

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

THIRTY EIGHTH REPORT

2008-2009

(Presented to the Haryana Vidhan Sabha on February 2009)



HARYANA VIDHAN SABHA SECRETARIAT
CHANDIGARH
2009



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**COMPOSITION OF THE COMMITTEE
(2008-2009)
COMMITTEE ON SUBORDINATE LEGISLATION**

Chairperson

Smt Anita Yadav MLA

Members

Shri Shadi Lal Batra MLA

Shri Sher Singh MLA

Shri Jitender Singh Malik MLA

Shri Harsh Kumar MLA

Shri Sahida Khan MLA

Shri Dinesh Kaushik MLA

Advocate General

Special Invitees

* Shri Naresh Kumar Sharma MLA

** Shri Devender Kumar Bansal MLA

*** Shri Jagbir Singh Malik MLA

Secretariat

Shri Sumit Kumar Secretary

Shri Puran Mal Accounts Officer

The Committee was constituted vide Haryana Vidhan Sabha Secretariat
Notification No HVS SLC 1/2008 09/ 32 dated 1st April 2008

Nominated as a special invitee of the Committee with effect from 15th April 2008 for the remaining period of the year 2008 2009 vide notification No HVS SLC 1/2008 09/46 dated 15th April 2008 resigned from the membership of the Committee with effect from 29th April 2008 vide notification No HVS SLC 1/2008 09/56 dated 30th April 2008

Nominated as a special invitee of the Committee with effect from 14th May 2008 for the remaining period of the year 2008 2009 vide notification No HVS SLC 1/2008 09/57 dated 14 h May 2008

Nominated as a special invitee of the Committee with effect from 28th May 2008 for the remaining period of the year 2008 2009 vide notification No HVS SLC 1/2008 09/59 dated 28th May 2008

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 Eighth Report to the House

2 The matters covered by this Report were finally considered by the Committee at their sitting held on 28th January 2009 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 Accounts Officer and Staff of the Legislation Branch

Chandigarh
The 28th January 2009

ANITA YADAV
CHAIRPERSON
Committee on Subordinate
Legislation

REPORT

1 The Committee on Subordinate Legislation for the year 2008 2009 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 1st April 2008 and was notified in the Official Gazette vide Notification No HVS SLC 1/2008 09/32 dated the 1st April 2008

2 Smt Anita Yadav MLA was appointed as the Chairperson of the Committee by the Speaker

3 The Committee held 84 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 Haryana Municipal (Tax on Buildings and Land) Rules 1987 framed under the Haryana Municipal Act 1973
- 2 The Haryana Home Guards Rules 1980 framed under the Haryana Home Guards Act 1974
- 3 The Wild Life (Protection) Haryana Rules 1974 framed under the Wild Life (Protection) Act 1972

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 in exceptional circumstances 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 Government 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 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 of discretionary power vested in it should be laid down in the rules
- (ii) In case where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation
- (iii) Before any adverse action is taken against a party it should be given a reasonable opportunity of being heard and after a decision adversely affecting a party has been taken it should have the right of appeal or representation as the case may be
- (iv) In order that the persons similarly placed are not treated differently the powers of exemption/relaxation should be 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
 - (vii) 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
 - (viii) Statutory rules should be amended by Statutory rules only and not by executive orders
 - (ix) 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
 - (x) 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 Seventh 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 if 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 there under, 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 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 six months. If in any 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 continue 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 six months.

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 along with 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 there under 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 there under 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.

The Committee is also of the view that as and when the copies of the Haryana Code are reprinted the same should be supplied to the Committee by the Controller Printing and Stationery Haryana at the earliest.

Further observations/recommendations made by the Committee

34TH REPORT 2003 04

(REVENUE DEPARTMENT)

(i) 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 watched the implementation of recommendations/observations made by it in respect of the Haryana Public Premises and land (Eviction and Rent Recovery) Rules 1973 as contained in its 34th 37th Reports and it was observed that the recommendations/observations of the Committee have been implemented by the Department

The Department also supplied a copy of the notification dated 12th August 2008 amending the above rules as per observations/recommendations of the Committee

In view of above the Committee observed that no further action is required to be taken in the matter

Further observations/recommendations made by the Committee

35TH REPORT 2005-06

(MINES AND GEOLOGY DEPARTMENT)

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

The Committee watched the implementation work regarding observations/recommendations made by the Committee on the Punjab Minor Mineral Concession Rules 1964 as contained in its 35th – 37th Reports

The Department has sent a copy of the Notification dated 6th May 2008 amending the aforesaid Rules as per observations / recommendations of the Committee made in the aforesaid Reports

In view of above the Committee observed that no further action is required to be taken in the matter

Further observations/recommendations made by the Committee in respect of Non-implementation of its earlier recommendations in respect of —

(URBAN LOCAL BODIES DEPARTMENT)

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

The Committee watched the implementation of observations/recommendations of the Committee made by it in respect of the Haryana Municipal (Sanitation and Public Health) Bye laws 1976 as contained in its 35th 36th Reports and it was observed that the observations/recommendations of the Committee had not been implemented by the Department despite the assurances given during the course of oral examination held on 18 12 2007. While sending the 37th Report vide letter dated 2 5 2008 to the Department it was expected that the observations/recommendations of the Committee made in its 35th 37th Reports would be implemented at the earliest but no reply received in this regard. A reminder was also sent to the Department on 23 12 2008.

Now the Department has stated that observations/recommendations made by the Committee in respect of above Rules are being implemented soon and copy of the notification amending the Rules will be sent to the Committee at an early date.

In view of above the Committee expects that the Department would take up the matter on priority basis and implement the observations/recommendations of the Committee expeditiously and supply the copy of the notification amending the Rules to the Committee without further delay.

(HEALTH DEPARTMENT)

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

The Committee watched the implementation work regarding observations/ recommendations of the Committee on the Punjab Ayurvedic and Unani Practitioner s (General Rules) 1964 as contained in its 35th 37th Reports

The Committee observed that 37th Report was sent to the Department vide letter dated 5th May 2008 and it was expected that the Department would implement all the observations/recommendations of the Committee made on the aforesaid rules expeditiously but no notification amending the Rules in the light of the observations/recommendations made by the Committee received. A reminder was also sent to the Department on 23rd December 2008

Now the Department has assured the Committee that observations/ recommendations of the Committee will be implemented soon and the Committee will be informed accordingly

The Committee observed that the Department had agreed to implement the observations/recommendations of the Committee made in its 35th 37th Reports in principle. However the Committee expects that the Department would take up the matter on priority basis and implement the observations/recommendations of the Committee after following the due procedure expeditiously and supply the copy of the notification amending the Rules to the Committee without further delay

36TH REPORT 2006-07
(REVENUE DEPARTMENT)

(i) The Punjab Land Revenue Rules framed under the Punjab Land Revenue Act, 1887

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Land Revenue Rules framed under the Punjab Land Revenue Act 1887 as contained in its 36th 37th Reports and observed that the Department concerned has amended the relevant Rules in the light of observations/recommendations made by the Committee vide notification dated 23rd July 2008

The Committee is satisfied to see that the Department concerned has almost implemented the recommendations however the Committee expects that some guidelines may be issued by the Department in case of appointment of Lambardar as well as Sarbrah Lambardar so that the purpose of the Rule 26 is also carried out in letter and spirit

(ANIMAL HUSBANDRY DEPARTMENT)**(ii) The Punjab Animal Contagious Diseases Rules 1953 framed under the Punjab Livestock and Birds Diseases Act, 1948**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Animal Contagious Diseases Rules 1953 framed under the Punjab Livestock and Birds Diseases Act 1948 as contained in its 36th 37th Reports and observed that the Department concerned has accepted most of the recommendations of the Committee in principle however the observations/recommendations of the Committee made on the aforesaid Rules are yet to be implemented. The Department was expected to take up the matter on priority basis.

While sending the 37th Report to the Department vide letter dated 5.5.2008 the Department was requested to intimate the action taken in the matter at the earliest but no reply received. The reminder was also sent to the Department on 31.12.2008 to implement the observations/recommendations of the Committee made in respect of the aforesaid rules.

Now the Department during the course of oral examination has assured the Committee that the observations/recommendations of the Committee which have not been implemented so far will be implemented at the earliest.

In view of above the Committee expects that the Department would take up the matter on priority basis and after amending the Rules in the light of the observations/recommendations of the Committee the notification in this regard may be sent to the Committee at an early date.

37TH REPORT 2007-08

(DEVELOPMENT AND PANCHAYATS DEPARTMENT)

(i) The Haryana Panchayat Raj Rules, 1995 framed under the Haryana Panchayat Raj Act 1994

The previous Committee in the year 2007-08 had scrutinized the Haryana Panchayat Raj Rules 1995 framed under the Haryana Panchayat Raj Act 1994 and made certain observations/recommendations on Rules 3 7 9 11 13 19 21 & 22 25 27 & 29 besides general observations as contained in its 37th Report which was sent to the Department on 2nd May 2008 for implementation of the recommendations/ observations made by the Committee at the earliest but no reply received from the Department in this regard. A reminder was also sent to the Department on 31.12.2008 to reply in the matter at the earliest.

The matter was pursued with the Department but the recommendations remained unimplemented. Ultimately the Department was requested to send the latest reply in the matter by 16.1.2009 and the meeting for oral examination of the Departmental representatives was fixed for 19.1.2009. The Department vide their communication dated 14.1.2009 requested to postpone the oral examination of the Departmental representatives for any other convenient date as the Financial Commissioner and Principal Secretary to Government Haryana Development and Panchayats Department would be busy in attending the meetings with the Planning Commission at New Delhi on 19th and 20th January 2009 to discuss the Annual Plan 2009-10 of Haryana State. The Department also vide their memo dated 15.1.2009 stated as under —

I am directed to report that keeping in view the importance of the recommendations/observations made by the Committee Subordinate Legislation made in its 37th Report regarding the Haryana Panchayat Raj Rules 1995 State Government has constituted a Minister's Committee to consider these recommendations/observations. Reply to the recommendations will be sent to the Vidhan Sabha Secretariat after the report of the Minister's Committee is received and a view taken by the State Government in the matter. The Committee on Subordinate Legislation may kindly be apprised accordingly.

The Committee observed that though the Department had agreed in principle to the observations/recommendations made by the Committee in respect of aforesaid Rules as contained in 37th Report yet keeping in view the latest interim reply of the Department it would be appropriate to wait for some reasonable period for the implementation of the recommendations/observations made by the Committee in this regard.

The Committee expects that the Department would take up the matter on priority basis and supply the copy of the notification amending the aforesaid rules in the light of observations/recommendations made by the Committee as contained in its 37th Report without further delay.

(FOOD AND SUPPLIES DEPARTMENT)**(ii) The Haryana Standards of Weights and Measures (Enforcement) Rules 1995 framed under the Standards of Weights and Measures (Enforcement) Act 1985**

The previous Committee in the year 2007-08 had scrutinized the Haryana Standards of Weights and Measures (Enforcement) Rules 1995 framed under the Standards of Weights and Measures (Enforcement) Act 1985 and made certain observations/recommendations on Rules 6&7, 10-13, 19&20, 22, 24&25 as contained in its 37th Report.

While sending the Report to the Department vide letter dated 2-5-2008, the Department was requested to implement the recommendations/observations made by the Committee at the earliest. The Department vide their letter dated 10-7-2008 informed regarding the action taken by the Government on the recommendations/observations of the Committee as contained in its 37th Report. From the perusal of the reply of the Department, it reveals that the Department has agreed to implement the observations/recommendations of the Committee in principle. However, the notification implementing the recommendations of the Committee are yet to be issued by the Department. The Committee is satisfied to see that the sincere efforts have been made by the Department to implement the recommendations/observations of the Committee. The Committee, however, expects that the notification amending the Rules in the light of the observations/recommendations of the Committee would be sent to the Department at an early date.

(SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT)

(iii) The Haryana Juvenile Justice (Care and Protection of Children) Rules 2002 framed under the Juvenile Justice (Care and Protection of Children) Act 2000

The previous Committee had scrutinized the Haryana Juvenile Justice (Care and Protection of Children) Rules 2002 framed under the Juvenile Justice (Care and Protection of Children) Act 2000 and made certain recommendations on the aforesaid Rules

While sending the 37th Report vide letter dated 25/05/2008 the Department was requested to implement the recommendations/observations made by the Committee at the earliest. The Department vide their memo dated 29/7/2008 intimated the action taken in the matter and further sent an annotated reply vide their memo dated 29/8/2008. From the perusal of the reply of the Department it reveals that the Department has accepted most of the observations/recommendations in principle made by the Committee in respect of aforesaid Rules. However the notification to implement the recommendations are yet to be issued.

Keeping in view the action taken by the Department to amend the Rules in due course of time on the basis of Model Rules received from the Government of India Ministry of Women and Child Development and keeping in view the suggestions/recommendations of the Committee the Committee expects that further action in the matter will be taken on priority basis and the Committee may be informed accordingly.

SCRUTINY OF THE HARYANA MUNICIPAL (TAX ON BUILDINGS AND LAND) RULES, 1987 FRAMED UNDER THE HARYANA MUNICIPAL ACT, 1973

The Committee scrutinized the Haryana Municipal (Tax on Buildings and Land) Rules 1987 framed under the Haryana Municipal Act 1973 and made the following observations/recommendations thereon —

Rule—1

“1 Short title and extent — These rules may be called the Haryana Municipal (Tax on Buildings and Land) Rules 1987

(2) They shall apply to all the Municipalities

Observation of the Committee

The Committee recommends that for the sub-rule (2) of Rule 1 the following sub rule may be substituted as under

(2) These Rules shall apply to all the Municipalities in the State of Haryana

The Department in their written reply stated as under —

Suggestion is correct

Recommendation of the Committee

The Committee recommends that sub rule (2) of Rule 1 as accepted by the Department may be amended as recommended above

Rule—4

“4 Remission of tax, Section 85 — (1) Notice for remission under Section 85 shall be in the form D and shall be accompanied by sufficient documentary evidence to prove that the property really remained unoccupied and unproductive of rent during the period in respect of which remission is sought for

(2) The committee may demand an affidavit in support of the facts stated in the notice

(3) The period for which a property remained unoccupied will be counted for each taxable year separately

Observation of the committee

The Committee recommends that in Rule 4(1) in line one after the word remission add the words of tax

The Department in their written reply stated as under —

Suggestion is correct

Recommendation of the Committee

The Committee recommends that rule 4(1) as accepted by the Department may be amended as recommended above

Rule—5

5 Hearing of objections, section 257 (1) (r) — The Committee may hear objections under sections 78 79 and 80 on the date and time given in the notice and if the proceedings are adjourned to some future date or time the assessee shall be informed of it

Observation of the Committee

The Committee recommends that in Rule 5 in the end the word well in time may be added to make the rule clear

The Department in their written reply stated as under —

Suggestion is correct

Recommendation of the Committee

The Committee recommends that rule 5 as accepted by the Department may be amended as recommended above

Rule—6

“6 Supply of copies Section 257 (1) (r) — In pursuance of the notice issued under Sections 78 79 and 80 the Committee shall on demand from the assessee provide him with the necessary copies of documents and all other information pertaining to the assessment before the same is settled

Provided that no copy of a document the certified copy of which is issuable by the Committee on payment of the charges prescribed for the same under any other rules or bye laws shall be given unless the assessee has deposited the prescribed fee with the Committee

Observation of the Committee

The Committee would like to know the rate of charges for obtaining the certified copies of the documents from the Committee

The Committee would further like to know as to whether any time period has been prescribed to supply the certified copies to the assessee

The Department in their written reply stated as under —

Rates of certified copies being charged as per section 54 A(2) of Haryana Municipal Business Byelaws 1981 are as under —

- 1 Ordinary fee for 1st 200 words = Rs 5/
- 2 Additional word upto 100 = Rs 2 50/
- 3 Urgent fees = Rs 5/
- 4 Search fee = Rs 5/ per year

Presently the certified copies to the assesses are supplied on the same day after depositing the urgent fees as per clause (vi) or section 54A (2) of Haryana Municipal Business Bye laws 1981 and in ordinary cases normally copies are supplied within three days

Recommendation of the Committee

The Committee recommends that rates of Charges for obtaining the certified copies of the documents from the Committee may be suitably revised

The Committee further recommends that some time period for supplying the certified copies to the assesses may be prescribed in the Rule itself

Rule — 7

“7 Consolidated bill of tax, Section 257(1) (r) – (1) The Committee shall be competent to prepare a consolidated bill of the tax in respect of any number of buildings and land owned by the same person

(2) (a) The tax shall be paid to the Committee either by depositing in cash or by bank draft or by money order [within thirty days]¹ from the delivery of the bill. No cheque unless marked good for payment by the bank will be accepted

[(b) 10% rebate shall be allowed if the payment is made within the due date as provided under clause (a) and where the tax is not paid within the due date as provided under clause (a) then a penalty of 10% over and above the tax shall be imposed]²

[(c) Where the tax is not paid within []³ of the due date an interest at the rate of one per centum per month shall be charged for every calendar month or part thereof]⁴

(3) A bill shall ordinarily include in it all the arrears of the tax if any but if some arrears are not included in it the Committee shall not be precluded from recovering the same

(4) The payment of tax against any bill issued by the Committee in respect of any building or land shall not affect the liability of a person to pay the increased tax which may be assessed on the said property under section 80

(5) No reduction for tax on building and land out of gross annual rent shall be admissible to the owner unless the tenant has specifically agreed with the Committee to certain sum being paid as tax on buildings and lands. This agreement with the Committee shall be on a stamp paper executed in accordance with law

(6) A rebate from the tax for movable furniture let with the building shall be allowed on the basis of rates shown in the Schedule appended to these rules subject to the maximum limit prescribed in sub clause (b) (ii) (1) of clause (1) of Section 2

Observations of the Committee

(i) The Committee recommends that the spelling of word "thirty" may be corrected in line second of sub rule 2 (a) of the above rule

(ii) The Committee further recommends that the spelling of word "shall" may be corrected in line third of sub rule 2 (b) of the above rule

(iii) The Committee is also of the view that the words of the mentioned in the first line of sub rule (2) (c) may be omitted being superfluous

(iv) The Committee would like to know as to whether some time limit may be prescribed to recover arrears of tax ?

The Department in their written reply stated as under —

Suggestion is correct

Suggestion is correct

Suggestion is correct

No there is no need to prescribe time limit to recover arrears of tax as there are provisions to give rebate of 15% on the house tax in case payment is made within 30 days and if not paid within stipulated period 10 % surcharge is leviable and thereafter 1 % interest per month is to be charged. Moreover the municipalities are also empowered to recover the arrear of taxed under Section 94 and Section 95 of Haryana Municipal Act 1973

Recommendations of the Committee

The Committee recommends that sub rules (2) (a) (b) and (c) of rule 7 may be amended as recommended above by the Committee and accepted by the Department

The Committee further recommends that sub rule (6) of this rule has also become redundant wherein reference of unamended section of the Act has been given may be amended suitably

Rule—8

8 Registers Section 257 (1) (r) —(1) The Committee shall maintain a register as laid down in Chapter VII of the Municipal Account Code 1930 showing the demand collection arrears excess recoveries and such other particulars with respect to the tax as it may prescribe from time to time. This register may be maintained in such parts or volumes with such classification for various purposes as the Committee may consider necessary

(2) The Committee may maintain such additional registers as are considered necessary

Observations of the Committee

- 1 The Committee would like to know as to whether the Register maintained under Municipal Account Code 1930 still holds good or needs some amendments/improvements suiting to the present changed socio-economic scenario of the society
- 2 Whether these Registers are subject to scrutiny of the higher authorities every year or these are submitted for examination/verification of some competent authority regularly ?

The Department in their written reply stated as under —

The Proforma exist prior to 2001-2002 has been changed which is correct one

Yes the registers are submitted regularly to Audit Department for verification

Recommendation of the Committee

The Committee observes that the proforma of register for showing the details of demand collection of tax etc has been Changed The Committee recommends that rule 8 may be amended suitably and registers may be maintained accordingly

"FORM C

(See Rule 3)

Notice under Section 80 of the Haryana Municipal Act 1973

Shri/Smt

You are hereby informed by this notice under Section 80 of the Haryana Municipal Act 1973 that the Committee has taken the decision —

- 1 that the annual assessed on the said property is not reasonable
- 2 that the annual value has been erroneously valued
- 3 that there are differences in the details of property
- 4 that the tenancy on the said property has been changed
- 5 that the annual value assessed previously on the said property is not correct
- 6 that the annual value of the property has been increased

So the following annual value has been proposed on the said property. If you have any objection to it you can file objection yourself or through your authorised agent in the office of the Committee within one month of the receipt of the notice in writing. No representation will be considered after the expiry of the date and the proposed taxable annual value shall be finally fixed for the next year commencing from the 1st April to 31st March

Sr No	Item	Description
PROPERTY DETAILS		

- 1 Name of Owner
- 2 Property Number
- 3 Plot Area (Square Yards)
- 4 Covered Area (Square Feet)

Floor	Area	Nature	Type of Construction	Age
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COST CALCULATION

- 5 Land Cost
- 6 Building Cost
- 7 Depreciation

- 8 Cost of land and cost of building after Depreciation (Total Value)
- 9 Discounted Value
- 10 Annual Value
(5% of Discounted Value)
- 11 Rebate for annual maintenance
- 12 Annual Value after rebate
- 13 House Tax Assessed
- 14 Rebate for timely payment
- 15 Tax payable on due date
- 16 Due Date

Tax Clerk

Tax Superintendent

Executive Officer/Secretary

Municipal Council/Committee

Observations of the Committee

The Committee recommends that in para 1 of this form after the word annual add the word value to make it more clear

The Committee would like to know as to whether this form of notice needs any modification suiting to the changed circumstances ?

The Committee further would like to know as to whether the formula of cost calculation is still appropriate keeping in view the factor escalation of prices ?

The Department in their written reply stated as under —

Form C

The suggestion is correct

Only the word next in the last line needs to be omitted

Yes Formula of cost calculation is still appropriate

Recommendation of the Committee

The Committee recommends that form C as recommended above and accepted by the Department may be amended accordingly

“SCHEDULE

[See rule7(6)]

SCHEDULE OF RENT FOR FURNITURE

		Proposed rent per annum
		Rs P
1	Item of household furniture	
(i)	Double bed	75 00
(ii)	Sofa set	75 00
(iii)	Dining set (with six chairs)	75 00
(iv)	Easy chair	7 50
(v)	Central table	15 00
(vi)	Dressing table	25 00
(vii)	Almirah (Full size)	60 00
(viii)	Study table	25 00
(ix)	Towel /hat stand	7 50
2	Items of office furniture--	
(i)	Office table	50 00
(ii)	Office chair	7 50
(iii)	Almirah (Small)	40 00
(iv)	Bench	15 00
(v)	Rack	15 00

Note — The above list is not exhaustive. The rent mentioned in the Schedule may be raised or brought down for which detailed reasons should be recorded in writing by the Executive Officer or Secretary as the case may be.

Observation of the Committee

The Committee would like to know as to whether the schedule of rent for furniture needs to be raised in view of rise in prices ?

The Department in their written reply stated as under —

There is no need to change the schedule of rent for furniture since no such provision exists in the present Act

Recommendation of the Committee

The Committee observes that Schedule as mentioned above has also become redundant in view of the fact that sub-rule (6) of rule 7 has become obsolete. The Committee therefore recommends that Schedule may be amended/omitted accordingly.

During the course of oral examination held on 12th January 2009 the Departmental Representatives assured the Committee to implement the observations/recommendations of the Committee made on the aforesaid Rules expeditiously.

The Committee expects that the Department would take up the matter on priority basis and do the needful as per assurance.

SCRUTINY OF THE HARYANA HOME GUARDS RULES, 1980 FRAMED UNDER THE HARYANA HOME GUARDS ACT, 1974

The Committee Scrutinized the Haryana Home Guards Rules 1980 framed under the Haryana Home Guards Act 1974 and made the following observations/recommendations thereon —

Rule —2

Definitions

2 In these rules unless the context otherwise requires —

- (a) Act means the Haryana Home Guards Act 1974
- (b) Appendix means as appendix to these rules
- (c) Commandant General and Deputy Commandant General respectively means Commandant General Home Guards Haryana and Deputy Commandant-General Home Guards Haryana appointed under the Act
- (d) Gazetted Officer" means a wholetime officer of the status specified below and includes an officer of the status notified as gazetted by the Government —
 - (i) Commandant General and Director Civil Defence
 - (ii) Deputy Commandant General and Deputy Director Civil Defence
 - (iii) Commandant Combined Training Institute
 - (iv) Senior Staff Officer
 - (v) Junior Staff Officer
 - (vi) Accountant cum Administrative Officer
 - (vii) District Commandant
 - (viii) District Relations Officer
 - (ix) Chief Instructor
 - (x) Medical Officer
 - (xi) Deputy Controller Civil Defence
- (e) Government means the Government of the State of Haryana

- (f) Home Guards means the Haryana Home Guards constituted under section 8 of the Act
- (g) N C Os means Non Commissioned Officers from Sub-Section Leader to Havaldar
- (h) Non Gazetted Officer" means a wholetime officer of the status specified below —
 - (i) Centre Commander
 - (ii) Company Commander
 - (iii) Administrative Subedar
 - (iv) Quarter Master Subedar
 - (v) Senior Instructor
 - (vi) Store Officer
 - (vii) Platoon Commander/Civil Defence Instructor
 - (viii) Quarter Master Sergeant
 - (ix) Deputy Store Officer
 - (x) Store Superintendent Civil Defence

Observations of the Committee

The Committee recommends that in Rule 2(f) for the word and figure Section 8 substitute the word and figure section 3 as the Haryana Home Guards Organization has been constituted under Section 3 of the Act

The Committee would like to know for its information the total number of gazetted or non gazetted staff which is working in the Haryana Home Guards Organization at present

The Department in their written reply stated as under —

The recommendation of the committee is accepted

The total number of Gazetted and non Gazetted staff in this organization is 444

Recommendation of the Committee

The Committee recommends that correct section of the Act as mentioned above by the Committee and accepted by the Department may be given in rule 2 (f)

Rule — 5

5 The enrolment form of members shall be as given in *Enrolment form*
Appendix A *Section 11(2)(b)*

Observations of the Committee

- (i) The Committee would like to know for its information as to whether any fitness criteria has been prescribed to enroll a person to serve as Home Guard in Haryana
- (ii) Whether enrollment form is still applicable and appropriate in the present circumstances or needs any amendment to suit the changed circumstances in the State

The Department in their written reply stated as under —

The present enrollment form is still applicable and appropriate for the enrollment of Home Guards volunteers

During the Course of oral examination held on 19th January 2009 the Departmental Representatives accepted the observation of the Committee that no physical fitness criteria has been prescribed in the Rules to enroll a person to serve as Home Guard and also admitted that enrollment form needs to be amended suiting to the changed circumstances

Recommendations of the Committee

The Committee recommends that fitness criteria may be prescribed in the Rules itself and the enrollment form may be amended accordingly

Rule — 6

6 The strength of each Wing of the Home Guards shall be such as may be fixed by the Government from time to time *Strength of Home Guard*
Section 11(2)(b)

Observation of the Committee

The Committee would like to know the strength of Home Guards serving at present in urban and rural wings respectively

The Department in their written reply stated as under —

The number of Home Guards volunteers in urban wing is 4909 and in rural wing it is 9116 as such total number of Home Guards volunteers is 14025

Recommendations of the Committee

The Committee recommends that some effective steps may be taken to encourage the volunteers to serve as the Home Guards in the state

Rule — 7

Eligibility

Section 11 2(b)

IS —

7 (1) No person shall be enlisted as a member unless he

- (a) a citizen of India or
- (b) a subject of Nepal or
- (c) a subject of Bhutan or
- (d) a Tibetan refugee who came over to India before 1st January 1962 with the intention of permanently settling in India or
- (e) a person of Indian Origin who has migrated from Pakistan Burma Sri Lanka or any of the East African Countries of Kenya Uganda the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia Malawi Zaire and Ethiopia with the intention of permanently settling in India

Provided that a person belonging to categories (b) (c) (d) (n) (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government

(2) No person shall be enlisted as a member unless he produces a certificate of character from the principal academic officer of his university college school or institution last attended if any and similar certificates from two other responsible persons not being his relatives who are well acquainted with him in his private life and are unconnected with his university college school or institution

Observations of the Committee

- (i) The Committee would like to know the criteria/yardstick to appoint as Home Guard in Haryana at present
- (ii) The Committee would further like to know as to whether any minimum educational qualification has been

prescribed for direct appointment and person serving in other department of the Haryana Government

- (iii) The Committee observes that no physical standard to enroll a person as Home Guard has been mentioned in the enrollment form. The Committee also observes that the eligibility criteria as mentioned in this rule has become obsolete and redundant with the passage of time. The Committee therefore recommends that this rule may be amended to suit to the changed/ prevailing circumstances.
- (iv) The Committee would like to know the designation of enrolling officer at present.
- (v) The Committee would like to know for its information as to whether there is any substantial difference of wages/salary serving in the urban and rural wings respectively.
- (vi) The Committee would like to know whether the provisions of sub-rule(2) of this rule are applicable in case of employed person also who wants to serve as member of Home Guards.

The Department in their written reply stated as under —

- (i) The criteria to appoint Home Guards volunteers in Haryana is enclosed as **Annexure 2**.
- (ii) The minimum educational qualification as mentioned in **Annexure-2** is 10th which is made applicable through instructions of the Government of Haryana bearing no. 34/36/08-1 HG III dated 22-10-08.
- (iii) The recommendation of the committee is accepted.
- (iv) District Commandant Home Guards is the enrolling officer of Home Guards volunteers.
- (v) No wages/ salary is paid to Home Guards volunteers. Only allowances are paid and there is no difference of allowances paid to urban/rural wing Home Guards volunteers.

During the Course of oral examination the Departmental Representatives admitted this fact that criteria to appoint Home Guards has not been prescribed in the Rules and assured the Committee to look into the matter to do the needful.

Recommendation of the Committee

The Committee observes that qualification in Annexures 2 and 3 supplied by the Department are different

The Committee recommends that eligibility criteria/yardstick with regard to educational qualification physical fitness and medical suitability etc. may be prescribed in the Rules itself instead of leaving it on Instructions to remove any ambiguity so that services of able bodied and qualified persons may be availed. The committee therefore recommends that this rule may be suitably amended

Rule — 8

*Age Limit
Section 11*

8 No person shall be enlisted as a member unless he has attained the age of eighteen years and is below fifty years

Provided that the age limit prescribed above may be relaxed by the Commandant General in suitable cases

Observations of the Committee

The Committee would like to know as to whether the age limit provided in this rule is required to be changed or not?

What is the criteria to adjudge as to whether a particular case is suitable or not?

The Department would like to know as to whether suitable case can be defined ?

The Department in their written reply stated as under —

There is no need to change the age limit of Home Guards volunteers as provided in this rule

During the course of oral examination the Departmental Representatives admitted the fact that the above rule may be improved from drafting point of view to make it properly worded

Recommendation of the Committee

The Committee recommends that proviso to this rule may be amended as under —

Provided that the age limit prescribed above may be relaxed by order for reasons to be recorded in writing by the Commandant General if in his opinion it is necessary or expedient to do so in suitable cases

Rule — 9

9 No person shall be enlisted as a member in any Unit of Home Guards unless he is declared medically fit

*Medical fitness
Section 11(2)
(b)*

Observations of the Committee

The Committee would like to know for its information as to whether physical standard has been prescribed somewhere in the rules/Act ? if so details thereof may be supplied to the Committee

Whether medical certificate regarding medical fitness issued by a private practitioner is valid for the purpose of enlisting a person as a member of Haryana Home Guards

The Department in their written reply stated as under —

Although no physical standards have been prescribed in Haryana Home Guards 1980 yet instructions in this regard have been issued at **Annexure 3**

The medical certificate issued by a private medical practitioner is also valid for enlisting a person as a member of Haryana Home Guards

During the Course of oral examination the Departmental Representatives admitted this fact that no physical standards to enroll a volunteer has been prescribed in the Rules and assured the Committee to amend the rule suitably

Recommendation of the Committee

The Committee recommends that suitable physical standards may be prescribed in the Rules as already pointed out in its recommendation on rule 7

Rule — 12

12 The appointment of Honorary Gazetted Officers shall be made by the Government

*Appointment of
Honorary Non
Gazetted
Officers and
Members
Section 11(2)(b)*

Observation of the Committee

The Committee recommends that in the marginal heading of this rule for the words 'non gazetted officer' the words 'gazetted officer' may be substituted to make the marginal heading consistent with the provision of this rule

The Department in their written reply stated as under —

The recommendation of the Committee is accepted

Recommendation of the Committee

The Committee recommends that the marginal heading of this rule may be amended as recommended above by the Committee and agreed to by the Department

Rule — 14

*Pay and
allowances
Section 11(2)
(b)*

14 The pay allowances and amenities if any admissible to the members including Gazetted and non gazetted officers shall be such as may be determined by the Government from time to time

Observations of the Committee

The Committee would like to know as to whether this rule exists or it has been omitted ? The correct position may be intimated to the Committee

The Department in their written reply stated as under —

Rule 14 of the Haryana Home Guards Rules 1980 is not omitted

During the course of oral examination of the Department the Departmental Representatives assured the Committee to re examine the matter so that exact position may be communicated to the Committee

Recommendation of the Committee

Keeping in view the above reply of the Department the Committee does not make any specific observation/recommendation at this stage

Rule — 16

*Members to
received
certificate of
appointment
Section 11(2)(b)*

16 (1) Every member shall on his appointment receive a certificate in the form given in Appendix B under the signature of District Commandant by virtue of which he shall be vested with the powers functions and privileges of a police officer

(2) A certificate referred to in sub-rule (1) shall cease to have effect whenever the person named in it ceases for any reason to be a member and on his ceasing to be a member such certificate

shall forthwith be surrendered by him to an officer empowered by the District Commandant to receive it

Observation of the Committee

The Committee would like to know as to whether the certificate is applicable to all the employees ?

The Department in their written reply stated as under —

The certificate as issued under appendix B is applicable to Home Guards volunteers

Recommendation of the Committee

The Committee recommends that the certificate in Appendix B may be amended suitably as the relevant provisions of the Act provides for enrollment and not for appointment of members of Home Guards

Rule — 18

18 Members may be called out to perform such functions in connection with protection of persons and security of property or the public safety as may be assigned to them from time to time and in particular for —

*Functions of
Members
Section 11(2)(b)*

- (a) helping the police in village defence scheme in the border districts
- (b) patrolling and Nakabundi
- (c) suppression of disturbances or serious crime
- (d) providing nucleus for Emergency Relief Organisation important towns
- (e) the maintenance of essential Services in important towns in emergency
- (f) providing relief in the event of natural calamities such as floods or fire
- (g) rendering social service to the Community and
- (h) evacuation according to schemes

Observations of the Committee

- (i) The Committee feels that the scope of functions which are discharged with the members of the Home Guards

at present may be enlarged suiting to the present circumstances i.e. in particular the functions can be assigned in assisting in holding any type of the elections process in the State

- (ii) In the case of spread of epidemic diseases
- (iii) They can be assigned the job in preventing the copying cases and for conducting smooth examination at school level
- (iv) For proper control and maintenance of traffic in towns and cities to avoid traffic hazard

The Department in their written reply stated as under —

The recommendation of the committee is accepted

Recommendation of the Committee

The Committee recommends that this rule may be amended suitably as recommended above by the Committee and agreed to by the Department

Rule — 19

*Uniforms and
accoutrements
Section 11(2)(b)*

19 (1) When on training or on duty or when proceeding to or returning from training or duty the officers and other ranks of Home Guards shall wear the uniforms and accoutrements prescribed by orders issued from time to time by the Commandant General. They may also carry rifles or other weapons sanctioned by the Government

(2) Uniforms and accoutrements shall be supplied by the Government to all members and whole time employees of the Home Guards which shall continue to be the property of the Government till the expiry of life of items of uniform which is given below —

(a, Male Home Guards

Item	Unit	Life
Shirt Khaki Cellular	1	*
Trousers Khaki Drill	1 pair	*
Belt Web or canvas	1	4 years
Anklelets Webs or canvas	1 pair	4 years
Socks	1 pair	*

Boots ankle black	1 pair	3 years
Beret Cloth	1	2 years
Shoulder Titles	1 pair	3 years
Cap Badge	1	4 years
Whistle	1	4 years
Lanyard	1	2 years
Hackle	1	2 years

* The life of clothing items of uniforms is one year for the training reserve two years for Urban Home Guards and five years for the mobilisation Stores

(b) Women Home Guards

Bush Shirt Khaki Cellular	2	2 years
Slacks Khaki Drill	2	2 years
Socks Cotton	2 pair	2 years
Shoes Leather Brown	1 pair	1½ years
Buckle Field Service	1	permanent
Cap Badge	1	2 years
Lanyard	1	2 years
Beret (marson)	1	2 years
Hackle	1	2 years
Shoulder title	2	3 years
Badges Proficiency with coloured background	1	3 years
Badges of ranks and Cheveron	1	permanent
Searves for Sikhs only	2	2 years

(3) No unauthorised emblems and other ornamental articles shall be worn with the uniforms. Medals shall be worn on ceremonial occasions only. Medal ribbons shall be worn on all occasions except when ordered to be removed for training or for operation.

(4) Efficiency badges granted to such Home Guards as who have successfully completed their advanced training shall be worn at all times with the uniforms except when ordered to be removed. The hackle of white and black plumps shall be worn on ceremonial occasions on the beret above the left eye on centre front of the turban as applicable. The white features and black leathers shall be in the lower portion and above portion of the hackle respectively.

(5) The following articles of uniforms shall be issued to all Urban Men/Women Home Guards —

Men Home Guards	Women Home Guards
Shirt Khaki Cellular	Bush Shirt Khaki Cellular
Belt Web or Canvas	Slacks Khaki Drill
Trousers Khaki Drill	Socks Cotton
Anklets Web or Canvas	Shoes Leather brown
Socks	Buckle field service
Boots Ankle Black	Cap Badge
Shoulder titles	Lanyard
Cap Badge	Beret (Mareon)
Whistle	Hackle
Lanyard	Shoulder Titles
Hackle	Efficiency badge
Efficiency Badge	Whistle

(6) The uniforms for the Rural Home Guards shall be kept at the Training Centre and made available to them during training and on duty

Observations of the Committee

- (i) The Committee would like to know whether all the items of uniforms as mentioned in Rule 19(2) are still applicable and provided to Home Guards ?
- (ii) The Committee feels that the number of items of uniforms mentioned in this Rule needs to be increased for bringing betterment in the conditions of the service of the Home Guards
- (iii) The Committee feels that the life of items of uniform should be decreased. The Committee further feels for the proper and effective functioning of the Home Guards the items of uniforms and amenities should be increased to cope with the present circumstances

The Department in their written reply stated as under —

All the items of uniform applicable to Home Guards volunteers are issued to them. Since no weapon has been authorized by the Government so they are not issued any weapon

The life of items of uniform may not be decreased

During the course of oral examination the Departmental Representatives assured the Committee to look into the matter with regard to supply of uniforms and accoutrements are concerned

Recommendation of the Committee

The Committee recommends that the matter may be re examined and life of items of uniforms may be decreased

Rule — 20

20 (1) The term of a member shall be three years and he shall be eligible for re enlistment provided that if any member is found to be medically unfit to continue as a member his enlistment may be terminated before the expiry of prescribed term

*Conditions of
Services
Section 11(2)
(b)*

(2) Service in the Home Guards shall ordinarily be voluntary and unpaid Government may however determine the allowance and expenses to be paid to the members when called out for training or duty The members and officers of Home Guards shall be entitled to receive such allowances and at such rates as the Government may prescribe from time to time The allowances received by them shall be in addition to their pay and allowances received by them from their parent department

(3) The members when called out under section 6 of the Act shall have the same powers privileges and protection as an officer of the police appointed under any enactment for the time being in force No prosecution shall be instituted against any member in respect of anything done or purporting to be done by him in the discharge of his duties as a member except with the prior sanction of the Government

(4) The members shall be transferred to reserve for a period of three years after the completion of the original appointment for three years While in reserve the members shall be liable to be called out for duty at any time if the exigencies of the service so require

(5) The members shall be liable to serve at any place within the State of Haryana In emergency those members who volunteers may however be deputed for special duty outside the State

(6) The members for all purposes shall be public servants They shall however not be debarred from being elected to the corporations State Assemblies or Parliament or other Public Bodies

Provided that whole time employees of Home Guards Department shall be governed by the rules made under article 309 of Constitution of India

Observations of the Committee

- (i) the Committee would like to know as to whether the medical checkup of Home Guards is done regularly/ every month and a record in this regard is kept to decide the term of a member
- (ii) The Committee would like to know the daily allowances which are paid to a member of Home Guards at present
- (iii) The Committee is of the view that sub rule (3) is superfluous as this provision has already been mentioned in detail in section 7 of the Act
- (iv) The Committee would like to know the meaning of word Emergency whether it relates to the emergency provisions as mentioned in Article 356 of the Constitution or it relates to any emergent situation or case

The Department in their written reply stated as under —

- (i) Although no regular medical check up is carried out yet persons with sound physique are enrolled as Home Guards volunteers for a period of 3 years
- (ii) The following allowances as sanctioned by the Government are paid to Home Guards volunteers
 - 1 Duty allowances Rs 150/ per day
 - 2 Parade allowance Rs 50/ per parade
 - 3 Washing allowance Rs 40/ per month
- (iii) The recommendation of the Committee is not accepted because sub rule (3) of rule 20 of Haryana Home Guards Rules 1980 has been framed under section 7 of the Haryana Home Guards Act 1974
- (iv) The word emergency covered all the provisions of Article 356 of the Constitution as well as any emergent situation

During the course of oral examination the Departmental Representatives stated that as pointed out by the Committee this rule may be examined again as the provisions of this rule and rule 14 seem to be contradictory to some extent

Recommendations of the Committee

The Committee recommends that this rule may be re examined as answered by the Department and correct/exact provision and position may be informed to the Committee accordingly

Rule — 21

‘ 21 (1) The service in the Home Guards shall be voluntary provided that the Government may in the case of any class of officers or other ranks determine the allowances to be paid for out of pocket expenses

*Allowances and
Honoraria
Section 11(2)(b)*

(2) The rates of honouraria and allowances shall be such as may be fixed by the Government from time to time

Observations of the Committee

- (i) The Committee feels that sub rule (1) needs to be clarified to convey the correct sense
- (ii) The Committee would like to know the difference in the provisions mentioned in sub rule (2) of Rule 21 and the provisions of sub-rule (2) of Rule 20

The Department in their written reply stated as under —

- (i) The recommendation of the committee is accepted
- (ii) The provisions of rule 21 2 are similar to those of rule 20 2 yet they are meant for those Home Guards volunteers who are not employed in any other organisation

Recommendation of the Committee

The Committee recommends that sub rule (1) of this rule may be suitably recast to convey the correct sense

Rule — 23

23 The Government may issue a calling out order to members individually or may request any officer of the Home Guards subordinate to the authority giving the order to produce a specific member or members for duty or training at such place or places as the order may specify

*Order calling
out members
Section 6*

Observation of the Committee

Whether any form of order has been proscribed ?

The Department in their written reply stated as under —

No specific form of order has been prescribed for calling out Home Guards volunteers. They are generally contacted by the whole time staff and sent to respective duty. In case of employed persons a formal letter is sent to the concerned officer to relieve him for Home Guards duty.

Recommendation of the Committee

The Committee recommends that some specific form of order may be prescribed for calling out Home Guards volunteers for immediate compliance of duty

Rule — 24

*Authority calling
out for duty and
training
Section 6*

24 The following officers shall have the authority of calling out members within their jurisdiction for duty —

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| (a) The Commandant General
or any other officer authorised
by him in this behalf | For any period |
| (b) District Magistrate | For any period |
| (c) The District Commandant | For fifteen days |
| (d) The Superintendent of
Police | For fifteen days |
| (e) The Police officer not below
the rank of Station House
Officer or Boarder Picket
Commandant in cases
of emergency only | for a period not
exceeding ten
days at a time |

Provided that in the case of officers specified in clause (e) a report of the action taken with reasons thereof shall be made immediately by the officer concerned to the Superintendent of Police and the District Commandant as the case may be

Observation of the Committee

The Committee would like to know as to whether there is any provision for exemption from duty or training. If so under what circumstances such power is exercised?

The Department in their written reply stated as under —

No provision for granting exemption from duty or training exists in Haryana Home Guards Rules 1980. However if a person submits medical certificate he can be granted exemption from duty or training.

Recommendation of the Committee

The Committee recommends that a provision may be made in the Rule itself to enable the competent authority to relax or exempt a member of Home Guards from duty or training on account of some reasonable cause.

Rule — 25*Offences and
punishment
Section 9*

25 (1) The following shall be deemed to be offences on the part of the members when undergoing a course of training or performing duty namely —

- (a) failure to respond to call up notices without any reasonable cause
- (b) failure to report for training/duty at the proper time and at the specified place
- (c) disobedience of orders of lawful command given by superior officers
- (d) threatening or using of violence or improper language against any member
- (e) being found in a State of intoxication
- (f) misuse or illegal disposal of any property belonging to the State or Home Guards
- (g) knowingly furnishing a false report in regard to Home Guards under his command or charge or any money arms ammunition clothing stores or other property on his charges
- (h) failure to return property or any weapon or uniform issued to him
- (i) failure to show proper courtesy towards public
- (j) conduct or behaviour prejudicial and disgraceful to the Home Guards

(2) The following punishments may be imposed by the appointing authority on members for any offence namely —

- (a) reprimand
- (b) extra Duty
- (c) suspension
- (d) reduction of rank
- (e) dismissal

(3) The penalties indicated above shall be imposed after proper proceedings by the District Commandant

(4) The members on whom any of the aforesaid punishment is imposed may within a period of thirty days of the communication of the orders to him appeal to the officer immediately superior to the authority imposing the punishment

(5) The proceedings for the investigation of the offences shall be regulated under the general orders of the Government unless special orders if any are issued in this respect

Observations of the Committee

(1) The Committee observes that there is a list of offences in this rule. The Committee would like to know as to what are the grounds for disciplinary action against the members of Home guards in Haryana

(2) The Committee would like to know as to whether any punishment as mentioned in section 9 is also imposed for the violation as mentioned in this rule

(3) The Committee feels that the sub-rule (3) is not properly worded

The Committee recommends that the same may be amended suitably

The Department in their written reply stated as under —

- 1 The list of offences on the part of Home Guards volunteers under going training or performing duty has rightly been given in sub-rule (1) of rule 25
- 2 The list of punishments is already mentioned in Rule 25 2
- 3 The recommendation of the committee is accepted

During the course of oral examination the Departmental Representatives were also of the view that this rule may be recast so as to distinguish the provisions for disciplinary action minor and major punishments and offences keeping in view the provision of section 9 of the Act

Recommendation of the Committee

The Committee recommends that this rule may be recast suitably so as to make it consistent with the provision of section 9 of the Haryana Home Guards Act 1974 and the provisions with regard to disciplinary/proceedings/action minor and major punishments and offences as well as penalties may be provided and distinguished separately to achieve the purposes of the Act

Rule — 26

"26 If a member suffers any damage to his person or property while under training or on duty he shall be paid such compensation as may be determined by the Government

Provided that such damage is not caused by his own negligence or wilful act or omission in contravention of any of the provisions of the Act or these rules or orders or directions issued by his superior officers

*Compensation
for damage
Section 11
(2)(b) and (d)*

Observation of the Committee

The Committee would like to know for its information as to how much compensation is paid to a member of Home Guards in case of death while performing the duties

The Department in their written reply stated as under —

In case of death of Home Guards volunteer on duty compensation amounting to Rs One lac is paid to the dependents of the deceased and in case of injury an amount of Rs 25 000/ or 50 000/ as the case may be is paid to injured Home Guards volunteer on the recommendation of the Committee

Recommendation of the Committee

The Committee observes that the amount of compensation being paid to the dependents of the deceased Home Guards and in case of injury to the volunteers is on lower side

During the course of oral examination the Departmental Representatives also admitted this fact and assured the Committee to consider this aspect sympathetically and favourably

The Committee recommends that the matter may be taken up seriously and necessary steps to enhance the amount of compensation may be taken expeditiously

Rule — 27

27 The members shall be eligible for cash awards individually or collectively for conspicuous good work or for a work of outstanding nature in saving life

*Awards
Section (2) (b)*

Protection of property assistance in maintenance of law and order devotion to duty and for any other purpose which furthers the aims and objects of the Home Guards

(2) The Commandant General is authorised to grant awards upto a monetary limit of five hundred rupees in any one case or on any one occasion

(3) The complete citation indicating the reason for which the award is granted shall be written and duly publicised

Observation of the Committee

The Committee feels that the award of Rs 500/ granted in any one case or on any one occasion is on the lower side The Committee recommends that the same may be suitably amended to encourage the willing worker

The Department in their written reply stated as under —

The Cash award has been enhanced from Rs 500/ to Rs 1500/

Recommendation of the Committee

The Committee recommends that the monetary limit of award may be increased and provided in the rule itself instead of instructions to avoid different interpretations

Rule — 30

*Delegation
Section 10*

30 The Commandant General may delegate his powers under these rules except the powers of dismissal to any officer of his Unit subject to such condition as may be specified in the order

Observation of the Committee

The Committee recommends that in line 3 of this rule for the word condition substitute the word conditions

The Committee would like to know as to who is the competent authority to appoint and remove a member of Home Guard

The Department in their written reply stated as under —

The recommendation of the committee is accepted

District Commandant is the competent authority to appoint and remove a Home Guards volunteer

Recommendation of the Committee

The Committee recommends that this rule may be amended as above

SCRUTINY OF THE WILD LIFE (PROTECTION) HARYANA RULES, 1974 FRAMED UNDER THE WILD LIFE (PROTECTION) ACT 1972

The Committee scrutinized the Wild Life (Protection) Haryana Rules 1974 framed under the Wild Life (Protection) Act 1972 and made the following observations/ recommendations thereon —

Rule-2

- 2 In these rules unless the context otherwise requires *Definitions*
- (a) Act means the Wild Life (Protection) Act 1972 (Parliament Act 53 of 1972)
 - (b) Chairman means the Chairman of the Board
 - (c) Form means a form appended to these rules
 - (d) Licensee means a holder of a licence granted under the act and these rules
 - (e) Section means a section of the Act
 - (f) Schedule means a Schedule to the Act

Observations of the Committee

The Committee recommends that Rule 2(b) may be substituted as under —

- (b) Chairperson means the Chairperson of the State Board for Wild Life

The Committee recommends that the word act mentioned in sub rule 2(d) may be written as Act

Recommendations of the Committee

The Department did not reply to the above observations. The Committee therefore could not make specific recommendations on the above rule

Rule-3

- 3 The term of office of a member of the Board referred to in clause (g) of sub section (1) of section 6 shall be three years from the date of his appointment

*Term of Office
Section 6(3)*

Observations of the Committee

The Committee would like to know as to whether the Wild Life Advisory Board is still in existence ? If so the details thereof may be supplied to the Committee

The Committee observes that section under which rule 3 has been framed seems to be incorrect the Committee therefore recommends that the same may be rectified

The Committee observes that the reference of clause (g) of sub-section (1) of section 6 given in rule 3 also seems to be incorrect The Committee therefore recommends that the same may be clarified/rectified

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

*Resignation
section 64
(2)(h)*

Rule-4

4 (1) A member of the Board may resign his office by writing under his hand addressed to the Chairman

(2) The office of a member of the Board shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation whichever is earlier

(3) The power to accept the resignation of a member of the Board shall vest in the Chairman who on accepting the resignation shall report to the Board at its next meeting

Observations of the Committee

The Committee recommends that the word Chairman given in line second of rule 4 may be substituted by the word Chairperson

The Committee would like to know as to what procedure is adopted in case of withdrawal of resignation of a member as a member can withdraw his resignation at any time before it is accepted by the Chairperson

In case a member specifies a particular date of resignation the Committee would like to know whether in such circumstances it is accepted from that specified date ?

The Committee would like to know for its information as to what is the intention/reasons behind it to accept resignation within 30 days from the intimation of resignation ?

The Committee recommends that in sub-rule (3) of rule 4 in line second for the word Chairman may be substituted by the word Chairperson

Recommendation of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

Rule-5

5 (1) When a member of the Board referred to in clause (g) of sub-section (1) of section 6 resigns or dies or is removed from office or become incapable of acting as such the State Government may by notification in the Official Gazette appoint a person to fill the vacancy within ten days on its occurrence

*Filling of casual
vacancy
section (3)*

(2) A person appointed to fill the casual vacancy under sub rule(1) shall hold office only so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred

Observations of the Committee

The Committee observes that reference of clause (g) of sub-section (1) of section 6 given in Rule 5 seems to be erroneous. The Committee recommends that the reference of correct clause of section 6 may be given to rectify the patent error.

The Committee further recommends that the spelling of word occurrence given in line 5th of sub-rule (1) of Rule 5 may be corrected.

The Committee further observes that the reference of section given in the marginal heading of Rule 5 is also incorrect. The Committee recommends that the same may be rectified to draw the correct inference.

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

Rule-6

6 The State Government may after such enquiry as it may deem fit remove any member of the Board from his office if he —

*Removal from
Board section
64 (2) (h)*

- (a) is of unsound mind and stands so declared by a competent court
- (b) is an undischarged insolvent
- (c) has been convicted of any offence involving moral turpitude
- (d) has become incapable of action or
- (e) absents himself without the permission of the Chairman from more than three consecutive meetings of the Board
- (f) has grossly misbehaved

Observations of the Committee

The Committee recommends that in Clause (f) of Rule 6 after the word misbehaved the words or indulged in act of gross misconduct may be added to make the rule more clear

The Committee would like to know for its information as to whether a member who has been convicted but punishment has been stayed by the higher court in appeal can be allowed to continue as member ?

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-7

*Allowances
section (6)
(4)*

7 (1) The non official member of the Board shall get travelling and daily allowance as admissible to grade I officers of the State of Haryana

(2) If a meeting of the Board is held during a session of the Legislature and at the same place where such session is held a member of the Legislature who is a member of the Board shall not be entitled to any daily allowance

Observation of the Committee

The Committee observes that the reference of section 6(4) in the marginal heading of this rule seems to be incorrect. The Committee recommends that the same may be rectified to draw the correct inference

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-9

*Application
section 9 (4)*

9 (1) An application for a special game hunting licence a big game hunting licence or a small game hunting licence shall be made in Form I

Provided that no application for a licence shall be entertained from any person eligible for registration under section 34 unless the applicant has got his name registered under the said section

Provided further that no person shall apply for a licence under this Chapter unless he possesses a valid licence for sport in Form III specified in Schedule II to the Arms Rules 1962

(2) An application for a special game hunting licence and a big game excluding wild pig (*Sus scrofa*) hunting licence shall be made to the Chief Wild Life Warden and for a small game hunting licence and big game hunting licence for Wild Pig (*Sus scrofa*) to a Wild Life Warden

Observation of the Committee

The Committee observes that the reference of section 9 (3) given in the marginal heading under Rule—9 seems to be incorrect. The Committee recommends that the reference of correct section of the Act under which this rule has been framed may be given.

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

Rule—10

10 Provided that the validity of Special/Big/Small game Hunting licence shall not exceed fifteen days *Period of validity of licence section 9(6) (b)*

Observations of the Committee

The Committee observes that the words provided that mentioned in this rule seems to be superfluous. The Committee recommends that the wording of this rule may be suitably amended.

The Committee is of the view that the reference of section 9 (6) (b) given in the marginal heading of this rule seems to be incorrect. The Committee recommends that the correct reference of section in question may be given in the marginal heading.

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

Rule—11

11 An application for a licence of the category specified in column 1 of the Table below when made by a person of the category specified in the responding entry in column 2 thereof shall be accompanied by a treasury receipt or bank challan showing that the fee according to the scale specified in the corresponding entry in column 3 of the said table has been paid. The licence shall be granted within fifteen days from the date of receipt of the application. *Fee section 9(3)*

TABLE

Name of licence	Category of person	Amount
1	2	3
(a) Special game hunting licence for fifteen days or a part thereof	(i) Citizens of India	Rs 100 00
	(ii) Persons other than a Citizens of India	Rs 200 00
(b) Big game hunting licence for fifteen days or a part thereof	(i) Citizens of India	Rs 50 00
	(ii) Persons other than a Citizens of India	Rs 100 00
(c) Small game hunting licence for fifteen days or a part thereof	(i) Citizens of India	Rs 20 00
	(ii) Persons other than a Citizens of India	Rs 40 00

Observations of the Committee

The Committee observes that the reference of section 9(3) given in the marginal heading of this rule seems to be incorrect. The Committee therefore recommends that the same may be rectified.

The Committee would like to know for its information as to when this amount of licence fee was prescribed? Whether is it not required to be enhanced in view of the prevailing circumstances?

The Committee would also like to know for its information as to under which receipt head the entry fee is deposited.

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

*Application
period and fee
section 9*

Rule-12

- 12 (1) An application for a wild animal trapping licence shall be made to the Chief Wild Life Warden in Form 2
- (2) The period of validity of a wild animal trapping licence shall be fifteen days from the date of issue
- (3) An application for a wild animal trapping licence shall be accompanied by a treasury receipt or bank challan showing that the licence fee according to the following scale has been paid —

(i) Citizens of India	Rs 150 for fifteen days or part thereof
(ii) Persons other than a Citizens of India	Rs 300 for fifteen days or part thereof

Observation of the Committee

The Committee observes that the application fee for Wild Life Trapping Licence is inadequate. Will it not be desirable to enhance the rate of application fee suitably?

Recommendations of the Committee

The Department did not reply to the above observation of the Committee. The Committee therefore could not make specific recommendation.

Rule-13

*Form of licences
section 9(6) (a)*

13 The licence to be granted under section 9 shall be —

- (a) in the case of special game hunting in form 3
- (b) in the case of big game hunting in form 4
- (c) in the case of small game hunting in form 5 and
- (d) in the case of wild animal trapping in form 6

Observations of the Committee

The Committee observes that the reference of section 9(6)(a) given in the marginal heading of the rule seems to be incorrect.

The Committee recommends that the same may be rectified giving proper reference of authority/section in the context.

Recommendations of the Committee

The Department did not reply to the above observation of the Committee. The Committee therefore could not make specific recommendations on the above Rule.

Rule-15

15 (1) The special game hunting licence and the big game hunting licence shall specify —

*General
conditions
governing grant
of licence
section 9(6) (c)*

- (a) the number of animals of any species and
- (b) the sex and the minimum size of each specimen that can be hunted

(2) in respect of following animals the maximum number mentioned below that can be hunted by the holder of small

game hunting licence in the course of day and during the period of validity of licence shall be as under

Name of animal	Maximum number of animals which can be hunted	
	Per day	during the entire period of validity of licence
1	2	3
(a) Partridges	5	15
(b) Sand Grouse	2	5
(c) Ducks	5	20
(d) Pigeons	5	20
(e) Red Jungle Fowl	2	5
(f) Hare	1	5
(g) Other species of animals mentioned in Schedule IV	5 of each species	15 of each species

- (3) Provided that the licence holder shall not hunt more than ten animals in all in the course of a day and thirty animals during the entire validity of the licence
- (4) The wild animal trapping licence shall specify the method for the capture of the wild animal specified therein and shall be subject to the restrictions imposed by section 17
- (5) A holder of a special game hunting licence a big game hunting licence or a small game hunting licence shall not sell or barter to any person any animal shot by him or any meat or uncured trophy derived therefrom
- (6) Any person who is entitled to hunt a dangerous animal under a special game hunting licence or a big game hunting licence and who wounds such animal shall do his utmost to kill the same On his failure to do so he shall forthwith inform in writing the issuing officer and the Divisional Forest Officer of the area in which such occurrence had taken place giving reasons why the wounded animal could not be tracked and killed and he shall also inform the Gram Panchayat and Police Station of the adjoining area of the existence of the wounded animal in the neighbourhood
- (7) For the purposes of a special game hunting licence and a big game hunting licence an animal which has been wounded and lost shall be deemed to have been hunted under the licence and the licensee shall forfeit the right to hunt another specimen in the place of the one wounded and lost
- (8) The trapping of wild animals specified in Schedule II and Schedule III shall not be permitted unless the Chief Wild Life Warden is satisfied for reasons to be recorded in writing that such trapping is necessary under the provisions of sub section (1) of section 11 or of section 12

- (9) No licensee shall use Bhagwa in killing shooting and capturing any wild animal

Explanation – Bhagwa is a saffron coloured sheet of cloth used for enticing and alluring wild animals

- (10) A licensee shall not organise drives for hunting and trapping of wild animals
- (11) Any machan or pit constructed for the purpose of hunting shall immediately be dismantled or filled on the completion of hunting
- (12) While hunting or trapping any wild animal a licensee shall carry with him his licence and shall on demand produce for inspection such licence before any officer appointed under sub section(1) of section 4

Observations of the Committee

The Committee feels that the reference of correct section in the marginal heading of this rule has not been given. The Committee recommends that the same may be rectified giving proper reference of authority section under which this rule has been framed

The Committee would like to know for its information as to whether proper verification or checking of number of hunting animals is got done. If so at which level this inspection/verification is done?

The Committee would like to know whether such record / information is forwarded to the next higher authority also for further action

The Committee would like to know as to whether the provisions of sub rule (6) of this Rule are applied in practice?

The Committee would like to know for its information as to whether an honorary Wild Life Warden has been appointed by the State Government in Haryana for inspection of licence for hunting and trapping of wild animals?

The Committee further would like to know for its information as to what are the norms/criteria to appoint an honorary Wild Life Warden?

The Committee also would like to know as to whether an honorary Wild Life Warden is given some TA DA or honorarium? If so the details thereof may also be supplied to the Committee

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-16

*Maintenance of
record
section 10(1)*

16 (1) The particulars of a record of the wild animals other than vermin killed or captured by the licensee to be maintained under sub section of section 10 and the declaration referred to in sub section (3) of that section shall be in form 7

(2) The particulars of animals specified in Schedule II or Schedule III killed wounded or captured by a licensee under sub section (2) of section 10 shall be in form 8

Observation of the Committee

The Committee observes that the section 10 of the Act under which this Rule was framed has been omitted in 1991 The Committee would like to know as to whether this Rule and Form still hold good under these circumstances ?

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

Rule-17

*Fee for grant of
permit
section 12*

17 The rates of fee for the permit issued to hunt any wild animal for the purpose of education scientific research and collection of specimen for zoological garden museum and similar institutions shall be as under —

	For hunting animal contained in schedule	Hunting Special game	Hunting big game	Hunting small game	Remarks
	Rs	Rs	Rs	Rs	
(a) For Education & Scientific Research	50/-	25/-	10/-	10/-	(The number of animals to be hunted the period of validity and other conditions if any will be prescribed in the permit)
(b) For Zoological gardens museums and similar institutions	100/-	50/-	50/-	20/-	

Observations of the Committee

The Committee observes that the fee for grant of permit under this Rule seems to be inadequate/meagre Whether the rates of the fee for the permit needs to be amended suitably in view of the prevailing circumstances ?

The Committee would like to know as to what conditions are mentioned in the permit now-a days while issuing such permit for the purpose of scientific research

The Committee feels that the rates of fee for the permit needs to be amended suitably in view of the prevailing circumstances/escalation of prices

The Committee further observes that the number of animals to be hunted the period of validity and other conditions will be prescribed in the permit by the competent authority as per provisions mentioned in this rule

The Committee feels that will it not be desirable to fix the maximum number of animals to be hunted the period of validity and the species of animals to be hunted to be prescribed in the rule itself instead of giving this blanket power of discretion to the competent authority

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

Rule-19

19 On receipt of the claim made under rule 18 the Collector shall serve a notice in form 10 upon the claimant requiring him to appear at such place and time and on such date as may be specified in the notice either in person or through an agent authorized by him in this behalf and to produce evidence oral or documentary in support of the claim

Notice to the claimant section 22

Observation of the Committee

The Committee observes that for the words place and substitute the word and sign place to make the rule grammatically correct

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

Rule-20

20 (1) Every person desiring to enter a sanctuary for any of the purposes mentioned in sub-section (1) of section 28 shall obtain a permit from such officer as may be authorized by the Chief Wild Life Warden in this behalf

Entry in sanctuary section 28

(2) A permit issued under sub rule (1) shall not be valid for a period exceeding seven days

(3) Every person to whom a permit has been issued under sub rule (1) shall before entering the National Park or Sanctuary pay —

- (a) an entrance fee of five rupees per day if he is a citizen of India
- (b) an entrance fee of forty rupees for each subsequent day if he is not a citizen of India
- (c) an entrance fee of two rupees if he is a child below 12 years in age
- (d) an additional fee of ten rupees if he is in a motor car and fifty rupees if he is in any heavy passenger motor vehicle as defined in clause (17) of section 2 of the Motor Vehicles Act, 1988. Parking fee of five rupees for Scooter/Motor Cycle and two rupees for Bicycle

Provided that no fee shall be payable

- (a) in respect of a child below the age of five years
- (b) by a person who enters National Park or Sanctuary for the purposes of investigation, study of wild life and purposes ancillary or incidental thereto or for scientific research and
- (c) by a Government Servant who enters the National Park or Sanctuary on duty

(4) The State Government may by order declare any Sanctuary open to public free of any permit or entrance fee

(5) The following fee shall be charged for operation a camera in a National Park or a Sanctuary from professional photographer if he is a citizen of India —

- | | | |
|------|-----------------------------------------------------------------------|-------------------------------------|
| (a) | for use of still camera | Rs 25 per day per camera |
| (b) | for use of Cine camera | |
| (i) | for the purpose of making feature film | Rs 500 per day per Cine camera |
| (ii) | for the purpose of making Television or documentary film on Wild Life | Rs 500 per Cine camera (in lumpsum) |

Note — The fee in case of item (b) (ii) shall be refunded if the parties making film on wild life supply three prints of the film so made later on

- 1 Entry fee if any shall be charged extra
- 2 The fee shall be double in case of foreign nationals
- 3 For game reserves and closed areas half the above rates shall be charged

Observation of the Committee

The Committee feels that the entry fee in Sanctuary mentioned in sub rule (3) of this Rule needs to be enhanced

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-22

22 (1) Within three months from the declaration an area as a Sanctuary or National Park or in the case of a Sanctuary or National Park existing at the commencement of these rules within three months of such commencement every person residing within ten Kilometer of such Sanctuary or National Park and holding a licence granted under the Arms Act 1959 (Parliament Act 54 of 1959) or exempted from the provisions of that Act and possessing arms shall apply in form 11 to the authorized officer incharge of the Sanctuary or National Park for the registration of his name

Registration of persons holding fire arms sections 34

(2) The application under sub rule(1) shall be accompanied by a treasury receipt or bank challan showing that a fee of two rupees has been paid by the applicant

(3) On receipt of an application under sub-rule(1) the authorized officer incharge of the Sanctuary or National Park shall after making such inquiry as he may deem fit register the name and other particulars of the applicant in form 12. A separate page in the register shall be allotted to each licensee

(4) Where a licensee commits any offence under the Act or the rules made thereunder the authorized officer incharge of the Sanctuary or National Park shall make an entry to that effect in the register and where the registering officer is satisfied that the licensee has committed the said offence on more than one occasion he may take such steps as he considers necessary to move the authority concerned for canceling his license issued under the Arms Act 1959 (Parliament Act 54 of 1959)

(5) Where the licensee transfers his arms to another person by way of sale gift or otherwise he shall intimate the authorized officer incharge of the Sanctuary or National Park within a period of fifteen days of such transfer

(6) Where the licensee shifts his residence to another place within the said ten kilometers or beyond the said distance he shall within a fortnight of shifting to the new residence intimate the new address to the authorized officer incharge of the Sanctuary or National Park

(7) Where the licensee dies his successor or legal representative shall intimate the fact to the authorized officer in charge of the Sanctuary or National Park

(8) The authorized officer in charge of the Sanctuary or National Park shall inform the person concerned in respect of the registration of his name

Observations of the Committee

The Committee observes that the fee of Rs 2/ for the registration of name holding an arms license needs to be amended suitably

The Committee feels that sub-treasury head to deposit the registration fee may also be mentioned in the Rule itself to avoid vagueness

The Committee feels that the provision of depositing the amount of registration fee by way of cash may also be mentioned in the Rule to avoid practical difficulty to the applicant

The Committee observes that a time limit for holding the inquiry by the authorized officer should also be mentioned in the rule itself to dispose of such matters expeditiously

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-23

*Declaration
section 40(4)*

23 Notwithstanding any declaration that a person may have made under sub-section(1) of section 40 any person who has in his control custody or possession any animal article or trophy (other than the musk of a musk deer or the horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule II shall within thirty days from the commencement of these rules make a declaration in form 13 to the Chief Wild Life Warden or the authorized officer

Observation of the Committee

The Committee would like to know for its information as to whether this rule is still applicable in practice

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-24

- 24 (1) On receipt of a declaration under rule 23 the Chief Wild Life Warden or the authorized officer shall give a notice to the person referred to in section 40 making the declaration as to the date and time on which he shall enter upon the premises of such person and such notice shall be served on the person making the declaration or sent to him by registered post
- (2) The Chief Wild Life Warden or the authorized officer may after making such inquiry as he may deem fit in respect of the premises and animal articles trophies uncured trophies and captive animal specified in Schedule I or Part II of Schedule II
- (3) The Chief Wild Life Warden or the authorized officer shall make an inventory in form 14 of animal articles trophies uncured trophies salted and dried skins and captive animals in Schedule I and Part II of Schedule II found on the premises
- (4) The Chief Wild Life Warden or the authorized officer shall affix upon the objects referred to in sub rule (3) identification marks in indelible ink

*Inquiry and
preparation of
inventories
Section 41*

Observation of the Committee

The Committee recommends that in the last line of sub rule (1) of Rule 24 after the words registered post the words with acknowledgement due may be added to make the rule more elaborate

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

Rule-26

- "26 Every person desiring to commence or carry on the business as—
- (i) a manufacturer of or dealer in any animal article or
 - (ii) a taxidermist or
 - (iii) a dealer in trophy or uncured trophy or
 - (iv) a dealer in captive animals

*Application for
license to
commence or
carry on
business as
manufacturer of
or dealer in any
article etc
Section 44(4) (a)*

shall make an application in form 16 of the Chief Wild Life Warden or the authorized officer for the grant of a licence

Observation of the Committee

The Committee would like to know for its information as whether any other officer has been authorized other than Wild Life Warden to consider the application for licence to carry on business in animal article as mentioned in Rule 26

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-27

*Grant of licence
section 44(4) (b)*

- 27 (1) In receipt of an application under rule 26 the Chief Wild Life Warden or the authorized officer shall after making such inquiry as he may deem fit either grant the licence or reject the application
- (2) Where an application is rejected the fee paid thereon shall be refunded expeditiously to the applicant
- (3) In granting a licence under sub-rule (1) the Chief Wild Life Warden or the authorized officer shall have due regard to —
 - (a) the past record to the applicant as a dealer in the business which he desires to carry on
 - (b) whether the person has been convicted of any offence under the provisions of the Act or these rules or under any of the provisions of the Acts applicable in the State of Haryana before their repeal by section 66
 - (c) the need for granting a licence keeping in view the abundance or otherwise of Wild Life existing in the State of Haryana
- (4) A licence to commence or carry on the business as —
 - (i) a manufacturer of or dealer in an animal article or a dealer in trophy or uncured trophy shall be granted in form 17
 - (ii) a taxidermist shall be granted in form 18

- (iii) a dealer in captive animals shall be granted in form 19

Observations of the Committee

The Committee would like to know as to whether while rejecting the application for the grant of licence under Rule 26 the grounds of rejection are communicated to the applicant or not

The Committee would also like to know for its information as to what is the fee for grant of licence at present

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-28

- ' 28 (1) A licensee may apply in form 20 for renewal of the licence within thirty days before the date of its expiry *Renewal of licences section 44(6)*
- (2) The Chief Wild Life Warden or the authorized officer may subject to the provisions of sub section (7) of Section 44 renew the licence in form 17 or form 18 or form 19 as the case may be and specify therein the period upto which licence is renewed

Observations of the Committee

The Committee recommends that in line first of sub-rule(1) of Rule 28 for the words A licensee substitute the words A licensee to make the rule grammatically correct

The Committee would like to know as to whether fee can be deposited in cash or not ?

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-29

'29 (1) No application for the grant of a licence under section 44 of renewal there of shall be entertained unless the fee according to the following scale is paid namely — *Fee section 44(4) (a)*

- | | |
|---------------------------------------------------|-----------|
| (i) for a manufacture of or dealer in any article | Rs 300 00 |
| (ii) for a taxidermist | Rs 100 00 |

- | | |
|------------------------------------------------|-----------|
| (iii) for a dealer in trophy or uncured trophy | Rs 300 00 |
| (iv) for a dealer in captive animals | Rs 200 00 |

(2) The licence fee may either be paid in cash to the Chief Wild Life Warden or the authorized office or be deposited in the Government treasury and in the later case the application shall be accompanied by the treasury receipt

Observation of the Committee

The Committee would like to know for its information as to whether a time limit has been laid down to apply for renewal of a licence

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

Rule-31

*Issue of bill or
cash memo
section 44(7)
(iv)*

‘ 31 (1) Every licence other than a taxidermist shall at the time of Sales issue a bill or cash memo to the purchaser and such bill or cash memo shall contain the following particulars namely —

- (a) name of the licensee
- (b) name address and place of business of the licensee
- (c) licence number
- (d) description of article sold
- (e) sale price therefore
- (f) date of sale
- (g) signatures of the licence

Every taxidermist shall at the time of returning the trophy or uncured trophy issue a voucher to the owner thereof and such voucher shall contain the following particulars namely —

- (a) date of issue of voucher
- (b) name address and place of business of the licensee
- (c) licence number
- (d) description including name of specie
- (e) price realized
- (f) name and address of the person to whom the voucher is issued
- (g) signatures of the licence

Observations of the Committee

The Committee recommends that in sub rule (1) (g) of Rule 31 for the word licence substitute the word licensee

The Committee further recommends that in sub-rule (2) (g) of Rule 31 for the word licence substitute the word licensee to make the rule grammatically correct

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

Rule-32

'32 (1) Every bill cash memo or voucher as the case may be referred to in rule 31 shall be in triplicate and serially numbered *Bill cash memo or voucher how to be maintained Sector 44(7) (i)*

(2) The duplicate and triplicate copy of every bill cash memo or voucher as the case may be shall be retained by the licence and the original copy shall —

(a) in the case of a bill or cash memo be given to the purchaser and

(b) in the case of a voucher be given to the owner of the trophy

(3) Every book containing blank vouchers shall be presented to the Chief Wild Life Warden or the authorized office for affixing his initials or stamp on such book before it is brought into use

(4) The duplicate copy of every bill cash memo or voucher as the case may be shall be sent along with the monthly return referred to in rule 34

Observations of the Committee

The Committee recommends that in sub-rule (2) of Rule 32 in line second for the word licence substitute the word licensee to make the rule clear

The Committee would like to know for its informations to whether provisions of this Rule are being complied within letter and spirit

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

*Submission of
returns
section 44(7) (iv)*

Rule—34

- 34** (1) Every licence shall submit a monthly return to—
- (a) the Chief Wild Life Warden or the authorized officer and
 - (b) the Director of Wild Life Preservation or the officer authorized by him in this behalf a true copy of the entries made by him in the relevant register referred to in rule 33 during the course of a month duly certified and signed by the licensee as true copy of such entries

(2) The return under sub rule (1) shall be submitted by the tenth of the month of following the month to which the return relates

Observation of the Committee

The Committee would like to know as to what is the effect of not maintaining the register as per Rule 33

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

*Disposal of
meat or uncured
trophy
section 50(6) (a)*

Rule—35

- 35** The Chief Wild Life Warden or the authorized officer may arrange or the sale in public auction of any meat or uncured trophy seized under section 50 and the proceeds of the sale shall be credited to the head of account 113 Forests (Wild Life) in a Government treasury or bank

Observations of the Committee

The Committee would like to know as to whether any appellant aggrieved by the order of Chief Wild Life Warden or authorized officer can prefer appeal through his representative or not

The Committee would like to know for its information as to whether the head of account mentioned in this rule is still operative?

The Committee would like to know as to whether the fee payable under this rule can be deposited in any bank or it can only be deposited in scheduled bank as the term bank has not been defined

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

Rule-36

36 (1) The fees payable under any of the provisions of these rules except rule 20 shall be credited to the head of account 113 Forest (Wild Life) in a Government treasury or bank.

*Crediting of fee
section 64(2) (b)*

Observation of the Committee

The Committee would like to know the reason of prescribing separate head of account for depositing the fee under rule 20.

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

Rule-37

"37 For the purpose of section 54 the following officers shall be empowered to accept payment of a sum of money by way of composition of an offence against the Act and to release on a payment of the value of any property seized within the area of his jurisdiction namely —

*Power to
compound
offences
section 54*

- (a) Chief Wild Life Warden
- (b) Conservator of Forests
- (c) Forest Officer of a rank not inferior to that of the Deputy Conservator of Forests

Observation of the Committee

The Committee would like to know as to whether the power to release on payment of the value of any property seized within the area of the concerned officer's jurisdiction is permissible under the provision of Section 54?

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

*Cognizance of
offences
Section 55*

Rule-38

38 Besides the Chief Wild Life Warden the following officers shall be authorized to make complaints under section 55 within their respective jurisdiction namely —

- (a) Conservator of Forests
- (b) Deputy Conservator of Forests
- (c) Assistant Conservator of Forests
- (d) Forest Officer being member of Haryana Forest Service
- (e) Station House Officers of the Police Station of Haryana
- (f) Wild Life Officer Haryana
- (g) Divisional Inspector of Wild Life
- (h) Range Forest Officer
- (i) Inspector Wildlife

Observation of the Committee

The Committee would like to know for its information as to whether any condition has been specified by the State Government to lodge a complaint under Section 55 of the Act ?

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

Form I

See rule 9 (1)

Application for special game /big game/small game hunting licence

To

The Chief Wild Life Warden/Authorized Officer

Sir

I _____ resident of _____ in the District _____ apply for special game (big) game small game hunting licensee to hunt under the provisions of Wild Life (Protection) Act 1972 and the rules made thereunder I enclose the treasury receipt/bank challan for Rs _____ being the monthly/yearly fee for the licensee

I have read the Act and the rules and I undertake to abide by the same

I am not required/am required to get my name registered under section 34 of wild Life (Protection) Act 1972 and the registration has been done by the officer in charge of the _____ Sanctuary/National Park

I possess an arms licensee for sport in Form III set out in Schedule II the Arms Rules 1962 The arms licence is enclosed for verification and return

I wish to use the following weapons for hunting special game/big game/small game —

The licence is required for the Forest Division _____ in the district of _____ for the whole State

Yours faithfully

(Signature of the applicant)

(Strike out whichever is not applicable)

Observations of the Committee

- (i) The Committee recommends that for the word licensee substitute the word licence wherever occurring in this form
- (ii) The Committee recommends that in line second of this form for the words special game (big) game small game hunting licensee substitute the words special game/big game/ small game hunting licence
- (iii) The Committee recommends that in last line of this form for the word for substitute the words or for

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

"Form 2

See rule 12 (1)

Application for wild animal trapping licence

To

The Chief Wild Life Warden Haryana

Sir

I _____ resident of _____ in the _____ district apply for a wild animal trapping licence to trap the following animals in the district of _____ for the period of _____ commencing _____

Name of animal	Method of trapping	Number of each specie	Purpose of capture	Area for which licence is required
(1)	(2)	(3)	(4)	(5)

2 I enclose the treasury receipt/bank challan for Rs _____ being the monthly/yearly fee for the licensee

3 I have read the Wild Life (Protection) Act 1972 and the rules made thereunder and undertake to abide by the same

Yours faithfully

(Signature of the applicant)

(Strike out whichever is not applicable)

Observations of the Committee

The Committee recommends that in Form 2 for the words licensee wherever occurring in this form substitute the word licence

The Committee recommends that a provision of mentioning the date in the application should also be mentioned in form itself

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

'Form 3

[See rule 13 (a)]

Special game hunting licence

Office of the Chief Wild Life Warden Haryana _____

- 1 Licence No _____
- 2 Date of issue _____
- 3 Name of licensee _____
- 4 Profession _____
- 5 Address _____
- 6 The licence shall be applicable to the shooting block _____ in the forest
Division of _____ District _____
- 7 Details of weapons permitted to be used for hunting _____
- 8 Period for which valid from _____ to _____
- 9 Licence fee paid Rs _____

- 10 Subject to the provisions of the Wild Life (Protection) Act 1972 and the rules thereunder the following may be hunted during the period of the licence by the licensee

Animal	Maximum number to be hunted	Sex	Minimum size of horn tusk or body
1	2	3	4

Note 1 This licence does not entitle the licensee to hunt in areas notified as game reserves under section 36 of the Act except when permitted to do so by the Chief Wild Life Warden and where a permission has been so granted an entry shall be made to that effect in this licence whereupon this licence shall be deemed to have been issued under section 36 of the Act

Note 2 This licence shall not be valid during the closed time declared under section 16 of the Act that is from the 1st March to the 30th September each year

Note 3 While hunting the licensee shall strictly adhere to the provisions of section 16(a) of the Act and rule 15 of the Wild Life (Protection) Haryana Rules 1974

Note 4 This licence shall be surrendered to the issuing authority within fifteen day of its expiry together with the statement in form 7 form 8 of animals hunted by him

Chief Wild Life Warden Haryana

(Strike out whichever is not applicable)

Observations of the Committee

- (i) The Committee recommends that in the last line in Form 3 for the words form 7 form 8 the words form 7 and form 8 be substituted
- (ii) The Committee observes that section 16 has been omitted in the year 1991 whereas Note 2 and Note 3 are referring about the provisions of section 16. The Committee would like to know the justification of retaining Note 2 and Note 3 despite the fact of omission of section 16 of the Act. The Committee would like to know as to whether the provisions mentioned in Note 2 and Note 3 have not become redundant in view of omission of the relevant section. The department may please clarify.

'Form 4

{See rule 13 (b)}

Big game hunting licence

Office of the Chief Wild Life Warden Haryana

- 1 Licence No _____
- 2 Date of issue _____
- 3 Name of licensee _____
- 4 Profession _____
- 5 Address _____
- 6 The licence shall be applicable to the shooting Block _____ in the forest
Division of _____ District _____
- 7 Details of weapons permitted to be used for hunting _____
- 8 Period for which valid from _____ to _____
- 9 Licence fee paid Rs _____

- 10 Subject to the provisions of the Wild Life (Protection) Act 1972 and the rules thereunder the following may be hunted during the period of the licence by the licensee —

Animal	Maximum number to be hunted	Sex	Minimum size of horn tusk or body
1	2	3	4

Note 1 This licence does not entitle the licensee to hunt in areas notified as game reserves under section 36 of the Act except when permitted to do so by the Chief Wild Life Warden and where a permission has been so granted an entry shall be made to that effect in this licence whereupon this licence shall be deemed to have been issued under section 36 of the Act

Note 2 This licensee shall not be valid during the closed time declared under section 16 of the Act that is from the 1st March to the 30th September each year

Note 3 While hunting the licensee shall strictly adhere to the provisions of section 17 of the Act and rule 15 of the Wild Life (Protection) Haryana Rules 1974

Note 4 This licensee shall be surrendered to the issuing authority within fifteen day of its expiry together with the statement in form 7 form 8 of animals hunted by him

Chief Wild Life Warden
Haryana

(Strike out whichever is not applicable)

Observations of the Committee

- (i) The Committee recommends that in the last line in Form 5 for the words form 7 form 8 the words form 7 and form 8 be substituted
- (ii) The Committee observes that section 16 has been omitted in the year 1991 whereas Note 2 is referring about the provisions of section 16 The Committee would like to know the justification of retaining Note 2 despite the fact of omission of section 16 of the Act The Committee would like to know as to whether the provisions mentioned in Note 2 have not become redundant in view of omission of the relevant section The department may please clarify

"Form 5

{See rule 13 (c)}

Small game hunting licence

Office of the Chief Wild Life Warden Haryana

1 Licence No _____
 2 Date of issue _____
 3 Name of licensee _____
 4 Profession _____
 5 Address _____
 6 The licence shall be applicable to the whole of the State of Haryana _____
 7 Details of weapons permitted to be used for hunting _____
 8 Period for which valid from _____ to _____
 9 Licence fee paid Rs _____

The hunting of the small game will be done subject to the provisions of the Wild Life (Protection) Act 1972 and the rules made thereunder and within the bag Limit prescribed therein

Note 1 This licence does not entitle the licensee to hunt in areas notified and game reserves under section 36 of the Act except when permitted to do so by the Chief Wild Life Warden and where a permission has been so granted an entry shall be made to that effect in this licence whereupon this licence shall be deemed to have been issued under section 36 of the Act

Note 2 The licence shall be subject to the closed time declared under section 16 of the Act that is from the 1st March to the 30th September each year

Note 3 While hunting the licensee shall strictly adhere to the provisions of section 17 of the Act and rule 15 of the Wild Life (Protection) Haryana Rules 1974

Note 4 This licence shall be surrendered to the issuing authority within fifteen days of the expiry of the shooting season together with the statement in form 7 form 8 of animals hunted by him

Issuing Authority

(Strike out whichever is not applicable)

(a) _____
 (b) _____

Signature of the issuing Authority

Date _____

Signature of the Issuing Authority

Date _____

Observations of the Committee

(i) The Committee recommends that in the last line in Form 5 for the words form 7 form 8 the words form 7 and form 8 be substituted

(ii) The Committee observes that section 16 has been omitted in the year 1991 whereas Note 2 is referring about the provisions of section 16 The Committee would like to know the justification of retaining Note 2 despite the fact of omission of section 16 of the Act The Committee would like to know as to whether the provisions mentioned in Note 2 have not become redundant in view of omission of the relevant section The department may please clarify

Form 6

{See rule 13 (d)}

Wild animal trapping licencee**Licence No of 19 dated the day of 19**

Subject to the provisions of the Wild Life (Protection) Act 1972 and the rules made thereunder permission is hereby granted to Shri _____ resident of _____ District _____ to capture the animals specified below during the period commencing from _____ and ending with _____

- 1 Area in which trapping is permitted _____
- 2 (i) Name of animal _____
 (ii) No to be trapped _____
 (iii) Sex _____
 (iv) Minimum size _____
- 3 Method of trapping and conditions under which the trapping should be carried out _____
- 4 This licence shall be subject to the closed time declared under section 16 of the Wild Life (Protection) Act 1972 that is from the 1st March to the 30th September each year
- 5 The licensee shall while trapping strictly adhere to the provisions of section 17 of the Act and rule 15 of the Wild Life (Protection) Haryana Rules 1974
- 6 This licence shall be surrendered to the issuing authority within fifteen days of its expiry or before leaving the area specified in the licence whichever is earlier together with the statement in form 7/form 8 of animals captured by him

Chief Wild Life Warden

(Strike out whichever is not applicable)

Observations of the Committee

The Committee recommends that in the first line of this form for the figure 19 substitute the figure 20 to up-date the form

The Committee also recommends that in first line of this form after the word dated the some space may be provided to mention the day of issuance of licence

The Committee further recommends that in second line of this form the word Shri may be deleted as a licencee may be female also

The Committee observed that section 16 & 17 have been omitted in the year 1991. The Committee would like to know as to whether the conditions mentioned in para 4 & 5 are still applicable ?

The Committee recommends that a provision of mentioning the date and place in the bottom of this form may also be made to update the form.

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule.

"Form 7
{See rule 16 (1)}

Particulars of record of wild animals other than Vermin killed or captured by a licensee holding licence No _____ for special game/big game/ small game/wild animal trapping

- 1 Species _____
- 2 Number or species killed or captured _____
- 3 Place and date of shooting or trapping _____
- 4 Sex of species _____
- 5 Size of horns or tusks or other dimensions of species _____

I hereby declare that the information given above is true and correct to the best of my knowledge and belief and nothing has been concealed therein

I further declare and affirm that no other animal specified in schedule II schedule III or schedule IV to the Wild Life (Protection) Act 1972 was killed or captured by me in the state of Haryana during the period specified in the licence

Licence holder s signature

(Strike out whichever is not applicable)

Observation of the Committee

The Committee recommends that a provision of mentioning the date and place in the bottom of this form may be made to up date the form

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore could not make specific recommendations on the above Rule

Form 8

{See rule 16 (2)}

Particulars of animals specified in Schedule II or Schedule III to the Wild Life (Protection) Act 1972 killed wounded or captured by the licensee holding licence No _____ for special game/big game/wild animal trapping

- 1 Species _____
- 2 Number of species killed wounded or captured _____
- 3 Place and date of shooting or trapping _____
- 4 Sex of species _____
- 5 Size of horns or tusks or other dimensions of species _____

Licence holder's signature

(Strike out whichever is not applicable)

Observation of the Committee

The Committee recommends that a provision of mentioning the date and place in the bottom of this form may be made to up-date the form

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee therefore could not make specific recommendations on the above Rule

‘ FORM 9

(See Rule 18)

To

The Collector of

District

Sir

I son of
 resident of hereby declare that I have the right
 specified in the table below in or over the land comprised within the limits of the
 sanctuary referred to in proclamation No dated
 the

TABLE

Nature of rights claimed in the Sanctuary	Extent of such rights in the Sanctuary	If the rights are shared as a co proprietor etc details thereof	Period from which such rights are enjoyed	Amount and particulars of compensation claimed
1	2	3	4	5

2 I hereby declare that the property is free from all encumbrances/or that the property is under encumbrances (specify the details)

3 I enclose herewith documents proving the nature and extent of my right and the date from which such right is being enjoyed

4 The rents or profits received on account of such right for the three years immediately preceding the date of application are set forth below —

Year	Amount
19	
19	
19	
19	

5 In the case of easement right the annual value is rupees

Date

Yours faithfully

Place

Signature of the applicant

(Strike out whichever is not applicable)

Observations of the Committee

The Committee recommends that the spelling of word proclamation mentioned in line 4th in first para may be corrected

The Committee recommends that the figures 19 mentioned in para 4th below the heading year may be deleted to up date the form

The Committee also recommends that the bouom of this form for the word Signatures substitute the word Signature to make the form grammatically correct

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee, therefore, could not make specific recommendations on the above rule

FORM 11

[See Rule 22(1)]

(Application for registration under section 34 of the Wild Life (Protection)
Act 1972

To

The Authorised Officer in Charge of
Sanctuary/National Park

Sir

I am _____ resident of village
District _____ live within ten kilometers of
Sanctuary/National Park and apply for
the registration of my name and address in accordance with the provisions of
Section 34 of the Wild Life (Protection) Act 1972

2 The particulars of the arms possessed by me are as under/I am exempted
from the provisions of the Arms Act 1959 (Parliament Act 54 of 1959)

Sr No of licence and date of issue	Brief description of each weapon with details e.g. distinguishing marks register number etc	Quantity and description of each kind of ammunition entitled to Possess	Whether licence is for sport/self protection or display	Date on which licence expires	Remarks (Name and address of retainers if any specified in the licence)
1	2	3	4	5	6

6 I enclose treasury receipt/bank challan No _____ for
Rs _____ being the registration fee
7 The arms licence is sent herewith for verification endorsement and
return

Your faithfully

Signature of the applicant

Full address of the applicant place and date

(Strike out whichever is not applicable)

Observations of the Committee

The Committee recommends that Sr No of paras mentioned as 6 & 7 may be corrected as 3&4

The Committee recommends that in para 3 (wrongly mentioned as para 6) after the word 'enclose' add the words and sign 'Cash receipt/' to make the rule more clear

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee, therefore, could not make specific recommendations on the above rule

"FORM 12**[See Rule 22(3)]****Register of persons possessing arms**

Name of registered person
 Profession Village
 District
 (residing within ten kilometers of Sanctuary/National Park)

Serial No	No of licence and date of issue whether licence is for sport self protection or display	Arms and ammunition the licence entitled to possess particulars of arms	Quantity of ammunition	Area for which licence is valid	Names and addresses of retainers if any
1	2	3	4	5	6

Date on which licence expires	Particulars of any offence committed under the Wild Life (Protection) Act 1972 or the rules made thereunder date place punishment if any etc	Particulars of any second or subsequent offence committed	Particulars of any transfer of arms by the licensee	Particulars of change of residence	Remarks
7	8	9	10	11	12

Observations of the Committee

The Committee recommends that in the bottom of this form signature and seal of the authorized officer should be mentioned to maintain the sanctity of the entries of the register

The Committee would like to know as to whether the entries of the register are checked or attested by higher authority if any from time to time

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee, therefore, could not make specific recommendations on the above rule.

FORM 13
[See Rule 23]
Declaration

To

The Chief Wild Warden/Authorized Officer

Sir

I, _____ resident of _____ in the District _____
 of _____ declare that I have in my control custody or possession
 the following —

Animal article trophy derived from animals specified in Schedule I or Part II of Schedule II to the Wild Life (Protection) Act 1972	Number	Description including name of animal from which derived	Dimensions	How obtained	Premises where kept
1	2	3	4	5	6

1 Animal articles

2 Trophy

Place

Yours faithfully

Date

Signature of the applicant

Observations of the Committee

The Committee recommends that in the heading above column No 1 in Form 13 after the words Animal article add the sign / to make the form more clear

The Committee recommends that in the bottom of this form for the word signatures substitute the word signature to make the rule more clear

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee, therefore, could not make specific recommendations on the above rule

"FORM 14

[See Rule 24(3)]

Inventory

Shri

son of

resident of

has declared in form 13 on

as being in control custody or possession of animal articles trophies uncured trophies salted and dried skins and captive animals specified in Schedule I and Part II of Schedule II to the Wild Life (Protection) Act 1972 listed below

2 On visiting the premises on _____ and making personal inquiries the stocks specified below were found to be in the control and possession of the said (rule)

I Animal Articles

Description including name of animal from which derived number and demension or weight and the premises where kept	Stocks declared	Stocks found in control custody or possession after verification	Particulars of identification marks	Remarks
1	2	3	4	5

II Trophies

Description including specie of animal number dimension or weight and premises where kept	Stocks declared	Stocks found in control custody or possession after verification	Particulars of identification marks	Remarks
1	2	3	4	5

III Uncured Trophies

Description including specie of animal number demension or weight and premises where kept	Stocks declared	Stocks found in control custody or possession after verification	Particulars of identification marks	Remarks
1	2	3	4	5

IV Salted and Dried Skins

Description including specie of animal number demension or weight and premises where kept	Stocks declared	Stocks found in control custody or possession after verification	Particulars of identification marks	Remarks
1	2	3	4	5

V Captive Animals

Species and sex number adult or juvenile and the premises where kept	Stocks declared	Stocks found in control custody or possession after verification	Particulars of identification marks	Remarks
1	2	3	4	5

Observation of the Committee

The Committee recommends that to make the rule more clear in the bottom of this form the following may be added —

Place
Date

Signature of Chief Wild Life Warden/
Authorized Officer'

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee. The Committee, therefore, could not make specific recommendations on the above rule.

"FORM 16

(See Rules 26)

To

The Chief Wild Life Warden/Authorized Officer

Application for obtaining licence as manufacturer taxidermist dealer etc

- 1 Name of applicant
- 2 Profession
- 3 Address
- 4 If the licence is to be issued in the name of the company applicant's relationship with the company
- 5 Name of business/shop and address
- 6 Name and addresses of shareholders/partners —
 - 1
 - 2
 - 3
 - 4
 - 5
 - 6
- 7 Location
- 8 Licence is required to commence or carry on the business as —
 - a a manufacturer of or dealer in any animal article
 - b a taxidermist
 - c a dealer in trophy or uncured trophy
 - d a dealer in captive animals

- 9 Number and date of previous licence if any
(to be surrendered with the application)
- 10 If stocks had been duly declared under section 44(2)
of the Wild Life (Protection) Act 1972 date of declaration
- 11 Species of animals in which trade/taxidermy
is proposed to be carried on including approximate
number of each specie number of animal articles
to be manufactured and number of trophies and
description of uncured trophies in which trade
will be carried on
- 12 The name of licencees (with particulars of
licence number) from whom the applicant will
acquire stocks for his trade/taxidermy
(See section 49 of the Act)
- 13 Herewith find enclosed a treasury receipt/bank
challan showing payment of fee of Rs for
one year to commence or carry on the business as
- 14 I have read the Wild Life (Protection) Act 1972
and the rule made thereunder and undertake to
abide by the same

Place

Signature of the applicant

Date

(Strike out whatever is not applicable)

Observations of the Committee

1 The Committee recommends that in para 13 of this form the provision of Cash Receipt may also be incorporated to make the form more comprehensive

2 The Committee recommends that in second line of para 14 of this form for the word Rule the word Rules be substituted to make the Rule grammatically correct

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee therefore, could not make specific recommendations on the above Rule

"FORM 17

[See Rules 26(4) (i)]

Licence for dealing in the manufacture of animal articles or trophies or uncured trophies

Licence No dated the day of 19

Subject to the provisions of the Wild Life (Protection) Act 1972 and the rules made thereunder Shri son of
Shri Proprietor/Manager of business/shop by the
name situated in street in town
 in district is hereby
authorized to deal in animal articles/trophies or uncured trophies and or
manufactured animal articles for a period of one year commencing on the day of
19 space and ending with the day of 19

2 The licensee shall also abide by the conditions laid down below —

- (a) The licensee shall only deal in animal articles/trophies/uncured trophies derived from the following species of animals —

1

2

3

- (b) The licensee shall only make animal articles specified in column 1 of the table below from trophies or uncured trophies derived from species of animals specified in the corresponding entry in column 2 thereof —

TABLE

Animal Articles	Species of animals
1	2
(c)	The licensee shall purchase receive or acquire an animal article trophy/uncured trophy only from a dealer or person licensed as the case may be authorized to sell or otherwise transfer the same under the Act or the rules made thereunder
(d)	The licensee shall not purchase receive or acquire or transport an animal article/trophy/uncured trophy in violation of the provisions of Section 43 or Section 48 of the Act

- (e) The licence shall carry on his business only during business hours and at _____ premises The place of business may be changed only with the prior permission of the authority that has issued this licence and where the place of business has been changed the particulars of the new premises shall be entered in this licence All animal articles trophies and uncured trophies shall be stored only at _____ premises
- (f) The licensee shall keep his stock only on the premises which are specified in this licence and nowhere else
- (g) The licensee shall display at a conspicuous place of premises in which his business is carried on a list of all animals birds reptiles etc the export of which from India has been banned and which are included in part A of the Export Trade Control Order/Instruction No 46/73 dated 23rd April 1973
- (h) This licence shall be displayed at a conspicuous place of the premises in which the business of the licensee is carried on and shall be produced for inspection on demand being made by an officer appointed under sub section (i) of section 4 or specified in sub section (1) of section 50

3 The licensee has paid annual fee of Rs _____

Signatures of the Issuing Authority

Date

(Strike out whichever is not applicable)

The licence is renewed and shall be valid upto _____

Signatures of the Issuing Authority

(a) Date

(b) Signatures of the Issuing Authority

Date

Observations of the Committee

- 1 The Committee recommends that for the figure 19 wherever occurring in this form substitute the figure 20 to update the Form
- 2 The Committee recommends that in second line of para first of this form for the words and sign Shri _____
 son of Shri _____ substitute the words and
 sign Shri/Smt /Ms _____ son/wife/daughter of _____

Shri _____ may be substituted to make the form more comprehensive

- 3 The Committee further recommends that for the words Signatures wherever occurring in this form substitute the word Signature to update the form

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee, therefore, could not make specific recommendations on the above Rule

Licence for taxidermy

Subject to the provisions of the Wild Life (Protection) Act 1972 and the rules made thereunder Shri _____ son of Shri _____ Proprietor/Manager of business/shop by the name _____ situated in street _____ in town _____ in district _____ is hereby authorized to do taxidermy for a period of one year commencing on the day of _____ 19 _____ and ending with the day of _____ 19 _____

(a) He shall do taxidermy only of trophies/uncured trophies of the following species of animals—

- (1)
- (2)
- (3)
- (4)
- (5)
- (b) The licensee shall purchase receive or acquire a trophy/uncured trophy only from a dealer or person licenced as the case may be authorized to sell or otherwise transfer or hunt the same under the Act or the rules made thereunder
- (c) The licensee shall not purchase receive acquire or transport a trophy/uncured trophy in violation of the provisions of Section 43 or section 48 of the Act
- (d) The licensee shall do taxidermy only during business hours and at premises The place of business may be changed only with the prior permission of the authority that has issued this licence and where the place of business has been changed the particulars of the new premises shall be entered only at premises
- (e) The licensee shall keep his stock only on the premises which are specified in this licence and no where else
- (f) The licensee shall display at a conspicuous place of premises in which his business is carried on a list of all animals birds reptiles

etc the export of which from India has been banned and which are included in Part A of the Export Trade Control Order/Instruction No 46/73 dated 23rd April 1973

- (g) This licence shall be displayed at a conspicuous place of the premises in which the business of the licensee is carried on and shall be produced for inspection on demand being made by an officer appointed under sub section (1) of section 4 or specified in sub section (1) of section 50

3 The licensee has paid annual fee of Rs

Signatures of the Issuing Authority
Dated

(Strike out whatever is not applicable)

The licence is renewed and shall be valid up to

(a) Signatures of the Issuing Authority
Dated

(b) Signature of the Issuing Authority
Dated

Observations of the Committee

The Committee recommends that the figure 19 wherever occurring in this form may be substituted as 20 to update the form

The Committee recommends that in second line of this form for the words and sign Shri son of Shri substitute the words and sign Shri/Smt /Ms Son/Daughter/ wife of Shri

The Committee further recommends that below para 3 for the word signatures substitute the word signature to make the form grammatically correct

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee, therefore, could not make specific recommendations on the above Rule

"FORM 19

[See Rules 27(4) (ii)]

Licence for dealing in captive animals

Licence No _____ dated the _____ day of _____ 19____

Subject to the provisions of the Wild Life (Protection) Act 1972 and the rules made thereunder Shri _____ son of _____
 Shri _____ Proprietor/Manager of business/shop by the
 name _____ situated in street _____ in the
 town _____ in district _____ is
 hereby authorized to deal in captive animals period of one year commencing on
 the _____ 19____ day of _____ and ending with
 the _____ day of _____ 19____

2 The licensee shall also abide by the conditions laid down below —

- (a) The licensee shall deal only in captive animal specified below —
- | Species | Minimum Size | Sex |
|---------|--------------|-----|
| | | |
- (b) The licensee shall purchase receive or acquire any of the captive animals aforesaid only from a dealer or from a person licenced or as the case may be authorized to capture and sell that animal under the Act or the rules made thereunder
- (c) The licensee shall not purchase receive acquire or transport any of the captive animals aforesaid in violation of the provisions of section 43 or section 48 of the Act
- (d) The licensee shall carry on his business hours and at premises The place of business may be changed only with the prior permission of the authority that has issued this licence and where the place of business has been changed the particulars of the new premises shall be entered in this licence All captive animals shall be kept only at _____ premises
- (e) The licensee shall keep his stock only on the premises which are specified in this licence and no where else
- (f) The licensee shall display at a conspicuous place of premises in which his business is carried out a list of all animals birds reptiles etc the export of which from India has been banned and which are included in Part A of the Export Control Order/Instruction No 46/73 dated 23rd April 1973

- (g) This licence shall be displayed at a conspicuous place of the premises in which the business of the licensee is carried on and shall be produced for inspection on demand being made by an officer appointed under sub section (1) of section 4 or specified in sub section (1) of section 50

3 The licensee has paid annual fee of Rs

Signatures of the Issuing Authority
Dated

(Strike out whatever is not applicable)

The licence is renewed and shall be valid up to

(a) Signatures of the Issuing Authority
Dated

(b) Signature of the Issuing Authority
Dated

Observations of the Committee

The Committee recommends that the figure 19 wherever occurring in this form may be substituted as 20 to update the form

The Committee further recommends that in para 2(a) the spelling of word licensee may be corrected

The Committee further recommends that below para 3 for the word signatures substitute the word signature to make the form grammatically correct

Recommendations of the Committee

The Department did not reply to the above observations made by the Committee The Committee, therefore, could not make specific recommendations on the above Rule

"FORM 21

[See Rule 33(1)]

Register to be maintained by dealers in captive animal/animal article/trophy/
uncurred trophy

Date	Description of captive animal animal article trophy together with name of specie dimension and sex where possible	Date of acquisition	From whom obtained (name and address of supplier	Nature and kind of licence held by supplier	No of certificates of ownership if any	Date of disposal
1	2	3	4	5	6	7

Manner of disposal	Name and address of the purchaser	Bill or cash memorandum	Details of permission for inter State movement if required
8	9	10	11

Observation of the Committee

The Committee recommends that the spelling of word uncured mentioned
as uncurred in first line of this form may be corrected

Recommendations of the Committee

The Department did not reply to the above observations made by the
Committee The Committee, therefore could not make specific
recommendations on the above Rule

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