

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

**SUBORDINATE LEGISLATION
THIRTY SIXTH REPORT
2006-2007**

(Presented to the Haryana Vidhan Sabha on the ~~22~~²⁴ March 2007)



HARYANA VIDHAN SABHA SECRETARIAT CHANDIGARH

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- 1 The Punjab Land Revenue Rules framed under the Punjab Land Revenue Act 1887
- 2 The Punjab Animal Contagious Diseases Rules 1953 framed under the Punjab Livestock and Birds Diseases Act 1948

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COMPOSITION OF THE COMMITTEE
(2006-2007)
COMMITTEE ON SUBORDINATE LEGISLATION

Chairperson

- *1 Shri Nirmal Singh MLA
- **2 Shri Ramesh Chander Kaushik MLA

Members

Smt Anita Yadav MLA
Shri Jitender Singh Malik MLA
Shri Harsh Kumar MLA
Shri Dura Ram MLA
Shri Sahida Khan MLA
Shri Dinesh Kaushik MLA
Advocate General

Special Invitees

- ***1 Shri Sher Singh MLA
- ****2 Shri Radhey Shyam Sharma MLA
- ****3 Smt Shakuntla Bhagwaria MLA

Secretariat

Shri Sumit Kumar Secretary
Shri Data Ram Deputy Secretary

The Committee was constituted vide Haryana Vidhan Sabha Secretariat
Notification No HVS SLC 1/2006 07/45 dated 24th April 2006

Resignation from the Chairmanship and Membership of the Committee was accepted
by the Hon ble Speaker w e f 4th May 2006 vide notificarton No HVS SLC 1/2006
2007/56 dated the 5th May 2006

- ** Nominated as Member and Chairperson of the Committee vide notificarton No HVS
SLC 1/2006 2007/57 dated the 5th May 2006
- *** Nominated as Special Invitee of the Committee vide notificarton No HVS SLC-1/
2006-2007/74 dated the 18th July 2006
- ** Nominated as Special Invitee of the Committee vide notificarton No HVS SLC 1/
2006 2007/77 dated the 24th August 2006

INTRODUCTION

I the Chairperson of the Committee on Subordinate Legislation having been authorized by the Committee to present the report on their behalf present this Thirty Sixth Report to the House

2 The matters covered by this Report were finally considered by the Committee at their sitting held on 7th March 2007 and adopted this Report

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 places on record their high appreciation for whole hearted co operation and valuable assistance given by the Secretary Deputy Secretary and Staff of the Legislation Branch

Chandigarh
The 7th March 2007

RAMESH CHANDER KAUSHIK
CHAIRPERSON
Committee on Subordinate
Legislation

REPORT

1 The Committee on Subordinate Legislation for the year 2006 2007 was nominated by the Speaker Haryana Vidhan Sabha under rule 252 of Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 24th April 2006 and was notified in the official Gazette vide notification No HVS SLC 1/2006 07/45 dated the 24th April 2006

2 Shri Ramesh Chander Kaushik was appointed as the Chairperson of the Committee by the Speaker

3 The Committee held 50 sittings till the presentation of the report

4 Besides watching the implementation work relating to earlier reports the Committee scrutinized the following Rules —

- 1 The Punjab Land Revenue Rules framed under the Punjab Land Revenue Act 1887
- 2 The Punjab Animal Contagious Diseases Rules 1953 framed under the Punjab Livestock and Birds Diseases Act 1948

The Committee also orally examined the various Departments of the State Government and made its observations/recommendations on the relevant Rules under scrutiny

SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 251 259 and 260 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly Rule 251 enjoins upon the Committee to scrutinize and report to the House whether powers to make regulations rules sub rules bye-laws etc conferred by the Constitution or delegated by the legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker Further rule 259 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 it 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 260 lays down as follows —

1 If the Committee is of opinion that any Order/Rules/Bye law etc 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 in its Report

2 If the Committee is of the opinion that any other matter relating to any Order/Rules/Regulation 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/By laws etc. framed 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 257 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which reads as under —

257 (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 internal working rules wherein the detailed procedure has been laid down. Generally the Committee from time to time selects a set of rules framed under the various Acts for their scrutiny and examines 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.

However, the Chairperson of the Committee may, on a request being made to him, permit any other senior officer to represent the department before the Committee. After the rules/orders and the departmental representatives have been examined, the Committee prepares the report and presents it to the House. Copies of the report after its presentation to the House are forwarded to the concerned departments for taking further action on the observations/recommendations of the Committee. The action taken by the Departments is watched by the Committee from time to time. In case where any Department is not in a position to implement or feels any difficulty in giving effect to a recommendation made by the Committee, the Department is required to place its views before the Committee, which may, if it thinks fit, present further observations/recommendations to the House after considering the views of the Department in the matter.

Some of the Parliamentary conventions established in connection with the scrutiny of Rules Regulations Bye laws etc are given below —

- 1 The Committee would scrutinize only such rules which have been finally published in the Gazette and not the draft rules
- 2 The Department of the Govt would ensure 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 The Executive should ensure that no rule 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 cases where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation
- (iii) Before any adverse action is taken against a party it should be given a reasonable opportunity of being heard and after a decision adversely affecting a party has been taken it should have the right of appeal or representation as the case may be
- (iv) In order that the persons similarly placed are not treated differently the powers of exemption/relaxation should be exercisable in respect of categories or class of persons as contra distinguished from individuals
- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies pending institution or 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 intervals etc should be avoided
 - (xi) Generally Rules should not be made applicable from retrospective effect adversely affecting the rights of any class or category unless specifically permitted by the Act
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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 Thirty Fifth Report 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

The Committee further recommends that whenever an ordinance for amending the Act or bringing new legislation involving provisions for making the Rules is promulgated the rules should be prepared simultaneously so that there should not be wide gap between the Ordinance/Act and the Rules

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

2 Reference of Section under which Rules are framed

The Committee is of the view that giving of reference of the section in the margin of each rule under which the rule has been framed is essential 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

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 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 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 expeditiously

(ii) Footnote in the Act and Rules

It came to notice of the Committee that sometimes it is laid down in the Act and Rules that such Act and Rules shall come into force on such date as may be specified in the notification by the State Government. The Committee is of the view that in such circumstances that 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 Act and Rules in Hindi

The Committee recommends that sincere efforts be made to publish the Acts and Rules in Hindi also so that the copies of the Acts and Rules may be available in Hindi easily at reasonable price.

5 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.

6 Implementation of recommendations of the Committee

As per prevailing practice and convention the Departments are required to furnish from time to time statements of action taken or proposed to be taken by them on the recommendations/observations of the Committee made in its Reports. But no time limit is fixed now. With a view to ensuring speedy implementation of their recommendations the Departments should implement the recommendations expeditiously and not later than a period of one year. If in any particular case it had not been possible to adhere to this time limit they should ask for particular case it had not been possible to adhere to this time limit they should ask for extension of time from the Committee after explaining the difficulties in implementing the recommendations. Still the cases of delay continues to occur. The Committee can not but stress again that the Department should evolve suitable measures to streamline their procedure in order that the recommendations made by the Committee are implemented on top priority basis within a maximum period of one year.

The Committee 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.

7 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 by the Department and should get the Acts and the Rules printed/reprinted from the Government Press so that these may be made available for sale to the Public at reasonable price.

Further Observations/Recommendations made by the Committee in respect of non implementation of its earlier recommendations in respect of —

**1 THIRTY THIRD REPORT 2002 03
(HOUSING DEPARTMENT)**

The Punjab Industrial Housing Rules 1956 framed under the Punjab Industrial Housing Act, 1956

The Committee had scrutinized the Punjab Industrial Housing Rules 1956 framed under the Punjab Industrial Housing Act 1956 and made certain observations/recommendations as contained in its 33rd Report. As per advice of the Industries Department the said report was sent to the Labour and Employment Department on dated 7 4 2003 to implement the observations/recommendations of the Committee made therein within a period of two months. A reminder was also sent to the Department to expedite the action in the matter. However the Labour & Employment Department vide their letter dated 22 9 2003 informed the Vidhan Sabha Secretariat that the matter relates to the Housing Department and further correspondents in the matter may be made with the said Department.

In view of above communication a copy of the report was sent to the Housing Department on dated 28 10 2003 for implementation of observations/recommendations of the Committee made on the aforesaid Rules. A reminder was also sent on dated 3 12 2003 to expedite the action but no reply received.

At the time of oral examination of the Departmental representatives in the meeting held on 20 1 2004 it was assured by the Housing Department that necessary action will be taken in the matter on top priority basis and the Committee will be informed accordingly.

While sending the 34th Report to the Department the Committee hoped that the Department would take up the matter seriously and necessary amendments will be notified expeditiously and copies sent as per observations/recommendations of the Committee. On receipt of reminders the Department stated in their written reply dated 6 1 2006 as under —

That all the recommendations/observations of the Committee on Subordinate Legislation as spelt out in its 33rd and 34th Report have been compiled in the form of Draft Rules in consultation with the Labour Commissioner Haryana. The Draft Rules amending the Punjab Industrial Housing Rules 1956 have been sent to the Legal Remembrancer for vetting. After the approval of the Hon ble Chief Minister (being the Housing Minister) is obtained the Draft Rules will be published in the Official Gazette inviting objections/suggestions from the members of the public affected thereby within a mandatory period of 30 days from the day of its publication. It is only after

the consideration of the objections/suggestions and a decision taken thereon that the amendments in the ibid Rules of 1956 shall be formally notified

During the course of oral examination held on 9 1 2006 the Departmental Representatives also assured the Committee to implement the observations/recommendations as contained in its 33rd to 35th Report expeditiously

The Committee observed that the copy of the final notification will be supplied to the Committee at an early date after making amendments in the aforesaid Rules as per observations/recommendations of the Committee after following due procedure of Law

The Committee expected the Housing Department to be more efficient in such matters in future

35th Report was sent to the Department vide letter dated 3 4 2006 for implementation of recommendations at the earliest. Reminders were also sent to the Department but no reply received. Vide notice dated 17 1 2007 also the Department was requested to supply the reply in the matter by 24 1 2007 positively but the Department did not give any response. Ultimately the Oral examination of the Department representatives was held on 30 1 2007

During course of oral examination the departmental representatives informed the Committee that the L R has vetted the draft notification wherein all the recommendations have been incorporated in the draft and the copies of final notification will be sent to this Secretariat at an early date

The Committee expects that the Department would take up the matter on priority basis

2 THIRTY FOURTH REPORT 2003 04

(Urban Development Department)

(i) The Haryana Municipal Drainage and Sanitation Bye laws 1977 framed under the Haryana Municipal Act 1973

The Committee had scrutinised the above bye laws in the year 2003 04 and made the observations/recommendations as contained in its 34th Report which was sent to the Urban Development Department in March 2004 for implementation thereof within a period of four months. But no reply received from the Department.

Several reminders were sent by the Haryana Vidhan Sabha Secretariat. However, the Department informed vide their letter dated 24th November 2005 that the matter is under consideration.

During the course of oral examination held on 8th February 2006, the Departmental Representatives informed vide their letter dated 8.2.2006 that the draft proposal containing the observations/recommendations of the Committee as mentioned in 34th Report (2003 04) with regard to the Haryana Municipal Drainage and Sanitation Bye laws 1977 has already been prepared and publication of the same is under active consideration of the Government and is likely to be published in near future. The Departmental Representatives also assured the Committee that observations/recommendations of the Committee made on the above bye laws will be taken up seriously and the same will be implemented after following the due procedure of law latest by 31st March 2006.

The Committee expected the Urban Development Department to pursue and finalise the matter accordingly.

The above observations as contained in its 35th Report on 4th April 2006 for implementation at the earliest. Reminders were sent to the department on 19th October 2006 and 22nd December 2006 but the department did not reply. Ultimately the departmental representatives were requested to appear before the Committee for oral examination on 6th February 2007.

During the course of oral examination the Departmental representatives state that the department has accepted all the recommendations of the Committee in regard to aforesaid Bye laws and draft notification has been prepared which will be published in the Gazette after following the due procedure.

The attention of the departmental representatives was drawn towards the delay occurred in supply of reply particularly on the observations made on the Forms and Tables appended with the bye laws.

The departmental representatives assured the Committee to look into the matter. So far as enhancing the penalty for violations of the provisions in the bye laws is concerned, the departmental representatives assured the Committee to examine the matter and suggest the amendment to achieve the objective of the Act.

The Committee expects that the Department would take up the matter on priority basis and after finalisation the notification implementing the observations/recommendations made by the Committee may be sent at an early date.

(REVENUE DEPARTMENT)**(ii) The Haryana Public Premises and Land (Eviction and Rent Recovery) Rules 1973 framed under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972**

The Committee had scrutinised the aforesaid Rules and made certain observations/recommendations thereon as contained in its 34th Report which was sent to the Revenue Department in March 2004 for implementation of the observations/recommendations within a period of four months. But no reply was received from the Department. A reminder was sent to the Department on 26th August 2004. However, an interim reply received in the Haryana Vidhan Sabha Secretariat on 19th November 2004 wherein it was intimated that the Comments of the Commissioners/Deputy Commissioners have been sought in the matter. Further action will be intimated on receipt of comments. On receipt of reminder dated 1st September 2005 the Department again sent the similar interim reply on 13th September 2005. After that no reply received from the Department in the matter.

However, the Departmental Representative who appeared before the Committee in its meeting held on 14th February 2006 in view of the Communication received from the Financial Commissioner and Principal Secretary to Government Haryana Revenue Department informed the Committee that the observations/recommendations of the Committee made on the Haryana Public Premises and Land (Eviction and Rent Recovery) Rules 1973 as contained in the 34th Report are under active consideration of the Government as the same has been submitted to the Chief Minister for approval and further necessary action in the matter will be taken up expeditiously. The Department agrees with the recommendations of the Committee in principle and the requisite reply/notification after amending the aforesaid Rules will be sent to the Committee shortly.

In view of the reasons stated above, the Committee expected the Revenue Department to implement the observations/recommendations of the Committee at an early date.

The above observations as contained in its 35th Report was sent to the department on 4th April 2006 for implementation. The Department sent an interim reply vide letter dated 24th May 2006 which was placed before the Committee in its meeting held on 6th June 2006. Further communications were also received from the department from time to time. The department was requested vide letter dated 22nd December 2006 to implement the observations/recommendations of the Committee at an early date. The departmental representatives were requested to appear before the Committee for oral examination in its meeting held on 7th March 2007.

During the course of oral examination held on 7th March 2007 the departmental representatives informed the Committee that after obtaining the comments from the field offices they will have to reconsider the procedure of notice under rule 4 as per observations/recommendations of the Committee made in its

34th Report So far as remaining observations/recommendations on other Rules are concerned these are being implemented expeditiously

The Committee expects that all the observations/recommendations of the Committee made on the afore said Rules as contained in its 34th Report which were accepted in principle before the previous Committee may be implemented soon

3 THIRTY FIFTH REPORT 2005-06

(Urban Development Department)

(i) The Haryana Municipal (Sanitation and Public Health) Bye laws, 1976 framed under the Haryana Municipal Act, 1973

The Committee had scrutinised the above Bye laws and made the following observations/recommendations thereon —

General —The observations/recommendations made by the Committee in its meetings held on 27-4 2005 2 5 2005 12 5 2005 19 5 2005 26 5 2005 and 3 6 2005 were sent by the Haryana Vidhan Sabha Secretariat to the Urban Development Department vide letter dated 5th July 2005 But the reply to the observations/recommendations made by the Committee in its several meetings and sent to the Department on 5th July 2005 did not receive The Departmental representatives during the course of oral examination were also requested to look into the matter and supply the requisite reply to the Committee expeditiously The proceedings of meeting dated 8 2 2006 were also sent to the Department vide letter dated 17 2-2006 to obtain the information/reply but despite the assurance given by the Departmental representatives no reply received A reminder was also sent on 27-2 2006 to obtain the requisite information but no reply received till the drafting and finalisation of this Report It shows that the Department did not take up the matter seriously

Rule—4

Providing Living accommodation for sweepers on premises in certain cases

4 (1) it shall not be lawful to erect a building in which ten or more latrines are required to be constructed without providing in the building suitable living accommodation for sweepers intended to be employed whole time for cleansing such latrines The Executive Officer or Secretary as the case may be shall determine the number and size of rooms to be provided for sweepers and upon completion of the building may determine the number of sweepers to be employed for each building and may require such number of sweepers to be employed

(2) This Bye law shall not apply to tenements designed for and intended to be let out on flat system and containing latrines with flush system

Observations of the Committee

The Committee would like to know whether the provisions of this Bye law are still applicable ?

Despite reminders the Department concerned did not reply Hence the Committee could not make any specific recommendation However the Committee expects that the Department would supply the information soon

Rule—5

5 Where any existing building such as hotel club hostel educational institution or hospital has ten or more latrines the Executive Officer or Secretary as the case may be may required the construction on the premises of suitable living accommodation for sweepers intended to be employed whole time in cleansing such latrines The Executive Officer or Secretary as the case may be may determine the number and size of rooms to be provided for such sweepers and upon completion of the new construction may determine the number of sweepers to be employed for such building and may require such number of sweepers to be employed

Executive Officer or Secretary may require living accommodation for sweeper in a building with ten or more latrines

Observations of the Committee

The Committee would like to know whether any provision in this Bye law may be made to inspect the building regularly to check cleanliness so that responsibility in case of default may be fixed

The Department concerned did not reply So the Committee could not make any specific recommendation on the above Bye law However the Committee hopes that the Department would supply the requisite information soon

Rule—6

6 The Executive Officer or Secretary or any other officer authorised by a Committee may at any time by day or by night after giving such notice of his intention as shall in the circumstances appear to him to be reasonable inspect any place in which any dangerous disease is reputed or suspected to exist to ascertain and derermine what measures should be taken to prevent the spread of the said disease beyond such place

Any place may be inspected at any time for purpose of preventing spread of dangerous disease

Observations/recommendations of the Committee

The Committee recommends that in line 5 of this Bye law for the word reputed substitute the word Reported to convey the correct sense

The Department concerned did not reply However the Committee feels that the above recommendation is necessary to be carried out to make the Bye law grammatically correct

Rule—7

Child liable to carry dangerous disease may be ordered not to attend school

7 A person having the care of a child who is or who has been suffering from or has been exposed to infection of a dangerous disease shall not after receiving a notice from the Municipal Medical Officer of Health that the child is not to be sent to school permit the child to attend school until he has obtained from the Medical Officer of Health a certificate for which no charge shall be made that in his opinion the child may attend school without undue risk of communicating the disease to others

Observations/recommendations of the Committee

The Committee would like to know whether the Government/ Department has any objection if in the second line of this Bye law for the words a dangerous the words an infectious or dangerous are added to make the Bye law more explicit

The Committee would also like to know the age of the child which is covered in the definition of child

The Department did not reply The Committee recommends that the observations/recommendations made above be implemented and the information sought by the Committee be sent at the earliest

Rule—8

Provisions as to library books

8 (1) A person who knows that he is suffering from a dangerous disease shall not take any book or cause any book to be taken for his use or use any book taken from any public or circulating library

(2) A person shall not permit any book which has been taken from a public or circulating library and is under his control to be used by any person whom he knows to be suffering from a dangerous disease

(3) If a book taken from a public or circulating library is to the knowledge of the person who has so taken it exposed to infection from a dangerous disease he shall not return the book to the library without giving notice to the person in charge thereof that it has been so exposed to infection

(4) On receiving a notice under clause (3) the person in charge of the library shall cause the book to be disinfected and returned to the library or shall cause it to be destroyed

Observations/recommendations of the Committee

The Committee would like to know as to whether before the words a dangerous disease" the words an infectious or' may be added to make this Bye law more clear

The Committee would also like to have the details of existing of public or circulating libraries in the Municipalities in the State of Haryana

The Committee would further like to know as to whether the provisions of this Bye law are invoked in practice?

The Department did not reply The Committee however recommends the observations/recommendations of the Committee made above be implemented and the requisite reply be sent to the Committee at an early date

Rule—9

9 Every person having the charge or control of any place where the body of a person who has died while suffering from a dangerous disease is lying, shall take such steps as may be reasonably practicable to prevent person coming unnecessarily into contact with proximity to the body

Avoidance of contact with body of person who suffered from dangerous disease

Observations/recommendations of the Committee

The Committee would like to know as to whether there are mortuaries in all the municipalities of the State?

The Committee recommends that in line three of this Bye law before the word dangerous add the words an infactions or to make the rule more clear

The Department did not reply The Committee however feels that the recommendation of the Committee made above be implemented and the reply asked for be supplied soon to the Committee

Rule—10

10 (1) The special measures to be taken and directions to be given by a Committee or Executive Officer under any of the provisions contained in sections 218 to 225 may include any of the following matters namely —

Special measures

- (a) the evacuation of any infected building used as a dwelling or of any part thereof by the person or persons residing whether habitually or temporarily thereon provided sufficient accommodation for all persons affected is available or is provided elsewhere
- (b) compulsory vaccination or preventive inoculation of persons entering residing in or leaving specified areas
- (c) the examination by a medical officer of health of persons and if necessary the disinfection of the clothing

bedding or other articles suspected of being infected belonging to persons either arriving from outside a specified area or residing in any building adjacent to any infected building in that area the recording of the address of such persons and the daily presentation of such persons for medical examination at a specified time and place for a period not exceeding ten days

- (d) the prohibition either generally or by special order in any individual case of assemblages consisting of any number of persons exceeding fifty in any place whether public or private or in any circumstances or for any purpose
- (e) the closure for a period to be specified of any theatre cinema house or other place of entertainment
- (f) the closure of an educational institution by a written notice to the authorities in charge of such institution for such period as is specified in the notice
- (g) restrictions on the export from or import into or transport within a specified area of any goods or articles exposed to and likely to retain infection from a dangerous disease or likely to infect persons with any such disease or the destruction of any such goods or the articles
- (h) the examination unloading and disinfection if necessary at any place within the municipal area of any consignment of grain or other foodstuffs cotton or clothing imported into the municipal area by road or rail
- (i) closure of all or any existing markets and bazars including cattle farms and appointment of special places where markets or bazars may be held

(2) The Committee or Executive Officer may in his direction give compensation to any person who sustains substantial loss by the destruction of any property under this Bye law but except as followed by the Committee or Executive Officer as the case may be no claim for compensation shall lie for any loss or damage caused by the exercise of the powers specified herein

Observations/recommendations of the Committee

The Committee would like to know as to how many cases of evacuation of infected buildings took place in the Municipalities in the State of Haryana during the period of last two years ?

The Committee would also like to know as to whether any case of refusal to allow inspection of building or place by the Committee or Executive Officer or authorised person took place in the Municipalities in the State of Haryana during the period of last two years ?

The Committee would further like to know as to whether any vaccination programme as a preventive measure from the infectious or dangerous disease was

implemented in the Municipalities in the State of Haryana during the period of last two years

The Committee would like to know as to whether the penalty for the violation of provisions of these Bye laws is sufficient ? If not what efforts/steps were made/taken by the Department in this regard ?

The Department did not reply The Committee however feels that the recommendations made above be implemented by the Department concerned and the information as asked for be supplied to the Committee soon

Rule—11

11 (1) No person shall without the written sanction of the Municipal Medical Officer of Health retain in any place other than a public mortuary for more than twelve hours the body of any person who has died while suffering from a dangerous disease

Disposal of dead bodies in certain cases

(2) If any such body not being a body kept in a public mortuary remains undisposed of for more than twelve hours without sanction as aforesaid or if the dead body of any person is retained in any building so as to endanger the health of the inmates thereof or of an adjoining or neighbouring building a Magistrate may on the application of the Executive Officer or Secretary order the body to be removed and disposed of within a specified time and on such order being made unless the relatives or friends of the deceased person undertake to dispose or do cause the body to be disposed of within the time specified in the order the Executive Officer or Secretary shall cause the body to be disposed of

(3) Any expenses reasonably incurred by the Executive Officer or Secretary in so doing shall be paid by any person legally liable to pay the expenses of the disposal of the body unless the Executive Officer or Secretary waives recovery on the grounds of poverty

Observations of the Committee

The Committee would like to know as to whether any other action besides disposal of dead body at the expenses of person legally liable can be taken against the concerned person ?

The Department did not reply The Committee however desires that the information be supplied to the Committee soon

Rule—12

12 Every owner or person having control of a place used for burying burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by an Officer

Registration of burial places etc

of a Committee as authorised by the Executive Officer or Secretary with this duty and shall deposit in the Municipal Office at the time of registration a plan of the said place showing the extent and boundaries thereof bearing the signatures of a licensed architect or engineer in token of its having been prepared by or under the supervision of such architect or engineer

Observation of the Committee

Whether any minimum area has been prescribed for the registration of a burial/cremation place owned by a owner or person having control of such places ?

The Department did not reply The Committee however desires that the information be supplied to the Committee soon

Rule—13

Provisions of new places for disposal of the dead

13 If the existing places for the disposal of dead bodies shall at any time appear to be insufficient or if any such place is closed under section 116 the Executive Officer or Secretary shall with the sanction of the Committee provide other fit and convenient places for the said purposes and shall cause the same to be registered in the register kept under Bye law 12 and shall deposit in the municipal office at the time of registration of each place so provided a plan thereof showing the extent and boundaries of the same and bearing the signatures of the Municipal Engineer

Observation/recommendation of the Committee

Whether any performa of Register is required to be prescribed for the registration of burial places ?

The Department did not reply The Committee feels that the Department should sent the comments soon to the Committee

Rule—14

Executive Officer or Secretary may sanction reopening of places which have been closed for disposal of dead bodies

14 If after personal inspection the Executive Officer or Secretary is at any time of the opinion that any place formerly used for the disposal of the dead bodies which has been closed under section 116 or under any other law or authority is by lapse of time or otherwise no longer dangerous to health and may without risk or danger be again used for the said purpose he may make a report in that behalf to the Committee which may direct that such place be reopened for the disposal of the dead Every order so made shall be noted in the register kept under Bye law 12

Observation/recommendation of the Committee

The Committee would like to know as to whether the Department has any objection in making a provision for displaying a notice on the conspicuous part of the building of Municipal

Committee regarding sanction/order for re opening of places which had been closed for disposal of dead bodies ?

The Department did not reply

The Committee recommends that the above observation/recommendation may be implemented by the Department soon under intimation to the Committee

Rule—15

15 No person shall—

- (a) retain a corpse on any premises without burning burying or otherwise lawfully disposing of the same for so long a time after death as to create a nuisance
- (b) carrying a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Executive Officer or Secretary may by public notice from time to time think fit to require
- (c) except when no other route is available carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Executive Officer or Secretary in this behalf
- (d) remove a corpse or part of a corpse which has been kept or used for purposes of dissection otherwise than in a closed receptacle or vehicle
- (e) whilst conveying a corpse or part of a corpse place or leave the same on or near any street without urgent necessity

Acts prohibited in connection with disposal of dead bodies

Observation/recommendation of the Committee

Will it not be desirable to make a stringent provision for the violation of the Bye law ?

The Department did not reply

The Committee feels that the observation/recommendation of the Committee may be implemented soon and the Committee be informed accordingly

Rule—16

16 (1) No person shall bury or cause to be buried the body of any person or being the owner or person incharge of a burial ground shall permit a body to be buried in a burial ground otherwise than in accordance with the following conditions —

Disposal of dead bodies

- (a) the body shall be interred within six hours after its arrival at the burial ground which may be extended to eight hours in special cases where delay is due to rockiness of the ground
- (b) the body shall not be buried in any grave in which another body has been interred during such previous period as may be determined by the Executive Officer or Secretary
- (c) the grave shall not be less than six feet deep if not constructed of masonry or four feet deep if constructed of masonry and the body shall be buried not less than two feet from any other body interred during the last ten years

(2) No person shall without the sanction of the Executive Officer or Secretary exhume a dead body or re open a grave

(3) No person shall burn the dead body of any person or cause a dead body to be burnt or being the owner or person in charge of a burning place permit a dead body to be burnt otherwise than in accordance with the following conditions namely —

- (a) the body shall be burnt within six hours after its arrival at the burning place
- (b) no part of the body shall remain unconsumed unless in any case the rules or custom of religion demand that the whole or a portion of corpse shall be thrown into the river
- (c) no part of the body except the ash this shall be removed from the burning place until it is completely reduced to ashes

(4) No person shall remove wood coal or other fuel that has been employed in the pyre from the burning ground and the owner or person in charge of the ground shall see that all such wood coal or other fuel is reduced to ashes

(5) Nothing in this Bye law shall apply to the Christian cemeteries regulated under order of the Central Government

Observations/recommendations of the Committee

The Committee recommends that for the word 'body' the words 'dead body' may be substituted wherever occurring in this Bye law

What is the normal period after which a dead body may be buried in a grave in which another dead body had been interred ?

The Department did not reply

The Committee recommends that the observations/ recommendations of the Committee be implemented soon and the requisite information may be supplied to the Committee accordingly

Rule—17

17 All house holders/tenants of commercial residential and other building shall place garbage cans outside their premises from which garbage may be collected by municipal health authority

Provision for
garbage cans

Observation of the Committee

The Committee would like to know as to whether this provision of placing the garbage cans outside the premises by the owners/ tenants is applied in practice ?

The Department did not supply the desired information

The Committee observes that the requisite information be supplied to the Committee soon

Rule—18

18 Any person who commits or abets the commission of a breach of any of these bye laws shall on conviction by a Magistrate be punishable with a fine which shall not be less than twenty five rupees and more than two hundred rupees and if the breach is continuing breach with a further fine of ten rupees for every day after the first during which the breach continues

Observation/recommendation of the Committee

The Committee observes that the penalty for the violation of provisions is at the lower side. The department should get the provisions of the Act amended to enhance the penalty for the violation of the Rules/Bye laws

The Department did not supply the desired information

The Committee recommends that the recommendation of the Committee be implemented soon and the Committee be informed accordingly

The above observations/recommendations of the Committee as contained in its 35th Report were sent to the Department vide letter dated 5th April 2006 for taking further necessary action at the earliest. Reminders were also sent on 19th October 2006 and 22nd December 2006 but no reply received. Ultimately the departmental representatives were requested to appear before the Committee for oral examination on 6th February 2007

The department informed vide their letter dated 5th February 2007 that the matter is still under consideration of the Government

During the course of oral examination held on 6th February 2007 the departmental representatives explained their administrative difficulties for the delay in supply of reply. However, the departmental representatives assured the Committee that best efforts will be made to supply the reply in the matter within a period of 10 to 15 days and communication of the Committee will be taken up in future on priority basis.

The Committee expects the department to take up and finalise the matter expeditiously and informed the Committee accordingly without further loss of time.

HEALTH DEPARTMENT

(ii) The Punjab Ayurvedic and Unani Practitioner s (General) Rules 1964 framed under the Punjab Ayurvedic and Unani Practitioner's Act 1963

The Committee had scrutinised the Punjab Ayurvedic and Unani Practitioner s (General) Rules 1964 framed under the Punjab Ayurvedic and Unani Practitioner's Act 1963 and made observations/recommendations on rules 2 to 6 9 to 13 17 19 22 to 24 and 27 besides general observations as contained in its 35th Report which was sent to the department on 5th April 2006. A reminder was sent to the department on 19th October 2006. The department sent its interim reply on 27th October 2006 which was placed before the Committee in its meeting held on 8th November 2006. Again an interim reply was also received in this Secretariat on 9th November 2006 wherein it has informed that the decision taken by the Ayurvedic and Unani Practitioner s Board on the observations/recommendations of the Committee regarding above Rules will be communicated soon. In response to the department letter dated 9th November 2006 a letter was sent by this Secretariat on 22nd December 2006 for the implementation of recommendations/observations of the Committee at the earliest. An interim reply was received from the Department vide letter dated 3rd January 2007 intimating that the decision of the Ayurvedic and Unani Practitioner s Board is under consideration of the Government. Ultimately the Departmental Representatives were requested to appear before the Committee in its meeting on 20th February 2007 for oral examination.

During the course of oral examination of the departmental representatives explained that latest position in the matter stating that the observations/recommendations of the Committee have been approved by the Board and are yet to be vetted by the Law Department and thereafter the amendment in the Rules will be notified after the approval of the Government at an early date.

After discussion with the departmental representatives the Committee is satisfied to drop the General recommendations made in para 1 regarding nomination of Chairman/Vice Chairman/Members of the Board possessing qualification as specified in Schedule 1 of the Punjab Ayurvedic and Unani practitioner s Act 1963. So far as observations regarding present infrastructure made in para 2 of the General observations/recommendations is concerned the Committee observes that the matter relates to the internal working of the Board therefore the Board/Department may take appropriate steps in this regard to suit the circumstances.

The attention of the departmental representatives was drawn towards the General Observations made in para 3 regarding practising unqualified medical practitioners in the State. The departmental representatives stated that the directions/instructions have been issued to the Deputy Director Ayurvedic Registrar and District Ayurvedic Officers to check such practitioners from time to time and take action accordingly. The Committee was assured that the concerned officers would be asked to check such practitioners from time to time and send a monthly report accordingly.

The department representatives also informed the Committee that observations/recommendations of the Committee as made in para 4 of the General observation regarding increase of registration fee from Rs 150/ to Rs 2500/ has been enhanced as desired by the Committee

- So far as observations in para 5 of the General observation regarding penalty for contravention is concerned it was clarified by the departmental representatives that the amendment in the Act/Rules will be made at par with the provisions of the Central Act/Rules

The departmental representatives also assured to implement the recommendation made on Rule 10 regarding display of list of practitioners publicly. The departmental representatives also informed the Committee the statement of income on expenditure of Board is being sent to the Government/Department for its information to bring transparency in fiscal matter

MINES AND GEOLOGY DEPARTMENT

(iii) The Punjab Minor Mineral Concession Rules, 1964 framed under the Mines and Minerals (Development and Regulation) Act 1957

The Committee scrutinise the above Rules and made the observations / recommendations on Rules 3 to 5 10 to 12 14 16 17 19 21 24 to 27 30 to 33 36 to 39 43 45 47 to 49 54 56 60 61 and Third Schedule appended with Rules as contained in its 35th Report which was sent to the department concerned on 5th April 2006 for implementation at the earliest. Reminders were sent *vide* communications dated 19th October 2006 and 22nd December 2006. The department sent an interim reply on dated 18th January 2007. The departmental representatives were requested *vide* communications dated 6th February 2007 to appear before the Committee for oral examination on 20th February 2007. The department sent an interim reply on dated 19th February 2007 which reads as under -

The Mines and Geology Department after examining the various aspects as suggested by the Committee have sent a detailed proposal alongwith draft notification for amendment in the various rules in Punjab Minor Mineral Concession Rules 1964 the same has been submitted for approval of competent authority so that recommendations/observations of the Committee on Subordinate Legislation made in its 35th Report could be implemented. It is submitted that after approval of the competent authority the notification will be published in the Government Gazette after getting the same vetted from L R Haryana. The detailed para-wise comments in the performa will be submitted shortly for consideration of the Committee.

During the course of oral examination the departmental representatives explained the latest position regarding implementation of observations/recommendations made by the Committee on the aforesaid Rules. The Committee was informed that the draft amendments in the Rules have been sent to the Government for approval. As and when it is approved/finalized by the competent authority the detailed reply will be supplied to the Committee expeditiously.

The Committee expects that timely actions in the matter will be taken by the department concerned and the Committee be informed accordingly.

VI- Scrutiny of the Punjab Land Revenue Rules framed under the Punjab Land Revenue Act, 1887

I The Committee scrutinized the Punjab Land Revenue Rules framed under the Punjab Land Revenue Act 1887 and made the following observations / recommendations thereon —

VILLAGE HEADMEN

Rule—14

Number of Headmen — (i) A sufficient number of headmen shall be appointed to every estate and this number when once fixed shall not be increased except by the order of the Commissioner nor be reduced except by the order of the Financial Commissioner

(ii) If an estate or a considerable portion thereof is owned by Government the headmen may be appointed from among the tenants In other estates he shall be appointed from among the landowners

³[Provided that where the office of headmen has become vacant by the migration of the headmen to the Dominion of Pakistan the appointment may be made from among the allottees and the oustees from the Capital site at Chandigarh in accordance with rule 19 A having regard to the other consideration in rule 15 (b) (c) (d) and (e)]

(iii) The lessee of the revenue or produce of an un cultivated or forest estate owned by Government shall be during the currency of his lease the headmen thereof

Observations/recommendations of the Committee

The Committee observed that this rule may be suitably amended as the proviso to this rule has become redundant

The departmental representatives at the time of oral examination held on 7th March 2007 assured the Committee that the Punjab Land Revenue Rules and the Act will be examined by a Committee comprising senior officers and appropriate amendments in the Rules/Act will be made after following the due procedure in the matter

The Committee observes that as and when the Officer's Committee scrutinises/ examines the above Rules/Act the observations/recommendations as mentioned below may be taken into consideration for amendments in the Rules/Act —

Rule—15

Matters to be considered in first appointments — In all first appointments of headman regard shall be had among other matters to—

- (a) his hereditary claims
- (b) extent of property in the estate possessed by the candidate

- (c) services rendered to the State by himself or by his family
- (d) his personal influence character ability and freedom from indebtedness
- ¹[(e) the strength and importance of the community from which selection of a headman is to be made]
- ²[(f) services rendered by himself or by his family in the national movements to secure freedom of India]

³[In case of an ex headman of an estate or Sub division thereof in the territory now comprising the State of ⁴[Haryana] who had resigned or was dismissed on account of his participation in a national movement before partition and another headman was appointed in his place the present incumbent of the post shall be removed irrespective of the provisions of rule 16 and the ex headman would be appointed in his place if he has not rendered himself unfit for appointment for any of the reasons given in rule 16 except imprisonment for a political offence before 15th August 1947 In case the ex headman is no longer alive a person of his family who would under the rules have been entitled to be headman if the resignation or dismissal had not intervened would be appointed as headman But when no such person exists there would be no need to remove the existing Lambardar]

Observations/recommendations of the Committee

When a vacancy of Lambardar belonging to a general category becomes available whether a person belonging to other caste can be considered for appointment as Lambardar to fill up the vacancy ?

The department in their written reply stated as under —

A person from other category can be considered for appointment as Lambardar against the vacancy of Lambardar belonging to general category if he resides in the same patti and has all the qualifications as given in Rule 15 or the Punjab Land Revenue Rules

The Committee observes that as and when the officers Committee examines these Rules the Committee may also consider the provision of rule 15(a) (e) and (f) for amendments as the same have become irrelevant and redundant with the passage of time

Rule—16

Dismissal of headmen — (i) A headman shall be dismissed when—

- (a) he is sentenced to imprisonment for one year or upwards or to any heavier sentence or
- (b) in an estate owned altogether or chiefly by Government he ceases to possess the interest which led to his appointment or
- (c) in any other estate he ceases to be a landowner in the estate or sub division of the estate in respect of which he holds office or

- (d) he has mortgaged his holding and has delivered possession to mortgagee but in special cases the Collector may with the Commissioner's sanction retain him in his office under such circumstances if he can furnish adequate security for the payment of the revenue he has to collect and for the due discharge of his duties or
 - (e) his holding has been transferred under section *7 of the Land Revenue Act or the assessment thereof has been annulled under section 73 of '[the same Act]
- (ii) A headman may be dismissed when—
- (a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office or
 - (b) he is seriously embarrassed by debt or if his unencumbered holding is so small as to disqualify him in the Collector's opinion for the responsibility attached to the office of headman or
 - (c) owing to age or physical or mental incapacity or absence from the estate he is unable to discharge the duties of his office or
 - ²(d) there is reason to believe that he has taken part in or concealed illicit distillation or the smuggling of cocaine opium or charas
 - ³(e) he takes part in any unconstitutional agitation against the Government or fails to give his active support to the Government in the maintenance of law and order
 - (f) he neglects to discharge his duties or is otherwise shown to be incompetent or
 - (g) the estate or sub division thereof in respect of which he holds office or his own holding is attached either for an arrears of land revenue or by order of any court

Observations/recommendations of the Committee

- 1 Whether a Lambardar sentenced to imprisonment for a period of six months for the offence involving moral turpitude can continue to function as Lambardar ?
- 2 Whether the words criminal proceedings mentioned in Sub Rule (ii) (a) of this rule includes proceedings under Section 107 and 151 of Criminal Procedure Code 1973 also ?
- 3 Whether a Lambardar who sometimes resides in nearby town falling in another revenue estate and sometimes resides in the village of the revenue estate for which he was appointed as such can be dismissed from the post of Lambardar on the above ground ?

- 4 Whether any report regarding working of the Lambardar is obtained from the concerned Patwari or Sarpanch or any other Revenue authority to evaluate his competency regarding his duties ?
- 5 Whether the number of posts of Lambardar can be reduced ? If so generally on which ground ?

The Department in their written reply stated as under —

As per Rule 16(ii)(a) a headman may be dismissed when criminal proceedings have been taken against him which show that he is unfit to be entrusted any longer with the duties of his office

The words criminal proceedings mentioned in Sub rule (ii)(a) of this rule do not include proceedings under Section 107 and 151 of Criminal Procedure code 1973 as no charges etc are framed in these proceedings These are in the nature of security proceedings to maintain peace and harmony in the society

The Lambardar cannot be dismissed merely on this ground He can continue as such if his work and conduct is satisfactory He can also appoint a Sarbrah Lambarda in his place

If a Lambardar does not perform his duties as prescribed under rule 20 of Punjab Land Revenue rules it is mandatory for the Patwari to evaluate and report about him competency regarding his duties

Number of posts of Lambardar can be reduced but under a particular scheme

The Committee recommends that for the dismissal of the headman it may also be added that if he involves in an offence involving moral turpitude he may be dismissed

The committee is also of the view that requirement of owning land in estate in rule 16(c) should also be dispensed with

The committee is further of the view that sub rule (d) may also be amended as no land revenue is collected now

Similarly sub rule (d) also seems to be vague as it is not based on sound reasoning Besides above sub rule (g) is also requires to be amended as no land revenue is collected now

Rule—17

'Matters to be considered in appointment of successors —'¹[(i) In an estate or sub division thereof owned chiefly or altogether by Government a successor to the office of headman shall be selected with due regard to all the considerations other then hereditary claims stated in Rule 15

Provided that in such an estate or sub division thereof notified for the purpose by the Financial Commissioner the selection shall as far as possible be made in the manner prescribed by sub rule (ii) if a suitable heir is forthcoming]

(ii) In other estates the nearest eligible heir according to the rule of primogeniture shall be appointed unless some special custom of succession to the office be distinctly proved but subject in every case to the following provisions —

- (a) The claim of collateral relation of the last incumbent to succeed shall not be admitted solely on the ground of inheritance unless the claimant is a descendant in the male line of the paternal great grand father of the last incumbent
- (b) Where a headman has been dismissed in accordance with the provisions of rule 16 the Collector may refuse to appoint any of his heirs
 - (1) if the circumstances of the offence dereliction of duty or disqualification for which the headman was dismissed make it probable that he would be unsuitable as a headman
 - (2) if there is reason to believe that he has connived at the offence or dereliction of duty for which the headman has been dismissed
 - (3) if any disqualification for which the headman has been dismissed attaches to him
 - (4) if he may reasonably be supposed to be under the influence of the dismissed headman or his family to an undesirable extent

Note If a dismissed headman's heir is considered fit to succeed regard shall be had to the property which he will inherit in like manner as if he had already inherited it
- (c) The Collector may also refuse to appoint a person claiming as an heir on any ground which would necessitate or justify the dismissal of that person from the office of headman
- (d) A female is not ordinarily eligible for the office but may be appointed when she is the sole owner of the estate for which the appointment has to be made or for special reasons in other cases

(iii) Failing the appointment of an heir a successor to the office shall be appointed in the manner and with regard to the consideration described in rule 15

(iv) Election shall not in any case be resorted to as an aid in making appointments under this rule and rule 14

Observations/recommendations of the Committee

The Committee would like to know as to whether in case of appointment of Lambardar the eldest son of the deceased Lambardar is found ineligible can the benefit of this rule be extended to another son of the deceased who is eligible heir ?

The Committee would like to know as to whether the appointment of a son of the deceased Lambardar on the basis of hereditary claim has lost validity at present ?

The Committee would like to know as to whether a female who is otherwise eligible and is eldest in the family can be ignored for appointment as Lambardar on the ground of sex ?

The Committee would like to know as to whether this Rule is not discriminatory and violative of provisions of fundamental rights on the ground of hereditary ?

The department stated in their written reply as under —

Hereditary claim is one of the considerations and not the sole criterion for the selection of a Lambardar. All the sons have equal hereditary claim if otherwise found eligible¹

Since Rule 17(ii) has been declared invalid by the Hon ble Punjab & Haryana High Court in case Karnail Singh Versus State of Haryana 1973 PLJ 878

No

The provisions regarding appointment of Lambardars on the basis of hereditary claims have been declared ultra vires and against the spirit the Constitution of India by the Punjab & Haryana High Court in Karnail Singh Versus State of Haryana PLJ 1976

The Committee observes that this rule may also be amended suitably as it refers to unreasonable/irrelevant ground and sub rule has been held invalid by the Court with regard to hereditary claim

Rule—19A

Notwithstanding anything contained in these rules where the office of headman has become vacant in consequence of the migration of the headman to the Dominion of Pakistan any refugee from West Punjab who has been allotted land in the village¹ [or an oustee who has been ousted from the Capital site at Chandigarh and has been settled in the village] may at the discretion of the Collector be appointed headman temporarily provided the appointee furnishes sufficient security for the payment of Government dues² [with due regard to the considerations stated in rule 15(b) (c) (d) and (e)]

Observation/recommendation of the Committee

The Committee would like to know as to whether this rule is still applied in practice ?

The Department in their written reply stated as under —

Rule 19 A is not generally applied in practice

The Committee recommends that this rule may be suitably amended as the provisions are not applicable now

³[Rule—19 B

Notwithstanding anything to the contrary contained elsewhere in these rules where the population of Harijans or members of the Scheduled Castes including Christians as ascertained at the last preceding census ⁴[-] is 100 or more in an estate there shall be appointed one additional headman from amongst the Harijans or members of Scheduled Castes including Christians subject to the following conditions —

(i) In appointing the headman regard shall be had among other matters to—

- (a) services rendered to the State by himself or by his family
- (b) his personal influence character ability and freedom from indebtedness
- (c) Clause (c) inserted vide Haryana Notification No GSR11/PA17/1887/s 28/Amd (1)77 dated 18 1 1977 later on om^{ed} vide Haryana Notification No GSR 43/PA17/1887/s 28/Amd(2)77 dated 10 3 1977

(ii) He shall be dismissed when he is sentenced to imprisonment for one year or upwards or to any heavier sentence

(iii) He may be dismissed when —

- (a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office or
- (b) he is seriously embarrassed by debt
- (c) owing to age or physical or mental incapacity or absence from the estate he is unable to discharge the duties of his office or
- (d) there is reason to believe that he has taken part in or concealed illicit distillation or the smuggling of cocaine opium or charas
- (e) he takes part in any unconstitutional agitation against the Government or fails to give his active support to the Government in the maintenance of law and order or
- (f) he neglects to discharge his duties or is otherwise shown to be incompetent

(iv) He shall perform all duties prescribed in rule 20

(V) He shall either deposit cash security or furnish security by way of mortgage of immovable property owned by any other person in the village to the State Government equal to the amount by which the immovable property owned by him falls short of the land revenue recoverable by him

(vi) He shall be entitled to receive remuneration admissible to a headman under rule 21

Observations/recommendations of the Committee

The Committee would like to know the year of census when caste wise population in the State was ascertained ?

What remuneration is being paid at present to the Harijan/Christian Headman?

Whether ownership of land in the same revenue Estate is a necessary requirement for appointment of Harijan Lambardar ?

Whether the eldest son of deceased Harijan Lambardar has a valid hereditary claim in comparison to others ?

Whether a better/superior educational qualification is an overwhelming consideration in the appointment of Lambardar ?

The Department in their written reply stated as under —

No such data is available in Revenue Department as this item pertains to Census Department

The remuneration being paid to Harijan/Christian Headman is equivalent to those of Headmen of general category i.e. Rs 500/ per month

It is not a necessary requirement for the appointment of a Harijan Lambardar

All the sons have equal hereditary claim if otherwise found eligible

Better and superior education qualification is not an overwhelming consideration but is one of the several considerations to be kept in view by the Collector at the time of selection of Lambardar under Rule 19B

The Committee recommends that this rule may also be suitably amended as the word Harijans is superfluous. Besides above the committee recommends that sub rules (d) and (e) may also be amended as these are not based on sound reasoning

Rule—20

“Duties of headman In addition to the duties imposed upon headman by law for any purpose a headman shall

- (i) collect by due date all land revenue and all sums recoverable as land revenue from the estate or sub division of an estate in which he holds office and pay the same personally or by revenue money order or by remittance of currency notes through the post ⁵[or at places where treasury business is conducted by the Imperial Bank of India by cheque on a local Bank] at the place and time appointed in that behalf to the Revenue Officer or assignee empowered by Government to receive it

- (ii) collect the rents and other income of the common land and account for them to the persons entitled thereto
- (iii) acknowledge every payment received by him in the books of the landowners and tenants
- (iv) defray joint expenses of the estate and render accounts thereof as may be duly required of him
- (v) report to the tehsildar the death of any assignee of land revenue or Government pensioner residing in the estate or the marriage or re marriage of a female drawing a family pension and residing in the estate or the absence of any such person for more than a year
- (vi) report to the tehsildar all encroachments on roads ¹[including village roads] or on Government waste lands and injuries to or appropriation of nazul property situated within the boundaries of the estate
- (vii) report any injury to Government buildings made over to his charge
- (viii) carry out to the best of his ability any orders that he may receive from the Collector requiring him to furnish information or to assist in providing on payment supplies or means of transport for troops or for officers of Government on duty
- (ix) assist in such manner as the Collector may from time to time direct at all crop inspections recording of mutations surveys preparation of records of right or other revenue business carried on within the limits of the estate
- (x) attend the summons of all authorities having jurisdiction in the estate assist all officers of the Government in the execution of their public duties supply to the best of his ability any local information which those officers may require and generally act for the landowners tenants and residents of the estate or sub division of the estate in which he holds office in their relations with Government
- (xi) report to the patwari any outbreak of disease among animals ²[or human beings]
- (xii) report to the patwari the deaths of any right holders in their estates
- (xiii) report any breach or cut in a Government Irrigation canal or channel to the nearest canal officer or canal patwari
- (xiv) under the general or special directions of the Collector assist by the use of his personal influence and otherwise all officers of Government and other persons duly authorised by the Collector in the collection and enrolment of recruits for military service whether combatant or non combatant

- (xv) render all possible assistance to the village postman while passing the night in the village in safeguarding the cash and other valuables that he carries

The observations/recommendations of the Committee

The Committee would like to know as to whether any specific date/period has been prescribed by the Government to collect the land revenue?

The Committee would like to know as to whether every payment received by the headman is acknowledged in the Kisan Pass Book or some other book is maintained?

Whether the provisions of Sub rule (ii) are invoked in practice?

How many reports were received by the Tehsildars under Sub rule (vi) regarding encroachments on roads or on Government waste lands or nazul property during the period of last one year ?

Whether the requirements of sending the reports by the headman under Sub rule (xi) to (xii) of this rule are mandatory ?

Whether the headman can be held responsible for not collecting the money due to the State Government from the landowners?

The Department in their written reply stated as under —

Recovery period for abiana (water rate) for Rabi is from 15th May to 30th June and for Kharif is from 15th December to 31st January each year

Demand for Other Land Revenues e.g. copying fees etc. is created every month and recovered in the same month

For miscellaneous recovery no time period is prescribed

Village headman or Lambardar issues receipts to all concerned as acknowledgement of all payments received as per instructions contained in para 3 20 of Land Records Manual

These provisions are no longer relevant

Not feasible to collect such information from the field as there are approximately 22 183 sanctioned posts of Lambardars

Requirements of sending the reports by the Headman under Sub Rule (xi) to (xii) of this rule are mandatory

The prime duty of the Headman is to recover the Land revenue but he cannot be held responsible for the arrears which have not been recovered despite his best efforts

(Para 505 of Punjab Land Administration Manual)

The Committee recommends that this rule may be amended suitably as sub rules (i) (ii) (iii) (iv) (vi) (vii) (xii) (xiv) and (xv) are either irrelevant or redundant or not applicable

Rules—22 to 24

22 'Determination of office of Chief Headmen — In an estate in which the appointment of a chief headman has been sanctioned by Government the office shall be vacated as nearly as may be in the manner provided in the rule relating to headmen

23 Duties of Chief Headmen — (i) In estates in which a chief headman has been appointed an order may at the option of the officer by whom it is issued be addressed either to the chief headman or to any headman who is by his office responsible for the execution thereof And if the order is addressed to the chief headman he may either execute it himself or refer to the responsible headman

(ii) in addition to his own duties as a headman the chief headman shall be responsible for the due execution of their duties by other headman in the same estate

(iii) Nothing in sub sections (i) and (ii) shall be deemed to apply to the matters defined in clauses (i) to (iv) of rule 20

24 Remuneration of Chief Headman — The remuneration of the chief headman of an estate shall be—

(i) the remuneration appointed in respect of his office when the land revenue of the estate was last assessed

(ii) or failing any such special provision a portion of the village officer's cess equal to one per cent of the land revenue collected from the estate

(iii) this remuneration shall be collected by the village headmen and be paid by them to the chief headman

Observations/recommendations of the Committee

The Committee would like to know as to whether Rules 22 to 24 have been omitted in Haryana State ?

The department in their written reply stated as under —

Rule 22 to 24 have already been omitted

The Committee observes that in the copies of the Rules supplied by the Department these rules exist

The Committee recommends that after ascertaining the correct position necessary amendment may be made accordingly

Rule—25

'Punishment —(i) Where a ²[—] headmen of chief headman commits a breach of or neglects the duties imposed on him by these rules or by any other law for the time being in force the Collector may by order direct —

(a) that the emoluments of his office be withheld and forfeited to Government for a term not exceeding one year or

(b) that he be suspended from office for a term not exceeding one year

(iii) In a case of suspension a substitute shall or shall not be appointed as in the circumstances of the case the Collector shall deem necessary

Observation/recommendation of the Committee

Whether the post of Chief Headman still exists in Haryana ? If so whether there is any provision for preferring an appeal against the orders passed by the Collector in these Rules ?

The Department in their written reply stated as under —

Post of chief Headman does not exist in Harvana State

In other cases appeals lie to the Commissioner of the Division

The Committee recommends that this rule may be suitably amended as the post of Chief headman does not exist now

Rule—26

"Appointment of substitutes for non resident headmen — (i) where an estate is owned by a non resident land owner he may nominate for Collector's approval a substitute to discharge the duties of headman from among the residents in the estate. If the non resident owner fails to nominate a fit person the Collector may appoint a substitute from among the resident tenants

(ii) Where in an estate owned by more landowners than one a non resident headman is liable either individually or as representative of other non resident landowners for more than half the land revenue of the estate a substitute for such headmen may be appointed from among either the resident landowners or tenants. In making such appointment the Collector shall consult the wishes of the non resident headman

Observations/recommendations of the Committee

Whether a Sarbrah Lambardar may be nominated for Harijan Lambardar?

Whether a nominee of Headman is entitled for remuneration ?

Whether at the time of nominating the substitute of a headman by the collector any declaration to this effect is got displayed on the notice board of Gram Panchayat or conspicuous part of any other public premises of the concerned Patwar Circle ?

The department in their written reply stated as under —

The substitute (Sarbrah) for a Harijan Lambardar is not nominated

Nominee of headman is entitled to get the share of remuneration with the orders of the concerned Collector (As per Rule 30)

There is no need to get the declaration displayed on the notice board of Gram Panchayat or at conspicuous part of any other public premises of the concerned Patwar Circle at the time of nominating the substitute (Sarbrah) of a Headman by the Collector. Collector has to consult the substantive holder of the office of Lambardar under Rule 29 while appointing a Sarbrah

The Committee recommends that this rule may also be examined by the officers committee for making amendment therein

Rule—27

Appointment of other substitutes and their position —Where by reason of old age, physical infirmity or absence from his circle or village with the permission of the Collector a ³[—] chief headman or headman or by reason of minority or other good cause a headman is unable to perform the duties of his office in person a substitute may be appointed to discharge those duties. A substitute may also be appointed in accordance with the provisions of rule 7 to discharge the duties of a ⁴[—] who is a minor in the special circumstances therein specified. A substitute appointed under this or the preceding rule or under rule 7 shall be deemed to be and shall be equally with the person in whose behalf he is appointed the ⁵[—] village office (as the case may be) appointed to the office and the Collector may in each such case direct from time to time whether the duties of the office shall be performed by the substitute or the substantive holder or by both concurrently

Observations/recommendations of the Committee

The Committee would like to know as under what circumstances a minor can be appointed as Lambardar?

Will it not be desirable to prescribe minimum and maximum age limit to appoint a Lambardar?

Whether any minimum educational qualification may be prescribed in these Rules for the appointment of Sarbrah Lambardar?

The Department in their written reply stated as under —

There is mention of appointment of minor Zaildar in rule 7. However there is mention of appointment of substitute in case of minors etc. in rule 27. There is no specific rule for appointment of a minor as Lambardar.

There is no need to provide for maximum age limit for Lambardar in view of provision under the rules for appointment of a Sarbrah in case of physical infirmity etc. of a Lambardar. However minimum age limit for appointment as Lambardar

should be prescribed under the rules. A Lambardar should be a major at the time of his appointment.

There is no need to prescribe any minimum educational qualification for the appointment of a Sarbrah Lambardar but he should at least be able to read and write.

The Committee recommends that this rule is also required to be amended as a minor cannot be appointed as Lambardar.

Rule—44

Language of revenue offices—The language of revenue offices at or below district level shall be—

- (a) Hindi in Devnagri script in the Hindi Region and Punjabi in Gurmukhi script in the Punjabi Region and
- (b) English and Urdu in Chandigarh Capital

Provided that the order or judgment against which an appeal or revision lies under the law for the time being in force may be written by the Presiding Officer in English.

Explanation —The expression Hindi Region and Punjabi Region shall have the meaning assigned to them in the Punjab Regional Committees Order 1957.

Observation/recommendation of the Committee

Rule—44

The Committee observes that after formation of Haryana State and after enforcement of Haryana Official Language Act 1969 the proceedings in the Revenue cases are being conducted in Hindi. The Committee recommends that in sub rule (a) of the above rules the words Punjabi in Gurmukhi script in the Punjabi Region may be omitted.

The Department in their written reply stated as under

This Rule has already been amended and after amendment Hindi Devnagri Script in Haryana has been added.

The Committee recommends that this rule is required to be amended as the words Punjabi in Gurmukhi script in the Punjab Region are inapplicable so far as Haryana State is concerned.

Rule—51

"In absence of special order inferior landowners to be liable for the land revenue — Where there are superior and inferior landowners in the same estate or in the same holding the inferior landowners shall in the absence of any special order of the Financial Commissioner to the contrary be liable for the land revenue.

Observations/recommendation of the Committee

The Committee would like to know the legal meaning/interpretation of words superior and inferior landowners

The Department in their written reply stated as under —

Superior landowner is Zamindar or the owner of the whole of the land of village or Ala Malik

Inferior landowner is chakdar (Adna Malik) or the owner of some part of land under Zamindar

However zamindari system has now been abolished under the land reforms rules

The Committee recommends that in view of abolition of Jamindari system rule is required to be amended

Rule 54

Place of payment where land revenue is payable in kind —(i) Where land revenue is payable in kind the produce shall be divided at the place where it is grown in the presence of a Revenue Officer or agent appointed by the Collector to superintend the division and the produce thus ascertained to be due as land revenue shall be paid to that Revenue Officer or agent at the same place

(ii) Where in case under this rule the land revenue is assigned the Collector may at his discretion authorize the assignee to make the division and to receive the land revenue in person or through an agent

Observations/recommendations of the Committee

The Committee would like to know as to whether the payment regarding land revenue may be paid in kind also as mentioned in this rule ?

The Department in their written reply stated as under —

Land revenue has been abolished

The Committee recommends that in view of abolition of land revenue this rule may be amended accordingly

Rule—55

(i) Assignees allowed to collect must receive payment from headmen — No order under the foregoing rules by which arrangements made by an assignee for the receipt of assigned land revenue payable in cash are approved shall authorize the assignee to receive payment otherwise than from village headman empowered under these rules to collect the same from the landowners

(ii) Where assignee fails to collect the Collector will realize on his behalf —If the land revenue is not paid to the assignee by the date fixed for payment the Collector of his own motion or on the application of the assignee may order that

it be paid to himself in the same manner and at the same place as is appointed for the payment of land revenue due to Government in the same tehsil

Observation/recommendation of the Committee

The Committee would like to know as to whether the provisions of the Rule are being invoked in practice ?

The Department stated in their written reply as under

This rule is no longer relevant

The Committee recommends that this rule may be amended as it is no longer in practice

Rule 56

'Order allowing assignee to realize direct may be cancelled by Collector The Collector may at any time cancel an order made in favour of an assignee of land revenue under rules 52 53 or 54 And the land revenue due to the assignee shall thereafter be paid or the produce be appraised or divided (as the case may be) in the same manner and at the same place as is appointed in respect of estates in the same tehsil of which the land revenue is due to Government

Observation/recommendation of the Committee

The Committee would like to know as to whether the provision of this rule are still applicable in practice ?

The Department in their written reply stated as under —

This rule is no longer relevant

The Committee recommends that this rule may be omitted as it is no longer in practice

Rule—57

Assigned land revenue kept in deposit —(i) Land revenue due to assignees that is paid under the foregoing rules into a Government treasury shall be held in deposit at the credit of the assignee and shall be paid to him on his demand

(ii) Hakk ul tahsil —A charge of 2 per cent for expenses of collection or such other charges as may in any case have been prescribed shall be deducted by the Collector from all such sums

Observation/recommendation of the Committee

The Committee would like to know as to whether charges may be deducted by the Collector under this rule ?

The Department in their written reply stated as under —

This rule is no longer relevant

The Committee recommends that this rule may also be omitted as it is no longer relevant

Rule—60

Rates and cesses to be paid along with first instalment of land revenue —Rates and cesses due at each harvest shall be payable on the date on which the first instalment of land revenue due from the same estate on account of the same harvest is payable and except as by these rules is otherwise provided at the revenue office appointed for the receipt of land revenue due to Government in the same tehsil

Observation/recommendation of the Committee

The Committee would like to know the rates and cesses to be paid alongwith first instalment of land revenue at present ?

The Department in their written reply stated as under —

Land revenue has been abolished and at present no rates or cesses under this rule have been fixed

The Committee recommends that this rule may also be amended as the land tax has been abolished

Rule 61

Rule in case of estates in which no land revenue is payable —Where no land revenue is payable by an estate the rates and cesses due therefrom shall be payable by the same instalments and at the same dates by and at which the rates and cesses of the adjacent estates are payable And the Collector shall by order determine the instalment and dates which are applicable under this rule

Observation/recommendation of the Committee

The Committee would like to the details of the estates in the State where no land revenue is payable at present ?

The Department in their reply stated as under—

Land tax has been abolished so land revenue is not payable by any estate in Haryana Other land revenue is payable by the individual on mutation or on copies

The Committee recommends that this rule may be amended as no land tax is leviable now

Rule—63

Charges for service of processes —For the service of every writ of demand warrant of arrest and warrant of attachment for the collection of revenue under Chapters VI and VII of the Punjab Land Revenue Act 1887 (Punjab Act 17 of 1887) a charge shall be made at the following rates —

- | | |
|--|-----------------------------|
| (1) For writ of demand | ² {ten rupees} |
| (2) For warrant of arrest or other process | ³ {fifty rupees} |
| (3) For warrant of attachment | ⁴ {fifty rupees} |

Observation/recommendation of the Committee

The Committee would like to know as to whether the provision of warrant of arrest are still applicable in case of default of land revenue ?

The Department in their reply stated as under —

Provision of warrant of arrest are still applicable in case of default of land revenue

The Committee recommends that this rule may be amended suitably as land revenue has been abolished

Rule 67

Bail of defaulters under detention —A defaulter who under section 69(2) of the Land Revenue Act is being kept under personal restraint may be allowed to be at large upon bail being given that he shall not absent himself from a place to be specified by the Revenue Officer ordering the restraint during certain hours until ten entire days have elapsed from the commencement of his detention unless the arrear be sooner paid

Observation/recommendation of the Committee

The Committee observes that the provision of personal restraint for non payment of land revenue requires to be amended in view of prevailing policies of the Government Therefore this rule may be amended suitably

The Department in their reply stated as under —

This matter will be considered

The Committee recommends that this rule may also be examined and amended suitably

Rule—68

'Circumstances under which a defaulter is liable to detention or imprisonment for arrears —No defaulter shall be detained under section 69(2) of the Act or confined under section 69(3) for an arrear unless it is due from himself or

from a co proprietor of whom he is the representative village headman nor shall any defaulter be imprisoned for an arrear due before he came into possession of office

Observation/recommendation of the Committee

This rule also requires to be amended in view of prevailing policies of the Government. The Committee recommends that this rule may be amended suitably

The Department in their reply stated as under —

This matter will be considered

The Committee recommends that this rule may be examined and suitably amended

Rule—69

“Order for detention issued by Assistant Collector 2nd grade to be reported to Collector —If in any case an Assistant Collector of the 2nd grade decides to keep a defaulter arrested by warrant under detention instead of causing him to be taken before the Collector he shall without delay report his action to the Collector for information if the detention exceeds twenty four hours

Observation/recommendation of the Committee

The Committee observes that this rule is also complement and supplement of above rules. Therefore it may also be suitably amended

The Department in their written reply stated as under—

This matter will be considered

The Committee recommends that this rule may be examined/considered and suitably amended

Rule— 77

‘Charges for service of process through post —In all cases in which processes are issued by post the parties concerned shall be required to pay Talbana at the rate of thirty one naye paise per head with a minimum of fifty naye paise]

Observation/recommendation of the Committee

The Committee recommends that the rate of talbana/process fee may be revised suitably

The Department in their reply stated as under —

This issue will be considered

The Committee recommends that this rule may be considered and suitably amended

2 Scrutiny of the Punjab Animal Contagious Diseases Rules, 1953 framed under the Punjab Livestock and Birds disease Act, 1948

The Committee scrutinized the Punjab Animal Contagious Diseases Rule 1953 framed under the Punjab Livestock and Birds disease Act 1948 and made the for following observations/recommendations thereon —

General Observations

The Committee observes that the copies of the Punjab Contagious Diseases Rules 1953 as supplied by the department vide their Letter No 7812 Gaushala dated 5 5 2006 were not meticulously compared with the Rules as published in the Government Gazette

While scrutinizing these Rules the Committee came across several typographical/printing mistakes in the rules. The Committee in its various reports has observed from time to time that as and when the rules are demanded by the Committee from the Government/Departments for scrutiny the copies of rules as published in the gazette should be supplied for the use of the Committee. However if the copies of the rules published in the gazetted are not easily available then copies of the rules published by the private publication may be supplied after meticulous comparison of the private publication with the Government gazette so that the valuable time of the committee could be saved in pointing out the typographical mistakes in the rules which actually may not be existing in the Gazette

Had the Department supplied the upto date/correct copies of the Rules the valuable time of the Committee could have been saved in pointing out the corrections which were actually not existing in the Rules published in the Gazette

The Committee expects that the department would note the above observations for future compliance as and when such contingency arises

Rule—6

6 (i) (a) x x to (ii) (b) x x x x

6 (iii) (c) The gross amount of the sale proceeds should be credited to the head XXX Veterinary Other receipts and the cost of feeding auction and other expenses debited to the minor head E Hospitals and Dispensaries El Muffassil Veterinary Hospitals and Dispensaries Contingencies of Major head 41 Veterinary

Observation/recommendations of the Committee

The Committee would like to know as to whether the head in which the amount of sale proceeds is to be credited is correct?

The Department in their written reply state as under

Not applicable as no such head is provided in rule

During the course of Oral examination the departmental representatives stated that the matter will be examined again and the reply will be sent to the Committee at the earliest

The Committee recommends that the correct position of head maintained in the rule may be conveyed to the committee at the earliest

Rule—7

Compensation for animals destroyed under section 18 of the Act Excepts as provided in section 18 compensation to the owners of an certified in writing by the Veterinary Surgeon to be infected or deceased and ordered to be destroyed for that reason shall be paid at the following rates —

- (i) Glanders and Farcy — (1) When Clinical symptoms are shown of the value subject to a maximum of Rs 30 for each horse or mule and Rs 5 for each donkey
- (2) When clinical symptoms are not shown but when there is a reaction to the Mallein Test $\frac{1}{2}$ of the value subject to the maximum of Rs 50 for each horse or mule and Rs 10 for each donkey
- (3) In non clinical cases compensation for destruction will be $\frac{3}{4}$ of the value subject to the maximum of Rs 100 for a horse or Rs 70/ for a mule and Rs 15 for a donkey
- (ii) Lymphangitis Eozootica and Dourine $\frac{3}{4}$ the of the value subject to maximum of Rs 100 for a horse or Rs 70 for a mule and Rs 15 for a donkey
- (iii) The value of the animals should be regarded at the price which would have been paid for it immediately after it was certified to be diseased The Veterinary Practitioner ordennig destruction should

award compensation in accordance with the above scale and his orders shall be considered final

- (iv) The compensation so paid is debitable to the Minor head E—Hospitals and Dispensaries-E—I Moffassil Veterinary Hospitals and Dispensaries Contingencies of that Major head 41—Veterinary

(Note — The above rates of compensation may be revised by Punjab Government from time to time)

Observations/recommendations of the Committee

The Committee observed that this rule is not properly worded It may be suitably re cast

The department in their written reply stated as under —

The matter being technical needs no change

However during the course of oral examinations the departmental representatives agreed to re-examine the rule

The Committee recommends that the correct position of the rule may be conveyed to the Committee at an early date

Rule—8

Regulation for the exercise of the powers of the Veterinary Surgeon and Inspector under section 19 of the Act (i) Regulations for the exercise of the powers of the Veterinary Surgeon for disinfection or destruction as required under section 19 (1) of the Act are prescribed in appendix 1 and the Veterinary Surgeon may enforce them in the manner and to the extent as he considers necessary in the circumstances of each case

- (ii) In case of default by the owner occupier or person in charge of any building yard vessel or vehicle the Inspector shall under order of the Veterinary Surgeon in writing cause the disinfection or destruction of such building yard vessel or vehicle in accordance with the Regulations prescribed in Appendix 1
- (iii) A certificate of an Inspector under the Act to the effect that an animal is or was affected with a scheduled disease under this Act and the amount of expenses incurred specified in the certificate shall for the purpose of this Act be conclusive evidence in all courts of justice of the matters certified

Observations/recommendations of the committee

The Committee observed that this rule is not properly worded hence needs recasting

The department in their written reply stated as under —

Regulation for the exercise of the powers of the Veterinary Surgeon and Inspector under section 19 of the Act—(i) Regulations for the exercise of the powers of the Veterinary Surgeon for disinfection or destruction as required under section 19 (1) of the Act are prescribed in appendix 1 and the Veterinary Surgeon may enforce them in the manner and to the extent as he considers necessary in the circumstances of each case

- (ii) In case of default by the owner occupier a person in charge of any building yard vessel a vehicle the Inspector and Veterinary Surgeon in writing cause the disinfection or destruction of such building yard vessel or vehicle in accordance with the Regulations prescribed in Appendix 1
- (iii) A certificate of a Veterinary Surgeon under the Act to the effect that an animal is or was affected with a scheduled disease under this Act as well as the amount of expenses incurred thereto and specified in the certificate shall be conclusive evidence in all courts of justice

The Committee recommends that the rule may be amended as suggested above

Rule—9

Prescribed Authority the Veterinary Surgeon shall report the action under sub section (2) of section 21 and sub section (2) of section 22 of the Act to the District Magistrate in the District or Sub Divisional Magistrate in the case of a Sub Division and shall also forward a copy of his report to the Superintendent Civil Veterinary Department of Divisions and the Deputy Superintendent Civil Veterinary Department of the Director concerned

Observation/recommendation of the Committee

The Committee observed that Rule 9 is not properly worded therefore the same may be drafted properly

The department in their written reply stated as under —

The last part of the paragraph may be substituted after ——— report to the S D O (A H) of the concerned Sub Division D D (AH) of the concerned District and Director General at the Directorate level in place of Superintendent Deputy Superintendent or Director concerned

Rule after amendment

Prescribed Authority The Veterinary Surgeon shall report the action under sub section (2) of section 21 and sub section (2) of section 22 of the Act to the District Magistrate in the District or Sub Divisional Magistrate in the Sub Division He will also forward a copy of this report to the Deputy Director (Animal Husbandry & Dairying) of the District and the Sub Divisional Officer (Animal Husbandry & Dairying) of the Sub division concerned

The Committee recommends that the rule may be recast suitably as proposed above by the Department

Rule—11

(1) to (5) xxx — —xxx

(6) The Inspector shall not grant a licence for the removal of any animal from any infected place or an infected area until 7 days have elapsed since the animals ceased to be infective and then only if they have been subjected to an inoculation with Anti Rinderpest serum within the previous 10 days provided always that nothing in this rule Rinderpest by the Serum Simultaneous method of inoculation or Goat Virus Vaccination

Observation/recommendation of the Committee

The Committee observed that sub rule (6) of this rule needs to be more clarified

The Committee in their written reply stated as under —

It is already clarified

However during the course of oral examination the departmental representatives stated that the rule may be re examined and if need be it will be recast suitably

The Committee recommends that the matter may be examined again and the Committee be informed accordingly

Rule—11

(8) A breach of any of the above rule shall be punishable with fine which may extend in case of a second or subsequent conviction to Rs 100 or in case of second or subsequent conviction to Rs 500

Foot and Mouth Disease - (I) Regulations (1) (2) (a) (3) (4) (5) (7) and (8) described under Rinderpest shall also apply to this disease

(2) The Inspector shall not grant a license for the removal of any animal from an infected place or infected area until 10 days have elapsed since the animal ceased to be infective

Regulations (1) (2) (3) (4) (7) & (8) described under Rinderpest shall also apply to these diseases

(2) The Inspector shall not grant a license for the removal of an excepting camel from an infected place or infected area until 7 days have elapsed since the animal ceased to be infective

Observations/recommendations of the Committee

The Committee also feels that the fine for the violation of the provisions of rule 11 needs to be suitably enhanced

The Department should bring amendment in the Punjab Livestock and Birds Diseases Act 1948 to enhance the penalty for the contravention of the provisions of this Act and Rules framed thereunder so that the provisions may be complied with effectively and meticulously Para (2) under Heading Foot and Mouth Disease

The Committee observed that para (2) is not properly worded The Committee recommends that it may be recast suitably

The department in their written reply stated as under —

Yes it should be enhanced

Yes it should be amended

FOOT AND MOUTH DISEASE REGULATIONS (1) (2) (a) (3) (4) (5) (6) (7) and (8) described under Rinderpest shall also apply to this disease

- (1) The Inspector shall not grant a licence for the removal of any animal from an infected place or infected area until 10 days have elapsed since the animal has not shown any symptom of the disease

Regulations (1) (2) (3) (4) (7) and (8) described under Rinderpest shall also apply to this disease

- (2) The Inspector shall not grant a licence for the removal of any animal from an infected place or infected area until 10 days have elapsed since the animal has not shown any symptom of the disease

The Committee recommends that the para may be suitably recast as proposed by the Department

Rule—11

TUBERCULOSIS (1) For the purpose of these rules —

- (a) Animal included bull bullock buffalo and cow or the young of any of the aforesaid
- (b) Tuberculin test means the testing of animals with Tuberculin either by subcutaneous or double intradermal method or any other approved by the Provincial Government from time to time to determine whether they are affected with Tuberculosis or not

(2) Any animal which has reacted to the Tuberculin test or has been shown to be affected with Tuberculosis by any other method subject to confirmation by the Director of Veterinary Services Punjab shall be deemed to be affected with Tuberculosis and shall be permanently marked in the right ear by the Veterinary Surgeon performing the test with the letter 1

(3) Any animal so marked shall not be sold or transferred to any place or exhibited for show or sale at any market fair or other public place where animals are concentrated

(4) If such animal deceased is destroyed only such portion of the carcass as is passed fit for human consumption by the public health authority of the locality shall be exposed for sale the remaining portions shall be burnt or buried

(5) If such animal be a female and giving milk such milk or any of its products shall not be exposed for sale unless it has been previously pasteurised or boiled

(6) Any person who sells or traffic in or attempts to sell or traffic in an animal so marked or the milk of such animal or the carcass of such animal except as provided for in rule 4 or brings or attempts to bring such an animal into any market fair or exhibition or other concentration of animals shall be punishable with a fine which may extend in the case of a first conviction of Rs 100 or in the case of a second or subsequent conviction to Rs 500

Observations/recommendations of the Committee

Para (1) and (2) under the Heading Tuberculosis The Committee recommends that in para (1) (b) for the word Provincial substitute the word State and in para (2) for the word Punjab substitute the word Haryana

The Committee recommends that in para (3) under the heading Tuberculosis for the word concentrated substitute the word concentrated to convey the correct sense of the provision

The Committee recommends that the provisions of this para needs improvement from drafting point of view as well as enhancement of fine to check the violation

The Committee recommends that in para (5) under the heading Tuberculosis the words a exposed be substituted by the words be exposed to make the rule clear

The Committee also recommends that in this para word previously be omitted being superfluous

The Committee further recommends that the provision of penalty mentioned in paragraph (6) may be suitably amended as and when the provision of penalty in the Act is amended

The department in their written reply stated as under —

Yes Provincial word should be substituted by word State

Yes Punjab word should be substituted word Haryana and Director of Veterinary Services should be substituted by Director General Animal Husbandry & Dairying Haryana

Yes it should be concentrated

Yes

Yes may be suitably amended as — in the case of a first conviction of Rs 250 or in the case of a second or subsequent conviction to Rs 1000

The Committee recommends that necessary amendments may be made in the regulations as observed by the Committee and agreed to by the Department

Rule—11

JOHNES DISEASE (1) For the purpose of these rules—

- (a) Animal includes bull bullock buffalo and cow or the young of any of the aforesaid
- (b) Approved test means the testing of animals either with Avian Tuberculin or Johnes by the subcutaneous or the double intradermal method or with any other agent approved by the Provincial Govt from time to time to determine whether they are affected with Johnes Disease or not

(2) Animal which has reacted to the approval test or has been shown to be affected with Johnes Disease by any other method subject to the confirmation by the Director of Veterinary Services Punjab (India) shall be deemed to be affected with Johnes Disease and shall be permanently marked in the right ear by the Veterinary Surgeon performing the test with the letter J

(3) Any person who sells or traffics in or attempts to sell or traffic in an animal so marked or brings attempts to bring such an animal shall be punishable with a fine which may extend in the case of a second or subsequent conviction to Rs 100 or in the case of a second or subsequent conviction to Rs 500

Observations/recommendations of the Committee

The Committee observes that the definition of Approved test mentioned in paragraph (1) (b) is not properly worded. The Committee therefore recommends that it may be suitably amended

The Committee recommends that in line 4 of paragraph (2) under the above heading the word Punjab be substituted by the word Haryana

The Committee further recommends that the penalty for violation of provisions of this para may be enhanced suitably as and when the provisions of the Act are amended

The department in their written reply stated as under

Because the disease affect only cattle and buffalo

Approved test means the testing of animals either with Avian Tuberculin or Johnin antigen by giving subcutaneous or intra dermal method or with any other agent approved by the State Govt from time to time to determine whether they are affected with Johnes Disease or not

Yes it should be substituted as Haryana

Yes may be suitably amended as in the case of a first conviction of Rs 250 or in the case of second or subsequent conviction to Rs 1000

The Committee recommends that necessary amendments as suggested/observed by the Committee may be made in the above regulations

Rule—11

GLANDERS AND FARCY—(1) The owner or person in charge shall not allow the animal which is affected with or has been exposed to the disease to run at large or to come in contact with other animals

(2) Every person having or having had in his possession or under his charge any animal affected with or suspected of the disease shall with all practicable speed give notice of the fact of the animal being so affected or suspected to the inspector under this Act (section 6) or if there be no Inspector at any place nearer that the nearest Police Station to that Police Station and the officer in charge of that station shall forthwith transmit the information to an Inspector under the Act

(3) Every Inspector who receives information of the supposed existence or who has reasonable grounds to suspect the existence of an animal infected of the disease at any place shall without unnecessary delay and with all practicable speed proceed to the place where such disease and animal according to the information received by him is or is suspected to be and shall discharge the powers and duties conferred and imposed on him under these rules or the Act

(4) The Veterinary surgeon may if he thinks fit give public warning by placards advertisement or otherwise of the existence of the disease in any place or premises buildings field or other place and the order aforesaid shall continue in force during the existence of the disease and until the place has been thoroughly cleansed and disinfected or otherwise got rid of the contagion It shall not be lawful for any person (without authority or excuse) to remove or deface any such placard

(5) No animal nor any part thereof shall be removed out of the place or premises infected with the disease without a license signed by an Inspector under this Act

(6) For the purpose of these rules Mallein Test means the testing of horses mules or asses with Mallein either by the subconjunctival or the intra-dermopalpebral method or any other method approved by the Provincial Government from time to time to determine whether these animals are affected with Glanders or Farcy or not

(7) Inspectors shall arrange for a Veterinary Surgeon under this Act to inspect and subject to the Mallein test any horses mules or asses affected with Glanders or Farcy or suspected of being so affected or which have been in contact with animals or so affected or suspected of being so affected or which have been in any way whatsoever exposed to the contagion or infection of the disease of Glanders

or Farcy and for the purpose of making such inspection or test to order any such animals to be collected detained or isolated at the expense of the owner

(8) XXX—XXX

(9) When it is decided that a horse mule or asses under the rules should be destroyed by shooting under the rules the Inspector may approach nearest Police Station to depute a Police Officer who shall forthwith comply and shoot the animal in question under the orders of the Inspector

(10) XXX—XXX

(11) Any person claiming compensation in any of the cases aforesaid must produce a satisfactory report order for slaughter certificate of valuation and slaughter and certificate of thorough cleansing and disinfection of the premises concerned duly signed by an Inspector under this Act

(12) XXX—XXX

(13) Every yard stable out house or other place or premises and every wagon cart carriage car or other vehicle and every utensil or other things infected with the disease shall be thoroughly cleansed and disinfected at the expense of the owner or occupier in such manner and to such extent as specified in Appendix 1

(14) XXX—XXX

(15) A breach of any of the above Rules shall be punishable with a fine which may extend in the case of a first conviction to Rs 100 or in the case of a second or subsequent conviction to Rs 500

Observations/recommendations of the Committee

The committee observes that para (2) under the heading Glanders And Farcy is not properly worded The Committee recommends that the same may be recast properly

The Committee would like to know as to whether any provisions of compulsory visit by an Inspector every fortnight in every village can be made to implement the provisions of the Act and Rules in letter and spirit

The Committee recommends that in line 4 of paragraph 6 under the heading Glanders And Farcy for the word Provincial substitute the word State

The Committee observes that para 9 under the above head is not properly worded The Committee further recommends that the same may be recast properly

The Committee observes that the penalty provided for the violation of the provisions of the regulation under the heading Glanders And Farcy is required to be enhanced for proper implementation of the rules/regulation The Committee therefore recommends that penalty under regulation (15) may be enhanced suitably

The department in their written reply stated as under —

Every person having or having had in his possession or under his charge any animal affected with or suspected of the disease shall with all practicable speed give notice of the fact of the animal being so affected or suspected to the Inspector under this Act (section 6) and if there be no Inspector at any place to the nearest Police Station and the officer in charge of that station shall forthwith transmit the information to the Inspector under the Act

Yes it should be substituted as state

Yes may be suitably amended as — - in the case of a first conviction of Rs 250 or in the case of a second or subsequent conviction to Rs 1000

The Committee recommends that necessary amendments in the regulations/ rule may be made as per observation of the Committee

Rule—11

SURRA—Regulations (1) (2)(a) (3) (4) and (5) described under Rinderpest (shall apply *mutatis mutandis* except that for word an isolation pond there shall be substituted the words A Surra Centre and the rule 10 14 and 15 described under Glanders and Farcy shall apply to this disease

(1) No animal shall be certified to be suffering from Surra until the necessary microscopical examination and diagnosis has been made by the Veterinary Surgeon

(2) (a) The Veterinary Surgeon Shall direct that an animal affected with Surra While at the Surra Centre be subjected to a suitable curative treatment

(b) If the animal is in such a condition that it is considered that treatment would not be of any benefit or if the owner is not willing to be under treatment the animal shall forthwith be destroyed

(3) The Inspector shall not grant a licence for the release or removal of any animal from a Surra Centre unless he is fully satisfied that such animal has received the prescribed treatment and is not effective

(4) No animal shall be removed out of an infected place without a licence signed by an Inspector under this Act

Observations/recommendations of the Committee

The Committee observes that regulation (2) (b) given under the heading Surra is not properly worded The Committee therefore recommends that the same may be suitably recast to make it grammatically correct

The Committee would like to know as to whether the Inspector demands any certificate of Civil Surgeon regarding treatment of the animal for his satisfaction before the release or removal of any animal from a Surra Centre

The department in their Written reply stated as under —

The para 2(b) seems to be correct grammatically

However during the course of oral examination the departmental representatives agreed to examine the matter again

The Committee recommends that the regulation may be scrutinized again so that it may be suitably recast

Rule—12

Scales of charges in respect of expenses incurred on behalf of the owner to be recovered under section 27 of Act The Officer taking action under Chapter II of the Act in respect of any property shall frame a certificate of expenses incurred at all following scales of charges—

- (a) For the disinfection of premises not exceeding Rs 5 per 100 square feet floor area
- (b) For disinfection of vehicle vessel or other article not exceeding Rs 5 per article
- (c) For the disposal of carcasses—
 - (i) Not exceeding Rs 5 for cartage per animal
 - (ii) Not exceeding Rs 20 for the burial of each carcass
 - (iii) Not exceeding Rs 30 for the incineration of each carcass
- (d) Feeding charges not exceeding Rs 2 per day per animal The Inspector shall prepare the bill of such charges in form I and send it to the District Magistrate of the District concerned for recovering the same from the person concerned

Observations/recommendations of the Committee

The Committee observed that the scales of charges mentioned in this rule for the disinfection of premises/vehicles disposal of carcasses and feeding charges are at lower side

The Committee therefore recommends that these scales of charges may be suitably increased

The department in their written reply stated as under —

The charges should be enhanced as under

- (a) Disinfection of area Rs 10 per 100 square meter
- (b) Disinfection of articles Rs 10 per article
- (c) disposal of carcasses
 - (i) Rs 50 for cartage per animal
 - (ii) Rs 100 for burial per animal
 - (iii) Rs 200 for incineration per animal

(d) Feeding charges Rs 20 per day per animal

The Committee recommends that the rule may be amended suitably in view of above suggestion

Rule—13

Report or Notices under the Act The Veterinary Surgeon or the Inspector as the case may be shall submit a report of the action taken by him under the Act in respect of any animal to the Deputy Superintendent Civil Veterinary Department Punjab of the district concerned and will seek instructions from him for any further action to be taken by him The deputy Superintendent shall report or bring to the notice of the superintendent Civil Veterinary Department Punjab concerned of the action taken by him The Divisional Superintendent in turn shall keep the Director Veterinary Services Punjab informed of the action taken by his subordinates

Observations/recommendations of the Committee

The Committee recommends that for the word Punjab wherever occurring in this rule the word Haryana may be substituted

The department in their written reply stated as under —

Yes

The Committee recommends that necessary amendment may be made in the rule as suggested above

Rule—14

Control on the Movement of Animals—The animal/animals so detained the quarantine station shall remain under the care of the owner or person in charge of the animal/animals who shall be responsible for their feeding and upkeep He shall have to pay Re 1 for vaccination making etc and the amounts so received are creditable to head XXX-Veterinary—Other Receipts—Other—Receipts

Observations/recommendations of the Committee

The Committee observes that the vaccination charges are at very lower side

The Committee recommends that the same may be increased suitably

The department in their written reply stated as under —

Vaccination charges may be enhanced to Rs 20

The Committee recommends that the rule may be amended accordingly

Rule—19

Detention and Fees at the inter-provincial quarantine stations —

- (i) The period of detention of animals at the inter-provincial quarantine stations shall be 10 days

- (ii) the fee for vaccination and marking of animals at the inter provincial quarantine station shall be Re 1 per animal All such fee will be recovered from the owner of the animal and creditable under head XXX Veterinary—
Other Receipt—Other Receipts

Observations/recommendations of the Committee

The Committee recommends that in line 1st of this rule for the word Fees substitute the word fees

The Committee also observes that the fee for vaccination and marking of animals at the inter provincial quarantine station is at lower side

The Committee therefore recommends that the rate of fee may be suitably revised

The department in their written reply stated as under —

Yes

Yes it should be enhanced to Rs 20

The Committee recommends that the rule may be amended suitably as proposed above

APPENDIX I

Disinfection Rules

A—Disinfection of Building Yard or Vessel

1	*	*	*	*	*	*
(a)	*	*	*	*	*	*
(b)	*	*	*	*	*	*
(1) to (5)	*	*	*	*	*	*
(c)	*	*	*	*	*	*
2(1)	*	*	*	*	*	*
(2)	*	*	*	*	*	*

(3) Katcha floor shall be covered with quick lime (fresh) dug up to depth of 3 and surface removed and buried Quick lime shall get scattered again and the area filled in with fresh earth

(4)	*	*	*	*	*	*
(5)	*	*	*	*	*	*

Observations/recommendations of the Committee

The Committee recommends that in rule 2(3) of the disinfection rules in appendix I for the figure and sign 3 the figure and word 3 feet be substituted to make the rule intelligible

The department in their written reply stated as under —

Yes it should be substituted as 3 feet

The Committee recommends that the above sub rule may be amended accordingly

Rule—5

A breach if any of the above rules shall be punishable with a fine which may extend in the case of a first conviction to Rs 100 or in the case of a second or subsequent conviction to Rs 500

Observations/recommendations of the Committee

The Committee observes that the penalty provided in rule 5 in disinfection Rules in Appendix-I needs to be suitably enhanced The Committee therefore recommends that as and when the provision of penalty in the Act is amended this rule may also be suitably amended

The department in their written reply stated as under —

Yes may be suitably amended as in the case of a first conviction of Rs 250 or in the case of a second or subsequent conviction to Rs 1000

The Committee recommends that the above rule may be amended accordingly

B—Disinfection of Vehicles used for the conveyance of animals

1 Every horse-box cattle truck or vehicle used for the conveyance of animals shall on every occasion after an infactive animal is taken out of it and before any other animal is placed therein shall be rendered safe for use by cleansing and disinfection in the following manner —

- (a) * * * * *
- (b) * * * * *

(c) The manager and parts of the box adjacent thereto shall be specially cleansed and disinfected —

Firstly by scraping so that all dirt dust or nasal discharge adhering thereto is effectively removed Second by scrubbing with a stiff brush and hot water Thirdly by time washing with freshly prepared lime wash in the proportion of one maund of fresh lime to 20 gallons of clean water to which 5 per cent of carbolic acid has been added Unless all parts of the vehicles have been thoroughly cleansed the application of any form of disinfectant will not be considered to render it safe for use

Observations/recommendations of the Committee

The Committee recommends that in line second of Rule 1 (c) for the word second substituted the word secondly

The department in their written reply agreed to observation of the Committee

The Committee recommends that amendment as suggested by the Committee may be made in the rule

Rule—2

A breach if any of the above rules shall be punishable with a fine which may extend in the case of a first conviction to Rs 100 or in the case of a second or subsequent conviction to Rs 500

Observations/recommendations of the Committee

The Committee observes that the penalty provided in rule 2 is merge The Committee therefore recommends that the penalty may be suitably enhanced as and when the provisions of the Act are amended

The department in their written reply stated as under —

Yes may be suitably amended as—in the case of a first conviction of Rs 250 or in the case of a second or subsequent conviction to Rs 1000

The Committee recommends that the amendment in the rule as suggested may be made

Rule—3

On application to the station master of any station Veterinary Officers shall forth with be allowed to inspect any or all vehicles used for the conveyance of livestock which may the time be standing at his station

Observations/recommendations of the Committee

The Committee recommends that in line 3rd of Rule 3 after the word may add the word at to make the rule grammatically correct

The department in their written reply stated as under —

Yes

The Committee recommends that the rule may be amended as suggested above

Rule—4

The administration of the several railways shall forward to the Director of Veterinary Services in the Province served by them a list of their stations at which the cleansing and disinfection of vehicles under these rules will ordinarily be carried out

Observations/recommendations of the Committee

The Committee recommends that in line second of Rule 4 after the word province substitute the word State

The department in their written reply stated as under —

Yes also the Director of Veterinary services may be substituted as Director General Animal Husbandry and Dairying

The Committee recommends that the rule may be amended as proposed above

APPENDIX II

FORM 1

Certificate for the recovery of charges

In accordance with the powers vested on me under section 27 of the East Punjab animals Contagious Disease Act 1948 I _____ in my capacity as a Veterinary Inspector do hereby certify that the following expenses were incurred for the disinfection/disposal of the carcass feeding _____ and are recoverable, from Shri _____ son of _____ Village _____ Post _____ Office _____ District—

Veterinary Inspector under the Act

Observations/recommendations of the Committee

The Committee recommends that in line fifth in Form-1 for the word carcass feeding substitute the word and sign carcass/feeding of to convey the correct sense

The department in their written reply stated as under —

Yes

The Committee recommends that the Form may be amended as sugges
above

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