

COMMITTEE ON SUBORDINATE LEGISLATION
(2019-2020)

(SEVENTEENTH LOK SABHA)

FIRST REPORT

[Action Taken by Government on the Observations/Recommendations contained in the Tenth Report of the Committee on Subordinate Legislation (Sixteenth Lok Sabha)]



LOK SABHA SECRETARIAT
NEW DELHI
05 March, 2020/15 Phalguna, 1941(Saka)

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(2019-2020)

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FIRST REPORT

[Action Taken by Government on the Observations/Recommendations contained in the Tenth Report of the Committee on Subordinate Legislation (Sixteenth Lok Sabha)]

(PRESENTED TO LOK SABHA ON 12 .03.2020)



**LOK SABHA SECRETARIAT
NEW DELHI
05 March, 2020/15 Phalguna, 1941(Saka)**

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(17th LOK SABHA)
(2019-2020)**

Shri Raghurama Krishnaraju Kanumuru

Chairperson

Members

2. Prof. S. P. Singh Baghel
3. Shri Ajay Bhatt
4. Shri Jyotirmay Singh Mahato
5. Shri Pinaki Misra
6. Shri Chandeshwar Prasad
7. Shri Suresh Pujari
8. Shri A. Raja
9. Shri Nama Nageshwar Rao
10. Shri N. Uttam Kumar Reddy
11. Shri Sanjay Seth
12. Shri Mahendra Singh Solanky
13. Shri Su Thirunavukkarasar
14. Shri B. Manickam Tagore
15. Shri Ram Kripal Yadav

SECRETARIAT

- | | | | |
|----|----------------------|---|---------------------|
| 1. | Shri P.C.Tripathy | - | Joint Secretary |
| 2. | Shri Ajay Kumar Garg | - | Director |
| 3. | Shri Nabin Kumar Jha | - | Additional Director |

INTRODUCTION

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

2. This Report relates to the action taken on the Observations/Recommendations contained in the Tenth Report (10th) (Sixteenth Lok Sabha) which was presented to Lok Sabha on 12.8.2015.

3. The Committee considered and adopted this Report at their sitting held on 05th March, 2020.

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

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

6. An analysis of action taken by the Government on the recommendations contained in the Tenth Report of Committee on Subordinate Legislation (Sixteenth Lok Sabha) is given in Appendix III.

**New Delhi;
05 March, 2020**

15 Phalguna, 1941 (Saka)

RAGHURAMA KRISHNARAJU KANUMURU
Chairperson,
Committee on Subordinate Legislation

REPORT

This Report of the Committee on Subordinate Legislation (2018-2019) deals with the action taken by the Government on the observations/recommendations contained in the Tenth Report (Sixteenth Lok Sabha) of the Committee which was presented to Lok Sabha on 22.12.2015. The Tenth Report dealt with the following subjects:-

- I. The Ministry of Water Resources, the Central Water Engineering (Group A) Service Rules, 2013 (GSR 252 of 2013).
- II. (i) The Ministry of Labour and Employment, Labour Bureau, Data Entry Operator Grade 'D', Group B Post, Recruitment Rules, 2013 (GSR 246 of 2013).
(ii) The Central Government Industrial Tribunal cum Labour Courts Group B Posts Recruitment Rules, 2013 (GSR 269 of 2013).
- III. (i) The Ministry of Drinking Water and Sanitation, Multi Tasking Staff, Recruitment Rules, 2012 (GSR 64 of 2014).
(ii) The Ministry of Drinking Water and Sanitation Multi – Tasking Staff Recruitment Rules, 2012 (GSR 81 of 2014).
- IV. Infirmities in the short-title of Rules, Regulations, Bye-Laws etc.

2. The observations/recommendations made by the Committee in respect of the shortcomings observed in the above rules are contained in paras 1.4, 1.5 and 1.6 of chapter I, paras 2.4, 2.7 and 2.8 of chapter II, paras 3.4, 3.5 and 3.6 of chapter III and paras 4.6, 4.7 and 4.9 of Chapter IV of the 10th Report which after presentation was forwarded to the concerned Ministries for implementation of the recommendations contained therein. The Ministries concerned, viz. the Ministry of Water Resources, River Development and Ganga Rejuvenation; Ministry of Labour and Employment; Ministry of Drinking Water and Sanitation; Ministry of Parliamentary Affairs and Ministry of Law and Justice furnished their action taken replies in respect of all the twelve observations/recommendations contained in the Report.

3. The main observations/recommendations made by the Committee in its Tenth Report (Sixteenth Lok Sabha) and the action taken thereon by the Ministries concerned are briefly given as follows:-

I. The Ministry of Water Resources, the Central Water Engineering (Group A) Service Rules, 2013 (GSR 252 of 2013).

The Committee observed that sub-rule 3 of Rule 8 of the Ministry of Water Resources, the Central Water Engineering (Group A) Service Rules, 2013, did not contain any provision for protecting the interests of the probationer, in case the probationer is discharged or reverted back to the post held by him earlier. The Committee, therefore, recommended the Ministry to amend rule 8 (3) incorporating a provision for providing the probationer an opportunity of being heard before a final decision is taken by the Controlling Authority. The Committee also noted that the method of recruitment prescribed for the duty posts in Non Functional Second Grade at Sl. No. 5 (a) of Schedule III carried the risk of being subjectively interpreted. In this regard the Committee desired that the clarification furnished by the Ministry might be suitably incorporated in the rules to avoid any subjective interpretation of the rules. The Committee note with satisfaction that the Ministry of Water Resources, River Development and Ganga Rejuvenation in their action taken reply submitted that provisions as suggested by the Committee have been incorporated in the Central Water Engineering (Group 'A') Service (Amendment) Rules, 2017 and have also enclosed copy of the Notification so notified.

II. (i) The Ministry of Labour and Employment, Labour Bureau, Data Entry Operator Grade 'D', Group B Post, Recruitment Rules, 2013 (GSR 246 of 2013).

The Committee noted that in the entry contained in column 11 of the Schedule appended to the Ministry of Labour and Employment, Labour Bureau, Data Entry Operator Grade 'D', Group B Post, Recruitment Rules, 2013, specifying the eligibility for promotion, only

the name of the feeder post along with the length of service was mentioned but the details regarding the Pay Band and Grade Pay or Pay Scale attached with the feeder post were found to be absent. The Committee observed that in the absence of the details of the pay band of pay scale attached with the feeder cadre the existing information provided about the feeder cadre was incomplete and left the scope for ambiguity. The Committee recommended the Ministry to amend the Recruitment Rules and classify the post of Sr. Court Clerk, Grade – I as Group B Post as the scale of pay attached to the post as Rs. 9300-34800 in Pay Band-2 and consequent to this amendment, the period of probation under Col.9 be also changed from 'not applicable' to 2 years in accordance with the DoPT guidelines. In this regard the Committee note that the Ministry of Labour and Employment in their action taken reply submitted that necessary amendments as desired by the Committee have been made and have also enclosed copy of the Notification so notified.

(ii) The Central Government Industrial Tribunal cum Labour Courts Group B Posts Recruitment Rules, 2013 (GSR 269 of 2013).

The Committee noted that the entry under Column 10 of Schedule appended to the Central Government Industrial Tribunal cum Labour Courts Group 'B' Posts Recruitment Rules, 2013 (GSR 269 of 2013), pertaining to method of recruitment prescribed direct recruitment as the mode of recruitment for the post of Personal Assistant and that the vacancies arising out of long duration leave would be filled in by deputation. However, the eligibility criteria prescribed for deputation also included qualification as prescribed for direct recruits, including skill test norms, which was contrary to the practice normally followed in this regard. The Committee desired that the Ministry should bring out necessary amendment to the rules at the earliest. In this regard, the Committee note that the Ministry of Labour and Employment in their action taken reply submitted that necessary amendments as desired by the Committee have been made and have also enclosed copy of the Notification so notified.

- III (i) The Ministry of Drinking Water and Sanitation, Multi Tasking Staff, Recruitment Rules, 2012 (GSR 64 of 2014)**
- (ii) The Ministry of Drinking Water and Sanitation Multi – Tasking Staff Recruitment Rules, 2012 (GSR 81 of 2014).**

The Committee noted that there was an inordinate delay of 1 year and 4 months in publication of the Ministry of Drinking Water & Sanitation, Multi Tasking Staff, Recruitment Rules, 2012 (GSR 64 & 81 of 2014), in the official Gazettes. Also, in GSR 81, the year in the Short Title did not tally with the year of publication of the said Rules in the Gazette of India. The Committee recommended that the responsibility of the Ministry should not cease with the sending of a Notification to the Press and the Ministry be vigilant enough to keep track of the Notification after it is sent to the Press for printing and after the rules / regulations etc. have been published in the Gazette. The Committee further recommended that amending notification nos. 365-E and 366-E be laid in the House and the Committee be apprised of the same. The Ministry of Drinking Water and Sanitation in their action taken reply while admitting there was an inordinate delay in publication of Multi-Tasking Staff, Recruitment Rules of 2014 and neglect on the part of the Ministry in requesting the Press to furnish the printed copies of the Notification have sought apology of the House and the Committee on Subordinate legislation. They have also assured that as directed by the Committee they would now devise efficient mechanisms and exercise utmost care in timely publication of Gazettes in coordination with Govt. of India Press. The Ministry also submitted that Notification No. 365—E and 366-E dated 30-4—2015 have been laid in the House on 16th March, 2016.

IV. Infirmities in the short-title of Rules, Regulations, Bye-Laws etc.

The Committee noted that the mismatch in the 'year' shown in the short title of Rules, Regulations etc. and the year of publication of the rules in the official gazette continues to occur year after year, despite the Committee pointing out several such cases in the past. The Committee reiterated their recommendation that the responsibility of a Ministry/Department does not cease with the sending of the Notification to the Press and that such corrigenda

should be issued within 30 days from the date of publication of rules/regulations etc. in the official Gazette. The Committee, therefore, desired the Ministry of Parliamentary Affairs to issue fresh instructions in this regard to all the Ministries/Departments of the Government of India. The Committee also desired that the Ministry of Law and Justice (Legislative Department) once again issue suitable instructions to the Directorate of Printing and all the Ministries/Departments of Government of India for making consequential change in the short title of such cases and avoid occurrence of such infirmities in the Rules, Regulation, Bye-laws etc. in future. In this regard, the Committee note from the action taken reply submitted by the Ministry that the recommendations/observations of the Committee have been circulated amongst all ILS Officers of the Department for strict compliance in future. The Ministry further stated that the Legislative Department, Ministry of Law and Justice has also issued instructions vide OM dated 14th January, 2016 to the Directorate of Printing and all the Ministries/Departments of Government of India for making consequential changes in the short title of the Rules in all such cases and avoid recurrence of such infirmities in the Rules, Regulation, bye-laws etc. in future and enclosed a copy of the same.

B. Short title being too long

The Committee noted that short titles of the Rules/Regulations in some cases were too long which is against the basic tenets of legislative drafting. The Committee reiterated their recommendation that the short title should not be too long describing the entire content, rather than indicating the substance of the rules. The Committee desired the Ministry of Parliamentary Affairs to issue necessary instructions to all Ministries/Departments of Government. The Ministry of Parliamentary Affairs in their action taken reply stated that necessary instructions have been issued to all Ministries/Departments of Government vide its OM No. 2(1)/2016-ME dated 01.04.2016 and have also enclosed copy of the Notification so notified.

4. The Committee, therefore, are satisfied to note that the Ministries concerned have accepted the shortcomings and rectified the same. A statement showing the Action Taken by the Government on the recommendations contained in the Tenth Report is given in Appendix-I.

New Delhi;
05 March, 2020
15 Phalguna, 1941 (Saka)

RAGHURAMA KRISHNARAJU KANUMURU
Chairperson,
Committee on Subordinate Legislation

APPENDIX I
(vide Para 4 of Introduction of the Report)

**STATEMENT SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON THE
OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE TENTH REPORT OF
THE COMMITTEE (16th LOK SABHA)**

**I. The Ministry of Water Resources, the Central Water Engineering (Group A)
Service Rules, 2013 (GSR 252 of 2013).**

Observations/Recommendations of the Committee

The Committee note that as per the provisions contained in sub-rule 3 of Rule 8 of the Ministry of Water Resources, the Central Water Engineering (Group A) Service Rules, 2013, a probationer can be discharged or reverted back if the Controlling Authority is of the opinion that such officer is not fit for confirmation in the service. The Committee observe that rule does not contain any provision for protecting the interests of the probationer, in case the probationer is discharged or reverted back to the post held by him earlier. The Ministry of Water Resources who were asked to clarify the issue had stated that discharge from service is governed by Government of India's instructions/guidelines issued from time to time including DOPT's OM regarding confirmation/extension of probation period which *inter-alia* include safeguards to ensure adherence with the principles of natural justice.

(Para 1.4. of the Report)

The Committee are of the view that before discharging from service or reverting back to the post held earlier by the incumbent, the probationer should be given a reasonable opportunity of being heard. The Committee would like to point out that while framing rules the Ministry should mention in clear and unambiguous terms in the rules that, before taking a final decision the probationer would be given an opportunity of being heard as per Government of India's instructions/guidelines issued from time to time. This would make the rules self contained and would leave no scope of being interpreted differently by different persons more so to the disadvantage of the affected persons. The Committee, therefore, recommend that the Ministry to amend rule 8 (3) of the aforesaid rules to incorporate provision for providing the probationer an opportunity of being heard before a final decision is taken by the Controlling Authority.

(Para 1.5. of the Report)

Reply of the Ministry

Provisions as suggested by the Committee have been incorporated in Rule 6 of the Central Water Engineering (Group 'A') Service (Amendment) Rules, 2017 notified in Gazette of India vide GSR No. 371 dated 03.11.2017. (copy enclosed)

**[The Ministry of Water Resources, River Development
and Ganga Rejuvenation
OM No. H-11021/6/2017-Parliament Section dated 20.05.2019]**

The Committee further note that the method of recruitment prescribed for the duty posts in Non Functional Second Grade at Sl. No. 5 (a) contained in schedule III carry the risk of being subjectively interpreted. The Committee observe that the very probability of subjective interpretation is indicative of prevalent loopholes in the rules. The Committee note from the reply of the Ministry that the method of recruitment for the above posts was incorporated based on the DoPT OM No. 28038/1/88-Estt. (D) dated 9th October, 1989. The Committee desire that the clarification so furnished by the Ministry might be suitably incorporated in the rules to avoid any subjective interpretation of the rules.

(Para 1.6 of the Report)

Reply of the Ministry

Provisions as suggested by the Committee have been incorporated in Rule 8(1) of the Central Water Engineering (Group 'A') Service (Amendment) Rules, 2017 notified in Gazette of India vide GSR No. 371 dated 03.11.2017. (copy enclosed)

**[The Ministry of Water Resources, River Development
and Ganga Rejuvenation
OM No. H-11021/6/2017-Parliament Section dated 20.05.2019]**

- II. **The Ministry of Labour and Employment, Labour Bureau, Data Entry Operator Grade 'D', Group B Post, Recruitment Rules, 2013 (GSR 246 of 2013).**

Observations/Recommendations of the Committee

The Committee note that as per the entry contained in column 11 of the Schedule appended to the Ministry of Labour and Employment, Labour Bureau, Data Entry Operator Grade 'D', Group B Post, Recruitment Rules, 2013, specifying the eligibility for promotion, only the name of the feeder post along with the length of service has been mentioned. However, the details regarding the Pay Band and Grade

Pay or Pay Scale attached with the feeder post i.e. Data Entry Operator Grade 'B' have been found to be absent. The Committee are constrained to observe that in the absence of the details of the pay band of pay scale attached with the feeder cadre which form a crucial part of a post, the existing information which has been provided about the feeder cadre is incomplete and leaves the scope for ambiguity. The Committee, however, like to express their satisfaction over the fact that the Ministry are in agreement with the views of the Committee and have proposed to amend the rules to the desired effect by incorporating the grade pay and pay band attached with the feeder grade i.e. Data Entry Operator Grade 'B'. The Committee desire that the Ministry bring out the necessary amendment expeditiously and take necessary steps for avoidance of such errors in the future.

(Para 2.4 of the Report)

Reply of the Ministry

The necessary amendments have been made in the Col. No. 11 of the Recruitment Rules for the post Data Entry Operator grade 'D' and copy of the Ministry of Labour and Employment, Labour Bureau, Data Entry Operator Grade 'D' Group 'B' post, Recruitment Rules, 2015 as published in the Official Gazette of India vide G.S.R. 156 dated 31.07.2015 is enclosed for ready reference (Annexure-II).

**[The Ministry of Labour and Employment
OM No. A-12018/1/2011-ESA(LB) dated 14.01.2016]**

(ii) The Central Government Industrial Tribunal cum Labour Courts Group B Posts Recruitment Rules, 2013 (GSR 269 of 2013).

The Committee note that the entry under Column 10 of Schedule appended to the Central Government Industrial Tribunal cum Labour Courts Group 'B' Posts Recruitment Rules, 2013 (GSR 269 of 2013), pertaining to method of recruitment prescribes that the direct recruitment is the mode of recruitment for the post of Personal Assistant. It has also been provided that the vacancies arising out of long duration leave will be filled in by deputation. However, the eligibility criteria prescribed for deputation also includes qualification as prescribed for direct recruits, including skill test norms, which is contrary to the practice normally followed in this regard. The Committee, however, note with satisfaction that after the clarification was sought from the Ministry in this regard, the Ministry after consultation with UPSC, have proposed to suitably amend the rules by prescribing separate eligibility conditions for filling up the post on deputation basis as distinct from that required for direct recruits in terms of qualification and experience for the post of Personal Assistant. The Committee desire that the Ministry bring out necessary amendment to the rules at the earliest and to be more vigilant in future while drafting the recruitment rules.

(Para 2.7 of the Report)

2.8. The Committee also find it pertinent to emphasize here that utmost care need to be taken while drafting recruitment rules, which needless to say have far reaching ramifications vis-a-vis persons concerned.

(Para 2.8 of the Report)

Reply of the Ministry

The notification in respect of amendment of Recruitment Rules for the post of Personal Assistant in CGIT – Cum- Labour Courts has been sent to Govt. of India Press on 02.12.2015 for publication, a copy of which is enclosed for information.

**[The Ministry of Labour and Employment
OM No. A-12011/01/2007-CLS-II dated 19.01.2016]**

- III. (i) **The Ministry of Drinking Water and Sanitation, Multi Tasking Staff, Recruitment Rules, 2012 (GSR 64 of 2014).**
(ii) **The Ministry of Drinking Water and Sanitation Multi – Tasking Staff Recruitment Rules, 2012 (GSR 81 of 2014).**

Observations/Recommendations of the Committee

The Committee note that in the Ministry of Drinking Water & Sanitation, Multi Tasking Staff, Recruitment Rules, 2012 (GSR 64 & 81 of 2014), there was an inordinate delay of 1 year and 4 months in publication in the official Gazettes. Also, in GSR 81, the year in the Short Title did not tally with the year of publication of the said Rules in the Gazette of India. The Committee are quite concerned to note that the Ministry had been negligent in obtaining the information regarding the publication of the Recruitment Rules which were sent by them for publication on 5.12.2012 to Govt. of India Press which were subsequently found to be published vide GSR No. 304 dated 15.12.2012. Since the Ministry did not track the publication of rules by GOI Press, the Ministry vide its letter dated 25 March, 2014 requested the Government of India Press to furnish printed copies of the Notification. The Committee find it disconcerting to note that it took as long as 1 year and 3 months time for the Ministry to take note of non receipt of printed copies of the Notification. Further, to the utter chagrin of the Committee, the Ministry in its clarification have submitted that, there has not been any delay in publication of the rules in the Gazette of India. This certainly reflects the lackadaisical approach of the Ministry in dealing with serious issues like publication of the Recruitment Rules. The Committee, therefore, find the approach of the Ministry in such important matters totally unacceptable.

(Para 3.4 of the Report)

The Committee also note that after the receipt of printed copies of the Notification from the Press, the Ministry noticed discrepancy in the Notification regarding

year of framing posts under Col. 2 of the schedule and, therefore, forwarded a corrected version to GOI Press as advised by the Press. The Committee find it simply incomprehensible to note that instead of issuing an amendment notification as was desired by the Ministry, the GOI Press on their own without any intimation to the Ministry published fresh Notifications vide GSR Nos. 64 of 2014 and 81 of 2014. The Committee take a very serious note of the utterly casual and callous approach of the Ministry in publication of Recruitment Rules in the Gazette Notification as the Ministry after sending the corrected version to the GOI Press, again didn't keep track of printing of the amendment Notification till the Committee took up the matter of delay in printing of GSRs 64 and 81 of 2014. The Committee, therefore, wish to emphatically stress and recommend that the responsibility of the Ministry should not cease with the sending of a Notification to the Press. The Ministry should be vigilant enough to keep track of the Notification after it is sent to the Press for printing and after the rules / regulations etc. have been published in the Gazette. Further, the Ministry should also take immediate steps to examine whether the same have been correctly printed and if necessary, to issue corrigenda thereto. The Committee expect that at least from now on the Ministry would now devise an efficient mechanism and exercise utmost care in timely publication of Gazettes in coordination with GOI Press.

(Para 3.5 of the Report)

As a corrective measure, but only after the matter was seized by the Committee, the Ministry vide GSR 365-E dated 30.4.2015 rescinded the GSRs 64 and 81 dated 5.12.2012 published in Gazette of India dated 5.4.2014 and 26.4.2014 respectively by GOI Press. Further, notification amending the notification issued vide GSR 304 dated 12.12.2012 has been notified vide GSR 366-E dated 30.4.2015. The Committee recommend that notification no. 365-E and 366-E dated 30.4.2015 should be laid in the House and the Committee may also be apprised of the same.

(Para 3.6 of the Report)

Reply of the Ministry

The Ministry admits that there was an inordinate delay in publication of Multi-Tasking Staff, Recruitment Rules of 2014 and it was a neglect on the part of the Ministry as it took pretty long time in obtaining information regarding publication of the Recruitment Rules (which was sent to Govt. of India Press on 5.12.2012 and only after a gap of more than a year i.e. on 25.3.2014 this Ministry requested the Press to furnish the printed copies of the Notification). However, on receipt of the printed copies of the Notification from the Press, the Ministry noticed some discrepancy in the Notification published by the Press and, therefore, the Press was requested vide letter dated 22.4.2014 to publish amended Notification. The Press, without having obtained the consent of the Ministry issued fresh Notification on 5.4.2014 and 26.4.2014 which is again a grave error. This Ministry profusely apologize for not keeping track of the

printing of the amended Notification. Now, this Ministry vide GSR 365—E dated 30.4.2015 has rescinded the GSRs 65 and 81 dated 5.12.2012 published in the Gazette of India on 5.4.2014 and 26.4.2014 respectively by GOI Press.

A notification amending the notification issued vide GSR 304 dated 12.12.2012 has been notified vide GSR 366—E dated 30.4.2015.

The Ministry regrets the inordinate delay, the inadvertent neglect on its part in obtaining information regarding publication of the Recruitment Rules of the Multi—Tasking Staff and seek apology of the House and the Committee on subordinate legislation. The Ministry also assures the House and the Committee on Subordinate Legislation that there would not be a repeat of such a grave error in future. That this Ministry would be taking utmost care in the matter of publication of serious matters like Recruitment Rules and as directed by the Committee this Ministry would now devise efficient mechanisms and exercise utmost care in timely publication of Gazettes in coordination with Govt. of India Press. This Ministry further assures the Hon'ble House and the Committee that all these matter of notification are being closely monitored by higher officers from time to time. The Notification No. 365—E and 366-E dated 30-4—2015 have been laid in the House on 16th March, 2016 as directed.

**[The Ministry of Drinking Water & Sanitation
OM No. A-12017/16/2011-Admin dated 29.03.2016]**

IV. Infirmities in the short-title of Rules, Regulations, Bye-Laws etc.

A. Indication of incorrect year in the short title of Rules, Regulations etc.

The Committee note that the mismatch in the 'year' shown in the short title of Rules, Regulations etc. and the year of publication of the rules continues to occur year after year, despite the Committee pointing out several such cases in the past. Disparity in the year shown in short title and the year of publication causes inconvenience in locating and referencing of Rules, Regulations, etc. The reluctance on the part of Ministries in correcting discrepancies when pointed out by the Committee reflects lack of understanding of the significance of this requirement. The Committee observe that in most of the cases the Ministries initiate action for correction of such errors only on being pointed out by the Committee. However, referral for rectification of such avoidable errors take away valuable time of the Committee. The Committee, therefore, reiterate their recommendation that the responsibility of a Ministry/Department does not cease with the sending of the notification to the Press. After the rules/regulations etc. have been published in the Gazette, the Ministries/Departments concerned should take immediate steps to examine whether the same have been correctly printed and whether year in the short title tally with the year of publication and if necessary, to issue the corrigendum thereto. The Committee further reiterate their recommendation that such corrigenda should be issued within 30 days from the date of publication of rules/regulations etc. in the official Gazette. The Committee, therefore, desire that their

recommendation should be strictly complied with by the Ministries/Departments of Government of India and that the Ministry of Parliamentary Affairs should issue fresh instructions in this regard to all the Ministries/Departments of Government of India.

(Para 4.6 of the Report)

Reply of the Ministry

Ministry of Parliamentary Affairs vide its OM No. 2(1)/2016-ME dated 01.04.2016 has drawn the attention of all the Ministries/Departments to the Government of India to the observations/recommendations of the Committee with request to take note of them and ensure strict compliance.

**[Ministry of Parliamentary Affairs
OM No. 2(1)/2016-ME dated 01.04.2016]**

The Committee also note that the discrepancy in the 'year' in the short title and the year of actual publication occurs when the Rules are sent by the Ministries/Departments for publication towards the end of a year and these are published by the Press in the beginning of the next year. Rectification of such discrepancies, which though appears to be minor, is important as such discrepancies would make location and referencing of Rules difficult. The recurrence of similar mistakes in a large number of cases indicates that no procedure has been devised in consultation with the Government of India Press for making consequential change in the short title of such cases. Although the Ministry of Law and Justice (Legislative Department) had issued instructions to Directorate of Printing and all Ministries/Department of Central Government vide their OM No. 4(3)/2012- L.I. dated 29.06.2012 (Annexure-I), it is, however, time and again observed that the Ministries do not strictly adhere to the recommendations of the Committee in this regard. The Committee, therefore, desire that the Ministry of Law and Justice (Legislative Department) should once again issue suitable instructions to the Directorate of Printing and all the Ministries/Departments of Government of India for making consequential change in the short title of such cases and avoid occurrence of such infirmities in the Rules, Regulation, Bye-laws etc. in future. The Committee may also be apprised of the action taken on this recommendation.

(Para 4.7 of the Report)

Reply of the Ministry

The Recommendations/observations of the Hon'ble Committee have taken note of and the recommendations/observations of the Hon'ble Committee has been circulated amongst all ILS Officers of this Department for strict compliance in future. Legislative Department, Ministry of Law and Justice has also issued instructions vide OM dated 14th January, 2016 to the Directorate of Printing and all the Ministries/Departments of Government of India for making consequential change in the

short title of such cases and avoid occurrence of such infirmities in the Rules, Regulation, bye-laws etc. in future. A copy of the said O.M is enclosed herewith.

**[The Ministry of Law and Justice
(Legislative Department)
OM No. F. No. 4(1)/2016-L.1 dated 20.01.2016]**

B. Short title being too long

The Committee also note that short titles of the Rules/Regulations in some cases are too long which should be well avoided. This trend in fact goes against some of the basic tenets of legislative drafting. The Committee, therefore, reiterate their recommendation that the short title should not be too long describing the entire content, rather than indicating the substance of the rules. The Committee desire the Ministry of Parliamentary Affairs to issue necessary instructions to all Ministries/Departments of Government so that such patent errors of omission do not recur.

(Para 4.9 of the Report)

Reply of the Ministry

Ministry of Parliamentary Affairs vide its OM No. 2(1)/2016-ME dated 01.04.2016 has drawn the attention of all the Ministries/Departments to the Government of India to the observations/recommendations of the Committee with request to take note of them and ensure strict compliance.

**[Ministry of Parliamentary Affairs
OM No. 2(1)/2016-ME dated 01.04.2016]**

APPENDIX II

(Vide Para 5 of the Introduction of the Report)

EXTRACTS FROM MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2019-2020)

The eleventh sitting of the Committee (2019-20) was held on Thursday, the 5th March, 2020 from 1500 to 1530 hours in Chairperson's Chamber, Room No. 209, Extension Building, Parliament House Annexe, New Delhi.

PRESENT

- | | | |
|----|-------------------------------------|--------------------|
| 1. | Shri Raghurama Krishnaraju Kanumuru | <u>Chairperson</u> |
|----|-------------------------------------|--------------------|

MEMBERS

- | | |
|-----|-----------------------------|
| 2. | Prof. S. P. Singh Baghel |
| 3. | Shri Ajay Bhatt |
| 4. | Shri Jyotirmay Singh Mahato |
| 5. | Shri Chandeshwar Prasad |
| 6. | Shri Suresh Pujari |
| 7. | Shri A.Raja |
| 8. | Shri Nama Nageshwar Rao |
| 9. | Shri Mahendra Singh Solanky |
| 10. | Shri Su Thirunavukkarasar |
| 11. | Shri Ram Kripal Yadav |

SECRETARIAT

- | | | | |
|----|----------------------|---|---------------------|
| 1. | Shri Ajay Kumar Garg | - | Director |
| 2. | Shri Nabin Kumar Jha | - | Additional Director |
| 3. | Smt. Jagriti Tewatia | - | Additional Director |

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

- (i) Draft First Action Taken Report on observations /recommendations contained in the 10th Report of the Committee on Subordinate Legislation (16th Lok Sabha).
- (ii) XX XX XX XX
- (iii) XX XX XX XX

3. After deliberations, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to present the same to the House.

4. XX XX XX XX

The Committee then adjourned.

XX Omitted portion of the Minutes are not relevant to this Report

APPENDIX III
(vide Para 6 of Introduction of the Report)

**ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE
OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE
TENTH REPORT OF THE COMMITTEE ON
SUBORDINATE LEGISLATION
(SIXTEENTH LOK SABHA)**

I.	Total No. of observations/recommendations made	12
II.	Recommendations that have been accepted by the Government [<u>vide</u> recommendations at Sl. Nos.1.4, 1.5, 1.6, 2.4, 2.7, 2.8, 3.4, 3.5, 3.6, 4.6, 4.7 and 4.9]	12
III.	No. of recommendations which the Committee do not want to pursue in view of Government reply	Nil
IV.	Percentage of recommendations accepted	100%