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**HARYANA VIDHAN SABHA
REPORT
OF
THE COMMITTEE
ON
SUBORDINATE LEGISLATION
FORTY EIGHTH REPORT
2020-2021**



(Presented to the Haryana Vidhan Sabha on 18th March 2021)

**HARYANA VIDHAN SABHA SECRETARIAT
CHANDIGARH
2021**

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COMPOSITION OF THE COMMITTEE

(2020-21)

COMMITTEE ON SUBORDINATE LEGISLATION

[The Committee was constituted w e f 03 06 2020 vide Haryana Vidhan Sabha Secretariat Notification No HVS SLC 1/2020 21/40 dated 3rd June 2020]

1	Shri Ram Niwas MLA	Chairperson
2	Dr Raghuvir Singh Kadian MLA(vii)	Member
3	Shri Rajinder Singh Joon MLA(i)	Member
4	Shri Jaiveer Singh MLA(ii)	Member
5	Shri Subhash Gangoli MLA(iii)	Member
6	Shri Bishamber Singh MLA(iv)	Member
7	Shri Ram Kumar Kashyap MLA(viii)	Member
8	Shri Dura Ram MLA(v)	Member
9	Shri Balbir Singh MLA	Member
10	Shri Sombir Sangwan MLA	Member
11	Shri Amit Sihag MLA(vi)	Member
12	Advocate General Haryana	Member

Secretariat

Shri Rajender Kumar Nandal Secretary

Shri Vishnu Dev Under Secretary

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- (i) Shri Rajinder Singh Joon M L A resigned from the membership of the Committee w e f 17 06 2020 and notified vide Notification No HVS SLC 1/2020 21/47 dated 17 06 2020
- (ii) Shri Jaiveer Singh M L A nominated as member of the Committee dated 17 06 2020 vide Notification No HVS SLC 1/2020 21/48 dated 17 06 2020
- (iii) Shri Subhash Gangoli M L A resigned from the membership of the Committee w e f 10 07 2020 and notified vide Notification No HVS SLC 1/2020 21/53 dated 10 07 2020
- (iv) Shri Bishamber Singh M L A nominated as member of the Committee dated 15 07 2020 vide Notification No HVS SLC 1/2020 21/54 dated 16 07 2020

(iv)

- (v) Shri Dura Ram M L A resigned from the membership of the Committee w e f 28 07 2020 and notified vide Notification No HVS SLC 1/2020 21/56 dated 28 07 2020
- (vi) Shri Amit Sihag M L A nominated as member of the Committee dated 28 07 2020 vide Notification No HVS SLC 1/2020 21/57 dated 28 07 2020
- (vii) Dr Raghuvir Singh Kadian M L A resigned from the membership of the Committee w e f 10 09 2020 and notified vide Notification No HVS SLC 1/2020 21/77 dated 10 09 2020
- (viii) Shri Ram Kumar Kashyap M L A nominated as special invitee of the Committee dated 28 07 2020 vide Notification No HVS SLC 1/2020 21/57 dated 28 07 2020 and nominated as regular member of the Committee dated 14 10 2020 vide Notification No HVS SLC 1/2020 21/81 dated 16 10 2020

(v)

INTRODUCITON

- 1 I the Chairperson of the Committee on Subordinate Legislation having been authorized by the Committee to present the Report on their behalf present this Forty Eighth Report to the House
- 2 The matters covered by this Report were finally considered by the Committee at their sitting held on 03 03 2021 and adopted this Report
- 3 A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat
- 4 The Committee also places on record their high appreciation for whole hearted co operation and valuable assistance given by the Secretary Under Secretary and Staff of the Legislation Branch

Chandigarh
The 3rd March 2021

RAM NIWAS
CHAIRPERSON
Committee on Subordinate Legislation

REPORT

- 1 The Committee on Subordinate Legislation for the year 2020-21 was nominated by the Hon ble Speaker Haryana Vidhan Sabha under Rule 249(1) of Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 3rd June 2020 and was notified in the official Gazette vide Notification No HVS SLC 1/2020 21/40 dated 3rd June 2020
- 2 Shri Ram Niwas M L A was appointed as Chairperson of the Committee by the Hon ble Speaker
- 3 The Committee held 43 sittings till the presentation of the Report
- 4 Besides watching the implementation work relating the earlier Reports the Committee scrutinized the following Rules
 - 1 The Haryana Affiliated Colleges (Security of Service) Rules 2006 framed under the Haryana Affiliated Colleges (Security of Service) Act 1979
 - 2 The Haryana Home Guards Rules 1980 framed under the Haryana Home Guards Act 1974

The Committee also orally examined the concerned Departments of the State Government and made its observations/recommendations on the relevant Rules under scrutiny

SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 248 256 and 257 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Rule 248 enjoins upon the Committee to scrutinize and report to the House whether powers to make regulations, rules, sub rules, bye laws, etc. conferred by the Constitution or delegated by the legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker. Further rule 256 of the said Rules lays down that while examining any such set of rules, bye laws, etc. the Committee shall in particular consider

- (i) Whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made
- (ii) Whether it contains matters which in the opinion of the Committee should more properly be dealt within an Act of the Legislature
- (iii) Whether it contains imposition of any tax
- (iv) Whether it directly or indirectly bars the jurisdiction of the courts
- (v) Whether it 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 it involves expenditure from the consolidated fund of the state or the Public Revenues
- (vii) Whether it appears to make some unusual or unexpected use of the powers conferred by the constitution or the Act pursuant to which it is made
- (viii) Whether it appears to have been unjustifiable delay in the publication or laying it before Legislature and
- (ix) Whether for any reason its form or purport calls for any elucidation

Rule 257 lays down as follows

257 (1) If the Committee is of opinion that any Order/Rules/Bye law etc. should be annulled wholly or in part or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.

(2) If the Committee is of the opinion that any other matter relating to any Order/Rules/Regulation should be brought to the notice of the House, it may report that opinion and matter to the House.

In short, the functions of the Committee are to see if the rules framed by the Executive are within the scope of the delegation made under the Act and do not go beyond the scope of such delegation. If the Committee finds that any rule is beyond the scope of the powers delegated under the Act by the Legislature, the Committee can recommend that the rule be suitably amended or omitted.

There are certain rules which are required by the statute to be laid before the Legislature. But the Committee is competent to examine all the Rules Regulations/By laws etc framed under various Acts irrespective of the fact whether these have been laid on the Table of the House or not

The Committee is competent to send for persons papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 254 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which reads as under

254 (1) The Committee on Subordinate Legislation shall have power to require the attendance of persons or the production of papers or records if such a course is considered necessary for the discharge of its duties

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee the question shall be referred to the Speaker whose decision shall be final

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State

(2) The witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee

The Committee has framed the internal working rules wherein the detailed procedure has been laid down. Generally the Committee from time to time select set of rules framed under the various Acts for their scrutiny and examine these at the first instance at their own level with the assistance of the law department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders

However the Chairperson of the Committee may on a request being made to him permit in exceptional circumstances any other senior officer to represent the department before the Committee. After the rules/orders and the departmental representatives have been examined the Committee prepares the report and presents it to the House. Copies of the report after its presentation to the House are forwarded to the concerned departments for taking further action on the observations/recommendations of the Committee. The action taken by the Departments are watched by the Committee from time to time. In case where any Department is not in a position to implement or feels and difficulty in giving effect to a recommendation made by the Committee the

Department is required to place its views before the Committee which may if it thinks fit present further observations/recommendations to the House after considering the views of the Department in the matter

Some of the Parliamentary conventions established in connection with the scrutiny of Rules Regulations Bye laws etc are given below

1 The Committee would scrutinize only such rules which have been finally published in the Gazette and not the draft rules

2 The Department of the Govt would ensure that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months If the rules are not framed within six months the Committee may ask the Department about the reason for the delay in framing the rules This is only by convention

3 Executive should ensure that no rule goes beyond the power delegated by legislature If the rules go beyond the powers delegated by legislature the Committee may examine the same and report to the House

4 The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules those should be serially and centrally numbered and should indicate in the margin of each rule the reference of the section under which the rules are framed

However some of the broad principles established by the Committee for the guidance of the Executive are given below

- (i) As far as possible guidelines/criteria to be followed by the authority concerned for the exercise or discretionary power vested in it should be laid down in the rules
- (ii) In case where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation
- (iii) Before any adverse action is taken against a party it should be given a reasonable opportunity of being heard and after a decision adversely affecting a party has been taken it should have the right of appeal or representation as the case may be
- (iv) In order that the persons similarly placed are not treated differently the powers of exemption/relaxation should be exercisable in respect of categories or class of persons as contra distinguished from individuals
- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies pending institution or regular proceedings a maximum time limit for suspension should be laid down in the rules
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well defined and not worded vaguely
- (vii) In case of seizures and searches suitable safeguards like the presence of witness preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided

- (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules
 - (ix) Statutory rules should be amended by Statutory rules only and not by executive orders
 - (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic sketchy or skeleton or needing further interpretations It should be in simple language so that different people cannot put different interpretations For example expressions like unreasonable large quantity reasonable intervals etc should be avoided
 - (xi) Generally Rules should not be made applicable from retrospective effect adversely affecting the rights of any class or category unless specifically permitted by the Act
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GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1 Delay in framing the Rules

The Committee reiterates the recommendations made in its previous Forty fifth Report and observes that ordinarily rules should be framed as early as possible after the enactment of an Act and in no case the period should exceed six months

The Committee further recommends that whenever an ordinance for amending the Act or bringing new legislation involving provisions for making the Rules if promulgated the rules should be prepared simultaneously so that there should not be wide gap between the Ordinance/Act and the Rules

The Committee further recommends that whenever any Act is amended it should be looked that the relevant rules and forms also amended so as to bring them in consonance with the change in the Act

2 Reference of Section under which Rules are framed

The Committee is of the view that giving of reference of the section in the margin of each rule under which the rule has been framed is essential to know under what precise authority each rule has been framed

The Committee reiterates the recommendations made in its earlier Reports that whenever rules are supplied to it the authority or the relevant section under which a particular rule or set of rules has/have been framed should also be mentioned in the margin of each rule

The Committee further recommends that whenever several amendments are made in a set of rules the same may be republished after incorporating all the amendments made from time to time This recommendation of the Committee should be observed meticulously

3 (i) Supply of printed and up to date corrected copies of the Rules

The Committee recommends that copies of the rules to be supplied to it by the Department should be in the printed form or in the form of Gazette in which they are published If however it is not possible for the Department to do so it should be ensured that the copies of the rules etc are up to date meticulously compared and duly corrected before supplying these to the Committee to save its valuable time in pointing out such mistakes

The Committee further recommends that it is the duty of the Department concerned to see that the rules supplied to the Committee are amended up to date and ensure that the suggestions/recommendations/observations made by the Committee from time to time and agreed to by the concerned Department are implemented by the department and incorporated in the rules expeditiously

(ii) Footnote in the Act and Rules

It came to notice of the Committee that sometimes it is laid down in the Act and Rules that such Act and Rules shall come into force on such date as may be specified in the notification by the State Government. The Committee is of the view that in such circumstances that date of commencement of the Act and Rules should invariably be given in the footnote so that legislators in particular and the public in general may come to know as to from which date the Act and Rules had come into force.

The Committee further recommends that whenever any amendment is made in an Act or Rules framed there under it should also invariably be stated in the footnote the reference of the Act or Rules by which amendment has been made.

4 Publishing the Act and Rules in Hindi

The Committee recommends that sincere efforts be made to publish the Acts and Rules in Hindi also so that the copies of the Acts and Rules may be available in Hindi easily at reasonable price.

5 Delay in laying on the Table of the House

The Committee recommends that where the rules, orders, etc. are required to be laid on the Table of the House before the State Legislature under any statute, the same should be laid on the Table of the House as early as possible immediately following such publication in the Gazette so that the House may statutorily modify or annul such rules.

6 Implementation of recommendations of the Committee

As per prevailing practice and convention, the Departments are required to furnish from time to time statements of action taken or proposed to be taken by them on the recommendations/observations of the Committee made in its Reports. But no time limit is fixed now. With a view to ensuring speedy implementation of their recommendations, the Departments should implement the recommendations expeditiously and not later than a period of six months. If in any particular case it had not been possible to adhere to this time limit, they should ask for extension of time from the Committee after explaining the difficulties in implementing the recommendations. Still, the cases of delay continue to occur. The Committee can not but stress again that the Department should evolve suitable measures to streamline their procedure in order that the recommendations made by the Committee are implemented on top priority basis within a maximum period of six months.

The Committee recommends that the action on the outstanding recommendations and observations contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government, the Department concerned should supply a copy of the notification containing the amendment in the rules alongwith the statement showing the action taken by the Government in the implementation of the recommendations/observations.

7 Availability of Copies of Acts and Rules to Public

The Committee is of the view that copies of all the Acts and Rules framed there under as amended up to date are generally not available in the Government Press for the use of the Public. The Committee therefore recommends that copies of all the Acts and Rules made thereunder should be kept up to date by the Department and should get the Acts and the Rules printed/reprinted from the Government Press from time to time so that these may be made available for sale to the General Public also at reasonable price.

At present the old edition of 1975 of Haryana Code(s) available for the use of the Committee are not much useful as several amendments have taken place in the State Acts contained therein.

The Committee is of the view that as and when the copies of the Haryana Code are reprinted the same may be supplied to the Committee by the Controller Printing and Stationery Haryana at the earliest. The Law and Legislative Department Haryana is expected to ensure supply of up to date 25 copies of the Haryana Code(s) to the Committee from time to time as per above observations/recommendations.

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**39TH REPORT 2010 2011
(THE FORESTS AND WILD LIFE DEPARTMENT)**

**The Wild Life (Protection) Haryana Rules, 1974 framed under
the Wild Life (Protection) Act 1972**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Wild Life (Protection) Haryana Rules 1974 framed under the Wild Life (Protection) Act 1972 as contained in its 39th to 47th Reports

The 47th Report was sent to the Department concerned vide letter dated 09 04 2019 to implement the observations/recommendations at the earliest. In respect to the aforesaid communication the department supplied the reply of recommendations/observations of the Committee vide their memo No 1365 Ft 4 2019/5900 dated 25 04 2019 and the same was placed before the Committee in its meeting held on 15 05 2019. A letter received from the Principal Chief Conservator of Forests & Chief Wildlife Warden Haryana Panchkula enclosed annotated comments of Forest & Wildlife Department Haryana on the recommendations contained in the 39th Report of the Committee on Subordinate Legislation of Haryana Vidhan Sabha along with the draft Wildlife (Protection) Rules Haryana 2020 and the same was placed before the Committee in its meeting held on 19 08 2020. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**40TH REPORT 2010 2011
(FOOD AND SUPPLIES DEPARTMENT)**

The Haryana Public Distribution System (Licensing and Control) Order, 2009 framed under the Essential Commodities Act, 1955

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Public Distribution System (Licensing and Control) Order 2009 framed under the Essential Commodities Act 1955 as contained in its 40th to 47th Reports

The Committee observed that 47th Report was sent to the Department concerned vide letter dated 09 04 2019 to implement the recommendations/observations of the Committee at the earliest. In respect to the aforesaid communication the department supplied the reply of recommendations/observations of the Committee vide their memo No FG 1 2019/9172 dated 09 05 2019 and the same was placed before the Committee in its meeting held on 15 05 2019 in which intimate that the Department constituted a Committee regarding the necessary amendments to be incorporated in the existing PDS Control Order 2009. The constituted Committee has gone through the entire Control Order 2009 identified the necessary amendments and the same are incorporated in the new PDS Control Order (amended). In this regard the Department further requested that the final draft will be approved from the Hon ble Chief Minister Haryana and further it will be vetted from the Ld LR Haryana. During the requisite entire process it will take at least three months. Therefore as and when finalized the new Haryana Public Distribution System (Licensing and Control) same will be informed accordingly and requested to grant the three months time.

A reminder was sent to the Department vide letter dated 22 01 2021 to expedite the action in the matter at an early date.

In view of above position the Committee expects that necessary action in the matter will be taken by the department on priority basis and final notification after amendment of the relevant rules implementing the observations/recommendations of the Committee may be sent to the Committee at an early date.

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**42ND REPORT 2013 2014
(TOWN & COUNTRY PLANNING DEPARTMENT)**

- (i) The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 as contained in its 42nd to 47th Reports

The Committee observed that 47th Report was sent to the Department concerned vide letter dated 09/04/2019 to implement the recommendations/observations made by the Committee at the earliest

A reminder was sent to the Department vide letter dated 22/01/2021 to expedite the action in the matter at an early date. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**42ND REPORT 2013 2014
(REVENUE AND DISASTER MANAGEMENT DEPARTMENT)**

(ii) The Haryana Kisan Pass Book Rules, 1996 framed under the Haryana Kisan Pass Book Act, 1994

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Kisan Pass Book Rules 1996 framed under the Haryana Kisan Pass Book Act 1994 as contained in its 41st to 47th Reports

The Committee observed that 47th Report was sent to the Department vide letter dated 09 04 2019 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 22 01 2021 to expedite the action in the matter at an early date. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of -

**43RD REPORT 2014 2015
(MINES & GEOLOGY DEPARTMENT)**

The Haryana Minor Mineral Concession, Stocking, Transportation Minerals and Prevention of Illegal Mining Rules, 2012 framed under the Mines and Minerals (Development and Regulation) Act, 1957

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Minor Mineral Concession Stocking Transportation Minerals and Prevention of Illegal Mining Rules 2012 framed under the Mines and Minerals (Development and Regulation) Act 1957 as contained in its 43rd to 47th Reports

The Committee observed that 47th Report was sent to the Department vide letter dated 09 04 2019 to implement the recommendations/observations made by the Committee at the earliest A reminder was sent to the Department vide letter dated 27 01 2019 to expedite the action in the matter at an early date The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**44TH REPORT 2015 2016
(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)**

- (i) **The Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Sugarcane (Regulation of Purchase and Supply) Rules 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act 1953 as contained in its 44th to 47th Reports

The Committee observed that 47th Report was sent to the Department vide letter dated 09/04/2019 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 27/01/2021 to expedite the action in the matter at an early date. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**44TH REPORT 2015 2016
(URBAN LOCAL BODIES DEPARTMENT)**

- (ii) The Punjab Slum Areas (Improvement and Clearance) Rules, 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act, 1961**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Slum Areas (Improvement and Clearance) Rules 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act 1961 as contained in its 44th and 47th Reports

The Committee observed that 47th Report was sent to the Department vide letter dated 09/04/2019 to implement the recommendations/observations made by the Committee at the earliest. In respect to the aforesaid communication a Letter No HSCB 2019/A II/7367 dated 16/10/2019 received from the Chief Administrator Haryana Slum Clearance Board Panchkula and the same was placed before the Committee in its meeting held on 10/12/2019 supplied the copy of Haryana Government Urban Local Bodies Department Notification No 3/11/2018 R II dated 09/05/2018

In view of the above the Committee observed that no further action is required to be taken in the matter

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**45TH REPORT 2016 2017
(TOWN & COUNTRY PLANNING DEPARTMENT)**

(i) The Haryana Apartment Ownership Rules, 1987 framed under the Haryana Apartment Ownership Act, 1983

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Apartment Ownership Rules 1987 framed under the Haryana Apartment Ownership Act 1983 as contained in its 45th and 47th Report

The Committee observed that 47th Report was sent to the Department vide letter dated 09/04/2019 to implement the recommendations/observations made by the Committee at the earliest. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**45TH REPORT 2016 2017
(TOWN & COUNTRY PLANNING DEPARTMENT)**

(ii) The Haryana Development and Regulation of Urban Areas Rules, 1976 framed under the Haryana Development and Regulation of Urban Areas Act, 1975

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Development and Regulation of Urban Areas Rules 1976 framed under the Haryana Development and Regulation of Urban Areas Act 1975 as contained in its 45th and 47th Report

The Committee observed that 47th Report was sent to the Department vide letter dated 09.04.2019 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 22.01.2021 to expedite the action in the matter at an early date. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**45TH REPORT 2017 18
(DEVELOPMENT & PANCHAYATS DEPARTMENT)**

(iii) The Haryana Cattle Fairs Rules, 1970 framed under the Haryana Cattle Fairs Act, 1970

The Committee watched the implementation of observations/recommendations made by the Committee on the Haryana Cattle Fairs Rules 1970 framed under the Haryana Cattle Fairs Act 1970 as contained in its 45th to 47th Report

The Committee observed that 47th Report was sent to the Department concerned vide letter dated 09 04 2019 to implement the observations/recommendations at the earliest. In respect to the aforesaid communication the Department supply the reply of recommendations/observations of the Committee vide Memo No GA 2019/44271 dated 05 07 2019 and the same was placed before the Committee in its meeting held on 10 07 2019 supplied the copy of final Gazette Notification No S O 34/H A 30/1970/S 22/2018 dated 29 06 2018 regarding amendment in the Haryana Cattle Fairs Rules 1970 framed under the Haryana Cattle Fairs Act 1970

In view of the above the Committee observed that no further action is required to be taken in the matter

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**46TH REPORT 2017 18
(DEVELOPMENT & PANCHAYATS DEPARTMENT)**

- (i) The Punjab Village Common Lands (Regulation) Rules, 1964 framed under the Punjab Village Common Lands (Regulation) Act, 1961**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961 as contained in its 46th and 47th Reports

The Committee observed that 47th Report was sent to the Department vide letter dated 09 04 2019 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication the Director General Development & Panchayats Department Haryana sent a letter No SBA 4 2019/28660 dated 24 04 2019 vide which enclosed the 25 copies of the reply to the observations of the Committee in an annotated the same was placed before the Committee in its meeting held on 15 05 2019

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**46TH REPORT 2017 18
(CO OPERATION DEPARTMENT)**

(ii) The Haryana Co operative Societies Rules, 1989 framed under the Haryana Co operative Societies Act, 1984

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Co operative Societies Rules 1989 framed under the Haryana Co operative Societies Act 1984 as contained in its 46th and 47^h Report

The Committee observed that 47th Report was sent to the Department vide letter dated 09/04/2019 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 27/01/2021 to expedite the action in the matter at an early date. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

Further observations/recommendations made by the Committee in respect of Non implementation of its earlier recommendations in respect of

**47TH REPORT 2018 19
(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)**

The Punjab Warehouses Rules 1958 framed under the Punjab Warehouses Act, 1952

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Warehouses Rules 1958 framed under the Punjab Warehouses Act 1952 as contained in its 47th Report

The Committee observed that 47th Report was sent to the Department vide letter dated 09/04/2019 to implement the recommendations/observations made by the Committee at the earliest. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

SCRUTINY OF THE HARYANA AFFILIATED COLLEGES (SECURITY OF SERVICE) RULES, 2006 FRAMED UNDER THE HARYANA AFFILIATED COLLEGES (SECURITY OF SERVICE) ACT, 1979

The Committee scrutinized of the Haryana Affiliated Colleges (Security of Service) Rules 2006 framed under the Haryana Affiliated Colleges (Security of Service) Act 1979 and made the following observations/recommendations as under

Rule 3

The Service shall comprise all or any of the categories of posts shown in Appendix A to these rules

APPENDIX—A

(See rule 3)

- 1 Principal
- 2 Lecturer
- 3 Lecturer Physical Education
- 4 Librarian
- 5 Head Clerk
- 6 Clerk
- 7 Steno Typist
- 8 Junior Librarian
- 9 Laboratory Assistant
- 10 Type writing Instructor
- 11 Tabla Player
- 12 Restorer
- 13 Laboratory Attendant
- 14 Library Attendant
- 15 Gasman
- 16 Peon and other class IV employees
- 17 Lecture Assistant

However the existing post of Superintendent Account Officer Accountant Assistant Steno grapher Junior Scale Steno grapher will be diminishing in character and these posts will stand abolished on the vacation of these posts by the present incumbent on retirement or otherwise

Observation of the Committee

The Committee would like to know for its information the reasons to abolish the posts of Superintendent Accounts Officer Accountant Assistant Steno graper Junior Scale Steno grapher as mentioned in Appendix A?

The Department in their written reply stated as under

These posts were abolished during the course of Right sizing of the department as per the State Govt instructions

Rule 4

No person shall be appointed to the service by direct recruitment who is less than 18 years of age and more than 35 years of age on the last date of submission of application to the Managing Committee The age of superannuation will be 60 years

Observation of the Committee

The Committee would like to know what is the age for recruitment in Government Colleges?

The Committee would also like to know as to whether any relaxation in age for SCs and BCs categories for recruitment in services of Haryana Affiliated Colleges? If not the Committee feels that the relaxation in age for SCs and BCs category in recruitment should be mentioned in the rule itself

The Department in their written reply stated as under

With regard to this observation it is submitted that the age for direct recruitment in Govt Colleges is minimum 18 years and maximum 35 years as per rules However subsequent instructions have been issued raising the upper age limit to 42 years Further relaxation in upper age limit of 5 years have been granted to the persons belonging to SCs/STs of all States and the BCs of Haryana by department letter dated 19 10 2006

ANNEXURE I

851

HARYANA GOVT GAZ APRIL 7, 1998**(CHTR 17, 1920 SAKA)**

- 4 (1) No Person shall be appointed to any post in the Service unless he is
- (a) A citizen of India or
 - (b) A subject of Nepal or
 - (c) A subject of Bhutan or
 - (d) A Tibetan refugee who came over to India before the 1st January 1962 with the intention of permanently settling in India or
 - (e) A person of Indian origin who has migrated from Pakistan Burma Sri Lanka or any of the East African countries of Kenya Uganda the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia Malawi Zaire and Ethiopia with the intention of permanently settling in India
- Provided that a persons belonging to any of the categories (b) (c) (d) or (e) shall be a person in whole favour a certificate of eligibility has been issued by the Government

Nationality
domicile and
character of
candidates
appointed to
service

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination of interview conducted by the appointing authority but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government

(3) No person shall be appointed to any post in the Service by direct recruitment unless he produces a certificate of character from the Principal Academic Officer of the University College School or Institution last attended if any and similar certificate from two other responsible persons not being his relatives who are well acquainted with him in his private life and are unconnected with his university college school or institution

5 No person shall be appointed to the post in the Service by direct recruitment who is less than 16 years or more than 35 years of age on or before the first day of the month next proceeding the last date of submission of application to the appointing authority

Age

6 Appointments to the posts in the Service shall be made by the Principal

Appointing
authority

7 No person shall be appointed to any post in the Service unless he is in possession of qualifications and experience specified in column 3 of Appendix B to these rules in the case of direct recruitment and those specified in column 4 of the aforesaid Appendix in the case of persons appointed otherwise than by direct recruitment

Qualifications

Provided that in the case of appointment by direct recruitment the qualifications regarding experience shall be relaxable to the extent of fifty per cent at the discretion of the appointing authority in case sufficient

ANNEXURE-II

From

Additional Chief Secretary to Government of Haryana
Higher Education Department Chandigarh

To

- 1 Registrar Kurukshetra University Kurukshetra
- 2 Registrar Maharishi Dayanand University Rohtak
- 3 Registrar Ch Devi Lal University Sirsa
- 4 Registrar Bhagat Phool Singh Mahila Vishvidyala
Khanpurkalan (Sonapat)
- 5 Registrar Ch Bansilal University Bhiwani
- 6 Registrar Ch Ranbir Singh University Jind
- 7 All the Principals of Non Government Aided Colleges in
the State

Memo No 8/52 2006 CIV (3)

Dated Panchkula the 03 09 2015

**Subject Relaxation in upper age limit for appointment of
Teaching/Non Teaching staff in Non Govt Aided Colleges**

Kindly refer to letter memo No 8/52 2006 C IV(3) dated
20 08 2013 on the subject cited above

I have been directed to convey that the State Government has
decided to raise the upper age limit from 40 to 42 years for recruitment of
various teaching and non teaching posts in service in Non Govt Aided Colleges
by giving relaxation to the provision of upper age limit under clause 27 of
Haryana Affiliated Colleges (Security of Service) Rules 2006 on the terms and
conditions mentioned in Haryana Govt letter No 3/5/2014 4 GSIII dated
26 08 2014 (copy enclosed) in the State of Haryana

You are requested to take further necessary action accordingly

Joint Secretary Higher Education
o/o Additional Chief Secretary to
Government of Haryana
Higher Education Department

Endst No Even

Dated Panchkula the

A copy of the above is forwarded to Superintendent College-II
Branch for information and necessary action

Joint Secretary Higher Education
o/o Additional Chief Secretary to
Government of Haryana
Higher Education Department

From

Financial Commissioner & Principal Secretary to Government
of Haryana
Higher Education Department Chandigarh

To

- 1 All the Principals of Govt Aided Privately Managed
Colleges in the State of Haryana
- 2 Registrar Kurukshetra University Kurukshetra
- 3 Registrar Maharishi Dayanand University Rohtak
- 4 Registrar Ch Devi Lal University Sirsa

Memo No 8/52 2006 CIV (3)

Dated Chandigarh the 06 04 2007

**Subject Relaxation in age for recruitment to aided posts of
Lecturers in privately managed Govt Aided Colleges**

Kindly refer to the subject cited above

The matter regarding relaxation in upper age limit provided in rule 4 of the Haryana Affiliated Colleges (Security of Service) Rules 2006 for recruitment in govt aided private colleges has been reviewed by the State Govt. In this regard instruction for relaxation in upper age limit for appointment of lecturers in govt aided private Colleges were issued vide Memo No 8/52 2006 C IV(3) on 16 10 2006 in which the upper age limit was fixed as 40 years for General Category and on 19 10 2006 as 45 years for SC/ST for all States and BC of Haryana

In addition to the above and in the interest of natural justice the State Govt has considered the matter sympathetically and extended the relaxation in upper age limit for women and other categories as is given for recruitment in Govt Colleges. The same is reproduced below

Age 21 to 40 years (on the last date of application) No person shall be appointed to any post in the service by direct recruitment who is less than twenty one years or more than forty years of age as on or before the 15 days of the month next preceding the last date of submission of application. Provided that the age limit for teachers working in Education Department shall be forty five years. Five years relaxation in age is admissible for SC/ST for all States and BC of Haryana (as per Haryana Govt instructions). The upper age limit is further relaxable upto 45 years for (i) women whose husband have been ordered by civil/criminal courts to pay maintenance to them (ii) women whose husband have remarried (iii) widows (iv) women who have because of their desertion been living separately from their husbands for more than 2 years (v) wives of serving/disabled military personals and widows of those killed in action. Upper age limit is also relaxable for all military personnel whether she/he joined military service before or after the declaration of emergency to the extent of this military service added by three years subject to production of a certificate from the competent authority that she/he had rendered continuous military service for a period of not less than six months before her/his release and further provided that she/he had been released otherwise than by way of dismissal or discharge on account of misconduct or inefficiency.

A disabled military person is entitled to exclude from his age the period from the date he was disabled upto the end of emergency i.e. 10/1/1968. The persons recruited from 1.1.1963 onward as whole time Cadet Instructors in the NCC and who are released after the expiry of their initial/extended tenure will also be entitled for relaxation in age limit of purpose of employment under the State Govt. The period of service rendered by them in NCC may be deducted from their actual age and if the resultant age does not exceed the prescribed upper age limit of a particular post by more than three years they may be deemed to be satisfying the conditions for appointment to post in respect of the maximum age. Such of the whole time Cadet instructors in the NCC who are released from the NCC before the expiry of their initial/extended tenure would also be given these concessions subject to the condition that they

have served in the NCC for a period of not less than six months prior to their release from the NCC

- b) The Govt has also considered the matter regarding grant of age relaxation to candidates working as lecturers in various private Govt aided Colleges on adhoc basis. Now the Government has taken a sympathetic view and has decided that those Lecturers who are working on adhoc basis against sanctioned aided posts without any gap or break in service would be granted relaxation in upper age limit for applying for the posts in their respective categories. This relaxation would be equal to the number of years of service (without break) put in by the candidate against an aided post on adhoc basis as on the last date of application. The benefit of this relaxation will be applicable only to candidates who are actually working on an aided post on adhoc basis on the last date of application.

It is therefore requested that the above relaxation be adhered to for the selections of lecturers in Govt Aided Privately Managed Colleges during the next phase of filling up of posts. The receipt of this letter may be acknowledged by return of post.

Deputy Secretary Higher Education
For Financial Commissioner &
Principal Secretary to Government of
Haryana Education Department
Chandigarh

Endst No Even

Dated Chandigarh the

A copy of the above is forwarded to all the Principals of Government Colleges in the State of Haryana for information and necessary action

Deputy Secretary Higher Education
For Financial Commissioner &
Principal Secretary to Government of
Haryana Education Department
Chandigarh

No 3/3/99 GSIII

From

The Chief Secretary to Government Haryana

To

- 1 All Heads of Department Commissioners Ambala
Hisar Gurgaon and Rohtak Divisions All Deputy
Commissioners and Sub Divisional Officers (C) in
Haryana
- 2 The Registrar Punjab and Haryana High Court
Chandigarh

Dated Chandigarh the 22nd September 1999

Subject Raising of age for entry into Government Service

Sir

I am directed to refer to Haryana Government Letter No 3/1/90 GSIII dated 5 9 90 on the subject noted above and to say that for the purpose of making recruitment to various service under the State Government the general upper age limit prescribed at present under rule 3 6 of Punjab Civil Services Rules Vol 1 Part I is 35 years The matter regarding raise in the upper age limit has been under consideration of Government for some time In order to mitigate the hardship of educated unemployed youths it has been decided that the existing general upper age limit for entry into service under the State Government shall notwithstanding any provision to the contrary that may be contained in respective rules be raised to 40 years subject to the following conditions

- (a) The existing instruction in regard to the relaxation of 5 years in the upper age limit in respect of SC ST and BC for appointment to gazette as well as non gazetted services or posts will continue to be in force

- (b) The relaxation in upper age limit for recruitment in respect of ex serviceman as contained in Haryana Government Circular letter No 4710 5GS 70/18998 dated the 15th July 1970 will continue as heretofore. In other words the candidates of this Category may be recruited upto the age of 40 years plus continuous military service added by three years and
- (c) If in certain service rules the upper age limit higher than 40 years is permissible on account of special grounds or in certain circumstances those provisions shall continue to remain in force

It is requested that these instructions may be noted carefully for immediate compliance amendment in the relevant service rules wherever considered necessary should also be made accordance with the circumstances/conditions pertaining in each service under your control

The receipt of this letter may kindly be acknowledged

—
Yours faithfully

Joint Secretary General Admn
for Chief Secretary to Government Haryana

MOST IMMEDIATE

No 3/3/99 IGSIII

From

The Chief Secretary to Government Haryana

To

- 1 All Heads of Department
Commissioners Ambala Hisar Gurgaon and Rohtak
Divisions
- 2 All Deputy Commissioners and Sub Divisional Officers
(C) in Haryana
- 3 The Registrar Punjab and Haryana High Court
Chandigarh

Dated Chandigarh 1 10 1999

Subject Raising of age for entry into Government Service

Sir

I am directed to refer to Haryana Government letter No 3/1/90 GSIII dated 22 9 1999 on the subject noted above and to reiterate that the maximum age limit for recruitment has been raised from 35 to 40 years in the State of Haryana. As a logical corollary of this decision it is incumbent upon all concerned to withdraw all action relating to filling up of existing vacancies and restart the process by making an express provision of the upper age limit as now decided upon. All existing advertisements and notices and further selection process like interview etc should therefore be cancelled and new advertisements/notices issued in their place. All the recruiting agencies/Board and Corporations must follow the latest instruction regarding age limit while making any recruitment appointments including those in which the recruitment process has already been started. Any laxity in this regard will be viewed seriously.

Therefore these instructions may be noted and be followed in letter and spirit

The receipt of this letter may be acknowledged

Yours faithfully

Joint Secretary General Administration
for Chief Secretary to Government Haryana

From

Higher Education Commissioner Haryana Chandigarh

To

- 1 All the Principal of Govt Aided Affiliated Colleges in the State
 - 2 Registrar M D University Rohtak
 - 3 Registrar Kurukshetra University Kurukshetra
 - 4 Registrar Chaudhary Devi Lal University Sirsa
- Memo No 8/52 2006 C IV (1)
Dated Chandigarh the 19 10 2006

Subject Relaxation in upper age for appointment of Lecturers in privately managed Govt Aided Colleges

In continuation to letter No 8/52 2006 C IV (1) dated 16 10 2006 on the subject noted above

It is notified that five years relaxation in the age is admissible for SC/ST for all sates and BC of Haryana only as per Haryana Govt instructions

Additional Director Administration
for Higher Education Commissioner
Haryana Chandigarh

Endst No Even

Dated Chandigarh the 19 10 2006

A copy is forwarded to the following for information and necessary action

- 1 PS/HEC
- 2 Superintendent College II

Additional Director Administration
for Higher Education Commissioner
Haryana Chandigarh

Rule 7(a)(iii)

Two Vice Chancellor's nominees out of whom one should be a subject expert

Observation of the Committee

The Committee would like to know for its information that on which subject the expert nominee is nominated by the Vice Chancellor?

The Department in their written reply stated as under

An expert is nominated who is an expert in the subject in which the interview is to be conducted

Recommendations of the Committee

During the oral examination the Departmental representatives admitted the ambiguity in the rule regarding subject expert of nominee and it is not sustainable. The rule will be amended suitably.

Rule 7(i) Under the heading of Quorum

At least four members including two experts should constitute the quorum. But the presence of the Vice Chancellor's nominee and the Director's nominee shall be essential.

The process of selection should involve the following -

- (a) Assessment of aptitude for teaching and research
- (b) Ability to communicate clearly and effectively
- (c) Ability to analyse and discuss
- (d) Optional Ability to communicate may be assessed by requiring the candidate to participate in a group discussion or by exposure to a classroom situation/lecturer wherever it is possible

Observation of the Committee

The Committee would like to discuss the provisions of quorum at the time of the oral examination with the departmental representatives at the appropriate time.

The Department in their written reply stated as under

The matter will be discussed at the time of oral examination by the committee.

Recommendations of the Committee

During the oral examination the Departmental representatives admitted that the quorum of members for recruitment of Principal be amended as five members instead of four members

Rule 7(ii) Under the heading of Quorum

If the Chairman of the Managing Committee or his nominee is unable to attend the Vice Chancellor's nominee shall be the Chairman of the Selection Committee

Observation of the Committee

The Committee feels that the word Chairman be substituted with the word Chairperson to make the sub rule more appropriate

The Department in their written reply stated as under

The department also agrees with the observation made by Haryana Vidhan Sabha Committee

Rule 7(iv) Under the heading of Quorum

In the meeting of Selection Committee for the selection of Lecturers Librarians and Principals and also if any one of the nominees of the Vice Chancellor or the Director gives a dissenting note the proceedings of the Selection Committee shall not be approved by the University/Director and the post shall be re-advertised

Observation of the Committee

The Committee recommends that the words Lecturers Librarians are seems to be superfluous because the rule 7(1)(a) defines the recruitment of the Principal. The recruitment of Lecturer and Librarian are defined in Rule 7(1)(b). The Committee also recommends that the word Principals may be substituted with the word Principal to make the sub rule more appropriate.

The Department in their written reply stated as under

The department also agrees with the observation made by Haryana Vidhan Sabha Committee

Rule 7(3)

Except otherwise provided whenever any vacancy occurs or is about to occur the Managing Committee shall determine the manner in which the vacancy is to be

filled in. If the vacancy is to be filled in by direct recruitment the Managing Committee shall advertise the vacancy at least in two leading dailies one English and One Hindi out of which one shall be of National Level. However in case of non teaching staff the vacancy can also be filled in through Employment Exchange.

Observation of the Committee

The Committee is of the view that the posts mentioned from sub Rule 7(1)(c) to sub Rule 7(1)(f) should be filled up 50% by promotion and 50% by direct recruitment.

The Department in their written reply stated as under

With regard to this observations it is submitted that Haryana Govt (Education Department) has notified the Haryana Education Department Sub Offices College Cadre Ministerial (Group C) Service Rules 1995 vide its notification dated 28.07.1995 and in this rules under rule 9 the method of recruitment is prescribed wherein it is 80% by way of promotion and 20% by way of direct recruitment. Hence it is view of the department that keeping in view the parity the same procedure may be adopted under these rules also.

ANNEXURE III

6 Appointment to the post in the service shall be made by the Director in the case of Head Clerks and by the Administrative Officer in the case of Assistants Senior Scale Stenographers Junior Scale Stenographers Steno Typist and clerks

7 No person shall be appointed to any post in the service unless he is in possession of qualifications and experience specified in column 3 of Appendix B to these specified in column 4 of the aforesaid Appendix in the case of appointment other than be direct recruitment

Provided that in the case of direct recruitment the qualifications regarding experience shall be relax able to the extent of 50 per cent at the discretion of the Board or any other recruiting authority in case sufficient number of candidates belonging to scheduled requisite experience are not available to fill up the vacancies reserved for them after recording reasons for so doing in writing

8 No person

(a) Who has entered into or contracted a marriage with a person having spouse living or

(b) Who having a spouse living has entered into or contracted a marriage with any person shall be eligible for appointment to any post in the service

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing exempt any person from the operation of this rules

9 Recruitment to the service shall be made

(a) in the case of Head Clerks

(i) by promotion from amongst Assistants o Senior Scale Stenographers

(ii) by transfer or deputation of an official already in the service or any State Government or the Government of India

(b) in the case of Assistant

(i) 80 percent by promotion from amongst Junior Scale Stenographers

(ii) 20 percent by direct recruitment or

(iii) by transfer or deputation of an official already in the service of any State Government or the Government of India

(c) in the case of Senior Scale Stenographer

(i) 80 percent by promotion from amongst Junior Scale Stenographers and

Rule 8(2)(b)(ii)

extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation

Provided that the total period of probation including extension if any shall not exceed three years

Provided further that if it is proposed to take action under sub clause (i) or (ii) then the case of the official shall be referred to a committee consisting of the following members

- (1) President or his nominee
 - (2) Dean of Colleges of the University or his nominees
 - (3) Nominee of Government in the Managing Committee
 - (4) Principal of the College concerned
 - (5) Principal of another college not under the same Managing Committee
- The Managing Committee shall take a final decision in the matter in accordance with the recommendation of this committee

Observation of the Committee

The Committee recommends that the word official mentioned in the second proviso of Rule 8(2)(b)(ii) be substituted with the word employee to make the Rule more clear

The Department in their written reply stated as under

The department also agrees with the observation made by Haryana Vidhan Sabha Committee

Rule 8(2)(b)

On the completion of the period of probation of a person the appointing authority may -

- (a) if his work or conduct has in its opinion been satisfactory confirm such person from the date of completion of his probation period or if a permanent post is not available declare that he has completed his probation satisfactorily or

- (b) if the work or conduct of a person in its opinion has not been satisfactory—

- (i) dispense with his services if appointed by direct recruitment or revert him to his former post if appointed otherwise or deal with him in such other manner as the terms and conditions of his previous appointment permit
- (ii) extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation

Provided that the total period of probation including extension if any shall not exceed three years

Provided further that if it is proposed to take action under sub clause (i) or (ii) then the case of the official shall be referred to a committee consisting of the following members

- (1) President or his nominee
 - (2) Dean of Colleges of the University or his nominees
 - (3) Nominee of Government in the Managing Committee
 - (4) Principal of the College concerned
 - (5) Principal of another college not under the same Managing Committee
- The Managing Committee shall take a final decision in the matter in accordance with the recommendation of this committee

Observation of the Committee

The Committee feels that the word President mentioned in Rule 8(2)(b) at Sr No 1 may be substituted with the word Chairperson to make the rule more clear

The Committee also recommends that the word nominees mentioned at Rule 8(2)(b) at Sr No 2 be substituted with the word nominee to make the Rule correct

The Department in their written reply stated as under

The department also agrees with the observation made by Haryana Vidhan Sabha Committee

Rule 8(2)(b)(iii)

If the Managing Committee does not agree with the report of the committee constituted under rule 8(2) (b) (ii) or the committee is unable to come to a decision by the majority then the matter will be referred to by the Principal to the Director whose decision shall be final. However an employee against whom an order of termination of services has been passed without complying with the provision of these rules may within a period of thirty days of the date of communication of orders make an application to the Director whose decision shall be final in the matter

Observation of the Committee

The Committee recommends that the word or mentioned in the second line of Rule 8(2)(b)(iii) seems to be superfluous. It should be corrected with the word or to make the Rule grammatically correct

The Committee also recommends that the spelling of the word Howeve mentioned in the fifth line of the said Rule be corrected with the word However to make the Rule grammatically correct

The Department in their written reply stated as under

With regard to observations made by the Haryana Vidhan Sabha Committee it is submitted that when the relevant rule /sub rule was perused it was seen that both the spelling noticed by the Haryana Vidhan Sabha Committee are correct. It seems that in the copy of Notification which is with the Haryana Vidhan Sabha Committee there may be some missing word or other reason.

Rule 9(1)(a) Under the heading of Quorum

An employee appointed by direct recruitment shall be senior to an employee appointed otherwise.

Observation of the Committee

The Committee is of the view that an employee appointed by promotion should be senior to the employee appointed by direct recruitment in the case of appointment on the same day.

The Department in their written reply stated as under

As per Rules 11(1) (a) or the Haryana Education (College Cadre) Group B Service Rule 1986 notified on 11/04/1986 applicable to Assistant Professors (Lecturers) a member appointed by direct recruitment shall be senior to a member appointed by promotion or by transfer. Similar provision has been made in Haryana Affiliated Colleges (Security of Service) Rules 2006 under Rule 9 (1)(a). For the sake of parity the department is of the view that this provision should not be amended.

ANNEXURE IV

HARYANA GOVERNMENT
HIGHER EDUCATION DEPARTMENT

Notification

The 11th April 1986

No G S R 29/Const /Art 309/86 In exercise of the powers conferred by the proviso to article 309 of the Constitution of India the Governor of Haryana hereby makes the following rules regulating to recruitment and conditions of service of persons appointed to the Haryana Education (College Cadre) Group B Service Rules 1986 namely -

PART I

GENERAL

Short title 1 These rules may be called the Haryana Education (College Cadre) Group B Service Rules 1986

Defination 2 In these rules unless the context otherwise requires

a Commission means the Haryana Public Service Commission

b direct recruitment means an appointment made otherwise than by promotion from within the Service or by transfer of officer already in the service of Government of India or any State Government

c Director means the Director of Higher Education Haryana

d Government means the Haryana Government in the Administrative Department

e recognized university means

i any university incorporated by law in India or

ii In the case of a degree diploma or certificate obtained as reason of the examination held before the 15th August 1974 the Punjab Sind or Dacca University or

iii Any other university which is declared by the Government be recognized university for the purposes of these rules

f Service means the Haryana Education (College Cadre) Group B service

PART II

CONDITIONS OF RECRUITMENT

Number and Character of posts

3 The service shall comprise the posts shown in Appendix A to these rules

Decided that nothing in these rules shall effect the inherent right of Government to make additions to or reduction in the number of such posts or to create new posts with different designation and scales of pay either permanently or temporarily

iii declare that he has completed his probation satisfactory If there is no permanent vacancy or

(b) if his work or conduct has in its opinion not been satisfactory

(i) dispense with his services if appointed by direct recruitment or revert him to his former post or deal with him in such other manner as the terms and conditions of his previous appointment permit if appointed otherwise or

(ii) extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation

Provided that the period of probation including extension if any shall not exceeded three years

Seniority

11 (1) The seniority inter se of the members of the Service shall be determined by the length of continuous services on any post in the service

Provided that in case of members appointed by direct recruitment the order of merit determined by the Commission or other recruiting authority shall not disturb in fixing the seniority

Provided further that in the case of two or more members appointed on the same date their seniority shall be determined as follows

- (a) a member appointed by direct recruitment shall be senior to a member appointed by promotion or by transfer
 - (b) in the case of members appointed by transfer from different cadres their seniority shall be determined according to pay preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same then by the length of their services in the appointments and if the length of such service is also the same the older member shall be senior to the younger member
- (2) On amalgamations of the men and women branches the seniority of the members holding the same class of posts and in the same identical scales of pay shall be determined by the length of their continuous service in the post

Provided that then inter se seniority in their respective branches shall not be disturbed

Provided further that in case two or more members having the same length or continuous service the older member shall be senior to a younger member and if their age is also same the member who was drawing higher rate of pay shall be senior to the member who was drawing lesser pay

Liability to service

- 12
- (1) A member of the service shall be liable to serve at any place whether within or outside the State of Haryana on being ordered so to do by the appointing authority
 - (2) A member of the service may also be deputed to serve under

Rule 9(2)

The seniority lists of the employees shall be prepared by the Managing Committee in the form prescribed in Appendix D to these rules and circulated to the employees. This list will be finalized after inviting objections from the

employees and considering the same In the case of any dispute regarding fixation of seniority the matter shall be decided by the Director

Observation of the Committee

The Committee is of the view that a three member committee should be constituted for prepare the seniority list of the employees

The Committee also of the view that the seniority list of the employees should be prepared every financial year

The Committee feels that the provision of appeal against the orders of the Director should be mentioned in the Rule itself

The Department in their written reply stated as under

In this regard it is submitted that with regard to Govt Aided Colleges the seniority list is individuals for every college and it is not a common seniority list for the entire State Hence the department agrees with this observations/proposal of the committee of Haryana Vidhan Sabha

–So far as constitution of committee for preparing the seniority list is concerned the management of the concerned college may nominate three members for the same

–So far as appeal clause against the orders of Director is concerned it is submitted that when the concerned college/management circulate the seniority list and upon that if any one has any objection then he/she can prefer first appeal before the Director Higher Education Haryana and if still with the orders of Director is not satisfied then the second appeal should be preferred before the Additional Chief Secretary/Principal Secretary Higher Education Haryana

Rule 13

For every employee a service book shall be maintained in such form as is prescribed for Government employee and personal file containing annual confidential reports and other important documents in relation thereto

Observation of the Committee

The Committee recommends that the provision of penalty for not maintaining the Service Books of the employees in time should be made in the Rules

The Department in their written reply stated as under -

With regard to this observation of the Haryana Vidhan Sabha Committee Department submits that Haryana Govt (Finance Department) has notified Haryana Civil Services (General) Rules 2016 under which Chapter V states about service record i.e maintenance of Service Book responsibility for entries in Service Book and other different events with regard to Service Book If this Chapter is completely perused there is no such clause with regard to penalty

and as such the department is of the view no such clause of penalty should be inserted under this rule otherwise different situation may arise

Rule 13(2)

The service book and the personal file shall be maintained and kept in the safe custody by the Principal who shall be responsible to produce the same before the Director or any other officer authorized by him if so required by him for inspection

Observation of the Committee

The Committee is of the view that the Service Books of the employees should be checked by the Director or any other officer authorized by him every financial year and the same may be inserted in the said Rules

The Department in their written reply stated as under

With regard to this observation of the Haryana Vidhan Sabha Committee Department submits that the audit wing of the department is already regularly auditing the records service books and other record relating to financial matter etc and hence the department feels that there is no need to insert/add any such clause in this rules

Rule 14(i)

Private tuition with the permission of the Principal for not exceeding one hour a day

Observation of the Committee

The Committee would like to discuss the said rule at the time of oral examination with the Departmental representatives

The Department in their written reply stated as under

The matter will be discussed at the time of oral examination by the committee

Recommendations of the Committee

During the oral examination the Departmental representatives admitted that rule 14(i) will be omitted

Rule 14(ii)

Honorary work purely social or charitable nature or occasional work of a literary artistic or scientific character subject to the condition that his official duties do not

thereby suffer. He shall not undertake or shall discontinue such work if so directed by the Principal of his college and in the case of the Principal so directed by the Managing Committee.

Provided that no permission shall be necessary for examination work of the Universities when the total emoluments accruing therefrom do not exceed Rs 2400 per annum and for all examination work for which additional emoluments may be accepted the previous permission of the Principal shall be necessary.

Observation of the Committee

The Committee feels that the amount mentioned in the proviso of Rule 14 (ii) should be enhanced or suitably amended due to escalation of prices.

The Department in their written reply stated as under

The department feels that this honorarium may be enhanced to Rs 10 000/

Rule 19

No employee shall stand for election to Parliament/State Legislature or any other local body.

Observation of the Committee

The Committee recommends that the words 'or take part' should be inserted after the word 'stand' to make the rule more effective.

The Department in their written reply stated as under

The department also agrees with the observation made by Haryana Vidhan Sabha Committee.

Rule 22(f)

Not habitually use any intoxicating drinks or drugs in excess.

Observation of the Committee

The Committee observed that the word 'in excess' mentioned in the rule be deleted to make the rule more effective.

The Department in their written reply stated as under

The department perused Rule 22 (f) and after perusing the same department also agrees to delete the word 'in excess'.

Appendix (C)*(See rule 26)*

- Penalties 1 The following penalties may for good and sufficient reasons be imposed on members to whom these rules are applicable namely

Minor punishments

- (i) Warning on personal file
- (ii) Censure
- (iii) Withholding of increments or promotion
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused to the college by negligence or breach of orders

Major punishments

- (v) Removal/Dismissal from service
- (vi) Reduction to a lower post or time scale or to a lower stage in a time scale
- (vii) Withholding of annual increment of pay with cumulative effect

Procedure for imposing major penalties of dismissal/removal from service or reduction in rank or withholding of annual increment of pay with cumulative effect

2 (1) Whenever the Managing Committee is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee it may initially enquire into it itself or may appoint an authority to enquire into the truth thereof and provisionally decide whether the delinquent official should be proceeded against for major punishment or minor punishment

(2) Where it is proposed to proceed against an employee for the award of major punishment the Managing Committee shall draw up—

- (i) the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charges
- (ii) a statement of allegations on which each charge is based including the statement of all relevant facts including any admission or confession made by the employee
- (iii) a list of documents by which and a list of witnesses by whom the articles of charges are proposed to be substantiated

(3) The Managing Committee shall deliver to the employee a copy of the articles of charges the statement of allegations and a list of documents and witnesses by which each article of charge is proposed to be substantiated and shall require the employee to submit within such time not being less than fifteen days as may be specified a written statement of his defence and to state whether he desired to be heard in person

(4) (a) On receipt of the written statement of defence the Managing Committee may itself inquire into such of the articles of charges as are not admitted or if it considers it necessary to do so appoint under sub rule (1) an inquiry officer for the purpose and where all the articles of charges have been admitted by the employee in his written statement of defence the Managing Committee shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner hereinafter laid down in these rules

(b) If no written statement of defence is submitted by the employee within the specified period the Managing Committee may itself inquire into the articles of charge or may if it considers necessary to do so appoint under sub rule(1) an inquiry officer for the purpose

(c) Where the Managing Committee itself inquires into the articles of charges or appoints an inquiry officer for holding an inquiry into such charges it may by order appoint a Presenting Officer to present on its behalf the case in support of the articles of charges

(5) The Managing Committee shall where it is not itself the inquiring authority forward to the inquiry officer —

- (i) a copy of the articles of charges and the statement of allegation
- (ii) a copy of the written statement of defence if any submitted by the employee
- (iii) the record referred to in item (iii) of sub para (2)
- (iv) evidence proving the delivery of the documents required to be delivered to the employee under sub para (3) and
- (v) a copy of the order appointing the presenting officer

(6) The employee shall appear in person before the inquiring authority on such date at such time within ten working days from the date of receipt by him of the articles of charges and the statement of imputations of misconduct or misbehaviour as the inquiring authority may by a notice in writing specify in this behalf or within such further time not exceeding ten days as the inquiring authority may allow

(7) The employee may take the assistance of any other employee to present the case on his behalf but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the Managing Committee is a legal practitioner or the inquiring authority having regard to the circumstances of the case so permits

(8) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence appears before the inquiring authority such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charges the inquiring authority shall record the plea sign the record and obtain the signature of the employee thereon

(9) The inquiring authority shall record its findings of guilt in respect of those articles of charges to which the employee pleads guilty

(10) The inquiring authority shall if the employee fails to appear within the specified time or refuses or omits to plead require the presenting officer to produce the evidence by which he proposes to prove the article of charge and shall adjourn the case to a later date not exceeding thirty days after recording an order that the employee may for the purpose of preparing his defence—

- (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow the documents specified in the list referred to in sub para (3)
- (ii) submit a list of witnesses to be examined on his behalf

Note —If the employee applies orally or in writing for the supply of the copies of the statements of witnesses mentioned in the list referred to in sub para (2) if any the inquiring authority shall furnish him such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Managing Committee

(11) The inquiring authority shall on receipt of the notice for the discovery or production of documents forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents by such date as may be specified in such requisition

Provided that the inquiring authority may for reasons to be recorded by it in writing refuse to requisition such of the documents as are in its opinion not relevant to the case

(12) On receipt of the requisition referred to in sub para (11) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority

(13) On the date fixed for inquiry the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Managing Committee. The witnesses shall be examined by or on behalf of the Managing Committee and may be cross examined by or on behalf of the employee. The presenting officer shall be entitled to re-examine the witnesses on any point on which they have been cross examined but not on any new matter without the leave of the inquiring authority. The Inquiring authority may also put such questions to the witnesses as it thinks fit

(14) The inquiring authority may in its discretion if it deems necessary before the close of the case on behalf of the Managing Committee allow the presenting officer to produce evidence not included in the list given to the employees or may itself call for new evidence or recall and re-examine any witnesses and in such case the employee shall be entitled to have if he demands it a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence exclusive of the date of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence if it is of the opinion that the production of such evidence is necessary in the interest of justice

Note —New evidence shall not be produced or called for or any witnesses shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally

(15) When the case on behalf of the Managing Committee is closed the employee shall be required to state his defence orally or in writing as he may prefer. If the defence is made orally it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the presenting officer if any appointed

(16) The evidence on behalf of the employee shall then be produced. The employee may appear as his own witness if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross examination re examination and examination by the inquiring authority and the presenting officer according to the provision applicable to the witnesses for the Managing Committee.

(17) The inquiring authority may after the employee closes his case and shall if the employee has not examined himself ask him general question on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any such circumstances.

(18) The inquiring authority may after the completion of the evidence hear the presenting officer if any appointed and the employee and permit them to file written briefs of their respective case if they so desire.

(19) (i) if the inquiring authority is of the opinion that the employee is unduly delaying the production of evidence or fails or omits to produce evidence on the specified date of hearing or fails to appear on the date of hearing he may record his reasons in writing and close the evidence on behalf of the employee and proceed with the case.

(ii) The inquiring authority may in its discretion for reasons to be recorded in writing set aside its own orders under clause (i) if a petition is filed before it by the employee within fifteen days of ¹ the passing of such order.

Provided that a copy of the petition is given to the presenting officer if any appointed and an opportunity is given to him to be heard before passing such order.

(iii) No appeal shall lie against the order passed under clause (ii).

(20) If the employee to whom a copy of the article of charge has been delivered does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of these rules the inquiring authority may hold the inquiry ex parte.

(21)(i) After the conclusion of the inquiry a report shall be prepared and it shall contain —

- (a) the articles of charges and the statement of *the* imputation of misconduct or misbehaviour
- (b) the defence of the employee in respect of each article of charges
- (c) an assessment of the evidence in respect of each article of charges
- (d) the findings of each article of charges and the reason thereof

Explanation —If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles or the charges it may record its findings on such article of charge.

(ii) The Enquiring authority where it is not the Managing Committee shall forward to the Managing Committee the records of enquiry which shall include—

- (a) the report prepared by it under clause (i)

- (b) the written statement of defence if any as submitted by the employees
- (c) the oral and documentary evidence produced during the course of the inquiry
- (d) written briefs if any filed by the presenting officer or the employee or both during the course of the enquiry
- (e) the orders if any made by the inquiring authority in regard to the inquiry

3 (1) The Managing Committee if it is not itself inquiring authority may for reasons to be recorded by it in writing remit the case to the inquiring authority for further inquiry and report and the inquiring authority as far as maybe shall thereupon proceed to hold further inquiry according to the provisions of para 6

(2) The Managing Committee shall if it disagrees with the findings of the inquiring authority on any articles of charge record its reasons for each disagreement and record its own findings on such charge if the evidence on record is sufficient for the purpose

(3) If the Managing Committee having regard to its finding on all or any of the articles of charges is of the opinion that any major punishment should be imposed on the employee it shall —

- (a) furnish to the employee a copy of the report of the inquiry held by it and its findings on each article of charge or where the inquiry had been held by the inquiring authority appointed by it a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for its disagreement if any with the findings of the inquiring authority
- (b) give the employee a notice stating the penalty proposed to be imposed on him and calling him to submit within a period of thirty days of the receipt of such notice such representation to the Director as he may wish to make against the proposed penalty
- (c) forward to the Director the complete record of inquiry mentioned in clause (ii) of sub para (21) of para 2 along with its findings on each article of charge together with brief reasons for the disagreement if any with the findings of the inquiry authority and
- (d) forward to the Director evidence of receipt of notice by the employee under clause (b)

4 The Director on receipt of such proposal and representation if any may after examining the record and giving the parties an opportunity of being heard by an order in writing give his approval to the imposition of the proposed punishment or reduce it or refuse to give approval if the proposal is found to be malafide or by way of victimisation or not warranted by the facts and circumstances of the case

5 On receipt of the approval of the Director the Managing Committee shall pass an order in detail

Action by
Director

Order by
Managing
Committee

Procedure for
imposing minor
penalty

Action on the
inquiry report

6 (i) Where after examination of the enquiry report referred to in sub para (1) of para 2 the Managing Committee is of the opinion that one of the minor penalties will meet the ends of justice the Managing Committee shall cause to be delivered to the employee a statement of imputation or misconduct or misbehavior on the basis of which it is proposed to take action against him and the employee shall be required to submit his reply within a period of twenty one days

(ii) After considering the reply the Managing Committee may pass an order in detail inflicting any of the minor penalties

Manner of
filing appeal to
Director
against the
imposition of
minor penalty

7 (1) An appeal against an order passed under para 6 may be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Director within thirty days of the date of the order. The memorandum shall be accompanied by a copy of the order appealed against (unless appellate authority exempts) and of the inquiry report on which it is founded

(2) The memorandum shall set forth grounds of objection to the order appealed against without any argument or narrative and such grounds shall be numbered consecutively

(3) The appellant shall not except by the leave of the Director urge to be heard in support of any ground of objection not set forth in the memorandum of appeal but the Director in deciding the appeal shall not be confined to the grounds of objection set forth in the memorandum of appeal or submitted with leave of the Director

Provided that the Director shall not base his decision on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the case on that ground

(4) Where the memorandum of appeal is not drawn up in the prescribed manner it may be rejected or returned to the appellant for the purpose of being amended within the time to be fixed by the Director or be amended then and there

(5) The Director may after hearing the parties confirm vary or reverse the order appealed from or may pass such orders as he deems fit. While passing the orders the Director shall record its reasons

8 An application for revision of the orders of Managing Committee passed under para 6 or the appellate order of the Director passed under para 7 shall lie to the Government within sixty days of the date of communication of the order in question to the aggrieved employee. The application for revision shall be accompanied by a copy of the order sought to be revised and shall be submitted and disposed of *mutatis mutandis* in the same manner as prescribed in para 7 above

Observation of the Committee

The Committee is of the view that the penalties as mentioned at Sr No 1 of Appendix (c) should be amended as per the Haryana Civil Services (Punishment and Appeal) Rules 2016

The Department in their written reply stated as under

The department also agrees with the observation made by Haryana Vidhan Sabha Committee

At the end the Departmental representative agrees to amend the rules as recommended by the Committee within six months

**SCRUTINY OF THE HARYANA HOME GUARDS RULES, 1980 FRAMED
UNDER THE HARYANA HOME GUARDS ACT, 1974**

The Committee scrutinized the Haryana Home Guards Rules 1980 framed under the Haryana Home Guards Act 1974 and made the following observations/recommendations as under

Rule 4(i)

The Home Guards shall be organized in sections each section consisting of a Section Commander Assistant Section Commander and nine Home Guards volunteers There Sections shall be combined to form a Platoon For each Platoon there shall be a Platoon Commander and a Platoon Havaldar There Platoons shall constitute a Company The Company Headquarters shall consist of a Company Commander Company 2nd in Command Company Havaldar Major Company Clerk and one Company Quarter Master and a Runner The overall strength of a Company shall be one hundred and ten

Observation of the Committee

The Committee is of the view that the strength of Home Guards mention in Rule 4(i) should be increased for smooth functioning

The Department in their written reply stated as under

This department agrees with the observation made by Committee on Subordinate Legislation constituted by Haryana Vidhan Sabha As such present strength of Home Guards Volunteers is 14025 it is same since formation of this department Presently lot of changes had happened in the state in context to state s population formation of 22 districts and spreading of National Capital Region Zone surrounding Delhi Due to the same lot of demand of Home Guards volunteers is arising for law and order duties in each districts of the state The districts specifically Gurugram Fridabad and Panchkula are demanding more duties than the present sanctioned strength In addition to it Home Guards volunteers are being deputed by state government for following duties

- 1 Police for Law & Order Duty
- 2 Other Departments
- 3 Boards/Corporations
- 4 Universities etc

Therefore keeping in view the increasing law & order and other duties in the state minimum 1000 sanctioned strength for each districts should be allowed which will come out total $22 \times 1000 = 22000$

Rule 5

The enrolment form of members shall be as given in Appendix A

APPENDIX A (See rule 5) ENROLMENT FORM

- 1 Name
- 2 Father's Name
- 3 Home Address
 - (a) Village
 - (b) Post Office
 - (c) Police Station
 - (d) Railway Station
 - (e) District
- 4 Age
- 5 Profession
- 6 Academic Qualifications
- 7 Present occupation and where employed with complete address
- 8 Whether convicted by any criminal Court
- 9 Are you willing to be enrolled in the Home Guards Urban or Rural Wings
- 10 Are you prepared to serve when called for duty in case of Emergency
- 11 Have you ever served in I A I N A I T E Police etc ?
- 12 Are you a member of the Army Reserve Force
- 13 What is your Hobby

14 Any other information you would like to give DECLARATION OF acceptance for enrolment

I _____ solemnly declare that the
(Name and designation)
answer given to the question in this form are true

SIGNATURE

Certified that the applicant understands and agrees to the conditions of enrolment

(SIGNATURE OF ENROLLING OFFICER)

Observation of the Committee

The Committee recommends that after the Sr No 3(e) of the Appendix A the words (f) State should be inserted to make the address more clear

The Committee is also recommends that in Sr No 11 of the Appendix A the words I A I N A and I T E should be mentioned in full form

The Department in their written reply stated as under

This department agrees with the observation made by Committee on Subordinate Legislation constituted by Haryana Vidhan Sabha

The full form of these abbreviation mentioned in Sr No 11 of the Appendix A is as follows

I A Indian Army

I N A Indian National Army

I T E may kindly be read as I T B P (Indo Tibetan Border Police)

Rule 6

The strength of each Wing of the Home Guards shall be such as may be fixed by the Government from time to time

Observation of the Committee

The Committee would like to know for its information the Strength of each wing of the Home Guards at present

The Department in their written reply stated as under -

There are two wings in this department i.e Urban & Rural At present strength of each wing of the Home Guards is as follows

Urban Wing 4909

Rural Wing 9116

At present strength of Home Guards Volunteers are required to increase Therefore increasing the strength of Home Guards Volunteers reply given to Rule 4(i) above may kindly reiterated as reply to this para also

Rule 9

No person shall be enlisted as a member in any unit of Home Guards unless he is declared medically fit

Observation of the Committee

The Committee is of the view that medical fitness should be issued by Government Hospital only

The Department in their written reply stated as under -

This department agrees with the observation made by Committee on Subordinate Legislation constituted by Haryana Vidhan Sabha. All parameters of Medical fitness shall be same as followed in case of regular government employee working with state government & other instruction issued by Health Department Haryana in this regard

Rule 14

The pay allowances and amenities if any admissible to the members including Gazetted and non gazetted officers shall be such as may be determined by the Government from time to time

Observation of the Committee

The Committee would like to know for its information the pay allowances and amenities are given to the members including Gazetted and non Gazetted officers at present

The Department in their written reply stated as under

Rule 14 omitted vide Haryana Government Home Department notification No G S R 121/H A 31/74/S 11/Amd (1)/81 dated 27 11 1981. Hence no need to comment on this point. Copy of same is attached as Annexure A

ANNEXURE A

Part III

Haryana Government

Home Department

Notification

No G S R121/H A 31/74/S 11/Amd (1)/81 In exercise of the powers conferred by section 11 of the Haryana Home Guards Act 1974 and all other powers enabling him in this behalf the Governor of Haryana hereby makes the following rules further to amend the Haryana Home Guards Rules 1980 namely

- 1 These rules may be called Haryana Home Guards (Amendment) Rules 1981
- 2 In the Haryana Home Guards Rules 1980 (hereinafter called the said rules) in rule 7 to sub rule (2) the following proviso shall be added namely
Provided that in the case of Government employee or other employees A certificate of character from the Head of department or institution as the case may be shall also be produced
- 3 In the said rules in rule 14 shall be omitted
- 4 In the said rules in rule 20 sub rules (1) and 4 shall be omitted
- 5 In the said rules in rule 27 in sub rule (2) for the words two hundred and fifty rupees the words five hundred rupees shall be substituted
- 6 In the said rules in Appendix A
 - a) For serial number 2 and entry there against the following serial number and entry there against shall be substituted namely
 - 2 Father s/husband s name and
 - b) Serial numbers 13 and 14 and entries there against shall be omitted

LC Gupta

Secretary to Government Haryana

Home Department

Rule 16(1)

Every member shall on his appointment receive a certificate in the form given in Appendix B under the signature of District Commandant by virtue of which he shall be vested with the powers functions and privileges of a police officer

Observation of the Committee

The Committee recommends that the form Appendix B should be amended suitably with consideration of Gender i.e. male or female

The Department in their written reply stated as under

This department agrees with the observation made by Committee on Subordinate Legislation constituted by Haryana Vidhan Sabha

In the said rule in Appendix B for consideration of gender the term Shri/Smt/Mr /Ms _____ Son/Daughter/Wife of substituted with Shri _____ Son of

APPENDIX B

{See Rule 16(1)}

(Form of Certificate for members of the Haryana Home Guards)

The Haryana Home Guards _____ District

No _____ Sh _____

Son of _____ resident of _____

has been appointed a member of the Haryana Home Guards under the Haryana Home Guards Act 1974 and is vested with the powers functions and privileges and protection of a police officer

Appointed on the District Commandant

Rule 19(2)(a)(b)

Uniforms and accountrements shall be supplied by the Government to all members and whole time employees of the Home Guards which shall continue to be the property of the Government till the expiry of life of items of uniform which is given below

(a)	Male Home Guards Item	Units	Life
	Shirt Khaki Cellular	1	*
	Trousers Khaki Drill	1 pair	*
	Belt Web or canvas	1	4 years
	Anklets Webs or canvas	1 pair	4 years
	Socks		
	Boots ankle Black	1 pair	3 years
	Beret Cloth	1	2 years
	Shoulder Titles	1 pair	3 years
	Cap Badge	1	4 years
	Whistle	1	4 years
	Lanyard	1	2 years
	Hackle	1	2 years

*The life of clothing items of uniforms is one year for the training reserve two years for Urban Home Guards and five years for the mobilisation Stores

(b)	Women Home Guards		
	Bush Shirt Khaki Cellular	2	2 years
	Slacks Khaki Drill	2	2 years
	Socks Cotton	2 pair	2 years
	Shoes Leather Brown	1 pair	1 ^{1/2} years
	Buckle Field Service	1	Permanent
	Cap Badge	1	2 years
	Lanyard	1	2 years
	Beret (Mareon)	1	2 years
	Hackle	1	2 years
	Shoulder title	2	3 years
	Badges Proficiency with coloured background	1	3 years
	Badges of ranks and Cheveron	1	Permanent
	Searves for Sikhs only	2	2 years

Observation of the Committee

The Committee is of the view that the number of unit and life as mentioned in the Rule 19(2)(a)(b) needs to amend suitably

The Department in their written reply stated as under -

This department agrees with the observation made by committee on subordinate legislation constituted by Haryana Vidhan Sabha Amendments in Units & Life are as follows -

(a)	Male Home Guards Item	Units	Amendment proposed in Units	Life	Amendment proposed in Life
	Shirt Khaki Cellular	1	2	*	
	Trousers Khaki Drill	1 pair	2 pair	*	
	Belt Web or canvas	1	2	4 years	2 years
	Anklets Webs or canvas Socks	1 pair	2 pair	4 years	2 years
	Boots ankle Black	1 pair	2 pair	3 years	1 year
	Beret Cloth	1	2	2 years	1 year
	Shoulder Titles	1 pair	2 pair	3 years	2 years
	Cap Badge	1	2	4 years	2 years
	Whistle	1	2	4 years	2 years
	Lanyard	1	2	2 years	1 year

	Hackle	1	2	2 years	1 year
(b)	Women Home Guards				
	Bush Shirt Khaki Cellular	2	4	2 years	1 year
	Slacks Khaki Drill	2	4	2 years	1 year
	Socks Cotton	2 pair	4 pair	2 years	1 year
	Shoes Leather Brown	1 pair	2 pair	1 ^{1/2} years	1 year
	Buckle Field Service	1	2	Permanent	
	Cap Badge	1	2	2 years	1 year
	Lanyard	1	2	2 years	1 year
	Beret (Mareon)	1	2	2 years	1 year
	Hackle	1	2	2 years	1 year
	Shoulder title	2	4	3 years	1 year
	Badges Proficiency with coloured background	1	2	3 years	1 year
	Badges of ranks and Cheveron	1	2	Permanent	
	Searves for Sikhs only	2	4	2 years	1 year

Rule 20

- (1) The term of a member shall be three years and he shall be eligible for re enlistment provided that if any member is found to be medically unfit to continue as a member his enlistment may be terminated before the expiry of prescribed term
- (2) Service in the Home Guards shall ordinarily be voluntary and unpaid Government may however determine the allowance and expenses to be paid to the members when called out for training or duty The members and officers of Home Guards shall be entitled to receive such allowances and at such rates as the Government may prescribe from time to time The allowances received by them shall be in addition to their pay and allowances received by them from their parent department
- (3) The members when called out under Section 6 of the Act shall have the same powers privileges and protection as an officer of the police appointed

under any enactment for the time being in force No prosecution shall be instituted against any member in respect of anything done or purporting to be done by him in the discharge of his duties as a member except with the prior sanction of the Government

- (4) The members shall be transferred to reserve for a period of three years after the completion of the original appointment for three years While in reserve the members shall be liable to be called out for duty at any time if the exigencies of the service so require
- (5) The members shall be liable to serve at any place within the State of Haryana In emergency those members who volunteers may however be deputed for special duty outside the State
- (6) The members for all purposes shall be public servants They shall however not be debarred from being elected to the corporations State Assemblies or Parliament or other Public bodies

Provided that whole time employees of Home Guards Department shall be governed by the rules made under article 309 of Constitution of India

Observation of the Committee

The Committee would like to know the daily allowances and expenses which are paid to member of the Home Guards at present

The Department in their written reply stated as under

Presently following allowances as sanctioned by the Government are being paid to the Home Guards Volunteers

- 1 Duty allowance Rs 572/ per day
- 2 Parade allowance Rs 60/ per parade
- 3 Washing allowance Rs 72/ per month
- 4 Training allowance Rs 300/ per day

However same are needed to be enhanced keeping in view the judgement of Supreme Court of India passed in Civil Appeal No 6373 of 2010 & Civil Appeal No 27589 (Arising out of SP (C) No 12858 of 2009

Rule 25(2)

The following punishments may be imposed by the appointing authority on members for any offence namely

- (a) reprimand
- (b) extra Duty
- (c) suspension

- (d) reduction of rank
- (e) dismissal

Observation of the Committee

The Committee would like to know as to whether any provision of appeal against the punishment imposed by the appointing authority

The Department in their written reply stated as under

The provision of appeal against the punishment imposed to the Home Guards Volunteers is provided under rule 25(4) which is as follows

The members on whom any of the aforesaid punishment is imposed may within a period of thirty days of the communication of the orders to him appeal to the office immediately superior to the authority imposing the punishment

Rule 26

If a member suffers any damage to his person or property while under training or on duty he shall be paid such compensation as may be determined by the Government provided that such damage is not caused by his own negligence or wilful act or omission in contravention of any of the provisions of the Act or these rules or orders or directions issued by his superior officers

Observation of the Committee

The Committee would like to know that how much amount of compensation is paid to the members of Home Guards at present under above mentioned Rule?

The Department in their written reply stated as under

In case of death of Home Guards Volunteer on duty compensation of Rs 5 lac is being paid to the dependents/LRs of the deceased and in case of injury an amount of Rs 1 lac The operative part of Government policy dated 21 10 2016 (Annexure B) is as follows

‘सरकार ने मामले में विचारोपरान्त यह निर्णय लिया है कि भविष्य में गृह रक्षी एवं नागरिक सुरक्षा विभाग के स्वयंसेवकों की ड्यूटी के दौरान ड्यूटी के कारण मृत्यु होने पर पांच लाख रुपये तथा चोट लगने पर चोट की गम्भीरता को देखते हुए विभाग के चिकित्सा अधिकारी की अध्यक्षता में विभागाध्यक्ष द्वारा गठित बोर्ड द्वारा की गई सिफारिश के अनुसार 50 000/- से

1 00 000 /— रू० अनुग्रहपूर्वक अनुदान राशि दी जाए। मृत्यु की दशा में राशि आश्रित सदस्य को तथा चोट की दशा में स्वयंसेवक को राशि अदा की जाए”।

ANNEXURE B

प्रेषक

अतिरिक्त मुख्य सचिव हरियाणा सरकार
गृह विभाग।

सेवा में

महा आदेशक गृह रक्षी एव
निदेशक नागरिक सुरक्षा हरियाणा।
यादी क्रमांक 34/62/2003-1 एच जी III
दिनांक चण्डीगढ़ 21 10 2016

विषय

Ex gratia payment to the next of kin of Home Guards
and Civil Defence Volunteers in case of their death or
injury on duty

उपरोक्त विषय पर आपके यादी क्रमांक मआ 12/स्टैनो-2/4422
दिनांक 07 5 2013 के सन्दर्भ में।

2 सरकार ने मामले में विचारोपरान्त यह निर्णय लिया है कि भविष्य में गृह रक्षी एव नागरिक सुरक्षा विभाग के स्वयंसेवकों की ड्यूटी के दौरान ड्यूटी के कारण मृत्यु होने पर पांच लाख रुपये तथा चोट लगने पर चोट की गम्भीरता को देखते हुए विभाग के चिकित्सा अधिकारी की अध्यक्षता में विभागाध्यक्ष द्वारा गठित बोर्ड द्वारा की गई सिफारिश के अनुसार 50 000/- से 1 00 000/- रु० अनुग्रहपूर्वक अनुदान राशि दी जाए। मृत्यु की दशा में राशि आश्रित सदस्य को तथा चोट की दशा में स्वयंसेवक को राशि अदा की जाए।

3 यह खर्चा विभाग के लेखा शीर्ष 2070 अन्य प्रशासनिक सेवाएं 107-गृह रक्षी से किया जाएगा।

4 वित्त विभाग की सहमति उनके अशा क्रमांक 03/03/2015-5एफ0जी0-1/24147(16) दिनांक 03 10 2016 द्वारा प्राप्त कर ली गई है।

सयुक्त सचिव गृह
कृते अतिरिक्त मुख्य
सचिव हरियाणा सरकार
गृह विभाग।

पृ०क्रमांक 34/62/2003/1 एच जी III

दिनांक चण्डीगढ़

इसकी एक प्रति महानिदेशक नागरिक सुरक्षा गृह मन्त्रालय भारत सरकार ईस्ट ब्लॉक न० 7 लेवल-7 सै० 1 आर०के०पुरम० नई दिल्ली को सूचनार्थ/आवश्यक कार्यवाही हेतु प्रेषित है।

सयुक्त सचिव गृह
कृते अतिरिक्त मुख्य
सचिव हरियाणा सरकार
गृह विभाग।

पृ०क्रमांक 34/62/2003/1 एचजी III

दिनांक चण्डीगढ़

इसकी एक प्रति महालेखाकार (लेखा एवं हकदारी/लेखा परीक्षा) हरियाणा चण्डीगढ़ को सूचनार्थ/आवश्यक कार्यवाही हेतु प्रेषित है।

सयुक्त सचिव गृह
कृते अतिरिक्त मुख्य
सचिव हरियाणा सरकार
गृह विभाग।

इसकी एक प्रति अतिरिक्त मुख्य सचिव हरियाणा सरकार वित्त विभाग को उनके अशा क्र०03/03/2015-5एफ०जी०-1/24147 (16) दिनांक 03 10 2016 के सन्दर्भ में सूचनार्थ प्रेषित है।

सयुक्त सचिव गृह
कृते अतिरिक्त मुख्य
सचिव हरियाणा सरकार
गृह विभाग।

सेवा में

अतिरिक्त मुख्य सचिव हरियाणा सरकार
वित्त विभाग। (वित्त सामान्य शाखा-I)

पृ०क्रमांक 34/62/2003/1 एचजी III

दिनांक चण्डीगढ़

कार्यालय महा आदेशक गृह रक्षी एवं निदेशक नागरिक सुरक्षा हरियाणा चण्डीगढ़।

पृष्ठांकन न० म०आ०-2017/एचजी IV/3635-69 दिनांक 03 03 2017

इसकी एक-एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है —

- 1 सभी जिला आदेशक गृह रक्षी हरियाणा राज्य भर में।
- 2 सभी नियन्त्रक/उपनियन्त्रक नागरिक सुरक्षा हरियाणा।
- 3 सभी अधिकारीगण राज्य मुख्यालय।

कृते महा आदेशक
गृह रक्षी एवं
निदेशक नागरिक
सुरक्षा हरियाणा।

Rule 27

(1) The members shall be eligible for cash awards individually or collectively for conspicuous good work or for a work of outstanding nature in saving life protection of property assistance in maintenance of law and order devotion to duty and for any other purpose which furthers the aims and objects of the Home Guards

(2) The Commandant General is authorised to grant awards upto a monetary limit of two hundred and fifty rupees in any one case or on any one occasion

(3) The complete citation indicating the reason for which the award is granted shall be written and duly publicised

Observation of the Committee

The Committee is of the view that the amount of award may be enhanced to encourage the workers of Home Guards

The Department in their written reply stated as under

This department agrees with the observation made by Committee on Subordinate Legislation constituted by Haryana Vidhan Sabha

The amount of Cash award should be enhanced Rs 2100/ instead of Rs 500 as provided under Haryana Government Home Department notification No G S R 121/H A 31/74/S 11/Amd (1)/81 dated 27 11 1981 attached as Annexure A

At the end the Departmental representative agrees to amend the rules as recommended by the Committee within two months

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