

**HARYANA VIDHAN SABHA**

**REPORT**

**OF**

**THE COMMITTEE**

**ON**

**SUBORDINATE LEGISLATION**

**THIRTY NINTH REPORT**

**2010 - 2011**

( Presented to the Haryana Vidhan Sabha on 11th March, 2011 )



**HARYANA VIDHAN SABHA SECRETARIAT**  
**CHANDIGARH**  
**2011**

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**COMPOSITION OF THE COMMITTEE  
(2010-2011)  
COMMITTEE ON SUBORDINATE LEGISLATION**

**Chairperson**

Shri Jagbir Singh Malik MLA

**Members**

Shri Balbir Pal Shah MLA

Rao Yadvendra Singh MLA

Shri Sri Krishan Hooda MLA

Shri Sher Singh Barshami MLA

Shri Rameshwar Dayal Rajoria MLA

Shri Ghanshyam Saraf MLA

Advocate General Haryana

**Special Invitee**

Shri Subhash Chaudhary MLA

**Secretariat**

Shri Sumit Kumar Secretary

Shri Puran Mal Under Secretary

The Committee was constituted vide Haryana Vidhan Sabha  
Secretariat Notification No HVS SLC 1/2010 11/ 30 dated 16th April 2010

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## INTRODUCTION

1 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 Ninth Report to the House

2 The matters covered by this Report were finally considered by the Committee at their sitting held on 15th February 2011 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 Under Secretary and Staff of the Legislation Branch

Chandigarh  
The 15th February 2011

JAGBIR SINGH MALIK  
CHAIRPERSON  
Committee on Subordinate  
Legislation

## REPORT

1 The Committee on Subordinate Legislation for the year 2010 2011 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 16th April 2010 and was notified in the Official Gazette vide Notification No HVS SLC 1/2010 11/30 dated the 16th April 2010

2 Shri Jagbir Singh Malik MLA was appointed as the Chairperson of the Committee by the Speaker

3 The Committee held 83 sittings till the presentation of the Report

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

- 1 The Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961
- 2 The Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008
- 3 The Wild Life (Protection) Haryana Rules 1974 framed under the Wild Life (Protection) Act 1972
- 4 The Punjab Chaukidara Rules published in the Punjab Government Gazette dated 17 9 1965 as applicable to the State of Haryana

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 select set of rules framed under the various Acts for their scrutiny and examine these at the first instance at their own level with the assistance of the law department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders

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 are 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 recommendations 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 or discretionary power vested in it should be laid down in the rules
- (ii) In case where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation
- (iii) Before any adverse action is taken against a party it should be given a reasonable opportunity of being heard and after a decision adversely affecting a party has been taken it should have the right of appeal or representation as the case may be
- (iv) In order that the persons similarly placed are not treated differently the powers of exemption/relaxation should be exercisable in respect of categories or class of persons as contra distinguished from individuals

- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies pending institution or regular proceedings a maximum time limit for suspension should be laid down in the rules
  - (vi) The provisions of rules which may make a citizen liable to a penalty should be well defined and not worded vaguely
  - (vii) In case of seizures and searches suitable safeguards like the presence of witness preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided
  - (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules
  - (ix) Statutory rules should be amended by Statutory rules only and not by executive orders
  - (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic sketchy or skeleton or needing further interpretations It should be in simple language so that different people cannot put different interpretations For example expressions like unreasonable large quantity reasonable intervals etc should be avoided
  - (xi) Generally Rules should not be made applicable from retrospective effect adversely affecting the rights of any class or category unless specifically permitted by the Act
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## **GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE**

### **1 Delay in framing the Rules**

The Committee reiterates the recommendations made in its previous Thirty Eighth 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 alongwith the statement showing the action taken by the Government in the implementation of the recommendations/observations

## **7 Availability of Copies of Acts and Rules to Public**

The Committee is of the view that copies of all the Acts and Rules framed 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 from time to time so that these may be made available for sale to the General Public also at reasonable price

At present the old edition of 1975 of Haryana Code(s) available for the use of the Committee are not much useful as several amendments have taken place in the State Acts contained there in

The Committee is 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. The Law and Legislative Department Haryana is expected to ensure supply of up to date 25 copies of the Haryana Code(s) to the Committee from time to time as per above observations/recommendations

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*Further observations/recommendations made by the Committee***35TH REPORT 2005-06****(URBAN LOCAL BODIES DEPARTMENT)**

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

The Committee watched the implementation work regarding observations/ recommendations made by the previous Committee in respect of the Haryana Municipal (Sanitation and Public Health) Bye laws 1976 framed under the Haryana Municipal Act 1973 as contained in its 35th 36th Reports. The Committee observed that the recommendations made in the aforesaid Report have been fully implemented by the department concerned therefore the Committee observed that no further action is required to be taken in the matter

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

**(HEALTH DEPARTMENT)**

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

The Committee watched the implementation work regarding observations/recommendations made by the previous Committee in respect of the Punjab Ayurvedic and Unani Practitioner s (General) Rules 1964 framed under the Punjab Ayurvedic and Unani Practitioner s Act 1963 as contained in its 35th 38th Reports

The Committee observed that almost all the observations/recommendations of the Committee had already been implemented by the department however on remaining two points regarding prescribing the qualification for the post of Chairman and enhancement of penalty for contravention of the provisions of the Act on the pattern of the Government of India the department vide their reply dated 3 12 2010 clarified their position which were under process

The departmental representatives at the time of oral examination held on 7 12 2010 assured the Committee that necessary amendments in the Act would be made expeditiously after following the due procedure

In view of above the Committee expects that the department would take up the matter on priority basis and supply the requisite information at an early date to the Committee

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*Further observations/recommendations made by the Committee***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 work regarding observations/recommendations made by the previous Committee in respect of the Punjab Land Revenue Rules framed under the Punjab Land Revenue Act 1887 as contained in its 36th 38th 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 except issuance of guidelines on Rule 26 regarding fixation of time limit for appointment of Lambardars and Sarbrah Lambardars. Now the department vide their letter dated 27.5.2010 has informed that necessary guidelines as desired by the Committee has been issued on Rule 26.

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

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

**(ANIMAL HUSBANDRY & DAIRYING 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 38th Reports and observed that the Department concerned had accepted most of the recommendations of the Committee in principle however the observations/recommendations of the Committee made on the aforesaid Rules were yet to be implemented by issuing the notification to amend the Rules

The Department had assured the Committee that the observations/recommendations of the Committee which have not been implemented so far will be implemented at the earliest

Now the Department *vide* their reply received through memo No 11449 GI/GDO dated 13th December 2010 has stated as under —

It is stated that Govt of India enacted The Prevention and Control of Infectious and Contagious Diseases in Animals Act 2009 which have come into force throughout the States of India except U P with effect from 25-8-2009 Under this Act both the Central as well as State Govt with prior approval of Central Government can frame rules to carry out the provisions of the Act in terms of Section 45 of the Act the Glanders and Farcy Act 1899 the Dourine Act 1910 and any other corresponding law of any State so far as it is inconsistent with the provisions of the Act shall stand repealed Therefore in view of the above mentioned Central Act it is proposed that no further action is warranted in the matter

After perusing the latest reply the Committee is of the view that after the enactment of the Prevention and Control of Infectious and Contagious Diseases in Animals Act 2009 the rules will be framed by the Central Government as well as State Governments to carry out provisions of the Act on the subject Thus in view of the above circumstances the State Act on the subject which is inconsistent with the provisions of the Central Act shall stand repealed In view of the above the Committee feels that while framing the rules under the Central Act the State Government may also look into the recommendations/observations of the Committee made on the Punjab Animal Contagious Diseases Rules 1953 which are not inconsistent with the Central Act recently enacted

The Departmental representatives also assured the Committee to take further action in the matter as per the provisions of the Central Act Thus the Committee observes that the Department may take further action and the Committee may be informed accordingly

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*Further observations/recommendations made by the Committee***37TH REPORT 2007-08****(DEVELOPMENT AND PANCHAYATS DEPARTMENT)****(i) The Haryana Panchayati Raj Rules 1995 framed under the Haryana Panchayati Raj Act, 1994**

The Committee in the year 2007-08 had scrutinized the Haryana Panchayati Raj Rules 1995 framed under the Haryana Panchayati 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

To consider the observations/recommendations made by the Committee in respect of aforesaid rules the State Government constituted a Minister's Committee. So the Committee waited for some reasonable period for the implementations of the observations/recommendations made by the Committee in this regard.

The Department vide their Memo No. ECA-1/59344 dated 11th November 2010 informed that the necessary amendments have been made in the Haryana Panchayati Raj Rules 1995 vide Notification dated 27th September 2010.

After perusing the said Notification dated 27th September 2010 the Committee is of the view that observations/recommendations made by the Committee have been implemented by the concerned Department therefore no further action is required to be taken in the matter.

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*Further observations/recommendations made by the Committee***(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 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

After perusing the reply of the Department received vide their letter dated 17-9-2009 the Committee observed that almost all the recommendations made by the Committee as contained in its 37th - 38th Report have been implemented by the Department concerned. So far as the recommendations regarding the enhancement of fee for filing the appeal and enhancement of penalty are concerned the same have also been taken up by the Department with the Government of India to do the needful.

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

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*Further observations/recommendations made by the Committee***(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 Committee in the year 2007-08 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

The Department concerned vide their Memo No 36144/2009 dated 14-12-2009 informed that the Haryana Juvenile Justice Rules (Care and Protection of Children) Rules 2009 have been notified keeping in view the observations/recommendations of the Committee as contained in its 37th Report and the model rules received from the Government of India

After perusing the notification dated 14-9-2009 containing the new Rules the Committee is of the view that the recommendations made in the aforesaid Report have been implemented by the Department concerned therefore the Committee observed that no further action is required to be taken in the matter

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

**38TH REPORT 2008 - 2009**  
**(URBAN LOCAL BODIES DEPARTMENT)**

**(i) The Haryana Municipal (Tax on Buildings and Land) Rules, 1987 framed under the Haryana Municipal Act, 1973**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Municipal (Tax on Buildings and Land) Rules 1987 framed under the Haryana Municipal (Tax on Buildings and Land) Act 1973 as contained in its 38th Report

The Committee observed that 38th Report was sent to the Department vide letter dated 31.3.2009 and it was expected that the Department would implement the observations/recommendations of the Committee made on the aforesaid Rules expeditiously but no notification amending the Rules in the light of observations/recommendations made by the Committee received from the Department concerned. Reminders were sent to the Department from time to time but no reply received in time.

Oral examination of the Departmental Representatives was conducted on 28.12.2010 to obtain the latest information in the matter. The Departmental representatives clarified the position in the matter stating that the observations/recommendations of the Committee have been taken into consideration by the Government/Department and decision has been taken to frame policy of House Tax in the State and the proposal for approval in this regard is under consideration of the Government. The House Tax policy is being simplified as per recommendations of the Minister's Committee and the same is under consideration of the Chief Minister.

It was also explained that Tax Code would be changed and the observations/recommendations of the Committee will also be taken into consideration while framing the new Rules.

The Department also sent a letter dated 12.1.2011 wherein it was communicated that the Committee will be informed regarding final decision in the matter in due course.

In view of above facts and circumstances the Committee expects that necessary action in the matter will be taken by the Department at an early date and the Committee will be informed accordingly.

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

**(HOME DEPARTMENT)**

**(ii) The Haryana Home Guards Rules 1980 framed under Haryana Home Guards Act 1974**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Home Guards Rules 1980 framed under the Haryana Home Guards Act 1974 as contained in its 38th Report

The Committee observed that 38th Report was sent to the Department vide letter dated 31.3.2009 and it was expected that the Department would implement the observations/recommendations of the Committee made on the aforesaid Rules expeditiously but no notification amending the Rules in the light of observations/recommendations made by the Committee received from the Department concerned. Reminders were sent to the Department from time to time. However the department vide their letter dated 26.4.2010 stated that the draft notification implementing the observations/recommendations made by the Committee are being sent for the approval of the Committee. After going through the contents of the letter referred to above the Committee returned the draft notification vide letter dated 27.8.2010 to send the final notification after implementing the observations/recommendations of the Committee as contained in its 38th Report. The Department was again informed vide letter dated 27.10.2010 to supply the printed copies of the final notification as published in the Gazette after implementing the observations/recommendations of the Committee made in respect of the aforesaid rules as contained in its 38th Report.

The oral examination of the Departmental representatives was conducted on 21.12.2010. The Departmental representatives explained the latest position in the matter. After hearing the departmental representatives the Committee was of the view that the Department had agreed to implement the observations/recommendations of the Committee in principle. But the procedural requirements to issue the notification to amend the Rules was to be completed.

However the Committee made certain further observations on the following Rules as under —

**Rule — 6**

The information was supplied by the department. The Committee however recommends that some effective steps may be taken to encourage the public to render the services as Home Guards. The aspect of the revising the daily allowance may also be taken into consideration by the Department.

**Rule — 19**

After considering the reply of the departmental representatives the Committee is of the view that existing provision is achieving the purpose Therefore the recommendations of the Committee may be dropped

**Rule — 20**

After considering the reply of the departmental representatives the Committee is of the view that existing provision is achieving the purpose Therefore the recommendations of the Committee may be dropped

**Rule — 23**

The departmental representatives explained the position in the matter and the Committee is satisfied Hence the recommendation may be dropped

**Rule — 26**

The Committee was of the view that the ex gratia amount needs to be enhanced The departmental representatives assured the Committee that this aspects will be looked into at part with the provisions applicable in the Police Department

In view of above the Committee expects that the Department would take up the matter on priority basis and supply the copy of the notification amending the Rules to the Committee at an early date

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### Rule — 3

**Sections 5 and  
15(2) (a) of  
the Act**

(a) the Panchayat Samiti	Where the area exceeds 100 acres but does not exceed <sup>5</sup> [1 000 acres]
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(c) the Government	Where the area exceeds 1 000 acres
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- (i) Grazing of animals
- (ii) Tree plantation or any other purpose related to forestry
- (iii) Dyeing and tanning of skins and hides
- (iv) Storage of fuel fodder and or grain
- (v) Cremation or burial ground
- (vi) Manure pits
- (vii) Public latrines and / or urinal
- (viii) Drains or water channels
- (ix) Playgrounds
- (x) Government School building and its library



- (xi) Government Hospital or Dispensary maternity or First aid Centres Veterinary Hospital or Dispensary
- (xii) Vehicle parking related to agriculture and incidental purposes
- (xiii) Panchayat Ghar or Janjghar or Village Chaupal
- (xiv) Ponds and Fisheries
- (xv) Wells Hand pumps Water works or any other Water Lifting device
- (xvi) Crop thrashing ground
- (xvii) Kohloo
- (xviii) Cultivation
- (xix) Model Farm Seed Farm Dairy Farm Nursery Garden or any other Horticultural purposes
- (xx) Production of food fiber or fodder crops
- (xxi) Stone Crusher Brick kilns Pottery extraction of shora sand stone kankar bajri or other minerals defined in the Punjab Minor Mineral (Concession) Rules 1964
- (xxii) Special Economic Zone Projects and Industrial development
- (xxiii) Roads Pathways Streets Lanes and Bye lanes
- (xxiv) Recreation Parks Children s Park and Sports Stadium
- (xxv) Residential
- (xxvi) Educational and knowledge centres including libraries to be set up by non governmental institutions or individual
- (xxvii) Hospital or Dispensary Maternity or First aid Centres Veterinary Hospital or Dispensary to be set up by non governmental institution or individual
- (xxviii) Any other kindred common purpose

Provided that the use of land for the purposes mentioned under clauses (xix) to (xxviii) shall be with the prior approval of State Government

### Observation of the Committee

The Committee would like to know the reasons of excluding the Zila Parishad for giving approval of Land Utilization Plan. From the Perusal of the rule it reveals that earlier there was provision for the approval of Zila Parishad also in such cases but later on it was omitted *vide* notification dated 21st October 1976. The Committee desires that a copy of such notification alongwith reasons of amendment may also be supplied to the Committee for its information.

The Committee recommends that in sub rule (2) of this Rule in line two for the word 'take' substitute the word 'make' to make the Rule more clear.

The Department in their written reply stated as under —

- (i) The provisions regarding obtaining approval of Zila Parishad was omitted as the third tier i.e. Zila Parishad was abolished in the year 1974. Hence this provision had become redundant and consequently was omitted. A copy of the notification dated 21st October 1976 is enclosed herewith. A view can be taken to restore the provision of Zila Parishad again.
- (ii) The recommendation of the Committee is worth acceptance.

### Recommendation of the Committee

(i) As per reply of the Departmental Representatives Zila Parishad may be included to give approval of land utilization plan. To restore this provision the rule may be amended accordingly.

(ii) The Committee recommends that in sub rule (2) of this rule mentioned above in line two for the word 'take' substitute the word 'make' to make the rule more clear as accepted by the Department concerned.

(iii) As per reply of the Departmental Representatives during the course of oral examination held on 4th January 2011 the Committee recommends that rule 3(a) and (b) may be amended suitably as per provisions of old rules.

### Rule—6

**“6 Leases of Land Section 5 and 15(2)(f) —** (1) Except where otherwise provided in these rules all leases of land in shamilat deh shall be by auction after making publicity in the manner laid down in sub rule (10). All documents executed in this connection shall be signed by a Sarpanch or in his absence by a Panch performing the duties of the Sarpanch and two other Panches of the Gram Panchayat.

(2) Lease of land in Shamilat deh already under plough shall not be given for a period exceeding two years while that of land not under plough and infested with trees, bushes etc. may be given for a period not exceeding five years to the highest bidder ordinarily in the month of April or May to the maximum advantage of the inhabitants of village. The annual lease money shall be paid on the bidding.

spot and for the remaining years of lease if any the annual lease money shall be paid in advance not later than February every year The auction shall be subject to the approval of—

(a) the Panchayat Samiti—

(i) where the area does not exceed 100 acres and the highest bid of the lease at the auction is less than the average lease rate of similar lands in the neighbourhood for the last five years or

(ii) where the area exceeds 100 acres but does not exceed 1 000 acres

(b) The Government—where the area exceeds 1 000 acres

Provided that on the application of the lessee made before the expiry of the lease the Panchayat may renew the lease for a period not exceeding two years at a time if it considers that renewal of lease is in the interest of better cultivation and is satisfied that the lessee has made improvements by rendering such land fit for cultivation or has made improvements by digging a well or installing a pumping set or a tube well or constructing a pucca structure on such land

Provided further that the annual lease money of such land for which lease has been renewed shall be determined by the Collector or the officer appointed by him for the purpose on the basis of market rental value of similar lands in the neighbourhood

Provided further that—

- (a) the maximum area of land in shamilat deh to be leased to a person for cultivation shall not exceed ten acres at any time
- (b) the Panchayat shall not lease land in shamilat deh for cultivation to a person—
  - (i) having a holding of ten acres or more or
  - (ii) already holding lease under any other Panchayat
- (c) out of the land proposed to be leased for cultivation thirty percent ten percent ten percent respectively shall be reserved for giving on lease by auction to members of the Scheduled Castes Backward Classes and dependents of defence personnel killed in any war after the independence of India

*Explanation* —If on two different date fixed for auction no such person is forthcoming or the Panchayat Samiti refuses to confirm the auction under sub clause (i) of clause (a) of sub rule (2) the reservation shall cease to have effect

- (d) out of land proposed to be leased for cultivation five acres to ten acres land according to the need shall be reserved for grazing and resting of cattle in case land for such purposes is not already available and

- (e) any Sarpanch or Panch or member of his/her family such as father grandfather mother grandmother wife/husband son/daughter son in law daughter in law grandson/granddaughter great-grandson/great-granddaughter or any other relative dependent on him/her shall not be allowed to bid for the auction and to take land in shamilat deh on lease

(3) The potters and the members of Scheduled Castes of the same village may be allotted non cultivable land on lease upto one acre for installation of maidani brick kiln for a period of one year at the rate of one thousand rupees per year

(4) Gram Panchayat may with prior approval of the State Government lease out its land by auction on annuity basis for a period not exceeding 20 years for setting up stone crushers in the zone notified for the purpose by the Environment Department The terms and conditions of lease including the lease money and mode of leasing out shall be such as approved by the State Government from time to time

Provided that —

- (i) progressive increase in lease money shall not be less then twenty per centum of the initial annual lease money after every three years
- (ii) an amount equal to two and a half years initial yearly lease money shall be deposited in favour of Gram Panchayat as security by fixed deposit receipt in the Haryana State Cooperative Bank before taking possession which shall be adjustable against lease of the 19th and 20th year
- (iii) the lessee shall deposit the initial annual lease money on the bidding spot failing which the auction shall automatically stand cancelled and
- (iv) the lesee shall deposit the annual lease money for subsequent years on or before the due date which shall be the date he takes possession of the land failing which the lease shall automatically stand cancelled and the security forfeited

(5) Panchayat may with the prior approval of the State Government lease out its land by allotment for a period not exceeding thirty three years and further renewable for a period not exceeding thirty three years for setting up infrastructure facilities units of public utility nature educational institutions Special Economic Zone Projects and Industrial Development or for such purposes as may be approved by the State Government to be for the benefit of village community The terms and conditions of lease including the lease money and mode of leasing out shall be such as may be approved by the State Government from time to time

Provided that State Government may specify the maximum area of land in shamilat deh which can be leased out by a Gram Panchayat and may further

specify area to be retained by each Gram Panchayat for common purposes such as charand pond cremation ground playground etc in the interest of inhabitants of the village

(6) Auction of every pond—

- (i) used for plantation of shingharas may be made on yearly basis in the month of July every year and
- (ii) used for stocking fish may be made for a period not exceeding three years preferably in the month of September

Provided that not more than half of the total number of ponds in a village shall be leased out at any point of time

**7 to 12**

★ ★ ★ ★ ★

★ ★ ★ ★ ★

### Observation of the Committee

The Committee observes that in line 6th of sub rule (1) of rule 6 for the words a Sarpanch the words the Sarpanch may be substituted to make the rule more appropriate and gramatically clear

The Committee recommends that in sub rule (6)(i) & (ii) of rule 6 for the word used may be substituted the word use to make the Rule more clear

The Committee is of the view that the period of stocking fish should be 5 years instead of 10 years

The Department in their written reply stated as under —

- (i) The recommendation of the Committee is worth acceptance
- (ii) It is submitted that the substitution of word use in place of word used will also not serve the purpose. Rather the word used is required to be deleted so that the ponds which are not already in use for such purposes can be leased out.
- (iii) The lease period of stocking fish was reduced to three years vide notification dated 3rd January 2008 and subsequently it has been increased to five years vide notification dated 15.4.2010.

### Recommendation of the Committee

- (i) The Committee recommends that in line 6th of Sub rule (1) of rule 6 for the words a Sarpanch the words the Sarpanch may be substituted to make the rule more appropriate and grammatically clear
- (ii) The Committee recommends that in sub rule (6) (i) and (ii) of rule 6 for the word used the word use may be substituted to make the rule more clear

**Rule—7**

**“7 Lease of Land in Shamilat Deh to Collective Farming Co operative Societies** —(1) Subject to the provisions of section 5 of the Act where in a village cultivable area in Shamilat deh is 200 acres or more such land may be leased out without auction to the Collective Farming Co-operative Society if any constituted in the village under the Punjab Co operative Societies Act 1961 on such terms and conditions as may be agreed to by the Panchayat with the approval of the 1[Panchayat Samiti] Where there are more than one Collective Farming Societies in a village the land in shamlat deh may be leased out to them in pro portion to the strength of their member The Co operative Collective Farming Society shall execute a lease deed in favour of the Panchayat The total period of the lease shall not exceed 5 years

*Sections 5  
and 15(2)  
(f) of the  
Act*

(2) Such leases shall be subject to review by the 3[Panchayat Samiti] concerned annually so that the Panchayat or the Society may not suffer due to subsequent events which may affect the fertility or improvement in the land

(3) If in any case the Panchayat has purchased a tractor or other equipment for the cultivation of the land in shamlat deh the Co operative Collective Farming Society may purchase or take on hire such machinery and equipment on such reasonable price or rent as the case may be mutually settled by the Panchayat and the said Society

(4) In case the Society used such land for any purpose other than cultivation and purposes subservient thereto or violates any terms or conditions of the lease or ceases to cultivate such land collectively in accordance with the bye laws of the Society the Panchayat may resume the land without payment of any compensation

(5) Lease money shall be payable by the Co operative Collective Farming Society in advance as provided in clauses(a) and (b) of sub rule (7) of rule 6

**Observation of the Committee**

The Committee recommends that the word Shamlat may be substituted by the word shamilat wherever occurring in this rule

The Committee recommends that in line 9th of this rule for the word member the word members may be substituted to make the rule more clear

The Department in their written reply state as under —

The recommendation of the Committee worth acceptance

The recommendation of the Committee worth acceptance

### Recommendation of the Committee

(i) The Committee recommends that the word Shamlat may be substituted by the word Shamilat wherever occurring in this rule

(ii) The Committee recommends that in line 9th of sub rule (1) of this rule for the word member the word members may be substituted to make the rule more clear

### Rule—7B

Sections  
104 (5)  
and  
15(?) (k)

**“7 B Manner of Payment of Compensation assessed by the Collector under sub section (5) of section 10 A**—The amount of compensation assessed by the Collector under sub section (5) of section 10 A shall be paid by the Panchayat direct to the payee against proper receipt or by money order if the payee so desires after deducting therefrom money order commission or other expenses if any

- (i) in lump sum where the amount of compensation does not exceed one hundred rupees and
- (ii) in three equal annual instalments where the amount of compensation exceeds one hundred rupees ]

### Observation of the Committee

The Committee would like to know as to whether the amount of compensation will be recovered in three equal annual installments if it exceeds one hundred rupees ? is it justified ?

The department in their written reply stated as under —

Payment of compensation in three equal installments was justified in 1965 when this provision was inserted At present this amount can be substituted by Rs 10 000/

### Recommendation of the Committee

The Committee recommends that as per reply of the Department the amount of compensation assessed by the Collector to be paid by the Panchayat to the payee in sub rule (ii) of rule 7B may be substituted by Rs 10 000/ for one hundred rupees

### Rule – 12

**‘12 Purposes for which land may be sold sections 5 and 15(2)(f)**—(1) A Panchayat may with the previous approval of the State Government sell land in shamilat deh vested in it under the Act for—

- (i) the purpose of constructing building of Panchayat Samiti Zila Parishad or of any Government department Government owned companies and Public Sector Undertakings at the floor rates notified by the State Government from time to time

- (ii) the purpose of setting up infrastructure facilities educational institutions Special Economic Zone Projects and Industrial Development units of public utility nature as may be approved by the State Government to be for the benefit of inhabitants of the village at the rate not less than the market rate
- (iii) the purpose of residence to the inhabitants of the village not less than the floor rates notified by the State Government from time to time for a size of a plot to an individual not exceeding 250 square yards

Provided that the vendee shall not sell or dispose of the land in any other manner whatsoever before the expiry of a period of twenty years from the date of the sale

Provided further that land shall revert back to the Gram Panchayat if it is used for the purpose other than it was sold

Provided further that the State Government may impose such other terms and conditions as it may deem fit for such sale

(2) Where it is proposed to sell the land in shamilat deh under sub rule (1) the Panchayat shall forward to State Government a copy of its resolution passed by a majority of the three fourth of its members proposing to sell the land through the Deputy Commissioner stating

- (a) the area and location of the land proposed for sale
- (b) the estimated income from the sale
- (c) the reasons as to why the Panchayat wants to sell the land and the plans for utilization of the income from the sale

(3) The publicity for sale of land in shamilat deh by auction shall be made by the Deputy Commissioner in accordance with the procedure laid down in sub rule (10) of rule 6 on receipt of the approval of the State Government who shall also decide whether the land shall be sold in one or more lots and the officer who shall be present at the time of auction

Provided that nothing contained in this sub rule shall apply to the sale of shamilat land for the purposes specified in clause (i) and (ii) of sub rule (1)

(4) The Gram Panchayat may with the prior approval of Deputy Commissioner concerned sell its non cultivable land in shamilat deh to the inhabitants of the village who have constructed their houses on or before the 31st March 2000 not resulting in any obstruction to the traffic and passers by along with open space upto 25% of the constructed area or an appurtenant area upto a maximum of 200 square yards at not less than collector rate



### Observation of the Committee

The Committee would like to know as to whether there is any limit to sell the land vested in Shamilat deh for the purposes specified in clause (i) to (iii) of sub rule (1)

The Committee would like to know for its information the justification given in the proviso to sub rule (3)

The Department in their written reply stated as under —

- (1) No limit has been prescribed under the rules. However it is suggested that not more than 25% of the total shamilat deh of the village should be allowed to be sold
- (2) The proviso to sub rule (3) provides that the land can be sold by way of allotment instead of open auction. To encourage the industrialization in the State the sale of land by allotment is necessary. Sale by open auction would not be viable for the big projects. The purposes mentioned under clauses (i) and (ii) of sub rule (1) are of such nature that if the land is not allotted the project may not be established.

### Recommendation of the Committee

- (i) As per reply of the Department concerned the Committee recommends that a provision may be made in this rule itself that only upto 25% of the total land in shamilat deh of the village shall be allowed to be sold
- (ii) As per discussion with the Departmental Representatives the Committee recommends that in sub rule (2) for the word 'sell' the words 'and sign sell/ alienate' may be added to make the rule more clear
- (iii) As per reply of the Departmental Representatives the Committee recommends that market rate may be made applicable for the sale of land under clause (iii) of sub rule (1) of rule 12
- (iv) As discussed with the Departmental Representatives at time of oral examination the Committee recommends that some criteria or yardsticks and guidelines for allotment of land for industrial use may be framed so that basis and procedure for allotment of land may be prescribed on the recommendation of sponsoring department

**Rule – 13**

**'13 Gift of land sections 5, 5A and 15** – A Panchayat may with the previous approval of the State Government gift the land in shamilat deh vested in it under the Act for–

- (i) the purpose of constructions of houses laying out common places and providing other amenities under the Model Village Scheme approved by the State Government for the benefit of the inhabitants of the village and
- (ii) residential purpose upto the extent of 200 square yards to the members of defence forces and paramilitary forces seriously injured and rendered handicapped or to the dependent families of such members killed in any war or counter insurgency operation during their service not having sufficient residential accommodation or to the members of the Scheduled Castes or Backward Classes or economically weaker sections on the ground of poverty

Provided that State Government shall not accord any approval in cases which are not received through the Deputy Commissioner concerned

Provided further that the concerned Deputy Commissioner or Sub Divisional Officer (Civil) as may be authorized by the State Government shall be competent to accord approval for allotment of 100 square yards residential plot out of land in shamilat deh by way of gift to the eligible family identified under the scheme approved by the State Government for purpose of providing house sites to the Scheduled Castes families and the families living below poverty line

**Observation of the Committee**

Will it not be desirable to add a provision that this facility of gift of land to the categories of persons provided in this rule shall not be available if a member of the family belonging to such category mentioned has already availed that facility

The Department in their written reply stated as under —

The recommendation of the committee is worth acceptance

**Recommendation of the Committee**

The Committee recommends that a provision may be made in this rule itself that this facility of gift of land to the categories of persons provided in this rule shall not be available if a member of the family belonging to such has already availed that facility

**Rule—14**

*Sections 9  
and 15 of  
the Act*

**14 Utilization of the income from the Shamlat Deh** —the income derived by a Panchayat from the use and occupation of the land in Shamlat deh vested in it shall be utilized for the benefit of the inhabitants of village as laid down in the Punjab Gram Panchayat Act 1952 and for the improvement maintenance and management of the shamlat deh

**Observation of the Committee**

The Committee observed that in Rule 14 for the words and figure Punjab Gram Panchayat Act 1952 substitute the words and figure Haryana Panchayati Raj Act 1994

The Department in their written reply stated as under —

The recommendation of the Committee is worth acceptance

**Recommendation of the Committee**

The Committee recommends that in Rule 14 for the words and figure Punjab Gram Panchayat Act 1952 substitute the words and figure Haryana Panchayati Raj Act 1994

**Rule—17**

*Sections  
5(1) and  
15(2)*

**“17 The manner and the order of priority in which the excess area is to be utilized by the Collector under sub section (1) of section 5** —(1) (i) The landless tenants and other tenants ejected or to be ejected in the village shall apply to the Panchayat for the allotment of surplus area of Shamlat deh earmarked for the purpose not later than October every year Such applications shall be acknowledged in writing and entered in the register of tenants by the Panchayat

(ii) The Panchayat shall formulate <sup>1</sup>[with the help of concerned Block Development and Panchayat Officer] a proposal in the month of January every year for the allotment of the surplus area to the tenants and send the proposal to the Collector through the Panchayat Samiti for approval The Collector shall ordinarily approve the proposal of the Panchayat Where however there are complaints the Collector may modify or return the proposal to the Panchayat for submitting a revised proposal

(iii) Where there are more tenants than the surplus area with the Panchayat preference shall be determined by the order in which applications for resettlement were made and where the applications had been made simultaneously the priority shall be decided by drawing lots

(2) (i) Applications for distribution of the remaining excess area of Shamlat deh if any shall be made to the Panchayat within one month of the date of determination of such area by the Panchayat

(ii) Such applications <sup>2</sup>[shall ] be acknowledged and entered by the Panchayat in the register to be maintained for the purpose

(iii) The Panchayat shall submit a proposal to the Collector in this behalf within two months of the notification of the surplus area through Panchayat Samiti

(iv) In cases where the demand for the remaining excess area exceeds the total available area priority shall be given to the smallest landowners having equal land holdings the priority shall be decided by drawing lots

(3) In case a tenant or small land holder does not take possession of the area allotted to him within six months from the date of allotment the allotment shall be inoperative and that area shall be utilized for resettlement of another tenant or small land holder as the case may be

#### **Observation of the Committee**

The Committee feels that in line 3rd of sub rule (iv) of this rule for the words holdings the substitute the words holdings and their' to make it grammatically correct

The Department in thier written reply stated as under —

(3) In this regard it is submitted that a sign can be inserted after the words land holdings to make the sub rule grammatically correct

#### **Recommendation of the Committee**

The Committee recommends that in line 3rd of sub rule (iv) of this rule for the words holdings the substitute the words holding and their to make it grammatically correct

#### **Rule—19**

**“19 Unauthorized occupation of shamlat deh —**for purposes of section 7 of the Act a person shall be deemed to be in un authorized occupation of any land in shamlat deh—

*Sections 7  
and 15(2) (k)  
of the Act*

- (a) where he has whether before or after the commencement of the Act entered into possession thereof otherwise than under and in pursuance of any allotment lease or grant by the Panchayat or
- (b) where he being an allottee lessee or grantee has by reason of the determination or cancellation of his

allotment lease or grant in accordance with the terms in that behalf therein contained ceased whether before or after the commencement of the Act to be entitled to occupy or hold such land in shamlat deh or

(c) where any person authorized to occupy any of land in shamlat deh has whether before or after the commencement of the Act—

(i) sublet in contravention of the terms of allotment lease or grant without the permission of the Panchayat or of any other authority competent to permit such subletting the whole or any part of such land in shamlat deh or

(ii) otherwise acted in contravention of any of the terms express or implied under which he is authorized to occupy such land in shamlat deh

*Explanation* — For purposes of clause (a) a person shall not merely by reason of the fact that he has paid any rent be deemed to have entered into possession as allottee lessee or grantee

### **Observation of the Committee**

The Committee recommends that the spelling of word Shamlat wherever occurring in this rule may be corrected

The Department in their written reply stated as under —

The recommendation of the Committee is worth acceptance

### **Recommendation of the Committee**

The Committee recommends that the spelling of word Shamlat wherever occurring in this rule may be corrected

### **Rule—21**

*Sections 7  
and 15(2) (k)  
of the Act*

**“21 Eviction of un authorised persons** —(1) If after considering the cause if any shown by any person in pursuance of notice under rule 20 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard the Assistant Collector is satisfied that the land in shamlat deh is in an un authorised occupation the Assistant Collector may on a date to be fixed for the purpose make an order of eviction for reasons to be recorded therein directing that the land in shamlat deh shall be vacated by all persons who may be in un authorised occupation thereof

or any part thereof and cause a copy of the order to be affixed on the outer door of the Panchayatghar and at some other conspicuous places of the shamlat deh or of the estate in which the land in shamlat deh is situated

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication the Collector or any other officer duly authorised by him in this behalf may evict that person from and take possession of the land in Shamlat deh and may for that purpose use such force as may be necessary

### **Observation of the Committee**

The Committee observed that in Rule 21 (2) the period for eviction from Shamlat land has been mentioned as 30 days whereas in the relevant section 7 of the Act maximum ten days period has been provided to comply with the orders of eviction. The Committee would like to know for its information as to whether sub rule(2) of Rule 21 is in consonance with the provisions of Section 7 of the Act

The Department in thier written reply stated as under —

(1) The observation of the Committee needs consideration for the purpose of bringing consonance of sub rule (2) of Rule 21 with the provisions of section 7 of the Act. Accordingly period of 10 days is to be provided in sub rule (2) of Rule 21 to comply with the orders of eviction

### **Recommendation of the Committee**

The Committee recommends that the period for eviction mentioned as thirty days may be made inconsonance with the provisions of section 7 of the Act and sub rule (2) of Rule 21 may be amended accordingly

## **SCRUTINY OF THE HARYANA REGULATION OF PROPERTY DEALERS AND CONSULTANTS RULES, 2009 FRAMED UNDER THE HARYANA REGULATION OF PROPERTY DEALERS AND CONSULTANTS ACT, 2008**

The Committee scrutinized the Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008 and made the following observations/recommendations thereon —

### **Rules—2**

#### *Definitions*

**“2** In these rules unless the context otherwise requires —

- (a) Act means the Haryana Regulations of Property Dealers and Consultants Act 2008 (38 of 2008)
- (b) Form means a form appended to these rules
- (c) Professional conduct rules means regulations made or deemed to have been made under the Act

(2) Words and expressions used in these rules but not defined shall have the same meanings as respectively assigned to them in the Act

### **Observation of the Committee**

The Committee would like to know as to whether the Professional Conduct Rules have been made by the Department? If so a copy of the same may be supplied to the Committee for its perusal

The Committee observed that in Rule 2 of sub rule (1) has not been mentioned The Committee therefore recommends that sub rule(1) may be mentioned in Rule 2

### **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—3**

**"3** (1) Any Property Dealer shall be eligible to apply for license under the Act on the following conditions namely — *Eligibility sections 5 and 18(2)*

- (a) in the case of individual he shall have attained the age of 21 years at the time of application for license and shall not be a bankrupt or insolvent or lunatic or of unsound mind
- (b) in the case of company society or firm registered under the Companies Act 1956 (Act 1 of 1956) the Societies Registration Act 1860 (16 of 1860) or the Indian Partnership Act 1932 (Act 9 of 1932) respectively they shall not be bankrupt or barred under any law for the time being in force
- (c) he shall be a citizen of India
- (d) he shall not be convicted of an offence of moral turpitude
- (e) he shall furnish the proof of residence and address of the premises of his business of property dealing or consultancy

(2) No employee of any State or Central Government or public sector undertaking while in service shall be eligible to apply for the license under the Act

**Observation of the Committee**

The Committee would like to have a list of offences involved in moral turpitude for the purpose of these rules

The Committee would like to discuss the provisions of sub rule (2) of Rule 3 at the time of oral examination of the Department so that its correct interpretation and implications may be discussed at the appropriate time

**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—4**

**"4** An application for the grant or renewal of license of a property dealer under section 4 shall be made by the applicant in Form A to the *Application for license Sections 4 5 and 18(2)*



licensing authority within whose jurisdiction the applicant resides or office of applicant(s) is situated. The application shall be accompanied by proof of his residence four photographs thumb impression undertaking of solvency certificate character certificate two guarantors about his genuineness and address of the premises of his business accompanied by the treasury challan of payment of the prescribed fees under Rule 5 in the treasury under head 0030 Stamps and Registration fees miscellaneous and an affidavit accepting the terms and conditions of license mentioned in the Act and Rules 8 and 9

### **Observation of the Committee**

The Committee would like to know the significance and objective behind mentioning the words thumb impression mentioned in Rule 4

The Committee would like to know the specific designation of the person by whom the character certificate shall be issued

### **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—6**

*Scrutiny of  
application  
section  
18(2)*

**6** (1) On receipt of application under rule 4 the licensing authority shall scrutinize the same for acceptance or rejection in terms of Rules 3-5 at any other relevant rule

(2) The particulars of each applicant whose application is accepted by the licensing authority shall be entered in a register maintained by the licensing authority for the purpose in Form C

### **Observation of the Committee**

The Committee would like to know as to why any time limit has not been prescribed to dispose of the application by the Licensing Authority under these rules?

### **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—7**

“7 The Collector shall grant a licence in Form B for a period of five years for the business of a property dealer to any person or company society or firm within the limits of State of Haryana which shall be renewed after every period of five years on the same terms and conditions

*Grant of licence and renewal sections 4 and 18(2)*

**Observation of the Committee**

The Committee feels that in line 4 of this rule the word every seems to be superfluous it may be deleted to make the rule more clear

The Committee observes that specific period should be mentioned for renewal of license

**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—8**

“8 (1) Every licensee shall —

- (i) specify the person organization company or society licensed and get the title verified
- (ii) specify the responsibility of getting a deal finalized in respect of transfer of immovable property between the buyer and seller lesser and lessee and land lord and tenant
- (iii) be subject to renewal after every five years

*Terms and conditions of licence sections 5 and 18(2)*

(2) The licence of the licence holder shall stand automatically cancelled on bankruptcy or insolvency or lunacy or unsoundness of mind

**Observation of the Committee**

The Committee would like to know for its information as to what type of responsibility is owned by the property dealers?

The Committee recommends that in last line of this rule the word lesser” may be substituted by the word lessor

The Committee would like to know the justification of this sub rule as it has also already been mentioned in rule 7?

The Committee would like to know the significance of automatically cancellation ?

### **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 — 9**

*Duties of  
property  
dealer  
Section  
18(2)*

- “9** (i) The property dealer shall display at all times the signage board bearing registered licence number in the office
- (ii) The property dealer shall arrange all the documents related to the transfer of immovable property for the purpose of deal and the expenditure so incurred shall be borne by the seller
- (iii) The property dealer shall verify the genuineness of the documents of the property under transaction
- (iv) A copy of the agreement/contract shall be made available to the concerned sub registrar and joint sub registrar and to the executants of the instruments and an acknowledgement in writing of the receipt of that copy after entering in his register shall be obtained from the executants
- (v) Every property dealer shall assist any official/officer duly authorized in that behalf by the District Collector at any time to inspect his register of transaction and to examine his license and agreements etc in his possession at his place of business
- (vi) The property dealer shall not indulge in insider trading
- (vii) The property dealer shall not indulge in dealing of properties situated in unauthorized/illegal colonies
- (viii) The property dealer shall provide complete information about property/properties under transaction to the registering authority concerned
- (ix) The property dealer shall maintain record of the transactions as provided in clause (x)
- (x) It shall be mandatory for the license holder to maintain a register in Form D

### **Observation of the Committee**

The Committee observes that a certified copy of the license as in shape of Form B may also be displayed in the office of the property dealers

The Committee observes that in second line of the this sub rule the words sub registrar and joint registrar may be substituted by the words the registering authority to make the rule more clear

The Committee observes that a column regarding the signature or consent of the purchase may be added in Form D

The Committee would like know for its information whether any person can obtain a certified copy of the register as in form D maintained by the property dealers after passing prescribed fee ?

### **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—10**

**“10** The license holder shall get only one per centum commission on the agreed consideration value paid by the seller and purchaser of the property i.e. 1/2% by each of them on finalization of the deal as per their agreement entered in the register of the dealer under the valid receipt. In case of deal of lease/rent of immovable property rate of commission shall be paid by the lesser and lessee at the rate of one month rent of property to the license holder

*Commission  
sections  
2(b) and  
18(2)*

### **Observation of the Committee**

The Committee observed that the commission of agent in case of lease/rent is on the higher side. The Committee therefore recommends that the commission of agent in case of lease/rent should be fixed as per period of lease/rent

### **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 — 11**

*Duplicate  
copy of  
license  
section  
18(2)*

“11 If a license is lost destroyed defaced torn or becomes illegible the property dealer shall forthwith apply to the licensing authority for the grant of a duplicate license The application shall bear a court fee stamp of Rs 10 and shall be accompanied by a treasury challan of having paid a fee Rs 50 in the treasury under head 0030 Stamps and registration fees miscellaneous

**Observation of the Committee**

The Committee recommends that specific period should be mentioned for issuance of duplicate copy of licence to avoid harassment to the Licensee

**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 —12**

*Procedure  
in case of  
disputes  
between  
parties  
sections 6  
and 18(2)*

“12 (1) On receipt of application regarding any dispute arising between the property dealer and any of the parties to the deal under the Act the Collector shall serve on the person or persons concerned a notice in Form E requiring him on a date and at a place to be specified therein either to attend or to produce through an authorized agent or to cause to be produced any evidence on which such person or persons may rely in his support

(2) The Collector after taking such evidence as the person may produce and after making such enquiry as he may deem proper shall decide the dispute arising between the property dealer and any of the parties to the deal under the Act and determine the amount so payable or any penalty to be imposed under this Act that becomes due from the delinquent party concerned

(3) If the parties in dispute fail to attend in response to the notice served under sub rule (1) the Collector shall proceed exparte and assess the recoverable amount if any to the best of his judgment on the basis of proper evidence produced by the party concerned

Provided that if the person applies to the Collector for setting aside exparte orders and if the Collector is satisfied that the notice has not duly been served or that party had been prevented by any sufficient cause from appearing when the matter was called on for hearing the Collector may make an order setting aside the exparte order as against the party and may appoint a day for proceeding with the case

### **Observation of the Committee**

The Committee feels that some maximum limitation of time to dispose of the case should be mentioned. The Committee also recommends that the issues of dispute of parties under such Act/rules should be mentioned in Form E and a copy of application should be attached with the notice to be sent to the opposite party.

The Committee observed that some limitation of time for setting aside ex parte order should be mentioned in the rule itself and at the time of setting aside the ex parte order both the parties or their counsels or any other authorized person must be present.

### **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.

“13 The Collector shall issue a notice to the delinquent person liable to pay the amount so determined or any penalty so imposed under the Act that becomes due from the delinquent party concerned directing him to pay and produce the receipt of such amount within ninety days. In case of default the Collector may recover such amount as arrears of land revenue and refund the said amount to the party concerned.”

*Notice and  
recovery  
sections 11  
and 18(2)*

### **Observation of the Committee**

The Committee observed that in case of default the recovery of penalty of such amount is made within 90 days. In case of default the amount with interest should be recovered as arrears of land revenue within a specific period.

### **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.

**FORM A***(See rule 4)*

Form of application for grant or renewal of a license for property dealer under the Haryana Regulation of Property Dealers and Consultants Rules 2009

1 Applicant's name in full and residential address

✓

2 Place of business

3 Present occupation if any

4 Other relevant information if any

- Note —**
- (1) Affix Court Fee of rupees ten on the application form
  - (2) Attach original copy of the treasury challan in support of having credited the prescribed fee
  - (3) In case of renewal of a licence the previous licence shall be enclosed with the application

I declare that I have carefully read the Haryana Regulation of Property Dealers and Consultants Act 2008 (Haryana Act 38 of 2008) and the Haryana Regulation of Property Dealers and Consultants Rules 2009 and terms and conditions of licence in Forms A and B and I agree to abide by them

Place

Dated

Signature of the applicant

### **Observation of the Committee**

The Committee observed that Form A is not in consonance with provisions of the Rules and it is required to be suitably amended as per the provisions of the Rule 4

### **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.

However, the Department concerned vide their letter dated 10.11.2010 informed the Committee as under —

I am directed to inform you that several writ petitions namely CWP No. 1507, 3665, 3687, 9207, 3688, 3692, 3689, 3690, 3691 and 7593 all of 2010 are pending consideration before the Hon'ble Punjab and Haryana High Court at Chandigarh wherein certain provisions of the Haryana Regulation of Property Dealers and Consultants Act, 2008 and the Haryana Regulation of Property Dealers and Consultants Rules, 2009 framed thereunder have been challenged.

In view of the situation explained above, it would not be appropriate to send specific reply on the observations/recommendations of the Committee made in respect of the aforesaid rules as the matter is Sub Judice.

In view of above, the Committee expects that the Department would take up the matter on priority basis and send the specific reply to each observation/recommendation made by the Committee on the aforesaid Rules after the decision of the writ petitions so that the Committee may make specific and final recommendations thereon.



**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

**Observation 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

**The Department in their written reply stated as under —**

Agreed

Agreed

**Recommendation of the Committee**

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

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

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

**Rule-3**

*Term of Office  
Section 6(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

**Observatons of the Committee**

The Committee would like to know as to whether the Board has been constituted ? If so the details thereof may be supplied to the Committee

The Committee recommends that correct section under which rule 3 has been framed be given in the marginal heading

The Committee observed that in view of the amendment in the Wild Life (Protection) Act 1972 the reference of clause (g) of sub-section (1) of section 6 given in rule 3 be rectified The Committee therefore recommends that correct/relevant section of the Act be mentioned in the margin or Rule 3

**The Department in their written reply stated as under —**

As per Wild Life (Protection) Act 1972 under section 6(2)

As per Wild Life (Protection) Act 1972 under section 6(2)

**Recommendation of the Committee**

(i) The Committee recommends that the correct section under which rule 3 has been framed may be given in the marginal heading of this rule

(ii) The Committee further recommends that in view of the amendment in the Act the reference of clause (g) of sub section(1) of section 6 given in rule may be rectified

**Rule-4**

*Resignation  
section 64  
(2)(h)*

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

**Observation of the Committee**

The Committee recommends that the word Chairman wherever occuring in this rule the word Chairperson may be substituted

The Committee also recommends that in line 2nd of rule 4(1) for the word Chairman the words Chairperson personally may be substituted to make the rule more clear

The Committee recommends that the procedure adopted in case of withdrawal of resignation of a member may be prescribed in the rule

The Committee recommends that the following provisions may be added in sub-rule (1) of rule 4 —

If the Chairperson receives the letter of resignation either by post or through someone else the Chairperson may make such inquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine If the Chairperson after making a summary enquiry either himself or through state agency as he may deem fit is satisfied that the resignation is not voluntary or genuine he shall not accept the resignation

**The Department in their written reply stated as under —**

Agreed

Agreed

Agreed to the recommendations

### **Recommendation of the Committee**

The Committee recommends that for the word Chairman wherever occurring in this rule the word Chairperson may be substituted

The Committee also recommend that in line 2nd of rule 4(1) for the word Chairman the words Chairperson personally' may be substituted to make the rule more clear

The Committee recommends that the procedure adopted in case of withdrawal of resignation of a member may be prescribed in the rule

The Committee recommends that the following provisions may be added in sub rule (1) of rule 4 —

If the Chairperson receives the letter of resignation either by post or through someone else the Chairperson may make such inquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine If the Chairperson after making a summary enquiry either himself or through state agency as he may deem fit is satisfied that the resignation is not voluntary or genuine he shall not accept the resignation

**Rule-5**

*Filling of casual  
vacancy  
section (3)*

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

(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

**Observation of the Committee**

The Committee observes that the Wild Life (Protection) Act 1972 has been amended so the reference of the correct section of the Act may be given in rule 5 In view of the above the Committee recommends that this rule may be amended accordingly

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

**The Department in their written reply stated as under —**

Section 6 (1) (d) (e)

**Recommendation of the Committee**

The Committee observes that the Wild Life (Protection) Act 1972 has been amended so the reference of the correct section of the Act may be given in rule 5 In view of the above the Committee recommends that this rule may be amended accordingly

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

**Rule-6**

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

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

- (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 acting or
- (e) absents himself without the permission of the Chairman from more than three consecutive meetings of the Board
- (f) has grossly misbehaved

#### **Observation 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 Department in their written reply stated as under —**

Agreed

#### **Recommendation 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

#### **Rule-7**

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

*Allowances  
section (6) (4)*

(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 due to amendment in Wild Life (Protection) Act 1972 the reference of section in the marginal heading needs to be changed In view of above the Committee recommends that the marginal heading may be corrected/modified accordingly

**The Department in their written reply stated as under —**

Section 6 (3)

#### **Recommendation of the Committee**

The Committee observes that due to amendment in Wild Life (Protection) Act 1972 the reference of section in the marginal heading needs to be changed In view of above the Committee recommends that the marginal heading may be corrected/modified accordingly

**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 Wild Life (Protection) Act 1972 has been amended so the reference of the correct section of the Act may be given in the marginal heading of Rule 9 The Committee further recommends that Rule 9 may be amended accordingly

**The Department in their written reply stated as under —**

Prohibition of Hunting— No person shall hunt any wild animals specified in schedule I II III and IV except as provide under Section 11 & 12 of Wild Life (Protection) Act 1972 due to ban on hunting w e f 1991

**Recommendations of the Committee**

The Committee observes that the Wild Life (Protection) Act 1972 has been amended so the reference of the correct section of the Act may be given in the marginal heading of Rule 9 The Committee further recommends that Rule 9 may be amended accordingly

**Rule-10**

*Period of validity  
of licence section  
9(6) (b)*

10 Provided that the validity of Special/Big/Small game Hunting licence shall not exceed fifteen days

**Observations of the Committee**

The Committee observes that due to the amendment in the Wild Life (Protection) Act 1972 the reference of section in marginal heading needs to be changed

The Department in their written reply stated as under —

Omitted

### Recommendations of the Committee

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

#### 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 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 marginal heading needs to be changed as per amendment in the Wild Life (Protection) Act 1972

The Department in their written reply stated as under —

As per section 11 of Wild Life (Protection) Act 1972

#### Recommendations of the Committee

The Committee recommends that in view of amendment in the Act the correct section may be mentioned in the marginal heading of this rule

**Rule-12**

*Application  
period and fee  
section 9*

- 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 rule 12 may be amended as per amendment in the Wild Life (Protection) 1972

**The Department in their written reply stated as under —**

As per section 12 of Wild Life (Protection) Act 1972

**Recommendations of the Committee**

The Committee recommends that as per provisions of amended Act this rule alongwith marginal heading may be corrected/ ammended suitably

**Rule-13**

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

- 13 The licence to be granted under section 9 shall be —
- in the case of special game hunting in form 3
  - in the case of big game hunting in form 4
  - in the case of small game hunting in form 5 and
  - in the case of wild animal trapping in form 6

**Observations of the Committee**

The Committee recommends that the reference of section 9(6)(a) given in the marginal heading of the rule seems to be incorrect and the same may be rectified

**The Department in their written reply stated as under —**

Omitted



## Recommendations of the Committee

The Committee recommends that in view of amendment in the Act this rule may be amended suitably

### Rule-15

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

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

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

(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 marginal heading of this Rule may be rectified as per amendment in the Wild Life (Protection) Act, 1972.

**The Department in their written reply stated as under —**

Omitted

## Recommendations of the Committee

The Committee recommends that in view of amendment in the Act this rule may be ammended accordingly

### Rule-16

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

*Maintenance of record  
Section 10(1)*

(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 Wild Life (Protection) Act 1972 has been omitted under which this Rule was framed The Committee recommends that the same may be rectified giving proper reference of authority/section in the context

The Department in their written reply stated as under —

Omitted

### Recommendations of the Committee

The Committee recommends that as per provision of the amended Act this rule may be amended/rectified accordingly

### Rule-17

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 instructions shall be as under —

*Fee for grant of permit  
section 12*

	For hunting animal containd 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 con ditions if any will be prescnb ed 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 the lower side and the same needs to be amended in view of the prevailing circumstances

### The Department in their written reply stated as under —

As per section 12 of Wild Life (Protection) Act 1972

Purpose schedule I	Animals of of other schedule	Animal	Remarks
(a) or education and scientific research	Rs 1000/ or as per fixed by Government of India MoEF	Rs 500/	The number of animals to be hunted the period of validity and other con ditions if any will be prescri bed in the permitted
(b) for Zoological gardens muse ums and similar institutions	Rs 2000/ or as per fixed by Government of India MoEF	Rs 1000/	do

### Recommendations of the Committee

The Committee recommends that the rates of fee for issuing the permit to hunt the wild animals for the purpose of education and scientific research etc may be enhanced suitably as the same is on the lower side

### Rule—19

*Notice to the  
claimant  
section 22*

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

### 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

The Department in their written reply stated as under —

Agreed

### Recommendations of the Committee

The Committee recommends that in line 2nd of this rule for the words place and substitute of word and sign place to make the rule grammatically correct

### 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  
section 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 authorised officer incharge of the Sanctuary or National Park

(8) The authorized officer incharge 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 also need 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

### **The Department in their written reply stated as under —**

Rs 150/

Agreed

3 months time limit

### **Recommendations of the Committee**

The Committee recommends that as per reply of the Department concerned this rule may be suitably amended

### **Rule-24**

*Inquiry and  
preparation of  
inventories  
Section 41*

- “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

### **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

**The Department in their written reply stated as under —**

Agreed

### **Recommendations of the Committee**

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

### **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 licence substitute the words A licensee to make the rule grammatically correct

**The Department in their written reply stated as under —**

Agreed

### Recommendation of the Committee

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

### 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

(2) 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 or the person to whom the voucher is issued
- (g) signatures of the licence

### Observation of the Committee

The Committee recommends that in sub rule (1) of Rule 31 for the word license substitute the word licensee to make the rule more clear

The Committee further recommends that in sub rule (1) & (2) (g) of Rule 31 the word signatures should be substituted with word signature to make the rule more clear

The Committee also recommends that in sub rule (2) (f) of Rule 31 the word or substituted the word of to make the rule grammatically correct



**The Department in their written reply stated as under —**

Agreed

Agreed

Agreed

### **Recommendation of the Committee**

As agreed to by the Department concerned

The Committee recommends that in sub rule (1) of Rule 31 for the word license substitute the word licensee to make the rule more clear

The Committee further recommends that in sub rule (1) & (2) (g) of Rule 31 the word signatures substitute the word signature to make the rule more clear

The Committee also recommends that in sub rule (2) (f) of Rule 31 the word or substitute the word of to make the rule grammatically correct

### **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 Section 44(7) (iv)*

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

### **Observation of the Committee**

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

**The Department in their written reply stated as under —**

Agreed

**Recommendation of the Committee**

(i) The Committee recommends that in sub rule (2) of this rule the word 'licence' may be substituted by the word 'licensee' to make the rule grammatically correct

(ii) The Committee further recommends that in sub rule (3) of this rule the word 'office' may be substituted by the word 'officer' to make the rule grammatically correct

**Rule—34**

Submission of  
returns section  
44(7) (iv)

**“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 recommends that in sub-rule (1) of Rule 34 the word 'licence' substitute the word 'licensee' to make the rule more clear

**The Department in their written reply stated as under —**

Agreed

**Recommendation of the Committee**

The Committee recommends that in sub rule (1) of this rule the word 'licence' may be substituted by the word 'license' to make the rule grammatically correct

**Rule—35**

*Disposal of meat  
or uncured trophy  
sec 59(6) (a)*

**“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

### **Observation of the Committee**

The Committee observes that the reference of section 59 (6) (a) given in the marginal heading of the rule seems to be incorrect. The Committee therefore recommends that same may be rectified.

The Committee further observed that nothing has been mentioned in the rules about specified plant as mentioned in the Act. Therefore the Committee would like to know as to why specified plant excluded in the said rule.

The Committee also recommends that provision of appeal against the orders of the Chief Wild Life Warden or the authorized officer should be made.

### **The Department in their written reply stated as under —**

Section 50 (6)

The Chapter III A about protection of specified plants was inserted by Act 44 of 1991. Now may be added

In case of orders of Authorized Officer Chief Wild Life Warden will be appellant authority and in case of orders issued by Chief Wild Life Warden Haryana Government will be appellant Authority.

### **Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned this rule may be amended accordingly.

### **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 feels that the specific period may be mentioned regarding release of seized property after the payment of the same.

**The Department in their written reply stated as under —**

Immediately (within seven days)

**Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned this rule may be amended accordingly

**Rule—38**

*Issue of duplicate  
licence 64 (2) (c)*

**“38** Where a license issued or renewed under these rules is lost or accidentally destroyed the officer competent to issue the license on an section application by the licensee issue a duplicate licence on payment of a fee of five rupees

**Observation of the Committee**

The Committee observes that the fee of Rs 5/- for issuing a duplicate licensee needs to be amended suitably

**The Department in their written reply stated as under —**

Rs 50/-

**Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned this rule may be amended accordingly

**"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)

**Observation of the Committee**

The Committee observed that the reference of Rule 9 (1) given in the form 1 seems to be incorrect

The Committee recommends that the same may be rectified to give proper reference of section in the context

**The Department in their written reply stated as under —**

As per the provisions of Wild Life (Protection) Act 1972 hunting of certain game animals was permitted under section 9(2) Accordingly licences for hunting of certain game animals were being issued by Forest Department Thereafter Government of India *vide* its Act 44 of 1991 imposed total ban on any kind of hunting except as provided under section 11 and section 12 of Wild Life (Protection) Act 1972 In view of this amendment the form 1 of Wild Life (Protection) Rules 1974 becomes obsolete

**Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form I may be amended/omitted

**"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 licensee 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 licensee 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)

**Observation of the Committee**

The Committee observed that the reference of Rule 12(1) given in the form 2 seems to be incorrect

The Committee recommends that the same may be rectified to give proper reference of section in the context

**The Department in their written reply stated as under —**

As per rule 12(1) of Haryana Wild Life (Protection) Rules 1974 the trapping licence was being issued by Chief Wild Life Warden as per provisions of section 9 (4) of Wild Life (Protection) Act 1972 Thereafter vide Act 44 of 1991 total ban on hunting has been imposed In view of this amendment the form 2 of Wild Life (Protection) Rules 1974 becomes obsolete

**Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 2 may be amended/omitted

**"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)

### **Observation of the Committee**

The Committee observed that the reference of Rule 13(a) given in the form 3 seems to be incorrect

The Committee recommends that the same may be rectified to give proper reference of section in the context

### **The Department in their written reply stated as under —**

As per rule 13(a) of Haryana Wild Life (Protection) Rules 1974 the special game hunting licences were being issued by Chief Wild Life Warden as per provisions of section 9(4) (a) of Wild Life (Protection ) Act 1972 Thereafter *vide* Act 44 of 1991 total ban on hunting has been imposed In view of this amendment the form 3 of Wild Life (Protection) Rules 1974 becomes obsolete

### **Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 3 may be amended/omitted

**"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)

### **Observation of the Committee**

The Committee observed that the reference of Rule 13 (b) given in the form 4 seems to be incorrect

The Committee recommends that the same may be rectified to give proper reference of section in the context

### **The Department in their written reply stated as under —**

As per rule 13(b) of Haryana Wild Life (Protection) Rules 1974 the big game hunting licences were being issued by Chief Wild Life Warden as per provisions of section 9(4)(b) of Wild Life (Protection) Act 1972 Thereafter *vide* Act 44 of 1991 total ban on hunting has been imposed In view of this amendment the form 4 of Wild Life (Protection) Rules 1974 become obsolete

### **Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 4 may be amended/omitted

**"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 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 \_\_\_\_\_

### **Observation of the Committee**

The Committee observed that the reference of Rule 13 (c) given in the form 5 seems to be incorrect

The Committee recommends that the same may be rectified to give proper reference of section in the context

### **The Department in their written reply stated as under —**

As per rule 13(c) of Haryana Wild Life (Protection) Rules 1974 the small game hunting licences were being issued by Chief Wild Life Warden as per provisions of section 9 (4) (c) of Wild Life (Protection) Act 1972 Thereafter vide Act 44 of 1991 total ban on hunting has been imposed In view of this amendment the form 5 of Wild Life (Protection) Rules 1974 becomes obsolete

### **Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 5 may be amended/omitted

**"Form 6**

{See rule 13 (d)}

**Wild animal trapping licence****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)

**Observation of the Committee**

The Committee observed that the referene of Rule 13 (d) given in the form 6 seems to be incorrect

The Committee recommends that the same may be rectified to give proper reference to section in the context

**The Department in their written reply stated as under —**

As per rule 13(d) of Haryana Wild Life (Protection) Rules 1974 the Wild Animal trapping licences were being issued by Chief Wild Life Warden as per provisions of section 9 (4) (d) of Wild Life (Protection) Act 1972 Thereafter *vide* Act 44 of 1991 total ban on hunting has been imposed In view of this amendment the form 6 of Wild Life (Protection) Rules 1974 becomes obsolete

**Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 6 may be amended/omitted

**“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 of 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 observed that Section 10 of the Wild Life (Protection) Act 1972 has been omitted The Committee would like to know whether this Form 7 is still applicable?

**The Department in their written reply stated as under —**

As complete ban on hunting has been imposed and section 10 of Wild Life (Protection) Act 1972 has been omitted *vide* Act 44 of 1991 no records of huntings/killings are to be maintained Hence this form becomes obsolete

**Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 7 may be amended/omitted



**"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	

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)

**Observation of the Committee**

The Committee would like to know for its information what type of rights have been claimed by a person in Form 9

The Committee recommends that in Form 9 the figure 19 mentioned under the column of year may be substituted with figure 20

**The Department in their written reply stated as under**

The person has claimed rights for fuelwood fodder grazing and minor forest produce collection etc

Agreed and needful has been done

**Recommendation of the Committee**

The committee recommends that Form 9 may be amended as agreed to by the Department concerned in their reply

**"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 custody or possession of the said (rule)

**I Animal Articles**

Description including name of animal from which derived number and dimension 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 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

### IV Salted and Dried Skins

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

### 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 the Signature of the Chief Wild Life Warden or the authorized person should be mentioned in form 13

**The Department in their written reply stated as under -**

Agreed Needful has been done in proposed form

**Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 14 may be amended accordingly

**"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)

### **Observation of the Committee**

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

### **The Department in their written reply stated as under -**

Agreed Needful has been done in proposed form

### **Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 16 may be amended accordingly



**"FORM 17"***[See Rules 27(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 (l) 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

\_\_\_\_\_  
Date

(a)

\_\_\_\_\_  
Signatures of the Issuing Authority

\_\_\_\_\_  
Date

(b)

### Observation of the Committee

The Committee recommends that for the figure 19 wherever occurring in this form substitute the figure 20 to update the Form

The Committee also 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 to make the form more comprehensive

**The Department in their written reply stated as under**

Agreed Needful has been done in proposed form

**Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 17 may be amended accordingly

**"FORM 18***[See Rules 27(4) (ii)]***Licence for taxidermy**

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 do taxidermy for a period of one year commencing on the day of \_\_\_\_\_ 19\_\_\_\_ and ending with the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

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

- (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 also 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

**The Department in their written reply stated as under -**

Agreed Needful has been done in proposed form

### Recommendation of the Committee

The Committee recommends that as per reply of the Department concerned Form 18 may be amended accordingly

### Licence for dealing in captive animals

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 for the period of one year commencing on the \_\_\_\_\_ day of 19 \_\_\_\_\_ and ending with the \_\_\_\_\_ day of 19 \_\_\_\_\_

(a) The licensee shall deal only in captive animal specified below —

(b) The licensee shall purchase, receive or acquire any of the captive animals aforesaid only from a dealer or from a person licensed 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 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 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 also 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

### **The Department in their written reply stated as under**

Agreed Needful has been done in proposed form

### **Recommendation of the Committee**

The Committee recommends that as per reply of the Department concerned Form 19 may be amended accordingly

**‘ 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

**The Department in their written reply stated as under**

Agreed Needful has been done in proposed form

**Recommendation of the Committee**

The Committee recommends that in line 1st of Form 21 the spelling of word uncured may be corrected



**SCRUTINY OF THE PUNJAB CHAUKIDARA RULES PUBLISHED IN THE  
PUNJAB GOVERNMENT GAZETTE, DATED THE 17TH SEPTEMBER, 1965,  
AS APPLICABLE TO THE STATE OF HARYANA**

The Committee scrutinized the Punjab Chaukidara Rules published in the Punjab Government Gazette dated the 17th September 1965 as applicable to the state of Haryana and made the following observations/recommendations thereon —

**Rule—1**

1 Village in these rules means any village or town which has separate name in the revenue records is defined by boundary marks and is not a municipality or place in which the police service of the village or town is performed by police under Act V of 1861

**Observation of the Committee**

The Committee would like to know as to whether the definition of term Village is suitable at present also whereas the different definition of village has been defined in other Acts applicable to the State. In the light of above the Committee would like to know as to whether any amendment in the definition of term Village is needed or not

**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—2**

2 For each village one or more village watchmen shall be appointed

(1) Provided that when any village is in the opinion of the Deputy Commissioner too small to make good the pay of one village watchman it may for the purpose of these rules be united to some neighbouring village or villages and for the villages so united one or more village watchman shall be appointed and their remuneration shall be contributed rateably by such village in proportion to their jammās<sup>2</sup>(2) Provided also that when under existing arrangements village watchman has been appointed to a village the post of a watchman may be created by the order of the Deputy Commissioner

**Observation of the Committee**

The Committee would like to know as to what is the eligibility criteria to appoint a watchman?

The Committee would like to discuss the provisions of sub rule (1) of Rule 2 at the time of oral examination of the department representatives

**Recommendation of the Committee**

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

**Rule—3**

3 The number of village watchmen for each village or where under rule 2 several villages have been united the number for the united villages shall be fixed by the Deputy Commissioner with reference to the number of houses and the character of the population Much latitude is left to the Deputy Commissioner in fixing the number which should not be unnecessarily large As a general rule one village watchman will suffice for a beat containing from 50 to 100 houses two for a beat with 100 to 200 houses three for a beat with 200 to 300 houses and so on

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

**Observation of the Committee**

The Committee would like to know as to whether the provisions of Rule 3 are being applied in practice in case of each village if not what are the reasons behind it?

**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 Where the number of village watchman in any village is five or more one of them may be appointed head village watchmen and designated daffadar

**Observation of the Committee**

The Committee would like to have the details of head village watchman as well as designated as daffadar in Haryana

**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—6**

6 The nomination to the post of village watchman or of Daffadar shall be made by the village headman and where there are more village headmen than one the opinion of the majority in number (unless there is some special provision to the contrary in the village administration paper) shall prevail Where a village watchman or daffadar is to be appointed for a beat comprising more than one village the opinion of the majority in number of the village headman in such beat shall prevail

**Observation of the Committee**

The Committee observes that at present there is no post of village headman at the level of village The Committee therefore recommends that Rule 6 may be

amended giving power of nomination to the post of village watchman to the Gram Panchayat as a whole and the Committee recommends that the rule be suitably amended accordingly

### **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—7**

7 The person or persons authorised to nominate to the office of village watchman or daffadar shall within 15 days after being required by the Deputy Commissioner or the officer duly authorised by him in that behalf so to do nominate a proper person to the vacant post and communicate the nomination to the Deputy Commissioner.

### **Observation of the Committee**

The Committee feels that some specific procedure to appoint village watchman should be prescribed in the rule as the existing provisions of the Rule 6 & 7 are vague and redundant.

The Committee further feels that a level of authorized person to nominate to the office of village watchman or daffadar should be specified in the Rules to avoid misinterpretation or misuse of the rules.

### **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—8-10**

8 The person so nominated shall after due enquiry into his age, Character and ability be appointed or rejected at discretion by such Deputy Commissioner or by some officer authorised by him in that behalf.

9 In default of such nomination within the said 15 days the Deputy Commissioner or the officer duly authorised by him in that behalf shall appoint such person as he thinks fit.

10 If the nomination has been made within the said 15 days but the nominee is rejected the person or persons authorised to nominate shall within 15 days from the date of such rejection nominate another person and in default of such nomination or if such nomination has been made but the nominee is again rejected the Deputy Commissioner or the officer duly authorised by him in that behalf shall appoint such person as he thinks fit.

### **Observation of the Committee**

The Committee observes that no eligibility criteria to nominate and appoint a watchman or daffadar has been provided in these rules. Moreover, the provision of nomination and appointment in this regard are self contradictory as ultimately it is the Deputy Commissioner whose decision shall prevail being his discretion in appointments or rejection to the office of village watchman or daffadar.

The Committee would like to know as to whether the office of daffadar is still in existence in Haryana State?

The Committee would like to know the designation/nomenclature of the officer who may be authorized by the Deputy Commissioner to appoint/reject a person to the post of watchman or daffadar.

In view of above position the Committee recommends that the aforesaid rule may be suitably amended/recast keeping in view the above observations of the Committee.

### **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—11**

11 The Deputy Commissioner or the officer duly authorised by him in that behalf may dismiss any village watchman or daffadar or any misconduct or neglect of duty (or physical unfitness for the performance of his duties).

### **Observation of the Committee**

The Committee recommends that Rule 11 may be substituted as under —

The Deputy Commissioner or the officer duly authorised by him in that behalf may dismiss any village watchman or daffadar for any proved misconduct or neglect of duty (or physical unfitness for the performance of his duties). However, before passing the order of dismissal, he shall be given a reasonable opportunity of being heard.

### **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—16**

16 Every village watchman shall, except where it is otherwise provided by these rules, report in person on the state of his beat (once a fortnight) to the officer in charge of the police station within the limits of which such beat is situated. Where there are more than one village watchman in a beat, such report shall be made by one village watchman only, and the duty shall be taken by rotation. The Deputy

Commissioner may should be deem fit order more request reports at such intervals and so long as he considers proper from any beat in his district

### **Observation of the Committee**

The Committee would like to know as to whether the provisions of this Rule are made applicable in practice?

### **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—17-19**

17 Every village headman and village watchman is bound forthwith to communicate to the officer in charge of the police station within the limits of which his village or beat is situated any information he may obtain respecting any person found lurking in such village or beat who has no ostensible means of subsistence or who cannot give satisfactory account of himself or respecting the residence in or resort to any place within the limits of such village or beat of any person who is a reputed house breaker or thief or who is or notoriously bad livelihood

18 Every village headman and village watchman shall observe and from time to time report to such officer the movements of all bad characters in his village or beat and shall report the arrival of suspicious characters in the neighbourhood

19 Every village headman and village watchman shall forthwith make a report to such officer in the event of any notorious bad character residing in his village or being absent at night without having given notice of his departure and shall give timely information of his associating with individuals of bad repute or ceasing to labour or to obtain a livelihood by honest means

### **Observation of the Committee**

The Committee would like to know as to whether the office of headman is still in existence in the State of Haryana if not then how such duties as mentioned in these rules can be assigned to him

The Committee would further will like to know as to whether the provisions of these rules are being complied with meticulously? The Committee further feels that these rules have not been couched in temperate language thus are not happily worded The Committee observes that these rules may be suitably amended suiting to the changed circumstances

### **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—20-30**

20 Every village headman and village watchman shall keep such officer informed of all disputes which are likely to lead to any riot or serious affray and of all intelligence he receives affecting the public peace within or near his village or beat

21 Every village headman and village watchman shall at once give to such officer any information he may obtain respecting the commission of or intention to commit any of the following offences in his village or beat that is to say—

Rioting

Concealment of birth by secret disposal of dead body

Causing miscarriage

Exposure of a child

Mischief by fire

Mischief to animals by poisoning

Attempt to commit or abetment of the commission of any of the above offences and

Attempt to commit culpable homicide

22 It shall be the duty of the village headman and village watchman <sup>2</sup>(to maintain <sup>3</sup>death register and birth register) to report to the officer in charge of the Police Station within the limits of which his village or beat is situate <sup>4</sup>(all deaths and births) which occur in such village or beat and to furnish such other information in connection with vital statistice as may be required of him the Deputy Commissioner from time to time <sup>5</sup>(He shall also obtain the signature of the patwari of the circle on the rgister within one week of his making the entry of a death in said register in token of the patwaris having received information of the accurance

23 Every village headman and village watchman shall in like manner report to the officer in charge of the police station within the limits of which his village or beat institute the appearance of any apidemic disease among people or animals in his village or beat and shall report to the patwari on demand the total number of deaths caused thereby and shall also supply to the best of his ability any local information which the Deputy Commissioner may require

24 Every village headman and village watchman shall prevent and may interpose for the purpose of preveting the commission of any cognizable offence as defined in the Code of Criminal Procedure

25 Every village headman or village watchman receving information of the commission of or of a design to commit any such offence shall communicate such information to the officer in charge of the police station within the limits of which his village or beat is situate

26 Every village headman and village watchman knowing of a design to comit any such offence may arrest without orders from a Magistrate and without a warrant the person so designig if the commission of the offence cannot be otherwise prevented

27 Every village headman and village watchman may of his own authority interpose for the prevention of any injury attempted to be committed in his view to any Government Municipal or railway property movable or immovable or to prevent the removal or injury of any public landmark

28 Every village headman and village watchman may without orders from a Magistrate and without a warrant arrest—

1st any person who in the sight of such headman or watchman comits a cognizable offence as defined in the Code of Criminal Procedure

2nd any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence

3rd any person against whom a hue and cry has been raised of his having been concerned in any such offence

4th any person who has been proclaimed either under the Code of Criminal Procedure or in a Police Gazette or Notification

5th any person found with property in his possession which may reasonably be suspected to be stolen property

6th any person who obstructs in police officer or village headman or village watchman acting under these rule in the execution of his duty or who escapes from lawful custody

1(7th any person reasonably suspected of being a deserta from the Indian Army Navy or Air Force )

2 (x x x x x x x x)

29 If a person forcibly resists and endeavour to arrest him every village headman and village watchman may use all means necessary to effect the arrest

30 No person arrested by a village headman or village watchman shall be subjected to more restraint than is necessary to prevent his escape

### **Observation of the Committee**

The Committee feels that the provisions of these rules are not applied in letter and spirit now a days The Committee is of the view that these rules may be examined comprehensively and necessary amendments may be made to suit the present prevailing circumstances in the rural areas as the multifarious duties assigned to the village headman and village watchman can not be affectively performed in the absence of proper infrastructure as village level

### **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—31**

31 The village watchman shall take charge of all persons arrested by the village headman under the rules or by any private person under any law for the time being in force and shall forthwith take or send any person or persons so taken charge of by him or any person or persons he himself may arrest before the officer in charge of the police station within the limits of which his beat is situate provided that during the hours of darkness the person or persons arrested may be detained in custody at the village but must be taken as early as possible on the following morning to the police station

**Observation of the Committee**

The Committee would like to know as to whether the provisions of Rule 31 are still in practice? Whether these provisions are feasible to implement in practice by a village watchman

**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—32**

32 The duties imposed by these rules on village headman in regard to the furnishing of information to the police and the apprehension of offenders shall ordinarily be performed by them through the agency of the village watchman but in the absence of such watchmen or in the event of their failure or inability to perform such duties it shall be incumbent on the village headman to perform them themselves

**Observation of the Committee**

The Committee observed that the provisions of this rule are vague and contradictory therefore the same may be suitably amended

**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—33**

33 Subject to the provision hereinafter contained every village watchman shall receive remuneration in cash at the rate of not less than (five rupees) per mensem or remuneration in grain not less than equivalent to five rupees per mensem or remuneration partly in grain and partly in cash not less than equivalent to five rupees per mensem in all to be paid half yearly or at each harvest An extra remuneration to be fixed by the Deputy Commissioner not exceeding five rupees per mensem shall be paid to each daffadar



### **Observation of the Committee**

The Committee recommends that rule 33 may be suitably amended in view of the changed circumstances

### **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—34**

34 Provided that with the sanction of the Commissioner the Deputy Commissioner may enhance the remuneration of any village watchmen upto a maximum of Rupees twenty per mensem in cash or its equivalent in grain

Provided also that whenever the remuneration has been fixed in whole or in part in cash whether at the time of settlement or otherwise it shall at any time be competent to the village community and the village watchmen by mutual agreement subject to the approval of the Deputy Commissioner to commute such cash remuneration into remuneration in grain but where such commutation has taken place the Deputy Commissioner may for any sufficient reason direct that remuneration in cash shall be reverted to

### **Observation of the Committee**

The Committee observes that this Rule is not properly worded therefore the Committee recommends that to carry out the purposes the provisions of the rules may be suitably amended

### **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—41**

41 The village headmen at the time of paying the first instalment of land revenue for any harvest shall deposit Chaukidara collections in the Treasury along with the land revenue instalments and the village watchman shall get payment of his dues from the Tehsildar either personally or through money order at his own expense. If such Chaukidara collection are not deposited the Tehsildar shall subject the order of the Deputy Commissioner take measures to enforce payment of the remuneration due and for this purpose the Deputy Commissioner and Tehsildar shall have the same powers respectively as they now possess for the recovery of land revenue due to Government

In any case of persistent neglect on the part of the village headman or headmen to deposit the Chaukidara collections due to the village watchman or watchmen with regularity the Deputy Commissioner may direct that such remuneration be

recovered henceforth as if it were an arrears of land revenue due to Government and be disbursed to the watchman or watchmen at such intervals as may be convenient at the Tehsil or Thana

### **Observation of the Committee**

The Committee would like to know as to whether the provisions of this rule are still applied in practice

The Committee observes that the second part of this rule seems to be vague/ambiguous therefore the Committee recommends that the same may be properly worded

### **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—42**

42 All orders of the Deputy Commissioner in regard to the fixing of the number of village watchmen the mode of their remuneration and the levying of the same shall be subject to control revision and alternation by the Commissioner to whom he is subordinate but all orders by a delegated authority shall be appealable to the Deputy Commissioner or to such authority as the Deputy Commissioner may specify

### **Observation of the Committee**

The Committee observes that the provisions of this rule are not clear therefore the same are required to be made explicit

The Committee would like to know as to whether the order of removal of village watchman is appealable? If so to whom the appeal lies

### **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—43-44**

43 Every village watchman or daffadar found guilty of any willful misconduct in his office or neglect of duty such misconduct or neglect not being an offence within the meaning of the Indian Penal Code or withdrawing from the duties of his office without permission and without having given at least two months notice of his intention to withdraw from such duties to the Deputy Commissioner or to the officer duly authorised by him in that behalf or offering any unnecessary personal violence to any person in his custody or violating any of these rules shall on conviction before a Magistrate be punished with fine not exceeding three months pay or with imprisonment with or without hard labour for a period not exceeding 3 months or with both

44 Any village headman violating any of these rules shall on conviction before a Magistrate be punished with fine not exceeding Rs 300 or with imprisonment with or without hard labour for a term not exceeding three months or with both

### **Observation of the Committee**

The Committee observes that the provisions of the rules may be suitably amended to suggest enhancement of punishment and fine in case of offence committed by a village watchman

### **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

However the department concerned vide their letter dated 22.12.2010 informed the Committee as under —

In this regard it is intimated that in cases CWP No. 478 of 2010 and 2834 of 2010 the Hon'ble Court vide order dated 17.03.2010 was pleased to direct that the provisions of Punjab Chowkidara Rules 1876 be examined and necessity of providing an appellate or revisional forum to a person aggrieved by an order appointing the Chowkidar be considered

In compliance of the above orders draft amendment for providing appellate forum was moved upon which Hon'ble CM ordered that it would be desirable to have a fresh look at all the rules and bring out a comprehensive revision so that these rules can be notified as Haryana Chowkidara Rules instead of Punjab Chowkidara Rules. According the matter is in process for framing the Haryana Chowkidara rules afresh. A detailed meeting was taken by FC Home last month with concerned officers/departments in this connection

Comments of Divisional Commissioner with regard to observations of the Committee and points in question have been sought and the detailed feedback will be supplied after receipt of the comments from the Divisional offices

In view of above the Committee expects that the Department would take up the matter on priority basis and send the specific reply to each observations/recommendations made by the Committee on the aforesaid Rules after the decision of the writ petitions so that the committee may make specific and final recommendations thereon



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