

**HARYANA VIDHAN SABHA**  
**REPORT**  
**OF**  
**THE COMMITTEE**  
**ON**  
**SUBORDINATE LEGISLATION**  
**TWENTY NINTH REPORT**  
**1997-98**

(Presented to the Haryana Vidhan Sabha on the 22nd January 1998)



**HARYANA VIDHAN SABHA SECRETARIAT CHANDIGARH**

**JANUARY 1998**

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## COMPOSITION OF THE COMMITTEE (1997 98)

### Chairman

- \* Shri Jagbir Singh Malik
- \* Shri Bijender Singh Kadyan

### Members

- \*\* Shri Khurshid Ahmed
- Shri Jagdish Nayar
- Shri Jaswinder Singh
- Shri Nafe Singh Rathee
- Shri Chander Mohan
- Shri Suraj Mal
- Advocate General

### Special Invitee

Shri Balbir Singh

### Secretariat

- 1 Shri Sumit Kumar Secretary
- 2 Shri Data Ram Deputy Secretary

The Committee was constituted vide Haryana Vidhan Sabha Secretariat Notification No HVS LA (Sub Leg) 1/1997 98/113 dated the 2nd April 1997

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- \* Shri Jagbir Singh Malik M L A resigned from the Chairmanship and the membership of the Committee with effect from 4th September 1997 and in his place Shri Bijender Singh Kadyan M L A a member of the Committee was nominated as Chairman of the Committee by the Speaker with effect from the 8th September 1997 vide notification No HVS LA (Sub Leg) 1/97 98/144 dated the 8th September 1997
  - \*\* Shri Khurshid Ahmed M L A was nominated by the Speaker as Special Invitee of the Committee w e f 25th April 1997 vide notification No HVS LA (Sub Leg) 1/1997 98/123 dated the 25th April 1997 and was also nominated by the Hon ble Speaker as a Member of the Committee w e f 8th September 1997 vide Notification No HVS LA (Sub Leg) 1/97 98/144 dated the 8th September 1997

## 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 Ninth Report to the House

2 The Committee consisting of eight Members (including the Advocate General) and a Special Invitee 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 1st April 1997 and was notified in the official gazette vide notification No HVS LA (Sub Leg) 1/1997 98/113 dated the 2nd April 1997

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 also place on record their high appreciation for whole hearted co-operation and assistance given by the Secretary Deputy Secretary Deputy Superintendent and staff of the Legislation Branch

Chandigarh

The 15th January 1998

BIJENDER SINGH KADYAN

CHAIRMAN

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## REPORT

1 The Committee on Subordinate Legislation for the year 1997-98 consisting of eight members including the Chairman, the Advocate General and a Special Invitee 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 1st April 1997 and was notified in the official Gazette vide Notification No. HVS LA (Sub Leg) 1/1997-98/113 dated the 2nd April 1997.

2 Shri Jagbir Singh Malik who was initially appointed as the Chairman of the Committee by the Speaker resigned from the Chairmanship and membership of the Committee w.e.f. 4th September 1997 and in his place Shri Bijender Singh Kadyan M.L.A. a member of the Committee was nominated by the Speaker as Chairman of the Committee w.e.f. 8th September 1997 vide Notification No. HVS LA (Sub Leg) 1/1997-98/144 dated the 8th September 1997.

3 The Committee held 43 sittings till the presentation of this Report.

4 The Committee scrutinised the following Rules:

- (i) Punjab Stamp Refund, Renewal and Disposal Rules 1934 framed under the Indian Stamp Act, 1899.
- (ii) The Haryana Ceiling on Land Holdings Rules 1973 and the Haryana Utilisation of Surplus and other Areas Scheme 1976 framed under the Haryana Ceiling on Land Holdings Act, 1972.
- (iii) The Haryana Kisan Pass Book Rules 1996 framed under the Haryana Kisan Pass Book Act, 1994.
- (iv) The Haryana Relief of Agricultural Indebtedness Rules 1989 framed under the Haryana Relief of Agricultural Indebtedness Act, 1989 and
- (v) Rules for Sale of Surplus Rural Properties.

The Committee also examined the Commissioners and Secretaries to Government of 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 by laws etc the Committee shall in particular consider —

- (i) whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made
- (ii) whether it contains matters which in the opinion of the Committee should more properly be dealt within an Act of the Legislature
- (iii) whether it contains imposition of any tax
- (iv) whether it directly or indirectly bars the jurisdiction of the courts
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power,
- (vi) whether it involves expenditure from the Consolidated Fund of the State or the Public Revenues
- (vii) whether it appears to make some unusual or unexpected use of the powers conferred by the constitution or the Act pursuant to which it is made
- (viii) whether there appears to have been unjustifiable delay in the publication or laying it before Legislature and
- (ix) whether for any reason its form or purport calls for any elucidation

Rule 251 lays down as follows —

1 If the Committee is of opinion that any order should be annulled wholly or in part or should be amended in any respect it shall report that opinion and the grounds thereof to the House

2 If the Committee is of opinion that any other matter relating to any order should be brought to the notice of the House it may report that opinion and matter to the House

In short the functions of the Committee are to see if the rules framed by the Executive are within the scope of the delegation made under the Act and do not go beyond the scope of such delegation If the Committee finds that any rule is beyond the scope of the powers delegated under the Act by the Legislature the Committee can recommend that the rule be suitably amended or omitted

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

The Committee is competent to send for persons papers or records if such a course is considered necessary for the discharge of its duties In this connection



attention is invited to rule 248 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which reads as under —

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

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

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

(2) The 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, Bye laws etc. are given below —

1 The Committee would scrutinise only such rules as have already been framed and published in the Gazette and not the draft rules

2 The Committee should see that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months. If the rules are not framed within six months the Committee may ask the Department about the 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 those 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 case 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
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## GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

### 1 Delay in framing the Rules

The Committee reiterates the recommendations made in its previous twenty Eight 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 note 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 cyclostyled 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 etc are upto 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 Members The Committee reiterates its earlier recommendation and recommends that all the Acts and Rules be translated into Hindi and made available to the legislators in particular and the public in general so that every body may be able to know the law of the land

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

The Committee has observed that a majority of the Acts contain provisions requiring the Government merely to publish the Rules framed thereunder in the Official Gazette There is no provision for laying 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	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.

alongwith 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

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## NINETEENTH REPORT 1987 88

### AGRICULTURE DEPARTMENT

The Haryana Cold Storage (Licencing and Regulation) Order 1979 framed under the Essential Commodities Act 1955

A copy of the Nineteenth Report of the Committee on Subordinate Legislation of Haryana Vidhan Sabha which was presented to the House on 30th March 1988 was sent to the Agriculture Department on 12th April 1988 with the request to intimate the action taken by the Government in implementation of observations/recommendations made by the Committee concerning the Haryana Cold Storage (Licencing and Regulation) Order 1979 framed under the Essential Commodities Act, 1955

The Committee in its earlier reports recommended to the Government to look into the matter and fix the responsibility for taking unreasonably long time and not implementing the recommendations of the Committee. The Committee in its Twenty Eighth Report expresses its displeasure for not implementing the recommendations/observations made in its 19th Report. The Committee in its meeting held on 27th February 1997 at the time of oral examination of the Agriculture Department agreed to give three months more time to the Department for implementing the recommendations.

The present Committee in its meeting held on 14th January 1998 again orally examined the Agriculture Department for not implementing the recommendations of the Committee.

The Agriculture Department further requested to give some more time reason being that the matter is pending between the Agriculture Department and the Government of India as the Essential Commodities Act, 1955 is an Central Act.

The Committee taking a lenient view agreed with the Departmental representatives and give another three months time to the Agriculture Department for implementing the recommendations.

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## TWENTY SEVENTH REPORT 1995 96

### TRANSPORT DEPARTMENT

The Haryana Motor Vehicles Rules 1993 framed under the Motor Vehicles Act 1988 (Central Act 59 of 1988)

A copy of the twenty seventh report of the Committee on Subordinate Legislation for the year 1995 96 was forwarded to the Transport Department on 22nd March 1996 with the request to intimate the action taken in implementation of recommendations/observations made by the Committee in respect of the Haryana

Motor Vehicles Rules 1993 framed under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) within two months. But the department failed to implement the said recommendations/observations. The Committee in its meeting held on 27th February 1997 orally examined the representatives of the Transport Department. The department apologised for not implementing the recommendation within the stipulated time and request the Committee to give another three months time for implementing the recommendations. The Committee agreed to give another three months time to the department.

The Committee also recommends that the Transport Department should finalise the matter and amend the Haryana Motor Vehicles Rules 1993 framed under the Motor Vehicles Act, 1988 suitably without any further delay and publish the same in the Haryana Government Gazette at an early date and the Committee be informed accordingly.

The Haryana Vidhan Sabha Secretariat during the year 1996-97 and 1997-98 issued many reminders to the Transport Department for implementing the recommendations of the Committee but the Transport Department failed to reply back.

The present Committee in its meeting held on 14th January 1998 again orally examined the Transport Department for not implementing the recommendations of the Committee. The Transport Department apologised in this behalf and requested the Committee to give them another three months more time. The Committee expressing its displeasure give another three months time to the Transport Department.

## **TWENTY EIGHTH REPORT 1996-97**

### **HOUSING DEPARTMENT**

The Housing Board Haryana (Disposal of Property Betterment Charges Eviction Assessment of Damages and Manner of Appeal) Rules 1975 framed under the Haryana Housing Board Act 1971.

A copy of the twenty eighth report of the Committee on Subordinate Legislation for the year 1996-97 was forwarded to the Housing Department on 15th May 1997 with the request to intimate the action taken in implementation of recommendations/observations made by the committee in respect of the Housing Board, Haryana (Disposal of Property Betterment Charges Eviction Assessment of Damages and Manner of Appeal) Rules 1975 framed under the Haryana Housing Board Act 1971 within two months.

The Haryana Vidhan Sabha Secretariat issued many reminders to the department in this respect but the department failed to implement the recommendations of the Committee.



*F* The present Committee in its meeting held on 14th January <sup>1998</sup> 1988 orally examined the representatives of the Housing Department for not implementing the recommendations of the Committee. The department agreed to implement the recommendations by the end of February 1988 <sup>1998</sup>

The Committee taking a lenient view in the matter agreed to give time by the end of February 1998 to the Housing Department for implementing the recommendations of the Committee

## **TWENTY EIGHTH REPORT 1996 97**

### **SOCIAL WELFARE DEPARTMENT**

The Haryana Juvenile Justice Rules 1988 framed under the Juvenile Justice Act, 1986 (Central Act No 53 of 1986)

A copy of the twenty eighth report of the Committee on Subordinate Legislation for the year 1996 97 was forwarded to the Social Welfare Department on 15th May 1997 with the request to intimate the action taken in implementation of recommendations/observations made by the Committee in respect of the Haryana Juvenile Justice Rules 1988 framed under the Juvenile Justice Act 1996 within two months

The Haryana Vidhan Sabha Secretariat issued many reminders to the department in this respect but the department failed to implement the recommendations of the Committee

The present Committee in its meeting held on 14th January 1998 orally examined the representatives of the Social Welfare Department for not implementing the recommendations of the Committee. The department agreed to implement the recommendations within one month

The Committee agreed to give another one month's time to the Social Welfare Department for implementing the recommendations of the Committee

*Revenue*

**SCRUTINY OF THE PUNJAB STAMP REFUND, RENEWAL AND DISPOSAL RULES, 1934 FRAMED UNDER THE INDIAN STAMP ACT, 1899**

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**Rule 4A**

4 A If the value of such stamps to be written off exceeds Rs 500 but does not exceed Rs 1 000 the Commissioner shall forward the case with his opinion to the Financial Commissioner who shall if he is satisfied that the explanation is adequate pass orders for the writing off the value of such stamps up to a limit of Rs 1 000 in each individual case and the Assistant Secretary to the Financial Commissioners shall personally destroy the stamps

**The Committee recommends that in line 6 of rule 4 A for the words "Assistant Secretary" the words "Under Secretary" may be substituted**

**Rule 10**

10 Orders conveying sanction to the writing off of losses under these rules shall be communicated to the Accountant General Punjab as follows

- (a) if the order is issued by the Financial Commissioners by the Assistant Secretary to Financial Commissioners
- (b) if the order is issued by the State Government, under the endorsement of the Assistant Secretary to Government Punjab in the Revenue Department or the Deputy Secretary to Government, according as the order is issued by the State Government in the Administrative or the Financial Department

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

The Committee further recommends that the word Assistant Secretary appearing in rule 10 (a) and (b) the words Under Secretary be substituted

**Rule 15**

15 The application shall be entered in the register in Form No S R 1 The clerk concerned shall examine the application and if he finds that it is incomplete or the stamps for which a refund is claimed or which are required to be renewed are not enclosed with it it shall be returned to the applicant after obtaining the orders of the Collector through the Office Superintended with the objection recorded on it

If the papers are complete he shall examine them with reference to the following requirements

Spoiled impressed stamps	Section 49 of the Stamp Act.
Printed forms	Section 51 of the Stamp Act.
Misused stamps	Section 52 of the Stamp Act.
Stamps not required for use	Section 54 of the Stamp Act.
Stamped Debentures	Section 55 of the Stamp Act.
Court fees stamps	<sup>1</sup> Punjab Government notification No 4986 E&S dated the 1 <sup>st</sup> August, 1934

and to the further requirements specified in paragraph <sup>2</sup>[20 12] of the Book of Financial Powers

The following instructions embody the provisions of section 54 of the Stamp Act, and are the rules of the State Government under section 49 of the Stamp Act. They are to be read with the particular requirements of the authorities above quoted. The clerk concerned shall see that—

- (i) the application is within time and in the proper form,
- (ii) the stamps are genuine
- (iii) the stamps bear the endorsement of the stamp vendor in the name of the applicant or the person on whose behalf the authorised agent claims refund or renewal. But when the applicant claims to be the heir or successor of the deceased in whose name stamp was originally endorsed the applicant shall produce a certificate of succession or proof of succession
- (iv) no marks of cancellation have been erased
- (v) in the case of every stamp tendered as not required for use under section 54 of the Stamp Act, and in other cases if the value of the stamps tendered for refund or renewal is Rs 100 or above the actual purchase of the stamps is verified from the register of
  - (a) the stamp vendor concerned through the exercise inspector or sub inspector in charge of the district or
  - (b) ex officio stamp vendor as the case may be

If under the rules the competent authority to sanction the refund or renewal is the Collector the clerk concerned shall after carefully examining the ground of the application record a note whether he considers the claim to be admissible and if so he shall submit the case along with the register in form SR 1 after completing columns 1 11. He shall also prepare and submit with the case—refund—state renewal

ment in form S R 2 and enter (both in words and figures) the amount of the refund after deducting one anna in the rupee where this is necessary or of the fresh stamps admissible. The deductions must be calculated on each stamp for which the allowance is claimed not on the aggregate value of the stamps presented for refund at any one time. Thus the deduction to be made in regard to four stamps of the value of eight annas each (or total of two rupees) would be four annas (one anna on each) and not two annas only. Where however two or more impressed sheets or labels are used to denote the stamp duty on a single instrument, they should, for the purpose of calculating the deduction be treated as a single stamp.

If the competent authority to sanction the refund or renewal is the Commissioner or the Chief Controlling Revenue authority the procedure laid down in rule 22 shall be followed.

The Committee recommends that for the denomination of Anna occurring in these rules the words Ten Paise be substituted.

### Rule 17

17 The Collector shall satisfy himself that the claim is admissible. He may require the applicant to make an oral deposition on oath or affirmation or to file an affidavit setting forth the circumstances under which the claim has arisen and may also if he deems fit, call for evidence in support of such deposition or affidavit.

If he is satisfied that the claim is in order in all respects he shall check the register and the refund statement with the relevant stamps and see that the amount of refund to be granted is correctly entered both in the register and the fresh stamps issued statement in such a way that no gap is left to enable the amount to be altered.

He shall then tear off the right hand top corner of each stamp punch the head of the figure and record on it the following with a large rubber stamp

“Cancelled

Refund sanctioned on \_\_\_\_\_  
Renewal

\_\_\_\_\_  
Signature of the Collector  
District

(It is essential that each stamp where there are more than one shall be torn punched and stamped individually in the above manner.)

He will then sign the Refund statement and fill up columns 16 and 17 of the register and then return the case to the Superintendent.

*Note* Pending their destruction under rule 26 the cancelled stamps shall be kept securely locked in the custody of the Refund Clerk.

The Committee recommends that in line 3 of this rule for the words "file an" the words "file an" be substituted

The Committee further recommends that in the same line, for the word "affidavit" the word "affidavit" be substituted

#### Rule 19

19 If the Collector decides that the ~~refund~~  
renewal is not admissible he shall record his reasons for refusal stamp all the stamps as ~~Refund~~  
Renewal refused, and then return the papers to the office Superintendent The latter shall return the application with stamps to the applicant in the manner laid down in rule 18 above

If the Collector calls for further evidence in support of the application a memo shall be issued to the applicant giving full particulars of the documents required to be furnished

The Committee recommends that in line 4 of this rule, for the word "return" word "return", be substituted

#### Rule 21

21 (i) The procedure as regards applications and grant of refund and renewal in respect of stamps issued for retail sale to an authorised vendor which have not been sold by him and are taken back from him or his heirs shall be the same as for stamps received back from the public except that, if the stamps received are in good condition and fit for re issue they shall not be cancelled or destroyed but sent to the Treasury Officer with a memo in duplicate in form S R 5

(ii) The number and value of the stamps received shall be compared by the Treasury Officer with the memo submitted and if they are correct and the stamps are serviceable and fit for re issue they shall be deposited immediately in the main store under double lock necessary entries being made in the double lock registers. The Treasury Officer shall then sign the certificate on the memo and return one copy thereof to the Collector the second copy being retained for record in the treasury. Necessary adjustments shall also be made by the Treasury Officer in the plus and minus memorandum submitted monthly to the Accountant General and the Assistant Secretary to the Financial Commissioners

(iii) On receipt of the aforesaid certificate from the Treasury Officer the clerk concerned shall prepare the ~~refund~~  
renewal voucher in form ~~S R 3~~  
S R 4 and submit it, with the case through the Office Superintendent to the Collector for his signature

(iv) Before signing the ~~refund~~ <sup>renewal</sup> voucher the Collector shall personally satisfy himself that the stamps have actually been sent to the Treasury Officer and that the latter's acknowledgement therefore has been duly obtained in the prescribed form No S R 5. He shall also particularly see that in the case of refunds the deduction of one anna in the rupee or any discount allowed to the stamp vendor has been made as required shall personally satisfy himself that the stamps have actually been sent by paragraph 1[20 12] of the Book of Financial Powers. The Collector shall then sign the voucher and return it to the Office Superintendent for further action in accordance with rule 13.

**The Committee recommends that line 8 of Rule 21 (iv) "shall personally satisfy himself that the stamps have actually" be deleted being superfluous**

**The Committee further recommends that word "anna" appearing in this rule be deleted**

*20/11/2016*

**SCRUTINY OF THE HARYANA KISAN PASS BOOK RULES, 1946  
FRAMED UNDER THE HARYANA KISHAN PASS BOOK  
ACT, 1994**

**Rule 2**

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

(11) Circle Revenue Officer means a revenue officer of the rank of Tahsildar or a Naib Tahsildar incharge of a revenue circle

- (11) to (vi)       \*           \*           \*           \*
- \*           \*           \*           \*

The Committee recommend that the words Tehsildar Naib Tehsildar and Tehsil occurring in sub rule (11) may be substituted by the words Tehsildar Naib Tehsildar and Tehsil respectively

**Rule 3**

(1) to (5)

- \*           \*           \*           \*
- \*           \*           \*           \*

(6) In the case of minor separate Kisan Pass Book shall be issued in respect of land owned by him The Kisan Pass Book so issued will carry the detailed particulars of the minor but will be operated for all purposes by the natural or legal guardian as the case may be The Kisan Pass Book in such a case will carry the signature and photographs of the guardian

(7) Whenever the land is owned by the Government body corporate or other juristic person a Kisan Pass Book shall be operated by the Chief Executive Officer or any other officer authorised to operate the Pass Book by the Government body corporate or the juristic person as the case may be There will be no need to affix any photograph on such Kisan Pass Books

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

The Committee also recommend that in sub rule (6) of Rule 3 in line 3, the word "operated", the word "operated" be substituted

The Committee further recommend that in line 1 of sub rule 7 of Rule 3 for the words "body corporate", the words "corporate body" be substituted

The Committee also recommend that in line 4 of sub rule 7 of Rule 3 for the word "off cer", the word "officer", be substituted

#### Rule 4

entents of  
Kisan Pass  
Book  
Section 5  
4 (1) Each Kisan Pass Book shall contain the following details about Kisan  
his holding extent of interest of the Kisan and other particulars mentioned hereinafter

(2) & (3) \* \* \* \*

(4) All concerned Kisan shall be required to present the Kisan Book at the time of attestation of mutation before the Circle Revenue Officer. The Circle Revenue Officer after satisfying himself about the correctness of the changes if any on the basis of mutation proceedings and other relevant evidence shall make an entry with respect to such change in the Kisan Pass Book in Part IV of the Kisan Pass Book. A brief corresponding reference entry shall be made by the Circle Revenue Officer in the remarks column of Part I of Kisan Pass Book. At the time of preparation of new Jamabandi all concerned shall duly consult and give effect to the entries so made in the remarks column of Part I and Part IV of the Kisan Pass Book and subsequently amend the relevant entries of the Kisan Pass Book accordingly.

(5) It will be obligatory on the part of the Kisan to get the Kisan Pass Book updated after the expiry of the validity date mentioned on the identity page of the Kisan Pass Book. In the event of failure on the part of the Kisan to get the Kisan Pass Book up dated the Kisan pass Book shall not be entertained as legal document for any fresh transaction.

Provided that all entries made in the Kisan Pass Book and appearing therein shall have same evidentiary value as admissible during the validity period for all other purposes.

Provided further that if the Circle Revenue Officer is satisfied that there is likely to be delay in the preparation of the new Jamabandi then the Circle Revenue Officer may extend the date of validity to the extent of anticipated delay.

Soon after the consignment of the next Jamabandi of the revenue estate in the Sadar Office but not later than 30th April the Kisan shall hand over the Kisan Pass Book to the Patwari for up dating the entries according to the new Jamabandi. The Patwari shall issue a receipt to the Kisan at the time of receipt of the Kisan Pass Book for updating in Form 3 appended to these rules.

The Committee recommend that in the margin of Rule 4, the word 'entents', the word 'contents' be substituted.

The Committee further recommend that in line 1 of sub rule 4 of this Rule, the word "Pass" be added after the word "Kisan".

The Committee also recommend that in line 8 of the above sub rule (4) of rule 4 for the word 'tim', the word 'time' be substituted.



The Committee also recommend that in line 1 of first proviso of sub rule 5 of Rule 4, the word 'he' be substituted by the word 'the'

The Committee further recommend that in the last line of second proviso of sub rule 5 of Rule 4, after the words "these rules," the following word "return the same to the Kisan within one month", be added

#### Rule 7

7 No Circle Revenue Officer shall make any alteration in the revenue record as a consequence of any transfer of land or any interest therein except on production of the Kisan Pass Book pertaining to the particulars to the change and only on the production of the Kisan Pass Book before him he may made the necessary change in the revenue record and while doing so he shall incorporate the particulars of the change so made by him in Part IV of Form 1 of the Kisan Pass Book

Providing that a new Kisan Pass Book shall be issued in favour of a person who comes within the ambit of the term Kisan for the first time as provided under rule 3

The Committee recommend that in line 5 of Rule 7, for the word 'made', the word 'make' be substituted

#### Rule 8

8 (1) It shall be obligatory for the Kisan to produce the Kisan Pass Book when he seeks financial assistance from any financial institution as defined in clause (d) of section 2 of the Act

Provided that production of the Kisan Pass Book will not be necessary for the advancement of crop loans by the Cooperative societies if no charge is being created on the land

(2) A financial institution while granting financial assistance to a Kisan shall made entries regarding the factum of the grant of financial assistance and the extent of the charge created on the land of the Kisan in Part V of Form 1 of the Kisan Pass Book. The relevant entries shall be duly authenticated by the officer of the financial institution competent to grant such financial assistance. The financial institution will also send information about the grant of financial assistance to the Circle Revenue Officer for making an entry in the relevant record. The Circle Revenue Officer after making the requisite entries shall sent confirmation to the concerned financial institution within one month of the receipt of information from the financial institution about the entries having been made

(3) In the interested of the security of the financial assistance grant by a financial institution it shall be open to the concerned financial institution to get a formal application from a Kisan and get all other prerequisite formalities completed before sanctioning the financial assistance

Provided that the requirement of submission of copies of revenue record shall be dispensed with

(4) The Holder of the Kisan Pass Book shall be debarred from alienating the holding on which a charge has been created in accordance with sub section (2) of section 9 of the Act, until the outstanding amount of the financial assistance together with interest due thereon has been repaid to the satisfaction of the concerned financial institution. Alienation for the purpose of this provision shall mean conveyance of property through a transaction by which property is given or actual transfer of title to another person absolutely. The holder of the Kisan Pass Book shall however continue to remain eligible for further financial assistance which may lead to creation of more than one charge of interest in respect of the property detailed in the Kisan Pass Book.

(5) Any change on any land or interest therein created by a Kisan in favour of any financial institution before the commencement of this Act shall not act as a bar to creation of a subsequent charge on such land or interest therein after the commencement of this Act. The financial institution after sanctioning the first financial assistance after the issue of the Kisan Pass Book shall require the Kisan to submit an affidavit duly attested by an Executive Magistrate or Notary Public which shall contain the details of all previous loans. The deposition by the Kisan shall contain details of all previous loans taken by him from the financial institutions along with the amount of such loans charges created on the land and all other relevant details.

**The Committee recommend that the line 6 of sub rule 4 of Rule 8, 'to the satisfaction of the concerned financial institution' be deleted, and the sign" ' be added after the word 'repaid'**

**The Committee further recommend that in line 3 of sub rule 5 of Rule 8, for the word 'of', the word 'on' be substituted**

### **Rule 11**

11 (1) Before filing the complaint against a Kisan the competent court the revenue officer will carefully examine the facts of the case and satisfy himself that a prima facie case is made out against the Kisan

(2) it shall be obligatory for the financial institution to inform the revenue officer about any tampering in the Kisan Pass Book if it comes to notice

**The Committee recommend that in line 1 of sub rule (1) of Rule 11, for the word 'complaint', the word 'complaint' be substituted**

**The Committee further recommend that in line 3 of sub rule (1) of Rule 11, for the word 'out', the word 'out' be substituted**

## SCRUTINY OF THE RULES FOR SALE OF SURPLUS RURAL PROPERTIES

The Committee scrutinise the Rules for sale of Surplus Properties but did not made any recommendations/observations in this respect

### SCRUTINY OF THE HARYANA RELIEF OF AGRICULTURAL INDEBTEDNESS RULES, 1989, FRAMED UNDER THE HARYANA RELIEF OF AGRICULTURAL INDEBTEDNESS ACT, 1989

The Committee scrutinise the Haryana Relief of Agricultural Indebtedness Rules 1989 framed under the Haryana Relief of Agricultural Indebtedness Act, 1989 but did not made any recommendations/observations in this respect

### SCRUTINY OF THE HARYANA CEILING ON LAND HOLDINGS RULES, 1973 FRAMED UNDER THE HARYANA CEILING ON LAND HOLDINGS ACT, 1972

The Committee scrutinise the Haryana Ceiling on Land Holdings Rules 1973 framed under the Haryana Ceiling on Land Holdings Act, 1972 but did not made any recommendations/observations in this respect

### SCRUTINY OF THE HARYANA UTILISATION OF SURPLUS AND OTHER AREAS SCHEME, 1976

#### Para 9 "Mode of payment.

The purchase price of the allotted land including the amount payable in respect of the building structure tubewell water course including its subsidiary works or crop thereon determined in accordance with the provisions of sub section (4) of Section 15 read with Section 16 of the Act together with interest at the rate of five per cent per annum shall be payable by the allottee in ten equated annual instalments. The first instalment shall be deposited by the allottee before the delivery of possession.

Provided that the allottee may at any time make payment of the purchase price or balance thereof together with interest if any, thereon in lump sum

10 Issue of Certificate and Delivery of Possession (1) Omitted vide 2nd amendment 1979

(2) The allottee shall be issued a certificate in Form U S 4 when he has made full payment of the purchase price together with interest, if any

(3) Every allottee shall be bound to take possession of the land allotted to him within a period of seven days of the date when the same is offered to him by the

allotment authority The allottee shall further be bound to deposit the first instalment of the purchase price of the land within thirty days from the date of taking possession of the allotted land If he fails to take possession of the allotted land or fails to deposit the first instalment within the specified period the allotment be cancelled

The Committee recommends that para 9 and 10 are absolutely contradictory as far as deposit of first instalment by the allottee is concerned As para 9 provides that the "first instalment shall be deposited by the allottee before the delivery of possession." On the other hand para 10 provides that every allottee shall be bound to take possession of the land allotted to him within a period of seven days of the date when the same is offered to him by the allotment authority The allottee shall further be bound to deposit the first instalment of the purchase price of the land within 30 days from the date of taking the possession of the land allotted Hence both the paras may be re drafted in the light of the above said recommendations