

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

1984-85

SIXTEENTH REPORT

(Presented to the Haryana Vidhan Sabha on the 29th March, 1985)



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH.  
MARCH, 1985.

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COMPOSITION OF THE COMMITTEE

(1984-85)

**Chairman—**

\*Shri Ishwar Singh

\*\*Shri Roshan Lal Tewari

\*\*\*Shri A C. Chaudhry

**Members—**

Smt. Sharda Rani

\*\*\*Shri A.C. Chaudhry

Shri Mahender Partap Singh

Shri Hira Nand Arya

Shri Dhirpal Singh

Shri Shiv Parshad

\*\*\*Shri Inder Singh Nain

Advocate General

**Special Invitee**

@Shri Inder Singh Nain

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**Secretariat—**

1. Shri G.L. Batra, Secretary.
  2. Shri Janardhan Singh, Research Officer.
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The Committee was originally constituted, vide Haryana Vidhan Sabha Secretariat Notification No. H.V.S.—LA (Sub-Leg)—1/84-85/82, dated the 30th April, 1984.

\*Shri Ishwar Singh, M.L.A., resigned from the Chairmanship and Membership of the Committee with effect from the 1st August, 1984 on his appointment as Deputy Chairman of the Haryana State Planning Board and in his place Shri Roshan Lal Tewari, M.L.A., was nominated as Member and Chairman of the Committee by the Speaker with effect from 21st August, 1984 vide notification No. H.V.S.—LA (Sub-Leg)—1/84-85/97, dated the 21st August, 1984.

(iv)

\*\*Shri Roshan Lal Tewari, M.L.A. , resigned from the Chairmanship and Membership of the Committee with effect from the 14th September, 1984, on his appointment as Chief Parliamentary Secretary, Haryana vide Notification No. H V.S -LA (Sub-Leg)—1/84-85/118, dated the 19th October, 1984.

\*Shri A C. Chaudhry, M.L.A , a Member of the Committee was nominated as Chairman of the Committee on Subordinate Legislation by the Speaker with effect from 14th November, 1984 in the vacancy caused on the resignation of Shri Roshan Lal Tewari, M.L.A. and further nominated Shri Inder Singh Nain, M L A., a special invitee as Member of the Committee with effect from 14th November, 1984 for the remaining period of the year 1984-85, vide Notification No. H.V.S -LA (Sub-Leg)-1/84-85/120, dated the 16th November, 1984

@Shri Inder Singh Nain, M L A was nominated by the Speaker as a Special Invitee of the Committee with effect from 27th July, 1984, vide Notification No. H.V.S -LA (Sub-Leg)—1/84-85/96, dated the 30th July, 1984.

## 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 sixteenth 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 29th April, 1984 and was notified in the gazette vide notification No H V S —LA (Sub-Lcg)—1/84-85/82, dated the 30th April, 1984.

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.

CHANDIGARH :  
The 28th Feb., 1985.

A.C. CHAUDHRY,  
CHAIRMAN.

## REPORT

1. The Committee on Subordinate Legislation for the year 1984-85, 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 29th April, 1984 and was notified in the Official Gazette, vide Notification No. H.V.S —LA(Sub-Leg)—1/84-85/82, dated the 30th April, 1984.

2. Shri Ishwar Singh who was initially appointed as the Chairman of the Committee by the Speaker, resigned, from the Chairmanship and Membership of the Committee with effect from 1st August, 1984 on his appointment as Deputy Chairman of the Haryana State Planning Board and in his place Shri Roshan Lal Tewari, M.L.A., was nominated by the Speaker as Member and Chairman of the Committee with effect from 21st August, 1984 —vide notification No. H.V.S —LA (Sub-Leg)—1/84-85/97, dated the 21st August, 1984. Shri Roshan Lal Tewari, M.L.A., also resigned from the Chairmanship and Membership of the Committee with effect from the 14th September, 1984 on his appointment as Chief Parliamentary Secretary, Haryana, vide notification No. H.V.S.—LA(Sub-Leg)—1/84-85/118, dated the 19th October, 1984 and in his place Shri A.C Chaudhry, M.L.A., a member of the Committee was nominated by the Speaker, as Chairman of the Committee. Shri Inder Singh Nain, M.L.A., a special invitee was nominated as Member of the Committee on Subordinate Legislation with effect from 14th November, 1984 for the remaining period of the year 1984-85, vide Notification No. H.V.S —LA (Sub-Leg)—1/84/120, dated the 16th November, 1984.

3. The Committee held 44 sittings during its term. Before scrutinizing the rules and orders etc. framed under certain Acts/Constitution of India, 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/Constitution.

### 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, and
- (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 Pro-



cedure 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 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 Secretariat. 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 exerciseable in respect of categories or classes of persons, as contradistinguished from individuals
- (v) In cases where an authority concerned is vested with the power to suspend a license 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 witness, preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided
- (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority also laid down in the rules.
- (ix) Statutory rules should be amended by statutory rules only and not by executive orders
- (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic, sketchy or skeletal or needing further interpretation. It should be in simple language so that different people cannot put different interpretations. For example, expressions like 'unreasonably, large quantity', 'reasonable interval' or 'frequent intervals' etc. should be avoided.

## GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

### 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 Haryana Requisitioning and Acquisition of Movable Property Act was enacted in the year 1975 whereas the Haryana Requisitioning and Acquisition of Movable Property Rules were framed in the year 1979
2. (i) The Government Employees (Conduct) Rules were framed under proviso to Article 309 and clause (b) of Article 318 read with clause (3) of Article 187 of the Constitution in the year 1966;
- (ii) The Haryana Secretariat Service (State Service Group A) Rules were framed under proviso to Article 309 of the Constitution of India in the year 1979,
- (iii) The Punjab Civil Secretariat (State Service Class II) Rules (as applicable to the state of Haryana) were framed under proviso to Article 309 of the Constitution of India in the year 1963,
- (iv) The Punjab Civil Secretariat (State Service Class III) Rules, were framed under the proviso to Article 309 of the Constitution of India, in the year 1952, and
- (v) The Punjab Civil Services (Punishment and Appeal) Rules (as applicable to the State of Haryana) were framed under proviso to Article 309 of the Constitution of India in the year 1952,

whereas the Constitution of India came into force in the year 1950.

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 fifteen 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 of 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 Rules should invariably be given in the footnote so that legislators in particular and the public in general may come to know as from which date the Act and Rules had come into force.

The Committee further recommends that whenever any amendment is made in an Act or 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 35 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, regulations, 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 "Orders" and laying them on the Table—

---

Sr. No.	Name of Order Description of "Order"	Date of Publication in the Gazette	Date of laying on the Table	Approximate delay and reasons of delay, if any	Department concerned.
1					

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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 amendments and in determining the correct and up-to-date position of the rules etc. The necessity of adopting the system for serially and centrally numbering the statutory rules, orders and notifications etc. was emphasised in the Chief Secretary to Govt. Punjab U O No 81(51)-61, dated the 19th September, 1961 (Copy attached as Appendix of Eighth Report)

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

**10. Implementation of recommendations of the Committee**

The Committee observes with great regret that the work regarding the implementation of recommendations/observations is very slow. The Committee, which works on behalf of the House, felt that the object with which it was constituted would be defeated if its recommendations are either not implemented at all or are implemented after a long time.

The Committee, therefore, 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

**1. SCRUTINY OF THE HARYANA SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS RULES, 1981 FRAMED UNDER THE SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS ACT, 1956.**

The Committee scrutinized the Haryana Suppression of Immoral Traffic in Women and Girls Rules, 1981 framed under the Suppression of Immoral Traffic in Women and Girls Act 1956 and made the following observations/recommendations:—

**Rule 3**

- "3. A copy of every order of the Superintendent of Police or the District Magistrate notifying a place to be a public place under clause (b) of sub-section (1) of Section 7 shall be affixed to a conspicuous part of the public place so notified and also the office of the Superintendent of police or the court house of the District Magistrate, as the case may be."

Manner of notifying public places. Sections 7(1) and (b) 23(2) (a).

The Committee recommends that in line four for the word "to" substitute the word "on".

**Rule 4**

"4.(1) \* \* \* \* \*

- (2) If the person in whose custody the girl is placed is no longer willing to fulfil the conditions of the undertaking, he/she may supply to the Magistrate for releasing him/her from the obligation to keep the girl in his/her custody."

The Committee recommends that for the word "supply" substitute the word "apply".

2-

**Rule 6**

- "6.(1) A convicted offender who has been ordered by the court under section 11 to notify her residence or any change of, or absence from such residence shall, immediately after her release, report herself to the police officer having jurisdiction over her place of residence and shall also leave her correct address with such police officer. Thereafter, she shall report herself to such police officer once in every month till the expiry of the period for which she is required to notify her residence.

Notification of residence etc., by convicted offenders Section 23(2) (b).

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

(3) As soon as the offender takes up her residence in the new place, she shall report herself to the police officer having jurisdiction over that place and shall also report herself to such officer once in every month till the expiry of the period for which she is required to notify her residence.

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

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

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

The Committee recommends that the marginal heading of Rule 6 be substituted as under :—

“Notification of residence etc. of the previously convicted offenders.  
Section 23(2) (d)”

The Committee further recommends that the spelling of word “till” shown as “till” in line four of sub-rule (3) of the Rule 6, be corrected.

#### Rule 8

Admission  
into pro-  
tective  
homes or  
corrective  
institutions  
Section  
23(2) (c).

“8 (1) \* \* \* \* \*

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

(3) The Superintendent or some other official of the protective home or corrective institution considered suitable by such Superintendent, shall then take the woman or girl to the nearest hospital for examination. If there is no hospital within a reasonable distance, the medical examination of the woman or girl shall be conducted by the nearest qualified lady doctor.

(4) Women or girls found to be suffering from any venereal disease shall be kept, as far as possible, separate from the other inmates of the protective home or corrective Institution. Women or girls suffering from minor ailments shall be treated by the Medical Officer of the protective home or corrective institution. If any woman or girl is suffering from serious illness, she shall be taken to the nearest hospital for admission and a report shall immediately be sent to the District Magistrate. A copy of the report shall be simultaneously sent to the Chief Inspector.”

The Committee recommends that in line four of sub-rule (3) of rule 8, after the word “Examination” the word “where-ever possible by a lady doctor”, be added

The Committee further recommends that the word “as far as possible” in line two of sub-rule (4) of rule 8, be deleted.

## Rule 9

"9.(1) A child below seven years of age in the care of its mother who is detained or ordered to be kept in the protective home or corrective institution may also be admitted to the home or institution alongwith her, if it cannot be placed with its relatives or otherwise properly provided for. If any question arises as to whether a child is below seven years of age or not such question shall be determined by the Superintendent

Admission of children accompanying inmates into protective homes or corrective institutions. Section 23 (2) (c).

- (2) \* \* \* \* \*  
 (3) \* \* \* \* \*  
 (4) \* \* \* \* \*

The Committee observes that the determination of question of age of a child as mentioned in sub-rule (1) of Rule 9 by the Superintendent be determined on the basis of medical report from the Chief Medical Officer of that area and, therefore, recommends that this sub-rule be amended accordingly.

The Committee further recommends that for the word "its" wherever occurring in this rule, the words "his/her and for the word "it" occurring in line four of this rule, the words, "he/she", be substituted.

## Rule 13

"13(1) Each protective home or corrective institution shall be headed by a whole-time Superintendent, preferably a woman, who is professionally trained in social work or has a wide experience in women welfare. In performing her duties the Superintendent shall be assisted, besides executive and clerical staff, by as many specialists, such as, case workers, psychologists, etc., as considered necessary by the State Government for home or institution under her charge. The Superintendent shall generally be responsible for the observance of all rules and orders, the supervision of the subordinate staff and the maintenance of discipline among the inmates. She shall, in her own handwriting, maintain an office journal in which shall be recorded daily every occurrence of importance connected with the management of the home or institution, which is not otherwise disposed of in the register of correspondence and which it is desirable to note for future guidance. The journal shall be forwarded to the Chief Inspector at the end of each month who shall immediately return it after perusal with such remarks as he/she may consider necessary.

Superintendent. Section 23 (2) (g).

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

The Committee recommends that the expression "She shall, in her own handwriting, maintain an office journal in which shall be recorded daily every occurrence of importance connected with the management of the home or institution" appearing in sub-rule (1) of Rule 13 be recast as under :—

"She shall, in her own handwriting, maintain an office journal in which every occurrence of the importance connected with

the management of the home or institute, shall be recorded daily."

#### Rule 14

Duties of  
Superintendent  
Section 23  
(2) (g).

"14. The following duties, in addition to other duties assigned by the State Government from time to time, appertain to the Superintendent :—

- (i) \* \* \* \* \*
- (ii) \* \* \* \* \*
- (iii) \* \* \* \* \*
- (iv) \* \* \* \* \*
- (v) \* \* \* \* \*
- (vi) \* \* \* \* \*
- (vii) \* \* \* \* \*
- (viii) \* \* \* \* \*
- (ix) the Superintendent shall be responsible for the purchase of provisions as per the orders issued by the Chief Inspector from time to time. She shall also see the rations weighed and served out to the cooks, and shall alongwith the Medical Officer, inspect the food daily when it is cooked and ready for distribution, to make sure that it is properly cooked and that the full quantity reaches the inmates;
- (x) \* \* \* \* \*

The Committee recommends that in Rule 14 (ix) the words "and supervise" be inserted after the word "inspect."

#### Rule 15

Weekly  
Inspections. Section 23(2)  
(g).

"15.(1) On one morning in every week, which shall usually be Monday, the Superintendent shall hold a thorough inspection of all the inmates at which the Medical Officer shall also be present. At each such inspection the Superintendent shall satisfy herself—

- (a) that every inmate is provided with proper clothing and bedding;
- (b) that they are clean and tidy; and
- (c) that the rules and orders applicable to inmates are being duly carried out.

- (2) \* \* \* \* \*
- (3) \* \* \* \* \*

The Committee recommends that in line three of sub-rule (1) of Rule 15 after the word "inmates", the words "of protective home and corrective institution", be inserted 11

### Rule 19

"19 (1) In addition to such other duties as may be assigned to the Medical officer of a protective home or corrective institution by the State Government from time to time in consultation with the Chief Inspector, the Medical Officer shall visit the protective home or corrective institution everyday except on Sundays and other holidays; and on Sundays and holidays also, when necessary, He/She shall attend to the health and cleanliness of the inmates, the treatment of the sick, the sanitation of the protective homes or corrective institution, general inspection and supervision of food and all other matters connected directly or indirectly with the health of the staff and inmates of the home or institution.

Duties of  
the Medical  
Officer.

(2) On each visit to the protective home or corrective institution, the Medical Officer shall enter his/her remarks in the register in Form IX

(3) During the absence of the Superintendent on short leave (other than the casual leave) or during a vacancy in the post of the Superintendent for a short period, and if there is no Deputy Superintendent to hold her charge, the Medical Officer, with the previous approval of the Chief Inspector, may act, if called upon to do so, as the Superintendent, in addition to his/her own duties "

The Committee recommends that the relevant section of the Act in the marginal heading of this Rule be mentioned. 12

The Committee also recommends that in Rule 19(1) in line seven the word "if", in place of word "when" before the word "necessary" and the sign "." in place of sign ",", before the word "He" be substituted. 13

The Committee further recommends that in line ten the word "supervision" after the words "inspection and" be omitted. 14

The Committee further recommends that the specific qualifications of Medical Officer be mentioned in the Rule and the rule be amended accordingly. 15

The Committee recommends that for the word "Journal" the word "Register" be substituted in Form IX appended to these Rules. 16

The Committee also recommends that short leave/short period be defined in the Rules as the same is vague and the rule be amended accordingly. 17

## Rule 20

Education  
& training  
of inmates  
of protective  
homes and  
corrective  
institutions  
Section 23  
(2) (g).

"20.(1) Provision shall be made for the general education and training programme in all protective homes and corrective institutions. Each protective home or corrective institution shall, as far as possible, provide for vocational training of inmates in keeping with their aptitudes, interests and rehabilitative requirements. All inmates, unless physically capable, diseased or sick, shall be engaged on constructive work

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

(3) Adequate number of trained teachers and qualified instructors shall be appointed for imparting education and vocational training to the inmates. In as emergency, such teachers and instructors may be directed by the Superintendent to attend to the executive or administrative duties as well."

18 The Committee recommends that in line seven of sub-rule(1) of Rule 20, for the word "capable" the word "incapable" be substituted.

19 The Committee also recommends that in line three of sub-rule (3) of Rule 20, for the word "as" the word "an" be substituted.

Diet of  
inmates  
in protective  
homes and  
corrective  
institutions  
section 23  
(2) (g).

## Rule 22

"22.(1) The inmates of protective homes and correctional institutions shall be provided with a balanced, nutritious and wholesome diet in accordance with the scale prescribed by the State Government from time to time. The scale of diet shall generally conform to the following requirements, namely:—

Serial Number	Name of article	Quantity per head per day
1.	Atta	... 500 grams
2.	Sugar	.. 35 grams
3.	Pulses or	
4.	Vegetable(green leafy, roots and tubers and other)	... 250 grams(including onion)
5.	Milk	... 250 ml.
6.	Salt	... 20 grams
7.	Rice	... 200 grams
8.	Spices	... 0.5 gram
9.	Turmeric	... 1 gram
10.	Chillies	.. 0.5 gram
11.	Tea/ghee (V. oil)	... 1 gram/30 grams

- (2) \* \* \* \* \*
- (3) \* \* \* \* \*

(4) A child admitted with the mother shall receive the following scale of diet according to age :—

	Quantity per child per day
(i) Under 12 months	One litre milk 100 gms. sugar
(ii) Over 12 months and under 2 years	One litre milk 100 gram rice 100 gram sugar 25 gram dal 100 gram salt
(iii) Over 2 years and upto 3 years	1/2 litre milk 250 gram atta 50 gram dal 100 grams vegetable 50 grams sugar 20 grams salt
(iv) Over 3 years and upto 7 years	As per scale given to the mother of the child

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

The Committee recommends that the word "nutritious" be corrected as "nutritive" appearing in line two of sub-rule (1) of Rule 22. 20

The Committee also recommends that the ration scale as prescribed by the Government for each inmate of protective Home/corrective institution be displayed at some common place. 21

The Committee further recommends that as compared to 25 grams dal as mentioned in item (ii) of sub-rule 4 of rule 22, 100 grams salt is excessive and it should be reduced to 10 grams. The Committee further feels that a provision for 50 grams curd should also be made. 22

## Rule 23

"23.(1) \* \* \* \* \*

- (i) to \* \* \* \* \*
- (x) \* \* \* \* \*

Supply of clothing, etc. to inmates of protective homes & corrective institutions Section 23 (2) (g).

(2) Each inmate shall be supplied with one steel box, one plate, one spoon, one mug, one bowl, one comb and one mirror. For the purpose of washing clothes, one kilogram washing soap per month, and for bathing purpose one cake of soap

per month shall be supplied to her. Further she shall be provided with 5 grams of oil daily for oil bath. Tooth powder, twigs or other means of cleaning teeth shall also be given for daily use

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

23 The Committee recommends that after the words "Steel Box" appearing in sub-rule (2) of Rule 23, the words "with lock and keys" be inserted.

### Rule 27

Attendance  
of the  
inmates  
of protec-  
tive homes  
or correc-  
tive insti-  
tutions  
before  
Police or a  
Magistrate.  
Section  
23(2) (g).

"27. Any inmate whose attendance is required before the police or before a court shall be permitted to leave the protective home or corrective institution for the purpose only on receipt of a written requisition signed by the Superintendent of Police or by a police officer not below the rank of a Deputy Superintendent of Police as authorised by the Superintendent of Police or of a summons issued by the court of competent jurisdiction. The inmate shall in such cases be accompanied by the Superintendent or by any other member of the staff considered suitable by the Superintendent."

24 The Committee after discussion with the departmental representatives of the Social Welfare Department, Haryana, recommends that a proviso to Rule 27 be added as follows :—

"Provided that no inmate shall be kept out of home for inter-rogation purpose between the hours of 5.00 P.M. to 9.00 A.M."

### Rule 28

Escape  
and recap-  
ture of  
inmate of  
protective  
home or  
corrective  
institutions.  
Section  
23(2) (g).

"28.(1) The Superintendent shall give immediate notice of the escape or recapture of any inmate of the protective home or corrective institution to—

- (a) the Chief Inspector,
- (b) the nearest police station, and
- (c) District Magistrate

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

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

25 The Committee recommends that in sub-rule (1) of rule 28, after part (c) the following part (d), be added :—

"(d) Guardian, Husband or near relative."

26 The Committee further recommends that the word "and" in part (b) be deleted and for the sign(.) in part (c) the sign and word "and" be added.



**Rule 31**

- "31.(1) \* \* \* \* \*
- (2) \* \* \* \* \*
- (3) \* \* \* \* \*
- (4) Every inmate shall be allowed to write or receive a letter once a month during the period of her detention or stay in the home or institution subject to the condition of good conduct.
- (5) \* \* \* \* \*
- (6) \* \* \* \* \*
- (7) \* \* \* \* \*
- (8) \* \* \* \* \*
- (9) \* \* \* \* \*
- (10) \* \* \* \* \*."

Visit to and communications with the inmates of Protective homes and corrective institutions Section 23(2) (g).

The Committee recommends that in sub-rule (4) of rule 31, for the words "once a month" substitute the words "once a fortnight."

27

**Rule 32**

- "32.(1) With the previous sanction of the Chief Inspector, and in very special cases, the Superintendent may grant to any inmate leave of absence for a period not exceeding a week on the death of the parent or guardian or to visit the parent or guardian who is seriously ill. The Chief Inspector may extend the leave granted by a period not exceeding two weeks. The leave granted may at any time be cancelled or curtailed without assigning any reasons and the inmate recalled.
- (2) \* \* \* \* \*."

Permission to inmates to absent themselves for short period from protective home or corrective institution Section 23 (2) (g).

The Committee recommends that in sub-rule (1) of rule 32, for the words, "a week" substitute the words "two weeks" and for the words "two weeks" substitute the words "four weeks".

28

**Rule 33**

- "33.(1) The following acts are forbidden in a protective home or corrective institution and every inmate who wilfully commits any of them shall be deemed to have wilfully disobeyed the regulations of the protective home or corrective institution :—
- (a) \* \* \* \* \*

Discipline and punishment. Section 23 (2) (g).

- (b) \* \* \* \* \*
- (c) use of insulting, obscence or threatening language,
- (d) \* \* \* \* \*
- to
- (r) \* \* \* \* \*
- (2) \* \* \* \* \*
- (3) \* \* \* \* \*
- (4) \* \* \* \* \*

27 The Committee is of the view that in sub-rule (1) (c) of rule 33 for the word "obsence" substitute the word "obscene".

### Rule 34

Prohibited  
articles.  
Section  
23(2) (g).

- "34. Liquor, intoxicating drugs including opium and ganja shall be the prohibited article and shall not be introduced, received, possessed or transferred in the protective home or corrective institution "

30 The Committee is of the view that in Rule 34 after the word "ganja" insert the words "and other intoxicants" and the word 'and' in line one be substituted by the sign ','.

### Rule 38

Discharge  
of inmates  
of protec-  
tive home  
or correc-  
tive insti-  
tutions  
Sections  
10A(3) and  
23(2) (bb)

- "38 (1) \* \* \* \* \*
- (2) \* \* \* \* \*
- (3) \* \* \* \* \*
- (4) Every discharged inmate whose destination is on or near line of railway shall be supplied with a railway ticket of the lowest class. Payment of the fare shall be made by railway warrant where the cost of the journey exceeds Rs 20. In other cases, payment shall be made by cash. When a journey is to be made by boat, bus or steamer, the inmate shall be provided with passage or passage money to the halting place nearest to her destination at the lowest rate. Every inmate who has to proceed a distance of more than 8 kilometres by road or more than 3 hours journey by rail or other mode of conveyance shall, on discharge, be given subsistence allowance at the rate of Rs 2 if the journey is to be completed on the following morning, and Rs. 4 per day otherwise
- (5) In cases where the parent, relative, husband or guardian of the discharged inmate fails to make his/her own arrangement to take charge of the inmate at the protective home or corrective institution, the inmate on discharge shall be sent under the charge of an official of the home or institution who

shall be responsible for the care and safety of the inmate until she is handed over to such parent, relative, husband or guardian. The official shall be granted travelling allowance for the to and fro journeys at the rates admissible under the rules of the State Government.

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

(7) A disposal register in Form XI shall be kept in every protective home or corrective institution in which full particulars shall be entered of the manner in which every inmate is disposed of on discharge and of her after-care. Every effort shall be made by the Superintendent to keep in touch with the inmates for at least 3 years after their discharge.

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

The Committee observes that in sub-rule (4) of rule 38, the rates of subsistence allowance of Rs. 2/- and 4/- are quite low and recommends that these should be enhanced to Rs 5/- and Rs 10/- respectively.

The Committee recommends that the spelling of the word "granted" in sub-rule (5) of rule 38, be corrected.

The Committee also recommends that in sub-rule (7) of rule 38 for the words "entered of the manner" substitute the words "entered in the manner" and again for the words "shall by" substitute the words "shall be".

### Rule 39

"39.(1) The Superintendent may, if possible, arrange for the marriage of an inmate with a man of her own religion; provided that she has attained the age of 18 years and that her previous consent about marriage is obtained in writing and she shows her willingness to get married to the particular man. No monetary consideration shall be accepted from the person to whom the inmate is married or from any person interested in him

Marriages of inmates of protective homes and corrective institutions. Section 23 (2) (h).

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

The Committee observes that sub-rule (1) of rule 39, restricts the marriage of an inmate with a man of her own religion. The Committee, therefore, recommends that this provision may be liberalised so that the inmate if she so desires may be able to marry a man not necessary of her own religion.

### Rule 40

"40.(1) \* \* \* \* \*

(2) Among other duties as may be assigned to the Chief Inspector by the State Government from time to time, the following duties shall appertain to him, namely :-

(a) he/she shall superintendent, supervise and control the working of these rules,

Appointment of Chief Inspector of protective homes and corrective institutions. Section 23 (2) (g).

(b) he/she shall have general control over the staff in all protective homes and corrective institutions in the State;

(c) he/she shall inspect all protective homes and corrective institutions established or licensed by the State Government at least once a year and submit his/her inspection report to the State Government."

35 The Committee recommends that in sub-rule (2) of rule 40 for the word "appertain", substitute the word "pertain".

36 The Committee also recommends that in sub-rule (2) (a) of Rule 40 for the word "Superintendent", substitute the words "Superintend."

37 The Committee further recommends that in sub-rule (2) (c) for the words "at least once a year", substitute the words "at least twice a year".

#### Rule 41

Board of  
visitors.  
Section  
23(2) (g)  
and (h).

"41.(1) \* \* \* \* \*

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

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

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

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

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

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

(d) \* \* \* \* \*

(e) \* \* \* \* \*

(5) The Board shall hold a formal meeting once in every 3 months. The meeting shall be held in the protective home or corrective institution by rotation. The Superintendent of the protective home or corrective institution in which the meeting is held shall be the Secretary of the Board for the meeting.

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

(7) The President shall chair every meeting of the Board at which he/she is present. If the President is absent from any meeting, the members present shall elect one of the members to Chair the meeting and the member so elected shall at that time exercise all the powers of the President.

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

(9) \* \* \* \* \*

(10) \* \* \* \* \*

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

The Committee recommends that in sub-rule (5) of Rule 41 for the words "once in every three months" substitute the words "once in two months". 38

The Committee further recommends that in sub-rule (7) of rule 41 for the word "Chair" wherever occurring, the word "preside" be substituted. 39

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## 2. SCRUTINY OF THE HARYANA PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) RULES, 1973 FRAMED UNDER THE HARYANA PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) ACT, 1972.

The Committee scrutinized the Haryana Public Premises and Land (Eviction and Rent Recovery) Rules, 1973 framed under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 and made the following observations —

### General

While scrutinising the Haryana Public Premises and land (Eviction and Rent Recovery) Rules, 1973, framed under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, the Committee came across a large number of typographical mistakes in the cyclostyled copies of the Rules supplied to the Committee. The Committee regrets to point out this serious lapse on the part of the Department which had resulted in unnecessary wastage of time. Had the Department sent the cyclostyled copies of Rules duly and meticulously compared, much of the valuable time of the Committee and that of the Department would have been saved.

The Committee was also pained to note that in the Rules supplied for scrutiny, the recommendations/observations made by the previous Committee, in its sixth report relating to these Rules had not been incorporated.

The Committee, therefore, strongly recommends that necessary steps should be taken to amend the Rules in the light of the recommendations/observations contained in its sixth report (except the recommendation made in respect of rule 7(2) and in this Report and get these Rules re-printed so as to make these rules an up-to-date.

### Rule 4

Manner  
of service  
of notice.  
Sections  
4 and 6

“4.(1) Where the person on whom a notice under sub-section (1) of section 4, or sub-section (1) of section 6 of the Act is to be served cannot be found, a copy of such notice shall, in addition to any other manner of service specified in the Act, be affixed in a conspicuous part of the last known place of business of such person or be delivered to some adult member of his family

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

✓ The Committee recommends that in sub-rule (1) of rule 4 for the words “in conspicuous part” the words “on a conspicuous part” be substituted.

### 3. SCRUTINY OF THE PUNJAB ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1965 FRAMED UNDER THE PUNJAB ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1964 ~~AND REMAINS ACT, 1964~~

The Committee scrutinized the Punjab Ancient and Historical Monuments and Archaeological Sites and Remains Rules, 1965 framed under the Punjab Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1964 and made the following observations/recommendations :—

#### General

The Committee recommends that for the word, "Punjab" the word "Haryana" be substituted wherever it occurs in these Rules.

The Committee recommends that the department should prepare a list of all historical monuments existing in the State of Haryana irrespective of the fact whether these sites are being preserved by the Central/State Government or Private institutions/individuals.

The Committee feels that certain historical monuments being preserved by Private Associations/individuals might not be properly preserved by them due to various reasons. In such cases the State Government should take-over these monuments from Private Associations/individuals in the larger interest of preserving the State's rich cultural/civilization heritage coming from the times immemorial.

The Committee is also of the opinion that the State Government should give a due thought to provide necessary financial aid to the individual institutions engaged in preserving the ancient sculpture, monuments etc. so that our ancient culture may be well preserved. The steps taken in this behalf be intimated to the Committee.

#### Rule 6

- "6 Entrance fee. The Director may, by order, levy a fee not exceeding twenty paise on each person above the age of fifteen years entering into any protected monuments or part thereof as specified in the order :
- Section 18  
and 38(2)  
(c).

Provided that the Director shall obtain the prior sanction of the Government before issuing such order."

The Committee recommends that for the words "twenty paise" the word "fifty paise" be substituted as the maximum entrance fee twenty paise is very much at the lower side.

4. **SCRUTINY OF THE HARYANA REQUISITIONING AND ACQUISITION OF MOVABLE PROPERTY RULES, 1979 FRAMED UNDER THE HARYANA REQUISITIONING AND ACQUISITION OF MOVABLE PROPERTY ACT, 1975.**

The Committee scrutinized the Haryana Requisitioning and Acquisition of Movable Property Rules, 1979 framed under the Haryana Requisitioning and Acquisition of Movable Property Act, 1975 and made the following observations.—

**General**

The Committee while scrutinizing the Haryana Requisitioning and Acquisition of Movable Property Rules, 1979 framed under the Haryana Requisitioning and Acquisition of Movable Property Act, 1975 came across a number of typographical mistakes in the cyclostyled copies of these Rules supplied by the Administration of Justice Department. The Committee observed that much of its time would have been saved, had the Department cared to supply the cyclostyled copies of the Rules duly and meticulously compared.

The Committee further observed that the Haryana Requisitioning and Acquisition of Movable Property Act was enacted in the year 1975 whereas the Rules thereunder were framed in the year 1979. The Committee, therefore, strongly feels that the inordinate delay in framing of the Rules on the part of the Department might have hampered the execution of the spirit of the Act in the true sense.

The Committee with great concern reiterates its earlier recommendations made in the earlier Reports that the Rules should be framed as early as possible after the enactment of an Act and not later than six month in any case after the enactment of the Act.

**Rule 3**

Order of requisition section 3.

"3. An order of requisition under sub-section (1) of section 3 shall be issued in form 'A'."

The Committee recommends that the word "SEAL" be added at the end of Form 'A'

**Rule 4**

Procedure to be followed in releasing property. Section 4.

"4 (1) \* \* \* \* \*

(2) An order under sub-section (2) of section 4, shall be issued in form 'B'

(3) A notice under sub-section (4) of section 4 shall be in form 'C' "

The Committee recommends that at the end of Form 'B' and 'C' the word "SEAL" be added.



**Rule 5**

- "5. A notice under sub-section (1) of section 5 calling upon the owner or any other person interested in a requisitioned movable property to show cause why the movable property should not be acquired shall be in form 'D' and a notice of actual acquisition shall be in form 'E' "

Acquisition  
of requisitioned  
property.  
Section 5.

The Committee recommends that the word "Sale" be substituted by the word "SEAL" in Form 'D' of these rules.

*B*

**Rule 7**

- "7. The amount so determined by the competent authority for requisitioning or acquisition of movable property shall be paid to person or persons entitled thereto within a period of one year from the date of requisition and acquisition of the movable property in two six-monthly instalments by means of bank draft."

Payment of  
amount.  
section 8.

The Committee recommends that the period for payment of amount be reduced from one year to six months and the rule be amended accordingly.

*7*

**Rule 9**

- "9. An order under section 12 summoning and enforcing the attendance of any person and examining him on oath or requiring the discovery and production of any documents shall be issued in form 'F' An order requisitioning public record from any court or office shall be issued in form 'G' while an order issuing commissions for examination of witness shall be in form 'H'."

Summoning  
of  
persons and  
witnesses  
and produc-  
tion of  
documents.  
section 12.

The Committee recommends that the names and the designation of the Secretary to Government, Haryana, Administration of Justice department be deleted in form 'H' as these are not considered necessary.

*8*

## 5 SCRUTINY OF THE PUNJAB COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) RULES, 1965 FRAMED UNDER THE PUNJAB COTTON GINNING AND PRESSING FACTORIES ACT, 1953

The Committee scrutinized the Punjab Cotton Ginning and Pressing Factories (Amendment) Rules, 1965 framed under the Punjab Cotton Ginning and Pressing Factories Act, 1953 and made the following observations:—

### General

While scrutinising the Punjab Cotton Ginning and Pressing Factories (Amendment) Rules, 1965, framed under the Punjab Cotton Ginning and Pressing Factories Act, 1953, the Committee came across a large number of typographical mistakes in the cyclostyled copies of the Rules supplied to the Committee. The Committee regrets to point out this lapse on the part of the Department which has resulted in unnecessary wastage of time. Had the Department sent the cyclostyled copies of the Rules duly and meticulously compared much of the valuable time of the Committee and that of the Department would have been saved.

The Committee recommends that these Rules be got reprinted at the earliest so that these may be made available to the public in general and legislators in particular.

The Committee observes that the Punjab Cotton Ginning and Pressing Factories Act was enacted in the year 1953. After 1953, many changes have been taken place, in the field of Cotton growing and its Ginning and Pressing. Therefore it would be in the fitness of things that the Act be amended under the changed circumstances. The committee recommends that the matter regarding re-enactment of the Act should be pursued vigorously with the Government of India and necessary steps be taken to bring the necessary legislation before the state Legislature at the earliest. The Departmental representatives during the course of oral examination informed the Committee that the matter regarding re-enactment of the Act was under process and was likely to be finalized in the near future.

### Rule 5

Sections 5,  
6 and  
18(2) (c).

“5 For the purposes of sections 5 and 6 the Deputy Director of Agriculture of the circle concerned and the Cotton Extension Officer, Punjab are authorised to examine samples of sealed cotton and cotton seed in regard to the extent of adulteration percentage of moisture and proportion of cotton seed in lint and make a report thereon and certify as to the normal quantity of moisture which a given sample of cotton should contain, and the quantity of moisture which it actually contains. They will base their conclusions on their own observations and tests, in addition to the data obtained from the following sources:—

- (a) Moisture content of the sample determined by the Agriculture Chemist, Punjab in his laboratory.
- (b) Lint length of the sample determined by the Economic Botanist, Cotton, Punjab in his Technological Laboratory.”

The Committee recommends that in Rule 5 for the word "date" the word "data" be substituted. 3

## Rule 6

"6 (1) The following officers are hereby authorised for the purposes of section 3,6 and 7 to enter in and inspect any cotton ginning or pressing factory. Anyone of them may ask for production of any ginning register or press register and inspect any cotton package or bale of cotton for the purposes of ascertaining whether there is contravention of any of the provision of Act or these rules and to seize all things in respect of which an offence punishable under the Act appears to have been committed :—

Sections 3, 6,  
7 and 18(2)  
(d)

- (a) Director of Agriculture, Punjab.
- (b) Additional Director Agriculture, Punjab
- (c) All Deputy Directors of Agriculture.
- (d) Cotton Extension officer, Punjab.
- (e) All District Agricultural Officers.
- (f) Assistant Cotton Extension Officers
- (g) Assistant Cotton Botanist (Dev ).
- (h) Statistician, Department of Agriculture, Punjab.
- (i) Agricultural Engineer (Boiling operations) Punjab.
- (j) Marketing Officer, Punjab.
- (k) Assistant Marketing Officers, Department of Agriculture, Punjab
- (l) Assistant Statistician, Department of Agriculture, Punjab

(2) ————— xxxxxxxxxxxx ————— xxxxx."

The Committee observes that some of nomenclatures of the posts given in Rule 6 do not exist in the Agriculture Department of Haryana Government. The Committee, therefore, recommends that the nomenclatures of only those posts which exist in the Agriculture Department Haryana, may be given in this Rule. Necessary amendment in the Rule may accordingly be made 4

## Rule 7

"7. (1) Any of the officers under rule 6(1) shall forward samples of sealed cotton to the Deputy Director of Agriculture of the circle concerned of the Cotton Extension Officer, Punjab

Sections 1, 6  
and 18(2)(a).

in such quantities as are indicated below :—

- (a) If the cotton seized weighs more than 10 kilograms, one random sample of such cotton weighing 2 kilograms;
- (b) If the cotton seized weighs less than 10 kilograms, all the cotton seized.

(2) xxxxxxxx \_\_\_\_\_ xxxxxxxx

(3) xxxxxxxx \_\_\_\_\_ xxxxxxxx

(4) xxxxxxxx \_\_\_\_\_ xxxxxxxx."

5 The Committee recommends that the words "Cotton Extension Officer, Punjab" wherever occurring in these Rules be deleted.

### Rule 10

Sections  
24, 12, 13,  
4 and 18  
(2) (b).

"10. The authority for the purpose of sections 2 A, 9, 12, 13 and 14 shall be the Director Agriculture, Punjab (and also the Joint Director of Agriculture, concerned with Marketing Branch of the Agriculture Department)".

6 The Committee recommends that for the words "Director Agriculture, Punjab (and also the Joint Director of Agriculture concerned with Marketing Branch of the Agriculture Department)" the words "Director Agriculture, Haryana or any other Officer in the Agriculture Department authorised by him." be substituted and the Rule be amended accordingly.

### Rule 12

Sections 3,  
9 & 18(2)  
(i)

"12.(1) \* \* \* \* \*

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

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

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

(5) The Government shall publish the weekly statement of cotton pressed in form—E.

(6) The monthly statement of cotton ginned shall be published in Form F

(7) \* \* \* \* \*

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

7 The Committee recommends that the Forms E and F appended with the Rules be amended properly in view of the re-organisation of the State

**Rule 13**

"13. The Cotton season shall commence on the first day of September in each calendar year shall terminate on the thirty-first day of August next following."

Section 18(2)  
(k).

The Committee recommends that the word "and" after the words "calendar year" be inserted to make the Rule more clear.

8

**Rule 16**

"16. (1) The licence fee for a cotton season shall be as under —

Sections 2A.  
(1) 18(2) (m).

- |                 |                         |
|-----------------|-------------------------|
| (a) Roller gins | Rs 5 per roller gin     |
| (b) Saw gins    | Rs. 100 per saw gins    |
| (c) Presses     | Rs 100 per cotton press |

(2) The licence shall be granted subject to the following conditions :—

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

to

(d) \* \* \* \* \*

(3) xxxxxxxx—xxxxxxxx—xxx

(4) —xxxxxxx—xxxxxxxx—xxxxxxx

(5) —xxxxx—xx—xxxx

(6) Application for renewal of licence shall be submitted in form J.

(7) The renewed licence shall be granted in Form K".

The Committee recommends that the provisions for granting the duplicate copy of licence in the event of lose by the licence be made and the Rule be amended accordingly. 9

*General Administration*

**SCRUTINY OF THE HARYANA SECRETARIAT SERVICE  
(STATE SERVICE GROUP A) RULES, 1979 FRAMED  
UNDER PROVISIO TO ARTICLE 309 OF THE CONSTI-  
TUTION OF INDIA**

The Committee scrutinized the Haryana Secretariat Service (State Service Group A) Rules, 1979 framed under proviso to Article 309 of the Constitution of India and made the following observations —

**General**

The Committee came across a number of typographical mistakes in the cyclostyled copies of these Rules supplied to the Committee for scrutiny.

The Committee, therefore, recommends that these Rules be got printed after carrying out the typographical mistakes therein so that these may be made available in the correct form to the Legislators and also to the members of the service

**Rules 7**

Method of  
recruit-  
ment.

“7. (1) The posts in the service shall be filled in the following manner—

- (a) In the case of Under Secretaries, by promotion from amongst the Superintendents and Section Officers who are members of the Haryana Civil Secretariat (State Service Group-B);
- (b) In case of Secretaries to Minister, by promotion from amongst the Private Secretaries who are members of the Haryana Civil Secretariat (State Service Group-B).
- (2) Appointment to a post in the selection grade shall be made by promotion from amongst the persons serving in the respective cadre.
- (3) All appointments to posts in the Service shall be made by selection on the basis of seniority-cum-merit and no person shall have the right for promotion on the basis of seniority alone.

The Committee was informed that the posts of Section Officers did not exist now. Therefore, the Committee recommends that the words “Section Officer” wherever occurring in these Rules be deleted and the Rules be amended accordingly.

The Committee further observes that since the scales of pay of Secretaries to Ministers and Under Secretaries have been revised, it would, therefore, be in the fitness of things that Appendix ‘A’ be amended to indicate the existing pay scales of Secretaries to Ministers and that of the Under Secretaries.

Admin. Secy

# 7. SCRUTINY OF THE PUNJAB CIVIL SECRETARIAT (STATE SERVICE CLASS II) RULES, 1963 FRAMED UNDER PROVISIO TO ARTICLE 309 OF THE CONSTITUTION OF INDIA

The Committee scrutinized the Punjab Civil Secretariat (State Service Class II) Rules, 1963 framed under proviso to Article 309 of the Constitution of India and made the following observations .—

## Rule 6

"6. (1) No person shall be appointed to the service unless he is .—

Nationality, Domicile and Character of candidates.

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

(b) a subject of Sikkim, or

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

(e) \* \* \* \* \*

(f) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India  
\* \* \* \* \*

The Committee recommends that part (b) and (f) of sub-rule (1) of Rule 6 be deleted as these are no longer required. Necessary change in the proviso to this rule be also made in the light of the provision of the Model Service Rules

## Rule 14

"14. Every member of the Service shall be liable to transfer under the orders of Government to any other office or department under the administrative control of the Punjab Government whether located within the State of Punjab or at any other place in India."

Liability to transfer

The Committee recommends that the norms/guidelines should be prescribed to send the Class-II Officer of Haryana Civil Secretariat to other departments under the control of Haryana Government on Administrative grounds and in consideration of public interest.

The Committee further recommends that the word 'Haryana' be substituted for the word 'Punjab' wherever occurring in these rules.

8 SCRUTINY OF THE PUNJAB CIVIL SECRETARIAT (STATE SERVICE CLASS III) RULES, 1952 FRAMED UNDER PROVISIO TO ARTICLE 309 OF THE CONSTITUTION OF INDIA.

The Committee scrutinized the Punjab Civil Secretariat (State Service Class III) Rules, 1952 framed under proviso to Article 309 of the Constitution of India and made the following observations :—

**General**

The Committee observes that the Punjab Civil Secretariat (State Service Class III) Rules were framed in the year 1952 and are more than 32 years old. With the passage of time a number of changes have been taken place. The Committee, therefore, recommends that these rules be brought up-to-date keeping in view the Model Service Rules.

- ✓ The Committee, while scrutinising these Rules noticed several typographical mistakes in the cyclostyled copies of the Rules supplied to it for scrutiny. The Committee recommends that these errors may also be corrected while bringing these Rules up-to-date.

**Rule 2**

**Definitions.**

“2. In these rules, unless there is anything repugnant in subject or the context,—

- (a) \*\*\*\*\*
- (b) “Chief Secretary” means the Chief Secretary for the time being to the Government, or any other Secretary to Government authorised by general or special order of Government to perform the functions of the Chief Secretary under these Rules;
- (c) “Assistant Secretary” means the Assistant Secretary to Government Punjab;
- (d) “The Service” means the Punjab Civil Secretariat Class III Service;
- (e) “Recognised University” means any University incorporated by law in the territory of India or any other University which is declared by Government to be a recognised University for the purposes of these rules;
- (f) \*\*\*\*\*
- to
- (h) \*\*\*\*\*

3 The Committee recommends that the words “for the time being”



occurring in Rule 2(b) after the words "Chief Secretary" be deleted as these seem superfluous.

The Committee observes that the post of Assistant Secretary does not exist at present. The Committee, therefore, recommends that the nomenclature of the post of Assistant Secretary wherever occurring in these Rules be deleted and the Rules be amended accordingly.

The Committee further recommends that the words "The Service" appearing in Rule 2(d) be substituted by the words "State Service".

The Committee also recommends that the definition of "recognised University" appearing in Rule 2(e) be amended according to the Model Service Rules as the definition given in this Rule has become out dated.

The Committee observes that the definition of "Haryana Subordinate Service Selection Board" does not find mention in these rules. The Committee, therefore, recommends that definition of Haryana Subordinate Service Selection Board be incorporated at a proper place in these Rules.

#### Rule 4

"4. (i) No person shall be appointed to the service unless he :—

(a) is a citizen of India; or

(b) has migrated from Pakistan with intention of permanently settling in India and has not become a citizen of India under the Constitution; or

(c) is a subject of Nepal or of Sikkam or of a Portuguese or French possession in India and if he comes under Category (b) or (c) must be a person in whose favour a certificate of eligibility has been given by the Government of Punjab. A candidate in whose case such a certificate is necessary may, however, be admitted to an examination or interview conducted by the Commission or other recruiting authority on his furnishing proof that he has applied for the certificate and he may also be provisionally appointed subject to the necessary certificate being eventually given to him by the Government, and

(d) is domiciled in the Punjab or Delhi States.

(ii) No person who is not already in Government employ shall be appointed to the service unless he :—

(a) produces certificates of character from the principal academic officer of his university, college or school last

Nationality, age and certain other qualifications of candidates.

attended, if any, and also from two responsible persons, not being his relatives who are well acquainted with him, in private life and unconnected with his university, college or school if any, and the medical certificate required by Chapter III of the Civil Services Rules (Punjab) Volume I, Part I, and

- (b) is not more than twenty-five years of age on the date of appointment provided that the Chief Secretary may, in special circumstances, to be recorded in writing, appoint a person exceeding twenty five years in age. In the case of members of the scheduled castes, the maximum age limit for appointment to the service will be twenty-eight years."

The Committee recommends that Rule 4 be amended in the light of the provisions of the Model Service Rules

#### Rule 5

Educational or other qualifications

"5. No person shall be appointed substantively to the service unless he possesses the educational and other qualifications mentioned below :—

Post to which the personal is designated to be appointed	Minimum educational qualifications	Other qualifications
1. Junior Clerk	If appointed direct a degree of a recognised University or its equivalent.	Qualified in a departmental test conducted by Assistant Secretary/Chief Secretary.
(b) Senior Clerk	Do	Do
(c) Assistant	Ditto	Ditto
(d) Junior and Senior Translators	Ditto	Ditto
(e) Cashier	If appointed direct a degree of a recognised University or its equivalent and a certificate in Accountancy or the post-Matriculation Clerical Examination (with Accountancy as one of the subjects) diploma.	
(f) Stenographer	If appointed direct a degree of a re-	Qualifies in a departmental test

cognised University or its equivalent. conducted by the Commission, the regulations of which are contained in Appendix A.

(g) Restorer

If appointed direct Matriculation Examination of a recognised University or its equivalent.

—

Provided that the Chief Secretary may, in special circumstances to be recorded in writing, appoint to any post in the service any person who does not possess the qualifications prescribed by this rule.

The Committee recommends that for item '1' in rule 5, substitute item "a".

9

The Committee further recommends that the "Haryana Subordinate Services Selection Board" be substituted in place of "Commission" in this Rule and in the Appendix to these Rules.

10

The Committee also recommends that in Rule 5(g) for the words "Matriculation Examination" the word "Matric" be substituted.

11

## Rule 6

"6. (1) Posts in the Service shall be filled :—

Method of filling posts.

(a) in the case of Deputy Superintendents—

(i) by promotion of Superintendent Records, Assistant-in-charge and Assistants, or

(ii) by transfer or deputation of an official already in Government Service

(b) in the case of Superintendents Records, by selection from among Assistants

(c) in the case of Assistants-in-charge

(i) by promotion of Assistants; or

(ii) by transfer or deputation of an official already in Government service

(d) in the case of Superintendent, Military Secretary to Governor's office, by selection from amongst Assistants.

(e) in the case of Stenographers, by selection from among those who have qualified in the test referred to in Rule 5 (f).

(f) in the case of Assistant—

- (i) by direct appointment; or
- (ii) by promotion of Senior Clerks; or
- (iii) by selection from among officials employed in departments of government other than the Civil Secretariat.

(g) in the case of Cashier—

- (i) by direct appointment; or
- (ii) by selection from among Senior Clerks; or
- (iii) by selection from among officials employed in departments of Government other than the Civil Secretariat.

(h) in the case of Senior Clerks—

- (i) by direct appointment; or
- (ii) by selection from among official employed in Government Departments other than the Civil Secretariat; or
- (iii) by promotion from among junior Clerks.

(i) in the case of Junior Clerks—

- (i) by direct appointment; or
- (ii) by transfer or promotion of officials already in Government Service, or
- (iii) by promotion from among Restorers—

(a) who are graduates and have put in three years service as such, or

(b) who are matriculates and have put in 5 years service as such,

and also qualify in a departmental tests.

(j) in the case of Senior Translators—

- (i) by direct appointment, or
- (ii) by promotion from among junior Translators, or
- (iii) by selection from among officials already in Government service.

(k) in the case of Junior Translators—

- (i) by direct appointment; or

(ii) by transfer or promotion of officials already in Government service.

(l) In the case of Restorers—

(i) by direct appointment; or

(ii) by selection from among Daftries who are matriculates.

(2) When any vacancy occurs or is about to occur in the Service, the Chief Secretary in respect of other posts and the Assistant Secretary in the case of the post of Restorer shall determine in what manner such vacancy shall be filled.

(3) Appointment to any post by the promotion of officials already in the Service or by transfer of officials employed in Government departments other than the Civil Secretariat shall be made strictly by selection, and no official shall have any claim to such appointment as of right."

The Committee recommends that Rule 6 be amended according to the Model Service Rules. 12

### PART III-CONDITIONS OF SERVICE

#### Rule 7

"7. The Service shall comprise the posts shown in Appendix B, provided that nothing in this rule shall affect the inherent right of Government to make additions to or reductions in the cadre of the Service either permanently or temporarily."

Number  
and Character  
of  
posts.

The Committee recommends that Appendix 'B' be amended up-to-date giving the existing nomenclatures of the posts and the pay-scales attached thereto. 13

#### Rule 9

"9. The seniority inter-se of members of the service holding the same class of post shall be determined by the date of their substantive appointment to such post :

Seniority  
of members  
of the  
service.

Provided that if two or more members are confirmed in the same class of posts in the same date, their seniority shall be determined as follows :—

(a) a member recruited by promotion within the service shall be considered senior to a member recruited otherwise;

(b) a member recruited by transfer from a department of Government other than the Punjab Civil Secretariat,

shall be senior to a member recruited by direct appointment,

- (c) in the case of members who are recruited by promotion seniority shall be determined according to the seniority in the appointments from which members are promoted;
- (d) in the case of members who are recruited by transfer from a cadre other than the Punjab Civil Secretariat cadre, seniority shall be determined according to seniority in the appointments previously held in that cadre;
- (e) in the case of members who are recruited by transfer from different cadres, other than the Punjab Civil Secretariat cadre, seniority shall be determined according to pay, preference being given to a member who was drawing higher rate of pay in his previous appointment and if the rate of pay drawn is the same an older member shall be senior to a younger member, and
- (f) in the case of members recruited by direct appointment seniority shall be determined by their age, an older member being senior to a younger member."

14 The Committee recommends that Rule 9 be amended according to the Model Service Rules

#### Rule 12

Authorities  
empowe-  
red to im-  
pose penal-  
ties

"12. Subject to the provisions of the Punjab Civil Services (Punishment and Appeal) Rules, the authorities specified in column 8 of Appendix C are hereby empowered to impose upon the members of the service mentioned in column I of the said appendix the penalty or pass other orders specified in column 2 of the said appendix "

15 The Committee recommends that in line two of Rule 12, between the words "Rules" and "the authorities" insert the figure "1952".

Gen. Adm. 9. SCRUTINY OF THE GOVERNMENT EMPLOYEES (CONDUCT) RULES, 1966 FRAMED UNDER PROVISIO TO ARTICLE 309 AND CLAUSE (b) OF ARTICLE 318 READ WITH CLAUSE (3) OF ARTICLE 187 OF THE CONSTITUTION OF INDIA.

The Committee scrutinized the Government Employees (Conduct) Rules, 1966 framed under proviso to Article 309 and clause (b) of Article 318 read with clause (3) of Article 187 of the Constitution of India and made the following observations :—

#### General

While scrutinising the Government Employees (Conduct)

Rules, 1966 the Committee came across a number of printing errors in the Rules supplied to the Committee for scrutiny. The Committee, therefore, feels that the Department has shown scant care about the correctness of these Rules while supplying the same to the Committee.

The department in their written reply to an observation of the Committee informed that these Rules were also applicable to the officials/officers of the judiciary wing of the Government.

The Committee fails to understand as to why the mention of Article 229 of the Constitution has not been made in these Rules. The Committee, therefore, recommends that this aspect be got examined and necessary amendments in the Rules be made

The Committee recommends that the words and figure "Rule 5" appearing at page I, between the lines "Notification" and "The 5th July, 1966" be deleted, being superfluous.

### Rule 3

**"3. General-1)"** \*\*\*\*\*

2 (1) Every Government employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government employees for the time being under his control and authority.

[illegible]

to

(IV)

**Explanation.**—\*\*\*\*\*

The Committee recommends that for sub-rule "(2)(1)" of Rule 3 the figure "(2)(1)" be substituted.

The Committee further recommends that in line three of sub-rule (2) the words "for the time being" be deleted and the Rule be amended accordingly

### Rule 4

**"4. Employment of near relatives of Government employees in companies or firms enjoying Government patronage.—**

[illegible]

(2) (i) No Class I officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependent to accept employment in any company or firm with which he has official dealings or in any other company or firm having official dealings with the Government :

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

- (ii) \*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*
- (3) \*\*\*\*\*

7 The Committee recommends that in line four to proviso to sub-rule (2) (i) of Rule 4, the words "at the earliest and not later than three months" between the words "Government" and "and the Employment" be inserted.

### Rule 7

"7. Demonstration and Strikes.—No Government employee shall :—

- (i) \*\*\*\*\*
- (ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service of any other Government employee".

6 The Committee recommends that after the word "Service" occurring in sub-rule 7(ii), the word "or" be inserted.

### Rule 8

"8. Connection with Press or Radio.—(1) \*\*\*\*\*

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

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

- (b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical; either in his own name or anonymously or pseudonymously or in the name of any other person :

Provided that no such sanction shall be required.—

- (i) if such publication is through a publisher and is of a purely literary, artistic or scientific character; or
- (ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character".



The Committee recommends that after the existing proviso to rule 8, another proviso be added as under :—

“Provided further that the Government may withdraw at any time the sanction so granted if there are reasons to believe that the sanction is being misutilised”.

#### Rule 11

“11. Unauthorised Communication of information.—No Government employee shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Government employee or any other person to whom he is not authorised to communicate such document or information.

Explanation.—\*\*\*\*\*

The Committee recommends that before the “Explanation” of rule 11, the following proviso be added :—

“Provided that nothing in this rule shall be deemed to prohibit the disclosure of any information or documents by a Government servant to the Police (Anti-Corruption Department) on a bonafide belief that the information will lead to checking corruption or other malpractices, or in a detecting or punishing delinquents”.

#### Rule 13

“13. Gifts.—(1) Save as otherwise provided in these rules, no Government employee shall accept or permit any member of his family or any other person acting on his behalf to accept, any gift.

Explanation.—\*\*\*\*\*

Note.—(i) \*\*\*\*\*

Note.—(ii) A Government employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with from industrial or commercial firms, organisations, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is inconformity with the prevailing religious or social practice, a Government employee may accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds :—

(i) Rs. 500 in the case of a Government employee holding any Class I or Class II post;

(ii) Rs. 250 in the case of a Government employee holding any Class III post; and

(iii) Rs. 100 in the case of a Government employee holding any Class IV post

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

“(4) In any other case, a Government employee shall not accept, or permit any member of his family or any other person acting on his behalf to accept, any gift without the sanction of the Government, if the value thereof exceeds—

(i) Rs 75 00 in the case of a Government employee holding any class I or class II post, and

(ii) Rs 25.00 in case of a Government employee holding any class III or class IV post ”

11 The Committee recommends that in line three of sub-rule (1) of Rule 13, after the words “On his behalf the sign “,” be inserted and that the sign “,” occurring after the word “accept” be deleted.

12 The Committee further recommends that note (ii) below sub-rule (i) of Rule 13 be substituted as follows—

“A Government employee shall not indulge in lavish hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, etc”.

The Committee also recommends that sub-rule (2) of Rule 13 be substituted as under —

13 “On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with prevailing religious or social practice a Government employee may accept gifts from his near relatives and friends but he shall make a report to the Government if the value of any such gift exceeds Rs. 500

14 The Committee further recommends that in parts (i) and (ii) of sub-rule (4) of Rule 13 for the figure “75 00” the figure “100” and for the figure “25 00” the figure “50” be substituted.

#### Rule 15

“15 Private trade or employment—(1) No Government employee shall except with the previous sanction of the Government, engage directly or indirectly in any trade or business or negotiate for, or under-take, any other employment

\*\*\*\*\*

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

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

Explanation—\*\*\*\*\*

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

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

(2) Every Government employee shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

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

\*\*\*\*\*

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

The Committee recommends that after the word "shall" in sub-rule (2) of Rule 15, the words and sign ",", within one month" be inserted. 15

#### Rule 16

"16. Investment, lending and borrowing.—(1) \*\*\*\*\*

\*\*\*\*\*

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

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) of sub-rule (2), the decision of the Government thereon shall be final.

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

The Committee recommends that for the word "of" appearing sub-rule (3) of Rule 16 after the words and figure "sub-rule (1)", the word "or" be substituted. 16

#### Rule 18

"18. Movable, immovable and valuable property—(1) Every Government employee shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Government submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding—

(a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

(b) shares, debentures, and cash including bank deposits inherited by him or similarly, owned, acquired or held by him;

(c) other movable property inherited by him or similarly owned, acquired or held by him;

(d) debits and other liabilities incurred by him directly or indirectly.

Notes.—I \*\*\*\*\*

to

II

III \*\*\*\*\*

- (2) No Government employee shall except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family :

\*\*\*\*\*

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

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

- “(3) Where a Government employee enters into a transaction in respect of movable property either in his own name, or in the name of a member of his family, he shall, within one month from the date of with transaction, report the same to the prescribed authority, if the value of such property exceeds one thousand rupees, in the case of a Government employee holding any Class I or Class II post or five hundred rupees in the case of a Government employee holding any Class III or Class IV posts.

\*\*\*\*\*

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

to

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

- (4) The Government or the prescribed authority may at any time by general or special order, require a Government employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him, on his behalf or by any member of his family as may be specified in the order. Such Statement shall, if so, required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

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

Explanations \*\*\*\*\*

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

- (i) Jewellery, insurance policies, the annual premia of which exceed Rs. 1,000 or one sixth of the total annual emoluments received from Government which ever is less, shares, securities and debentures;
- (ii) \*\*\*\*\*
- (iii) \*\*\*\*\*
- (iv) refrigerators, radios and radiograms.
- (2) \*\*\*\*\*
- (a) (i) \*\*\*\*\*
- to
- (v) \*\*\*\*\*
- (b) \*\*\*\*\*

The Committee recommends that sub-rule (1) (a), (b), (c) and (d) be substituted as follows :—

- “(a) the immovable property, inherited, owned, acquired or held on lease or mortgage, by him or his wife or any member of his family, either in their own names or in the name of any other persons; 17
- (b) shares, debentures and cash including bank deposits inherited or similarly owned, acquired or held by him or his wife or any other member of his family; 18
- (c) other movable property inherited or similarly owned, acquired or held by him or his wife or any other member of his family; and 19
- (d) debits and other liabilities incurred directly or indirectly by him or his wife or any other member of his family”. 20

The Committee also recommends that in sub-rule (2) of Rule 18 for the word “of”, appearing in line two, after the word “acquire” the word “or” be substituted. 21

The Committee further recommends that sub-rule (3) of Rule 18 be recast as follows :— 22

“Where a Government employee enters into a transaction in respect of movable property either in his own name or in the name of a member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds Rs. 2,500.”

The Committee also recommends that in sub-rule (4) of Rule 18 after the word “so”, in line seven, the sign “,” be deleted. 23

The Committee further recommends that in explanation (1) (i) to sub-rule (5) of Rule 18 for the figure "Rs. 1,000", the figure "Rs 2,000" be substituted; and

Explanation (1) (iv) be substituted as follows :—

"refrigerators, radios, radiograms and other electronic goods."

#### Rule 19

'19. (1) Vindication of Acts and Character of Government employees—No Government employee shall, except with the previous sanction of the Government have recourse to any court or to the press for vindication of any official act which has been the subject matter of adverse criticism or on attack of a defamatory character

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

24 The Committee recommends that for the word "on", appearing in line six in sub-rule (1) of rule 19, the word "an" be substituted.

#### Rule 20

"20. Canvassing of non-official or other influence.—No Government employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matter pertaining to his service the under Government."

25 The Committee observes that rule 20 has not been properly worded. The Committee, therefore, recommends that it may be recast as under :—

"No Government employee shall bring or attempt to bring any political or other influence to bear upon any Superior authority to further his interests in respect of matter pertaining to his service under the Government."

#### Rule 22

"22. Consumption of intoxicating drinks and drugs.—\*\*\*\*\*

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

to

(e) \*\*\*\*\*

(f) not habitually use any intoxicating drinks or drugs to excess."

26 The Committee recommends that in sub-rule (f) of Rule 22, for the word "to", the word "too" be substituted.

10. SCRUTINY OF THE PUNJAB SLUM AREAS (IMPROVEMENT AND CLEARANCE) RULES, 1962 FRAMED UNDER THE PUNJAB SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1961

The Committee scrutinized the Punjab Slum Areas (Improvement and Clearance) Rules, 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act, 1961 and made the following observations :—

**General**

The Committee is of the view that Slums, Urban or Rural are areas planned primarily for residential use where deteriorated, overcrowded, insanitary or unsafe structures jeopardise public welfare. Slums are a universal phenomenon, where the poor are housed in insubstantial buildings of mud, bricks and frame. The whole families living in one room shuts-off light and air circulation. It leads to congestion and insanitation and breeds periodic epidemics.

Modern slums date from the industrial revolution with its accompanying of population. The slums are found to-day not only in larger cities but also in an acute though restricted form in smaller towns and rural districts

The Committee feels that the Punjab Slum Areas (Improvement and Clearance) Act, 1961 was enacted with the sole object to eradicate this social evil. It has been observed that the problem of slums especially in big cities in the State of Haryana is becoming more acute due to the rapid industrialisation in the State. The Committee discussed this matter with the representatives of the Housing and Local Government Departments to find out some realistic solution to check this increasing problem, in the State, especially in the fast developing cities.

The Committee, after having in depth study of this problem, feels that a time has arrived where there is no escape from creating an authority which may earnestly go deep into this problem, as with the passage of time the problem is bound to aggravate and will become uncontrollable if not checked at the proper time. The Committee is, therefore, of the firm opinion that it is high time to constitute a Slum Clearance Board which may take the stock of the problem and act as an independent supervisory agency. The Committee was informed that at present the Municipal Committees in the State were entrusted with the clearance and improvement of slums in the urban areas in the State. The Committee suggests that the present system of implementing the various schemes of Government regarding clearance and improvement of slums be continued by the Municipal Committees. However, the overall control and supervision should rest with the Board

The Committee, therefore, strongly recommends that Slum Clearance Board in the State be set up at the earliest.

It has been noticed by the Committee from the Data/Statistics supplied by the Department regarding slum clearance and slum improvement that more emphasis has been given on slum improvement in comparison to slum clearance. The Committee feels that slum clearance is equally important as it has been observed that where slum clearance has been effected and the population rehoused in hygienic homes, a sharp decline in morbidity and mortality as well as delinquency has resulted. The Committee, therefore, recommends that due emphasis be also given to slum clearance in the State otherwise this problem will touch new heights.

The Committee also observes that the basis of determination of compensation at present is not a proper relief to the land owner whose land is acquired for the improvement of slum as the rates are not realistic.

The Committee, therefore, recommends that the rate of compensation for the land to be acquired under the Punjab Slum (Improvement and Clearance) Act, 1961 should be fixed according to the present market value prevailing in the area and the provisions for compensation should be amended in the light of changed circumstances.

#### Rule 6

"6. Plans for re-development.—Every plan for the re-development of any slum areas shall include the following namely :—

- (a) [REDACTED]
- (b) [REDACTED]
- (c) roads, open spaces and sites or sites for schools, hospitals, shopping centres, maternity and child welfare centres and similar amenities;
- (d) [REDACTED]

6 The Committee recommends that in sub-clause (c) of Rule 6, the words "Parks, places of Worship" be added after the words "open spaces."

#### Rule 7

"7. Applications under section 19. The following procedure shall be adopted in dealing with applications made under section 19(2) of the Act :—

- (1) [REDACTED]

to

- (4) [REDACTED]

- (5) If either of the parties is absent on any date of



hearing, the competent authority may proceed in his absence and after hearing the party present pass such order as it thinks fit."

The Committee recommends that at the end of sub-rule (5) of Rule 7 add the words "and the competent authority shall communicate the order to the affected parties." 7

### Rule 8

"8. Time limit for filing appeals.—Every appeal under section 20 of the Act shall be filed within a period of thirty days of the date of communication of the order of the competent authority. Any appeal preferred after the said period shall be dismissed."

The Committee recommends that in Rule 8, after the words "Any appeal preferred after the said period shall be dismissed", the words "However, if the appellate authority is satisfied that there are sufficient reasons for not filing the appeal, it may condone the delay in filing the appeal." be added. 8

### 11. SCRUTINY OF THE PUNJAB CIVIL SERVICES (PUNISHMENT AND APPEAL) RULES, 1952 FRAMED UNDER PROVISIO TO ARTICLE 309 OF THE CONSTITUTION OF INDIA.

*General Admin*

The Committee scrutinized the Punjab Civil Services (Punishment and Appeal) Rules, 1952 framed under proviso to Article 309 of the Constitution of India and orally examined the departmental representatives in respect thereof. During the course of oral examination the departmental representatives informed the Committee that the process for framing these Rules afresh would be started soon and the observations/recommendations of the Committee would also be taken into consideration while framing the new rules. (1)

The Committee recommends that the Government should frame the new Rules at the earliest, keeping in view the Model Services Rules and the observations/recommendations of the Committee already sent to them.