

**REPORT  
NO.  
228**



**PARLIAMENT OF INDIA  
RAJYA SABHA  
COMMITTEE ON SUBORDINATE LEGISLATION**

**TWO HUNDRED AND TWENTY EIGHTH REPORT**  
on  
**Delay in Framing of Subordinate Legislation under Acts of Parliament Administered by  
various Ministries/Departments**

*(Presented to the Rajya Sabha on 11<sup>th</sup> August, 2016)*



**August, 2016/Shravana, 1938 (Saka)**

Website : <http://rajyasabha.nic.in>

E-Mail: [rsc1sub@sansad.nic.in](mailto:rsc1sub@sansad.nic.in)

Hindi version of this publication is also available

**PARLIAMENT OF INDIA**

**RAJYA SABHA**

**COMMITTEE ON SUBORDINATE LEGISLATION**

**TWO HUNDRED AND TWENTY EIGHTH REPORT**

**DELAY IN FRAMING OF SUBORDINATE LEGISLATION UNDER ACTS OF  
PARLIAMENT ADMINISTERED BY VARIOUS MINISTRIES/DEPARTMENTS**

*(Presented to the Rajya Sabha on 11th August, 2016)*



**Rajya Sabha Secretariat, New Delhi**

**August, 2016/ Shravana, 1938 (Saka)**

## CONTENTS

	PAGES
1. COMPOSITION OF THE COMMITTEE	
2. INTRODUCTION	
3. ACRONYMS	
4. REPORT ON DELAY IN FRAMING OF SUBORDINATE LEGISLATION UNDER ACTS OF PARLIAMENT ADMINISTERED BY THE VARIOUS MINISTRIES:	
I. DISCUSSION WITH THE MINISTRIES/DEPARTMENTS	
II. MEMORANDUM ON DELAY IN FRAMING OF RULES UNDER VARIOUS ACTS	
III. MASTER CIRCULARS ISSUED BY THE RESERVE BANK OF INDIA UNDER THE BANKING REGULATION ACT, 1949	
5. SUMMARY OF THE OBSERVATIONS / RECOMMENDATIONS OF THE COMMITTEE	
6. ANNEXURE	
7. MINUTES*	

\* To be enclosed later

**COMPOSITION OF THE COMMITTEE**  
**(CONSTITUTED ON THE 15<sup>th</sup> SEPTEMBER, 2014)**

1. Dr. T. Subbarami Reddy *Chairman*
2. Shri Biswajit Daimary
3. Shri Ali Anwar Ansari
4. Shri Shadi Lal Batra
5. Prof. Jogen Chowdhury
6. Shri Bhaskar Rao Nekkanti
7. Prof. M.V. Rajeev Gowda
8. Shri S. Muthukaruppan
9. Shri K. Parasaran
10. Shri Chunibhai Kanjibhai Gohel
11. Dr. K. Keshava Rao
12. Shri Shiv Pratap Shukla
13. Shri Shankarbhai N. Vegad
14. Vacant
15. Shri Palvai Govardhan Reddy

**SECRETARIAT**

1. Shri J.G. Negi, *Joint Secretary*
  2. Shri Mahesh Tiwari, *Director*
  3. Shri R.S. Rawat, *Joint Director*
  4. Shri Rakesh Anand, *Joint Director*
  5. Smt. Monica Baa, *Deputy Director*
-

## **INTRODUCTION**

1. I, the Chairman of the Committee on Subordinate Legislation, having been authorized by the Committee, do hereby present on its behalf, this Two Hundred and Twenty Eighth Report of the Committee.

2. The Committee on Subordinate Legislation, Rajya Sabha has been constituted under Rule 204 of the Rules of Procedure and Conduct of Business in the Council of States. The mandate of the Committee is to scrutinize and report to the Council 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.

3. The Committee's concern is centered mainly around the serious implications of delayed framing of rules/regulations/orders, etc despite the Committee's several recommendations on the issue and repeated observations in its reports that rules/regulations should be framed within six months of the coming into force of the Act. The Committee has been calling the defaulting Ministries/ Departments to know the reason for the delay, the problems faced by them in framing the rules/regulations, etc and to find solutions to the problems.

4. In this Report, the issue of delay in framing of rules/regulations under Acts administered by various Ministries/Departments of the Government of India and the issue of legality of Master Circulars issued by the Reserve Bank of India under the Banking Regulation Act, 1949 have been covered. The Report contains general as well as specific observations/recommendations of the Committee on the subject.

5. The Committee considered and adopted the draft Report in its meeting held on the 9<sup>th</sup> August 2016.

**DR. T. SUBBARAMI REDDY**

*Chairman*

*Committee on Subordinate Legislation,  
Rajya Sabha*

**NEW DELHI**

**11<sup>th</sup> August, 2016**

## ACRONYMS

GAAR-General Anti-Avoidance Rules

DVC-Damodar Valley Corporation

SBI-State Bank of India

LIC-Life Insurance Corporation of India

CERC-Central Electricity Regulatory Commission

BEE-Bureau of Energy Efficiency

CEA-Central Electricity Authority

DG-Director General

CPCB-Central Pollution Control Board

CVC-Central Vigilance Commission

NJAC-National Judicial Appointments Commission

UTs-Union Territories

ASI-Archaeological Survey of India

ICWA-Indian Council of World Affairs

WMD-Weapons of Mass Destruction

FTDR Act-Foreign Trade (Development and Regulation) Act

DCI-Dental Council of India

AIIMS-All India Institute of Medical Sciences

CWC-Chemical Weapons Convention

IIS-Indian Information Service

CSS-Central Secretariat Service

CEO-Chief Executive Officer

NID-National Institute of Design

DIPP-Department of Industrial Policy and Promotion

RLDA-Rail Land Development Authority

DeiTY-Department of Electronics & Information Technology

SICLD-Semiconductor Integrated Circuits Layout & Design

CERT-In-Indian Computer Emergency Response Team

WTO-World Trade Organization

TRIPs-Trade Related Aspects of Intellectual Property Rights

NIPER-National Institute of Pharmaceutical Education and Research

NPPA-National Pharmaceutical Pricing Authority

PNGRB-Petroleum and Natural Gas Regulatory Board

BPCL-Bharat Petroleum Corporation Limited

PMP-Petroleum and Mineral Pipelines

FCI-Food Corporation of India

GPF-General Provident Fund

**REPORT**  
**ON**  
**THE DELAY IN FRAMING OF SUBORDINATE LEGISLATION UNDER ACTS OF**  
**PARLIAMENT ADMINISTERED BY THE VARIOUS MINISTRIES/DEPARTMENTS**

**Meaning of the term “subordinate legislation”**

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 per 75<sup>th</sup> Report of the Committee on Subordinate Legislation, Rajya Sabha presented to the House on the 29<sup>th</sup> March, 1988, all “Orders” have to be laid on the Table of the House 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.

**Need for subordinate legislation**

2. The primary function of the Parliament is to pass legislation which becomes an Act of Parliament. In modern times, it is not always possible to make laws providing every detail. In view of newer areas emerging, the process of law-making today has become not only time consuming but also an increasingly complicated and a technical affair. Therefore, Parliament lays down the broad policy framework and basic purpose of the legislation in the form of an Act and leaves it to the executive, experts and technocrats to provide for working details within the framework of the enactment by way of rules, regulations, bye-laws, schemes, Orders or other statutory instruments. Powers have also been vested/conferred under various provisions of the Constitution of India on the different functionaries to frame rules, regulations or schemes dealing with various aspects. That is why, delegated legislation in present days is increasingly assuming an important role in the process of law-making, comprising an important component of legislation.

### **Committee on Subordinate Legislation and its Role**

3. As subordinate legislation has become an important constituent element of legislation, the role of legislature is 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 not usurped nor transgressed under the guise of subordinate legislation. The Committee on Subordinate Legislation, Rajya Sabha is one such instrument and it is constituted to scrutinize and report to the Council of States/ Rajya Sabha 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. In 1971 the Committee in its 9<sup>th</sup> Report prescribed six months time limit for framing the subordinate legislation contemplated under the Act. However, in the same year the Committee in its 10<sup>th</sup> Report suggested that if Rules are not framed within the time limit of 6

months, the Secretary or Head of Department should be informed and in turn Secretary with a comprehensive note inform the Minister concerned and obtain his orders. The Committee was persuaded to make this suggestion for the reason that for any non-compliance or excessive delay in compliance with the provision of a statute the Minister is also answerable to the House.

6. The Committee in due course, 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 and also do not give appropriate reasons for such delay. The Committee, therefore, recommended in its 31<sup>st</sup> and 47<sup>th</sup> Reports as:-

*"In regard to the request of the Ministries for extension of time for making rules and regulations under various enactments, the Committee observes that of late such requests have almost become a routine' and the Ministries have not been adhering to the time-limit of six months for making the rules as earlier recommended by the Committee. In some cases the Committee has noticed that while requesting for extension of time, the Ministries do not disclose full facts and advance inadequate reasons for seeking such an extension.*

*"The Committee in its Ninth Report recommended that rules and regulations required to be made under a statute should be made as soon as possible but in no case later than six months from the date on which the statute comes into force."*

**(Extract from 31<sup>st</sup> Report)**

(presented on 13.3.1979)

*"The Committee feels that the rule-making process could well have been completed within the time limit of six months which the Committee has laid down for making of rules under an Act after coming into force of that Act. Where however, a Ministry does not find it possible to adhere to the time limit, they should inform the Committee of the reasons why they cannot make rules within the time limit and seek extension of time for completing the rule-making process."*

**(Para 29 of the 47<sup>th</sup> Report)**

(presented on 14.9.1981)

7. Since most of the Ministries still do not adhere to the time limit of six months despite several recommendation in its consecutive reports, the Committee reiterated its recommendations in its 192<sup>nd</sup> Report as under:-

*"In addition to the concern expressed by the Committee over delay in laying of Notifications on the Table of the House, the Committee also express its deep concern over delay in framing of rules/regulations under different Acts. The Committee in its 47th report presented to the House on 14.9.1981 had recommended that the rule-making process should be completed within a period of six months of the coming into force of an Act. The Committee has further recommended that in case a Ministry is not able to adhere to this time-limit, it should seek extension of time for completing the rule-making process. The recommendation of the Committee reads as follows:—*

*"The Committee feels that the rule-making process could well have been completed within the time-limit of six months which the Committee has laid down for making of rules under an Act after coming into force of that Act. Where however, a Ministry does not find it possible to adhere to the time-limit, they should inform the Committee of the reasons why they cannot make rules within the time-limit and seek extension of time for completing the rule-making process."*

*The Committee is constrained to take note of the fact that the Ministries/Departments of Government of India are not complying with the Committee's recommendation to complete the process of framing of subordinate legislation contemplated under various Acts of Parliament within a period of six months. At the same time, the Committee also does not receive requests for extension of time for completing the rule-making process in terms of its recommendations as above from most of the Ministries/Departments. The Committee takes a serious note of the prevailing situation in which the Ministries/Departments are neither able to complete the task of framing rules/regulations under different Acts within the given six months' period nor do they suo-motu approach the Committee for seeking extension of time. The Committee further notes that in order to ensure timely framing of rules/regulations it has taken an initiative to monitor the progress of framing of subordinate legislation in respect of all legislations brought about*

*by different Ministries/Departments of Government of India from the year 2003 onwards with a view to ensure that the framing of subordinate legislation is not delayed. The Committee, however, finds that the responses from the Ministries/Departments have not been prompt in this monitoring exercise undertaken on behalf of the Committee.*

*In view of the above position, the Committee once again reiterates its recommendation that the Ministries/Departments should ensure putting in place subordinate legislation positively within a period of six months of the Act coming into force of the Act. The Committee further recommends that in case the Ministry fails to meet with this deadline, they should invariably approach the Committee for seeking extension of time. The Committee further recommends that in cases where the time-limit of six months is not adhered to, they should, while laying rules/regulations before the Parliament invariably lay a statement explaining the reasons why the framing of rules/regulations was delayed beyond six months so as to keep the Parliament apprised of the compliance of the Parliament's mandate conferred upon the Executive."*

**[Para 2(xiv) of 192nd Report]**

**(Presented on 24.8.2011)**

8. The Committee had, in its 212<sup>th</sup> Report also reiterated the need for framing of subordinate legislation within the stipulated timeframe by pointing out specific instances where the framing of rules/regulations have been delayed, in some cases, for more than 10 years.

#### **Committee's Recommendation on uploading of rules/regulations on Ministry's website**

9. Keeping in view the importance of subordinate legislation and the need for the public to easily access them, the Committee had also, in its 135<sup>th</sup> Report, recommended that all subordinate legislation should be uploaded on the website of the respective Ministries as under:

*"The Committee would like to take this opportunity to recommend that Ministries, as part of their e-governance initiative, put all subordinate legislation on their websites, preferably bilingually. The Committee further recommends that the Ministry of Information Technology immediately develop a standard application software with an Internet interface for use in all Ministries, which will provide a searchable database of*

*subordinate legislation linked to the principal Acts administered by the respective Ministry.”*

**(Para 10 of 135th Report)**

(presented on 27.7.2001)

10. The Committee again in its 201<sup>st</sup> Report stressed the very need of uploading all the rules/regulations, etc on the respective website of the Ministries/Departments/organizations/institutions for the benefit of Members of Parliament and the people for easy access which is as under:

*“Rules/Regulations/Orders/bye-laws are laid by different Ministries on the Table of the House under various provisions of parent Acts passed by Parliament. These Rules/Regulations/Orders/bye-laws are published in the Official Gazette before being laid on the Table of the House. Even after they are laid, it is very difficult to get access to these notifications. The Committee recommends that such Rules/Regulations/Orders, etc. laid on the Table of the House should be invariably uploaded on the websites of respective Ministries immediately on the same day when they have been laid on the Table of the House, for information of Members of Parliament and people at large for their easy access.”*

201<sup>st</sup> Report  
(Presented on 14<sup>th</sup> December, 2012)

11. Despite these recommendations, the Committee feels that Ministries/Departments do not pay the due attention that subordinate legislation deserves. While delay in framing subordinate legislation hinders implementation, delay in laying of the rules and regulations before the House impinges upon right of Members of Parliament to move motion for either amending or annulling them altogether. If such a motion is adopted by both Houses, the said notification shall remain amended or annulled accordingly. In this backdrop, the Committee had decided to sit with the Ministries and Departments of the Government of India to understand the problems faced by them in fulfilling the requirements concerning subordinate legislations and to sensitize them about the significance of timely framing of subordinate legislation and its laying in Parliament. Accordingly, the Committee has been calling various Ministries/Departments in this regard. The details of meetings held by the Committee with various Ministries/Departments, the points/issues

that arise out of these meetings and the observations/recommendations of the Committee have been enumerated in the succeeding paragraphs. The details of pending cases of framing of rules/regulations under various Acts passed by Parliament as on 21<sup>st</sup> July, 2016 has been placed as **Annexure-I**.

## I

### DISCUSSION WITH THE MINISTRIES/DEPARTMENTS

12. The Committee held discussion with the Department of Revenue, Department of Economic Affairs and Department of Financial Services of the Ministry of Finance on the 27<sup>th</sup> October, 2014. Secretary, Department of Revenue, briefed the Committee about the Acts under their administrative control and the rules/regulations that were to be framed under them. He informed the Committee that with respect to Finance Act, 2013 framing of the requisite rules/regulations had been delayed as they related to the General Anti Avoidance Rules (GAAR) implementation of which had been deferred upto 1<sup>st</sup> April, 2015 as certain issues connected to it were under examination. He also informed the Committee about the issues on which rules/regulations under the Finance Act, 2014 were in the process of being framed. He also informed that all the Acts and subordinate legislation were being uploaded on the website of the Ministry. He further informed the Committee that rules framed under the Income Tax Act, Excise & Customs Act or Prevention of Money Laundering Act are put into immediate operation and they will be valid, subject to Parliament amending or nullifying them. In response to the issue of framing of subordinate legislation under the Benami Transaction Act, 1988, he informed that the said Act was to be repealed by a new Act which the Ministry would shortly introduce in the Parliament.

13. Secretary, Department of Financial Services briefed the Committee about the Acts being administered by them and the status of framing of subordinate legislation under them. Regarding framing of rules/regulations under the SBI (Subsidiary Laws) Amendment Act, 2011, LIC (Amendment) Act, 2011 and Actuaries Act, 2007, he informed that in the case of the State Bank of India Amendment Rules, the Ministry had sought extension of time upto 30<sup>th</sup> June, 2015. In

the case of all others, the Ministry had sought time upto 1<sup>st</sup> January, 2015 to frame all the rules/regulations.

**14. The Committee is happy to note that subsequently the Department of Financial Services have completed the framing of rules/regulations under the SBI (Subsidiary Laws) Amendment Act, 2011 and have laid them on the Table of both the Houses of Parliament. The Committee, however, regrets to note that the Department of Revenue and Department of Financial Services has not yet completed the framing of subordinate legislation under the Finance Act, 2013; LIC (Amendment) Act, 2011 and Actuaries Act, 2007 despite a lapse of so many years since the passage of these Acts. The Committee, accordingly, urges the Departments to expedite the process and complete the framing of subordinate legislation under these Acts without any further delay.**

15. The Committee heard the representatives of the Ministry of Power, Ministry of Law & Justice (Legislative Department), Ministry of Environment, Forest & Climate Change and the Ministry of Civil Aviation on the 12<sup>th</sup> February, 2015 on the reasons for delay in the framing of the rules/regulations under Acts administered by them. Secretary, Ministry of Power stated that the Electricity Act, 2003 amalgamated all the earlier Acts that existed in the power sector and certain amendments were made in the Act in the same year and all the rules and regulations that were required to be framed under the Act by the various authorities, i.e. the Ministry, the Central Electricity Authority (CEA) or the Central Electricity Regulatory Commission (CERC), all stand notified as well as laid on the Table of the House. Under the Damodar Valley Corporation (DVC) Act, 1948 also, all the contemplated subordinate legislations have been framed. With respect to Energy Conservation Act, 2001 and the Energy Conservation (Amendment) Act, 2011, a total of 21 rules were required to be framed out of which 16 rules have been notified, 2 rules have not been considered necessary and 3 are under process and will be notified shortly. Total 13 regulations were required to be framed under the Energy Conservation Act out of which 8 regulations have been framed and 2 are under process of framing and would be notified shortly. The Ministry is of the view that the remaining 3 regulations are not necessary. The Committee again heard the Secretary, Ministry of Power, CERC, Bureau of Energy Efficiency (BEE) and CEA on 28 September 2015 for further clarifications in the matter of framing of rules/regulations

under the Energy Conservation Act, 2001 and subsequent amendments. During this meeting, Secretary, Ministry of Power informed the Committee that as advised by the Committee, the Ministry made a reference to the Ministry of Law & Justice with regard to the necessity for framing of rules under Section 56 (2)(e) and (v) of the Act and once their comments are received, further necessary action would be taken. He further updated the Committee on the status of framing of 3 rules which are still pending by stating that rules under Section 56(2)(d) and (l) will be finalized by December, 2015, however, rule under Section 56(2)(n) will take some more time as it involves consultation with the State Governments. DG, BEE informed that as advised by the Committee, they have referred the matter to the Ministry of Law & Justice on the 3 regulations on which they feel that no regulations need to be framed. Based on the advice of the Ministry of Law & Justice, the matter will be placed before the Committee and Parliament. He also updated the Committee on the status of framing of 2 regulations which are still pending by stating that regulation on powers and duties of Director General (DG), BEE will be notified by 31<sup>st</sup> December, 2015 and regulations on the manner and interval of time for conduct of energy audit of buildings will be completed by the end of next year. The regulations dealing with the energy audit under the powers given to the States has been referred to the Ministry of Law & Justice as to whether it is necessary to frame regulations under Section 58(2)(k) because this has to be done by the States. The Ministry *vide* O.M. dated 2<sup>nd</sup> June, 2016 informed the Committee that out of 21 rules to be framed, 17 rules have been framed and the Ministry of Law & Justice have opined that 2 rules to be framed under Section 13(2)(u) read with Section 56(2)(e) of the Act are enabling provisions meant for unforeseen circumstances and hence rules on these need not be framed for the present. The Ministry further stated that the remaining 2 rules, i.e. (i) Terms and Conditions of Service of Officers and other Employees of the Bureau and (ii) Energy Conservation Code Rules are likely to be finalized by December 2016. Out of 13 regulations to be framed, 8 regulations have been framed. For regulations prescribed under Section 58(2)(d) and 58(2)(l), the Ministry of Law & Justice have opined that these are enabling provisions meant for unforeseen circumstances. Accordingly, only 3 regulations are left to be framed. The Ministry stated that they are likely to be finalized by December 2016 and sought extension of time till December 2016 for finalizing the rules/regulations which was granted to the Ministry.

**16. The Committee was not convinced with the view of the Ministry that they did not feel the need to notify certain rules and regulations contemplated to be framed under the Energy Conservation Act, 2001. In Committee's view, the Act passed by the Parliament has mandated the framing of the said subordinate legislation and, therefore, if the Ministry does not feel the need for the concerned rules/regulations then it would be appropriate that the information is brought before the House for its consideration. The Committee observed that even after 13 years some rules have not been framed by the Bureau of Energy Efficiency (BEE) and only existing guidelines of the Ministry of Finance are being followed. In Committee's view, important issues like service conditions, budget, energy conservation, duties of DG, Bureau of Energy Efficiency (BEE), levying of fees need to be translated into rules/ regulations. The Committee opined that the Act is a macro- level idea and the Ministries have to come out with the rules.**

17. The Committee further observed that statutory organizations like Central Electricity Regulatory Commission and Central Electricity Authority do not get the subordinate legislation framed by them vetted from the Ministry of Law & Justice. The Committee sought clarification on this matter from the representatives of the Legislative Department, Ministry of Law & Justice who were present in the Committee's meeting on 12<sup>th</sup> February, 2015. The Legislative Department expressed the following views:

*Firstly, it is for the administrative Ministry to decide the necessity of making rules, though there is a power delegated under the provisions of the parent Act or Statute. But its necessity and to what extent they want to frame the rules on a particular subject matter, is the domain of the administrative Ministry.*

*Secondly, nowadays, there are Acts which provide that the enforcement date of certain provisions will be different. There is a different date for different provisions also. So, if the substantive provision of the Act has not come into force, then certainly, there are no rules and regulations for that very provision which requires rules and regulations to be made.*

*Thirdly, it is a discretionary power that the authority may make rules and regulations or the Commission may makes rules and regulations. So, it does not have a*

*binding effect. And, as far as the word 'may' or 'shall' is to be used, generally, this word 'may' has been interpreted as 'shall' also by way of construction. It is the executive power, delegated power. So, flexibility has been given by using the word 'may' to the Executive.*

*Generally, the phraseology "the authority of the Central Government to make rules and regulations" is working well. In some cases, there might have been a lapse, otherwise, all the rules and regulations made under all the Acts are being implemented.*

**18. The Committee, however, has some reservations in the matter. The Committee failed to understand how the framing or non-framing of rules/regulations becomes a discretionary power of the Executive when there is express provision in the Act that the rules/regulations shall be framed. In the Committee's view, unless the rules are framed, the provision of the Act cannot be implemented. So, whenever a law is to be framed, the Ministry of Law & Justice, while vetting the Bills to be introduced in the House, must examine whether there is a necessity of making the rules or not. Because once the provision is made, it has to be implemented through a process and the process is prescribed in the rules only.**

19. The Committee reasoned further that it is not a question of playing up on the words 'may' or 'shall'. It is a legislative practice of Parliament that in all Statutes they used the word only 'may'. But, what is important is that there will be situations when the Ministry have to make the rules; and, there may be situations when only certain circumstances manifest and Ministry will have a duty to make the rules. Therefore, it is either discretion or a mandate. But the discretion becomes a mandate when certain circumstances precipitate. This is the law prepared by the Supreme Court. Therefore, the Ministry would normally have to make the rules and cannot say it is its discretion. But, if certain situations manifest, then this 'may' will get converted into 'shall'. Then, Ministry will be bound by duty to make the rules.

20. Secretary, Ministry of Environment, Forest & Climate Change informed that they administer a total of 11 Acts and rules had been made under all these Acts. He also informed the Committee that the concerned Acts and Rules were in the process of being amended to give more

powers to the Pollution Control Boards to control pollution. Further, on the issue of vacant post of the Chairman of CPCB which is not filled since long the Committee was informed that the post will be advertised once the recruitment rules, which are under amendment, are finalized. Till such time, that responsibility had been assigned to a senior officer of the Ministry. The Ministry was also reviewing the rules which have been issued under the various Acts. The High Powered Committee under the Chairmanship of Shri TSR Subramanian had submitted its recommendations and one of the important recommendations of that Committee is to examine the possibility of amalgamating various laws which are currently in force. So, the Ministry was in the process of examining these provisions.

21. The Secretary, Civil Aviation informed the Committee that the Rajiv Gandhi National Aviation University Act came into force in September 2013 and it was thought that it would be better to appoint the Vice-Chancellor first so that he can guide the process of framing of rules/regulations. The Steering Committee for the University which includes some eminent academicians in the field of aviation was also of similar view that, there should be the Vice-Chancellor first and some essential faculty who would define the future roadmap for this institution, and only on the basis of their advice, Ministry should frame the rules. Secretary informed that the Select Committee had since been reconstituted and would be meeting soon. Regarding the Aircrafts Act, 1934, the Secretary informed that all the rules required to be formulated had been framed and all the rules have also been placed before the House. As for the Airport Economic Regulatory Authority of India Act, 2008, Secretary informed that under the said Act, 12 rules are required to be framed, out of which 8 have been framed and the remaining 4 draft rules are with the Ministry of Law & Justice for vetting and would be notified as soon as the vetting is over.

**22. The Committee notes that the Ministry of Power did not complete the framing of rules/regulations under the Energy Conservation Act, 2001 even after 14 years of the passage of the Act and sought extension of time till December 2016 for completing the framing of rules/regulations under the Act. The Committee takes serious note of the matter and recommends that the Ministry should take expeditious action to positively complete the framing of rules/regulations under the Act by December 2016 and also keep the Committee**

**informed in the matter accordingly. The Committee also hopes that the Ministry would not seek further extension and finish the work within the extended period.**

**23. The Committee is not convinced with the view of the Ministry of Power that they did not feel the need to frame the rules contemplated to be framed under the Energy Conservation Act, 2001. The Act, passed by the Parliament, has mandated the framing of the said subordinate legislation and therefore if the Ministry does not feel the need for the concerned rules/regulations, it would be appropriate that Parliament should be informed about it. The Committee, accordingly, recommends that in cases where framing of subordinate legislation is delegated by the parent Act and the Ministry does not feel the need for framing of subordinate legislation, the Ministry should consult the Ministry of Law & Justice and thereafter, if the Ministry of Law & Justice concurs with the view of the Ministry, the Ministry should lay a statement on the Table of the House outlining the reasons why they do not feel the need to frame subordinate legislation under the said Acts.**

**24. The Committee observes that certain autonomous or statutory organizations do not follow the practice of getting their subordinate legislations vetted from the Ministry of Law & Justice. The Committee also observes that the Ministries/Organizations lack clarity on the procedure prescribed for drafting and vetting of subordinate legislation. In this respect, the Committee would like to recommend that the Ministries may consult the Ministry of Law & Justice on the steps to be followed for drafting and framing of subordinate legislation. The Committee also recommends that all Ministries/Departments should impress upon the autonomous/statutory organizations under their administrative control to follow due process with regard to drafting and framing of subordinate legislation and to get their draft rules/regulations duly vetted by the Ministry of Law & Justice.**

**25. The Committee expressed its anguish about the self-proclaimed autonomy by certain statutory organizations like CERC which has not been getting their regulations vetted by the Ministry of Law. The Committee felt that since the Law Ministry has framed the parent legislation, it is in better position to determine at first stage whether the delegation is being exercised within the confines of powers delegated to subordinate**

authority or not. CERC pointed out that their regulations have stood the test of litigation and have not been declared *ultra vires*. The Committee totally disagrees with this proposition and cannot wait for Courts to scrutinize each and every regulations. This must be vetted at first by the Ministry of Law and Justice. The Committee directs the Ministry of Power to ensure that all regulations by statutory organizations under it be vetted by the Ministry of Law & Justice before they are laid on the Table of the House.

26. The Committee is happy to note that the Ministry of Environment, Forest & Climate Change has framed all the rules/regulations contemplated under the Acts administered by them. The Committee notes that the Subramanian Committee has recommended examining the possibility of amalgamating various environmental laws which are currently in force and hopes that the Ministry would soon come up with more effective laws keeping in view the latest developments in the sector.

27. The Committee notes that the Statutes of the Rajiv Gandhi National Aviation University Act, 2013 have since been framed and laid on the Table of both Houses of Parliament. The Committee, however, regrets to note that the Ordinances and Regulations have not been framed till date and accordingly recommends that the Ministry of Civil Aviation should ensure that the Ordinances and Regulations are framed at the earliest by resolving the impediments in the matter.

28. The Committee is anguished to note that even after eight years of coming into force of the Airport Economic Regulatory Authority of India Act, 2008 the contemplated rules/regulations have still not been framed. The Committee takes a strong view of this and recommends the Ministry of Civil Aviation should ensure that the legislative framework consisting of the rules/regulations as contemplated under the Airport Economic Regulatory Authority of India Act, 2008 should be completed at the earliest. The Ministry may impress upon the Ministry of Law & Justice to expedite the vetting of the rules/regulations framed under Airport Economic Regulatory Authority of India Act, 2008 so that the same can be notified at the earliest.

29. The Committee in its meeting held on 7<sup>th</sup> April, 2015 with the Ministry of Road Transport & Highways and Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) was informed by the Ministry of Road Transport & Highways that the Ministry administered seven Acts and all the concerned rules/regulations under them had been framed and laid before both the Houses of the Parliament.

30. The Secretary, Department of Personnel and Training informed the Committee on the status of framing of rules/regulations under the administrative control of his Ministry. It was also informed that the Whistle Blowers Protection Act, 2011 had been passed by the Parliament but had not been notified till date as certain issues like providing safeguards against disclosures affecting the sovereignty and integrity of India and security of the State needed to be incorporated in the Act. As regards the Lokpal and Lokayukta Act, 2013 it was informed that an Amendment Bill was pending in the Lok Sabha which sought to recognize the Leader of the Single Largest Opposition Party where there was no Leader of the Opposition in the Lok Sabha. Further, as for the rules/regulation to be framed under section 59 & 62 of the Lokpal and Lokayukta Act, 2013 it was informed that they had been framed and laid on the Table of the Parliament.

31. Secretary, Department of Personnel and Training in its meeting with Committee on 9<sup>th</sup> February, 2016 stated that rules under Section 20 of the Central Vigilance Commission Act, 2003 have been framed and that the regulations will be framed as per the Lokpal Act. The Select Committee has since given its suggestions on the Lokpal Act and that the Department will be going to Parliament in the coming session and the regulations will be framed accordingly. Secretary, Central Vigilance Commission (CVC) stated that in 2007, rules have been framed under Section 20(2)(a) regarding the number of staff and their conditions of service. Regarding Section 20(2)(b) on any other power of the Civil Court to be prescribed under Section 11(f) of the Act, she stated that Section 11 has already prescribed the powers of the civil court the Commission has, regarding summoning of person, production of document, how to receive evidence, etc. Rules have to be framed only on any other matter which may be prescribed. As the need was not felt, the rules have not been framed till date. Regarding regulations under Section 21, the draft was prepared in 2006 and 2007, however, for one reason or the other, it could not be approved. Finally, when the Lokpal Act was passed, the Commission took the view that the

regulations should be framed thereafter because the jurisdiction of the CVC will now be extended from Group A officers to Group B, C and D, to the extent Lokpal will refer the matters to the Commission. She also stated that the procedure to be followed by the Commission is already given in Section 9 and on the basis of this provision only, the proceedings are being conducted. CVC has made the draft regulations but it extends to Group A officers only. As per the proposed changes in Lokpal Act, CVC is supposed to look over Group B, C and D employees also, therefore, there may be certain changes in the regulations.

**32. The Committee is constrained to observe that even after so many years the relevant rules/regulations under Central Vigilance Commission Act, 2003 have still not been framed. The Committee feels the delay in framing of the rules/regulations defeats the very purpose of enactment of the Act as the Act cannot be operated in the absence of the rules/regulations. The Committee accordingly recommends that the Ministry should take all steps necessary to complete the framing of the contemplated subordinate legislation under the Central Vigilance Commission Act, 2003.**

33. The Committee heard the representatives of the Ministry of Home Affairs (Department of Border Management), Ministry of Urban Development, Ministry of Culture, Ministry of Tourism, Ministry of Corporate Affairs, Ministry of Law & Justice (Department of Justice) and the Ministry of Law & Justice (Legislative Department) on the 20<sup>th</sup> April, 2015. During the meeting, Secretary, Department of Border Management, informed the Committee that framing of regulations with respect to conditions of service and remuneration of the officers under Section 35(2)(b) are under advanced stage of processing and will be sent to the Law Ministry for vetting. She assured the Committee that these Regulations will be notified within a month. She also informed the Committee that the process of framing of regulations under Section 35(2)(c) (d) and (e) has started and assured the Committee that it will be completed by December, 2015. However, the Ministry did not complete the framing of regulations by December 2015. Accordingly, the Ministry was requested *vide* O.M. dated 8 January 2016 to finalise the framing of regulation within 30 days. Finally, the Ministry *vide* O.M. dated 17 March 2016 stated that the process of framing of regulations under Section 35(2) of the Act has been completed and furnished the details of regulations framed, the sub-section under which they have been framed and the status of laying on the Table of the House.

34. Secretary, Ministry of Urban Development stated that the Ministry is administering 13 Acts out of which the Ministry feels that four Acts do not require any rules and regulations to be made. One Act has been recommended for repeal. In the remaining eight Acts, all the required rules and regulations have been framed.

35. Secretary, Department of Justice informed the Committee that the Constitution (Ninety Ninth) Amendment Act, 2014 and the National Judicial Appointments Commission (NJAC) Act, 2014 were both notified on the 13<sup>th</sup> April, 2015. She stated that the Department has issued rule under Section 11(2)(a) of the NJAC Act regarding the fees and other conditions for the eminent persons to be appointed. For rule regarding terms and conditions of service of officers, it has to be done in consultation with NJAC. Regulations have to be framed by NJAC under Section 12 of the Act and that cannot be done until NJAC sits and examines the matter. As far as other Acts of the Justice Department are concerned, Secretary says that most of the rules and regulations have been made. However, she assured the Committee to check the position and get back to the Committee. With regard to framing of rules under the Anand Marriage (Amendment) Act, 2012 he stated that the rules have to be framed by the State Governments, however the Central Government has framed the model rules. The Ministry is taking up the issue with the concerned States and with Ministry of Home Affairs for Union Territories to expedite the process of drafting the rules under the Act.

36. Secretary, Ministry of Culture informed the Committee that the Ministry administers 13 Acts. Under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and the Amendment Act, 2010 rules have been framed. The Act is under review for carrying out amendments and the matter is being examined by ASI. No rules have been framed under the Indian Treasure Trove Act, 1878. The Antiquities and Art Treasures Rules, 1973 have been framed under the Antiquities and Art Treasures Act, 1972 and most of the provisions of the Indian Treasure Trove Act, 1878 are covered in the revised Act of 1972. This Act is also being revised and the provisions of the Indian Treasure Trove Act, 1878 could be covered under the revised Antiquities Act.

37. Additional Secretary, Ministry of Tourism informed the Committee that the Ministry does administer any Act or Statute. He accepted that the Ministry of Tourism is an important stakeholder in maintenance of heritage buildings and monuments and informed the Committee

that at all stages of framing of Acts and regulations, the Ministry of Culture is in consultation with them.

38. Secretary, Ministry of Corporate Affairs informed the Committee that the Ministry administers about 10 Acts. With regard to the Companies Act, 2013 she informed the Committee that it was notified on the 29<sup>th</sup> August, 2013. Out of a total of 470 Sections in the Act, 98 Sections which did not require prescription of rules or subordinate legislations were notified on the 12<sup>th</sup> September, 2013. As of now out of the 470 Sections and 7 Schedules of the Act, 283 Sections and all Schedules have come into force. Of the remaining 187 Sections, 177 Sections can be made effective only after provisions relating to National Company Law Tribunal and National Company Law Appellate Tribunal are enforced. These provisions are challenged in the Supreme Court and the Ministry is awaiting the Court verdict before coming out with the enforcement of the Sections and the rules.

**39. The Committee regrets to note that the Department of Border Management took nearly 6 years to complete the framing of necessary subordinate legislation under the Land Ports Authority of India Act, 2010. The Committee notes that the delay in framing of rules/regulations has become a recurring phenomenon and that cases of delay in framing of rules/regulations by the Ministries/Departments have continued to occur despite the recommendations of the Committee for completing the framing of rules/regulations within six months of the coming into force of the Act in its earlier reports. The Committee impresses upon the Ministries, once again, that delay in framing of subordinate legislation defeats the very purpose of enacting the parent Act/legislation as it cannot be implemented without the necessary rules/regulations. The Committee notes with concern that the matter of framing of rules/regulations is dealt with by the Ministries/Departments in a very casual manner and no serious effort is made to expedite the same. Due to this lackadaisical attitude of the Ministries/Departments, matters which are sought to be governed by statutory rules/regulations, are often in practice governed by executive orders/directions/instructions/circulars. The Committee would like to emphasize that executive orders/directions/instructions/circulars are no substitute for statutory rules/regulations. The Committee wonders whether the Ministries/Departments are**

**deliberately avoiding framing of subordinate legislation so that they can exercise discretion in the matter and escape Parliamentary scrutiny.**

**40. With a view to ensure timely framing of rules/regulations under Acts passed by Parliament, the Committee recommends that the framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill on the subject. In this way, the draft rules/regulations will be ready when the Bill is introduced in Parliament. Slight modifications/amendments can be made by the Ministry as per the changes made in the draft Bill by Parliament.**

**41. The Committee accepts that the delay in framing of the rules under the Anand Marriage (Amendment) Act, 2012 is due to delay on the part of the State Governments/UTs, however, the Committee would like to reiterate that it is the responsibility of the administrative Ministry to ensure that the State Governments/UTs frame the concerned rules within the stipulated time period. Accordingly, the Ministry should ensure the same.**

42. The Committee heard the representatives of Ministry of Coal, Ministry of Mines, Ministry of Finance (Department of Economic Affairs) and Ministry of Home Affairs (Department of Home) on the 18<sup>th</sup> May, 2015. The Secretary, Ministry of Finance (Department of Economic Affairs) informed the Committee that they administered twenty five Acts and out of these three Acts were on the verge of being repealed, five Acts do not require any rules to be framed, in the case of sixteen Acts subordinate legislation for all of them had duly been framed and for only one Act i.e. the Coinage Act, 2011 the rules are under approval stage. Thereafter, he elaborated upon the Acts on the verge of being repealed and the reasons for the same. The Acts for which the need for framing the rules had not been felt are the International Finance Corporations Act, the International Monetary Fund and Bank Act, the Asian Development Bank Act, the African Development Bank Act, 1983 and the African Development Fund Act, 1982 and the reasons for the same were also explained in detail.

43. The Secretary, Ministry of Home Affairs in the meeting held on the 18<sup>th</sup> May, 2015 informed the Committee that they administered a total of Sixty Five Acts. He informed that the

Private Security Agencies (Regulation) Act, 2005 was brought into effect in March, 2006 and the Private Security Agencies Central Model Rules were framed by the Ministry in April, 2006. As of now twenty six States and Union Territories had framed the contemplated rules/regulations under the said Act and efforts were underway to motivate the remaining States & UTs to also frame the subordinate legislation. Now the Ministry in its communication dated the 21<sup>st</sup> January, 2016 stated that except Lakshadweep, all the UTs have framed the rules. In their further communication dated the 19<sup>th</sup> February, 2016 it was informed that Lakshadweep has framed the rules and notified on the 8<sup>th</sup> February, 2016. Thereafter he informed that the Assam Rifles Act, 2006 come into force on 20<sup>th</sup> February, 2009 whereas the Assam Rifles Rules, 2008 were notified on 17<sup>th</sup> December, 2008. These Rules were notified under Article 309 of the Constitution whereas they should have been notified under Section 165 of the Assam Rifles Act, 2006. Consequently this anomaly was rectified and the Assam Rifles Rules, 2010 were then notified under Section 165 of the Assam Rifles Act, 2006. In regard to regulations to be framed under Section 166 of the Assam Rifled Act, 2006, the Ministry in its communication dated the 7<sup>th</sup> January, 2016 stated that framing of regulations are not compulsory as the Assam Rifles Act, 2006 and Assam Rifles Rules, 2010 are comprehensive in nature and covers all the aspects and therefore is of the opinion not to frame the regulations. The Ministry was asked to seek the advice of the Ministry of Law & Justice in this regard. Now, the Ministry in its latest communication dated the 6<sup>th</sup> April, 2016 stated that there is a requirement to make regulations and sought six months extension for drafting and compilation of regulations which was granted up to 30<sup>th</sup> September, 2016.

44. The Secretary, Ministry of Coal briefed the Committee about the Acts under its administrative control and the status of framing of subordinate legislation under them. He also informed that the Coal Mines (Special Provisions) Act, 2015 was necessitated as a result of the judgments of Supreme Court in the month of August and September, 2014. Consequent to theses judgments an Ordinance was promulgated to ensure that mining could continue in the affected coal mines. Thereon a very transparent procedure was adopted for ensuring auction of the affected coal mines which would ensure maximum revenues for the States where these mines were located. The Coal Mines (Special Provisions) Act, 2015 gives a legislative framework to the Ordinance promulgated earlier. The rules under this Act have also been notified and uploaded on the website of the Ministry.

45. Secretary, Ministry of Mines informed the Committee that they were administering two Acts and all the contemplated rules under these Acts had been framed and uploaded on the website of the Ministry. It was informed that the Mines and Minerals (Amendment) Act, 2015 had been notified on 27<sup>th</sup> March, 2015 and in the short span of time one rule i.e. Evidence of Mineral Content Rules, 2015 have been notified. The rules related to auction was at advanced stage as all the necessary consultations with the State Governments had been done and would soon be forwarded for vetting to the Ministry of Law & Justice. Thereafter a few minor rules/regulations would be notified at a subsequent stage.

**46. The Committee is pleased to observe that the Ministry of Home Affairs (Department of Home) has ensured that all the States and UTs have framed the concerned rules under the Private Security Agencies (Regulation) Act, 2005. The Committee takes serious note of the fact that even after enforcement of Assam Rifles Act, 2006 in 2009, the Assam Rifles has not been able to frame the regulations. The Committee hopes that the Ministry would impress upon the Assam Rifles to frame the regulations within the extended period, i.e. the 30<sup>th</sup> September and lay them in the Winter Session of 2016 itself. The Committee also notes that the Ministry of Mines has taken proactive steps to ensure framing of rules under the Mines and Minerals (Amendment) Act, 2015 and hopes that the remaining rules would be framed well in time.**

47. The Committee heard the representatives of the Ministry of External Affairs, Ministry of Shipping and Ministry of Agriculture (Department of Agriculture Research & Education) on the 1<sup>st</sup> June, 2015. Foreign Secretary while briefing the Committee about the Acts being administered by his Ministry and the rules/regulations to be framed under them, informed that with regard to the Indian Council for World Affairs Act, 2001(ICWA Act, 2001), four specific rules & regulations have been adopted. These include the Indian Council of World Affairs Rules, 2006, the Director-General and Other Officers and Employees of the Council (Salaries and Allowances) Rules, 2011, the ICWA Regulations, 2007, and ICWA Director-General and Other Officers and Employees (Conditions of Service) Regulations, 2014. In regard to the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act 2005 (WMD Act, 2005), under Section 6 of the WMD Act, 2005 the Weapons of Mass Destruction and their Delivery System Rules have been adopted in 2006. As for issues covered under

Section 5(1) & 7(2) of the Act, the rules/circulars issued under the Foreign Trade (Development and Regulation) (FTDR) Act, 1992; and, the WMD Act as amended in 2010, provides the basis for regulating the trade related activities of the controlled items. Therefore, as the relevant provisions of the FTDR Act, 1992 have been harmonized with the Weapons of Mass Destruction Act, 2005, the need to make separate rules in respect of Section 5(1) and 7(2) of the Weapons of Mass Destruction Act has not been felt so far. Hence, no need has been felt to frame separate subordinate legislation. Foreign Secretary further informed that as for subordinate legislation under the Nalanda University Act, 2010 is concerned, University Statutes relating to appointment of functionaries, powers and functions of the Governing Board etc and the functions of the Governing Body etc. have already been framed and notified on 31<sup>st</sup> March, 2012. The Financial Regulations were notified on 30<sup>th</sup> December, 2013. As far as the ordinances are concerned, these relate to matters of admission, course study, fees, etc., under Section 29 of the Act. The Ministry in consultation with the Legislative Department, have finalized the draft notification within the extended time of 8<sup>th</sup> May, 2015 and these will be laid on the Table of both Houses of Parliament in the next Session i.e. the Monsoon Session.

48. Secretary, Shipping informed the Committee that the Ministry at present administered 24 Acts out of which five Acts relate to the five National Waterways. As per the legal provision, every time, the Ministry notified a Waterway, it has to be through an Act of the Parliament. All the five major waterways have different Acts. There are no rules to be provided under these Acts. Now, the Ministry is bringing forward a comprehensive Act to notify 101 waterways in the country, which will be developed phase-wise, depending on the potential and the state of preparedness. This Bill was recently introduced in the Parliament in the previous Session, and, it has been referred to the Parliamentary Committee, and the Ministry was hopeful to get it through in the Winter Session of this year. Out of the remaining 19 Acts, seven laws relate to the old admiralty period and five of them are on civil liabilities. These are now due for repeal by a new Act which Ministry are bringing forth as per the recommendation of the Law Commission. Regarding the two criminal admiralty laws, the Ministry of Home Affairs, as they deal with the criminal law, have been requested to come up with some provision so that there is no lacuna. But again, no rules are to be provided there. Out of the balance of 12 Acts, action in eight has been completed, or, there is no provision for a rule making under these laws. That leaves the Ministry with four Acts. Out of these four Acts, three refer to the Inland Vessels (Amendment)

Act, 2014 and the Merchant Shipping (Second Amendment) Act, 2014 and the Coasting Vessels Act, 1838. Under the Merchant Shipping (Second Amendment) Act, 2014, one set of rules have already been notified and four more sets of rules would be notified by 30<sup>th</sup> September of this year and would be laid before the House in the succeeding Session. The Merchant Shipping Development Council which met in November, 2013 decided to replace the Inland Vessels Act, 1970. The draft of this new legislation has been prepared and would be brought before the Parliament soon. He also briefed the Committee about the recent amendments in the Merchant Shipping Act, 1958 and the effect of international conventions on Indian laws. Regarding the Coasting Vessels Act, 1838, most of the provisions of this very old Act were repealed when the Merchant Shipping Act came into being. Whatever residual provisions are there, the proposal for incorporating them in the Merchant Shipping Act has been finalized and the Ministry hoped to introduce this Bill by December of this year after due inter-Ministerial consultation and consultations with stakeholders.

49. Secretary, Department of Agricultural Research & Education, informed the Committee that the Rani Lakshmi Bai Central Agriculture University was set up to promote agriculture in the Bundelkhand region of the States of Uttar Pradesh and Madhya Pradesh and had its headquarter in Jhansi. The subordinate legislation of the Central Agriculture University, Imphal was being followed while drafting rules & regulations for the Rani Lakshmi Bai Central Agriculture University. Secretary informed that Six Ordinances have since been passed by the Vice Chancellor and would be submitted before the Board and then it would be regularized. Secretary explained that since the University has areas of two different States it needed lots of liaisoning between the two State Governments and that was why it took time. However, he added that this exercise needed to be undertaken to protect the interest of students. Further, in response to D.O. letter dated the 14<sup>th</sup> January, 2016 of this Secretariat, the Ministry informed that academic regulations and seven Ordinances have been framed and laid on the Table of the House.

**50. The Committee observes that the framing of rules/regulations under the Indian Council for World Affairs Act, 2001, Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act 2005 and Nalanda University Act, 2010 had not been framed even after a considerable period of time. The Committee notes that**

**these Acts have international ramifications and is constrained to note the delay in framing of subordinate legislation under them. The Committee urges the Ministry of External Affairs to take all possible measures to complete the process of framing of subordinate legislation under these Acts in time bound manner.**

**51. The Committee is pleased to observe that the Ministry of Shipping has since completed the framing of subordinate legislation under the Merchant Shipping (Amendment) Act, 2014 and hopes that the Ministry would likewise ensure that the rules/regulations under the Inland Vessels (Amendment) Act, 2014 and the Merchant Shipping (Second Amendment) Act, 2014 are also framed at the earliest.**

**52. The Committee appreciates the efforts of the Ministry of Agriculture (Department of Agricultural Research & Education) in giving shape to the rules/regulations/ordinances contemplated to be framed under the Rani Lakshmi Bai Central Agriculture University Act, 2014. Given the status of the University the Committee expresses its hope that the necessary subordinate legislation as contemplated by the Parent Act would be framed at the earliest and brought before the Parliament for its scrutiny.**

53. The Committee heard the representatives of Ministry of Health & Family Welfare, Ministry of Chemicals & Fertilizers (Department of Chemicals & Petrochemicals), Ministry of Women and Child Development and Ministry of Law & Justice (Department of Legal Affairs) on 2<sup>nd</sup> June, 2015. The Secretary, Ministry of Health & Family Welfare accepted that there had been inordinate delay in redrafting the Dental Regulations under the Dentist Act, 1948 on which the Committee had observed certain drafting anomalies in its 212<sup>th</sup> Report. He informed that they had since received 4 of the redrafted Regulations from the Dental Council of India (DCI) and sent to the Law Ministry for vetting. These included the DCI (Opening of new Dental College, Opening of New Higher Course of Study or Training and Increase of Admission Capacity in Dental Colleges) Regulations, 2006; the DCI Post-Graduate Diploma Course (Dental materials) Regulations, 2008; the Dental Hygienists and Dental Mechanics Course Regulations, 2008 and the PG Diploma Course Regulations, 2008. The remaining two Regulations are being revised by DCI. Health Secretary then assured the Committee that they are following it up with DCI so that it is done in a timely manner.

54. The Committee was also informed about the status of implementation of the recommendations of the Committee as contained in its 178<sup>th</sup> Report regarding framing of rules/regulations under the AIIMS Act, 1956. Secretary stated that most of the recommendations of the Committee have been incorporated in the Venkatachalam's Committee Report which was recently submitted to the Ministry and is under its active consideration. After the Ministry takes a stand on the Venkatachalam's Committee Report, necessary steps will be taken to give effect to recommendations accepted by the Government.

55. Secretary, Department of Legal Affairs informed that the Department administers three Acts i.e. the Notaries Act of 1952, the Advocates Act of 1961 and the Advocates Welfare Fund Act, 2001. Rules have been framed under these three Acts. The Secretary, Ministry of Women & Child Development informed that under the Prohibition of Child Marriage Act, 2006 all the States except Assam & Utrakhand have framed the concerned rules. The Secretary, also informed that the Rules framed by Assam are pending with its Cabinet Secretariat and that they were expecting Cabinet decision in the near future. In case of Uttarakhand, the Rules were originally framed by the Government of Uttar Pradesh. However, they have initiated action to have their own rules. The Act is not applicable to the State of Jammu and Kashmir. The Ministry further in their communication dated the 4<sup>th</sup> March, 2016 informed that all the States including Assam and Uttarakhand has framed their rules.

56. The Secretary, Ministry of Chemicals & Fertilizers (Department of Chemicals & Petrochemicals) informed the Committee that the Chemical Weapons Convention (CWC) is an international treaty which bans the development, production, acquisition, transfer, use and stockpile of all chemical weapons. The Organization for the Prohibition of Chemical Weapons (OPCW) at Hague, in Netherlands, is implementing the provisions of the Convention. In pursuance of the CWC, the Parliament of India enacted the Chemical Weapons Convention Act, 2000 which came into force on 01<sup>st</sup> July, 2005. The said Act was amended vide the Chemical weapons (Amendment) Act, 2012. In compliance with Section 6 (1) of the Act, vide Notification dated 13.06.2005 the National Authority Chemical Weapons Convention for implementing the provisions of the CWC was established. In compliance with Section 11, *vide* Notification dated 13.06.2005 the steering Committee was constituted under the Chairmanship of the Cabinet

Secretary for the purpose of overseeing the functions of the National Authority CWC and exercising and performing the powers and functions of the Central Government under the Act. In compliance with Section 56 (2) (ba) read with section 9 (1) of the Act, (as amended in 2012) vide Notification dated 12.03.2014, the CWC (Criteria for Appointment as Enforcement Officer) Rules were notified for appointment of Enforcement Officer. In compliance with Section 56 (2) (d), (e) and (f) read with section 50 of the Act, vide Notification dated 13.06.2015, the CWC Appeals Rules, 2005 were notified for disposing of appeals by a person aggrieved by any direction of the National Authority CWC.

57. However, it was informed that framing of rules on salary and allowances payable to and other terms and conditions of the services for the Chairman and members of the National Authority CWC under Section (6) of the Act had not yet been completed. In this regard, as per decision taken in the 26<sup>th</sup> meeting of Steering Committee held on 26<sup>th</sup> February, 2015, a Sub-Committee had been constituted under the Chairmanship of Additional Secretary, Cabinet Secretariat, on 15.05.2015 to draft comprehensive set of rules under Section 56 of Chemical Weapons Convention Act, 2000 and to make suitable recommendations on the issue of grant of amnesty for past violations under various Sections of the Act. With the enactment of the Chemical Weapons Convention (Amendment) Act, 2012, the Sub-Committee constituted by the Cabinet Secretary is redrafting the rules comprehensively and they would be notified as and when approved. The matter is under process. However, all the rules had been placed on the Ministry's website. The Ministry is hopeful that the draft rules would be ready in a couple of months.

**58. The Committee expresses its deep concern over the fact that the Ministry of Health & Family Welfare has still not given effect to its recommendations as contained in its 178<sup>th</sup> & 212<sup>th</sup> Reports on the AIIMS Act, 1956 and Dentist Act, 1948 respectively regarding framing of rules/regulations therein. The Committee subsequently granted extension of time for implementing the 178<sup>th</sup> report and hopes that the Ministry of Health & Family Welfare would do the needful within the extended time period. The Committee is also aware that by amending the AIIMS Act, 1956, Government has established some more AIIMS and same Rules and Regulations are being extended to them. So it is all the more important that all the Rules and Regulations must be recast with clarity covering all the**

areas. The Committee also directs that AIIMS must compile taken by AIIMS Institute Body and Governing Body as they are important source of law.

59. The Committee expresses its pleasure to note that the Ministry of Women & Child Development has since ensured that all the States have framed the rules under the Prohibition of Child Marriage Act, 2006. This is an important piece of socio-economic legislation and has ramifications on the society as a whole and especially the girl child. The rules framed under this Act would help in its proper and effective implementation.

60. The Committee takes serious note that concerned rules & regulations under the Chemical Weapons Convention Act, 2000 as amended vide Chemical Weapons Convention (Amendment) Act, 2012 have still not been framed. The Committee expresses its concern over the fact that given the international importance of the Chemical Weapons Convention, the Ministry has still not been able to give shape to the statutory requirements as mandated under the Act. The Committee hopes that the Ministry of Chemicals & Fertilizers (Department of Chemicals & Petrochemicals) would complete the necessary formalities and complete the framing of rules & regulations as mandated under the Chemical Weapons Convention Act, 2000 and Chemical Weapons Convention (Amendment) Act, 2012 at the earliest. The Ministry, may take up the matter with the Ministry of Law & Justice for expediting the vetting of the rules/regulations at the earliest and resolution of objections, if any, raised in the draft rules/regulations.

61. The Committee heard the representatives of the Ministry of Rural Development (Department of Land Resources), Ministry of Information & Broadcasting and the Ministry of Heavy Industries & Public Enterprises (Department of Heavy Industry) on the 8<sup>th</sup> July, 2015. Secretary, Ministry of Information & Broadcasting informed the Committee that the Ministry administers six Acts, namely, the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011; the Press and Registration of Books Act, 1867; the Press Council Act, 1978; the Cable Television Networks Regulation Act, 1995; the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 and the Cinematographic Act, 1952.

62. Regarding the Prasar Bharati Act, he stated that Section 11 of the Act, which relates to transfer of employees to the corporation, could not be implemented due to resistance from the employees. Subsequently, on the recommendations of the Group of Ministers on Prasar Bharati, Section 11 of the Act was amended with notification of the Prasar Bharati Amendment Act, 2011 on 8<sup>th</sup> March, 2012. It provided that the employees recruited on or before 5<sup>th</sup> October, 2007 would be considered Government employees on deemed deputation to Prasar Bharati and the employees recruited after 5<sup>th</sup> October 2007 would be considered employees of Prasar Bharati Corporation. In consultation with Prasar Bharati, the Central Government has to notify certain rules and regulations governing the terms and conditions of service of three categories of employees, i.e. employees who are on deemed deputation to Prasar Bharati; Prasar Bharati employees and employees of Indian Information Service, Central Secretariat Service, etc. Prasar Bharati, with the approval of the Central Government, has already notified regulations relating to authorities for disciplinary proceedings in respect of those employees who are on deemed deputation. Inter-Ministerial Consultations are going on in respect of regulations relating to service conditions of the Prasar Bharati employees and the employees of Indian Information Service (IIS), Central Secretariat Service (CSS), etc. Draft rules in respect of terms and conditions of posts of IIS, CSS, etc., are still awaited from Prasar Bharati. 125 Regulations are to be framed under the Prasar Bharati Act out of which Recruitment Regulations of 11 categories of posts have been notified. However, the Committee decided to have a detailed discussion on Prasar Bharati Act and the status of rules/regulations in future meetings.

63. Under the Press and Registration of Books Act, 1867, two rules had been notified in 1956 and 1961. Ten rules under the Press Council Act, 1978 have already been notified and are in operation. The Cable Television Networks (Regulation) Act was notified in 1995 and the rules framed thereunder have largely achieved the objective of regulating the operation of cable television network in the country. Rules have already been framed under the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007. With regard to the Cinematograph Act, 1952, an Expert Committee headed by Justice Mukul Mudgal, retired Chief Justice of Punjab and Haryana High Court had gone into various issues relating to the Act and submitted its recommendations. The Ministry, after inviting inputs of various stakeholders on the proposed draft Bill, is in the process of preparing the draft Cinematograph Bill for vetting by the

Legislative Department of the Ministry of Law and Justice for inter-Ministerial consultation simultaneously. The Cabinet proposal along with the draft Bill shall be finalised immediately to enable the introduction of the Bill in the Parliament. The Committee, thereafter, on the 19<sup>th</sup> August, 2015 heard the CEO, Prasar Bharati on the issue. He informed the Committee that they have framed 12 recruitment regulations that cover 50 per cent of the employees. He further stated that framing of 112 recruitment regulations covering much lesser number of employees are still pending and will take about a year or two for completion. He questioned the need to frame the 124 recruitment rules when not a single person had been recruited during the last 21 years. The moot question is- whether as a professional organization and as an autonomous body set up by an Act of Parliament- Prasar Bharati would be capable of taking a call on a very select number of posts and professional recruits on a contract basis. He stated that there are very few broadcasting bodies in the world which have gone for permanent recruitment with benefits like pensions, etc. In his view, rather than focusing so much on archaic recruitment rules for transmission executives, focus should be on recruitment of professionals like radio jockeys, video jockeys, etc on contractual basis, on market rates.

64. Secretary, Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industry) stated that the Ministry/Department administers no Act and hence no question arises on pendency in regard to framing of rules/regulations on their part. Secretary, Department of Land Resources informed the Committee that the Department is supposed to make rules under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 but in between Ordinance was promulgated making changes in 15 different Sections of the Act. This was passed in Lok Sabha but it could not be passed in Rajya Sabha and now it is with the Joint Parliamentary Committee.

65. She further informed the Committee that the Act came into force on 1<sup>st</sup> January, 2014 and was notified on 27<sup>th</sup> September and in October, comprehensive rules were put on the website, but those rules were not vetted by the Law Department. After that, when they were sent to Law Department, it was of the opinion that the Act itself is very elaborate and it does not need comprehensive rules. The Law Ministry only cleared the portion dealing with social impact assessment and consent which were notified in August. The Department was making rules for

the whole country to begin with but the Law Department opined that the Department was the appropriate authority to frame rules only for Union Territories without Legislature and that the State Governments are competent to make their own rules. The Secretary elaborated that at the meeting held on 27<sup>th</sup> June, 2014 with the State Revenue Ministers, the States of Madhya Pradesh and Tamil Nadu challenged the authority of the Department to make rules for the whole country saying that they were competent to make their own rules. The contention was that Puducherry is appropriate for the Union Territory of Puducherry and the Department can only make it for the rest of the Union Territories. The rules for consent have since been notified. The Department has also sought the opinion of the Ministry of Home Affairs. In the earlier Act, the Ministry of Home Affairs had empowered the Union Territories, delegated powers to them as appropriate Governments and the Union Territories could make rules if necessary. The Department also feels that Delhi, Chandigarh, Dadra and Nagar Haveli, and Andaman and Nicobar Islands are very different and making one set of rules and notifying same yardsticks for them under the Act may be difficult. But, the Ministry of Home Affairs has still not delegated the powers. So, the Department has made rules, got them vetted by Law Department and are uploading them on the website. The draft rules are being notified today, i.e. 8<sup>th</sup> July, 2015 giving a time frame of 30 days for people to give their comments. The Secretary, however, added that if the Joint Parliamentary Committee makes changes or totally changes it, then the rules which were notified and placed before Parliament will have to be made once again. The fate of the Ordinance is not known and the Department feels that rules should be made to enable those Governments which are in the process of doing it because the Act provides that there can be no displacement without rehabilitation. Unless they have a proper rehabilitation package in place, they cannot displace people. So, the rules have been put on the website and will be notified 30 days later. But the question remains whether they are going to be temporary or they will get overawed completely depending on the fate of the Ordinance or the Bill.

**66. The Committee notes that the framing of recruitment regulations under the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011 has not been completed till date and that the Ministry has sought extension of time till 4<sup>th</sup> December, 2016 for completing the same. The Committee wonders how in the absence of recruitment regulations, recruitment to vacant posts are being conducted at present. The Committee feels that this will give much scope for executive discretion and feels that this is not**

**desirable. The Committee, accordingly, recommends that all pending recruitment regulations under the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011 should be immediately framed.**

**67. The Committee is also happy to note that the Ministry of Rural Development (Department of Land Resources) has since completed the framing of all rules/regulations under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.**

68. The Committee heard the representatives of the Ministry of Defence, Ministry of Heavy Industries & Public Enterprises (Department of Public Enterprises) and the Ministry of Commerce & Industry (Department of Industrial Policy & Promotion) on the 9<sup>th</sup> July, 2015. Secretary, Ministry of Defence stated that there are 19 Acts under the Ministry and out of these 19 Acts, under three Acts, viz. the Works of Defence Act, 1903, the Armed Forces (Special Powers) Ordinance, 1942 and the Armed Forces (Emergency Duties) Act, 1947 Rules have not been framed. He submitted that many Acts were enacted in the 19<sup>th</sup> century; the earliest one being the Indian Reserve Forces Act, 1888 but many of these Acts are still relevant because of the situation in the Armed Forces and they are still being administered. He stated that an effort is being made to weed out those Acts, regulations and rules which are obsolete.

69. He stated that the Works of Defence Act was enacted in 1903 and no rules have been framed under it. The Act imposes restrictions on construction of building near defence installation. The Ministry gets a lot of complaints and representations from the public and therefore feels that there is a need to make amendments in the Act. An internal Committee has been constituted in May, 2015 to prepare the draft. He submitted that the Armed Forces Special Powers Ordinance, 1942 and the Cantonment (House-Accommodation) Act, 1923 are suggested to be repealed. He also submitted that under the Armed Forces Emergency Duties Act, 1947, there is no rule making provision but the Act is still prevalent. Under the Indian Military Nursing Services Ordinance, 1943, drafting of some new rules are in progress. In regard to the Armed Forces Special Powers Ordinance, 1942 and the Military Nursing Services Ordinance, 1943, the Committee wanted to know how these Ordinances are still in force without being replaced by legislation in Parliament. The Committee was informed that the Indian Military Nursing Services Ordinance, 1943 was converted into Adopted Legislative Order (ALO) in 1950

by Parliament. However, the Committee could not understand the reasons why the nomenclature “Ordinance” is being continued till date if it has gone through Parliament and how the nomenclature “Ordinance” has been converted into a Legislative Order. The Defence Secretary stated that these are very old cases and a lot of research is needed to find out what exactly happened. He assured the Committee that though it is definitely a challenging task the Ministry will get back to the Committee with the required details of the case.

70. Secretary, DIPP informed the Committee that the Acts under the administrative control of the Department of Industrial Policy and Promotion are the Boilers Act, 1923; the Explosives Act, 1884; the Geographical Indications of Goods (Regulation and Protection) Act, 1999; the Industrial Development and Regulation Act, 1951; the Design Act, 2000; the Patents Act, 1970; the Salt Cess Act, 1953 and the Trade Mark Act, 1999. He further stated that the Department has framed all the rules and regulations in all the Acts except the National Institute of Design Act, 2014. The Statutes, Ordinances and rules under the said Act are in active consideration of the Governing Body of the NID, Ahmedabad, and the Department will try and finalise them within a period of six months. Secretary, DPE submitted before the Committee that the mandate of the Department of Public Enterprises is very limited and that the Department is just a nodal Department coordinating matters relating to general policies which are non-financial. He informed the Committee that the Department does not administer any Act nor does it have any CPSEs under it. He stated that the Department is just disseminating guidelines which are laid down by various agencies.

71. The Committee, however, found that the Statutes, Ordinances and rules to be framed under the NID Act, 2014 has not been framed after the expiry of six months, as assured by the Secretary, DIPP during the Committee’s meeting held on 9 July 2015. Accordingly, the Ministry was requested *vide* D.O. letter dated 12 January 2016 to ensure the framing of all Statutes, Ordinances and rules contemplated under the NID Act, 2015 within 30 days. In response, the Ministry *vide* O.M. dated 22 January 2016 submitted that Recruitment Rules for the post of Director has been framed under Section 38(2) and Ordinance No.1, regarding award of degrees, has been framed under Section 30(d) of the Act. The Ministry stated that other Ordinances shall be proposed by the Senate and approved by the Governing Council in due course. Regarding Statutes, the Ministry stated that they are under active consideration of the Governing Council.

The Ministry, accordingly, requested for extension of time of six months for completing the framing of subordinate legislation under the Act. Secretary, DIPP was called before the Chairman of the Committee on 25 April 2016 during which he assured the Chairman that the framing of Statutes, Ordinances and Rules under NID Act, 2014 would be completed by 30 September 2016.

**72. The Committee notes that DIPP had framed all the rules/regulations to be framed under Acts of Parliament administered by them except National Institute of Design Act, 2014. The Committee also notes that Secretary, DIPP had assured the Committee that the Department will try to finalize the framing of Statutes, Ordinances and rules under the National Institute of Design Act, 2014 within a period of six months from 9 July 2015. However, the Department was unable to ensure the framing of Statutes, Ordinances and rules within this timeframe and sought extension of time of further six months w.e.f. 22 January 2016 for completing the same. The Secretary, DIPP, during the meeting with the Chairman of the Committee on 25 April 2016 assured that the framing of Statutes, Ordinances and rules under the NID Act, 2014 would be completed by 30 September 2016 and accordingly, the Department was granted extension of time till 30 September 2016 for completing the same. The Committee, accordingly, recommends that the Ministry should expedite the framing of Statutes, Ordinances and rules and complete all necessary formalities with regard to the framing of Statutes, Ordinances and rules under the NID Act, 2014 by 30 September 2016. The Committee also recommends that DIPP should carry out review of the old Acts administered by them like the Boilers Act, 1923; the Explosives Act, 1884, etc to assess their relevance in today's context and take necessary action to amend or bring in a new legislation accordingly.**

73. The Committee heard the representatives of the Ministry of Railways (Railway Board) and Ministry of Commerce & Industry (Department of Commerce) on the 19<sup>th</sup> August, 2015. Chairman, Railway Board informed that Railways administer five Acts – the Railway Board Act, 1905; the Railways Act, 1989; the Railway Protection Force Act, 1957; the Railway Property (Unlawful Possession) Act, 1966 and the Railway Claims Tribunal Act, 1987. The Railways Act has been amended twice in 2005 and 2008. In 2005, it was amended for constitution of RLDA,

and, in 2008, it was amended to facilitate acquisition of land for special railway projects. All required rules/regulations under these Acts have been framed except one relating to land acquisition. The draft land acquisition Rules were submitted to the Ministry of Law and Justice who pointed out some anomalies in view of the new Land Acquisition Act. The draft rules were presently being re-examined by the Ministry to bring them in conformity with the new Act as advised by the Law Ministry. The Committee notes that the Ministry of Railways has since then framed the Special Rail Projects Land Acquisition Rules, 2016.

74. Secretary, Department of Commerce informed that the Department of Commerce administers a total of ten Acts and the rules/regulations under all these ten Acts have since been notified, uploaded on the website of the bodies concerned as well as the Department, and all of them are under implementation. Regarding review of Acts, the Foreign Trade Act, 1992 was amended in 2010. The Tea Act, 1953 is presently under consideration to review the existing provisions and modernize the regulatory regime. The provisions for registration of growers, manufacturers, control over estates, development and marketing functions are proposed to be amended as part of this exercise. Consultation process with stakeholders is underway and once it is completed, the Tea Board will take steps to amend the legislation. With regard to the Coffee Act, 1942, the provisions relating to procurement, marketing, sale and pricing of coffee are being looked into. The intention is to delete the provision relating to pricing of coffee and provide for free market operations under the Act. It is also proposed to add the developmental functions to the role of the Coffee Board. Consultation with stakeholders has been completed and the amendments are being formalized in consultation with the Legislative Department. Once it is approved by Cabinet, it will be introduced in the next session of Parliament (Winter session).

75. The Committee pursued the issue of framing of rules/regulations under the Foreign Trade (Development and Regulation) Amendment Act, 2010. The Ministry informed the Committee that the Safeguard Measures (Quantitative Restrictions) Rules, 2012 under the Foreign Trade (Development and Regulation) Amendment Act, 2010 has been framed. With regard to framing of Brokering Rules under Section 14A(1) and 14C of the Foreign Trade (Development and Regulation) Act, 1992 [inserted by Section 15 of the Foreign Trade (Development and Regulation) Amendment Act, 2010], the Ministry *vide* O.M. dated nil March, 2013 stated that there is no need to notify Brokering Rules as sufficient provisions are available under Section

14D & 14E (Chapter IVA) of the Act and the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005. Further, *vide* D.O. letters dated 17 November 2014, the Ministry was asked to clarify how the provisions of one Act could be a tenable justification for not framing of rules under another Act. Thereafter, *vide* D.O. letter dated 9 January 2016, the Ministry was requested to seek the advice of the Ministry of Law & Justice about the need to frame Brokering Rules under the Act. The Ministry *vide* O.M. dated 29 June 2016 stated that the advice of the Ministry of Law & Justice was sought and accordingly, in a consultative meeting chaired by the Director General, Foreign Trade held on 13 May 2016, it was decided that Rules would be framed under Section 26(1) of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 read with Section 14B(1) of the Foreign Trade (Development and Regulation) Act, 1992, as amended and Section 12 of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005, by the Ministry of External Affairs, in consultation with other concerned Departments.

**76. The Committee is constrained to point out that the Ministry has not framed Brokering Rules under Section 14A(1) and 14C of the Foreign Trade (Development and Regulation) Act, 1992 [inserted by Section 15 of the Foreign Trade (Development and Regulation) Amendment Act, 2010]. The argument of the Ministry for not framing the rules is that there is no need to frame the Brokering Rules as sufficient penal provisions are available under Section 14D and 14E (Chapter IVA) of the Act and in the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005. The Committee fails to understand how the provisions of one Act can be sufficient for the purposes of another Act and how the Ministry can claim that there is no need for framing of rules when the Act delegates power to the Ministries/Departments to frame the rules. The Committee, therefore, recommends that the Ministry of External Affairs, in consultation with other concerned Departments should expedite action in the matter.**

**77. The Committee further recommends that in cases where framing of subordinate legislation is delegated by the parent Act and the Ministry does not feel the need for framing of subordinate legislation, the Ministry should consult the Ministry of Law &**

**Justice and thereafter, if the Ministry of Law & Justice concurs with the view of the Ministry, the Ministry should lay a statement on the Table of the House outlining the reasons why they do not feel the need to frame subordinate legislation under the said Acts.**

**78. The Committee is happy to note that the Department of Commerce is undertaking a review of old Acts administered by them to assess their relevance in today's context and is in the process of amending the Tea Act, 1953 and the Coffee Act, 1942. The Committee, however, notes that Bills for the amendment of the Tea Act, 1953 and the Coffee Act, 1942 has not been introduced in the House till date, despite the assurance given by the Ministry to introduce the Bills by the Winter Session, 2015. Accordingly, the Committee recommends that the Ministry should expedite the review of these old Acts and introduce the Bill for amending these Acts in Parliament at the earliest, preferably by the Winter Session of 2016. The Committee also recommends that on priority basis, other Ministries/Departments should also carry out a review of all old Acts administered by them to assess their relevance in today's context and take necessary action to either repeal the old Acts which are of no relevance or amend the old Acts for their continued relevance.**

79. The Committee heard the representatives of the Ministry of Communications and Information Technology (Department of Electronics & Information Technology) and the Chemicals and Fertilizers (Department of Pharmaceuticals) on the 11<sup>th</sup> September, 2015. Secretary, Department of Electronics and Information Technology (DeitY) stated that the Department administers two Acts-namely the Information Technology Act, 2000 and the Semiconductor Integrated Circuits Layout & Design (SICLD) Act, 2000. He submitted that there are some areas for which rules have not yet been framed. These included rules relating to electronic signatures and the duties of subscribers as provided for under Section 40A, which will be framed as and when the new technology for electronic signatures is specified. The post of Chairperson of the Cyber Appellate Tribunal was lying vacant for the last three-and-a-half years, and the Department was in the process of framing rules regarding the powers and functions of the Chairperson under Section 52A. Rules on information security practices and administrative issues relating to the salaries and allowances of officers as provided for under Section 70B are also yet to be framed. Under Section 84A, the rules relating to encryption policy are ready for publication, and, consultations are being done. Regarding rules on terms and conditions of

officers and employees of CERT-In (Indian Computer Emergency Response Team), rules have been framed for Director-General and the same needed to be expanded to cover other officers and employees. This process will be completed in six months or so. Under Section 70 which deals with information security practices and procedures for protected system, the National Critical Information Infrastructure Protection Centre is mandated with the task of prescribing the practices and procedures. The Department is in consultation with them, and, after taking inputs from them, the rules will be framed. Inputs were also being sought from National Technical Research Organization as the Centre is under them. On the manner and form of information to be retained and duration of retention, as provided for under Section 67C, the Secretary informed that the definition of 'intermediaries' as defined in the Information Technology Act is very broad and making one single prescription of retention of records under the Act has been a very difficult task because best practices in industry range from three months to twelve months and sometimes beyond that also. This retention period also dictates the kind of investment and also involves economic reasons. Nowadays, since the entire thing is moving on mobile commerce and there has been a splurge in mobile commerce activities, inputs are taken from the Department of Commerce. Essentially, the retention of record is meant for investigation purposes. So, the Ministry of Home Affairs and the Ministry of Commerce need to be taken on board. The moment there is an electronic transaction, there is scope for dispute and so the inputs of these Ministries have to be taken.

80. The Semiconductor Integrated Circuit Layout-Design Act, 2000 was enacted as a consequence of the WTO Trade Related Aspects of Intellectual Property Rights (TRIPs) Agreement, which required protection of Intellectual Property (IP) related to semiconductor integrated circuits and layout designs. Under Section 6 of TRIPs Agreement, member countries had agreed for providing protection to layout designs, i.e., topographies of integrated circuits to cater to legal frameworks and trading aspects of IPRs by members. India being a signatory to the TRIPs Treaty had formulated this Act which provides for protection of the Integrated Circuit (IC) Layout Design and matters connected therewith. It empowers the registered proprietor of the layout design and gives him an inherent right to use the layout design, commercially and to obtain relief in respect of any infringement of his patents. Rules prescribing the procedure for registration of an original layout-design of a semiconductor integrated circuit have been framed

and notified on 11<sup>th</sup> December, 2001. Later, amendments were made and notified in September, 2012 and laid on the Table of the Houses of the Parliament in March, 2013. The areas under which rules are yet to be made relate to the conditions of services for Member, Technical and his support staff; and Registrar, Officers of the Registry and support staff in the Registry which are under formulation. The Rules are being implemented and the Registry is examining various applications made under the Act for registration.

81. Secretary, Department of Pharmaceuticals informed that they are administering the National Institute of Pharmaceutical Education and Research Act, 1998 (NIPER Act) which provides for the formation of one National Institute of Pharmaceutical Education and Research at Mohali in Punjab. The Act was amended in 2007 to create six additional NIPERs, one each at Hyderabad, Ahmedabad, Kolkata, Guwahati, Rae Bareilly and Hajipur. The second important provision is the Drugs and Cosmetics Act which is administered by the Department of Health and Family Welfare. Quality and safety standards are maintained by the Drug Controller of India which comes under the control of the Ministry of Health and Family Welfare. The third important provision is the Essential Commodities Act which is basically administered by the Ministry of Consumer Affairs, but some components, especially, the pricing of drugs, is administered by the Department of Pharmaceuticals. Under these provisions, the National Pharmaceutical Pricing Authority (NPPA) was set up which deals with the Drug Control Orders of 1995 and 2013. NPPA controls the prices of drugs while quality and other things are dealt with by the Health Ministry.

82. Under NIPER Act, the first Statutes were framed in the year 2003 by the Board of Governors of NIPER at Mohali and approved by the Visitor, i.e. the President of India. The first amendment of the Statute was given in 2003 and the second amendment was given in the year 2014. Basically, all academic issues like how to run the institution, how to conduct examination, how to admit students, etc., are covered by the Statutes and Ordinances. The Board of Governors, headed by the Director of National Institute, issues various Ordinances regulating the various academic standards of the institutions. All the regulations, Statutes and Ordinances are uploaded on the website of the Ministry as well as in the website of particular institutions. .

**83. The Committee recommends that the Ministry of Electronics and Information Technology should complete the framing of rules/regulations contemplated under the**

**Information Technology Act, 2000 and the Semiconductor Integrated Circuit Layout-Design Act, 2000 expeditiously. Keeping in view the international parameters and fast changing scenario in the IT and electronics sector, the Ministry should ensure that the rules/regulations framed should cater to the needs of this sector and meet international parameters.**

84. The Committee heard the representatives of the Ministry of Tribal Affairs and the Department of Atomic Energy on the 28th September, 2015. Secretary, Department of Atomic Energy stated that the Civil Liability for Nuclear Damages Rules was framed under the Civil Liability for Nuclear Damages Act and that the Nuclear Liability Fund Rules are pending. Secretary, Ministry of Tribal Affairs stated that the Ministry of Tribal Affairs is the nodal Ministry mandated with the administration of the Forest Rights Act, 2006. To give effect to the Act, the Scheduled Tribes and Other Traditional Forest Dwellers Rules, 2008, were published on 1<sup>st</sup> January, 2008. However, even after more than four years of implementation of the Act, it was observed that the flow of intended benefits of this legislation to the eligible forest dwellers had remained constrained and several problems were impeding the implementation of this Act in letter and spirit. Therefore, to overcome these lacunae and strengthen the existing Forest Right Rules, 2008, the Ministry notified the Scheduled Tribes and Other Traditional Forest Dwellers Amendment Rules on the 6<sup>th</sup> September, 2012. Subsequently, the Ministry also issued comprehensive guidelines to the States and UTs on the 12<sup>th</sup> July, 2012, for better implementation of the Act.

**85. The Committee notes that the Department of Atomic Energy has since framed the Nuclear Liability Fund Rules, 2015 under the Civil Liability for Nuclear Damages Act.**

86. The Committee heard the Secretary, Ministry of Petroleum and Natural Gas on status of framing of subordinate legislation under Acts administered by the Ministry on the 12<sup>th</sup> October, 2015. The Secretary in his submission to the Committee informed that the Ministry administers 10 Acts. The status of framing of subordinate legislation under them is contained in the following paras.

87. Oil Industry (Development) Act, 1974: In terms of Section 31 of the Act, total nine (9) rules were framed and amended from time to time. All the concerned rules and their amendments are already available on the website of Oil Industry Development Board. The Oilfields (Regulation and Development) Act, 1948: In exercise of the powers conferred by Sections 5 and 6 of the Act rules and regulations have been framed. The rules/regulations framed under it are being used for issuing of Petroleum Exploration Licence (PEL)/ Petroleum Mining Licence (PML) and administering overall exploration and production operations in the country with the prescribed conditions notified in the Official Gazette. All the contemplated subordinate legislation under the Act had been framed and uploaded on the website of the Ministry.

88. The Petroleum & Natural Gas Regulatory Board (PNGRB) Act, 2006: Under Section 60(2) of the Act, six (6) rules have been framed and notified for implementing the various provisions of the Act so far. With regard to regulations, these have been framed under Section 61(2) by PNGRB and are available in the website of PNGRB. The rules/regulations framed are also being uploaded on the website of the Ministry.

89. The Committee was also informed that that three Acts i.e. the ESSO (Acquisition of Undertakings in India) Act, 1974; the Caltex (Acquisition of shares of Caltex Oil Refining (India) Limited and of the Undertaking in India of Caltex (India) Limited Act, 1977 and Kosan Gas Company (Acquisition of Undertaking) Act, 1979 were not available on the Ministry's website as they have outlived their utility. The Law Commission has recommended repeal of these Acts with suitable saving clause to be incorporated in the Repealing Act.

90. The Ministry further informed that the Burmah Shell (Acquisition of Undertakings in India) Act, 1976 had neither lived out its purpose, nor has it become redundant and/or obsolete. It was stated that Bharat Petroleum Corporation Limited has to rely on Sections 5(2), 7(3) and 11 of the said Act, whereby and where under BPCL is entitled to renew its expiring leases for further similar period as provided in lease agreements and Sections 5(2) read with 7(3) of said Act, which provisions are also protected in view of the non-obsolete provisions contained in section 11 of the said Act. As such, unless adequate protection in respect of the aforesaid renewal

of lease is provided in the repealing Act, it will be detrimental to BPCL's interest to contest cases where BPCL is seeking to continue with sites on the strength of the said provision. Further, with the decontrol of petrol and diesel prices, the private players will be active and BPCL will face problem of protecting its prominent sites to do business. Keeping in view the public utility character of BPCL and social responsibility cast on BPCL with respect to opening of RO sites at not so economically viable sites, this protection is desirable.

91. It was informed that the Petroleum Act, 1934 was oldest Act administered by the Ministry and it seeks to consolidate and amend the law relating to import, transport, storage, production, refining and blending of petroleum. In fact the Petroleum Act, 1934 replaced the Indian Petroleum Act of 1899 which was amended in 1925-26 in consultation with the local governments and finally replaced by the present Act. The Petroleum Rules, 1976 were published on the 30<sup>th</sup> June, 1976 and came into force w.e.f. August 1976. The Petroleum Rules, 2002 which superseded the Petroleum Rules, 1976 were notified on 1<sup>st</sup> March, 2002. The Petroleum (Amendment) Rules, 2011 were notified on 1<sup>st</sup> December, 2011. The Act and rules are available on the website of the Ministry.

92. The Petroleum and Mineral Pipelines (PMP) Act, 1962: PMP Act, 1962 was amended in 2011 *vide* the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011 and notified on 13.1.2012. The provisions of the Act came into force w.e.f. 1.3.2012. Under the PMP Act, 1962, the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Rule, 1963 have been framed and uploaded on the website of the Ministry.

93. The Rajiv Gandhi Institute of Petroleum Technology was set up under the Rajiv Gandhi Institute of Petroleum Technology Act, 2007 as an institute of national importance. In exercise of the powers conferred by Section 29 read with Section 30 of the Act, the 1<sup>st</sup> Statutes of the Rajiv Gandhi Institute of Petroleum Technology have been framed and published on 16<sup>th</sup> October, 2009. These are being uploaded on the website of the Ministry.

94. Thereafter, in continuation of its emphasis on timely framing of subordinate legislation, a D.O. letter was issued in the second week of January, 2016 seeking the status of framing of rules/regulations/ordinances under the Petroleum & Natural Gas Regulatory Board (PNGRB) Act, 2006 and Rajiv Gandhi Institute of Petroleum Technology Act, 2007.

95. In response the Ministry vide its O.M. dated the 12<sup>th</sup> February, 2016 informed the status of framing and laying of rules/regulations/ordinances under the Rajiv Gandhi Institute of Petroleum Technology Act, 2007. It was observed that the Rajiv Gandhi Institute of Petroleum Technology had still not completed the process of framing/notifying the subordinate legislation contemplated to be framed under the Act. In fact on certain issues it was seen that the Board of Governors had approved the Rules but the details regarding whether they had been laid before the Parliament had not been furnished. **The Committee expresses its concern at this state of affairs and urges the Ministry of Petroleum & Natural Gas to advise the Rajiv Gandhi Institute of Petroleum Technology on the need for vetting of the concerned rules/regulations/ordinances by the Ministry of Law & Justice, their publication in the official Gazette and laying the notifications before the Parliament.**

96. **The Committee observes that the Ministry of Petroleum and Natural Gas have still not completed the process of framing the rules/regulations under the Petroleum & Natural Gas Regulatory Board (PNGRB) Act, 2006 despite a lapse of more than nine years. The Committee expresses its grave concern at this state of affairs and recommends to the Ministry to complete the framing of the rules/regulations as contemplated under the Act at the earliest and without any further delay.**

97. **The Committee notes that all the subordinate legislation under the various Acts administered by the Ministry of Petroleum and Natural Gas have not been uploaded on its website and recommend that the Ministry should take adequate measures to update its website and ensure that all the Acts and concerned subordinate legislation administered by it are uploaded on its website. Further, the Acts which have been recommended for repelling by the Law Commission should be repealed and if necessary, a suitable saving**

**clause should be inserted in the Repealing Act and the same be made available on its website for reference purposes.**

**98. The Committee further notes that some of the Acts administered by the Ministry of Petroleum & Natural Gas like the Petroleum Act, 1934, are very old. The Committee therefore recommends that these old Acts may be revisited with the purpose of review and the Ministry may look into the possibility of framing new set of legislation to replace them, if necessary, keeping in view the latest advances in the field of petroleum technology and the needs of the country. The Committee also hopes that the Ministry would complete the framing of rules/regulations, if any, under the Acts at the earliest.**

99. The Committee heard the representatives of the Ministry of Law & Justice (Legislative Department) on the issue of delay in vetting of subordinate legislation on the 9<sup>th</sup> February, 2016. Additional Secretary, Legislative Department assured the Committee that the Department is taking utmost care to vet the rules and regulations within a reasonable time by ensuring that no subordinate legislation is pending for more than fifteen days. The files for vetting have been classified into three categories. Proposals having deficiencies such as incomplete file sent without approval of competent authority, non-enclosure of up-to-date copies of Gazette notification and papers or where further information or discussion is required to settle the drafting issues with the referring Ministry or Department are to be returned within three working days from the date of receipt of the proposal by recording a small note pointing out the deficiencies, etc. Secondly, proposal where no further information or document is required from the referring Ministry or Department, will be scrutinized and vetted within a period of two weeks from the date of receipt. Thirdly, subordinate legislation proposals containing detailed rules, regulations, byelaws, etc., are to be cleared, in any case, within three weeks from the date of receipt. Any proposal requiring time beyond three weeks will invariably be shown to the Additional Secretary for approval.

100. Additional Secretary, Legislative Department submitted before the Committee that the Department has only 22 officers who are dealing with principal legislation as well as subordinate legislation. Moreover, there are many subjects where Legislative Department is the administrative Ministry. Also, the Department is dealing with the legislation on more than hundred 'Concurrent List' subjects. She also informed the Committee that the proposal for increase of cadre strength is pending with the Department of Expenditure. On the issue as to

whether a separate wing has been created to deal with vetting, she replied that there are only 22 officers and out of them, a special group has been created to deal with urgent proposals.

101. On the issue of vetting of subordinate legislation of statutory bodies, Additional Secretary, Legislative Department clarified that all statutory bodies are supposed to send their subordinate legislation to the Legislative Department for vetting. Specific clarification was sought on the claim of CERC that it is an autonomous body and that its subordinate legislations need no vetting from the Legislative Department. Additional Secretary, Legislative Department clarified that even as a statutory body, CERC has to send its subordinate legislations to Legislative Department for vetting. She further stated that CERC cannot unilaterally decide that they need not go to the Legislative Department because as per the Allocation of Business Rules, they are required to go to Legislative Department. The Additional Secretary also stated that such autonomy is self-proclaimed by these institutions and nowhere in the Statute this has been provided.

**102. The Committee agrees with the views of the Legislative Department that all subordinate legislation of autonomous/statutory bodies are required to be vetted by the Legislative Department of the Ministry of Law & Justice. The Committee does not agree with the views of certain autonomous/statutory bodies that they are autonomous and need not send their subordinate legislations for vetting to the Legislative Department. The Committee, accordingly, recommends that all Ministries/Departments and their autonomous/statutory bodies should send their subordinate legislation for vetting to the Legislative Department, Ministry of Law & Justice. The Committee also recommends that all Ministries/Departments should sensitize the autonomous/statutory bodies under them regarding the need for sending their subordinate legislations for vetting by the Legislative Department.**

103. The Committee heard the representatives of the Ministry of Human Resource Development (Department of Higher Education) along with the representatives of certain Central Universities to explain the reasons for delay in framing of Statutes/Ordinances/Regulations under the Central University Acts on the 27<sup>th</sup> June, 2016. The Committee notes that most of the Central Universities do not frame Statutes/Ordinances under their Acts also. However, the Secretary of the Department of Higher Education appeared before the Chairman on 27<sup>th</sup> June, 2016 to explain the reasons for delay of framing of subordinate legislation under various Acts and assured to complete the framing in near future. **The Committee wonders how the Central Universities**

**are functioning in the absence of Statutes and Ordinances which are supposed to provide for important matters like manner of award of degrees, terms and conditions of service of teaching and non-teaching staffs, admission procedure, courses of study, constitution, powers and functions of the University authorities, etc. The Committee feels that without the necessary Statutes and Ordinances, the Universities are functioning with discretion and fears that this will adversely impact the future of the students studying in these Universities. The Committee, accordingly, recommends that the Ministry of Human Resource Development (Department of Higher Education) should ensure that all Central Universities should immediately frame the necessary Statutes/Ordinances/Regulations so as to avoid any discretion and arbitrary actions on the part of the University authorities.**

## II

### Memorandum on delay in framing of Subordinate Legislation under various Acts

104. The Committee monitors the framing of subordinate legislation under various Acts passed by both the Houses of Parliament apart from the mandate of the Committee detailed under Rule 209 of the Rules of Procedure and Conduct of Business in the Council of States. The practice is going on since 2001. Before 2001, the Committee gave various recommendations to frame Subordinate legislation in a time bound manner, i.e. within six months of the Act coming into force. In ideal situation the Ministries should start framing of subordinate legislation along with framing of parent legislation as some of the Parliaments in the world require tabling of subordinate legislation at the time of introduction of Bill. The Act cannot come into force in its entirety as per the intent of Parliament as long as subordinate legislation is not framed otherwise it gives uncontrolled discretionary powers to executive which is against the Parliamentary intent. Some of the statutory institutions and autonomous bodies of the Govt. have over the years have developed their own usages and practices at the expense of transparent delegated legislation. Such organizations are reluctant to leave their discretionary powers and often develop short term fire fighting measures instead of having long standing norms and procedures as envisaged under the Act.

105. The Committee's original mandate did not include monitoring the framing of subordinate legislation in a time bound manner. However, after its functioning it was felt over the years that scrutiny of Rules and Regulations will be meaningful if framing of such subordinate legislation in a time bound is ensured. During formative years of functioning of Committee it came to knowledge of Committee that Ministries are not framing subordinate legislation within the prescribed time frame set by the Committee and there is inordinate delays in framing as well laying of delegated legislation on the Table of both Houses of the Parliament.

106. The Committee in its third report while scrutinizing the amendment in the Indian Police Service (Pay) Rules, 1954 observed that in this particular case an inordinately long time was taken/consumed in consulting, finalizing and ultimately framing the rules as the Ministry of Home Affairs then decided to revised the pay scales of these officers only in February, 1962 after consultation with Ministry of Finance and the State Governments. Although executive

orders were issued from time to time giving effect to the decisions arrived at the actual framing of the rules was deferred till September, 1965 as the Ministry was still processing the representations received from the State Government regarding certain posts and fixation of pay thereof. Finally, the notification dated the 22<sup>nd</sup> September, 1965 were given effect to retrospectively from the 1<sup>st</sup> April, 1960.

107. Taking serious note of this long delay the Committee recommended that the following steps may be adopted by the Ministry to avoid such delay in future:-

*(i) The Ministry should lay down a definite time limit, say six months, within which the process of consultation with the state Governments should be completed.*

*(ii) After the above process is completed rules should be framed as reasonably early as possible for giving statutory effect to the decision arrived at ensuring that retrospective effect to an amendment is not given for a period exceeding two years.*

108. Again in 1971 while examining the delay in finalization of the Food Corporation of India (staff) Regulations, 1965, the Committee observed that the Regulations providing for the methods of appointment, the conditions of service and the scale of pay of the officers and employees of FCI were at the draft stage. The State of affairs continued in spite of the fact that regulations were purported to have been made in 1965 when FCI came into being the Committee was thoroughly dissatisfied with the explanation given by the Secretary of the Department of Food and Chairman, FCI and felt that FCI could have promptly formulated Regulations for its employees that in any case it should have not taken 2 to 3 years for the Ministry to come to a conclusion that Food Corporation Act 1964 required amendment. The Committee further got assurance from the Secretary of the Ministry that said regulation would be finalized and published in the Gazette soon. To avoid this kind of situation in future, the Committee in its 9<sup>th</sup> Report recommended that:

*"In order that such long and inordinate delays do not take place in future, the Committee recommends that rules and regulations required to be made under a statute should be made as soon as possible but in no case later than six months from the date on which the statute comes into force"*

109. Further the Committee while deliberating on delay in the finalization of the Indian Museum Rules, 1970, the Committee reiterated above said recommendation and also impressed to adhere to the following procedure:-

*" To avoid delay the Ministries could, to start with, frame broad but clear rules; they need not wait to frame all the rules on a particular subject in one installment especially when various authorities/bodies have to be consulted in the matter. Such rules could be amended or new rules added subsequently on the basis of experience. It is recognized that rule should be as perfect as possible, but this perfection should not be at the cost of expedition. The Ministries should also establish the practice that if rules are not framed within this period of six months the Secretary or the Head of the Department at the Secretary's level should be informed accordingly who in turn should by means of a comprehensive note inform the Minister concerned and obtain his orders thereon. Such a note should invariably refer to the fact whether the particular matter had come within the knowledge or comment of a Parliamentary Committee or not. The Committee are persuaded to make this suggestion for the simple reason that for any non-compliance or excessive delay in compliance with the provision of a statute the Minister is answerable to the House. The Committee trust that if such a course is adopted, the cases of such abnormal delays will definitely lessen"*

110. The Committee further examined the issue of delay in making rules i.e. The Radiation Protection Rules, 1971; The Victoria Memorial Hall (GPF) Rules, 1972, the Insecticides Rules, 1971, in its fourteenth Report and shown its displeasure over the issue and stated:

*" The Committee expresses its anguish at such long delays. The Committee hopes and trusts that ministries concerned will strictly adhere to the procedures laid down in para 56 of its Tenth Report as quoted above and rules required to be made under a statutes would be made without delay but in no case later than six months from the date on which the statute comes into force"*

111. In 1979, the Committee in its 31<sup>st</sup> Report observed that the Ministries send the requests for extension of time in a routine way without disclosing full facts to the Committee and advance inadequate reasons for seeking extension of time. The Committee again in 1981 in its 47<sup>th</sup> Report observed that if Ministries are unable to adhere to the time limit of six months, they should inform the Committee of the reasons why they could not make rules within time limit.

112. It is pertinent to mention here that consistent persuasion by the Committee made Ministry of Home Affairs to issue comprehensive instructions to all its departments on 21.5.1980 detailing the steps to monitor timely framing of rules and regulations. The Ministry suggested that in order to avoid delay in framing of rules the Sections could, to start with, frame broad but clear rules; they need not wait to frame all the rules on a particular subject in one installment especially when various authorities/bodies have to be consulted in the matter. Such rules should be amended early subsequently on the basis of experience.

113. The Committee took a cognizance of this initiative by the Ministry of Home Affairs and recommended in its 41<sup>st</sup> Report in 1980 to all the Ministries to follow same procedure as being followed by the Ministry of Home Affairs to eliminate delays. However, the Ministries still kept delaying framing of Rules and Regulations. Taking into cognizance of this fact, the Committee in its 192<sup>nd</sup> Report in 2011 recommended that henceforth, if the Ministries are not adhering to the time limit of six months, they would invariably lay a statement explaining the reasons of delay in framing of rules and regulations while laying them on the table of the House.

114. The Committee again took up a comprehensive exercise in 2013 and started calling Secretaries before the Committee to explain the delay. The Committee deliberated on eight Acts where Rules were not framed in a time bound manner. The Committee presented its 212<sup>th</sup> Report to the House with stringent recommendations on the issue of timely framing of Rules and Regulations. In fact the Committee stated in the 212<sup>th</sup> report that *'it seems AIIMS feels more comfortable in enjoying discretion at the expense of transparency and even violating the mandate of Parliament'*.

115. Thereafter, the Committee since September, 2014 has held 14 meetings with more than 35 Ministries/Departments on the status of framing of rules and regulations under the Acts administered by the concerned Ministries/Department. The Committee observed that the Ministries have been giving various excuses for not framing the Rules in time which include 'vetting of Rules pending with legislative Department,' Law Ministry suggested modification,' consultation with stakeholders,' States are being pursued'. Matter is sub-judice', 'no need of rules at present', rule making provision is only enabling provision and does not mandatorily require them to frame all the Rules' etc.

116. In the latest instance a meeting of the Secretaries was held by the Cabinet Secretary on 22<sup>nd</sup> December, 2015 wherein it was observed that the procedure for Subordinate Legislation as laid down in the Manual of Parliamentary Procedure was not being followed strictly by the Ministries/Departments. The Secretariat was further requested to provide a comprehensive list of Acts on which rules were still pending. The list as requested was forwarded to the Cabinet Secretary by the Secretary-General, Rajya Sabha. The Cabinet Secretary, thereafter, wrote a D.O. letter dated 13<sup>th</sup> April, 2016 to all the Ministries/Departments highlighting the importance of framing the rules as soon as possible to give effect to the relevant Act. It was further requested

that the endeavour should be made to complete the process within one month of the passage of the Acts so that the benefits become available to the people.

117. The Committee has taken note of the fact that the delay in framing the rules/regulations on an average is about 4 years and 8 months with the oldest case been monitored by the Committee having a pendency of 15 years. Even today the Ministries/Departments are not adhering to the time schedule. In fact it has been noted that the Ministries not only tend to inordinately delay the framing of subordinate legislation but also seek extension of six months at a time for completing the said process. Despite Committee's initiative to call the secretaries of various ministries to explain the reasons for the delay in framing of subordinate legislation it was noted that the 59 Acts are presently under consideration of the Committee in which the framing of rules/regulations are still pending.

118. In the backdrop of above, the Committee was of the view that in the earlier days the means of communication in the country were very limited and not so developed. Thus the period of six months as recommended by the Committee in its various reports for framing of subordinate legislation was justified. But with the fast pace of economic growth in recent times the means of communication and information technology have developed in manyfold which provided various systems of faster communication such as fax, internet, mobile services and so on and so forth. In this present scenario the flow of information/communication among ministries, its subordinate offices and various organizations has become easier and much faster. Keeping in mind these developments, the Committee is of the considered view that presently time period of six months given for framing of subordinate legislation should be curtailed/reduced significantly.

**119. The Committee, therefore, recommends that the Ministries/Departments should frame all the essential subordinate legislation at the time of introduction of the bill itself and rest of subordinate legislation may be framed within three months of the coming into force of the act. The Committee also recommends that the period of extension of time granted to ministries may be curtailed to thirty days at a time for framing of subordinate legislation. In case of delay, the Ministry must ensure that a statement explaining the reasons of delay in framing of subordinate legislation should be invariably laid along with**

**the rules framed after three months period as has already been recommended by the Committee in its 192<sup>nd</sup> Report.**

120. The Committee takes note of the fact that due to its consistent monitoring and pursuing with the Ministries/Departments to do away the delay in framing of subordinate legislation under various acts has resulted very positive results. The Committee appreciates the efforts made by Cabinet Secretary by calling the meeting of the Secretaries of Ministries/Departments of Government of India and highlighting the importance of framing of subordinate legislation within prescribed time limit to give effect to relevant acts so that benefits reaches to the people thus serving the very purpose of the concerned acts. **The Committee decided that the practice of calling the Secretaries of concerned Ministries/Departments to explain the reasons for delay in framing the subordinate legislation under the acts being administered by them may be continued. The Committee recommends that a quarterly statement on the status of framing of subordinate legislation under the acts passed by the Parliament may be sent to the Cabinet Secretariat to ensure due implementation of Committee's recommendation of timely framing of subordinate legislation by concerned Ministries/Departments of the Government of India.**

### III

#### **MASTER CIRCULARS ISSUED BY THE RESERVE BANK OF INDIA UNDER THE BANKING REGULATION ACT, 1949**

121. The Committee took up for examination the Master Circulars issued by the Reserve Bank of India under the Banking Regulation Act, 1949. In the course of its discussions with the different stake-holders involved it was observed that the Master Circulars issued by the Reserve Bank of India were not being laid before the Parliament.

122. In this reference the Committee was of the opinion that the term ‘Subordinate Legislation’ is a comprehensive term and includes in its ambit all notifications, orders, schemes, rules and bye-laws framed in pursuance of the Constitution or the legislative functions delegated by the Parliament to a subordinate authority. The Committee took note of the following judgments wherein the Courts had also clarified the position regarding the term Subordinate legislation:

i. Sections 21A and 35A of the Banking Regulation Act, 1949 and the strength of the directions issued by the Reserve Bank of India came up for consideration in *Ravindra & Ors.* (supra). The Supreme Court held that, the rate of interest and the period of rest for calculating interest can be determined on the basis of circulars issued by Reserve Bank of India under the Banking Regulation Act, 1949. It goes on to hold that, circulars issued by Reserve Bank of India under Sections 35A and 21A of the Banking Regulation Act, 1949 have statutory force. It is held in paragraph 51 as follows:-

“51. The Banking Regulation Act, 1949 empowers the Reserve Bank of India, on it being satisfied that it is necessary or expedient in the public interest or in the interest of depositors or banking policy so to do, to determine the policy in relation to advances to be followed by banking companies generally or by any banking company in particular and when the policy has been so determined it has a binding effect. In particular, the Reserve Bank of India may give directions as to the rate of interest and other terms and conditions on which advances or other financial accommodation may be made. Such directions are also binding on every banking company. Section 35A also empowers the Reserve Bank of India in the public interest or in the interest of banking policy or the interests of depositors (and so on) to issue directions generally or in particular which shall be binding. With effect from 15.2.1984 Section 21A has been inserted in the Act which takes away power of the Court to reopen the transaction between a banking company and its debtor on the ground that the rate of interest charged is excessive. The provision has been given an overriding effect over the Usury Loans Act, 1918 and any other provincial law in force relation to indebtedness.”

ii. In the case of *Sardar Associated & Ors.* (supra) it was held by the Supreme Court that the dicta laid down by the Constitution Bench in *Ravindra & Ors* (supra) as, “56.....RBI directives

have not only statutory flavor, any contravention thereof or any default in compliance therewith is punishable under sub-section (4) of Section 46 of the Banking Regulation Act, 1949.

iii. The Supreme Court in ICICI Bank Ltd Vs Official Liquidators of APS Star Industries Ltd & others, (2010) 10 SCC has also held that Master Circular have got statutory flavor.

123. The Committee further observes that the Reserve Bank of India issues a number of instruments from time to time like Circulars, Master Circulars, Notifications, Regulations, Master Directions and so on. This tends to create confusion in the sense that it becomes difficult to differentiate between the legal and statutory instruments and other administrative orders and instruments.

124. The Reserve Bank of India since January, 2016 has started issuing Master Directions. This may cause further confusion regarding the terminology. The Committee observes that the Master Directions issued by the Reserve Bank of India under the Banking Regulation Act, 1949 come under the term “Subordinate Legislation” or “Regulations”.

**125. The Committee based upon its observations and taking into consideration the various judgments of the Courts recommends that the Ministry of Finance should ensure that the Circulars, Master Circulars, Master Directions and other instruments issued by the Reserve Bank of India under the Banking Regulation Act, 1949 and other Acts passed by Parliament should be published in the Gazette and laid before both the Houses of the Parliament as these instruments come under the comprehensive definition of “Subordinate Legislation” and are statutory in nature.**

**126. The Committee also observes that Section 52(5) of the Banking Regulation Act, 1949 provides for laying of all rules issued under the Act before each House of Parliament and accordingly the Committee impresses upon the Ministry of Finance to ensure that the Circulars, Master Circulars, Master Directions and other instruments issued by the Reserve Bank of India coming under the definition of ‘subordinate legislation’ should be laid before both the Houses of the Parliament.**

**127. RBI should ensure that these Circulars, Master Circulars, Master Directions and other instruments issued by it under the Banking Regulation Act, 1949 and other Acts passed by Parliament should have simplicity, precision and clarity so as to be legible to the concerned stakeholders and the common man. RBI should also ensure that the nomenclature of the instruments issued by it should be specified so as to differentiate between the legal and statutory instruments and other administrative orders and instruments.**

## **SUMMARY OF RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE**

**128. The Committee is happy to note that subsequently the Department of Financial Services have completed the framing of rules/regulations under the SBI (Subsidiary Laws) Amendment Act, 2011 and have laid them on the Table of both the Houses of Parliament. The Committee, however, regrets to note that the Department of Revenue and Department of Financial Services has not yet completed the framing of subordinate legislation under the Finance Act, 2013; LIC (Amendment) Act, 2011 and Actuaries Act, 2007 despite a lapse of so many years since the passage of these Acts. The Committee, accordingly, urges the Departments to expedite the process and complete the framing of subordinate legislation under these Acts without any further delay. [para 14]**

**129. The Committee was not convinced with the view of the Ministry that they did not feel the need to notify certain rules and regulations contemplated to be framed under the Energy Conservation Act, 2001. In Committee's view, the Act passed by the Parliament has mandated the framing of the said subordinate legislation and, therefore, if the Ministry does not feel the need for the concerned rules/regulations then it would be appropriate that the information is brought before the House for its consideration. The Committee observed that even after 13 years some rules have not been framed by the Bureau of Energy Efficiency (BEE) and only existing guidelines of the Ministry of Finance are being followed. In Committee's view, important issues like service conditions, budget, energy conservation, duties of DG, Bureau of Energy Efficiency (BEE), levying of fees need to be translated into rules/ regulations. The Committee opined that the Act is a macro- level idea and the Ministries have to come out with the rules. [para 16]**

**130. The Committee, however, has some reservations in the matter. The Committee failed to understand how the framing or non-framing of rules/regulations becomes a discretionary power of the Executive when there is express provision in the Act that the rules/regulations shall be framed. In the Committee's view, unless the rules are framed, the provision of the Act cannot be implemented. So, whenever a law is to be framed, the Ministry of Law & Justice, while vetting the Bills to be introduced in the House, must examine whether there is a necessity of making the rules or not. Because once the provision is made, it has to be implemented through a process and the process is prescribed in the rules only. [para 18]**

**131. The Committee notes that the Ministry of Power did not complete the framing of rules/regulations under the Energy Conservation Act, 2001 even after 14 years of the passage of the Act and sought extension of time till December 2016 for completing the framing of rules/regulations under the Act. The Committee takes serious note of the matter and recommends that the Ministry should take expeditious action to positively complete the framing of rules/regulations under the Act by December 2016 and also keep the Committee**

informed in the matter accordingly. The Committee also hopes that the Ministry would not seek further extension and finish the work within the extended period. [para 22]

132. The Committee is not convinced with the view of the Ministry of Power that they did not feel the need to frame the rules contemplated to be framed under the Energy Conservation Act, 2001. The Act, passed by the Parliament, has mandated the framing of the said subordinate legislation and therefore if the Ministry does not feel the need for the concerned rules/regulations, it would be appropriate that Parliament should be informed about it. The Committee, accordingly, recommends that in cases where framing of subordinate legislation is delegated by the parent Act and the Ministry does not feel the need for framing of subordinate legislation, the Ministry should consult the Ministry of Law & Justice and thereafter, if the Ministry of Law & Justice concurs with the view of the Ministry, the Ministry should lay a statement on the Table of the House outlining the reasons why they do not feel the need to frame subordinate legislation under the said Acts. [para 23]

133. The Committee observes that certain autonomous or statutory organizations do not follow the practice of getting their subordinate legislations vetted from the Ministry of Law & Justice. The Committee also observes that the Ministries/Organizations lack clarity on the procedure prescribed for drafting and vetting of subordinate legislation. In this respect, the Committee would like to recommend that the Ministries may consult the Ministry of Law & Justice on the steps to be followed for drafting and framing of subordinate legislation. The Committee also recommends that all Ministries/Departments should impress upon the autonomous/statutory organizations under their administrative control to follow due process with regard to drafting and framing of subordinate legislation and to get their draft rules/regulations duly vetted by the Ministry of Law & Justice. [para 24]

134. The Committee expressed its anguish about the self-proclaimed autonomy by certain statutory organizations like CERC which has not been getting their regulations vetted by the Ministry of Law. The Committee felt that since the Law Ministry has framed the parent legislation, it is in better position to determine at first stage whether the delegation is being exercised within the confines of powers delegated to subordinate authority or not. CERC pointed out that their regulations have stood the test of litigation and have not been declared *ultra vires*. The Committee totally disagrees with this proposition and cannot wait for Courts to scrutinize each and every regulations. This must be vetted at first by the Ministry of Law and Justice. The Committee directs the Ministry of Power to ensure that all regulations by statutory organizations under it be vetted by the Ministry of Law & Justice before they are laid on the Table of the House. [para 24]

135. The Committee is happy to note that the Ministry of Environment, Forest & Climate Change has framed all the rules/regulations contemplated under the Acts administered by them. The Committee notes that the Subramanian Committee has recommended examining the possibility of amalgamating various environmental laws which are currently in force and hopes that the Ministry would soon come up with more effective laws keeping in view the latest developments in the sector. [para 26]

136. The Committee notes that the Statutes of the Rajiv Gandhi National Aviation University Act, 2013 have since been framed and laid on the Table of both Houses of Parliament. The Committee, however, regrets to note that the Ordinances and Regulations have not been framed till date and accordingly recommends that the Ministry of Civil Aviation should ensure that the Ordinances and Regulations are framed at the earliest by resolving the impediments in the matter. [para 27]

137. The Committee is anguished to note that even after eight years of coming into force of the Airport Economic Regulatory Authority of India Act, 2008 the contemplated rules/regulations have still not been framed. The Committee takes a strong view of this and recommends the Ministry of Civil Aviation should ensure that the legislative framework consisting of the rules/regulations as contemplated under the Airport Economic Regulatory Authority of India Act, 2008 should be completed at the earliest. The Ministry may impress upon the Ministry of Law & Justice to expedite the vetting of the rules/regulations framed under Airport Economic Regulatory Authority of India Act, 2008 so that the same can be notified at the earliest. [para 28]

138. The Committee is constrained to observe that even after so many years the relevant rules/regulations under Central Vigilance Commission Act, 2003 have still not been framed. The Committee feels the delay in framing of the rules/regulations defeats the very purpose of enactment of the Act as the Act cannot be operated in the absence of the rules/regulations. The Committee accordingly recommends that the Ministry should take all steps necessary to complete the framing of the contemplated subordinate legislation under the Central Vigilance Commission Act, 2003. [para 32]

139. The Committee regrets to note that the Department of Border Management took nearly 6 years to complete the framing of necessary subordinate legislation under the Land Ports Authority of India Act, 2010. The Committee notes that the delay in framing of rules/regulations has become a recurring phenomenon and that cases of delay in framing of rules/regulations by the Ministries/Departments have continued to occur despite the recommendations of the Committee for completing the framing of rules/regulations within six months of the coming into force of the Act in its earlier reports. The Committee impresses upon the Ministries, once again, that delay in framing of subordinate legislation defeats the very purpose of enacting the parent Act/legislation as it cannot be implemented without the necessary rules/regulations. The Committee notes with concern that the matter

of framing of rules/regulations is dealt with by the Ministries/Departments in a very casual manner and no serious effort is made to expedite the same. Due to this lackadaisical attitude of the Ministries/Departments, matters which are sought to be governed by statutory rules/regulations, are often in practice governed by executive orders/directions/instructions/circulars. The Committee would like to emphasize that executive orders/directions/instructions/circulars are no substitute for statutory rules/regulations. The Committee wonders whether the Ministries/Departments are deliberately avoiding framing of subordinate legislation so that they can exercise discretion in the matter and escape Parliamentary scrutiny. [para 39]

140. With a view to ensure timely framing of rules/regulations under Acts passed by Parliament, the Committee recommends that the framing of draft rules should be initiated simultaneously with the drafting of the proposed Bill on the subject. In this way, the draft rules/regulations will be ready when the Bill is introduced in Parliament. Slight modifications/amendments can be made by the Ministry as per the changes made in the draft Bill by Parliament. [para 40]

141. The Committee accepts that the delay in framing of the rules under the Anand Marriage (Amendment) Act, 2012 is due to delay on the part of the State Governments/UTs, however, the Committee would like to reiterate that it is the responsibility of the administrative Ministry to ensure that the State Governments/UTs frame the concerned rules within the stipulated time period. Accordingly, the Ministry should ensure the same. [para 41]

142. The Committee is pleased to observe that the Ministry of Home Affairs (Department of Home) has ensured that all the States and UTs have framed the concerned rules under the Private Security Agencies (Regulation) Act, 2005. The Committee takes serious note of the fact that even after enforcement of Assam Rifles Act, 2006 in 2009, the Assam Rifles has not been able to frame the regulations. The Committee hopes that the Ministry would impress upon the Assam Rifles to frame the regulations within the extended period, i.e. the 30<sup>th</sup> September and lay them in the Winter Session of 2016 itself. The Committee also notes that the Ministry of Mines has taken proactive steps to ensure framing of rules under the Mines and Minerals (Amendment) Act, 2015 and hopes that the remaining rules would be framed well in time. [para 46]

143. The Committee observes that the framing of rules/regulations under the Indian Council for World Affairs Act, 2001, Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act 2005 and Nalanda University Act, 2010 had not been framed even after a considerable period of time. The Committee notes that these Acts have international ramifications and is constrained to note the delay in framing of subordinate legislation under them. The Committee urges the Ministry of External

Affairs to take all possible measures to complete the process of framing of subordinate legislation under these Acts in time bound manner. [para 50]

144. The Committee is pleased to observe that the Ministry of Shipping has since completed the framing of subordinate legislation under the Merchant Shipping (Amendment) Act, 2014 and hopes that the Ministry would likewise ensure that the rules/regulations under the Inland Vessels (Amendment) Act, 2014 and the Merchant Shipping (Second Amendment) Act, 2014 are also framed at the earliest. [para 51]

145. The Committee appreciates the efforts of the Ministry of Agriculture (Department of Agricultural Research & Education) in giving shape to the rules/regulations/ordinances contemplated to be framed under the Rani Lakshmi Bai Central Agriculture University Act, 2014. Given the status of the University the Committee expresses its hope that the necessary subordinate legislation as contemplated by the Parent Act would be framed at the earliest and brought before the Parliament for its scrutiny. [para 52]

146. The Committee expresses its deep concern over the fact that the Ministry of Health & Family Welfare has still not given effect to its recommendations as contained in its 178<sup>th</sup> & 212<sup>th</sup> Reports on the AIIMS Act, 1956 and Dentist Act, 1948 respectively regarding framing of rules/regulations therein. The Committee subsequently granted extension of time for implementing the 178<sup>th</sup> report and hopes that the Ministry of Health & Family Welfare would do the needful within the extended time period. The Committee is also aware that by amending the AIIMS Act, 1956, Government has established some more AIIMS and same Rules and Regulations are being extended to them. So it is all the more important that all the Rules and Regulations must be recast with clarity covering all the areas. The Committee also directs that AIIMS must compile taken by AIIMS Institute Body and Governing Body as they are important source of law. [para 58]

147. The Committee expresses its pleasure to note that the Ministry of Women & Child Development has since ensured that all the States have framed the rules under the Prohibition of Child Marriage Act, 2006. This is an important piece of socio-economic legislation and has ramifications on the society as a whole and especially the girl child. The rules framed under this Act would help in its proper and effective implementation. [para 59]

148. The Committee takes serious note that concerned rules & regulations under the Chemical Weapons Convention Act, 2000 as amended vide Chemical Weapons Convention (Amendment) Act, 2012 have still not been framed. The Committee expresses its concern over the fact that given the international importance of the Chemical Weapons Convention, the Ministry has still not been able to give shape to the statutory requirements as mandated under the Act. The Committee hopes that the Ministry of Chemicals & Fertilizers (Department of Chemicals & Petrochemicals) would complete the necessary formalities

and complete the framing of rules & regulations as mandated under the Chemical Weapons Convention Act, 2000 and Chemical Weapons Convention (Amendment) Act, 2012 at the earliest. The Ministry, may take up the matter with the Ministry of Law & Justice for expediting the vetting of the rules/regulations at the earliest and resolution of objections, if any, raised in the draft rules/regulations. [para 60]

149. The Committee notes that the framing of recruitment regulations under the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011 has not been completed till date and that the Ministry has sought extension of time till 4<sup>th</sup> December, 2016 for completing the same. The Committee wonders how in the absence of recruitment regulations, recruitment to vacant posts are being conducted at present. The Committee feels that this will give much scope for executive discretion and feels that this is not desirable. The Committee, accordingly, recommends that all pending recruitment regulations under the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011 should be immediately framed. [para 66]

150. The Committee is also happy to note that the Ministry of Rural Development (Department of Land Resources) has since completed the framing of all rules/regulations under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. [para 67]

151. The Committee notes that DIPP had framed all the rules/regulations to be framed under Acts of Parliament administered by them except National Institute of Design Act, 2014. The Committee also notes that Secretary, DIPP had assured the Committee that the Department will try to finalize the framing of Statutes, Ordinances and rules under the National Institute of Design Act, 2014 within a period of six months from 9 July 2015. However, the Department was unable to ensure the framing of Statutes, Ordinances and rules within this timeframe and sought extension of time of further six months w.e.f. 22 January 2016 for completing the same. The Secretary, DIPP, during the meeting with the Chairman of the Committee on 25 April 2016 assured that the framing of Statutes, Ordinances and rules under the NID Act, 2014 would be completed by 30 September 2016 and accordingly, the Department was granted extension of time till 30 September 2016 for completing the same. The Committee, accordingly, recommends that the Ministry should expedite the framing of Statutes, Ordinances and rules and complete all necessary formalities with regard to the framing of Statutes, Ordinances and rules under the NID Act, 2014 by 30 September 2016. The Committee also recommends that DIPP should carry out review of the old Acts administered by them like the Boilers Act, 1923; the Explosives Act, 1884, etc to assess their relevance in today's context and take necessary action to amend or bring in a new legislation accordingly. [para 72]

152. The Committee is constrained to point out that the Ministry has not framed Brokering Rules under Section 14A(1) and 14C of the Foreign Trade (Development and

**Regulation) Act, 1992 [inserted by Section 15 of the Foreign Trade (Development and Regulation) Amendment Act, 2010]. The argument of the Ministry for not framing the rules is that there is no need to frame the Brokering Rules as sufficient penal provisions are available under Section 14D and 14E (Chapter IVA) of the Act and in the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005. The Committee fails to understand how the provisions of one Act can be sufficient for the purposes of another Act and how the Ministry can claim that there is no need for framing of rules when the Act delegates power to the Ministries/Departments to frame the rules. The Committee, therefore, recommends that the Ministry of External Affairs, in consultation with other concerned Departments should expedite action in the matter. [para 76]**

**153. The Committee further recommends that in cases where framing of subordinate legislation is delegated by the parent Act and the Ministry does not feel the need for framing of subordinate legislation, the Ministry should consult the Ministry of Law & Justice and thereafter, if the Ministry of Law & Justice concurs with the view of the Ministry, the Ministry should lay a statement on the Table of the House outlining the reasons why they do not feel the need to frame subordinate legislation under the said Acts. [para 77]**

**154. The Committee is happy to note that the Department of Commerce is undertaking a review of old Acts administered by them to assess their relevance in today's context and is in the process of amending the Tea Act, 1953 and the Coffee Act, 1942. The Committee, however, notes that Bills for the amendment of the Tea Act, 1953 and the Coffee Act, 1942 has not been introduced in the House till date, despite the assurance given by the Ministry to introduce the Bills by the Winter Session, 2015. Accordingly, the Committee recommends that the Ministry should expedite the review of these old Acts and introduce the Bill for amending these Acts in Parliament at the earliest, preferably by the Winter Session of 2016. The Committee also recommends that on priority basis, other Ministries/Departments should also carry out a review of all old Acts administered by them to assess their relevance in today's context and take necessary action to either repeal the old Acts which are of no relevance or amend the old Acts for their continued relevance. [para 78]**

**155. The Committee recommends that the Ministry of Electronics and Information Technology should complete the framing of rules/regulations contemplated under the Information Technology Act, 2000 and the Semiconductor Integrated Circuit Layout-Design Act, 2000 expeditiously. Keeping in view the international parameters and fast changing scenario in the IT and electronics sector, the Ministry should ensure that the rules/regulations framed should cater to the needs of this sector and meet international parameters. [para 83]**

**156. The Committee notes that the Department of Atomic Energy has since framed the Nuclear Liability Fund Rules, 2015 under the Civil Liability for Nuclear Damages Act. [para 85]**

**157. The Committee expresses its concern at this state of affairs and urges the Ministry of Petroleum & Natural Gas to advise the Rajiv Gandhi Institute of Petroleum Technology on the need for vetting of the concerned rules/regulations/ordinances by the Ministry of Law & Justice, their publication in the official Gazette and laying the notifications before the Parliament. [para 95]**

**158. The Committee observes that the Ministry Petroleum and Natural Gas have still not completed the process of framing the rules/regulations under the Petroleum & Natural Gas Regulatory Board (PNGRB) Act, 2006 despite a long a lapse of more than nine years. The Committee expresses its grave concern at this state of affairs and recommends to the Ministry to complete the framing of the rules/regulations as contemplated under the Act at the earliest and without any further delay. [para 96]**

**159. The Committee notes that all the subordinate legislation under the various Acts administered by the Ministry of Petroleum and Natural Gas have not been uploaded on its website and recommend that the Ministry should take adequate measures to update its website and ensure that all the Acts and concerned subordinate legislation administered by it are uploaded on its website. Further, the Acts which have been recommended for repelling by the Law Commission should be repealed and if necessary, a suitable saving clause should be inserted in the Repealing Act and the same be made available on its website for reference purposes. [para 97]**

**160. The Committee further notes that some of the Acts administered by the Ministry of Petroleum & Natural Gas like the Petroleum Act, 1934, are very old. The Committee therefore recommends that these old Acts may be revisited with the purpose of review and the Ministry may look into the possibility of framing new set of legislation to replace them, if necessary, keeping in view the latest advances in the field of petroleum technology and the needs of the country. The Committee also hopes that the Ministry would complete the framing of rules/regulations, if any, under the Acts at the earliest. [para 98]**

**161. The Committee agrees with the views of the Legislative Department that all subordinate legislation of autonomous/statutory bodies are also to be vetted by the Legislative Department of the Ministry of Law & Justice. The Committee does not agree with the views of certain autonomous/statutory bodies that they are autonomous and need not send their subordinate legislations for vetting to the Legislative Department. The Committee, accordingly, recommends that all Ministries/Departments and their autonomous/statutory bodies should send their subordinate legislation for vetting to the Legislative Department, Ministry of Law & Justice. The Committee also recommends that**

**all Ministries/Departments should sensitize the autonomous/statutory bodies under them regarding the need for sending their subordinate legislations for vetting by the Legislative Department. [para 102]**

**162. The Committee wonders how the Central Universities are functioning in the absence of Statutes and Ordinances which are supposed to provide for important matters like manner of award of degrees, terms and conditions of service of teaching and non-teaching staffs, admission procedure, courses of study, constitution, powers and functions of the University authorities, etc. The Committee feels that without the necessary Statutes and Ordinances, the Universities are functioning with discretion and fears that this will adversely impact the future of the students studying in these Universities. The Committee, accordingly, recommends that the Ministry of Human Resource Development (Department of Higher Education) should ensure that all Central Universities should immediately frame the necessary Statutes/Ordinances/Regulations so as to avoid any discretion and arbitrary actions on the part of the University authorities. [para 103]**

**163. The Committee, therefore, recommends that the Ministries/Departments should frame all the essential subordinate legislation at the time of introduction of the bill itself and rest of subordinate legislation may be framed within three months of the coming into force of the act. The Committee also recommends that the period of extension of time granted to ministries may be curtailed to thirty days at a time for framing of subordinate legislation. In case of delay, the Ministry must ensure that a statement explaining the reasons of delay in framing of subordinate legislation should be invariably laid along with the rules framed after three months period as has already been recommended by the Committee in its 192<sup>nd</sup> Report. [para 119]**

**164. The Committee decided that the practice of calling the Secretaries of concerned Ministries/Departments to explain the reasons for delay in framing the subordinate legislation under the acts being administered by them may be continued. The Committee recommends that a quarterly statement on the status of framing of subordinate legislation under the acts passed by the Parliament may be sent to the Cabinet Secretariat to ensure due implementation of Committee's recommendation of timely framing of subordinate legislation by concerned Ministries/Departments of the Government of India. [para 120]**

**165. The Committee based upon its observations and taking into consideration the various judgments of the Courts recommends that the Ministry of Finance should ensure that the Circulars, Master Circulars, Master Directions and other instruments issued by the Reserve Bank of India under the Banking Regulation Act, 1949 and other Acts passed by Parliament should be published in the Gazette and laid before both the Houses of the Parliament as these instruments come under the comprehensive definition of "Subordinate Legislation" or and are statutory in nature. [para 125]**

**166. The Committee also observes that Section 52(5) of the Banking Regulation Act, 1949 provides for laying of all rules issued under the Act before each House of Parliament and accordingly the Committee impresses upon the Ministry of Finance to ensure that the Circulars, Master Circulars, Master Directions and other instruments issued by the Reserve Bank of India coming under the definition of ‘subordinate legislation’ should be laid before both the Houses of the Parliament. [para 126]**

**167. RBI should ensure that these Circulars, Master Circulars, Master Directions and other instruments issued by it under the Banking Regulation Act, 1949 and other Acts passed by Parliament should have simplicity, precision and clarity so as to be legible to the concerned stakeholders and the common man. RBI should also ensure that the nomenclature of the instruments issued by it should be specified so as to differentiate between the legal and statutory instruments and other administrative orders and instruments. [para 127]**

**Annexure-I**

**21.7.2016**

**PENDING CASES OF FRAMING OF RULES UNDER VARIOUS ACTS**

<b>Sl. No.</b>	<b>Ministry</b>	<b>Act</b>	<b>Position</b>
1	Ministry of Health & Family Welfare (D/o Health & Family Welfare)	All India Institute of Medical Sciences Act, 1956 (Assented on 2.6.1956)	<p>Ministry was requested <i>vide</i> D.O. letter dated 12.1.2016 to furnish Action Taken Reports on Committee's recommendation in its 178<sup>th</sup> and 212<sup>th</sup> Reports and to complete the framing of new AIIMS Rules and Regulations within 30 days.</p> <p><i>Vide</i> O.M. dated 10.2.2016, Ministry stated that AIIMS has constituted internal committee for the purpose of making changes in AIIMS Rules/Regulations and sought 3 months extension of time for submitting action taken report in the matter. Extension sought till 10.5.2016.</p> <p><i>Vide</i> O.M. dated 5.4.2016, Ministry stated that AIIMS has constituted a committee under the Chairmanship of Prof. Balram Airan to examine the recommendation made by other expert committees like Valiathan Committee, Sujata Rao Committee, Sneha Bhargava Committee and Pradhan Committee to formulate a holistic proposal on amendments in AIIMS Regulations. The report of this Committee is expected to be submitted by 15.5.2016.</p> <p>Secretary, Ministry of Health &amp; Family Welfare, was called before the</p>

			Chairman on 26.4.2016 to explain the reasons for seeking extension of time. The Chairman after hearing the Secretary granted extension of time till 30.10.2016.
2	Ministry of External Affairs	Indian Council of World Affairs Act, 2001 (Assented on 3.9.2001)	<p>Ministry was requested <i>vide</i> D.O. dated 14.01.2016 to provide detailed note by 22.1.2016 showing as to whether all the rules and regulations to be framed under the said Act have been framed and laid on the Table of both the Houses.</p> <p>The Ministry was requested <i>vide</i> O.M. dated 27.5.2016 to clarify whether all rules/regulations contemplated to be framed under the act have been framed.</p> <p><i>Vide</i> letter dated 31.5.2016, the Ministry informed that the ICWA Director General and Other Officers and Employees (Condition of Service) Regulations, 2014 have been framed and laid before the House. <u>The ICWA, Recruitment Regulations, 2016 are under consideration.</u></p> <p><i>Vide</i> O.M. dated 21.06.2016 the Ministry has informed that the draft Recruitment Regulations, 2016 are been updated as per DOPT guidelines.</p>
3	Ministry of Power	Energy Conservation Act, 2001 (Assented on 29.9.2001)	Ministry was requested <i>vide</i> D.O. letter dated 7.1.2016 to complete the process of framing of subordinate legislation within 4 weeks and send a status report by 21.01. 2016.

			<p><i>Vide</i> O.M. dated 22.1.2016, Ministry stated that the Law Ministry has informed that the rules under Section 56 (2) (e) and (v) are enabling provisions meant for unforeseen circumstances and rules need not to be framed at present. It has been informed further that some rules are under consideration and will be completed by <u>July &amp; December, 2016.</u></p> <p>The Ministry has been requested <i>vide</i> O.M. dated 31.5.2016 to clarify whether all rules/regulations contemplated to be framed under the act have been framed and to seek extension of time if framing of rules not completed.</p> <p>The Secretary, Ministry of Power briefed the Chairman about the reasons for delay in framing the rules/regulations under the Act. Extension granted till 31.12.2016.</p>
4	Ministry of Personnel, Public Grievances & Pension (Department of Personnel and Training)	The Central Vigilance Commission Act, 2003 (Assented on 11.9.2003)	<p>Ministry was requested <i>Vide</i> D.O. dated 08.01.2016 to provide status note by 21.1.2016 and finish the framing of rules/regulations within 30 days of receipt of the letter and to sent a status report on the amendments to be made in the CVC Act, 2003 on account of the Lokpal and Lokayuktas Act, 2013.</p> <p>Ministry <i>vide</i> its O.M. dated 27.1.2016, stated that changes may have to be made in CVC Act, 2003 and Lokpal and Lokayuktas Act, 2013 after the passage of the Prevention of Corruption (Amendment) Bill, 2011 presently</p>

			<p>under consideration of Select Committee of the Rajya Sabha. Rules will be framed thereafter.</p> <p>The Secretary apprised the Committee in its meeting held on 09.02.2016 that the rules have already been framed under the CVC Act, 2003 and the regulations will be framed shortly.</p>
5	Ministry of External Affairs	The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (Assented on 6.6.2005)	<p>Ministry was requested <i>vide</i> D.O. letter dated 8.1.2016 to consult the Law Ministry and provide a detailed note within 30 days.</p> <p><i>Vide</i> ID Note dated 28.1.2016, Ministry requested additional time till 7.3.2016 to send status report as they are in the process of consulting Law Ministry.</p> <p>Again <i>Vide</i> ID Note dated 7.3.2016, Ministry has requested additional time of 2 months <i>i.e.</i> upto 7.5.2016 to provide status report in the matter. The Ministry was accordingly granted extension till 7.5.2016.</p> <p>Again <i>Vide</i> ID Note dated 7.5.2016, Ministry has requested additional time of 6 weeks <i>i.e.</i> upto 18.6.2016 to provide status report in the matter. The Ministry was accordingly granted extension till 18.6.2016.</p> <p>Ministry to be requested to furnish the latest status.</p>
6	Ministry of Human Resource	The Manipur University Act, 2005	<p>Ministry was requested <i>vide</i> D.O. letter dated 14.1.2016 to complete framing of Statutes/Ordinances/</p>

	Development (Department of Higher Education)	(Assented on 28.12.2005)	<p>Regulations within 30 days and lay all Statutes/Ordinances/Regulations by next Session. Ministry also asked to furnish status report on laying and framing by 22.01.2016.</p> <p><i>Vide</i> O.M. dated 4.2.2016 Ministry stated that Manipur University has been requested to complete all statutes/ordinance contemplated under the Act and take necessary action to lay them on the table of the House. Ministry also stated that 7 statutes have been amended and 6 published in the gazette. These will be laid as soon as it is received by the Ministry.</p> <p><i>Vide</i> O.M. dated 23.5.2016, the Ministry has been requested to furnish the latest status regarding framing of statutes/ordinances/regulations.</p> <p><i>Vide</i> O.M. dated 31.5.2016 Ministry stated Manipur University has forwarded draft ordinances for approval of the Central Government. Some of these ordinances were approved and on some ordinances Manipur University was requested to make some changes. The Ministry has again requested University to finalize the remaining ordinances as soon as possible.</p> <p>Secretary, Department of Higher Education was called before the Committee on 27.6.2016 to explain the reasons for delay.</p>
7	Ministry of Petroleum and	The Petroleum and Natural	Ministry was requested vide D.O. dated 13.01.16 to inform whether all the

	Natural Gas	Gas Regulatory Board Act, 2006 (Assented on 31.3.2006)	<p>provisions of the Act have come into force and also about framing of all rules/regulations under the said Act may be provided along with details of the rules/regulations framed under Sections 61 &amp; 62 by 22.01.2016 and to complete the framing of subordinate legislation within four weeks of receipt of the letter.</p> <p><i>Vide</i> D.O. letter dated 5.2.2016, Ministry stated that Ministry had prepared and forwarded two rules under Section 60 of the Act to PNGRB for their comments/view, which are still awaited, the Ministry also sought extension of time for 60 days which was granted till 10.04.2016.</p> <p><i>Vide</i> O.M. dated 26.5.2016, the Ministry was requested to inform whether all the rules/regulations have been framed and to seek extension of time if they are still to be framed.</p> <p><i>Vide</i> O.M. dated 10.6.2016, the Ministry sought extension of time for completing the process of framing the rules. Extension granted till 31.7.2016.</p>
8	Ministry of Micro, Small and Medium Enterprises	The Micro, Small and Medium Enterprises Act, 2006 (Assented on 16.6.2006)	<p>Ministry was requested <i>Vide</i> D.O. letter dated 9.1.2016 to furnish status report by 21.01.2016 and ensure completion of framing of rules within 30 days.</p> <p><i>Vide</i> D.O. letter dated 14.01.2016, Ministry stated that no fund has been constituted under Section 14 of the Act Rules to be framed under Section 29 (2) (c) and (d) for operation of the Fund.</p>

			<p>Arunachal Pradesh, Assam and Manipur yet to notify the rules.</p> <p>Reminder D.O. letter issued to the Ministry on 22.01.2016 requesting the Ministry to expedite the framing of rules by the Ministry and the remaining States.</p> <p><i>Vide</i> O.M. dated 23.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p><i>Vide</i> O.M. dated 27.5.2016 Ministry informed that issue notification for creation of MSME Fund under Section 12 and framing of rules under Section 29 is underway. Regarding Section 30 Ministry informed that 33 States/UTs have framed the rules and 3 States i.e. Arunachal Pradesh, Assam and Manipur are yet to frame the rules.</p>
9	Ministry of Textiles	The National Institute of Fashion Technology Act, 2006 (Assented on 13.7.2006)	<p>Ministry was requested <i>vide</i> D.O. letter dated 9.1.2016 to furnish action taken report by 21.01.2016.</p> <p><i>Vide</i> D.O. letter dated 22.1.2016 and 4.2.2016, Ministry stated that taking into consideration the observations of the Committee in its 212<sup>th</sup> Report, NIFT has framed draft statutes which should be placed before its Board of Governors in its next meeting likely to be held in 1<sup>st</sup> week of February, 2016. Ordinances have been made by the Senate of NIFT considering the observation of the Committee and being forwarded to the Law Ministry for vetting.</p>

			<p><i>Vide</i> O.M. dated 23.5.2016, the Ministry has been requested to furnish the latest status regarding framing of statutes/ordinances.</p> <p><i>Vide</i> O.M. dated 18.7.2016, Ministry stated that second statutes have been framed and shall be sent for vetting by Ministry of Law &amp; Justice. The third ordinance has also been finalized and is being sent to Ministry of Law &amp; Justice for vetting.</p>
10	Ministry of Finance (Department of Financial Services)	The Actuaries Act, 2006 (Assented on 27.8.2006)	<p>Ministry was requested <i>vide</i> D.O. letter dated 14.1.2016 to complete the process of framing of subordinate legislation within the time period granted by the Committee, i.e. by the 15<sup>th</sup> January, 2016 and send a status report by 22.1.2016.</p> <p><i>Vide</i> O.M. dated 22.1.2016 Ministry stated that it is in continuous follow up with the Institute of Actuaries to ensure early finalization of pending regulations within the extension of time sought till 15.7.2016. Extension granted till 15.7.2016.</p>
11	Ministry of Defence	The Cantonment Act, 2006 (Assented on 13.9.2006)	<p>Ministry was requested <i>vide</i> D.O. dated 5.1.16 to complete the framing of rules/regulations within four weeks of issue of the letter and to send a status report by 5.2.2016.</p> <p><i>Vide</i> D.O. dated 23.02.2016, Ministry has sought an extension of six months for completing the process of rule framing. Extension sought till 23.8.2016.</p>

			<p>The Chairman decided to summon the Secretary on 18.7.2016 to discuss the delay in framing the rules. However, the Secretary, due to his prior commitments could not appear.</p>
12	Ministry of Home Affairs	The Assam Rifles Act, 2006 (Assented on 3.11.2006)	<p>Ministry was requested <i>vide</i> D.O. dated 9.1.2016 to complete the framing of Regulations under Section 165 of the said Act respectively within 30 days from the receipt of this letter and to consult the Ministry of Law &amp; Justice on the need to frame Regulations. Also requested to furnish a status report by 22.1.2016 on the steps taken.</p> <p><i>Vide</i> O.M. dated 6.4.2016, the Ministry has sought extension of time to complete the framing of rules/regulations under the said act. Extension granted till 30.9.2016</p>
13	Ministry of Human Resource Development (Department of Higher Education)	The Rajiv Gandhi University Act, 2006 (Assented on <b>10.1.2007</b> )	<p>Ministry was requested <i>vide</i> D.O. dated 14.1.2016 to complete the framing of Statutes, Ordinances and Rules under Section 29, 31, 32 and Section 42 of the said Act respectively within 30 days from the receipt of this letter and to furnish a status report by 22.1.2016.</p> <p><i>Vide</i> O.M. dated 12.2.2016, Ministry stated that the Statutes/Ordinances/Rules/Regulations framed will be published in the official gazette and laid before the Parliament.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to clarify</p>

			<p>whether all rules/regulations contemplated to be framed under the act have been framed.</p> <p><i>Vide</i> O.M. dated 31.5.2016 Ministry stated that statutes have been framed and laid on the table of the House. The framing of ordinance and regulations will be undertaken after appointment of Vice-Chancellor.</p>
14	Ministry of Human Resource Development (Department of Higher Education)	The Sikkim University Act, 2006 (Assented on 10.1.2007)	<p>Ministry was requested <i>Vide</i> D.O. dated 13.01.2016 to complete the framing of Statutes, Ordinances and Regulations under Section 28, 30, 31 and clause 41 of the Statutes of the said Act respectively within 30 days from the receipt of this letter and to furnish a status report by 20.01.2016.</p> <p><i>Vide</i> O.M. dated 25.1.2016, Ministry stated that Sikkim University has been requested to furnish the information sought.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p><i>Vide</i> O.M. dated 10.6.2016, the Ministry has furnished the status of rules/regulations/ordinances framed under the Act.</p> <p>Secretary, Ministry of Human Resource Development was also called before the Committee on 27.06.2016 to explain the reasons for delay in framing the subordinate legislations under the Act.</p>

15	Ministry of Human Resource Development (Department of Higher Education)	The Tripura University Act, 2006 (Assented on 10.1.2007)	<p>Ministry was requested <i>Vide</i> D.O. dated 13.1.2016 to complete the framing of Statutes, Ordinances and Rules under Section 29, 30, 31, 32, 40 &amp; 41 of the said Act respectively within 30 days from the receipt of this letter and to furnish a status report by 22.1.2016.</p> <p><i>Vide</i> O.M. dated 4.5.2016, Ministry furnished the rules/regulations framed under the said Act.</p> <p><i>Vide</i> O.M. dated 27.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p>Secretary, Ministry of Human Resource Development was also called before the Committee on 27.06.2016 to explain the reasons for delay in framing the subordinate legislations under the Act.</p>
16	Ministry of Human Resource Development (Department of Higher Education)	The National Institute of Technology Act, 2007 (Assented on 5.6.2007)	<p>The Ministry was requested <i>vide</i> D.O. dated 13.01.2016 to frame all the Statutes, Ordinances and Rules under Section 25, 27 and 31 of the said Act respectively within 30 days from the receipt of this letter and to furnish a status report by 22.01.2016.</p> <p><i>Vide</i> D.O. dated 29.1.2016, Ministry stated that the first statute of NITs and rules under Section 34 of the Act have been framed. However, it has been stated that Ordinances are to be framed by the concerned Institutes.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish</p>

			<p>the latest status regarding framing of rules/regulations.</p> <p>Secretary, Ministry of Human Resource Development was also called before the Committee on 27.06.2016 to explain the reasons for delay in framing the subordinate legislations under the Act.</p>
17	Ministry of Human Resource Development (Department of Higher Education)	The Indira Gandhi National Tribal University Act, 2007 (Assented on 20.12.2007)	<p>Ministry was requested <i>Vide</i> D.O. letter dated 14.1.2016 to complete framing of Statutes/Ordinances/Regulations within 30 days and lay all Statutes/Ordinances/Regulations by next Session. Ministry also asked to furnish status report on laying and framing by 22.01.2016.</p> <p><i>Vide</i> O.M. dated 4.2.2016 Ministry stated that IGNTU has been requested to complete all statutes/ordinance contemplated under the Act and take necessary action to lay them on the table of the House. Ministry also stated that 8 statutes have been amended and action taken to notify the same. These will be laid as soon as it is received by the Ministry.</p> <p>D.O. issued to the Ministry on 24.2.2016 to expedite the matter and provide status report.</p> <p><i>Vide</i> O.M. dated 14.3.2016 Ministry stated that Gazette notifications relating to amendment of statutes have been sent for laying on the Table of the Lok Sabha and Rajya Sabha. The University has been requested to complete the framing of all statutes/ordinances and</p>

			<p>take necessary action for laying them on the Table of the House.</p> <p><i>Vide</i> O.M. dated 23.5.2016, the Ministry has been requested to furnish the latest status regarding framing of statutes/ordinances/regulations.</p> <p><i>Vide</i> O.M. dated 31.5.2016, Ministry stated that IGNTU has forwarded draft ordinances for approval of Central Government. Some ordinances were approved and on some ordinances Ministry has requested to make changes. Final ordinances are awaited.</p> <p>Secretary, Ministry of Human Resource Development was also called before the Committee on 27.06.2016 to explain the reasons for delay in framing the subordinate legislations under the Act.</p>
18	Ministry of Petroleum and Natural Gas	The Rajiv Gandhi Institute Petroleum Technology Act, 2007 (Assented on 20.12.2007)	<p>The Ministry was requested <i>vide</i> D.O. letter dated 13.1.2016 to complete the framing of Statutes and Ordinances under Section 29, 30, 31, 32 and 40 of the said Act within 30 days from the receipt of this letter and to furnish a status report by 22.1.2016.</p> <p><i>Vide</i> O.M. dated 27.1.2016, Ministry has stated the position regarding framing of Ordinances and Statutes. The subordinate legislation framed is yet to be laid before the Parliament.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p>

			Reply awaited.
19	Ministry of Shipping	The Inland Vessels (Amendment) Act, 2007 (Assented on 17.9.2007)	<p>The Ministry was requested <i>vide</i> D.O. dated 09.01.2016 to frame Rules under Section 54H within 30 days from the receipt of this letter and to file a status report by 22.01.2016.</p> <p><i>Vide</i> D.O. dated 4.2.2016 Ministry stated that the final rules would be notified by at 10.4.2016.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p><i>Vide</i> O.M. dated 2.6.2016, the Ministry informed that only one rule remains to be framed and it has also been vetted by Ministry of Law &amp; Justice and would be notified shortly.</p>
20	Ministry of Railways	Railway (Amendment) Act, 2008 (Assented on 31.3.2008)	<p>The Ministry was requested <i>vide</i> D.O. dated 13.01.2016 to frame the all the rules/regulations under the said Act respectively within 30 days from the receipt of this letter and to furnish a status report by 22.01.2016.</p> <p><i>Vide</i> O.M. dated 16.5.2016, Ministry stated that Special Railway Projects Land Acquisition Rules, 2016 will be processed after these rules are vetted by the Ministry of Law &amp; Justice.</p> <p><i>Vide</i> O.M. dated 8.7.2016, Ministry stated that Special Railway Projects Land Acquisition Rules, 2016 have</p>

			been notified on 23.6.2016.
21	Ministry of Shipping	The Indian Maritime University Act, 2008 (Assented on 11.11.2008)	<p>Ministry was requested <i>vide</i> D.O. letter dated 13.1.2016 to complete the process of framing of subordinate legislation within the 30 days of receipt of this letter and send a status report by 22.1.2016.</p> <p><i>Vide</i> D.O. dated 28.1.2016, Ministry stated that Executive Council held on 23.12.2015 has formulated 10 Ordinances and Minutes of this meeting will be confirmed at the next meeting of EC to be held in March, 2016 thereafter these Ordinances will be notified.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p><i>Vide</i> O.M. dated 02.06.2016 Ministry stated that Ordinances framed in the 33<sup>rd</sup> EC Meeting dated 23/12/2015 were confirmed only in the 34<sup>th</sup> Meeting of the EC held on 23.05.2016. Only after the Minutes of the previous EC Meeting are confirmed can the Ordinances be sent for publication in the Gazette as some minor corrections may be made by the EC at the time of confirmation. In view of the this the Ordinances framed in the 33<sup>rd</sup> EC Meeting held on 23.12.2015(after their translation into Hindi) will be sent for publication in the Gazette by 30.06.2016. The Government Press may take about 3-4 weeks for the publication. Hence they sought an</p>

			extension of time upto 31.07.2016.
22	Ministry of Civil Aviation	Airports Economic Regulatory Authority of India Act, 2008  (Assented on 5.12.2008)	<p>The Ministry was requested <i>vide</i> D.O. dated 14.01.2016 to ensure finalisation of the rules/regulations in the extended time period granted by the Committee till 31<sup>st</sup> March, 2016 and to furnish a status report by 22.01.2016.</p> <p><i>Vide</i> O.M. dated 6.4.2016, the Ministry has sought extension of time till 30.6.2016 to complete the framing of rules/regulations under the said act.</p>
23	Ministry of Labour and Employment	Unorganised Workers Social Security Act, 2008 (Assented on 30.12.2008)	<p>The Ministry was requested <i>vide</i> D.O. dated 7.1.2016 to ensure that all State Governments and Union Territories finalise the rules within 30 days of receipt of this letter.</p> <p><i>Vide</i> O.M. dated 3.2.2016, Ministry stated that at present 22 States and 2 UTs have framed the Rules under the said Act while, 2 States have their own separate legislation on the said issues. Remaining States have been requested to expedite the process of framing the concerned rules.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p><i>Vide</i> O.M. dated 31.5.2016, Ministry stated that they are taking up the issue of framing of subordinate legislation with the remaining States/UTs.</p>
24	Ministry of Human	The Central University Act,	The Ministry was requested <i>Vide</i> D.O. dated 14.01.2016 to frame all the

	Resource Development (Department of Higher Education)	2009 (Assented on 20.3.2009)	<p>Statutes, Ordinances and Rules under Section 26, 28, 29 and clause 38 of the second schedule of the said Act respectively within 30 days from the receipt of this letter for the remaining three Universities and to file a status report by 22.01.2016.</p> <p><i>Vide</i> O.M. dated 4.2.2016, Ministry stated that 3 Central University have yet to complete the process of framing of subordinate legislation and lay them on the table of the House.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p>Secretary, Ministry of Human Resource Development was also called before the Committee on 27.06.2016 to explain the reasons for delay in framing the subordinate legislations under the Act.</p>
25	Ministry of Health & Family Welfare (Department of Health & Family Welfare)	The Clinical Establishments (Registration and Regulation) Act, 2010 (Assented on 18.8.2010)	<p>This Act was passed by Parliament in pursuance of resolution passed by the legislatures of Arunachal Pradesh, Himachal Pradesh, Mizoram and Sikkim under Article 252 of the Constitution that the matter should be regulated in those states by Parliament by law. Thereafter, the States/UTs of Bihar, Jharkhand, Rajasthan, Uttar Pradesh, Uttarakhand, Puducherry, Andaman &amp; Nicobar Island, Chandigarh, Daman &amp; Diu, Dadra &amp; Nagar Haveli, Lakshadweep and Assam.</p>

			<p>Ministry was requested <i>Vide</i> D.O. letter issued on 05.01.2016 to ensure completion of framing of rules by State Governments within 4 weeks and to furnish status report by 05.02.2016.</p> <p><i>Vide</i> O.M. dated 21.1.2016, Ministry stated that Uttar Pradesh, Lakshadweep and Assam have not yet framed the rules.</p> <p>D.O. issued on 12.2.2016 to ensure completion of framing by the remaining States.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p>Secretary, Ministry of Health &amp; Family Welfare was also called before the Committee on 14.06.2016 to explain the reasons for delay in framing the subordinate legislations under the Act.</p>
26	Ministry of Commerce & Industry (Department of Commerce)	The Foreign Trade (Development and Regulation) Amendment Act, 2010 (Assented on 19.8.2010)	<p>Ministry was requested <i>vide</i> D.O. letter issued on 09.01.2016 to seek the advice of the Law Ministry on the need to frame Brokering Rules under the Act and provide a detailed note by 22.01.2016.</p> <p><i>Vide</i> O.M. dated 21.1.2016, Ministry stated that they have referred the matter to the Law Ministry.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of</p>

			<p>rules/regulations.</p> <p><i>Vide</i> O.M. dated 29.6.2016, Ministry stated that the matter was taken up with the Ministry of Law &amp; Justice and as per their advice it was agreed that the rules would be framed under section 26 (1) of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 read with section 14B (1) of the Foreign Trade (Development and Regulation) Amendment Act, 1992, as amended and section 12 of WMD Act, 2005 by the Ministry of External Affairs.</p>
27	Ministry of Power	The Energy Conservation (Amendment) Act, 2010 (Assented on 24.8.2010)	<p>The Ministry was requested <i>vide</i> D.O. dated 07.01.2016 to frame all the rules/regulations under Section 56 &amp; 58 of the said Act respectively within 30 days from the receipt of this letter and to furnish a status report by 20.01.2016.</p> <p><i>Vide</i> O.M. dated 22.1.2016, Ministry stated that the Law Ministry has informed that the rules under Section 56 (2) (e) and (v) are enabling provisions meant for unforeseen circumstances and rules need not to be framed at present. It has been informed further that some rules are under consideration and will be completed by July &amp; December, 2016.</p> <p><i>Vide</i> O.M. dated 31.5.2016, the Ministry has been requested to clarify whether all rules/regulations contemplated to be framed under the act have been framed and to seek extension of time if framing not completed.</p>

			<p>The Secretary, Ministry of Power briefed the Chairman for the reasons for delay in framing the rules/regulations under the Act. Extension granted till 31.12.2016.</p>
28	Ministry of External Affairs	The Nalanda University Act, 2010 (Assented on 21.9.2010)	<p>Ministry was requested <i>Vide</i> D.O. letter issued on 12.01.2016 to ensure completion of the framing of rules within 30 days and provide status report by 22.01.2016.</p> <p><i>Vide</i> D.O. letter dated 22.1.2016, Ministry stated that Statutes relating to emoluments and terms and conditions of University Staff have not yet been framed.</p> <p>D.O. letter issued to the Ministry on 18.2.2016 to expedite the framing of subordinate legislation and furnish status report in the matter.</p> <p><i>Vide</i> D.O. letter dated 24<sup>th</sup> and 25<sup>th</sup> February, 2016 Ministry stated that draft rules under Section 27 (h) and (i) are under consideration. Regarding Section 27 (j), University has informed that this subject is already covered by the university's First Ordinances notified in June 2015 (regarding admission procedures, guidelines for qualification for degrees, credits etc) and therefore no separate legislation is required.</p> <p><i>Vide</i> O.M. dated 23.5.2016, the Ministry has been requested to furnish the latest status regarding framing of</p>

			<p>statutes/ordinances/regulations.</p> <p><i>Vide</i> O.M. dated 31.5.2016, the Ministry stated that statutes/regulations relating to appointment emoluments and other conditions of service is under consideration. Statutes/Regulations relating to procedure for tribunal of arbitration and settlement of dispute between employees, students and university are under consideration of Legal Counsel of the University and will be place before the Governing Council in its next meeting. Regulations regarding constitution and conduct of business of Executive Committee of University has been approved by the Legislative Department and is being notified. Regulations relating to Building Works Committee and Finance Committee is with the Legislative Department and will be notified after their approval.</p>
29	Ministry of Information and Broadcasting	The Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011 (Assented on 8.1.2012)	<p>Extension of time granted till 4.6.2016 for completing the framing of rules/regulations under the Act.</p> <p>Ministry was requested <i>vide</i> D.O. letter dated 14.1.2016 to complete framing of pending subordinate legislation within the time period granted by the Committee, i.e. by 04.06.2016 and to furnish status report on the progress of action by 22.01.2016.</p> <p><i>Vide</i> D.O. letter dated 25.2.2016, Ministry furnished status report showing the progress of framing of rules/regulations under the Act.</p>

			<p>However, it has been found that the Ministry has not completed framing of rules/regulations under the Act.</p> <p>Ministry to be requested to furnish the latest status after expiry of extension of time <i>i.e.</i> 4.6.2016.</p> <p><i>Vide</i> O.M. dated 27.6.2016, Ministry requested extension of time till 4.12.2016. Secretary to be called before the Chairman.</p>
30	Ministry of Finance (Department of Financial Services)	The Life Insurance Corporation (Amendment) Act, 2011 (Assented on 12.1.2012)	<p>The Ministry was requested <i>vide</i> D.O. dated 14.01.2016 to ensure finalization of the rules/regulations in the extended time period granted by the Committee till 30<sup>th</sup> April, 2016 and to furnish a status report by 15.03.2016.</p> <p><i>Vide</i> O.M. dated 6.5.2016 the Ministry has sought extension for framing and laying the subordinate legislation before the Parliament. Extension granted till 31.7.2016.</p>
31	Ministry of Science and Technology (Department of Scientific and Industrial Research)	The Academy of Scientific and Research Innovation Act, 2011 (Assented on 6.2.2012)	<p>The Ministry was requested <i>vide</i> D.O. dated 12.01.2016 to complete the process of framing and laying of subordinate legislation under the said Act within 45 days from the date of receipt of this letter and to furnish a status report by 31.01.2016.</p> <p><i>Vide</i> D.O. dated 15.02.2016 the Ministry has sought one year extension for framing and laying the subordinate legislation before the Parliament. Extension granted till 31.10.2016.</p>

32	Ministry of Law & Justice (Legislative Department)	The Anand Marriage (Amendment) Act, 2012 (Assented on 7.6.2012)	<p>The Ministry was requested <i>Vide</i> D.O. dated 13.01.16 to ensure that the States &amp; UTs frame the concerned rules under the said Act within 30 days from the receipt of this letter and to furnish a status report by 22.01.2016.</p> <p><i>Vide</i> D.O. dated 10.3.2016, Ministry stated that 5 States have framed the rules and the remaining States and Union Territories have been requested to expedite the process of framing of rules.</p> <p><i>Vide</i> O.M. dated 27.5.2016, the Ministry stated that 5 States have framed the concerned Rules and reminders have been issued to the other States. The Ministry of Home Affairs has been requested to expedite the process of framing the rules for the Union Territories.</p> <p><i>Vide</i> O.M. dated 16.6.2016 the Ministry has informed that the Ministry of Home Affairs has directed all the UTs to frame the rules under the Act at the earliest.</p> <p><i>Vide</i> O.M. dated 6.6.2016 Ministry has stated that a Bill for amending the Act has been introduced in the Lok Sabha which relates to inclusion of the Leader of the single largest party in the House of People in the Committee for selection of the Lokpal. Accordingly, the remaining set of rules would be framed after the Lokpal is appointed.</p>
33	Ministry of	The Chemical	Ministry was requested <i>Vide</i> D.O. letter

	Chemicals and Petrochemicals (Department of Chemicals & Fertilizers)	Weapons Convention (Amendment) Act, 2012 (Assented on 11.9.2012)	<p>dated 13.1.2016 to complete the process of framing of subordinate legislation within the 30 days of receipt of this letter and send a status report by 22.1.2016.</p> <p><i>Vide</i> O.M. dated 26.5.2016, Ministry stated that Government is empowered to make rules under clauses (a) to (g) of sub-section 2 of section 56 of the Act for carrying out the purposes of the Act. Under Clause (d), (e) and (f) the following rules as (i) the CWC Appeals Rules, 2005, (ii) the CWC (Criteria for Appointment as Enforcement Officer) Rules, 2014 are framed, notified and laid on the table of the House. Other draft rules under Section 56 of the Act, duly approved by Cabinet Secretary, have been submitted to Ministry of Law &amp; Justice for vetting.</p>
34	Ministry of Health and Welfare	The All India Institute of Medical Sciences (Amendment) Act, 2012 (Assented on 12.9.2012)	<p>The Ministry was requested <i>Vide</i> O.M. dated 6.1.2016 to confirm if all the 6 new AIIMS had there own Regulations in place by 15.1.2016.</p> <p><i>Vide</i> O.M. dated 18.1.2016, Ministry have stated that the proviso to section 29(2) of the said Act is only an enabling provision which could have been utilized by the institutes for framing of regulations.</p> <p><i>Vide</i> D.O. dated 29.1.2016, Ministry was requested to inform about the status of framing of regulations under proviso to section 29(2) of the parent Act of 1956.</p>

			<p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p>Reply awaited.</p>
35	Ministry of Finance (Department of Revenue)	The Finance Act, 2013 (Assented on 10.5.2013)	<p>The Ministry was requested <i>Vide</i> D.O. dated 13.01.16 to ensure that the States &amp; UTs frame the concerned rules under the said Act within 30 days from the receipt of this letter and to furnish a status report by 22.01.2016.</p> <p><i>Vide</i> O.M. dated 17.3.2016 Ministry has forwarded the list of subordinate legislation framed under the Act.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to inform whether all the contemplated rules/regulations have been framed under the Act.</p> <p>Reply awaited.</p>
36	Ministry of Corporate Affairs	The Companies Act, 2013 (Assented on 29.8.2013)	<p>The Ministry was requested <i>vide</i> D.O. dated 09.01.16 to provide a quarterly report of the progress made in the matter.</p> <p><i>Vide</i> D.O. dated 28.4.16, the Ministry has furnished the Quarterly Report on the status of framing of rules under the said act.</p> <p><i>Vide</i> D.O. dated 18.7.16, the Ministry have informed that 144 sections of the Act are yet to be commenced for which rules will be framed when these</p>

			sections commence. For the remaining sections the status of rules framed has been furnished by the Ministry.
37	Ministry of Civil Aviation	The Rajiv Gandhi National Aviation University Act, 2013 (Assented on 18.9.2013)	<p>Ministry was requested <i>Vide</i> D.O. letter dated 6.1.2016 to complete the finalization of First Statute within 30 days. Ministry was also asked the likely time to be taken in appointment of Vice Chancellor of the University and framing of Ordinances and Regulations.</p> <p><i>Vide</i> O.M. dated 28.1.2016, Ministry stated that the statutes have been finalized and being printed in the Official Gazette and will be placed in both Houses of Parliament in the ensuing session. The Search cum Selection Committee for Vice-Chancellor is held on 28.1.2016 and framing of ordinances and regulations will be undertaken once VC has taken charge.</p> <p>D.O. letter issued to Ministry on 8.3.2016 requesting the time frame within which the Ministry would complete the framing of Subordinate Legislation under the Act and to provide status report by 18.3.2016.</p> <p><i>Vide</i> O.M. dated 14.3.2016, Ministry stated that the Statutes have been published in the Gazette of India on 7.3.2016 and will be laid on the Table of the both Houses of Parliament in the 2<sup>nd</sup> part of Budget Session 2016. Further, selection process of the Vice-Chancellor in under process and framing of Ordinances and Regulations</p>

			<p>will be undertaken once the Vice-Chancellor takes charge.</p> <p><i>Vide</i> O.M. dated 23.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p>Reply awaited.</p>
38	Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution)	The National Food Security Act, 2013 (Assented on 10.9.2013)	<p>Ministry was requested <i>vide</i> D.O. letter dated 11.1.2016 to furnish status report on framing of rules by Ministry and State Governments by 22.01.2016 and ensure completion of framing of rules within 30 days.</p> <p><i>Vide</i> O.M. dated 22.1.2016, Ministry stated that Ministry of Women &amp; Child Development has framed the draft rules under Section 39 (2) (a) and matter is being followed up under Section 39 (2) (b). Ministry is also in constant touch with State Governments/UTs to notify Rules under Section 40.</p> <p><i>Vide</i> O.M. dated 23.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p><i>Vide</i> O.M. dated 3.6.2016 Ministry furnished status of framing of rules/regulations under the Act. Rules under section 39 (2) (a) framed but not yet laid. Rules under section 39 (2) (b) and (c) to be revised and laid on the table of the House. Under section 30 regarding framing of rules by State Government/UTs Ministry stated the</p>

			information is being compiled.
39	Ministry of Minority Affairs	The Wakf (Amendment) Act, 2013 (Assented on 20.9.2013)	<p>Committee does not accept the views of the Ministry and was requested vide D.O. letter dated 15.1.2016 to complete the process of framing of Regulation under Section 57 and send a status report by 5.2.2016.</p> <p><i>Vide</i> D.O. letter dated 25.2.2016 the Ministry informed that the requisite action to implement the two specific provisions was to be taken by the State Wakf Board and the State Government/UTs.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p>Reply awaited.</p>
40	Ministry of Personnel, Public Grievances & Pension (Department of Personnel and Training)	The Lokpal and Lokayuktas Act, 2013 (Assented on 1.1.2014)	<p>The Ministry was requested <i>Vide</i> D.O. dated 14.01.16 to complete the framing of Rules and Regulations under Sections 40, 42, 43, 59 &amp; 60 of the said Act respectively within 30 days from the receipt of this letter and to furnish a status report by 22.01.2016.</p> <p><i>Vide</i> O.M. dated, 2.2.2016 Ministry has stated that 2 Rules have been framed and laid on the Table of the Parliament while other rules will be framed after the office of the Lokpal becomes functional.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish</p>

			<p>the latest status regarding framing of rules/regulations.</p> <p>Reply awaited.</p>
41	Ministry of Agriculture (Department of Agricultural Research and Education)	The Rani Lakshmi Bai Central Agricultural University Act, 2014 (Assented on 4.3.2014)	<p>The Ministry was requested <i>vide</i> D.O. dated 14.1.16 to complete the framing of Statutes and Regulations under Sections Section 26, 28 &amp; 29 of the said Act respectively within 30 days from the receipt of this letter.</p> <p><i>Vide</i> letter dated 24.2.2016, Ministry stated that Academic Regulations have been framed and would be laid before the Parliament shortly. It had been earlier informed that 7 Ordinances have been framed and laid before the Parliament</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to inform whether all the contemplated rules/regulations/statutes/ordinances have been framed under the Act.</p> <p><i>Vide</i> O.M. dated 30.5.2016, Ministry has informed of the regulations and ordinances framed under the Act.</p>
42	Ministry of Housing and Urban Poverty Alleviation	The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Assented on 4.3.2014)	<p>The Ministry was requested <i>vide</i> D.O. letter dated 12.1.16 to complete the framing of rules by the States &amp; UTs under Sections 36 &amp; 38 of the said Act respectively within 30 days from the receipt of this letter and to furnish a status report by 22.01.16.</p> <p><i>Vide</i> O.M. letter dated 17.2.2016 the Ministry sought extension of time for</p>

			<p>six months for the States/UTs to complete the process of framing of rules. The Secretary also appeared before the Chairman on 5.4.2016 to brief him about the reasons for the delay. Accordingly, Extension granted till 30.9.2016.</p>
43	<p>Ministry of Finance (Department of Revenue)</p>	<p>The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 (Assented on 7.3.2014)</p>	<p>The Ministry was requested <i>Vide</i> O.M. dated 06.01.16 to clarify whether it would frame the said regulations as provided under Section 9 (1) (a) (iiia) by 15.1.16.</p> <p><i>Vide</i> O.M. dated 15.1.2016 Ministry has stated that the scheme for cultivation of poppy is under consideration and appropriate rules will be notified after finalization of details of such a scheme.</p> <p><i>Vide</i> O.M. dated 20.5.2016, the Ministry has been requested to furnish the latest status regarding framing of rules/regulations.</p> <p>Reply awaited.</p>
44	<p>Ministry of Personnel, Public Grievances &amp; Pension (Department of Personnel and Training)</p>	<p>The Whistle Blowers Protection Act, 2011 (Assented on 9.5.2014)</p>	<p>The Ministry was requested <i>vide</i> D.O. dated 14.1.16 to inform the steps taken for enforcement of the said Act and consequently the framing of Rules and Regulations under Sections 25, 26 &amp; 27 of the said Act respectively by 22.01.16.</p> <p><i>Vide</i> D.O. dated, 21.1.2016 Ministry has stated that amendment bill to the said Act is pending in the Rajya Sabha and Rules will be framed once the Act</p>

			<p>comes into force.</p> <p><i>Vide</i> O.M. dated 6.6.2016 Ministry has stated that the Bill for amending the Act has been passed by the Lok Sabha and is now pending in Rajya Sabha. The rules will be framed once the Act, as amended comes into force.</p>
45	Ministry of Commerce & Industry (Department of Industrial Policy & Promotion)	The National Institute of Design Act, 2014 (Assented on 17.7.2014)	<p>Ministry was requested vide D.O. letter dated 12.1.2016 to complete the framing of Statutes/Ordinances/ Rules within 30 days and furnish status report by 22.1.2016.</p> <p><i>Vide</i> O.M. dated 22.1.2016, Ministry requested extension of time till 22.07.2016 as only one Ordinance has been framed and Statutes are under active consideration of the Governing Council. Extension sought till 22.7.2016.</p> <p>Secretary, DIPP appeared before the Chairman on 25.4.2016 to explain the reasons for seeking extension of time. Accordingly, Chairman COSL, granted extension of time 30.9.2016.</p>
46	Ministry of Human Resource Development (Department of Higher Education)	The Indian Institutes of Information Technology Act, 2014 (Assented on 8.12.2014)	<p>Ministry was requested vide D.O. letter dated 12.1.2016 to complete the framing of Statutes/Ordinances/ Rules within 30 days and furnish status report by 22.01.2016.</p> <p><i>Vide</i> O.M. dated 29.1.2016, Ministry stated that a committee has been constituted to frame the First Statutes. With regard to Ordinances Ministry</p>

		<p>stated that this being a purely internal academic matter of IITs, the same may be exempted from rules to be framed under subordinate legislation. With regard to framing of rules, Ministry stated that draft notification was sent to Ministry of Law &amp; Justice who advised to get the comments of all the stakeholders i.e. Members of IIT Council.</p> <p><i>Vide</i> O.M. dated 2.2.2016, Ministry sought extension of time till 4.7.2016 for completing the framing of subordinate legislation. Extension sought till 4.7.2016.</p> <p><i>Vide</i> O.M. dated 4.4.2016, Ministry stated that a Committee has been constituted to frame the first statutes, however, the Committee is yet to submit there report. Regarding rules necessary amendments as suggested by the Legislative Department have been made and accordingly, the proposal is being sent to Legislative Department.</p> <p>Secretary, Department of Higher Education was called before the Chairman on 25.4.2016 to explain the reasons for seeking extension of time. Chairman, COSL accordingly, granted extension of time till 4.7.2016.</p> <p>Secretary, Ministry of Human Resource Development was also called before the Committee on 27.06.2016 to explain the reasons for delay in framing the subordinate legislations under the Act.</p>
--	--	--

47	Ministry of Shipping	The Merchant Shipping (Second Amendment) Act, 2014 (Assented on 9.12.2014)	<p>Ministry was requested <i>vide</i> D.O. letter dated 14.1.2016 to complete the process of framing of Rules/Regulation within the 30 days of receipt of this letter and send a status report by 22.1.2016.</p> <p><i>Vide</i> D.O. dated 26.5.2016, Ministry stated that out of four rules to be notified three rules have been framed/notified and laid on the table of the House. Draft Merchant Shipping (Seafarer Accommodation) Rules, 2016 were pre-published in the gazette on 29.3.2016 inviting suggestion/objection from the public. The suggestions have been examined and the notification for final rules after pre-publication is being referred to the Legislative Department for vetting/finalization.</p>
48	Ministry of Human Resource Development (Department of Higher Education)	The School of Planning and Architecture Act, 2014 (Assented on 18.12.2014)	<p>Ministry was requested <i>Vide</i> D.O. letter dated 13.1.2016 to complete the process of framing of Rules/Regulations/Statutes under Sections 28, 30 and 37 within the 30 days of receipt of this letter and send a status report by 22.1.2016.</p> <p><i>Vide</i> O.M. dated 26.5.2016, Ministry stated that approved SPA Rules under Section 37 of the School of Planning &amp; Architecture Act has been published in the Gazette on 27.1.2016 and laid on the Table of the Lok Sabha and Rajya Sabha 14.3.2016 and 28.4.2016 respectively. First Statute under Section 29 of SPA Act, 2014 is at advanced stage and shall be notified shortly.</p>

**MINUTES OF THE MEETING OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION, RAJYA SABHA**

**XXVII  
Twenty Seventh Meeting**

The Committee met at 5.00 pm on Tuesday, the 9<sup>th</sup> August, 2016 in Room No.126-C (Committee Chairman's Room), Parliament House, New Delhi.

**Present**

1. Dr.T. Subbarami Reddy *Chairman*

**Members**

2. Shri Shadi Lal Batra
3. Shri S. Muthukaruppan
4. Shri K. Parasaran
5. Shri Chunibhai Kanjibhai Gohel
6. Dr.K. Keshava Rao

**Secretariat**

1. Shri J.G. Negi, Joint Secretary
2. Shri Mahesh Tiwari, Director
3. Shri R.S.Rawat, Joint Director
4. Shri Rakesh Anand, Joint Director
5. Smt. Monica Baa, Deputy Director

2. At the outset, the Chairman welcomed the Members of the Committee to the meeting. Then, the following draft reports were taken up for consideration and adoption by the Committee:-

- (i) the draft 227<sup>th</sup> Report on Statutory Orders Laid on the Table of the Rajya Sabha during its 238<sup>th</sup> Session;
- (ii) the draft 228<sup>th</sup> Report on the delay in framing of Subordinate Legislation under Acts of Parliament administered by various Ministries/Departments; and
- (iii) the draft 229<sup>th</sup> Report on Statutory Orders Laid on the Table of the Rajya Sabha during its 239<sup>th</sup> Session

3. The Committee considered the reports and unanimously adopted the draft 227<sup>th</sup>, 228<sup>th</sup> and 229<sup>th</sup> Reports without any amendments after some discussions and decided to present these Reports, along with the 226<sup>th</sup> Report, which was earlier adopted, to the House on the 11<sup>th</sup> August, 2016. Accordingly, it authorized its Chairman and in his absence Dr. K. Keshava Rao and Shri S. Muthukaruppan, Members of the Committee, to present the Reports to the House.

4. \* \* \* \*

5. The meeting then adjourned at 5.45 p.m.

---

\*\*\*\*Relates to other matter.