

PARLIAMENTARY MATTER

No.H-11011/08/2016-Parl.
Ministry of Home Affairs
(Parliament Section)

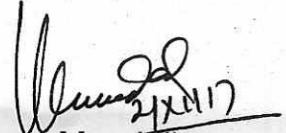
North Block, New Delhi
Dated the 02nd November, 2017

02 NOV 2017

Office Memorandum

Subject: Suggestions for avoiding delay in finalizing rules and regulations of Subordinate legislation with the Legislative Department.

The undersigned is to forward herewith a D.O. letter No. 11(24)/17-L.I dt. 26th October, 2017 received from Legislative Department, Ministry of Law & Justice on the above subject, which is self-explanatory, for information and compliance.



(Manas Mondal)
Under Secretary (Parl.)
Tel: 2309 4422

To

All Divisional Heads of MHA (including Office of RGI & D/o OL)

✓ Copy to: 1) SO(IT) with a request to upload the instruction on the e-office web portal of MHA. This may please be uploaded in "Parliament" folder and also under "What is New".

2) SO(C.I)/SO(C.II) for information

डॉ० जी० नारायणा राजू
सचिव
Dr. G. Narayana Raju
Secretary



S-NO (2) R1
भारत सरकार
विधि और न्याय मंत्रालय
विधायी विभाग
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
LEGISLATIVE DEPARTMENT

D.O. No.11(24)/17-L.I

Dated : 26th October, 2017

Dear Secretary,

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As you are aware, a law enacted by Parliament usually enables the Central Government or any other authority specified in the Act to make rules, regulations etc. to fill the procedural gaps in the legislation for its better implementation. As per para 11.3.1 of the Manual of Parliamentary Procedures in Government of India, statutory rules, regulations and bye-laws will be framed within a period of six months from the date on which the relevant statute came into force. As per the Government of India (Allocation of Business Rules) 1961, the administrative Ministry must get these rules and regulations vetted/examined by the Legislative Department before publishing the same.

2. In a recent meeting held on 10th October, 2017, the Hon'ble Committee on Subordinate Legislation, Rajya Sabha has suggested the Legislative Department to avoid the delay in clearing the proposals of subordinate Legislations and also required to write letters to all Secretaries to the Government of India to ensure that there should not be any delay in finalising rules and regulations with the Legislative Department.

3. I would like to bring to your notice that majority of the proposals received by this Department are not complete in all respects because of which the proposals are returned to the administrative Ministry without vetting. For example, non-enclosures of relevant documents, non-approvals of competent authority, non-consultation with DoP&T and UPSC in case of recruitment rules and also not providing the names and telephone numbers of the concerned officers dealing with the proposals.

4. In view of the above reasons, the officers of this Department are not able to finalise the sub-ordinate legislations within the stipulated time. I further bring to your notice that a detailed procedure regarding finalization of subordinate legislations is provided in Chapter-XI of the Manual of Parliamentary Procedures in the Government of India. It has been noticed that majority of the Ministries/Departments are not following these procedures while forwarding the proposals to Legislative Department.

5. Therefore, in order to avoid delay, the concerned administrative Ministry/Department are requested to comply the following suggestions for timely completion of subordinate legislations: -

(a) to follow the check list provided in Chapter-XI of the Manual of Parliamentary Procedure in the Government of India.

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(3)

(b) while forwarding Recruitment Rules for vetting, wherever required, it may be ensured that prior consultation with Department of Personnel and Training and Union Public Service Commission are made and necessary approvals of the competent authorities are obtained.

(c) Name, designation, telephone number and addresses of the officers concerned may be mentioned in the file, so that the officer/official concerned can be contacted for the purpose of discussion/clarification.

(d) Ensure the placing of the Gazette copies of the principle Rules/subsequent amendment Rules on the file in case of amendment proposals.

(e) Ensure the placing of the draft notification on file which is to be vetted by the Legislative Department.

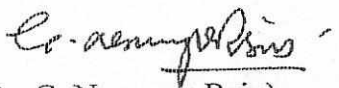
(f) If any urgent and time bound rule or notification is required to be vetted, the officer concerned from the administrative Ministry/Department may personally visit the officer concerned in the Legislative Department for speedy disposal.

(g) In case of any other difficulty, the concerned officer of the administrative Ministry/Department may contact Additional Secretary (Dr. Reeta Vasishta), (Phone No. 23384404).

6. I, therefore, request you to instruct concerned officers of your Ministry/Department accordingly for strict compliance so that the delay in finalisation could be avoided.

With regards,

Yours sincerely,


(Dr. G. Narayana Raju)

To:

All Secretaries to the Government of India

(As per list enclosed)

(4)

LIST OF SECRETARIES OF GOVERNMENT OF INDIA

S.No.	Ministry/Department
1.	Secretary, Department of Chemicals and Petrochemicals,
2.	Secretary, Department of Fertilizers,
3.	Secretary, Department of Pharmaceuticals,
4.	Secretary, Ministry of Coal,
5.	Secretary, Ministry of Corporate Affairs,
6.	Secretary, Ministry of Culture,
7.	Secretary, Department of Higher Education,
8.	Secretary, Department of School Education & Literacy,
9.	Secretary, Ministry of Information and Broadcasting,
10.	Secretary, Department of Legal Affairs,
11.	Secretary, Ministry of Mines,
12.	Secretary, Ministry of Petroleum & Natural Gas,
13.	Secretary, Department of Social Justice & Empowerment,
14.	Secretary, Ministry of Tribal Affairs,
15.	Secretary, Ministry of Women and Child Development,
16.	Secretary, Department of Sports,
17.	Secretary, Department of Youth Affairs,
18.	Secretary, Department of Agriculture, Co-operation & Farmers' Welfare,
19.	Secretary, Department of Animal Husbandry, Dairying & Fisheries,
20.	Secretary, Department of Agricultural Research and Education(DARE),
21.	Secretary, Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy(AYUSH),
22.	Secretary, Department of Atomic Energy,
23.	Secretary, Ministry of Civil Aviation,
24.	Secretary, Department of Commerce,
25.	Secretary, Department of Industrial Policy & Promotion,
26.	Secretary, Department of Telecommunications,

27.	Secretary, Department of Posts,
28.	Secretary, Ministry of Electronics & Information Technology,
29.	Secretary, Department of Consumer Affairs,
30.	Secretary, Department of Food and Public Distribution,
31.	Secretary, Department of Defence,
32.	Secretary, Department of Defence Production,
33.	Secretary, Department of Defence Research & Development,
34.	Secretary, Department of Ex-Servicemen Welfare,
35.	Secretary, Ministry of Development of North Eastern Region,
36.	Secretary, Ministry of Drinking Water & Sanitation,
37.	Secretary, Ministry of Earth Sciences,
38.	Secretary, Ministry of Environment, Forests & Climate Change,
39.	Foreign Secretary, Ministry of External Affairs,
40.	Secretary, Department of Economic Affairs,
41.	Secretary, Department of Expenditure,
42.	Secretary, Department of Financial Services,
43.	Secretary, Department of Investment and Public Asset Management,
44.	Secretary, Department of Revenue,
45.	Secretary, Ministry of Food Processing Industries,
46.	Secretary, Department of Health & Family Welfare,
47.	Secretary, Department of Health Research, Indian Council of Medical Research,
48.	Secretary, Department of Heavy Industry,
49.	Secretary, Department of Public Enterprises,
50.	Secretary, Ministry of Home Affairs,
51.	Secretary, Department of Official Languages,
52.	Secretary, Department of Inter State Council Secretariat,
53.	Secretary, Ministry of Housing and Urban Affairs,
54.	Secretary, Ministry of Labour and Employment,
55.	Secretary, Department of Justice,

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56.	Secretary, Ministry of Micro, Small & Medium Enterprises,
57.	Secretary, Ministry of Minority Affairs,
58.	Secretary, Ministry of New & Renewable Energy,
59.	Secretary, Ministry of Panchayati Raj,
60.	Secretary, Ministry of Parliamentary Affairs,
61.	Secretary, Department of Administrative Reforms and Public Grievances(DARPG),
62.	Secretary, Department of Pension & Pensioner's Welfare,
63.	Secretary, Department of Personnel and Training(DoPT),
64.	Secretary, Ministry of Power,
65.	Chairman, Ministry of Railways,
66.	Secretary, Ministry of Road Transport and Highways,
67.	Secretary, Department of Land Resources(DLR),
68.	Secretary, Department of Rural Development(DRD),
69.	Secretary, Department of Biotechnology(DBT),
70.	Secretary, Department of Science and Technology(DST),
71.	Secretary, Department of Scientific & Industrial Research(DSIR),
72.	Secretary, Ministry of Shipping,
73.	The Secretary, Ministry of Skill Development & Entrepreneurship,
74.	Secretary, Department of Empowerment of Person with Disabilities,
75.	Secretary, Department of Space,
76.	Secretary, Ministry of Statistics and Programme Implementation,
77.	Secretary Ministry of Steel,
78.	Secretary Ministry of Textiles,
79.	Secretary Ministry of Tourism,
80.	Secretary Ministry of Water Resources, River Development and Ganga Rejuvenation,