

The Central Advisory Committee For Lighthouses (Procedural) Rules, 1976

UNION OF INDIA

India

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Rule

THE-CENTRAL-ADVISORY-COMMITTEE-FOR-LIGHTHOUSES-PROCEDURAL-RULES-1976

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1989.

G.S.R. 1734, dated 20th November, 1976. - In exercise of the powers conferred by section 21 of the Indian' Lighthouse Act, 1927 (17 of 1927), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.

(1)These rules may be called the Central Advisory Committee for Lighthouses (Procedural) Rules, 1976.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires,(a)"Act" means the Indian' Lighthouse Act, 1927 (17 of 1927);(b)"Chairman" means the Chairman of the Committee;(c)"Committee" means the Central Advisory Committee for Light houses constituted under sub-section (1) of section 4 of the Act;(d)"member" means a member of the Committee;(e)"Member-Secretary" means the Member-Secretary of the Committee.

3. Tenure of committee.

- The Committee shall be constituted for a period of two years at a time.

4. Constitution of the committee.

- The Committee shall consist of the following members, namely:(a)the Secretary to the Government of India in the Ministry of Shipping and Transport, who shall be the Chairman, ex-officio;(b)the Nautical Adviser to the Government of India, ex-officio;(c)the Financial Adviser, Ministry of Shipping and Transport, ex-officio;(d)the Chief Hydrographer to the Government of India, ex-officio;(e)one representative of the Federation of Indian Chambers of Commerce and Industries;(f)one representative of the Associated Chambers of Commerce of India;(g)two representatives of the Indian National Shipowners' Association;(h)two nominees of the Central Government representing sailing vessels interests, one each from the West and East Coasts of India;(i)one nominee of the Central Government representing Inter-Ports Consultative Organization;(j)two Members of Parliament, one each from the Lok Sabha and the Rajya Sabha;(k)the Director General of Lighthouse and Lightships, who shall be the Member-Secretary, ex-officio.

5. Vacancies, etc.

- , not to invalidate acts and proceedings. - No act or proceedings of the Committee shall be deemed to be invalid on the ground merely of:(a)the existence of any vacancy in or defect in the constitution of the Committee; or(b)any omission, defect or irregularity not affecting the merits of the case.

6. Terms of office.

- Subject to the other provisions of these rules, every member other than an ex-officio member shall hold office for a period of two years : Provided that a Member of Parliament shall hold office for a period of two years or for so long as he continues to be a member of the House which he represents, whichever is less.

7. Casual vacancies.

- A casual vacancy in the office of member shall be filled by nomination or appointment, as the case may be, and a member so nominated or appointed to fill the vacancy shall hold office for so long only as the member, whose place he fills would have continued to hold office if vacancy had not occurred.

8. Resignation by members.

- A member, other than the Chairman, may resign his membership by letter under his hand addressed to the Chairman but he shall continue in office until his resignation is accepted by the

Chairman, or expiry of thirty days from the date of resignation whichever is earlier.

9. Removal of members from office.

- The Central Government may at any time remove from office any member, (a) if he is continuously absent from India for a period of more than 12 months and has not obtained the permission of the Chairman for such absence. (b) if he absents himself from two consecutive meetings of the Committee without the permission of the Chairman. (c) if he is an undischarged insolvent; (d) if he is convicted of any offence which in the opinion of the Central Government involves moral turpitude. (e) if, in the opinion of the Central Government, he has ceased to represent the interests on whose behalf he was appointed. (f) if, in the opinion of the Central Government, it is for any other reason, to be recorded in writing, not desirable that he should continue to be a member.

10. Suspension of termination of representation on the committee.

- If, after such enquiry as it may deem necessary, the Central Government is of the opinion that any body or association which represented on the Committee has acted or is acting in a manner prejudicial to the interests of shipping generally, it may, by order, suspend the representation of that body or association for such period as may be specified in that order or may terminate the same altogether.

11. Expansion of the committee.

- If the Central Government is of the opinion that any body or association which is not represented on the Committee or is inadequately represented on the Committee, it may give representation to such body or association or ask for nomination of additional member on the Committee, as the case may be.

12. Register of members.

- There shall be maintained a Register in which the names and addresses of all members shall be entered, and change of address of a member shall also be entered in that Register.

13. Member-Secretary of the committee.

- The Director General of Lighthouse and Lightships, who is an ex-officio member under rule 4 shall also function as Member-Secretary to the Committee. (2) The duties of the Member-Secretary shall be: (a) to convene, under the directions of the Chairman, meetings of the Committee or of a Sub-Committee of the Committee referred to in rule 21; (b) to maintain the Minutes Book and the Register of the Members; (c) to assist the Chairman in the discharge of his functions; (d) to undertake such other duties as may from time to time be entrusted to him by the Committee.

14. Meetings.

(1)The Committee shall meet ordinarily once in 12 months and may, if necessary, meet at shorter intervals.(2)An extraordinary meeting of the Committee shall be convened if not less than five members send a written requisition to the Chairman stating the object for which the meeting is proposed.(3)Every meeting of the Committee shall be held on such date and at such time and place as the Chairman may fix.(4)Every meeting of the Committee shall be presided over by the Chairman and in his absence, the members present shall elect one from amongst themselves to preside over the meeting.

15. Notice of meetings.

(1)Notice of the place and the date and time of each meeting of the Committee shall be sent to the members at least 30 days before the date of the meeting:Provided that a shorter notice may be given in cases where, in the opinion of the Chairman, the meeting has to take place urgently.(2)A notice under sub-rule (1) may be delivered either by hand or sent by registered post to the last known address of the member.

16. Agenda.

- Along with the notice of the meeting of the Committee referred to in rule 14, a list of the business proposed to be transacted at the meeting shall be sent to every member, and no business which is not on the list, shall be transacted at the meeting except with the permission of the Chairman.

17. Quorum.

(1)The quorum for a meeting shall be five.(2)If at any time there is no quorum, the meeting of the Committee shall be adjourned to a later date, such date being not earlier than fourteen days from the date of the original meeting and business may be transacted at the adjourned meeting whether or not there is quorum.

18. Procedure at meeting.

(1)A member desiring discussion on any proposal shall give written notice thereof to the Member-Secretary at least fifteen days before the date fixed for the meeting of the Committee.(2)The member presiding at a meeting of the Committee shall regulate the conduct of the meeting.(3)In the case of difference of opinion amongst the members present at a meeting of the Committee the opinion of the majority shall prevail.(4)Each member shall have one vote, and if there shall be an equality of votes on any question to be decided by the Committee, the Chairman or the member presiding shall have a casting vote.

19. Minutes of meetings.

(1)The minutes of the proceedings of the Committee shall be drawn up by the Member-Secretary and circulated to all the members present in India and the minutes along with any amendments suggested shall be placed for confirmation at the next meeting of the Committee.(2)After the minutes are confirmed and signed by the Chairman or the member who presided at the meeting, they shall be recorded in a Minutes' Book which shall be kept open for the inspection of the members at all times during office hours.

20. Recommendations.

- Decisions arrived at by the Committee requiring any further action shall be recorded in the form of recommendations to be forwarded to the Ministry or Department of the Central Government dealing with Transport.

21. Non-member attending meetings.

- The Chairman may invite any person to be present at any meeting of the Committee to participate in the discussions but such persons shall not be entitled to vote.

22. Sub-committee.

- The Committee may appoint one or more Sub-Committee, standing or otherwise, to examine and report on any specific problem or problems referred to such Committee.

23. Travelling allowance and daily allowance etc. of members.

- (A) Non-official members other than Members of Parliament:(a)Travelling allowance. - (1) Journey by Rail.-A non-official member other than the Member of Parliament performing journeys to attend the meeting of the Committee or Sub-Committee or in connection with any work relating to the Committee shall be treated at par with Government servants of the first grade and will be entitled to first class rail-fare:Provided that the Government may sanction travel by air-conditioned class accommodation for any member, where the concession in their opinion, justifies on fulfilment of one or more of the following conditions namely:(i)when a person is required to travel in air-conditioned accommodation on grounds of health or because of very advanced age or infirmity;(ii)when a person is or was entitled to travel in air-conditioned coach under the rules of the Organisation to which he belongs or might have belonged before retirement; and(iii)where the Government is satisfied that A.C.C. travel by rail is the customary mode of travel by the non-official concerned in respect of journeys unconnected with the performance of Government duty.(2)Journey by road. - (i) In respect of journeys by road between places not connected by rail, any member will be entitled to road mileage admissible to an officer of the First Grade viz, 60 Paise per K.M. for travel in his own car or full taxi or 20 paise per K.M. for travel on motor-cycle or scooter.(ii)In cases where journeys between two places connected by rail is performed by road, the member will be

entitled to the prescribed road mileage limited to First Class fare by rail. However, if in any individual case, the Central Government is satisfied that the journey by road was performed in public interest, full road mileage allowance may be allowed without restricting it to rail fare.(3)Journey by sea or river steamer. - In respect of journeys by sea or by river steamer, a non-official member shall be entitled to one fare at the lowest rate (exclusive of diet) of the highest class of accommodation.(4)Journey by air. - (i) Air travel shall not be permitted as a matter of course.The Central Government may, however, subject to any general instruction in this behalf sanction travel by air of any member of the Committee where it is satisfied that the air travel is urgent and necessary in the public interest.(ii)A non-official member when authorised to travel by air shall be entitled to economy (Tourist) Class where two classes of accommodation, that is, First and Economy (Tourist) Class accommodation, are available on the air lines.(iii)In cases where air-travel is authorised, a non-official member shall be entitled to one standard air fare.(iv)Every member shall be required to purchase return ticket, wherever it is available, when it is expected that the return journey can be performed before the expiry of the ticket. The mileage allowance for the forward and return journeys when such return ticket is available, shall, however, be the actual cost of the return ticket.(v)If, in any individual case, a non-official member asks for general permission to travel by air in connection with his duties as a member of the Committee, the Government may examine the case on merits and grant general permission to the individual concerned to travel by air at his discretion, if they are satisfied that the non-official concerned habitually travels by air on journeys not connected with the performance of official duty.(b)Daily allowance. - (1) A non-official member shall be entitled to daily allowance at the highest rate applicable to Central Government employees of the First Grade. The daily allowance shall be calculated in the same manner as applicable to Central Government employees, the entire absence in their cases being reckoned from and to their ordinary place of residence.(2)In exceptional cases, where the Central Government is satisfied that the work on the Committee is of such continuous or responsible nature as to necessitate the non-official member devoting far greater time and energy to it than he can be ordinarily expected to spare, the rate of daily allowance for stay at the place of meeting may be increased up to a maximum of Rs. 50 per day. The enhanced rate of daily allowance shall be admissible for the day preceding or the day following the meeting or both, if the non-official member actually stays at the place on these days.(3)Daily allowance shall be subject to the usual conditions laid down in S.R. 73, as amended from time to time. The Government shall, however, be competent to relax the rule in cases where the conditions prescribed in Cis. (a) and (b) thereof are satisfied.(4)When a non-official member is allowed free board and lodging at the expense of the Central Government he shall be entitled to only one-fourth of the daily allowance admissible to him under these rules. If only board is allowed free, daily allowance shall be admissible at one-half of the admissible rate. If only lodging is allowed free, daily allowance shall be admissible at three-fourth of the admissible rates.(c)Conveyance allowance. - (i) A non-official member, resident at a place where the meeting of the Committee is held, shall not be entitled to travelling and daily allowance on the scales indicated in sub-paras (a) and (b) above, but shall be allowed only actual cost of conveyance hire, subject to a maximum of Rs. 20 per day. Before the claim is actually paid, the controlling officer concerned shall verify the claims and satisfy himself, after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed. In cases, he is not satisfied with the details, he may, at his discretion limit the conveyance allowance to road mileage.(ii)If such a member uses his own car, he shall be granted mileage allowance at the rates

admissible to officials of the First Grade subject to a maximum of Rs. 20 per day. (B) Allowances to be paid to Member of Parliament (a) Travelling allowance. - (i) In respect of journeys performed by rail, road, air or steamer in connection with the work of the Committee, Member of Parliament shall be entitled to travelling allowances on the same scale as is admissible to him under section 4 of the Salaries and Allowances of Members of Parliament Act, 1954 (30 of 1954). (ii) A Member of Parliament shall ordinarily travel by rail utilising the free first class rail pass issued to him. He may also travel by air at his discretion. Air travel shall not, however, be resorted to as a matter of course and in exercising his discretion, the Member shall take into account factors like urgency of work, distance to be travelled, time at his disposal, etc. (b) Daily allowance. - (i) A Member of Parliament shall be entitled for each day of the meeting, daily allowance at the rate admissible to Members of Parliament from time to time. (ii) When the Parliament or a Parliament Committee on which the Member is serving is in session, the Member shall not be entitled to draw any daily allowance in connection with his assignment with the Committee, as he may be drawing his daily allowance under section 3 of the Salaries and Allowances of Members of Parliament Act, 1954 (30 of 1954) from the Parliament Secretariat concerned. However, if he certifies that he was prevented from attending the Session of the House or the Parliamentary Committee, because of his work connected with the Committee and did not draw any daily allowance from the Parliament, he shall be entitled to draw daily allowance as indicated above. When a Member of Parliament is allowed free board and lodging at the expense of the Central Government or State Government or an autonomous, industrial or commercial undertaking or corporation, or statutory body or a local authority, in which Government funds have been invested or in which Government have any other interest, the payment of daily allowance will be regulated under Members of Parliament (Travelling and Daily Allowance) Rules, 1957. (c) An official Member shall be governed by the rules for grant of travelling allowance and daily allowance as applicable to him while discharging official duties.

24. Controlling Officer for the purpose of sanctioning T.A. and D.A.

- The Director General of Lighthouses and Lightships, shall be the Controlling Officer in respect of Travelling Allowance and Daily Allowance for the non-official members.