

HARYANA VIDHAN SABHA

**REPORT**

OF

**THE COMMITTEE**

ON

**SUBORDINATE LEGISLATION**

**1982-83**

**FOURTEENTH REPORT**

(As Presented to the Haryana Vidhan Sabha  
on the 25th March, 1983)



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH  
MARCH, 1983.

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To be placed before the Committee



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## COMPOSITION OF THE COMMITTEE

(1982—83)

### Chairman—

Shri Vijai Vir Singh

### Members—

\*Shri Inderjit Singh

Shri Ishwar Singh

Shri Mahender Partap Singh

Ch. Nar Singh

Rao Nihal Singh

Master Shiv Parshad

\*Shri Sagar Ram Gupta

### Secretariat—

1. Shri Raj Krishan, Secretary.
2. Shri S.S. Sanghi, Under Secretary.

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The Committee was originally constituted vide Haryana Vidhan Sabha Secretariat Notification No. HVS-LA (Sub-Leg)-1/82-83/44, dated the 20th August, 1982.

\*Rao Inderjit Singh, MLA, resigned from the Membership of the Committee with effect from 11th January 1983, vide Notification No. HVS-LA (Sub-Leg) 1/82-83/1, dated the 13th January, 1983 and in his place Shri Sagar Ram Gupta, MLA, was nominated as Member of the Committee under rule 243(1) and (4) on the 21st January, 1983, by the Hon. Speaker vide Notification No. HVS-LA(Sub-Leg)-1/82-83/3, dated the 24th January, 1983.

## 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 fourteenth 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 20th August, 1982, and was notified vide Notification No. HVS-LA (Sub-Leg)-1/82-83/44, dated the 24th August, 1982.

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 Law Department in their deliberations.

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

CHANDIGARH :

The 23rd March, 1983.

VIJAI VIR SINGH,

CHAIRMAN.

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## REPORT

1. The Committee on Subordinate Legislation for the year 1982-83, 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 20th August, 1982 and was notified in the official Gazette, vide Notification No. HVS-LA (Sub-Leg)-1/82-83/44, dated the 24th August, 1982.

2. Shri Vijai Vir Singh was appointed as the Chairman of the Committee by the Speaker.

3. The Committee held 33 sittings only during their term. Before scrutinizing the rules and orders etc. framed under certain Acts, the Committee discussed its scope and functions and the procedure for scrutinizing the rules, regulations, orders etc. and also orally examined the various Departments of the State Government at initial stage in regard to the framing of rules under various Acts of the State Government.

### SCOPE AND FUNCTIONS OF THE COMMITTEE

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, bye-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 with in an Act of the Legislature ;
- (iii) whether it contains imposition of any tax ;
- (iv) whether it directly or indirectly bars the jurisdiction of the courts ;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power ;
- (vi) whether it involves expenditure from the Consolidated Fund of the State or the Public Revenues ;

- (vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made ;
- (viii) whether 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 order should be brought to the notice of the House, it may report that opinion and matter to the House.

In short, the functions of the Committee are to see if the rules framed by the Executive are within the scope of the delegation made under the Act and do not go beyond the scope of such delegation. If the Committee finds that any 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 etc. 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 is competent to send for persons, papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 248 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly, which reads as under :

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

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

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



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

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

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

The Committee has framed the working rules wherein the detailed procedure has been laid down. The copies of these rules were distributed to the members for their information and use. Generally, the Committee from time to time selects set of rules framed under the various Acts for their scrutiny and examine them at the first instance at their own level with the assistance of the law Department and the Vidhan Sabha Sectt. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders. After the rules / orders 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 have 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 legislature, if the rules go beyond the power delegated by legislature, the Committee may examine the same and report to the House.

4. The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules, 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.

However, some of the broad principles established by the Committee for the guidance of the Executive are stated below :—

- (i) As far as possible, guidelines / criteria to be followed by the authority concerned for the exercise of discretionary powers vested in it should be laid down in the rules.
- (ii) In cases where the authority concerned deviates from a norm, it should be required to record in writing the reasons for such deviation.

- (iii) Before any adverse action is taken against a party, it should be given a reasonable opportunity of being heard ; and after a decision adversely affecting a party has been taken it should have the right of appeal or representation, as the case may be.
- (iv) In order that the persons similarly placed are not treated differently, the powers of exemption/relaxation should be exerciseable in respect of categories or classes of persons, as contradistinguished from individuals.
- (v) In cases where an authority concerned is vested with the power to suspend a licence or supplies, pending institution of regular proceedings, a maximum time-limit for suspension should be laid down in the rules.
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well-defined, and not worded vaguely.
- (vii) In case of seizures and searches, suitable safeguards like the presence of witnesses, preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided.
- (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority also laid down in the rules.
- (ix) Statutory rules should be amended by statutory rules only and not by executive orders.
- (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic, sketchy or skeletal or needing further interpretation. It should be in simple language so that different people cannot put different interpretations. For example, expressions like 'unreasonably, large quantity', 'reasonable interval' or 'frequent intervals' etc. should be avoided.

## 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 :—

1. The Electricity (supply) Act was enacted in the year 1948 whereas the Punjab State Electricity Board Rules thereunder were framed in the year 1959 and the Punjab State Electricity Board (Chairman's Powers) Rules were framed in the year 1959.

2. The Punjab Agricultural Produce Markets Act was enacted in the year 1961 whereas the Haryana State Agricultural Marketing Board service Rules thereunder were framed in the year 1974.

The Committee observes that in some of the cases there is a great time lag of the enactment of the Act and the framing of the Rules. The Committee observes that it is not understood how in the absence of the rules and orders the purposes 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 their earlier thirteen reports. In spite of the repeated observations made by the Committee in this behalf in their previous Reports, the delay has still persisted in framing certain rules. The Committee reiterates the recommendations made in their previous reports and observes that ordinarily Rules should be framed as early as possible after the enactment of an Act and in no case this period should exceed six months. If no rules are framed within the said period after the enactment 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.

The Committee further recommends that whenever an ordinance is promulgated, the rules should be prepared simultaneously so that there should not be wide gap between the ordinance/Act and the rules.

## 2. Reference of Section under which Rules are framed

The main function of the Committee on Subordinate Legislation is to scrutinise and report to the House whether the powers to make regulations, rules etc. conferred by the Constitution or delegated by the Legislature are being properly exercised by the Executive within the delegation. The Committee observes that the Government Department generally supply the copies of rules without the preamble or note above the rules with the result that it becomes rather difficult for the Committee to know under what precise authority the rules have been framed. The Committee further observes that reference of the section under which each rule or order was framed is not indicated generally in the margin of each rule. The Committee is of the view that giving of reference of the section under which each rule has been framed in the margin of each rule is essential to enable the Committee and all concerned to know under what precise authority each rule has been framed.

The Committee reiterates the recommendations made in its earlier

Reports that whenever rules are supplied to 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 of the section(s) under which each rule has been framed, Government Departments 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.

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

### **3. (i) Supply of printed and up-to-date corrected copies of the Rules.**

The Committee observed that certain Departments supplied cyclo-styled copies of the rules for its scrutiny. During the scrutiny of the rules the Committee came across a large number of typographical/spelling mistakes in those 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, recommended that copies of the rules to be supplied to them by the Department should be in the printed form or in the form of Gazette in which they are published. If, however, it is not possible for the 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 to save its valuable time in pointing out such mistakes.

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

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

### **(ii) Footnote in the Acts and Rules**

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

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

#### **4. Publishing the Acts and Rules in Hindi.**

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 in the State Legislature, its authenticated Hindi translated version is also supplied to the Members. The Committee reiterates its earlier recommendation and recommends that all the Acts and Rules be translated into Hindi and made available to the legislators in particular and the public in general so that every body may be able to know the law of the land.

#### **5. Laying of Rules on the Table of the House.**

The Committee has observed that a majority of the Acts contain provisions requiring the Government merely to publish the Rules framed thereunder in the Official Gazette. There is no provision for laying them on the Table of the House, with the result that the House can exercise no direct check over them. The Committee is of the view that there should be uniformity in the provisions of the Acts delegating legislative powers and recommends that in future all the Acts, enacted by the State Legislature whether falling in the State List or Concurrent List of Seventh Schedule of the Constitution of India, contain provisions for making rules should invariably lay down provision for laying of rules on the table of the House as soon as possible and the House should have the power to consider them.

#### **6. Delay in laying Rules on the Table of the House.**

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

The Committee also recommends that in future each Government Department concerned should invariably forward with each set of "Orders", such as rules, regulation, bye-laws, etc., the following Statement of "Orders" in respect of which there has been delay in framing the orders and laying them on the Table for the information of the Committee.

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## ANNEXURE

Statement of "Orders" such as rules, orders, regulations, etc. in respect of which there has been delay in framing the "Orders" and laying them on the Table—

Sr. No.	Name of Order	Description of "Order"	Date of Publication in the Gazette	Date of laying on the Table	Approximate delay and reasons of delay, if any	Department concerned.
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**7. System for serially and centrally numbering the Statutory Rules, Orders and Notification etc.**

The Committee observes that the system of numbering the notification containing the amendments to the statutory rules, orders and regulations etc., should be strictly adhered to. In the absence of any definite system of numbering the notifications containing the amendments to the statutory rules, orders and regulations, etc., considerable difficulty is experienced by the courts and the public in keeping track of all the amendment and in determining the correct and up-to-date position of the rules etc. The necessity of adopting the system for serially and centrally numbering the statutory rules, orders and notifications etc. was emphasised in the Chief Secretary to Govt. Punjab, U.O No. 81 (51)-61, dated the 19th September, 1961, (Copy attached as Appendix of Eighth Report).

The Committee, therefore, recommends that all the Administrative Departments, when the rules, orders, regulations and notifications under any Act or ordinance, are framed, should assign a number to such rules, orders, regulations and notifications in accordance with the above said observations in consultation with the Law Department.

**8. Implementation of recommendation of the Committee.**

The Committee observes with great regret that the work regarding the implementation of recommendations/observations including the outstanding recommendations made by the Committee in its previous reports i.e. (Appendix II of the said Reports) Ninth, Tenth, Eleventh, twelfth and Thirteenth reports for the years 1976-77, 1978-79, 1979-80, 1980-81 and 1981-82 respectively, 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 further recommends that the action on the outstanding recommendations and observations/recommendations contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government, the Department concerned should supply a copy of the notification containing the amendment in the rules along with the statement showing the action taken by the Government in the implementations of its recommendations/observations.

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**1. Scrutiny of rules/regulations etc. framed under the Electricity (Supply) Act, 1948,**

**General**

1. The Committee was supplied with the cyclostyled copies of the Rules and Regulations framed under sections 78 and 79 of the Electricity (Supply) Act, 1948. The Committee scrutinized the Punjab State Electricity Board Rules, 1959, the Punjab State Electricity Board (Chairman's Powers) Rules, 1959, the Principles governing the terms and conditions and procedure in regard to supply of Electricity to consumers others than licensees etc. framed under the Electricity (Supply) Act, 1948 and the Haryana Government Electrical Undertakings (Dues Recovery) Rules, 1972, framed under the Haryana Government Electrical Undertakings (Dues Recovery) Act, 1970.

The Committee observed that there is great time lag between the enactment of the Act and the rules framed thereunder and desired that in future the Government should make Rules and Regulations within six months of the enactment of an Act.

2. During the course of oral examination the Committee enquired whether any amendment in the Rules and Regulations framed by the Government under the said Act were made since 1-11-1966. The departmental representatives stated that no amendment under these rules and regulations had been made since then. The Committee observed that the cyclostyled copies of these Rules and Regulations supplied to it contained large number of typographical mistakes. The Committee recommends that these Rules and Regulations be suitably amended and re-published and got printed so that these may be available to the Legislators in particular and public in general.

3. The Committee observed that they were supplied with the Haryana State Electricity Board schedule of tariffs, as revised by the Electricity Board vide its circular letter No 14/81, dated the 24-4-1981. The Committee observed that the department regulated the rate of tariffs and the terms and conditions of Electricity charges through the circular letter issued by the Board from time to time. In this connection, the attention of the Committee was invited to section 79(h) of the Electricity (Supply) Act, 1948, which provides for making regulations laying down the "Principle governing the fixing of Grid tariffs". During the course of oral examination the departmental representatives stated that they were charging the tariffs according to the following section 49 of Electricity (Supply) Act, 1948 :—

"Subject to the provisions of this Act and of any regulations, if any, made in this behalf, the Board may supply electricity



to any person not being a licensee upon such terms and conditions as the Board may from time to time fix having regard to the nature and geographical position of the supply and the purposes for which it is required.”.

The Committee observed that the Board is charging the tariffs through the letter or instructions issued by the Board and had not so far made the regulations under the said provisions of the Act. The Committee observed that the Board should make regulations with the approval of the State Government for levy of tariff and the terms and conditions therefor. The Committee further feels that the letters/instructions which are issued by the Board from time to time regarding the levy of tariffs at present are not laid on the Table of the State Legislature and the Legislators are deprived to discuss the same on the floor of the House. The framing of the regulations will enable the Members of the State Legislature to discuss the same in the House.

4. During the course of oral examination the Committee enquired from the departmental representatives whether there was any proposal to supply electricity for tubewells and agriculture purposes in the State at concessional rates. The departmental representatives stated that previously they supplied the Electricity at the rate of 20 paise per unit for agriculture sector, but recently it had been increased to 25 paise per unit. The Committee observed that neighbouring states of Punjab, Himachal, Uttar Pradesh, Delhi were charging Electricity for agriculture purpose at the rate of 12.50, 20, 18 36 and 21 paise per unit respectively.

The Committee observed that the Department/Board should explore the possibility of reducing the rate of supply of electricity for agricultural purposes from 25 paise to 20 paise per unit in the State of Haryana in order to give incentive to the agriculturists.

### Theft of Electricity

During the course of oral examination, the Committee enquired from the departmental representatives what steps had been taken by the Government/Board to check the theft of electricity. The departmental representatives stated that in order to keep a strict watch over the unlawful activities of the un-scrupulous consumers, periodical checking of consumer's was regularly done by the SDOs, Xens, S. Es/Operation and M.P. staff. Surprise raids were also carried out by the vigilance staff, to detect theft of energy cases. FIR was lodged with the police where artificial measures of stealing energy were found. In suspected cases of theft of energy, the consumers accounts were overhauled by reviewing the consumption data of the previous three years and legitimate dues were recovered. Disciplinary action was also initiated against the delinquent staff members found responsible for connivance with the public. In addition to the above special Task forces headed by Xen's. SOD's (OP) had also been constituted, in each circle who were visiting the urban as well as rural area regularly and sending monthly reports about the premises checked and theft detected. The various steps taken towards curbing the act of theft by the consumers, brought encouraging results and the theft of energy had been brought under control, considerably.

7 The Committee observed though the Board has been taking certain measures to check the theft of electricity in the State, yet there is lot of scope for improvement in the matter of detection of thefts of energy/ electricity of the State.

### Line Losses

8 6. On being enquired the departmental representatives stated that at present the line losses in the state of Haryana are 20%. They further stated that in the neighbouring state of Punjab it was 16% to 17%. The Committee observed that the line losses in the State of Haryana at the rate of 20% is very high and recommends that some effective steps should be taken by the Board to reduce it to the minimum possible to avoid the national loss.

### 2. Scrutiny of the Punjab State Electricity Board Rules, 1959, framed under the electricity (supply) Act, 1948.

#### General

9 The Committee, while going through the provisions of the Act and the Rules, observed that the department should not have taken ten years to frame the rules.

10 The Committee further observed that the above rules should be amended, keeping in view the changing developmental activities of the Board, after carrying out all the amendments made in the said Rules after 1-11-1966.

The department during oral examination agreed to amend the above rules accordingly and to inform the Committee.

### Rule 5

"5. Remuneration of the Chairman and Members of the Board shall be fixed by the Government in each case subject to the following conditions :—

(a) Chairman :—

(i) \* \* \* \* \*

(ii) \* \* \* \* \*

(iii) If a non-official Chairman, he shall get gross monthly emoluments not exceeding Rs. 1,500 per mensem.

(iv) \* \* \* \* \*

(b) \* \* \* \* \*

11 The Committee observed that rule 5(a) (iii) and rule 5(b)(iii) be suitably amended according to the pay/status of the incumbent. The Committee further observed that notes 1 to 4 below rule 5 be given the shape of rules instead of notes.

The Department during oral examination agreed to place the matter before the Government and inform the decision taken by the Government in this regard to the Committee

#### Rule 7

"7. Travelling Allowance :—(a) Subject to rule 5(b) (v), the Chairman and other Members whether Government Officers or officers of the Board or otherwise, shall, for journey performed for the purpose of the Board; be entitled to the travelling allowances at the rates for the time being admissible under the Punjab Civil Services Rules, to officers of Grade-I.

(b) \* \* \* \* \*

The Committee observed that in Rule 7, for the words "Grade-I", the words "Group A" be substituted. 12

The department during the oral examination agreed to amend the rule as suggested by the Committee

The Committee recommends that in Rule 7, for the words "Grade-I", the words "Grade A" be substituted. 13

#### Rule 10

"10. State Electricity Consultative Council .—In addition to the Members of the Board, the Council shall consist of Fifteen members appointed by the State Government to represent various interest in the following manner namely :—

- (1) One Member to represent Local Self Government.
- (2) One Member to represent electricity supply industry.
- (3) One Member to represent commerce.
- (4) One Member to represent transport.
- (5) One Member to represent labour employed in the electricity supply industry.
- (6) One Member to represent the village industries.
- (7) One Member to represent the State-owned and aided industries.
- (8) One Member to represent other industries.
- (9) One Member to represent the general consumers of electricity.
- (10) Three Members to represent agriculture.
- (11) Three Members to represent tubewell owners and those persons whose land (area) irrigated by tubewells."

19 The Committee observed that the intention of section 16 of the Electricity (Supply) Act, 1948 was to consider all the interests on equal basis in the matter of nomination to Electricity Consultative Council, but the Government has given more weightage under rule 10 to the industries, as compared with other interests, like agriculture and agricultural Marketing produce etc.

The Department during oral examination agreed to consider the suggestion of the Committee to nominate one member to the State Electricity Consultative Council from amongst the representatives of the agricultural produce processing and to inform the decision of the Government to the Committee accordingly at the earliest.

### Rule 11

“11. Secretary of the State Electricity consultative Council :

- (1). An officer of the Board may be appointed by the Board as ex-officio Secretary to the Council.
- (2) It shall be the duty of the Secretary to the Council with the approval of the Chairman of the Council, to call meetings of the Council and to give to the Members thereof not less than 14 days' notice in writing of the date, time and place of the proposed meeting.
- (3) There shall be an annual meeting of the Council, to consider the annual financial statement of the Board. The Council shall also meet when a supplementary statement is placed before it. The Council may submit a report to Government on any financial statement placed before it by the Board.
- (4) In addition to meeting of the Council required to be held under the provisions of section 16 of the Act, the Chairman may call a special meeting of the Council whenever he deems it necessary.”

15 The Committee wanted to know whether the Annual financial Statement (Budget) of HSEB for the years 1981-82 and 1982-83, had since been finalised and laid on the Table of the House, if not, the reasons therefor.

The department in their written reply and during oral examination agreed to lay the annual financial statement (Budget) of the Board on the Table of the House more expeditiously in future to carry out the intention of the framers of the Act.

16 The Committee further recommends, that at the end of rule 11 (4) the words “at least after giving three days notice” be added so that the Members/Chairman of the Council if he is outside the Headquarters may be able to attend the special meetings.

The Departmental representatives agreed to examine the matter and inform the Committee of the decision.

**Rule 14.**

14. *Quorum* —The quorum of a meeting of the Council shall be one-third of the total number of Members appointed by the State Government excluding the Members of the Board. All questions arising for decision shall be decided by a majority of votes, and the names of the persons voting for and against a motion shall be recorded in the Minutes Book. In the event of equality of votes, the Chairman shall have and exercise a casting or second vote. If at the commencement of a meeting or at any time during its progress after commencement, there is no quorum, it shall be adjourned. No quorum shall be necessary at an adjourned meeting."

The Committee observed that in Rule 14 for the words "a casting of second vote" substitute "a casting or second vote" and the words "No quorum should be necessary at an adjourned meeting" be deleted. 17

The department agreed to amend the rule as suggested by the Committee.

The Committee recommends that in Rule 14 for the words "a casting of second vote" the words "a casting or second vote" be substituted and the words occurring at the end of the Rule 14 "No quorum shall be necessary at an adjourned meeting" should be deleted. 18

**Rule 15**

"15 (a) \* \* \* \* \*

(b) \* \* \* \* \*

- (c) No proceedings of the Council shall be invalidated by reason merely of a vacancy or vacancies existing in the council or any reason of non-receipt of the notice or the agenda paper provided it was duly issued by reasons of any irregularity in the conduct of the business of the meeting.

- (d) A notice shall be deemed to be duly issued if it is sent within the prescribed time to the Member of the Council by person or by post at the address which the Member of the Council has communicated to the Board in writing.

- (e) The Chairman at any meeting may direct any member of the Council whose conduct at the meeting is in his opinion disorderly to withdraw and any such member so ordered shall be deemed to have withdrawn from the meeting even though in fact he may not withdraw.

In cases not expressly provided for in these rules for the conduct of a meeting the decision of the Chairman presiding at the meeting on all matters relating to the Conduct of business at the meeting shall be final."

The Committee observed that in Rule 15 (c) after the words "duly issued" and in between the words "by reasons", the word "or" be inserted. 19

20 The Committee further observed that in Rule 15 (d), for the words "by post" the words "by registered post with acknowledgement due" be substituted.

21 The Committee also observed that in rule 15 (e) for the word "through" the word "though" be substituted.

The department agreed to it.

22 The Committee recommends that in Rule 15(c) after the words "duly issued" the word "or" be inserted.

23 The Committee further recommends that in Rule 15 (d), for the words "by post" the words "by registered post with acknowledgement due" be substituted.

24 The Committee also recommends that in rule 15 (e) for the word "through" the word "though" be substituted.

#### Rule 17

"17. Place of Meeting :—Unless Government otherwise directs all meetings of the Council shall be held at the Head office of the Board."

The Committee observed that in rule 17 for the word "hald" the word "held" be substituted.

The department agreed to it.

25 The Committee recommends that in rule 17 for the word "hald" substitute the word "held".

#### Rule 18

"18. Fees and travelling allowance for Members of the Council.—

(1) A member of the Council shall not be entitled to any remuneration other than that provided in this rule.

(2) Travelling allowance of such members of the Council as are also members of the Board shall be regulated in accordance with the provision of rule 7."

A member of the Council, who is neither a member of the Board nor a Government servant shall be entitled to draw travelling and daily allowances at the same rate as are admissible to a Government servant of the first grade drawing pay not more than Rs. 1,000 per month. Such members of the council who are not Members of the Board but are Government servant shall draw travelling and daily allowance according to rates to which they are entitled under the rules governing them :

Provided that a member of the Board shall not be entitled to draw the aforesaid allowances for attending any meeting of the Council, if on the same day a meeting of the Board is held.

- (3) No Member of the Council shall, except with the previous permission of the Chairman of the Board, disclose to any person, other than a member of the Board or another Member of the Council, any information relating to the affairs of the council, or allow such person to inspect or have access to any books, documents or other papers relating to the business of the Council, required to be treated as "CONFIDENTIAL."

The Committee observed that for the words "first grade" the words "group A" be substituted and for the words and figure "Rs. 1,000" the word and figure "Rs. 1500" be substituted in Rule 18. The department during oral examination agreed to place the matter before the Government in respect of increasing the figures from "Rs. 1,000" to "Rs. 1,500" and to inform the Committee accordingly. The Committee recommends that in rule 18 for the words "first grade" the words "group A" be substituted. 26

#### Rule 20

- "20 Secretary of the Committee :—(1) An officer of the Board may be appointed by the Board to serve as ex-officio Secretary to any or all Committees.
- (2) It shall be the duty of the Secretary of the Committee to call meetings of the Committee in accordance with instructions received from the Chairman of the Board."

The Committee wanted to know the Status/rank of the officer appointed as ex-officio Secretary of the Local Advisory Committee and also observed that at the end of rule 20(2), add the words "and in consultation with the local Advisory Committee". 27

During the oral examination of the Department the Committee was also of the view that the local advisory Committee shall be constituted at divisional and circle levels. The Committee desired that the decision taken by the Board/Government in this regard be informed to the Committee within six months. 28

#### Rule 26

"26. Travelling Allowances for the Members of the Committee.—

- (1) \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*
- (2) Travelling allowance on the scale applicable to the Government servants of Grade I drawing pay not more than Rs. 1,000/- per mensem shall be payable to all non-official members of the Committee for attendance at the meeting. The chairman of the Committee and official members, if any, shall draw travelling allowance admissible according to the rule applicable to them."

The Committee recommends that in rule 26(2) for the words "Grade-I" the word "Group-A" be substituted and for the words and figures "Rs. 1,000/-" the words and figures "Rs. 1,500/-" be substituted. 29

**Rule 29**

- “29. Particulars of borrowing to be furnished to Government :— Whenever the Board make an application for the sanction of the Government to borrow as required by section 65 of the Act, it shall furnish to the Government such particulars of the amount, purpose, nature, mode and circumstances of the proposed borrowing as the Government may require.”.

30 The Committee wanted to know the total amount of loan borrowed by the Haryana State Electricity Board when the maximum amount exceeds ten crores of rupees, under section 65(3). What is the amount of loan, in different shapes, obtained by the Board from the Government, bankers and others sources separately.

31 The Department/Board agreed during oral examination that the matter on legal aspects be examined and if necessary through law department. The Department/Board also agreed to take suitable action, if necessary. The Committee desired that Department/Board to intimate that the amount of loan, if any, received by the Board from the Haryana Agricultural Marketing Board, to which the Department/Board agreed to supply to the Committee at the earliest.

**Rule 30**

- “30. Mode of raising money :— (1) In addition to any subvention and loans received from the Government, the Board may with the previous sanction of the Government, raise or borrow any sum or sums of money from other sources by issuing debentures, bonds, stock and or by borrowing from Bankers for the purpose of the Act and may secure payment or repayment thereof in such manner and upon such terms and conditions as may be specified by the State Government in this behalf.

- (2) The Board may receive deposits and issue certificates for fixed terms bearing interest at such rates as the Government may by general or special order approve.”.

32 The Department/Board agreed during oral examination that the matter on legal aspects be examined and, if necessary, through the law department. The Department/Board also agreed to take suitable action, if necessary. The department also assured the Committee to inform it about the loan, if any, borrowed from the Haryana Agricultural Marketing Board.

**Rule 37**

- “37. Issue of Stock at premium:—Where the stock is issued at a price higher than that at which it is to be redeemed, the difference between the price of issue and the price of redemption shall,



for the purpose of these rules be credited to premium on stock account which may be utilised by the Board in any of the following manners—

- (i) by transfer to the reserve fund of the Board;
  - (ii) to wipe off the intangible assets;
  - (iii) to wipe off discount on the issue of stock;
  - (iv) in such other manners as may be approved by the Board.
4. In such other manners as may be approved by the Board.”.

The Committee observed that at the start of page 16, the figure and the words “4 in such other manners as may be approved by the Board” be deleted being superfluous. 33

During oral examination the department agreed to delete these words being superfluous.

#### Rule 38

“38. Issue of stock at discount:—

- (1) Where stock is issued at a price lower than that at which it is to be redeemed, the difference between the price of issue and the price of redemption shall for the purposes of these rules, be treated as a loan authorised by the statutory borrowing power of the Board under section 65 of the Act repayable within the period expiring of the earliest date on which the said stock may be redeemed.

(2) \* \* \* \* \*

The Committee recommends that in rule 38 (1) insert the word “be” after the word “to” and also insert “be” before the word “redeemed”. 33

#### Rule 39

“39. Power to grant mortgages:—(1) \* \* \* \* \*

- (2) For the purpose specified in sub-rule (1) the Board shall create a Discount Sinking Fund out the revenues of the Board for the period of currency of such stock or bond issue.”.

The Committee recommends that in Sub-rule (2) of Rule 39 after the word “out” the word “of” be inserted. 35

#### Rule 40

“40. Power to issue and renew bands:—Subject to the provisions of these rules and for the purpose of raising any money which it is authorised to borrow under the Act the Board may issue and renew bonds.”.

The Committee observed that in the heading of rule 40, for the word “bands” the word “bonds” be substituted. 36

The department agreed to it.

- 37 The Committee recommends that in the heading of rule 40, for the word "bands" the word "bonds" be substituted.

#### Rule 44

"44. Boards lien on bonds, stock and/or Debentures :—  
The Board shall have a first and paramount lien upon all the Bonds; stock and/or debentures registered in the name of each holder (whether solely or jointly with others) and upon the proceeds of sale thereof for all moneys in respect of such bonds; stocks and/or debentures and no equitable interest shall be created except upon the footing and condition that this rule shall have full effect and such lien shall extend to all interest from time to time payable in respect of such bonds or stocks or debentures. Unless otherwise agreed, the registration of a transfer of bonds, stocks for debentures shall operate as a waiver of the Board's line, if any, on such bonds, stocks or debentures.

- (2) For the purpose of enforcing such line, the Board may sell the bonds, stocks and/or debentures subject thereto in such manner as the Board thinks fit but no sale shall be made unless a sum in respect of which the lien exists is payable and until notice in writing of the intention to sell shall have been served on such holder, his executors or administrators or other legal representative as the case may be and default shall have been made by him or them in the payment of the sum payable as aforesaid for fifteen days after the date of such notice."

34 The Committee recommends that in Rule 44, for the words "Board's line," the words "Board's lien" be substituted.

39 The Committee also observed that in sub-rule (2) of rule 44 line-1, for the word "line" the word "lien" be substituted.

#### Rule 45

"45. Appointment and change of Registrars :— (1) The Board shall, before making each issue of stock or bond and before granting any mortgage appoint and thereafter continue to appoint on such terms and subject to such conditions and instructions not inconsistent with these rules as it thinks expedient, an officer of the Board or any banking or other or other company as Registrar of the stock or bonds to be issued or as Registrar of mortgages for all or any of the purposes of these rules. The general practice of the State Bank of India shall apply to all securities issued under these rules in respect of which the State Bank of India is appointed as the Registrar.

(2) \* \* \* \* \*

- 40 The Committee observed that in line 6 of rule 45, delete the words "or other" occurring after the words "any banking".

The department in their written reply and oral examination agreed to it.

The Committee recommends that in line 6 of rule 45, delete the words "or other" occurring after the words "any banking".

42

### Rule 46

"46.           \*           \*           \*           \*           \*           \*           \*

(a)           \*           \*           \*           \*           \*           \*           \*

(b)           \*           \*           \*           \*           \*           \*           \*

(1)           \*           \*           \*           \*           \*           \*           \*

(11)           \*           \*           \*           \*           \*           \*           \*

(c) in case of bonds—

the name, address and description of each holder from time to time of bonds of the class to which the register relates a statement of the amount of the bonds held by him, the periods for which they are issued, and, the property (if any) on which they are charged and, if the bonds are secured by a trust deed, the numbers and dates of the certificates issued to him as herein-after provide, or if the bonds are not so secured the number of each bond held by him, and the date of registration of each bond and the date on which the same is paid off."

The Committee recommends that in rule 46(c), line 8, for the word "provide" the word "provided" be substituted.

43

### Rule 47

"47. Certificate of registered stock and bonds secured by trust deed :—On the registration of stock or of bonds secured by a trust deed, the appropriate Registrar shall issue to the holder of stock or bonds a certificate of the proprietorship of such stock or bonds, as the case may be and such certificate shall be prima facie evidence of the title of the person named therein."

The Committee observed that in the heading of rule 47, substitute the word "bonds" for the word "bands."

44

The department during oral examination agreed to the suggestion of the Committee.

The Committee recommends that in the heading of rule 47, substitute the word "bonds" for the word "bands".

45

## Rule 49

"49. Transfer of stock and bonds secured by trust deed :—

- (1) \* \* \* \* \*
- (2) The instrument of transfer and the certificate to which the same relates shall be deposited with, and retained by the appropriate Registrar. Such registrar shall cause an entry thereof to be made in a book to be called the register of transfers and shall endorse on the deed of the transfer a note of that entry, shall issue a new certificate or certificates to the transferee or the transferor, as the case may require. A separate register of transfer distinguished by a number or otherwise shall be kept for each class of stock and of bonds secured by a trust deed.
- (3) \* \* \* \* \*
- (4) \* \* \* \* \*."

46 The Committee observed that in rule 49(2) for the word "endore" the word "endorse" be substituted.

The Department agreed to the suggestion of the Committee.

The Committee recommends that in rule 49(2) for the word "endore" the word "endorse" be substituted.

## Rule 50

"50. Transfer of Mortgages and bonds not secured by a trust deed:—

- (1) \* \* \* \* \*
- (2) The appropriate Registrar shall keep a register of transfer of mortgages or of bonds not secured by a trust deed, and as soon as may be after the date of every transfer, the deed of transfer shall be produced before the appropriate Registrar who shall cause entries to be made in the appropriate register of transfer of the date of such deed the names, address and descriptions of the parties thereto and the number of the mortgage or bond transferred thereby and until such entries have been made neither the Board nor the registrar shall be in any manner responsible to the transferee. A separate register of transfer of bonds, distinguished by a number or otherwise, shall be kept for each class of bonds not secured by a trust deed.
- (3) \* \* \* \* \*
- (4) \* \* \* \* \*."

77 The Committee recommends that in rule 50(2) for the word "of" occurring after the word "number" substitute the word "or".

## Rule 51

"51. Transfer on death :—

- (1) \* \* \* \* \*
- (2) \* \* \* \* \*

- (3) The Board or the appropriate Registrar may refuse any to allow any executors or administrators to transfer security until the probate of the will or the letters of administration to the estate of the deceased or a Succession Certificate under the Indian Succession Act, 1925 (XXXIX of 1925), has or have been left with the Registrar of registration and may require all the executors or the administrators to join in the transfer."

The Committee recommends that in sub-rule (3) of Rule 51, delete the word "any" occurring for the first time in that sub-rule. 48

## Rule 54

"54. Registration fees :—(1) \* \* \* \*

- (2) If any such registration affects more than one class of security, a separate fee may be charged in respect of each class."

The Committee recommends that in sub-rule (2) of rule 54, for the word "security" the word "security" be substituted. 49

## Rule 55

"55. Registers to prima facie evidence :— Each register shall be prima facie evidence of any matters entered therein in accordance with these rules and of the title of any person entered therein as the holder of a security."

The Committee recommends that in the heading of rule 55, after the word "to" insert the word "be". 50

## Rule 59

"59. Notice of trust note to be recognised :—No notice of any trust express implied or constructive in respect of any security shall be entered in any register or in any other book kept by the Board or any Registrar or on any certificate, or in any mortgage or in any transfer of any security, or, be receivable by the Board or any Registrar of effect any Registrar, or the Board through any register or otherwise, and the receipt of any person in whose name any security stands in the register relating thereto shall be a sufficient discharge to the Board for any money paid in respect of such security".

The Committee observes that in Rule 59, insert the word "or" after the word "express". The Committee also wanted to 51

know the significance of the words "of effect any Registrar". The department during oral examination agreed to the suggestion of the Committee to examine the whole rule.

52 The Committee recommends that in Rule 59, insert the word "or" after the word "express" and also to delete the words "of effect any Registrar" being superfluous and desires that the whole rule be reexamined.

3. Scrutiny of the Haryana Government Electrical undertakings (Dues recovery) Rules, 1972, Framed under the Haryana Government Electrical undertakings (Dues Recovery) Act, 1970.

*Elect.*  
Rule 6

"6. (1) \* \* \* \* \*

(2) \* \* \* \* \*

(a) \* \* \* \* \*

(b) by delivering it to the person liable to pay the dues or to an adult member or servant of his family or by causing notice to be affixed on some conspicuous part of the building occupied by such person".

1 The Committee observed that for the existing clause (b) of sub-rule (2) of rule 6, the following be substituted :—

"(b) by delivering it to the person liable to pay the dues or to an adult member of his family under his or her signature; provided that if the notices of demand cannot be caused to be fixed in the presence of two persons of the locality on some conspicuous part of the building occupied by such person."

The department in its written reply stated that at present provisions in rule 6 for service of notice were incorporated on the lines existing in similar rules i.e. Uttar Pradesh Government Electrical Undertakings (Dues Recovery) Rules, 1958, prevalent in the State of Uttar Pradesh. The department however, agreed to the proposed modification in the existing clause (b) of sub-rule (2) of Rule 6.

✓ The Committee recommends that the existing clause (b) of sub-rule (2) of Rule 6 be amended accordingly and the Committee be informed.

The department during oral examination agreed to amend the rule as suggested by the Committee,

**4. Scrutiny of the Punjab Electricity Board (Chairman's Powers) Rules, 1959, Framed under the Electricity (Supply) Act, 1948.**

**Rule 2**

- "2(1) \* \* \* \*
- (2) "Board" means the State Electricity Board, constituted under sections of the Act.
- (3) \* \* \* \*
- (4) \* \* \* \*
- (5) \* \* \* \*
- (6) \* \* \* \*."

The Committee observed that in sub-rule (2) of rule 2 for the word "State" the words "Haryana State" be substituted and for the word "Section" the word and figure "Section 5" be substituted. 1

The Department in their written reply and during oral examination agreed to the suggestion of the Committee.

The Committee recommends that in sub-rule (2) of rule 2 for the word "State" the words "Haryana State" be substituted and for the word "Section" the word and figure "Section 5" be substituted. 2

**Rule 5**

- "5. Difference of opinion to the reported:—The Chairman may bring to the notice of the Government any difference of opinion, on matters of policy arising between him and the other members of the Board. He may also similarly refer any other matter of policy to the Government and place the directions received from them for consideration and action by the board".

The Committee observed that in the heading of rule 5 for the word "the" the word "be" be substituted. 3

The department in their written reply and during oral examination agreed to the suggestion of the Committee.

The Committee recommends that in the heading of rule 5 for the word "the" the word "be" be substituted. 4

**Rule 12**

- "12. Prohibition of disclosure of confidential information :—No Member of the Council except with the previous permission of the Chairman in writing shall disclose to any person, other than a member of the Board or of the council or of a Committee, any information relating to the affairs of the Council or allow such person to inspect or have access to any books, documents or other papers relating to the business of the Council or of a Committee, which are required to be treated as confidential."

The Committee observed that in rule 12 for the words "inspect of" the words "inspect or" be substituted. 5

The Committee recommends that in rule 12 for the words "inspect of" the words "inspect or" be substituted. 6

**5. Scrutiny of the Principles governing the terms and conditions and procedure in regard to supply of Electricity to consumers other than licensees, framed under section 79(J) of the Electricity (supply) Act, 1948.**

### General

The Committee inter-alia observed that section 79(j) of the Electricity (Supply) Act, 1948 required that the Board was to make regulations providing for principles governing the supply of Electricity by the Board to persons other than Licensees under Section 49 of the Act, but the Board laid down the terms and conditions and procedure in regard to supply of electricity to consumers other than Licensees, and the Board did not make regulations under the said provision of the Act.

The Committee further observed that the definition of the "Act" was defined as the Indian Electricity Supply Act, 1910 as amended from time to time. The Committee wanted to know why the reference of the Electricity (Supply) Act, 1948, had not been indicated and the Committee was further of the view that these principles should be given the shape of regulations rather than it should be termed as 'Terms and Conditions of Supply applicable to the consumers in the State other than giving licensees, as section 79 provided for making the regulations.

The department in their written reply stated that the existing terms and conditions of supply including the principles governing the supply of electricity to the consumers other than licensees, had been framed under section 49 of the Electricity (Supply) Act, 1948, read with the powers conferred by clause(j) of Section 79 of the above Act.

The department during oral examination agreed to frame the regulations under Section 79(j) read with section 49, as suggested by the Committee.

### Definitions :

#### Clause I

(a) \* \* \* \* \*

(b) 'Board' means Haryana State Electricity Board constituted under the Electricity (Supply) Act, 1948, (as amended from time to time) and shall include its successors and assigns.

(c) \* \* \* \* \*

to

(m) \* \* \* \* \*

The Committee observed that in regulation 1(b) for the words "under the" the words and figure "under section 5 of" be substituted,



The department in their written reply and during oral examination agreed to the suggestion of the Committee.

The Committee recommends that in regulation 1(b) for the words "under the", the words "under section 5 of" be substituted. 4

#### Clause 14

Meters :

- (a) \* \* \* \* \*
- (b) \* \* \* \* \*
- (c) \* \* \* \* \*
- (d) \* \* \* \* \*
- (e) Should the consumer dispute the accuracy of the said meter, he may upon giving notice in writing to the Board and paying in advance the prescribed fee as mentioned in the Schedule of General Charges, cause a test of the meter to be made by the Board, and if no such test being made the meter should prove to be not correct, as provided by the rules under the Act, the Board shall refund charges of such test and shall adjust the consumer's account, as may be required with retrospective effect for a period not exceeding 6 months immediately preceding the date of such test of the date of removal of such a meter for purpose of test. Should the meter prove to be correct as prescribed by the Rules under the Act, the amount paid by the consumer for the test will stand forfeited.
- (f) \* \* \* \* \*
- (g) Subject to the provisions of sub-clauses (c), (f) above the supply taken by the consumer as measured by the said meter shall be deemed to be correct and binding on the consumer."

The Committee enquired which the appellate authority was to decide the dispute between the consumer and the Board to account for the accuracy of the meter of a consumer under regulation 14(e). 5

The department in their written reply stated that there was a separate clause 29 in the term and conditions of supply which conferred on the consumer a right to refer any dispute in respect of any matter connected with the supply, to arbitration with C.E. (P & C) HSEB.

The department during oral examination agreed to amend the clause accordingly.

The Committee further observed that in clause 14(g) after "Sub-clause(c)", the word "and" be inserted. 6

Department during oral examination agreed to amend the rule accordingly.

7 The Committee recommends that in Clause 14(g), after sub-clause (c), the word "and" be inserted.

#### Rule 18 Discontinuance of Supply :

(a) \* \* \* \* \*

(b) *Theft of energy* : In case any authorised representative of the Board detects any theft/pilferage of electrical energy on the premises of any consumer, his premises are liable to be disconnected immediately without any notice.

The Committee observed that in Clause 18(b), for the word "destests", the word "detects" be substituted.

The Committee further observed that in Clause 18(b) for the words "immediately without any notice" substitute the words "after giving 24 hours notice", so that the consumer may be able to explain his position and detect the cause of theft.

The Committee wanted to know the view of the department in regard to the suggestion of the Committee.

The department in their written reply and during oral examination agreed to substitute the words in clause 18(b) and in so far second substitution the department in their written reply stated that the provision for immediate disconnection had been made with due consideration because for any delay the consumer had the opportunity to remove the evidence. The existing provision thus appeared to be in order.

The Committee recommends that necessary amendment as observed by the Committee in clause 18(b) be made and the Committee be informed.

50.1  
6. Scrutiny of the Memorandum and Articles of Association of Haryana Harijan Kalyan Nigam Ltd. and Memorandum and Articles of Association of the Haryana Backward Classes Kalyan Nigam Private Limited (Incorporated under the Companies Act, 1956).

1 The Committee enquired from the departmental representatives during the course of oral examination whether there was any coordination between the Backward Classes Department and Backward Classes Kalyan Nigam Pvt. Ltd. and the Harijan Kalyan Nigam Limited. The departmental representatives stated that under the Punjab Backward Classes (Grant of Loans) Act, 1957, the Government grants loans to the persons belonging to the Backward Classes upto Rs. 2,000/- for setting up industry, business or profession and whereas under the administration of the said two Nigams Rs. 10,000/- for individual and Rs. 50,000/- collectively are advanced to the persons belonging to the Backward Classes and Scheduled Castes and under the said Act the Government sanctions the amount for 64 trades, but under these two Nigams there are six package programme through which the persons belonging to the Harijans & Backward Classes are granted loans.

✓ The Committee observes that under the said Act, the Government sanctions the loans and the said two Nigams under the separate set of two Articles and Memorandum of Association also grant loans to the

Members belonging to the Backward Classes and Harijans and there is no agency to watch their developmental activities. The Committee further observes that there is no co-ordination between the Government Department and these two Nigams in the execution of developmental activities and they are working independently from the Government.

The Committee recommends that there should be co-ordination between the Government department and these two Nigams in the sanction of loans, execution of developmental activities and the recovery of loans. The Committee also recommends that the Punjab Backward Classes (Grant of Loans) Act which was enacted in the year 1957 had become very old. It should be suitably amended, more particularly keeping in view that more facilities under the Act i.e enhancing the limit of Rs. 2,000/- to the persons belonging to the Scheduled Castes and Backward Classes, are given to them

The Committee also recommends that at present under the said Act loans are granted for industry, business and profession. In this connection the Committee recommends that in rule 14 of the said rules after the words "industry, business and profession" the word "agriculture" be added to give benefit to the persons belonging to the Backward Classes and Scheduled Castes persons.

#### 7. Scrutiny of the Punjab Backward Classes (Grant of Loans) Rules, 1958, framed under the Punjab Backward Classes (Grant of Loans) Act, 1957.

The Committee observed that they were supplied cyclostyled copies of notification of the said rules, which were neither serially and centrally numbered nor they were supplied with the copies of the rules as published in the Gazette or duly authenticated.

The departmental representatives during the course of oral examination and in their written replies stated that they should follow these instructions in future.

The Committee recommends that these Act and rules as amended from time to time be got reprinted in a consolidated form so that these are made available to the Public in general and legislators in particular.

The department agreed to this suggestion.

The Committee wanted that Short title and extent in Section 1 of the Punjab Backward Classes (Grant of Loans) Act, 1957, be amended.

The department in their written reply stated that the department had no objection to the observation of the Committee.

During the oral examination department stated that the matter would be discussed with the Law Department for necessary change and the Committee be informed accordingly.

**"Rule 2**

(a) \* \* \* \* \*

(b) \* \* \* \* \*

(c) 'Controlling Authority' means the Deputy Commissioner of the District concerned or any other officer appointed by the Government in this behalf."

The Committee observed that at the end of rule 2(c) the word "by notification" be added, so as to make it in consonance with section 2(c) of the Act.

The department in their written reply and during oral examination stated that the department had no objection for adding the word "by notification" at the end of the Rule 2(c).

The Committee recommends that at the end of rule 2(c) the sign and word, "by notification" be added so as to make in consonance with the provision of clause(c) of section 2 of the Act.

**Rule 7**

"7. If a borrower misuses the amount of loan or commits a breach of any of the terms on which the loan has been granted to him, then, without prejudice to any other action that may be taken against him, the amount of loan and costs, if any, incurred in giving or recovering the loan, shall be recoverable from the person and the property of the borrower as well as of the surety within two months of the date of issue of a notice to that effect by the controlling Authority."

The Committee observed that for the words "as well as of the surety" the words "failing to recover the loan from the borrower the amount of loan with the interest shall be recovered from the surety as arrears of land revenue" be substituted.

The departmental representatives during oral examination and in their written reply agreed to the suggestion of the Committee.

The Committee recommends that rule 7 be amended in the light of the said observation.

**Rule 11**

"11. The notice declaring a loan immediately recoverable under Notice declaring a loan section 9 shall be in Form "E".  
immediate recoverable

The Committee recommends that in the margin of rule 11 for the word "immediate" substitute the word "immediately".

**Rule 14**

"14. The loan may be granted for establishing or expending an industry, business or profession".

The Committee recommends that at the end of rule 14 the words "etc, etc." be added. 9

The department in its written reply and during oral examination agreed to the observation of the Committee.

Scrutiny of the Punjab Agricultural Produce Markets (General) Rules, 1962 framed under the Punjab Agricultural Produce Markets Act, 1961. 10

The Committee observed that the recommendations of the Committee in respect of the Punjab Agricultural Produce Markets (General) Rules, 1962 made in the year 1975-76 had not been implemented by the Agriculture Department so far. 11

The Committee also observed that the same outstanding recommendations contained at pages from 116-120 in its 11th Report (1979-80) also had not been implemented. 12

The Committee desired that the final action taken by the Govt. on the said recommendations be intimated to the Committee in an annotated form at the earliest. 13

The department in its written reply stated that the recommendations of the Committee on Subordinate Legislation made in the year 1975-76 had since been implemented.

The Committee during the oral examination observed that the outstanding recommendations contained in their report for the year 1979-80 had been implemented but the same have not been incorporated in the copies of the rules of 1962 supplied to the Committee. 15

The Committee recommends that the said observations recommendations and the following recommendation be accepted by the Govt. and incorporated in the rules and the rules be got reprinted in consolidated form and copies of the Rules as finally republished be made available to the Committee in particular and the public in general. 15

#### Rule 2—

"2.(1) \* \* \* \* \*

(2) \* \* \* \* \*

(3) "bye-law" means a bye-law made under sub-section (14) of section 3 or sub-section (1) of section 44, as the case may be,."

The Committee enquired whether the Board ever considered the necessity of making bye-laws under sub-section (14) of section 3 and sub-section (1) of section 44 as referred to in sub-rule (3) of rule 2 and, if so, and desired to supply it 25 copies of such bye-laws, 16

7 The Committee was supplied with the cyclostyled copies of the said bye-laws namely, the Punjab Markets Committees bye-laws, framed on 9th August, 1963 and the Haryana State Agricultural Marketing Board Bye-laws regulating the transaction of the business at Board's meeting, framed on 21st June, 1973, but observed that the printed copies thereof were not made available to the Committee and the public in general.

#### Sub-rule (4A)

"4A-Certified seed" means a dealer that fulfils all requirements for certification provided by the Seeds Act, 1966(54 of 1966) and the Seeds Rules, 1962 and to the container of which the certification tag is attached ;".

8 The Committee observed that in sub-rule (4 A) of Rule 2 of the Punjab Agricultural Produce Markets (General) Rules, 1962, there was reference of the Seeds Act, 1966(54 of 1966) and the Seeds Rules, 1962. The Committee wanted to know whether the reference of Seeds Rules, 1962 was correct or not ?

The Department during oral examination agreed to rectify the mistake by substituting the reference of "the Seeds Rules, 1968", for "the Seeds Rules, 1962", as suggested by the Committee.

#### Sub-Rule (13)—

"(13) Progressive Producer" means a producer who, in the opinion of the Director of Agriculture, carried on agricultural produce on improved lines ;"

9 The Committee observed that the definition of "Progressive producer" is too vague and wanted to know the criteria adopted by the Director/ Department of agriculture for considering a producer as progressive producer.

The department in its written reply and during oral examination agreed to examine the matter and to inform the Committee accordingly.

#### Rule 4

"4. Functions and powers of Chairman, Chief Administrator and Secretary of the Board.—

(1) The Chairman of the Board shall preside over the meetings of the Board.

(2) The Chief Administrator shall,—

(a) be responsible for the Administration of the Act and shall subject to any other provision contained in these rules, exercise general control over the employees of the Board and those of Committee ;

(b) enjoy the powers of the Head of the Department as are being enjoyed by the Director of Agriculture in relation to matters pertaining to Agriculture Department ;

- (c) be the competent authority for approving the budgets of the Committees ; and
- (d) be responsible for the preparation of the annual budget of the Board.

(3) The Secretary of the Board shall, in relation to matters pertaining to the Board, enjoy the same powers as are being enjoyed by a Head of Office in the Agriculture Department in relation to matters of that Department."

The Committee suggested that it would be desirable that the Chairman of the Board should be progressive producer. The department/Board agreed to examine the suggestion of the Committee and inform the decision to the Committee.

#### Rule 5—

5. Matters on which Board may frame by-laws . —in addition to the matters specified in sub-section (14) of section 3, the Board may frame by-laws regulating—

- (a) better marketing of agricultural produce and marketing of agricultural produce on cooperative lines ;
- (b) the grading and standardisation of agricultural produce ;
- (c) the general improvement in the markets or their respective notified market areas ;
- (d) the maintenance and regulation of rest houses, staff quarters and other buildings of the Board ;
- (e) the procedure for giving aid to financially weak committees ;
- (f) the allowances payable to the members of the Board or Advisory Committees ;
- (g) Propoganda, demonstration, publicity and education for improvement of marketing and agriculture ;
- (h) the classification of the committees on the basis of their income for the purpose of fixing the grades of their Secretaries and other employees ;
- (i) the person or persons by whom, and the manner in which a contract may be entered on behalf of the Board ; and
- (j) any other purpose which, in the opinion of the Board, is calculated to promote the interests of the Board or the Committees, or to lead to improvement of marketing and agriculture in general".

11 The Committee wanted to know whether the Board has so far framed the bye-laws under Rule 5 for better marketing of Agricultural Produce and classification of Committees etc. particularly emphasized by the Committee in its eighth report for the year 1975-76.

The department in its written reply stated that the Govt. has not so far framed bye-laws under all the clauses of the Rule 5.

12 The Committee after oral examination of the department/Board recommends that the Department/Board should make the bye-laws under the clauses of this rule, which the department had not so far framed. The Departmental representatives agreed with the suggestion of the Committee.

### Rule 6

"6 Budget of Board and Committees.—(1) The Board shall meet not later than first week of February every year to finalise the budget for the next financial year.

(2)	*	*	*	*	*	*	*	*
(3)	*	*	*	*	*	*	*	*
(4)	*	*	*	*	*	*	*	*
(5)	*	*	*	*	*	*	*	*

13 The Committee wanted to know if the Board was running on deficit or surplus, if on surplus, how the surplus amount was being utilized.

14 The Committee also wanted to know what steps have been taken by the department to check the evasion of market fee and to plug the loop-holes.

15 The department in its reply stated that the Board was running in surplus and the surplus funds were being utilised for execution of development works in the mandis. The Board had its enforcement cell headed by the Chief Marketing Enforcement Officers at Rohtak, Hissar and Karnal and the District Marketing Enforcement Officers in each district of the State. There were executive officers-cum-Secretaries, Market Committees Assistant Secretaries alongwith the supporting staff, for enforcement of the P.A.P.M. Act, Rules, Bye-laws in the market Committees.

16 He further stated that all these above mentioned staff was engaged in the colossal task of realization of market fee and plugging the loop-holes in the evasion of market fee. The agricultural produce coming in the markets, was entered in the arrival registers maintained for the realization of market fee. The accounts of the dealers were checked by the enforcement staff, and the evasion, if any, made by the dealers, was realized from the dealers. Every effort had been made to plug the loop-holes of evasion of market fee through continuous vigil.

17 The Committee observes that though it does not fall within its jurisdiction to recommend, yet it suggests in the public interest that Board's official machinery be so geared that there is no evasion of market fee,



## Rule 7—

- "7. \* \* \* \* \*
- (a) by publication in Hindi language or in such other language and in such news papers as in the opinion of the Chief Administrator of the Board will give due publicity among persons likely to be effected thereby;
- (b) \* \* \* \* \*
- (c) \* \* \* \* \*
- (d) \* \* \* \* \*

The Committee recommends that in rule 7(a) for the words "Hindi language" substitute the words "Hindi language". 17

The departmental representatives agreed to it.

## Rule 10

## "10. Powers of Chairman and Vice-Chairman of Committee.—

- (1) the Chairman of the Committee shall be its Chief Executive officer and the employees engaged in connection with the management of the affairs of the committee shall, subject to these rules and the bye-laws of the Committee, be subject to his control. He shall initiate the confidential reports of the Secretary and Assistant Secretary of the Committee and send the same to the Chief Administrator of the Board who shall make annual assessment.
- (2) \* \* \* \* \*
- (3) The Chairman shall conduct all correspondence and be responsible for the keeping of accounts and safe custody of cash and other assets of the Committee in accordance with the provisions of Act, rules and bye-laws framed thereunder.
- (4) The Chairman shall forthwith report to the Secretary of the Board in case any member of the Committee dies or become subject to any of the disqualifications mentioned in sub-section (5) of section 3 read with sub-section (4) of section 12.
- (5) \* \* \* \* \*
- (6) \* \* \* \* \*

The Committee wanted to know whether adverse remarks made against the Secretary or the Assistant Secretary of the Marketing Committee were conveyed to the aggrieved person, if so, there was any provision for making appeal to the chairman of the Board against the remarks made in their A.C.R. by the Chief Administrator. 18

The department stated in its written reply that the adverse remarks were conveyed to the concerned official, but there was no

provision for making appeal by the said Secretary or Assistant Secretary to the Chairman of the Board against the remarks in their A.C.R. made by the Chief Administrator.

During the oral examination the departmental representatives agreed with the Committee in principle and assured the Committee to examine the matter in details and amend the rule accordingly.

#### Rule 10

19 The Committee observed that in Rule 10 sub-rule (3) the functions of the Chairman regarding the correspondence and responsibility of keeping of accounts and safe custody of cash and other assests of the Committee should be assigned to the Secretary of the Committee and not to the Chairman of the Committee who is generally a non-official member.

The department during oral examination and in its written reply stated that the department would examine the matter and inform the decision to the Committee.

#### Rule 10

20 The Committee desired that the power delegated to the Chairman of a market Committee under sub-rule (4) of rule 10 be given to the Secretary of the market Committee.

The department during oral examination assured the Committee to examine the matter and inform the Committee accordingly.

#### Rule 11

“11.(1) \* \* \* \* \*

(2) Every resignation received under sub-rule (1) shall forthwith be forwarded by the Chairman of the Committee along-with his comments to the Chief Administrator of the Board who shall, with the least possible delay, forward the same with necessary comments to the state Government.

(3) \* \* \* \* \*

21 The Committee was of the view that in order to avoid unnecessary time being taken in the acceptance of the resignation, the desirability of fixing in sub-rule (2) of rule 11, the time of two months between the tendering the resignation and acceptance thereof by Government, be considered.

During the oral examination the department assured the Committee to examine the matter and inform the Committee accordingly.

#### Rule 14

“14. Duties and powers of Secretary of Committee.—(1) The Secretary of Committee shall be the Executive Officer of the Committee..

(1) The Secretary of the Committee shall be the Executive officer of the Committee.

All employees engaged in connection with the management of the affairs of the Committee shall be under his control, and all orders to them shall pass through him. He shall be competent to pass orders with regard to their postings in the principal market yard and sub-market-yards, except in the case of Assistant Secretaries, according to the requirement of the Committee and to grant casual leave to such employees.

(2) The Secretary shall work under the control of the Chairman of the Committee.

(3) The Secretary shall be entitled to attend all meetings of the Committee or a sub-committee or a joint committee or an adhoc Committee, except a meeting wherein anything pertaining to him or any of his relatives is to be considered.

Explanation.—Relative for the purpose of this sub-rule shall mean.—

- (a) father, mother, son, daughter, brother and sister of the person concerned ; and
- (b) brother and sister of the father of the person concerned ; and
- (c) father, mother, son, daughter, brother and sister of the wife or husband of the persons concerned.

(4) The Secretary shall advise the Committee and its Chairman in the light of the provisions of the Act, rules and bye-laws framed under the Act and directions of the Board or of the Chief Administrator or Secretary of the Board issued from time to time and previous decisions of the Committee. His opinion shall be recorded in the proceedings of the Committee. The Secretary shall be responsible to send a copy of proceedings of the Committee and Sub-Committee to the Secretary of the Board immediately but in no case later than three days after the date of meeting.

(5) It shall be the duty of the Secretary to carry into effect the provisions of the Act, rules and bye-laws framed under the Act and instruction of the Board, and decision of the Committee and of the Chairman of the Committee consistent with the Act, the rules and the bye-laws and instructions of the Board and of the Chief Administrator or the Secretary of the Board and the effect maximum improvement in the market.

(6) The Secretary shall see that communications addressed to the Committee by the Chief Administrator or Secretary of the Board are dealt with promptly and efficiently and all correspondence between the Chief Administrator or Secretary of the Board and the Committee is laid before the Chairman of the Committee for information or action as the circumstances may require.

(7) Subject to sub-rule (5) the Secretary shall have immediate responsibility for carrying on the day to day working of the office of the Committee, maintenance of accounts, punctual rendering of returns, monthly review of the progress made in the enforcement of the Act and safe custody of the cash, the common seal, the minute book and other records and assets of the committee.

(8) The Secretary shall make an annual assessment of the work of the employees engaged in connection with the management of the affairs of the Committee and he shall submit the same to the Chairman of the Committee who shall take this assessment into consideration while making final assessment of the work of such employees and shall send the same to the Chief Administrator of the Board whose remarks shall be final."

22 The Committee recommends that the powers of posting of the subordinate staff except in case of Assistant Secretaries as given to the Secretary of the Committee be vested in the Chairman of the Committee.

27 The Committee also observed that the list of relatives given in rule 14(3)(c) should be made more exhaustive as "brother-in-law" and some other relatives were not stand included in that list.

24 The Committee further observed that the proceedings of the Market Committee were not sent to its members for comments as there existed no provision in rule 14(4) to that effect.

The department during oral examination agreed to examine the matter thoroughly and promised to amend rule 14 in the light of the observations made by the Committee and inform the Committee accordingly.

## Rule 15

"15. (1) \* \* \* \* \*

(2) \* \* \* \* \*

(3) For attending the meeting of the Board/Committee the members of the State Legislature shall be paid travelling and daily allowance, according to the rules governing their allowances.

(4) The Chairman of the Committee shall be paid an honorarium of one hundred rupees per month. The Vice-Chairman who performs the functions and duties of the Chairman continuously for a period of not less than fifteen days shall also be paid the said honorarium of the hundred rupees :

Provided that the total amount of honorarium drawn by the Vice-Chairman in any financial year shall not exceed three hundred rupees.

(5) \* \* \* \* \*

(6) \* \* \* \* \*

The Committee observed that in sub-rule (3) of Rule 15, after the word, "State Legislature" the words 'and Parliament', should be inserted, as there is no bar for appointing a member of Parliament from the State on the Board or a Committee. 25

The department in its written reply and during oral examination assured the Committee to examine the point and to inform the Committee.

The Committee recommends that in sub-rule (3) of Rule 15, after the words "State Legislature" the words "and Parliament" be inserted. 26

The Committee in regard to sub-rule (4) of Rule 15, wanted to know whether there was any proposal to increase the amount of Honorarium of Rs. 100/- for the Chairman / Vice Chairman of a market Committee in view of rise in prices ? 27

The department during oral examination agreed to the proposal of the Committee to raise the rate of honorarium from Rs. 100/- to Rs. 500/-P.M. in view of rise in prices and cost of living and inform the committee accordingly.

#### Rule 15 A

"15 A. (1) \* \* \* \* \*

(2) The Chairman of the Board, other than a serving or retired Government employee, shall be provided with residential accommodation or in lieu thereof given a lodging allowance, fixed by the State Government from time to time.

(3) \* \* \* \* \*

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

(5) \* \* \* \* \*

(6) \* \* \* \* \*".

The Committee proposed that in sub-rule (2) of Rule 15 A, after the words "Provided with" the words "free furnished" be inserted. 28

The department in their written reply and during oral examination agreed to the proposal of the Committee.

The Committee recommends that in sub-rule (2) of Rule 15 A, after the words "Provided with" the words "free furnished" be inserted.

#### Rule 17—

"17. (1) \* \* \* \* \*

(2) \* \* \* \* \*

(3) \* \* \* \* \*

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

- (5) The Secretary of the Committee, or such other official as may be authorised by him to receive such application, shall, on receipt of the application and the pass book in respect of security, ensure that the necessary licence fee and security have been deposited and shall, after verifying the correctness of the facts stated therein, forward the same to the Chief Administrator of the Board or any other person authorised by him, in writing in this behalf, under registered post within three days of their receipt in the office of the Committee.

- (6) \* \* \* \* \*
- (7) \* \* \* \* \*
- (8) \* \* \* \* \*
- (9) \* \* \* \* \*

The Committee observed that in sub-rule (5) of Rule 17, after the words "registered post", insert the words "with acknowledgement due" and the Committee also wanted to know whether it was not desirable to reduce the amount of licence fee in the case of persons belonging to the Scheduled Castes and Backward Classes, to which the department agreed to reduce the rate of licence fee for the persons belonging to the said classes.

## Rule 19

- "19(1) Licence to brokers, weighmen, measures, surveyers, godown keepers and palledars.—(1) A person desirous of obtaining a licence under sub-section (3) of section 13 shall make an application in form D to the Chairman of the Committee of the notified market area concerned after depositing with the Committee the requisite licence fee :

Provided that in the case of a palledar no such application in form D shall be necessary. The dealer shall intimate to the Chairman of the Committee in writing full particulars such as name, Parantage, residence and full address of the palledar engaged by him and such intimation shall be treated as an application for the grant of a licence ;

- (2) On receipt of application the Chairman of the Committee or any other officer duly authorised by the Committee in this behalf may, after making such enquiries regarding the conduct and business of the applicant, as he may deem necessary, grant a licence in Form E. The licence shall be subject to the conditions mentioned therein
- (3) \* \* \* \* \*
- (4) \* \* \* \* \*
- (5) The Committee may, on being satisfied that there has been a breach of any of the conditions specified in a licence, by an order in writing, cancel or suspend such licence and

may also direct that such licence shall not be renewed for such period not exceeding five months for the first breach and not exceeding nine months for the second breach and not exceeding one year for every subsequent breach, as may be specified in that order :

Provided that no such order shall be made without giving the licensee an opportunity to show cause why such an order should not be made."

5\* The Committee observed that in proviso to sub-rule (1) and in sub-rule (2) of Rule 19, for the word "Chairman" the word "Secretary" be substituted and in the proviso to sub-rule (1) after the word "dealer" the words "or the palledar himself" be inserted.

The department assured the Committee to examine the matter and to inform the Committee accordingly.

The Committee recommends that in proviso to sub-rule (1) of 19 for the word "Chairman" the word "Secretary" be substituted and after the word dealer the words "or the palledar himself" be inserted.

The Committee further wanted to know whether the punishment provided in sub-rule (5) of Rule 19 was enough to meet the ends of requirement of the rule as it is felt that suspension of licence for five months was meaningless particularly when the peak seasons was over. 31

The Committee feels that there should be some provision for penalty in the rules in addition to the provision of suspension of licence.

## Rule 22

"22 (1) \* \* \* \* \*

(2) Nothing in sub-rule (1) shall be deemed to prohibit persons licensed as weighman, surveyor or measurer to act in all the three aforesaid capacities."

The Committee recommends that in sub-rule (2) of Rule 22, after the word "prohibit" the word "any" be inserted.

## Rule 24

"24. (1) \* \* \* \* \*

(2) \* \* \* \* \*

(3) \* \* \* \* \*

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

(5) \* \* \* \* \*

(6) \* \* \* \* \*

(7) The buyer shall be considered to have thoroughly inspected the agricultural produce for which he has made a bid and he shall have to right to retract from it.

(8) \* \* \* \* \*

(8A) \* \* \* \* \*

(9) The buyer shall be responsible to get the agricultural produce weighed immediately after the auction or on the same day the produce is purchased by him and the seller or the buyer shall be liable for any damage to, or loss of, or deterioration in, the produce after the auction according to the local usage or custom."

32 The Committee recommends that in sub-rule (7) of Rule 24 for the word "to" occurring between the word "right and retract" substitute the word "no".

33 The Committee was of the view that sub-rule (9) of Rule 24 be recast as under :—

"(9) The buyer shall be responsible to get the agricultural produce weighed immediately after the auction or on the same day the produce is purchased by him and he shall be liable for any damage or loss of, or deterioration in the produce."

34 The Committee asked the department to take action accordingly to amend the rule and the Committee be informed.

The departmental representatives agreed to the proposal of the Committee and assured the Committee to amend the rule accordingly.

## Rule 27

"27. Weigh bridges, measuring yards and certificates of weightment or measurement.—(1) The Committee may erect in the market a weigh bridge for the weighing of agricultural produce on payment of such fees as may be prescribed by its bye-laws.

(2) In places where it is customary for any agricultural produce to be measured instead of being weighed, the Committee may specify a place within the market for that purpose and make arrangements for the measuring of such produce on payment of such fees as may be prescribed by its bye-laws.

(3) The Committee shall be responsible for maintaining such weigh bridge or measuring yard in proper condition, and for issuing free of cost certificates of weightment and measurement, as the case may be in such forms as may be prescribed by its bye-laws.

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



The Committee wanted to know whether all the Committees have framed bye-laws under sub-rules (1), (2) and (3) of rule 27.

The department assured the Committee to examine the matter and to inform the Committee accordingly.

The Committee recommends that necessary bye-laws be made and copies thereof be supplied to it. 35

## Rule 29

“29. Levy and collections of fee on the sale and purchase of agricultural produce.—(1) Under Section 23 a Committee shall levy fees on the agricultural produce bought or sold or brought for processing by licensees in the notified market area at the rates fixed by the Board from time to time :

Provided that no such fees shall be levied on the same agricultural produce more than once in the same notified market area. A list of such fees shall be exhibited in some conspicuous place at the office of the Committee concerned :

Provided further that no such fee shall be levied on the wheat imported from a foreign country or wheat or cotton brought for storage, processing or distribution from within the State by the Government or a Corporation in which the Government has the substantial interest :

Provided further that no such fee shall be levied on the certified Seeds.

- (2) \* \* \* \* \*
- (3) \* \* \* \* \*
- (4) \* \* \* \* \*
- (5) \* \* \* \* \*
- (6) \* \* \* \* \*
- (7) (a) (b) (c) \* \* \* \* \*
- (8) \* \* \* \* \*.”

The Committee wanted to know the present rate of levy of fees on the sale and purchase of agricultural produce and the latest decision of the Supreme Court as regards to the levy of such fees. 36

The department in their written reply stated that the rate of market fee at present is 2% ad-valorem. The market fee which was levied 3% on 5.9.70 was reduced by the Supreme Court to 2% vide Judgment dated 4.5.1979. The Committee observed that the provision in the Act was to impose market fee not exceeding 3%.

The Committee recommends that the scope of the Act and Rules may be widened as to include all those purposes for which market fee can legally be used.

### Rule 31

"31. Account of transaction and of fees to be maintained.—(1) Every licensed dealer and every dealer exempted under rule 18 from obtaining a licence shall submit to the Committee a return in form M showing his purchases and sales of each transaction of agriculture produce brought for processing within four days of the day of transaction :

\* \* \* \* \*

Provided further that in case of a dealer who exclusively deals in fruits and vegetables, it shall not be necessary to fill in Form M the particulars of the person to whom any quantity of fruit and vegetables less than one quintal is sold :

Provided further that in case the kacha arhtiya sends one copy of Form J to the Market Committee, the Kacha arhtiya will be exempted from sending Form M to the Market Committee and the buyer shall indicate in Form M only the total quantity and the gross value in respect of each commodity purchased from each seller."

37 The Committee observed that in sub-rule (1) of Rule 31 for the words "within four days" the words "next day" be substituted.

The department agreed to examine the point and inform the Committee accordingly.

The Committee recommends that sub-rule (1) of Rule 31 for the words "within four days" the words "next day" be substituted.

### Rule 33—

"33. Refund of certain amount.—(1) when—

- (a) any sum has been deposited for the grant of a licence which has in fact not been issued ; or
- (b) a person has wrongly applied and paid for and been granted two or more licences of the same nature for the same notified market area ; or
- (c) any market fee has been recovered in excess of the amount actually due ; or
- (d) any market fee has been recovered on a transaction which is exempt under these rules ; or
- (e) any money has been paid by mistake; the Chief administrator of the Board or the Chairman of the Committee, as

the case may be, shall, on a written application being made within six months of such deposit and after such enquiry as he or it may consider necessary order the refund of the appropriate amount, which shall be repaid to the person concerned, after preparing a refund bill, out of the Marketing Development Fund or the Market Committee Fund, according as it was credited in the first instance to Marketing Development fund or the Market Committee Fund

- (2) The powers conferred on the Chief Administrator of the Board by sub-rule (1) may also be exercised by such Officer Subordinate to him as he may appoint in this behalf.
- (3) The application for refund shall contain such particulars as are necessary to enable the amount for which refund is claimed to be traced."

38 The Committee observed that in rule 33(1)(e) the words "the Chief Administrator" should commence from the fresh line as to cover parts (a), (b), (c), (d) and (e).

The departmental representatives agreed to the proposal of the Committee.

The Committee recommends that in rule 33(1) (e) the words "the Chief Administrator" should commence from the fresh line so as to cover parts (a), (b), (c), (d) and (e).