

8. COMMITTEE SECTION (SUBORDINATE LEGISLATION)

8.1 Constitution and functions of the Committee: Rule 204 of the Rules of Procedure and Conduct of Business in the Council of States provide that there shall be a Committee on Subordinate Legislation 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. The Committee consists of fifteen Members nominated by the Hon'ble Chairman, Rajya Sabha. Members hold office until a new Committee is constituted. The present Committee was constituted on the 19th June, 2018 with Dr. T. Subbarami Reddy, M.P. as its Chairman. The composition and functioning of the Committee on Subordinate Legislation is governed by rules 205 to 212 of the said rules and the directions issued by Hon'ble Chairman in this behalf. The functions assigned to the Committee are enumerated in rule 209, as follows:-

“209. Functions

After each rule, regulation, bye-law, scheme or other statutory instrument (hereinafter referred to as the ‘order’) framed in pursuance of the Constitution or the legislative functions delegated by Parliament to a subordinate authority and which is required to be laid before Parliament, is so laid before the Council, the Committee shall, in particular consider—

- (i) whether the order is in accord with the provisions of the Constitution or the Act pursuant to which it is made;
- (ii) whether the order contains matter which in the opinion of the Committee should more properly be dealt within an Act of Parliament;
- (iii) whether the order contains imposition of taxation;
- (iv) whether the order directly or indirectly bars the jurisdiction of the court;
- (v) whether the order gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (vi) whether the order involves expenditure from the Consolidated Fund of India or the public revenues;
- (vii) whether the order appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;
- (viii) whether there appears to have been unjustifiable delay in its publication or laying the order before Parliament; and
- (ix) whether for any reason the form or purport of the order calls for any elucidation.”

8.2 Main objectives of the Section: The Committee Section (COSL) has been entrusted with the task of providing secretarial assistance to the Committee on Subordinate Legislation, Rajya Sabha. The Section also handles the work of laying of various rules/regulations framed by the Ministries/Departments under various Central Acts or the Constitution of India, from time to time. The items of work being handled by the Section are as follows:

- (i) Examination/scrutiny of rules/regulations/schemes/bye laws, etc. framed under various Central Acts and the Constitution of India.
- (ii) Examination of representations presented to the Committee or its Chairman by the associations, individuals, etc. having a bearing on rules/regulations.

- (iii) Monitoring of all the Acts passed by the Parliament in order to ensure that Subordinate Legislations to be framed thereunder, is framed within prescribed time-frame.
- (iv) All work including preparation of Agenda Paper, speeches for the Chairman for all the meetings of the Committee in Delhi and outside, for which permission is accorded by Hon'ble Chairman, Rajya Sabha.
- (v) Preparation of questionnaires, memoranda, study notes, etc and reports of the Committee.
- (vi) Examination of various Statutory Orders and preparation of items for inclusion thereof in the List of Business for their laying on the Table of the Rajya Sabha.
- (vii) Compilation of Statutory Notifications to be laid on the Table of the House during each Session and their circulation to the Chairman and Members of the Committee for their perusal, views/comments.
- (viii) Processing of Statutory Motions given by the Members amending/annulling the Statutory Order.
- (ix) Compilation of Bulletin Part-II on the Statutory Orders laid on the Table of the Rajya Sabha during each session on weekly basis, during the same session, for information of the Members to enable them to submit Statutory Motions for their modification, annulment, if any.

8.3 Performance of the Section during the year: 7 meetings of the Committee were held during the year 2018 in which the Committee considered 18 Memoranda and took 11 oral evidences. Details of the meetings are given at *Annexure 8.1*. The Section also attended to work connected with laying of 1230 Statutory Notifications received from various Ministries and Departments of the Government of India during the year. Copies of these notifications were also circulated to Members of the Committee. Parliamentary Bulletin Part II was also issued on weekly basis regarding said notifications during the same Session for Members' perusal. During the period under report i.e., 2018, Committee Section received one notice of Statutory Motion from a Member on a notification of the Ministry of Communications (Department of Telecommunications) and two notices on another notification of the Ministry of Human Resource Development (Department of Higher Education) for modifications/Annulment, which was duly examined by the Section. Apart from seven Tour bills relating to Committee's study visit, forty bills, on account of refreshments served in various meetings of the Committee and other Official meetings, were scrutinized, and cleared for payment to concerned organizations.

The Committee Section has also examined the recommendations of Rules Review Committee regarding inclusion of Rules/Procedure on Statutory Motion for modification/annulment of rules/regulations and certain other provisions in the Rules of Procedure and Conduct of Business in the Council of States. The Section has compiled and forwarded quarterly reports on status of framing of rules/regulations under various Acts of Parliament to the Cabinet Secretariat, Ministry of Parliamentary Affairs and Legislative Department, Ministry of Law & Justice.

During this period, 33 RTI applications were received by the Section which were examined and replies were given within the stipulated period. The Section also dealt with 5 receipts in Hindi and replies were also sent in Hindi. A total of 135 old files were weeded out during the year 2018.

8.4 Reports of the Committee presented to the House: The Committee presented 234th and 235th Reports on Statutory Orders laid on the Table of Rajya Sabha, as detailed in *Annexure 8.2*.

8.5 Goals and Analysis: Like in the previous year, Committee Section (COSL) had set for itself the goal of scrutinizing the subordinate legislation framed/laid by various Ministries/Departments of Government of India during the year 2018. The Section also took up and pursued with various Ministries/Departments the framing of subordinate legislation under 15 Acts enacted during the year 2017.

8.6 Computerization in the Section: The work of the section has been computerized to a fairly good extent. Items for List of Business are now prepared in CRC form. The Parliamentary Bulletins Part-II containing all the Statutory Orders laid during each week during the session were also prepared in CRC form. An updated data containing all the reports presented by the Committee on Subordinate Legislation along with their date of presentation is also maintained on computer. Officials are familiar with the new software for the Committee, which is being used for issuing notices (including *via* SMS) and maintaining records relating to tours and meetings of the Committee. The Section has also taken the initiative of maintaining computerized filing system wherein all the files are catalogued according to their file numbers and stored in cupboards on year wise basis for easy retrieval. This practice will be continued in future until all records are fully mapped in a computerized form.

8.7 Rules/Regulations taken up for examination: A statement showing the rules/regulations taken up for detailed examination during the year 2018 by the Committee is placed at **Annexure-8.3**.

8.8 Training to staff: During the year 2018, two officers/officials of the Section attended training programme (**Annexure-8.4**).

8.9 Tours/Visits: The Committee undertook two study tours during the year 2018. The details in this regard are given at **Annexure-8.5**.

8.10 Weeding out of records: The Section undertakes periodic review of old records in the Section. During the year 2018, 135 old files of the years ranging from 2000 to 2017 were weeded out.

8.11 Right to Information (RTI) receipts: The Section furnishes information on the RTI applications pertaining to the Section and ensures that information is furnished within the stipulated time. During the year 2018, the Section received and disposed off 33 RTI applications within the prescribed time limit.

8.12 Work Done in Hindi: The Section received 5 receipts in Hindi during 2018, replies for which were also sent in Hindi.

8.13 Budget: The Rajya Sabha Secretariat allocates budget under four heads to this Committee Section i.e., (i) 02 Members-02 00 11 Domestic Travel Expenses; (ii) 02 Members-02 00 13 – Office Expenses; (iii) 01 105 Rajya Sabha Secretariat 01 Secretariat 01 00 11 Domestic Travel Expenses and; (iv) 02 Members-02 00 20-Other Admn. Expenses. The details of Budget allocation and expenditure under these heads are given below:-

Detailed Head	Budget allocated for 2018-19	Expenditure from 01/03/2018-31/03/2018	Expenditure from 01/04/2018-31/12/2018
02-Member-02 00 11- Domestic Travel Expenses	Rs. 45,00,000	Rs. 15,18,359	Rs.16,40,958
02-Member-02 00 13- Office Expenses	Rs. 20,00,000	Rs. 18,16,019	Rs. 7,65,308
02-Member-02 00 20- Other Administrative Expenses	Rs. 1,00,000	Rs. 13,071	Rs. 23,975
01 105 Rajya Sabha Secretariat 01 00 11 Domestic Travel Expenses	Rs. 11,00,000	Rs. 2,92,408	Rs. 6,39,113

**MEETINGS OF THE COMMITTEE ON SUBORDINATE LEGISLATION
DURING THE YEAR 2018.**

Sl. No.	Date of Meeting (and Time Devoted)	Agenda	Evidence, if any, taken
1.	02/01/2018 (20 minutes)	To consider and adopt the following Reports:- (i) Draft 234 th Report on Statutory Orders Laid on the Table of the Rajya Sabha during its 242 nd Session; and (ii) Draft 235 th Report on Statutory Orders Laid on the Table of the Rajya Sabha during its 243 rd Session	No.
2.	27/02/2018 (1 hour 24 minutes)	(i) Oral evidence of the Special Secretary, Ministry of Human Resource Development (Department of Higher Education) and Chairman, UGC on the implementation of 217 th Report of the Committee on Subordinate Legislation, Rajya Sabha on the issue of taking over of Distance Education Council (DEC) of IGNOU by the University Grants Commission (UGC) through an administrative order in violation of IGNOU Act, 1985 and the Statutes framed thereunder; (ii) Briefing Meeting with the Chairman, Ministry of Railways (Railway Board) on the Railways (Punitive charges for overloading of wagon)Rules, 2012 with reference to safety of rakes used in Railways; and (iii) Briefing Meeting with the Secretary, Ministry of Steel along with concerned organisations on the Steel and Steel Products (Quality Control) Order, 2015 with special reference to quality of steel supplied for rakes to the Ministry of Railways.	(i) Yes (ii) Yes (iii) Yes
3.	10/04/2018 (3 hours 11 minute)	Briefing Meeting with the following on the Reserve Bank of India's Resolution of Stressed Assets -Revised Framework, dated the 12 th February, 2018 issued under Section 35A, 35AA (read with S.O.1435 (E), dated May 5, 2017 issued by the Government of India) and 35AB of the Banking Regulation Act, 1949; and, Section 45 (L) of the Reserve Bank of India Act, 1934:- (i) Secretary, Ministry of Finance (Department of Financial Services); (ii) Secretary, Ministry of Corporate Affairs; (iii) Governor, RBI;	Yes

		(iv) MD & CEOs/Representatives of Andhra Bank, Punjab National Bank, State Bank of India, Oriental Bank of Commerce, Bank of Baroda, IDBI Bank, Bank of India, Union Bank of India, Canara Bank, Syndicate Bank, Indian Overseas Bank, United Bank of India and DENA Bank; and Chairman, IBA and President of FICCI, ASSOCHAM, CII and FISME	
4.	18/06/2018 (1 hour 42 minutes)	<p>(i) Oral evidence of the Secretary, Ministry of Human Resource Development (Department of Higher Education) on the delay in framing of subordinate legislation under Acts administered by the Ministry of Human Resource Development (Department of Higher Education).</p> <p>(ii) Oral evidence of the Secretary, Ministry of Commerce and Industry (Department of Commerce) on the Foreign Trade (Regulation) Rules, 1993 and subsequent amendments.</p> <p>(iii) Oral evidence of the Secretary, Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) on the Patents Rules, 2003 and the procedure and system for calculation of Wholesale Price Index.</p> <p>(iv) Oral evidence of the Secretary, Ministry of Housing & Urban Affairs on the status of framing of Rules/Regulations under the Real Estate Regulatory Authority Act, 2016.</p> <p>(v) Briefing meeting with the Chairman, Central Board of Direct Taxes (CBDT) on the Income Declaration Scheme Rules, 2016 and the Prohibition of Benami Property Transactions Rules, 2016.</p> <p>(vi) Briefing meeting with the Chairman, New Delhi Municipal Council (NDMC) on the NDMC Solid Waste Management Bye- Laws, 2017.</p>	<p>(i) Yes</p> <p>(ii) Yes</p> <p>(iii) Yes</p> <p>(iv) Yes</p> <p>(v) Yes</p> <p>(vi) Yes</p>
5.	03/07/2018 (3 hours 1 minute)	<p>(i) Oral evidence of the Secretary Ministry of Steel along with Steel PSUs on the Implementation of Companies (CSR) Rules, 2014 and Steel and Steel Products (Quality Control) Order, 2018 – regarding.</p> <p>(ii) Briefing Meeting with the Secretary, Ministry of Coal along with Coal PSUs on the Coal Blocks Allocation Rules, 2017 and on the Companies (CSR) Rules, 2014</p> <p>(iii) Briefing Meeting with the Secretary, Ministry of Mines on the Mineral Conservation and Development Rules, 2017</p>	<p>(i) Yes</p> <p>(ii) Yes</p> <p>(iii) Yes</p>

		(iv) Oral evidence of the Secretary, Ministry of Environment, Forest and Climate Change on Wetlands (Conservation and Management) Rules-2017.	(iv) Yes
6.	28/09/2018 (2 hour 48 minutes)	(i) Oral Evidence of the Secretary, Ministry of Power on the Central Electricity Regulatory Commission (Power System Development Fund) Regulations, 2014; Implementation of the Companies (CSR) Rules, 2014 with special reference to CSR activities undertaken by Power PSUs during the last and current financial year; and best practices regarding waste management in Power PSUs with special reference to various waste management rules. (ii) Briefing meeting with the Secretary, Ministry of Environment, Forest and Climate Change on the Compensatory Afforestation Fund Rules, 2018. (iii) Briefing Meeting with the Secretary, Ministry of Human Resource Development (Department of Higher Education) on the University Grants Commission [Categorization of Universities (only) for Grant of Graded Autonomy] Regulations, 2018. (iv) Oral evidence with the Secretary, Ministry of Finance, Department of Financial Services along with Deputy Governor, RBI on the RBI Master Circular on Mobile Banking transactions in India Operative Guidelines for Banks.	(i) Yes (ii) Yes (iii) Yes (iv) Yes
7.	05/12/2018 (2 hour 40 minutes)	(i) Oral evidence with the Secretary, Ministry of Civil Aviation along with Chairman, Airports Authority of India and CMD, Air India on the Ministry of Civil Aviation (Ground Handling Services) Regulations, 2017. (ii) Oral evidence with the Secretary, Ministry of Road, Transport and Highways along with Chairman, National Highways Authority of India on the National Highway Tribunal (Procedure) Rules, 2003 and policies regarding construction of National Highways and levying of toll. (iii) Briefing meeting with the Secretary, Ministry of Petroleum and Natural Gas along with the Chairman, PNGRB and officials of HPCL, GAIL, PPAC, IOCL, OISD on the draft Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for Retail Outlets dispensing Petroleum, Auto LPG and CNG) Regulations, 2016, along with pricing policy and marketing of Petroleum and Natural gas products	(i) Yes (ii) Yes (iii) Yes

		(iv) Briefing meeting with the Secretary, Ministry of Home Affairs along with the Registrar General of India, Joint Secretary, Cabinet Secretariat and Special Secretary, Border Management on the Governors (Allowances and Privileges) Rules, 1987 and the Citizenship Rules, 2009.	(iv) Yes
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Annexure-8.2

REPORTS OF COMMITTEE ON SUBORDINATE LEGISLATION PRESENTED DURING THE YEAR 2018.

Sl. No.	Report No.	Subject
1.	234 th Report	Report on Statutory Orders Laid on the Table of the Rajya Sabha during its 242 nd Session
2.	245 th Report	Report on Statutory Orders Laid on the Table of the Rajya Sabha during its 243 rd Session.

**RULES/REGULATIONS/DIRECTIONS/POLICY ETC. TAKEN UP FOR EXAMINATION BY
THE COMMITTEE DURING THE YEAR 2018**

1. The Railways (Punitive charges for overloading of wagon) Rules, 2012.
2. The Reserve Bank of India's Resolution of Stressed Assets -Revised Framework, dated the 12th February, 2018.
3. The Foreign Trade (Regulation) Rules, 1993.
4. The Patents Rules, 2003.
5. The Rules/Regulations under the Real Estate Regulatory Authority Act, 2016.
6. The Income Declaration Scheme Rules, 2016.
7. The Prohibition of Benami Property Transactions Rules, 2016.
8. The New Delhi Municipal Council Solid Waste Management Bye- Laws, 2017.
9. The Companies (CSR) Rules, 2014.
10. The Steel and Steel Products (Quality Control) Order, 2018.
11. The Coal Blocks Allocation Rules, 2017.
12. The Mineral Conservation and Development Rules, 2017.
13. The Wetlands (Conservation and Management) Rules-2017.
14. The Central Electricity Regulatory Commission (Power System Development Fund) Regulations, 2014.
15. The Compensatory Afforestation Fund Rules, 2018.
16. The Ministry of Civil Aviation (Ground Handling Services) Regulations, 2017.
17. The RBI Master Circular on Mobile Banking transactions in India Operative Guidelines for Banks.
18. The National Highway Tribunal (Procedure) Rules, 2003
19. The Governors (Allowances and Privileges) Rules, 1987
20. The Citizenship Rules, 2009
21. The Draft Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for Retail Outlets dispensing Petroleum, Auto LPG and CNG) Regulations, 2016.
22. The Construction and Demolition of Waste Management Rules, 2016.
23. The Hazardous and Other Wastes (Movement and Transboundary Movement) Rules, 2016.
24. The Rural Electrification Policy notified under Section 4 and 5 of the Electricity Act, 2003.
25. The Central Electricity Regulatory Commission (Terms and Conditions for tariff determination from Renewable Energy Sources) Regulations, 2017.
26. The RBI Master Direction – Priority Sector Lending – Targets and Classification.
27. The RBI Master Direction – Lending to Micro, Small and Medium Enterprises (MSME).
28. The Customs and Central Excise Duties Drawback Rules, 2017.
29. The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Rules, 2015.
30. The Solid Waste Management Rules, 2016.
31. The Plastic Waste Management Rules, 2016.
32. The Coastal Regulation Zone Notification, 2011.
33. The Petroleum Products (Maintenance of Production, Storage and Supply) Order, 1999.
34. The Liquefied Petroleum Gas(Regulation of Supply and Distribution) Order, 2000
35. The Insurance Ombudsman Rules, 2017.

36. The Customs (Import of Goods at Concessional Rate of Duty) Rules, 2017.
37. The Benami Informants Reward Scheme, 2018.
38. The Central Electricity Regulatory Commission (Planning, Coordination and Development of Economic and Efficient Inter-State Transmission System by Central Transmission Utility and other related matters) Regulations, 2018.
39. The Insurance Regulatory and Development Authority of India (Insurance Brokers) Regulations, 2018.
40. The RBI Master Directions on Frauds – Classification and Reporting by commercial banks
41. The RBI Master Circular on Prudential Norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances and problems faced by Banks due to rising NPAs of different categories.
42. The Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011.
43. The Securities and Exchange Board of India (Credit Rating Agencies) Regulations, 1999 and its subsequent amendments.

Annexure-8.4

STAFF MEMBERS OF THIS SECTION TOOK TRAINING ON THE FOLLOWING SUBJECTS CONDUCTED BY VARIOUS ORGANIZATIONS/INSTITUTES DURING THE YEAR 2018.

Sr.no.	Officers/Staff	Subject	Name of the Organizations/Institutes
1.	R.K. Mecolt Singh, Under Secretary	CIO Champions Programme	National Institute of Financial Management, Faridabad
2.	Anup Sahu, Assistant Executive Officer	BPST Training on 'subordinate legislation and its implication'	BPST, Lok Sabha through Training Cell, Rajya Sabha Secretariat

Annexure 8.5

STUDY TOURS UNDERTAKEN BY THE COMMITTEE DURING THE YEAR 2018

- (i) Visit of the Committee to Ahmedabad, Mumbai and Tirupati from 23rd to 28th April, 2018
- (ii) Visit of the Committee to Bengaluru, Chennai, Mumbai and Lucknow from 28th October to 2nd November, 2018