the Secretary of the concerned Ministry.

THE MINISTRY OF DEFENCE,
ARMY HEADQUARTERS,
GENERAL STAFF BRANCH
SIGNAL INTELLIGENCE
DIRECTORATE (GROUP 'A' AND
GROUP 'B' POSTS).
RECRUITMENT RULES, 1995 (SRO
106 OF 1995)

The Committee are in disagreement with the reply of the Ministry of Defence regarding pre-requirement of knowledge of foreign language as compulsory one for employees of the Directorate eligible for promotion to the post of Junior Research Officer merely on the ground that the Directorate affords facilities to the concerned employees for attaining diploma/ interpretership qualification in prescribed foreign language and that earlier very few such employees used to volunteer for language courses. This is so because no such pre-requirement of knowledge in foreign language had been made compulsory in the case of direct recruits or the deputationists. In this context, the Committee note that the disability which has been so imposed on the employees of the Directorate who otherwise are eligible for promotion is against the principles of natural justice. The Committee, therefore, desire that the Ministry of Defence should amend the Ministry of Defence, Army Headquarters, General Staff Branch, Signal Intelligence Directorate (Group 'A' and Group 'B' posts) Recruitment Rules, 1995 so as to do away with the provisions which is discriminatory to the interests of the

The Ministry have stated that in view of the nature of work involved, the knowledge of foreign language was absolutely necessary. However, in order to do away with the discrimination to the promotees as observed by the Committee, the Ministry have made the pre-requirement of the knowledge of foreign language as mandatory for direct recruits also. The Ministry have notified the amendment vide Gazette of India Notification No. SRO 249 dated 11 November, 2000. (Ref. Min's O.M. No. A/45610/CAO/R-II dated 13.11.2000).

The Ministry of Home Affairs have noted the recommendation of the Committee for strict compliance and have also forwarded them to all the Union Territory Administrations with the instructions to ensure that the recommendations are kept in mind while framing the rule in the future.

(Ministry's O.M. No. V-11022/1/94-UTI dated 6.12.1999)

8.4

employees of the Directorate who otherwise fulfill other eligibility conditions for promotion to the post of Junior Research Officer.

FINANCE COMMISSION FOR THE UNION TERRITORY OF THE ANDAMAN AND NICOBAR ISLANDS (CONDITIONS OF SERVICE AND OTHER MISCELLANEOUS PROVISIONS) (AMENDMENT) RULES, 1997 (GSR 307-E OF 1997).

The Committee note from the clarification furnished by the Ministry of Home Affairs that the extant rules have been notified under Section 186(2) of the Andaman & Nicobar Islands (Panchayats) Regulations, 1994 which is a primary legislation promulgated by the President in exercise of powers conferred by Article 240(1) of the Constitution. As regards giving of retrospective effect to the notification in order to implement the revised pay structure, the Committee note that the Ministry have regretted their omission for not appending the requisite Explanatory Memorandum thereto certifying that interest of non would be adversely affected by giving such retrospective effect. In this regard, the committee note with satisfaction that the Ministry have issued an amendment notification vide GSR 684-E dated 2 December, 1997 incorporating the desired Explanatory Memorandum. The Committee desires that the Ministry should devise suitable procedural safeguards so as to ensure that the recommendations of the Committee on Subordinate Legislation are also kept in mind while framing the rules.

IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN PARAGRAPHS 3.4-3.6 OF THE SECOND REPORT (TWELFTH LOK SABHA) OF THE COMMITTEE ON SUBORDINATE LEGISLATION RE: THE INDIAN AUDIT AND ACCOUNTS SERVICE (RECRUITMENT) AMENDMENT RULES, 1996 (GSR 365-E OF 1996).

After carefully considering the reply of the Ministry which have been furnished in consultation with the Comptroller & Auditor General of India, the Committee observe that it is essential for the Ministry to retain the upper age limit of 53 years for induction of officers in the Indian Audit and Accounts Service keeping in view the requirement of the job involved. Furthermore, the retention of upper age limit has also been upheld by the Court viz., the Karnataka Bench of the Central Administrative Tribunal. In view of this, the Committee find the reply of the Ministry justified and would not like to pursue the matter further.