

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION
TWENTY SEVENTH REPORT
1995-96

(Presented to the Haryana Vidhan Sabha on the 8th March, 1996)



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
MARCH 1996

CONTENTS

	Pages
Composition of the Committee	(iii)
I. Introduction	(v)
II. Report	1
III. Scope and Functions of the Committee	1—4
IV. General Observations/Recommendations of the Committee	5—8
V. 1. Scrutiny of the Haryana Motor Vehicles Rules, 1993 framed under the Motor Vehicles Act, 1988 (Central Act 59 of 1988).	9—41
2. Scrutiny of the Haryana Panchayati Raj (Elections) Rules, 1994 framed under the Haryana Panchayati Raj Act, 1994.	42—46
3. Scrutiny of the Haryana Panchayati Raj Rules, 1995 framed under the Haryana Panchayati Raj Act, 1994.	47—50

(iii)

COMPOSITION OF THE COMMITTEE

(1995-96)

Chairman

Smt. Chandravati

Members

Shri Birender Singh

Shri Chander Mohan

*Shri Azmat Khan

**Shri Ramesh Kumar

Smt. Janki Devi Maan

Shri Om Parkash Beri

***Shri Mohan Lal Pippal

Advocate General

Secretariat

1. Shri Sumit Kumar, Secretary

2. Shri Data Ram, Under Secretary

The Committee was constituted vide Haryana Vidhan Sabha Secretariat Notification No. HVS—LA(Sub—Leg)-1/1995-96/23, dated the 24th April, 1995.

*Shri Azmat Khan, M.L.A., resigned from the membership of the Committee w.e.f. the 17th July, 1995 (forenoon).

**Shri Ramesh Kumar, M.L.A., ceased to be a member of the Committee on his resignation as M.L.A. w.e.f. 2nd November, 1995, vide Notification No. H.V.S-LA-117/95/63, dated 2nd November, 1995.

***Shri Mohan Lal Pippal, M.L.A. was nominated by the Speaker as Special Invitee of the Committee w.e.f. 23rd June, 1995, vide notification No. HVS—LA(Sub-Leg)-1/1995-96/30, dated the 23rd June, 1995 and was also nominated by the Hon'ble Speaker as a member of the Committee w.e.f. 15th November, 1995 for the remaining period of the year 1995-96, vide Notification No. HVS-LA-(Sub-Leg)-1/1995-96/70, dated 16th November, 1995.

INTRODUCTION

I, the Chairman of the Committee on Subordinate Legislation having been authorised by the Committee to present the report on their behalf, present this twenty seventh report to the House.

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 21st April, 1995 and was notified in the Official Gazette vide Notification No. HVS-LA (Sub-Leg)-1/95-96/23, dated the 24th April, 1995.

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 high appreciation for whole hearted co-operation and assistance given by the Secretary, Under Secretary, Deputy Superintendent and staff of the Legislation Branch.

Chandigarh :
The 19th February, 1996.

CHANDRAVATI
CHAIRMAN

REPORT

1. The Committee on Subordinate Legislation for the year 1995-96 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 21st April, 1994, and was notified in the official Gazette vide Notification No. HVS-LA(Sub-Leg)-1/1995-96/23, dated the 24th April, 1995.

2. Smt. Chandravati was appointed as the Chairman of the Committee by the Speaker.

3. The Committee held 43 sittings till the presentation of this Report. Before scrutinising the Haryana Motor Vehicles Rules, 1993 framed under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and the Haryana Panchayati Raj Rules, 1993/Election Rules, 1994 framed under the Haryana Panchayati Raj Act, 1994, the Committee discussed its scope and functions and procedure for scrutinising the Rules, Regulations etc. The Committee also orally examined the representatives of the Transport Department and the Development and Panchayats Department of the State Government.

The Committee also examined the Commissioner and Secretaries to Government, Haryana of various departments regarding non-implementing of its outstanding recommendations/observations made by the Committee in its earlier reports.

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 rules is beyond the scope of the powers delegated under the Act by the Legislature, the Committee can recommend that the rule be suitably amended or omitted.

There are certain rules which are required by the statute to be laid before the Legislature. But the Committee is competent to examine all the Rules, Regulations etc. framed by the Government under various Acts irrespective of the fact whether these have been laid on the Table of the House or not.

The Committee is competent to send for persons, papers or records; if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 248 of the rules of Procedure and Conduct of Business in the Haryana Legislative Assembly, which reads as under :—

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

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

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

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

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

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

The Committee has framed the working rules wherein the detailed procedure has been laid down. 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, By-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 reason for the delay in framing the rules. This is only by convention.

3. Executive should ensure that no rules goes beyond the power delegated by legislature. If the rules go beyond the powers 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 given below :—

- (i) As far as possible, guidelines/criteria to be followed by the authority concerned for the exercise or 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.
- (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 contra distinguished from individuals.
- (v) In cases where an authority concerned is vested with the power to suspend a licence or supplies, pending institution of regular proceedings a maximum time-limit for suspension should be laid down in the rules.
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well-defined and not worded vaguely.
- (vii) In case of seizures and searches, suitable safeguards like the presence of 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 interpretations. It should be in simple language so that different people cannot put different interpretations. For example, expressions like unreasonable, '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 made in its previous twenty six 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 power to make regulations, rules etc., conferred by the Constitution or delegated by 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 put above the rules with the result that it becomes rather difficult for 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 it 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 the 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, 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, order etc. are up-to-date meticulously compared 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 by the concerned Department are implemented by the department and incorporated in the rules.

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

(ii) Footnote in the Act and Rules

It came to 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. 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 Memberse. The Committee reiterates its earlier recommendation and recommends that all the Acts and Rules be translated into Hindi and made available to the legislators in particular and the public in general so that every body may be able to know the law of the land.

5. Laying of Rules on the Table of the House

The Committee has observed that a majority of the Acts contain provisions requiring the Government merely to publish the Rules framed thereunder in the Official Gazette. There is no provision for laying the same 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, which contain provisions for making rules, should also invariably lay down provisions for laying of rules on the Table of the House as soon as possible.

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

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

The Committee also recommends that in future each Government Department concerned should invariably forward with each set of "Orders" such as rules, regulations, byelaw, 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, regulations, etc., in respect of which there has been delay in framing the "Orders" and laying them on the Table.

Sr. No. of order	Name of "Order"	Description of "Order"	Date of publication in the Gazette	Date of laying on the Table	Approximate delay and reasons of delay if any	Department concerned
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7. 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 the recommendations/observations.

8. Availability of Copies of Acts and Rules to Public

The Committee is of the view that copies of all the Acts and Rules framed thereunder, as amended up-to-date, are generally not available in the Government Press for the use of the Public. The Committee, therefore, recommends that copies of all the Acts and Rules made thereunder should be kept up-to-date in the Press for sale to the Public.

SCRUTINY OF THE HARYANA MOTOR VEHICLES RULES, 1993, FRAMED UNDER THE MOTOR VEHICLES ACT, 1988.

The Committee scrutinise the Haryana Motor Vehicles Rules, 1993 framed under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and made the following observations/ recommendations thereon—

General Recommendations/Observations

While scrutinising the Haryana Motor Vehicles Rules, 1993 framed under the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Committee came across a large number of printing mistakes in the 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 reprinted after implementing the recommendations/observations made by the Committee.

Rule—10

"10(1) to (4)

* * *

(5) When a duplicate licence has been issued upon a representation that a licence has been lost and the original licence is afterwards found by the holder, he shall deliver the original licence forthwith to the licensing authority but the fee so paid for the issue of duplicate licence shall not be refundable.

(6)

* * *

The Committee recommends that in Rule 10 (5), the word "and" appearing in line 2 be substituted by the word "and"

Rule—13

"13(1)

* * *

(2) The licensing authority, a police officer or any other person authorised by the Government may extend the term of the receipt issued under sub rule (i) by an order endorsed thereon.

(3)

* * *

The Committee recommends that in Rule 13(2), the word and figure "Sub rule (i)" be substituted by the words and figure "Sub-rule (1)"

Rule—18

"18. (1) The driver of a stage carriage or a contract carriage shall display on his left breast a metal badge in the form specified in the First Schedule to these rules issued to him by the concerned licensing authority and inscribed with the name of the authority by which an authorisation to drive a stage carriage or a contract carriage has been granted and the word, "DRIVER" together with an identification number.

Provided that a driver shall not hold more than one badge.

(2) The fee for the issue of a badge under sub-rule (1) shall be rupees ten and if the badge is lost or destroyed, a duplicate badge shall be issued by the authority by which it was issued on payment of rupees ten.

(3) No driver shall lend or transfer the badge issued to him under sub-rule (1) to any other person and no driver shall wear a badge other than one issued to him by the licensing authority.

(4) Any person finding a driver's badge shall, unless he returns the same to the holder, forthwith surrender it to the licensing authority by which it was issued or to a police officer of the nearest police station.

(5) If at any time the authorisation on a driver's licence entitling him to drive a stage carriage or a contract carriage is suspended or revoked by any licensing authority or by any Court or ceases to be valid by the efflux of time, the driver shall surrender the badge to the authority by which it was issued within seven days from the date of suspension or revocation or from the date of expiry of the licence, as the case may be."

4 The Committee while scrutinizing the Haryana Motor Vehicles Rules, 1993 found that a provision has been made for displaying a metal badge by the Driver of a stage carriage or a contract carriage on his left breast but the Committee feels that the provision of this rule is not followed by the Drivers while they are on duty. The Committee, therefore, observes that the Department should ensure the strict compliance of the provision of this rule so that the Driver can be easily identified by metal badge displayed on his left breast in case of any emergency.

5 The Committee also recommends that in line 2 of the rule 18 (3) the word "a" be deleted being superfluous.

Rule—19

"19. Driver of a transport vehicle shall :—

- (i) be responsible for the due observance of the provisions of the Act and of these rules and conditions of the permit relating to vehicle ;
- (ii) not to smoke in or on a vehicle during a journey or when it has passengers on board ;

- (iii) behave in a civil and orderly manner to passengers on board ;
- (iv) be cleanly dressed in such a manner as the State Transport Authority may specify ;
- (v) maintain the vehicle in a clean and sanitary condition ;
- (vi) not interfere with persons mounting or preparing to mount upon any other vehicle ;
- (vii) not allow any person to be carried in any public service vehicle in excess of these seating capacity specified in the certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried standing in the vehicle ;
- (viii) not wilfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle ;
- (ix) not save for good and sufficient reasons, refused to carry any person tendering the legal fare ;
- (x) take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods where goods are carried on the vehicle in addition to passengers ;
- (xi) not save for good and sufficient reasons require any person who has paid legal fare to alight from the vehicle before the conclusion of the journey ;
- (xii) not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time table pertaining to the vehicle or where there is no such time table with all reasonable despatch ;
- (xiii) arrange to convey the passengers to their destination on some other similar vehicle in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown or other cause beyond his control ;
- (xiv) not in the case of a stage carriage cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers ;
- (xv) take due care for the safe carriage of luggage belonging to the passengers ;
- (xvi) take all reasonable precautions to ensure the safety of passengers in or on entering or alighting from the vehicle ;
- (xvii) not, when the vehicle is in motion, distract his attention without reasonable cause or speak to any person unless it is absolutely necessary so to do ;
- (xviii) take all reasonable precaution to ensure that all means provided for indicating the route fares and destination of the vehicle are clearly and correctly displayed in or on the vehicle ;

(xix) follow the signaling devices provided for starting and stopping the vehicle .

(xx) not come on duty under the influence of any intoxicant ;

(xxi) not allow any passenger or some other person such as vendor, hawker or seller, to beg, sell or offer any article for sale in or on the vehicle ;

(xxii) embark/disembark passengers at every prescribed stage in accordance with time table of the route mentioned in the permit.

(xxiii) not halt the vehicle at any point other than the approved stage;

(xxiv) take the vehicle to the Bus-Stand ; and

(xxv) shall carry spare wheel and necessary tools.

Rule—32

“32. The conductor of stage carriage shall :—

(i) charge fares specified for the journeys or stage of the journeys and shall issue tickets to all the passengers and shall ensure that no one travels without a valid ticket indicating starting and terminating joint ;

(ii) not smoke in or on a vehicle during a journey, or when it has passenger on board ,

(iii) behave in a civil and orderly manner to passenger and intending passengers ;

(iv) be cleanly dressed in such manner as the State Transport Authority may specify ;

(v) maintain the vehicle in a clean and sanitary condition ;

(vi) not interfere with persons mounting or preparing to mount upon any other vehicle ;

(vii) not allow any person to be carried in public service vehicle in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried standing in the vehicle ;

(viii) not wilfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle or as to the fare for any journey ;

(ix) not, save for good and sufficient reason, refused to carry any person tendering the legal fare ,

- (x) take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods, where goods are carried on the vehicle in addition to the passenger ;
- (xi) not save for good and sufficient reasons, require any person who has paid the legal fare to alight from the vehicle before conclusion of the journey ;
- (xii) not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time table pertaining to the vehicle or where there is no such time table with all reasonable dispatch ,
- (xiii) in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown or other cause beyond his control or the driver, arrange to convey the passengers to their destination in some other similar vehicle, or if unable to arrange within a period of one hour after the failure of the vehicle, shall on demand refund to each passenger a proper proportion of the fare relating to the completion of the journey for which the passenger had paid the fare ,
- (xiv) not in the case of a stage carriage cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passenger ,
- (xv) pay the fee fixed under sub-rule (3) of rule, 195, when using a stand and comply with any relevant condition subject to which the place is authorised as a stand ,
- (xvi) take due care for the safe carriage of luggage belonging to the passenger ,
- (xvii) take all reasonable precautions to ensure the safety of passengers in or on or entering or alighting from the vehicle ;
- (xviii) not, when the vehicle is in motion, distract his attention without reasonable cause or speak to any person unless it is absolutely necessary so to do ;
- (xix) take all reasonable precautions to ensure that all means provided for indicating the route fares and destination of the vehicle are clearly and correctly displayed in or on the vehicle ;
- (xx) follow the signalling device provided for starting and stopping the vehicle and in no circumstances must the vehicle be started by shouting to the driver stamping the feet, tapping on the partition or by other unauthorised methods of signalling ;
- (xxi) not argue with passengers and must give his name and badge number when asked to do so ;
- (xxii) not come on duty under the influence of any intoxicant ,

- (xxiii) assist the passengers loading and unloading their luggage on way side halts.
- (xxiv) not allow any passenger or some other person such as vendor, hawker or seller to beg, or offer any article for sale in or on vehicle ; and
- (xxv) get down from the vehicle on approaching a level crossing and proceed ahead after ensuring that no train is approaching.”.

6 As per provision of rules 19 and 32 the Drivers and Conductors are responsible for the due observance of the provisions of the Act and of these rules and the conditions of the permit relating to vehicles. The Drivers and Conductors are also supposed to behave in a civil and orderly manner to passenger on board and maintain the vehicle in a clean and sanitary condition. But the Committee feel that most of the provisions of Rules 19 and 32 are not followed by the Drivers and Conductors of the transport vehicles. The Committee therefore, observes that the Drivers and Conductors may be imparted training in the light of rules 19 and 32 so that they may observe the provisions of the Act and of these rules regularly. The Department should also ensure the strict compliance of the provision as given in Rules 19 and 32 by adopting any suitable method in this behalf.

Rule—21

“21 (1)

* * *

* * *

(2) The State Register of driving licences shall also be maintained in triplicate in the office of each of the licensing authorities in the Form referred to in sub-rule (1) and a copy of each page of it in duplicate. shall be forwarded to the Transport Commissioner every month. Each entry on the said Register shall be attested by the licensing authority or by a person so authorised to sign by the Transport Commissioner”.

7 The Committee recommends that in line 3 of rule 21 (2), after the word “duplicate” the sign “ ” be deleted.

CHAPTER III

"Licensing of conductors of state carriage."

The Committee recommends that in the heading of chapter III the spellings of word "licensing" and "state" be corrected as "Licensing" and "stage".

Rule—22

'22 (1) (i) to (ii)

	*	*	†
	*	*	*
(iii) a medical certificate of fitness from a Government Medical Officer authorised by the Transport Commissioner on the recommendations of the Chief Medical Officer of the area of jurisdiction concerned for this purpose along with a certificate issued by the Saint John's Ambulance of any of its units in the State in Form H r. No. 8.			
(2)	*	*	*
	*	*	*
(3)	*	*	*
	*	*	*
(i)	*	*	*
	*	*	*
(ii) possesses knowledge of the provisions of the Act and the rules made thereunder :			
(iii) to (v)	*	*	*
(4)	*	*	*
	*	*	* , , ,

The Committee recommends that in rule 22 (1) (iii), after the words "for this purpose" the words "along with a certificate issued by the Saint John's Ambulance of any of its units in the state in Form H. R. No. 8" be deleted

The Committee also recommends that rule 22 (3) (ii) be deleted being superfluous

Rule—26

"26. If at any time conductor licence is lost or destroyed or mutilated or the photograph affixed thereto cases, in the opinion of the licensing

authority, to be reasonable likeness of the holder, the licensing authority shall proceed in such case in accordance with the provisions contained in rule 10 or as the case may be."

- 1) The Committee recommends that in line 2 of rule 26, the word "photograph" be substituted by the word "photograph."

Rule—28

"28 (1) & (2) * * *

(3) The appellate authority may, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, confirm, vary or set aside the order against which the appeal is preferred and shall make an order accordingly."

(4) & (5) * * *

(6) A copy of the order made by the appellate authority in appeal may be obtained on payment of a fee at the rate of rupees two per page."

- 12 The Committee recommends that in line 3 of rule 28 (3), for the word "against" the word "against" be substituted.

- 13 The Committee also recommends that in line 1 of rule 28 (6), for the word "y" the word "by" be substituted.

Rule—29

"29 (1) to (3)

* * *

(4) If at any time a conductor is disqualified for holding conductor's licence or his licence is revoked by the licensing authority or by any court or if it ceases to be valid by the efflux of time, the conductor shall within seven days from such disqualification, revocation or efflux, as the case may be, surrender the badge to the authority by which it was issued."

- 14 The Committee recommends that in line 1 of rule 29 (4) for the word "disqualified" the word "disqualified" be substituted."

Rule—42

"42 (1) * * *

(ii) Medium goods vehicle/...Rupees 25 per month medium passenger motor part thereof vehicle

(iii) * * *

The Committee recommends that in rule 42 (ii) between the words "month" and "part", the word "or" be inserted in the margin of this rule. 15

Rule—43

"43 (1)

* * *

(2) A temporary certificate of registration or a temporary registration mark shall be not be issued except in respect of a vehicle which has not previously been registered under the Act.

(3) to (9)

* * *

The Committee recommends that in line two of rule 43 (2) the word "be" appearing between the word "shall" and "not" be deleted being superfluous. 16

Rule—54

"54. The returns regarding vehicle which have been stolen and stolen vehicles which have been recovered of which the police are aware under section 62 shall be sent every month to the Transport Commissioner in Form No. 21."

The representatives of the Department at the time of oral examination informed the Committee that the returns regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the Police are aware under Section. 62 is not forthcoming in the officer of the Transport Commissioner regularly in form No. 21 from the Police Department. The Committee, therefore, observes that the Police Department should be directed to strictly follow the provision of Rule 54 and submit the return of the vehicles which have been stolen and stolen vehicles which have been recovered by the Police to the Transport Commissioner in form 21 regularly and expeditiously. 17

Rule—55

"55. While issuing directions under sub-section (4) of section 68 the State Transport Authority shall ensure that there is no in desirable and un-economic competition amongst the holders of the permits but it shall also ensure that in case of stage carriage every village having metalled road is linked to the specified route of permit."

18 The Committee recommends that in line 2 rule 55 for the word "undesirable", the word 'undesirable' be substituted.

Rule—58

58(1)

(2) Save in the case of a temporary permit, every permit shall be in two parts 'A' and 'B'. One copy of part 'A' shall be issued together with a number of copies of part 'B' equal to the number of vehicle which the Holders of the permits is permitted to have in use on the road at any one time. Each such copy shall carry in addition to the number of permit a separate serial number contained in brackets after the number of the permit is issued and shall be sealed and signed by the authority by which the permit is issued and by the authority by which the permit is countersigned.

(3)

19 The Committee recommends that in line seven rule 58(2) for the word "authority", the word "authority" be substituted.

Rule—63

"63. Save with the special permission of Government no permit or countersignature on the permit shall authorise the conveyance of more than fifty-four passengers, excluding the driver and the conductor in a stage carriage or contract carriage. Seats equal to 20% of the seating capacity shall be reserved for woman."

Rule 63 provides that seats equal to 20% of the sitting capacity shall be reserved for woman. The committee feels that the provision of this rule is not followed at all in Haryana State. The Committee, therefore, observes that 20% of the sitting capacity in a stage carriages and contract carriages should be reserved for women. The conductors should also help the women passengers in getting the reserved seats. The committee also recommends that disciplinary action should be taken in the case of complaint against the conductor.

Rule—64

64(1) to (3)

(4) Subject to the provisions of the proceeding sub rule, the goods may be carried in a stage carriage or contract carriage at any time in accordance with the conditions specified in the permit; Provided that the obligation of the holder to carry passenger in accordance with the terms of the permit is discharged.

(5) When goods are carried in a stage in carriage in addition to the passengers, the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger, such number of seats as may be specified in the permit shall be kept free and unimpeded for the use of passengers and the assess to the entrance to and exit from the vehicle required under Chapter VIII shall be unobstructed.

(6)

* * *

The Committee recommends that in the first line of rule 64(4) for the word "proceeding" the word "preceding" be substituted 20

The Committee also recommends that in the first line of Rule 64(5) the word "in" appearing between the words "stage" and "carriage" be deleted being superfluous. 21

Rule—66

"66(i) to (v)

* * *

(v) (i)

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* * *

- (ii) require the permit holder to provide a substitute vehicle within such period as the authority may specify and if the holder fails to comply with such requirement, it may cancel or suspend the permit and the authority making a variation in the permit or canceling or suspending the permit as aforesaid shall intimate this fact to the authority of any other region in which a permit is valid by virtue of countersignatures otherwise."

The Committee recommends that in the fifth line of rule 66(v)(ii) the spelling of the word 'cancelling' be got corrected. 22

Rule—67

"67(a)

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* * *

- (b) a condition restricting the type and the ownership of goods which may be carried ; and

(c)

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* * *

The committee recommends that in Rule 67(b), the spelling of the word "carried" be got corrected 23

Rule 69

Rule 69 (1) When the holder of a permit has submitted Part A on Part B of both of the permit, to the State Transport Authority or a Regional Transport Authority for renewal or countersignatures of the permit or for any other purpose; or when a police officer or any court of other person authorised by the Government under section 206 has taken possession of a permit from the holder thereof, the aforesaid authorities or the person shall furnish to the holder a receipt for the permit and a temporary authorisation in Form HR No. 37 to ply the vehicle, during such period, as may be specified in the said temporary authorisation and during the said period the production of temporary authorisation on demand, shall be deemed to be a valid production of the permit :

Provided that the authority by which temporary authorisation was granted shall extend the period for which the temporary authorisation is to remain valid until the permit is returned but such extension shall not be beyond the period of validity of the permit.

(2) & (3)

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The Committee recommends that in Rule 69(1) in first line, for the word "on" occurring between the word "A" and "Part" the word "and" be substituted and in eighth line for the word "from" occurring between the word "in" and "HR" the word "Form" be substituted.

The Committee also recommends that in proviso to sub rule(1) of this Rule, in third line the spelling of the word "extension" be got corrected.

Rule 70

Rule 70 (1) If the holder of a permit relating to a particular vehicle desires at any time replace the vehicle with another, he shall forward Part A of the permit and apply in writing to the State or a Regional Transport Authority by which the permit was issued stating the reasons why the replacement is desired and shall :—

(i) forward the certificate of registration, if the new vehicle is in his possession ; or

(ii) state any material particular in respect of which the new vehicle will differ from the old, if the new vehicle is not in his possession.

(2) Upon receipt of an application under sub-rule (1), the State or a Regional Transport Authority may in its discretion reject the application—

(i) if it has prior to the application given notice of its intention to reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies ; or

- (ii) if the new vehicle proposed differs in material respects from the old ; or
- (iii) if the holder of the permit has contravened the provision of the permit or has been deprived of the possession of the old vehicle under the provisions of a hire purchase agreement :

Provided that in considering an application for new permit within its area, the State or a Regional Transport Authority shall, other things being equal, give preference to a applicant who has been deprived of a permit by the operation of clause (i) of this sub-rule.

(3) If the State or a Regional Transport Authority grants an application for the replacement of a vehicle, it shall call upon the holder of the permit to produce Part B of the permit and the certificate of registration of new vehicle, if not previously delivered to it and shall correct Parts A and B of the permit and return them accordingly under its seal and signatures to the holder.

(4) A fee of rupees twenty-five shall be charged for the replacement of a vehicle under this rule."

The Committee recommends that in Rule 70 (1) in fifth line, for the word "an" the word "and" be substituted.

The Committee also recommends that in sub-rule 1, para (i) for the word "few" the word "new" be substituted.

The Committee further recommends that in rule 70 (2) in line 2, the word "rejected" be substituted by the word "reject" and in para (ii) of this sub-rule, the spelling of the word 'new' be got corrected

The Committee also recommends that in proviso to Rule 70(2) (iii) in last line, the word "clause" be got corrected

30 The Committee also recommends that in rule 70 (3), in first line, the words 'A' be got printed in small letter.

Rule—73

"73(1)

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(2) When the State Transport Authority or a Regional Transport Authority suspends or cancels any permit —

- (i) the holder shall surrender parts A and B of the permit within seven days of receipt of a demand in writing by the authority; and
- (ii) the Authority suspending or cancelling the permit shall send intimation to any other authority by which the permit has been countersigned and to any authority to whose area the validity has been extended under rule 59.

(3) A holder shall deliver parts A and B or part B to the State or Regional Transport Authority by which it was issued within fourteen days of the expiry of any permit by efflux of time. The State or a Regional Transport Authority receiving any such permit shall intimate the fact of surrender to the authority or authorities by which it may have been countersigned and to any authority to whose area the validity has been extended under rule 59.

(4)

* * *

The Committee recommends that in line 1 of rule 73 (2) the spelling of the word "Authority" be corrected

The Committee also recommends that in para (ii) of rule 73(2) in line 1, the spelling of the word "cancelling" be got corrected

37 The Committee further recommends that in rule 73(3) in line 1, the spelling of the word "and" occurring between the word "A" and "B" be got corrected.

Rule—74

"74(1) to (3)

* * *

(4) (i) If the State or a Regional Transport Authority allows transfer of a permit under sub-rule (2), it shall call upon the holder of the permit, in writing, to surrender parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the persons to whom the permit is to be transferred to deposit the fee specified for grant of permit under rule 61.

(ii) Upon receipt of parts A and B of the permit and of the specified fee and State or a Regional Transport Authority, as the case may be, shall cancel the particulars of the holders thereon and endorse particulars of the transferee and shall return the permit to the transferee.

(iii) The State or a Regional Transport Authority making a transfer of a permit as aforesaid may, unless any other State or Regional Transport Authority by which the permit has been countersigned by general or special order has otherwise required, endorse parts A and B of the permit with the words "valid for....." inserting the name of the extra area or route for which the permit has been countersigned

(iv) Unless Parts A and B of the permit have been endorsed as provided in clause (iii) or unless the transfer of a permit has been approved by endorsement by the authority which countersigned the permit the countersignatures shall be of no effect after the date of transfer.

34 The Committee recommends that in rule 74(4) para (iii), in line 1, for the word "of" the word "or" be substituted.

35 The Committee also recommends that in Rule 74(4) para (iv) in last line the spelling of the word "transfer" be got corrected

Rule—75

"75 An owner of a stage carriage which is used as a contract carriage or that of a contract carriage shall ensure that it proceeds to the destination made by the hirer through the shortest route and shall not allow it to remain at any public place except when engaged as such and shall,—

- (i) nor revoke the hiring contract without being discharged by the hirer; and
- (ii) station the vehicle at the stand in the order it arrives there and shall leave the stand on its turn".

36 The Committee recommends that in Rule 75, line 1, for word "a as" the word "as a" be substituted.

Rule—76

"76 (1) When Part A or B of any permit has been lost, destroyed or defaced the holder shall forthwith intimate the fact to the State or a Regional Transport Authority by which the permit was issued and apply for the issue of a duplicate permit or part of a permit as the case may be.

Provided that in the case of loss or destruction of part B of the permit, he shall forward part A of the permit to the state or a Regional Transport Authority, as the case may be

(2) to (6)

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37 The Committee recommends that in proviso to sub Rule 76(1) line 1, for the word "of" occurring between the word "loss" and "destruction" the word "or" be substituted.

Rule—79

"79 On the appellate authority appointing a time and a place for hearing under rule 78, the appellant shall, within fourteen days of the receipt of intimation that a hearing will take place, forward to the appellate authority a list of the documents upon which he proposes, to rely together with copies of such documents in duplicate, and may upon the appointed day and at subsequent hearings, appear either in person or through an agent or representative authorised by him in writing, in this behalf".

38 The Committee recommends that in Rule 79, in line 1, the spelling of the word "and" occurring between the words "time" and "place" be got corrected

Rule—82

"82 (1) In the case of a public service vehicle other than Government owned vehicles, the conductor or if there is no conductor, the driver shall at the conclusion of a journey make search in the vehicle for anything left by any passenger and shall take into his custody anything so found and immediately shall make over the same to a responsible person at any office or station of the permit holder or to an official of a police station and shall likewise take into custody and dispose of anything so found by any other person. The responsible person at any office or station of the holder of the permit of the vehicle receiving the aforesaid goods shall keep them safe and if the goods, are not claimed by the owner or any other person appearing to him to be entitled thereto, shall if such owner of goods is known, cause a notice to be served upon him requiring him to remove the goods. If such owner is not known or a notice cannot be served upon him or he does not comply with the requisition in the notice such property shall be deposited with the nearest police station as unclaimed property after two months of taking over charge thereof;

* * *

(2) to (5)

* * *

59 The Committee recommends that in rule 82 (1) line 15, the spellings of the word 'deposited' be got corrected.

Rule—92

"92. (1) All public service vehicles shall be disinfected with dichlorodiphenyl trichloroethane or any other disinfectant after every two months and the owners shall furnish to the Regional Transport Authority concerned a certificate to the effect duly signed by Chief Medical Officer of Health or any other officer authorised by him in this behalf. The period of two months shall count from the date of last certificate furnished as aforesaid,

Provided that if adequate arrangements for the disinfection of vehicles are made by any permit holder at his own premises to the satisfaction of the Chief Medical Officer of Health, a certificate of disinfection by such permit holder shall be sufficient.

(2) The owner of a public service vehicle shall maintain and on demand by the Secretary or Assistant Secretary of the Regional Transport Authority or the Registering Authority, produce for inspection a current register showing the dates on which the public service was disinfected from time to time."

60 The Committee noted with concern that there is a provision for disinfectant of every public vehicle after two months and a certificate duly signed by the Chief Medical Officer in this respect has to be furnished by the owner of the vehicle to the Regional Transport Authority

concerned. The Committee observes with heavy heart that dichlorodiphenyl trichloroethane has never been purchased by the Transport Department to meet the provision of this rule in the last three years.

4/ The Committee, therefore, strongly recommends that all the public service vehicles shall be disinfected with dichlorodiphenyl trichloroethane or any other disinfectant after every two months and the owner should furnish to the Regional Transport Authority concerned a certificate to this effect duly signed by the Chief Medical Officer or any other Officer authorised by him in this behalf

4 ✓ The Committee further recommends that the Committee be informed of the action taken by the department on this recommendation after a period of three months.

Rule—95

“95(1) & (2) (a) to (f) (v)

(vi) Destination with probable time of arrival.

(vii) to (xii)

(3) to (6)

43 The Committee recommends that in Rule 95 (2) (vii) para (f), the word “time” be got corrected

Rule—96

“96(1)

(2) No owner shall cause or allow any driver to drive a transport vehicle unless the owner has in his possession a record in writing of the name and address of the driver as set forth in his driving licence, the number of the licence and the name of authority by which it was issued.”

44 The Committee recommends that in rule 96(2) in the last two lines, the spellings of the word “the” and “issued” be got corrected.

Rule—101

“101 (1)

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(2) A permit-holder required to fit a taxi meter shall at time of production of his vehicle for inspection before the Board of Inspection furnish a certificate issued by the Controller, Weights and Measures, Haryana or any officer authorised by him in this behalf to the effect that the taxi meter has been tested and sealed and shall produce the taxi meter for an examination subsequently wherever the vehicle to which it is attached is inspected or whenever for any reasons it has become necessary to break the seal.”.

45 The Committee recommends that in rule 101 (2) in line 6, the spelling of the word “examination” be got corrected.

Rule—106

“106 (1) (i) & (ii)

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*	*	*

(iii) Where the licensee is authorised to forward and distribute goods the shall,—

(a) be liable to the consignee for any lost or damage to goods while in his control or possession ;

(b) to (d)

*	*	*
*	*	*

(iv) & (v)

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*	*	*

(vi) the licensee shall furnish the persons operating the vehicle with correct figures of the freight to be received by them from the consignors or the consignees ,

(vii) the licensee shall maintain proper accounts of the commission charged by him and the licensee with gross income of Rupees 25,000 or above per annum shall get his account audited by the Chartered Accountant;

(viii) to (xv)

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The Committee recommends that in Rule 106(1)(iii) entry (a) for the word "lost" the word "loss" be substituted.

The Committee also recommends that in Rule 106 (1)(vi) in line 2 for the word "the" appearing before the word "received" the word "be" be substituted.

48 The Committee further recommends that in Rule 106(1)(vii) in line 2, for the word "cross" the word "gross" be substituted.

Rule—108

"108 (1) The Regional Transport Authority may in consultation with the local authority or the police authority having jurisdiction over the area concerned, approve any premises owned by or in possession of licensee or any applicant for the licensee to be used for loading or unloading of goods or for parking goods vehicles for the storage of goods in the custody of the licensee having regard to the stability of the site, sanitary conditions and storage facilities provided at such premises.

(2) Where the Regional Transport Authority refuse to approve any premises under sub-rule(1), it shall record, in writing, the reasons for such refusal :

Provided that before such refusal in opportunity of being heard shall be given to the licensee or the applicant, as the case may be."

49 The Committee recommends that in Rule 108(1) line 2, for the word "he" the word "the" be substituted.

50 The Committee further recommends that in proviso to Rule 108(2) in line 1, for the word "in" the word "an" be substituted.

Rule 114

"114. (1) The State transport Authority may, by a general or special resolution passed in its meeting delegate all or any of its powers under these rules to its Chairman :

Provided that the aforesaid powers may also be delegated in the aforesaid manner to the Secretary of the State Transport Authority who shall exercise these powers only when the Chairman is away from the head-quarter of the authority.

(2) The Regional Transport Authority may delegate all or any of its powers to the Commissioner of the Division, Deputy Commissioner of the District or any other officer of the Motor Vehicle Department by passing a general or special resolution :

Provided that Regional Transport Authority may, by general or special resolution passed in its meeting, delegate its following powers to its Chairman, subject to the conditions mentioned therein namely :—

(1) the power of permitting the transfer of permit under sub-section (2) of section 82 .

Provided that this power is exercised after full enquiry and after full satisfaction about the contents of the application made for transfer of permit :

- (ii) the powers of granting replacement of vehicle under section 83 ;
- (iii) the power of granting temporary permits under section 87 , and
- (iv) the powers of granting counter signatures of permit under section 88 ;

Provided further that the aforesaid powers, may also be delegated to the Secretary of the Regional Transport Authority in the aforesaid manner who shall exercise these powers only in the case when the Chairman is away from headquarters of the authority and a reference to him will involve delay which in the circumstances is unreasonable :

Provided further that the afo said power may also be delegated to the Assistant Secretary of the Regional Transport Authority in the aforesaid manner who will exercise these powers only in the case when both Chairman and the Secretary are away from the headquarters of the authority and a reference to either of them will involve an amount of delay :

Provided further that any order passed by the Assistant Secretary in the Capacity of delegated authority the orders so passed shall be got confirmed from the Secretary of the Regional Transport Authority concerned."

51 The Committee recommends that in Rule 114(1) in line 2, the word "resolution" be got corrected.

52 The Committee further recommends that in the last proviso to Rule 114(2) in line 2 the first letter of the word "Capacity" be got printed in small letter.

Rule—114—A

R—114-A "Different Transport Authority under the Motor Vehicle Mode of Act 1988 and the rules framed there under shall ensure that all Payment fees are deposited in office against the prescribed Government, of Fees/ receipt instead of challan. The fee received during the day, shall taxes be deposited in Government treasury on next working day through the cash book of the office."

53 The Committee recommends that the para appearing after Rule 114 B be numbered as '114-A' and the word and figure 'R-114' appearing in the margin be deleted being superfluous.

Rule—118.

"118(1) & (2)

(3) On receipt of the views of the Chairman of the State Transport Authority in terms of sub-rule (2), the Government shall consider and dispose of the objections after giving an opportunity of being heard in the matter to the objector or his representative and the representative of the State Transport Undertaking and it may thereafter either approve to modify the scheme."

§1 The Committee recommends that in Rule 118 (3) line 5, at the end, the word "to" be substitute by the word "or"

Rule—120

"120. (1) For securing a stage carriage permit or a contract carriage permit in respect of a notified area or notified route in pursuance of an approved scheme, a State Transport Undertaking may make on application to the Regional Transport Authority concerned in the relevant form specified under rule 56 :

(2) & (3)

§2 The Committee recommends that in Rule 120(1) line 3, for the word 'on' the word "an" be substituted.

Rule—128

"128. (1) Every motor vehicle except a locomotive tractor trailer or a road roller or other especially constructed or adapted for construction or maintenance of roads, shall, unless adequate protection is afforded by the body of the motor vehicles, be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

(2) The rear wheels of every trailer except a trailer drawn by locomotive shall be provided with wings as foresaid."

5b The Committee recommends that in rule 128(2) for the word "as aforesaid" the word "as aforesaid" be substituted.

Rule—130

"130 (1)

(2) Every goods carriage or tractor trailer combination shall be furnished with efficient means of communication to enable the cleaner or conductor to signal the driver to stop the vehicle or to caution to allow passage for faster moving vehicle. The connection of the communication

bell shall be adopter and socket type so that the communication bell could be connected and disconnected while coupling and discoupling the trialer."

57 The Committee recommends that in the last line of rule 130 (2) for the word "trialer" the word "trailer" be substituted.

Rule—133

"133. (1) Every public service vehicle, and all parts thereof including paint work or vernish, shall be maintained in a clean and sound condition and the engine, mechanism and all working parts in reliable working order.

(2) Every public service vehicle shall carry a first-aid box with glazed—front of dimension suitable to accommodate the following articles namely :

- (i) leaflet containing first-aid instruction ;
- (ii) set of ordinary splints (consisting of six splints with four iron socket) ;
- (iii) four triangular bandages ;
- (iv) 3x2½ packet surgeons lint ;
- (v) sterilised cotton wool two in number of twenty-five grams packets ,
- (vi) sterilised fingers dressing twenty four in number ,
- (vii) sterilised hand or foot dressing twelve in number ;
- (viii) sterilised body dressing three in number ,
- (ix) sterilised burn dressing—
 - (i) two in number of small size ;
 - (ii) two number of large size ;
- (x) two eye pads ;
- (ix) one card safety pins ;
- (xi) one pair scissors ;
- (xiii) one spool plater twenty five millimeters.
- (xiv) one medicine tumber ,
- (xv). antiseptic cream containing 0.5 per cent of centrimide BP in non-greasy base ;
- (xvi) one bottol spirit-surgical ;

(xvii) 4 bottle Sal Volatile

(xviii) four small torniquet ;

(xix) empty bottle fitted with cork and camel hair brush for every drop ;

(xx) one pad splinter forceps and

(xxi) medicine glass of 75 Cubic centimeters."

Keeping a first-aid box with every public service vehicle is a mandatory provision under Rule 133(2) but the Committee feels that this provision is not being followed in public service vehicles in Haryana State. The Committee, therefore, observes that, suitable instructions may be given to all concerned to have first-aid box in all public service vehicles and in case of failure suitable action against the defaulter be taken.

Rule 134

"134(1) & (2)

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(3) For the purpose of conducting tests stability the height of any stock used to prevent a wheel of the vehicle from slipping sideways shall not be greater than two thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is then nearest to such surface when the wheel is loaded in accordance with the requirements of this rule."

The Committee recommends that in line 2 of rule 134(3), for the word "shall" the word "shall" be substituted.

Rule 135

"135(1)

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(2) The back of all seats shall be closed to a height of 400 millimetres above seats level :

Provided that in the case of single decked vehicle the State Transport Authority may specify the measurements within the above limits to which public service or a particular type of public works, vehicle, shall conform in specified areas or on hills road :

Provided further that if the Government is satisfied that particular vehicle or class of vehicles, having the internal height or head room or measured along the centres of the vehicle from top of the floor boards battens to the underside of the roof, supports in excess of the right specified in this rule, is suitable for carrying out any work in furtherance of a public purpose, the Government may, by notification in the Official Gazette, exempt such vehicle or class of vehicle from the provisions of this

rule either generally or in such areas or on such routes subject to such conditions, if any, as may be specified in the notification.

60. The Committee recommends that in the last line of second proviso to the Rule 135(2) for the word "specifi" the word "specified by" be substituted.

Rule 136

"136(1) and (2)

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- (a) the part of the seat against which the driver's back rests shall not be less than 280 millimetres from the nearest point on the steering wheel and that the seat shall be so constructed as to be adjustable in such a way that the distance is increased 350 millimetres the driver's seat shall be constructed as to permit an up and down adjustment in addition to the fore and after adjustments mentioned herein:

(b)&(c)

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(3)

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(4) Every public service vehicle shall be so constructed that save for the front pillar of the body, the driver shall have a clear vision both to the front and through an angle of ninety degree to his right hand side. The front pillar of the body shall be so constructed as to obstruct the vision of the driver to the at possible extent.

(5) The State Transport Authority may, be order in writing, direct that until such time as the vehicle's have been taken off the road after having lived there lives nothing in this rule in regard to and consequent upon the provisions requiring that the vehicle shall be driver from the right hand side shall apply to a public service vehicle or a specified class of public service vehicle fitted with left hand in steering control and obtained through the disposal organisation of the Central Government

(6)

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*	*	* "

The Committee recommends that rule 136 (2) (a) in line 4 after the word "increased" the word "to" be added

The Committee also recommends that in the last line of rule 136(4) for the words "at possible extent" the words "least possible extent" be substituted

63. The Committee further recommends that in line 1 of the rule 136(5) for the word "be" the word "by" be substituted and in line 4 for the word "driver" the word "driven", in substituted.

Rule—137

"137. (1) In every public services vehicle, the entrance to which from the front or the rear, there shall be a gangway along the vehicle and,—

- (a) Where seats are placed along the sides of the vehicle there shall be a gangway a clear space of not less than 60 centimetres measured between front of the seats, and
- (b) Where seats are placed across the vehicle there shall be a gangway a clear space of not less than 300 millimetres up to a height of 760 millimetres and not less than 380 millimetres above 760 millimetres from the floor level and where standing passengers are allowed, there shall be as a gangway, a clear space of not less than 500 millimetres in width up to a height of 760 millimetres from the floor level

(2) * * *

The Committee recommends that in line 2 of rule 137(1) for the word "near", the word "rear" be substituted

65 The Committee further recommends that before the word "shall" for the word "here" the sign and word, " there" be substituted.

Rule—138

"138. (1) Notwithstanding anything contained in these rules, no public service vehicle other than a motor club, shall be registered for a number of passengers in excess of the number obtained by subtracting 118 kilogrammes from the difference in kilogrammes between the registered laden and unladen weight of the vehicle and dividing the resulting figures by 160 in case of a single decked vehicle and 130 in the case of double decked vehicle or for such number of passenger that when the vehicle is loaded in normal manner the axle weight of any axle will not exceed the registered axle weight for that axle".

66 The Committee recommends that in line 2 of rule 138(1), for the word "club" the word "cab" be substituted.

Rule 140

"140(1)&(2) * * *

(3) Door handles or levers to door catches shall be so designed and fitted that they are not liable to be dislodged or to be operated accidentally.

(4) to (9) * * *

67 The Committee recommends that in line 1 of rule 140(3) for the word "he" the word "be" be substituted

Rule 141

"441 In public service vehicle other than a motor cab, there shall be fitted to every entrance or exit except an emergency exit, a grab rail to assist passenger in boarding or a lighting from the vehicle".

68 The Committee recommends that the numbering of Rule 141 be got printed correctly.

69 The Committee also recommends that in line 3 of Rule 141 the words "a lighting" be got printed correctly as "alighting".

Rule—142—

"142. (1) In every public service vehicle other than a motor cab, the top of the tread of the lowest step for any entrance or it, other than an emergency exit shall not be more than 600 millimetres, or less than 425 millimeters above the ground when vehicle is empty. Fixed steps shall be less than 225 millimeters wide and shall not be in no case project laterly beyond the body of the vehicle unless they are so protected by the front wings or otherwise that they are not liable to injure pedestrians. The shortest distance between any step well and a vertical plane passing through out the front edge of a seat shall not be less than 225 millimeters."

(2)

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70 The Committee recommends that in Rule 142 (1) in line 6, the spelling of the word "laterly" be got printed correctly; and in line 7 the spelling of the word "front" be also got printed correctly.

Rule—150

"150 All electric wires or lead shall be adequately insulated."

71 The Committee recommends that the word "leads" be got printed correctly.

Rule—151

"151. Every public service vehicle shall be equipped with a fire extinguisher of a type specified by the State Transport Authority and it may be inspected at such periods and by such persons as the State Transport Authority may specify."

72 There is a provision that every public service vehicle shall be equipped with a fire extinguisher of a type specified by the State Transport Authority and the same may be inspected at such intervals and by such persons as the State Transport Authority may specify. The Committee observes that most of the vehicles have not been provided with the fire extinguishers as per provision of Rule 151.

73 The Committee, therefore, recommends that all the public vehicles may be provided fire extinguishers of the type specified by the State Transport Authority and the same be inspected at such intervals and by such persons as the Transport Authority may specify.

74 The Committee further recommends that for the word "periods" appearing in line 3 the word "interval" be substituted.

Rule—156

"156(1) & (2) (i) to (viii)

(ix) One spare headlight bulb and one spare rear lamp bulb;
and

(3)

75 The Committee recommends that in Rule 156(2) para (ix) the word "spare" occurring between the word "one" and "rear" be got printed correctly.

Rule—162

"162 No motor vehicle other than the motor cars attached with the dignitaries allowed to fly on their motor cars distinctive flags according to the flag code of India and the officers allowed to the distinctive flags by the Government of Haryana, shall show the red light to the front or other than a red light to the rear,

Provided that the provisions of these rules shall not apply to internal lighting of the vehicle or to an amber light displayed by any direction indicator ;

Provided further that the motor cars attached with the officer of Transport Department, Excise & Taxation Department and Police Department shall be fitted with flickering Red/Blue lights."

76 The Committee recommends that the following explanation below Rule 162 be added :—

77 (i) Dignitaries include M P's and M.L.A.'s of State of Haryana.

Rule—168

"168. (1) Nothing shall be placed or carried upon the outside of the roof of a double decked public service vehicle.

(2) No person shall drive and no person shall cause or allow to be driven in any public place any motor vehicle which is loaded in a manner likely to cause danger or injury to any person or in such a manner that the load or any part thereof or anything extends,—

(a) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body :

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Rule—169

with the help of police authorities of the area."

- 79 The Committee recommends that in Rule 169(2) line 4 the spelling of the word "Replace" be got printed correctly

Rule—170

"170(1)

* * *
* * *

(2) The Regional Transport Authority may, by notification published in the official Gazette or in one or more newspaper in circulation in the area and by the erection in suitably placed traffic sign No. 7 as set forth in 5th Schedule to the act, prohibit the use by drivers of Motor vehicles of any horn, going other device for giving audible warning in any area during such hours as may be specified by him in the notification.

Provided that when the Regional Transport Authority prohibits the use of any honking or other device for giving audible warning during certain specified hours as he shall cause a suitable notice, in English and Hindi languages to be affixed below traffic sign setting forth the hours within which such use is prohibited."

80 The Committee observes that pressure horns are used by heavy vehicles including the buses of Haryana Roadways against the rules framed under the Act. The Committee therefore, recommends that all the pressure horns be got removed from public vehicles and necessary instructions for banning the pressure horns be also issued as per rules

Rule—174

"174. (1) The driver of a Motor vehicle shall at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any person by dazzle.

(2) The Regional Transport Authority may, by notification in the official Gazette and by the erection of suitable notices in English and Hindi language within such areas or in such places as may be specified in the notification, prohibit the use of lamps giving a powerful or intense light."

81 The Committee recommends that the tubes being used alongwith the bulbs in the headlights of the vehicles be banned and got removed from the vehicles as the same are harmful for other users of the road

Rule—177

"177(a) & (b)

* * *
* * *

(c) The driver while taking turn over every bend and curve shall give horn a provided that it shall not be necessary to give a horn at a bend or curve near a hospital if an indication for not giving a horn has been put at that bend or curve."

82 The Committee recommends that in line 2, of Rule 177(c), for the words "horn a" the word "a horn" be substituted.

Rule 178

"178 (1) A Motor cycle with not more than two wheels with or without a side car shall not draw a trailer.

(2) * * *

83 The Committee recommends that in line 2, of Rule 178 (1) the word "a" appearing after the word "not" be deleted

Rule—180

"180 (1) (a) (i) * * *

(ii) one person placed at or near the rear of the last trailer in train such a position as to be able to have a clear view of the road in rears of the trailer to signal to the drivers of overtaking vehicle, and no communicate with the driver of the drawing moter vehicle.

(b) and (c) * * *

(2) * * *

84 The Committee is of the view that rule 180 (1) (a) (ii), is not happily worded and therefore recommends that this rule be recast

Rule—183

"183. On the approach of any railway crossing guarded or un-guarded the driver of every motor vehicle shall stop the vehicle and shall not enter the railway crossing until he has himself sure that the railway track-on both sides is clear."

85 The Committee recommends that in line 3 of rule 183, for the word "has" the word "is" be substituted.

Rule—184

"184. Every driver of a motor vehicle shall comply with the traffic signals specified in the Fifth Scheduled to these rules given to him by any police officer for the time being engaged in the regulation of traffic in any public place."

86 The Committee recommends that in line 2 of rule 184, for the word "Scheduled" the word "Schedule" be substituted.

Rule—186

"186(1) to (4)

(5) Where a stage carriage is exempted from the provision of the proceeding sub-rule, it shall be a condition of the exemption that no passenger shall be taken up or set down, as the case may be at any point within a distance of 183 meters or such other distances as may be named in the order of exemption from the place where the stage carriage is garaged or parked at the start or finish of the run.

(6) to (9)

87 The Committee recommends that in line 2 of Rule 186 (5), for the word "proceeding" the word "preceding" be substituted.

Rule—188

"188. Subject to the provisions of rule 193 the Regional Transport Authority concerned in consultation with the District Magistrate, Superintendent of Police and the local authority having jurisdiction in the area concerned, make orders appoint in parking places and stands for motor vehicles under section 117:

Provided that no place which is privately owned shall be appointed as a parking place or a stand except on application by or with the written consent to the owner."

88 The Committee is of the view that rule 188 is not happily worded. The Committee, therefore, recommends that this rule be recast

Rule—190

"190 No person shall be liable to be punished for having a vehicle in contravention of any of the rules contained in this chapter if the stopping of vehicle was occasioned by a mechanical defect or by any other cause beyond the control of the driver or person incharge .

Provided that the driver or other person incharge shall continue to be liable for contravening Section 122, unless all practicable steps have been taken to dispose of the vehicle in such a way that it shall not cause danger obstruction or inconvenience to other users of road."

89 The Committee recommends that in the last line of proviso to rule 190, between the words "danger" and "obstruction" the sign " , " be inserted.

Rule—193

"193 (a) & (b)

- (c) the avoidance of annoyance to persons living or having property in the locality,
- (d) the suitability of the site in relation to other stands in the same towns, and
- (e) any other consideration that may appear to be relevant."

90 The Committee recommends that in rule 193 (c), for the words "Property in perty the" the words "property in the" be substituted

91 The Committee also recommends that in rule 193 (e), after the word "to" the word "be" added

Rule—194

"194 (1)(a) & (b)

* * *

(e) that the person, transport company, transport firm, transport society or authority permitted by the Regional Transport Authority to use the place as a stand shall take all possible precautions to ensure that no breach of the Act, of these rules is committed in respect of any vehicle entering or leaving or halting at the stand;

(d) to (f)

* * *

(2)

* * *

92 The Committee recommends that in line four of rule 194(1) (c), for the word "of" appearing before the word "these" the word "or" be substituted

Rule—201

"201 An owner of motor vehicle other than of a vehicle to which sub-section (2) or sub-section (3) or section 146 applies shall, while applying for payment of tax under the provisions of the Punjab Motor Vehicles Taxation Act, 1924 present for the perusal of the registering authority a certificate of insurance in the following form showing that there is in force the necessary policy of insurance for the motor vehicle concern."

93 The Committee recommends that in line 3 of rule 201, for the word "Vehilces" the word "vehicles" be substituted

Rule—204

"204. On receipt of an application for claims of compensation, the Claims Tribunal may examine the applicant on oath and the substance of such examination, if any, shall be reduced to writing. When the application is time barred as per provisions of sub-section (3) of section 166, the Claims Tribunal may ask the applicant to give reason for condonation of delay, in writing and if there is no sufficient cause, it may be dismissed without calling up on the applicant to appear."

94 The Committee recommends that in last line of Rule 204, for the word "up on", the word "upon" be substituted.

Rule—211

"211. The Claims Tribunal may, if it thinks fit require the motor vehicle involved in the accident, to be produced by the owner for inspection at a

particular time and place to be mentioned by it, if necessary in consultation with the owner."

- 95 The Committee recommends that in the first line of rule 211, between the words "fit" and "require" the sign ",", be inserted.

Rule—214

"214. If the Claims Tribunal finds that an application cannot be disposed of at one hearing it shall record the reason which necessitate the adjournment and also inform the parties present of the date of adjournment of hearing."

- 96 The Committee recommends that in the first line, for the word "funds", the word "finds" be substituted.

Rule—219

"219. (1) The Claims Tribunal in passing order, shall record concisely in a judgement the findings on each of the issues, framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurer and also be person to whom compensation shall be paid

(2) Where compensation is awarded two or more person the Claims Tribunal shall also specify the amount payable to each of them".

- 97 The Committee observes that rule 219 does not convey any meaning. The Committee, therefore, recommends that this rule be re-drafted so that proper meaning should be conveyed.

Rule—223

"223. In endorsing the orders, the Claims Tribunals shall have all the powers in regard to contempts, residence and the like which a Civil Court may exercise other execution of a decree."

- 98 The Committee recommends that rule 223 does not convey any meaning. The Committee, therefore, recommends that this rule may be re-drafted so that proper meaning should be conveyed.
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D. Panchayat

SCRUTINY OF THE HARYANA PANCHAYATI RAJ (ELECTION)
RULES, 1994 FRAMED UNDER THE HARYANA PANCHAYATI
RAJ ACT, 1994

The Committee scrutinise the Haryana Panchayati Raj (Election) Rules framed under the Haryana Panchayati Raj Act, 1994 and made the following observations/ recommendations thereon—

General Recommendations/Observations.

While scrutinising the Haryana Panchayati Raj (Election) Rules 1994 framed under the Haryana Panchayati Raj Act, 1994, the Committee came across a large number of printing mistakes in the 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 reprinted after implementing the recommendation/observations made by the Committee

Rule—2

"2 (a) to (c)	*	*	*
	*	*	*

(d) 'District Election Officer (Panchayat)' means the officer appointed by the State Election Commissioner as District Election Officer (Panchayat) in consultation with the Government for conduct of elections to Panchayats;

(e) to (J)	*	*	*
	*	*	* "

The Committee recommends that in Rule 2 (d) in the last line before the word "Panchayats" the word "the" be added.

Rule—3

"3. There shall be six panches for a Gram Panchayat having population up to five hundred and for every additional five hundred population or fraction thereof one extra seat shall be provided subject to a maximum of twenty seats.

Explanation :—If a fraction forms part of the number of seats or offices computed under this rule or under rule 6, as the case may be, the number of seats or offices shall be increased to the next higher number in case the fraction consists of half or more of a seat or office and the fraction shall be ignored in case it consists of less than half of a seat or office."

The Committee recommends that in the "Explanation" of this rule the word "the" be added before the word "office" or "offices" wherever occurring.

Rule—4

"4 (1) to (7)

(8) An appeal against the order of the Circle Revenue Officer shall lie before the Sub-Divisional Officer (Civil) concerned. The appeal against the order of the Sub-Divisional Officer (Civil) shall be filed before the Additional Deputy Commissioner concerned. The appeal shall be filed within three days of the passing of impugned order. The appeal shall be disposed of within a week from the date the appeal is preferred.

(9)

The Committee recommends that in line 5 of Rule 4 (8), for the words "within three days of the passing of impugned order" the words "within three days of the receiving of the copy of the impugned order" be substituted.

Rule—6

"6 (1) & (2) (i) to (iii)

(a) offices of all Divisional Commissioner ; and

(b)

(3) & (4)

The Committee recommends that in Explanation (iii) (a) of this Rule, before the word "Divisional Commissioners", the word "the" be added.

Rule—10

"10 (1) & (2)

(3) The District Electoral Officer shall amend the voters list in accordance with his decision.

(4)

The Committee recommends that at the end of sub-rule (3) of this Rule, the words "given under Rule 10 (1)" be added.

Rule 15 A.

"15 A (1) to (3)

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(4) The District Electoral Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation, revision and amendment of the ward-wise list of voters of each Gram Panchayat, Panchayat Simiti and Zila Parishad.

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*,".

6 At the time of oral examination, the Committee was informed that no restrictions have been prescribed by the department under rule 15A(4).

7 The Committee, therefore, recommends that the restrictions be prescribed in the rules itself.

Rule—18.

18. "Any reference in these rules to the Returning Officer (Panchayat) all, unless the context otherwise requires, be deemed to include an Assistant Returning Officer (Panchayat) if he is so authorised to perform the functions of Returning Officer (Panchayat) "

9 The Committee recommends that in line 2 of rule 18, for the word "all", the word "shall" be substituted.

Rule—29.

29. "The Returning Officer (Panchayat) shall on receiving the nomination paper under rule 27 inform the person or persons delivering the same, of the day, time and place fixed for the scrutiny of nomination paper and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him and shall, as soon as may be, thereafter, cause to be affixed on the notice board in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper of the candidate."

Notice of
nomina-
tion and
time and
place
scrutiny.

9 The Committee recommends that in marginal heading of rule 29, between the word "place" and "scrutiny", the word "of" be inserted.

Rule—30.

"30 (1) to (6)

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(7) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer (Panchayat) shall prepare a list of candidates whose nomination papers have been accepted After the scrutiny is over the

Returning Officer (Panchayat) shall affix the list on his notice board and shall record the date on which, and the time at which, the list was so affixed."

10 The Committee recommends that rule 30 (7) in line 3, between the words "of" and "candidates", the word "validly nominated" be inserted.

Rule—32.

"32 (1)

*	*	*
*	*	*

(2) The said list shall, subject to the provisions of sub-rule (3), contain in names in alphabetical order in Hindi in Devnagari script and the addresses of the contesting candidates as given in the nomination papers.

(3)

*	*	*
*	*	*

11 The Committee recommends that in line 2 of rule 32 (2) for the word "in" appearing between the words "contain" and "names", the word "the" be substituted.

Rule —35—A.

"35 (A) to (B)

*	*	*
*	*	*

35C. Revocation of the appointment or death of polling agent.—(1) The appointment of the polling agent may be revoked by the candidate at any time before the commencement of the poll by a declaration in writing signed by him.

(35D)

*	*	*
*	*	*

12 The Committee recommends that in Rule 35 C after the words "at any time" the words "before the commencement of the poll" be deleted.

Rule—36.

"36

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Provided that—

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(i)

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(ii) no person who has given a notice of withdrawal of this candidate under sub-rule (1) of rule 31 before the countermanding of the

poll, shall be ineligible for being nominated as a candidate for the election after such countermanding."

- 13 The Committee recommends that in proviso (ii) to rule 36, in the first line for the word "this" the word "his" be substituted.

Rule—46.

"46. (1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches of women and men

(2) * * *

- 14 The Committee recommends that in line 3 of rule 46(1), the spelling of the word "alternately" be corrected as "alternatively".

Dr. Bansi Raju

**SCRUTINY OF THE HARYANA PANCHAYATIRAJ RULES,
1995 FRAMED UNDER THE HARYANA PANCHAYATI RAJ
ACT, 1994**

The Committee scrutinise the Haryana Panchayati Raj Rules, 1995 framed under the Haryana Panchayati Raj Act, 1994 and made the following recommendations/observations thereon—

General Recommendations/Observations

1. While scrutinising the Haryana Panchayati Raj Rules, 1995 framed under the Haryana Panchayati Raj Act, 1994, the Committee came across a large number of printing mistakes in the 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 recommendations/observations made by the Committee.

2. The Committee noticed that the rules under Section 41, 42, 43 and 202 of the said Act have not been framed by the Government till to-date which is of serious concern.

The Committee, therefore, recommends that the rules under Section 41, 42, 43 and 202 of the Haryana Panchayati Raj Act, 1994 be framed and the Committee be informed on the action taken by the Department within a period of three months.

"DRAFT RULES"

1. These rules may be called the Haryana Panchayati Raj Rules, 1995."

2. The Committee recommends that the words "Draft Rules" appearing above Rule 1, be deleted, being superfluous.

Rule—5(9)

" 5(9) (a) & (b)

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(c) If a member the Gram Sabha, who has given due notice of any question, has not withdrawn it before the meeting is held, and is not present at the meeting, the Saparnch may allow the question and answer to the same to be read."

3. The Committee recommends that in line 2 of Rule 3 (9) (c) the spelling of the word "withdrawn" be got corrected.

Rule—9

“9 (14) (a) to (f)

* * *
* * *

(g) the presiding authority may direct any panch or member, who in its opinion, is guilty of breach of order, to withdraw immediately from meeting and any member so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting. If any member is so directed by the presiding authority for a second time, it may further debar the member concerned from attending one succeeding meeting of the Gram Panchayat, Panchayat Samity or Zila Parishad, as the case may be.”

4 The Committee recommends that in line 7 of rule 9(14) (g) the spelling of the word “Samiti” be corrected.

Rule—10

“10 (1)

* * *
* * *

(2) The notice of meeting for considering motion of no confidence shall be issued atleast seven days before the date, fixed for the meeting, intimating the date, time and place of meeting by proclamation by beat of drum, in the Sabha area concerned and by affixing a copy of same on the notice board of Gram Panchayat, Panchayat Samity or Zila Parishad, as the case may be, and at other conspicuous places in the village. In case of Panchayat Samiti or Zila Parishad, the notice shall also be issued to all the members by registered (A.D.) Post at their ordinary place of residence and also by affixing a copy of the same at the notice board of Office of Block Development and Panchayat Officer, Additional Deputy Commissioner and Deputy Commissioner and through any other expedient manner deemed proper.

(3) to (5)

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* * *

5 The Committee recommends that in Rule 10(2) line 5, the spelling of the word “Samiti” be got corrected.

6 The Committee also recommends that in Rule 10(2) line 5, for the “of” the word “or” be substituted.

Rule—11.

“11

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* * *

(1) Duties and functions of Gram Sachive.—In addition to the duties as specified in section 15 a Gram Sachive shall perform the following duties and functions—

(a) & (b)

* * *
* * *

(c) assist in the special campaigns launched by Government for the eradication of epidemic, family planning, utilization

of fertilisers spraying of insecticides, poverty, alleviation and all other schemes launched by the Government;

(d) & (h)	*	*	*
(2) & (3) (a)	*	*	*
	*	*	*
	*	*	*

(b) negotiate with the neighbouring Gram Panchayats, Panchayat Samitis or other institution for carrying out joint works or undertakings such as schools, hospitals, dispensaries, first aid centres, libraries, roads, water supply arrangement etc. which may be beneficial to the residents of Zila Parishad area concerned;

(c) to (g)	*	*	*
	*	*	*."

7 The Committee recommends that in line 1 of Rule 11(1) for the word "SACHIV" the word "Sachiv" be substituted.

8 The Committee further recommends that in line 3 of Rule 11(1) (C) for the word "Insecticides", the word "Insecticides" be substituted.

9 The Committee also recommends that in line 2 of rule 11(3) (B) for the word "carryin", the word "carrying" be substituted.

Rule—19

"19. (1) "Any person who is a voter of Gram Panchayat, Panchayat Samiti or Zila Parishad, and every resident of the Sabha area, Panchayat Samiti area or Zila Parishad area, may after making an application in writing and with the permission of the Sarpanch Chairman or President, as the case may be, inspect the non-Judicial records of Gram Panchayat, Panchayat Samiti or Zila Parishad after, making a payment of Rs. 25,50 or 100 respectively on each occasion.

(2) to (6)	*	*	*
	*	*	*."

10 The Committee further recommends that in line 7 of Rule 19 (1) for the words "or", the word "of" be substituted.

Rule—21

"21 (1) (a) & (b)	*	*	*
	*	*	*

(c) all leases shall be by open auction after giving publicity as laid down in sub-rule (3) and shall be for a period not exceeding three years :

Provided that the possession of the property so leased out shall be delivered only after execution of lease deed duly between the parties. The lease deed shall be signed by Chairman and Executive Officer or President and Chief Executive Officer, as the case may be :

Provided further that if in any case the last bid is less than that at the next preceeding auction, the bid shall be accepted after approval of the name by the Zila Parishad in case of Panchayat Samiti and that of Director in case of Zila Parishad

(2) (a) A Panchayat Samiti or a Zila Parishad shall not ordinarily sell any property or public place belonging to vested in or managed by it, if it can be leased out or profitably maintained.

2 (b) a * *

* * *

(3) When any property or public place is to be sold or given on lease, the Panchayat Samiti or the Zila Parishad, as the case may be shall publicise an auction notice in atleast one regional language newspaper and by displaying the auction notice at conspicuous places in the Panchayat Samiti/Zila Parishad area and on the notice boards of offices of the Zila Parishad, Panchayat Samiti and in such other manner as may be considered useful by the Chairman or President, as the case may be.

(4) & (5) * * *

* 5 * , ,

1/ The Committee recommends that in Proviso second of Rule 21(1) (C) line 3, for the word "name" the word "same" be substituted.

1✓ The Committee further recommends that in line 2 of Rule 21 (2) (a) after the words "belonging to", the sign " , " be added.

1? The Committee also recommends that in line 2 & 3 of Rule 21 (3) after the words "may be", the sign ' , ' be added.