



Committee on Subordinate Legislation Report Summary

Non-implementation of oft-repeated recommendations of the Committee

- The Committee on Subordinate Legislation presented its 21st Report on ‘the Non-implementation of oft-repeated recommendations of the Committee on Subordinate Legislation’. In the Report, the Committee emphasised the importance of its previous recommendations, gaps in their implementation and the role of the Ministry of Parliamentary Affairs (MPA) in ensuring compliance with the Committee’s recommendations.
- The Committee observed that the MPA was responsible for coordinating between the Ministries and the Committee. It also observed that the MPA failed to perform its role as a nodal agency. The MPA had not established a mechanism to interact with the departments to ensure compliance with the Committee’s recommendations.
- The Committee’s previous recommendations had culminated in the guidelines issued by the MPA in 1986. These were reiterated in 1989 and 1996. The Committee noted that these were often ignored by ministries and departments. It further recommended that these guidelines be reviewed since the legislative field has changed in the past 25 years. It also recommended that its previous recommendations on procedure for drafting and publication of rules be incorporated in the new guidelines.
- It recommended that the MPA take steps to coordinate between the Committee, ministries and departments. The MPA should also propose amendments to the Manual of Parliamentary Procedures.
- The Committee urged the MPA to hold review meetings with other ministries on implementation of the Committee’s recommendations. These should be held twice a year at least at the Joint Secretary level. The MPA should also call for quarterly reports from other ministries and departments regarding the implementation of recommendations of the Committee.
- The Committee noted that there was inordinate delay in framing and publishing rules and regulations. It had previously recommended the appointment of Law Officers in all ministries and departments. The Committee reiterated this recommendation. It pointed out that this would remove the need to approach the Ministry of Law and Justice every time for framing rules, and the consequent delay. The MPA in consultation with the Ministry of Law and Justice and Department of Personnel and Training should create the post of Law Officers in all ministries and departments.
- The Committee observed that its recommendations to certain ministries, which apply to all others, have not been included in the Manual of Parliamentary Procedures. The Committee urged the MPA to take into account such recommendations while reviewing or framing guidelines for Ministries in the future.
- The Committee noted that the MPA does not compile Action Taken Reports (ATRs) to the Parliamentary Committees’ reports (Reports of the PAC, Petitions Committee and the Committee on Subordinate Legislation). It recommended that the MPA process these ATRs and incorporate the Committee’s general recommendations in the MPA’s comprehensive guidelines. In addition, it recommended that the MPA issue fresh instructions to other ministries requesting them to intimate the MPA upon submitting ATRs to the Committee’s Reports.
- The Committee observed that the Central Secretariat Manual on Office Procedure to central government officers does not include a chapter on Parliamentary Procedure. The Committee recommended that such a chapter be included. In addition, it recommended that the MPA ensure that the Ministry of Personnel, Public Grievances, and Pensions (Department of Administrative Reforms and Public Grievances) include the chapter relating to subordinate legislation in the Central Secretariat Manual on Office Procedure.

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