

**COMMITTEE ON SUBORDINATE LEGISLATION****(2021-2022)****(SEVENTEENTH LOK SABHA)****NINETEENTH REPORT**

**STATUS OF FRAMING OF SUBORDINATE LEGISLATION VIZ.  
RULES/REGULATIONS ETC. UNDER VARIOUS ACTS BEING  
ADMINISTERED BY THE MINISTRY OF RAILWAYS, GOVERNMENT OF  
INDIA**

**LOK SABHA SECRETARIAT****NEW DELHI****August, 2022/ Shravana, 1944 (Saka)**

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**MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2021-2022)**

Shri Balashowry Vallabhaneni      Chairperson

**Members**

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3. Shri Pinaki Mishra
4. Shri Chandeshwar Prasad
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2. Shri Muraleedharan.P      -      Director
3. Smt. Jagriti Tewatia      -      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 Nineteenth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 20<sup>th</sup> July, 2021 during which oral evidence of the representatives of Ministry of Railways was taken.

3. The Committee considered and adopted this Report at their sitting held on 25<sup>th</sup> July, 2022.

4. For facility of reference and convenience, observations/recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in Appendix-I of the Report.

5. Minutes of the Fifteenth sitting of the Committee (2021-22) held on 20.07.2021 and Extracts from Minutes of the Twenty-eighth sitting of the Committee (2021-22) held on 25.07.2022 relevant to this Report are included in Appendix-II of the Report.

**New Delhi;**  
**August, 2022**  
**Shravana, 1944 (Saka)**

**BALASHOWRY VALLABHANENI**  
**Chairperson,**  
**Committee on Subordinate Legislation**

## REPORT

### STATUS OF FRAMING OF SUBORDINATE LEGISLATION VIZ. RULES/REGULATIONS ETC. UNDER VARIOUS ACTS BEING ADMINISTERED BY THE MINISTRY OF RAILWAYS, GOVERNMENT OF INDIA.

#### A. INTRODUCTORY

In a modern welfare state, governmental activity has pervaded almost every field of human endeavour, thus, necessitating enactment of multifarious laws to regulate this ever-widening activity. However, the Legislature does not have enough time to deliberate upon, discuss and approve every detail of legislation. Moreover, it is difficult for the legislature to foresee all future contingencies and the flexibility the executive authorities may require to deal with the situations. In the nature of things, what the Legislature does, and can do, is to lay down the policy and the objective of any legislation in hand, leaving it to the Executive to frame, in conformity with those principles, formal and procedural details of the legislative measure in the form of orders/rules known as subordinate legislation.

#### Meaning of the term "subordinate legislation"

2. The term "subordinate legislation" refers to notifications, orders, schemes, rules and bye-laws referred to in Sections 20 and 21 of the General Clauses Act. In the Indian context, the term subordinate legislation refers to rules, regulations, orders, schemes, bye-laws, statutes, ordinances, notifications or any instrument framed under an Act of Parliament or the Constitution. Such subordinate legislations have to be published in the Gazette of India and laid on the Table of both Houses of Parliament, as it affords an opportunity to Members of Parliament, if they so desire, to move an amendment or modification to such "Order", including a Motion for their annulment.

#### Committee on Subordinate Legislation and its Role

3. As subordinate legislation has become an important constituent element of legislation, the role of legislature has also become equally important to monitor and examine that the subordinate legislation is in accordance with the spirit of the Act or Constitution and also to keep a proper check on the executive exceeding its powers provided under the Acts of Parliament or the Constitution. Legislation is an inherent and inseparable right of Parliament and it has to ensure that this power is neither usurped nor transgressed under the guise of subordinate legislation. The Committee on Subordinate Legislation, Lok Sabha is one such instrument and it is constituted to scrutinize and report to the House whether the powers to make rules, regulations, bye-laws, schemes or other statutory instruments conferred by the Constitution or

delegated by Parliament have been properly exercised within such conferment or delegation as the case may be.

4. It is important that legislature must retain in its own hands the essential legislative functions which consist in declaring the legislative policy and laying down the standard which is to be enacted into rule of law, and what can be delegated is the task of subordinate legislation, which by its own nature ancillary to the Statute, which delegates the power to make it.

**Important Recommendations of the Committee with regard to framing of subordinate legislation**

5. The Statute can be fully enforced only when all the subordinate legislation stipulated under the Act is framed in time. The Committee, while carrying out its work, has found that the Ministries have taken considerable time in framing of the rules/regulations and therefore the Acts remain unimplemented or partially implemented. The Committee has, therefore, made very important recommendations/observations regarding the delay in framing of rules/regulations by the Ministries. The Committee in its 5<sup>th</sup> Report presented on 5<sup>th</sup> May, 1959 has recommended as follows;

*"34. The Committee consider that ordinarily rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed six months. If no rules are framed within a reasonable period after the commencement of the Act the Committee will take up the matter with the Ministry concerned and report to the House the cases where it is felt that undue delay has occurred in framing the rules."*

6. The Committee has further recommended in para 108 of its 18<sup>th</sup> Report (Fifth Lok Sabha), that in case a Ministry is not able to adhere to this time limit viz. of 6 months, it should seek extension of time for completing the rule-making process. The recommendation of the Committee reads as follows:

*"The Committee restate their earlier recommendation that, ordinarily Rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed 6 months. In case, however, a Ministry/Department finds that for any unavoidable reason it is not possible for them to adhere to the prescribed time-limit in an exceptional Case, they should at the expiration of 6 months from the commencement of the relevant Acts, explain the reasons to the Committee and seek a specific extension of time from them".*

7. The Committee, however, found that most of the Ministries do not adhere to the time limit of six months prescribed by it for framing of rules/regulations. The



Committee noted that delay in framing of rules has become a recurring phenomenon and the matters which are sought to be governed by statutory rules, are often in actual practice governed by executive directions of guidelines etc. in absence of properly framed statutory rules. Thus to ensure timely framing of rules under the Acts passed by the Parliament, the Committee, in its 24<sup>th</sup> Report (10<sup>th</sup> Lok Sabha) presented on 6<sup>th</sup> March, 1996 recommended 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.
4. In this context the Committee gave some thought to the idea of each Ministry/Department of the Government having the services of a Law officer exclusively for itself for framing/vetting the rules.

The Law officer can be from the Ministry of Law who could be taken on deputation by the concerned Ministry. The Committee has already consulted few Ministries which have reacted positively to this proposal. The Committee feel that such an arrangement would certainly obviate the need for each Ministry/Department to approach the Ministry of Law every time there is a need to formulate/vet rules, and avoid the consequent delay.

The Committee, therefore, desired that all the Ministries/ Departments of Government of India should ensure strict compliance of the aforesaid recommendations of the Committee with a view to ensure timely framing of rules under the Acts passed by the Parliament.”

8. The Committee repeatedly reiterated its recommendation for framing of rules under the Act within six months in its 18<sup>th</sup> Report (5<sup>th</sup> Lok Sabha), 8<sup>th</sup> Report (6<sup>th</sup> Lok Sabha), 4<sup>th</sup> and 13<sup>th</sup> Reports (8<sup>th</sup> Lok Sabha), 1<sup>st</sup> and 13<sup>th</sup> Report (14<sup>th</sup> Lok Sabha), 27<sup>th</sup> and 31<sup>st</sup> Reports (15<sup>th</sup> Lok Sabha). The Committee had also recommended in para 21 of their 4<sup>th</sup> Report of 8<sup>th</sup> Lok Sabha (presented to the House on 18.12.1985)

for drawing suitable guidelines for the Ministries to streamline their procedure with regard to subordinate legislation. In pursuance of this recommendation, the Ministry of Parliamentary Affairs drew up detailed guidelines on the subject which were forwarded to all Ministries/Departments on 18.09.1986. These guidelines have also been enumerated in chapter 11 pertaining to Subordinate Legislation of the Manual of Parliamentary Procedure in the Government of India.

9. Further, regarding seeking extension of time for framing of Rules from the Committee, the Ministry of Parliamentary Affairs, has specifically mentioned in Para 11.3.2 of Manual of Parliamentary Procedures in the Government of India as under:-

“In case the departments are not able to frame the rules within the prescribed period of six months, they should seek extension of time from the Committee on Subordinate Legislation stating reasons for such extension; such extension being not more than for a period of three months at a time. The request should be made after obtaining the approval of the Minister.”

10. However, despite existence of such detailed guidelines, the recommendations of the Committee are being followed in breach by various Ministries. In many of the cases, the Ministries apologize for their delays and note the Committee's recommendations/observations for future compliance and rectify the lacunae in the Rules on having been pointed out by the Committee.

11. The Committee, thus, took cognizance of this fact and held a briefing meeting with the representatives of the Ministry of Railways on 20.07.2021 on status of subordinate legislation viz. Rules/ Regulations etc. framed under various Acts being administered by the Ministry.

## **B. Aims, Objectives and Functions of the Ministry of Railways.**

12. Furnishing in brief the aims, objectives and Functions of the Ministry, the Ministry in their background note dated 18.07.2021 submitted as under:-

Indian Railways (IR) is one of the world's largest rail networks with 67,415 Route Kilometers of route lengths as on 31.03.2019. Out of 67,415 RKMs, BG constitutes 62,891 RKMs (93.29%), MG 2,839 RKMs (4.21%) and NG 1,685 RKMs (2.50%).

With its more than 168 year old history, IR is a state-owned public utility of the Government of India under the Ministry of Railways.

As a national common carrier transporting passenger and goods over its vast network, Indian Railways has always played a key role in India's social and economic development. It is a cheap and affordable means of transportation for

millions of passengers. As a carrier of bulk freight viz. ores and minerals, iron and steel, cement, mineral oils, food grains and fertilizers, containerized cargo etc., the importance of Indian Railways for agriculture, industry and the common man is well recognized. Indian Railways carried 23.12 million passengers and 3.36 million tonnes of freight each day during 2018-19.

IR, functioning as Ministry of Railways, is headed by the Minister for Railways. The apex body entrusted with the management of this mega enterprise is led by the Chairman & CEO, Railway Board. Members of the Railway Board include Member (Finance), Member (Operations & Business Development), Member (Infrastructure), Member (Traction & Rolling Stock), who represent their respective functional domains. For administrative purposes, IR is divided into 17 Zones, each headed by a General Manager. Zonal Railways are further divided into smaller operating units called Divisions. There are 68 Operating Divisions in IR at present, each under a Divisional Railway Manager. In addition, there are a number of Production Units, Training Establishments, Public Sector Enterprises and other Offices working under the control of Railway Board.

### **Overall functioning of the Ministry**

13. Ministry of Railways, Railway Board functions as a Ministry of Government of India and handles the subjects as allocated to it under 2<sup>nd</sup> Schedule of Allocation of Business Rules, 1961 framed by the President of India under Article 77(3) of the Constitution of India. As per Allocation of Business Rules, 1961 Ministry of Railways has been allocated the following subjects:

- i. Government Railways- All matters, including those relating to Railway revenues and expenditure, but excluding Railway Inspectorate and Railway Audit.
- ii. Non-Government Railways — Matters in so far as provision for control by the Ministry of Railways, Railway Board as provided in the Railway Act, 1989 (24 of 1989) or in the contracts between the Government and Railways, or in any other statutory enactments, namely regulations in respect of safety, maximum and minimum rates and fares, etc, excluding the item of work allocated to the Ministry of Housing and Urban Affairs.
- iii. Parliament questions/matters regarding offences relating to pilferage of railway property and offences relating to crime on Government Railways and non-Government Railways.

- iv. Administration of pension rules applicable to Railway employees.

Accordingly, Ministry of Railways exercises all the power of Central Government in respect of Regulations, Constructions, Maintenance and Operations of Railways.”

**C. Framing of Rules/ Regulations**

14. During the briefing by the representatives of the Ministry of Railways before the Committee held on 20.7.2021, the Committee focused mainly on the following points:

- i. the various Acts/Amendment Acts being administered by the Ministry;
- ii. the details of the delegated power of legislation of the Central Government under various Acts/Amendment Act being administered by the Ministry;
- iii. the status of framing of Rules/Regulations under various Acts (as amended from time to time) being administered by the Ministry or Article 309 of the Constitution of India;
- iv. the status of pending Rules/Regulations required to be framed and the reasons for delay in framing of same;
- v. the details of extension sought by the Ministry from Committees on Subordinate Legislation of Lok Sabha for framing of Rules/Regulations under the various Acts/Amendment Act;
- vi. the status of laying of all Rules/Regulations framed under the various Acts/Amendment Acts;
- vii. instances, if any, of delay in laying of Rules/Regulations framed under the Act by the Ministry on the Table of Lok Sabha.

15. The Ministry in their background note dated 18.07.2021 submitted to the Committee that the following Acts are administered by the Ministry :-

1. The Railways Act, 1989
2. The Railway Claims Tribunal Act, 1987
3. The Railway Property (Unlawful Possession) Act, 1966
4. The Indian Railway Board Act, 1905
5. The Railway Protection Force Act, 1957
6. The Railways (Employment of Members of the Armed Forces) Act, 1965

7. The Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978
8. The Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982
9. The Indian Railways (Amendment) Act, 1983

16. The Ministry also furnished the statement regarding 'status of framing of Rules/Regulations under Acts (as amended from time to time) being administered by the Ministry of Railways' *vide* OMs dated 20.12.2021 & 27.12.2021 and the same is enclosed as **ANNEXURE-I.**

17. It has been noticed from the background material provided by the Ministry that no rules have been framed under the following Acts:-

- (i) The Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978
- (ii) The Chaparmukh-Silghat Railway Line and the Katakhal- Laiabazar Railway Line (Nationalisation) Act, 1982
- (iii) Chapter-X of the Railways Act, 1989

18. Providing the reasons for non-framing of Rules under the above mentioned Acts, the Ministry in their background note dated 18.07.2021 and post evidence reply dated 13.10.2021 submitted as under :-

- (i) **The Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978**

The Ministry in the background note furnished the following status regarding the subordinate legislation framed under the Act :-

Chapter	Year	Rules made under chapter
Chapter VII MISCELLANEOUS	-	No rule notified.

While giving clarification for non framing of any rule, the Ministry *vide* their reply dated 13.10.2021 submitted as under :-

“The Britannia Engineering Company Limited (Mokameh Unit) And The Arthur Butler And Company (Muzaffarpore) Limited (Acquisition And Transfer

Of Undertakings) Act, 1978 pertains to acquisition and transfer of assets by Central Government for Central Public Sector Undertaking Bharat Wagons and Engineering Co Ltd (BWEL). When the Act was passed, the said CPSU was under the administrative control of Ministry of Heavy Industries and Public Enterprises. The administrative control of BWEL was transferred to Ministry of Railways in 2008. Thereafter, no requirement for making rules was felt. Further, it is to be informed that BWEL is under final stages of closure as per Cabinet decision”.

(ii) **The Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalization) Act, 1982**

While furnishing the status of framing of rules and reasons thereof, the Ministry *vide* their written reply dated 13.10.2021 submitted as under:-

Chapter	Year	Rules made under the chapter
Chapter V	–	No Rule notified
MISCELLANEOUS		

An Act to provide for the acquisition of the undertakings of the Chaparmukh-Silghat Railway Company Limited in relation to the Chaparmukh-Silghat Railway Line and the undertakings of the Katakhal-Lalabazar Railway Company Limited in relation to the Katakhal-Lalabazar Railway Line with a view to securing the efficient operation of the said Railway lines so as to subserve the needs of the north-eastern areas of India and to protect the links of communication between the said areas and the rest of the country and for matter connected therewith or incidental thereof.

The Chaparmukh-Silghat Railway Line owned by the Chaparmukh-Silghat Railway Company Limited completed in March, 1920 and the Katakhal-Lalabazar Railway Line owned by the Katakhal-Lalabazar Railway Company Limited completed in April, 1923 were constructed under guarantee terms, are vital communication links between the north-eastern areas of India and the rest of the country. By virtue of the above Act, the undertakings of the two specified companies stood transferred to and vested in the Central Government.

For the transfer to, and vesting in, the Central Government paid :

- i. to the Chaparmukh-Silghat Railway Company Limited, an aggregate amount of rupees ten lakhs and fifty thousand; and

- ii. to the Katakhal-Lalabazar Railway Company Limited, an aggregate amount of rupees nine lakhs.

Chaparmukh-Silghat Railway Line has been converted to Broad Gauge in 1994 and Katakhal-Lalabazar Railway Line converted to Broad Gauge in 2015-16. Both the lines have since been taken over by Indian Railways and converted into broad gauge. However, no rule appears to have been formulated under the Act".

**19. The Committee note that the Ministry of Railways in their background note has submitted that, the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertaking) Act, 1978 pertains to acquisition and transfer of assets by Central Government for Central Public Sector Undertaking Bharat Wagons and Engineering Co. Ltd (BWEL), which was there under the administrative control of Ministry of Heavy Industries and Public Enterprises and the administrative control of BWEL was transferred to Ministry of Railways in 2008 and therefore, no requirement for making rules was felt.**

**20. The Committee, however, note that as per section 3 of the Act, the right, title and interest of Britannia Engineering Company in relation to the Mokameh Unit and the undertaking owned by Arthur Butler and Coompany stand transferred to and shall vest in the Central Government and not as submitted by the Ministry above that the Act pertains to acquisition and transfer of assets by Central Government for Central Public Sector Undertakings i.e. BWEL in this case. The Committee, thus note with concern that, since the name of BWEL was not mentioned in the Act, the same was required to be notified as per the provision made under Section 5 of the Act which stipulates that, the Central Government, if it is satisfied, direct, by notification, that the Mokameh unit and the undertakings referred to in section 3, and the right, title and interest of Britannia Engineering Company in relation to the Mokameh unit, and the right, title and interest of Arthur Butler and Company in relation to the undertakings owned by it, which have vested in the Central Government under section 3, shall instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification. It is, therefore, quite evident that the Central Government was required to issue a notification for vesting all its power to BWEL.**

21. Further, under sub-section (2) of Section 14 of the Act, the monies which stand transferred under sub-section (1) to the Central Government or the Government Company, as the case may be, shall be dealt with by that Government on the Government Company in such manner as may be prescribed.

22. The word 'prescribed' has been defined at (h) under section 2 of the Act 'as prescribed by rules made under this Act'. Thus, rules were required to be framed under Section 14(2) of the Act. Moreover, Section 31 of the Act also gives power to make rule to the Central Government.

23. However, in response to the status sought from the Ministry with regard to rules framed under various Acts being administered by them, the Ministry has submitted the status as 'No rules framed' and has also further submitted that, the administrative control of BWEL was transferred to Ministry of Railways in 2008. Therefore, no requirement for making rules was felt. The Ministry has also informed that BWEL is under final stages of closure as per Cabinet decision.

24. Similarly, with regard to the The Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982, the Committee notes that this Act provides for the acquisition of the undertaking of the Chaparmukh-Silghat Railway Company Ltd. in relation to the Chaparmukh-Silghat Railway line and the undertakings of the the Katakhal-Lalabazar Railway Co. Ltd. in relation to the Katakhal-Lalabazar Railway line with a view to securing the efficient operation of the said railway lines. By virtue of the above Act, the undertakings of the two specified Companies stood transferred to and vested in the Central Government and the Chaparmukh-Silghat Railway line has been converted to Broad Gauge in 1994 and Katakhal-Lalabazar Railway line in 2015-16.

25. The Committee further note that Section 15 of the Act empowers the Central Government to make rule, by notification for carrying out provisions of this Act. The Committee is, however, dismayed to note that the Ministry while furnishing the status of rules framed under the Act has submitted, 'No rule notified' and has also further stated that, 'no rule appears to have been formulated under the Act'. The usage of word 'appears' here expresses uncertainty and also the casual approach of the Ministry in the matter.

26. The Committee thus, takes serious note of this casual approach of the Ministry towards framing of subordinate legislation and is also of the strong view that, when the Ministry was asked by a Parliamentary Committee to



furnish the status of rules framed or yet to be framed under various Acts, the Ministry's sincere efforts should have been to compile and furnish the correct and updated information about the same, even if it required to seek information from the Ministry of Heavy Industries in case of Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978.

27. The Committee is also of the strong view that, if an Act passed by the Parliament, has mandated the framing of subordinate legislation and the Ministry does not feel the need of framing Rules/ Regulations for the same, then in such cases, the Ministry should consult the Ministry of Law and Justice and if the Ministry of Law and Justice too concurs with the view of the Ministry concerned, the Ministry should lay a statement on the Table of both the Houses outlining the reasons why the Ministry does not feel the need to frame subordinate legislation under the said Acts.

28. The Committee would, therefore, like the Ministry of Railways to first compile the factual status pertaining to framing of subordinate legislation under the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978 in consultation with the Ministry of Heavy Industries and the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982 and if no rules have still been framed as already submitted to the Committee, the Ministry should consult Ministry of Law and Justice and thereafter lay a statement in both the Houses as stated in para 9 above.

29. The Committee also note that both the Acts viz. Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978 and Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982 provide for acquisition and transfer of undertaking of the Railway lines. The Committee is also of the view that since the process of acquisition and transfer of undertakings of the said Railway Lines have been completed by the Centre as per the provisions laid in the Act, the Ministry, may in consultation with the Ministry of Law and Justice review these Acts and assess their relevance in today's context and take necessary action to either amend the Acts for their continued relevance or repeal the same. The Committee would like to be apprised of the conclusive action taken in this regard within 3 months of presentation of the Report to the House.

(iii) **The Railways Act, 1989**

30. The construction of railways in India was started in 1849 by the East India Company. With the passage of time the Government of India has for several years been striving to induce capital to undertake the construction of railways in India at their own risk and on their own responsibility. From 1869 onwards numerous railway lines were opened and worked with Government capital. The Indian Railways Act, 1890 was the first legislation of its kind to govern the law relating to railways. This Act was amended from time to time to give effect to the changes in the railway system. The need was felt by the Government of India to replace this Act by a new legislation. The Railways Bill was introduced in Lok Sabha on 25<sup>th</sup> April, 1986 and the motion for reference to Joint Committee Report was made on 5<sup>th</sup> November, 1986. The evidence of the Joint Committee was laid on the Table of both the Houses on 21<sup>st</sup> February, 1989. The Bill was debated in Lok Sabha on 3rd May, 1989 and in Rajya Sabha on 10th May, 1989 and the Railways Act, 1989 was enacted on 3.6.1989 which came into force w.e.f. 1.7.1990 *vide* notification no. S.O. 475(E) dated 12<sup>th</sup> June, 1990. This Act contains 16 Chapters and 200 Sections .

31. The Ministry of Railways was asked *vide* this Secretariat OM dated 28.6.2021 to furnish the status of Rules/Regulations framed under the various Acts administered by them, in response the Ministry *vide* their OM dated 20.12.2021 furnished the status in detail.

32. On perusal of the status furnished by the Ministry of Railways it was observed that under Chapter X of the Act, the Ministry has submitted as under :-

*“Existing provisions of Chapter-X of Railways Act, 1989 and guidelines regarding free time & Demurrage/Wharfage are considered adequate in achieving the objective i.e. timely removal of goods from railway premises. Therefore no separate rule so far has been made.”*

33. Chapter-X of Railways Act deals with ‘Special Provisions as to Goods Booked to Notified Stations’. There are five sections namely Section 88 to Section 92.

Section 92 of the Act prescribes power to make rules in respect of matters in this Chapter, which reads as under :-

”92. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the factors to which the Central Government shall have regard under clause (e) of the first proviso to sub-section (1) of section 89;
- (b) the form and manner in which an application may be made under sub-section (2) of section 89;
- (c) the form in which a statement is required to be exhibited under sub-section (3) of section 89;
- (d) the manner in which the dates of public auctions may be notified under sub-section (1) of section 90;
- (e) the manner of crediting to the railway administration the price of goods referred to in sub-clause (iii) of clause (a) of the proviso to sub-section (3) of section 90.”

34. When enquired about the reasons for not framing Rules under Chapter X of the Railways Act, 1989, the representatives of the Ministry during the briefing meeting held on 20.2.2021, submitted before the Committee that:-

*“.....regarding Chapter 10. We have not made any changes in the Chapter 10 so far. If you would have observed, in the other chapters, whatever changes were required, we have made the changes.”*

35. When asked specifically if the rules have been framed, the representative responded as under :-

“Sir, the rules are there. It is a part of the Act.”

36. The Ministry in their subsequent written reply dated 13.10.2021 submitted the status of framing of Rules under Chapter X of the Act, as under:-

“Section 89(1) prescribes for notifying list of Notified Station, as under :-

“89(1): The Central Government may, if it is satisfied that it is necessary that goods entrusted for carriage by train intended solely for the carriage of goods to any railway station should be removed without delay from such railway station, declare, by notification, such railway station to be a notified station for such period as may be specified in the notification:..”.

Section 92(1) prescribes to carry out the purpose of this Chapter.

“92(1): The Central Government may, by notification, make rules to carry out the purpose of this chapter....”

Keeping in view the provisions of Section 89(1) of Railways Act 1989, list of stations for 'removal of goods without delay from such station' are notified in every six month.

Further, it is to submit that –

- Information regarding goods train is provided to the customer on real time basis through Freight Operation Information System. Further, information of arrival of goods at any station is displayed at the notice boards.
- Guidelines have been laid down regarding free time for loading/unloading of wagons and free time of removal of goods from railway premises, and also for levy of Demurrage and Wharfage Charge for detention beyond the prescribed free time.
- The existing provisions of Chapter-X of Railway Act 1989 and above-mentioned guidelines/procedures are well established for achieving the objective i.e. timely removal of goods from railway premises.

In view of above, no separate rule so far has been made under Section 92(1) of Chapter-X of Railways Act 1989.”

**37. The Committee notes from the submission made by the Ministry pertaining to the status of Rules framed under Chapter X of the Railways Act, 1989 that, the existing provisions of Chapter X of the Railways Act, 1989 and guidelines regarding free time for loading/unloading of wagons and removal of goods from railway premises, and also for levy of Demurrage and Wharfage Charge for detention beyond the prescribed free time are considered adequate in achieving the objective i.e timely removal of goods from railway premises. Thus, no separate rules have been made under Chapter X of the Railways Act, 1989.**

**38. The Committee, however, is not convinced with the Ministry's justification for not framing the subordinate legislation under Chapter X of the Act within the prescribed time limit of 6 months and also not seeking any extension of time for delay in framing of the same from the Committee, as per the prescribed procedure. The Committee strongly objects to the discretionary power being exercised by the executive to decide if the framing of rules/regulations is required or not, especially when there are specific rule making provisions in the Act. The Committee is of the view that unless the**

rules are framed, the provisions of the Act cannot be implemented in letter and spirit.

39. The Committee also does not find the justification given by the Ministry that the existing provisions of Chapter X of the Railways Act, 1989 and the guidelines/procedures are well established for achieving the objective is tenable for not framing the rules. The Committee have time and again stressed and recommended that guidelines /procedures/ orders/ directions/ circulars are no substitute for the statutory provisions viz. framing of rules/regulations etc. as by doing so the executive can exercise discretion in the matter and escape parliamentary scrutiny because the guidelines/procedures are neither notified nor laid in the House. The Committee also fails to understand how the provisions of the Act can be sufficient and how the Ministry can claim that the existing provisions of Chapter X of the Act and guidelines/procedures/circulars are well established for achieving the objectives because the Act lays down the broad outline and the Ministry has to come out with rules to elaborate and put in detail the provisions made in the rules to implement the same. The Committee, therefore, strongly recommends that if the Act passed by the Parliament has mandated the framing of the subordinate legislation, the same should be framed within the stipulated time period and if the Ministry does not feel the need for the same, then, as mentioned at para no. 27 of the Report, the Ministry should consult the Ministry of Law and if the Ministry of Law also concurs the view point of the Ministry of Railways, the Ministry should bring the information to the knowledge of the House in the form of a statement. The Committee would like to be apprised of the final action taken in the matter within 3 months after presentation of the Report in the House.

**D. Status of framing of Rules/Regulations under Article 309 of the Constitution of India**

40. The Ministry of Railways *vide* their background note dated 18.7.2021 furnished the status of framing of Rules/Regulations under Article 309 of the Constitution of India as under :-

“Recruitment Rules are rules notified under proviso to Article 309 or any specific statues for post (s) prescribing inter alia the method of recruitment and eligibility for such recruitments. It contains notification part having substantive rules and schedule part. Recruitment Rules (RRs) are Subordinate Legislation and so, they are statutory in nature. Rules have also

been framed for promotion, conduct, discipline and appeal for railway servants.

According to the guidelines of DOP&T, the various services can be differentiated as Organized and Miscellaneous Cadre based on their attributes as given in Annexure–II. Recruitment rules for any of the Organised Central Services covering many aspects including Constitution of the Service, Seniority, Probation and other conditions of service are known as Service Rules.

Presently, 10 Organised Group 'A' Services and Group 'A' / 'B' posts in 35 Miscellaneous cadres exist on Indian Railways. RRs for all the Organised Services and 32 Miscellaneous cadres are already approved and the same are amended from time to time. However, RRs in respect of 03 Miscellaneous cadres (namely Prosecution, Statistical Department and AEN(Civil Maintenance/RDSO)) have been framed for the first time and are submitted to UPSC for approval. "

**41. The Committee notes that in the Ministry of Railways, the Recruitment Rules (RRs) for all the Organised Services and 32 Miscellaneous cadres are already approved and RRs in respect of 3 Miscellaneous cadres viz. Prosecution, Statistical Department and AEN(Civil Maintenance/RDSO) have been framed for the first time and are submitted to UPSC for approval. The Committee while expressing its satisfaction that the RRs for all organized and 32 Miscellaneous cadres are approved, hopes that the same have been notified and also laid on the Table of both the Houses. The Committee would like to be apprised about the same. The Committee is also of the view that the Ministry will also notify and lay the RRs in respect of the remaining 3 Miscellaneous cadre in a time bound manner, as much ground work for the same has already been completed. The Committee would like to be apprised of the final action taken in the matter within 3 months after presentation of the Report to the House.**

**E. Status of laying of Rules/Regulations framed under the Act**

**Statutory requirement for laying**

42. One of the important safeguards against assumption of arbitrary powers by the Executive is that rules framed by the Executive in exercise of delegated powers should not only be required to be laid before the legislature but that the legislature should also have the statutory right of annulling or modifying them. The Committee

have approved the following provision for incorporation in Bills providing for rule-making power:-

**"Every Rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of session immediately following the session or the successive session aforesaid, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."**

#### **Time limit for laying of Rules/Regulations**

43. The Committee in one of its recommendations made in Para 38 of 6<sup>th</sup> Report (3<sup>rd</sup> Lok Sabha) has recommended as under:-

*"38. The Committee would like to reiterate that all the Ministries should ensure that all 'Orders' required to be laid before the House are so laid within a period of 15 days after their publication in the Gazette if the House is in session, and if the House is not in session, the 'Orders' should be laid on the Table of the House as soon as possible (but within 15 days) after the commencement of the following session.*

*The Committee would like the Ministries concerned to furnish them with the reasons explaining the delay caused in laying each such 'Order' on the Table of the House."*

44. The Ministry of Railways, while furnishing the status regard laying of Rules/Regulations framed under the Acts by the Ministry on the Table of Lok Sabha, in their written reply dated 18 July, 2021 submitted the following:

"1. There was delay in laying GSR 346 (E) dated 3.6.2020 and GSR 347 (E) dated 3.6.2020 during the Monsoon session of Parliament 2020 due to some unavoidable circumstances on administrative front. The Rules were laid on the Table of the Lok Sabha in the Budget Session of 2021.

2. Gazette Notification No. GSR 168 (E) dated 12.3.2020, notifying amendment to Indian Railways (Open Lines) General Rules, 1976 was published by Government of India Press, Mayapuri on 13.3.2020. The House was adjourned sine-die on 23.3.2020. Since sufficient time stipulated for processing and laying the Notification on the Table of the House was not available, the same could not be laid on the Table of the House. The same was laid during the subsequent session of Parliament.”

**45. The Committee also gathers from the status of framing of Rules/Regulations (Annexure) etc. under various Acts, furnished by the Ministry of Railways vide OM dated 18.7.2021 that at Sl. No. 4 of Annexure with regard to date of laying of Principal Rules namely Indian Railways (Open Lines) General Rules, 1976 framed under Section 60 of the Railways Act, 1989, the Ministry has submitted that, “The Principal Rules were notified more than four decades ago. The date of laying is not readily available in the records maintained”. However, it is also observed that the Ministry has also not given the date of laying of Rules framed under Sections 87, 112, 129 of the Railways Act, 1989 and in case of RCT Act, 1987, the Committee is surprised to note that, in place of mentioning the dates of laying of the Notifications, the Ministry has simply written, ‘Within time frames’.**

**46. The Committee is thus, dismayed to take note of the lackadaisical approach of the Ministry in maintaining the important record of framing and laying of subordinate legislation. The Committee, while expressing its deep concern over the inordinate delay that has taken place in laying of GSR 346 (E) dated 3.6.2020 and GSR 168 (E) dated 12.3.2020 has also taken serious note of the casual approach of the Ministry in furnishing status to the Committee. This is also supplemented by the fact that the Ministry, instead of giving the date of laying of GSR 346 (E) and GSR 168 (E) on the Table of the House, has just mentioned as - in Budget Session of 2021 and during subsequent session of Parliament respectively. Thus, the justification given by the Ministry for not having any record of laying of Principal Rules framed under Railway Act, 1989 that they were notified more than four decades ago, points to the fact that records are not being maintained by the Ministry properly, specifically pertaining to laying of orders. This is just not acceptable to the Committee. The Committee, therefore, holds that the Ministry should take necessary steps to evolve a fool proof mechanism to ensure that all the notifications are laid on the Table of both the Houses and in case of unavoidable delay in laying of orders, the Ministry should append a delay statement so as to apprise the Parliament of the reason of delay in laying of notification on the Table of the**



House. The Committee also directs the Ministry to evolve a system to ensure that record pertaining to framing and lying of all the Orders is being maintained properly and timely. The Committee also recommends that the Ministry's website should also be updated from time to time so that all the required information regarding enactments and subordinate legislation is available to all with a click of mouse. The Committee would like to be apprised of conclusive action taken in this regard within 3 months after presentation of the Report.

New Delhi;  
August, 2022  
Shravana, 1944 (Saka)

**BALASHOWRY VALLABHANENI**  
Chairperson,  
Committee on Subordinate Legislation

**Annexure-I**

**MINISTRY OF RAILWAYS**

**STATUS OF FRAMING OF RULES/REGULATIONS ETC. UNDER VARIOUS ACTS**

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha		Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)	(9)	(10)
1.	Indian Railway Board Act 1905	4 of 1905/ 22 <sup>nd</sup> March 1905	Section 47 of 'The Indian Railways Act 1890' since revised as 'Railway Act 1989.'	Concerned Act under which Rules and Regulations are to be made is 'Railway Act 1989' and not under Indian Railway Board Act 1905.						
2.	The Railways Act, 1989	No.24 of 1989	73	87(1), 87(2)(d)		Lok Sabha	Rajya Sabha	92(1)	Existing provisions of Chapter-X of Railways Act, 1989 and guidelines regarding free time & Demurrage/Wharfage are considered adequate in	
					G.S.R.570(E) dated 17 <sup>th</sup> July, 2012	23.08.2012	24.08.2012			
					G.S.R.898(E)	07.03.2013	01.03.2013			

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha		Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)	(9)	(10)
					dated 17 <sup>th</sup> December, 2012	3			achieving the objective i.e. timely removal of goods from railway premises. Therefore no separate rule so far has been made.	
					G.S.R.550(E) dated 10 <sup>th</sup> July, 2015	03.08.2015	31.07.2015			
					G.S.R.278(E) dated 26 <sup>th</sup> March, 2018	07.02.2019	08.02.2019			
					G.S.R.1205(E) dated 14 <sup>th</sup> December, 2018	07.02.2019	08.02.2019			
					G.S.R.560(E) dated 16 <sup>th</sup> September, 2020	10.02.2021	12.02.2021			
					G.S.R.566(E) dated 17 <sup>th</sup> September, 2020	10.02.2021	12.02.2021			
3.	The Railways Act, 1989	24 of 1989	28, 29 and 198	28, 29 and 198	GSR 625 (E) dated 21.07.2000	17.08.2000 in Lok Sabha. 18.08.2000 in Rajya Sabha		NA	NA	NA
					GSR 762 (E) dated 08.10.2001	07.12.2001 in Lok Sabha. 07.12.2001 in Rajya Sabha				

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					GSR 44 (E) dated 27.01.2005	09.03.2005 in Lok Sabha. 04.03.2005 in Rajya Sabha			
					GSR 76 (E) dated 16.02.2005	09.03.2005 in Lok Sabha. 04.03.2005 in Rajya Sabha			
					GSR 945 (E) dated 01.10.2018	20.12.2018 in Lok Sabha. 21.12.2018 in Rajya Sabha			
4.	The Railways Act, 1989	24 / 03.06.1989	Section 60 read with Section 198	Section 60 read with Section 198	Principal Rules named as Indian Railways (Open Lines) General Rules, 1976 were notified vide G.S.R.445(E) date 21.07.1981 & thereafter 32 amendments have been issued to the principal Rules. The last amendment was	The principal Rules were notified more than four decades ago. The date of laying is not readily available in the records maintained. The last amendment to the Rules notified vide G.S.R. 157(E) dt 8.3.2021 was laid down as follows : <b>Rajya Sabha: 19.03.2021</b> <b>Lok Sabha : 17.03.2021</b>	Nil	Not Applicable	Not Applicable

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					notified vide G.S.R. 157(E) in Gazette of India, Extraordinary, Part II, Section 3-Sub Section (i) on 08.03.2021				
			Section 198	Section 198	Principal Rules named as Dedicated Freight Corridor Railway General Rules, 2018 were notified vide G.S.R.765(E) date 10.08.2018. Dedicated Freight Corridor Railway General Rules (Amendment) Rules, 2019 were	G.S.R.765(E) date 10.08.2018 was laid as per following details : Rajya Sabha : 21.12.2018 Lok Sabha : 20.12.2018 Dedicated Freight Corridor Railway General Rules (Amendment) Rules, 2019 were laid as follows Rajya Sabha : 29.11.2019 Lok Sabha : 27.11.2019	Nil	Not Applicable	Not Applicable

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					notified vide GSR 822(E) dated 06.11.2019.				
			Section 122	Section 122	Principal Rules named as the Railway (Notices of and Inquiries into Accidents) Rules, 1998 were notified vide G.S.R.5 dated 02.01.1999. Lat amendment to above Rules known as the Railway (Notices of and Inquiries into Accidents) Amendment Rules, 2019 was notified vide GSR	The last amendment to above rules namely the Railway (Notices of and Inquiries into Accidents) Amendment Rules, 2019 were laid as follows : Rajya Sabha : 29.11.2019 Lok Sabha : 27.11.2019	Nil	Not Applicable	Not Applicable

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					577(E) dated 19.08.2019.				
			Section 60 of the Railways Act, 1989 (24 of 1989) read with Section 18 of Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act, 1985 ( 10 of 1985)	Section 60 of the Railways Act, 1989 (24 of 1989) read with Section 18 of Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act, 1985 ( 10 of 1985)	Principal Rules named as Kolkatta Metro Railway General Rules, 2019 were notified vide G.S.R.465(E) date 01.07.2019.	Rajya Sabha : 19.07.2019 Lok Sabha : 17.07.2019	Nil	Not Applicable	Not Applicable

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
5.	NIL	NIL	NIL	Section 136 of the Railways Act, 1989 (24 of 1989)	No. GSR.75 Date: 28.02.2005	Lok Sabha: 28.07.2005 Rajya Sabha: 29.07.2005	Not applicable	Not applicable	Not applicable
6.	Railways Act, 1989	24 of 1989	Section – 87	Section – 87	GSR 942(E), Manner of Giving Open Delivery and Prescription of Partial Delivery Certificate Form Rules, 1990 (11-12-1990)	-	-	-	-
					GSR 901(E), Disposal of consignment Rules, 1990 (12-11-1999)	-	-	-	-
			Section-112	Section-112	G.S.R. 557(E), Railways (Extent of Monetary	-	-	-	-



Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					Liability and Prescription of Percentage Charge) Rules, 1990 (07-06-1990)				
					GSR.763(E), Cessation of Responsibility (after termination of Transit) Rules, 1990 (07-09-1990)	-	-	-	-
					GSR 984(E) Corrigendum to Cessation of Responsibility (after termination of Transit) Rules, 1990 (19-12-1990)	-	-	-	-

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					GSR 90(E) Railways (Extent of Monetary Liability and Prescription of Percentage Charge) Amendment Rules, 1991 (26-02-1991)	-	-	-	-
			Section - 129	Section - 129	GSR 90(E) Railways (Extent of Monetary Liability and Prescription of Percentage Charge) Amendment Rules, 1991 (26-02-1991)	-	-	-	-
					GSR 592(E)	-	-	-	-

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					Railway Accidents (Compensation) Amendment rules 1994 (21-07-1994)				
					G.S.R.620(E), Railway accidents and Untoward Incidents (Compensation) Amendment Rules, 1997 (25-10-1997)	-	-	-	-
					GSR 646 (E) Railway Passengers (Manner of Investigation of Untoward Incidents) Rules	-	-	-	-

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					2003. (08-08-2003)				
					G.S.R.540(E), Railway passengers (Manner of investigation of untoward incidents) Amendment Rules, 2007 (09-08-2007)	-	-	-	-
					G.S.R 1165(E) Railway accidents and Untoward Incidents (Compensation) Amendment Rules, 2016 (22-12-2019)	-	-	-	-
					G.S.R. 347(E)	Laid in Budget Session of	-	-	-

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					The Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020 (03-06-2020)	2021			
					G.S.R. 346(E) Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2020 (03-06-2020)		-	-	-
7.	The Railway (Employment of Members of	Act No. 40 Date of Enactment 03.12.1965	Nil	Nil	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	the Armed Forces) Act, 1965								
8.	Railway Protection Force Act, 1957 (amended in 1985 & 2003)	23 of 1957 dated 29.08.1957	Section 21	Section 21	1.GSR 951(E) dated 03.12.1987. 2. GSR 500(E) dated 20.07.2021	The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) vide notification number G.S.R. 951(E), dated 3rd December, 1987 and laid in Lok Sabha on 10.12.1987 and Rajya Sabha on 09.12.1987. The rules have been amended 34 times. Subsequently, the latest amendment has been notified vide GSR 500(E) dated 20.07.2021 and laid in Lok Sabha on 28.07.2021 and Rajya Sabha on 30.07.2021.	N/A	N/A	N/A

1.	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f)&(g)	G.S.R. 842(E) dated 19-09-1989	Within time frames	-	-	-
	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	11 & 30(2)C	G.S.R. 845(E) dated 19-09-1989	-Do-	-	-	-
	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(b)	G.S.R. 844(E) dated 19-09-1989	-Do-	-	-	-
	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(b)	G.S.R. 726(E) dated 06-12-1991	-Do-	-	-	-
	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(1) & 30(2)(b)	G.S.R. 185(E) dated 12-04-1996	-Do	-	-	-
	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)	G.S.R. 436(E) dated 26-09-1996	-Do	-	-	-
	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	3, 4(5) & 30(2)(c),(e),(f) & (g)	G.S.R. 59(E) dated 06-02-1997	-Do	-	-	-
	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(b)	G.S.R. 563(E) dated 08-09-1998	-Do	-	-	-
	RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A & 30(2)(b)	G.S.R. 96(E) dated 11-02-1999	-Do	-	-	-

RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(1) & 30(2) (c),(e),(f) & (g)	G.S.R. 719(E) dated 26-10-1999	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A & 30(2)(b)	G.S.R. 835(E) dated 30-12-1999	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A, 30(1) & 30(2)(b)	G.S.R. 733(E) dated 21-09-2000	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A, 30(i) & 30(2)(b)	G.S.R. 386(E) dated 25-05-2001	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)	G.S.R. 513(E) dated 09-07-2001	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A & 30(2)(b)	G.S.R. 206(E) dated 13-03-2002	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30	G.S.R. 787(E) dated 02-12-2002	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(d) & 12(3)	G.S.R. 692(E) dated 27-08-2003	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30	G.S.R. 383(E) dated 22-10-2003	-Do	-	-	-



RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)	G.S.R. 173(E) dated 16-03-2005	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30	G.S.R. 66(E) dated 16-02-2006	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	3 & 30	G.S.R. 498(E) dated 23-08-2006	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30	G.S.R. 283(E) dated 11-04-2007	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A, 30(1) & 30(2)(b)	G.S.R. 625(E) dated 29-08-2008	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A, 30(1) & 30(2)(b)	G.S.R. 797(E) dated 19-11-2008	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A, 30(1) & 30(2)(b)	G.S.R. 828(E) dated 17-11-2009	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30	G.S.R. 96(E) dated 22-02-2010	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A & 30(2)(b)	G.S.R. 796(E) dated 13-11-2014	-Do	-	-	-

RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A & 30(2)(b)	G.S.R. 124(E) dated 26-02-2015	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30	G.S.R. 711(E) dated 17-09-2015	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30	G.S.R. 464(E) dated 28-04-2016	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A & 30(2)(b)	G.S.R. 500(E) dated 12-05-2016	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A, 30(1) & 30(2)(b)	G.S.R. 1088(E) dated 24-11-2016	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 332(E) dated 05-04-2017	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 1060(E) dated 23-08-2017	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	Section 3(1) of RCT (Procedure of Investigation of Misbehavior, or incapacity of the Chairman, Vice Chairman and Members) Rules, 1991	G.S.R. 642(E) dated 13-07-2018	-Do	-	-	-

RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 816(E) dated 28-08-2018	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A, 30(1) & 30(2)(b)	G.S.R. 1086(E) dated 05-11-2018	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 1136(E) dated 26-11-2018	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 546(E) dated 01-08-2019	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 575(E) dated 16-08-2019	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 646(E) dated 12-09-2019	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 941(E) dated 20-12-2019	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30(2)(c),(e),(f) & (g)	G.S.R. 21(E) dated 10-01-2020	-Do	-	-	-
RCT Act, 1987	54 of 1987 dated 28.12.1987	-	30A, 30(1) & 30(2)(b)	G.S.R. 553(E) dated 14-09-2020	-Do	-	-	-

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**ATTRIBUTES OF ORGANISED SERVICE**

- (i) The highest cadre post in such services is not below the level of Rs.37400-67000 plus Grade Pay of Rs.10000 (SAG);
- (ii) Such services have all the standard grades namely, Rs.15600-39100 plus Grade Pay Rs.5400 (JTS), Rs.15600-39100 plus Grade Pay Rs.6600 (STS), Rs.15600-39100 plus Grade Pay Rs.7600/Rs.37400-67000 plus Grade Pay of Rs.8700 (JAG/NFSG) and Rs.37400-67000 plus Grade pay of Rs.10000 (SAG);
- (iii) At least 50% of the vacancies in Junior Time Scale (JTS) in such services are required to be filled by direct recruitment;
- (iv) All the vacancies above JTS and upto SAG level in such services are filled up by promotion from the next lower grade;
- (v) While a service may comprise one or more distinct cadre (s), all such cadres should be governed by composite Service Rules facilitating horizontal and vertical movement of officers of a particular cadre at least upto SAG level. The cadre posts of an Organized Service expressly belong to that service. The posts not belonging to any service are classified as General Central Service and, therefore, an Organized Group 'A' Service cannot have posts/grades classified as General Central Service; and
- (vi) Such a service consists of two distinct components, namely Regular Duty Posts and Reserves. The Reserves are generally of four types, viz (i) Probationary Reserves, (ii) Leave Reserve, (iii) Training Reserve and (iv) Deputation Reserve. The various types of reserves are usually created and accounted for in the Junior Time Scale.

## APPENDIX I

(Vide Para 4 of the Introduction of the Report)

### SUMMARY OF RECOMMENDATIONS MADE IN THE NINETEENTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(SEVENTEENTH LOK SABHA)

Sl.No.	Reference to Para No. in the Report	Summary of Recommendations
1	19	<p>Status of framing of subordinate legislation viz. Rules/Regulations etc. under various Acts being administered by the Ministry of Railways, Government of India</p> <p>The Committee note that the Ministry of Railways in their background note has submitted that, the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertaking) Act, 1978 pertains to acquisition and transfer of assets by Central Government for Central Public Sector Undertaking Bharat Wagons and Engineering Co. Ltd (BWEL), which was there under the administrative control of Ministry of Heavy Industries and Public Enterprises and the administrative control of BWEL was transferred to Ministry of Railways in 2008 and therefore, no requirement for making rules was felt.</p>
	20	<p>The Committee, however, note that as per section 3 of the Act, the right, title and interest of Britannia Engineering Company in relation to the Mokameh Unit and the undertaking owned by Arthur Butler and Company stand transferred to and shall vest in the Central Government and not as submitted by the Ministry above that the Act pertains to acquisition and transfer of assets by Central Government for Central Public Sector Undertakings i.e. BWEL in this case. The Committee, thus note with concern that, since the name of BWEL was not mentioned in the Act, the same was required to be notified as per the provision made under Section 5 of the Act which stipulates that, the Central Government, if it is satisfied, direct, by notification, that the Mokameh unit and the</p>

		<p>undertakings referred to in section 3, and the right, title and interest of Britannia Engineering Company in relation to the Mokameh unit, and the right, title and interest of Arthur Butler and Company in relation to the undertakings owned by it, which have vested in the Central Government under section 3, shall instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification. It is, therefore, quite evident that the Central Government was required to issue a notification for vesting all its power to BWEL.</p>
	21	<p>Further, under sub-section (2) of Section 14 of the Act, the monies which stand transferred under sub-section (1) to the Central Government or the Government Company, as the case may be, shall be dealt with by that Government on the Government Company in such manner as may be prescribed.</p>
	22	<p>The word 'prescribed' has been defined at (h) under section 2 of the Act 'as prescribed by rules made under this Act'. Thus, rules were required to be framed under Section 14(2) of the Act. Moreover, Section 31 of the Act also gives power to make rule to the Central Government.</p>
	23	<p>However, in response to the status sought from the Ministry with regard to rules framed under various Acts being administered by them, the Ministry has submitted the status as 'No rules framed' and has also further submitted that, the administrative control of BWEL was transferred to Ministry of Railways in 2008. Therefore, no requirement for making rules was felt. The Ministry has also informed that BWEL is under final stages of closure as per Cabinet decision.</p>
	24	<p>Similarly, with regard to the The Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982, the Committee notes that this Act provides for the acquisition of the undertaking of the Chaparmukh-Silghat Railway Company Ltd. in relation to the Chaparmukh-Silghat Railway line and the undertakings of the the Katakhal-Lalabazar Railway Co. Ltd. in relation to the Katakhal-Lalabazar Railway</p>

		<p>line with a view to securing the efficient operation of the said railway lines. By virtue of the above Act, the undertakings of the two specified Companies stood transferred to and vested in the Central Government and the Chaparmukh-Silghat Railway line has been converted to Broad Gauge in 1994 and Katakhal-Lalabazar Railway line in 2015-16.</p> <p>25 The Committee further note that Section 15 of the Act empowers the Central Government to make rule, by notification for carrying out provisions of this Act. The Committee is, however, dismayed to note that the Ministry while furnishing the status of rules framed under the Act has submitted, 'No rule notified' and has also further stated that, 'no rule appears to have been formulated under the Act'. The usage of word 'appears' here expresses uncertainty and also the casual approach of the Ministry in the matter.</p> <p>26 The Committee thus, takes serious note of this casual approach of the Ministry towards framing of subordinate legislation and is also of the strong view that, when the Ministry was asked by a Parliamentary Committee to furnish the status of rules framed or yet to be framed under various Acts, the Ministry's sincere efforts should have been to compile and furnish the correct and updated information about the same, even if it required to seek information from the Ministry of Heavy Industries in case of Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978.</p> <p>27 The Committee is also of the strong view that, if an Act passed by the Parliament, has mandated the framing of subordinate legislation and the Ministry does not feel the need of framing Rules/ Regulations for the same, then in such cases, the Ministry should consult the Ministry of Law and Justice and if the Ministry of Law and Justice too concurs with the view of the Ministry concerned, the Ministry should lay a statement on the Table of both the Houses outlining the reasons why the Ministry does not feel the need to frame subordinate legislation under the said Acts.</p>
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	<p>28</p> <p>29</p> <p>37</p>	<p>The Committee would, therefore, like the Ministry of Railways to first compile the factual status pertaining to framing of subordinate legislation under the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978 in consultation with the Ministry of Heavy Industries and the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982 and if no rules have still been framed as already submitted to the Committee, the Ministry should consult Ministry of Law and Justice and thereafter lay a statement in both the Houses as stated in para 9 above.</p> <p>The Committee also note that both the Acts viz. Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978 and Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982 provide for acquisition and transfer of undertaking of the Railway lines. The Committee is also of the view that since the process of acquisition and transfer of undertakings of the said Railway Lines have been completed by the Centre as per the provisions laid in the Act, the Ministry, may in consultation with the Ministry of Law and Justice review these Acts and assess their relevance in today's context and take necessary action to either amend the Acts for their continued relevance or repeal the same. The Committee would like to be apprised of the conclusive action taken in this regard within 3 months of presentation of the Report to the House.</p> <p>The Committee notes from the submission made by the Ministry pertaining to the status of Rules framed under Chapter X of the Railways Act, 1989 that, the existing provisions of Chapter X of the Railways Act, 1989 and guidelines regarding free time for loading/unloading of wagons and removal of goods from railway premises, and also for levy of Demurrage and Wharfage Charge for detention beyond the prescribed free time are considered adequate in achieving the objective i.e timely removal of goods from railway premises. Thus, no separate rules have</p>
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	<p>38</p> <p>39</p>	<p>been made under Chapter X of the Railways Act, 1989. The Committee, however, is not convinced with the Ministry's justification for not framing the subordinate legislation under Chapter X of the Act within the prescribed time limit of 6 months and also not seeking any extension of time for delay in framing of the same from the Committee, as per the prescribed procedure. The Committee strongly objects to the discretionary power being exercised by the executive to decide if the framing of rules/regulations is required or not, especially when there are specific rule making provisions in the Act. The Committee is of the view that unless the rules are framed, the provisions of the Act cannot be implemented in letter and spirit.</p> <p>The Committee also does not find the justification given by the Ministry that the existing provisions of Chapter X of the Railways Act, 1989 and the guidelines/procedures are well established for achieving the objective is tenable for not framing the rules. The Committee have time and again stressed and recommended that guidelines/ procedures/ orders/directions/circulars are no substitute for the statutory provisions viz. framing of rules/regulations etc. as by doing so the executive can exercise discretion in the matter and escape parliamentary scrutiny because the guidelines/procedures are neither notified nor laid in the House. The Committee also fails to understand how the provisions of the Act can be sufficient and how the Ministry can claim that the existing provisions of Chapter X of the Act and guidelines/procedures/circulars are well established for achieving the objectives because the Act lays down the broad outline and the Ministry has to come out with rules to elaborate and put in detail the provisions made in the rules to implement the same. The Committee, therefore, strongly recommends that if the Act passed by the Parliament has mandated the framing of the subordinate legislation, the same should be framed within the stipulated time period and if the Ministry does not feel the need for the same, then, as mentioned at para no. 27 of the Report, the Ministry should consult the Ministry of Law and if the Ministry of Law also concurs the view point of the Ministry of Railways, the Ministry should bring the information to the knowledge of the House in the form of a statement.</p>
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	<p data-bbox="423 338 461 369">41</p> <p data-bbox="423 1073 461 1104">45</p> <p data-bbox="423 1730 461 1761">46</p>	<p data-bbox="638 195 1481 300">The Committee would like to be apprised of the final action taken in the matter within 3 months after presentation of the Report in the House.</p> <p data-bbox="638 342 1481 1031">The Committee notes that in the Ministry of Railways, the Recruitment Rules (RRs) for all the Organised Services and 32 Miscellaneous cadres are already approved and RR in respect of 3 Miscellaneous cadres viz. Prosecution, Statistical Department and AEN(Civil Maintenance/RDSO) have been framed for the first time and are submitted to UPSC for approval. The Committee while expressing its satisfaction that the RR for all organized and 32 Miscellaneous cadres are approved, hopes that the same have been notified and also laid on the Table of both the Houses. The Committee would like to be apprised about the same. The Committee is also of the view that the Ministry will also notify and lay the RR in respect of the remaining 3 Miscellaneous cadre in a time bound manner, as much ground work for the same has already been completed. The Committee would like to be apprised of the final action taken in the matter within 3 months after presentation of the Report to the House.</p> <p data-bbox="638 1073 1481 1692">The Committee also gathers from the status of framing of Rules/Regulations (Annexure) etc. under various Acts, furnished by the Ministry of Railways <i>vide</i> OM dated 18.7.2021 that at Sl. No. 4 of Annexure with regard to date of laying of Principal Rules namely Indian Railways (Open Lines) General Rules, 1976 framed under Section 60 of the Railways Act, 1989, the Ministry has submitted that, "The Principal Rules were notified more than four decades ago. The date of laying is not readily available in the records maintained". However, it is also observed that the Ministry has also not given the date of laying of Rules framed under Sections 87, 112, 129 of the Railways Act, 1989 and in case of RCT Act, 1987, the Committee is surprised to note that, in place of mentioning the dates of laying of the Notifications, the Ministry has simply written, 'Within time frames'.</p> <p data-bbox="638 1730 1481 1869">The Committee is thus, dismayed to take note of the lackadaisical approach of the Ministry in maintaining the important record of framing and laying of subordinate legislation. The Committee, while</p>
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		<p><b>expressing its deep concern over the inordinate delay that has taken place in laying of GSR 346 (E) dated 3.6.2020 and GSR 168 (E) dated 12.3.2020 has also taken serious note of the casual approach of the Ministry in furnishing status to the Committee. This is also supplemented by the fact that the Ministry, instead of giving the date of laying of GSR 346 (E) and GSR 168 (E) on the Table of the House, has just mentioned as - in Budget Session of 2021 and during subsequent session of Parliament respectively. Thus, the justification given by the Ministry for not having any record of laying of Principal Rules framed under Railway Act, 1989 that they were notified more than four decades ago, points to the fact that records are not being maintained by the Ministry properly, specifically pertaining to laying of orders. This is just not acceptable to the Committee. The Committee, therefore, holds that the Ministry should take necessary steps to evolve a fool proof mechanism to ensure that all the notifications are laid on the Table of both the Houses and in case of unavoidable delay in laying of orders, the Ministry should append a delay statement so as to apprise the Parliament of the reason of delay in laying of notification on the Table of the House. The Committee also directs the Ministry to evolve a system to ensure that record pertaining to framing and lying of all the Orders is being maintained properly and timely. The Committee also recommends that the Ministry's website should also be updated from time to time so that all the required information regarding enactments and subordinate legislation is available to all with a click of mouse. The Committee would like to be apprised of conclusive action taken in this regard within 3 months after presentation of the Report.</b></p>
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## APPENDIX II

(Vide Para 5 of the Introduction of the Report)

### MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2020-2021) HELD ON TUESDAY, THE 20<sup>TH</sup> JULY, 2021.

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The Fifteenth sitting of the Committee (2020-21) was held on Tuesday, the 20<sup>th</sup> July, 2021 from 1500 to 1730 hours in Committee Room D, Parliament House Annexe, New Delhi.

#### PRESENT

1. Shri Balashowry Vallabhaneni Chairperson

#### MEMBERS

2. Shri Chandeshwar Prasad
3. Shri N.K. Premchandran
4. Shri A.Raja
5. Shri Nama Nageshwar Rao
6. Shri Sanjay Seth
7. Shri Mahendra Singh Solanky
8. Shri Su Thirunavukkarasar
9. Shri Ram Kripal Yadav

#### SECRETARIAT

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

## WITNESSES

### MINISTRY OF RAILWAYS

1. Shri Suneet Sharma - Chairman Railway Board & CEO
2. Shri S.K. Mohanty - Member (O&BD)
3. Shri Mukesh Nigam - Additional Member (Commercial)
4. Shri O.P.Singh - Additional Member (L&A)
5. Shri R.N. Singh - Secretary Railway Board
6. Shri Atul Pathak - ADG/RPF
7. Shri Navin Agarwal - ED E(N)
8. Shri Dhananjaya Singh - ED(Works)

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee (2020-21). Thereafter, the Secretariat made a power point presentation on the agenda before the Committee apprising the Members about the issues for discussion with regard to status of framing of Rules/Regulations etc. under various Acts which are administered by the Ministry of Railways.

3. The witnesses then were called in. The Chairperson welcomed the representatives of the Ministry of Railways to the Sitting of the Committee and drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

4. Thereafter, the Committee first appreciated the efforts taken by the Indian Railways to contain the spread of Covid-19. The Committee, then sought clarifications on latest status of rules and regulations made under the Railways Act, 1989 alongwith the reasons for non-framing of Rules under various Acts being administered by the Ministry of Railways, need for modification of any Rules and Regulations to meet the new challenges, status of the Indian Railway Management Service (IRMS), reorganization of Railway Board, adequacy of the rule dealing with

the recruitment, promotion and transfer of the railway employees, privatisation of railways etc.

5. The representative of the Ministry then elaborated on the latest status of framing of Rules/Regulations under various Act, issues regarding outsourcing of some works of Railways and privatisation of railways, updated status of the Indian Railway Management Service (IRMS), recruitment procedure of railway employees and initiatives taken by the Ministry to deal with the Covid-19.

6. The representatives of the Ministry furnished clarifications to most of the queries raised by the Committee. On some of the points, on which the information was not readily available with the representatives of the Ministry, the Chairperson asked them to furnish written replies within 15 days to the Lok Sabha Secretariat.

7. The Chairperson expressed thank to the representatives of the Ministry of Railways for presenting inputs on the subject before the Committee.

8. The witnesses then withdrew.

A verbatim record of the proceedings of the sitting has been kept separately.

**The Committee then adjourned.**

## **APPENDIX II**

(Vide Para 5 of the Introduction of the Report)

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

The Twenty-eighth sitting of the Committee (2021-22) was held on Monday, the 25<sup>th</sup> July, 2022 from 1500 to 1700 hours in Committee Room No. 'D', Parliament House Annexe, New Delhi.

#### **PRESENT**

Shri Balashowry Vallabhaneni      Chairperson

#### **MEMBERS**

2. Shri Chandeshwar Prasad
3. Shri N.K. Premachandran
4. Shri Suresh Kumar Pujari
5. Shri A. Raja
6. Shri Nama Nageswara Rao
7. Shri Sanjay Seth

#### **SECRETARIAT**

1. Shri V.K.Mohan                                      -      Joint Secretary
2. Shri Muraleedharan P.                                      -      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) Nineteenth Report on the status of framing of subordinate legislation viz. Rules/Regulations etc. under various Acts being administered by the Ministry of Railways, Government of India";

(ii) xx xx xx xx

(iii) xx xx xx xx

(iv) xx xx xx xx

(v) xx xx xx xx

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

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The Committee then adjourned.

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