

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

**SUBORDINATE LEGISLATION
1983-84**

FIFTEENTH REPORT

(As Presented to the Haryana Vidhan Sabha on the 30th March, 1984)



**HARYANA VIDHAN SABHA, SECRETARIAT, CHANDIGARH,
MARCH 1984**

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COMPOSITION OF THE COMMITTEE

(1983-1984)

Chairman—

Shri Inderjit Singh

Members—

Shri Ishwar Singh

Shri Mahender Partap Singh

Shri Nirmal Singh

Dr. Mangal Sein

Shri Om Parkash (Beri)

Shri Nar Singh

Advocate General

Special Invitees

*Shri Lachhman Singh Kamboj

*Shri Ram Bilas Sharma.

Secretariat—

1. Shri G.L. Batra, Secretary.
2. Shri S.S. Sanghi, Under Secretary.

The Committee was originally constituted vide Haryana Vidhan Sabha Secretariat Notification No. HVS-LA (Sub-Leg)-1/83-84/21, dated the 28th April, 1983.

*Sarvshri Lachhman Singh Kamboj and Ram Bilas Sharma were nominated by the Speaker as Special Invitees on the Committee on 5-5-83 and 14-6-83, vide Notification Nos. HVS-LA (Sub-Leg) 1/83-84/31, dated the 6th May, 1983 and HVS-LA (Sub-Leg)-1/ 83-84/ 33, dated the 15th June, 1983, respectively.

(v)

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 fifteenth 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 28th April, 1983 and was notified vide Notification No, HVS-LA(Sub-Leg)-1/83-84/21, dated the 28th April, 1983

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 and whole hearted cooperation and assistance given by the Secretary, Haryana Vidhan Sabha and his staff.

INDERJIT SINGH,

CHAIRMAN.

CHANDIGARH:
The 27th March, 1984.

REPORT

1. The Committee on Subordinate Legislation for the year 1983-84, 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 28th April, 1983 and was notified in the official Gazette, vide Notification No. HVS-LA (Sub-Leg)-1/83-84/21, dated the 28th April, 1983.

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

3. The Committee held 46 sittings only during its term. Before scrutinizing the rules and order 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 representatives of various Departments of the State Government in regard to the framing of rules by the State Government under various Acts.

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 other 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 laid on the Table of the House or not.

The Committee is competent to send for persons, papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 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 select set of rules framed under the various Acts for their scrutiny and examine these at the first instance at their own level with the assistance of the Law Department and the Vidhan Sabha 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 enactment of the Act and in no case this period should exceed six months. If the Rules are not framed within six months, the Committee may ask the Department about the 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 exercisable 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 can not 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 Indian Fisheries Act was enacted in 1897 and the Punjab Fisheries Act was enacted in the year 1914 and whereas the Punjab Fisheries Rules were framed in the year 1966,

2. The Punjab Vaccination Act was enacted in the year 1953, whereas the Punjab Vaccination Rules thereunder were framed in the year 1959.

3. The Water (Prevention and Control of Pollution) Act (Parliament Act No 6 of 1974) was enacted in the year 1974 and whereas the Haryana (Prevention and Control of Water Pollution) Rules thereunder were framed in the year 1978.

The Indian Stamp Act and the Indian Stamp (Haryana Amendment) Act were enacted in the year 1899 and 1973 respectively and whereas the Haryana (Prevention of Under Valuation of Instruments) Rules thereunder were framed in the year 1978.

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 fourteen 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 the 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. This recommendation of Committee should be observed meticulously.

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 Department 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 these to the Committee to save its valuable time in pointing out such mistakes.

The Committee further recommends that it is the duty of the Department concerned to see that the rules supplied to the Committee are amended up-to-date and ensure that the suggestions/recommendations/observations made by the Committee from time to time and agreed to 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 Rule, 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 Rules framed thereunder, it should also invariably be stated in the footnote the reference of the Act or Rules by which the amendment has been made.

4. Notes below the Rule.

The Committee observes that the Government Departments while framing a set of Rules give notes and guidelines below the rule, which tendency should be curbed by the Government and such notes should be given in the shape of rules as these notes do not form part of the rules and these notes have no force of law.

5 Framing of Rules/Laws under Article 309 of the Constitution.

The Committee observes that no Act has so far been enacted under Article 309 of the Constitution of India for regulating the conditions of service of the employees of the State. However, the conditions of service of the employees are regulated by the rules framed under proviso to Article 309 of the Constitution of India.

The Committee feels that after a long period of 34 years, it is improper to continue to enforce the service rules framed under the powers conferred by the proviso to article 309 of the Constitution of India, which is a transitory provision empowering the State Government to frame Rules till they do not have their own Legislation. The Committee is constrained to observe that the time has now come rather the State Government is late in not enacting an Act as envisaged in Article 309 and recommends that an Act under Article 309 of the Constitution of India should be enacted to regulate the conditions of service of the employees relating to recruitment, punishment etc. of Government servants in replacement of the existing rules and necessary steps should be taken in that direction by the State Government at the earliest.

The Committee in its earlier report for the year 1976-77 made a recommendation in this behalf but no efforts seem to have been made by the State Government in this behalf. The Committee reiterates its earlier recommendation and hope that the Government will soon make an Act under proviso to Article 309 of the Constitution of India so that there may be uniformity in the regulation of conditions of service, recruitment and punishment etc. of the Civil Servants.

6. 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.

7. 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.

8. 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:—

ANNEXURE

Statement of "Orders" such as rules, orders, regulations, etc in respect of which there has been delay in framing the "Order," 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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9. 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 notification 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.

10. 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, Thirteenth and fourteenth reports for the years 1976-77, 1978-79, 1979-80, 1980-81, 1981-82 and 1982-83 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 alongwith the statement showing the action taken by the Government in the implementations of its recommendations/observations,

SCRUTINY OF THE HARYANA (PREVENTION AND CONTROL OF WATER POLLUTION) RULES, 1978, FRAMED UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 (PARLIAMENT ACT No. 6 OF 1974.)

General

The Committee scrutinised the Haryana (Prevention and Control of Water Pollution) Rules, 1978, framed under the water (Prevention and Control of Pollution) Act, 1974 and observed that the Water (Prevention and Control of Pollution) Act was enacted by the Parliament in 1974, whereas the Haryana (Prevention and Control of Pollution) Rules were framed on 22nd December, 1978. The Committee wanted to know the reasons for delay of four years in framing the Rules and how in the absence of the Rules, the purposes of such an important Act were carried out in the State.

2. During the course of oral examination the representatives of P.W.D Public Health Department stated that after the constitution of the Haryana State Board for the prevention and control of water pollution in the year 1974 the board started its functioning and framed its rules in the year, 1975, which were sent to the Government for notification. He further informed the Committee that pending notification of the Rules, the Board asked the industries to make applications for consent of treating the Industrial and trade effluent and in this way this process took three years to give final shape to these rules.

The departmental representatives while admitting the fact of delay in framing the rules stated that they would avoid delay in future. The Committee recommends that the Rules should be framed within six months after the enactment of the Act.

3. The Committee is of the view that there should be separate tribunal to try the cases pertaining to trade effluent and water pollution etc., particularly in industrial area of the State such as Faridabad, Yamunanagar etc.

4. The Committee is of the view that the Public Health Department of the State Government should make a survey of the Areas located in the State of Haryana which are affected by the trade effluent, steam effluent and water pollution etc. for the better Administration of the Act and the Rules.

5. The Committee is further of the view that there should be separate Rules to Control the air Pollution for creating the healthy environment in the affected areas.

6. The Committee is further of the view that the official and officers of the board should be imparted proper training in the Control of water pollution and trade effluent etc.

Inviting the attention of the departmental representatives to section 4(2) (d) of the water (Prevention and Control of pollution) Act, 1974, the Committee during the course of oral examination wanted

to know whether non-official members not exceeding three, as required under the aforesaid sections of the Act, had been nominated by the State Government on the board to represent the interests of Agriculture, fishery, or industry or trade or any other interest which, in the opinion of the State Government, ought to be represented thereon.

2 The departmental representatives informed the Committee that there was no representative of agriculture and fishery as non-official member on the board at this time but he further stated that he would inform the Committee regarding this position in the matter after checking the record.

The Committee recommends that the requirement of the Act must be complied with and the representatives of the agriculture and fishery Departments should be nominated on the board.

The Committee recommends that the licence for establishing new industry be granted only when the owner has consented to set up the treating plant to control the trade effluent etc.

Rule 3

"3. Terms and conditions of the service of the Members of the Board other than Member-Secretary and Government officials. Section 5(8) -(1) Non-official Members of the Board resident in Chandigarh shall be paid an allowance of Rupees thrity per day for each day of the actual meeting of the Board or actual meeting of any Committee constituted under sub-section (1) of section 9.

(2) Non-Official members of the Board, not resident in Chandigarh shall be paid an allowance of rupees fifty per day (including daily allowance) for each day of the actual meetings of the Board or for each day of actual meetings of any committee constituted under sub-section (1) of section 9 and also travelling allowance at such rates as is admissible to a grade I Officer of the Government

(3) * * * * *

The Committee recommends that in sub-rules (1) and (2) of Rule 3 after the words "day of" the word "attending" wherever occurring in these rules be inserted

Rule 4

"4. Condition of service of the Chairman Section 5 (9) -(i) The Government may appoint any serving Engineer-in-Chief or Chief Engineer of the Public Works Department (Public Health branch) or a retired officer of equivalent status or any other person possessing he qualifications prescribed in 4(2) (a) of the Act

(ii) * * * * *

to

(iv) * * * * *

10 The Committee recommends that in sub-rule (1) of Rule 4, for the word "he" the word "the" be substituted and further after the words "prescribed in" the word "section" be inserted.

Rule 5

"5. Powers and duties of the Chairman. Section 64 (2) (g).-
(1) The Chairman shall have overall control over the day to day activities of the Board.

(2) (i) The Chairman may undertake tours within Haryana State and any Union Territory/State within India for carrying out the functions of the board and for consultation with the Central Board.

(ii) * * * * *

(3) * * * * *

(4) (i) * * * * *

(ii) * * * * *

(a) * * * * *

to

(c) * * * * *

(5) * * * * *

11 The Committee recommends that in sub-rule (1) of Rule 5 after the word "activities" the words "and functions" be inserted.

12 The Committee further recommends that the chairman of the Board who undertakes tours under-sub-rule (2) (i) of rule 5 should submit his tour notes as to what has transpired there or what work had been done.

Rule 6

"6. Meeting of the Board. Section 8. (1)—Meetings of the Board shall ordinarily be held at Chandigarh on such dates as may be fixed by the Chairman.

(2) * * * * *

(3) Seven clear days' notice of an ordinary meeting and two clear days' notice of a special meeting specifying the time and place at which this meeting is to be held and the business to be transacted thereat, shall be given to the members by the Member-Secretary. A copy of the notice shall also be pasted on the Notice Board of the office of the Board. Such notice shall, in

the case of special meeting, include a motion or proposition, if any; mentioned in the written request made for such meeting or in the Government direction or in the proposal made by the Chairman.

(4) * * * * *

(5) No member shall be entitled to bring forward for consideration at the meeting any matter of which he has not given ten days' clear notice to the Member-Secretary, unless the Chairman in his discretion, permits him to do so.

(6) * * * * *

The Committee recommends that for the words "seven clear days" appearing in sub-rule (3) of Rule 6 the word "ten clear days" be substituted. 13

The Committee further recommends that in sub-rule (3) of Rule 6 at the end, the following words be added :— 14

"and the member-Secretary may issue telegrams to inform the Members regarding notice of special meeting".

The Committee further recommends that in Rule 6(3), after the words "registered post" the words "acknowledgement due" be inserted. 15

The Committee also recommends for the words "ten days' clear notice" appearing in sub-rule (5) of Rule 6 the words "fourteen days' clear notice" be substituted. 16

Rule 9

"9 Quorum. Section 8,—(i) Five Members (including the Chairman and Member-Secretary) shall form the quorum for any meeting.

(ii) If within fifteen minutes of the time fixed for any meeting or during the course of meeting, the quorum is not present, the Presiding Officer shall adjourn the meeting to such hour on the same or on some other date as he may fix.

(iii) * * * * *

(iv) * * * * *

(v) No fresh notice shall be required for the adjourned meeting."

The Committee after discussion with the departmental representatives recommends that Rule 9 be amended in the light of the following provisions as laid down in the Article 288 of the Companies Law :— 17

"288(i) If a meeting of the Board could not be held for want of quorum, then, unless the articles otherwise provide the meeting shall automatically stand adjourned till the same day

in the next week at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place.”

Rule 10

“10 Minutes. Section 8 —(i) Record shall be kept of the names of Members who attend the meeting of the Board and of the proceedings at the meeting in a minutes book to be maintained by the member Secretary.

(ii) * * * * *

(iii) The proceeding shall be open to inspection by any Member in the office of the board during office hours.”

178 The Committee recommends that in rule 10 (i) after the word “names” the words “and signatures” be inserted.

179 The Committee recommends that after the existing part (iii) of rule 10 the following be inserted ;—

“(iv) The proceedings of each meeting of the board shall be sent to the members of the board for their comments, if any.”

Rule 12

“12. Order of business—Except with the permission of the Presiding Officer, no business shall be transacted at any meeting otherwise than in the order in which it is entered in the order of the business for the day.”.

180 The Committee recommends that in Rule 12 for words “for the day” the words “of the day” be substituted.

Rule 13

“13. Procedure for transaction of bussiness of the Committee. Section 9.-(1) The time and the place of the meeting of the Committee constituted by the Board under sub-section (1) of section 9 shall be as specified by the Chairman/Member-Secretary.

(2) * * * * *

(3) * * * * *

21 The Committee recommends that in Rule 13 (1) for the word. “The time”, substitute the words and sign “The date time”.

22 The Committee further recommends that in Rule 13(1) after “member-Secretary”, the words “and in the absence of the Chairman

the member Secretary" be added.

Rule 15

"15. Manner and purpose of association of persons with the board. Section 10.—(1) The Board may invite any person, whose assistance or advice is considered useful in the performance of any of its function, to participate in the deliberations of any of its meetings.

(2) * * * * *

(3) If such a person is non-official and is not a resident of Chandigarh he shall be entitled to get an allowance of Rs 55 (including daily allowance) for each day of the actual meeting of the Board in which he is so associated and also to travelling allowance at such rates as is admissible to a Grade I Officer of the State Government.

(4) * * * * *

The Committee recommends that in line 3 of sub-rule (3) of Rule 15 after the words "each day of", the word "attending" be inserted. 23

Rule 16

"16. Conditions of service of the Member-Secretary. Section 12 (1).— (i) The Government may appoint any serving Chief Engineer or Superintending Engineer of the Public Works Department) Public Health Branch) or a retired officer of equivalent status or any other person possessing the qualifications prescribed in 4(2) (f) of the Act, as Member Secretary of the Board.

(b) * * * *

(c) * * * *

(iii) * * * *

(iv) * * * *

The Committee recommends that in line 5 of rule 16 (i) after the words "prescribed in" the words "section" be added. 23

Rule 17

"17. * * * * *

* * * *

(1) * * * *

(a) * * * *

to

(b) * * * *

(2) * * * *

(3) * * * *

(4) * * * *

(5) The Member-Secretary shall write the confidential reports of all Officers or employees of the Board (except the personal staff of the

(Chairman) the maximum of whose pay, pay-scale exceeds Rs. 1100/- and shall submit the same to the Chairman for further recording of remarks by him. The reports of all other officers or employees (except the personal staff of the Chairman) shall be initiated by such officers as are authorised for the purpose by the Chairman and submitted to the Member-Secretary for recording his remarks. The confidential reports of the personal staff of the Chairman shall be written by him.

- (6) * * * * *
- (7) * * * * *
- (8) * * * * *
- (9) * * * * *
- (10) * * * * *
- (II) * * * * *".

The Committee recommends that in sub-rule(5) of rule 7 the provision should be made that the appeal against adverse remarks given by the Member-Secretary against an officer or employee shall lie to the Chairman of the Board

The Committee further recommends that for adverse Confidential reports recorded by the Chairman the appeal thereof should lie to the Board.

Rule 18

"18. Creation and abolition of posts. Section 12 (3).—(i) The Board may create such posts as it considers necessary for the efficient performance of its functions and may abolish any post, so created.

Provided that for the creation of any post the maximum of whose pay scale exceeds Rs. 16,00/- per month the Board shall obtain prior sanction of the Government.

- (ii) * * * * * * * *".

27 The Committee recommends that in Rule 18(i) for Rs. 1,600/- substitute "Rs. 1,500/-".

Rule 19

- "19 (1) * * * * *
- (2) * * * * *
- (3) * * * * *
- (4) * * * * *
- (5) * * * * *

(6) The Consulting Engineer shall discharge such duties and perform such functions as are assigned to him by the Chairman or the Board and it will be his duty to advise the Chairman on all technical and other matters referred to him by the Chairman.

- (7) * * * * *".

26 The Committee recommends that in line 3 of sub-rule (6) of

Rule 19, for the word "Chairman", substitute the words "Chairman/Board".

Rule 22

"22. (1) xx xx xx xx xx xx

(2) On receipt of any application for consent under section 25 or section 26, the Board may depute any of its officer's accompanied by as many assistants as may be necessary for the purposes of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as it may consider necessary, to visit the premises of the applicant to which such application relates. Such officers may for that purpose, inspect any place where water, sewage or industrial effluent is discharged by the applicant as also any treatment plants, purification works, disposal systems and plants of the applicant and may require the applicant to furnish to him any plans, specifications and other data relating to such water treatment plants, purification works or disposal systems and plants or any part thereof, that may be considered necessary.

(3) Such officer shall, before visiting any premises of the applicant for the purpose of inspection under sub-rule (2) give, as far as practicable, a notice to the applicant for his intention to do so in form 'C' and the applicant shall furnish to such officer all facilities that he may legitimately require for the purpose.

(4) xx xx xx xx xx xx."

The Committee recommends that in rule 22 (2) for 'industrial effluent' that words "trade effluent" be substituted as the later term is defined in section 2(K) of the Act. 29

The Committee further recommends that in sub-rule (3) of rule 22 delete the words "as far as practicable." 30

Rule 23

"23. Appellate Authority. Section 28 -(1) (i) Two persons out of the three constituting the appellate authority as nominated by the Government, under section 28, shall fulfil the following minimum qualifications —

(a) Graduate of University recognised by the Government in Engineering or in any branch of science including Chemistry, Bio-Chemistry, Industrial Chemistry or Medicine.

- (b) having experience of not less than 20 years in office, field or laboratory work connected with the investigation of pollution of water or methods of safe disposal of effluents.

(ii) The third person constituting the appellate authority shall be a law graduate of a recognised University having at least 5 years experience as a practising lawyer or in any other legal field.

- (b) Out of the two persons in (1) (i) above, one person will be designated as the President of the appellate authority.

(2) xx xx xx xx xx xx xx

(3) (i) xx xx xx xx xx xx

to

(iii) xx xx xx xx xx xx

(iv) If, on the date fixed for hearing or on any date to which hearing of the appeal may be adjourned, the appellate or his duly authorised agent does not appear when the appeal is called for hearing, the appeal may be either dismissed or decided ex-parte.

(v) xx xx xx xx xx xx

(4) xx xx xx xx xx xx xx

to

(6) xx xx xx xx xx xx xx."

31 The Committee recommends that it would be desirable to introduce the Public Health Engineering course in the State and necessary provision be made in the rule.

32 The Committee also recommends that in Rule 23 (ii) (b) after the word "designated" the word "by the Government" be added.

33 The Committee further recommends that in Rule 23 (3) (iv) after the words "ex-parte" the words "and in such a case the exparte order so passed shall be conveyed to the party immediately thereafter, by registered post" be added.

Rule 25

"25. (1) xx xx xx xx xx xx

(2) xx xx xx xx xx xx

(3) If experience indicate that the total estimate for fixed charges referred to in sub-rule (1) and (2) is not likely to be fully utilised, a suitable lump sum deduction shall be made from the total estimated amount.

✓ The Committee recommends that in Rule 25 (3), for the words "sub-rule" the words "sub-rules" be substituted.

34

Rule 27

✓ "27. Reappropriation and emergent expenditure. Section 38.—No expenditure which is not covered by a provision in the budget approved by the board or which is likely to be in excess over the amount provided under any head, shall be incurred by the board without provision being made by re-appropriation from some other head under which saving are firmly established and available

The Committee recommends that at the end of the Rule 27, the following proviso be added : —

35

"provided that such reappropriation shall be submitted to the State Government".

Rule 31

✓ "31. Form of Annual Report. Section 39.—The annual report giving a true and full account of the activities of the Board during the previous financial year and containing the particulars specified in the form 'G' shall be submitted to the Govt., by the 15th of May, each year.

The Committee recommends that efforts should be made to lay the annual reports of the Board before the Legislature regularly.

36

Rule 32

"32. Form of Annual Statements of accounts. Section 40.—The Annual statements of accounts of the board shall be in form 'H'-I, H-II, H-III, H-IV and H V."

The Committee recommends that the annual statement of accounts of the board be laid before the State Legislature as required under Section 40 (7) of the Act.

37

Scrutiny of the Wild life (Protection) Haryana Rules, 1974 framed under the Wild life (Protection) Act, 1972 (Parliament Act No. 53 of 1972)

I General

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

The Committee observed that there was a time lag of Two years between enactment of the Act and the Rules framed thereunder. The Committee wanted to know how in the absence of the Rules the purposes of the Act were carried out.

The Wild Life Department informed the Committee through its written reply that the Wild Life (Protection) Act, was passed by the Parliament on 6-9-1972 and enforced with effect from 12-3-1973. The Wild Life Officer Haryana, sent the draft rules for examination to the Chief Conservator of Forests, Haryana, on 18-1-1973. In the meantime the Government of India circulated the Model Rules framed under the Act which were received by the Forests Department on 14-5-1973. Keeping in view the Model Rules, rules were prepared by the Wild Life Officer, Haryana, and sent to the Chief Conservator of Forests, Haryana, and then the Rules were sent to the Haryana Government for approval in July, 1973. The Rules were sent to the Law Department for vetting and these were received back after vetting by the Administrative Department. The Administrative Department sent these rules to the L.R. for publication on 22-3-1974 and these Rules were finally published on 24-5-1974.

The Wild Life Department further informed the Committee that the Wild Life preservation Act, 1959 was already in force in the State and during the interim period of two years i.e. from 1972-74 the purposes of the Act were carried out by issuing notifications under the Wild Life (Protection) Act, 1972. The departmental representatives during the course of oral examination stated that delay partly occurred due to model Rules received from the Government of India. He expressed that Rules should be framed within a period of six months from the date of enactment of the Act.

The Committee recommends that Rules should be framed as early as possible and in no case this period should exceed more than six months after the enactment of the Act, to carry out the purposes of the Act.

✓ Rule 2

- "2. (a) xx xx xx xx xx xx xx
(b) xx xx xx xx xx xx xx
(c) xx xx xx xx xx xx xx
(d) "Licensee" means a holder of a licence ,
(e) xx xx xx xx xx xx xx
(f) xx xx xx xv xx xx xx

2, The Committee recommends that for the existing part (d) of Rule 2, the following be substituted :—

"Licensee" means a holder of licence granted under the Act and these Rules,";

Rule 3

"3. Wild Life Advisory Board

Term of office, section "(3).—The term of office of a member of the Board referred to in clause (g) of sub-section (1) of section 6 shall be three years from the date of his appointment "

Inviting the attention of the departmental representatives to Rule 3 read with section 6 (1) (b) of Wild Life protection Act, 1972, the Committee notices that the department had nominated two Legislators in category (g) which do not fulfil the requirements of section 6(1) (b) of the Act to constitute the Wild Life Advisory Board.

The Committee observed that besides appointment of two Legislators in category (g) the department should have appointed two members of the State Legislature under Section 6 (1) (b) of the Act also to fulfil the intention of the Act. The departmental representatives, expressing their regrets, stating that they could not clarify this point of appointment of two more members from State Legislature to constitute the Wild Life Advisory Board while issuing the notification in this behalf.

The Committee recommends that to fulfil the intention of section 6 (1) (b) of Act two members from

State Legislature be appointed.

The Committee further observed that there was no mode of inclusion in the Constitution of Wild Life Advisory Board of two members of the State Legislature under Section 6 (1) (g) i. e. whether by appointment or by election.

The Committee after a great deal of discussion observes that election of 2 members may be held in accordance with the Principle of proportional representation by means of the single transferable vote on the said board like the courts of M.D. University, Rohtak, Kurukshetra University, Kurukshetra, Punjab University, Chandigarh and the Board of Industries, Haryana, and if necessary, the Central Government may be moved for making necessary amendment in the Act.

Rule 5

"5. (1)

When a member of the Board referred to in Clause (g) of sub-section (1) of section 6 resigns or dies or is removed from office or becomes incapable of acting as such the State Government may, by notification in the official gazette, appoint a person to fill the vacancy.

Filling casual
vacancy.
Section 6(

10 7
The Committee recommends that in Rule 5(1) after the words "to fill the vacancy" the words "within thirty days of the occurrence of the vacancy" be added.

Rule 6

Removal
from
Board,
section
64(2)(h).

"(6) The State Government may, after such enquiry as it may deem fit, remove any member of the board from his office, if he—

(a) is of unsound mind and stands so declared by a competent court;

(b) is an undischarged insolvent ;

(c) xxx xxx xxx

(d) xxx xxx xxx

(e) xxx xxx xxx."

8 ✓ The Committee recommends that in Rule 6, after (b), insert "(bb) is proved gross misbehaviour".

Rule 7

Allowances
Section
6(4).

"7. (1) The non-official member of the Board shall get travelling and daily allowance as admissible to grade I officers of the State of Haryana.

✓ (2) Where concessional tickets are allowed for return journeys by rail, the travelling allowance shall be restricted to the actual cost of return tickets plus the incidental charges.

✓ (3) A member of the State Legislature who is a member of the Board shall not be paid any fares in respect of journeys by rail or road if he is entitled for free coupons for such journeys."

7 x The Committee recommends that in Rule 7(1), for the words "grade I" the words "Group A" be substituted.

10 ✓ The Committee further recommends that sub-rules (2) and (3) of Rule 7 be deleted.

Rule 10

Period of
validity
of Licence,
section 9
(6)(b).

"10 A licence granted under this Chapter shall be valid for the period specified therein."

11 ✓ The Committee, after discussion with the departmental representatives, recommends that a hunting licence issued under

Rule 10 for big games should be issued for 15 days and that for the small games for 30 days. —

Rule 11

"11. An application for a licence of the category specified in column 1 of the Table below when made by a person of the category specified in the corresponding entry in column 2 thereof, shall be accompanied by a treasury receipt or bank challan showing that the fee according to the scale specified in the corresponding entry in column 3 of the said Table has been paid:—

Fee Section 9(3).

TABLE

Name of licence	Category of person	Amount
1	2	3
(a) Special game hunting licence for a month or a part thereof.	(i) Citizen of India	Rs. 50/-
	(ii) Person other than a citizen of India	Rs. 100/-
(b) Big game hunting licence for a month or a part thereof	(i) Citizen of India	Rs. 20/-
	(ii) Person other than a citizen of India	Rs. 40/-
(c) Small game hunting licence for a year or a part thereof	(i) Citizen of India	Rs. 20/-
	(ii) Person other than a citizen of India	Rs. 40/-

✓ The Committee recommends that in rule 11 of the Wild Life (Protection) Haryana Rules, 1974 after the words "has been paid" the words "and licence be granted within a week of the receipt of the application" be added. 12

13
 (X) The Committee further recommends that the proviso of section 11(2) of the Wild Life (Protection) Act, 1972 does not provide ample safeguard to the people and Agriculturists to take up the defence of their innocence, if they happened to kill a wild life animal in self defence or due to the Public safety. Therefore, the State Government should approach the Central Government to make necessary amendment in the said proviso to the Act. 13

B-Wild animal trapping licence**Rule 12**Application period
and fee, section 9.

"12. (1) xxx

xxx

(2) xxx

xxx

(3) An application for a Wild animal trapping licence shall be accompanied by a treasury receipt or bank challan showing that the licence fee according to the following scale has been paid:—

(i) Citizen of India

Rs. 150 for a year or a part, thereof.

(ii) person other than a citizen of India.

Rs. 300/- for a year or a part thereof.

14 ✓ The Committee recommends that the rates of licence fee under Rule 12 (3) be increased as under:—

	Proposed	Existing fee
1. Special game	Rs. 100/-	Rs. 50.00
2. Big game	Rs. 50-00	Rs. 20.00
3. Small game	Rs. 20.00	Rs. 20.00

In case of foreigner double the fee fixed above should be charged.

Rule 15General
conditions
governing
grant of
licence,
section
9(6)(c).

"15 (1) xxx

xxx

xxx

(a) xxx

xxx

xxx

(b) xxx

xxx

xxx

(2) xxx

xxx

xxx

(3) xxx

xxx

xxx

(4) xxx

xxx

xxx

(5) xxx

xxx

xxx

(6) Any person who is entitled to hunt a dangerous animal under a special game hunting licence or a big game hunting licence and who wounds such animals shall do his utmost to kill the same. On his failure to do so, he shall forthwith

inform in writing the issuing officer and the divisional forest officer of the area in which such occurrence had taken place, giving reasons why the wounded animal could not be tracked and killed and he shall also inform the gram panchayat of the adjoining area of the existence of the wounded animal in the neighbourhood.

(7) xxx

xxx

to

(12)xxx

xxx

xxx

The Committee recommends that in Rule 15 (6) after "gram panchayat" the words "and the police Station" be inserted. 15

Rule 20

"20. (1) xxx

xxx

xxx

(2) A permit issued under sub-rule (1) shall not be valid for a period exceeding five days.

Entry in
sanctuary
section 28.

(3) xxx

xxx

xxx

to

(6) xxx

xxx

xxx."

The Committee recommends that in Rule 20 (2) for the words "five days" the words "seven days" be substituted as duration of five days is a very short period for scientific research, investigation or study of Wild Life. 16

Rule 24

"24(1) xxx

to

(3) xxx

xxx

Inquiry
and prepa-
tion of in-
ventories
section 41.

(4) The Chief Wild Life Warden or the authorised officer shall affix upon the objects referred to in sub-rule (3), identification marks as far as possible in indelible ink.

The Committee recommends that the words "as far as possible", appearing in sub-rule (4) of Rule 24 be deleted. 17

The Committee recommends that to prevent destruction of harvests of farmer and for their better economy the limited shooting of Blue horse be allowed. The Committee further recommends that the cases made out against the inhabitant of village Saunghal be withdrawn giving them the benefit of self defence, 18

Amended

SCRUTINY OF THE HARYANA MATERNITY BENEFIT RULES, 1967, FRAMED UNDER THE MATERNITY BENEFIT ACT, 1961.

General

The Committee while orally examining the departmental representatives of the Labour and Employment Department, Haryana, regarding the Haryana Maternity Benefit Rules, 1967, framed under the Maternity Benefit Act, 1961 enquired from the department the reasons of delay in framing the Rules. The departmental representatives stated that in Section 1 of the Maternity Benefit Act, 1961 there was a provision that—"It shall come into force on such date as may be notified in this behalf in the official "gazette". For the enforcement of this Act of 1961 in Punjab State the notification was issued in 1964. After its application in Punjab, the State Government framed the draft rules and to invite the objections, the notification was issued. In reply to the question of Pre-publication of the Rules, the departmental representatives informed the Committee that the Rules were pre-published in the year 1966. He further stated that after inviting the objections in 1966 the bifurcation of Punjab took place. Then in January, 1967 the Haryana Government in the Labour Department approached the Central Government for the final publication of the notification of these Rules as the previous notification was issued at the time of Joint Punjab. Some of the objections obtained in 1966 belonged to area which now fall in Haryana State. To avoid any further delay in the matter fresh objections were not invited, the objections already received were considered and finally the Haryana Maternity Benefit Rules were framed and notified on 11th April, 1967.

The Committee enquired from departmental representatives whether any objections invited on the draft notifications No. GSR-182/L.A./53/61 Sec. 28/66, dated the 16th August 1966, published in the official gazette of erstwhile Punjab Government, were received? If so, what were the objections and how those were disposed of.

The departmental representatives informed the Committee that certain objections were received on this draft notification by the erstwhile Punjab Government, but the same were not available in their record. The departmental representatives showed their inability to state as to how the objections received were disposed of. However, they assured the Committee to find out the same and inform the Committee.

The Committee asked the departmental representatives to supply a copy of Rules applicable to the State after the year 1947. The departmental representative assured the Committee to supply a copy of the Rules applicable to the State after the year 1947, within a month.

Inviting the attention at page 5 of the 14th Report of the Committee on Subordinate Legislation, the Committee recommends that the Rules should be framed as early as possible after the enactment of the Act. The Committee reiterates that this observation should be implemented meticulously in future.

Rule 3

“3. Muster roll. Section 20 and 28(2).—(1)

The Committee noticed that an amount of Rs 25/- was being given to a women a medical bonus under Section 8(6) of the Maternity Benefit Act, 1961, which came into force in the Punjab State in the year 1964.

The Committee further noticed that if price index of 1964 and that for the year 1983/1984 had to be compared. There was many folds increase, but the medical bouns had not been revised so far. The departmental representatives during the course of oral examination stated that they agreed to the proposal of the Committee that it should be enhanced to Rs 250/-. But the departmental representatives expressed their inability in the matter as it did not fall within their purview and stated that it pertained to the amendment in the Central Act.

The Committee recommends that the amount of Medical bonus of Rs. 25/- should be raised to Rs 250/- which may be given by an employer to a women, who is not provided any prenatal confinement and postnatal carefree of charge as the present amount of Rs. 25/- was too meagre and the State Government should approach the Central Government to make necessary amendment by the Parliament in the Maternity Benefit Act, 1961.

Rule 5

“5.—Proof Sections 6(5) and 28(2).—(1) The fact that a women is pregnant or has been delivered of a child or has under gone miscarriage or is suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall be proved by the production of certificate to that effect in Form ‘C’ from:—

- (a) Medical Officer of a regional hospital or of a dispensary set up by the State Government;
- (b) a registered Medical Practitioner;

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

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

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

(5) For the purposes of sub-rules (2) and (3) the qualifications to be possessed by a mid-wife shall be determined by the State Government on the recommendations of the competent authority. The certificate from a qualified mid-wife shall be in form “E”.

The Committee recommends that in Rule 5(1) (a), delete the word “regional”

The Committee further recommends that the qualifications for a mid-wife should be specified in rule 5(5) rather than to leave it to the discretion of the Government to be determined on the recommendation of the competent authority i.e Chief Inspector of Factories, Haryana in the instant case.

Rule 6

- "6. (1) *****
 (2) *****
 (3) *****
 (4) *****
 (5) *****
 (6) *****

- (7) The wages due under section 10 shall be paid within a week of the beginning of the period of leave referred to in that section on the production of a certificate in form 'C' from the medical officer of the regional Hospital or of a dispensary set up by the State Government or from a registered Medical Practitioner.

§ The Committee recommends that in Rule 6, Sub-rule (7), delete the word "regional".

Rule 7

- "7. Break for nursing child. Section 11 read with section 28(2).—
 (1) Each of two breaks mentioned in section 11 shall be of 20 minutes duration :

Provided that in case the creche or place where children are left by women while on duty is not in the vicinity of the place of work a period upto 15 minutes more may be allowed for the purpose of journey to and from creche or the place.

§ The Committee recommends that in Rule 7, for the figures and word "20 minutes" substitute the figures and word "30 minutes".

Rule 8

- "8(1) ***
 (2) ***
 (3) No Inspector shall physically examine or question any woman worker in respect of her pregnancy In case of any doubt in this respect he may immediately refer the case to a female registered medical practitioner for examination and report any fees payable for such an examination shall be paid by the employer of the "woman worker".

7 The Committee recommends that in Rule 8(3) for the word "any", occurring in line 5, the word "and" be inserted.

Rule 10

- "10(1) ***

- (2) The Appeal may be made in writing and either handed over personally or sent under a registered cover to the competent authority.

(3) * * * * *

The Committee recommends that the words "under postal certificate" be inserted after the words "registered cover".

The Committee further recommends that some reasonable period be specified in sub-rule (3) of Rule 10 within which an employer required to submit his reply or to produce the required documents before the competent authority i.e. before the latter proceeds to give ex-parte decisions.

Rule 11

"11(1) * * * * *

(2) When a complaint referred to in section 7 is received by an inspector he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under sector 7, as the case may be immediately or within a specified period."

The Committee recommends that some period be specified in sub-rule (2) of Rule 11, within which an employer is required to make payment to a woman employee.

The Committee further recommends that in sub-rule (2) of Rule 11, after the word "establishment" the words "or any other person" be inserted".

Rule 13

"13 Supply of forms Section 28(2)(k)—The employer shall supply to every woman employed by him at her request free of cost copies of Forms 'B', 'C', 'D', 'E', 'F', 'G', 'H', & 'I'.

The Committee recommends that at the end of Rule 13 the following be added .—

"and the employer should maintain a record of such forms".

Rule 14

"14. Section 20 and 28(2)(a).—Records kept under the provisions of the Act and these Rules, shall be preserved for a period of two years from the date of their preparation.

13

The Committee recommends that the records should be destroyed after a period of two years with the permission of the competent authority.

Rule 15

"15. Abstract. Section 19 and 28(1).—The abstract of the provision of the Act and these Rules, required to be exhibited under section 19, shall be in form 'O' and shall be exhibited in such manner as the competent authority may require."

14

The Committee recommends that in Rule 15, after the words "be exhibited" the words, "in Hindi and English languages," be inserted.

15

The Committee observed that the word "establishment" has been used at several places in the Rules, but it had not been defined in the Rules

16

The Committee recommends that the definition of term "establishment" be incorporated in the Haryana Maternity Benefit Rules, 1967

SCRUTINY OF THE PUNJAB FISHERIES RULES, 1966, FRAMED UNDER THE PUNJAB FISHERIES ACT, 1914 AND THE INDIAN FISHERIES ACT, 1897.

General

The Committee, while scrutinising the Punjab Fisheries Rules, 1966 observed that the Indian Fisheries Act came into force in the year 1897 and the Punjab Fisheries Act was enacted in the year 1914, whereas the Punjab Fisheries Rules were framed as late as in the year 1966. The Committee wanted to know the reasons of this inordinate delay in framing of the Rules and how in the absence of the Rules the purposes of the said Acts were carried out.

The department in its written reply stated that the Indian Fisheries Act came into force in the year 1897 and the Punjab Fisheries Act was enacted in the year 1914 whereas the Punjab Fisheries Rules were framed in the year 1966. The reasons for framing the Punjab Fisheries Rules as late as in the year 1966 after enacting the Punjab Fisheries Act, 1914 were not available on record of the Haryana Government in the Fisheries Department. The Punjab Fisheries Act 1914 was enacted in pre-partition period and the Punjab Fisheries Rules were framed and Published on 5th August, 1966, before the re-organisation of the Punjab State i.e. before the coming into existence of the Haryana State w.e.f. 1-11-1966.

On being enquired by the Committee, the departmental representative during the course of oral examination stated that the Punjab Fisheries Rules were framed in the year 1966 and the Punjab Fisheries Act was enacted in the year 1914. He further stated that generally rules were required to be framed within one or two years of the enactment of the Act but these Rules were framed in 52 years and did not know who was the Secretary/Director of Fisheries at that time in Punjab, but Haryana Government was not in a position to to fix the responsibility for the delay in framing the Rules in erst-while Punjab State before 1st November, 1966. He further informed the Committee that the fisheries Rules of 1963 were in force before the Rules of 1966 were framed. In addition to it the department informed the Committee in written reply that the Government of Punjab had made rules for regulation of fishing in waters of Badkhal Bundh, Damdama Bundh, Dhoj Bundh and Nazafgarh Jheel, vide notification No. 6511-AH (V) 63/32/72 on 2nd July, 1963.

The Rules for regulation of Fishing in these waters, however have not been incorporated in the Fisheries Rules, 1966. The Committee desired that both the Punjab Fisheries Rules, 1963, and the Fisheries Rules, 1966 be consolidated and revised up to-date in the light of changed circumstances i.e. the development of Fisheries and published in the Gazette alongwith its schedule

The departmental representatives expressed their difficulty in the consolidation of these rules and stated that they would seek the advice of the law department in this behalf.

The Committee recommends that the said Punjab Fisheries Rules

1963 and the Punjab Fisheries Rules, 1966 alongwith its schedule be revised in the light of changed circumstances that had taken place since all these years and be published at the earliest under intimation to it.

The Committee desired to know who were the Fisheries Officers appointed by name and what functions and duties assigned to them under sections 2 (a) and 8 of the Punjab Fisheries Act, 1914 read with section 7 of the Indian Fisheries Act, 1897.

The departmental representative in its written reply stated that the powers for compounding fishing offences were vested with the fisheries officer by designation and not by name. He further stated that all the gazetted and non-gazetted (Class III) Officers of the fisheries department had power to compound all kinds of cases of fishing offences and realised money by way of compensation for the offences.

On being enquired, the departmental representative during course of oral examination stated that the fisheries officers were appointed by name in districts and they exercised their powers in their jurisdiction. There were no posts of Inspector of Fisheries in the fishery department.

The Committee was of the view that the powers to compound all kinds of cases of fishing offences should vest in a gazetted officer. The departmental representative agreed to examine this point and let the Committee know.

Rule 4

Auction
for grant
of licence.

"4 (1) On or after the 1st day of July each year, the Auctioning Authority may put to public auction the right of fishing in any water specified in the schedule or portion of such water. No person shall be allowed to bid unless he has deposited an amount of two hundred rupees in cash as earnest money with the auctioning authority.

(2) * * * * *

(3) In case the bidder in whose name the auction is closed fails to pay the amount due from him at the fall of hammer or the amount of security required to be deposited under sub-rule (2) of rule 5 or fails to furnish the security bond as required under sub-rule (3) of rule 5 the auctioning authority shall have the rule right to forfeit the earnest money, cancel his bid, reactuate the fishing right and blacklist or debar him from bidding for a specified period. Otherwise the amount of earnest money shall be refunded after the issue of licence."

The Committee desired to know whether the department had included other areas and remaining districts after the demarcation of boundries for granting licence for fishing given in the schedule appended to these rules of 1966.

The department stated in its written reply that the proposal was submitted by the State Fisheries Department to Haryana Government vide letter No. 521—DA, dated 1.9.82 for demarcation of boundries of 12 districts inclusion of fresh remaining such areas and the action was being taken by the Government for its notification.

4 The Committee desired that the department should get the matter expedited and the schedule as amended up-to-date be notified alongwith consolidated rules and copies thereof be supplied to it

5 The Committee recommends that in sub-rule (1) of Rule 4, for the words "two hundreds " the words " five hundreds " be substituted.

6 The Committee recommends that in sub-rule(3) of Rule 4 delete the words "and blacklist". The Committee further recommends that the period for which a bidder was to be debarred from bidding may be specified in Rule 4(3) and this period should not be more than 3 years.

7 The Committee recommends that in sub-rule (3) of Rule 4, the words "otherwise the amount of earnest money shall be refunded after the issue of licence" did not convey the desired sense and which be substituted by the words "earnest money shall be refunded after the issue of licence in case the bidder in whose name the acution is closed pays the amount due from him at the fall of the hammer and furnishes the amount of security and surety bond."

Rule 5

"5. (1) * * * * *

(2) * * * * *

Payment
of contract
amount

(3) In case where the contract amount is to be paid by instalments, the licensee shall furnish a security bond in form 'A' to the satisfaction of the licensing authority within 10 days from the date of issue of the sanction of contract in his favour for payment of the balance of the contract amount. If the licence fails to pay the balance of the contract amount on or before the due dates, than without prejudice to any other action that may be taken against him by the licensing authority under these rules he shall be liable to pay interest at the rate of 6% per annum on the outstanding amount.

(4) xxx xxx xxx xxx

8 The Committee recommendeds that sub-rule (3) of Rule 5 be amended so as to raise the rate of interest from 6% to 18% per annum and amended copies of rules be supplied to it.

Rule 7

"7. (1) * * * * *

(2) The licensee shall fish either personally or through such of his agents or nominees as are provided with permits signed by the Fisheries Officer, concerned.

(3) * * * * *

Conditions
of the
licence.

(4) The licensee or his agents or nominees shall not use for fishing any kind of gear except those mention d below;—

- (i) Nets of all kinds not having at any portion a mesh bar measured less than 4 cm. from knot to knot or 16 cm. all round ;
- (ii) Long line with hooks.
- (iii) Roa and line.
- (iv) hand line ;

Provided that no gear except Road and line shall be used in the waters within a distance of 200 meters either side of the following bridges and within a distance of 500 meters on either side of the Rail and Road bridge over Sutlej at Phillaur—.

III AMBALA DIVISION

1. * * * * *

2. * * * * *

(5)

to * * * * *

(10) xxx

xxx

xxx

(11) The licensee shall send a monthly statement regarding items mentioned in rule 7 (10) to the fisheries officer, concerned by the fifth of each month following that to which it relates failing which a late fee of Rs. two per day will be charged for a period of 10 days and will be recovered from the security mentioned in rule 5(2) if the statement is not submitted by him during the aforesaid period, his licence may be cancelled.

(12)

to * * * * *

(14) * * * * *

The Committee recommends that the form of permit mentioned in Rule 7 (2) must be appended to these Rules, and the words "over Sutlej at Phillaur" in rule 7(4) be deleted and the Committee further recommends that the spelling of word Road occurring in proviso to Rule 7(4) be corrected as "Rod" and for the word "two" the word "ten" be substituted in Rule 7(11).

Rule 8

Licencee
not entitled
to claim
any dam-
age from
Govt.

"8(1) The licensee shall not be entitled to claim any damages or compensation from the Government for any loss that may be suffered by him due to floods, palution, slump in prices, litigation or any other cause whatsoever,

(2) The licensee shall not be entitled to claim any damages for loss which may occur to him in the event of any action taken against him by any official/officers of the Fisheries Department for break of any provision of these rules or any term of his license.

The Committee recommends that in sub-rule (1) of Rule 8, the spelling of word "polution" be corrected as "pollution".

In sub-rule (1) of Rule 8, for the word "accur" the word "accrue" be substituted and for the word "break" the word "breach" be substituted and for the words "or or any" the words "of any" be substituted,

Scrutiny of the Haryana Urban (Control of Rent and Eviction) Rules, 1976, Framed under the Haryana Urban (Control of Rent and Eviction) Act, 1973.

General

While scrutinising the Haryana Urban (Control of Rent and Eviction) Rules, 1976, framed under the Haryana Urban (Control of Rent and Eviction) Act, 1973, the Committee observed that the Haryana Urban (Control of Rent and Eviction) Act was enacted by the Haryana State Legislature in the year 1973, whereas the Haryana Urban (Control of Rent and Eviction) Rules were framed by the State Government in the year 1976. The Committee wanted to know the reasons of this inordinate delay in framing the Rules of about three years and how in the absence of rules the purposes of the Act were carried out.

The department in its written reply stated that the lengthy process of framing of these rules was started in July, 1975 and the final notification was published on Nov. 1976, so it took about one and a half years to give final shape to these rules.

The Committee recommends that in future the Rules should be framed within six months from the enactment of an Act.

Rule 3

Application for fixation of fair rent Section 4.

"3. An application made under section 4 of the Act, shall in addition to the particulars mentioned in rule 5 and 6, contain the following particulars, namely:—

- (a) * * * * *
- to
- (f) * * * * *
- (g) rate of rent of similar building, having similar amenities, if any, in the locality ;
- (h) * * * * *

The Committee recommends that in the marginal heading of Rule 3 of the Rules, for the word "fixation" the word "determination" be substituted.

The Committee also recommends that after the word "Act" appearing in Rule 3, the words "for determination of fair rent" be added.

The Committee further recommends that for the word and sign "building," appearing in clause (g) of Rule 3 the words "building or rented land" be substituted.

Rule 4

Application for eviction Section 13.

"4. An application under section 13 of the Act, shall be besides the particulars mentioned in rules 5 and 6, contain the following

Particulars, namely :—

(a) * * * * *

(b) * * * * *

(c) * * * * *

(d) in case of a residential building, the number of persons occupying the same and what portion, if any, is occupied by the landlord and his dependents, and the number of members who are residing with him as his dependents;

(e) * * * * * ; and

(f) * * * * * .”

The Committee recommends that after clause (d) of Rule 4 the following clause (dd) be inserted:—

(dd) “ in case of residential building the extent of residential accommodation which he owns or otherwise is in his occupation in urban areas throughout India ”

Rule 6

“6. (1) * * * * *

(a) * * * * *

to

(c) * * * * *

(d) Whether the building is a residential, non-residential or a scheduled building ; and

(e) * * * * *

(2) * * * * *

* * * * *

The Committee recommends that in sub-rule 6 (d) the words “or a scheduled building” be deleted as no mention of scheduled building exist in the Act. 6

Scrutiny of the Punjab Fruit Nurseries Rules, 1961, Framed under the Punjab Fruit Nurseries Act, 1961 as applicable to the State of Haryana.

General

The Committee, while examining the replies received from the Agriculture Department, made the following observations in respect of the Punjab Fruit Nurseries Rules, 1961, framed under the Punjab Fruit Nurseries Act, 1961, as applicable to the State of Haryana :—

The Committee recommends that the Punjab Fruit Nurseries Act, 1961 and the Rules framed thereunder be amended in the light of the changed circumstances.

The committee also recommends that the competent authority under section 2 of the Punjab Fruit Nurseries Act, 1961 be notified by the Haryana Government as the previous notifications for the appointment of competent authority were issued by the Punjab Government in the year 1964.

Rule 2

“2. * * * * *

- (b) “Agricultural Inspector” means the Agriculture Inspector incharge of horticulture extension work;
- (c) “Director” means the Director of Agriculture, Punjab and includes the Joint Director of Agriculture;
- (d) * * * * *

The Committee recommends that as the Government has redesignated “Agricultural Inspector” as “Agricultural Development Officer” after amending section 11 (1) of the Act, and necessary amendment in Rule 2 (b) be also made, and the changed designation be incorporated in subsequent rules.

The Committee also recommends that in Rule 2 (c) and in subsequent rules for the word “Punjab” wherever occurring, the word “Haryana” be substituted.

The Committee further recommends that in Rule 2(c) the words “Additional Director of Agriculture” be inserted before the words “Joint Director”.

Rule 3

“3(1) An application for a licence to conduct or establish a fruit Nursery shall be made to the competent authority in Form-I. The applicant shall deposit an amount of Rs. 30/- (Rupee Thirty) Under Head “XXV-Agriculture-Agricultural Research-Income from Research Section-General Section” in the Government Treasury as licence fee and shall enclose licence with the original treasury challan with the application.

(2) The fee specified in sub rule (1) shall be refunded, if the licence is refused

(3) * * * * *

(4) On receipt of the report of the Inspecting Officer the competent authority may, if satisfied that the applicant fulfils condition mentioned in or notified under sub-section (2) of section 4, grant a licence in Form II. If it is not so satisfied it may refuse the issue of licence and shall in its order give reasons for such refusal.

Provided that every order granting or refusing a licence shall be made within a period of ninety days of the date of the receipt of the application for license.

(5) * * * * *

The Committee recommends that licence fee of Rs. 30/- in rule 3(1) be enhanced according to the rise in prices.

The Committee also recommends that the guidelines/grounds for the refusal of a licence be provided in Rule 3(2).

The Committee further recommends that in sub-rule (4) of Rule 3 for the words "and shall in its order give reasons for such refusal" substitute the words "and shall give reasons for such refusal in writing and communicate a copy of the order to the applicant."

The committee recommends that the period of ninety days as prescribed in proviso to sub-rule (4) of rule 3 for granting or refusing a licence is unreasonably long so this period be curtailed to forty-five days.

Rule 5

"5 (1) Any person desiring to get his licence renewed shall make application to the competent authority in from IV not less than thirty days before the date of expiry of the licence. Such application shall be accompanied by a treasury challan in proof of deposit of the renewal fee and shall be made through the Agricultural Inspector having jurisdiction over the area in which the nursery is situated. The Agriculture Inspector shall, while forwarding the application to the competent authority, record his comments on the back of the application in form IV-A."

(2) *** *** *** ***
(3) *** *** *** ***

The Committee recommends that the licence renewal fee of Rs. 10/- per year be increased due to rise in prices.

Rule 6

"6 The competent authority may, in addition to the grounds mentioned in clause (a) to (e) of sub-section (i) of section 5, suspend or cancel any licence or any on or more of the following grounds :—

(a) the licensee has not been conducting his business honestly or in a fair manner; or

Renewal of
licence section
4(3)

Additional
grounds for
suspension
or cancell-
ation of
section 5(1)(f)

(b) * * * * *

- 11 The Committee recommends that in this rule specific grounds be mentioned for cancellation of licence.

Rule 10

Issue of
duplicate
Licence.

"10. (1) If a licence granted to any person is lost, destroyed, mutilated or damaged, the competent authority shall on receipt of application and payment of a fee of two rupees by the licensee issue a duplicate licence."

- 12 The Committee recommends that the printing mistake of figures and brackets, "(1)", occurring in the beginning of rule 10, be deleted.

Rule 14

Procedure
for periodic
inspection
section 11.

"14. (1) The Agriculture Inspector shall carry out inspection of each fruit Nursery licenced under these rules, at least in a quarter and shall prepare a report in Form IX in triplicate of his visit. One copy of the report shall be pasted on the inspection register of the nursery, the second copy shall be submitted to the competent authority and third copy shall be maintained as his office record.

- (2) The inspection of each fruit nursery licensed under these rules shall also be carried out by a Gazetted Officer authorised by the competent authority at least once a year. He shall record the result of his inspection in Form IX which shall be filled in triplicate as specified in sub-rule (1)."

- 13 The Committee recommends that quarterly inspection of each Fruit nursery by an inspector and by a gazetted officer each year be conducted regularly to give necessary technical know how to the Nursery owners.

17.2.2017

The Punjab Vaccination Rules, 1959, framed under the Punjab Vaccination Act, 1953.

General

The Committee, while orally examining the Health Department in regard to the scrutiny of the Punjab Vaccination Rules, 1959, enquired from the department the reasons for inordinate delay of about six years in framing the rules under the Punjab Vaccination Act, 1953.

The departmental representatives stated that the whole record pertaining to the framing of the said Rules were left in the Punjab State.

The Committee observed that the Health Department, Haryana should have brought the relevant record at the time of reorganisation of the Punjab State with effect from 1-11-1966.

The Committee observed that in future the Government should frame the rules within six months of the enactment of an Act and where it is not possible to frame the rules within the said period the Government Department should bring in each case the fact to the notice of the Committee for not framing the rules within that period.

2. The Committee enquired from the department as to what steps the department had taken to amend these rules since 1st November, 1966 to-date.

The departmental representatives stated that the Haryana Government made every efforts in totally eradicating the small-pox from the Haryana State. Since this disease had been totally eradicated, these rules had become obsolete and as such nobody took interest in amending these Rules

The Committee observed that the disease of small-pox may emerge at any time, and therefore, the Committee recommends that these rules should be revised in the light of the changed circumstances.

3. The Committee further observed that the explanatory note above the Rules should have been given by the department to indicate the provisions and the title of the Act under which these rules were framed as also the date from which these Rules came into force.

During the course of oral examination the departmental representative agreed to the said observation of the Committee

The Committee further recommends that in the body of the rules for the word "Punjab" the word "Haryana" be substituted

5 The Committee observed that the Punjab Vaccination Rules dealt with only small-pox and there was no provision in any of the Act or Rules with regard to the eradicating the disease of Diphtheria, Polio etc. Neither the department has made any survey as regards to the preventive checks to be applied to these diseases.

The departmental representative during the course of oral examination agreed with the Committee and assured the Committee to select one block in each district for injecting against the disease of Diphtheria and Polio at the outset.

"3 — Vaccination Station.— Every vaccinator shall, in consultation with the headman or sarpanch of the village, or the ward member in the town, select a place (or places in each village or town for performing vaccination, and such places shall ordinarily be used on all occasions for this purpose".

9 The Committee recommends that in Rule 3, for the word "a place" the words "a conspicuous place" be substituted and further after the words "for this purpose" the words "as a public vaccination station" be added.

Rule 4

"4. Time of attendance at the vaccination station and residence of vaccinators— (a) Vaccination station shall remain open—

- (i) in summer months (15th April to 15th October) from 6 a. m. to 11 noon; and from 6 p. m. to 7.30 p. m. ;
- (ii) in the winter months (16th October to 14th April) from 8 a. m. to 1 p. m. and from 3 p. m. to 4.30 p. m.)

(b) Every vaccinator, in the rural areas shall reside within the vaccination circle to which he is appointed and in the urban area attend at his vaccination station daily except on gazetted holidays during the appointed hours.

No fee or remuneration shall be accepted by the public vaccinator for any vaccination or re-vaccination performed at the vaccination station or for any certificate given under the Act".

10 The Committee recommends that the date, time and place of vaccination should be announced by beat of drum in the urban as well as rural areas from time to time.

Rule 6

"6. Appointment of vaccination staff.-- (1) Each District Board, Municipal Committee, N.A.C., and Contonment Board shall appoint one Inspector of Vaccination and Sanitation for each circle and one vaccinator for each sub-circle :

Provided that one sub-circle will be in the direct charge of the Inspector of Vaccination of the circle in which the sub-circle is mainly located and this Inspector will be vaccinator for this sub-circle in addition to his being the Inspector for the whole of the circle.

(2) (i) Each District Board, Municipal Committee, N.A.C. and Contonment Board shall appoint a Superintendent of Vaccination and Sanitation for the area under its jurisdiction; provided that there shall

be at least one Superintendent of Vaccination and Sanitation for three vaccination circles within the area of its jurisdiction.

(ii) Each Municipal Committee, N.A.C. District Board and Cantonment Board with a population of 20,000 to 80,000 shall appoint one Superintendent of vaccination. Each urban local body with a population of more than 80,000 shall appoint an Additional Superintendent of Vaccination for every 80,000 of population.

Every vaccinator and Inspector of Vaccination and Sanitation shall wear on the breast, a distinguishing badge with the word "Public Vaccinator----- (Name of Sub-circle,) Inspector of Vaccination and Sanitation"----- (Name of Circle), as the case may be, inscribed on it."

The Committee recommends that after the words "District Board" wherever occurring in the Rule, the words "Panchayat Samiti" be added. 11

Rule 7

"7. Authority competent to regulate the appointment suspension and dismissal of Vaccination staff—(a) The local authority employing the vaccination staff shall be competent to regulate their appointment and punishment including suspension and dismissal, and they shall work under the orders of the Medical Officer of Health of the area in question.

(b) The appointment and punishment of vaccination staff will be subject to concurrence of the Medical Officer of Health of the local body.

(c) The appellate authority will be the Commissioner of Division concerned

(d) The scale of pay of the vaccination staff will be fixed by Government from time to time."

1 The Committee recommends that the power of dismissal of the Public Vaccinator and Superintendent of vaccination be not given to a local authority under Rule 7, but it should be given subject to the approval of the Deputy Commissioner or Medical Officer of Health 12

Rule 8

"8. Qualifications of Vaccinator, Inspector of Vaccination and Superintendent of Vaccination and Sanitation—(a) No person shall be appointed to a post of Vaccinator, unless, he has passed a course of instruction in the technique of vaccination and elementary hygiene at the Punjab Hygiene and Vaccine Institute or any other course recognised as equivalent thereto by the Director of Health Services, Punjab, with the approval of the Government.

(b) No person shall be appointed to a post of Inspector of Vaccination and Sanitation, unless he holds one or the other of the following certificates and has also received a course of instruction in vaccination, if such instruction was not already including in the Sanitary Inspectors' examination :—

(i) The Punjab Sanitary Inspector's Certificate.

(ii) The Bombay Sanitary Inspector's Certificate.

(iii) The Madras Sanitary Inspector's Certificate.

(iv) A Certificate by any institution recognised by the Punjab Government.

(c) No person shall be appointed to a post of Superintendent of Vaccination and Sanitation, unless he has passed the examination prescribed for Sanitary Inspectors to cross the efficiency bar.

13 The Committee observed that in rule 8(b) for the word "including" the word "included" be substituted.

15 The Committee further observes that in the Rule 8(c), delete the words "to cross the efficiency bar" as no person should be appointed unless he has passed the prescribed examination

Rule 10

"10. Facilities for procuring vaccination at private houses and fee payable to the Public Vaccinator.—Persons desirous of procuring vaccination or re-vaccination of their children or their relative at their own houses shall intimate this fact to the vaccinator, who shall arrange with the applicant to perform the vaccination at the house, and a fee of annas eight shall be payable to the public vaccinator when he so vaccinates a person :

Provided that if more than one person is vaccinated at the same time in the same house, he shall not demand a fee of more than rupee one".

5 The Committee observes that in Rule 10, the rate of fee of "annas eight" may be increased to "Rupee one" due to rise in prices.

16 The Committee further observes that in proviso to Rule 10, for the words "rupee one", substitute "rupees two".

Rule 11

"11. Fees chargeable by the private vaccinator at place of business and the house of the person —Persons licensed by the Government to act as private vaccinators shall in no case demand a fee higher than eight annas for a

single person vaccinated and not more than two rupees for more than three persons of the same family if the vaccination is done at the place of their business at the same time. They shall not charge a fee of more than rupee one for a single person vaccinated and rupees two for two or more persons of the same family vaccinated at the same time in the same house if vaccination is performed at a place other than the private vaccination station.”.

The Committee observes that in Rule 11, the rate of fee of “annas eight” may be increased to “Rupee one” due to rise in prices.

During the oral examination the representatives of Revenue Department stated that they would make the necessary amendments in the Rules to make these amended up-to-date and the same would be got reprinted.

f

Rule I

"1(a) xxx xxx xxx
to

(c) (i) (ii) xxx xxx xxx

(d) the expression "Local Depot" includes the treasury at the headquarters of a district in the Punjab and any place for the custody and sale of stamps where there is no treasury which the Governor in Council may declare to be a "Local Depot";

(e) xxx xxx xxx
to

(1) xxx xxx xxx."

 γ

Rule 13

"13. Tahvil or expense stock in the sole custody of treasurer.—At each local or branch depot, whether a branch of the Imperial Bank of

India exists or does not exist, there shall be a supply of stamps in the tahvil or expense stock in the sole custody of the treasurer or sub-treasurer for the purpose of supply to the public and licensed vendors. Issues shall never be made to the public or licensed vendors from the stock under double lock except in the case of Kot Kai-sub-treasury where the sub-treasury officer has been declared to be an ex-officio vendor and limit”.

The Committee recommends that in line 2 of rule 13, for the words "Imperial Bank of India" the words "State Bank of India" be substituted.

The Committee further recommends that as Kot-Kai sub-treasury does not exist in Haryana so it be deleted.

Rule 14.

"14, xxx xxx xxx

(a) Local Depots —(i) Stamps up to the probable demand of one week with cash and opium combined to a value not exceeding Rs. 5,000, or

(11) xxx xx x xxx

(iii) in the special case of the [Lahore treasury], the treasurer or his agent may hold in his separate custody in single lock—

(a) xxx xxx xxx

(b) xxx xxx xxx

(b)(i) xxx xxx xxx

(ii) xxx xxx xxx.

The Committee wanted to know whether it had been necessary to increase the limit of value of stamps required to be in the stock of Local Depots and Branch Depots.

The Revenue Department stated in its written reply that the position regarding increasing the limit of value of stamps required to be stocked in local depots and branch depots will be reviewed after consultation with the officers-in-charge of these depots and amendment if necessary will be made accordingly.

The Committee recommends that rule 14 (a) (iii) be deleted as "Lahore treasury" does not fall within the jurisdiction of Indian Territory.

Rule 23

"23. Prohibition of Sale of Stamps except through authorised persons.—No person other than a vendor or his agent as defined in these rules shall, unless specially authorised by the Collector of the District, sell stamps, other than revenue stamps of the value of ten Paise or five Paise :

Provided further that a licensed vendor shall not at any one time be issued revenue stamps of the aggregate value exceeding thirty-two rupees.”.

The Committee recommends that as the Revenue Stamps of the value of ten paise or five paise are not in vogue now and the price of such stamps has been increased to twenty paise. So the Rule 23 be amended accordingly.

“25. Licensed vendors.—The maximum number of licensed vendors for the sale of stamps at the headquarters of each district and tehsil respectively shall be fixed by the Collector of each district concerned in consultation with the Commissioner of the division, and the Collector shall not without the concurrence of the Commissioner, issue licenses at such headquarters to persons in excess of the number so fixed. In the case of towns and villages which are not such headquarters the number of licenses to be granted shall be fixed by the Collector alone. The Collector may grant a temporary licence for a limited period to any petitioner or other person who accompanies on tour an officer whose duties necessitate the use of court fee stamps by parties appearing before him.

XXX

The Committee recommends that the notes (i) and (v) below rule 25 be given the shape of rules as the notes/guidlines do not have the force of law and are not mandatory for the courts.

'28.

	xxx	xxx	xxx
(i)	xxx	xxX	xxx
	to		
(v) (a)	xxx	XxX	- xxx

(b) During short periods of absence not exceeding on week at a time, the vendor may appoint an agent for the sale of stamps, making a note to this effect in the vend register before and after the entries of the sale by the agent. If the agent is required for more than a week but less than a month, he must obtain the permission of the tehsildar or if resident in a sub-tahsil, of the Naib-Tehsildar. The vendor shall be responsible for all acts of his agent. If the vendor is absent for more than a month the matter must be reported to the Collector who may either (a) authorise the retention of a agent for a longer period or (b) temporarily or permanently transfer the licence to some other person.

(vi) The vendor shall not sell stamps of any kind the use of which has been discontinued or prohibited by competent authority.

(viii) * * * * *

to

onwards * * * * *

The Committee wanted to know as to who is the competent authority for purposes of rule 28 (b) (vi). 9

The departmental representative in their written reply stated that Government of India or the State Government was competent authority in the case of Stamps prescribed by them

The Committee recommends that as the competent authority is the Secretary for the purpose of rule 28 (b) (vi) so it be mentioned in the rules itself. 10

The Committee also recommended in a paragraph for making necessary amendments in the Rules as detailed below— 11

"It was mentioned that in Punjab, they have introduced a much simplified arrangement according to which it is not necessary to deposit the money in the Bank but the same is taken straight-way by the Sub-Divisional Officer/Treasury officer. It was felt that similar arrangement in Haryana be introduced. The Financial Commissioner (Revenue) promised that he would examine the matter and take suitable action and inform the Committee accordingly

Rule 34

"34 Remuneration of vendors.—(i) No ex-officio vendor shall, as such, be entitled to any discount or commission on the value of any stamps supplied to him for custody and sale upon the sale thereof.

(ii) Commission allowed on court-fee stamps — Every licensed vendor of court-fee stamps shall be entitled to discount at the rate of paise fifty per cent on the value of every court fee stamp purchased by him from an ex-officio vendor. Provided that he shall not be entitled to any such discount when the total value of stamps purchased at any one time is less than Rs 5 nor on any sum in excess of a multiple of Rs 5;

(iii) Commission allowed on non-judicial Stamps — Every licensed and specially licensed vendor of non-judicial stamps shall be entitled to discount at the rates specified in the following schedule on the value of every non-judicial stamp purchased by him from an ex-officio vendor provided that discount shall not be allowed on the value of any stamp of a kind not specified in the said schedule, nor when the total value of the stamps purchased at one time is less than Rs. 5 ;

*a) Vendors holding ordinary licenses to sell stamps .—

The Governor in Council may at his discretion direct that the rates of 3 and 5 prescribed in the scale for** (Lahore) and (Amritsar) towns, shall be extended to any other town the population of which is 50,000 inhabitants or upwards and the annual sales of stamps also amount to or exceed Rs. 50,000.

The Committee recommends that for the words "Governor in Council" the word "Governor" be substituted and the word "Lahore" be deleted. 12

The Committee further recommends that there is no significance now of paragraph "the Governor in Council may at his discretion direct that the rates of 3 and 5 prescribed in the scale for (Lahore) and (Amritsar) towns, shall be extended to any other amount to or exceeding Rs. 50,000 and the note thereunder be deleted.

Rule 35

"35. * * * * *

Note

(i) * * * * *

(ii) * * * * *

(iii) * * * * *

(a) * * * * *

(b) the instructions in regard to the taking of finger impressions contained in the pamphlet prepared by the "Finger Print Bureau" at Phillaur. Copies of the pamphlet should be supplied to the excise staff in each district.

(iv) * * * * *

The Committee recommends that in rule 35 (iii) (b) "Finger Print Bureau at Phillaur the words "Finger Print Bureau at Madhuban" be substituted.

The Haryana Stamps (Prevention of Under Valuation of Instruments) Rules, 1978, framed under Section 75 of the Indian Stamps Act, 1899 read with Section 47-A, as inserted by the Indian Stamp (Haryana Amendment) Act, 1973.

General

The Committee, while scrutinising the Haryana Stamp (Prevention of Under Valuation of Instruments) Rules, 1978, framed under Section 75 of the Indian Stamp Act, 1899, read with Section 47-A, as inserted by the Indian Stamp (Haryana Amendment) Act, 1973, observed that the Indian Stamp Act was enacted in the year 1899 and Section 47-A was inserted by the Indian Stamp (Haryana Amendment) Act, 1973, whereas the Rules thereunder were framed by the State Govt., in the year 1978. The Committee wanted to know the reasons of this inordinate delay in framing the Rules of about five years and how in the absence of the Rules the purposes of the said Act were carried out.

The Committee also observed that Rules under Section 47-A ibid were given retrospective effect from 1st November, 1966 while the Government was competent to enact a law much earlier i.e. immediately after 1st November, 1966

The department in its written reply stated that after inserting Section 47-A in the Indian Stamp Act, 1899, by the Indian Stamp (Haryana Amendment) Act, 1973, the State Government had requested the other State Governments to supply copies of rules framed by them after inserting the above section in the Indian Stamp Act. At the same time comments of Divisional Commissioners were also called for before framing the rules under Section-47-A which took long time in getting the information from other States and the field officers of Haryana State. The Revenue Department further informed that the purposes were carried out by issuing instructions to the field offices to implement the provisions made by inserting Section 47-A in the Indian Stamp Act, 1899.

The Committee recommends that the Rules should be framed within six months from the enactment of an Act

The Committee wanted to know as to how much amount yearwise had been assessed as undervalued to know as to how the purposes of the Haryana Amending Act of 1973 were carried out, and how much amount stood unrecovered during the said period

The departmental representatives during course of oral examination stated to the Committee that after checking all the audit reports pertaining to last five years, they would sent the required information within one month to the Committee, to which the Committee agreed.

Rule 4

- "4. (1) Assessment of duty. (I) On receipt of reference under sub-section (i) of Section 47-A the Collector shall serve on the person or persons concerned a notice in form I, requir-

ing him on a date and at a place to be specified therein either to attend in person or through an authorised agent to produce or to cause to be produced any evidence on which such person or persons may reply in his support.

(2) * * * * *

(3) If the person or persons fails or fail to attend in response to the notice served under sub-rule (1), the Collector shall proceed ex-parte and assess the deficient amount of duty, if any, to the best of his judgement.”.

4 The Committee recommends that in sub-rule (1) of Rule 4, after the word “shall”, insert the word “immediately”, and also for the word “reply” substitute the word “ reply”.

5 The Committee also recommends that at the end of sub-rule (3) of rule 4, the following proviso be added:—

Provided if the person applies to the collector for setting aside the ex-parte order; and if the Collector is satisfied that notice had not duly been served or that the party had been prevented by any sufficient cause from appearing when the matter was called on for hearing, the Collector shall make an order setting aside the ex-parte order as against the party and shall appoint a day for proceeding with the case.”.

Rule 8

“8. Communication of Collectors’ order.—A copy of the final order passed by the Collector shall be forwarded by the Collector’s office the registering officer concerned in order to enable the latter to make the necessary entry in register in form 4 to be kept in the office and to communicate the same to the person concerned.”.

6 The Committee recommends that at the end of rule 8, insert the words “at the earliest”.

Rule 9

“9 (1) * * * * *

(2) An appeal shall not be accepted or acted upon if sent by post.

(3) Save as otherwise provided by any law for the time being in force, every pleading shall be verified at the foot by the party or by one of the parties pleading or by some other person who is acquainted with the facts of the case to the satisfaction of the Court.

(4) * * * * *

(5) * * * * *

The Committee recommends that sub-rule (2) of Rule 9 be deleted 7
being superfluous.

The Committee also recommends that in sub-rule (3) of Rule 8-
9, the words "or by some other person who is acquainted with the
facts of the case to the satisfaction of the court" be deleted.

Rule 10

"10. Summary rejection of appeal. (1) If the Appeal is not preferred in time or the memorandum is not prepared in accordance with the provisions of these rules, the appellate authority may reject the appeal summarily.

(2) The Appeal may also be summarily rejected on the grounds, which shall be recorded in writing by the appellate authority.

Provided that before an order rejecting an appeal is passed the appellant shall be given a reasonable opportunity of being heard.

The Committee recommends that sub-rule (2) of rule 10 be deleted 9
and the existing proviso to sub-rule (2) be added to rule 10. The sign"
(1) of sub-rule (1) be also deleted.

Rule 12

"12. Hearing in the absence of parties.—If on the date fixed for hearing or on any other date to which the hearing may be adjourned, the appellant does not appear either in person or by his authorised agent when the appeal is called for hearing, the District Judge may dismiss the appeal or may decide it on merits".

The Committee recommends that in rule 12, the words "or may decide it on merits" be deleted in view of the amendment made 10
in order 41, Rule 17 of C P.C. through Civil Procedure Code (Amendment) Act, 1976.

Action taken by the Government on the 13th report of the Committee on Subordinate Legislation of the Haryana Vidhan Sabha for the year 1981-82

Sr. Reference No. to Paragraph of the Report (13th)	The Haryana Gram Panchayat Election Rule, 1971 framed under the Punjab Gram Panchayat Act 1952	Summary of Recommendation	Action taken or proposed to be taken by the Government	Further observation by the Committee
1	2	3	4	5
1. Rule 1.	These rules may be called the Haryana Gram Panchayat Election Rules, 1971	The Committee would like to know whether the amendment in the rules have been made in the light of the recommendations/observations in their report for the year 1981-82 and if so, please supply 25 copies of the amended rules as published.	The observation of the Committee has been noted Regarding amendment of Haryana Gram Panchayat Election Rules in accordance with the observation of the committee, it is submitted that action to amend the rules could not be taken, because the process for holding the Gram Panchayat Election, which were held in June, 1983, had already been started & the material had been got printed accordingly In view of this, it was not possible to amend the rules. After the rules are amended 25 copies of the same will be supplied to the Vidhan Sabha Secretariat	The Committee observed that the Government has taken very long time for implementing the recommendation of the Committee and recommends to send 25 copies of the amended upto-date Rules after incorporating the all amendments in the Haryana Gram Panchayat Election Rules, 1971 framed under the Pundjab Gram Panchayat Act 1952, after notified in the Haryana Govt. Gazette.
2. Rule 3	(1) x x x x x (i) the filling of nomination papers (ii) x x x x x (iii) the withdrawal of nomination papers ; (iv) x x x x x (2) x x x x x (3) The Govt. or the	The Committee has accepted the reply of the Government but observed that a copy of the amended rules may be supplied to the Committee.	Regarding amendment of the rules reply against rule 1 may be perused.	The Committee recommends that rule 3 (i) and (3) be amended in the light of the proceedings of the meeting of the Committee on Subordinate Legislation held on the 6th March, 1984 and supply amended up-to-date copy of the Rules after duly

1	2	3	4	5	6
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Deputy Commissioner may by an order in writing amend, vary or modify the election programme at any time ;

Provided that, unless the State Government otherwise directs no such order shall be deemed to invalidate any proceedings taken before the date of the order.

(4) Every order under Sub-rule (3) shall be published in the manner prescribed under sub-rule (2)

3. Rule. 7 (1) Each candidate nominated under the provisions of rule 6 shall, at or before the time of delivery of his nomination paper, deposit, or cause to be deposited, a sum of Rs. 50 and in the case of a scheduled castes candidate a sum of Rs. 20 either in the treasury or sub-treasury or with the local Lambardar or the Returning Officer and produce a receipt obtained from the treasury or sub-treasury or from the Lambardar or the Returning Officer, as the case may be, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him, is less than one-half of the votes polled by the candidate who is declared elected with least number of votes, the deposit shall be forfeited to the Government;

notified in the gazette and incorporating all the amendments thereon.

The Committee reiterates its earlier recommendation that number of votes for forfeiture of the deposit in case of the number of votes polled is less than 'One Third' be substituted in the rules for election of Sarpanch and Panch.

Regarding amendment of the rules reply against rule 1 may be perused.

Provided that in the case of candidate for the election of Sarpanch, the deposit shall be forfeited if he fails to secure one-tenth of total number of votes polled for the office of Sarpanch;

Provided further that in the case of a Gram Panchayat where seat of seats has or have to be filled from amongst members of Scheduled Castes, the number of votes polled by the non-scheduled castes/scheduled castes candidates who is declared elected with the least number of votes will be taken into consideration for determining of a defeated non-scheduled castes candidate shall forfeit his deposit or not.

(3) (a) The deposit in the following cases shall, by an order in writing of the Returning Officer, be returned to the candidate or where he is dead to his legal representative :—

(i) Where the nomination paper of the candidate has been rejected; or

(ii) Where the candidate has withdrawn his nomination paper within the specified time or

(iii) Where the candidate has died before the Commencement of the poll

Notes :—(i) Where the money was deposited with the Lambardar the order shall be addressed to him.

(ii) Where the money was deposited in a treasury or sub-treasury, the challan shall be endorsed by the Returning Officer in favour of the candidate or his legal representative, as the case may be—

The Committee observed vide its proceedings dated 6th March, 1984, that the existing provision in respect of rule 7 be continued.

(iii) Where the money was deposited with the Returning Officer, the later shall return to the candidate or his legal representative, as the case may be

(b) The deposit in the following cases will be returned as above after the declaration of the result of election :—

(i) Where the candidate, though not elected, does not forfeit his deposit under sub-rule (2), or

(ii) Where the candidates is elected.

(4) The deposit shall be returned to the candidate, or, if not made by him to the person by whom was made or to his legal representative, as the case may be,

The Committee would like to know whether action has been completed and rules have been amended in the light of the observation made by the committee earlier, if so, please supply a copy of the amended rules.

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4. Rule—8. (1) The Returning Officer shall examine nomination papers at the time appointed in this behalf, hear objection, if any, presented by the objectors in person to the eligibility of any candidate and determine the objections after such enquiry as he may consider necessary. The decision rejecting or accepting a nomination paper and a brief statement on the nomination paper and signed by the Returning Officer

Provided that the Returning Officer may—

(a) permit any clerical error in the nomination paper in regard to names or numbers to be cor-

The Committee recommends to supply amended up-to-date copy of the rules after incorporating the amendments

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rected in order to bring them in conformity with the corresponding entries in the electoral rolls ; and

(b) Where necessary direct that any clerical or printing error in the said entries shall be overlooked

made earlier and vide its proceedings dated the 6th March, duly notified in the Haryana Government gazetted.

5. Rule—11.

The Returning Officer, shall immediately after view that for the words in "alphabetical symbols have been allotted orders" in Hindi in Devnagri to each contesting candidate, prepare and publish alphabetical order" be rules will be initiated

The Committee recommends to supply amended up-to-date copy of this rule after incorporating all the amendments duly notified in the Haryana Gazette.

6. Rule—13.

If the number of contesting candidates in any Sabha area is greater than the number of members to be elected for such area, a poll shall be taken on the date specified under rule 34 in this behalf for the election

Regarding amendment of the rules reply against rule 1 may be perused

The Committee recommends that rule be amended and supply amended up-to-date copy duly notified.

7. Rule—14

If a candidate who has been validly nominated dies and a report of his death is received by the of the observations made by

Regarding amendment of the rule reply—against rule-1 may be perused.

—do—

Returning Officer before the commencement of the poll, the Returning Officer shall counter amend the poll and report the fact to the Deputy Commissioner and all proceeding with reference to the election shall be commenced afresh in all respects as if for a new election .

Provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered in the list of validly nominated candidates published under rule 11.

—do—

The Director may direct that before any ballot paper is delivered to a voter at a polling station, it shall be marked with such official mark, as may be specified by him in this behalf and signed by the Presiding Officer on its back before issue

The Committee would like to know whether any action has been completed in the light of the observations made by the committee earlier, if so, please supply a copy of the amended rules.

Regarding amendment of the rules reply against rule 1 may be perused.

—do—

Before a ballot paper is delivered to an elector, his number, name and description as stated in the electoral roll shall be

The Committee would like to know whether any action has been completed in the light of the observations made by the Committee earlier, if so, please supply a copy of the amended rules.

Regarding amendment of the rules reply against rule I may be perused.

8 Rule—16

9. Rule—23

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called out and tick-Mark amended rules.

shall be placed in the copy of the electoral roll against the number of the elector to denote that he has received the ballot paper and also the serial number of the ballot paper issued to him shall be noted against the entry pertaining to him in the electoral roll."

10. Rule—24

(1) At any time before a ballot paper is delivered to an elector, the Presiding Officer may of his own accord, if he has reason to doubt the identity of an elector and shall, if so required by a candidate or his agent, put the following question to the elector—"Are you the person enrolled as follows (reading the whole entry from the roll)."

Regarding amendment of the rules reply against rule 1 may be persued

—do—

(2) If the elector answers the question in the affirmative he shall be allowed to vote in the usual manner.

If any candidate or polling agent declares and undertakes to prove that any person by applying for a ballot-paper has committed

11. Rule—26

The Committee would like to know whether any action has been contemplated in the light of the observation made by the committee earlier, if so, please supply a copy of the

Regarding amendment of the rules reply against rule 1 may be persued

—do—

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the offence of impersonation, amended rules. the Presiding Officer may require such person to enter in the list of challenged votes his name and address, if he is unable to write, to affix his thumb-impression there to and may further require such person to produce evidence of identification. If such person on being questioned in the manner provided in rule 24 answers affirmatively, he shall be allowed to vote. The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes in 2 Form IV which shall be prepared separately for the election of Sarpanch and Panches.

12 Rule—28 If owing to blindness or other infirmity a voter is unable to read the symbol on the ballot-box or is physically incapable of putting the ballot paper into a ballot box the Presiding Officer shall enter the polling compartment with such voter, ascertain from him the candidate in whose favour he desires to vote and shall put the ballot-paper in the ballot box of such candidate in accordance with the wishes of such elector. The Presiding officer shall have this done with as much secrecy as is feasible in each case and shall keep a brief record of such instance without indicating the manner in which the vote has been cast.

13 Rule—42 Whenever a vacancy occurs by the death, resignation, or removal of a Sarpanch or due to setting aside of the election of Sarpanch or panch under section 13-C, the election to fill such vacancy shall be held within a period of sixty days of the occurrence

The Committee would like to know whether any action has been completed in the light of the observations made by the committee earlier, if so, please supply a copy of the amended rules.

The Committee would like to know whether any action has been completed in the light

—do—

Regarding amendment of the rules reply against rule 1 may be perused.

The reason for extending time have already been commends that second proviso be added as given in the reply submitted earlier vide this under in Rule 42:—

of such vacancy in the manner laid down in rules :

of the observations made by the committee dated 16.6.83 which is re-produced as under :
 "The Department does not agree with the recommendation of the committee that the Rule be amended in rather there are instances where the period of 60 days for holding election for filling of casual vacancy has to be extended under the prevailing circumstances, such as non receipt of intimation regarding death of Sarpanch, non communication of result of election petition law & order problem etc. etc. However, besides the reasons given in the period of 60 days can be extended on account of natural calamities, sowing and harvesting season and such like other things.

Deptt. Memo No 31646 dated 16.6.83 which is re-produced as under :
 "The Department does not agree with the recommendation of the committee that the Rule be amended in rather there are instances where the period of 60 days for holding election for filling of casual vacancy has to be extended under the prevailing circumstances, such as non receipt of intimation regarding death of Sarpanch, non communication of result of election petition law & order problem etc. etc. However, besides the reasons given in the period of 60 days can be extended on account of natural calamities, sowing and harvesting season and such like other things.

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