

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

1978-79

TENTH REPORT



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH,
MARCH, 1979.

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**COMPOSITION OF THE COMMITTEE
(1978-79)**

Chairman—

Chaudhri Har Swarup Bura.

Members—

Chaudhri Des Raj.

Chaudhri Rajinder Singh.

Kanwar Rampal Singh.

Chaudhri Shamsher Singh Surjewala.

* Shrimati Sushma Swaraj.

** Shri Baldev Tayal.

** Shri Jagan Nath.

Sardar Tara Singh.

Advocate General.

Secretariat—

Shri Raj Krishan, Secretary.

Shri S. S. Sanghi, Accounts Officer.

The Committee was originally constituted,—vide Haryana Vidhan Sabha Secretariat Notification No. HVS-LA(COSL)-1/78-79/109, dated the 28th/29th June, 1978.

* Shrimati Sushma Swaraj resigned from the membership of the Committee with effect from the 31st August, 1978, and in her place Shri Baldev Tayal was nominated as member of the Committee by the Speaker on the 2nd September, 1978,—vide Notification No. HVS-LA(COSL)-1/78-79/137, dated the 4th September, 1978.

** Shri Baldev Tayal resigned from the membership of the Committee with effect from the 17th October, 1978,—vide Notification No. HVS-LA(COSL)-1/78-79/139, dated the 17th October, 1978, and in his place Shri Jagan Nath was nominated as member of the Committee by the Speaker on the 6th December, 1978,—vide Notification No. HVS-LA(COSL)-1/78-79/143, dated the 6th December, 1978.

INTRODUCTION

1. I, the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to submit the report on their behalf, present this Tenth Report.

2. The Committee, consisting of eight members including the Advocate General, was nominated by the Speaker, Haryana Vidhan Sabha, under rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 27th June, 1978 and was notified in the official Gazette,—vide Notification No. HVS-LA (COSL)-1/78-79/109, dated the 28th/29th June, 1978.

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 place on record their appreciation for the valuable and willing assistance given by the Administrative Secretaries/Departmental Officers and the representative of the law Department in their deliberations

5. The Committee also place on record their high appreciation of whole-hearted co-operation and assistance given by the Secretary, Haryana Vidhan Sabha and his staff.

CHANDIGARH :

HAR SWARUP BURA,

The 19th March, 1979.

Chairman

REPORT

1. The Committee on Subordinate Legislation for the year 1978-79, consisting of eight Members including the Chairman and the Advocate General was nominated by the Speaker, Haryana Vidhan Sabha, under rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 27th June, 1978 and was notified in the Official Gazette,—*vide* Notification No. HVS-LA (COSL)-1/78-79/109, dated the 28th/29th June, 1978.

2. Chaudhri Har Swarup Bura was appointed as the Chairman of the Committee by the Speaker.

3. Shrimati Sushma Swaraj resigned from the membership of the Committee with effect from the 31st August, 1978, and in her place Shri Baldev Tayal was nominated as member of the Committee by the Speaker on the 2nd September, 1978,—*vide* Notification No. HVS-LA (COSL)-1/78-79/137, dated the 4th September, 1978. Shri Baldev Tayal also resigned from the membership of the Committee by the Speaker on the 6th December, 1978,—*vide* Notification No. HVS-LA(COSL)-1/78-79/139, dated the 17th October, 1978, and in his place Shri Jagan Nath was nominated as member of the Committee by the Speaker on the 6th December, 1978,—*vide* Notification No. HVS-LA(COSL)-1/78-79/143, dated the 6th December, 1978.

4. The Committee held only 23 sittings during their term. Before scrutinising the rules and orders framed under some Acts, the Committee discussed its scope and functions and the procedure for scrutinizing the rules, orders, regulations, etc.

SCOPE AND FUNCTIONS OF THE COMMITTEE.

5. The scope and functions of the Committee are set down in rules 242, 250 and 251 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Rule 242 enjoins upon the Committee "to scrutinise and report to the House whether powers to make regulations, rules, sub-rules, by-laws, etc. conferred by the Constitution or delegated by legislature are being properly exercised within such delegation and consider such matters as may be referred to it by the Speaker". Further, rule 250 of the said rules lays down that while examining any such set of rules, sub-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 gives retrospective effect to any of the provision 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 Revenue ;
- (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 there appears to have been unjustifiable delay in the publication or laying it before Legislature ;
- (ix) whether for any reason its form or purport calls for any elucidation.

Rule 251 lays down as follows :—

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 opinion that any other matter relating to any orders should be brought to the notice of the House, it may report that opinion and matter to the House.

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

There are certain rules which are required by the Statute to be laid before the Legislature. But, the Committee is competent to

examine all the Rules/Regulations framed by the Government under various Acts, irrespective of the fact whether these have been placed on the Table of the House or not.

The Committee has framed the working rules wherein the detailed procedure has been laid down. Generally, the Committee, from time to time, selects certain set of rules framed under the various Acts for their scrutiny and examine them at the first instance as its 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. After the rules and the departmental representatives have been examined, the Committee prepares the report and presents it to the House.

Some of the Parliamentary Conventions established in connection with the scrutiny of rules, regulations, bye-laws, etc. are given below:—

- (1) The Committee would scrutinise only such rules as had already been framed and published in the Gazette and not the draft rules.
- (2) The Committee should see that rules are framed under an Act as early as possible after the commencement 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 reasons 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 the Legislature. If the rules go beyond the power delegated by the 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 amendment are made in the existing rules, these 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.

GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE.

(1) Delay in framing the Rules.

The Committee observes that the Government framed certain rules, orders, etc. long after the relevant Acts have come into force.

In this connection a few instances may be quoted. The Punjab Homoeopathic Practitioners Act was enacted in the year 1965, whereas the Haryana Homoeopathic Practitioners (General) Rules were framed in the year 1975. The Haryana Canal and Drainage Act was passed in the year 1974 and the Haryana Canal and Drainage Rules were made in the year 1976. The Haryana Urban (Control of Rent and Eviction) Act was enacted in the year 1973 and the Haryana Urban (Control of Rent and Eviction) Rules were made in the year 1976. The Haryana Development and Regulation of Urban Areas Act was enacted on the 30th January, 1973 and the Haryana Development and Regulation of Urban Areas Rules were framed and published on the 7th May, 1976. The Haryana Ceiling on Land Holdings Act was enacted in the year 1972 whereas the Haryana Ceiling on Land Holdings Rules were made in the year 1973. The Committee observes that in most of the cases there is a great time lag between the enactment of the Act and the framing of the said rules and thus there has been delay in framing the rules. The Committee observes that it is not understood how in the absence of the rules and orders the provisions of the Act could exactly be carried out and is of the view that the delay in framing the rules actually defeats the very purpose and object of the Act under which they are framed.

In this connection the Committee on Subordinate Legislation of the Haryana Vidhan Sabha in its First Report for the year 1968-69 recommended that ordinarily rules should be framed as early as possible after the commencement of the Act and in no case this period should exceed six months. If no rules are framed within the said period after the commencement of the Act, the Department should bring in each case this fact to the notice of the Committee stating the reasons to the satisfaction of the Committee for not framing the Rules within that period.

The Committee reiterated the said recommendations in all of its earlier nine Reports. In spite of the repeated observations made by the Committee in this behalf in the previous Reports the delay has still persisted in framing certain rules. The Committee reiterates the recommendations made in its previous reports and observes that ordinarily Rules should be framed as early as possible after the commencement of the Act and in no case this period should exceed six months. If no rules are framed within the said period after the commencement of the Act, the Department concerned should bring in each case this fact to the notice of the Committee stating the reasons to the satisfaction of the Committee for not framing the Rules within that period.

(2) Reference of section under which rules are framed.

The Committee reiterates the recommendations made in its earlier reports that whenever rules are supplied to them, 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. If in the margin of each set of Rules there is no reference to the Section(s) under which each rule has been framed, Government Department may invariably supply a memorandum containing the reference to the relevant section in the Act, under which each rule has been framed so that the Committee may be able to understand under what precise authority each rule has been framed and whether in any case the Government has transgressed the powers delegated by the Legislature.

(3) Certificate regarding supply of copies of the rules corrected up-to-date.

The Committee, while reiterating its recommendation, observes that the Government Departments concerned should in future supply invariably to the Committee a certificate alongwith every set of rules and Act that these are corrected and amended up-to-date, without waiting any reference from the Haryana Vidhan Sabha Secretariat.

(4) Supply of printed and up-to-date corrected copies of the rules.

The Committee observed that certain Departments supplied cyclostyled copies of the Rules for Scrutiny. During scrutiny of the Rules, the Committee came across a large number of typographical/spelling mistakes in those cyclostyled copies. With the result that it was difficult for it to determine whether the errors were typographical or they actually existed in the Rules, as originally published in the Gazette.

The Committee, therefore, recommends that copies of the Rules to be supplied to it by the Departments 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 Departments to do so it should be ensured that the copies of the rules, orders, etc., are up-to-date, meticulously prepared and duly corrected before supplying them to the Committee.

The Committee further recommends that it is the duty of the Department concerned to see that the copies of 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 or implemented by the Government are incorporated in the Rules

(5) Annexure to amending rules.

The Committee notices that at present in the case of amending rules only amendments are being issued and the Rules to be amended are not appended therewith. It was also brought to the notice of the Committee that in the case of amending Bills the relevant sections of the Act sought to be amended are appended as Annexure to each such Bill. The Committee observes that the same procedure may be adopted in the case of amending Rules, i.e. in the case of every amending rule, the rule sought to be amended should also be appended as an annexure so that the Legislators in particular and the public in general should know the amendment and its effect.

The Committee recommends that this observation/recommendation made by it in this behalf be implemented by all the departments concerned and the Committee be informed at the earliest.

(4) Supply of printed and up-to-date corrected copies of the rules.

The Committee observes that at present Acts and Rules are available in English Language only. The Regional language of the State as well as national language is Hindi. Under the Haryana Official Language Act, 1969, at present, whenever any Bill is introduced and is under consideration of the State Legislature, its authenticated Hindi Translated version is also supplied to the members. The Committee recommends that all the Acts and Rules be translated into Hindi at the earliest and made available to the legislators and the public so that every-body may be able to know the law of the land.

(7) Implementation of recommendations of the Committee.

The Committee observes with great regret that the work regarding the implementation of recommendations/observations made by the Committee in its previous Reports is very slow. The Committee which works on behalf of the House, felt that the object with which it was constituted would be defeated if its recommendations are either not implemented at all or are implemented after a long time. The Committee, therefore, reiterates its earlier recommendations made in its previous Reports that normally the recommendations/observations made by them should be implemented within a period

of three or four months after the presentation of the Report to the House. If, however, any Department is unable to implement its recommendations/observations within the prescribed period an exhaustive memorandum should be sent to the Committee explaining the reasons for not implementing the recommendations/observations within that period.

The Committee further 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 its recommendations/observations.

SCRUTINY OF RULES

The Committee scrutinised the following rules:—

1. The Haryana Canal and Drainage Rules, 1976, framed under the Haryana Canal and Drainage Act, 1974.
2. The Punjab Village Common Lands (Regulations) Rules, 1964, framed under the Punjab Village Common Lands (Regulation) Act, 1962.
3. The Haryana Land Holdings Tax Rules, 1973, framed under the Haryana Land Holdings Tax Act, 1973.
4. The Haryana Ceiling on Land Holdings Rules, 1973 framed under the Haryana Ceiling on Land Holdings Act, 1972.
5. The East Punjab Conservation of Manure Rules, 1949, framed under the East Punjab Conservation of Manure Act, 1949.
6. The Punjab Land Revenue (Thur, Sem, Chos and Sand) Remission and Suspension Rules, 1960, framed under the Punjab Land Revenue Act, 1887.
7. The Haryana Development and Regulation of Urban Areas Rules, 1976, framed under the Haryana Development and Regulation of Urban Areas Act, 1975.
8. The Haryana Urban (Control of Rent and Eviction) Rules, 1976, framed under the Haryana Urban (Control of Rent and Eviction) Act, 1973.

9. The Haryana Mechanical Vehicles (Bridge Tolls) Rules, 1975, framed under the Haryana Mechanical Vehicles (Bridge Tolls) Act, 1974.
10. The Haryana Homoeopathic Practitioners (General) Rules, 1975, framed under the Punjab Homoeopathic Practitioners Act, 1965

General

**THE HARYANA CANAL AND DRAINAGE RULES, 1976, FRAMED
UNDER THE HARYANA CANAL AND DRAINAGE ACT, 1974.**

The Committee, after going through the replies to the observations made by the Committee in respect of the Haryana Canal and Drainage Rules, 1976, framed under the Haryana Canal and Drainage Act, 1974, and having orally examined the representatives of the Irrigation and Power Department, makes the following observations/recommendations:—

GENERAL

1. The Haryana Canal and Drainage Act was enacted in the year 1974 and the Haryana Canal and Drainage Rules were framed under the said Act during the year 1976. The Committee observes that the Department should have not taken two years to frame the said Rules. The standing recommendations of the Committee in this behalf is that the Rules should be framed within the six months of the enactment of the relevant Act. The delay in framing of Rules defeats the very purpose of the Act particularly when the department itself stated in the written reply that the work was of very important and legal nature. The Committee observes that in future the work of framing of rules should not be unnecessarily delayed and these should be framed within the shortest possible time.

2. In accordance with Section 5 of the Haryana Canal and Drainage Act, 1974, the State Government can prohibit the installation of Private Tubewell within a distance of 150 metres from a State Tubewell and within a distance of 100 metres from unlined Irrigation channel.

During the course of oral examination of the Departmental Representatives the Committee observed that the case of those farmers be considered sympathetically in case level of land is higher than unlined Irrigation channel. In other words, they are not in a position to get water of canal. During the course of oral examination the Departmental representatives stated that their case would be examined.

The Committee observes that the case relating to those farmers, who are feeling great hardship, be examined at the earliest and Committee be informed accordingly.

3. The Committee recommends that in section 58(a) of the Haryana Canal and Drainage Act, 1974, for the words "construct" the word "obstructs" be substituted. The Department in written reply stated that the said printing error would be removed.

RULES

Rule 7.

- "7. All schemes prepared under section 17 shall be published for inviting objections and suggestions by affixing a copy thereof in a conspicuous place in the village or villages concerned, displaying the sketch plan, the name of village or villages, the name of distributary and RD of outlet, the date on which the scheme will be explained verbally by the Divisional Canal Officer and any other necessary information which the Divisional Canal Officer may deem fit. The Lambardar concerned shall be informed about the scheme and he in all the affected villages shall, by beat of drum or in any other customary manner, announces the place where the details of the scheme can be inspected. The acknowledgement of Lambardar and his statement of having announced and given publicity shall be recorded in the file of the scheme and shall be the conclusive proof of such announcement and publicity".

The Committee observed that at the end of rule 7, the following be added:—

- "A copy of the scheme shall also be sent to the Panchayat and the Patwari concerned for inspection."

During the course of oral examination the Departmental Representative accepted the recommendation of the Committee and stated that the amendment would be made.

5 The Committee recommends that an amendment in the said rule be made at the earliest in the light of its above observations and the Committee be informed accordingly.

Rule 9.

- "9. The Superintending Canal Officer shall not make any order in respect of the Divisional Canal Officer's decision until after the expiry of a period of thirty days from the date of its publication under sub-section (1) of section 19 and may then, whether or not any objection has been filed, make an order confirming or modifying such decision, or may, before making an order direct that further inquiry and report on the point or points specified by him be made by the Divisional Canal Officer."

Provided that no such order or direction shall be made unless the objector or the persons affected, if any, have been given an opportunity of being heard by giving a notice of not less than fifteen days mentioning therein the date, time and place at which the objections will be heard."

The Committee observes that in the margin for the figures "20(1)", the figures "20(3)" be substituted. The Department in their written reply agreed in amending the said rule.

The Committee recommends that the said rule be amended in the light of the said observation of the Committee and the Committee be informed accordingly.

Rule 12.

- "12. (1) Before proceedings are taken to recover the cost under section 22 or section 23 from a shareholder, the Divisional Canal Officer, after determining the proportionate share of cost recoverable from each shareholder shall send a notice of demand in writing to each shareholder specifying the amount recoverable from him under section 22 or section 23, as the case may be.
- (2) Any person aggrieved by a notice of demand may, within a period of thirty days of the receipt of the notice, present an application stating his objections in writing to the Divisional Canal Officer. The orders of the Divisional Canal Officer passed thereon after such enquiry, as he may deem fit shall be final.
- (3) The term "cost" in section 22 shall be deemed to mean the total cost of execution of the work and shall include the cost of land, if any, acquired for execution of the work, departmental charges, and such interest charges as may be ordered by the State Government in accordance with its financial rules".

The Committee observes that in view of the nature of the works which are to be executed in the interest of irrigation and the poor financial position of the peasantry the words 'departmental charges'

which are normally very excessive occurring in sub-rule (3) be deleted.

The Departmental Representatives in the written reply stated that it cannot be possible for the State Government to bear the departmental charges on the share-holders for the works executed in the holders and beneficiaries are supposed to bear the cost of work.

The Committee, after considering the reply of the department to the observation of the Committee and having discussion with the departmental representatives, strongly feels that the levy of departmental charges on the share-holders for the works executed in the interest of irrigation is unnecessary burden on them and, therefore, recommends that the Government should consider the waiving off the levy of such departmental charges on the share-holders.

Rule 13.

"13. (1) Water shall not ordinarily be granted to lands where the length of water-course from its head to its points of contact with the field exceeds three kilometres.

(2) In the sandy areas where the fields cannot be served up to three kilometres through water-courses, application should not be refused merely on the ground that the land lies within three kilometres from the head of the water-course to its points of contact with the field."

The Committee observes that sub-rule (2) seems to be redundant as the formula of three kilometres occurring in sub-rule (1) applies to types of lands including sandy area and therefore be deleted.

The Departmental Representatives in their written reply agreed with the said observation of the Committee.

The Committee, accordingly, recommends that rule 13 be amended in the light of its above observation at the earliest and the Committee be informed.

Rule 16.

"16. (1) The Divisional Canal Officer shall not engage to grant water for irrigation of any kharif crop upon lands within

one kilometre from the outer most houses of any town, if such irrigation be objected to by the municipal committee or, if there be no municipal committee, by the Deputy Commissioner or the Chief Medical Officer and the objection is approved by the Superintending Canal Officer after affording opportunity to the applicant of being heard.

(2) * * *

(3) * * *."

The Committee desired that the words "on account of sanitary conditionc or sanitary grounds" be inserted at the proper place in sub-rule (1) of Rule 16 to make the position and rule clear. 12

The Departmental Representative during the course of oral examination agreed to the said observation of the Committee.

The Committee, accordingly, recommends that rule 16 be amended in the light of its said observation and the Committee be informed. 13

Rule 17.

"17. (1) * * *

(i) * * *

(ii) The Lambardar of a Village or Sarpanch of the Gram Panchayat of a Village in which there are one or more tanks for which a supply of canal water is required shall submit an application to the Divisional or Sub-Divisional Canal Officer, stating the number, names and approximate general dimensions of the tank or tanks for which water is required. The sub-Divisional Canal Officer, on receipt of the application and after further enquiries that he may deem necessary shall pass an order stating the number and names of the tanks to which canal water may be supplied, whenever it can be made available without injury to the

cultivation dependent on the canal. A written licence in the terms of this order shall be given to the applicant by the Sub-Divisional Canal Officer and shall remain in force until revoked by a written order of the Divisional Canal Officer.

(iii) * * * *

(iv) No tank shall be so filled which by intercepting any line of drainage age is liable to overflow from an accumulation of water derived from natural sources.

(v) to (viii) * * * *".

14 The Committee recommends that in sub-rules (1) and (ii), in line 14, after the word "shall" the words "be" be inserted.

15 The Committee also recommends that in sub-rule (1) (iv), in line 2, the word "age" occurring after 'drainage' be deleted.

Rule 18.

"18. (1) The Divisional Canal Officer may,—

(a) for a term exceeding one year, with the previous sanction of the State Government ; and

(b) for a term not exceeding one year with the previous sanction of the Superintending Canal Officer ;

make contracts for the supply of Canal water for purposes other than those for irrigation not specified in the Schedule of water rates

(2) Notwithstanding anything contained in sub-rule (1), when water is supplied to forts or other military buildings, cantonments, civil stations, cities, towns, railways, public gardens or other places of public resort, either by filling of tanks or by direct flow, the Divisional Canal Officer shall obtain previous sanction of the State Government for making the contract at special rate."

The Committee observed that the marginal heading of rule 18 and reference of the Section of the Act, under which the said rule has been framed, has not been given which should be done. 16

During the course of oral examination the Departmental Representatives accepted the said observation of the Committee.

The Committee, accordingly, recommends that the marginal heading of rule 18 and the Section under which it has been framed be given at the earliest and the Committee be informed. 17

Rule 20.

"20. An order to stop the supply of water to any water course under clause (a) of sub-section (1) of section 27 shall be in writing and a copy thereof shall expeditiously be sent to the Irrigation Booking Clerk of each village concerned or in his absence to the Sarpanch of the Gram Panchayat or a Lambardar of the village. The receipt of each person to whom a copy of the notice is sent shall be affixed to a schedule prepared for the purpose which shall be recorded in the Divisional Canal Officer. It shall be the duty of the Irrigation Booking Clerk or Sarpanch or Lambardar who receives the notice to affix it at once in a conspicuous place in the village and to make it purport generally known".

The Committee observed that in line 9, for the words "Divisional Canal Officer" the words "Divisional Canal Office" be substituted.

The Committee further observes that in line 9, for the word "it" the word "its" be substituted.

The Department in a written reply agreed with the said observation of the Committee.

The Committee, accordingly, recommends that the rule be amended in the light of the said observations of the Committee at the earliest and the Committee be informed. 20

Rule 21.

"21. Stoppage of supply of water to any water course under clause (b) of sub-section (1) of section 27 may be enforced if the Divisional Canal Officer has satisfied himself that the

water course is not maintained in proper customary repair. The order for such stoppage shall be in writing."

The Committee observed that at the end of rule 21, the following words "and shall remain in force for a period of three days. At the time of the order of stoppage of supply of water to any watercourses, a notice shall be served on the share-holders to get the necessary repairs affected within a period of three days, failing which the Divisional Canal Officer shall get the necessary repairs done and recover the cost from the share-holders", be inserted.

The Department in the written reply stated that period of 3 days for stoppage of supply of water to the water-course not maintained in proper customary repair, as suggested by the Committee, is too short and it should not be less than 7 days as warabandi remains operative for 7 days. On the other hand, if the repair work is entrusted to the department, there will be a burden on the departmental budget, because the recovery cannot be anticipated within the same financial year. Normally, the cultivators themselves maintain the water-courses as it is not maintained at the cost of Government (Section 2(15) referred) and the Department has not provided any staff for this purpose.

During the course of oral examination the Committee desired that three to seven days should be given to shareholders to carry out the necessary repairs failing which the Divisional Canal Officer should get the work done at the expenses of the share-holders.

In reply to the said observation of the Committee the departmental representative stated that it would be examined.

21 The Committee, accordingly, recommends that the matter be examined in the light of the said observation of the Committee at the earliest and the Committee be informed.

Rules 24—26.

- "24. Special charges for canal water used in un-authorised manner or suffered to run to waste.—(1) The special charges for water supplied through a canal, used in an unauthorised manner, in respect of the lands specified in column 2 of the table given below on which water is flowed, shall be as mentioned against each in column 3 thereof. The special charges shall be in addition to the

water rate otherwise chargeable and to such penalties as may be imposed under section 58:—

TABLE

Serial No.	Kind of land	Special charges
1	Sown land	Equal to twenty times the ordinary water rate leviable on the standing crops ;
2	Unsown land	equal to twenty times, the highest rate shown in the Schedule of Water rates ;
3	Pond land	equal to twenty times the bulk rate shown in the Schedule of Water rates

Provided, that the Divisional Canal Officer may, after taking into consideration the facts of each case, impose lower charges :

Provided further that the special charges may be imposed for each distinct and separate occasion on which water is so used.

(2) The Special charges specified in sub-rule (1) shall be applicable for water supplied through an outlet or water course, which is suffered to run to waste.”

“25 Supply of information to Divisional Canal Officer —
 (1) The Sub-Divisional Canal Officer shall within a period of seventy-two hours of the receipt of any information by him that the water supplied through a canal is being used in an unauthorised manner under section 28 or is suffered to run to waste under section 29, inform the Divisional Canal Officer, empowered under sub-section (2) of section 30, in writing giving the date, time and place of such use or waste of water and all other information relevant thereto. The Sub-Divisional Canal Officer shall simultaneously direct his subordinates to make preliminary investigation and measurement of the area for the preparation of special charges. The Sub-Divisional Canal Officer shall also serve a notice to persons chargeable with special rate.”

(2) The Divisional Canal Officer shall, on receipt of special charges case, institute a summary inquiry for determining, if possible the persons responsible for the unauthorised use or waste of water and thereafter proceed to determine under section 28 or section 29, as the case may be, the charges to be levied and the persons against whom such charges are to be levied. The Divisional Canal Officer shall give to the parties concerned due notice of date, time and place of hearing in such enquiry, in the manner prescribed under rule 96. In case of failure of any of the persons to attend inspite of service of notice, the Divisional Canal Officer shall take *ex parte* proceedings and give his decision after recording such evidence as may be produced or such further evidence as he may deem necessary."

"26 Appeal.—An appeal against the decision made under rule 25 shall lie to the Collector of the District."

The Committee recommends that the special charges be reduced from 20 times to 5 times.

The Committee also unanimously recommends that it is not proper that the same department which is a complainant should also act as a judge. It, therefore, is of the firm view that sections 28 & 29 of the Act be so amended that the powers being enjoyed by the D.C.O. at present be vested in the Civil Courts for disposal summarily and the powers to decide appeals should be given to judicial courts or there should be a Tribunal consisting of D.C.O., Sarpanch of the village where the alleged offence occurs and the Sarpanch of the village falling on the tail of the minor of the distributory.

27 The Committee further recommends that the reference of the sections under which rule 24 has been framed, be also indicated in the margin of the rule.

Rule 28.

"28 Water rate for fodder crops—For water used for growing of fodder crops on any irrigated area, in excess of twenty per cent of the net cropped area of the occupier, the rate to be charged for the excess area leviable according to the rates specified in the Schedule of water rates shall be increased by—

- (a) twenty-five per cent if the irrigated area is situated within the limits of a notified area or within a distance

of eight kilometres on all sides of the outer boundary thereof ;

(b) fifty per cent, if the irrigated area is situated within the limits of a municipality of the second class or within a distance of eight kilometres on all sides of the outer boundary thereof ; and

(c) one hundred per cent, if the irrigated area is situated within the limits of a municipality of the first class or cantonment or within a distance of eight kilometers on all sides of the outer boundary thereof."

The Committee observes that this rule is discriminatory and has got no justification. In view of the changed agriculture pattern, the farmers growing green fodder should not be penalised as it runs counter to the policy of the Government of encouraging white revolution.

The Committee, therefore, recommends that this rule be deleted.

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Rule 38.

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...

"38. The Irrigation Booking Clerk of every village irrigated by canal shall display a statement in Hindi, showing the rates of assessment in the Chaupal, Panchayat Ghar or in a conspicuous place in the village."

The Committee noticed that the provisions of this rule was not at all being observed in practice, so it should be enforced by the Government immediately. The Department in its written reply stated that these instructions to comply the provisions strictly had been issued to the field staff. The Committee observes that a copy of the said instructions be supplied to it and the Government should see that the instructions are meticulously observed by the field staff so that the Schedule of Rules be accessible to the villagers concerned

27

Rule 44.

"44. Distribution of demand slips (Parchas).—(1) As soon as the demand statement (Khatauni) in respect of a village under the charge of the Irrigation Booking Clerk is complete, he shall prepare demand slips and inform the

Lambardars of the village, the dates on which the same will be distributed in the village. The Lambardars shall call upon the irrigators to attend and receive demand slips from the Irrigation Booking Clerk. Undistributed demand slips shall be entrusted to the Lambardars of the village. The Irrigation Booking Clerk shall in every case endorse the date of distribution on the demand slips. The Irrigation Booking Clerk shall deliver the demand slips to the irrigators and Lambardars concerned within ten days of the completion of demand statements of the Halqa.

(2)

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xx.”

The Committee considered this rule in detail and came to the conclusion that no provision of this rule has been observed in practice and in most of the cases the irrigators were not given any demand slip, so the Committee is of the view that the provision of sub-rule (1) should be recast in the following manner —

- “(1) As soon as the demand statement (Khatauni) in respect of a village under the charge of the Irrigation Booking Clerk is complete, he shall prepare demand slips and inform the Lambardars and the irrigators of the village by beat of drum, the dates on which the same will be distributed in the village. The Lambardars shall call upon the irrigators to attend and receive demand slips from the Irrigation Booking Clerk. The Irrigation Booking Clerk shall deliver the demand slips to the irrigators against dated acknowledgement of the irrigators within ten days of the completion of the demand statement of the Halqa. The record of such acknowledgements shall be maintained in the office of the Irrigation Booking Clerk at least for a period of two years. The undistributed demand slips, if any, shall be entrusted to the Lambardars of the village who shall distribute the same to the concerned irrigators against the dated signatures and the statement of demand slips shall be passed on to the Booking Clerk for record.”

The Department in its written reply stated that there is no objection for the adoption of the provision proposed by the Committee.

The Committee recommends that rule 44(1) be amended in the light of the observation made above by the Committee.

Rule 45.

"45. Filing of objections in respect of entries relating to Khasra Nehri and Khatauni—If a cultivator desires to contest the correctness of the entries relating to him in the demand statement for Khasra Nehri whether as to the fact of the land having been irrigated or of its being charged "flow" or "lift" or as to the measurement and entries of crop or class or amount, he must file an objection before the Divisional or Sub-Divisional Canal Officer or Deputy Collector or Zilledar, within twenty-one days of the date on which the demand slips were distributed on completion of the demand statement of the village, he has been charged without having done any irrigation from the canal during the harvest under assessment or if no demand slip has been delivered either to him or to the Lambardar within ten days of the date on which he first become acquainted with the claim against him and the claim shall be investigated on the spot within fifteen days of filing the objection and shall be promptly decided. On an objection being filed before a Zilledar, he will immediately make local enquiry and report the circumstances of the case to the Divisional Canal Officer for orders. The order of the Divisional or Sub-Divisional Canal Officer or Deputy Collector in such cases shall forthwith be communicated to the objector and shall be subject to the Commissioner".

The Committee, after considering the written reply of the Department, recommends that in rule 45, after the words "make local enquiry" the words "in the presence of a Panch and one other person of the patti and the objector, whose lands are situated in the patti" be inserted

Rule 50.

"50 (1) The remuneration of Lambardars or other persons collecting from cultivators, shall be three per cent of the amount collected on account of water rate on the condition that the full amount due has been paid for each estate by the date fixed by the Financial Commissioner and that the Lambardar has performed his duty connected with the assessment such as personal attendance or deputation of a proper substitute at the time of measurement and correct report of irrigation.

- (3) The remuneration to Lambardars or other persons collecting from cultivators, shall be one per cent of the amount collected on account of charges for the cost of lining of water courses to be recovered from cultivators on the condition that full amount has been paid for each estate by the dates filed by the Financial Commissioner and that the Lambardar has performed his duty connected with the collection such as distribution of demand slips, realisation of the amount and depositing the same into the Treasury :

xx

xx".

27 The Committee recommends that in sub-rule (1) of rule 50 for the words "measurement and correct report of irrigation" the words "measurement, correct report or irrigation and distribution of demand slips etc." be substituted.

The Department in its written reply stated that there was no objection to the addition of the words "distribution of demand slips etc." in the rule and it would be helpful in the proper distribution of demand slips and as such suggestion was/is acceptable to it.

32 The Committee recommends that rule 50(1) be amended accordingly.

37 The Committee recommends that in sub-rule (3) of rule 50 for the word "filed", the word "fixed" be substituted.

Rule 51.

"51. An appeal against the order made under the proviso to sub-rule (3) of rule 50 shall lie to the Commissioner if the order is passed by the collector and the Superintending Canal Officer if the order is passed by the Divisional Canal Officer."

37 The Committee recommends that the reference "sub-rule (3) of" "appearing in this rule be omitted, as the provision of this rule applies to whole of the rule 50 and not only to sub-rule (3).

Rule 55.

"55. Every boat or raft entering a canal, canal shall be liable to measurement for the purpose of ascertaining the charges,

the boat or raft shall pay, according to the Schedule of rates in force from time to time."

The Committee recommends that in the first line of rule 55, the word "canal" occurring for the second time be deleted.

Rule 58.

"58. No boat above 4.50 metres beam overall shall be allowed in a canal on which the locks are 5 metres in width and no boat above 5.50 metres beam overall in canal on which the locks are 6 metres in width. No raft of more than 4.50 metres in width and 27 metres in length shall be allowed on any canal, the locks of which are 5 metres and no raft of more than 5.50 metres width and 30 metres in length will be allowed in a canal, the locks of which are 6 metres in width."

The committee recommends that for "more than 5.50 metres width" the words and figures "more than 5.50 metres in width" be substituted.

Rule 73.

"73. In every case of a wreck or obstruction of a canal by a sunken or partially sunken boat or raft, the Divisional Canal Officer may call upon the owner or person incharge to remove the same without delay. If the owner of the person incharge does not remove or refuses to remove the wreck or obstruction or if he does not within 48 hours commence to remove the wreck or obstruction then the Divisional Canal Officer may undertake the removal under section 39."

The Committee recommends that in rule 73 for the words "sunken or" the words "sunken or" be substituted.

Rule 77.

"77. Any canal days."

Canal
closures.
Section 36.

The Committee recommends that in the margin of rule 77, for the reference of "section 36" the reference of "section 27" be substituted.

Rule 78.

“78. Mode of publication of schemes for drainage works—A scheme for drainage works under section 48 shall be published in the Official Gazette together with an estimate of its cost and a statement of the proportion of such cost which the State Government proposes to defray, and a schedule of the lands, which it is proposed to make chargeable in respect of the scheme and translation thereof in Hindi shall be posted—

- (a) at the office of the Deputy Commissioner and Divisional Canal Officer ;
- (b) at conspicuous places in the locality affected by the scheme, such as Tehsils and Thanas, etc., and shall also be published by beat of drum or in any other customary manner ”.

The Committee recommends that in part (b) of Rule 78, between the words “Thanas” and “etc.” insert the word “Panchayat”.

Rule 88.

“88. Distribution of demands slips.—As soon as the demand statements in respect of cost of drainage works for any village are completed, the copies of demand slips meant for assesseees will be sent to the Irrigation Booking Clerk or a Civil Patwari through the Collector. The Irrigation Booking Clerk or Patwari will deliver those slips to Lambardars concerned within a period of five days of their receipt by him. Lambardars will distribute them among assesseees or, if they are not available, to their recognised agents or an adult male member of the family of an assessee, within a period of seven days of receipt of the demand slips from Irrigation Booking Clerk or Patwari. The acknowledgements of assesseees for demand slips shall be delivered by Lambardars to the Irrigation Booking Clerk or Patwari within seven days of their receipt from Irrigation Booking Clerk or Patwari. On failure of Lambardars to submit the acknowledgements of assesseees, the Zilledar or Tehsildar, as the case may be, shall prepare the list of defaulting Lambardars and shall submit the same for appropriate orders of the Divisional Canal Officer.”.

The Committee recommends that at the end of the rule, the words “Fresh demand slips shall be issued by the Zilledar or Tehsildars to the assesseees to whom the same could not be distributed, against acknowledgements” be added.

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(b) at convenient places in the locality or near the residence of the persons affected thereby, and by beat of drum or oral proclamation or other customary method.

(4)	xx	xx	xx
(5)	xx	xx	xx
(6)	xx	xx	xx
(7)	xx	xx	xx
(8)	xx	xx	xx

- (9) A summons, notice, order or requisition may be served on or delivered or communicated to the person named therein, either in addition to, or in substitution for, any other mode of service by forwarding the summons, notice, order or requisition by post in a registered letter addressed to that person.

(10) ** ** **

(11) ** ** **

43 The Committee, after considering rule 96 and the written reply of the Department, recommends that —

- (1) In the marginal heading of the rule, for the word "procamatins" the word "proclamations" be substituted.
- (2) In sub-rule 3(b) for the words "near the residence" the words "at the residence" be substituted.
- (3) In sub-rule (9) after the words "registered letter" the words "with acknowledgement due" be inserted.

Rule 98.

"98. In the absence of specific deligation, no officer shall authorise any change in the water allowance sanctioned by the Government."

44 The Committee observes that in rule 98 for "deligation" the word "delegation" be substituted.

Rule 105.

"105. The application for admission of an appeal" shall be stamped in accordance with the law in force relating to court fees and shall be accompanied by a copy of decision or order appealed against and shall state concisely the grounds upon which the appeal is preferred."

45 The Committee, after considering the written reply of the Department, and keeping in view the difficulty of the shareholders/farmers in getting the copy of the order to be appealed against, suggests that the method may be re-examined by the Department and the following proviso be added to Rule 105 :—

"Provided that appeal may be filed without certified copy within a reasonable time if the order under appeal is of urgent nature."

Rule 120.

"120. Except as otherwise provided in the Act or these rules, the order of decision passed in any appeal shall be final."

The Committee recommends that in line 2, for the word "of" the word "or" be substituted.

Schedule of Water Rates.

The Committee observes that taking into consideration the high cost of production including land taxes and the continued fall in prices of agricultural produce at the harvest time, the rates of water charges for sugarcane, rice, cotton, barley, wheat and guara are rather on the higher side. The Committee, therefore, feels that these rates should at least be reduced by 25%.

Remission of Water Rates due to failure of Crops.

The Committee observes that it is presumed that failure of crops due to flood, hailstorm, sever duststorm, drought, rats, locusts or other pests or crop diseases and other calamities are covered under rule 23 of the Haryana Canal and Drainage Rules, 1976.

The Department in its written reply stated that the Act did not provide any remission of water rates chargeable on the crop failed due to natural calamities. However, Standing instructions for such remission had been issued by the Government—*vide* letter No. 9723-4PMIII-77/36928, dated 6th December, 1977. (*vide* Annexure A of the Report). Further, matter is under consideration to make statutory provision in the Act and Rules.

The Committee recommends that necessary provision in the Act and Rules be made so that the cultivators may get legitimate relief on account of failure of crops due to flood, hailstorm, sever duststorm, drought, rats, locusts etc. etc.

**THE PUNJAB VILLAGE COMMON LANDS (REGULATIONS)
RULES, 1964, FRAMED UNDER THE PUNJAB VILLAGE COMMON
LANDS (REGULATION) ACT, 1961.**

The Committee, after going through the replies to the observations made by the Committee in respect of the Punjab Village Common Lands (Regulation) Rules, 1964, framed under the Punjab Village Common Lands (Regulation) Act, 1961, and having orally examined the representatives of the Development and Panchayat Department, makes the following observations/recommendations:—

The Committee observes that the Punjab Village Common Lands (Regulation) Act was enacted in the year 1961 and whereas the Punjab Village Common Lands (Regulation) Rules were framed in the year 1964, i.e. after a lapse of about three years. The Committee is of the view that generally such a long delay caused in framing the rules results in great hardship to the general public and to the agency in carrying out the purpose of the Act. Such a long delay in framing the rules is reprehensible and not should be allowed to occur in future.

The Committee would like to point out that drastic changes were made in the rules when these rules were re-published. Therefore, the Committee observes that these rules should be re-published again after bringing the same up-to-date to avoid the confusion caused.

Rule 3.

"3. The manner in which and the purposes for which shamlat deh may be used—(1) The Panchayat shall prepare a land utilization plan of the land in shamlat deh vested in it under the Act. Such plans shall be subject to approval of—

(a) the Pachayat Samiti .. Where the area exceeds 100 acres but does not exceed 1000 acres.

(b) ** ** ** **

(c) the Government .. Where the area exceeds 1,000 acres.

(2) The Panchayat may make use of the land in shamlat deh vested in it under the Act, either itself or through another, for any one or more of the following purposes:—

(i) Model Farm;

(ii) Seed Farm;

(iii) Nursery Garden or any other horticultural purpose;

(iv) Production of food, fibre or fodder crops;

(v) Dairy Farm;

(vi) Grazing of Animal.;

(vii) Tree Plantation or any other purpose related to forestry;

(viii) Dyeing and Tanning of Skins and Hides;

(ix) Storage of fuel, fodder and/or grain;

(x) Brick klins, extraction of shora, sand, stones, kankar, bajri or

other minerals defined in the Punjab Minor Mineral Concession Rules, 1964;

- (xi) Cremation or Burial ground ;
- (xxii) Manure pits;
- (xiii) Public Latrines and/or urinals;
- (xiv) Pathways, roads, drains or water channels;
- (xv) Play grounds, Recreation Parks, or Children's Parks;
- (xvi) Leasing out, for the purpose of Abadi, to a family having insufficient housing accommodation or for the purpose of industrial project approved by the Government;
- (xvii) School building, School Library or any other structure for educational purpose;
- (xviii) Maternity or First-aid Centres;
- (xix) Hospitals or Dispensary ;
- (xx) Veterinary Hospital or Dispensary ;
- (xxi) Vehicle Park;
- (xxii) Panchayat-Ghar or Village Chopal;
- (xxiii) Ponds and Fisheries;
- (xxiv) Wells, Hand-pumps, Water works, or any other Water Lift Device;
- (xxiv-A) Thrasher floor,
- (xxv) Leasing out for cultivation ; or
- (xxvi) Any other kindred common purpose with the approval of the Panchayat Samitis.

(3)

The Committee observes that in sub-rule (1) of rule 3, after the words and sign "under the Act.", the words "It shall be the duty of the Block Development and Panchayat Officer, (B D.P.O.) to assist the Gram Panchayat concerned in the preparation of the said plan", be inserted.

The Committee observes that in part (x) of sub-rule (2) of rule 3, after the words and sign "Brick kiln,", the word and sign "Pottery," be inserted.

The Committee also observes that in part (xiv) of sub-rule (2) of rule 3, after the word "Pathways" the words and sign "streets and lanes," be inserted.

The Committee further observes that in part (xxiv-A) of sub-rule of rule 3 for the words "Thrasher Floor" the words "Thrashing ground" be substituted.

The Committee also observes that after part (xxiv-A) of sub-rule (2) of rule 3, part "(xxiv-B). "Kohlu", be inserted.

Rule 4—

"4 Term; for saving existing possession.—(1) Where a person other than that in whom the shamlat land has vested under the

act has built a house or erected any other structure on any land in the Shamlat deh, before the coming into force of the Act, the Panchayat may allow such person to retain possession of the site by—

- (a) selling it to him at the market value prevailing at the time of the sale to be determined by the collector or the officer appointed by him for the purpose ; provided that if the person concerned is unable to pay the entire amount immediately it shall be recovered in such instalments to be spread over a period not exceeding five years as may be determined by the Panchayat ; or
 - (b) leasing out the site to him at an annual rent to be determined by the Collector or the Officer appointed by him for the purpose at the rates prevailing at that time.
- (2) Subject to sub-rule (1), the terms and conditions for sale or lease of land in shamlat deh shall be determined by the Panchayat."

The Committee, after examining rule 4 and sub-section (6) of Section 5 of the Act, has come to the conclusion that this rule 4 runs counter to the provisions contained in sub-section (6) of Section 5 of the Act. It is intended in the Act that a House etc. shall not fall in the definition of the Shamlat. In this situation a House or any other structure which does not fall in the definition of Shamlat, cannot be subject to the control of Gram Panchayat as is provided in rule 4.

During the course of oral examination the Departmental representatives stated that the Government was considering the amendment in sub-clause (vi) of section 2 (g) to meet the observation of the Committee.

The Committee observes that the decision of the Government in the matter be intimated to the Committee and the rule be amended accordingly.

Rule 6—

- "6. Leases to be by auction.—(1) subject to the provisions of sub-rule (1) of rule, 4, all leases of land in shamlat deh shall be by auction, after making publicity in the manner laid down in sub-rule (10). All documents executed in this connection shall be signed by a Sarpanch or in his absence by a Panch performing the duties of the Sarpanch and two other panches of the Gram Panchayat ;

Provided that—

(a) Out of the cultivable land proposed to be leased ;

(i) thirty three percent shall be reserved for members of the Scheduled Castes ; and

(ii) Seven percent shall be reserved for dependents of the defence personnel killed in any war after the Independence of India.

For giving on lease by auction to them and if two different dates, fixed for auction no such person is forthcoming, or the panchayat Samiti refuses to confirm the auction, under sub-clause (i) of clause (a) of sub-rule (2) the reservation shall cases to have effect ; and

(2) ** ** *

(3) ** ** *

(4) ** ** *

(5) The lease of land in shamlat deh for extraction of shora, sand, stone, kankar, bajri and other minor minerals (as defined in the Punjab Minor Minerals Rules) and grass, kahi and Similar other products shall be auctioned at a time to be determined by the Panchayat where it may be considered to be of maximum advantage for the inhabitants of all villages.

(6) ** ** *

(7) ** ** *

(8) ** ** *

(9) ** ** *

(10) ** ** *

(11) ** ** *

The Committee observes that in proviso (a) of sub-rule (1) of rule 6 after the words and sign "Scheduled Castes", the words "and Backward Classes", be inserted.

During the course of oral examination the Departmental representative stated that the matter was under consideration of the Government.

12 The Committee recommends that the case to amend the said rule be expedited and the decision taken thereon be intimated to the Committee.

13 After going through the written reply sent by the Development and Panchayat Department, the Committee recommends that sub-rule (5) of rule 6 be omitted.

Rule 10—

"10. land to be used free of charge.—The Panchayat may allow the use of land in Shamlat deh veste in it free of charge to the inhabitants of the village for any one or more of the following purposes :—

(a) Steeping of hemp or any other plant in ponds.

(b) Residential purposes of members of the Schedule Castes or Backward Classes or dependents of the defence personnel killed in any war after the independence of India or landless labourers or tenants in genuine cases on grounds of poverty.

(c) Any other suitable common purposes."

14 The Committee recommends that in rule 10(b), the following proviso be added :—

"Provided that the lands given to the members of the Scheduled Castes and Backward Classes for the residential purpose shall not be permanently alienated by them."

Rule 15.

"15. Payment of compensation under section 3(2).—(1) Any person who is entitled to compensation under sub-section (2) of section 3 of the Act may within a period of twelve months from the date of commencement of these rules, apply to the collector for the determination of the amount of compensation payable to him by the Panchayat :

Provided that the Collector may entertain the application after the expiry of the said period of twelve months if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

- (2) On receipt of an application the Collector, shall issue notice to the Panchayat and after giving opportunity of being heard and after making such enquiry as may be considered necessary, shall determine the amount of compensation payable by the panchayat.
- (3) Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the Collector finds that more than one persons are entitled to compensation he shall apportion the amount there of amongst such persons.
- (4) The amount of compensation shall be determined in accordance with the following principles :—
 - (a) If the Land has been sold by the Panchayat, the amount of compensation of the land shall be the same as received by it from the vendee.
 - (b) If the land is utilised by the Panchayat for any of its purposes, the amount of compensation shall be determined by working out an average of the sale proceeds of the lands of the same nature and kind sold in the village during the last three years and if no such land has been sold in the village reasonable price as may be determined:—

Provided that the payment of such compensation shall be made in six equal annual instalments if the amount involved is more than Rs. 300."

(1) The Committee recommends that in sub-rule (1) of rule 15 in line 4. for the word "determination" the word "determination" be substituted. 15

(2) The Committee further recommends that for the word "Collector" wherever occurring in this rule the words "Assistant Collector" be substituted. 16

(3) The Committee also recommends that after the word "Village" occurring for the first time in sub-rule (4) (b) of rule 15, the words or "neighbouring Village", be inserted. 17

Rule 17.

"17. The manner and the order of priority in which the excess area is to be utilised by the Collector under sub-section (1) of section 5.—(1) (i) The landless tenants and other tenants, ejected or to be ejected in the village shall apply to the Panchayat for the allotment of surplus area of shamlat deh earmarked for the purpose not later than October every year.

Such applications, shall be acknowledged in writing and entered in the register of tenants by the Panchayats.—

(ii) The Panchayat shall formulate a proposal in the month of January every year for the allotment of the surplus area to the tenants and send the proposal to the Collector through the Panchayat Samiti for approval. The Collector shall ordinarily approve the proposal of the Panchayat. Where, however, there are complaints, the Collector may modify or return the proposal to the panchayat for submitting a revised proposal.

(iii) Where there are more tenants than the surplus area with the panchayat preference shall be determined by the order in which applications for resettlement were made and where the applications had been made simultaneously the priority shall be decided by drawing lots.

(2) (i) Applications for distribution of the remaining excess area of shamlat deh, if any, shall be made to the Panchayat within one month of the date of determination of such area by the Panchayat.

(ii) Such application will be acknowledged and entered by the panchayat in the Register to be maintained for the purpose.

** ** * ** *

16 The Committee recommends that in part (ii) of sub-rule (1) of rule 17 in first line after the word "formulate" the words "with the help of concerned Block Development and Panchayat Officer", be inserted.

19 The Committee further observes that in part (ii) of sub-rule (2) of rule 17 for the word "will", the word "shall" be substituted.

Rule 18.

"18. Demarcation of the surplus area.—(1) The panchayat having excess area in accordance with section 5 of the Act shall notify to the Patwari concerned the area to be kept under its control and that to be allotted to landless tenants and other tenants ejected or to be ejected to be distributed among small land holders of the village.

(2) *** ** *

20 The Committee observes that in sub-rule (1) of rule 18, in line 5, for the word "or" occurring after the words "to be ejected" the word "or" be substituted.

Rule 19:—

“19. Unauthorised occupation of shamlat deh.—For purposes of section 7 of the Act, a person shall be deemed to be in unauthorised occupation of any land in shamlat deh :—

- (a) Where he has, whether before or after the commencement of the Act, entered into possession thereof otherwise than under and in pursuance any allotment, lease or grant the Panchayat ; or
- (b) where he being an allottee, lessee or grantee, has , by reason of of the determination or cnancellation of his allotment, lease or grant in accordance with the terms in that behalf, therein contained, ceased whether before or after the commencement of the Act, to be entitled to occupy or hold such land in shamlat deh ; or

The Committee observes that in rule 19, line 2, for the word “unaathorised” the word “unauthorised” be substituted.

The Committee also observes that in part (a) of rule 19, in line 3, after the word “in pursuance” the word “of” be inserted.

The Committee further observes that in part (b) of rule 19, in lines 1 and 2 for the words “le-see” and “cnancellation” the words “lessee” and “concellation” be substituted, respectively.

23

Rule 20:—

“20. Issue of notice to show cause against order of eviction.—(i) If the Assistant Collector of the 1st grade is of opinion that any persons are in unauthorized occupation of or claim interest in the land in shamlat deh situated within his jurisdiction and that they should be evicted, he shall issued in the manner hereinafter provided a notice in writing calling upon all the persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall :

- (a) specify the grounds on which the order of eviction is proposed to be made ; and
- (b) require all persons concerned, that is to say, all persons who are or may be in occupation of, or claim interest in the land in shamlat deh, to show cause, if any, against the proposed

order on or before such date as is specified in the notice being a date not earlier than ten days from the date of issue thereof.

- (3) The Assistant Collector shall cause the notice to be affixed outside the panchayat Ghar or any other building used as office by the panchayat and at some conspicuous places of the estate in which the land in shamlat deh is situated, whereupon the notice shall be deemed to have been duly given to all persons concerned.
- (4) Where the Assistant Collector knows or has reasons to believe that any persons are in occupation of the land in shamlat deh, then without prejudice to the provisions of sub-rule (3) he may, cause a copy of the notice to be served on every such persons, or by delivering or tendering it to that person or by registered post "or tendering it to that person."

The Committee observes that in sub-rule (1) of rule 20 4, for the word "iss-ed" the word "issue" be substituted.

The Committee further observes that at the end of sub-rule (4) of rule 20, after the word "Registered post" the words "with acknowledgement due", be inserted.

Rule 21-A.

"21-A. Appeal against the order of the Assistant Collector of the 1st Grade.—The memorandum of appeal to the Collector shall be accompanied by an attested copy of the order appealed against and shall indicate :—

- (a) details of the order appealed against ;
- (b) grounds of appeal ; and
- (c) remedy sought."

The Committee observes that at the end of the rule 21-A the following be added :—

"provided that appeal may be filed, if the order under appeal is of urgent nature, without certified copy, subject to the filing of certified copy of the order appealed against subsequently."

During the course of oral examination the Departmental representative stated that the exact wording of the proviso to be added would be decided by the department in consultation with the law Department.

The Committee recommends that the said rule be amended at the earliest and the final decision taken thereto be intimated to the Committee.

Rule 23,—

“23. Repeal.—The Punjab Village Common Lands (Regulation Rules, 1955, published with Punjab Government Revenue Department, Notification No. 5557-Rc-54-216, dated the 18th February, 1955 and the Pepsu Village Common Land Regulation Rules, 1955, published with Pepsu Government Revenue Department, Notification No. 6 Agr., dated the 15th October, 1955, are hereby repealed :—

Provided that any a taken or any thing done under the rules he repealed shall be deemed to have been taken or done under the corresponding provisions of these rules.”.

The Committee observes that at the end of the rule for the sign“:—.” 27 the sign “:”, be substituted.

The Committee further observes that in proviso to rule 23 in the second 28 line for the word “he” the word “so” be substituted.

**THE HARYANA LAND HOLDINGS TAX RULES, 1973 FRAMED
UNDER THE HARYANA LAND HOLDINGS TAX ACT, 1973.**

Rule 4—

“4. (1) The Assessing Authority shall cause to be prepared a list in form I (Parts A and B) and get it checked by an official not below the rank of a Kanungo.

(2) The Assessing Authority shall, after satisfying himself as to the correctness of the particulars given in the list, cause the same to be displayed in the offices of the Tehsildar and the Gram Panchayat, if any. The fact of the list having been displaced shall also be got announced by a beat of drum in the village and certified by attestation of a Lambardar and two other non-official witnesses in form II and the Patwari shall make an entry in this regard in the daily diary.

(3) *** *** *** *** ***
(4) *** *** *** ***”

The Committee observed that the following new sub-rule (2A) be added to rule 4 :—

“(2A) In addition to the procedure mentioned in sub-rule (2), the Assessing Authority shall cause the details of the tax and particulars of the land got served on the affected land-owners personally.”.

The Department in their written reply stated that rule 4(2) of the Haryana Land Holdings Tax Rules, 1973, prescribed the procedure of levy of tax and that of display of assessment lists in the offices of Tehsildar and the Gram Panchayat. The fact of the list having been displayed was to be got announced by the beat of drum in the village and certified by attestation of a Lambardar and two other non-official witnesses and the Patwari was to make an entry in that regard in his daily diary.

It was further stated that the assessment lists were prepared, checked and displayed, as required in Section 7 of the Haryana Land Holdings Tax Act, 1973 and rule 4(2) at the time of the enforcement procedure was adopted. No provision exists for preparation of these assessment lists afresh. However, in accordance with sub-section (5) of Section 7 of the Act, the amount of tax levied on a land holding, on the basis of the lists prepared under sub-section (4), is to be varied as a result of inheritance, transfer or otherwise before the 1st day of May of the following year. There is at present, no procedure to inform such affected persons about the changes made in assessment of tax. If the Committee so desires, such affected persons (in whose case the tax is to be varied as a result of inheritance, transfer etc.) can be informed about the proposed changes before the assessment is finalised in their cases.

During the course of oral examination of the Departmental representatives, the Committee stated that its intention was that in addition to the procedure mentioned in sub-rule (2), the Assessing Authority should cause the details of the tax and particulars of the land served on the affected land-owners personally. The Departmental representatives stated the procedure for the levy of the tax as provided under the Act. According to Section 5 of the Act, the rates specified shall continue for a period of thirty years. As such, the list of assessment having already been prepared would remain in force for this period unless there was change with regard to the holding on account of inheritance, transfer etc. The procedure for the levy of tax has been specified under section 7 of the Act and sub-section (5) of this section provides for the change in the tax leviable on the holdings on account of such transfer etc. Therefore, at this stage, the necessity of the fact of the list of assessment having been displaced or having been served personally need not arise.

The Committee enquired that in cases where the tax leviable has to be changed on account of inheritance etc. the affected persons should be informed personally so that they are able to file objections, if any, to the contemplated change.

The departmental representative in reply stated that the necessity for providing such a procedure that the affected persons on whose holdings the tax leviable has to be changed on account of inheritance etc. can be informed personally for enabling them to file objections, if any, before the revised assessment is finalised and this proposal would be examined and the Committee informed.

The Committee observes that the said proposal of the Committee be examined threadbare and Committee informed at the earliest.

Rule 6—

- "6. (1) *** **
- (2) *** **

- (3) The memorandum of appeal shall be presented to the appellate authority either by the appellant or his duly authorised agent and it shall be signed and verified in the manner in which plaints are verified.

- (4) *** **
- (5) *** **

The Committee observed that in sub-rule (3) of rule 6 for the words "and verified in the manner in which plaints are signed and verified" the words "or thumb marked" be substituted.

During the course of oral examination, the departmental representative stated that they would examine the proposed amendment in the light of the procedure being followed for filing appeals in Civil cases.

The Committee recommends that the rule 6 be examined and amended in the light of the said observation of the Committee.

Rule 8—

- "8. Save as otherwise provided in these rules, the notices or orders under the Act shall be served on the parties concerned in one or more of the following manners, namely :—

- (i) by personal service ;
- (ii) by registered post ;
- (iii) by pasting it outside the house of the party or at a conspicuous place near the land in dispute in the village in whose revenue estate the land is situated ;
- (iv) by announcing its contents by a beat of drum in the abadi of revenue estate or at a place near the land in question ; and
- (v) by publication in the newspaper."

The Committee observed that in part (v) of rule 8 after the words "In the" the word "vernacular" be inserted.

The departmental representative during the course of oral examination stated that the question of adding the words "including vernacular newspaper" at the end of rule 8 (v) after the words "by publication in the newspaper" would be considered.

7 The Committee recommends that rule 8 be amended accordingly.

Revenue
**THE HARYANA CEILING ON LAND HOLDINGS RULES, 1973,
FRAMED UNDER THE HARYANA CEILING ON LAND
HOLDINGS ACT, 1972.**

The Committee, after going through the replies to the observations made by the Committee in respect of the Haryana Ceiling on Land Holdings Rules, 1973, framed under the Haryana Ceiling on Land Holdings Act, 1972, and having orally examined the representative of the Revenue Department, makes the following recommendation:—

**FORM I
DECLARATION FORM
(Under Section 9)**

Presented to

Declaration by _____, son of _____ village _____
_____, Tehsil _____ District _____
_____ under section 9 of the Haryana Ceiling on Land
Holdings Act, 1972, regarding particulars of land owned by him and his
family and selection of permissible area for him and his family members.

**PART A
Details of family members**

Serial No.	Name	Age as on 24-1-1971	Relation- ship with the declarant	Permis- sible area in terms of 'C' Category land	Remarks
1	2	3	4	5	6
(a)	Primary Unit			21.8 hectares	
	(1)				
	(2)				
	(3)				
	(4)				
	(5)				

1	2	3	4	5	6
---	---	---	---	---	---

(b) Additional members :—(i.e. minor children in addition to the above 3 excepting married minor daughters).

(6)

(7)

(8)

(9)

(10)

(c) Separate Unit :—(i.e. adult sons living with their parents or either of them, in case of death of any such son, his widow/children).

(1)

(2)

(3)

(4)

(5)

Total permissible area in terms of _____ hectares

C Category

or

_____ Kanals.”.

While making reference to Form I regarding variation to land owned by a person and his family and the selection of permissible area, Committee is of the view that in part 'A' for the words and figures "Age as on 24-1-1971" the words "Age on the date of the filling the forms/claims and age as on the date of the decision of the Case" may be substituted.

The departmental representative during the course of oral examination stated that the appointed by day i.e. 24-1-1971 has been fixed as the crucial date for the determination of the surplus area of a landowner. However, the Committee felt that the age on the date of filling the forms/claims and age as on the date of the decision of the case should be taken into consideration. The Departmental representative stated that the said matter was pending in the Punjab and Haryana High Court and the action would be taken in accordance with the decision of the High Court when announced. The Committee, accordingly, recommends that Form I be amended in the light of the decision of the High Court as and when announced.

THE EAST PUNJAB CONSERVATION OF MANURE RULES,
1949, FRAMED UNDER THE EAST PUNJAB CONSER-
VATION OF MANURE ACT, 1949.

General :

(1) The Committee, while going through the East Punjab Conservation of Manure Act, 1949, and scrutinising the East Punjab Conservation

of Manure Rules, 1949, observed that these Act and Rules were framed/enacted before the coming into force of the Constitution of India in 1950 and the Re-organisation of the Punjab State in the years 1956 and 1966. The Departmental Representatives in their written reply stated that the said Act and Rules were enacted in the year 1949 and that the same stand extended to the whole of the State of Haryana and amended upto 1968. The Committee observes that these Rules and Act have since become obsolete with the change in circumstances and requires re-enactment by repealing the said Act and Rules, inasmuch as the words "East Punjab" occurring in the said Act and Rules have become redundant. Moreover, the definitions of "Committee" in section 2 (a) and of "manure" in section 2 (h) etc. of the Act required amendment.

The Committee, therefore, recommends that the said Act and Rules may be repealed and fresh legislation be enacted to suit the modern agricultural economy of the State.

(2) The Committee notices that there is neither preamble appended to the Rules nor there is any mention made of the Act in the Rules under which these rules have been framed. Further, there is no mention in the margin of each rule of the section of the Act under which a particular rule has been framed.

The Committee observes that there should be preamble, reference of the Act and the section under which the Rules in general and in the margin of each rule the reference of the section under which each rule has been framed should be indicated for the general public to understand under what precise authority a particular set of rules or a particular rule has been framed.

During the course of oral examination the Departmental representative agreed to take necessary action in the matter in consultation with the Legal Remembrancer, Haryana. The Committee, accordingly, recommends that the said Act and Rules framed thereunder be amended in the light of the said observations of the Committee.

Rule 3.

- "3. (a) The pit shall be filled up from shallower end (where the depth is less) and daily collections shall be evenly deposited over a small length of 2 and 3 feet till level of manure reaches a height of $1\frac{1}{2}$ to 2 feet above the ground level. The manure shall then be covered with a 1 to 2 inch layer of dry earth. This process shall be continued till the entire pit is filled up from one end to the other.

(b) * * * * *

The Committee observed that the Indian system of feet, inches etc. used in rules 2 and 3 and in subsequent rules be changed into new metric system.

During the course of oral examination the Departmental representative stated that necessary changes would be incorporated.

The Committee, accordingly, recommends that the Indian system of feet, inches etc. used in rules 2 and 3 and in subsequent rules be changed into new metric system.

Rule 5.

"5. The funds of the Committee shall be kept in the custody of the Chairman, who will deposit the same in the nearest Co-operative Bank or the Post Office Savings Bank."

The Committee observed that at the end of Rule 5, the words "or a scheduled Bank", be added.

During the course of oral examination the Departmental representative stated that above change would be incorporated.

The Committee, accordingly, recommends that at the end of Rule 5, the words "or a scheduled Bank", be added. S

Rule 7.

"7. The Committee shall not charge rent exceeding Re 1. per annum for a piece of land measuring 625 sq. feet, or fraction thereof."

During the course of oral examination the Departmental representative stated that the change would be made accordingly.

The Committee accordingly, recommends that at the end of Rule 7, the words "for conservation of manure", be added. L

Rule 9.

"9. All summons issued by the Committee shall be signed by the Chairman of the Committee."

During the course of oral examination, the Departmental representative stated that the change would be incorporated accordingly.

The Committee, accordingly, recommends that at the end of Rule 9 the words "and the process of service of summons shall be the same as prescribed in the Criminal Procedure Code" be added. 7

FORM-I

The Committee observed that in Col. 1, for the word "month" the word "Date" be substituted.

During the course of oral examination, the Departmental representative stated that the change would be incorporated accordingly.

9 The Committee recommends that in Col. 1, for the word "Month" the word "Date" be substituted.

9 The Committee observed that the date and the areas to which this Act and Rules came into force/enforced in the State of Haryana be indicated in the foot-note of the Act and Rules so that the legislators in particular and the public in general may know the facts.

10 The Committee further observed that the Committee on conservation of manure be constituted hereinafter under section 2(a) of the Act, besides the Panches/Sarpanches should also consist of an officer of the Health Department in order to clear the dirt and maintaining the cleanliness of the area.

11 The Committee also observed that clause (b) of section 2 of the Act be suitably amended in the light of the recent enactment i.e. "the Code of Criminal Procedure, 1898" be substituted by the "the Code of Criminal Procedure, 1973". Similarly an amendment may be made in another provision of the Act, viz. in clause (J) of section 2 for the words and figures "the Punjab Village Panchayat Act, 1939" be substituted by "the Punjab Gram Panchayat Act, 1952 and in section 18 for "the Legal Practitioner Act, 1879" the reference of the "legal Practitioners Act, 1961" be substituted

During the course of oral examination the Departmental representative stated that the proposed changes would be incorporated.

12 The Committee, accordingly, recommends that the said Act and Rules framed thereunder be amended in the light of the observations of the Committee

13 The Committee observed that no rules have been framed under clauses (b) (c), (d), (f) and (i) of sub-section (2) of section 23 of the Act and it is not understood as to how in the absence of the rules framed under these provisions, the purposes of the Act are being carried out.

14 The Committee further observed that in the rule under clauses (f) of sub-section (2) of section 23, the mode of raising funds and the powers of the Chairman and the Committee to spend the amount out of the funds, be clearly specified.

During the course of oral examination, the departmental representative stated that action was being taken in the light of the observations of the Committee.

The Committee, accordingly, recommends that the rules under the said sections of the Act be framed and in the rule under clause (f) of sub-section (2) of section 23, the mode of raising funds and powers of the Chairman and the Committee to spend the amount out of the funds, be clearly specified. 15

THE PUNJAB LAND REVENUE (THUR, SEM, CHOS AND
SAND) REMISSION AND SUSPENSION RULES, 1960,
FRAMED UNDER THE PUNJAB LAND REVENUE *Revenue*
ACT, 1887.

The Committee, after going through Section 64 of the Punjab Land Revenue Act, 1887, scrutinised the Punjab Land Revenue (Thur, Sem, Chos and Sand) Remission and Suspension Rules, 1960, framed thereunder and made the following observations :—

Rule 16—

“16. On receipt of Form B the Collector may remit the land revenue, as proposed therein, if the total amount to be remitted for the tehsil does not exceed Rs. 3,000 or suspend it if it exceeds this limit and forward the proposal for remission to the Commissioner of the Division for sanction. The order of suspension or remission thus made by the Collector or the Commissioner, as the case may be, shall be conveyed to the Tehsildar concerned immediately who shall give effect to it. Necessary changes in the Dhal Bachh and other relevant papers shall be made accordingly.”.

The Committee observes that for figures “3,000” the figures “Rs. 5,000”, in the said rule, be substituted.

Rule 18—

“18. A parcha in Form D of the filed numbers mentioned in Form C shall be delivered to the land owners in the manner laid down for the service of summons in sub-sections (1) and (2) of section 90 of the Punjab Tenancy Act, 1887.”.

The Committee observes that in line 2 of the said rule after the word “Land owners”, the words “personally and” be inserted.

Rule 19—

- “19. (1) After the parcha has been delivered in accordance with the provisions of rule 18 the land owner may, within a period of fifteen days of the date of its delivery, file his objections with the Tehsildar or Naib-Tehsildar concerned who shall after making such inquiries as he may deem proper pass such orders as he may deem fit. As far as practicable such orders shall be passed every year before the tenth of May.
- (2) After the objections have been disposed of under sub-rule (1) the Tehsildar shall forward a consolidated statement in Form E of all the statements forwarded to him in Form C alongwith a copy each of the orders passed by him on the objections preferred under sub-rule (1) to the Collector of the district who may confirm the revival of assessment of land revenue with or without amendment.”.

3 The Committee observes that at the end of the sub-rule (2) of the said rule, after the word “amendment” the words “and intimate the decision to the persons concerned” be added.

4 The Committee observe that the Punjab land Revenue (Thur, Sem, Chos and Sand) Remission and Suspension Rules, 1960, were framed under the Punjab land Revenue Act, 1887. The Committee wanted to know from the Department whether these rules were made applicable to the Haryana State by the Haryana adaptation of laws/orders, or, if so, why no reference was made in the rules or foot-note of the rules to this effect.

The department in their written reply stated that the Punjab land Revenue Act, 1887, was adopted by the Haryana State and the rules framed under the said Act automatically stand adopted in the Haryana State. The Punjab Land Revenue (Thur, Sem, Chos and Sand) Remission and Suspension Rules, 1960, deals with the remission and suspension of land revenue in respect of such fields as are rendered unfit for cultivation due to Thur, Sem, Chos and Sand. However, with the enforcement of Haryana Land Holdings Tax Act, 1973, the land revenue is not levied. The land affected by Thur, Sem, Chos and Sand has been classified as class V land, as shown in Schedule I of the Haryana Land Holdings Tax Act, 1973 and is taxed as such under the Act. Under these circumstances, the Punjab Land Revenue (Thur, Sem, Chos and Sand) Remission and Suspension Rules, 1960, were not in vogue and no useful purpose would be served by amending these rules at this stage.

During the course of oral examination the Committee observed that if the said rules were not in vogue and were not needed why these were not got repealed. The Departmental Representatives in reply stated that it would be examined.

The Committee recommends that the case regarding repealing the Punjab Land Revenue (Thur, Sem, Chos and Sand) Remission and Suspension Rules, 1960, be examined at the earliest and the Committee be informed accordingly

**THE HARYANA DEVELOPMENT AND REGULATION OF
URBAN AREAS RULES, 1976, FRAMED UNDER THE
HARYANA DEVELOPMENT AND REGULATION
OF URBAN AREAS ACT, 1975.**

T + C.P

The Committee, after examining the written replies to the observations of the Committee in respect of the aforesaid Rules and orally examining the departmental representative, made the following recommendations :—

Rule 2—

“2. In these rules unless the Context otherwise requires,—

- | | | | |
|-----|---|----|-------|
| (a) | ** | ** | ** |
| (b) | “amenity” includes roads, water-supply, street lighting, drainage, sewerage, public parks, schools, hospitals, community centres and other community buildings, horticulture, land scaping and any other public utility service ; | | |
| (c) | ** | ** | ** |
| (d) | ** | ** | ** |
| (e) | ** | ** | ** |
| (f) | ** | ** | ** .” |

The Committee recommends that in sub-clause (b) of the said Rule, after the word “schools” the words “play grounds” be inserted.

Rule 3—

“3. (1) Any owner of land desirous of setting up a colony shall make an application in writing to the Director, in Form LC-I and shall furnish therewith,—

- | | | | |
|-----|----|----|----|
| (a) | ** | ** | ** |
| (b) | ** | ** | ** |

The Committee observed that rate of payment of fees for preparation of layout plans etc. to be determined has been left to the discretion of the Director in the said rule. The Committee recommends that some reasonable criteria be laid down in the rule itself.

During the course of oral examination the Departmental Representative accepted the said observation of the Committee, and stated that the form in which the rule is to be amended, it would be considered by the Government and the Committee would also be informed.

The Committee, accordingly, recommends that rule 6 be amended in the light of the said observation of the Committee.

Rule 8.

"8 (1) On receipt of application in the prescribed form and complete in all respects, the Director shall inquire into the following matters and such other matters as he may consider necessary—

(a)	**	**	**
(b)	**	**	**
(c)	**	**	**
(d)	**	**	**
(e)	**	**	**
(f)	**	**	**

(2) Before making enquiries under sub-rule (1), the Director shall, by an order in writing, require the applicant to furnish, within a period of thirty days from the date of service of such order a scrutiny fee at the rate of fifteen paise per square metre, calculated for the gross area of the land under the colony, in the form of a demand draft in favour of the Director and drawn on any scheduled bank :

Provided that on a request in writing from the applicant within the aforesaid period, for the extension of time limit, the Director may, if satisfied of the reasons given therein, extend such time as he deems fit.

(3)

*

**

**.”

The Committee recommends that in line 4 of proviso to sub-rule (2) of the said rule, after the word “time” the sign and words “,not exceeding thirty days,” be inserted.

Rule 9.

“9. The Director may after making inquiry as mentioned in sub-rule (1) of rule 8 and after giving reasonable opportunity of being heard to the applicant by an order in writing reject the application to grant licence in form ICII, if—

- | | | | |
|-----|----|----|------|
| (a) | ** | ** | ** |
| (b) | ** | ** | ** |
| (c) | ** | ** | **.” |

The Committee recommends that in line 4 of the aforesaid Rule, for “form ICII” substitute “form LC-II.”

Rule 11.

“11. (1) The applicant shall—

- | | | | |
|-----|--|----|------|
| (a) | ** | ** | ** |
| (b) | ** | ** | ** |
| (c) | ** | ** | ** |
| (d) | undertake responsibility for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of the completion Certificate under rule 16 unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health service free of cost to the Government or the local authority as the case may be ; | | |
| (e) | ** | ** | ** |
| | ** | ** | ** |
| (f) | | | |
| (2) | ** | ** | **.” |

The Committee recommends that in line 7 of clause (d) of sub-rule (1), after the word “authority” sign “;” be substituted.

Rule 12.

"12. (1) After the applicant as fulfilled all the conditions laid down in rule 11 to the satisfaction of the Director, the Director shall grant the license in form LC-V.

(2) ** ** **."

The Committee recommends in sub-rule (1) of the said rule, for the word "as" the word "has" be substituted. 9

Rule 13.

"13. In case a colonizer fails to complete the development works within the period specified in sub-rule (2) of rule 12 for the reasons beyond his control he may apply to the Director for the renewal of license in form LC-VI at least thirty days before the the expiry of the license and the said application shall be accompanied by :—

(i)	**	**	**
(ii)	**	**	**
(iii)	**	**	**
(iv)	**	**	**
(v)	**	**	**."

The Committee recommends that in line 3 of the said rule, after the word 'control' the sign " ," be inserted. 10

Rule 16.

"16. (1) ** ** **

(2) After such scruting, as may be necessary, the Director may issue a completion certificate in form LC-IX or refuse to issue such certificate stating the reasons for such refusal :

Provided that the colonizer shall be afforded an opportunity of being heard before such refusal."

The Committee recommends that in sub-rule (2) of the said rule, line 1, for the word "scruting" substitute the word "scrutiny". 11

Rule 18—

"18. (1) *** *** *** ***
 (2) *** *** *** ***

(3) After hearing the coloniser and considering such representation as he may, make cancel the Director may either the licence or grant him further time for complying with the requirements of the notice issued under sub-rule (1). If, however, the colonizer does not comply with the said requirements within such extended period, the Director shall cancel the licence, thereafter within a reasonable time shall cause a proclamation made in the locality about the cancellation of the licence by beat of drum

(4) *** *** *** ***

(5) *** *** *** ***."

The Committee recommends that in sub-rule (3), line 2 of the said rule, for the sign and words "make cancel the Director may either" substitute "make, the Director may either cancel".

The Committee also recommends that some reasonable time be fixed in sub-rule (3) of the said rule to the effect that within which a proclamation be made in the locality about the cancellation of the licence rather than leaving 'a reasonable time' to be fixed varying the time to be determined by the Director. The Departmental Representative during the course of oral examination agreed that the suggestion of the Committee is sound and as such a period of thirty days may be provided in the rule for the purpose. The Committee recommends that rule 18(3) be suitably amended accordingly.

Rule 19—

"19. After cancellation of the licence, if the area of the colony is acquired by the Government, it shall develop it and may reserve plots in equal number to the plots transferred or agreed to be transferred by the coloniser for the plot holders. The Government may as soon as possible allot such plots to them on first come first served basis provided they pay the price fixed by the Government either in lump sum within a period of thirty days of demand or in four equated annual instalments with interest thereon as determined by the Government.

Provided that after the expiry of a period of six months from such date as may be specified in the notice to be published in at least two prominent newspapers, the reservation of plots as aforesaid shall cease to exist".

The Committee recommends that in line 3 of the proviso to the said Rule, after the word 'newspapers' insert "one in English and the other in Hindi languages". 14

Rule 21—

"21 (1) Any person desirous of obtaining exemption from grant of licence under sub-section (1) of section 9 of the Act shall make an application to the Director in forms EC-I and EC-II for cases falling under clause (a) and (b) respectively of sub-section (1) of section 9 along with copies of layout plan and other documents specified therein in triplicate.

(2) *** *** *** ***."

The Committee recommends that in line 4 of sub-rule (1) of the said rule, for "clause" substitute "clauses". 15

THE HARYANA URBAN (CONTROL OF RENT AND EVICTION) RULES, 1976, FRAMED UNDER THE HARYANA URBAN (CONTROL OF RENT AND EVICTION) ACT, 1973. T + C P

The Committee, after going through the relevant provisions of the Haryana Urban (Control of Rent and Eviction) Act, 1973, and the Haryana Urban (Control of Rent and Eviction) Rules, 1976, makes the following observation :—

The Committee takes a very serious note that there is a gap of more than three years in the framing of the Rules and the enactment of the Act.

THE HARYANA MECHANICAL VEHICLES (BRIDGE TOLLS) RULES, 1975, FRAMED UNDER THE HARYANA MECHANICAL VEHICLES (BRIDGE TOLLS) ACT, 1974. B + 12

The Committee, after going through the provisions of the Haryana Mechanical Vehicles (Bridge Tolls) Act, 1974, and the Haryana Mechanical Vehicles (Bridge Tolls) Rules, 1975 and makes the following observation/recommendations :—

The Committee observes that the term "toll" has neither been defined in the Act nor in the rules framed thereunder.

The Committee, accordingly, recommends that this term "toll" should be properly defined.

The Committee desires that the list of the bridges, on which the bridge toll is charged, be supplied for the information of the Committee.

Rule 4—

"4. (1) There shall be provided at each end of a bridge a cross-bar for securing the stoppage of mechanical vehicles.

(2) It shall be the duty of the Toll Inspector and the police guard to ensure that the cross-bar is not lifted to allow passage to a mechanical vehicle until the toll in respect thereof has been paid in accordance with the provisions of the Act."

The Committee recommends that at the end of sub-rule (1) of rule 4, the words "and the cross-bar shall be fitted with a red light during the night" be added.

Health
THE HARYANA HOMOEOPATHIC PRACTITIONERS (GENERAL) RULES, 1975, FRAMED UNDER THE PUNJAB HOMOEOPATHIC PRACTITIONERS ACT, 1965.

The Committee, after going through the replies to the observations made by the Committee in respect of the Haryana Homoeopathic Practitioners (General) Rules, 1975, framed under the Punjab Homoeopathic Practitioners Act, 1965, and having orally examined the representatives of the Health Department makes the following observations/recommendations :—

The Committee observes that the Punjab Homoeopathic Practitioners Act was enacted in the year 1965, whereas the Haryana Homoeopathic Practitioners (General) Rules were finalised and published on the 8th January, 1975. The Rules were not framed for such a long period despite the recommendations made by the Committee that the rules should be framed within six months of the enactment of the Act and the Committee could not understand how in the absence of the rules the purposes of the Act were carried out whereas section 53 (1) of the Act provides that the State Government may, after previous publications and by notification make rules to carry out all or any of the purpose of the Act.

✓ The Committee observes that there are number of spelling/printing mistakes in the body of the Rules, viz. Proviso of sub-rule (2) of Rule 7 etc. Therefore, such mistakes may be rectified and the Rules be got republished after carrying out all the corrections and amendments suggested by the Committee.

3 | The Committee recommends that Rules under section 53(2)(a) of the said Act for conducting the election of Practitioners entitled to be members of the Council etc. be framed at the earliest and the Committee be informed accordingly.

The Committee observes that regulations under section 54 of the Act be made by the Council with the previous sanction of the State Government for the purpose of carrying out the objects of that section and other provisions of the Act.

During the course of oral examination, the Departmental representatives stated that regulations would be framed within four months.

The Committee recommends that regulations under section 54 of the Act be made at the earliest and the Committee be informed accordingly.

Rules 2.

"2. In these rules, unless the context otherwise requires:—

(a) to (c) * * *

(d) "Committee" means a Committee appointed by the Council;

(e) to (i) * * *

(j) "Practitioner" means a person who practices the Homoeopathic system;

(k) "Prescribed" means prescribed by rules or regulations made under the Act;

(b) to (q) * * *.

The Committee observes that the Committee as required under Section 3 of the Act and rule 2(d) be appointed.

The Committee recommends that in rule 2(j), in the definition of "Practitioner" after the words "Homoeopathic System" the words "of Medicine" be inserted.

The Committee further recommends that in rule 2(k), in the definition of "Prescribed" after the words "or regulations" the words "on forms" be inserted.

Rule. 3

"3 (1) The Registrar shall be a law Graduate having minimum experience of two years as Registrar in Homoeopathic Council with sufficient knowledge of Hindi. Preference will be given to a qualified Homoeopath. He shall be a whole time salaried officer in the grade of Rs 350—25—500/30—650 and he shall receive such allowances as may be admissible to a Government servant of similar scale under the Government:

Provided that the Council may with the previous approval of the Government, appoint any person who fulfills the above qualifications as part-time Registrar and the person so appointed

may be paid such remuneration as the Government may fix.

(2) to (8) * * * * *

The Committee observes that the qualifications "law graduate" laid down in sub-rule (1) prescribed for the appointment of Registrar in the Medical profession is unnecessary. A qualified Homoeopath be selected for the post and the Committee be informed accordingly.

During the course of oral examination the Department representatives stated that the matter would be examined in the light of the said observations and the decision of the Government in the matter would be intimated to the Committee.

The Committee recommends that the matter be examined at the earliest and the Committee be informed accordingly.

Rule 4—

"4. (1) and (2) * * * * *

(3) The Registrar may, after examining the application require the applicant to furnish such other information or documents and within such time as he may specify.

(4) If the Registrar, on receipt of the application under sub-rule (1) or on receipt of further information or documents required from the applicant under sub-rule (3) and after making such further enquiry as he may deem proper, is satisfied that the applicant is entitled to get his name entered in Part A or Part B of the Register as the case may be, he may issue to the applicant a registration-certificate in Form C, if he is not so satisfied, he shall reject the applications :

Provided that no order rejecting any application shall be passed without giving the applicant an opportunity of being heard.

(5) Every registered practitioner shall get his registration renewed every year within thirty days after the due date by paying a fee of Rs. 10 only.

(6) Where a renewal fee is not paid in time the Registrar shall remove the name of the defaulter from the Register;

Provided that a name so removed may be restored to the Register on payment of a fee of Rs. 15 within a period of two months after the due date."

The Committee recommends that in sub-rule (3), line 3 for the words "within such time as he may specify", the words "within such a reasonable time in which such information or documents can be obtained and filed" be substituted.

The Committee further recommends that in sub-rule (4), line 7, after the words "Form C" the word "immediately" be inserted.

The Committee also recommends that in sub-rule (4), line 7, after the words "he shall" Insert "after recording reasons in writing".

The committee is of the view that sub-rules (5) and (6) of rule 4 be deleted as they cause unnecessary harassment to the larger number of Homoeopathic Practitioners. Moreover, there is no provision in the Act empowering Council to levy such Renewal Fee. This aspect be examined by the Government and the Committee be informed accordingly.

However, the Committee would like to recommend that after deleting sub-rule (5) and (6), the fee prescribed for initial registration may be raised from Rs. 50/- to Rs. 100/-. 14

Rule 5—

- "5 (1) Diplomas /Degrees of Homoeopathic Institutions mentioned in Annexure-I appended to these rules and recognised by the Council shall be recognised for purpose of having names entered in Part A of the Register of Homoeopaths
- (2) The Council may, however, recognise more institutions from time to time and also derecognise any one or more institutions at any time".

The committee recommends that for sub-rule (2) the following be substituted :— 15

- "(2) The Council may, however, recognise or derecognise any institution after giving sufficient reasons in writing".

Rule 9—

- "9(1) Whenever information is received by the Registrar that any registered practitioner has been convicted of a cognizable offence or has been found guilty of conduct which, prima facie, constitutes infamous conduct in professional respect, the Registrar shall make an abstract of such information and of any further information he may have subsequently obtained.

(2) The detailed procedure in this respect is given below :—

- (a) Where the information in question is in the nature of a complaint by a person or body charging the registered practitioner with infamous conduct in any professional respect, such complaint shall be made in writing to the Registrar and shall state the grounds of complaints and shall be accompanied by one or more declarations as to the facts of the case.
- (b) Every declaration must state the description and true place of abode of the declarant and where the facts stated in declaration are not within the personal knowledge of the declarant, the source of the information and grounds for the belief of the declarant in its truth, shall be accurately and fully stated. Declarations or parts of declarations which are made in contravention of this rule shall not be accepted as evidence.
- (c) The complaint, and all other documents bearing on the case shall be submitted by the Registrar to the Chairman who shall when he thinks fit direct the Registrar to ask the registered practitioner by means of a registered letter for any explanation he may have to offer. The relevant papers including any explanation sent by the Registered Practitioner to the Registrar shall then be put up before the Chairman who shall consider the same and shall cause further investigation to be made and further evidence to be taken and if the Chairman is of the opinion that a prima facie case is not made out the case shall not be proceeded with further. Such decision shall be communicated by the Registrar to the complaint. If the Chairman is of the opinion that the circumstances warrant that an enquiry ought to be held in the cause, the Chairman shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Council.
- (d) An enquiry directed under the foregoing rules shall be instituted by the issue of notice in writing on behalf of the Council by the Registrar addressed to the registered practitioner. Such notice shall specify the nature and particulars of the charge and inform him of the day on which the Council intend to deal with the case and shall call upon the registered practitioner to answer the charges in writing and to attend before the Council on such day. The notice shall be

issued in Form-G with such variations as circumstances may require, at least three weeks before the date of enquiry. The Registrar shall also inform the complainant of the date so appointed where a complaint has been lodged.

- (e) All material and documents which are to be laid before the Council as evidence in the case shall be printed or typed and a copy thereof shall be furnished to each member of the Council before the hearing of the case.
 - (f) At the hearing of the case by the Council the registered practitioner and, where a complaint has been lodged, also the complainant will be entitled to be heard.
- (3) Where the complainant appears, the following shall be the order of procedure :—
- (a) The Registrar shall read to the Council the notice of the enquiry addressed to the registered practitioner.
 - (b) The complainant shall then be invited to state his case and to produce evidence in support of it.
 - (c) The registered practitioner will then be invited to state his case and to produce evidence in support of it. He may address the Council after the conclusion of his evidence or at any other stage with the permission of the Council.
 - (d) At the conclusion of the registered practitioners case the Council shall, if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will allow no further evidence except in any special case in which the Council may think fit to allow such further evidence. If the registered practitioner produces no evidence in defence, the complaint shall not be heard in reply except by special leave of the Council.
 - (e) Where a witness is produced by a party before the Council, he shall first be examined by party producing him and then cross-examined by the adverse party and then re-examined if allowed by the Council, by the party producing him. The Council may decline to admit in evidence any declaration where the declarant is not present or declines to submit to cross-examination.
 - (f) The Chairman of the Council may put question to any witness.

(4) Where there is no complaint or no complainant appears, the following shall be order of procedure :—

- (a) The Registrar shall read to Council the notice of enquiry addressed. to the registered practitioner and shall state the facts of the case and produce before the Council the evidence by which it is supported.
 - (b) The registered practitioner shall then be invited to state his case and to produce his evidence in support of it. He may address the Council at the conclusion of the evidence or at any other time with the permission of the Council.
- (5) The Council may, if it thinks fit, adjourn the hearing of a case from time to time, and shall inform the registered practitioner and the complainant accordingly. If they are not present or when the date which the heard is adjourned is not fixed forthwith the Registrar shall intimate to them the date by registered letter at least 15 days before the date so fixed.
- (6) (a) Upon the conclusion of the hearing, the Council shall deliberate in camera, and at the conclusion of the deliberation, the Chairman shall call upon the members of the council present to cast their votes on the following questions according to the nature of the charge, namely :—
- (i) Whether the registered practitioner has been provided to have been convicted of a cognizable offence.
 - (ii) If so, whether the offence discloses such defect of character as in their opinion is sufficient to make him unfit to practise his profession ?
 - (iii) Whether the registered practitioner has been guilty of an infamous conduct in a professional respect ?
- (b) If the majority of members present (Including the Chairman who shall have a casting vote in case of equality of the votes) vote in the negative, the registered practitioner shall be discharged.
 - (c) If the majority of the members present (including the Chairman who shall have a casting vote in case of equality of the votes), vote in the affirmative the council shall order the removal of the name of the practitioner
- (7) The Registrar shall, upon the removal of name from the Register pursuant to the provision of the preceding rules forthwith, send

notice of such removal to the Registered practitioner. Such notice shall be sent by registered letter addressed at the last known address or to the registered address of practitioner. The Registrar, shall also send forthwith intimation of any such removal to the Dean or Secretary or other corresponding officer of the institution from which the practitioner has received the qualification(s)".

The Committee, after going through rule 9, has come to the conclusion that the entire scheme of this rule is very confusing. The Committee recommends that this rule be substituted as under:—

"9 (1) On receipt of a complaint against a registered Practitioner the Registrar shall put up the complaint before the Chairman, who after satisfying himself, of the genuineness of the complaint, order the Registrar to call for the explanation of the respective practitioner. If the Chairman, after persuing the explanation, is satisfied that further enquiry should be conducted, shall place the matter before the Council. The Council shall then summon both the parties and conduct the enquiry by following the broad principles as laid down in the Criminal Procedure Code, 1973 pertaining to the complaints. 16

(2) When after disposing the complaint, the Council has come to the conclusion that the medical practitioner is guilty of professional misconduct or infamous conduct or has been convicted by a court of law on any of the aforesaid grounds, shall order the removal of his name from the register."

Rule II

"11 (1) & (2)

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(3) The statements in the application shall be verified by certificates in writing to be given by two respectable persons who reside in the neighbourhood of the place where the applicant has been residing since the removal of his name and who were and are well acquainted with him before and removal of his name. They shall testify to his present good character

(4) Before the application is considered by the Council the Registrar shall notify the same to the licensing bodies whose qualifications were held by the applicant at the time, his name was removed and shall further by letter addressed to the person or body (if any) on whose complaint the applicant's name has been removed, give notice of the application and of the time when the Council intends to consider the same.

- (5) The Council shall consider the applicant and may if it thinks, fit adjourn the consideration thereof to a further date or require further evidence or explanation from the applicant."

17 The Committee recommends that in sub-rule (3), after the words "before and" the word "after" be inserted.

18 The Committee further recommends that in sub-rule (4), line 4, after "addressed" the words "with acknowledgement due" be inserted.

19 The Committee also recommends that in sub-rule (5), line I, after "may" the sign "," be inserted and the sign "," occurring after the word "thinks" be deleted.

Rule 14

"14.(1) Every appeal preferred to the Council under section 17 of the Act shall be addressed to the Chairman of the Council and shall be accompanied by a fee of—

(a) twenty rupees, if it is an appeal against the order of the Registrar passed against the appellant.

(b) fifty rupees, if it is an appeal against the order of the Registrar passed against any person other than the appellant.

(2) Every appeal shall be deemed to have been duly presented if the same is sent by registered post, or is delivered personally or through an agent authorised in writing by the appellant in the office of the Council

(3) Every appeal shall be accompanied by a certified copy of order appealed against and shall contain the following particulars :—

(a) the date of the order against which the appeal is preferred ;

(b) the grounds of the appeal briefly but clearly set out.

(4) ** ** ** **."

20 The Committee recommends that in parts (a) and (b) of sub-rule (1), for the words "twenty" and "fifty" the words "ten" and "twenty-five", be substituted, respectively.

21 The Committee recommends that in sub-rule (2), line 2, after "registered post" the words "with acknowledgement due" be inserted.

The Committee also recommends that at the end of sub-rule (3), the following proviso be added :—

“Provided that appeal may be filed without certified copy within a reasonable time if the order under appeal is of urgent nature.”. 22

Rule 20

“20 Not-official other than M.L.As/M Ps at one 1st Class Railway fare *plus* incidental allowance and road mileage as well as daily allowance as admissible to a 1st grade government employee drawing a pay of Rs 1,000. The other conditions laid down in the Punjab T.A. Rules for Government employees will also apply to journeys performed by non-official members except where otherwise provided.”.

The Committee recommends that in rule 20, line 1, for the word “at” the words “shall draw travelling allowance at the rate of” be substituted. 23

Rule 23

“23. All moneys payable to the Council shall be received on behalf of the Council by the Registrar or any other employee of the Council authorised by him in writing in this behalf and shall be deposited in the Bank on the day following that on which these are received :

Provided that the Registrar may keep with him an amount not exceeding two hundred rupees as imprest money.

The Committee recommends that in proviso to rule 23, for the words “two hundred” the words “five hundred” be substituted. 24

Rule 26

“26. (1) The Registrar shall in the month of October each year or on such days the Chairman may fix, cause to be prepared estimates of the Income and Expenditure of the Council for the year commencing on the 1st of April of the next ensuing year and shall submit the same to the Council.

(2)	**	**	**	**
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(3)	**	**	**	**.”.
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The Committee recommends that in sub-rule (1), line 4, after “1st” the word “day” be inserted. 25

Rule 31

"31. (1) The following shall be the conditions on which leave may be granted to members of the Council to inspect the documents of the council unless they are required by its legal adviser in connection with his official duty :—

(a) A member shall give written notice of three clear days to the Registrar. When the Council is in session he may inspect any document on a short notice ;

(b) The subject of the documents required for inspection shall be stated ;

(c) No document shall be removed from the premises of the Council.

(2) The Registrar shall be held responsible for safe custody of all documents."

24 The Committee recommends that for the existing Rule 31, the following rule be substituted :—

"31 (1) The Registrar shall be held responsible for the safe custody of all documents

(2) Any member of the Council may inspect the documents in the presence of the Registrar".

During the course of oral examination the Departmental Representatives stated that the said observation of the Committee would be considered and the final decision taken thereon would be intimated to the Committee.

27 The Committee recommends that final decision on its above recommendations be taken at the earliest and the Committee be informed accordingly.

FORM-B

[See rule 4(1)]

**FORM OF APPLICATION FOR REGISTRATION OF HARYANA
HOMOEOPATHIC PRACTITIONERS**

(Under section 16 of the Punjab Homoeopathic Practitioners Act, 1965)

IMPORTANT : All particulars in this form must be filled in by the applicant in neat legible hand. Incomplete form are liable to be rejected.

To

The Registrar,
Council of Homoeopathic System of Medicines, Haryana,
C/o Director, Health Services, Haryana,
Chandigarh.

Dear Sir,

I request that my name may be entered in Part A/B of the Register of Practitioners maintained under the Punjab Homoeopathic Practitioners

Act, 1965, and that I may be furnished with a Certificate of Registration. Necessary particulars are given below :—

1. Name in full (in block letters)
(Maiden name also in case of married woman) ..
2. Father's name (Husband's name in case of married woman) and address
3. Date of birth ..
4. Name after marriage (if any) (only for married woman) ..
5. Residential address (in block letters)
6. (i) Number of entry in the Schedule appended to the Punjab Practitioners Act, 1965 under which registration is sought .. From.....to.....
(ii) All academic and professional qualifications with reference to relevant entry. ..
7. Place where at present practising (complete address) ..
8. Period of practising Homoeopathy
9. Have you any other profession ?
If so, name it ..
10. Please mention if your name is already registered in the register of any of the Board/Council. Give address of Registering Authority and Registration Number and Date. ..
11. (i) The prescribed fee of Rs 45 for entry in the Register, Rs 3 for issuing the Registration Certificate and Rs 2 as postage expenditure i.e. total Rs 50 have been sent through Money Order. ..

Receipt No. _____

Date _____

(ii) If the fee has been deposited
in the Registrar's office ..

Receipt No. _____

Date _____

Place : _____

Yours faithfully,

Date : _____

(Signature of the applicant)

X X X X X X X X.
The Committee recommends that in Form B, item 11 (i) after "Money
Order" the words "or Postal Order" be inserted.

FORM-G

[See Rule 9(2) (d)]

**Notice to the Registered Practitioners to attend proceedings for
removal of his name from the Register under Sector 26 of the Punjab
Practitioners Act, 1965.**

Sir,

On behalf of the Council of Homoeopathic System of Medicines, Haryana,
I give you notice that information and evidence has been laid before the
Council by which the complaints make the following charge against you,
namely :

(Here set out the circumstances briefly)

AND THAT in relation thereto you have been guilty of infamous conduct
in a professional respect.

Or, that you were on the _____ day of _____ convicted
of the following offence at viz. (set out particulars of the conviction).

AND I am directed further to give you notice that on the _____
day of _____ 19_____ a meeting of the Council will
be held at _____ at _____ O'clock in the _____ to
consider the above-mentioned charges against you, and decide upon the
disciplinary action to be taken against you. You are invited and required to
answer in writing the above charges and to appear before the Council at the
above-mentioned place and time to establish any denial or defence that you
may have to make up to the above-mentioned charges and you are hereby
informed that if you do not attend as required, the Council may proceed to
hear and decide upon the said charges in your absence.

ANY answer or other communication of application which you may
desire to make respecting the said charges, or your defence thereto, must be
addressed to the Registrar of the Council and transmitted so as to reach him

not less than _____ days before the day appointed for the hearing of the case.

(REGISTRAR)

X X X X X X X X.

The Committee recommends that in Form 'G', line 6 for the word "Complaints" the word "Complainants" be substituted.

29

Remission

ANNEXURE A

No. 9723-4PWII-77/36928

From

**The Financial Commissioner & Secy.
to Govt. Haryana, Irrigation & Power Department.**

To

1. The Commissioners, Ambala and Hissar Division.
2. All the Deputy Commissioners in the State of Haryana.

Dated Chandigarh, the 6th December, 1977.

Subject : Remission of ordinary water charges (Abiana) on Account of damage to the crop caused by the natural calamities.

Sir,

1. In supersession to the Haryana Government Memo No. 10625-4PWII-76/43508, dated 28th December, 1976 and No. 8030-4PWII-77, dated 18th August, 1977 on the above subject.

2. The issue of granting remission of ordinary water charges on account of damage caused by natural calamities to crops in Kharif 1976, and subsequent crops has been under consideration of the Government and it has been decided to grant remission of ordinary water charges as under.

- I. Where damage is caused by crop diseases or calamities such as Hail, Sever dust storms, Extensive Flooding, Rats, locusts or other pests.
 - (i) Claims for remission may be presented by the cultivator or the *Lambardar* of the affected area or the Sarpanch of the Gram Sabha of the area concerned to the Divisional Canal Officer or the Collector before the crop is cut. The Divisional Canal Officer or the Collector may also initiate suo motu proposals for the grant of remissions in case no claims are received.

(ii) The Divisional Canal Officer shall himself, or in consultation with the Collector, decide whether it is practicable to make field to field inspection of the affected areas. If so, the quantum of damage shall be as assessed in respect of each field by the inspecting officer and if the crop is,—

(a) more than 25 paise crop but less than 50 paise a crop then half shall be remitted.

(b) Less than 25 paise, the whole shall be remitted.

(iii) In case the Divisional Canal Officer either by himself or in consultation with the Collector decide that field to field inspection is not practicable, the quantum of damages to the crop will be assessed in relation to whole estates, or portions thereof or to groups of estates. If the Divisional Canal Officer and the Collector are agreed that remission shall be granted, and if the total remissions are not likely to amount to more than Rs 25,000/- in any canal division remission may be granted without further sanction. If remissions are likely to exceed this sum or if the Collector and the Divisional Canal Officer are not in agreement as to the necessity for granting remissions or as to the rate of remission to be granted, the case will be referred to the Commissioner of the Division, who will consult the Superintending Canal Officer. The reference should be in considerable detail, particularly in the event of disagreement between the Collector and the Divisional Canal Officer and the views of the both officers, with reason, fully given. If the Commissioner and the Superintending Canal Officer are not in agreement a further reference will be made to the Financial Commissioner, who will consult the Chief Engineer and if there is further disagreement the case will be referred to the Haryana Government for orders. The Commissioner and the Superintending Canal Officer, if in agreement, can grant remission up to one lakh of rupees without further sanction, and the Financial Commissioner and the Chief Engineer, if in agreement can grant remission up to any amount which they deem to be necessary

II. Powers relating to remissions under part I (ii) above where assessment of damage is on individual field.

In cases falling under Part I (ii) above where assessment of damage is on individual fields, the Divisional Canal Officer may remit up to Rs 100 in the case of each individual cultivator, subject to a maximum of

Rs 2,000/- in respect of a single estate, but where failure extends to a large part of an estate, the Divisional Canal Officer and the Collector may, after consultation, and by mutual agreement remit up to a maximum of Rs 500 in the case of each individual cultivator and Rs 10,000 in respect of a single estate.

III. Where wide spread damage arises, occurs or comes to light after the crop has been cut.

Where wide spread damage arises, occurs, or comes to light after the crop has been cut, claims for remission may be presented by the cultivators or lambardars of the affected area to the Divisional Canal Officer or the Collector, but no remission can be granted except under the express orders of Government.

It shall be the duty of the Canal and Revenue Officers to investigate the facts fully and submit a detailed report to Government which should contain their estimate of the quantum of damage which has occurred. The report should make as close an estimate as possible of the amount of damage expressed in terms of 5 paise in a rupee to the particular crop concerned taken over the whole of the revenue estate and not only over the fields in which damage has occurred. Such a calamity may effect a particular crop only but so far as that crop is concerned, it may be general over contiguous areas or may effect some fields and not other although the total extent of the damage is large :

- Notes.*—(a) A normal crop is represented by 100 paise and is on estimated to yield as much as the yield adopted by the Settlement Officer for that crop in framing his estimate of assets.
- (b) where there are two schedules of Water rates on a canal this implies that a normal crop on land subject to the lower schedule has a smaller yield than a normal crop on land subject to the higher schedule.
- (c) For the purpose of arriving at decisions required to be made by them under these instructions the Divisional Canal Officer or the Collector may, either by himself or by any officer subordinate to him, enter upon and inspect any portion of the affected area, as well as unaffected areas adjacent thereto.

Yours faithfully,

(Sd.) . . .,

Deputy Secretary Irrigation & Power
for Financial Commissioner and Secretary to Govt Haryana,
Irrigation & Power Department.

Endst. No. 9723-4PWII-77/36929, dated 6th December, 1977.

Copy is forwarded to the Chief Engineer, Irrigation Department, Haryana, Chandigarh, for information and necessary action with reference to his letter No. 2968/Rev(4)/1265/76, dated 1st September, 1977.

(Sd.) . . . ,

Deputy Secretary Irrigation & Power
for Financial Commissioner & Secy to Govt. Haryana,
Irrigation and Power Department.