

COMMITTEE ON SUBORDINATE LEGISLATION

(2021-2022)

(SEVENTEENTH LOK SABHA)

SIXTEENTH REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE SEVENTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTEENTH LOK SABHA) ON "THE BHAKRA BEAS MANAGEMENT BOARD AMENDMENT RULES, 2017".



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

February, 2022/ Magha, 1943 (Saka)

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(PRESENTED TO LOK SABHA ON 8.2.2022)



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CONTENTS

	Para No.	Page No.
COMPOSITION OF THE COMMITTEE.....		(iii)
INTRODUCTION.....		(iv)
REPORT.....		1-4

ANNEXURE

Copy of Gazette Notification [GSR 573 (E) dated 16. 8.2021]	5-6
-------------------------------------------------------------	-----

APPENDICES

I. Statement showing the Action Taken by the Government on the Observations/Recommendations contained in the Seventh Report of the Committee on Subordinate Legislation (17 th Lok Sabha).....	7-9
II. Extracts of the Minutes of the Eighth Sitting (2021-2022) of the Committee (17 th Lok Sabha) held on 15.12.2021.	10-11
III. Analysis of the Action Taken by the Government on the Observation/ Recommendations contained in the Report of the Committee on Subordinate Legislation (17 th Lok Sabha).	12

COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(17TH LOK SABHA)
(2021-2022)

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri Jyotirmay Singh Mahato
3. Shri Pinaki Misra
4. Shri Chandeshwar Prasad
5. Shri N.K. Premachandran
6. Shri Suresh Pujari
7. Shri A. Raja
8. Shri Nama Nageswara Rao
9. Shri Sanjay Seth
10. Shri Mahendra Singh Solanky
11. Shri B. Manickam Tagore
12. Shri S.U. Thirunavukkarasar
13. Shri Ram Kripal Yadav
14. Vacant
15. Vacant

SECRETARIAT

1. Shri R.C.Tiwari - Additional Secretary
2. Shri T.S. Rangarajan - Director
3. Smt. Jagriti Tewatia - Additional Director

(iii)

INTRODUCTION

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

2. This Report relates to the Action Taken on the Observations/Recommendations of the Committee contained in the Seventh Report (2020-2021) (Seventeenth Lok Sabha) which was presented to Lok Sabha on 22.09.2020.

3. The Committee considered and adopted this Report at their sitting held on 15.12.2021.

4. The summary of recommendations contained in the Seventh Report and Action Taken Reply of the Government thereon have been reproduced in Appendix I of the Report.

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

6. An analysis of the action Taken by Government on the recommendations contained in the Seventh Report of the Committee (Seventeenth Lok Sabha) is given in Appendix III of the Report.

New Delhi;
February, 2022
Magha, 1943 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

REPORT

This Report of the Committee on Subordinate Legislation (2020-2021) deals with the Action Taken by the Government on the Observations/Recommendations contained in the Seventh Report (Seventeenth Lok Sabha) of the Committee which was presented to Lok Sabha on 22.09.2020. The Seventh Report dealt with the Rules pertaining to "the Bhakra Beas Management Board Amendment Rules, 2017".

2. The shortcomings observed in the above Rules and the Observations/Recommendations made by the Committee in respect of these shortcomings are contained in paras 1.3 and 1.6 of the Seventh Report (17th Lok Sabha). The Report, after presentation was forwarded to the Ministry of Power for implementation of the recommendations contained therein. The Ministry of Power vide their OM no. 5-8/3/2017-BBMB dated 26th August, 2021 furnished their action taken replies on all the Observations/Recommendations contained in the Report. A statement showing the Observations/Recommendations made by the Committee and Action Taken by the Government on the same is given in Part II of the Report.

3. Replies to the observations/recommendations contained in the Report have broadly been categorized as follows:-

(i)	Observations/Recommendations which have been accepted by the Government	
	Sl. Nos. 1.3 and 1.6	Total 2

(ii)	Observation/Recommendation which the Committee do not desire to pursue in view of the Government's reply.	
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Sl.No.	Nil	Total Nil
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- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee

Sl. No.	Nil	Total Nil
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- (iv) Observation/Recommendation in respect of which final reply of the Government is still awaited

Sl. No.	Nil	Total Nil
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4. The main Observations/Recommendations made by the Committee in its Seventh Report (17th Lok Sabha) pertaining to "the Bhakra Beas Management Board Amendment Rules, 2017" (Seventeenth Lok Sabha) and the action taken thereon by the Ministry of Power are briefly as follows:-

Discrepancies in the preamble and foot-note in the rules:

5. The Committee noted that as per the preamble of the aforesaid amendment rules, the rules were notified to carry out further amendment in earlier, already notified amendment rules which were also published in same year i.e. 2017. As per the normal practice, once an amendment rule has been published, it forms part of the original rules. Therefore, if any subsequent amendment is required to be carried out, the same is carried out in the original rules, rather than in the amendment rules. The Committee also observed that, there was no foot-note, which is normally appended in such cases giving details of publication of the principal rules and the subsequent amendments carried out therein. The Committee had, therefore, recommended the Ministry, to bring out the necessary amendment in the rules at the earliest and be more cautious in future while drafting the rules so that such lapses are not repeated. The Ministry of Power in their Action Taken Reply informed that necessary amendment in the rules have been made and published in the Gazette of India vide Notification dated 16.08.2021 (Annexure).

(Para 1.3)

Delay in publication of the above rules in the Extraordinary Gazette:

6 . The above Rules were published in extraordinary Gazette after a gap of more than 15 days. The Rules/Regulations published in the Extraordinary Gazette should be published on the same day or very next day on which it is sent for publication. The Committee had observed that the Ministry in their written clarification had simply stated that though the notification was published in the Gazette of India on 15th September, 2017, the date of notification as printed in the Gazette of India is 30th August, 2017. The Committee thus felt that in the present case, the purpose of publishing the notification vide extra ordinary gazette has been lost. The Committee had , therefore, deplored Ministry's lack of planning and follow up in the matters of publication of Statutory Orders and had desired to apprise them about the measures adopted by the Ministry to establish a mechanism to ensure that there are no delays in the publication of Notifications particularly those being notified in the Gazette of India : Extraordinary. The Ministry of Power in their Action Taken Reply informed that steps such as - (i) Gazette Notification will be signed and sent for publication on the same date and (ii) It would be ensured that Gazette Notification is not sent for publication at the end of weekdays to avoid delay in publication due to weekend, will be followed in the future to ensure that there are no delays in the publication of Notifications particularly those being notified in the Gazette of India : Extraordinary.

(Para 1.6)

7. The Committee are satisfied to note that the Ministry of Power have accepted to rectify the shortcomings as had been pointed by the Committee in their original report on the subject. The Committee observe that the Ministry has submitted that necessary amendment in the rules have been made and published in the Gazette of India vide Notification dated 16.08.2021 (Annexure-I). The Ministry have also assured that steps such as - (i) Gazette Notification will be signed and sent for publication on the same date and (ii) It would be ensured that Gazette Notification is not sent for publication at the end of weekdays to avoid delay in publication to weekend, will be followed in the future to

ensure that there are no delays in the publication of Notifications particularly those being notified in the Gazette of India : Extraordinary. The Committee express their satisfaction over the acceptance of their recommendations by the Ministry and also for taking corrective measures.

New Delhi;
February, 2022
Magha, 1943 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

नोट:- मूल नियम संख्यांक सा.का.नि. 1330 तारीख 14 दिसम्बर, 1974 द्वारा भारत के राजपत्र, भाग 2, खण्ड 3, उप खण्ड (i) में प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित अधिसूचना संख्याओं द्वारा संशोधित किए गए थे:-

- सा.का.नि. 1709, तारीख 4 दिसम्बर, 1976;
सा.का.नि. 749, तारीख 18 जून, 1977;
सा.का.नि. 556, तारीख 29 अप्रैल, 1978;
सा.का.नि. 1221, तारीख 7 अक्टूबर, 1978;
सा.का.नि. 454, तारीख 24 मार्च, 1979;
सा.का.नि. 114, तारीख 26 जनवरी, 1980;
सा.का.नि. 478, तारीख 16 मई, 1981;
सा.का.नि. 38, तारीख 26 दिसम्बर, 1984;
सा.का.नि. 821, तारीख 31 अगस्त, 1985;
सा.का.नि. 664, तारीख 14 अगस्त, 1987;
सा.का.नि. 576, तारीख 6 जुलाई, 1989;
सा.का.नि. 322, तारीख 28 जून, 1990;
सा.का.नि. 148, तारीख 1 मार्च, 2000;
सा.का.नि. 362, तारीख 5 अक्टूबर, 2005;
सा.का.नि. 107, तारीख 6 जुलाई, 2009;
सा.का.नि. 90, तारीख 19 मई, 2010;
सा.का.नि. 178, तारीख 1 अक्टूबर, 2010;
सा.का.नि. 200, तारीख 19 अक्टूबर, 2015;
सा.का.नि. 956(अ), तारीख 11 दिसम्बर, 2015;
सा.का.नि. 503(अ), तारीख 19 मई, 2017;
सा.का.नि. 1159(अ), तारीख 30 अगस्त, 2017;

MINISTRY OF POWER

NOTIFICATION

New Delhi, the 16th August, 2021

G.S.R. 573(E).— In exercise of the powers conferred by section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby makes the following rules further to amend the Bhakra Beas Management Board Rules, 1974, namely:-

1. **Short title and commencement** - (1) These rules may be called the Bhakra Beas Management Board (Amendment) Rules, 2021.

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

2. In the Bhakra Beas Management Board Rules, 1974.

In rule 2, clauses "i." and "ii." shall be renumbered as clauses "(i)" and "(ii)" respectively and in clause (ii) as so renumbered, for the letters, figures and words "Rs. 37,400-67,000 with addl. Grade pay of Rs.12,000 w.e.f. 1.1.2006", the words, brackets, letters and figures "monthly salary in the Pay Band/Scale Higher Administrative Grade (HAG) of [Rs.67,000 (annual increment at the rate of three percent)-79000] with no grade pay" shall be substituted.

[F. No. 5-8/3/2017-BBMB]

TANMAY KUMAR, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R. 1330, dated the 14th December, 1974 and subsequently amended *vide* notification numbers: -

- G.S.R. 1709, dated the 4th December, 1976;
- G.S.R. 749, dated the 18th June, 1977;
- G.S.R. 556, dated the 29th April, 1978;
- G.S.R. 1221, dated the 7th October, 1978;
- G.S.R. 454, dated the 24th March, 1979;
- G.S.R. 114, dated the 26th January, 1980;
- G.S.R. 478, dated the 16th May, 1981;
- G.S.R. 38, dated the 26th December, 1984;
- G.S.R. 821, dated the 31st August, 1985;
- G.S.R. 664, dated the 14th August, 1987;
- G.S.R. 576, dated the 6th July, 1989;
- G.S.R. 322, dated the 28th June, 1990;
- G.S.R. 148, dated the 1st March, 2000;
- G.S.R. 362, dated the 5th October, 2005;
- G.S.R. 107, dated the 6th July, 2009;
- G.S.R. 90, dated the 19th May, 2010;
- G.S.R. 178, dated the 1st October, 2010;
- G.S.R. 200, dated the 19th October, 2015;
- G.S.R. 956(E), dated the 11th December, 2015;
- G.S.R. 503(E), dated the 19th May, 2017;
- G.S.R. 1159(E), dated the 30th August, 2017.

PART II

APPENDIX I

(Vide Para 4 of the Introduction of the Report)

STATEMENT SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE SEVENTH REPORT OF THE COMMITTEE (17th LOK SABHA) ON "THE BHAKRA BEAS MANAGEMENT BOARD AMENDMENT RULES, 2017".

The Bhakra Beas Management Board Amendment Rules, 2017

Observations/ Recommendations of the Committee

The Committee note that as per the preamble of the aforesaid rules, the amendment rules have been notified to carry out an amendment in an earlier amendment rules published in same year i.e. 2017. As per the normal practice, once an amendment rule has been published, it forms part of original rule. Therefore, if any subsequent amendment is required to be carried out, the same is carried out in the original rules, rather than amendment rule. The Committee also observe that there was no foot-note normally appended in such cases giving particulars of publications of the principal rules and the subsequent amendment carried out therein. The Committee note with satisfaction that on being pointed out, the Ministry has no objection in carrying out the amendments in the Preamble and its Foot-note as suggested by the Committee. The Committee recommend that the Ministry may bring about the necessary amendment in the rules at the earliest and to be more cautious in future while drafting the rules so that such lapses are not repeated.

(Para 1.3 of the Report)

REPLY OF THE MINISTRY

As per the recommendation of the Committee on para 1.3 of the report, necessary amendment in the rules has been made and published in the Gazette of India vide Notification dated 16.08.2021 (Annexure-I).

(Ministry of Power)
OM no. 5-8/3/2017 - BBMB
Dated 26th August, 2021

Observations/ Recommendations of the Committee

The Committee note that the Bhakra Beas Management Board Amendment Rules, 2017 were published in extraordinary Gazette after a gap of more than 15 days. The Rules/Regulations published in the Extraordinary Gazette should be published on the same day or very next day on which it is sent for publication. The Committee observe that the Ministry simply stated that the notification was published in the Gazette of India on 15th September, 2017. The date of notification as printed in the Gazette of India is 30th August, 2017. In the present case, the purpose of publishing the notification vide extra ordinary gazette has been lost. The Committee strongly deplore the Ministry's casual approach, lack of planning and follow up in matters of publication of statutory orders, which could have been avoided had the Ministry taken their responsibility a bit more seriously. The Committee, therefore, desire the Ministry to apprise them about the measures adopted by them to establish a mechanism to ensure that there are no delays in the publication of Notifications particularly those being notified in the Gazette of India : Extraordinary.

(Para 1.6 of the Report)

REPLY OF THE MINISTRY

In regard to the recommendation of the Committee as per para 1.6 of the report, it is to mention that following steps will be followed in the future to ensure that there are no delays in the publication of Notifications particularly those being notified in the Gazette of India :

Extraordinary :-

- The Gazette Notification will be signed and sent for publication on the same date so that it gets published without any delay.
- It would be ensured that the Gazette notification is not sent for publication at the end of weekdays to avoid delay in publication due to weekend.

(Ministry of Power)
OM no. 5-8/3/2017 - BBMB
Dated 26th August, 2021

APPENDIX II

(Vide Para 5 of the Introduction of the Report)

EXTRACTS FROM MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2021-2022)

The eighth sitting of the Committee (2021-22) was held on Wednesday, the 15th December, 2021 from 1500 to 1715 hours in Committee Room No. B, Parliament House Annexe, New Delhi

PRESENT

1. Shri Balashowry Vallabhaneni Chairperson

MEMBERS

1. Shri Chandeshwar Prasad
2. Shri N.K. Premachandran
3. Shri Suresh Pujari
4. Shri A. Raja
5. Shri Nama Nageshwar Rao
6. Shri Sanjay Seth
7. Shri Ram Kripal Yadav

SECRETARIAT

1. Shri R.C.Tiwari - Joint Secretary
2. Shri T.S. Rangarajan - 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) xx xx xx xx

(ii) The Sixteenth Report on action Taken by the Government on the Observations/Recommendations contained in the Seventh Report of the Committee on Subordinate Legislation (Seventeenth Lok Sabha) on the Bhakra Beas Management Board Amendment Rules, 2017;

(iii) xx xx xx xx

(iv) 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

5. xx xx xx xx

6. xx xx xx xx

7. xx xx xx xx

8. xx xx xx xx

9. 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 the Introduction of the Report)

ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THE SEVENTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTEENTH LOK SABHA) ON "THE BHAKRA BEAS MANAGEMENT BOARD AMENDMENT RULES, 2017".

I	Total No. of Observations/Recommendations made	2
II	Recommendations that have been accepted by the Government [vide recommendations at Sl. Nos. 1.3 and 1.6]	2
	Percentage of total	100%
III	Recommendations which the Committee do not want to pursue in view of Government replies	NIL
	Percentage of total	0%
IV	Recommendations in respect of which replies of Government have not been accepted by the Committee	NIL
	Percentage of total	0%
V	Recommendations in respect of which final replies of Government are still awaited	NIL
	Percentage of total	0%