

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

FIFTY-FIRST REPORT

2023-2024



(Presented to the Haryana Vidhan Sabha on 28th February, 2024)

HARYANA VIDHAN SABHA SECRETARIAT

CHANDIGARH

2024

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COMPOSITION OF THE COMMITTEE

(2023-2024)

COMMITTEE ON SUBORDINATE LEGISLATION

[The Committee was constituted w.e.f. 26.04.2023 vide Haryana Vidhan Sabha Secretariat Notification No. HVS-SLC-1/2023-24/2, dated 26th April, 2023]

| | |
|------------------------------------|-------------|
| 1. *Shri Ishwar Singh, MLA | Chairperson |
| 2. ** Shri Laxman Singh Yadav, MLA | Chairperson |
| 3. Shri Jagbir Singh Malik, MLA | Member |
| 4. Shri Abhay Singh Chautala, MLA | Member |
| 5. Shri Jaiveer Singh, MLA | Member |
| 6. Dr. Abhe Singh Yadav, MLA | Member |
| 7. ***Shri Bishamber Singh, MLA | Member |
| 8. Shri Amit Sihag, MLA | Member |
| 9. Shri Induraj, MLA | Member |
| 10. **** Shri Ghanshyam Saraf, MLA | Member |
| 11. Advocate General, Haryana | Member |

SPECIAL INVITEE

Shri Laxman Singh Yadav, MLA

SECRETARIAT

1. Shri Rajender Kumar Nandal, Secretary
2. Shri Gaurav Goyal, Deputy Secretary

* Shri Ishwar Singh, MLA resigned from Chairmanship of the Committee on 17.05.2023, vide Notification No. HVS-SLC-1/2023-24/32, dated 17.05.2023.

** Shri Laxman Singh Yadav, MLA, Special Invitee, nominated as a Chairperson of the Committee on dated 23.05.2023, vide Notification No. HVS-SLC-1/2023-24/137, dated 23.05.2023.

*** Shri Bishamber Singh, MLA resigned from Membership of the Committee on 23.05.2023, vide Notification No. HVS-SLC-1/2023-24/138, dated 23.05.2023.

**** Shri Ghanshyam Saraf, MLA nominated as a Member of the Committee on 14.11.2023, vide Notification No. HVS-SLC-1/2023-24/158, dated 14.11.2023.

(v)

INTRODUCTION

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 Fifty-First Report to the House.
2. The matters covered by this Report were finally considered by the Committee at its sitting held on 21.02.2024 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 its high appreciation for extending the whole hearted co-operation and valuable assistance given by the Secretary, Deputy Secretary, Under Secretary and Staff of Legislation Branch.

Chandigarh
The 21st February, 2024

(LAXMAN SINGH YADAV)
CHAIRPERSON
Committee on Subordinate Legislation

REPORT

1. The Committee on Subordinate Legislation for the year 2023-24 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 26th April, 2023 and notified in the official Gazette vide Notification No. HVS-SLC-1/2023-24/2, dated 26th April, 2023.
2. Shri Laxman Singh Yadav, M.L.A. was appointed as Chairperson of the Committee by the Hon'ble Speaker.
3. The Committee held 41 sittings till presentation of the Report.
4. Besides taking note on the implementation work relating to the earlier Reports, the Committee also scrutinized the following Rules: -
 1. The Haryana Fisheries Rules, 1996 framed under the Haryana Fisheries Act, 1914.
 2. The Haryana Panchayati Raj Rules, 1995 framed under the Haryana Panchayati Raj Act, 1994.

The Committee further 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 it is in accord with the general objects of the Constitution or the Act pursuant to which it is made;

Rule 257 lays down as follows: -

257 (1). If the Committee is of opinion that any order 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 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 rules 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) A 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 its recommendations made in its fiftieth Report and observes that ordinarily rules should be framed as early as possible after 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 ensured that the relevant rules and forms also be amended so as to bring those 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

Implementation of recommendations of the Committee has not been prompt, comprehensively by the Department, so intended results are not being achieved fully. A new Rule 256 A of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly, in this regard is added, reads as under:-

“256 A The Department of Government to send statement of action taken on recommendations of the Committee.

(1) The Department of Government concerned with the recommendations made by Committee shall furnish within 30 days to the Haryana Vidhan Sabha Secretariat, statement of final action taken by Government on the recommendations.

(2) Where it is considered by any Department of Government that the final action is likely to take long time, it shall give an interim reply stating the position at that time, and the approximate time likely to be taken in taking the final action.

(3) The statement of action taken shall be accompanied by a copy of the order, if any, issued by the Government to implement the 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. With a view to ensuring speedy implementation of their recommendations, the Departments should implement the recommendations expeditiously.

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 on Non-implementation of its earlier recommendations in respect of: -

39TH REPORT 2010-2011

(ENVIRONMENT, FORESTS AND WILD LIFE DEPARTMENT)

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

The Committee took note on implementation of the observations/recommendations made by it in respect of the Wild Life (Protection) Haryana Rules, 1974 framed under the Wild Life (Protection) Act, 1972 as contained in its 39th to 50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 26.06.2023 were sent to the concerned department to obtain the requisite information/reply. The Committee conducted oral examination of the Additional Chief Secretary to Government, Haryana, Forest & Wild life Department in its meeting held on 19.07.2023 for non-supplying of the reply. The Committee raised various objections on the said rules during the oral examination. The departmental representatives assured the Committee that the Department has framed new rules and also got approval of the Chief Minister as well as the Chief Secretary. The same now will be put up in the Cabinet meeting after getting consent of the Finance and L.R. Department. Thereafter, it was assured to send the action taken report every month and will endeavor to complete it within three months.

The Additional Chief Secretary to Government, Haryana, Environment, Forest and Wildlife Department supplied the reply on 18.08.2023 which was later placed before the Committee in its meeting held on 05.09.2023. The Committee noted the contents of reply and decided to take up the matter in its subsequent meeting. The reply is reproduced as under:-

“Draft of Wildlife (Protection) Rules, 2023 after getting approved from the Chief Secretary, Haryana and Finance Department has now been forwarded to the Law and Legislative Department for vetting on 11.08.2023. After vetting from Law and Legislative Department, the Draft of Wildlife (Protection) Rules, 2023 will be placed to CMM for consideration.”

The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply has been 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 already been lapsed in implementing the recommendations/observations of the Committee.

Further observations/recommendations made by the Committee on 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 took note on implementation of the observations/recommendations made by it 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 50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 26.06.2023 were sent to the concerned department to obtain the requisite information/reply. Consequently, the Additional Chief Secretary to Government, Haryana, Town & Country Planning Department supplied the reply vide memo dated 25.07.2023 which was later placed before the Committee in its meeting held on 02.08.2023. The Committee noted the contents of reply and decided to take up the matter in its subsequent meeting. The reply is reproduced as under:-

1. "A combined reply to the 41 to 48th reports was forwarded by this office vide memo dated 02.07.2021. Further, in respect of reply to 42nd report for the year 2013-14, it was clarified that out of the recommended 66 amendments in the Rules 1965, seventeen were related to Building Rules i.e. Rule 38-125, which stand substituted with notification of Haryana Building Code 2017, hence, no action on the same is required to be taken now.
2. Regarding remaining recommendations, which are found acceptable by the competent authority, it is pertinent to mention here that the Department is in the process of formulation of an Integrated Act by merging Act 8 of 1975 & Act 41 of 1963 for which a consultant has already been hired. The work is in advance stage, hence, the suggestions made by Hon'ble Committee shall be taken care of while making necessary provisions in above said integrated Act/Rules."

The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply has been 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 already been lapsed in implementing the recommendations/observations of the Committee.

Further observations/recommendations made by the Committee on 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 took note on implementation of the observations/recommendations made by it in respect of the Haryana Apartment Ownership Rules, 1987 framed under the Haryana Apartment Ownership Act, 1983 as contained in its 45th and 50th Report.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and two reminders dated 26.06.2023 & 08.11.2023 were sent to the concerned department to obtain the requisite information/reply. However, no reply has been received from the Department concerned till drafting and finalization of the present report. The Committee further recommended to take up the matter in its subsequent meeting.

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 already been lapsed in implementing the recommendations/observations of the Committee.

Further observations/recommendations made by the Committee on 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 took note on implementation of the observations/recommendations made by it 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 50th Report.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and two reminders dated 04.07.2023 & 08.11.2023 were sent to the concerned department to obtain the requisite information/reply. However, no reply has been received from the Department concerned till drafting and finalization of the present report. The Committee further recommended to take up the matter in its subsequent meeting.

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 already been lapsed in implementing the recommendations/observations of the Committee.

Further observations/recommendations made by the Committee on 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 took note on implementation of the observations/recommendations made by it 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 50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 04.07.2023 were sent to the concerned department to obtain the requisite information/reply. Pursuantly, the Additional Chief Secretary to Government, Haryana, Development and Panchayats Department supplied the reply on 01.08.2023 which was later placed before the Committee in its meeting held on 02.08.2023. The Committee noted the contents of reply and decided to take up the matter in its subsequent meeting.

The Committee conducted oral examination of the departmental representatives on 10.01.2024. During the oral examination, the Committee discussed with the departmental representative for non-implementation of the observations/recommendations of the Committee as contained in its 46th reports for the year 2017-18 regarding the Punjab Village Common Lands (Regulation) Rules, 1964 framed under the Punjab Village Common Lands (Regulation) Act, 1961. The Committee satisfied with the reply given by the Department.

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 on 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 took note on implementation of the observations/recommendations made by it 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 50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and two reminders dated 21.07.2023 & 08.11.2023 were sent to the concerned department to obtain the requisite information/reply. However, no reply has been received from the Department concerned till drafting and finalization of the present report. The Committee further recommended to take up the matter in its subsequent meeting.

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 already been lapsed in implementing the recommendations/observations of the Committee.

Further observations/recommendations made by the Committee on 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, 1957.

The Committee took note on implementation of the observations/recommendations made by it in respect of the Punjab Warehouses Rules, 1958 framed under the Punjab Warehouses Act, 1957 as contained in its 48th - 50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 21.07.2023 were sent to the concerned department. Pursuantly, the Managing Director, Haryana State Warehousing Corporation supplied the reply vide letter dated 22.08.2023 which was later placed before the Committee in its meeting held on 05.09.2023. The Committee was not satisfied with the reply.

Accordingly, a letter dated 08.11.2023 was sent to the concerned department to obtain the requisite information/reply. Thereafter, the Department has supplied the reply vide letter dated 29.12.2023 which was later also placed before the Committee in its meeting held on 03.01.2024. The Committee noted contents of the reply. The reply is reproduced as under:-

“The Additional Chief Secretary to Govt. Haryana, Agriculture and Farmers Welfare Department vide memo no. 2246-Agri.11(3)-2023/8980, dated 24.11.2023 on the subject cited above and to inform that the necessary amendment in Rule-28 (Appendix A) of Punjab Warehousing Rules-1958 in respect of wheat has already been made and notification has also been circulated to all concerned (copy enclosed). Copy of which has already been sent to you vide this office letter dated 22.8.2023 and rest of the action regarding implementation the recommendations/observation of the Committee has to be taken by the Registrar Co-Operative Society, Panchkula. For example, at Rule-4 the committee observed that the fees mentioned in the rule required to be enhance or suitably amended due to escalation of prices. Action in this regard is to be taken by Registrar, Co-operative Societies and HSWC has to comply of the decision of the Registrar, Co-operative Societies. The Registrar, Co-operative Societies. Haryana vide this office letter No. HSWC/Secy./EA-10/2023/6740-6741, dated 07.3.2023, HSWC/Secy./EA-11/2023/17041 dated 07.6.2023 and HSWC/Secy./EA-10/2023/25103-105 dated 22.8.2023 has already been requested to take the necessary action in the matter as per observation of Haryana Vidhan Sabha Committee and send the Action Taken Report to the Secretary, Haryana Vidhan Sabha through the Additional Chief Secretary to Govt. Haryana. Agriculture and Farmers Welfare Department.”

The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply has been 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 already been lapsed in implementing the recommendations/observations of the Committee.

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

**48TH REPORT 2020-21
(HIGHER EDUCATION DEPARTMENT)**

- (i) The Haryana Affiliated Colleges (Security of Service) Rules, 2006 framed under the Haryana Affiliated Colleges (Security of Service) Act, 1979.**

The Committee took note on implementation of the observations/recommendations made by it in respect of the Haryana Affiliated Colleges (Security of Service) Rules, 2006 framed under the Haryana Affiliated Colleges (Security of Service) Act, 1979 as contained in its 48th-50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 04.07.2023 were sent to the concerned department to obtain the requisite information/reply. Resultantly, the Director, Higher Education Department supplied the reply vide memo dated 18.07.2023 which was later placed before the Committee in its meeting held on 26.07.2023. The Committee was not satisfied with the reply.

Again, a letter dated 20.11.2023 was sent to the concerned department to obtain the requisite information. On which the Director, Higher Education Department has supplied the reply vide memo dated 19.12.2023 and the same was placed before the Committee in its meeting held on 27.12.2023. The Committee noted contents of the same. The reply is reproduced as under: -

“कमेटी द्वारा observation का उत्तर तैयार करते हुए माननीय मुख्य मन्त्री महोदय से दिनांक 26.06.2021 को अनुमोदन प्राप्त कर लिया गया था। माननीय मुख्यमंत्री महोदय से अनुमोदन उपरान्त मिसल माननीय मुख्य सचिव हरियाणा सरकार को प्रस्तुत की गई, जिसमें मुख्य सचिव कार्यालय द्वारा Haryana Affiliated Colleges (Security of Service) Rules 2006 के ड्राफ्ट में कुछ आपत्तियां लगाई गईं। विभाग द्वारा आपत्तियों को दुरुस्त करते हुए पुनः दिनांक 22.12.2021 को जिसमें भी मुख्य सचिव कार्यालय द्वारा आपत्तियां लगाते हुए दिनांक 04.7.2022 को मिसल वापिस विभाग को भेजी गई। मुख्य सचिव कार्यालय द्वारा लगाई गई आपत्तियों का निपटान करने हेतु मामला विभागीय कमेटी को पुन प्रस्तुत किया गया। दिनांक 11.12.2023 को कमेटी की मीटिंग हुई जिसमें कमेटी द्वारा रिपोर्ट/मिनट्स प्रस्तुत की गई (प्रति संलग्न)। कमेटी की रिपोर्ट अनुसार मामले में मुख्य सचिव से अनुमोदन करवाया जाना है, जिसकी वजह से मामला अभी तक प्रक्रिया में है तथा विभाग द्वारा अधीनस्थ विधायन

समिति को आश्वस्त किया जाता है कि विषयांकित मामले में उच्च अधिकारियों से अनुमोदन प्राप्त करने उपरान्त समिति को अंतिम रिपोर्ट प्रस्तुत कर दी जाएगी।“

The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply has been 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 already been lapsed in implementing the recommendations/observations of the Committee.

Further observations/recommendations made by the Committee on Non – implement-ation of its earlier recommendations in respect of: -

48TH REPORT 2020-21
(HOME DEPARTMENT)

(ii) The Haryana Home Guards Rules, 1980 framed under the Haryana Home Guards Act, 1974.

The Committee took note on implementation of the observations/recommendations made by it in respect of the Haryana Home Guards Rules, 1980 framed under the Haryana Home Guards Act, 1974 as contained in its 48th - 50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and two reminders dated 26.06.2023 & 20.11.2023 were sent to the concerned department to obtain the requisite information/reply. However, no reply has been received from the Department concerned till drafting and finalization of the present report. The Committee further recommended to take up the matter in its subsequent meeting.

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 already been lapsed in implementing the recommendations/observations of the Committee.

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

49TH REPORT 2021-22

(DEVELOPMENT & PANCHAYATS DEPARTMENT)

(i) The Haryana Rural Development Fund Rules, 1987 framed under the Haryana Rural Development Fund Act, 1986.

The Committee took note on implementation of the observations/recommendations made by it in respect of the Haryana Rural Development Fund Rules, 1984 framed under the Haryana Rural Development Fund Act, 1983 as contained in its 48th - 50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 26.06.2023 were sent to the concerned department to obtain the requisite information/reply. Subsequently, the Director, Haryana Rural Development Fund Administration Board supplied the reply vide letter dated 05.10.2023 which was later placed before the Committee in its meeting held on 18.10.2023. The Committee noted contents of the same. The reply is reproduced as under: -

“संदर्भाधीन मामले में हरियाणा ग्रामीण विकास निधि प्रशासन बोर्ड के रूल संशोधन 1987 बारे प्राप्त 49th रिपोर्ट की कार्यवाही अनुसार फाईल उच्च अधिकारियों को आगामी कार्यवाही हेतु प्रस्तुत की हुई है, जो कि विचाराधीन है। अतः फाईल प्राप्त होने उपरान्त नवीनतम रिपोर्ट सानुरोध आपको प्रेषित कर दी जाएगी”।

The Committee waited for the final and latest report/reply of the Department till drafting and finalization of the present report but no reply has been 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 already been lapsed in implementing the recommendations/observations of the Committee.

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

49TH REPORT 2021-22

(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)

(ii) The Haryana Seed Certification Agency Rules, 1976.

The Committee took note on implementation of the observations/recommendations made by it in respect of the Haryana Seed Certification Agency Rules, 1976 as contained in its 49th - 50th Reports.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 was sent to the concerned department to obtain the requisite information/reply. Thereafter, the Additional Chief Secretary to Government, Haryana, Agriculture and Farmer's welfare Department furnished the reply vide memo dated 15.09.2023 which was later placed before the Committee in its meeting held on 27.09.2023. The Committee noted contents of the reply. The reply is reproduced as under:-

| Rule | Observations/recommendations | Reply |
|-------|--|--|
| 5 | The Committee would like to know as to whether the Yes Director appointed by the Board on such terms and conditions as may be approved by the Board will Act as Chief Executive Officer of the Agency. | Yes |
| 6 (g) | The Committee would like to know as to whether 'One Specialist on crop research to be nominated by the vice chancellor' is especially for single crop or for all crops? | One specialist on crop research to be nominated by the Vice- Chancellor of Agricultural University is irrespective of crop specialty i.e. for all crops |
| 6 (h) | The committee would like to know the definition of 'Seed men representatives' and their expertise and qualification? | इस श्रेणी के अन्तर्गत वास्तव में वे दो व्यक्ति ही सदस्यता के योग्य हैं, जिनके नाम की सिफारिश राज्य की सीड मैन एसोसिएशन द्वारा की गई हो, परन्तु जहां ऐसी एसोसिएशन नहीं होती वहां सीड ग्रावर को भारत सरकार द्वारा भेजे गए माडल रूलस के अनुसार राज्यसरकार द्वारा |

| | | |
|--------|--|--|
| | | मनोनीत किया जाता है। सीड मैन राज्य सरकार द्वारा मनोनीत किए जाते हैं। जिसके सम्बन्ध में सरकार को पत्र लिख दिया गया है। |
| 6 (i) | The committee would like to know as to what criteria is adopted to nominate 'One representative of the farming community' as a Member of the Board? | इस श्रेणी के अन्तर्गत राज्य के बीज उत्पादकों में से एक बीज उत्पादक को राज्य सरकार द्वारा मनोनीत किया जाता है। यहाँ बीज उत्पादक का अर्थ उस अग्रणी कृषक से है, जो प्रमाणित बीज का उत्पादन करता हो। इस सम्बन्ध में सरकार को पत्र लिख दिया गया है। |
| 13 | The Committee recommends that in Rule 13 for the word "effect", may be substituted the word "effect", to make the Rule more clear. | It has been rectified. |
| 17 | In regard to election of the Chairman, the Committee observed that Rule 17 is not clear as to whether the Chairman would be elected by casting of votes or the next senior member present in the meeting would preside over the meeting? Hence, this rule may be discussed at the time of oral examination of the said department/ agency. | समिति के सुझाव अनुसार सरकार को आगामी कार्यवाही हेतु पत्र लिख दिया गया है। |
| 21 (i) | The Committee observes that in third line of this Rule It has been rectified the word "for the" be substituted with the words, "for the" to make the rule grammatically correct. | It has been rectified. |
| 23 (a) | The Committee observes that in the first line the word It has been deleted "as" be deleted as it seems superfluous. | It has been rectified. |
| 23 (b) | The Committee observes that in the first line of this Rule the word "arrangements" be | It has been rectified. |

| | | |
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| | <p>substituted with the word "agreements". The committee also observes that in the 4th line of the Rule the word "of" be substituted with the word "or" to make the rule more clear.</p> <p>The committee further observes that in the last line of the rule word "the" be substituted with the word "these".</p> | |
| 23 (d) | <p>The Committee would like to know for its information the details of, to acquire by gift, purchase, lease or otherwise any property movable or immovable?</p> | <ol style="list-style-type: none"> 1. The details of property acquire by gift - Nil. 2. The details of moveable property acquire by - purchased. 3. The details of immoveable property purchased office building. <ol style="list-style-type: none"> a) Panchkula-Allotted by HUDA (purchased) b) Hisar- Allotted by HUDA (purchased) 4. The details of immoveable property - Lease office buildings as under: <ol style="list-style-type: none"> a) Rohtak- On Lease for 30 years from Agriculture Department. |
| 26 (d) | <p>The Committee would like to know for its information the details of the recognized authentic sources of breeder and foundation seed?</p> | <p>Breeder Seed- Only authorized Government Institutions Foundation Seed-authorized Government Institution/Registered Private Seed Producing Agencies.</p> |
| 26 (e) | <p>The Committee would like to know for its information that how many seed Testing Laboratories for analysis of samples for certification have been established in the State of Haryana.</p> | <ol style="list-style-type: none"> 1. Seed Testing Lab, Panchkula. 2. Seed Testing Lab, Rohtak. <p>Working under Haryana State Seed Certification Agency.</p> |
| 26 (f) | <p>The Committee would like to know for its information that the details of specific certification problems cases during the last five years.</p> | <p>Shortage of technical staff (Seed Certification Officers out of 37 posts only 4 posts are filled up. 19 Nos. Seed Certification Officers are on contractual basis.</p> |

| | | |
|--------|--|---|
| | | Requisition of 33 posts of Seed Certification officer sent to Haryana Staff Selection Commission for fill up the above posts. |
| 26 (g) | The Committee also observes that in the second line of this Rule the word "University" be substituted with the words "Agricultural University". | It has been substituted. |
| 26 (h) | The Committee would like to know for its information Nil, Education Programmes conducted during concerned that the details of education programmes as mentioned quarter in year. in this rule held by the concerned quarter in a year? | Nil, Education Programmes conducted during concerned quarter in year. |
| 31 (c) | The Committee recommends that in the second line It has been added. after the words, "Auditor General", the word, "Haryana" be added to make the rule more clear. | It has been added. |
| 31 (d) | The Committee recommends that at the end of the last It has been added. line of the rule before the symbol, "." the words "and the State Government." be added to make the rule more effective. | It has been added. |
| 34 | The Committee recommends that in the second line of It has been substituted. the rule, the word, "Punjab" be substituted with the word, "Haryana" be added to make the rule correct. | It has been substituted. |

Again, a letter dated 21.07.2023 was sent to the concerned department to obtain the requisite information but no reply has been received till drafting and finalization of the present report. The Committee recommended to take up the matter in its subsequent meeting.

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 already been lapsed in implementing the recommendations/observations of the Committee.

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

**50TH REPORT 2022-23
(POLITICAL BRANCH)**

(i) The Haryana Legislative Assembly (Medical Facilities to Members) Rules, 1988 and the Haryana Legislative Assembly (Facilities to Members) Rules, 1979.

The Committee took note on implementation of the observations/recommendations made by it in respect of the Haryana Legislative Assembly (Medical Facilities to Members) Rules, 1988 and the Haryana Legislative Assembly (Facilities to Members) Rules, 1979 as contained in its 50th Report.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 01.06.2023 were sent to the Chief Secretary to Government, Haryana, Political Branch to obtain the requisite information/reply. Resultantly, the Chief Secretary to Government, Haryana supplied the reply vide memo dated 28.07.2023 which was later placed before the Committee in its meeting held on 02.08.2023. The Committee noted the contents thereof.

The matter was again taken up by the Committee in its meeting held on 31.01.2024 while scrutinizing the reply dated 28.07.2023 in respect of the Haryana Legislative Assembly (Medical Facilities to Members) Rules, 1988 and the Haryana Legislative Assembly (Facilities to Members) Rules, 1979.

The Committee observed that no further action is required to be taken in the matter.

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

50TH REPORT 2022-2023

(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)

(ii) The Punjab Fruit Nurseries Rules, 1961 framed under the Punjab Fruit Nurseries Act, 1961.

The Committee took note on implementation of the observations/recommendations made by it in respect of the Punjab Fruit Nurseries Rules, 1961 framed under the Punjab Fruit Nurseries Act, 1961 as contained in its 50th Report.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 04.07.2023 were sent to the concerned department to obtain the requisite information/reply. However, no reply has been received from the Department concerned till drafting and finalization of the present report. The Committee further recommended to take up the matter in its subsequent meeting.

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 already been lapsed in implementing the recommendations/observations of the Committee.

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

50TH REPORT 2022-2023
(SCHOOL EDUCATION DEPARTMENT)

(ii) The Haryana School Education Rules, 2003 framed under the Haryana School Education Act, 1995.

The Committee took note on implementation of the observations/recommendations made by it in respect of the Haryana School Education Rules, 2003 framed under the Haryana School Education Act, 1995 as contained in its 50th Report.

On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 04.07.2023 were sent to the concerned department to obtain the requisite information/reply. Resultantly, the Additional Chief Secretary to Government, Haryana supplied the reply on 19.07.2023 which was later placed before the Committee in its meeting held on 26.07.2023. The Committee noted the contents thereof. The reply is reproduced as under:-

“It is inform you that the recommendations/observations of the Committee on Subordinate Legislation made in its 50th Report for the year 2022-23 in regard to the Haryana School Education Rules, 2003 framed under the Haryana School Education Act, 1995 has already been submitted to the Government for approval, so that, the same may be incorporated in the Haryana School Education Rules, 2003 framed under the Haryana School Education Act, 1995 and you will be informed as and when the amended rules will be issued.”

The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply has been 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 already been lapsed in implementing the recommendations/observations of the Committee.

Scrutiny of the Haryana Fisheries Rules, 1996.

Rule-4 (1, 2 & 4)

4. (1) On or after the first day of July each year, the auctioning authority shall put to public auction, the right of fishing in any water specified in the Schedule of portion of such waters. The auctioning authority shall be assisted by the Committee consisting of Deputy Director, Fisheries, Fisheries Development Officer-incharge of the District concerned and of the adjoining district and a representative of the Revenue Department not below the rank of a Naib Tehsildar. No person shall be allowed to bid unless he has deposited an amount as specified by Director, Fisheries in cash as earnest money with the auctioning authority.

(2) In case the highest bid at the time of auction is not of a Fisher- men Co-operative Society registered under the law relating to the registration of Co-operative societies for the time being in force, the auctioning authority shall not accept that bid unless the same is at least 10% more than the highest bid of the Fishermen Cooperative Society:

Provided that in case the highest bid is below the average of the contract amount received during the previous three years, the auctioning authority may not accept the highest bid or the bid of the Fishermen Co-operative Society, as the case may be, in which case the fishing rights will be re-auctioned.

(3) The amount of earnest money deposited by the unsuccessful bidders would be returned to them as soon as bid has been accepted. In the case of the successful bidder the amount of earnest money may be returned after the issue of the licence.

(4) The auctioning authority may cancel the auction if the bid offered is not reasonable; in such an event the fishing may be done departmentally or on royalty basis.

Observations of the Committee: -

4(1) The Committee recommends the "earnest money deposited in cash" be amended as "any other mode" also. The committee would like to know that what is the purpose to add the representative of adjoining District for form the Committee.

4(2) The Committee observes that the figure "10%" mentioned in sub Rule (2) of Rule 4 should be enhanced suitably.

The Committee would like to know whether any society registered from other State can take part in auction?

4 (4) The Committee would like to know that the details of past three years fishing is done departmentally or on royalty basis.

The Department in its written reply stated as under:-

- 4(1) The earnest money for e-auction is deposited in concerned District Fisheries Offices account by online mode. The adjoining districts are close and easy to visit for the District Fisheries Officer to the nearest District Fisheries Office so the representative of adjoining District is added for form the Committee. The auction of the notified water is done through online mode therefore there is no need of adding adjoining district in the committee, the copy of the committee is placed at flag 'A'.
- 4(2) Individual Contractor will face problem by increasing the bid amount of Fishermen cooperative Society by more than 10%.
- The society registered from other State can take part in e-auction of the Haryana State.
- 4(4) From the past three years fishing is done by the Contractor only.

Rule-5 (1&2)

5. (1) The persons whose bid has been accepted shall pay the amount offered by him for fishing in full at the time of auction or shall pay one third of auction amount at the time of auction and the remaining amount within 30 days from the date of the auction. In case of failure to deposit the remaining 2/3rd amount by the bidder within the stipulated period of 30 days, the 1/3rd amount deposited by the bidder at the time of auction shall be forfeited. In case where the bid amount is less than ten thousand rupees, the whole amount shall have to be paid at the time of auction.

(2) A person, in whose favour the auction is closed shall at the fall of hammer, also deposit with the licencing authority an amount equal to 5% of contract amount as cash security for faithful observance of provisions of these rules and terms of his licence. If the licensee commits breach of any terms of his licence then without prejudice to any other action that may be taken against him, the cash security or such portion thereof as the licesing authority may deem fit, shall be forfeited to Government.

Observations of the Committee:-

- 5(1) The Committee observes that the words "ten thousand rupees" mentioned in sub-Rule (1) of Rule 5 should be enhanced suitably.
- 5(2) The Committee also observes that the figure "5%" should be enhanced suitably. The Committee recommends that the "security deposited in cash" be amended as "any other mode" also.

The Department in its written reply stated as under:-

- 5(1) It can be enhanced to 1,00,000/-
- 5(2) 5% security of the contract amount mentioned in sub Rule 5(2) may be increased to 10%.

The word cash will be omitted.

Recommendations of the Committee

During the oral examination, the Department assured to enhance the existing bid amount i.e. Rs.10,000/- to Rs.1,00,000/- as required in the rule 5(1).

Rule-7 (1, 4, 7, 8, 11)

(1) The licence or his agents or nominees shall not fish except with rod and line and hand line during the close season from 1st July to 31st August.

(4) The licensee or his agents or nominees shall not use for fishing any kind of gear except those mentioned below :-

- (i) Nets of all kinds not having at any portion a mesh bar measuring less than 4 cm. from knot to knot or 16 cm, all around.
- (ii) Long line with hooks.
- (iii) Rod and line.
- (iv) Hand line:

Provided that no gear except rod and line shall be used in the waters within a distance of 200 meters on either sides of bridges and head works.

(7) 7. The licensee or his agents or nominees shall not catch or expose for sale or barter, fish of any of the following species below the length of 30 cm:-

- (1) Rohu
- (2) Mrigal
- (3) Catla
- (4) Mahaseer
- (5) Silver Carp
- (6) Grass Carp
- (7) Common Carp

(8) The licensee shall not transfer his rights and liabilities under the licence without the previous sanction in writing of the Director.

(11) The licensee shall send a monthly statement regarding items mentioned in sub-rule (10) to the Fisheries Development Officer concerned by the 5th of each month following that to which it relates failing which a late fee of Rs. 10 per day will be charged for a period of days and will be recovered from the security deposit. If the statement is not submitted by him during the aforesaid period his licence may be cancelled.

Observations of the Committee: -

- 7(1) The Committee recommends that the word "licence" mentioned in Sub Rule (1) of Rule 7 be substituted with the word "licensee" to make the Rule correct.

The Committee also recommends that the word "fish" mentioned in the first line of Sub Rule (1) of Rule 7 be substituted with the word "fishing" to make the Rule correct.

- 7(4) The Committee would like to know whether any other type of gear can be used for fishing in modern era?

The Committee would also like to know whether a distance of 200 meters mentioned in the proviso of Sub Rule (4) of Rule 7 is justified?

- 7 (7) The Committee feels that the length and species of fish mentioned in Sub Rule (7) of Rule 7 can be amended suitably.

- 7(8) The Committee would like to discuss the Sub Rule (8) of Rule 7 at the time of oral examination with the departmental representative.

- 7(11) The Committee recommends that the late fee of Rs. 10 mentioned in Sub Rule (11) of Rule 7 be enhanced suitably due to escalation of price.

The Department in its written reply stated as under:-

- 7(1) Suggested changes would be incorporated in the rules.

- 7 (4) No, as other type of gears can cause fatal damage to fishes.

Yes, it is justified.

- 7(7) The size of fish given in the rules can be reduce from 30 cm to 15 cm.

- 7(8) Agreed.

- 7(11) The late fee given in the rules can be enhanced from Rs. 10 to Rs. 100.

Recommendations of the Committee

During the oral examination, the Department agreed on enhancement of late fee as specified in rule 7(11) to Rs.100/-.

Rule-11 (3)

- (3) In the event of cancellation of the licence under sub-rule (1) and permit under sub-rule (2), the licensee or the permit holder, as the case may, shall not be entitled to the refund of any amount paid by him to the Government towards contract amount or by way of loss or damages whatsoever which may occur to him.

Observations of the Committee:-

- 11(3) The Committee would like to discuss at the time of oral examination with the departmental representative regarding the liability of permit holder in the event of cancellation of licence.

The Department in its written reply stated as under:-

Agreed

Recommendations of the Committee

During the oral examination, the Department assured to make provisions as required for providing the opportunity of hearing to the licence holder.

Rule-12

Notwithstanding the provisions of the foregoing rules, the licensing authority may, on an application submitted to him in this behalf, grant to the applicant a licence for sport only in Form D on the conditions specified therein for fishing with rod and line.

Observations of the Committee:-

The Committee feels that the time frame should be mentioned in the Rule itself to grant a licence for sport.

The Department in its written reply stated as under: -

It should be from 9 AM to 6 PM.

Recommendations of the Committee

During the oral examination, the Department assured that Since the Right to Service Act is more effective, therefore, the time frame as recommended by the Committee shall be specified in the same.

Rule-12 (3)

The fee for the issue of licence under sub rule (1) shall be as follows:-

| Period of licence | Amount of fee |
|--------------------------|----------------------|
| (a) For one year licence | Rs. 100 |
| (b) Monthly licence | Rs. 50 |
| (c) Seven days licence | Rs. 25 |
| (d) Daily licence | Rs. 5 |

Observations of the Committee:-

The Committee recommends that the fee mentioned in Sub Rule (3) of Rule 12 be enhanced suitably due to escalation of price.

The Department in its written reply stated as under: -

Agreed

Rule-13

If a licence issued under these rules is lost, mutilated or destroyed, the licensing authority may, on receipt of an application in this behalf, issue a duplicate licence to the licensee on payment of a fee of rupees two only.

Observations of the Committee:-

The Committee recommends that the fee of rupees two mentioned in Rule 13 be enhanced suitably due to escalation of price.

The Department in its written reply stated as under:-

The fee of rupees 2 can be enhanced to Rs. 100.

Recommendations of the Committee

During the oral examination, the Department agreed on enhancement of late fee as specified in rule 13 to Rs.100/-.

Rule-14

Nothing in these rules shall debar any official or officer of the Fisheries Department or any person empowered or authorised by Director from catching fish of any size of any species at any time of the year by any method for the purpose of research or development. The licence shall not be entitled to claim any damage or compensation on this account.

Observations of the Committee: -

The Committee recommends that the word "licence" mentioned in fifth line of Rule 14 be substituted with the word "licensee" to make the Rule correct.

The Department in their written reply stated as under:-

Agreed

FORM-A

[See rule 5(3)]

Agreement Deed

This deed of agreement made on this-----day of ----- between the Governor of Haryana (hereinafter referred to as the 'Government' of the one part and Shri -----resident of hereinafter referred to as the "Licensee") of the other part.

The parties do hereby agree as under:-

1. The Government hereby grants to the licensee a licence to catch fish in the public waters specified in the Schedule appended to this deed, on the terms and conditions, contained in this instrument. Nothing in this licence shall authorise the licensee or his agent or nominees to fish in any water closed to fishing under the rules made under section 6 of the Indian Fisheries, Act, 1897.

2. The licence hereby granted is valid for the period from----- to ----- but no fishing except with rod and line shall be allowed during period from 1st July' to 31st August of the year.

3. (a) in consideration of the grant of the licence by the Government, the licensee has paid to the Government the sum of Rs.----- the receipt whereof is hereby acknowledged.

(b) The licensee has furnished security, of Rs.----- (5% of total amount) to the Government to comply with the terms and conditions of the licence.

4. (a) The licensee shall be entitled to fish personally or through his agents or nominees who have been provided, with written permits signed by the Fisheries Development Officer of the districts.

(b) The licensee and his agents and nominees shall be bound to show on demand, the licence or the permit, as the case may be, to any person authorised in this behalf by the Government and to such officers as are empowered under the provisions of the Punjab Fisheries Act, 1914 to arrest without warrant.

5. The Director of Fisheries Haryana (hereinafter referred to as the "Director") shall have the right and authority to issue individual licence for rod and line for sport only and the licensee shall not be entitled to claim any compensation on that account.

6. The licensee his agents or nominees shall not use any gear except the following kinds of gears for the purpose of fishing:-

- (1) Nets of all kinds not having at any portion mesh bar measuring less than 4 cm, from knot to knot or 16 cm. all round.
- (2) Long line with hooks.
- (3) Rod and line,
- (4) Hand line.

No gear except rod and line shall be used in the water within to a distance of two hundred meters on either side of bridges and head works falling within the Haryana State.

7. The licensee or his agents or nominees shall report to the Director or any of the officers of the Fisheries Department of the Government any breach of the rules framed under the Punjab Fisheries Act, 1914 that come to his or their notice.

8. The licensee or his agents or nominees shall not erect any fixed engines, dam or wires for catching fish or use poison, line, dynamite or any other noxious or explosive substance in catching fish. He may however erect fixed engines at in case of stake nets when they are temporarily fixed in waters for use in conjunction with drag net.

9. The licensee or his agents or nominees shall not catch or sell any fish less than the size of the species mentioned below:

- (1) Rohu 30 cm.
- (2) Mrigal 30 cm.

- (3) Mahaseer 30 cm.
- (4) Catla 30 cm.
- (5) Silver Carp 30 cm.
- (6) Grass Carp 30 cm.
- (7) Common Carp 30 cm.

In case such a fish has been inadvertently caught, the same shall be immediately thrown back alive in the public water.

10. The licensee, his agents or nominees shall not sell fish except at the premises got approved by them from the District Fisheries Development Officer of the district.

11. The licensee shall not sublet or in any way transfer his right and liabilities under this agreement to anybody without the previous sanction in writing of the Director.

12. The licensee shall abide by the rules and regulations of the local authorities having jurisdiction over and place where he has opened any fish shop.

13. The Government may require the licensee to sell fish caught by the Government from any water closed to fishing under the rules made under section 6 of the Indian Fisheries Act, 1897, through his fish shops. In that event he shall sell the said fish without claiming any commission from the Government.

14. The licensee shall maintain a register specifying the name and addresses of the persons to whom permits have been issued for fishing within the waters issued to him. A list of such permit holders shall be submitted by the licensee to the Director.

15. The licensee shall maintain a regular register showing weight of fish caught, purchased and sold, indicating different varieties of fish so obtained, the ways and means adopted for catching fish and types of nets used and the area and place from where the fish has been caught.

16. The various registers maintained by the licensee shall be opened to inspection by the Director and such other officers and servants of the Government as the Director may authorise in this behalf, at all reasonable time.

17. The licensee shall submit each month to the Director a report regarding the whole sale and retail prices of different varieties of fish caught and sold during the proceeding month along with their respective weight.

18. (a) The licensee has been granted under the rules framed under the Punjab Fisheries Act, 1914 and is subject to the provisions of the said rules and the Act.

(b) In the event of the cancellation of the licence of the licensee under the provisions of the said rules and the Act, the amount already paid by the licensee shall not be refunded to him, the right of fishing may be re-auctioned and the loss sustained by the Government if any, shall be recovered from the licensee.

19. The, Government shall not be liable to pay any loss or damage occurred to the licensee as a result of natural calamities, pollution, fluctuation of market price of fish or due to any cause whatsoever, not directly attributable to the negligence or tortious actions of the employees of the Government.

20. If any dispute, doubt or question arises between the licensee and the State Government or any person claiming under them touching or arising out or in respect of this deed or the subject matter thereof, the same shall be referred to the sole arbitrator to be appointed by the State Government and the decision of the arbitrator so appointed shall be final and binding on both the parties.

In witness whereof the parties to this deed have put their respective hands in this deed on----- year of Republic of India in the presence of witnesses.

- | | | |
|----|-----------------|--------------------------|
| 1. | Signature_____ | Signature_____ |
| | Name_____ | (Licencee) Name _____ |
| | Date _____ | Date _____ |
| | Address _____ | Address _____ |
| 2. | Signature _____ | |
| | Name _____ | |
| | Date _____ | |
| | Address _____ | |

Witnesses

- | | | |
|----|-------------------|---|
| 1. | Signatures _____ | Signature _____ |
| | Name _____ | (For and on behalf of the Governor of Haryana) |
| | Date _____ | |
| | Designation _____ | |
| 2. | Signature | |
| | Name _____ | Name _____ |
| | Date _____ | Date _____ |
| | Designation _____ | Designation _____ |

SCHEDULE

Observations of the Committee: -

FORM-A

The Committee recommends that after the word 'Shri' as mentioned in the third line of Form-A, the words 'Smt./Ms.' be inserted to make the rule correct.

The Committee further recommends that the word 'nominee' as mentioned in Point No. 6 of Form A be substituted with the word 'nominees'.

The Committee also recommends that the word 'to' mentioned in the first line after Point No. 6(4) of Form-A seems to superfluous. The same may be omitted.

Furthermore, the Committee decided to discuss Point No. 9 of Form-A with the departmental representatives at the time of oral examination regarding the species and size of the fish.

The Committee recommends that the word 'rules' mentioned in the first line of Point No. 18(a) in Form-A be substituted with the word 'rules'.

The Department in their written reply stated as under:-

Agreed

Agreed

Agreed 'to' should be omitted.

Agreed

Agreed

FORM-C

FORM C

PERMIT

[See rule 7(2)]

S.No.

Shri- ----- agent or his nominee of Shri
Shri

holding licence No.----- dated ----- is
hereby

permitted to catch fish from ----- upto -----
in the waters specified below on behalf of the
of the licensee.

FORM C

PERMIT

[See rule 7(2)]

Shri- ----- agent or his nominee of

holding licence No.-----dated----- is
hereby

permitted to catch fish from ---- upto ---
in the waters specified below on behalf
licencee.

Name of waters

Name of waters

Signature

Signature

Fisheries Development Officer

Fisheries Development Officer

District -----

District -----

Observations of the Committee: -

The Committee recommends that after the word 'Shri' as mentioned in Form-C, the Words 'Smt./Ms.' be inserted to make the rule correct.

The Department in its written reply stated as under:-

Agreed

SCHEDULE

[See Rule 1 (2 X)]

I. AMBALA DISTRICT

1. Omla Nadi, Amri Cho, Judha Nalah, Begna River situated in district Ambala.
2. Tangri syphons crossing Narwana Branch at R.D.I. 192000 and 193889.
3. Narwana Branch R.D. 160 to 203 and parallel drain.

II. YAMUNA NAGAR DISTRICT

1. River Jamuna and its tributaries, Chutang, Rakshi, Som Nala situated in Yamuna Nagar District.
2. Western Jamuna Canal main line upper R. D. 50000-64000.
3. R.D. 50000-64000, Lower R.D. 2000-73000.
4. R.D. 50300-64000, Lower R.D. 73000-107000.
5. Division Channel Ottu Tail.
6. Western Jamuna Canal main line upper R.D. 3000-50000.
7. Upper Diversion Channel 40 to tail.
8. Rafting Channel R.D. 30000 to 50000.
9. Augmentation Canal to 7 K.M.

10. Under the provision of Section 6(4) of the Indian (Act IV of 1897) no commercial fishing is allowed in the following waters situated in Yaman Nagar District for a period of two years from the date of final publication of these rules.

1. Yamuna River: from Kalaser village upto Tajewala Head- works.
2. W. Som-Pathrala River: from village Balachaur to Dadupur Head works.
3. Som River From Dadupur Headworks upto 500 meters downward.
4. W.J.C.-(I) Main Line upper: Tajewala Headworks to cross Regulator.
 - (i) R. D. 61000C-upto Dadupur Headworks.
 - (ii) Main line lower: R. D. 0 to 5000.

III. KURUKSHETRA DISTRICT

1. Barsati Nala, Rakshi, Sarwat, Ghaggar, Markanda and its tributaries situated in Kurukshetra district.
2. All canals including Satluj Yamuna Line can is and drains situated in Kurukshetra district. Bibipur lake and its tributaries.

IV. KAITHAL DISTRICT

1. Barsati Nala, Rakshi Nalah, Sarwati, Ghagger, Markanda and its tributaries situated in Kaithal district.
2. Bibipur Lake and its tributaries.
3. All canals and Narwana Branch situated in Kaithal district

V. KARNAL DISTRICT

1. River Jamuna and its tributaries and flood channels, Rakshi, Chautang with their tributaries.
2. All canals including Satluj Yamuna Link canals and drains situated in Karnal district.

VI. PANIPAT DISTRICT

1. River Jamuna and its tributaries and flood channels situated in Panipat district.
2. All canals and drains including Satluj-Yamuna Link canals, drains situated in Panipat district.

VII. SONEPAT DISTRICT

1. River Yamuna and its tributaries in Sonapat district. Shesha Jati, Dubella Murthal and Jauna situated in Sonapat district.
2. All canals and drains situated in Sonapat district.

VIII. ROHTAK DISTRICT**1. Jheels shown as:**

- (a) Sura
- (b) Aurangabad (Narinjnapur)
- (c) Kot Kalan (Ukhel Jana)
- (d) Kaloi
- (c) Dabana
- (f) Jhangirpur
- (g) Yagolepura
- (h) Manimpur
- (I) Pelpa
- (J) Zahidpur
- (k) Bhindawa Jheel
- (L) Khetabas
- (m) Bilochpura

- (n) Keelpura
- (o) Shahjanpura
- (p) Kanwali
- (q) Chandwana
- (r) Nevada
- (s) Ukhal Jana

- 2. Indori and Sahibi stream and their tributaries.
- 3. All canals and drains situated in Rohtak district.

IX. JIND DISTRICT

- 1. All canals and drains situated in Jind District.
- 2. Bambhewa jheel and its flood channels.

X. MOHINDERGARH DISTRICT

- 1. Kasawati stream and its tributaries situated in Mahindergarh District.
- 2. All canals and drains situated in Mahindergarh district.

XI. REWARI DISTRICT

- 1. Sahibi stream
- 2. Dehar Nal:
- 3. Indori Nala and their tributaries situated in Rewari district.
- 4. All canals and drains situated in Rewari district.

XII. FARIDABAD DISTRICT

- 1. River Jamuna and its tributaries situated in Faridabad district,
- 2. Buriya Nala
- 3. Jait Nala situated in Faridabad District.
- 4. Agra canal from six miles to 49.4 miles situated in Faridabad District
- 5. All canals and drains situated in Faridabad district.

XIII GURGAON DISTRICT

1. Jheel:

- (a) Kotla jheel and its tributaries
- (b) Badshapur Modawas Jheel
- (c) Ujjina jheel,
- (d) Chandani jheel situated in Gurgaon District.

2. Streams:

- (a) Sahibi stream
- (b) Nizampur jheel and its tributaries
- (c) Kasuti stream
- (d) Landoba stream

3. Nallah;

- (a) Buryha Nalah
- (b) Manda was Nalah
- (c) Badshahpur Nalah
- (d) Jai Nalah
- (e) Tribaini Nalah
- (f) Manesar Nalah
- (g) Indori Nalah
- (h) Thek Nalah
- (I) Baloj Nalah

4. All canals and drains situated in Gurgaon District.

XIV. HISSAR DISTRICT

- 1. Ghaggar, and Jaiya and their tributaries and Rangoi Nalah passing through village Ahirwan, Yalki and Rajasthan Feeder within the boundaries of Hissar District."
- 2. All canals and drains situated in Hissar District,

XV. SIRSA DISTRICT

- 1. River Ghaggar and its tributaries situated in Sirsa district from village Musalwala to village Kariwala, Rajasthan feeder within the boundaries of Sirsa District.
- 2. All canals and drains situated in Sirsa District.

XVI. BHIWANI DISTRICT

All canals and drains situated in Bhiwani District.

L. M. GOYAL.
Secretary to Government,
Haryana.

Observations of the Committee: -

The Committee decided to discuss the 'Schedule' with the departmental representatives at the time of oral examination.

The Department in its written reply stated as under:-

Agreed

Recommendations of the Committee

During the oral examination, the Department assured on the observation of the Committee to re-verify the existence of the Canals/Rivers/Drains etc. as mentioned in the schedule.

The Department further assured to republish the said rules after making the necessary changes.

**Scrutiny of the Haryana Panchayati Raj Rules, 1995 framed under the
Haryana Panchayati Raj Act, 1994.**

Rule-5 (1)

4 (1) Whenever, a vacancy occurs in a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, it shall be brought to the notice of State Election Commissioner and concerned District Election Officer (Panchayat) immediately by Block Development and Panchayat Officer concerned in case of Gram Panchayat by the Executive Officer in case of Panchayat Samiti and by the Chief Executive Officer in case of Zila Parishad respectively. The vacancy shall be filled in accordance with the provisions of the Act and rules made thereunder.

Observations of the Committee:-

The Committee recommends that a time limit be prescribed instead of the word 'immediately'.

The Department in its written reply stated as under: -

Seven days time can be prescribed.

Rule-5 (4) (b)

5(4) A notice of meeting of a Gram Sabha shall be published-

- (a) and by affixing it at the office of the Gram Panchayat and other conspicuous places in the Sabha area;
- (b) by making an announcement by beat of drum in the Sabha area on the day of issue of the notice under sub-rule (2) and also on the day preceding the meeting.

Provided that when a meeting has been called by the Block Development and Panchayat Officer a copy of the notice shall also be affixed at the office of the Block Development and Panchayat Officer.

Observations of the Committee:-

In proviso of this Rule, the Committee recommends that when a meeting is called by the Block Development and Panchayat Officer, a copy of the notice of the meeting should also be affixed at the office of the Gram Panchayat.

The Department in its written reply stated as under:-

Copy of notice shall also be affixed at the office of Gram Panchayat besides BDPO office.

Rule-5 (5)

5(5) Any member of Gram Sabha who desires to bring forward any resolution or wishes to ask any question at any meeting of the Gram Sabha shall give notice of his intention to do so to the Sarpanch, at least seven days before the meeting:

Provided that the Sarpanch may in his discretion, permit any question on the discussion of a resolution or transaction of any business for which no previous notice has been given.

Observation of the Committee:-

The Committee wants to know whether the form of 'notice of his intention' will be in oral or written.

The Department in its written reply stated as under:-

Notice shall be in writing and it can be mentioned specifically.

Recommendations of the Committee

During the oral examination, the Department assured to make the provisions for the same in the rules also.

Rule-5 (12)

5(12) It shall be the duty of the Sarpanch to regulate the conduct of business at Gram Sabha meeting and to preserve order. If any member of the Gram Sabha disregards the authority of the Sarpanch or is guilty of obstructive or offensive conduct during the meeting the Sarpanch may ask him to behave properly and on his failure to do so, direct him to withdraw from the meeting.

Observations of the Committee: -

The Committee recommends that in fourth line for the word, 'propely', the word 'properly' may be substituted to make the rule grammatically correct.

The Department in its written reply stated as under:-

Agreed, as it is a printing error.

Rule-7 (2)

7(2) The agenda of meeting of Panchayat Samiti shall be prepared by the Executive Officer in consultation with the Chairman. The notice and agenda of meeting of Panchayat Samiti shall be sent by the Executive Officer through registered letter acknowledgement due at ordinary place of residence of members and through other expedient manners deemed fit.

Observations of the Committee: -

The Committee will discuss this rule at the time of oral examination regarding mode of sending form of the notice and agenda of the meeting.

The Department in its written reply stated as under:-

The notice and agenda can be sent through whatsapp, email and delivered in person also.

Recommendations of the Committee

During the oral examination, the Department assured to make the provisions specifically in the rules also.

Rule 9(4)

9(4) No member including panches shall take part in the discussion of or vote or any question, coming up for consideration at a meeting, if the question is one, in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

Provided that the presiding authority may prohibit any member/Panch from voting on or taking part in the discussion of any question, in which he believes such member/Panch to have such pecuniary interest or he may require such member/Panch to absent himself during the discussion:

Provided further that such member/Panch may challenge the decision of the presiding authority, who shall thereupon put the question in the meeting and the decision of the meeting shall be final.

Observations of the Committee: -

The Committee will discuss the proviso of this rule during the oral examination that the word 'absent' can be substituted with the word 'withdraw' to make the rule more clear.

The Department in its written reply stated as under: -

The word 'absent' can be substituted with the word 'withdraw'.

Rule 9(5)

9(5) If the presiding authority is believed by any member/Panch present at the meeting to have any direct or indirect pecuniary interest in any subject under discussion, the presiding authority may, if a motion to that effect is carried, to be required to absent himself from the meeting during such discussion.

Observations of the Committee: -

The Committee would like to know that the word 'absent' can be substituted with the word 'withdraw' to make the rule more clear.

The Department in its written reply stated as under:-

The word 'absent' can be substituted with the word 'withdraw'.

Rule 9(6)

9(6) The member concerned shall not be entitled to vote on the question referred to in second proviso to sub-rule (4) of rule 9 and the presiding authority shall not be entitled to vote on the motion referred to in sub- rule (5).

Observations of the Committee: -

The Committee recommends that in the first line of rule before the word 'Member' the word 'Panch' be inserted to make the rule clear.

The Department in its written reply stated as under: -

Yes the word 'Panch' can be inserted.

After amendment, the provision will be following:-

'The panch/member concerned shall not be entitled to vote on the question referred to in second proviso to sub-rule (4) of rule 9 and the presiding authority shall not be entitled to vote on the motion referred to in sub-rule (5).'

Rule 9(9 ii)

9(9)(ii) No member shall speak more than once on a motion or resolution:

Provided that the Panch or member who moves a resolution or motion shall have the right to reply.

Observations of the Committee: -

The Committee would like to seek clarification from the departmental representatives at the time of oral examination that in Rule 9(9 II) before the word "member", why the word "Panch, Sarpanch" should not be inserted.

The Department in its written reply stated as under: -

Yes the word 'Panch' can be inserted.

After amendment the provision will be following: -

'No panch/member shall speak more than once on a motion or resolution:

Rule-9 (11, 12 & 13)

9(11) The presiding authority of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, may in case of grave disorder arising in the meeting, suspend any sitting for a time to be specified by him.

9(12) The presiding authority of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, shall preserve order and shall have all powers necessary for the purpose of enforcing its decisions.

9(13)(1) The members shall sit in such order as the presiding authority may fix and shall speak only from their places.

Observations of the Committee: -

The Committee would like to seek clarification from the departmental representatives at the time of oral examination regarding the word 'presiding authority'.

The Department in its written reply stated as under:-

Will be discussed at the time of oral examination.

Recommendations of the Committee

During the oral examination, the Department clarified the 'Presiding Authority'.

Rule-12

The Gram Panchayat shall maintain and use the following records, registers, books and forms:-

- (i) Cash Book in Form I
- (ii) Proceedings book in Form II
- (iii) Inspection Books in Form III
- (iv) Receipt Book in Form IV
- (v) Attendance Register in Form V
- (vi) Register showing the demand and collection of taxes, duties, cesses and fees in Form VI
- (vii) Register of court cases by and against the Gram Panchayat in Form VII
- (viii) Application for acquisition of land in Form VIII
- (ix) Register of fees and fine in Form IX
- (x) Stock Register of material in Form X
- (xi) Works Register in Form XI
- (i) Muster Roll Register in Form XII
- (xiii) Register of immovable property (other than shamlat deh) in Form XIII
- (xiv) Stock Register of furniture in Form XIV
- (xv) library Book Register in Form XV
- (xvi) Library issue Register in Form XVI
- (xvii) Security Deposit Register in Form XVII
- (xviii) Stock Register of Receipt Books in Form XVIII
- (xix) Despatch register (account of stamps also to be maintained in this register) in Form XIX
- (xx) Receipt Register in Form XX

Observations of the Committee: -

The Committee wants to know that whether the Gram Panchayat needs to maintain any other registers, books and forms apart from mentioned in the said Rule?

The Department in its written reply stated as under:-

No

Rule-12 A

12-A. Grant of permission to dig, alter or damage a street pavement or drain section 24(3).-

(1) In case a street or drain is required to be dug, altered or damaged by the inhabitants of the concerned village for the purpose of having connection from the already laid down pipeline within the abadi area, the permission shall not be granted by the Gram Panchayat unless the person seeking permission has deposited the restoration charges as per the estimates prepared by the Sub-Divisional-Officer (Panchayati Raj) through Bank Transfer/Demand Draft, as the case may be, to the account of the concerned Gram Panchayat. The Gram Panchayat shall ensure that the pavement/street/drain is restored to its original condition, as soon as possible, but not later than a period of thirty days from the date of completion of the work by the applicant the applicant.

(2) In case the street/passage/drain/pavement owned by the Gram Panchayat is required to be dug, altered, damaged or utilized by any person for the purpose of laying down utility infrastructure, the applicant shall submit an application to the Gram Panchayat in this behalf and, thereafter, the Gram Panchayat shall consider by passing a resolution and] forward the proposal to the concerned Sub Divisional Officer (Civil) through the concerned Block Development and Panchayat officer.

(3) A Committee headed by the concerned Sub Divisional Officer (Civil) and comprising of (i) the District Town Planner or her representative not below the rank of Assistant Town Planner, (ii) the concerned Block Development and Panchayat officer, (ui) Sub Divisional Officer (Panchayati Raj), shall consider such application and make its recommendation to the Deputy Commissioner. within thirty days of the application;

(4) The Deputy Commissioner shall examine and forward the report of the Committee with or without modification in the proposal for approval to the Director, Panchayats. The Director, Panchayat may if of opinion that granting of permission is not in public interest, may refuse the grant of permission.

(5) The Director, Panchyat may, either suo motu or on application made to him by a Panchayat or an inhabitant of the village or the Block Development and Panchayat Officer, examine the record for the purpose of satisfying himself as to the legality or propriety of any approval. If such approval is found detrimental to the interest of the villagers and is no longer required in public interest, the competent authority may, after making such enquiry as it may deem fit, cancel the same. The Panchayat shall be competent to remove the infrastructure and the constructions thereon, if any, for which no compensation shall be payable.

(6) After approval of Director, the applicant shall deposit besides the one time upfront land use charges an amount equal to 5% of the Collector rate of the land used for laying the utility infrastructure, annual charges of an amount equal to 0.5% of the Collector rate of the land used for the purpose, which shall be worked out on per square meter basis. The user charges shall be payable by the applicant in advance in the account of the concerned Gram Panchayat through Bank Instruments ie. Demand Draft/ Real Time Gross Settlement etc. In addition, the applicant shall have to deposit the

restoration charges with the Gram Panchayat by way of Demand Draft/ Real Time Gross Settlement/National Electronics Funds Transfer as per the estimates prepared by the concerned Sub Divisional Officer (Panchayati Raj).

(7) The application shall have to lay the utility infrastructure at least one meter below the surface of the ground with provision for sufficient number of man-holes, as advised/approved by the Sub-Divisional Officer (Panchayati Raj). The applicant shall also provide adequate buffer at the top of the utility pipeline/cable to save the same from any possible damage on account of surface loads. The applicant shall have to undertake a defect liability and if any damage is caused to the surface during this period, the applicant shall be liable to rectify the defects at his cost.

(8) In case the passage becomes unusable during the course of execution of works, the applicant shall be responsible to provide an alternate passage during such period so as to ensure that no inconvenience is caused to the public.

Observations of the Committee: -

The Committee wants to know that whether any applicant committed any violation by not restoring the pavement/street/drain to its original condition within the time limit?

There should be a provision of fine on the applicant who does not restore the pavement/street/drain to its original condition within the time limit.

The Department in its written reply stated as under:-

Permission is granted only when the restoration charges are deposited with the Gram Panchayat, therefore question of violation and fine does not arise. No such case came to the notice of violation.

Recommendations of the Committee

During the oral examination, the Department assured to make the provisions of penalty in the rule and also assured to execute the restoration work by the Department at the cost of person concerned.

Rule-14

14. Preparation of maf abadi deh Section 26 (left margin).

14. (1) The abadi deh map prepared under section 26 shall be published for inviting objections in the following manner:-

- (a) a copy each of the map shall be kept in the offices of Revenue Patwari, Gram Panchayat and Block Development and Panchayat Officer for inspection by the residents of the village;
- (b) notice shall be displayed outside office of the Patwari and Panchayat Ghar and at any other conspicuous place in the Sabha are giving the following particulars:

- (i) name of the Sabha area;
 - (ii) mohallas, streets, chowks and abadies in the village in respect of which the map has been prepared;
 - (iii) name of the person who has prepared the map,
 - (iv) places where the map can be inspected on payment of inspection fee of five rupees;
 - (v) place and the name of the Sarpanch, or any other Panch with whom the objections, if any, may be filled;
 - (vi) date of publication of the notice, and
 - (vii) last dated for filling of objections, if any, and
- (c) Publicity to the notice shall be given in the Sabha area by beat of drum through village Chowkidar, record of which duly authenticated by village Lambardar and Sarpanch shall be kept by the Gram Panchayat.

(2) As soon as the objections are considered and the map is finalized by the Gram Panchayat, a notice under sub-section (4) of section 26 shall be displayed outside the office of the Gram Panchayat and at two other conspicuous places in the Sabha area giving the following particulars:-

- (i) name of the Sabha area;
- (ii) Mohallas, streets, abadies and Chowks in the village in respect of which the map has been prepared;
- (iii) name of the person from whom the map has been got prepared;
- (iv) dated on which the map has been finalized and the places/offices from where a copy of the map can be obtained on payment of fee; and
- (v) publicity to the notice shall also be given through village Chowkidar by beat of drum, record of which duly authenticated shall be maintained by the Gram Panchayat.

“(2A) The adadi deh map prepared under section 26 shall be reviewed after every five years.”.

(3) A copy of the map may be obtained by any person by paying a fee of one hundred rupees per copy to the Gram Panchayat or Block Development and Panchayat Officer,

(4) All fees received for inspection and supply of the copies of maps shall be credited to the Gram Fund.

Observations of the Committee: -

- 14 The Committee recommends that the spelling of the word ‘maf’ mentioned in the left margin of the said Rule be corrected with the word ‘map’ to make the Rule grammatically correct.

- 14(b)(iv) The Committee recommends that the inspection fee of five rupees as mentioned in the said Rule may be, increased to fifty rupees.

The Department in their written reply stated as under:-

- 14 Yes it need to be spelt correctly.
- 14(b)(iv) Yes, fee can be increased 'five rupees' to 'fifty rupees'.

Rule-19 (3) (4)

(3) The Sarpanch, Executive Officer or Chief Executive Officer shall, on the application in writing of any voter or any resident of area concerned, supply him with a copy of the relevant non-judicial record or entry in the register or any portion thereof on a payment of a fee of rupees five per page or part thereof.

(4) The Sarpanch, Executive Officer or Chief Executive Officer, as the case may be, shall, on the application of any party to proceedings, supply him with a copy of the relevant record or entry in the register or any portion thereof within thirty days on payment of a fee of rupees five per page or part thereof.

Observations of the Committee: -

- 19(3) The Committee recommends that in Rule 19 (3) after the words "Chief Executive Officer" the words, ", as the case may be," may be added to make the Rule more clear.
- The Committee recommends that in Rule 19 (3) after the words "portion thereof the words, "within thirty days" may be added to make the Rule more clear.
- 19(3&4) The Committee would like to discuss at the time of oral examination of the departmental representatives that whether a person can apply by post or for the documents online?

The Department in their written reply stated as under:-

- 19(3) Yes, observation/ recommendation is acceptable.
- After amendment the provision will be following:-
- The Sarpanch, Executive Officer or Chief Executive Officer, as the case may be, shall, on the application in writing of any voter or any resident of area concerned, supply him with a copy of the relevant non-judicial record or entry in the register or any portion thereof within thirty days on a payment of a fee of rupees five per page or part thereof.
- 19(3&4) Will be discussed at the time of oral examination.

Recommendations of the Committee

During the oral examination, the Department assured to make the provision of receiving the application by post.

Rule-20 (1)

No movable property shall be purchased, sold or transferred by a Gram Panchayat, Panchayat Samin or Zila Parishad without a prior resolution of Gram Panchayat, Panchayat Samiti and Zila Parishad, as the case may be:

Provided that the Sarpanch may in an emergent case purchase or sell movable property of a value not exceeding Rs. 500;

Provided further that all transactions relating to movable property shall be reported to the Gram Panchayat at its next meeting for its approval.

Observations of the Committee: -

The Committee would like to discuss at the time of oral examination of the departmental representatives regarding purchase or sell movable property of a value not exceeding Rs. 500 that whether it is sufficient or may be enhanced.

The Department in its written reply stated as under:-

It should be Sarpanch, Chairman and President and not GP, PS and ZP. Amount should be 5000.

Recommendations of the Committee

During the oral examination, the Department assured to make provision for the same in the rule also.

Rule-21 (2) (a)

21 (1) (a) A Panchayat Samiti may lease out any property or public place.

(b) A Zila Parishad may lease out any property subject to the provisions contained in section 144.

(c) All leases shall be by open auction after giving publicity as laid down in sub-rule (3) and shall be for a period not exceeding three years:

Provided that the possession of the property so leased out shall be delivered only after execution of lease deed duly executed between the parties. The lease deed shall be signed by Chairman and Executive Officer or President and Chief Executive Officer, as the case may be

Provided further that if in any case the last bid is less than that at the next preceding auction, the bid shall be accepted after approval of the same by the Zila Parishad in case of Panchayat Samiti and that of Director in case of Zila Parishad.

(2) (a) A Panchayat Samiti or a Zila Parishad shall not ordinarily sell any property or public place belonging or to vested in or managed by it, if it can be leased out or profitably maintained.

(b) All sales shall be by auction after giving wide publicity as laid down in sub-rule(3).

(3) When any property or public place is to be sold or given on lease, the Panchayat Samiti or the Zila Parshad, as the case may be shall publicise an auction

notice in atleast one regional language newspaper and by displaying the auction notice at conspicuous places in the Panchayat Samiti/Zila Parishad area and on the notice boards of offices of the Zila Parishad, Panchayat Samitis and in such other manner as may be considered useful by the Chairman or President, as the case may be.

(4) If, a Panchayat Samiti proposes to dispose of any property or public place in any manner otherwise than by way of lease, it shall obtain the previous sanction of the Government.

(5) The Government shall not accord sanction for the sale, lease or other disposition of the property or public place, under this rule if such sale, lease or other disposition is not in the interest of the Panchayat Samiti or Zila Parishad, as the case may be, or causes inconvenience to the public.

Observations of the Committee: -

Rule 21 (2) (a)

In proviso second, the Committee would like to clarify the inserted words 'Preceding auction' at the time of oral examination of the departmental representatives.

The Department in its written reply stated as under: -

Will be discussed at the time of oral examination.

Recommendations of the Committee

During the oral examination, the Committee satisfied with the clarification given by the Department.

Rule-24 (3,4&6)

24 (3) When any such suit is decided at any stage, the person so authorised shall without any avoidable delay, in writing inform the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, about the decision.

(4) The counsel contesting the suit for and on behalf of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, shall, without avoidable delay, send a report to the concerned Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, about the decision of the suit at any stage and his opinion about further course of action to be taken to defend the over all interest of Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be.

(6) If any decree or order is passed by the court as a result of fraud, misrepresentation, concealment of facts, collusion with the order party of lack of proper pairvi, the Sarpanch, Chairman or President, Panch, members or officer so authorised as the case may be, shall be personally liable for the loss caused to the gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be.

Observations of the Committee: -

24(3) The Committee would like to discuss at the time of oral examination of the departmental representatives that who will be the deciding authority in the matter.

- 24(4) The Committee would like to clarify the inserted words 'without any avoidable delay' at the time of oral examination of the departmental representatives.
- 24(6) The Committee would like to know that how to loss will be determined and by whom?

The Department in its written reply stated as under: -

- 24(3) Will be discussed at the time of oral examination.
- 24(4) Delay should not be intentional.
- 24(6) Section 53 of the Act provides the manner of determining the loss.

Recommendations of the Committee

During the oral examination, the Department assured on the issue of unavoidable delay that it should not be intentional and mentioning specific time frame in this regard i.e. should not be more than five days.

As regards rule 24(6), the Committee satisfied with the clarification given by the Department.

Rule 25(2)(iii)

25 (2) A Gram Panchayat may for good and *sufficient* reasons impose the following penalties on its employees:-

- (i) Censure;
- (ii) recovery of whole or part of any pecuniary loss caused to the Gram Panchayat by negligence or breach of orders of the Gram Panchayat;
- (iii) removal or dismissal from service:

Provided that before imposing any penalty the employee shall be informed of the specific charge(s) against him and shall be given a reasonable opportunity to explain his position or produce any evidence. In case the reply to charge(s) is found to be unsatisfactory an enquiry shall be got conducted following the procedure laid down in Haryana Civil Services (Punishment and Appeal) Rules, 1987.

Observations of the Committee:-

25(2)(iii) The Committee recommends that in the is second and third line of Rule after the word 'him/his' the word '/her be inserted to make the Rule more clear.

The Department in its written reply stated as under:-

Yes, observation/recommendation is acceptable.

Rule 26 (2)

26(2) For purpose of clause (o) and (p) of sub-section (1) Section 175 the Deputy Commissioner concerned shall be the prescribed authority in cases of Sarpanch [***] and Panch and in cases of Chairman, Vice- Chairman, member, President and Vice President, the Government shall be the prescribed authority.

Observations of the Committee:-

The Committee recommends that in the first line of Rule before the word 'section' the word 'of' be inserted to make the Rule more clear.

The Department in its written reply stated as under:-

Yes the word 'of' need to be inserted.

Rule 30

All the record including registers and books, maintained by a Gram Panchayat, Panchayat, Panchayat Samiti and Zila Parishad shall be kept by the concerned body for five years after which it shall be consigned to the general record room of the District Officer incharge of the Panchayats at the district Headquarter, for being preserved in perpetuity except the record destroyable which shall be destroyed in accordance with the Destruction of Records Act, 1917.

Provided that if for any reason audit for these bodies has not been carried out or audit objections relating thereto have not been met with such record shall be consigned within one month after such objections have been met with.

Observations of the Committee:-

The Committee recommends that in the second line of the Rules the word 'Panchayat' be deleted.

The Department in its written reply stated as under:-

Yes, it needs to be deleted.

Form II

(See rule 12)

Proceeding Book Gram Panchayat of ----- Block ----- Tehsil ----- District-----.

| | | |
|------|-------------------------|---------------------|
| 1 | 2 | 3 |
| Date | Name of Panches present | Business transacted |

Signature of the Sarpanch
and other Panches present

Observations of the Committee: -

The Committee recommends that the words 'Proceeding Book' be deleted from the starting of the sentence and be inserted below.

The Department in its written reply stated as under:-

Yes, the observation/recommendation is acceptable.

Form IV

(See rule 12)

RECEIPT BOOK

- (1) Name of Gram Panchayat -----
Civil Suit
- (2) Serial No. of -----
Criminal Case
- (3) Date of payment -----
- (4) Name of Payer -----

Amount

Paid

Rs.

P.

- (1) Fees: -----
- (2) Fines: -----
- (3) Taxes: -----
- (4) Compensation: -----
- (5) Voluntary contributions: -----
- (6) Grants from Government:
or Local Bodies -----
- Total -----

Signature of Sarpanch

Form IV

(See rule 12)

RECEIPT BOOK

- (1) Name of Gram Panchayat -----
Civil Suit
- (2) Serial No. of -----
Criminal Suit
- (3) Date of payment -----
- (4) Name of Payer -----

Amount

Paid

Rs.

P.

- (1) Fees : -----
- (2) Fines: -----
- (3) Taxes: -----
- (4) Compensation: -----
- (5) Voluntary contributions: -----
- (6) Grants from Government:
or Local Bodies -----
- Total -----

Signature of Sarpanch

Observations of the Committee: -

The Committee would like to seek clarification from the departmental representatives at the time of oral examination regarding the word 'criminal suit'.

The Department in its written reply stated as under:-

The word is 'criminal case'.

Recommendations of the Committee

During the oral examination, the Department assured that the word 'Criminal suit' as mentioned in form-IV will be replaced by the word 'Criminal Case'.

The Department further assured to republish the said rules after making the necessary changes.