

**HARYANA VIDHAN SABHA**  
**REPORT**  
**OF**  
**THE COMMITTEE**  
**ON**  
**SUBORDINATE LEGISLATION**  
**SEVENTEENTH REPORT**  
**1985-86**

(Presented to the Haryana Vidhan Sabha on the 28th February, 1986)



**HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH**  
February, 1986

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## COMPOSITION OF THE COMMITTEE

(1985-86)

### Chairman

Sh. A. C. Chaudhry

### Members

\*Sh. Jaswant Singh Chauhan

Th: Bahadur Singh

\*\*\*Sh. Sahab Singh Saini

†Sh. Mangal Sein

Sh. Tayyub Hussain

Sh. Kulbir Singh

-\*\*Sh. Lila Krishan

\*\*\*Dr. Om Parkash Sharma

⇔Sh. Fateh Chand Vij

Advocate General

### Special Invitees

Dr. Bhim Singh Dahiya

\*\*\*\*Dr. Om Parkash Sharma

@Sh. Dharam Bir Gauba

### Secretariat

1. Sh. G. L. Batra, Secretary

2. Sh. Chander Prakash, Joint Secretary

3. Janardhan Singh, Under Secretary

The Committee was constituted,—vide Haryana Vidhan Sabha Secretariat Notification No. HVS-LA (Sub-Leg)-1/85-86/23, dated the 18th April, 1985.

\*Shri Jaswant Singh Chauhan, M.L.A., resigned from the Membership of the Committee with effect from 11th June, 1985 on his appointment as Minister of State, Haryana,—vide Notification No. HVS-LA (Sub-Leg)-1/85-86/34, dated the 13th June, 1985.

\*\*Shri Lila Krishan, M.L.A., was nominated by the Speaker as Member of the Committee with effect from 24th June, 1985 for the remaining period of the year 1985-86 in the vacancy caused on the resignation of Shri Jaswant Singh Chauhan, M.L.A. on his appointment as Minister of State, Haryana,—vide Notification No. HVS-LA (Sub-Leg)-1/85-86/38, dated the 25th June, 1985.

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\*\*\*Shri Sahab Singh Saini, M.L.A., resigned from the Membership of the Committee with effect from the 8th August, 1985,—vide Notification No. HVS-LA (Sub-Leg)-1/85-86/47, dated the 9th August, 1985.

\*\*\*\*Dr. Om Parkash Sharma, M.L.A., a special invitee of the Committee was nominated by the Speaker as Member of the Committee with effect from the 14th August, 1985 for the remaining period of the year 1985-86,—vide notification No HVS-LA(Sub-Leg)-1/85-86/51, dated the 17th August, 1985.

@Shri Dharam Bir Gauba, M.L.A., was nominated by the Speaker as Special Invitee of the Committee on the 19th December, 1985 for the remaining period of the year 1985-86,—vide Notification No. HVS-LA (Sub-Leg)-1/85-86/71, dated the 20th December, 1985.

†Shri Mangal Sein, M.L.A., ceased to be Member of the Committee with effect from the 16th August, 1985 on the acceptance of his resignation from the Membership of the Haryana Vidhan Sabha by the Speaker which was notified—vide Notification No. HVS-LA-103/85/50, dated the 17th August, 1985.

⇔Sh. Fateh Chand Vij, M.L.A., was nominated by the Speaker as Member of the Committee with effect from 30th January, 1986 for the remaining period of the year 1985-86 in the vacancy caused on the acceptance of the resignation of Sh. Mangal Sein from the membership of the Haryana Vidhan Sabha by the Speaker and was notified—vide Notification No. HVS-LA-1/85-86/77, dated the 31st January, 1986.

## 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 Seventeenth Report.

2. The Committee consisting of eight members (including the Advocate General) and two special invitees 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 17th April, 1985 and was notified in the Official Gazette—vide Notification No. HVS-LA(Sub-Leg)-1/85-86/23, dated the 18th April, 1985.

3. A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat.

4. The Committee place on record their appreciation for the valuable and willing assistance given by the Administrative Secretaries, Departmental Officers and the representative of the Law Department in their deliberations.

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

CHANDIGARH :

The 20th February, 1986.

A. C. CHAUDHRY,

CHAIRMAN.

## REPORT

1. The Committee on Subordinate Legislation for the year 1985-86, consisting of eight Members, including the Chairman and the Advocate General and two special invitees 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 17th April, 1985 and was notified in the Official Gazette,—vide Notification No. HVS-LA(Sub-Leg)-1/85-86/23, dated the 18th April, 1985.

2. Shri A.C. Chaudhry was appointed as the Chairman of the Committee by the Speaker.

3. The Committee held 46 sittings till 20th February, 1986. Before scrutinizing the rules and orders etc. framed under certain Acts the Committee discussed its scope and functions and the procedure for scrutinizing the rules, regulations, orders etc. and also orally examined the representatives of various Departments of the State Government in regard to framing of rules by the State Government under various Acts.

### SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 242, 250 and 251 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Rule 242 enjoins upon the Committee "to scrutinise and report to the House whether powers to make regulations, rules, sub-rules, bye-laws, etc. conferred by the Constitution or delegated by Legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker". Further, rule 250 of the said rules lays down that while examining any such set of rules, bye-laws, etc. the Committee shall, in particular consider :—

- (i) whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made ;
- (ii) whether it contains matters, which in the opinion of the Committee should more properly be dealt within an Act of the Legislature ;
- (iii) whether it contains imposition of any tax ;
- (iv) whether it directly or indirectly bars the jurisdiction of the courts ;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power ;
- (vi) whether it involves expenditure from the Consolidated Fund of the State or the Public Revenues ;

- (vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (viii) whether 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 Procedure and Conduct of Business in the Haryana Legislative Assembly, which reads as under :—

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

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

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

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

As far as possible, guidelines/criteria to be followed by the authority concerned for the exercise of discretionary power 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.

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- (iii) Before any adverse action is taken against a party, it should be given a reasonable opportunity of being heard; and after a decision adversely affecting a party has been taken it should have the right of appeal or representation, as the case may be.
  - (iv) In order that the persons similarly placed are not treated differently, the powers of exemption/relaxation should be exercisable in respect of categories or classes of persons, as contradistinguished from individuals.
  - (v) In cases where an authority concerned is vested with the power to suspend a 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 be also laid down in the rules.
  - (ix) Statutory rules should be amended by statutory rules only and not by executive orders.
  - (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic, sketchy or skeleton or needing further interpretation. It should be in simple language so that different people cannot put different interpretations. For example, expressions like 'unreasonably, large quantity', 'reasonable interval' or 'frequent intervals' etc. should be avoided.

## GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

### 1. Delay in framing the Rules

The Committee reiterates the recommendations in its previous sixteen reports and observes that ordinarily Rules should be framed as early as possible after the enactment of an Act. 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 upto 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, recommends that copies of the rules to be supplied to it by the Department should be in the printed form or in the form of Gazette in which they are published. If, however, it is not possible for the Department to do so, it should be ensured that the copies of the rules, 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 some times 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 to from which date the Act and Rules had come into force.

The Committee further recommends that whenever any amendment is made in an Act or Rules framed thereunder, it should also invariably be stated in the footnote the reference of the Act or Rules by which 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, this 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 36 years, it is improper to continue to enforce the service rules framed under the powers conferred by 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 1983-84 and 1984-85 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 :—

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

laying them on the Table—

Sr. No.	Name of order	Description of "Order"	Date of Publication in the Gazette	Date of laying on the Table	Approximate delay and reasons of delay, if any	Department concerned
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#### 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 contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government, the Department concerned should supply a copy of the notification containing the amendment in the rules along with the statement showing the action taken by the Government in the implementation of its recommendations/observations.

# 1. SCRUTINY OF THE PUNJAB SUGARCANE (REGULATION OF PURCHASE AND SUPPLY) RULES, 1958 FRAMED UNDER THE PUNJAB SUGARCANE (REGULATION OF PURCHASE AND SUPPLY) ACT, 1953.

The Committee scrutinized the Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1958 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953 and made the following observations/recommendations thereon :—

## General

While scrutinizing the Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1958 framed under the Punjab sugarcane (Regulation of Purchase and Supply) Act, 1953, the Committee came across a large number of typographical mistakes in the cyclostyled copies of the Rules supplied to the Committee which had resulted in unnecessary wastage of valuable time of the Committee in pointing out the spelling mistakes etc. Therefore, the Committee recommends that the Rules be got re-printed after implementing the following recommendations/observations made by the Committee :—

## Rule 2

"2 (a) to (f) \* \* \* \* \*

2 (g) "Treasury" means the Government treasury, at the Headquarters of a district or tehsil in Haryana".

(h) "Year" means the agricultural year commencing on the first day of July and ending on the 30th day of June next following :—".

The Committee recommends that in the definition of "Treasury" after the words "Government treasury" the words "or Sub-treasury", be added.

The Committee further recommends that in the definition of "Year" the word "following" be deleted as it appears to be superfluous.

## Rule 3

"3 (1) \* \* \* \* \*

(2) The Government shall, by notification, nominate eight official and seven non-official members which shall include representatives of the cane growers and the sugar factories.

(3) The Minister for Agriculture shall be the Chairman of the Board.

(4) The Cane Commissioner shall be the Secretary to the Board.

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

- (6) Notice, in writing, of all meetings shall be circulated by the Secretary to all members not less than one week before the date fixed for the meeting except in urgent cases in which case, a meeting may be held on three days 'Notice' which may be sent by letter to all members residing at the Headquarters and by telegram to members not so residing.

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

- (8) When the place of a member nominated to the Board becomes vacant by the resignation, death, removal or otherwise of such members, the Government shall nominate a new member to fill the vacancy, in accordance with the provisions of sub-rule (2) and such new member shall hold office for the unexpired period of the term of office of the member in whose place he has been nominated.

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

The Committee recommends that in line 1 of sub-rule (2), for the word "eight" substitute the word "seven".

The Committee further recommends that in line 1 of sub-rule (3), before the word "Chairman" the word "Ex-officio" be added.

The Committee also recommends that in line 1 of sub-rule (4), for the word "to" substitute the word "of".

The Committee recommends that in the beginning of sub-rule (6) of rule 3, the following be added :—

"The Board shall meet at least twice a year".

9 The Committee further recommends that in line 4, sub-rule (8) after the word "nominates" the words "within three months" be added.

#### Rule 4

"4 \* \* \* \* \*

(1) to (4) \* \* \* \* \*

- (5) When the place of a member of the committee or body becomes vacant by the resignation, death, removal or otherwise of such member, the Government may appoint a new member to fill the vacancy and such new member shall hold office for the unexpired period of the term of the office of the member in whose place he has been appointed.

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

9 The Committee recommends that in sub-rule (5) in line 4 after the word "vacancy" the words "within three months" be inserted.

**Rule 5**

"5 (1) to (3) (1) \* \* \* \* \*

- (3) (m) exercise such other powers as may be reasonably necessary for carrying out the purpose of the Act, or of the rules made thereunder."

The Committee recommends that the word "reasonably" in sub-rule (m) be deleted being superfluous.

**Rule 7**

"7 (1) Provision regarding purchase of cane—(1) The agent of every factory or every purchasing agent shall notify to the Cane Commissioner and the Inspector within a fortnight of the date of publication of these rules during the current season and within a fortnight before the commencement of crushing season each year, the location of each weigh bridge and the names of the persons responsible for weighment and for payment for cane at each such weighbridge.

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

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

- (4) The agent or the purchasing agent, as the case may be, shall cause a list to be put up at each weighment and payment centre showing the names of persons responsible for weighments and payments made at the centre and shall cause such lists to be maintained upto date."

The Committee recommends that in sub-rule (1), lines 3—5, the words "within a fortnight of the date of publication of these rules during the current season and" be deleted being redundant.

11

The Committee further recommends that in line 2 of sub-rule (4), after the words "put up" the words "on a conspicuous place" be inserted.

12

**Rule 8**

"8(1) Estimate of the quantity of cane required by factories,—(1). The occupier of a factory shall on receipt of an order from the Cane Commissioner submit before the last day of October each year in form IV, an estimate of quantity of cane required for the crushing season next following the ensuing crushing season and within a fortnight of the date of publication of these rules for the next crushing season without waiting for any order from the Cane Commissioner.

- (2) The Cane Commissioner shall submit the same with such modification as may be considered to be necessary within a month

of the receipt of the estimate to the Sugarcane Control Board for approval and paste the same at the office of the factory and at the Tehsil or Tehsils in which the supply area is situated.

(3) \* \* \* \*

12 The Committee recommends that in sub-rule(1) line 4, between the words "of" "and" "quantity", the word "the" be inserted.

19 The Committee further recommends that in sub-rule (1), the words "and within a fortnight of the date of publication of these rules for the next crushing season without waiting for any order from the Cane Commissioner", be deleted being redundant.

15 The Committee further recommends that in Sub-rule(2), line 5, the sign and words sub-tehsil be added after the word "tehsil".

#### Rule 9

"9. Survey and growers register.—(1) The Cane Commissioner may cause a survey of sugarcane in the area proposed to be assigned to any factory in form V by a officer authorised by him in this behalf (hereinafter called the "authorised officer") within 1 month of the decision of the Sugarcane Control Board to this effect and report the result to the Board in its next meeting. The officer authorised by the Cane Commissioner to conduct the survey of cane area shall be afforded such assistance and facilities by the occupier of a sugar factory or cane growers' Co-operative society as may be necessary.

(2) to (6) \* \* \* \*

(7) The occupier of the factory concerned on receipt of demand notice from the Cane Commissioner in respect of survey shall, within one month, deposit the amount into Government Treasury under appropriating head of account failing which such amount shall be recoverable from him as arrears of land revenue."

16 The Committee recommends that in sub-rule(1) for the figure "1", the word "one" be substituted.

17 The Committee also recommends that in sub-rule (7), after the word "Treasury", the words and sign Sub-Treasury be added.

#### Rule 10

"10 Declaration of assigned areas—(1) In declaring assigned areas under section 14 of the Act the Sugarcane Control Board may take into consideration (a) the distance of the factory from the area proposed to be assigned (b) Facilities for transport of cane (c) whether the area has previously supplied cane to the said factory (d) previously existing zoning arrangements among the factories and (e) the quantity of cane to be crushed in a factory as determined under section 10.

(2) \* \* \* \*

The Committee recommends that in sub-rule(1) the word and figure "section 10" be substituted as "section 10 of the Act."

#### Rule 10-A

"10-A. The Cane Commissioner shall be prescribed authority for the purposes of sub-section(4) of section 14 of the Act. The communication of the order, issued by the Cane Commissioner under the aforesaid sub-section to the occupier of the factory and the cane growers or cane grower's co-operative society, as the case may be, shall be affected by publication of such order at the offices of the factory and at the offices of the Panchayat Samiti or Samities and Tehsil or Tehsils in which the area specified under the aforesaid sub-section is situated."

The Committee recommends that in line 1, between the words "be" and "prescribed" the word "the" be inserted.

#### Rule 11

"11 (1) \* \* \* \* \*

(2) By the 20th October each year a cane grower and by the 31st of October each year, a society in assigned area may offer in form VII to supply, during the ensuing crushing season, to the Occupier or agent of the factory for which the area has been assigned, cane not exceeding the quantity approved by the Cane Commissioner. Provided that the Cane Commissioner may, for reasons to be recorded in writing, extend the date for making offers in respect of particular season.

(3) to (8) \* \* \* \* \*

The Committee recommends that in sub-rule (2) line 1, the sign "," before the word "and" be added and the sign "," in line 2 after the word "society" be also added.

The Committee further recommends that the sign "," appearing in line 2 after the word "year" be deleted being superfluous.

#### Rule 13

"13 (1) \* \* \* \* \*

(2) Such application shall be accompanied by treasury receipt showing that the licence fee of one rupee (Re 1) has been deposited in any State Treasury in the Haryana.

(3) The purchasing agent shall deposit as security a sum of Rs. 1,000 (One thousand) cash or Government Promissory Notes and each of the other applicants shall execute a bond in personal securities for a sum of Rs. 1000/- for the period he works.

(4) to (5) \* \* \* \* \*

The Committee recommends that the licence fee of Re. 1/- mentioned in sub-rule (2) be raised from Re. 1/- to Rs. 10/- due to exhalation of prices in respect of stationery articles etc.

The Committee further recommends that in sub-rule (2) after the word "Treasury" the sign and words "/ Sub-Treasury" be added.

24 The Committee also recommends that the amount of security for the purchasing agent mentioned in sub-rule (3) be raised from Rs. 1000/- to Rs. 5000/- as this amount was fixed in the year 1958 when the production of sugarcane was much less as compared to the present day time.

#### Rule 14

"14 (1) to (10) \* \* \* \* \*

11. The occupier of a factory situated outside the Punjab or his licensed purchasing agent purchasing cane in the Punjab shall also be bound by these rules."

25 The Committee recommends that for the word "Punjab" wherever occurring in these rules, the word "Haryana" be substituted.

#### Rule 15

- "15. Notice—The agent or purchasing agent, as the case may be, shall cause to be pasted on a notice board at each weighment centre throughout the cane purchasing season notices showing the rates at which cane is being purchased at the particular centre and also the minimum price for cane, if any, fixed by law for the time being in force. Such notices shall be legibly written or printed only on one side of the paper in Hindi and Devnagri script."

26 The Committee recommends that in last line of rule 15, the word "and" after the word "Hindi" be deleted.

#### Rule 16

- "16. (1) All dealings and contracts in connection with the purchase and supply of cane shall be had and made according to the metric system of weights and multiples or sub-multiples thereof, and all weighments shall be made by means of weigh-bridge or scale and recorded corrected to the nearest 1/20th of quintal.

(2) to (3) \* \* \* \* \*

Provided that margin of error upto 5 kilo grams or one percent, whichever is less, in weighment may

be condoned so far as weighments are concerned, a weigh-bridge shall not be deemed to be incorrect which weights within one percent of the correct weight and cannot be adjusted more correctly.

- (4) All scales and weights used, kept or possessed by or on behalf of the agent or purchasing agent, shall be open to inspection, examination and test at all reasonable times without notice and shall be made available for such inspection, examination or test whenever required. To facilitate such inspection the agent or purchasing agent shall keep at least three standard weights of fifty kilograms each at each weighment centre in the custody of the person in charge of weighments.
- (5) (i) Deductions not more than those allowed by Government on the net weight of cane purchased shall be made for binding material, etc.
- (ii) No other deduction without the approval of the Cane Commissioner, shall be made from the net weight of cane on the ground of drage, improper stripping on for any other reason.

(6) to (12) \* \* \* \* \*

- (13) excess cane brought by a cane grower to the extent of 10 percent of the weight prescribed in the unit wise requisition slip shall be accepted and there shall be no objection to the acceptance of less weight upto any extent."

The Committee recommends that in sub-rule (1), for the word "corrected" the word "correctly" be substituted.

The Committee further recommends that in proviso to sub-rule (3) for the figure "5" the word "five" be substituted and for the word "weights" the word "weighs" be substituted.

The Committee also recommends that in sub-rule (5) (ii), after the word "stripping" the word "or" be substituted, for the word "on."

The Committee also recommends that in sub-rule (13) for the word "excess" the word "Excess" be substituted.

30

## Rule 18

"18. (1) \* \* \* \* \*

Provided that when the purchasing centre is closed, all payments must be made within 10 days.

Provided further, if any, grower does not appear to receive payment within the specified periods after the close of the purchasing centre, payment to him shall thereafter be made by the factory within 12 hours of demand.

(2) to (3) \* \* \*

Provided that notice or complaint of non-payment is given or made in writing to the occupier of the agent of the factory concerned within three months of the date on which the purchasing centre, at which the cane was supplied, is closed.

(4) to (6) \* \* \*

The Committee recommends that in proviso to sub-rule (1) for the figure "10" the word "ten" be substituted.

The Committee also recommends that in second proviso to sub-rule (1) for the figure "12" the word "twelve" be substituted.

37 The Committee further recommends that proviso to sub-rule (3) be deleted.

#### RULE 19

"19. (1) \* \* \*

(2) \* \* \*

(3) Before the fifteenth-day of each month, the occupier or agent of a factory shall pay into the treasury the amount due as tax on the quantity of sugarcane intended for use in the factory during the month immediately proceeding.

(4) \* \* \*

(5) \* \* \*

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

35 The Committee further recommends that in sub-rule (3), line, 2, for the word "into" the word "in" be substituted.

## FORM I

[See Rule 3(9) ]

"1 All meetings of the Board shall be presided over by the Chairman, in his absence, any member nominated by the Chairman or in the absence of any such nomination, a Chairman elected by the members present shall preside.

2. At all the meetings of the Board one third of the total members inclusive of the Chairman shall form a quorum.

3. \* \* \* \*

4. No business other than contained in the agenda sent to members shall be transacted at a meeting, except with the consent of the Chairman.

5. \* \* \* \*

to—

8. \* \* \* \*

9. In any case not provided by these rules the procedure shall be in accordance with the ruling of the Chairman."

The Committee recommends that in Form I the heading "Pro- 36  
cedure to be followed at the meetings of the Board" be inserted.

The Committee further recommends that paragraph 2, be sub- 37  
stituted as under :—

"In order to constitute a meeting of the Board, the quorum shall be one-third of the total number of members of the Board including the Chairman, fraction being ignored."

The Committee is also of the view that in paragraph 4, for the 38  
word "consent" the word "permission" be substituted.

The Committee further recommends that in paragraph 9, for the 39  
word "in any case" the words "in respect of any matter" be substituted.

The Committee also recommends that after paragraph 9, paragraph 40  
10 be added as under :—

"If one third members of the Board give in writing to call a meeting, such meeting shall be called by the Secretary by giving a fortnight notice".

The Committee further recommends after adding paragraph 10, 41  
paragraph 11 be also added as under :—

"The Secretary shall keep minutes of each meeting of the Board, carry on correspondence on behalf of the Board and discharge such other functions as may be necessary for the proper performance of the Board."

## FORM II

[See Rule 4(8)]

**"Rules of procedure at meetings of the Committee or body**

1. Notice in writing of meeting of the Committee or the body shall be circulated to all the members of the Committee or the body not less than two weeks before the meeting. Notice of a resolution or a motion to be moved at a meeting of the Committee or the body shall be made available to the Chairman at least ten days before the meeting. The agenda shall be circulated at least one week before the meeting.

2. All meetings of the Committee or the body shall be presided over by the Chairman, and in the absence of the Chairman, the members present shall elect a Chairman from among their own members present at the meeting.

3. At the meeting of the Committee or the body one third of the total members inclusive of the Chairman shall form a quorum.

4. Every question shall be decided by a majority of votes of the members present and voting. In case of votes being equally divided, the Chairman shall have a second or casting vote.

5. The Chairman shall be the sole judge of any point of order and may call any member to order and may. If necessary, dissolve the meeting or adjourn it to any other date.

6. In any case not provided by these rules, the procedure shall be in accordance with the ruling of the Chairman".

42 The Committee recommends that for the heading "Rule of Procedure at meetings of the Committee or body" the following heading be substituted :—

"Procedure to be followed at the meetings of the Committee or Body".

43 The Committee also recommends that paragraph 2 of form II be recast as under :—

"All meetings of the Committee or the body shall be presided over by the Chairman. However, in the absence of the Chairman, the members present shall elect a Chairman for that meeting from amongst themselves."

44 The Committee further recommends that in paragraph 3 after the word "Chairman", the words and sign, "the fraction if any, being ignored," be added.

45 The Committee further recommends that in last line of paragraph 4, the words "second or" be deleted.

46 The Committee also recommends that paragraph 5 be recast as under :—

"The Chairman shall be the sole judge for deciding any point of order and may call any member to order and may, if necessary, adjourn the meeting to any, other date".

47 The Committee further recommends that for the words "In any case" appearing in the beginning of paragraph 6, the words "In respect of any matter" be substituted.

## FORM III

(See Rule 6)

## "Notice of nomination of agent

I/we \_\_\_\_\_ here by give notice that \_\_\_\_\_

\_\_\_\_\_ I/we have nominated :—

1. \_\_\_\_\_ S/o \_\_\_\_\_ resident of \_\_\_\_\_

2. \_\_\_\_\_ S/o \_\_\_\_\_ resident of \_\_\_\_\_

3. \_\_\_\_\_ S/o \_\_\_\_\_ resident of \_\_\_\_\_  
tehsil \_\_\_\_\_ to be the agent of the suger factory known

as \_\_\_\_\_ for the purpose of the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953 with effect from \_\_\_\_\_

\_\_\_\_\_ 196 and that he/they has/have accepted the nomination as such and in total thereof has/have affixed his/their signature below.

A receipt of the required deposit is enclosed herewith \_\_\_\_\_

Dated \_\_\_\_\_ 196 \_\_\_\_\_,

Occupier \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

Agent \_\_\_\_\_ Witness \_\_\_\_\_".

The Committee recommends that Form III be recast as under:—

I/We \_\_\_\_\_ here by give notice that I/We have nominated :—

1. \_\_\_\_\_ S/o \_\_\_\_\_ resident of \_\_\_\_\_

2. \_\_\_\_\_ S/o \_\_\_\_\_ resident of \_\_\_\_\_

3. \_\_\_\_\_ S/o \_\_\_\_\_ resident of \_\_\_\_\_

tehsil/district \_\_\_\_\_ to act as the agent of the sugar factory namely \_\_\_\_\_ for the purpose of the Punjab Sugarcane (Regulation

of Purchase and Supply) Act, 1953, with effect from \_\_\_\_\_ to \_\_\_\_\_

and that he/they has/have accepted the nomination as such and in taken thereof has/have affixed his/their signature below. A receipt of the required deposit is enclosed herewith.

Occupier.

Signature of the agent(s) \_\_\_\_\_

Signature of witness (s) \_\_\_\_\_

Dated \_\_\_\_\_

## FORM IV

(See rule 8)

"Form of estimate of normal cane requirements of a factory

- (1) Name of the factory.
- (2) Total quantity of cane crushed during any 15 consecutive days in the months of January and February of the last crushing seasons mentioning the quantity of cane crushed on each date separately.
- (3) Total number of hours of actual crush during the 15 consecutive days recorded in item 2 above mentioning the number of hours of actual crush on each date separately.
- (4) Average quantity of cane crushed per hour and per day of 22 hours on the basis of item 2 above.
- (5) The estimate of the normal cane requirement of the factory arrived at by multiplying by 120 the average quantity of cane crushed per day of 22 hours as calculated under item 4.
- (6) Any extension of the plant of the factory since the last statement was submitted.
- (7) Date of submission.
- (8) Specification of area desired to be declared as assigned area.

Signature of person empowered to  
sign on behalf of the occupier of  
the factory".

48 The Committee recommends that in paragraph 3 for the word "crush" wherever occurring, the word "crushing" be substituted. The Committee also recommends that the sign "\_\_\_\_\_ " wherever occurring in this form be deleted.

## FORM V

(See rule 9).

## “(FORM OF THE SURVEY OF SUGARCANE)”

## SECTION II

Name of the Village, tehsil and district\_\_\_\_\_

Sr.	Name of the cane grower with father's name and grand-father's name	Khasra No. of plots under cane in his cultivation.	Area under cane		R. P.		Remarks
			Desi	Improved			
1	2	3	4	5	6	7	8.

The Committee recommends that below the word “Serial” the word “No.” be added.

The Committee observes that since the cane now grown in the State is identifiable with respect to notified varieties there is no need to retain the column for Desi Cane. Further the farmers are sowing only improved varieties the word “improved” be also deleted.

The Committee recommends that at the bottom of Form V, the provision of signature of the authorised officer be made.

## FORM VI

(See Rule 9)

"Cane Growers Register"\_\_\_\_\_

Name of village, paragana or district\_\_\_\_\_

Name of the factory of purchasing centre\_\_\_\_\_

Sr. No.	Name of the cane grower with father's name and grand father's name	Total hold- ing	Quota of supply in the last three years	Khasra numbers of plots under cane in his culti- vation	Area under cane			Amo- unt of cane given on deed	Re- marks	
					Desi	Improved				
					R.	P.	R.	P.		
1	2	3	4	5	6	7	8	9	10	11."

§ 2 The Committee recommends that in Form VI for the words "Pargana or", the words "Tehsil and" be substituted.

§ 3 The Committee further recommends that in form VI the columns from 5 to 10 be suitably ammended as nowadays the farmers sow only improved varieties and the expression "Amount of cane given on deed" given in column 10 does not convey any sense.

## FORM VII

(See rule 11 (2))

Form of application by a cane grower or a Cane Growers Coop. Society in an assigned area offering cane to the factory.

- 1) Name of the Cane Grower with father's name \_\_\_\_\_  
or Name of the Cane Grower's Coop. Society \_\_\_\_\_
- 2) Village, tehsil and district \_\_\_\_\_
- 3) Name of the factory concerned \_\_\_\_\_
- 4) Total area of land in his cultivation fit for growing sugarcane  
(for individuals only) \_\_\_\_\_
- 5) Total area of land in his/the members cultivation under cane in  
19 \_\_\_\_\_
- 6) Varieties cultivated with percentage area under each \_\_\_\_\_  
\_\_\_\_\_
- 7) Estimated yield per acre \_\_\_\_\_
- 8) Quantity of cane estimated for sale \_\_\_\_\_

Signature of the cane grower or  
authorised representatives of a  
Cane Growers Coop. Societies".

The Committee recommends that in Sr. No. 2 of form VII after the word "tehsil" the sign and words/sub-tehsil be added. 53

The Committee also recommends that in Sr. No. 8 of the form after the word "sale" the sign and words "(in quintals)" be added. 55

## FORM VIII

(See rule 11(3))

"Agreement Form between a Cane Grower/Cane Growers Coop. Society and the Agent of the factory

I/we \_\_\_\_\_ the cane grower/cane growers' coop Society, village \_\_\_\_\_ district \_\_\_\_\_ hereafter to be referred to as the first party and \_\_\_\_\_ the agent of \_\_\_\_\_ factory, hereinafter referred to as the second party, hereby enter into an agreement about the sale and purchase of cane on the following terms ;—

(1) The first party agree: to sell during the session 19 \_\_\_\_\_ the sugarcane crop of the cane grower/the members of the society standing on \_\_\_\_\_ acres as detailed below within approximate yield of \_\_\_\_\_ quintal upto the second party at the minimum price notified by the Government subject to such deduction, if any, as may be notified by the Government from time to time. The first party further undertakes to supply good cane free from leaves tops and roots at the factory gate or at \_\_\_\_\_ purchasing centre in such quantities and on such dates, as may be specified in the unitwise requisition slip issued by the occupier or agent of the factory in conformity with this agreement and the instructions issued by the Cane Commissioner,

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

(3) In the case of Cane Growers Cooperative Society, the second party shall pay to the first party commission at the rate of 20 paise per quintals or at such rate as the Government may, from time to time, for sufficient reasons, fix by Notification published in the official Gazette for any specified period. The Commission shall ordinary be paid monthly and the last instalment shall be paid within one month of the close of the crushing season. If it is not so paid, interest shall accrue at the rate of  $7\frac{1}{2}$  per centum per annum on all sums left unpaid. The first party shall spend at least 50 per centum of the commission so earned on the development of sugarcane of its members in consultation with the second party and in accordance with the directions of the Cane Commissioner,

(3-A) \* \* \* \* \*

(4) In the event of wilful failure to supply at least eighty-five per centum of the total quantity of cane contracted to be sold, the first party shall be liable to pay to the second party compensation equal to twenty per centum of the price of deficit quantity of cane which the first party fails to supply wilfully and the second party shall distribute the amount so realised amongst the cane growers/cane growers cooperative societies who supply cane in the last thirty working days of the factory during the season in proportion to the quantity of cane supplied by each of them during the said period of thirty days.

(5) In case of the first party wilfully fails to supply cane to the second party on three consecutive occasions in accordance with the requisition made by the second party the first party shall cease to have a claim to sell cane to the second party.

(6) The second party shall ordinarily send the requisition for cane to the first party at least four days before the cane is required and will not make changes within this period without sufficient reasons.

(7) In the event of the second party wilfully failing to take delivery of the cane, which the first party is ready to deliver in accordance with this agreement, the second party shall be liable to pay to the first party at least 50 percent of the actual price of the quantity of such cane which it fails to purchase. In the event of the second party otherwise wilfully failing to purchase cane in accordance with the agreement, it shall be liable to pay the first party compensation equal to twenty per centum of the price of such quantity of cane as the second party fails to buy; provided that for any deficiency in the purchases in the instalments fixed for the period after 1st April, the second party shall be liable to pay to the first party compensation equal to forty per centum of the price of such quantity of cane as the second party fails to purchase after 1st April.

(8) In the event of a break down at the factory or of other circumstances due to natural causes, calamities or accidents beyond human control arising to show that the second party will not be able to purchase the cane it had agreed to purchase, the first party, after giving a week's notice to the second party and with the previous permission of the Cane Commissioner shall have the option of making of her arrangements for the disposal of the cane in such case no compensation shall be payable by either party to the other.

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

(10) Any dispute between the parties regarding the quality and condition of the cane, the place of delivery, the instalments and other matters pertaining to this agreement shall be referred to the Cane Commissioner whose decision shall be final, which shall be binding on both parties. No suit shall lie in a Civil or Revenue Court in respect of any such dispute.

Dated

Signature of the authorised  
representative of the Cane  
Growers Coop. Society

Signature of the Agent in taken  
of his accepting the above  
contract.

Village Area under different ratoon Plan Approximate yield in  
Remarks. quintals.

Improved varieties

Co. 313, Co. L. 29, Co. S. 321

Co. L. 9, Co. S. 245, Co. 312."

The Committee recommends that in line 4 of para (1) of Form VIII, the words "quintal upto" be substituted by the word "quintal to".

In para (3) of Form VIII, the Committee recommends that the rate of interest on the unpaid amount be revised from  $7\frac{1}{2}\%$  to  $10\%$ .

The Committee recommends that in para (7) the 1st line be deleted being redundant and in 2nd line the word "otherwise" before the word "wilfully" be deleted.

The committee recommends that in para (8) of Form VIII for the Words "with the previous permission, of" the words "with the prior intimation of" be substituted.

60 The committee also recommends that in the end of para (10) of Form VIII, after the words "Signature of the" the words and sign "Cane Grower/" be added.

## FORM VIII A

[See Rule 11(7)]

"Whereas the \_\_\_\_\_ factory has been allowed to crush  
\_\_\_\_\_ quintals of cane during \_\_\_\_\_ crushing  
season :

And whereas the cane growers or the canegrowers Cooperative society  
or societies in the assigned area of the said factory are not willing to  
enter into agreement to supply or have failed to supply the requisite  
quantity of cane or have offered to supply only \_\_\_\_\_ quintals  
of cane.

Now, therefore, the \_\_\_\_\_ factory intends to purchase the  
balance quantity viz. \_\_\_\_\_ quintals of cane from outside the assigned  
area.

Agent  
(Name of the factory)"

Dated

The Committee recommends that in Form VIII A the following 47  
heading be given."

"Form of notice for purchasing cane from outside the assigned  
area."

## FORM X

(See Rule 13)

"Form of licence to work as purchasing agent of a factory.

This is certify that \_\_\_\_\_, resident of \_\_\_\_\_ is authorised to work as \_\_\_\_\_ at \_\_\_\_\_ purchasing Centre on behalf of \_\_\_\_\_ factory or \_\_\_\_\_ purchasing agent of \_\_\_\_\_ in connection with the transaction for the purchase of cane, subject to the terms and conditions hereinafter mentioned and to the provisions of the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953 and the rules made thereunder :—

- (1) The licence shall remain in force till the \_\_\_\_\_
- (2) The licensee shall comply with the provisions of the said Act and the rules made thereunder and shall obey all lawful directions which may be issued to him by the Inspector of the Cane Commissioner.
- (3) The licensee shall be responsible for the proper discharge of his duties and shall not show favour or disfavour to any person, in connection with any transaction for the purchase of cane on behalf of the aforesaid factory or the purchasing agent,
- (4) The licence shall be liable to be suspended or cancelled by the Cane Commissioner without prejudice to an in addition to any penalty which the licensee may incur under the provisions of the Act and the Rules made thereunder after giving him reasonable opportunity to show cause why his licence should not be suspended or cancelled.
- (5) The licensee shall be responsible for returning the licence to the Cane Commissioner on expiry of the terms thereof or in the event of the licence being suspended or cancelled on such suspension or cancellation.

\_\_\_\_\_  
Cane Commissioner, Haryana"

62 The Committee recommends that in line of Form X, before the word, "resident" the words and sign "S/o \_\_\_\_\_" be added.

63 The Committee also recommends that in the same line between the words "this" and "is" the word "to" be inserted.

## FORM XI

Cane record for levy of tax

(Rule 19)

Local area \_\_\_\_\_

quantity purchased and intended for use in a factory (in quintals)

Dated \_\_\_\_\_

Carts	Lorries	Tram	Rail	Others	Total
-------	---------	------	------	--------	-------

Dated \_\_\_\_\_

The Committee recommends that in Form XI, for the word "Tram" by the words "Tractor Trolley" be substituted.

Labour

**SCRUTINY OF THE WORKMEN'S COMPENSATION RULES,  
1924 FRAMED UNDER SECTION 32 OF THE WORKMEN'S  
COMPENSATION ACT, 1923.**

The Committee scrutinized the Workmen's Compensation Rules, 1924 framed under section 32 of the Workmen's Compensation Act, 1923 and made the following observations/recommendations :-

**General**

While scrutinising the Workmen's Compensation Rules, 1924 framed under section 32 of the Workmen's Compensation Act, 1923, the Committee came across a large number of typographical/spelling mistakes in the copies of the Rules supplied by the Department to the Committee with the result that it was difficult for the Committee to determine as to whether the errors were typographical or these actually existed in the Rules, as originally published in the Gazette. The Committee regrets to point out this lapse, on the part of the Department, which had resulted in unnecessary wastage of time. Had the Department sent the copies of the Rules duly and meticulously compared, the valuable time of the Committee and that of the Department would have been saved.

The Committee recommends that the Rules be reprinted afresh after carrying out the printing/typographical mistakes therein and implementing the recommendations/observations of the Committee thereon.

The Committee also recommends that while publishing these Rules the marginal heading with precise authority under which the Rules have been framed be indicated against each rule.

**Rule 1-A**

"Extent :—They extend to the whole of the State of Punjab as formed by section 11 of the State Re-organisation Act, 1956".

The Committee recommends that rule 1-A be recast as under:—

"These will extend to the whole of the State of Haryana."

The Committee further recommends that a foot-note be given at the bottom of the first page as to when this rule was incorporated in the main Rules.

**Rule 4**

"4. *Procedure on application for review.*—If, on examining an application for review by an employer in which the reduction or discontinuance of half monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance he may at

any time issue an order with-holding the half monthly payments in whole or in part pending his decision on the application."

The Committee recommends that rule 4 be recast as under :—

- "4. *Procedure on application for review.*—On examining an application for review by an employer in which the reduction or discontinuance of half monthly payments is sought, if it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance he may, after giving reasonable opportunity to the Workmen to be heard, issue an order withholding the half monthly payments in whole or in part pending his decision on the application".

#### Rule 5

- "5. *Procedure on application for commutation.*—(1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one half per cent of that total for each month comprised in that period :

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

- (2) \*\*\*\_\_\_\_\_\*\*\*."

The Committee recommends that in proviso to rule 5 for the words "shall be disregarded" the words "shall be ignored", be substituted.

#### Rule 6 DEPOSITS OF COMPENSATION

- "6. *Deposits under section 8(1)*—(1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8, in respect of a workman whose injury has resulted in death shall furnish therewith a statement in Form A, and shall be given a receipt in Form B. In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form AA, and shall be given a receipt in Form B.

- (2) If, when depositing compensation in respect of fatal accidents, the employer indicates in the state-

ment referred to in sub-section (1) that he desires to be made a party to distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposed to allot such sum is not a dependant of the deceased workman or as the case may be that no one of such person is a dependant.

(3) \*\*\*\_\_\_\_\_\*\*\*.”

5 The Committee recommends that sub-rule (2) be recast as under :—

“(2) When depositing compensation in respect of fatal accidents, if the employer indicates in the statement referred to in sub-rule (1) that he desires to be made a party to distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman or as the case may be that no one of such person is a dependant.”.

#### Rule 7

“7. *Publication of lists of deposits.*—The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.”.

6 The Committee recommends that for the words “prominent position” the words “conspicuous place” be substituted.

#### Rule 14

“14. *Examination when workman and medical practitioner both on premises.*—When such workman is present at the employer's premises and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present the workman shall submit himself for examination forthwith”.

7 The Committee recommends that for the words “medical practitioner” the words “qualified medical practitioner” be substituted wherever occurring in these Rules.

#### Rule 18

“18. *Examination of women.*—(1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

- (2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.”.

The Committee recommends that rule 18 (1) and (2) be recast as under :—

- “18. *Examination of women.*—The female worker shall be examined as far as possible by a female qualified medical practitioner and in case of non-availability of a qualified female medical practitioner, she shall be examined in the presence of another female by a male qualified medical practitioner.”.

#### Rule 20

- “20. *Applications.*—(1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in the appropriate Form, if any, and shall be signed by the applicant.
- (2) There shall be appended to every such application certificate which shall be signed by the applicants to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.”.

The Committee recommends that in rule 20(1), the words and signs“, if any,” be deleted as the ‘appropriate form’ has been annexed to these rules. 9

The Committee further recommends that sub-rule (2) be recast as under :— 10

- “(2) Every such application shall be supported with a certificate which shall be signed by the applicant to the effect that the facts contained in the application are true and correct to the best of his knowledge and belief.”.

#### Rule 21

- “21. *Production of documents.*—(1) When the application for relief is based upon a document, the document shall be appended to the application.
- (2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.
- (3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be shall not, without the sanction of the Commissioner, be admissible in evidence on behalf of the party who should have produced it.

- (4) Nothing in this rule applies to any document which is produced for the purposes of cross-examining a witness or is handed to a witness to refresh his memory

11 The Committee recommends that in sub-rules (1) to (4), after the words "document", the words "or the certified copy thereof", be inserted.

12 The Committee further recommends that after rule 21(1) the following sub-rule (1-A) be added :—

"Where the applicant relies on any other documents (whether in his possession or not) as evidence in support of his claim, he shall enter such documents in a list to be annexed to the application."

#### Rule 22

"22 \*+\*\_\_\_\_\_\*\*\*\_\_\_\_\_\*\*\*

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

(2) \*+!\_\_\_\_\_\*\*\*\*

(3) The commissioner to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced."

13 The Committee recommends that in sub-rule (3), after the words "satisfied that the", the words "rights and" be inserted.

#### Rule 23

"23. *Examination of applicant.*—(1) On receiving an application of the nature referred to in section 22, the Commissioner may examine the applicant on oath, or may send the application to an officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recordings of evidence in section 25."

14 The Committee observes that rule 23 is not in conformity with the provisions of the Workmen's Compensation Act, 1923.

15 The Committee, therefore, recommends that the rule be suitably amended.

#### Rule 36

"36. \*+\*\_\_\_\_\_\*\*\*\_\_\_\_\_\*\*\*

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

- (2) Such notice may be given orally or in writing and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) \*\*\*\_\_\_\_\_ to

(5) \*\*\*\_\_\_\_\_\*\*\*.

The Committee recommends that in sub-rule (2) the words "orally or" be deleted. 16

#### Rule 43

- "43. *Appointment of compensation among dependants*—The provisions of the Part, except those contained in rules 26, 27 and 39 shall, as far as may be, apply in the case of any proceedings relating to the appointment of compensation among dependants of a deceased workman."

The Committee recommends that the words "as far as may be" be deleted to avoid any procedural vagueness. 17

#### Rule 45

- "45. *Transmission of money*—Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 24 shall be transmitted either by remittance transfer receipt or by money order or by messenger, as the Commissioner transmitting the money may direct."

The Committee recommends that after the words "by money order" the words "or by bank draft" be added. 18

#### Rule 48

- "48. *Form of memorandum*.—Memoranda of agreement sent to the Commissioner under sub-section (1) of section 28 shall unless the Commissioner otherwise directs be in duplicate, and shall be in as close conformity as circumstances of the case admit with Form K, or Form L, or Form M as the case may be."

The Committee recommends that Rule 48 be recast as under :— 19

- "48. *Form of memorandum*—Memorandum of agreement sent to the Commissioner under sub-section (1) of section 28 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in close conformity with Forms K, or L or M, as the case may be, as the circumstances, of the case so warrants."

#### Rule 52

- "52. *Registration of memorandum accepted for record*.—In recording a memorandum of agreement the Commissioner

shall cause the same to be entered in a register in Form R and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following form, namely :

"The memorandum of agreement bearing Serial No.....of 19.....in the register has been recorded this.....day.....of.

(Signature)  
Commissioner."

20 The Committee recommends that in the end of this rule for the sign and word "(signature)" the sign and words "(signature with seal)" be substituted.

#### Rule 54.

"54. *Display of abstract.*—Notice in Form H containing the abstract form the Act shall be displayed by the employer in Hindi and Punjabi at conspicuous place in his establishment and shall be maintained in clean and legible condition; and."

21 The Committee recommends that in line (2) for the letter "H" the letter "HH" be substituted and in last line for the sign and word "; and" the sign ":", be substituted.

#### FORM A

[See rule 6(1)]

#### "Deposit of Compensation for Fatal Accident

[Section 8(1) of the Workmen's Compensation Act, 1923]

Compensation amounting to Rs.....is hereby presented for deposit in respect of injuries resulting in the death of the workman; whose particulars are given below, which occurred on.....

Name.....Father's name (Husband's name in case married woman and widow).....

Caste.....Local address.....

.....Permanent address.....

His/Her monthly wages are estimated at Rs .....  
He/She was over/under the age of 15 years at the time of his/her death.....

2. The said workman had prior to the date of his/her death received the following payments, namely,

Rs.....on.....Rs .....on .....

Rs.....on.....Rs.....on.....

Rs.....on.....Rs.....on.....

amounting in all to Rs.....

3. An advance of Rs.....has been made on account of compensation to.....being his/her dependant.

4. I, do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated.....19

.....  
Employer.”.

The Committee recommends that after the words and signs “occurred on.....” the words and sign “at .....” be added. 22

The Committee recommends that in the end of Form A below the word “Employer” the words “Address of the establishment” be added. 23

#### FORM AA

[See rule 6(1)]

“Deposit of Compensation for Non-Fatal Accident to a Woman or person under Legal Disability.

[Section 8(1) of the Workmen’s Compensation Act, 1923]

1. Compensation amounting to Rs.....is hereby presented for deposit in respect of injuries..... sustained by.....residing at.....on.....loss of ...../temporary disablement. His/Her monthly wages are estimated at Rs..... He/She was over/under the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half-monthly payments, namely :

Rs.....on.....Rs.....on.....

Rs.....on.....Rs.....on.....

Rs.....on.....Rs.....on.....

Dated.....19

.....  
Employer.”.

The Committee recommends that in the end of Form AA below the word “Employer” the words “Address of the establishment” be added. 24

## FORM D

[See rule 9]

"Deposit of Compensation for Non-fatal Accidents, other than  
to a woman or person under Legal Disability

[Section 8(2) of the Workmen's Compensation Act, 1923]

Compensation amounting to Rs.....is hereby presented  
for deposit in respect of permanent/temporary injuries sustained  
by.....residing at.....which occurred.....19.....

Dated

19

Employer"

25 The Committee recommends that in the end of this Form  
below the word "employer" the words "Address of the establish-  
ment" be added.

## FORM EE

[See rule 11]

## "Report of Fatal Accidents"

To

.....

Sir,

1. I have the honour to submit the following report of an accident which occurred on (date), .... at .... (here enter details of premises) and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstances relating to the death of the workman/workmen were as under :—

(a) Time of accident.

(b) Place where the accident occurred.

(c) Manner in which deceased was/were employed at the time.

(d) Cause of the accident.

(e) Any other relevant particulars.

I have, etc.

(Signature and designation of person making the report)

## Statement

Name	Sex	Age	Name of Employment	Full postal address

The Committee recommends that the words "I have, etc." appearing after clause (e) be deleted, as the expression has now become out of date. 26

## FORM F

[See rule 20]

**"Application for Compensation by Workman**

(1) \* \* \* \* \*  
to  
(3) \* \* \* \* \*

(4) (a) Notice of the accident was served on the day of.....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of.

(5) The applicant is accordingly entitled to receive :—

(a) half monthly payment of Rs..... From the..... day of .....19.... to

(b) a lump sum payment of Rs.....

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

27 The Committee recommends that in Clause (4)(c), line 2 after the word "of" the signs "....." be added.

✓ The Committee further recommends that in clause (5) (a), line 2 after the word "to" the signs "....." be added.

## FORM G

[See rule 20]

**"Application for order to Deposit Compensation**

(1) \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*  
 to  
 (3) \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

(4) (a) Notice of the accident was served on the day of....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time by reason of).....

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

(4) The Committee recommends that sub clause (c) of clause 29 be substituted as under :—

"Notice of the accident was not served in due time by reason of....."

## FORM H

[See rule 20]

## "Application for Commutation"

(Under Section 7 of the Workmen's Compensation Act, 1923)

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

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

(3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payment should be redeemed.

You are therefore requested to pass orders—

(a) directing that the right to receive half-monthly payments should be redeemed

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

Dated

19

Applicant."

The Committee recommends that after clause (3) (b) and before the word "You" the sign and figure "(4)" be added.

The Committee also recommends that in clause (4) (a) so numbered, the sign "," be added after the word "redeemed".

## FORM J

[See rule 39]

## "Notice

Whereas a claim for compensation has been made by applicant, against.....and the said has claimed that you are liable under section 12(2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claims for indemnity made by the opposite party. In default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for the compensation recovered from him.

Dated

19

Commissioner."

The Committee recommends that in Forms J, JJ, N, O, P 32 and Q suitable headings be given like other Forms.

## FORM K

[See rule 48]

## "Memorandum of Agreement

It is hereby submitted on the day of 19 personal injury was caused to residing at by accident arising out of and in the course of employment in..... The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than of previous/ any wages for a period of.....months. The said workman has been in receipt of half-monthly payments which have continued from the..... day.....of 19.....until he continued from the day..... of 19.....until the..... day.....of 19.....amounting to Rs.....in all. The said workman's monthly wages are estimated at Rs..... The workman is over the age of 15 years/will reach the age of 15 years on.....

It is further submitted that the employer of the said workman has agreed to pay, and the said workman has agreed to accept, the sum of Rs.....in settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated 19

Signature of employer

Witness

Signature of workman"

37 The Committee is of the view that for the word "witness", the sign and the word "witness(s)" be substituted.

## FORM M

[See rule 48]

## "Memorandum of Agreement

It is hereby submitted that on the .....day of .....19.... personal injury was caused to.....residing at..... by accident arising out of and in the course of employment in..... The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of wages amounting to Rs..... per month/no wages.

The said workman's monthly wages prior to the accident are estimated at Rs.... The workman is subject to a legal disability by reason of.

It is further submitted that the employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs ... for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Act on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under section 7 of the said Act are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated 19

Witness

Signature of employer

Witness

Signature of workman

*Note* :—An application to register and agreement can be presented under the signature of one party : provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs.....

Dated 19

Workman

The money has been paid and this receipt signed in my presence.

Witness

*Note* :—This form may be varied to suit special cases, e.g., injury by occupational disease, etc.”

24 The Committee recommends that in line 10 the sign “.....” be added after the word “of”.

SCRUTINY OF THE HARYANA RURAL DEVELOPMENT  
FUND RULES, 1984 FRAMED UNDER THE HARYANA  
RURAL DEVELOPMENT FUND ACT, 1983

The Committee scrutinised the Haryana Rural Development Fund Rules, 1984 framed under the Haryana Rural Development Fund Act, 1983.

As the observations/recommendations of the Committee on the aforesaid Rules were also necessary to be included in the 17th Report of the Committee on Subordinate Legislation but the representative of the Law Department informed the Committee that the Haryana Rural Development Fund Act, 1983 has been struck down by the Supreme Court of India vide its Order dated 28th January, 1986. The Committee, therefore, decided that under these circumstances it would not be desirable to make any report on the aforesaid Rules.