

**HARYANA VIDHAN SABHA**

**REPORT**

**OF**

**THE COMMITTEE**

**ON**

**SUBORDINATE LEGISLATION**

**FORTY FIRST REPORT**

**2012 - 2013**

Presented to the Haryana Vidhan Sabha on 11th March 2013 )



**HARYANA VIDHAN SABHA SECRETARIAT**  
**CHANDIGARH**  
**2013**

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**COMPOSITION OF THE COMMITTEE  
(2012-2013)  
COMMITTEE ON SUBORDINATE LEGISLATION**

**Chairperson**

Shri Jagbir Singh Malik MLA

**Members**

Shri Om Parkash Jain MLA

Shri Sri Krishan Hooda MLA

\*Shri Devender Kumar Bansal MLA

Smt Renuka Bishnoi MLA

Shri Rameshwar Dayal Rajoria MLA

Shri Ghanshyam Saraf MLA

Advocate General Haryana

**Special Invitees**

\*\*Shri Jai Tirath MLA

\*\*Shri Subhash Chaudhary MLA

\*\*Shri Rajbir Singh Barara MLA

**Secretariat**

Shri Sumit Kumar Secretary

Shri Puran Mal Deputy Secretary

The Committee was constituted *vide* Haryana Vidhan Sabha Secretariat Notification No HVS SLC 1/ 2012 13/25 dated 24th April 2012

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\* Resignation from the Membership of the Committee was accepted by the Hon ble Speaker with effect from 30th June 2012 *vide* Notification No HVS SLC-1/2012 13/42 dated 30th June 2012

\*\* Nominated as a Special Invitees of the Committee with effect from 3rd May 2012 for the remaining period of the year 2012 2013 *vide* Notification No HVS SLC 1/2012 13/33 dated 3rd May 2012

## 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 Forty First Report to the House

2 The matters covered by this Report were finally considered by the Committee at their sitting held on 18th February 2013 and adopted this Report

3 A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat

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

Chandigarh  
The 18th February 2013

JAGBIR SINGH MALIK  
Chairperson  
Committee on Subordinate Legislation

## **REPORT**

1 The Committee on Subordinate Legislation for the year 2012 2013 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 20th April 2012 and was notified in the Official Gazette vide Notification No HVS SLC 1/2012 13/25 dated the 24th April 2012

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

3 The Committee held 82 sittings till the presentation of the Report

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

- 1 The Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981
- 2 The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963

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

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## SCOPE AND FUNCTIONS OF THE COMMITTEE

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

- (i) Whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made
- (ii) Whether it contains matters which in the opinion of the Committee should more properly be dealt within an Act of the Legislature
- (iii) Whether it contains imposition of any tax
- (iv) Whether it directly or indirectly bars the jurisdiction of the courts
- (v) Whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power
- (vi) Whether it involves expenditure from the consolidated fund of the State or the Public Revenues
- (vii) Whether it appears to make some unusual or unexpected use of the powers conferred by the constitution or the Act pursuant to which it is made
- (viii) Whether it appears to have been unjustifiable delay in the publication or laying it before Legislature and
- (ix) Whether for any reason its form or purport calls for any elucidation Rule 260 lays down as follows —

1 If the Committee is of opinion that any Order/Rules/Bye law etc should be annulled wholly or in part or should be amended in any respect it shall report that opinion and the grounds thereof to the House in its Report

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

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

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

The Committee is competent to send for persons, papers or records, if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 257 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which reads as under:

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

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

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

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

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

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

The Committee has framed the internal working rules wherein the detailed procedure has been laid down. Generally the Committee from time to time selects a set of rules framed under the various Acts for their scrutiny and examines these at the first instance at their own level with the assistance of the law department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders.

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



to the House after considering the views of the Department in the matter

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

- 1 The Committee would scrutinize only such rules which have been finally published in the Gazette and not the draft rules
- 2 The Department of the Govt would ensure that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months If the rules are not framed within six months the Committee may ask the Department about the reason for the delay in framing the rules This is only by convention
- 3 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 x

- (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 Fortieth 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 thereunder 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 therein

The Committee is of the view that as and when the copies of the Haryana Code are reprinted the same may 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 in respect of Non-implementation of its earlier recommendations in respect of —*

### **35TH REPORT 2005-2006 (HEALTH DEPARTMENT)**

**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 its 35th-40th Reports

The Committee observed that 40th Report was sent to the Department vide letter dated 19th March 2012 to implement the outstanding recommendations/ observations made by the Committee in its earlier Reports. The reminder dated 10th October 2012 was sent to the Department to send the latest/ requisite reply to the recommendations/observations 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 Central Act of the Government of India. But no reply received from the Department concerned. Another reminder was sent vide letter dated 26th November 2012 to expedite the reply in the matter.

However the Department vide their letter No. PS/PSH/382 dated 28-1-2013 stated as under

The matter of amendment of the above Act is under process. As stated in the last meeting held on 03-1-2012 most of the recommendations had been incorporated in the Draft Bill. However certain other issues are under consideration. Therefore it is requested that some more time may be given to the Department for sending a final reply on the above said matter.

During course of oral examination held on 29-1-2013 the departmental representatives assured the Committee that the outstanding recommendations as made by the previous Committee will be implemented expeditiously while amending the relevant Act and Rules framed thereunder.

The Committee expects that necessary action to amend the Act and Rules incorporating the recommendations/observations of the Committee as contained in its 40th Report may be taken up expeditiously after following the due procedure and the Committee may be informed well in time accordingly.

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

**36TH REPORT 2006-2007**

**(ANIMAL HUSBANDRY & DAIRYING DEPARTMENT)**

**The Punjab Animal contagious Diseases Rules, 1953 framed under the Punjab Livestock and Birds Diseases Act 1948**

The Committee watched the implementation of work regarding observations/recommendations made by the previous Committee in respect of the Punjab Animal Contagious Diseases Rules 1953 framed under the Punjab Livestock and Birds Diseases Act 1948 and observed that the department concerned had accepted the 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 as contained in its 36th-40th Reports

The 40th Report as containing further observations/recommendations made by the previous Committee was sent to the Department concerned on 19 3 2012 to implement the same at the earliest The reminder was sent to the department vide letter dated 10 10 2012 to supply the latest/requisite reply to the Committee in the matter

Another reminder was also sent to the Department vide letter dated 26-11 2012 to implement the recommendations/observations made by the Committee in its earlier Reports An interim reply was received from the Director General Animal Husbandry and Dairying Department vide letter dated 3-12 2012 wherein it was stated that as per provisions of the Prevention and Control of Infectious and Contagious Diseases in Animal Act 2009 (Central Act of 2009) further necessary action regarding framing of Rules under the Act has been initiated for the approval of the Government of India It was further informed by the Principal Secretary to Government Haryana Animal Husbandry and Dairying Department vide their letter dated 18 12-2012 that after the approval of the proposed from the Government of India further necessary action will be taken in the matter

After perusing the aforesaid communications the Committee is of the view that further necessary action to finalise and notify the Rules may be taken by the department concerned on the top priority basis and the Committee may be informed at an early date

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

### **38 TH 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 Act 1973 as contained in its 38th 40th Report

The Committee observes that 40th Report as containing the recommendations/observations made by the previous Committee in its earlier reports was sent to the Department concerned vide letter dated 19 3 2012 to implement the same at the earliest

Interim replies were sent by the Principal Secretary to Government Haryana Urban Local Bodies Department vide their memo dated 30 3 2012 25 5 2012 and 27 7 2012 These communications were placed before the Committee in its meeting held on 7 8-2012 As observed by the Committee reminder was sent to the Department concerned on 26 11-2012 to supply the latest/requisite reply at the earliest The Principal Secretary to Government Haryana Local Bodies Department again sent an interim reply vide their endorsement dated 12 12 2012 which was placed before the Committee in its meeting held on 27-12-2012

After perusing the same the Committee was of the view that the matter was under active consideration of the Government However the Committee expects that final decision to amend the Rules will be taken by the Department on priority basis and Committee will be informed at an early date while sending the final notification to amend the aforesaid Rules in the light of observations/recommendations of the Committee as contained in its earlier Reports

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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**

**(HOME DEPARTMENT)**

**(ii) The Haryana Home Guards Rules, 1980 under the 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 40th Reports

The 40th Report containing further observations/recommendations made by the Committee in its previous Reports was sent to the Department concerned vide letter dated 19 3 2012 to implement the same at the earliest. A reminder was sent to the Department vide letter dated 10 10 2012 to supply the latest/requisite reply in the matter at the earliest. The Additional Chief Secretary to Government Haryana Home Department sent an interim reply vide their endorsement dated 5 11 2012 which was placed before the Committee in its meeting held on 20 11-2012 for its observations. The Committee was of the view that it would be appropriate to wait for some time for the final reply. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned.

It is not out of the place to mention here that the Department concerned had agreed in principle to implement the observations/recommendations made by the previous Committee as contained in its earlier reports. The procedural requirements to issue the final notification to amend the relevant Rules was expected to be completed at an early date. In view of above facts and circumstances the Committee expects the Department would take up the matter on top priority basis and supply the copy of final notification amending the relevant Rules as per observations/recommendations made by the previous Committee at an early date as considerable period has already been elapsed.

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

**39 TH REORT 2010-2011**

**(DEVELOPMENT & PANCHAYATS DEPARTMENT)**

- (i) **The Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961 as contained in its 39th-40th Reports

The Committee observed that 40th Report as containing the outstanding two recommendations on Rules 12 and 13 as mentioned in its 39th Report was sent to the Department concerned vide letter dated 20 3 2012 for taking further necessary action in the matter. The Financial Commissioner and Principal Secretary to Government Haryana Development & Panchayats Department vide memo dated 19 4 2012 informed that the proposal as per recommendations of the Committee had been submitted to the Government for approval and after its approval the draft notification would be sent to the Law and Legislative Department for vetting and publication. The said communication was placed before the Committee in its meeting held on 2 5-2012 and the Committee noted its contents. After waiting for the final reply for a considerable period a reminder was sent to the Department vide letter dated 11 10 2012 to obtain the latest/requisite reply at the earliest.

The Department concerned vide memo dated 5 11-2012 informed the Committee regarding action taken in the matter. The said communication was placed before the Committee in its meeting held on 20 11 2012 and the Committee noted its contents. The Director Development and Panchayats Department vide memo dated 4 1 2013 supplied a copy of notification dated 5 12-2012 vide which Rule 13 of the Punjab Village Common Lands (Regulation Rules) had been amended. The said Communications alongwith the copy of the notification was placed before the Committee in its meeting held on 15-1-2013. After perusing the same the Committee is of the view that after issuance of notification amending Rule 13 the recommendation of the Committee has been implemented in letter and spirit. The Committee further observed that so far as 4th recommendations of the Committee on Rule 12 namely framing the criteria or yardsticks and guidelines for allotment of Land for industrial use is concerned the same may be kept pending till final decision of the Hon ble Supreme Court.

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

**39TH REPORT 2010-2011**

**(REVENUE AND DISASTER MANAGEMENT DEPARTMENT)**

**(ii) The Haryana Regulation of Property Dealers and Consultants Rules, 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act, 2008**

The Committee in the year 2010-11 had scrutinized Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008 and made general observations thereon as the department concerned did not send specific reply to the observations made by the Committee as the matter was sub judice

The previous Committee also observed in its 40th Report that the Committee may be informed as and when final decision is taken by the Hon ble High Court in pending writ petitions on the aforesaid Act and the Rules framed thereunder. The said report was sent to the Department vide letter dated 20-3-2012 for taking the necessary action in the matter and informed the Committee regarding position of the Court cases from time to time. A reminder was sent to the Department vide letter dated 11-10-2012. Subsequent reminder was also sent vide letter dated 26-11-2012 to obtain the latest/requisite information.

The Department vide letter No. 394-STR-1-2013/1086 dated 25-1-2013 received from the Additional Chief Secretary and Financial Commissioner, Revenue and Disaster Management Department stated that the matter is still sub judice in various Writ Petitions which are pending in the Hon ble High Court. The replies to CWPs have been filed. The cases were last listed on 7-1-2013. No information regarding next date of hearing has been received from the Hon ble High Court. However, the cases have been shown to be stand admitted.

In view of the facts explained, the action would be taken on the recommendations/observations of the Committee after the decision of the writ petitions so that the Committee may make specific and final recommendations thereon and the Committee would be apprised of the position of the status of the Court cases from time to time.

The said communication was placed before the Committee in its meeting held on 29-1-2013 and the Committee noted its contents.

The Departmental representative also stated that several writ petitions are pending on the Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008 before the Hon ble High Court.

## **GENERAL OBSERVATION OF THE COMMITTEE**

The Departmental representative clarified the position in the matter stating that several writ petitions are pending on the Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008 before the Hon ble High Court. However the Departmental representative assured the Committee to supply the gist of points made in the writ petitions as well as the reply and stand of the Government in the matter. He also clarified the position that in the prevailing circumstances when the writ petitions are pending in the High Court it would not be appropriate to make for implement the recommendations of the Committee on the aforesaid Rules at this stage.

The Committee was satisfied with the reply of the Departmental representative. However the Committee desired that the requisite information as already stated may be supplied to the Committee at an early date and after the outcome of the writ petitions further necessary action may be taken expeditiously after following the due procedure and intimation may be sent to the Committee accordingly.

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

**39TH REPORT 2010-2011  
(THE FORESTS AND WILD LIFE DEPARTMENT)**

**(iii) The Wild Life (Protection) Haryana Rules, 1974 framed under the Wild Life (Protection) Act, 1972**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Wild Life (Protection) Haryana Rules 1974 framed under the Wild Life (Protection) Act 1972 as contained in its 39th 40th Reports

The 40th Report was sent to the Department concerned vide letter dated 20 3 2012 to implement the observations/recommendations at the earliest. A reminder was sent to the Department vide letter dated 11 10 2012 to obtain the latest/requisite reply at the earliest. Another reminder was also sent vide letter dated 26 11 2012 to expedite the action in the matter. In respect to the aforesaid communication the department vide their letter dated 7 12-2012 inform as under

That the Draft Notification has already been forwarded to Legal Remembrancer & Secy to Government Haryana Law and Legislative Department for vetting vide their Department U O No 6258 Ft 4 2012/2359 dated 12 11 2012. After vetting from Legal Remembrancer & Secy to Government Haryana Law and Legislative Department the same will be submitted before Council of Ministers for their approval and thereafter the report will be sent to the Haryana Vidhan Sabha Secretariat as early as possible.

The said communication was placed before the Committee in its meeting held on 27 12 2012 and the Committee noted its contents. After that no reply received from the Department concerned till drafting and finalization of the Report.

It is pertinent to mention here that the Department concerned had already accepted in principle all the observations/recommendations made by the previous Committee.

In view of the above facts and circumstances the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification amending the relevant Rules to the Committee at the earliest as considerable period has been elapsed in implementing the recommendations/observations of the Committee.

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

**39TH REPORT 2010-2011  
(HOME DEPARTMENT)**

**(iv) The Punjab Chaukidara Rules published in the Punjab Government Gazette, dated 17 9 1965, as applicable to the State of Haryana**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Chaukidara Rules published in the Punjab Government Gazette dated 17 9 1965 as applicable to the State of Haryana as contained in its 39th-40th Reports

The 40th Report was sent to the Department concerned vide letter dated 20 3 2012 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent vide letter dated 11-10 2012 to obtain the latest/requisite reply in the matter. A subsequent reminder was also sent vide letter dated 26 11 2012 to expedite the action in the matter. In response to the said communication the department vide memo dated 5 12 2012 informed that the Haryana Chaukidara Rules has been drafted and the necessary action for issuance of notification is being taken. After finalization of the action a copy of the notification will be sent to the Committee at the earliest.

The above communication was placed before the Committee in its meeting held on 11 12 2012 and the Committee noted its contents. After that no final reply was received from the department till the drafting and finalisation of the present report.

In view of the above facts and circumstances the Committee expects that Department would take up the matter on top priority basis and supply the copy of the notification containing the relevant Rules incorporating the observations/recommendations made by the Committee at an early date.

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

**40TH REPORT 2010-2011**

**(FOOD AND SUPPLIES DEPARTMENT)**

**(i) The Haryana Public Distribution System (Licensing and Control) Order 2009 framed under the Essential Commodities Act 1955**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Public Distribution System (Licensing and Control) Order 2009 framed under the Essential Commodities Act 1955 as contained in its 40th Report

The 40th Report was sent to the Department concerned vide letter dated 26 3 2012 to implement the recommendations/observations of the Committee at the earliest. A reminder was sent to the Department vide letter dated 15 10 2012 to obtain the latest/requisite reply in the matter. Subsequent reminder was also sent to the Department vide letter dated 26 11 2012 to expedite the action in the matter at an early date. However the department vide their letter dated 4 2 2013 informed as under —

Please refer to your correspondence No HVS SLC 2/2011 12/1714 23 dated 29 1 2013 on the subject cited above

2 The comments of the Department in respect of Haryana Public Distribution System (Licensing & Control) Order 2009 framed under the Essential Commodities Act 1955 are enclosed (25 copies)

3 Further it is submitted that Hon ble Supreme Court has appointed a Central Vigilance Committee (CVC) on Public Distribution System (PDS) under the Chairmanship of Justice D P Wadhwa (Retd) to study Public Distribution in the country and send recommendations. The recommendations of Central Vigilance Committee now form part of directions of the Hon ble Supreme Court of India issued vide orders dated 1 4 5 2011 and 14 9 2011 passed in Writ Petition (Civil) NO 196 of 2011 titled as People Union of Civil Liberties (PUCL) Vs Union of India and others. In addition the CVC has now submitted summarized recommendations on Public Distribution System (PDS) which have been endorsed by Hon ble Supreme Court in order dated 7 1 2013. State Government is in the process of submitting its response on summarized recommendations which would also be incorporated in the Haryana Public Distribution System (Licensing & Control) Order 2009.

4 It is also submitted that we are in receipt of recommendations of the Twenty Seventh Report (fifteenth Lok Sabha) of the Standing Committee on Food Consumer Affairs and Public Distribution System on the National Food Security Bill 2011 introduced in the Lok Sabha on 22 12 2011. We have been directed to submit our views/comments on National Food Security Bill and this exercise is also under process. Once it is finalized the Haryana Public Distribution System (Licensing & Control) Order 2009 would also need amendment.

As explained above it is evident that the recommendations of the Committee on Subordinate Legislation of the Haryana Vidhan Sabha directions of Hon ble Supreme Court and infrastructure and activities to be undertaken for the implementation of National Food Security Bill are to be incorporated in the Haryana Public Distribution System (Licensing & Control) Order 2009 This would require detailed examinations and amendments which are not repetitive and contradictory

As such it is requested that some other date for oral examination may kindly be fixed so that consolidated views of the Department are put before the Committee on Subordinate Legislation of the Haryana Vidhan Sabha

The said communication was placed before the Committee in its meeting held on 5-2 2013 and the Committee noted its contents

During the course of the oral examination the departmental representatives stated as under —

As per the reply of the department the recommendations of the Central Vigilance Committee as well as the directions of the Hon ble Supreme Court and the recommendations of the 27th Report of Standing Committee of Lok Sabha are also required to be incorporated in the Haryana Public Distribution System (Licensing & Control) Order 2009 The Department has further stated that the recommendations of the Committee on Subordinate Legislation will also be examined in depth and a consolidated reply be sent in this regard After pursuing the reply the Committee is of the view that almost all the recommendations/ observations of the Committee have been accepted in principle by the department concerned In the light of the reply as well as clarifications given by the departmental representatives the Committee is of the view that the recommendations/observations of the Committee may be incorporated in the aforesaid rules as and when the recommendations of Central Vigilance Committee as well as directions of the Hon ble Supreme Court and directions of the Standing Committee of Parliament on Food Security Bill 2011 are received In these circumstances the Committee is satisfied with the reply given by the department and the reply serves the purpose of the Committee

In view of above the Committee expects that the Haryana Public Distribution System (Licensing & Control) Order 2009 may be amended suitably in the light of the recommendations/observations of the Committee at an early date and supply the copy of the notification to the Committee expeditiously

In view of the above facts and circumstances the Committee expects that the Department would take up the matter on top priority basis and supply the copy of notification incorporating the observations/recommendations of the Committee also expeditiously

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

**40TH REPORT 2010-2011**

**(EXCISE AND TAXATION DEPARTMENT)**

**(ii) The Haryana Tax on Luxuries Rules, 2008 framed under the Haryana Tax on Luxuries Act, 2007**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Tax on Luxuries Rules 2008 framed under the Haryana Tax on Luxuries Act 2007 as contained in its 40th Report

The Committee observed that 40th Report was sent to the Department vide letter dated 26 3-2012 to implement the recommendations/observations made by the Committee at the earliest. The Department concerned vide their memo dated 16 7 2012 supplied the reply in an annotated form containing the action taken or proposed to be taken by the Government. The said communication alongwith reply was placed before the Committee in its meeting held on 24 7 2012. After perusing the same it reveals that the Department has accepted almost all the recommendations/observations of the Committee made in the aforesaid report. However procedural requirement to implement the observations/recommendations are yet to be taken by the Government. To obtain the latest position in the matter a reminder was sent to the Government vide letter dated 30 1 2013.

The Department vide their memo No 380/ST 2 dated 6 2-2013 was placed before the Committee in its meeting held on 8-2-2013 and stated that a Committee of the Departmental Officers constituted to carry out the amendment in the Haryana Tax on Luxuries Rules 2008 regarding recommendations/observations contained in the 40th Report of the Committee on Subordinate Legislation of the Haryana Vidhan Sabha for the year 2011-12. When the report of Committee will be received the same will be informed accordingly.

In view of above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously.

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## **SCRUTINY OF THE HARYANA AIR (PREVENTION AND CONTROL OF POLLUTION) RULES, 1983 FRAMED UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981**

The Committee scrutinized the Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 and made the following observations/recommendations thereon —

### **Rule 2**

**‘ 2 Definitions** —In these rules unless the context otherwise required —

- (a) Act means the Air (Prevention and Control of Pollution) Act 1981
- (b) appellant means any person aggrieved by and appealing against an order made by the Board
- (c) Appellate Authority means the appellate authority constituted under sub section (1) of section 31
- (d) Board means the Haryana State Board for the Prevention and Control of Water Pollution constituted under section 4 of the Water (Prevention and Control of Pollution) Act 1974
- (e) Chairman means the Chairman of the Board
- (f) Consultants means and includes any person whose services technical or otherwise may be obtained to conduct the affairs of the Board
- (g) form means a form appended to these rules
- (h) furnace means any structure or installation where any form or type of fuel is burnt or otherwise a temperature higher than ambient is maintained
- (i) Government means the Haryana Government in the Administrative Department
- (j) Member Secretary means the Member Secretary of the Board
- (k) Premises means any building structure or property used for industrial or trade purpose where pollution occurs
- (l) State Air Laboratory means a laboratory established or specified as such under sub section (i) of section 28
- (m) section means a section of the Act
- (n) State Board Laboratory means a laboratory established or recognized as such under sub section (2) of section 17

- (o) year means the financial year commencing on the 1st day of April and
- (p) The words and expressions used herein but not defined in these rules shall have the same meaning as assigned to them in the Act

### **Observations of the Committee**

1 The Committee observes that at present there is only one Board to prevent and control the pollution of water as well as air. In view of above, will it not be desirable to change the definition of the Board?

2 The Committee would like to know for its information as to whether the services of any consultant are obtained at present by the Board in the State if so the details including their qualifications and specialization on the subject may be provided to the Committee.

3 The Committee would like to know for its information as to how many State Laboratories have been notified in the State? The details thereof may be provided to the Committee.

4 The Committee would like to know for its information as to how many State Board Laboratories have been established or recommended by the State Board in Haryana? The details along with their locations may be supplied to the Committee.

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

- 1 The Board agrees with observation of the Committee.
- 2 No services of any consultant are obtained at present by the Board.
- 3 State Government has established a State Referral Laboratory under sub-section 1 of section 28 of Air Act in Environment Department SCO 1/3 Sector-17D Chandigarh.
- 4 The State Board has 04 laboratories at Panchkula, Hisar, Gurgaon and Faridabad respectively and Board has further recognized 9 laboratories of Government and 6 laboratories of Semi Government. The list is enclosed at **Annexure A**.

### **Recommendation of the Committee**

The Committee recommends that a definition of the Board may be changed as there is only one Board to prevent and Control of pollution of water as well as air.

### **Rule 3**

#### **“3 Terms and Conditions of members of the Board, Section 7 (7) —**

The terms and conditions of the service of the members of the Board shall be the same as provided in the Haryana Water (Prevention and Control of Pollution) Rules, 1978.

### Observations of the Committee

1 The Committee would like to know for its information as to how many Members of the Board have been nominated in the State Pollution Control Board at present

2 The Committee observes that the Haryana Water (Prevention and Control) Rules 1978 are separate rules therefore the relevancy and reference of those rules in these rules are not appropriate The Committee observes that the terms and conditions of Members of the Board may be specified in these rules itself

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

1 16 Members including Chairman copy enclosed at **Annexure B**

2 The Board agrees with the observation of the Committee

### Recommendation of the Committee

The Committee recommends that the Haryana Water (Prevention and Control) Rules 1978 are separate Rules than the Haryana Air (Prevention and Control) Rules 1983 Therefore the reference of those Rules are not relevant and appropriate in these Rules Hence the terms and conditions of service of the Members of the Board may be specified in these Rules itself

#### Rule 4

**"4 Powers and duties of Chairman, Section 7 (7) —**(1) The Chairman shall have overall control over the day to day activities of the Board

(2) The Chairman may undertake tours within India for carrying out of the functions of the Board and for consultation with the Central Board

Provided that he shall keep the Government informed of his tours and shall send an advance copy of his tour so that it reaches the Government atleast two days before the commencement of his tour He shall obtain prior permission of the Government for visiting any place outside Haryana Union Territories of Chandigarh and Delhi

Provided further that the Chairman may undertake tours within India to attend any meetings convened either by the Government of India or by the Central Board after giving intimation to the Government

(3) The Chairman may with the prior approval of the Government visit any country outside India

(4) The Chairman shall have full powers in the matters of appointment promotion confirmation transfer and termination of services of the officers and employees of the Board maximum stage of whose pay scale does not exceed Rs 2000 For officers and employees whose maximum stage of pay scale exceeds Rs 2000 all such powers shall have vest in the Board

(5) In the matter of acceptance of the tenders for works the Chairman shall have the same powers as are vested with the Engineer in Chief P W D (Public Health Branch) Haryana from time to time subject to the concurrence of the Board

(6) For making purchases of all kinds of goods or obtaining supply of any materials or articles the power of the Chairman shall be—

- (a) upto Rs 500 for each item at a time without calling tenders subject to the condition that the total amount of such purchases does not exceed Rs 5 000 in a year
- (b) upto Rs 20 000 at a time after calling tenders and
- (c) above Rs 20 000 at a time after calling tenders subject to the approval of the Board

(7) Subject to overall sanctioned budget provision the Chairman shall have the same powers to approve and sanction all estimates as are vested in or delegated to the Engineer-in Chief Haryana P W D (Public Health Branch) from time to time The Board shall have full powers to administratively approve and sanction all estimates subject to budget provision

#### **Observations of the Committee**

1 The Committee would like to know the justification to obtain permission of the Government for visiting Chandigarh by the Chairman

2 The Committee would like to know for its information whether the Chairman is a whole time appointee or a part time? What is his qualifications and honorarium/pay being paid to him at present ?

3 The Committee observes that in line second of second proviso of sub rule (2) of this rule the word meetings may be substituted by the word meeting to make the rule more clear

4 The Committee observes that the word full mentioned in sub rule (4) of this rule seems to be superfluous therefore the same may be omitted

5 The Committee also observes that the limit of pay scale of Rs 2 000/ may be suitably amended by the corresponding pay scale at present due to revision of pay scales by the Government

6 The Committee further recommends that in last line of sub rule (4) of this rule the word have may be omitted being superfluous

7 The Committee would like to know for its information whether the financial limits of amounts mentioned in the rule have been revised? If not whether the financial limits mentioned in the rule is not required to be enhanced or suitably amended due to escalation of prices?

8 The Committee would like to know for its information as to whether purpose can be achieved by the existing limit of amount mentioned in the rule

9 The Committee observes that in line 4 of sub rule (7) of this rule the word full seems to be superfluous therefore the same may be omitted

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

- 1 There is no requirement of obtaining permission of the Govt by the Chairman for visiting Chandigarh and accordingly this may be deleted from Rules
- 2 Chairman is part-time appointee the Principal Secretary to Government Haryana Environment who is a Senior IAS Officer is also looking after the work of Chairman No extra honorarium/pay is being paid to him
- 3 The Board agrees with the observation of the Committee
- 4 The Board agrees with the observation of the Committee
- 5 The Board agrees with the observation of the Committee
- 6 The Board agrees with the observation of the Committee
- 7 The financial limits of amount mentioned in the rule are being revised from time to time as per instruction of the Government
- 8 No the purpose cannot be achieved by the existing limit of amount mentioned in the rule as the present limit is being revised from time to time as per instruction of the Govt
- 9 The Board agrees with the observation of the Committee

**Recommendations of the Committee**

1 There is no justification to obtain the permission of the Govt by the Chairman for visiting Chanidgarh and accordingly sub rule (2) of rule 4 may be amended

2 The Committee recommends that in line second of second proviso of sub rule (2) of this rule the word meetings may be substituted by the word meeting to make the rule more clear

3 The Committee recommends that the word full mentioned in sub rule (4) of this rule may be omitted being superfluous

4 The Committee also recommends that the limit of pay scale of Rs 2000/ may be suitably amended by the corresponding pay scale at present due to revision of pay scales by the Haryana Government

5 The Committee further recommends that in the last line of sub rule 4 of this rule the word have may be omitted being superfluous

6 The Committee recommends that in 4<sup>th</sup> line of sub rule (7) of this rule the word full may be omitted being superfluous

**Rule 5**

**5 Meeting of the Board Section 10** —(1) The procedure for convening meetings of the Board shall be as under —

- (i) Meeting of the Board shall ordinarily be held at Chandigarh on such dates as may be fixed by the Chairman
- (ii) The Chairman shall upon the written request of not less than 5 members of the Board or upon a direction of the Government or if he so chooses himself call a special meeting
- (iii) Seven clear days notice of an ordinary meeting and two clear days notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be given to the members by the Member Secretary. A copy of the notice shall also be pasted on the notice board of the office of the Board. Such notice shall in the case of special meetings include a motion or proposition if any mentioned in the written request made for such meeting or in the Government direction or in the proposal made by the Chairman
- (iv) The notice may be given to the members personally or by sending it by registered post at his last known place of residence or business or in such other manner as the Chairman in the circumstances of each case thinks fit
- (v) No member shall be entitled to bring forward for consideration at the meeting any matter of which he has not given ten days clear notice to the Member Secretary unless the Chairman in his discretion permits him to do so
- (vi) No proceedings shall be invalid merely on the ground that the provision in the rules relating to the notice is not strictly complied with

(2) Every meeting shall be presided over by the Chairman and in his absence by any other member elected by the members present at the meeting for that purpose

(3) All questions at a meeting shall be decided by a majority of votes of members present and voting shall be by raising of hands in favour of the proposal

(4) In case of an equality of votes the Presiding Officer shall have and exercise a second or casting vote

(5) Five members (including the Chairman and Member Secretary) shall form the quorum of any meeting

(6) If within fifteen minutes of the time fixed for any meeting or during the course of meeting the quorum is not present the Presiding Officer shall adjourn the meeting to such hour on the same or on some other date as he may fix

(7) No quorum shall be necessary for the adjourned meeting

(8) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting

(9) No fresh notice shall be required for the adjourned meeting

(10) Record shall be kept of the names of members who attend the meeting of the Board and of the proceedings at the meeting in a minute book to be maintained by the Member Secretary

(11) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting and shall be confirmed and signed by the Presiding Officer at such meeting

(12) The proceedings shall be open to inspection by any member in the office of the Board during office hours

(13) Except with the permission of the Presiding Officer no business which is not entered in the agenda or of which due notice has not been given by a member shall be transacted at any meeting

(14) Except with the permission of the Presiding Officer no business shall be transacted at any meeting otherwise than in the order in which it is entered in the order of the business of the day

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

Will it not be desirable to extend the time for half an hour instead of 15 minutes mentioned in sub rule (6) of this rule for the purpose of adjournment of meeting

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

The Board agrees with observation of the Committee

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

The Committee recommends that in sub rule (6) of this rule for the words fifteen minutes the words half an hour may be substituted for the adjournment of meeting for want of quorum

#### **RULE 6**

**“6 Procedure for transaction of business of the Committee Section 11** —(1) The time and place of the meeting of the committee constituted under section 11 shall be as specified by the Chairman or Member Secretary

(2) The quorum for the meeting of a committee shall be one half of the total number of members of the committee

(3) Subject to sub rules (1) and (2) the meetings of the committee shall as far as possible be governed by the rule applicable to the meetings of the Board



### **Observations of the Committee**

1 The Committee observes that in sub rule (1) of Rule 6 before the word time the words date and may also be added to make the rule more clear

2 The Committee would like to know for its information as to whether any Committee has been constituted in the State at present? If so the details thereof may be supplied

3 The Committee observes that the words as far as possible mentioned in sub rule (3) of Rule 6 are vague The Committee therefore recommends that for the words as far as possible the words as far as practicable may be substituted to make the rule more explicit

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

1 The Board agrees with observation of the Committee

2 No Committee has been constituted in the State at present

3 The Board agrees with observation of the Committee

### **Recommendations of the Committee**

1 The Committee recommends that in sub rule (1) of this rule before the word time the words date and may be added to make the rule more clear

2 The Committee further recommends that for the words as far as possible mentioned in sub rule (3) of this rule the words as far as practicable may be substituted to make the rule more explicit

### **RULE 7**

#### **“7 Fees and allowances of members of a committee Section11(3) —**

(1) A member of the committee who is not a member of the Board shall be entitled to get a free such as may be specified by the Board or the Chairman for each day of the meeting of the committee which he attends This will be excluding his travelling allowances as permissible to Grade I Officer of the Board

(2) Notwithstanding anything in sub rule (2) if such person is a Government servant or employee in a Government Undertaking he shall be entitled to travelling allowance and daily allowance only at the rates provided under the relevant rules applicable to him

### **Observations of the Committee**

1 The Committee observes that in sub rule (1) of Rule 7 the fees and allowances of members of a Committee are to be specified by the Board or the Chairman The Committee feels that to make the Rule more specific one authority either Board or the Chairman should be specified to determine the fees and allowances of members of a Committee to avoid any conflict in the matter

2 The Committee would like to know for its information as to whether for the purpose of travelling allowance the term 'Grade I Officer' is still existing or not?

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

1 The Board agrees with the recommendation of the committee and the Chairman of the Board may be prescribed as authority in the said rule

2 The term Grade I Officer is still in existence for the purpose of Travelling Allowance

**Recommendation of the Committee**

The Committee recommends that in sub rule (1) of this rule to make the rule more specific one authority either the Board or the Chairman may be specified to determine the fees and allowances of Members of a Committee to avoid any conflict in the matter

**RULE 8**

**8 Fees and allowances of temporarily associated persons Section 12(3) —**(1) The Board may invite any person whose assistance or advice is considered useful to obtain in performing any of its functions

(2) If the person associated with the Board under sub rule (1) happens to be a non official he shall be entitled to get a fee of rupees two hundred for each day of actual meeting of the Board in which he is so associated and for each day of the actual work for any of the work of the Board This will be excludingly travelling allowance as permissible to Grade I officer of the Board

(3) Notwithstanding anything in sub-rule (2) if such person is a Government servant or employee in a Government Undertaking he shall be entitled to travelling allowance and daily allowance only at the rates provided under the relevant rules applicable to him

**Observation of the Committee**

Will it not be desirable to suitably revise the fee of associated person due to escalation of prices?

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

The Board is presently paying Rs 300/- instead of Rs 200/- as daily allowance as per Govt instruction dated 31 12 2010

**Recommendation of the Committee**

The Committee recommends that the revised fee payable to the associated person with the Board may be mentioned in the sub rule (2) of this rule itself

**RULE 9**

**"9 Terms and Conditions of Service of Member Secretary, Section 14 (1) —** The terms and conditions of the service of the Member Secretary of the Board shall be the same as provided in the Haryana (Prevention and Control of Water Pollution) Rules 1978

### **Observation of the Committee**

The Committee feels that terms and conditions of Member Secretary of the Board should be prescribed in the Rule itself

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

The Board agrees with the observation of the Committee

### **Recommendation of the Committee**

The Committee recommends that the terms and conditions of service of the Member Secretary may be prescribed in the rule itself to make the rule more specific and explicit

### **RULE 10**

**“10 Powers and duties of the Member Secretary, Section 14(2) —**The Members Secretary shall be subordinate to the Chairman and shall subject to the control of the Chairman have the following function powers and obligations namely —

- (i) The Member Secretary shall be incharge of all the confidential papers of the Board and shall be responsible for preserving them
- (ii) The Member Secretary shall produce the aforesaid papers only when so directed by the Chairman or by the Board
- (iii) The Member Secretary shall make all arrangements for holding meetings of the Board and meetings of the committees constituted by the Board
- (iv) All orders of instructions to be issued by the Board shall be under the signature of the Member Secretary or any other officer authorized in this behalf by the Chairman
- (v) The Member Secretary shall write the confidential reports of all officers or employees of the Board (except the personal staff of the Chairman) the maximum of whose pay scale exceeds Rs 2 000 and shall submit the same to the Chairman for further recording of remarks by him. The reports of all other officers or employees (except the personal staff of the Chairman) shall be initiated by such officers as are authorized for the purpose by the Chairman and submitted to the Member Secretary for recording his remarks. The confidential reports of the personal staff of the Chairman shall be written by him
- (vi) The Member Secretary shall authorize sanction or pass all payments against allotments made or estimates sanctioned
- (vii) The Member Secretary shall allow the annual increment of all officers or employees the maximum of whose pay scale exceeds Rs 2 000. The annual increments of other employees of the Board shall be

allowed by an officer and officers authorized in this behalf by the Member Secretary

Provided that the increment of an officer or an employee shall not be withheld except with the approval of Chairman

(viii) The Member Secretary shall be entitled to call for the service of any officer or employee of the Board and files papers and documents for study from any department of the Board as also to carry out inspection of any department at any time including checking or accounts vouchers bills and other records and stores pertaining to the Board or regional offices thereunder

(ix) The Member Secretary may withhold any payment

Provided that as soon as may be after such withholding of payment the matter shall be placed before the Chairman for his approval

(x) The Member Secretary may undertake tours within India for carrying out the functions of the Board and for consultation with the Central Board with the prior approval of the Chairman subject to such directions as the Government may issue from time to time

(xi) The Member Secretary may visit any country outside India with the prior approval of the Government

### **Observations of the Committee**

1 The Committee would like to know for its information as to what is the procedure to give information under the provisions of the Right to Information Act 2005 while dealing with the case of confidential papers as mentioned in sub rule (ii) of Rule 10? Whether the Member Secretary is required to obtain the prior permission of the Chairman to provide copies of the information under the Act *ibid*?

2 The Committee would like to know for its information as to what is the present practice regarding recording of A C R s as mentioned in sub rule (v) of Rule 10?

3 The Committee would like to know for its information as to what is the present position with regard to allowing the annual increment to the officers/officials in the Board as mentioned in sub rule (vii) of Rule 10?

4 The Committee would like to know as to whether before withholding of annual increment the reasons of withholding the increment are conveyed to the concerned officer/official to provide him a reasonable opportunity of being heard

5 The Committee is of the view that while withholding the payment of any person the reasons of withholding the payment should be conveyed to the affected person to meet the principle of natural justice as mentioned in sub rule (ix) of Rule 10

6 The Committee recommends that in sub rule (xi) of Rule 10 after the word Government the words and submit the report thereof to the Government may be added to make the rule more comprehensive

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

- 1 The State Public Information Officer (SPIO) has been appointed by the HSPCB for giving the information to the applicant under the RTI Act 2005 SPIO forward the information as per provisions under RTI Act 2005 to the applicant after taking it from the concerned branches There is no provision in the RTI Act to involve Member Secretary under the said Act Moreover the information is to be sent to the applicant under RTI Act on the basis of record available
- 2 ACRs of the subordinate staff are initiated by the concerned Section Incharges (Reporting Officer) reviewed by the Member Secretary (Reviewing / Authority) and accepted by the Chairman (Accepting Authority)
- 3 The Board allows the annual increment to its employees in the month of July every year as per revised instructions of the State Govt.
- 4 Yes
- 5 The Board agrees with the observation of the Committee
- 6 The Board agrees with the observation of the Committee

**Recommendations of the Committee**

1 The Committee recommends that for the purpose of recording the Annual Confidential Reports of the subordinate staff the sub rule (v) of rule 10 may be amended suitably as per prevailing practice in the Board

2 The Committee recommends that to meet the principle of natural justice sub rule (ix) of this rule may be suitably amended making a provision that while withholding the payment of any person the reasons of withholding the payment shall be conveyed to the affected person in writing

3 The Committee recommends that in sub rule (xi) of this rule after the word Government the words and submit the report thereof to the Government may be added to make the rule more comprehensive

**RULE 11**

**11 Creation and abolition of posts conditions of appointment of officers and employees, Section 14(3) —(1)** The Board may create such posts as it considers necessary for the efficient performance of its functions and may abolish any post so created

Provided that for the creation of any post the maximum of whose pay scale exceeds Rs 2 300 the Board shall obtain prior sanction of the Government

(2) If any officer or employee is on deputation from the Government and before his appointment to the Board was in occupation of a Government residence allotted to him either on payment of a rent equal to 10 per cent of his salary or an standard rent and on his appointment to the Board a higher rent by way of market rent or any other rent become payable on the house already in his occupation then he would be required to pay the rent at the rate which would have been applicable to him had he continued to serve the Government and the difference between these two rents shall be paid by the Board

### **Observations of the Committee**

1 The Committee would like to know for its information as to whether this power of creation or abolition of post is absolutely within the jurisdiction of the Board or it is subject to the approval of the Government

2 The Committee feels that the pay scales mentioned in proviso to Rule 11 needs to be suitably substituted as the pay scales of the employees of the Haryana Government/State have been revised

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

- 1 Subject to approval of the Govt
- 2 The Board agrees with the observation of the Committee

### **Recommendations of the Committee**

The Committee recommends that the pay scales mentioned in proviso to this rule may be suitably amended/substituted as the Pay Scales of the employees of the Haryana Govt /State have been revised

### **Rule 12**

**‘12 Appointment and conditions of service of consulting Engineer, Section 14(5) —**(1) The consulting Engineer may be appointed by the Board for a specified period not exceeding four months

Provided that the Board may with the prior approval of the Government extend the period of appointment from time to time

Provided further that if at the time of initial appointment the Board has reasons to believe that services of the consulting Engineers would be required for a period longer than four months the Board shall not make the appointment without the prior approval of the Government

(2) Notwithstanding the appointment of a Consulting Engineer for a specified period under sub rule (1) of rule 12 the Board shall have the right to terminate the services of the Consulting Engineer before the expiry of the specified period if in the opinion of the Board the Consulting Engineer is not discharging his duties properly or to the satisfaction of the Board is such a course of action is necessary in the public interest

(3) The Board may pay the Consulting Engineer suitable emoluments or fees depending on the nature of work and the qualifications and experience of the incumbent

Provided that the Board shall not appoint any person as Consulting Engineer without prior approval of the Government if the emoluments or fees payable to him exceed rupees two thousand per month

(4) The Consulting Engineer may with the prior approval of the Chairman undertake tours within the State for the performance of the duties entrusted to him by the Board or by the Chairman in connection with such tours he shall be entitled to get such travelling and daily allowances as is admissible to a Grade I Officer of the Government

(5) Consulting Engineer shall not without the written permission of the Chairman disclose any information either obtained from Board's office or obtained otherwise during the performance of his duties except when it is necessary for the due discharge of such duties

(6) The Consulting Engineer shall discharge such duties and perform such functions as are assigned to him by the Chairman of the Board and it will be his duty to advise the Chairman on all technical and other matter referred to him by the Chairman

(7) The industries municipal committees corporations and all other such bodies shall get the schemes for Air Quality Monitoring Stack and Ambient Air Sampling and Air Pollution Control Measure etc prepared from a Consulting Engineer in the open market or the State Public Health Engineering Department/ other State Institution. If however the Chairman Member Secretary any other technical officer or any other member of the staff of the Board performs the functions jointly or separately of a Consulting Engineer for any industry municipal committee corporation or any other body for drawing up some scheme for them jointly or separately suitable fee or honorarium as may be decided by the Board or Chairman will be charged from those for whom the scheme is drawn up 75% of such fee or honorarium will go to the Funds of the Board and the disbursement of balance 25 % of the fee or honorarium will be made as an incentive to such officers or personnel of the Board as have drawn up the scheme in a proportion to be decided by the Chairman provided that such a remuneration payable to each officer or employee of the Board shall be limited to his one month's emoluments in a year. For obtaining this remuneration the officers and employees on deputation to the Board from other department will not be required by the Board of government to obtain any sanction from their parent department or Government nor will they be required to deposit any part of his remuneration into the Government Treasury

#### **Observations of the Committee**

The Committee would like to know for its information whether any Consulting Engineer has been appointed by the Board at present? If so the complete details in this regard be supplied to the Committee

The Committee would like to know for its information as to what is the latest position regarding the emoluments/fees payable to the Consulting Engineer as the amount of Rs 2000 per month has become redundant in the present context

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

- 1 No
- 2 The emoluments/ fees to be paid to the Consulting Engineer may be enhanced suitably as the price index has increased manifold

**Recommendation of the Committee**

The Committee recommends that the emoluments/fees to be paid to the Consulting Engineer may be enhanced suitably as the price index has increased manifold

**Rule 13**

**13 Air pollution control area and manner of declaration of such area**

**Section 19 (1) —1** The area bounded by the respective boundaries of the industries specified in Schedule appended to Act shall be the Air Pollution Control Areas under sub section (1) of section 19 of the Act

(2) In addition to the air pollution control area under sub rule (1) above the Government may declare any specified area as pollution control area or areas on the recommendation of the Board after it is satisfied for the need of action to control air pollution on the basis of the status of the air quality of that area by notification in the office Gazette

**Observation of the Committee**

The Committee recommends that in the last line of sub rule (2) of this rule for the word office substitute the word official to make the rule more clear

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

The Board agrees with the observation of the Committee

**Recommendation of the Committee**

The Committee recommends that in the last line of sub rule (2) of this rule for the word office the word official may be substituted to make the rule more clear

**Rule 15**

**“15 Application for consent, Section 21(2) —(1)** An application for obtaining the consent of the Board for bringing into use any flue or altered chimney for emission into atmosphere under section 21 or for continuing an existing emission from Chimney into atmosphere under section 21 shall be made to the Board in Form I

(2) The application made under sub rule (1) for industries mentioned under column 1 of the table given below shall be accompanied by the amount of



consent fees as specified under column 2 thereof against the corresponding entry of the aforesaid column

| Industry having capital investment | Consent fee to be charged in Rs |
|------------------------------------|---------------------------------|
| 1                                  | 2                               |
| Upto Rs 20 Lacs                    | Nil                             |
| 20 Lacs to 50 Lacs                 | Rs 200 00                       |
| 50 Lacs to 100 Lacs                | Rs 400 00                       |
| 1 Crore or more                    | Rs 1 000 00                     |

The capital investment to be taken for the purpose of consent shall be the original cost invested and additions thereon and shall include all items like land factory building office building and machinery etc. The above is also applicable to the cases where factory or land is on lease or rental basis.

(3) The consent granted shall be valid for a period not exceeding 4 years from the date of its grant.

(4) Any application not accompanied by the prescribed fees shall not be entertained by the Board.

(5) The prescribed fees shall be paid by bank draft drawn in favour of the Board.

### **Observations of the Committee**

The Committee would like to know for its information as to what are the present rates of consent fee?

The Committee would like to know for its information as to whether any other mode of payment fee is permissible? If not what are the reasons thereof?

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

The present rates of consent fees are enclosed at **Annexure C**

The Board is accepting the prescribed fees in the form of cash electronic fund transfer system in addition to bank draft.

### **Recommendation of the Committee**

The Committee recommends that sub rule (5) of this rule may be suitably amended as the prescribed fee can be paid in form of cash electronic fund transfer system in addition to bank draft.

### **Rule 16**

**“16 Procedure for making inquiry into application for consent, Section 21(3) —** (1) On receipt of an application for consent under section 21 the Board

may depute any of its officers accompanied by as many assistants as may be necessary to visit and inspect any place or premises under the control of the applicant or the occupier to which such application relates for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particular or information as such officer may consider necessary. Such officer may for that purpose inspect any place or premises where emission from the chimney or fugitive emissions from any location within the premises of the industry as also any control devices installed in the said premises. Such officer may for that purpose inspect any place of premises under the control of the applicant or occupier and may require the applicant to furnish to him any plans specifications or other data relating to control equipment or systems or any part thereof that he considers necessary.

(2) Such officer shall before visiting any premises of the applicant for the purpose of inspection under sub rule (1) above give notice to the applicant to his intention to do so in form II. The applicant shall furnish to such officer all information and provide all facilities to conduct the inspection.

(3) An officer of the Board may before or after carrying out an inspection under sub rule (1) above require the applicant to furnish to him orally or in writing such additional information or clarification or to produce before him such documents as he may consider necessary for that purpose of investigation of the application and may for that purpose summon the application or his authorized agent to the office of the Board.

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

The Committee recommends that in sub rule (3) of Rule 16 in line fifth after the words "summon the" the word "application" substitute the word "applicant" to make the rule grammatically correct.

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

The Board agrees with the observation of the Committee.

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

The Committee recommends that in sub rule (3) of this rule in line fifth for the word "application" the word "applicant" may be substituted to make the rule grammatically correct.

#### **Rule 20**

**'20 Form of report of Board analyst, Section 27(1)** —When a sample of any air or emission has been sent for analysis to a laboratory established or recognized by the Board the Board Analyst appointed under sub section (2) of section 29 shall analysis the sample and submit to the Board a report of the result of such analysis in triplicate in form IV.

### **Observations of the Committee**

1 The Committee is of the view that report of the result should be submitted to the Board within a specified period and the same should be mentioned in the Rule itself

2 The Committee would like to know for its information as to whether the sample may be got reanalyzed from other laboratory by the aggrieved party if he/she is not satisfied with the report

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

- 1 The reports are submitted within specified period i.e. 03 working days and the Board agrees with the observation of the Committee
- 2 At the time of sampling by the Officers of the Board if the unit is aggrieved the unit has an option to get the sample analyzed from State Laboratory in Environment Department

### **Recommendation of the Committee**

The Committee recommends that a provision may be made in the rule itself that the report of the result of analysis shall be submitted to the Board within a specified period viz 3 working days

### **Rule 22**

**22 Qualifications of Government/State Board Analyst, Section 29(1) and (2)** —The qualification of the Government Analyst and State Board Analyst shall be as follows —

At least II Class M Sc in Basic Sciences or Life Sciences or Earth Sciences with three years experience in environmental quality management

### **Observation of the Committee**

The Committee recommends that the words 'at least II Class' the words 'at least second class' may be substituted to make the Rule more clear

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

The Board agrees with the observation of the Committee

### **Recommendations of the Committee**

The Committee recommends that the words 'at least II class' the words 'at least second class' may be substituted to make the rule more clear

**Rule 23**

**“23 Appellate Authority Section 31 (2) —**(1) Two persons out of the three constituting the appellate authority to be appointed by the Government under section 31 shall fulfil the following minimum qualification —

- (i) graduate or university recognized by the Government in Engineering or in any branch of Science including Chemistry Bio chemistry Industrial Chemistry of Medicine
- (ii) Having experience of not less than 20 years in office field or laboratory works connected with the investigation of pollution of Water or Air or methods of safe disposal of effluent or omissions

(2) The third person constituting the appellate authority shall be a law graduate of a recognized university having at least 5 years experience as a practicing lawyer or in any other legal field

(3) Out of the two persons to be appointed under sub rule (1) above one person shall be designated as the President of the Appellate Authority

(4) The Board will make arrangement for the sitting of the Appellate Authority and will also provide secretarial services to it The Headquarters of the appellate Authority shall be the same as the headquarters of the Board and no travelling allowance local charges etc will be payable to the President and other members of the Appellate Authority for holding the sitting The sitting shall always be held at the headquarters except that while hearing any appeal one sitting may be held at the site If a visit to the site is considered necessary by the Appellate Authority The Board will also pay travelling allowance and daily allowance at such rate as is admissible to a Grade I Officer of the Government drawing pay more than Rs 1 500 to the President and the members of the Appellate Authority for one visit to the site if such a visit is undertake No other remuneration will be payable to the President or other members of the Appellate Authority

**Observations of the Committee**

1 The Committee observed that in sub rule (i) (ii) of Rule 23 for the sign substitute the sign to make the rule grammatically correct

2 The Committee feels that the Travelling Allowances mentioned in sub rule 23(4) needs to be suitably substituted as the pay scales of the employees of Haryana Government/State have been revised

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

- 1 The Board agrees with the observation of the Committee
- 2 The Board agrees with the observation of the Committee

## Recommendations of the Committee

1 The Committee recommends that in clause (ii) of sub rule (1) of this rule for the sign the sign may be substituted to make the rule grammatically correct

2 The Committee also recommends that the travelling allowance mentioned in sub rule (4) may be suitably substituted as the pay scales of the employees of Haryana Govt /State have been revised

## Rule 24

**‘ 24 Memorandum of appeal, Section 31(3) —**(1) Every appeal against an order passed by the Board shall be filed by the aggrieved party in the form VII

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the Appellate Authority

(3) (a) Every appeal shall—

- (i) be in writing
- (ii) specify the name and address of the appellant and the date of the order appealed against
- (iii) specify the date on which the order appealed against was communicated to the appellant
- (iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal
- (v) state precisely the relief prayed for and
- (vi) be signed and verified by the appellant or an agent duly authorised by the appellant in writing in this behalf

(4) Every appeal shall be accompanied by —

- (i) an authenticated copy of the order against which appeal is made
- (ii) a copy of the application made by the appellant on which the Board passed the order being impugned in the appeal
- (iii) any document relative to the appeal

(5) A fee as prescribed under sub rule (7) of rule 21 shall be deposited by every appellant in the office of the Board and an authenticated copy of the receipt obtained therefore shall be annexed to every appeal No appeal which is not accompanied by the aforesaid copy of the receipt shall be entertained by the Appellate Authority

(6) Every Memorandum of appeal shall be submitted in quadruplicate and shall either be presented to the Appellate Authority by the appellant or his authorized agent in person or sent to such Authority through the Board by registered post. When the memorandum of appeal is presented by an agent duly authorized by the appellant it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law appointing him such an agent.

(7) On receipt of the memorandum of appeal the appellate authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it as the case may be.

### **Observations of the Committee**

1 The Committee would like to know for its information as to what is the justification to prohibit joint appeal as mentioned in sub rule (2) of rule-24.

2 The Committee observes that in line first of sub rule (5) of rule 24 the reference of sub rule (7) of rule 21 mentioned therein is not correct. It may be corrected suitably.

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

1 In reply of the query raised by the committee regarding Rule 24 (2) that the different persons may have different cause of action. As such the Rule 24 (2) is not bad in the eyes of law. However it can be added that if the Appellate Authority is satisfied that the cause of action etc. is the same it can allow joint appeal.

2 The Board agrees with the Committee's observation that in line first of sub rule (5) of the rule 24 the reference of sub rule (7) of rule 21 mentioned there in is not correct. It may be corrected suitably.

### **Recommendations of the Committee**

1 The Committee recommends that in sub rule (2) of this rule a proviso may be added that if the Appellate Authority is satisfied that the case of action etc. is the same it can allow joint appeal also.

2 The Committee recommends that in line first of sub rule (5) of this rule the correct reference of rule may be mentioned in place of reference of sub rule (7) of rule 21.

### **Rule 25**

**‘25 Procedure to be followed for disposal of the appeals, Section 31(3) —** (1) The appellate Authority shall as soon as may be after the memorandum of appeal is filed before it fix a date for hearing of the appeal and give intimation of the same to the appellant and the Member-Secretary in form VIII. While giving such intimation to the Member Secretary a copy of the memorandum of appeal together with its enclosures he shall also be called upon to send to the Appellate Authority all the relevant records connected with the matter relating to the appeal.

(2) Where the material on record is insufficient to enable the Appellate Authority to come to a definite decision it may take additional evidence and call for such further material from the appellant or the Member-Secretary as it may deem fit. Such material shall form part of the record but not before the party other than from whom such record has been received has been given an opportunity to pursue such record itself against anything contained therein which is detrimental to the interests of that party.

(3) Where on the date fixed for hearing or any date to which the hearing of the appeal may be adjourned the appellant or his duly authorised agent does not appear when the appeal is called for hearing the appeal shall be liable to be dismissed.

(4) Where an appeal is dismissed under sub rule (3) the appellant may within 30 days from the dismissal of the appeal apply to the Appellate Authority for the restoration of the appeal and if it is shown to the satisfaction of the Appellate Authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any cause sufficient in the opinion of the Appellate Authority from appearing when the appeal was called for hearing the Appellate Authority may restore the appeal on such terms as it thinks fit.

(5) The order passed by the Appellate Authority on the appeal shall be in writing and shall state clearly the points before it for determination the decision thereon and the reasons for the decision.

(6) A copy of the order passed in appeal shall be supplied by the Appellate Authority free of cost to the appellant and a copy thereof shall also be sent to the Member Secretary.

(7) The fee payable for filing an appeal under section 31 shall be Rs 3000 in each case except in the case of village Panchayats for whom the fee payable shall be Rs 2 500 in each case. Out of this Rs 500 each will be paid to the President and to each of the other two member of the Appellate Authority. The balance will form fund of the Board.

#### **Observations the Committee**

- (i) The Committee recommends that in line second of sub rule (1) of Rule 25 after the word date the words and place may also be added to make the rule more clear.
- (ii) The Committee would like to know for its information the object behind the payment of fee to the President or any other Member of the Appellate Authority.

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

- 1 The Board agrees with the observation of the Committee.
- 2 The method of remuneration to the President and Members of the Appellate Authority has been changed from paying the fees to a fix

honorarium of Rs 50 000/ per month to the President and Rs 20 000/ per month to the other two Members

### **Recommendations of the Committee**

1 The Committee recommends that in line second of sub rule (1) of this rule after the word date the words and place may be added to make the rule more clear

2 The Committee recommends that sub rule (7) of this rule may also be suitably amended as the method remuneration to the President and Member of the Appellate Authority has been changed as admitted by the Board in their reply

### **Rule 26**

**“26 Form of budget estimates, Sections 34 and 36 —**(1) The budget in respect of a financial year next ensuing showing the estimated receipts and expenditure of the Board shall be prepared in form IX and submitted to the Government

(2) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the current year

(3) The budget shall as far as may be based on the account heads specified in form X

(4) The estimates of expenditure on fixed establishment as well as fixed monthly recurring charges on account of rent allowances shall provide for the gross sanctioned pay without deduction of any kind

(5) To the estimates referred to in sub rule (1) shall be added a suitable provision for leave salary based on past experience with due regard to the intention of the Members of the staff in regard to leave as far as the same can be ascertained

(6) If experience indicate that the total estimate for fixed charges referred to in sub rule (1) and (2) is not likely to be fully utilized a suitable lump sum deduction shall be made from the total estimated amount

(7) The budget estimates as compiled in accordance with the rule shall be placed by the Member Secretary before the Board by the 5th October each year for approval

(8) After approval of the budget estimates by the Board four copies of the final budget proposals incorporating therein such modifications if any as have been decided upon by the Board shall be submitted to the Government by the 15th October each year

(9) No expenditure which is not covered by a provision in the budget approved by the Board or which is likely to be in excess over the amount provided under any head shall be incurred by the Board without provisions being made by re appropriation from some other head under which savings are firmly established and available



(10) The Board shall incur expenditure out of the funds received by it in accordance with the instructions laid down under the Punjab Financial Rules as are applicable to the State of Haryana and such other instructions issued by the Government in this behalf from time to time either generally to all concerned or specifically to the Board

(11) The Board may delegate any financial power to the Chairman Member Secretary or any officer of the Board to incur expenditure to a specified extent

(12) Subject to the control of the Chairman the fund of the Board shall be operated by the Member Secretary of the Board or in his absence by any officer of the Board who may be so empowered by the Chairman. The Chairman may also delegate powers to any officer or officers of the Board either singly or jointly to issue cheques on account of the expenditure which has been sanctioned for payment

(13) Nothing in these rules shall apply to a budget already finalised before the commencement of these rules

#### **Observations of the Committee**

- (i) The Committee observes that sub rule (5) of Rule 26 is not properly worded as the same is not giving clear intention
- (ii) The Committee would like to know as to when suitable lump sum deduction is made from the total estimated amount as referred in sub rule (6) of Rule 26
- (iii) The Committee would like to know as to whether the word complied mentioned in sub rule (7) is appropriate from drafting point of view of the sub rule
- (iv) The Committee would like to know for its information as to whether any extent or limit has been prescribed to delegate any financial power to the Chairman Member Secretary or any other office of the Board as referred to in sub rule (11) of Rule 26
- (v) The Committee observes that there is no justification to retain the sub rule (13) of Rule 26 as the same has become redundant

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

- (i) The Board agrees with the observation of the committee and in place of past experience the service rendered by the officers/officials on deputation may be substituted
- (i) If the estimated Expenditure is not likely to be utilized it may be adjusted in the revised Budget estimate
- (iii) The word Complied mentioned in the sub rule 7 is not appropriate and may be substituted as Compiled

(iv) The Board has delegated the Financial power to the Chairman Member Secretary and other officers of the Board under various heads and maximum limit is given as under

- (1) Chairman Full powers
- (2) Member Secretary Rs 50 000/
- (3) E E Sc C / RO s Rs 30 000/
- (4) Lab Incharge Rs 50 000/-

The copy of financial powers delegated is enclosed at **Annexure D**

(v) The Board agrees with the observation of Committee

### **Recommendations of the Committee**

1 The Committee recommends that sub rule (5) of this rule may be properly worked by substituting the words the service rendered by the officers/officials on deputation in place of words past experience

2 The Committee also recommends that in sub rule (7) of this rule for the word complied the word compiled may be substituted to convey the correct sense

3 The Committee further recommends that sub rule (13) of this rule may be omitted being redundant

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**FORM I**

[See rule 15(1)]

**To be submitted in triplicate****Application for Consent for Emissions/Continuations of Emissions  
under Section 21 of the AIR (Prevention and Control of Pollution)  
Act, 1981**

From

Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To

The Member Secretary  
Haryana State Board for the  
Prevention and Control of  
Water Pollution 661 8 B  
Chandigarh

Sir

I/We hereby apply for CONSENT under section 21 of the Air (Prevention and Control of Pollution) Act 1981 (14 of 1981) to make emission from industrial plant owned by (1) \_\_\_\_\_ for a period upto (2) \_\_\_\_\_

2 The Annexure appendices other particular and plans are attached herewith in triplicate

3 I/we further declared that the information furnished in the Annexure/ Appendices and plans is correct to the best of my/our knowledge

4 I/We hereby submit that in case of a change either of the point of the quantity of emission or of its quality a fresh application for CONSENT shall be made and until such consent is granted no change shall be made

5 I/We hereby agree to submit to the Board application for renewal of CONSENT one month in advance of the date of expiry of the consented period for emission of to be continued thereafter

6 I/We undertake to furnish any other information within one month of its being called for by the Board

Yours faithfully

Signature \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address of Applicant \_\_\_\_\_

\_\_\_\_\_

### Accompaniments

- (i) Index/site plan
- (ii) Topographical map
- (iii) Detailed layout plan of different process and point sources of emissions and position of stacks and chimneys
- (iv) Process flow sheet
- (v) Latest Analysis report
- (vi) Details of Air Pollution Control devices provided or proposed to be provided
- (vii) Ambient air quality report if available
- (viii) Draft No \_\_\_\_\_ dated \_\_\_\_\_  
for Rs \_\_\_\_\_ draw on \_\_\_\_\_  
\_\_\_\_\_ as consent fee

### ANNEXURE TO FORM I

|         |          |
|---------|----------|
|         | Existing |
| Chimney | New      |
|         | Altered  |

**Note** Any applicant knowingly giving incorrect information or supressing any information pertaining thereto shall be liable to any actions under the provisions of the Act

While filling this annexure the applicant shall for such of the items not pertaining to his activity shall state not applicable against the relevant one and not leave blank

- 1 (a) Full name of the applicant \_\_\_\_\_  
with address \_\_\_\_\_  
\_\_\_\_\_  
(Tel No \_\_\_\_\_)
- (b) Is the firm registered } Yes/No
- (c) If yes give the number and date of registration and authority with whom registered \_\_\_\_\_  
\_\_\_\_\_
- (d) Full address of the registered office of the firm \_\_\_\_\_  
\_\_\_\_\_

- (e) Names designation and full address of persons like partners/ Managing Director/Director Manager etc
- (1) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- (2) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- (3) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- (4) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- (5) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 2 Full name of the land/premises/ Institute/Factory/Industry/Local body with address
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (Tel No \_\_\_\_\_)
- Telegraphic Address \_\_\_\_\_
- 3 Give revenue/City survey No of the Land/Premises for which the application is made
- District \_\_\_\_\_
- Town \_\_\_\_\_
- Village \_\_\_\_\_
- City Survey No \_\_\_\_\_
- Revenue Survey No \_\_\_\_\_
- Area in Hectares \_\_\_\_\_
- 4 State month and year in which the plant was actually put into commission or it proposed to be put into commission
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 5 State the Civil/Military Defence/ Industrial Estates etc under those administrative jurisdiction the occupiers industrial plant is situated
- District \_\_\_\_\_
- Corporation \_\_\_\_\_
- Municipality \_\_\_\_\_
- Village Panchayat/Contentment Defence Deptt \_\_\_\_\_
- \_\_\_\_\_

Port Trust \_\_\_\_\_

State Govt \_\_\_\_\_

Prohibited Area \_\_\_\_\_

Central Govt \_\_\_\_\_

Airport Authority \_\_\_\_\_

6 (a) State whether plant site has been declared as prohibited area Yes/No

(b) If yes state the name of the authority and furnish a certified copy of the order under which the area has been declared as prohibited area

7 State working season per year of the plant Full year \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Continuous/Batchwise Every year

8 (a) No of persons attending the factory per day

(b) No of persons residing in the premises

9 Indicate the present use of the land in the vicinity (5 km radius) of the site (i) Human settlements of more than 1000 population (specify population & distance from the plant)

(ii) Commercial \_\_\_\_\_

(iii) Industrial \_\_\_\_\_

(iv) Fisheries \_\_\_\_\_

(v) Sanctuary/National Parks/ Hills/  
Mountains \_\_\_\_\_

(vi) Ancient Mountains \_\_\_\_\_

10 Climatological and Meteorological  
Details (If available)—(a) Indicate the climate conditions at  
the site  
(e g )

(b) Rainfall yearly average range

(c) Temperature seasonal ranges

(d) Information on speed and direction  
of wind

(e) Humidity solar radiation

11 Give list of all materials used in the  
process in Metric tons/day

| List of Raw materials | Principal use | Amount in T/day |
|-----------------------|---------------|-----------------|
|                       |               |                 |
|                       |               |                 |
|                       |               |                 |
|                       |               |                 |
|                       |               |                 |
|                       |               |                 |
|                       |               |                 |
|                       |               |                 |
|                       |               |                 |

A process flow diagram must be included with this statement showing entry and exit points of all raw materials intermediate products by products and finished products Label process and control equipments

## 12 Fuel consumption in T/day

|                                | Coal | Oil | Diesel | Wood | Natural gas | Others (Specify) |
|--------------------------------|------|-----|--------|------|-------------|------------------|
| 1 Daily consumptions in tonnes |      |     |        |      |             |                  |
| 2 Calorific value              |      |     |        |      |             |                  |
| 3 Ash content %                |      |     |        |      |             |                  |
| 4 Sulphur contents %           |      |     |        |      |             |                  |
| 5 Other specify                |      |     |        |      |             |                  |

## 13 Atmospheric emission for each stock—

- (i) Stack No \_\_\_\_\_
- (ii) Material of construction of stack \_\_\_\_\_
- (iii) Stack attach to \_\_\_\_\_
- (iv) Stack height—
- (a) Above the roof Mts \_\_\_\_\_
- (b) Above the ground level Mts \_\_\_\_\_
- (v) Stack top—
- (a) Round or circular \_\_\_\_\_
- (b) Inside dimensions of at top \_\_\_\_\_
- (vi) Gas Quantity /hr \_\_\_\_\_
- (vii) Flue gas C \_\_\_\_\_
- (viii) Exit Velocity of the gas M/Sec \_\_\_\_\_
- (a) Flue gas Emissions

Analysis of flue gas in mg/m<sup>3</sup>

| Stack No | Type of Fuel | Qty Fuel /hr | Type of firing | SO | HC | CO | Particulate | Other Specify |
|----------|--------------|--------------|----------------|----|----|----|-------------|---------------|
|          |              |              |                |    |    |    |             |               |



## (b) Process Emissions

| Qut of<br>gas m <sup>3</sup> hr | SO | CO | CO | Analysis of rent gas in mg/m <sup>3</sup> |                  |                  |                  |
|---------------------------------|----|----|----|---|------------------|------------------|------------------|
|                                 |    |    |    | NOx                                       | Hydro<br>carbons | Particu<br>lates | Other<br>Specify |

## (c) Particulates Analysis (if available)

## (i) Size distribution

50 u \_\_\_\_\_ %

10 u \_\_\_\_\_ %

5 u \_\_\_\_\_ %

3 u \_\_\_\_\_ %

1 u \_\_\_\_\_ %

Stock No

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

- 14 Give details of flue gas sampling arrangements \_\_\_\_\_
- 15 Give details of laboratory facilities available for analysis of emissions \_\_\_\_\_
- 16 Is there sufficient space available for installing air pollution control equipments \_\_\_\_\_
- 17 Details of Air Pollution Control system (a) Existing \_\_\_\_\_
- Give detailed specifications (b) Proposed \_\_\_\_\_  
(Collectors prespitators scrubbers etc ) \_\_\_\_\_

- 18 State the total quantity of Air handled by ventilat in equipment Specify size & No of equipments installed or to be installed \_\_\_\_\_
- 19 Give the followings details
- (a) Total investments in the factory and the year of investment \_\_\_\_\_
- (b) The Estimated expenditure for implementing the scheme to control air pollution \_\_\_\_\_
- (c) Expenditure incurred to date and progress achieved (physical) for air pollution control if any and the year/years of investments along with physical progress achieved The firm should give detailes of action taken to date and the expenditure incurred and the time required for the completions of the scheme \_\_\_\_\_
- (d) Annual operation and maintenance cost of Air Pollution Control Plant if any \_\_\_\_\_
- (e) Further action that is being taken by the firm to control air pollution \_\_\_\_\_
- 20 Other relevant information if any \_\_\_\_\_
- Signature \_\_\_\_\_
- Name and address of the applicant on behalf of \_\_\_\_\_
- Name and address of the firm \_\_\_\_\_

## EXPLANATORY NOTE FOR FILLING IN THE FORM AND THE ANNEXURE

The notes are given only for those items for which explanation is considered desirable

### FORM

(1) Here mention the name of the owner of the land/premises if other than the applicant industry or factory/in continuation of legal business as per Air (Prevention and Control of Pollution) Act 1981 If land/premises belong to the factory/industry say self

(2) Here mention the date upto which the consent is sought for

### Annexure to Form

Existing means that which is in operation at the time of applying for the consent

New means that which will be brought into operation in future

Altered means that which has been modified due to change in quantity and/or quality of emission arrangement and/or point of emission etc

Item No 1 Here mention name of the owner of the land/premises if other than the applicant industry or factory in continuation of legal business as per Air (Prevention and Control of Pollution) Act 1981 If land/premises belong to the factory/industry say self

Item No 2 Here give the registered name of the industry/institution factory/local body etc under which the business is carried out

Item No 6 Applicable to only those areas which are prohibited area such as the ordinance factories Mint etc

Item No 10 (c) Here state the temperature in °C in Summer winter monsoon and post monsoon seasons

(d) Here state the seasonal average wind direction and speed in and around the site of the plant The above information can be had from representative meteorological Centre

Item No 13 Analysis of the flue gas emissions process emissions and particulates analysis should be done for each stack emissions Wherever stack are not provided the shop floor specific pollutants conc should be reported

Chemical analysis of the particulates matter in the emission should be furnished giving details such as organic matter metals non metals radioactive substances asbestos silicates etc

Item No 17 Here state the detailed specifications of control system used or proposed to be used with efficiency Also furnish the lay out of the control system with dimensions

Item No 19 Here state the total quantity of ventilation air handled by equipments e g /roof extractors Evaporative coolers etc

### **Observations of the Committee**

- (i) The Committee would like to know whether Form I still holds good suiting to the present environment
- (ii) The Committee recommends that in Sr No 3 for the word declared substitute the word declare to convey the correct sense
- (iii) The Committee observes that in line second of the note of the Annexure to Form I for the words to any actions substitute the words to action to make it grammatical correct
- (iv) Will it not be desirable to simplify and reduce the Form I in brief?

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

- (i) The Board has simplified the consent procedure and accordingly made the common application form which is at Annexure-E
- (ii) Not applicable in view of introduction of common consent application form
- (iii) Not applicable in view of introduction of common consent application form
- (iv) The Board has already simplified the common consent form

### **Recommendation of the Committee**

The Committee recommends that Form I may be substituted by common application form as simplified by the Board for the purpose of consent procedure

---

**FORM II***[See Rule 16(2)]***HARYANA STATE BOARD FOR THE PREVENTION AND  
CONTROL OF WATER POLLUTION****NOTICE OF INSPECTION**

CHAIRMAN

Member Secretary \_\_\_\_\_

Shn \_\_\_\_\_

No \_\_\_\_\_

Dated \_\_\_\_\_

To

\_\_\_\_\_  
\_\_\_\_\_

TAKE NOTICE that for the purpose of enquiry under section 21 the following officers of the Board namely —

- (i) Shn \_\_\_\_\_
- (ii) Shn \_\_\_\_\_
- (iii) Shn \_\_\_\_\_

and the persons authorised by the Board to assist them shall inspect

- (a) Any systems of your Industrial Plant
  - (b) Any other parts thereof or pertaining thereto under management/control on date (s) \_\_\_\_\_ between \_\_\_\_\_
- Hours when all facilities requested by them for such inspection should be made available to them on the site. Take notice that refusal or denial to above stated demand made under the functions of the Board shall amount to obstruction punishable under section 37 (1) of the Act

By order of the Board  
Member Secretary

Copy to

- 1 \_\_\_\_\_
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_

**Observations of the Committee**

- (i) The Committee observes that the name of the Board has been changed therefore the heading may be changed giving the existing name of the Board wherever occurring in all these Rules/Forms
- (ii) The Committee would like to know for its information as to whether any visiting hours for the purpose of inspection have been specified by the Board?

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

- (i) The necessary change has already been made
- (ii) The Board has not specified any visiting hours for the purpose of inspection

**Recommendation of the Committee**

The Committee recommends that the name of the Board may be substituted wherever occurring in these Rules/Form as the definition/name of the Board has been changed

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**FORM IV***[See Rule 28]*

Under rule 28 the following shall be the form of the register to be maintained in respect of consents be issued under section 21 of the Act

**I General**

(a) Consent is issued to \_\_\_\_\_  
(Corporation Company Government Agency Firm etc )

(b) Postal Address

**II Location of plant or facilities (Latitude and longitude must be to the nearest of 15 seconds )**

(a) Nearest City \_\_\_\_\_ District \_\_\_\_\_

(b) Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

(c) Is it located in air pollution control area? Yes/No  
If yes identification of air pollution control area

**III Type of Operation or process**

(a) Name of operation or process

(b) Shedule identification number

**IV Consent Classification**

(a) Proposed

(b) Now operating

(c) Modification of existing  
emission source

(d) Location change

(e) Ownership change

(f) Present consent order  
Number if any \_\_\_\_\_

| Yes                      | Yes                      |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

**V Implementation Dates**

(a) In the case of proposed industries

Operation expected to begin \_\_\_\_\_  
(day) (month) (years)

- (b) Air pollution control equipment \_\_\_\_\_  
 and emission to be installed (day) (month) (years)  
 standards achieved by

VI Emission Standards

| Emission source<br>Number (from plot Plant | Air Pollution<br>emitted | Emission rate<br>kg /hour |
|--|--------------------------|---------------------------|
| 1  | 2                        | 3                         |

VII Consent conditions if any

**Observations of the Committee**

- (i) The Committee recommends that in line second of this Form for the words consents be substitute the words consents to be to make it grammatically correct
- (ii) Whether after issuance of consents time to time inspection of the plant/ industry is made by the representatives of the Board?
- (iii) Whether industries/plants in the State have been distinguished or classified for the purpose of issuance of consents?

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

- (i) The Board agrees with the observation of the Committee
- (ii) Yes
- (iii) The industries/plants have been categorized under Red Orange and Green categories as per guidelines of Central Pollution Control Board

**Recommendation of the committee**

The Committee recommends that in line second of this Form for the words consents be the words consents to be may be substituted to make it grammatically correct

\_\_\_\_\_



**FORM XII I***[See Rule 27 (2)]***HARYANA STATE BOARD FOR THE PREVENTION AND  
CONTROL OF WATER POLLUTION**

Receipts and Payments Account for the year ending \_\_\_\_\_

| Previous<br>Year              | Receipts | Previous year  | Payments |
|-------------------------------|----------|--|----------|
| 1                             | 2        | 3  | 4        |
| Opening Balance Rs _____      |          | 1 Capital Expenditure _____                                |          |
| 1 Grants received _____       |          | (i) Works _____  |          |
| 2 (a) From Govt _____         |          | (ii) Fixed Assets _____                                    |          |
| (b) From other agencies _____ |          | (iii) Other Assets _____                                   |          |
|                               |          | (a) Laboratory Equipment                                   |          |
| II Fees                       |          | (b) Vehicles   |          |
|                               |          | (c) Furniture and Fixtures                                 |          |
|                               |          | (d) Scientific Instruments and office<br>Appliances        |          |
|                               |          | (e) Tools and Plant  |          |
|                               |          | 2 Revenue Expenditure _____                                |          |
| III Fines and Forfeitures     |          | (A) Administrative _____                                   |          |
|                               |          | (i) Pay of officers _____                                  |          |
| IV Interest on investments    |          | (ii) Pay of Establishment _____                            |          |
|                               |          | (iii) Allowances and Honoraria<br>_____                    |          |
| V Miscellaneous Receipts      |          | (iv) Leave Salary and Pension<br>Contribution _____        |          |
| VI Miscellaneous Advances     |          | (v) Contingent Expenditure<br>_____                        |          |
|                               |          | Deduct Recoveries _____                                    |          |
| VII Deposits<br>_____         |          | (B) (i) Board Laboratory                                   |          |
| Total _____                   |          | (ii) Charges to be paid to the Central<br>Water Laboratory |          |

| Previous<br>Year | Receipts | Previous year | Payments |
|------------------|----------|---------------|----------|
| 1                | 2        | 3             | 4        |

(C) Running and Maintenance of Vehicles \_\_\_\_\_

(D) Maintenance and Repairs

(i) Buildings and Land Drainage  
including rents if any \_\_\_\_\_

(ii) Works \_\_\_\_\_

(iii) Furniture and Fixtures \_\_\_\_\_

(iv) Scientific Instruments and office  
appliances \_\_\_\_\_

(v) Tools and Plants \_\_\_\_\_

(vi) Temporary works (including  
maintenance and repairs) \_\_\_\_\_

(E) Fees to consultants and specialists \_\_\_\_\_

(F) Law charges \_\_\_\_\_

(G) Miscellaneous \_\_\_\_\_

(H) Fees for Audit \_\_\_\_\_

3 Purchases \_\_\_\_\_

4 Miscellaneous \_\_\_\_\_

5 Advances \_\_\_\_\_

6 Deposits \_\_\_\_\_

Closing Balance \_\_\_\_\_

Total

Accounts Officer

Member Secretary

**FORM XII 2***[See Rule 27 (2)]***HARYANA STATE BOARD FOR THE PREVENTION AND  
CONTROL OF WATER POLLUTION****Annual Statement of Accounts**

Income and Expenditure Account for the year ended 31st March 19\_\_\_\_\_

| Expenditure  |         |                            |                              | Income                                      |         |                            |                              |
|--|---------|----------------------------|------------------------------|---|---------|----------------------------|------------------------------|
| Previous<br>year                                     | Details | Total<br>of<br>Sub<br>head | Total<br>of<br>Major<br>head | Previous<br>year                            | Details | Total<br>of<br>Sub<br>head | Total<br>of<br>Major<br>head |
| 1  | 2       | 3                          | 4                            | 5   | 6       | 7                          | 8                            |
|  |         | Rs                         | Rs                           |   |         | Rs                         | Rs                           |
| To _____   |         |                            |                              | By _____                                    |         |                            |                              |
| REVENUE EXPENDITURE                                  |         |                            |                              | (I) Grants Received _____                   |         |                            |                              |
| (A) Administrative                                   |         |                            |                              | (a) From Government                         |         |                            |                              |
| (i) Pay of officers                                  |         |                            |                              | (b) From other agencies                     |         |                            |                              |
| (ii) Pay of establishment                            |         |                            |                              | Total                                       |         |                            |                              |
| (iii) Allowances and Honoraria                       |         |                            |                              | Less  |         |                            |                              |
| (iv) Leave Salary and Pension Contributions          |         |                            |                              | Amount utilised for Capital expenditure     |         |                            |                              |
| (v) Board's Contribution to the staff Provident Fund |         |                            |                              | Net grant available for Revenue expenditure |         |                            |                              |
| (vi) Contingent expenditure                          |         |                            |                              | (II) Fees                                   |         |                            |                              |
| Deduct—Recoveries—                                   |         |                            |                              | (III) Services Rental Charges               |         |                            |                              |
| (B) Running expen of Laboratories—                   |         |                            |                              | (IV) Fines and forfeitures                  |         |                            |                              |
| (i) Main Laboratory                                  |         |                            |                              | (V) Interest on Investments                 |         |                            |                              |
| (ii) Payment to be made to Central Water Laboratory  |         |                            |                              | (VI) Miscellaneous Receipts                 |         |                            |                              |
| (C) Running and Maintenance of Vehicles              |         |                            |                              | (VII) Excess of expenditure over income     |         |                            |                              |
| (D) Maintenance and Repairs                          |         |                            |                              | Total                                       |         |                            |                              |
| (i) Buildings and Land Drainage                      |         |                            |                              |   |         |                            |                              |

- (ii) Works
  - (iii) Furniture and Fixtures
  - (iv) Scientific instruments and office appliances
  - (v) Tools and Plant
  - (E) Temporary Works  
(including Maintenance and Repairs)
  - (F) Fees to Consultants and Specialists
  - (G) Law Charges
  - (H) Depreciation
    - (i) Buildings
    - (ii) Laboratory Equipment
    - (iii) Vehicles
    - (iv) Furniture and Fixtures
    - (v) Scientific Instruments and Office Appliances
    - (vi) Tools and Plant
  - (I) Miscellaneous
    - (i) Write off of losses  
(as per details in the statement attached)
    - (ii) Other miscellaneous expenditure
  - (J) Fees for Audit
  - (K) Excess of Income over expenditure
  - Total
- 

Accounts officer

Member-Secretary

Chairman

**FORM XII 3**

[See Rule 27 (2)]

**HARYANA STATE BOARD FOR THE PREVENTION AND  
CONTROL OF WATER POLLUTION****Annual Statement of Accounts**

Balance Sheet as on 31st March 19\_\_\_\_\_

| Capital and Liabilities |   |                            |                              | Property and Assets |   |                            |                              |
|-------------------------|---|----------------------------|------------------------------|---------------------|---|----------------------------|------------------------------|
| Previous<br>year        | Details   | Total<br>of<br>Sub<br>head | Total<br>of<br>Major<br>head | Previous<br>year    | Details   | Total<br>of<br>Sub<br>head | Total<br>of<br>Major<br>head |
| 1                       | 2   | 3                          | 4                            | 5                   | 6   | 7                          | 8                            |
| A                       | Capital Fund  |                            |                              | 1                   | Works<br>(As per Schedule A)                          |                            |                              |
|                         | (i) Grants received from<br>Government for<br>Capital Expenditure   |                            |                              | 1                   | Fixed Assets<br>(As per Schedule B)                   |                            |                              |
|                         | (a) Amount utilised upto<br>31st March 19_____                      |                            |                              |                     | (a) Value of land provided by<br>Government (at cost) |                            |                              |
|                         | (b) Utilised balance on<br>31st March 19_____                       |                            |                              |                     | (b) Buildings _____                                   |                            |                              |
|                         | (ii) Grant from other agencies<br>for Capital Expenditure           |                            |                              |                     | Balance as per last Balancs Sheet                     |                            |                              |
|                         | (a) Amount utilised upto<br>31st March 19_____                      |                            |                              |                     | Additions during the year _____                       |                            |                              |
|                         | (b) Unutilised balance on<br>31st March 19_____                     |                            |                              |                     | Total _____   |                            |                              |
|                         | (iii) Value of land provided by<br>Government ( <i>per contra</i> ) |                            |                              |                     | Depreciation during the year _____                    |                            |                              |
|                         |   |                            |                              |                     | Less—   |                            |                              |
|                         |   |                            |                              |                     | Total _____   |                            |                              |
| B                       | Capital Receipts  |                            |                              |                     |   |                            |                              |
| C                       | (i) Deposits received for works<br>from outside bodies Deposits     |                            |                              | 3                   | Other Assets<br>(as per Schedule C)                   |                            |                              |
|                         | Less Expenditure  |                            |                              |                     | (a) Laboratory equipment as per<br>last Balance Sheet |                            |                              |
|                         | (iii) Other deposits  |                            |                              |                     |   |                            |                              |

| 1 | 2  | 3  | 4  | 5   | 6  | 7  | 8 |
|---|--|----|----|---|----|----|---|
| D | Amounts due                                    | Rs | Rs | Additions during the year   | Rs | Rs |   |
|   | (i) Purchases                                  |    |    | Total   |    |    |   |
|   | (ii) Others                                    |    |    |   |    |    |   |
| E | Excess of income over expenditure              |    |    | Less Depreciation during the year   |    |    |   |
|   | (i) Upto 31st March 19                         |    |    | Total   |    |    |   |
|   | (ii) Add for the year or                       |    |    | (b) Vehicles as per last Balance Sheet  |    |    |   |
|   | (iii) Deduct-Excess of expenditure over income |    |    | Additions during the year   |    |    |   |
|   |  |    |    | Total   |    |    |   |
|   |  |    |    | Less Depreciation during the year   |    |    |   |
|   |  |    |    | Total   |    |    |   |
|   |  |    |    | (c) Furniture and Fixtures as per last Balance Sheet Additions during the year                  |    |    |   |
|   |  |    |    | Total   |    |    |   |
|   |  |    |    | Less Depreciation during the year   |    |    |   |
|   |  |    |    | Total   |    |    |   |
|   |  |    |    | (d) Scientific Instruments and office Appliances As per Balance Sheet Additions during the year |    |    |   |
|   |  |    |    | Total   |    |    |   |
|   |  |    |    | Less Depreciations during the year  |    |    |   |
|   |  |    |    | Total   |    |    |   |

| 1 | 2 | 3 | 4 | 5     | 6   | 7 | 8 |
|---|---|---|---|-------|---|---|---|
|   |   |   |   |       |   |   |   |
|   |   |   |   |       | (e) Tools and Plants as per last<br>Balance Sheet Addition during<br>the year |   |   |
|   |   |   |   |       | Total   |   |   |
|   |   |   |   | 4     | Sundry Debtors—   |   |   |
|   |   |   |   |       | (i) Amounts due from out side<br>bodies for expenditure incurred              |   |   |
|   |   |   |   |       | Expenditure—  |   |   |
|   |   |   |   |       | Less Amount received  |   |   |
|   |   |   |   |       | (ii) Other Sundry Debtors   |   |   |
|   |   |   |   | 5     | Advances—   |   |   |
|   |   |   |   |       | (a) Miscellaneous Advances  |   |   |
|   |   |   |   |       | (b) Other amounts recoverable   |   |   |
|   |   |   |   | 6     | Cash—   |   |   |
|   |   |   |   |       | (a) Notice/Short Term Deposits  |   |   |
|   |   |   |   |       | (b) Cash in Bank  |   |   |
|   |   |   |   |       | (c) Cash in Hand  |   |   |
|   |   |   |   |       | (d) Cash in Transit   |   |   |
|   |   |   |   | Total |   |   |   |
|   |   |   |   |       | Total   |   |   |

Accounts Officer

Member Secretary

Chairman

**FORM XII-4***[See Rule 27 (2)]***HARYANA STATE BOARD FOR THE PREVENTION AND  
CONTROL OF WATER POLLUTION****Annual Statement of Accounts**

(Schedule A showing the Expenditure on Works as on 31st March 19\_\_\_\_ )

(Item I \_\_\_\_\_ Assets of the Balance Sheet)

---

Upto 31st March 19\_\_\_\_ During the year 19\_\_\_\_ Upto 31st March 19\_\_\_\_

---

Serial Name of Work \_\_\_\_\_  
No

| Direct<br>Expen<br>diture | Over head<br>charges | Total<br>Expen<br>diture | Direct<br>Expen<br>diture | Over head<br>charges | Total<br>Expen<br>diture | Direct<br>Expen<br>diture | Over head<br>charges | Total<br>Expen<br>diture |
|---------------------------|----------------------|--------------------------|---------------------------|----------------------|--------------------------|---------------------------|----------------------|--------------------------|
|---------------------------|----------------------|--------------------------|---------------------------|----------------------|--------------------------|---------------------------|----------------------|--------------------------|

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Total

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Accounts Officer

Member Secretary

Chairman



**FORM XII 5***[See Rule 27 (2)]***HARYANA STATE BOARD FOR THE PREVENTION AND  
CONTROL OF WATER POLLUTION****Annual Statement of Accounts**

Fixed Assets as at 31st March 19\_\_\_\_ (Item 2 Assets of the Balance Sheet)

Other Assets as at 31st March 19\_\_\_\_ (Item 3 Assets of the Balance Sheet)

| Serial<br>No | Particulars<br>of Assets | Balance<br>as on<br>31st<br>March<br>19____ | Additions<br>during<br>the year | Total | Depre-<br>ciation<br>during<br>the<br>year | Sales<br>or write<br>off<br>during<br>the<br>year | Balance<br>as on<br>31st<br>March<br>19____ | Cumul<br>ative<br>Depreci<br>ation<br>as at<br>31st<br>March<br>19____ |
|--------------|--------------------------|---|---------------------------------|-------|--|---|---|--|
|--------------|--------------------------|---|---------------------------------|-------|--|---|---|--|

Accounts Officer

Member Secretary

Chairman

ASHOK PAHWA  
Secretary to Government Haryana  
Public Works Department  
(Public Health Branch) 70

**Observation of the Committee**

The Committee observe that Form XII is very lengthy Will it not be desirable to reduce it in a precise form and in a simplified manner?

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

Form No XII (4) may be omitted due to the reason that the figures of previous year and current year both are shown in the Balance Sheet Income & Expenditure Account and Receipt & Payment Account

**Recommendation of the Committee**

The Committee recommends that Form XII may be suitably amended as proposed by the Board in their reply

## **GENERAL OBSERVATION OF THE COMMITTEE**

The reply received from the department vide letter dated 01st February 2013 received on 04th February 2013 in respect of Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 was placed before the Committee and the Committee noted its contents. After perusing the reply the Committee observes that almost all recommendations/observations of the Committee made in respect of the Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 have been accepted in principle by the department. Moreover the departmental representatives during the course of oral examination has clarified the position in the matter. In view of the above the Committee is of the view that department may supply the copy of the notification after amending the relevant Rules in the light of the observations/recommendations made by the Committee after following the due procedure at an early date. The Committee also expects that the practical difficulties which have been faced in the matter may also be looked into by the department to short out the problems so that the conditions may be improved more effectively.

**SCRUTINY OF THE PUNJAB SCHEDULED ROADS AND CONTROLLED  
AREAS RESTRICTION OF UNREGULATED DEVELOPMENT RULES, 1965  
FRAMED UNDER THE PUNJAB SCHEDULED ROADS AND CONTROLLED  
AREAS RESTRICTION OF UNREGULATED DEVELOPMENT ACT 1963**

The Committee scrutinized the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 and made the following observations/recommendations thereon -

**Rule 3**

**‘ 3 Registration of existing building along Schedule Roads and bye-passes —** (1) The Director shall as soon as may be cause a survey of all scheduled roads including bye passes thereof to be carried out and prepare a liner map on a scale of 200 feet to 1 inch indicating all such buildings excavations and means of access to the aforesaid road and bye passes which were in existence immediately before the commencement of the Act and which lie within 100 meters on either side of the road reservation in the case of bye pass and within 30 meters on either side of the road reservation in the case of a Scheduled Road

(2) The Director shall maintain a register Form S R I showing all the buildings excavations and means of access to roads indicated in the map prepared under sub rule (1)

(3) The Director as well as the official conducting the survey referred to in sub rule (1) shall sign each page of the register maintained under sub rule (2) in token of correctness of the entries made therein

(4) The Director shall on application by any member of public make available the map referred to in sub rule (1) and the register referred to in sub rule (2) for inspection free of cost

(5) The Director may after making such enquiries as he considers necessary amend such map or register as the case may be if it is found to be wrong in any particulars

**Observations of the Committee**

Whether after the commencement of the Act survey of all scheduled roads including all bye passes was made? As this rule is not specific in this regard the Committee would like to discuss the provision of this rule at the time of oral examination of the department

The Committee would like to know for its information as to whether any amendment was made in this rule by the Haryana State? If so the details thereof may also be supplied to the Committee

The Committee would like to know for its information as to whether after declaration of controlled area any time limit has been prescribed to make survey of the scheduled roads and bye passes for preparing a liner map

The Committee recommends that in line first of sub rule (2) after the word register the word in may be inserted to make the rule grammatically correct

The Committee recommends that in first line of sub rule (4) for the words member of public the word person may be substituted to make the sub rule (4) more appropriate The Committee further recommends that the sign after the word make and available may be deleted to make the sub rule (4) grammatically correct

The Committee also recommends that the reasonable time for inspection of register may also be prescribed in the rule itself

The Committee would like to know for its information as to whether any opportunity of being heard is provided to the affected person before amending or changing the map or register

### **Recommendations of the Committee**

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

### **Rule 3A**

**“[3A Exclusion of building which was in existence immediately before commencement of Haryana Ordinance No 1 of 2009 [Sections 3, 25 (1) and 25(2) (i)] —**

(1) Every owner of a building which was in existence immediately before commencement of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Ordinance 2009 (Haryana Ordinance No 1 of 2009) shall make an application in Form SR IV to District Town Planner of respective district within six months of the publication of these rules for exclusion of such building from the provisions of Section 3 of the Act

(2) Every application shall be made in Form SR-IV and shall be accompanied by the requisite plans documents/photographs (hard copy) on Compact Disk In case of failure to furnish the application together with the plans documents/photographs and Compact Disk the same shall be returned to the applicant for submission in accordance with the rules

(3) The Committee consisting of the following officers shall scrutinize the application namely —

- (i) District Town Planner/District Town Planner Enforcement
- (ii) a representative of the Deputy Commissioner (not below the status of HCS Officer)
- (iii) Executive Officer of the concerned Municipal Corporation/ Municipal Committee Municipal Council

- (iv) Concerned Executive Engineer Public Works Department  
(Building and Roads) Haryana

(4) (a) After scrutiny of the application if the Committee is satisfied it shall call upon the applicant to deposit the amount at the rate of Rs 600/- per square metre for the structure/buildings located on National Highway and Rs 350/- per square metre for the structures/buildings on scheduled road other than National Highway within a period of thirty days from the date of notice given to him under a registered cover and the building shall be deemed to have been excluded from the provisions of Section 3 of the Act on payment of aforesaid charges

(b) If the applicant fails to submit application within period specified in sub rule (1) above or deposit the said charges within the period as specified in clause (a) such building shall not be deemed to be excluded)

### **Observations of the Committee**

The Committee recommends that in last line of sub rule (1) for the word form substitute the word from to convey the correct sense

The Committee observes that the mode of application as required in Form SR IV should be made simplified The procedure of videography in form of Compact Disk alongwith Email ID is an unnecessary burden on the general public and does not suit to socio economic position of a common man The Committee therefore recommends that this rule may be made more simplify

The Committee would like to know for its information as to what is the criteria to fix the rate of Rs 600/- per square metre for the structure/buildings located on National Highway and Rs 350/- per square metre for the structures/buildings on Scheduled Road other than National Highway?

### **Recommendations of the Committee**

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

### **Rule 4**

**4 Application for permission under Section 3 —** (1) Every person requiring permission of the Director for—

- (a) erection or re erection of a building which was in existence immediately before the commencement of the Act and which involves any structural alteration or addition
- (b) laying out any means of access to a road or
- (c) erection or re erection of a motor fuel filling station or a bus queue shelter within 30 meters on either side of a road reservation of a scheduled road or within 100 meters on either side of a road reservation of a bye pass lying outside a

controlled area shall make an application to the Director in Form S R II accompanied by plans and documents mentioned therein

(2) The site plan mentioned in the application shall be drawn to a scale of not less than 40 feet to 1 inch and indicate —

- (a) the boundaries of the site
- (b) the outline of the proposed building with outer dimensions mentioning therein the total area to be covered
- (c) existing buildings if any by distinct notation

(3) The building plans mentioned in the application shall be drawn to a scale of not less than 1/8 inches to a foot and indicate —

- (a) the plan of all the floors of the building
- (b) elevations in typical sections (only in case of motor fuel- filling stations or bus queue shelter) and
- (c) the plinth level with reference to the level of the center line of the scheduled road or bye pass as the case may be

#### **Observations of the Committee**

The Committee would like to know the significance of various sections mentioned in beginning of this rule viz Section 3 8(1) and 25 (2) (e) whereas the application for permission is made under Section 3

The Committee would like to discuss the provisions of Rule 4 at the time of oral examination of the departmental representatives

- (a) The Committee recommends that in sub rule 1 (a) in last line after the word addition the sign may be corrected as to make the rule grammatically correct
- (b) The Committee recommends that after the word road the sign may be replaced with to make the rule grammatically correct

The Committee recommends that after the words bus queue shelter the sign may be replaced with to make the rule grammatically correct

The Committee recommends that in sub rule 3 (c) in the first line the spelling of word center may be corrected

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

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

## **Rule 5**

**5 Principles and conditions under which application under Rule 4 may be granted or refused** — No permission shall be granted on an application submitted under Rule 4 unless —

- (a) the erection or re erection of the building conforms to the building rules contained in Part VII of these rules
- (a) means of access takes off from an existing road or revenue rasta already adjoining the scheduled road or conforms to traffic requirements of the scheduled road as determined from time to time by the Director and
- (b) erection or re erection of a fuel filling stations or bus queue-shelter is in accordance with the designs and specifications laid down by the Director from time to time

### **Observations of the Committee**

The Committee would like to know for its information as to whether the requirements of building rule as contained in Part VII of these rules are also necessary in case of erection or re erection of the building in the rural areas

The Committee recommends that sequence of the parts of Rule 5 may be corrected as a b c instead of a a c

### **Recommendation of the Committee**

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

### **GENERAL OBSERVATIONS**

- 1 The Committee would like to know as to whether the structural alteration in public utility buildings which were existence before the year 1996 may be allowed with the permission of the Director?
- 2 Whether there is any time limit to serve a notice to remove or demolish the unauthorized constructions?
- 3 The Committee would like to know for its information as to what are those cases under this Act/Rules which can be termed as compoundable offences?
- 4 The Committee is of the view that some guidelines or criteria should be fixed in the Act/Rules for change of land use
- 5 The Committee is of the view that some time period should be fixed for finalization of development plan by the Government after declaration of controlled area

- 6 The Committee would like to know as to whether the Government is empowered to relax any restrictions or conditions relating to use of land in controlled area at present? If so what are those exceptional circumstances?
- 7 Whether it is desirable to make a provision for appeal to the Government against an order of the Director declining to compound the unauthorized construction?

## **Rule 6**

**“6 Information necessary to validate application under Rule 4 —** No application under Rule 4 shall be considered to be valid unless —

- (i) it is made on the prescribed form and all the necessary information required to be filled in that form is given and
- (ii) where necessary it is accompanied by the requisite number of the site plans building plans and other documents

In case of failure to submit the application in the aforesaid manner the application together with the plans and documents shall be returned to the applicant for resubmission in accordance with the rules

## **Observations of the Committee**

The Committee would like to discuss the provisions of the rule at the time of oral examination of the departmental representatives at the appropriate time

The Committee recommends that in Rule 6 in line second after the word applicant the words by registered post/speed post may be inserted to make the rule more appropriate

## **Recommendation of the Committee**

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

## **Rule 7**

**“7 Form in which other under Section 8(2) is to be passed —** After an application on the prescribed form containing the requisite information and accompanied by necessary documents as mentioned in Rule 4 is received the Director shall after making such inquiry as he considers necessary pass an order under Sub section(2) of Section 8 in Form SR III

## **Observation of the Committee**

The Committee recommends that in the first line of Rule 7 the word other may be corrected as order to make the rule grammatically correct



### Recommendation of the Committee

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above rule.

### Rule 8

#### **‘ 8 Contents of Plans of Controlled Area [Section 5(1) and 25(2) (e)] —**

Plans of a controlled area prepared under sub-section 5 shall consist of —

- (i) a map showing existing land use including existing building
- (ii) a map showing —
  - (a) areas reserved for major land uses such as residential industrial commercial and warehousing
  - (b) areas reserved for public and community amenities such as civic centres and educational recreational and social institutions and major open spaces
  - (c) main lines of roads railways airports and areas reserved for major public utility services such as treatment of water supply disposal of drainage and electricity and gas installations
  - (d) lands reserved for major green rural belts
  - (e) special areas of aesthetic sentimental or historic value which require protection
  - (f) lands liable to flooding or subsidence and
  - (g) stages in which areas reserved for major land uses and the sectors will be permitted to be developed having regard to compact and economical development

**Explanation -** This map may show the above reservations required for the controlled area as a whole and may not show the above reservations within a sector for which a sector plan shall be prepared as and when required

- (iii) A note explaining the proposals illustrated on the map and
- (iv) Zoning regulations containing —
  - (a) types of buildings and ancillary and allied uses which may be permitted within a major land use referred to in clause (ii) (a) above and
  - (b) any special or general restrictions applicable to a specific part or parts of the controlled area

### **Observations of the Committee**

The Committee recommends that in the second line of rule 8 the words sub section 5 may be corrected as sub section (5) to make the rule grammatically correct

The Committee recommends that the disposal of garbage may also be mentioned in ii a map showing plan

### **Recommendation of the Committee**

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

### **Rule 9**

**9 Publications of development plans for inviting objections [Sections 5(4) and 6]** — A copy of the development plan notified by Government under sub section(4) of section 5 shall be sent by the Director to every local authority within whose limits any land included in the controlled areas is situated so as to enable it to (make any representation within a period of three months it may like) to make with respect to the plan

### **Observation of the Committee**

The Committee was of the view that a copy of the development plan notified by the Government under sub section (4) of section 5 should also be published in two local English and Hindi newspapers having wider circulation

### **Recommendation of the Committee**

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

### **Rule 10**

**10 Publication and final development plans [Sections 5(7) and 25(2) (b)]** — The development plan as notified by the Government under sub section (7) of Section 5 shall in addition to its publication in the official gazette be published by displaying copy thereof at a conspicuous place at the office of the—

- (i) Director
- (ii) Estate Officer if any having jurisdiction in the controlled area
- (iii) Deputy Commissioner of the district in which the controlled area is situated and
- (iv) Panchayat Samiti or Samitis in which the controlled area is situated

### **Observations of the Committee**

The Committee recommends that for the word 'Director' wherever occurring words 'Director General' may be substituted as the nomenclature of the post of Director has been changed as Director General

The Committee observes that there is no provision of displaying the copy of the final development plans at a conspicuous place at the office of Municipal Committee, Municipal Council or Municipal Corporation. Will it not be desirable to add a provision in this regard as provided for other offices in this rule so that any aggrieved party may seek the remedy through appropriate forum?

### **Recommendation of the Committee**

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

### **Rule 11**

**11 Application for permission under Section 7 in case of colonizer [Section 8 and 25(2)] (e) —** (i) Every colonizer intending to change the existing use of the land in a controlled area for the purpose of setting up a colony by subdividing and developing the said land into building plots for residential, industrial, commercial or other purpose shall make an application in writing to the Director in Form CL I accompanied by the following plans and documents in triplicate —

- (i) Copy or copies of all title deeds and/or other documents showing the interest of the colonizer in the land under the proposed colony alongwith a list of such deed and or other documents
- (ii) A copy of the Shajra plan showing the location of the colony alongwith the name of the revenue estate, Khasra number of each field and the area of each field
- (iii) A guide map on a scale of not less than 6 to a miles showing the location of the colony in relation to surrounding geographical features to enable the identification of the land
- (iv) A survey plan of the land under the colony on a scale of 1 to one hundred feet showing the spot levels at a distance of 100 feet and where contour plans. The survey will also show the boundaries and dimension of the said land, the location of streets, buildings and premises within a distance of at least 100 feet of the said land and existing means of access to it from existing roads ]
- (v) Layout plan of the colony on a scale of 1 to one hundred feet showing the existing and proposed means of access to the colony, the width of streets, sizes and types of plots, site

reserved for open spaces community buildings and schools with area under each and proposed building lines on the front and sides of plots

- (vi) An explanatory note explaining the salient features of the proposed colony in a particular the source of water supply arrangement for disposal and treatment of storm and sullage water and sites for disposal and treatment of storm and sullage water
- (vii) Plans showing the cross sections of the proposed roads showing in particular width of the proposed carriageways cycle tracks and footpaths green verges position of electric pole and or any other works connected with such roads
- (viii) Plans as required under clause (vii) indicating in addition the position of sewers storm water channels water supply and any other public health services
- (ix) Detailed specifications and design of road work under clause (viii) above estimated costs thereof
- (x) Detailed specification and design of sewerage storm water and water supply schemes with estimated costs of each
- (xi) Detailed specifications and designs for disposal and treatment of storm and sullage water and estimated costs of works

(2) The triplicate plans mentioned in sub rule(1) shall be clear and legible azo prints with one set mounted on cloth

(3) Where a colonizer before submitting an application under sub rule (1) wants to ascertain if the proposed change in the use of land in the controlled area for the purpose of setting up a colony is in conformity with the development plan and the lay out of the sector plans and that such land provides for satisfactory arrangements for disposal and treatment of sewage and storm water and does not conflict with any programme of acquisition of land and its development to be undertaken by the Director he may submit to the Director a preliminary application giving information only in respect of clause (ii) (iii) (iv) (v) and (vi) of sub rule (1) On receipt of the preliminary application the Director shall after making such enquiry as he considers necessary intimate to the applicant the information on the above points

### **Observations of the Committee**

The Committee recommends that in fourth line of rule 11 for the words building plots for residential the words plots for residential building may be substituted to make the rule more clear

The Committee would like to know for its information as to what is the reason to continue the old formula of measurement for the preparation of maps site plans etc

### **Recommendation of the Committee**

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

### **Rule 12**

**‘12 Percentage of area under roads and open spaces in the lay out plans [(Section 25(2) (f)]** — In the layout plan of the colony the land reserved for roads open spaces schools public and community building other common use shall not be less than forty five per centum of the gross area of the land under the colony provided that the Director may reduced this percentage to a figure not below thirty five where in his opinion the planning requirements and the size of the colony so justify

### **Observation of the Committee**

The Committee recommends that in fifth line of rule 12 for the word reduced the word reduce may be substituted to make the rule grammatically correct

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

### **Rule 13**

**“13 Development works to be provided in the colony (Section 25(2) (f)** — The designs and specifications of the development works to be provided in a colony shall include—

- (i) metalling of roads and paving footpaths
- (ii) turfing and plantation with trees of open spaces
- (iii) street lighting
- (iv) adequate and wholesome water supply
- (v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal and
- (vi) any other works that the Director may think necessary in the interest of proper development of the colony

### **Observation of the Committee**

The Committee recommends that in rule 13 (ii) for the words trees of open the words trees on open may be substituted to make it grammatically correct

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

### **Rule 14**

**‘ 14 Conformity of layout plans with the Development Plan [Section 25(2)]** — The plans and documents mentioned in rule 11 to be submitted alongwith the application shall conform to the provisions restrictions and conditions laid in the Development Plan

### **Observation of the Committee**

The Committee recommends that in line third after the word laid the word down may be inserted in the last line of this Rule to make the rule more clear

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

### **Rule 15**

**15 Preparation of layout on payment of fees [Section 25(1)]** — A colonizer intending to make an application under rule II may request that any or all the plans and documents referred to in clauses (IV) to (XI) of sub rule (I) of rule II may be got prepared for him by the Director on payment of such fees as may be assessed by the Director

### **Observations of the Committee**

The Committee recommends that in the heading of this rule after the words lay out the word plans may be inserted to make the rule more clear

The Committee would like to know for its information the fee structure at present and what is the criteria adopted by the Director to assess the payment of fee?

### **Recommendation of the Committee**

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

## Rule 16

**16 Information necessary to validate application under rule 11 [Section 3(f) and 25(2)(c)]** — No application under rule 11 shall be considered to be valid until plans and documents required by sub rule (1) of that rule have been furnished to the satisfaction of the Director. In case of failure of such compliance the application together with the plans and documents shall be returned to the colonizer for resubmission in accordance with the rules

**<sup>1</sup>[16 A] Earnest Money** — (1) Before proceeding under rule 17 or rule 18 the Director shall by order in writing require the colonizer to furnish within a period of thirty days from the date of service of such order an earnest money at the rate of <sup>2</sup>{one rupee} per square yard calculated for the gross area of the land under the proposed colony in the form of a demand draft in favour of the Director and drawn on any Scheduled Bank at Chandigarh

Provided that the Director may for reasons to be recorded in writing extend such time by a period not exceeding thirty days

(2) If the colonizer fails to furnish the earnest money as provided in sub rule (1) the Director shall reject his application ]

### Observations of the Committee

The Committee observes that in the heading of the first line of this rule Section 3(f) is not correct. It may be corrected accordingly.

The Committee would like to know as to whether before depositing the earnest money the application of the colonizer is decided by the Director within a specified period. If not, the specified period may be mentioned in the rule itself.

### Recommendation of the Committee

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

## Rule 17

**17 Rejection of application [Sections 8(2) and 25(2) (b)]** — On receipt of an application under rule 11 the Director shall after making such inquiry as he considers necessary and after giving reasonable opportunity of being heard to the applicant by an order in writing refuse to grant permission if—

- (a) it does not conform to the requirements of rules 12, 13 and 14
- (b) he is satisfied that the plans and designs of the development works submitted with application are not technically sound and workable or
- (c) he is satisfied that the estimated expenditure on water supply mains or extramural and outfall sewer at the stage of the development of

that part of the controlled area is incommensurate with the size of the colony

### **Observations of the Committee**

The Committee is of the view that a specific period should be mentioned in the rule itself to reject the application by the Director

The Committee is also of the view that before rejection of the application the reasonable opportunity may be given to the applicant to fulfil the conditions as laid down in the rules

### **Recommendation of the Committee**

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

### **Rule 18**

**18 Applicant to be called upon to fulfill certain conditions —** (1) If after scrutiny of the plans and other necessary enquiry which the Director may deem fit he is satisfied that the application is fit for the grant of permission he shall before granting permission call upon the colonizer to fulfill the conditions laid down in rule 19 within a period of thirty days from the date of notice given to him under a registered cover

(2) If the colonizer fails to fulfill these conditions within the period specified in sub rule (1) the permission shall be refused

### **Observations of the Committee**

The Committee observes that in the fifth line of sub rule (1) after the word from the the words 'receipt of' may also be added to make the rule more clear

The Committee recommends that in sub section (1) of Rule 18 for the word go the Word 'to' may be substituted to make the rule grammatically correct

### **Recommendation of the Committee**

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

### **Rule 19 (1) C**

**19 Conditions required to be fulfilled by colonizer —** The colonizer shall—

- (a) furnish to the Director a bank guarantee equal to twenty five percentum of the estimated cost of the development of anyone or more of the works as mentioned in rule 13 which the colonizer wishes to undertake first as certified by the Director and enter into



an agreement in Form CL II for carrying out and completion of development works in accordance with the permission finally granted provided that the colonizer shall undertake any such development work only after the permission for such a work has been given by the Director after the coloniser has furnished a bank guarantee equal to twenty five per centum of the estimated cost of said development work/works

- (b) [            ]
- (c) undertake to pay proportionate development charges as and when required and as determined by the Director in respect of laying out and construction of main lines of roads drainage sewerage water supply and electricity if and when so laid by the Government or any other local authority
- (d) undertake to be responsible for the maintenance and upkeep of all roads open spaces public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 22 unless earlier relieved of this responsibility by the Government or a local authority as the case may be and thereupon to transfer all such roads open spaces public parks and public health services free of cost to the Government or the local authority as the case may be
- (e) undertake to construct at his own cost or get constructed by any other institution or individual at its cost schools hospitals community centres and other community buildings on the land set apart for this purpose or undertake to transfer to the State Government at any time it may desire free of cost the land set apart for schools hospitals community centres and community buildings in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may deem fit and
- (f) undertake to permit the Director or any other officer authorized by him in this behalf to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance to the permission granted

### **Observation of the Committee**

The Committee recommends that after the word laid the word down may be inserted to make the rule grammatically correct

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule.

#### **Rule 20**

**'20 Grant of permission and form of order of grant or refusal to grant permission** — After the colonizer has fulfilled all the conditions laid down in rule 19 to the satisfaction of the Director the Director shall grant the permission.

(2) Every order passed under sub section (2) of Section 8 on an application submitted under rule 11 shall be in Form CL-III.

### **Observations of the Committee**

The Committee recommends that in sub rule(1) in the second line after the word conditions the word as may be inserted to make the rule more clear.

The Committee recommends that in the heading of the rule 20 the figure after the word permission the figure (1) may be inserted to make the rule grammatically correct.

### **Recommendation of the Committee**

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

#### **Rule 21**

**21 Duration of sanction** — (1) The permission granted under rule 20 shall remain valid for a period of three years from the date of order during which period all works in connection with the laying out and development of colony shall be completed and a certificate of completion obtained from the Director as provided in rule 22.

Provided that permission may be renewed upto further period of two years if the Director is satisfied that the delay in execution of layout and development works was for reasons beyond the control of the colonizer.

Provided further that if the permission granted under rule 20 is based on the colonizer's furnishing guarantee for one development work or more than one development work separately the permission granted for such work or works shall remain valid for a period of one year from the date of order during which period such work/works shall be completed and a certificate to that effect obtained from the Director.

(2) The colonizer shall commence the laying out of the colony and development works within three months of the issue of order under sub rule (1) of rule 20.

### **Observations of the Committee**

The Committee observes that in line second of sub-rule (1) after the word order the words 'communicated to the colonizer' may be added to make the rule more explicit

The Committee observes that in line fourth of second proviso to sub rule (1) after the word 'order' the words 'communicated to the colonizer' may be added to make the rule more explicit

### **Recommendation of the Committee**

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

### **Rule 22**

**"22 Completion certificate —** (1) After the colony has been laid out according to the approved layout plans and development works have been executed according to the designs and specifications as approved in the order granting permission the colonizer shall make an application to the Director in Form CL IV

(2) After such scrutiny as may be necessary the Director may issue a completion certificate in Form CL V or refuse to issue such certificate stating the reasons for such refusal

### **Observation of the Committee**

The Committee feels that in sub rule (2) the application for completion certificate may be scrutinized by the Director in a specified period

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

### **Rule 23**

#### **Section 25(2) (f)**

**"23 Transfer of sanction —** The colonizer shall not be entitled to transfer the permission granted to him under sub rule (1) of rule 20 to any other person or persons without the prior permission in writing of the Director

### **Observation of the Committee**

The Committee observes that section 25 (2) (f) mentioned at head note of the rule seems to be incorrect. The Committee would like to know for its information under which section the transfer of sanction is granted?

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

## Rule 24

**“24 Revocation of permission —** (1) Should the Director determine at any time that the execution of the layout plans and the construction or other work is not proceeding according to the permission granted under sub rule (1) of rule 20 or is below specifications or is in violation of any provision of these rules or of any law or rules for the time being in force he shall by a notice in form CL VI notify the colonizer to whom permission was granted requiring to remove the various defects within the time specified in the notice

(2) Should the colonizer fail to comply with the requirements detailed in the notice issued under sub rule (1) the Director shall issue him a further notice in Form CL VII to afford him an opportunity to show cause why the permission granted should not be revoked

(3) After the hearing the colonizer or considering such representation as he may make the Director may either revoke the permission or may grant him further time for complying with the requirements of the notice issued under sub rule (1)

If however the colonizer does not comply with the said requirements within such extended period the Director shall revoke the permission

(4) On the revocation of the permission no further work shall be undertaken or carried out by the colonizer unless fresh permission has been obtained

(5) After revocation of the permission the Director may himself carry out or cause to be carried out the development works in the colony and recover such charges as he may incur on the said development works from the earnest money deposited by the colonizer and the bank guarantee furnished by him under rule 19

## Observations of the Committee

The Committee observes that in the second line of sub rule (3) after the word permission the words and shall be communicated to the colonizer by registered post may be added to make the rule more clear

The Committee observes that in sub rule (4) of rule 24 the specified period should be mentioned in the rule itself to apply for fresh permission

The Committee would like to know for its information as to whether the new applicant may apply for permission if the old applicant not filed application for a fresh permission?

The Committee would like to know for its information as to what is the fate of the undeveloped colony if the fresh permission under sub rule (4) is not obtained by the colonizer

The Committee would like to know for its information under sub rule (5) as to what is the criteria to assess the excess charges by the Director Whether the order regarding charges is appealable?

### **Recommendation of the Committee**

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

### **Rule 25**

**25 Refund of Earnest money** — Such charges as may be determined by the Director for the scrutiny of the plans, estimates and works in respect of colony shall be deducted from the earnest money deposited by a colonizer under rule 16 A and the balance, if any, shall be refunded to him within six months of the rejection under rule 17 or grant of permission under rule 20.

### **Observation of the Committee**

The Committee would like to know for its information as to what is the process to recover such charges, if the earnest money and bank guarantee is less than the charges as recovered from the colonizer.

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule.

### **Rule 26**

**“26 Release of Bank Guarantee** — After the layout and development works or part thereof in respect of the colony or part thereof have been completed and a completion certificate in respect thereof issued, the Director may, on an application in this behalf from the colonizer, release within a period of six months of the date of the application the bank guarantee or part thereof, as the case may be, after adjusting the expenditure, if any, incurred as provided under Rule 24 (5), provided that if the completion of the colony is taken in part only, the part of the bank guarantee corresponding to the part of the colony completed shall be released, and provided further that always 1/5th the bank guarantee shall be kept unreleased to ensure upkeep and maintenance of the colony or the part thereof, as the case may be, for a period of 5 years from the date of issue of the completion certificate under rule 22 or earlier till such time as the colonizer is earlier relieved of the responsibilities in this behalf by the Government or a local authority, as the case may be.

### **Observation of the Committee**

The Committee is of the view that the bank guarantee should be released only after the whole development works are completed, not in part thereof. What is the view of the Department in this regard?

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule.

**Rule 26A**

**‘26A Application for permission under Section 7 in case of a person other than colonizer —** Every person other than colonizer intending to change the existing use of the land in a controlled area for the purpose of developing the said land into buildings for residential industrial commercial or other purposes shall make <sup>3</sup>[an application in writing along with scrutiny fee to Rs 10 (ten rupees only) per square meter in the form of bank draft to the Director] in Form CLU I accompanied by—

- (1) a survey plan of the land on a scale of 1 to forty feet showing the existing means of access to the said land for the nearest public road and buildings and their nature falling within 100 yards of the said land on its four sides and
- (2) a copy of the deed showing the title of the applicant to the said land

**Observation of the Committee**

The Committee observed that in line first of sub rule 1 of this rule after the number 1 the sign may be omitted being superfluous and may be substituted by the word Inch to make the rule more clear

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

**Rule 26B**

**26B Information necessary to validate application under rule 26A —** No application under rule 26A shall be considered to be valid until a plan and a copy of the deed required by rule 26A have been furnished to the satisfaction of the Director. In case of failure of such compliance the application together with the plan and copy of the deed shall be returned to the applicant for resubmission in accordance with the rules

**Observation of the Committee**

Whether any time limit can be prescribed to return the application for resubmission in accordance with the rules?

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

**Rule 26C**

**“26C Applicant to be called upon to fulfill certain conditions —** (1) if after scrutiny of the plan and other necessary enquiry which the Director may deem fit he is satisfied that the application is fit for the grant of permission he shall before granting permissions call upon the applicant to fulfill the conditions laid down in rule 26D within a period of thirty days from the date of notice given to him under a registered cover

(2) If the applicant fails to fulfill these conditions within the period specified in sub rule (1) the permission shall be refused

**Observations of the Committee**

The Committee is of the view that in line second of sub rule(1) of this rule for the word deem the word deems may be substituted to make the rule intelligible

The Committee also observed that in fourth line of sub rule (1) of this rule the word permissions may be substituted by the word permission to make the rule grammatically correct

The Committee desired that in the last line after the words from the date of the words receipt of may be added to make the rule more comprehensive

**Recommendation of the Committee**

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

**Rule 26D**

**“26D Conditions required to be fulfilled by the applicant —**The applicant shall —

- (a) furnish to the Director a bank guarantee in the '1(amount equal to twenty five percent) of proportionate estimated cost of the development works as certified by the Director and enter into an agreement in Form CLU II for fulfilling the conditions contained herein in accordance with the permission finally granted
- (b) undertake to pay proportionate development charges which shall be a first charge of the said land as and when required and as determined by the Director in respect of external development works which may be carried out in the area for the benefit of the said land
- (c) undertake to be responsible for making arrangement for the disposal of affluent to the satisfaction of the Director
- (d) undertake to get the plan approved from the Director before commencing any construction on the said land

- (e) undertake not to sell the said land or portion thereof unless said land has been put to use permitted by the Director and to use the said land only for the purposes permitted by the Director
- (f) undertake to start construction on the said land within a period of six months and complete the construction within a period of <sup>2</sup>[two years] from the date of issue of orders permitting the change of land use and

Provided that where the existing use of the land in a Controlled Area is to be changed for the purpose of developing the said land into buildings for industrial purposes no bank guarantee referred to in clause (a) shall be required to be furnished and in such a case paragraph 3 of the agreement in Form CLU II shall not apply and

- (g) furnish to the Director a demand draft on account of conversion charges as per rates prescribed in schedule IV of these rules

### **Observations of the Committee**

The Committee would like to know as to whether any condition as mentioned in this rule can be waived or relaxed in public interest

The Committee would like to know for its information in Part (c) of this rule as to whether the responsibility can be imposed to make arrangements for non polluted or eco-friendly environment besides disposal of affluent

The Committee would like to know for its information in proviso of this rule as to what is justification for not furnishing the bank guarantee for the purpose of developing the land into buildings and industrial purposes

### **Recommendation of the Committee**

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

### **Rule 26 F**

**26 F Duration of sanction** — The permission granted under rule 26 E shall remain valid <sup>1</sup>[for a period of two years from the date of order] during which period all works for putting the said land to the permitted use shall be completed

Provided that if the owner makes an application in writing for further renewal of the change of land use permissions and if the Director is satisfied that the delay in execution of works was for reasons beyond the control of the applicant such permission may be further renewed maximum upto a period of one year on payment of 10% of conversion charges applicable as on date in the form of demand draft in favour of the Director



### **Observation of the Committee**

The Committee observed that in the 2nd line of proviso to this rule the word permissions may be substituted by the word permission to make the rule grammatically correct

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

### **Rule 27**

**‘27 Application for permission under section 8 for lying out means of access to a road in a controlled area —** (1) Every person requiring permission of the Director for laying out means of the access to a road within a controlled area shall submit an application in Form AC 1

(2) The site plan mentioned in Form AC 1 shall be drawn to a scale of not less than 1 to 40 and indicate —

- (i) the name of the road to which access is desired indicating the number of milestone or furlong stone and
- (ii) the details of the proposed junction

(3) The cross section of the proposed access shall be drawn to a scale 1 to 1 and shall show all elements constituting the road e.g. the metalled portion footpaths position of electric poles green verges etc

### **Observations of the Committee**

The Committee recommends that in the heading of sub rule(1) of this rule for the word lying the word laying may be substituted to make the rule grammatically correct

The Committee recommends that the signs of and shown after the numerals 1 and 40 respectively in the first line of sub rule (2) of this rule may be substituted by the words inch and feet to make the rule more clear. The Committee also recommends that the all signs of inch and feet whenever shown after the numerals in rules may also be substituted by the words

### **Recommendation of the Committee**

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

**Rule 29**

**'29 Information necessary to validate application under rule 27** — No application under rule 27 shall be considered to be valid unless it is made on the prescribed form and is accompanied by the requisite number of plans and documents required to be furnished along with the application

In case of failure of such compliance the application together with the plans and documents shall be returned to the applicant for submission in accordance with the rules

**Observations of the Committee**

The Committee desired that the validity of the application in this rule may be decided in a specific period and the period should be mentioned in the rule itself to make the rule more comprehensive

**Recommendation of the Committee**

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

**Rule 33**

**33 Information necessary to validate application under rule 32** — No application under rule 32 shall be considered to be valid unless it is made on the prescribed form and accompanied by the requisite number of plans and documents required to be furnished along with the application. In case of failure of such compliance the application together with the plans and documents shall be returned to the applicant for resubmission in accordance with the rules

**Observation of the Committee**

The Committee is of the view that some time limit should be prescribed in the Rules itself to return the application for re submission in accordance with the Rules

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

**Rule 35**

**"35 Form in which license under Section 8 (2) is to be given** — After an application on the prescribed form containing the requisite information and accompanied by necessary documents as mentioned in rule 32 is received the Director shall after making such inquiry as he considers necessary grant a license in Form BK II or refuse to grant the same

### **Observation of the Committee**

The Committee is of the view that the grounds of refusal should also be communicated to the applicant

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

### **Rule 36**

**'36 Duration of license** — Every license issued under rule 35 shall remain valid for [two{three calendar years} or a part thereof] as the case may be and will be renewable annually

Provided that if at any time or at the time of the renewal any extension of land for the required purpose is necessary the applicant shall make a fresh application for the same as required under rule 32

Provided further that no fresh license shall be necessary in case of extension and necessary amendment shall be made in the license already issued

### **Observation of the Committee**

The Committee is of the view that to avoid hardship to the applicant some time limit period should also be prescribed in the Rules itself or granting extension of land in the license already issued

### **Recommendation of the Committee**

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

### **Rule 37**

**'37 Fees for licence** — Fees for every issue or renewal of a licence under rule 35 shall be [one thousand five hundred rupees]

### **Observation of the Committee**

The Committee would like to know for its information the present rate of license fee for the issuing or renewal of license

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

**Rule 39**

**39 Application for erection or re erection of building Sections 8 and 25(2)(c) —**(1) Any person intending to erect or re erect any building in controlled area shall make an application in writing to the Director Form BR I accompanied by the following documents —

- (a) a site plan as required under rule 40
  - (b) a building plan or plans along with an un editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41
  - (c) details of specifications of the work to be executed in Form BR II
  - (d) structural drawings (for record)
  - (e) fire safety design as required under National Building Code
  - (f) Heating Ventilation Air Conditioning (H V A C ) service plan wherever required
  - (g) Certificate of conformity to regulation and structural safety for the relevant buildings (depending upon type and height) in the relevant Form BR V (A1) or BR-V(A2)
  - (h) a demand draft in favour of Director Town and Country Planning Haryana Chandigarh or the person authorized by him drawn on any scheduled bank on account of scrutiny fee at the rate of ten rupees per square meter of the covered area achieved
- (1A)
- (i) Any person intending to erect or re erect any building in a residential/industrial licensed colony may apply on form BRS I to the Director for approval of building plans under self certification by giving fifteen days notice to the Director or Officers of the Department delegated with powers for approval of building plans intimating the date of start of construction. The construction can be started after fifteen days in case any objection is not conveyed to the applicant
  - (ii) Any person applying under the provision of rule 39 (1A) (i) above shall make an application in writing to the Director or any other person authorized in this behalf in the Form BRS I accompanied by the following documents —
    - (a) a site plan (in triplicate) showing the position of site proposed to be built upon as required by the rules along with an un editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 40

- (b) plans elevations and sections (in triplicate) as required by the rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41
  - (c) public Health Services plans (in triplicate) as required by rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41
  - (d) structural drawings (for record) as per Form BRS IV
  - (e) fire Safety design as required in the National Building Code as approved by the State Fire Authority Alternatively an undertaking to the effect that the fire safety plans duly approved by the State Fire Authority will be submitted within sixty days
  - (f) heating Ventilation Air conditioning (H V A C ) service plans wherever required
  - (g) specifications of the proposed building (in triplicate) in Form BR II
  - (h) certificate of conformity to regulation and structural safety for the relevant buildings in Form BRS II
  - (i) certificate in the form of an affidavit from the owner and architect that they have understood the provisions of the zoning plan fully and shall not deviate from its provision and
  - (j) a demand draft in favour of Director Town and Country Planning Haryana Chandigarh or the person authorized by him drawn on any scheduled bank on account of scrutiny fee at the rate of Rs Ten per square meter of the covered area achieved
- (iii) Director or any other person authorized by him reserves the right to check the building plans and construction at any stage and violations if found shall have to be rectified by the owner/applicant In case the owner/applicant fails to rectify violations the Competent Authority may take necessary steps to rectify the violations Action shall also be taken against the defaulting Architect by referring his case to the Council of Architecture for misconduct All rectifications shall be at the risk and cost of the owner and no plea of the owner shall be entertained for

any default committed by the Architect engaged by him. In all such cases the procedure of self certification shall stand aborted

- (iv) if a building is erected or re erected or construction work is commenced in contravention to any of the building regulations the Director or any other person authorized by him shall be competent to require the building to be altered or demolished by a written notice delivered to the owner. Such notice shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with the Director or any other person authorized by him may demolish the said building at the expense of the owner

#### Notes —

- I The decision of Director in case of any dispute shall be final and binding on all concerned
- II At any stage during construction if an Architect notices that violations (except compoundable ones) are taking place he shall intimate to the concerned authority of such violations and stop further supervision. He/She shall also intimate the allottee about the violations and advise him to stop further construction. Complete details along with photographs may be submitted to the concerned authority. The Authority may immediately issue a notice to the owner on the basis of the Architect's certificate to suspend further work and rectify violations. In such cases the owner shall be held responsible for further additions in violations. Such a situation shall automatically annul the process of self certification and the owner may after removal of violations engage an Architect for preparing the revised drawings. In such cases completion shall be given only after scrutiny of revised drawings and inspection of site
- III Sanctionable changes shall be allowed to be done provided that at the completion stage all changes are incorporated by the Architect in the completion drawings to be submitted by the owner to the Authority. While seeking occupation certificate the Architect shall give a certificate that all changes done are sanctionable and permissible as per bye laws
- IV After submitting of application or during the construction of building if the owner/registered architect/registered structural engineer are changed he shall intimate the competent authority by registered letter that he is no longer responsible for the project from the date of actual dispatch of the letter. The information must be sent within seven days of occurrence of the change to the concerned authority by the respective owner/Architect/Engineer. The construction work

shall have to be suspended until the new owner/registered Architect/ registered structural Engineer as case may be undertakes the full responsibility of the project vide forms and documents submitted at the time of applying for erection/re erection of the building within seven days of his taking over. Owner's intimation regarding change of name of professionals shall be considered to be final by the Director or any other person authorized by him.

(2) Every person giving notice under sub rule (1) shall appoint an architect/engineer for drawing up of plans/structural drawings and for the supervision of erection and re-erection of building. The supervision of erection or re erection of residential and commercial buildings upto three storeys or 11 meters height may be undertaken by the architect and/or the engineer. However in case of buildings other than residential and commercial buildings upto three storeys or 11 meters height the supervision shall be undertaken both by the architect and the engineer.

(3) The application plans structural drawings specifications and the certificates shall be signed by the applicant and the architect Structural Engineer and proof consultant as required in the relevant forms and documents. In case where the supervising architect/engineer is different from the one who has prepared the designs plan shall be Signed by both of them.

Note — The validity of the building plans shall be subject to the validity of the permission for change of land use or the licence granted under Act No. 8 of 1975 and any other encumbrances.

### **Observations of the Committee**

The Committee would like to know for its information what is the definition of any person? whether any person can apply for erection or re erection of building without ownership of the land?

The Committee would like to know for its information whether the scrutiny fee at the rate of Rs. 10/ per square meter of the covered area mentioned in the rule has been revised? If not whether the scrutiny fee is not required to be enhanced or suitably amended due to escalation of prices?

The Committee would like to know for its information whether any document is submitted regarding earthquake safety measures? If not whether such document is not required to apply the application under provision of rule 39(1 A)(ii)?

The Committee would like to know for its information whether the maximum period of suspending the construction work is fixed if the owner/registered Architect/ registered structural Engineer are changed if not whether the maximum period is not required to be mentioned in the rule itself?

### **Recommendation of the Committee**

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

**Rule 40 (1)**

**“40 Site Plan Sections 8 and 25 (2)(c) —** <sup>1</sup> (1) The site plan shall be drawn to a scale of not less than —

- (a) 1 200 for sites upto 1000 square meter
- (b) 1 400 for sites above 1000 and under 4500 square meter
- (c) 1 800 for sites of 4500 square meter and above

(2) The site plan shall be prepared with sufficient accuracy to enable the site to be identified and shall be submitted on distinct prints in triplicate two of which shall be mounted on cloth One mounted copy shall be returned to the applicant with the words Rejected or Sanctioned as the case may be written on it The site plan shall be fully dimensioned and shall show—

- (a) the boundaries of the site
- (b) the direction of the North point
- (c) the street of roads adjoining the site with their width clearly dimensioned and with names if any of all existing roadside trees lamp posts or other features or structures likely to affect the approach to the building
- (d) surrounding buildings in outline up to a distance of 50 feet from the boundaries of the site
- (e) buildings or structures on or over or under the site or projecting beyond it in outline including proposed building to be shown distinctly
- (f) dimensions of open spaces at the rear side or front
- (g) the area and proportion of the site to be covered by building
- (h) the levels of the site and of the plinth of the buildings in relation to those of the neighbouring streets also the levels of all courtyards and open spaces in relation to the bed levels of the existing drains and sewers in the street or streets into which the building or site is to be drained and
- (i) method of disposal of waste water sewage and storm water

**Observation of the Committee**

The Committee recommends that in sub-rule 1 of rule 40 the figures (a) 1 200 (b) 1 400 and (c) 1 800 seems to be superfluous it should be mentioned in inch feet or meter to make the rule more clear



### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule.

### **Rule 42**

**“42 Type plans Sections 8 and 25 (2) (c) —** In case the applicant wishes to follow a type design of buildings approved by the Government he may obtain them from the Director at a fee fixed by the Government. These building plans along with relative site plan shall nevertheless be submitted as required by rule 39.

### **Observation of the Committee**

The Committee would like to know for its information as to whether the fee mentioned in the Rule have been revised by the Government after the notification the Rule and what is the existing fee at present?

### **Recommendations of the Committee**

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

### **Rule 43**

**“43 Information necessary to validate application Sections 825 (2) and (c) —** No application under rule 39 shall be considered to be valid unless it is made on the prescribed form and is accompanied by the requisite number of plans and documents required to be furnished along with the application. In case of failure of such compliance the application together with plans shall be returned to the applicant for resubmission in accordance with the rules.

### **Observation of the Committee**

The Committee is of the view that some time period should be mentioned in the Rule to decide the validity of the application as mentioned in the Rule.

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule.

### **Rule 44**

**“44 Permission to erect or re erect Sections 8 and 25 (2) (1) —** After an application in the prescribed form containing the required information and accompanied by necessary documents as mentioned in rule 39 is received the Director shall after making such inquiry as he considers necessary pass an order under sub section (2) of Section 8 in Form BR III.

### **Observation of the Committee**

The Committee is of the view that some time period should be mentioned in the Rule to pass an order under sub section 2 of 8 in the form BR(III)

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

### **Rule 47**

**47 Completion of building -Section 8(2) and 25(2)(f) —** (I) No person shall occupy or allow My other person to occupy any new building or part of a new building for any purpose whatsoever until such building or part thereof has been certified by the Director or by any person authorized by him in this behalf as having been completed in accordance with the permission granted and an occupation certificate has been issued in his favour in Form BR VI

(2) Every person who intends to occupy such a building or part thereof shall apply for the occupation certificate in Form BR IV(A) or Form BR IV(B) along with a set of approved plans which shall be accompanied by certificates in relevant Form BR-V(I) or BR V(2) duly signed by the architect and/or the engineer

(2a) On the completion of the building the owner who had applied under rule 39(IA) shall submit an application for grant of occupation certificate on Form BRS IV along with completion drawings certificate on Form BRS II from Architect/ Engineer affidavits as mentioned in Form BRS II Completion Certificate on Form BRS IV and along with the following documents

- (i) Detail of compoundable violations from the approved building plans if any in the building jointly signed by the owner Architect and Engineer along with demand draft of the due payment for composition charges of such violations at the rates determined by the Director shall be submitted along with form BRS III
  - (ii) Both the Owner and Architect shall give an affidavit that no provision of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 (Punjab Act No 4 I of 1963) and rules framed there under has been violated excluding compoundable violations
  - (iii) Photographs of front side rear set backs front and rear elevation of the building shall be submitted along with photographs of essential areas like cut outs and shafts from the roof top An un editable compact Disc/DVD containing all photographs shall also be submitted
- (2b) (i) The competent authority shall issue an occupation certificate in form BRS V within ten working days of receipt of the form BRS III

duly complete in all respects and accompanied with the required completion drawings forms and affidavits. The occupation certificate shall be issued provided that the documents submitted along with form BRS-IV are in order. Violations if found at any subsequent stage shall result in cancellation of the occupation certificate issued and the same shall be restored only after removal of violations. Further action against the Architect shall also be taken for furnishing a wrong certificate/affidavit.

- (ii) No person shall occupy or allow any other person to occupy any new building or a part thereof for any purpose whatsoever until such building or a part thereof has been certified by the concerned authority as having been completed and an occupation certificate has been issued in his favour in form BRS V within the above mentioned period. However a minimum 25% of the ground coverage shall have to be constructed to qualify building as a habitable unit.

(3) No occupation certificate shall be issued unless debris and rubbish consequent upon the construction has been cleared from the site and its surroundings.

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

The Committee would like to know for its information as to whether any action has taken against the allottee for violations after the occupation?

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

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

#### **Rule 49**

**“49 1 Proportion of the site which may be covered with buildings Sections 8 (2) and 25(2) (f) —** The proportion up to which a site may be covered with buildings including ancillary buildings shall be in accordance with the following slabs remaining portion being left open in the form of an open space around the buildings or courtyard —

#### **RESIDENTIAL**

| Area of site  | Maximum permissible coverage on ground including ancillary and residential zone | Maximum permissible coverage on first floor |
|---|---|---|
| (a) For the first 225 square metres of the total area of the site | 60% of such portion of the site   | 55% of such portion of the site             |

- |  |                                 |                                 |
|--|---------------------------------|---------------------------------|
| (b) For the next 225 square metres i.e. portion of the area between 225 & 450 square metres            | 40% of such portion of the site | 35% of such portion of the site |
| (c) For the remaining portion of the site i.e. for the portion of the area exceeding 450 square metres | 35% of such portion of the site | 25% of such portion of the site |

**Maximum permissible floor area ratio and maximum permissible height** - The maximum permissible floor area ratio and maximum permissible height on area of the site mentioned in column 1 of the schedule given below shall be as shown in columns 2 and 3 respectively of the said Schedule -

#### SCHEDULE

| Area of the site  | Maximum permissible floor area ratio | Maximum permissible height |
|---|--------------------------------------|----------------------------|
| 1   | 2                                    | 3                          |
| (a) For the first 209 square metres of the total area of site                                       | 1.45                                 | 12 Metres                  |
| (b) For the next 91 square metres of the area i.e. between 209 square metres and 300 square metres  | 1.00                                 | 12 Metres                  |
| (c) For the next 120 square metres of the area i.e. between 301 square metres and 420 square metres | 0.95                                 | 12 Metres                  |
| (d) For the remaining area beyond 420 square metres   | 0.80                                 | 12 Metres                  |

Provided that the building shall conform to the restriction contained in the zoning plan or the architectural control sheets of the respective area of sector

Provided further that in the case of houses already constructed or which are under construction before the issue of this notification the benefit of additional covered area i.e. the difference between the aggregate permissible coverage on all floors as now stipulated and that already provided in the rules may be allowed on any floor subject to the restrictions as provided in the zoning plan

Provided further that subject to specific provision in the Zoning Plan of sector/site not more than four dwelling units shall be permitted on one plot and the maximum number of dwelling units on each floor i.e. ground/first floor shall not exceed two dwelling units

Provided further that in case of sites measuring 100 square metres or less under any scheme relating to houses for economically weaker section framed by the Government Housing Board Improvement Trust or any Local Authority Director may relax the above condition up to a maximum of 66% on ground coverage with the stipulation of floor area ratio of 1.65

Provided further that a basement not exceeding the maximum coverage on the ground floor and intended to be used for parking servicing and storage may be allowed if it satisfied the public health and structural requirements

Provided further that the 25% of the built up area of the building or upto 50 square metres whichever is less can be used for non nuisance professional consultancy services after getting permission from Director or any other officer authorised by him in writing. The applicant shall apply for specific use of consultancy services as mentioned in clause (xxiv a) of Rule 38 in form N I along with fee as mentioned in Schedule IV A. The permission shall be granted in form N II

### INDUSTRIAL

Table

| 1  | 2                                       | 3                    | 4                    | 5                                    | 6                          | 7  |
|--|---|----------------------|----------------------|--------------------------------------|----------------------------|--|
| Sr No  | Type of Industry                        | Maxi Ground Coverage | Permissible Basement | Maximum Permissible Floor Area Ratio | Maximum Permissible Height | Remarks  |
| <b>(A) For the existing industrial estates</b> |   |                      |                      |                                      |                            |  |
| 1  | General                                 | 60%                  | Single level         | 125                                  | 30 Meters                  | —  |
| 2  | Apparel and Footwear                    |                      |                      |                                      |                            |  |
| (i)  | Vertical expansion of existing building | 60%                  | As existing at site  | 175                                  | 40 Meters                  | Subject to structure safety/capacity certificate from the Architect and subject to the condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 15 meters and above |

| 1    | 2   | 3   | 4                 | 5   | 6         | 7  |
|------|---|-----|-------------------|-----|-----------|--|
| (ii) | Fresh construction of building after demolition of the existing structure | 50% | Single level      | 200 | 50 meters | Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above |
| 3    | Biotechnology other than Pharmaceuticals                                  | 40% | Upto three levels | 200 | 50 meters | Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above |
| 4    | Information Technology/ Information Technology Enable Services            | 40% | Upto three levels | 200 | 50 Meters | Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above |
| 5    | Technology Park on Campus Norms   | 40% | Upto four levels  | 200 | 50 meters | Subject to condition that the plot must be located on roads with a Right of Way of 30 meters and above   |

**(B) For the new Industrial Estates and Expansion Phases of the existing Industrial Estates**

|   |  |     |                   |     |           |  |
|---|--|-----|-------------------|-----|-----------|--|
| 1 | General                                  | 60% | Single Level      | 125 | 30 meters | —  |
| 2 | Apparel and Footwear                     | 40% | Upto three level  | 250 | 60 meters | Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above |
| 3 | Biotechnology other than Pharmaceuticals | 40% | Upto three levels | 250 | 60 meters | Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above |

| 1 | 2   | 3   | 4                 | 5   | 6         | 7  |
|---|---|-----|-------------------|-----|-----------|--|
| 4 | Information Technology Information Technology Enable Services | 40% | Upto three levels | 250 | 60 meters | Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above |
| 5 | Technology Park on Campus Norms                               | 40% | Upto four levels  | 250 | 50 meters | Subject to condition that the plot must be located on roads with a Right of Way of 30 meters and above   |

- Note
- (i) The basement not exceeding the maximum permissible zone on ground floor and intended to be used for parking services and storage shall be allowed if it satisfies the public health fire safety and structural requirements and shall not be considered in Floor Area Ratio Ramps shall be permitted within the zoned area (building line) to keep the setback area uninterrupted
  - (ii) The Industrial units shall abide by the policy for parking of vehicles as notified by the concerned development agency Parking in the stilted floor at ground floor level shall be permissible free from Floor Area Ratio if the height from the finished ground floor to the bottom of the hanging beam is not lower than 2.5 meters and not more 2.8 meters
  - (iii) The built area required for labour welfare within the premises under the provisions of the Factories Act 1948 such as dispensary dining area canteen lavatories creche etc shall not be counted for parking requirement
  - (iv) The facility for enhanced Floor Area Ratio beyond the general level of 125 shall be permissible on payment of infrastructure strengthening charges as prescribed by the Government/ Development Agency

### COMMERCIAL

In the case of sites for shop cum residential purposes or for shopping booths the coverage on each floor shall be in accordance with the architectural control sheets

### INSTITUTION AND OTHER PUBLIC BUILDINGS

**(a) Coverage** The maximum permissible coverage including covered parking on a plots of the size mentioned in column 1 below shall be as shown in column 2 below -

| Area of plot               | Maximum permissible coverage                     |
|----------------------------|--|
| Upto 10 000 square metres  | $33\frac{1}{3}$ per cent of the area of the plot |
| Above 10 000 square metres | 25 per cent of the area of the plot              |

**(b) Floor Area Ratio** - The maximum Floor Area Ratio shall be as determined by the Director/Government as the case may be on the merits of each individual case considering the location and the nature of the use

**(c) Set Backs** Every institutional building shall be constructed with set backs as provided in the zoning plan prepared for the site

Provided that a basement not exceeding the maximum permissible coverage on the ground floor (excluding the area under public corridors) and intended to be used only for parking servicing and storage may be allowed if it satisfies the public health and structural requirements

**Notes** 1 Floor Area Ratio (FAR) means the quotient obtained by dividing the multiple of the aggregate covered area on all floors and 100 by the area of the plot i.e

$$\text{FAR} = \frac{\text{Total covered area on all floors} \times 100}{\text{Plots area}}$$

2 Set back line means a line usually parallel to the plot boundaries and laid down in each case in the zoning plan beyond which nothing can be constructed towards the site boundaries

The following projections shall not be counted towards the covered area namely —

- (i) Pergola constructed purely for architectural effects
- (ii) A canopy sunshade chhajja balcony or an architrave cantilever from the face of any wall

Provided that canopy projecting over an entrance to the building at the linter level shall not be allowed at more than one entry and it shall not exceed five square metres in area

- (iii) Cantilevered projections referred to in clause (ii) in the case of plots where architectural or frame control does not apply projecting not more than 1.80 metres beyond the building lines on the front and rear of the main residential building and 1.00 metre along the sides



thereof when measured at right angle to the outer face of the respective wall

- (iv) Any such projection referred to in clause (ii) shall not be lower than 2.3 metres when measured from the ground

**Building lines** —No building shall project beyond the building lines as shown on the zoning plan

### Observation of the Committee

The Committee would like to know for its information as to whether the figures are mentioned in column 2 of the Schedule and in Industrial table column 5 of this rule should not be mentioned in inches, feet and metres to make the rule more clear?

### Recommendation of the Committee

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above rule.

### Rule 53

**'53 Space at the sites Sections 8(2) and 25(2)(f)** —No building shall project at the sites beyond the building line specified in the zoning plan or approved colony plan, as may be applicable. Where zoning plans have not been prepared or the required building line has not been shown on the approved colony plan, the side space shall be regulated as below:—

|       |   |  |
|-------|---|--|
| (i)   | Sites of 375 square yards or less                 | No side space. The full frontage of the site shall be covered with buildings and buildings shall be built contiguous to the adjoining plots. Provided that in case of corner lots, if a side space is left, it shall not be less than eight feet in width. |
| (ii)  | Sites from 376 square yards to 749 yards          | Compulsory open space of 10 feet on one side of the plot to be determined by the Director. Provided that a garage of not more than 20 feet in length may be built in this portion with its rear boundary coinciding with the rear of the building.         |
| (iii) | Sites from 750 square yards to 1,500 square yards | Minimum side open space of 10 feet on both sides.  |
| (iv)  | Sites above 1,500 square yards                    | Minimum side open space of 20 feet on both sides.  |

### **Observations the Committee**

The Committee observes that in this rule it has been mentioned that minimum side open space of 10 feet on both sides. The Committee would like to know for its information whether this space would be on the front side or rear side or any other side? It may be clarified by the department.

The Committee observes that in this rule it has been mentioned that minimum side open space of 20 feet on both sides. The Committee would like to know for its information whether this space would be on the front side or rear side or any other side? It may be clarified by the department.

### **Recommendation of the Committee**

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

### **Rule 60**

**“60 Materials -Sections 8(2) and 25(2)(f) —** All materials to be used for erection or re erection of a building shall conform to the specifications and standards laid down in the National Building Code and the relevant IS codes or as may be laid down by the Government from time to time.

### **Observation of the Committee**

The Committee would like to know for its information at present either the specifications and standards laid down in the National Building Code or specifications and standards laid down by the Government are being followed in the State?

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above rule.

### **Rule 61**

**61 Site - Sections 8(2) and 25(2)(f) —** No person shall erect or re erect any building on any ground which has been filled in with offal or offensive vegetable or animal matter or upon which any such matter is deposited unless the safety of structure including foundation has been duly certified by the Structural Engineer.

### **Observation of the Committee**

The Committee would like to know for its information the definition of Structural Engineer?

### **Recommendation of the Committee**

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

**Rule 63 (2)**

**“63 Damp Proof Courses Sections 8(2) and 25(2)(f) —**(1) Every wall of a public building or domestic building (including a pier forming a part of the wall of a compound wall) shall be provided with a damp proof course except when built of materials such as cement concrete with or without the addition of any commercial damp proofing material

(2) Materials specified as damp proof course shall be as indicated in the Haryana Public Works Department Specifications 1990 edition or as provided in National Building Code

(3) In external walls the horizontal damp proof course shall be laid immediately above the plinth protection and a vertical damp proof course shall be provided on the interior face of the wall extending between the level of the horizontal damp proof course and the level of the upper surface of the concrete in the finished floor

(4) In an internal wall the horizontal damp proof course shall be laid in level with the upper surface of the concrete in the finished floor. The continuity of damp proof course between the internal and the external wall shall be secured by the insertion of <sup>2</sup> proper damp proof materials

**Observation of the Committee**

The Committee would like to know for its information the definition of damp proof code/course?

The Committee observed that in the 4th line of the sub rule (3) the word upper may be substituted with the word upper to make the rule more clear

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above rule

**Rule 64**

**64 Loads - Sections 8(2) and 25 (2)(f) —**In addition to the dead load the building shall be designed for imposed loads including wind pressure and seismic load as per Indian Standard Codes as amended from time to time for structures resistant to earthquakes and other natural hazards

**Observations of the Committee**

The Committee observed that in the last line of the rule in spite of words natural hazards natural calamities should be mentioned specifically to make the rule more effective

The Committee would like to know for its information what provision has been made in this rule to save the buildings from thunder lightning? It may be explained at the time of the oral examination of the departmental representatives

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

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above rule.

#### **Rule 69**

**69 Staircases in Residential Buildings Sections 8(2) and 25(2)(f) —** Every buildings of more than one storey high intended to be used as a single family or two family residential building shall be provided with at least one staircase having minimum width of 2 feet 3 inches constructed of fire resisting materials

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

The Committee would like to know whether the minimum width of 2 feet 3 inches mentioned in the last line of the rule is sufficient or not it may be explained at the time of the oral examination of the departmental representatives

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

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

#### **Rule 75**

**'75 Uniformity in treads and risers in staircases Sections 8(2) and 25(2)(f) —**Treads and risers of each flight of a staircase or of several flights in the same staircase in a public or a warehouse and industrial or a residential building shall be of uniform width and height except where prior dispensation is specifically obtained from the Director of architectural effect

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

The Committee observed that in the second line of the rule the word flights may be substituted with the word fights to make the rule more clear

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

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

**Rule 80**

**‘ 80 Lobbies, corridors, passages and balconies Sections 8(2) and 25(2)(f) —**The minimum width of any lobby corridor passage or balcony in a single family or two family residential building shall be at least 2 -6 and shall be of fire resisting materials and shall be carried on supports of fire resisting materials

**Observation of the Committee**

The Committee is of the view that the minimum width of any lobby corridor passage or balcony in a single family or two family residential building should be at least 3 feet instead of 2 feet 6 inch

**Recommendation of the Committee**

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

**Rule 83**

**“83 General doors and barriers of Assembly Halls Sections 8(2) and 25(2)(f) —** All doors or barriers for use by the public as exists in a public assembly place shall be made to open outwards

**Observation of the Committee**

The Committee recommends that the sign of exits on the doors may be written by such ink or such materials which glows in the dark

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

**Rule 91**

**91 Woodwork in chimney Sections 8(2) and 25(2)(f) —** In any wall no timber shall be placed nearer than 9 inches to the inside of any flue or chimney opening except that wooden plugs in any wall or chimney breast can be driven nearer than 6 inches to the inside of any flue or chimney opening Under a chimney opening no timer shall be within 15 inches from the upper surface of the earth

**Observation of the Committee**

The Committee is of the view that the Rule will be discussed at the time of the oral examination of the department

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

### Rule 93

**‘93 Pipes for conveying smoke Sections 8(2) and 25(2)(f)** —No pipe for the purpose of conveying smoke or other products of combustion shall be allowed to project through the wall externally Elsewhere such pipes may be of mild steel 3/16 inches thick or of cast iron complying with the British Standard Specification No 41-1908 or of sheet metal for domestic cooking ranges only and shall be fixed at a distance of at least 9 inches from any combustible substance

### Observation of the Committee

The Committee would like to know for its information that the British Standard Specification No 41-1908 is still applicable

### Recommendation of the Committee

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

### Rule 101 (3)

**“101 Minimum sanitary facilities in various types of buildings Sections 8(2) and 25(2 )(f)** —(1) Dwellings with individual conveniences shall have at least the following fitments —

- (i) one bath room provided with a tap
- (ii) one water closet and
- (iii) one nahani or sink either in the floor or raised from the floor

Where only one water closet is provided in a dwelling the bath and water closet shall be separately accommodated

(2) Dwellings (tenements) without individual conveniences shall have the following fitments —

- (i) one water tap with draining arrangements in each tenement
- (ii) one water closet and one bath for every two tenements and
- (iii) water taps in common bathrooms and common water closets

(3) The requirements for fitments for drainage and sanitation in the case of buildings other than residences such as office buildings factories cinemas concert halls theaters hospitals hotels restaurants schools and hostels shall be in accordance with Indian Standard Code of basic requirements for water supply Drainage and Sanitation IS 1172 1957 issued by the Indian Standard Institution New Delhi with such modifications as may be made by the said institution from time to time

### **Observation of the Committee**

The Committee would like to know for its information that what is the present requirements for fitments for drainage and sanitation in the case of buildings other than residences as mentioned in the Rule?

### **Recommendation of the Committee**

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

### **Rule 106**

**‘106 Manholes Section 8 (2) and 25 (2)(f) —** A manhole shall be provided at every point at which the drain changes either its direction or gradient and otherwise at intervals not exceeding 300 feet. A manhole shall be of such a size as to allow access to the drain for rodding and shall be provided with proper cover in flush with ground surface.

### **Observation of the Committee**

The Committee is of the view that the manholes may be provided at intervals not exceeding 150 feet instead of 300 feet as mentioned in the Rule.

### **Recommendation of the Committee**

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

### **Rule 107 (iv)**

**‘ 107 Soil pipes and soil ventilating pipes Section 8 (2) and 25 (2)(f) —** A soil pipe or a soil ventilating pipe shall be—

- (i) easily accessible throughout its course and adequately protected where necessary from damage
- (ii) circular
- (iii) of an internal diameter of not less than 4 inches
- (iv) carried upwards to such a height and in such a manner so as to prevent any nuisance or injury or danger to health arising from the emission of foul air from such pipe the minimum height being 2 3 above the rooftop and
- (v) be fitted at the open end with a suitable grating or cover admitting the free passage of air

### **Observation of the Committee**

The Committee is of the view that the soil ventilating pipe may be installed at the minimum height of 6 feet instead of 2 feet 3 inch above the roof top.

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule.

### **Rule 118**

**“118 Application before connection with public sewers Section 8 (2) and 25 (2)(f) —** After grant of the certificate referred to in the foregoing rule or in the event of the said certificate having been deemed to have been granted every person intending to connect a drain to a public sewer shall apply to the Director at least seven days before the date on which connection is required

(2) This application shall be accompanied by a certificate referred to in rule 117 and such amount as may be laid down from time to time by the Director and calculated on the basis of the current schedule of rates to meet the cost of proposed connection

(3) On receipt of the application and subject to the requirements of the foregoing rules the Director shall sanction or reject the request

(4) In the event of the required connection having been sanctioned it shall be made only through officers authorised by him

### **Observations of the Committee**

The Committee would like to know for its information that what is the present rates as mentioned in the Rule?

The Committee is of the view that the specific period should be mentioned in the rule itself to sanction or reject the application to make the Rule more effective

### **Recommendation of the Committee**

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

### **Rule 122**

**‘ 122 Storm water not to drain into sewer -Section 8(2) and 25 (2)(f) —** The run off from the roof paved area (but excluding paved courtyard) and over flow if any from the site shall not be drained into the underground sewerage system

**122 A Rain water harvesting Section 8 (2) and 25 (2)(f) — (1)** Arrangement of roof top rain water harvesting will have to be made by the plot owners on the plots in the buildings constructed in the colonies for which licence has been granted under Act No 8 of 1975 or where permission for change of land use has been permitted and where the area of the roof is 100 square metres or more



(2) The system of collection conveyance and dispersion of rain water for harvesting shall be made in such a manner that only clear water is able to enter. No contaminated/waste water from the building or surrounding areas should find its way into the system.

(3) The entry points of the rain water for harvesting shall be designed in such a manner that in normal days these remain covered. Arrangement of segregation of the rain water from the first shower (containing the wash water) should also be provided.

(4) The arrangement for quick filtration of rain water shall also be made in the rain water harvesting well/tube-well so that the rain water does not pollute or choke the strata.

(5) The complete system of rain water harvesting will be constructed within the area of the plot defined in the zoning plan for the plot.

(6) The recharge well shall be located at a distance of not less than ten metres away from any structure handling sewage or industrial waste water (such as septic tank or effluent treatment plant). This minimum distance of ten metres will not be applicable to manholes or sewer lines although it will be ensured that they are leak proof.

(7) The detail proposal of the system comprising of collection conveyance and dispersion of rain water from the rooftop to rain water harvesting well/tube well will have to be shown on the building plan submitted for approval.

(8) Any engineer not below the rank of an Executive Engineer so authorised by the Director will have the powers to inspect the system whenever considered necessary and direct the owner of the building to affect any changes/improvement as deemed necessary and the owner of the building shall ensure compliance.

(9) Depending upon the underground water strata the Government may notify certain areas where provision of such rain water harvesting system may not be required. Broad guidelines about the approximate depth of the recharge well and the sample strata chart will also be made available.

(10) The Water (Prevention and Control of Pollution) Act 1974 (Act No 6 of 1974) with all amendments made from time to time shall be applicable.

### **Observation of the Committee**

The Committee would like to know for its information that the detailed proposal to be shown on building plan submitted for approval is implemented in letter and spirit or not.

### **Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule.

**Rule 127**

**"127 Copies and Fees** —Copies of survey record field book plans orders and other documents prepared under the Act shall be available on payment of the fees mentioned below

- |   |   |  |
|---|---|--|
| 1 | For copies of entries in the register or linear map prepared under rule 3 —               |  |
|   | (a) Entries in register   | Rs 1 00 per entry  |
|   | (b) Linear map  | Rs 10 00 for every one mile of the road or part thereof indicated in the map |
| 2 | Copy of entries in the registers mentioned in rule 126                                    | Rs 1 00 per entry  |
| 3 | Copy of orders of the Director granting or refusing permission under section 8 of the Act | Rs 2 00 per order  |
| 4 | Copy of development plan drawing of a controlled area                                     | Rs 10 00   |
| 5 | Copy of development plan including all enclosures   | Rs 30 00   |
| 6 | Duplicate licence   | Rs 2 00  |
| 7 | Other records   | Rs 1 00 per page   |

**Note (1)** Preparation of copies of documents shall not be undertaken unless the prescribed fees have been deposited by the applicant in advance in the office concerned

(2) Copying fee once paid shall not be refunded

**Observation of the Committee**

The Committee is of the view that the fees as mentioned in the rule may be amended suitably

**Recommendation of the Committee**

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

**Rule 129**

**"129 Procedure for hearing appeals —** (1) An appeal instituted before the Commission under section 10 shall bear a court fee stamp of ten rupees

(2) The memorandum of appeal containing grounds of appeal shall be accompanied by a copy of order appealed against and a sketch/plan of the building/site in question

(3) The Commissioner shall hear the appellant and call for the comments of the Director Town and Country Planning <sup>1</sup>[Haryana] Chandigarh as also of the Director who passed the order appealed against in case he is a different officer and shall consider these comments before final disposal of the appeal

**Observation of the Committee**

The Committee would like to know its information in rule 129 (3) whether the Commissioner will hear the affected party if any other than the applicant or not?

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee. The Committee therefore could not make specific recommendation on the above Rule

**"FORM SR II***[See Rule 4]***Form of application for permission under Clauses (b), (c) or (d) of the proviso to section 3 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963**

To

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Sir

As my/our request for permissions pertains to a site lying within 30 metres of a scheduled road or 100 metres of a bye pass I/We beg to apply for permission as under —

(A) For erection or re erection of a building which was in existence immediately before the commencement of the Act and which involves structural alterations or additions the details whereof have been given below —

- (i) Exact location of the building indicating name of the road or bye pass and milestone
- (ii) Since when existing
- (iii) Purpose for which the present building is used
- (iv) Reason why erection or re erection with structural alterations or additions necessary

The following plans are enclosed

- (i) Site plan in triplicate indicating location of the building
- (ii) Building plan in triplicate

(B) For laying out means of access to a scheduled road or bye pass with particulars as under -

- (i) Name of road/or bye pass to which access desired
- (ii) Point at which access desired indicating number of mile stone or furlong stone etc
- (iii) Layout of the junction of the access with the road or bye pass
- (iv) Reason for which access required
- (v) Applicant's title to land under the proposed access
- (vi) Revenue particulars of the land under the proposed access

I/We enclose a site plan indicating the proposed access

(C) for erecting or re-erecting a motor fuel-filling station or a bus queue shelter

The following plans are enclosed —

- (i) Site plan in triplicate indicating location of the proposed station or shelter with reference to the mile stone or furlong stone
- (ii) Building plan in triplicate

Yours faithfully

Name and Full Address

\* strike off whichever is in applicable

**Observation of the Committee**

The Committee recommends that the words furlong stone wherever occur in the Forms may be amended suitably

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

**“Form SR 1V***[See rule 3A]*

- A Name of the Scheduled Road and/ or National Highway on which property is situated along with details of nearest kilometre stone -
- B Name of the Controlled Area -
- C Name of the District -
- D Particulars of the applicant
  - 1 Name of applicant/s
  - 2 Contact address along with telephone Number and e mail ID
  - 3 Name of the village/revenue estate (Hadbast No ) where site is situated
  - 4 The Khasra number of the site applied For exclusion
  - 5 Area of the site in square metres
  - 6 I/we want to get excluded the building as Per rule 3 A and enclose the following documents in triplicate duly notarized by oath Commissioner/ Magistrate First Class —
    - (a) Revenue documents (authenticated copies)
    - (b) Registration deed
    - (c) Intkal duly verified by Halka Patwari
    - (d) Shijra Plan duly verified by Halka Patwari
    - (e) Jamabandi duly verified by Halka Patwari
  - 7 Site plan showing the covered area in hatches detailed building plan for the covered area which are duly authenticated by an Architect/Engineer
  - 8 Use of the building
  - 9 Photographs of the building applied for duly authenticated by owner
  - 10 Videography of the building applied for in the form of Compact Disk

Signature of the owner along with address & e mail ID

**Observations of the Committee**

The Committee is of the view that in the Form SR IV at point D Sr No 2 the words telephone Number and e mail ID may be substituted with the words ( telephone Number and e mail ID if any ) to make the rule correct

The Committee also recommends that in the last line of FORM SR-IV the words e mail ID may be substituted with the words ( e mail ID if any ) to make the rule correct

**Recommendation of the Committee**

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

**FORM CL I***(See Rule 11)***Form of application by a colonizer for permission under section 8 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963**

To

The Director

Town and Country Planning Department Haryana

Chandigarh

Controlled Area \_\_\_\_\_

Sir

I/We beg to apply for permission to change the existing use of land for the purposes of setting up a colony by sub dividing and developing into building plots for \*residential/Industrial/ Commercial/Other purpose

2 I/We enclose the following documents in triplicate ---

- (i) Copy or copies of all title deeds and/or other documents showing the interest as colonizer in the land under the proposed colony along with a list of such deeds and/or other documents
- (ii) A copy of the Shajra Plan showing the location of the colony along with the name of the revenue estate khasra number of each field and the area of each field
- (iii) A guide map on a scale of not less than 1 kilometre to 10 centimetres showing the location of the colony in relation to surrounding geographical feature to enable the identification of the site
- (iv) A survey map plan of the land under the colony on a scale of 1 to one hundred feet showing the spot levels at a distance of 100 feet and where necessary contour plans The survey will also show the boundaries and dimensions of the said land the location of streets buildings and premises within a distance of at least 100 feet of the said land and existing means of access to it from existing roads
- (v) Layout plan of the colony on a scale of 1 to one hundred feet showing the existing and proposed means of access to the colony the width of streets sizes and types of plots sites reserved for open spaces community buildings and schools with area under each and proposed building lines on the front and sides of plots



- (vi) An explanatory note explaining the salient features of the proposed colony in particular the sources of water supply arrangement for disposal and treatment of storm and sullage water and sites for disposal and treatment of storm and sullage water
- (vii) Plans showing the cross sections of the proposed roads showing in particular width of the proposed carriage ways cycle tracks and footpaths green verges position of electric poles and of any other works connected with such roads
- (viii) Plans referred to in clause (vii) above indicating in addition the position of sewers storm water channels water supply and any other public health services
- (ix) Detailed specifications and designs of roads works shown in clause (vii) above and estimated cost thereof
- (x) Detailed specifications and designs of sewerage storm water and water supply schemes with estimates cost of each
- (xi) Detailed specifications and designs for disposal and treatment of storm and sullage water and estimates costs of works

2 The names and qualifications of the Engineer responsible for the execution of the development works of the colony are given below and this engineer has also signed below in token of his engagement

| Name of Engineer | Qualification of Engineer mentioned in column 1 | Signature of engineer mentioned in column 1 |
|------------------|---|---|
| 1                |   |   |
| 2                |   |   |
| 3                |   |   |

Yours faithfully  
(Name and full address)

Dated -

**Observations of the Committee**

The Committee recommends that the figure 2 Mentioned after first para of the Form CL-I may be corrected as 1 to make the rule correct

The Committee also desired that the table given in the last of Form CL-I seems not clear It needs clarification from the department at the time of oral examination

**Recommendation of the Committee**

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

**'FORM CL II***(See Rule 19)***Agreement by a coloniser intending to set up a colony**

This AGREEMENT made on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and sixty \_\_\_\_\_ between Shri \_\_\_\_\_ son of Shri \_\_\_\_\_ resident of \_\_\_\_\_ (hereinafter called the Colonizer') of the one part AND the Governor of Punjab acting through the DIRECTOR TOWN AND COUNTRY PLANING Department Haryana of the other part (hereinafter referred to as the Government )

(i) WHEREAS the colonizer is seized of or otherwise well entitled to the land mentioned in Annexure hereto which said land is within the controlled area of \_\_\_\_\_ And is affected by the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 and rules made thereunder hereinafter referred to as the Act and rules

(ii) AND WHEREAS under rule 19 of the said rules one of the conditions for the grant for permission is that the colonizer shall enter into an agreement for carrying out and completion of development works in accordance with the permission finally granted

**NOW THIS DEED WITNESSTH AS FOLLOWS -**

1 In consideration of the Director agreeing to grant permission to the colonizer to set up the said colony on the land mentioned in Annexure hereto on the fulfillment of all the conditions of rule 19 by the colonizer the colonizer hereby covenants as follows —

- (a) That the colonizer shall be responsible for the maintenance and upkeep of all roads open spaces public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 22 unless earlier relieved of this responsibility by the Government or a local authority as the case may be when the colonizer shall transfer all such roads open spaces public parks and public services free of cost to the Government or the local authority as the case may be
- (b) That the colonizer shall at his own cost construct or get constructed by any other institution or individual and its cost schools hospitals community centres and other community buildings on the land set apart for this purpose or if so desired by the Government shall transfer to it at any time it may desire free of cost and thus set apart for schools hospitals community centres and other community buildings in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may lay down

- (c) That the colonizer shall permit the Director or other officers authorized by him in this behalf to inspect the execution of the layout and the development works in the colony and the colonizer shall carry out all directions issued by them for ensuring due compliance of the execution of the layout and development works in accordance with the permission granted
- (d) That the colonizer shall pay proportionate Development charges as and when required and as determined by the Director in respect of laying out and construction of main lines of roads sewerage drainage water supply and electricity if and when laid by the Government or any other local authority
- (e) That without prejudice to anything contained in this agreement all the mandatory provisions contained in the Act and the rules shall be binding on the colonizer

2 Provided always and it is hereby agreed that if the colonizer shall commit any breach of the terms and conditions of this agreement or violate any mandatory provision of the Act or rules then and in any such case and notwithstanding the waiver of any previous cause of right the Director may revoke the permission granted to him

3 Upon revocation of the permission under clause 2 above and Director may carry out and complete or cause to be carried out or completed and development works in the colony and recover such charges as may be incurred on the said development works from the Bank standing at guarantee for the carrying out of the works by the colonizer (to the extent of the guarantee)

4 That the colonizer shall be entitled to the refund of the earnest money deposited by him within six months of the grant of permission under rule 20 subject to deductions of such charges therefrom as may be determined by the Director for the security of the plans estimates and works in respect of the colony

5 The stamp and registration charges on this deed shall be borne by the colonizer

6 The expression the 'Colonizer' hereinfore used shall include his heirs legal representatives successors and permitted assigns

7 After the layout and development works or part thereof in respect of the colony or part thereof have been completed and a completion certificate in respect thereof issued the Director may on an application in this behalf from the colonizer release within a period of six months of the date of the application the Bank guarantee or part thereof as the case may be after adjusting the expenditure if any incurred as provided under rule 24(5) provided that if the completion of the colony is taken in parts only the part of the Bank guarantee corresponding to the part of the colony completed shall be released and provided further that always 1/5th of the Bank guarantee shall be kept unreleased to ensure upkeep and maintenance of the colony

or the part thereof as the case may be for a period of five years from the date of issue of the completion certificate under rule 22 or earlier till such time as the colonizer is earlier relieved of the responsibilities in this behalf by the Government or a local authority

IN WITNESS WHERE OF THE COLONISER AND THE DIRECTOR have signed this deed on the day and year first above written

Signed by  
Witnesses

The Director

The Colonizer

### **Observations of the Committee**

The Committee recommends that in the first line of Form CL II the words one thousand nine hundred and sixty\_\_\_\_\_ may be replaced with the words two thousand\_\_\_\_\_ to make the rule correct

The Committee also desired that Sr No 2 of Form CL II may be clarified by the department at the time of oral examination

### **Recommendation of the Committee**

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

**"FORM CL V***[See Rule 22(2)]*

To

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Reference your application requesting for completion certificate in respect of your colony/part of the colony for which permission was granted vide this office No \_\_\_\_\_ dated \_\_\_\_\_

2 It is hereby certificate that the required development works on the whole of the colony/part of the colony as indicated in the enclosed layout duly signed by me

(1) have been completed to my satisfaction

or

(2) have not been completed as per details given below

1

2

3

Director  
Town and Country Planning Haryana

**Observations of the Committee**

The Committee recommends that the figure mentioned as 2 after the second line of the Form seems superfluous It may be deleted

The Committee also recommends that in the third line the word certificate may be substituted with the word certified to make the rule grammatically

**Recommendation of the Committee**

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

**"FORM CL VI***[See Rule 24(1)]*To \_\_\_\_\_  
\_\_\_\_\_

Whereas it has come to my notice that

(a) the execution of the layout plan and the development works have not been commenced within three months of the order granting permission to you

(b) layout of the colony has not been done as per approved layout plan and is deficient in following respects

1

2

3

(c) Development works are not being executed as per permission granted in this behalf and are deficient in the following respects

1

2

3

2 You are hereby required to set the aforesaid deficiencies and deviations in order within a period of \_\_\_\_\_

Director  
Town and Country Planning Haryana**Observation of the Committee**

The Committee recommends that the figure mentioned as 2 in front of the last line of the Form CL VI is superfluous. It may be deleted.

**Recommendation of the Committee**

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

**FORM CLU II***(See Rule 26 D)***Agreement by a person other than colonizer intending to change the existing use of the land in a controlled area**

THIS AGREEMENT made on the                      day of                      one thousand nine hundred and sixty                      between Shri                      son of Shri                      resident of                      (hereinafter called the Promisee ) of the one part and the Governor of Haryana acting through the Director Town and Country Planning Department Haryana (hereinafter referred to as the Government ) of the other part

- (i) WHEREAS the promise is seized of or otherwise shall entitled to the land mentioned in Annexure hereto which said land is within the controlled area of                      and is affected by the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 and the rule made thereunder hereinafter referred as the Act and Rule
- (ii) AND WHEREAS under the rule 26 D of the said rules one of the conditions for the grant of permission is that the promise shall enter into an agreement for fulfilling the conditions in accordance with the permission finally granted

Now This Deed Witnessed As Follows -

1 In consideration of the director agreeing to grant permission to the promise to build                      on the land mentioned in Annexure hereto on the fulfillment of all the condition of rule 26 D by the Promisee the Promisee hereby covenant as follows —

- (a) That the promise shall pay proportionate development charges which shall be a first charge on the said land as and when required and as determined by the Director in respect of external development works which may be carried out in the area for the benefit of the said land
- (b) That the promise shall be responsible for making arrangement for the disposal of affluent to the satisfaction of the Director
- (c) That the promisee shall get the plan approved from the Director before commencing any construction on the said land
- (d) That the promisee shall not except with the previous permission of the Director sell the said land or portion thereof unless the said land has been put to use permitted by the Director and to use the said land only for the purpose permitted by the Director



- (e) That the Promisee shall start the construction on the said land within a period of six months from the date of issue of orders permitting the change of land use

2 Provided always and it is hereby agreed that if the Promisee shall commit any breach of the terms and conditions of this agreement then notwithstanding the waiver of any previous cause or rights the Director may revoke the permission granted to him

3 Upon revocation of the permission under clause 2 above the Director may recover the proportionate development charges incurred on the said development works pertaining to the said land as may be determined by the Director from the Bank Standing as Guarantee

4 The stamp and registration charges on this deed shall be borne by the Promisee

5 The expression the Promisee herein before used shall include his heirs legal representatives successors and permitted assigns

Signed by witnesses

The Director

The Promisee

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

The Committee recommends that the words one thousand nine hundred and sixty\_\_\_\_\_ mentioned in Form CLU II may be replaces with the words two thousand\_\_\_\_\_ to make the Form correct

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

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

**"FORM AC II***(See Rule 30)***Form of grant/refusal to grant permission for laying out means of access to a road within a controlled area**

To

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Sir

Reference your application dated \_\_\_\_\_ for permission to layout means of access to road

In accordance with the plan submitted with it permission is hereby —

(a) refused for reasons given below

---



---

(b) granted subject to the conditions given below —

Note - This sanction will remain valid for a period of the one year during which the access should be laid and completed in all respects

(In case of (b) above)

Yours faithfully

Director

**Observation of the Committee**

The Committee recommends that the end of Form AC II the word Director may be replaced with the words Director Town & Country Planning wherever occurs in the Forms to make the Forms correct

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

**"FORM BK II***(See Rule 35)*

**Form of licence under Section 8 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 for setting up a charcoal kiln/pottery kiln/poetry kiln/like-kiln/brick kiln or brick field or for quarrying stone, bajri surkhi, kankar, etc in controlled areas**

Name and address of licensee

Purpose of licence

Description of land covered by licence

1 Licence is hereby granted under Section 8 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 with particulars given below

2 This licence is applicable only to the land indicated in the attached site plan bearing my signature and seal of office

|   |                            |                  |
|---|----------------------------|------------------|
| 3 | This licence is valid upto | 31st December 19 |
|   | Renewed up to              | 31st December 19 |
|   | Renewed up to              | 31st December 19 |
|   | Renewed up to              | 31st December 19 |

4 This licence is subject to the following conditions —

- (i) The position of the land earmarked for excavation as shown in the site plan shall alone be excavated
- (ii) The excavation shall not exceed a depth on 5 feet
- (iii) No permanent buildings shall be constructed on the site

Dated

Director

**Observation of the Committee**

The Committee recommends that in Sr No 3 of Form BK II the words 31st December 19\_\_\_\_\_ occurring 4 times may be substituted with the words 31st December 20\_\_\_\_\_ to make the Form correct

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

## SCHEDULED II

**1 Dead Loading** —for the purpose of calculating the dead loading of a building or any part of a building the weights of the materials shall be assumed to be those set out in British Standard Specifications No 648-1935 (Schedule of Unit Weights or Buildings Materials) or if not set out in that specifications shall be determined by test

**2 Superimposed Loading** — For the purpose of calculating the superimposed loading on beams pillars piers and walls the minimum superimposed load on each floor and on the roof of a building shall be estimated as equivalent to the dead load specifications in the following table for the appropriate type of building floor or roof —

| Serial No | Description of building floor or roof  | Pounds per sq foot of floor area |
|-----------|--|----------------------------------|
| 1         | Rooms or residential buildings flats hotels hospital rooms and wards corridors staircases and landings of residential building & flats   | 40                               |
| 2         | Office floors above entrance floor   | 50                               |
| 3         | Office entrance floor and floors below entrance floor  | 80                               |
| 4         | Religious places schools reading rooms art galleries and similar buildings   | 70                               |
| 5         | Retail shops and garages for cars of not more than two tonne dead weight   | 80                               |
| 6         | Assembly halls drill halls dance halls light workshops public spaces in hotels hospital corridors staircases and landings for the buildings mentioned in this table other than described at serial No 1 above cinemas restaurants and grand stands | 100                              |
| 7         | Warehouses book stores stationery stores and buildings similarly used and garages for motor vehicles exceeding two tonnes dead weight Actual load to be calculated but not less than   | 200                              |
| 8         | Flat roofs and roofs inclined at an angle with the horizontal of not more than twenty degrees  | 30                               |
| 9         | Roofs inclined at an angle with the horizontal of more than twenty degrees (per square foot of covered areas)  | 10                               |

- (a) for the purpose of calculating the total load to be carried on pillars piers and walls of buildings of more than two storeys in height the superimposed loads for the roof and topmost storey shall be calculated in full in accordance with the schedule of loading set out above but for the lower storeys a reduction of superimposed loads may be allowed as under —

Reduction of superimposed loads on pillars piers and walls

For the first storey below the topmost storey 10 per cent reduction of its superimposed load

For the second storey below the topmost storey 20 per cent reduction of its superimposed load

For the fourth storey below the topmost storey - 40 per cent reduction of its superimposed load

For the fifth storey and each lower storey below the topmost storey 50 per cent reduction of its superimposed load

These reductions may be made by estimating the proportion of floor area carried by each pillar pier or wall No such reduction shall be allowed on any floor schedule for an applied superimposed load exceeding one hundred pounds per square foot

- (b) Except as hereinafter provided the wind pressure on a building shall be assumed to be not less than twenty pounds per square foot in any horizontal direction

Provided that where the height of a building is less than twice its width and where the building is stiffened by walls and floors the wind pressure may be neglected

- (c) A superimposed load which may roll or move on wheels shall be calculated as being equivalent to a static loading which exceeds the weight of the rolling or moving load by not less than fifty per cent

**3 Partitions** — Where the position of a partition in a building is definitely located in the design the actual weight of the partition shall be included in the dead floor load

Where the position of a partition is not definitely located in the design a uniformly distributed load sufficient to allow for it shall be added to the dead floor load and for all such floors used for offices the minimum total allowance for partitions shall be at the rate of twenty pounds per square foot of floor area

**Observation of the Committee**

The Committee would like to know as to whether the word pounds for calculating the load is still in practice if not it may be substituted the word Kilograms

**Recommendation of the Committee**

The Department did not supply the complete reply to the above observation made by the Committee The Committee therefore could not make specific recommendation on the above Rule

**GENERAL OBSERVATIONS OF THE COMMITTEE**

During the course of oral examination held on 5th February 2013 the departmental representatives expressed inability to submit the reply at this stage however departmental representatives assured the Committee that the observations/ recommendations of the Committee will be amended and a consolidated reply in this regard will be supplied to the Committee expeditiously In view of above the Committee expects that the department would supply the complete reply on the aforesaid rules at an early date and the matter will be taken by the new Committee at the proper time

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Published under the authority of the Haryana Vidhan Sabha and Printed by the  
Controller Printing and Stationery Department Haryana Chandigarh